



New South Wales

Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024 No 9

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Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024 No 9

Act No 9, 2024

An Act to amend the *Animal Research Act 1985* to prohibit the carrying out of forced swim tests and animal research in which an animal is forced to inhale smoke; and for related purposes.
[Assented to 25 March 2024]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024*.

2 Commencement

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

Schedule 1 Amendment of Animal Research Act 1985 No 123

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

fish has the same meaning as in the *Fisheries Management Act 1994*.

forced smoke inhalation experiment means animal research in which an animal is forced to inhale smoke by—

- (a) the placement of the animal in an instrument of restraint, and
- (b) the administration of smoke directly to the animal's nose or head.

forced swim test—

- (a) means animal research in which an animal, other than a fish, is—
 - (i) placed in water, and
 - (ii) forced to swim, as the animal is unable to escape or stand, and
- (b) does not include animal research that has the effect, or likely effect, of protecting or promoting the welfare of the animal on which the research is carried out.

Example for paragraph (b)— Animal research involving hydrotherapy.

smoke includes—

- (a) aerosol or vapour produced by an e-cigarette, and
- (b) smoke produced by a cigarette or cigar.

[2] Section 26 Form of authorities

Insert after section 26(2)—

- (2A) An animal research authority must not authorise, or purport to authorise, the carrying out of—
 - (a) a forced smoke inhalation experiment, or
 - (b) a forced swim test.

[3] Section 47 Unlawfully carrying out animal research

Insert after section 47(2)—

- (3) Without limiting subsection (2), a person must not carry out either of the following—
 - (a) a forced swim test,
 - (b) a forced smoke inhalation experiment.Maximum penalty—30 penalty units or imprisonment for 12 months, or both.

[4] Schedule 3 Savings, transitional and other provisions

Insert after Part 3—

Part 4 Provisions consequent on enactment of Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024

5 Definitions

In this part—

commencement day means the day on which the *Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024* commenced.

existing authority means an animal research authority, in force immediately before the commencement day, that authorises either of the following—

- (a) a forced swim test,
- (b) a forced smoke inhalation experiment.

6 Reissue of existing animal research authorities—forced swim tests and forced smoke inhalation experiments

- (1) The holder of an existing authority may apply to the Secretary or an accredited research establishment to have the authority reissued.
- (2) The application must be made before the expiry of the applicant’s existing authority.
- (3) Despite section 26(2A), the Secretary or an accredited research establishment may reissue an animal research authority in the same terms as the applicant’s existing authority.

Note— The holder of an existing authority may have the authority reissued under this clause once only.

7 Offences involving forced swim tests and forced smoke inhalation experiments

A person does not commit an offence under section 47(3)(a) or (b) for carrying out animal research referred to in that paragraph if the animal research is carried out in accordance with—

- (a) an existing authority, or
- (b) an animal research authority reissued under clause 6.

[Second reading speech made in—
Legislative Council on 20 September 2023
Legislative Assembly on 14 March 2024]