

TASMANIA

**ANIMAL WELFARE (GENERAL) REGULATIONS
(No. 2) 2023**

STATUTORY RULES 2023, No. 52

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**ANIMAL WELFARE (GENERAL) REGULATIONS
(No. 2) 2023**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Animal Welfare Act 1993*.

Dated 11 July 2023.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Animal Welfare (General) Regulations (No. 2) 2023*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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Part 1 – Preliminary

3. Interpretation

In these regulations –

Act means the *Animal Welfare Act 1993*;

year means a calendar year.

4. Prescribed animal

For paragraph (b) of the definition of *animal* in section 3 of the Act, a creature of the class *Cephalopoda* is prescribed as an animal for the purposes of Part 4 of the Act.

5. Prescribed Code of Practice for rodeos

For the purposes of section 11A(1)(a) of the Act, the prescribed Code of Practice for rodeos is the *National Consultative Committee on Animal Welfare (NCCAW) Standards for the Care and Treatment of Rodeo Livestock* published by the Commonwealth Department of Agriculture, Fisheries and Forestry on 10 June 2006, as amended or substituted from time to time.

PART 2 – ACTS AND PROCEDURES

6. Prescribed acts constituting cruelty to animals

(1) In this regulation –

docking means removal, by surgical or non-surgical means;

dog means an animal of the species *Canis familiaris*;

therapeutic purposes means the purposes of treating a disease or medical condition.

(2) For the purposes of section 8(2)(k) of the Act, the following are prescribed acts:

(a) the strangling of an animal with a device or by other means;

(b) the docking of all, or part, of the tail of a dog;

(c) causing or permitting the docking of all, or part, of the tail of a dog.

(3) Subregulation (2)(b) does not apply to a veterinary surgeon who, using anaesthesia in respect of a dog, docks all, or part, of the tail of the dog for therapeutic purposes.

(4) Subregulation (2)(c) does not apply to a person who causes or permits a veterinary surgeon to, using anaesthesia in respect of a dog, dock all, or

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Part 2 – Acts and procedures

part, of the tail of the dog for therapeutic purposes.

7. Inspector may determine if procedure is animal research

(1) In this regulation –

procedure, in relation to an animal, includes a test, experiment, inquiry and study, performed on the animal.

(2) For the purposes of performing any function or exercising any power under the Act, an inspector may determine whether or not a procedure performed on an animal is animal research for the purposes of the Act.

8. Use of electrical current

(1) A person must not restrain an animal by using a pulsed, low-frequency electrical current.

Penalty: Fine not exceeding 50 penalty units.

(2) Subregulation (1) does not apply to a veterinary surgeon acting in that capacity.

PART 3 – MISCELLANEOUS

9. Prescribed penalties for infringement notices

Unless otherwise prescribed, the prescribed penalty for an offence specified in an infringement notice served on a person in accordance with section 43A of the Act is 2 penalty units.

10. Licence application fees

The fees specified in Schedule 1 –

(a) are payable –

(i) in respect of an application for a licence to carry out animal research; and

(ii) for each year of that licence; and

(b) must be paid at the time of application for a licence to carry out animal research.

11. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – FEES

		Regulation 10
	Applicant	Fee units
1.	Institutions based in Tasmania – (a) employing not more than 3 persons; and (b) having not more than 4 animal research project proposals each year	180
2.	Institutions based in Tasmania employing 4 or more persons	360
3.	Institutions based in Tasmania with 5 or more animal research project proposals each year	360
4.	Institutions based outside of Tasmania with own Animal Experimentation Ethics Committee	90
5.	Institutions based outside of Tasmania – (a) without own Animal Experimentation Ethics Committee; and (b) having not more than 4 animal research project proposals each year	180
6.	Institutions based outside of Tasmania – (a) without own Animal Experimentation Ethics Committee; and (b) having 5 or more animal research project proposals each year	180

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	Applicant	Fee units
7.	Institutions established solely for charitable purposes and not for profit or gain	0

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 11

Animal Welfare (General) Regulations 2023 (No. 41 of 2023)

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 12 July 2023.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe, for the purposes of the *Animal Welfare Act 1993* –
 - (i) certain requirements for ensuring the welfare of animals generally; and
 - (ii) matters relating to a Code of Practice for rodeos; and
 - (iii) fees payable by certain institutions for an application to carry out animal research; and
- (b) rescind the *Animal Welfare (General) Regulations 2023* which were rendered void, under section 47(3A) of the *Acts Interpretation Act 1931*, due to an inadvertently invalid commencement provision.