



New South Wales

Animal Research Amendment (Right to Release) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Animal Research Act 1985* and the *Animal Research Regulation 2021* to make provision for the rehoming of dogs and cats that have been used in animal research, and for related purposes.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Animal Research Act 1985 No 123

Schedule 1[3] inserts proposed Part 6A into the *Animal Research Act 1985* (*the Act*). Proposed section 54A contains definitions. Proposed section 54B requires a person who keeps dogs and cats for animal research to take reasonable steps to prepare those animals for rehoming, including by providing appropriate exercise, socialisation and training. Proposed section 54C requires a person who keeps dogs and cats for animal research purposes to take reasonable steps to rehome those animals after the research concludes or 3 years have passed, whichever comes first. Proposed section 54D prohibits a person who receives a rehomed animal from disclosing identifying information about the person who kept the animal for animal research. Proposed section 54E exempts a person from the requirement to rehome an animal that is certified by a veterinary practitioner as unsuitable for rehoming. Proposed section 54F requires the keeping of certain

records. Proposed section 54G makes compliance with proposed Part 6A a condition of a person's accreditation or authorisation under the Act.

Schedule 1[1] and [2] are consequential to proposed section 54G and provide that a complaint may be made that an accredited research establishment or an authorised person has failed to comply with proposed Part 6A.

Schedule 1[4] makes a consequential amendment to clarify the regulation making powers under the Act.

Schedule 1[5] inserts a transitional provision.

Schedule 2 Amendment of Animal Research Regulation 2021

Schedule 2[1] makes an amendment to the *Animal Research Regulation 2021 (the Regulation)* to require that the annual report provided to the Secretary by an accredited research establishment or the holder of an animal research authority must include information about the rehoming of animals under the Act, proposed Part 6A.

Schedule 2[2] makes an amendment to the Regulation to clarify that a dog or cat rehomed under the Act, proposed Part 6A cannot be rehomed with a licensed animal supplier.



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New South Wales

Animal Research Amendment (Right to Release) Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Animal Research Act 1985* to make provision for the rehoming of cats and dogs used in animal research.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

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

3

2 Commencement

4

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

5

Schedule 1 Amendment of Animal Research Act 1985 No 123

[1] Section 22 Complaints

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

[2] Section 28 Complaints

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

[3] 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.	1
	Maximum penalty—30 penalty units.	2
(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—	3
(a)	the animal’s species, breed, age, weight and gender,	4
(b)	a description of the animal’s general health, physical condition and temperament,	5
(c)	whether or not the animal is desexed,	6
(d)	whether or not the animal is microchipped and, if so, the microchip number,	7
(e)	the date the animal was last vaccinated and wormed,	8
(f)	the medications the animal is currently taking,	9
(g)	other information prescribed by the regulations.	10
(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.	11
(4)	This section does not apply to an animal seized under section 51A that is in the possession of an inspector.	12
(5)	The regulations may prescribe requirements for a database maintained under this section.	13
54D	Confidentiality	14
(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.	15
(2)	Subsection (1) does not apply if the disclosure is made—	16
(a)	with the consent of the authorised person, or	17
(b)	in connection with the administration or execution of this Act, or	18
(c)	for the purposes of any legal proceedings arising out of this Act, or	19
(d)	with other lawful excuse.	20
54E	Animals unsuitable for rehoming	21
(1)	If a relevant animal is certified by a veterinary practitioner registered under the <i>Veterinary Practice Act 2003</i> to be unsuitable for rehoming, the authorised person is not required to comply with section 54C.	22
(2)	A certificate given under subsection (1) must include the reasons the animal is unsuitable for rehoming.	23
(3)	A veterinary practitioner who gives a certificate under subsection (1) must—	24
(a)	be independent of the authorised person to whom the certificate is given, and	25
(b)	have expertise in the welfare of animals of the species of the relevant animal.	26

54F	Record keeping	1
	An authorised person must keep the following for each relevant animal kept by the person for animal research—	2 3
	(a) records of the reasonable steps taken under section 54B and 54C,	4
	(b) records of all communications with suitable individuals and animal rescue organisations about rehoming the animal,	5 6
	(c) details of a suitable individual or an animal rescue organisation with whom the animal has been rehomed,	7 8
	(d) a certificate issued under section 54E.	9
	Maximum penalty—20 penalty units	10
54G	Condition of authority or accreditation	11
	(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.	12 13 14
	(2) Subsection (1) extends to an accreditation or authority in force immediately before the commencement of this section.	15 16
[4]	Section 62 Regulations	17
	Insert “, and the reports to be made,” after “kept” in section 62(1)(c).	18
[5]	Schedule 3 Savings, transitional and other provisions	19
	Insert after clause 3—	20
Part 3	Provisions consequent on enactment of Animal Research Amendment (Right to Release) Act 2022	21 22
4	Animals kept for research before commencement	23
	(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.	24 25 26
	(2) This clause ceases to have effect 3 years after the commencement of this Act, Part 6A.	27 28

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 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,
 - (d) 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.