

NORTHERN TERRITORY OF AUSTRALIA

ANIMAL WELFARE AMENDMENT REGULATIONS 2013

Subordinate Legislation No. 23 of 2013

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Schedule Regulations further amended



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 23 of 2013*

Animal Welfare Amendment Regulations 2013

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Animal Welfare Act*.

Dated 17 June 2013

S. G. THOMAS
Administrator

By Her Honour's Command

J. W. ELFERINK
Attorney-General and Minister for Justice
acting for
Minister for Local Government

* Notified in the *Northern Territory Government Gazette* on 26 June 2013.

1 Citation

These Regulations may be cited as the *Animal Welfare Amendment Regulations 2013*.

2 Regulations amended

These Regulations amend the *Animal Welfare Regulations*.

3 Regulation 2 amended

- (1) Regulation 2, definitions ***alleged offender*** and ***member***

omit

- (2) Regulation 2

insert (in alphabetical order)

appointed member means a member appointed under regulation 6(j).

appointing body, for a representative member, means the body that appointed the member under any of regulation 6(a) to (i).

chairperson means the chairperson of the Advisory Committee elected under regulation 7.

code of practice means the publication entitled "Australian code of practice for the care and use of animals for scientific purposes", published by the National Health and Medical Research Council (or its successor), as revised and renamed from time to time.

infringement notice, see regulation 15.

infringement notice offence, see regulation 14(1).

member means a member of the Advisory Committee.

prescribed amount, see regulation 14(2).

representative member means a member appointed under any of regulation 6(a) to (i).

4 Regulation 4A inserted

Before regulation 5, in Part 3

insert

4A Content of annual report

- (1) For section 34A(2)(a) of the Act, an annual report prepared by a licensee must contain the following information about the licensee:
 - (a) the licensee's name and licence number;
 - (b) details of each complaint received by the licensee about the licensee's use of animals in teaching or research during the year.
- (2) For section 34A(2)(b) of the Act, the annual report must contain the following information about the licensee's ethics committee:
 - (a) the name and contact details of the committee;
 - (b) the name of each member of the committee;
 - (c) how each member of the committee is qualified, under the code of practice, for membership;
 - (d) the following information about inspections of animal housing and laboratory areas at the licensed premises conducted by the committee during the year:
 - (i) the number of inspections conducted;
 - (ii) each problem identified during an inspection;
 - (iii) the action taken to rectify the problem, and the outcome of the action.
- (3) For section 34A(2)(c) of the Act, the annual report must contain the following information about each permit holder employed or engaged by the licensee:
 - (a) the name and contact details of the permit holder;
 - (b) the following information about each project conducted by the permit holder within a teaching or research program during the year:
 - (i) the name of the project;
 - (ii) the purpose of the project;

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- (iii) the duration of the project;
 - (iv) a brief description of the teaching or research conducted during the project;
 - (v) the number of animals used in the project;
 - (vi) a description of the animals, including the class and species of the animals;
 - (vii) the source of the animals;
 - (viii) each place at which procedures were conducted on the animals;
 - (ix) each place at which the animals were housed;
 - (x) details of each complaint received by the licensee about the permit holder's use of the animals during the year.

5 Regulation 5 amended

Regulation 5

omit

all the words from "publication" to "Council"

substitute

code of practice

6 Regulations 6 to 8 replaced

Regulations 6 to 8

repeal, insert

6 Membership

For section 69(2) of the Act, the Advisory Committee is constituted by the following members:

- (a) one person appointed by RSPCA Darwin Regional Branch Incorporated;
- (b) one person appointed by the Australian Veterinary Association;
- (c) one person appointed by the Local Government Association of the Northern Territory;

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- (d) one person appointed by the Agency responsible for administering this provision;
 - (e) if the Agency mentioned in paragraph (d) is not the Agency primarily responsible for primary industry – one person appointed by that Agency;
 - (f) one person appointed by the Northern Territory Cattlemen's Association;
 - (g) one person appointed by Charles Darwin University;
 - (h) one person appointed by the Parks and Wildlife Commission of the Northern Territory;
 - (i) one person appointed by each additional body nominated by the Minister by *Gazette* notice;
 - (j) any other person appointed by the Minister.

7 Chairperson

The Advisory Committee must elect a member to be the chairperson of the Committee.

8 Duration of appointment – representative member

- (1) A representative member holds office for the period determined by the appointing body.
- (2) A person ceases to be a representative member if:
 - (a) the person resigns by giving written notice to the appointing body; or
 - (b) the person's appointment is terminated:
 - (i) by the appointing body; or
 - (ii) under regulation 9.
- (3) If there is a vacancy in the office of a representative member, the appointing body must make another appointment to the office.

8A Duration of appointment – appointed member

- (1) An appointed member holds office for the period (not exceeding 3 years) specified in the instrument of appointment and is eligible for reappointment.

-
- (2) A person ceases to be an appointed member if:
- (a) the person resigns by giving written notice to the Minister; or
 - (b) the person's appointment is terminated under regulation 9.

8 Regulation 10 repealed

Regulation 10

repeal

7 Regulation 11 amended

After regulation 11(3)

insert

- (3A) If a representative member is unable to attend a meeting of the Advisory Committee, the appointing body may, in writing, appoint a person to attend the meeting as the member's proxy.
- (3B) If an appointed member is unable to attend a meeting of the Advisory Committee, the member may, in writing, appoint a person to attend the meeting as the member's proxy.
- (3C) A meeting of the Advisory Committee is presided over by:
- (a) the chairperson; or
 - (b) in the absence of the chairperson, another member elected by the members present.

8 Part 5 replaced

Part 5

omit, insert

Part 5 Infringement notices

14 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 2.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 2.

15 When infringement notice may be given

If an inspector or officer reasonably believes a person has committed an infringement notice offence, the inspector or officer may give a notice (an ***infringement notice***) to the person.

16 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
 - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
 - (i) suspending the person's licence to drive;
 - (ii) seizing personal property of the person;
 - (iii) deducting an amount from the person's wages or salary;
 - (iv) registering a statutory charge on land owned by the person;

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- (v) making a community work order for the person and imprisonment of the person if the person breaches the order.

- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

17 Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

18 Withdrawal of infringement notice

- (1) The Authority may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 28 days after the infringement notice is given to the person; and
 - (b) before payment of the prescribed amount.

19 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
 - (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

9 New Part 6

After regulation 19

insert

**Part 6 Transitional matters for Animal Welfare
Amendment Regulations 2013**

20 Definitions

In this Part:

commencement means the commencement of this regulation.

new, for a provision of these regulations, means the provision as in force immediately after commencement.

old, for a provision of these regulations, means the provision as in force immediately before commencement.

21 Members of Advisory Committee

- (1) This regulation applies to a person who was a member immediately before commencement.
- (2) If the person was appointed as a member to represent the interests of the body mentioned in old regulation 6(2)(a), the person continues to be a member as if the person had been appointed by the body mentioned in new regulation 6(a).
- (3) If the person was appointed as a member to represent the interests of a body mentioned in any of old regulation 6(2)(b) to (h), the person continues to be a member as if the person had been appointed by the body under any of new regulation 6(b) to (h).
- (4) If the person was appointed as a member to represent the interests of a body mentioned in old regulation 6(2)(j):
 - (a) the body is taken to have been nominated by the Minister under new regulation 6(i); and
 - (b) the person continues to be a member as if the person had been appointed by the body under new regulation 6(i).
- (5) If the person was appointed as a member under old regulation 6(4), the person continues to be a member as if the person had been appointed by the Minister under new regulation 6(j).

22 Chairperson of Advisory Committee

The person appointed as the Chairperson of the Advisory Committee under old regulation 7(1) and holding that office immediately before commencement continues to hold office as chairperson as if the person had been appointed under new regulation 7(1).

10 Schedule 2 replaced

Schedule 2

omit, insert

Schedule 2 Infringement notice offences and prescribed amounts

regulation 14

Provision of Act	Prescribed amount (penalty units)
section 18(2)	1
section 19(2)	1
section 20(1)	1
section 20(2)	1
section 21(1)	1
section 29(1)	2
section 76A(3)	1

11 Regulations further amended

The Schedule has effect.

Schedule Regulations further amended

regulation 11

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 9(1)	the Chairperson or	
regulation 11(2) and (5)	Chairperson	chairperson
regulation 12(a)	Committee;	Committee; or
regulation 12(b)	whole paragraph	(b) there is a defect in: <ul style="list-style-type: none"> (i) the appointment of a member; or (ii) the election of the chairperson; or (iii) the election of a member to preside over a meeting under regulation 11(3C)(b); or
