

ANIMAL RESEARCH (AMENDMENT) ACT 1989 No. 43

NEW SOUTH WALES



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ANIMAL RESEARCH (AMENDMENT) ACT 1989 No. 43

NEW SOUTH WALES



Act No. 43, 1989

An Act to amend the Animal Research Act 1985 to further regulate the carrying out of animal research. [Assented to 11 May 1989]

*Animal Research (Amendment) 1989***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Animal Research (Amendment) Act 1989.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Animal Research Act 1985 No. 123

3. The Animal Research Act 1985 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (Definitions)—**(a) Section 3 (1)—**

After the definition of “director”, insert:

“Draize test” means the animal research procedure involving the application of any material or substance to the eye of an animal for the purpose of determining the irritancy of that material or substance to the eye;

(b) Section 3 (1)—

After the definition of “land”, insert:

“LD50 test” means the animal research procedure in which any material or substance is administered to animals for the purpose of determining the concentration or dose of the material or substance which will achieve any predetermined death rate;

(c) Section 3 (1)—

After the definition of “premises”, insert:

“product testing” means the testing of a product intended to be used for therapeutic, cosmetic, agricultural, veterinary, industrial or household purposes, or such other purposes as may be prescribed by the regulations, and includes the testing of a constituent of the product;

(2) Section 26 (Form of authorities)—**Section 26 (3)–(8)—**

After section 26 (2), insert:

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(3) Without limiting subsection (2), an animal research authority shall not authorise, or purport to authorise, the carrying out of the LD50 test for the purpose of product testing, or the carrying out of the Draize test, except with the approval, and in accordance with the directions, of the animal care and ethics committee for the research establishment by which the authority is issued, given in accordance with subsection (4).

(4) An animal care and ethics committee shall not approve the carrying out, by the holder of an animal research authority, of—

- (a) the LD50 test for the purpose of product testing, except with the concurrence of the Minister, given on a recommendation for concurrence by the Panel, to the carrying out of the test for that purpose; or
- (b) the Draize test, unless the test is to be carried out for the sole purpose of establishing that prophylactic or therapeutic materials or substances ordinarily intended for use by application to the eye are not irritants to the eye.

(5) An application for the concurrence of the Minister under this section shall be made by the holder of the animal research authority in the form and manner determined by the Secretary.

(6) The Minister shall refer the application to the Panel which shall, as soon as practicable, recommend to the Minister whether concurrence should be granted, unconditionally or subject to conditions, or refused.

(7) In considering the application, the Minister and the Panel shall have regard to the Code of Practice.

(8) The Minister may grant concurrence under subsection (4) unconditionally or subject to conditions and may impose conditions in addition to any recommended by the Panel.

(3) Section 32 (**Form of licences**)—

Section 32 (3)–(8)—

After section 32 (2), insert:

(3) Without limiting subsection (2), an animal research licence shall not authorise, or purport to authorise, the carrying out of the LD50 test for the purpose of product testing, or the carrying out of the Draize test, except with the approval, and in accordance with the directions, of the animal care and ethics committee specified in the licence, given in accordance with subsection (4).

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SCHEDULE 1—AMENDMENTS—*continued*

(4) An animal care and ethics committee shall not approve the carrying out, by the holder of an animal research licence, of—

- (a) the LD50 test for the purpose of product testing, except with the concurrence of the Minister, given on a recommendation for concurrence by the Panel, to the carrying out of the test for that purpose; or
- (b) the Draize test, unless the test is to be carried out for the sole purpose of establishing that prophylactic or therapeutic materials or substances ordinarily intended for use by application to the eye are not irritants to the eye.

(5) An application for the concurrence of the Minister under this section shall be made by the holder of the animal research licence in the form and manner determined by the Secretary.

(6) The Minister shall refer the application to the Panel which shall, as soon as practicable, recommend to the Minister whether concurrence should be granted, unconditionally or subject to conditions, or refused.

(7) In considering the application, the Minister and the Panel shall have regard to the Code of Practice.

(8) The Minister may grant concurrence under subsection (4) unconditionally or subject to conditions and may impose conditions in addition to any recommended by the Panel.

*[Minister's second reading speech made in—
Legislative Assembly on 12 April 1989
Legislative Council on 4 May 1989]*