



Queensland

# Animal Care and Protection Regulation 2012

## Explanatory Notes for SL 2012 No. 141

made under the

*Animal Care and Protection Regulation 2001*

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## General outline

### Short title

*Animal Care and Protection Regulation 2012.*

### Authorising law

Sections 3, 4, 13 and 217 of the *Animal Care and Protection Act 2001* (the *Act*).

### Policy objectives and the reasons for them

The purpose of the subordinate legislation is to remake the *Animal Care and Protection Regulation 2002* (the **Regulation**) prior to its automatic expiry, to give effect to various compulsory and voluntary codes of practice to provide for the welfare of animals.

### Achievement of policy objectives

Section 3 of the Act provides that the purposes of the Act are to promote the responsible care and use of animals, provide standards for their care

and use, protect animals from unjustifiable pain and to ensure that the use of animals for scientific purposes is accountable, open and responsible.

Section 4, in part, provides that the purposes are to be primarily achieved by providing for regulations about codes of practice for animal welfare. The regulations may require compliance with these codes of practice, impose a duty of care on persons in charge of animals and prohibit certain conduct in relation to animals.

Section 54 of the *Statutory Instruments Act 1992 (SIA)* provides that the Regulation is due to automatically expire on 1 September 2012 unless it is earlier repealed or exempted from expiry.

Accordingly, new subordinate legislation is required to be made, in view of the Regulation's impending expiry under the provisions of the SIA, to preserve the framework which gives legislative effect to various compulsory and voluntary codes of practice to provide for animal welfare.

The new subordinate legislation will satisfy the Act's objectives as it will continue to ensure that animals in Queensland are afforded standards of animal welfare through these existing codes of practice which meet community expectations, market requirements, incorporate scientific soundness and provide for animal welfare outcomes which are consistent with other Australian jurisdictions.

In addition, specifically in relation to the welfare of pigs, the new subordinate legislation satisfies the Act's purposes as it incorporates and gives effect to new provisions concerning minimum accommodation requirements. These were agreed to be phased into legislation after five years following national endorsement.

### **Consistency with policy objectives of authorising law**

This subordinate legislation is consistent with the purposes in section 3 of the Act to promote the responsible care and use of animals, provide standards for the care and use of animals that achieve a balance between animal welfare outcomes and the interests of users of animals and protect animals from unjustifiable, unnecessary or unreasonable pain.

### **Inconsistency with policy objectives of other legislation**

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

### **Benefits and costs of implementation**

The new subordinate legislation is beneficial to the welfare of animals as it prescribes standards and guidelines for acceptable animal welfare outcomes which also meet community expectations and achieves a reasonable balance between animal welfare and the interests of persons whose livelihood is dependent upon animals.

The new subordinate legislation prescribes the same level of fees as currently prescribed in the Regulation for applications for the use of animals for scientific purposes by individuals and corporations.

### **Consistency with fundamental legislative principles**

The new subordinate legislation does not conflict with the fundamental legislative principles.

### **Consultation**

Consultation on the subordinate legislation was undertaken with the Regulatory Review Branch (**RRB**), Queensland Treasury and Trade with regard to regulatory assessment statement (**RAS**) requirements.

The RRB advised that the subordinate legislation will be excluded from the application of RAS as the compulsory codes of practice have, in their initial development, already undergone extensive impact assessment through national forums that take into account the impacts on Queensland and regulatory best practice principles.

Also, as the new subordinate legislation seeks merely to remake the Regulation prior to its expiry to preserve the existing agreed animal welfare standards and guidelines and as it does not impose any additional costs, general consultation was not undertaken.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry .

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