Animal Welfare (General) Regulations 2013

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.

17 June 2013

PETER G. UNDERWOOD
Governor

By His Excellency's Command,
PART 1 - Preliminary

1. **Short title**
   These regulations may be cited as the Animal Welfare (General) Regulations 2013.

2. **Commencement**
   These regulations take effect on 1 July 2013.

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 Rodeo Code of Practice**
   For section 11A(1)(a) of the Act, the prescribed Code of Practice for rodeos is the "National Consultative Committee of 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 section 8(2)(k) of the Act, the following are prescribed acts:

       (a) the strangling of an animal with a device or by any 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, docks all or part of the tail of a dog for therapeutic purposes.

   (4) Subregulation (2)(c) does not apply to a person who causes or permits a veterinary surgeon, using anaesthesia, to dock all or part of the tail of a dog for therapeutic purposes.

7. Inspector may determine if procedure is animal research

   For the purpose of performing any function or exercising any power under the Act, an inspector may determine whether or not a procedure, test, experiment, inquiry or study on an animal is animal research for the purposes of the Act.

8. Use of electrical current

   A person, except a veterinary surgeon registered under the Veterinary Surgeons Act 1987, must not restrain an animal by the use of a pulsed, low-frequency electrical current.

   Penalty: Fine not exceeding 50 penalty units.
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 are payable in respect of an application for a licence to carry out animal research.

11. Legislation rescinded
    The legislation specified in Schedule 2 is rescinded.
**SCHEDULE 1 - Fees**

<table>
<thead>
<tr>
<th>Type of application</th>
<th>Fee (on application) for each year of licence</th>
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</thead>
<tbody>
<tr>
<td>1. Institutions based in Tasmania employing not more than 3 persons and having not more than 4 animal research project proposals each year</td>
<td>180 fee units</td>
</tr>
<tr>
<td>2. Institutions based in Tasmania employing 4 or more persons</td>
<td>360 fee units</td>
</tr>
<tr>
<td>3. Institutions based in Tasmania with 5 or more animal research project proposals each year</td>
<td>360 fee units</td>
</tr>
<tr>
<td>4. Institutions based outside Tasmania with own Animal Experimentation Ethics Committee</td>
<td>90 fee units</td>
</tr>
<tr>
<td>5. Institutions based outside Tasmania without own Animal Experimentation Ethics Committee and having not more than 4 animal research project proposals each year</td>
<td>180 fee units</td>
</tr>
<tr>
<td>6. Institutions based outside Tasmania without own Animal Experimentation Ethics Committee and having 5 or more animal research project proposals each year</td>
<td>180 fee units</td>
</tr>
<tr>
<td>7. Institutions established solely for charitable purposes and not for profit or gain</td>
<td>Nil</td>
</tr>
</tbody>
</table>
SCHEDULE 2 - Legislation rescinded

Animal Welfare Regulations 2008 (No. 166 of 2008)

Displayed and numbered in accordance with the Rules Publication Act 1953.

Notified in the Gazette on 26 June 2013

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.