

1995—No. 450

## ANIMAL RESEARCH ACT 1985—REGULATION

(Animal Research Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 1 September 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Animal Research Act 1985, has been pleased to make the Regulation set forth hereunder.

R. S. AMERY,  
Minister for Agriculture.

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### PART 1—PRELIMINARY

#### **Citation**

1. This Regulation may be cited as the Animal Research Regulation 1995.

#### **Commencement**

2. This Regulation commences on 1 September 1995.

#### **Definitions**

3. (1) In this Regulation:

“**approved**” means approved for the time being by the Director-General;

“**Director-General**” means the Director-General of the Department of Agriculture;

“**ethics committee**” means an animal care and ethics committee;

“**ethics subcommittee**” means an animal care and ethics subcommittee;

**“impounding authority”** means an impounding authority under the Impounding Act 1993 or a council exercising functions under the Dog Act 1966;

**“Panel”** means the Animal Research Review Panel constituted by the Act;

**“pound”** means a pound established by an impounding authority under the Impounding Act 1993 or a pound established by a council for the purposes of the Dog Act 1966;

**“school”** means a government school or non-government school within the meaning of the Education Reform Act 1990;

**“school-based establishment”** means a corporation that carries on, or proposes to carry on, the business of animal research solely to allow animal research to be carried out at a school;

**“the Act”** means the Animal Research Act 1985;

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

(2) Words and expressions that are defined in the Australian Code have the same meanings in this Regulation as they have in the Code.

### **Code of Practice**

4. The provisions of:

- (a) the Australian Code; and
- (b) Schedule 1 to this Regulation,

are prescribed as a Code of Practice for the purposes of section 4 of the Act.

## **PART 2—ANIMAL RESEARCH REVIEW PANEL**

### **Qualifications of certain members of the Panel: sec. 6**

5. (1) For the purposes of section 6 (2) (a) of the Act, the prescribed qualifications for persons nominated by the New South Wales Vice Chancellors Conference are:

- (a) experience in animal research; and
- (b) involvement in animal welfare.

(2) For the purposes of section 6 (2) (b) of the Act, the prescribed qualification for persons nominated by the Australian Pharmaceutical Manufacturers' Association is experience in animal research.

(3) For the purposes of section 6 (2) (c) of the Act, the prescribed qualification for persons nominated by the Royal Society for the Prevention of Cruelty to Animals, New South Wales, is membership of the Society as at the date of nomination.

(4) For the purposes of section 6 (2) (d) of the Act, the prescribed qualification for persons nominated by the Animal Societies' Federation (N.S.W.) is membership of a member group of the Federation as at the date of nomination.

### **PART 3—ANIMAL CARE AND ETHICS COMMITTEES AND SUBCOMMITTEES**

#### **Constitution and procedure for ethics committees for research establishments (other than school-based establishments)**

6. (1) An ethics committee for an accredited research establishment (other than a school-based establishment) must have at least 4 members.

(2) At least one of the members of the committee must be a person who fulfils the requirements of section 13 (5) of the Act (independence and no involvement with animal research).

(3) In addition to the requirements of subclauses (1) and (2), the membership of an ethics committee must comply with the requirements of Clauses 2.2.2–2.2.8 of the Australian Code.

(4) Schedule 2 has effect with respect to the constitution and procedure of the committee.

#### **Constitution and procedure for ethics committees for school-based establishments**

7. (1) An ethics committee for a school-based establishment must have at least 4 members.

(2) At least one of the members of the committee must be a person who fulfils the requirements of section 13 (5) of the Act (independence and no involvement with animal research).

(3) Each member of the committee must be a person who fulfils the requirements of one or more of the following paragraphs, and between them the members must fulfil all of the requirements of those paragraphs:

- (a) a person actively involved in animal use for teaching;
- (b) a person with identified experience and expertise in the husbandry and management of animal species used for teaching;
- (c) a person with no direct involvement with animal use for teaching;
- (d) a person with approved qualifications in veterinary science or with qualifications and experience to provide comparable expertise;
- (e) a person with a demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not associated in an official capacity with the school or any other accredited research establishment otherwise than in the person's capacity as a member of such a committee.

(4) If the committee has more than 7 members, at least 2 of the members must be persons who fulfil therequirements of subclause (3) (e).

(5) The committee must be of such a composition and size as will ensure that the variety and volume of animal research to be considered by it can be adequately examined.

(6) Schedule 2 has effect with respect to the constitution and procedure of the committee.

### **Constitution and procedure for ethics committees for holders of animal research licences**

**8. (1)** An ethics committee appointed by the Director-General for the purpose of supervising the animal research carried out by holders of animal research licences must have at least 4 members.

(2) At least one of the members of the committee must be a person who fulfils the requirements of section 13 (5) of the Act (independence and no involvement with animal research).

(3) In addition to the requirements of subclauses (1) and (2), the membership of an ethics committee must comply with the requirements of Clauses 2.2.2–2.2.8 of the Australian Code.

(4) Schedule 2 has effect with respect to the constitution and procedure of the committee.

### **Constitution and procedure for ethics subcommittees**

**9. (1)** A subcommittee of an ethics committee must include at least one member of the ethics committee.

(2) The procedures to be followed by an ethics subcommittee are the same as those to be followed by the ethics committee by which it is appointed.

### **Functions of ethics subcommittees**

10. For the purposes of section 16 of the Act, an ethics committee may delegate any of its functions to its ethics subcommittees.

## **PART A—ACCREDITATION AND LICENSING**

### **Division 1—Applications for accreditation: sec. 18**

#### **Prescribed particulars**

11. (1) For the purposes of section 18 (2) (b) of the Act, the particulars to be included in an application for accreditation as a research establishment are as follows:

- (a) the names of the directors of the corporation;
- (b) if the corporation or any director of the corporation has been convicted, in the 3 years immediately preceding the application, of a prescribed offence—details of the offence and any penalty imposed;
- (c) if the corporation is not a corporation referred to in paragraph (d)—such other particulars as are required by the approved form;
- (d) if the corporation is the Department of School Education, the Association of Independent Schools, the Catholic Education Commission (New South Wales) or a school-based establishment—such other particulars as are required by the approved form.

(2) The particulars referred to in subclause (1) (c) must include all of the following matters (in the case of an initial application) but only such of those matters as have changed since the previous application was made (in the case of a second or subsequent application):

- (a) particulars of the ethics committee for the corporation, including the qualifications of its members and terms of reference, meetings, decisions and procedures of, and inspections made by, the committee;
- (b) a description of the areas where animals for research or supply are or will be housed or used, the facilities and accommodation provided or intended to be provided for each species of animal, the number of animals held at the time of application and the annual turnover of each species;

- (c) the number of holders or proposed holders of animal research authorities employed by the corporation or the holders of animal research licences supervised by the ethics committee for the corporation;
- (d) the number of staff involved in the care of animals for research and any training programs provided or intended to be provided for such staff;
- (e) particulars of the animal care, husbandry and research procedures adopted by the corporation;
- (f) a list of the suppliers of animals to the corporation.

(3) The particulars referred to in subclause (1) (d) must include all of the following matters (in the case of an initial application) but only such of those matters as have changed since the previous application was made (in the case of a second or subsequent application):

- (a) particulars of the ethics committee for the corporation, including the qualifications of its members and terms of reference, meetings, decisions and procedures of, and inspections and activities undertaken by, the committee;
- (b) the name and address of the school or schools at which animal research is carried out;
- (c) a description of the areas where animals for research are or will be housed or used, the facilities and accommodation provided or intended to be provided for each species of animal, the number of animals held at the time of application and the annual turnover of each species;
- (d) a list of the suppliers of animals to the school or schools.

(4) In this clause:

**“prescribed offence”** means an offence under the Animal Research Act 1985 or the Prevention of Cruelty to Animals Act 1979, or under the regulations in force under either of those Acts.

### **Prescribed fee**

12. (1) For the purposes of section 18 (2) (d) of the Act, the prescribed fee to accompany an application for accreditation as a research establishment is \$500.

(2) A corporation is exempt from the operation of section 18 (2) (d) of the Act, and therefore from payment of the prescribed fee, if:

- (a) the corporation is a school; or
- (b) the accreditation is only for the purpose of allowing animal research to be carried out in a school or schools.

**Changes in particulars to be notified**

13. A corporation that is an accredited research establishment must give written notice to the Panel of the following:

- (a) details of any change of the directors of the corporation;
- (b) details of any offence of which the corporation or any director of the corporation is convicted, and of any penalty imposed.

Maximum penalty: 5 penalty units.

**Division 2—Applications for animal research licences: sec. 29****Prescribed particulars**

14. (1) For the purposes of section 29 (2) (b) of the Act, the particulars to be included in an application for an animal research licence are as follows:

- (a) if the applicant has been convicted, in the 3 years immediately preceding the application, of a prescribed offence—details of the offence and any penalty imposed;
- (b) such particulars as are required by the approved form.

(2) The particulars referred to in subclause (1) (b) must include all of the following matters (in the case of an initial application) but only such of those matters as have changed since the previous application was made (in the case of a second or subsequent application):

- (a) particulars of the ethics committee supervising the research, including inspections made by the committee of the premises where the applicant carries out research;
- (b) details of the type of research performed or intended to be carried out by the applicant;
- (c) a description of the applicant's qualifications;
- (d) a description of the areas where animals for research are or will be housed or used, the facilities and accommodation provided or intended to be provided for each species of animal, the number of animals held at the time of application and the annual turnover of each species;
- (e) the number of staff involved in the care of animals for research and any training programs provided or intended to be provided for such staff
- (f) particulars of the animal care, husbandry and research procedures adopted by the applicant;
- (g) a list of the suppliers of animals to the applicant.

(3) In this clause:

“**prescribed offence**” means an offence under the Animal Research Act 1985 or the Prevention of Cruelty to Animals Act 1979, or under the regulations in force under either of those Acts.

### **Prescribed fee**

15. For the purposes of section 29 (2) (d) of the Act, the fee to accompany an application for an animal research licence is \$100.

### **Changes in particulars to be notified**

16. The holder of an animal research licence must give written notice to the Panel of details of any offence of which the holder is convicted, and of any penalty imposed.

Maximum penalty: 5 penalty units.

## **Division 3—Applications for animal suppliers’ licenses: sec. 37**

### **Prescribed particulars**

17. (1) For the purposes of section 37 (2) (b) of the Act, the particulars to be included in an application for an animal supplier’s licence are:

- (a) if the applicant (or, in the case of an applicant that is a corporation, any director of the corporation) has been convicted, in the 3 years immediately preceding the application, of a prescribed offence—details of the offence and any penalty imposed;
- (b) such particulars as are required by the approved form.

(2) The particulars referred to in subclause (1) (b) must include all of the following matters (in the case of an initial application) but only such of those matters as have changed since the previous application was made (in the case of a second or subsequent application):

- (a) the name of any manager or proposed manager of the applicant’s animal supply operations;
- (b) a description of the areas where animals for supply are or will be housed and the facilities and accommodation provided or intended to be provided for each species of animal;
- (c) the number of staff involved in the care of animals;
- (d) particulars of the animal care and husbandry procedures adopted by the applicant;



- (e) reproductive data for each species of animal supplied or intended to be supplied, the number of animals held at the time of application and the annual turnover of each species;
- (f) a list of the persons to whom animals have been supplied by the applicant for use in connection with animal research and sources from which animals have been acquired or are intended to be acquired by the applicant for the purpose of supply.

(3) In this clause:

“**prescribed offence**” means an offence under the Animal Research Act 1985 or the Prevention of Cruelty to Animals Act 1979, or under the regulations in force under either of those Acts.

#### **Prescribed fee**

**18. (1)** For the purposes of section 37 (2) (d) of the Act, the fee to accompany an application for an animal supplier’s licence is \$200.

**(2)** A school is exempt from the operation of section 37 (2) (d) of the Act, and therefore from payment of the prescribed fee, if

- (a) the school requests the exemption; and
- (b) the Minister is satisfied, on the advice of the Director-General, that requiring payment of the fee would be an unreasonable imposition on the school.

#### **Changes in particulars to be notified**

**19.** The holder of an animal supplier’s licence must give written notice to the Panel of the following:

- (a) in the case of a corporation, details of any change of the directors of the corporation;
- (b) in any case, details of any offence of which the holder (or, in the case of a corporation, any director of the corporation) is convicted, and of any penalty imposed.

Maximum penalty: 5 penalty units.

### **Division 4—Exemptions**

#### **Certain schools may carry on business of animal research without accreditation: sec. 46**

**20.** The following schools are exempted from the operation of section 46 (1) of the Act with respect to the carrying on of the business of animal research:

- (a) any non-government school that belongs to, or is associated with, the Association of Independent Schools, so long as any animal research carried out at the school is carried out with the authority of an ethics committee for the Association and in accordance with the Code of Practice;
- (b) any non-government school that belongs to, or is associated with, the Catholic Education Commission (New South Wales), so long as any animal research carried out at the school is carried out with the authority of an ethics committee for the Commission and in accordance with the Code of Practice.

**School students may carry out animal research without authorities or licences: sec. 47**

21. A student at a school is exempted from the operation of section 47 (1) of the Act with respect to the carrying out of animal research, so long as the animal research is carried out under the supervision, and in accordance with the directions, of the holder of an animal research authority or animal research licence.

**Animals may be supplied to holders of animal supply licences: sec. 48**

22. A person is exempted from the operation of section 48 (1) of the Act with respect to the supply to a licensed animal supplier or impounding authority of animals for use in connection with animal research, so long as the person complies with the requirements of Part 4 of Schedule 1.

## **PART 5—MISCELLANEOUS**

**Definition of “corporation” sec. 3**

23. For the purposes of paragraph (b) of the definition of “corporation” in section 3 (1) of the Act, the following bodies of persons are prescribed:

- (a) the Association of Independent Schools;
- (b) the Catholic Education Commission (New South Wales).

**Definition of “exempt animal”: sec. 3**

24. For the purposes of paragraph (a) of the definition of “exempt animal” in section 3 (1) of the Act, the animals referred to in Schedule 3 are prescribed, but only in relation to a procedure, test, experiment, inquiry, investigation or study referred to in that Schedule in relation to such an animal.

**Form of inspector's certificate of identification: sec. 49**

25. For the purposes of section 49 (5) of the Act, the form of an inspector's certificate of identification is set out in Form 1 in Schedule 4.

**Records to be kept**

26. (1) This clause applies to an accredited research establishment (other than a school-based establishment) and to the holder of an animal research licence.

(2) A person to whom this clause applies must, by 30 September in each year, send a report to the Director-General on the person's work and activities during the period of 12 months ending on 30 June in that year.

Maximum penalty: 5 penalty units.

(3) The report must be in the approved form and must contain the following information for the period to which it relates:

- (a) the number and kind of animals that have been allocated during that period to each project for which a proposal has been submitted;
- (b) the number and kind of animals that have been allocated more than a year ago to each project for which a proposal has been submitted and that are still allocated to that project as at the end of that period;
- (c) the objective of each project for which animal research has been carried out during that period;
- (d) the techniques developed or adopted during that period to reduce the total amount of pain or stress caused to animals in research or to reduce the number of animals used, or both.

(4) In the case of an accredited research establishment, the report must also contain the following information:

- (a) the number of meetings held by the ethics committee for the establishment;
- (b) the number of proposals prepared by the establishment and approved by the ethics committee for the establishment;
- (c) the number of ongoing proposals prepared by the establishment and reviewed and reapproved by the ethics committee for the establishment;
- (d) the number of projects terminated before completion by the ethics committee for the establishment;
- (e) the number of proposals revoked by the ethics committee for the establishment.

**Repeal**

27. (1) The Animal Research Regulation 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Animal Research Regulation 1990, had effect under that Regulation continues to have effect under this Regulation.

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**SCHEDULE 1—SUPPLEMENTARY PROVISIONS OF THE  
CODE OF PRACTICE**

(Cl. 4)

**PART 1—CONDITIONS TO BE OBSERVED IN RELATION TO ANIMAL  
RESEARCH CONDUCTED IN SCHOOLS****Division 1—Preliminary****General principles**

1. The use of animals for teaching purposes in schools must comply with the following principles:

- (a) animals are to be used only when there is no practicable alternative to achieving recognised educational objectives;
- (b) teachers undertaking activities involving animals are responsible for their welfare at all times;
- (c) all activities that involve animals must have appropriate approval and must be carried out under the supervision of a teacher;
- (d) all personnel involved with animals must have appropriate competence and skills;
- (e) animals must be treated with respect and care, and appropriate steps must be taken at all times to prevent pain and distress;
- (f) projects involving the use of animals must be designed to use the minimum number of animals necessary;
- (g) animals must be disposed of in an appropriate manner when they are no longer required.

**Division 2—General responsibilities****Functions of ethics committees**

2. (1) An ethics committee for a school has the following functions:

- (a) to prepare, in consultation with the Panel, a list of approved procedures that links each procedure with an appropriate educational objective;

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- (b) to examine and approve proposals submitted to it in relation to procedures that are not on the list of approved procedures;
- (c) to monitor animal research carried out at the school and to ensure that it complies with the requirements of this Part and of all other relevant provisions of the Code of Practice.

(2) A proposal is not to be considered by the ethics committee unless it includes the following information:

- (a) the title of the proposal;
- (b) the name of the animal welfare liaison officer;
- (c) the name, qualifications and experience of the teacher by whom the proposal was formulated;
- (d) details of all proposed procedures and a statement of the educational objectives of each such procedure;
- (e) evidence that alternatives to the procedure have been considered, and that there is no practicable alternative to the procedure to achieve the educational objectives set out in the proposal;
- (f) the steps to be taken to prevent pain to animals that are used in the procedures;
- (g) the expected starting date and duration of the activity;
- (h) details of any proposed variations to normal diet, any special restraint or unusual housing for the animal or animals;
- (i) the source from which the animals are to be obtained and the means by which they are to be disposed of after the procedures have been completed.

(3) A proposal is not to be approved unless the ethics committee is satisfied that activities carried out in accordance with the proposal would comply with the requirements of this Part.

(4) Records are to be kept of each proposal examined by the ethics committee.

(5) An ethics committee must ensure that a list of its approved procedures is sent to each school under its supervision.

(6) An ethics committee must ensure that appropriate directions are given in circumstances where animal research is carried out in contravention of the terms of its approval or animals are subjected to unforeseen pain, distress or illness.

**Animal welfare liaison officer**

3. (1) For each school there is to be an animal welfare liaison officer.

(2) The animal welfare liaison officer for a primary school is to be the Principal for the school.

(3) The animal welfare liaison officer for a secondary school is to be such person as the Principal for the school may appoint.

**Responsibilities of animal welfare liaison officer**

4. The duties of the animal welfare liaison officer are as follows:

- (a) to submit proposals for teaching procedures that involve the use of animals for the approval of the ethics committee for the school;

- (b) to liaise with the ethics committee for the school on all matters concerning teaching procedures that involve the use of animals;
- (c) to ensure that all teaching procedures at the school that involve the use of animals comply with the requirements of this Part;
- (d) to ensure that appropriate records are kept of all animal research carried out at the school;
- (e) to promote awareness of the requirements of this Part within the school.

**Responsibilities of class teacher**

5. (1) A class teacher who uses vertebrate animals in the course of teaching is responsible for their welfare from the time they come into the teacher's control until the time they are disposed of.

(2) The class teacher must ensure that the use of the animals complies with the following requirements:

- (a) that any activity included on the relevant list of approved procedures is to be entered in a school register, together with the teacher's name;
- (b) that, for any activity beyond that list, a proposal is submitted for approval by the ethics Committee and approval is given before the activity begins;
- (c) that the number of animals involved in the activity is the minimum number necessary to meet valid educational objectives;
- (d) that immediate steps are taken to alleviate any pain, distress or illness in an animal;
- (e) that the housing, feeding, husbandry and transportation of animals are of an appropriate standard and that care is provided at all times by persons of appropriate competence and skills;
- (f) that restraint of animals is effective, involves the least possible adverse reaction from animals and is of the shortest possible duration;
- (g) that there is compliance with all laws relating to the acquisition, transportation, use and disposal of animals.

(3) In particular, the class teacher must ensure that the following matters are not carried out by students or demonstrated to them:

- (a) performance of surgical procedures without anaesthesia otherwise than in the conduct of normal animal husbandry operations;
- (b) induction of infectious diseases;
- (c) nutritional deficiency;
- (d) administration of drugs or chemicals other than those recommended for a particular therapeutic purpose;
- (e) administration of ionising radiation or other biohazardous material;
- (f) other stimuli causing pain or distress.

**Division 3—Care and maintenance of animals****Housing**

6. (1) Animals must be housed in conditions appropriate to the maintenance of their health and well-being.

(2) Buildings in which animals are to be housed must be soundly constructed and maintained in a sanitary condition.

(3) Animals' requirements for exercise, social contact, rest, sleep and waking activity must be met.

(4) All steps must be taken to protect animals from predation and harassment.

(5) Temperature, ventilation, lighting, noise, vibration and humidity in housing must be compatible with the animals' well-being.

**Care and maintenance**

7. (1) Animals must receive palatable, uncontaminated and nutritionally adequate food.

(2) Potable water must be available at all times.

(3) All practicable steps must be taken to prevent, diagnose and treat any disease or injury in, and to prevent distress to, any animal.

(4) Transport of animals must be in a manner which is least likely to cause distress or discomfort.

(5) An animal may not be taken home by a student unless there is substantial evidence from the student's parents that the animal will be cared for adequately and responsibly.

**Killing of animals**

8. (1) Animals that are to be killed for dissection or carcass appraisal must be killed by means of an accepted humane technique, and by a person who is competent in the relevant technique, being a technique that renders the animals unconscious and insensitive to pain as rapidly as possible.

(2) If possible, animals must be unaware of danger before being killed.

**Disposal of animals**

9. Animals are to be disposed of in one of the following ways:

(a) an animal may be returned to its source, but only if appropriate arrangements have been made to do so and there is no risk of communication of infectious disease;

(b) an animal that is native to New South Wales and that has been obtained from the wild may be returned to the wild, but only on the advice of the National Parks and Wildlife Service;

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- (c) an animal that is not native to New South Wales, or a domesticated or cage-reared vertebrate animal of any kind, must not be released into the wild;
- (d) an animal may be taken home by a student, but only if there is substantial evidence from parents that the animal will be cared for adequately and responsibly;
- (e) an animal may be killed, by a humane technique administered by a person competent in that technique, but only if it would be cruel to keep the animal alive;
- (f) a farm animal may be sold.

**PART 2—CONDITIONS TO BE OBSERVED IN RELATION TO ANIMAL RESEARCH INVOLVING FREE-LIVING ANIMALS****Division 1—Capture****Capture**

10. (1) Free-living animals must not be captured unless their capture is necessary for the purposes of the animal research to be carried out.

(2) Free-living animals must be captured in a way that causes:

- (a) minimum stress to the animals being captured; and
- (b) minimum disruption to the social structure and breeding activity of the colony to which they belong.

(3) In particular, the equipment and technique for capture:

- (a) must be suited to the target species; and
- (b) must be selected so as not to cause, in foreseeable circumstances, unacceptable stress levels, physical injury or death to target animals; and
- (c) must minimise any impact on non-target species.

(4) If large or unknown numbers of animals may be caught, there must be enough competent persons in attendance to process, within a period of time that will minimise stress, the maximum number of animals that might reasonably be expected to be caught.

(5) The cages or other forms of restraint or confinement used for captured animals must be appropriate to the animals being captured.

(6) Animals must be monitored for signs of stress following capture, including signs of traumatic or metabolic injury, and appropriate remedial steps must be taken.

**Use of traps**

11. (1) If trapping is used, traps must be inspected at intervals frequent enough to minimise stress to any trapped animal.

(2) Care must be taken to protect trapped animals from predators, exposure and deprivation of food and water.



**Transport**

12. (1) Transport containers for use with captured free-living animals:
- (a) must be constructed so as to prevent injury to transported animals; and
  - (b) must protect animals from environmental extremes by maintaining temperature and humidity at appropriate levels; and
  - (c) must be capable of adequately supporting animals during transport; and
  - (d) must allow sufficient space for animals to rest comfortably.
- (2) Stress during transport is to be minimised as follows:
- (a) by covering the transport container;
  - (b) by limiting its exposure to noise;
  - (c) by providing, if appropriate for the species, an inner shelter within the transport container;
  - (d) by ensuring that the transport container is adequately ventilated;
  - (e) by ensuring that animals are separated where there is incompatibility of species, age, size or reproductive class;
  - (f) by administering tranquillisers to the animal, if appropriate.
- (3) On arrival at their destination, animals must be released into a suitable area.

**Division 2—Care and maintenance****Handling and restraint**

13. (1) Captured free-living animals are to be handled in a way that minimises the risk of injury or stress-induced disease.
- (2) In particular, the risk of injury or stress-induced disease must be minimised as follows:
- (a) by firm and quiet handling;
  - (b) by keeping handling and restraint time to the minimum needed to achieve the research objectives;
  - (c) by using sufficient competent persons to restrain animals and prevent injury to either animals or handlers;
  - (d) by using techniques and timing appropriate to the species and taking advantage, wherever possible, of favourable responses in the species;
  - (e) by using, if appropriate, chemical restraint (including tranquillisation) if animals are to be held for more than a short time.
- (3) A person competent in the handling of the species concerned is to supervise the training of personnel to handle and restrain free-living animals.
- (4) Wherever possible, the long-term and short-term consequences of capture, handling and restraint are to be recorded.

**Holding**

14. (1) A knowledge of available information on the normal behaviour of species concerned and their likely responses to captivity is essential for animals to be held in a way that minimises stress.

(2) Holding areas must be safe and quiet.

(3) Contact, visual and otherwise, with captured animals must be reduced as far as possible except if an aim of the animal research is to accustom animals to human presence.

(4) Animals must be maintained in hygienic surroundings and be provided with suitable food if holding time exceeds the normal feeding interval.

(5) Cleaning and feeding operations must be planned to minimise disturbance of animals held.

**Animals held in close confinement**

15. (1) Close confinement includes confinement in bags and crates.

(2) Such holding devices must:

- (a) allow animals to rest comfortably; and
- (b) minimise the risk of injury, for example by the use of padding; and
- (c) be adequately ventilated; and
- (d) maintain animals within appropriate levels of ambient temperature and humidity.

**Animals held in compounds**

16. Holding compounds:

- (a) must be free of sharp objects or unnecessary material likely to injure animals; and
- (b) must be free of inappropriately placed solid objects, such as fence posts and feeding and watering containers; and
- (c) must provide adequate shade; and
- (d) must provide access to potable water at all times for species that require it, unless contraindicated in the animal research proposal; and
- (e) must include appropriate cover; and
- (f) must provide protection from predators.

**Division 3—Specific procedures****Observation**

17. (1) Observation of free-living animals can have adverse effects if there is interference with the normal behaviour of animals, particularly if there is an effect on the rearing of young.

(2) If interference with animals will be substantial, the continuation of the procedure is to be reviewed.

**Identification by artificial marking**

18. (1) The method of marking must be that which causes the least interference with the normal functioning of the animal and which still achieves the animal research objective.

(2) In the case of native fauna, the only marking methods which may be used are those approved by the National Parks and Wildlife Service.

**Surgery**

19. Surgery of a minor nature may only be carried out in the field on captured free-living animals, but only if the following requirements are followed:

- (a) standards of capture and restraint are such as to maximise the chance of the animal surviving the surgery;
- (b) surgical procedures are conducted by appropriately qualified or experienced persons in a clean uncontaminated area;
- (c) equipment necessary to provide for the health and welfare of animals and relief of pain is readily available;
- (d) uneventful recovery to full consciousness can occur in an area in which animals:
  - (i) can be readily observed; and
  - (ii) can maintain normal body temperature; and
  - (iii) cannot injure themselves; and
  - (iv) cannot be attacked by predators;
- (e) animals are not released unless assessed as fit by an appropriately experienced person;
- (f) field surgery is not used specifically for training purposes.

**Killing of animals**

20. (1) Animals that are to be killed must be killed by means of an accepted humane technique, and by a person who is competent in the relevant technique, being a technique:

- (a) that renders the animals unconscious and insensitive to pain as rapidly as possible; and
- (b) that minimises any impact on non-target animals and species.

(2) If possible, animals must be unaware of danger before being killed.

(3) At least one of the persons engaged in the animal research must be competent in an accepted humane technique of killing animals in the event that it is necessary for any animals to be killed.

**Release**

21. (1) Animals must be released as soon as possible after capture.
- (2) When this cannot occur, release is to be delayed until the next period of the day in which animals are at least risk.
- (3) However, animals must not be released unless able to move freely and unaided, and must only be released into an area as free as possible from potentially injurious hazards.
- (4) Animals must be released at or near the point of capture.
- (5) Animals about to be released must be handled quietly and firmly.

**PART 3—CONDITIONS TO BE OBSERVED BY LICENSED ANIMAL SUPPLIERS IN RELATION TO DOGS AND CATS GENERALLY****Application of Part**

22. This Part applies to dogs and cats only.

**Animals to be held by supplier for at least 5 days**

23. No animal may be supplied for animal research until it has been held for at least 5 working days by the licensed animal supplier.

**Veterinary examination**

24. (1) Each animal must be examined by a competent person within 24 hours of arrival, and at least daily thereafter, until it is supplied for animal research.
- (2) Immediate veterinary attention must be sought for any animal that shows any of the following signs:
  - (a) nasal discharge;
  - (b) ocular discharge;
  - (c) coughing;
  - (d) vomiting;
  - (e) diarrhoea;
  - (f) convulsions;
  - (g) lameness;
  - (h) inability to stand or walk;
  - (i) bleeding.

- (3) Within 3 days of arrival, each animal must be given a comprehensive clinical examination by a veterinary surgeon and any vaccination or treatment, including the humane killing of the animal, considered necessary by a veterinary surgeon, to ensure that no animal that is injured, sick or unsuitable is supplied for animal research.

**Keeping of records**

25. (1) A licensed animal supplier must ensure that the approved records are kept for each animal acquired by the supplier.

(2) Those records are to include the documents referred to in Part 4 in relation to the animal.

(3) The records for an animal:

(a) must be prepared within 24 hours of the animal being received by the supplier; and

(b) must be readily accessible to such of the supplier's staff as have responsibilities in relation to the animal.

(4) The results of any examination on an animal, details of any vaccination or treatment given to an animal and (if the animal dies) the date on which it died and the cause of its death must be entered on the records for the animal.

(5) The records for an animal must accompany the animal when it is supplied for animal research.

**Release of animals**

26. (1) A licensed animal supplier:

(a) must release an animal to its previous owner on receiving adequate proof of that ownership; and

(b) may release an animal to any other person.

(2) In the event that an animal is released, the licensed animal supplier must enter the following particulars on the records for the animal:

(a) the date on which the animal was released;

(b) the name of the person who authorised the animal's release;

(c) the name and address of the person to whom the animal was released.

**PART 4—CONDITIONS TO BE OBSERVED IN RELATION TO THE SUPPLY OF DOGS AND CATS TO LICENSED ANIMAL SUPPLIERS AND IMPOUNDING AUTHORITIES****Application of Part**

27. This Part applies to dogs and cats only.

**Animals supplied by persons generally**

28. (1) A person may supply to a licensed animal supplier or to an impounding authority for supply to a licensed animal supplier, and a licensed animal supplier or impounding authority may accept from any person, any animal for use in connection with animal research, but only if the animal is accompanied by a document that complies with subclause (2).

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(2) The document referred to in subclause (1) must contain the following particulars:

- (a) the species, breed or type, sex, approximate estimated age, and colour of the animal;
- (b) details of any identification on the animal at the time of supply;
- (c) proof of identification (including name and address) of the person supplying the animal;
- (d) a declaration signed and dated by the person supplying the animal, which states:

I am the owner/authorised agent of the owner of the animal described above, and I hereby give my approval to it being supplied alive for use in research conducted in accordance with the Animal Research Act 1985 which governs the conditions under which animal research may be conducted.

**Animals supplied by impounding authorities**

29. (1) An impounding authority may supply to a licensed animal supplier, and a licensed animal supplier may accept from an impounding authority, any animal for use in connection with animal research that has been supplied to the impounding authority in accordance with this Part, but only if the animal is accompanied by the document that accompanied the animal when it was supplied to the impounding authority.

(2) An impounding authority may supply to a licensed animal supplier, and a licensed animal supplier may accept from an impounding authority, any animal that has been seized by the impounding authority under the Impounding Act 1993 or the Dog Act 1966, but only if:

- (a) the animal is accompanied by a document that complies with subclause (3); and
- (b) there is an agreement in force between the impounding authority and the supplier that complies with subclause (4).

(3) The document referred to in subclause (2) (a) must contain a statement, signed on behalf of the authority, to the effect that:

- (a) when it was seized, the animal was not wearing any registration badge or other means by which its owner could be identified; and
- (b) the animal has been kept by the authority for at least 7 days since it was seized.

(4) The agreement referred to in subclause (2) (b) must indicate the following:

- (a) that the impounding authority will ensure that each animal supplied will be accompanied by the document that accompanied the animal when it was supplied to the impounding authority;
- (b) what arrangements have been made for payment for animals by the licensed animal supplier;
- (c) what arrangements are in place for handling inquiries about lost animals from members of the public;
- (d) what arrangements are in place to enable impounding authority staff to visit dog holding facilities at the premises of the animal supplier and for supplier staff to visit the authority's dog holding facilities;
- (e) by what means animals will be transported to the supplier;

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- (f) the interval between regular collections of animals from the authority;
  - (g) the position of the person who is to be responsible for collection and transport of animals to the supplier.
- (5) A copy of the agreement must be kept available at the premises of the licensed animal supplier.
- (6) The impounding authority must ensure that:
- (a) each animal in a consignment, or the cage in which it is held, is clearly identified; and
  - (b) an approved form is completed in duplicate for each animal in a consignment; and
  - (c) the details recorded in the approved form are checked as animals are despatched, and each form signed by the checking officer; and
  - (d) one copy of the approved form is retained by the authority and the other is despatched to the licensed animal supplier with the animal.

**Delivery of dogs to the animal supplier**

30. (1) Dogs must be unloaded from the transport vehicle promptly on arrival.
- (2) The approved impounding form must be checked promptly against each dog received.
- (3) Any discrepancies between a dog described in the approved impounding form and the dog received must be resolved with pound staff as soon as possible.
- (4) Unless they are to be rehoused, dogs that are ineligible for use in animal research, and dogs that are eligible but are not required, must be killed by means of an overdose of barbiturates.
- (5) The bodies of these animals may be supplied, after the animals are killed, to an accredited research establishment.

**SCHEDULE 2—CONSTITUTION AND PROCEDURE OF ETHICS COMMITTEES**

(CII. 6, 7, 8)

**Part 1—Provisions with respect to constitution****Chairperson of the ethics committee**

1. (1) Of the members of the ethics committee one must be appointed as Chairperson of the ethics committee.

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(2) A person who is the Chairperson is taken to have vacated office as Chairperson if the person:

- (a) resigns that office by instrument in writing addressed to the ethics committee; or
- (b) ceases to be a member of the ethics committee.

**Term of office**

2. Subject to this Schedule, a member of the ethics committee holds office for such term as is specified in his or her instrument of appointment.

**Filling of vacancy in office of member**

3. If the office of any member of the ethics committee becomes vacant, a person must, subject to this Regulation, be appointed to fill the vacancy.

**Casual vacancies**

4. (1) A member of the ethics committee is taken to have vacated office if the member:

- (a) dies; or
- (b) absents himself or herself from 4 consecutive meetings of the ethics committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the ethics committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the ethics committee for being absent from those meetings; or
- (c) becomes a mentally incapacitated person; or
- (d) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable; or
- (e) resigns the office by instrument in writing addressed to the ethics committee.

**Part 2—Provisions relating to procedure****General procedure**

5. The procedure for the calling of meetings of the ethics committee and for the conduct of business at those meetings is to be as determined by the ethics committee.

**Quorum**

6. The quorum for a meeting of the ethics committee is a majority of the members of the ethics committee for the time being, subject to any additional requirements imposed by the ethics committee under clause 5.



**Presiding member**

7. (1) The Chairperson (or, in the absence of the Chairperson, another member of the ethics committee elected as chairperson for the meeting by the members of the ethics committee present) is to preside at a meeting of the ethics committee.

(2) The person presiding at any meeting of the ethics committee has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

**Voting**

8. A decision supported by a majority of the votes at a meeting of the ethics committee at which a quorum is present is the decision of the ethics committee.

**Minutes**

9. The ethics committee must cause full and accurate minutes to be kept of the proceedings of each meeting of the ethics committee.

**Periodic reports**

10. An ethics committee must give a written report of its work and activities to the person or body by which it was appointed at such intervals (not exceeding 12 months) as the person or body may direct.

**Authentication of documents**

11. Any document requiring authentication by the ethics committee is sufficiently authenticated if it is signed by the Chairperson or by any member of the ethics committee who is authorised by the Chairperson in that behalf.

**First meeting of the ethics committee**

12. The person or body that appoints the members of an ethics Committee may call the first meeting of the ethics committee in such manner as the person or body thinks fit.

**SCHEDULE 3—EXEMPT ANIMALS**

(Cl. 24)

**Definition**

1. In this Schedule:

“**authorised researcher**” means the holder of an animal research authority or an animal research licence;

“**relevant ethics committee**” means:

- (a) in relation to an animal research authority, the ethics committee for the research establishment by which the authority was issued; or
- (b) in relation to an animal research licence, the ethics committee that supervises animal research carried out by the holder of the licence.

**Unowned animals**

2. Unowned animals are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out by an authorised researcher if the relevant ethics committee is satisfied that:

- (a) the procedure, test, experiment, inquiry, investigation or study is:
  - (i) innocuous and non-invasive; and
  - (ii) unlikely to have lasting adverse consequences to the animal; and
- (b) appropriate arrangements exist for long-term welfare of the animal after the procedure, test, experiment, inquiry, investigation or study has been completed.

**Privately-owned animals**

3. Privately-owned animals are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out by an authorised researcher if the relevant ethics committee is satisfied that:

- (a) the procedure, test, experiment, inquiry, investigation or study is:
  - (i) innocuous and non-invasive; and
  - (ii) unlikely to have lasting adverse consequences to the animal; and
- (b) the animal will remain under the effective control of its owner while the procedure, test, experiment, inquiry, investigation or study is being carried out.

**Animals supplied by Commonwealth or interstate organisations**

4. Animals of any kind that have been obtained from a Commonwealth or interstate organisation are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out by an authorised researcher if the organisation is approved by the Panel in connection with the supply of animals of that kind.

**Bred for the purpose animals**

5. (1) Animals that have been bred by an authorised researcher are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out by the authorised researcher so long as:

- (a) the use of the animals for those purposes is approved by the relevant ethics committee; and
- (b) the animals are kept in a manner approved by the relevant ethics committee.

(2) Animals that have been bred by an authorised researcher, or within an accredited research establishment, are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out so long as:

- (a) the use of the animals for those purposes is approved by the relevant ethics committee; and
- (b) the animals are kept in a manner approved by the relevant ethics committee; and
- (c) the relevant ethics committee is satisfied that the supply of animals does not result in any financial gain to the authorised researcher by whom they were bred.

(3) An ethics committee must not grant an approval under subclause (1) (a) or (2) (a) unless it is satisfied that animals of the relevant species, breed or strain are unavailable from any other source.

**Deer**

6. Commercially farmed deer are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out by an authorised researcher.

**Fish**

7. Commercially hatched fish are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study to be carried out by an authorised researcher.

**Observation studies**

8. All animals are exempt animals for the purposes of any procedure, test, experiment, inquiry, investigation or study of a kind described as Category 1 (Observation Studies) in the document entitled “Animals in Schools—Animal Welfare Guidelines for Teachers” published by the New South Wales Department of School Education.

**SCHEDULE 4—FORMS**

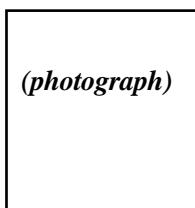
**Form 1**

(Cl. 25)

**CERTIFICATE OF IDENTIFICATION**

(Animal Research Act 1985)

I CERTIFY THAT ..... whose signature and photograph appear below, is an inspector under the Animal Research Act 1985.



.....  
Director-General of the Department of  
Agriculture

.....  
Signature of Inspector

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SCHEDULE 4—FORMS

**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake the provisions of the Animal Research Regulation 1990. The new Regulation deals with the following matters:

- (a) the qualifications to be held by certain members of the Animal Research Review Panel (Part 2);
- (b) the constitution and procedure for ethics committees and ethics subcommittees (Part 3);
- (c) matters relating to accreditation and licensing (Divisions 1, 2 and 3 of Part 4);
- (d) exemptions from the requirements for accreditation and licensing (Division 4 of Part 4);
- (e) other matters of a minor nature (Parts 1 and 5).

In particular, the new Regulation prescribes a Code of Practice for the conduct of animal research and the supply of animals for use in connection with animal research. The Code of Practice is to comprise the “Australian code of practice for the care and use of animals for scientific purposes” (a code prepared jointly by the National Health and Medical Research Council, the Commonwealth Scientific and Industrial Research Organisation and the Australian Agricultural Council), supplemented by the following:

- (a) provisions relating to animal research conducted in schools (Part 1 of Schedule 1);
- (b) provisions relating to animal research involving free-living animals (Part 2 of Schedule 1);
- (c) provisions relating to the care of animals by licensed animal suppliers (Part 3 of Schedule 1);
- (d) provisions relating to the supply of animals to licensed animal suppliers and certain impounding authorities (Part 4 of Schedule 1).

This Regulation is made under the Animal Research Act 1985, including section 62 (the general regulation making power) and sections 3, 6, 13, 15, 18, 29, 37 and 49.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.