

# Guideline for compliance with the Animal Research Amendment (Right to Release) Act 2022

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# Introduction

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## Background

The *Animal Research Amendment (Right to Release) Act 2022* (referred to in this guideline as the “Right to Release amendment”) to amend the *Animal Research Act 1985* came into effect on 25 November 2022. The Right to Release amendment introduced mandatory rehoming of dogs and cats kept for use in research in New South Wales.

The NSW Department of Primary Industries and Regional Development (the Department) is responsible for administering and enforcing the *Animal Research Act 1985*. The Animal Research Review Panel (the Panel) is a statutory body appointed under the *Animal Research Act 1985* with functions of investigation and evaluation under that Act.

The Department, in conjunction with the Panel, has prepared this guideline to assist authorised persons in interpreting, and demonstrating compliance with, the Right to Release amendment.

This guideline addresses elements of the Right to Release amendment where additional clarity may assist authorised persons in demonstrating compliance. In each item of the guideline, information is presented under the following headings:

- “Legislated requirements” - mandatory aspects extracted directly from the legislation,
- “Additional Interpretation” - information which may assist in understanding the legislated requirements, or
- “Recommendations” - the Department and the Panel’s guidance on how to best apply, and demonstrate compliance with, the Right to Release amendment. Recommendations are **not mandatory**. Authorised persons can choose whether to apply this guidance to their operations or use alternative methods, provided they are still able to demonstrate compliance with the Right to Release amendment.

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## Scope

This guideline applies to all authorised persons (accredited research establishments and animal research authority holders) under the *Animal Research Act 1985* who are keeping dogs and cats for use in research in NSW. Additionally, information in this guideline is relevant to licensed animal suppliers, Animal Care and Ethics Committees (ACECs), veterinary practitioners and animal care staff involved in the keeping of dogs and cats for use in research.

The *Animal Research Act 1985* is addressed in items 1-7 of this guideline, and the *Animal Research Regulation 2021* is addressed in items 8-9. This guideline focuses on areas where additional interpretation and recommendations are considered of value and does not replicate all content from the Right to Release amendment. Therefore, authorised persons must also refer to the *Animal Research Act 1985* (particularly Part 6A) and *Animal Research Regulation 2021*.

Additionally, this guideline focuses on the Right to Release amendment and is not intended to replicate all recommendations around rehoming animals kept for use in research. Authorised persons should also refer to the Animal Research Review Panel Guideline 27 – Research Animal Rehoming Guidelines, and the species-specific guidelines (Animal Research Review Panel Guidelines 27-C and 27-E), available via: <https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/arrp-policies,-guidelines-and-factsheets>

This guideline also does not address the requirements under the *Companion Animals Act 1998*, the *Prevention of Cruelty to Animals Act 1979*, the *Veterinary Practice Act 2003*, or any other legislation that may be relevant to those impacted by the Right to Release amendment (including authorised persons, suitable individuals, animal rescue organisations and veterinary practitioners).

**The Right to Release amendment does not apply to companion animals owned by individuals and primarily kept for purposes other than research**, in accordance with the explanatory note in section 54C of the *Animal Research Act 1985*:

*Animal Research Act 1985 Section 54C*

*Note —*

*An authorised person is not required to rehome a companion animal owned by an individual and primarily kept by the individual for purposes other than animal research.*

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## Definitions

*Animal Research Act 1985 Section 54A*

***animal rescue organisation*** includes an animal shelter, foster carer or foster care network that provides temporary care for an animal for the purpose of finding a new home for the animal.

***authorised person*** means the following —

- (a) an accredited research establishment,
- (b) the holder of an animal research authority.

***rehome*** means giving an animal to —

- (a) a suitable individual, or
- (b) an animal rescue organisation.

***relevant animal*** means a dog or a cat.

***suitable individual*** means an individual who —

- (a) agrees to provide an animal with a home and appropriate care, and
- (b) agrees to not keep the animal for animal research, and
- (c) meets criteria prescribed by the regulations for the purpose of this definition.

Terminology used in this guideline is as per these definitions provided in section 54A of the *Animal Research Act 1985*. Additionally, the definitions in section 3 of the *Animal Research Act 1985* and section 3 of the *Animal Research Regulation 2021* apply to this guideline. Definitions in the *Australian*

code for the care and use of animals for scientific purposes (the Code) may also be applicable and are specified in the relevant items of this guideline where this is the case.

Additional interpretation and recommendations for the definitions of “authorised person” and “suitable individual” are provided in items 1.1 and 1.2 of this guideline respectively.

Additional terminology used in this guideline:

**ACEC** means an Animal Care and Ethics Committee.

**the Code** means the Australian code for the care and use of animals for scientific purposes.

**the Department** means the Department of Regional NSW.

**the Panel** means the Animal Research Review Panel.

**penalty unit** means \$110.

**research project** means an activity or group of activities that form a discrete piece of work that aims to achieve a scientific purpose.

**Right to Release amendment** means the Animal Research Amendment (Right to Release) Act 2022.

**should** means a recommended, non-mandatory component of this guideline. This may be an example of how an authorised person can demonstrate compliance with the Right to Release amendment.

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## Animals kept for research before commencement

*Animal Research Act 1985 Schedule 3 Part 3*

*4 Animals kept for research before commencement*

- (1) Part 6A does not apply to an animal that was being kept for research by an accredited research establishment or the holder of an animal research authority immediately before the Part’s commencement.*
- (2) This clause ceases to have effect 3 years after the commencement of this Act, Part 6A.*

For any relevant animals kept for research by an authorised person immediately before the Right to Release amendment commenced on 25 November 2022, a transitional clause applies. This transitional clause means that the authorised person does not have to take reasonable steps to rehome these animals under section 54C(1) of the *Animal Research Act 1985* until **25 November 2025**. For any relevant animal that meets the terms of this transitional clause, on 25 November 2025, the authorised person must commence taking all reasonable steps to rehome that animal.

This transitional clause does not apply if the relevant animal was born or acquired by the authorised person to be kept for use in research on or after 25 November 2022. For these animals, the obligation to take all reasonable steps to rehome may arise prior to 25 November 2025, depending on the circumstances of that animal’s use in research and in accordance with section 54C(1) of the *Animal Research Act 1985* (see also item 3.1.2 in this guideline).

# Animal Research Act 1985

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## 1. Definitions (section 54A)

### 1.1 Authorised person

#### Legislated requirements

*Animal Research Act 1985 Section 54A*

**authorised person** means the following —

- (a) an accredited research establishment,
- (b) the holder of an animal research authority.

#### Additional interpretation

The definition of an “authorised person” in Part 6A of the *Animal Research Act 1985* does not include licensed animal suppliers. Therefore, the rehoming obligations under the Right to Release amendment do not apply to dogs and cats kept exclusively under an animal supplier’s licence (meaning animals that have been bred or acquired by a licensed animal supplier that have not yet been supplied to an authorised person for use in research).

For dogs and cats kept under an animal supplier’s licence, the Right to Release amendment will begin to apply on the date the relevant animal is supplied to an authorised person to be kept for use in research.

Authorised persons must ensure that a clear record is kept of the date on which the relevant animal was supplied to them to be kept for use in research. This date is captured in “Form N – Licensed Animal Supplier Record for Dogs and Cats” (the approved form under Schedule 1 Item 9 of the *Animal Research Regulation 2021*). Form N requires the “Date of supply for use in connection with research” to be recorded; this form must be maintained by all suppliers for all dogs and cats that have been acquired, and the form must also accompany the dog or cat at the time of supply (see item 9 of this guideline).

“Date of supply” is considered the date when an animal moves from being held under an animal supplier’s licence, to being held by an authorised person (i.e., an accredited research establishment or animal research authority holder). Where an animal is received by an authorised person for use in research from an external licensed animal supplier, this is typically the date the animal arrives at the authorised person’s facility. Where the authorised person is also the licensed animal supplier, this is typically the date the animal is first allocated for use in a research project and moves out of the supply unit into the “study population”.

Form N is available on the Department’s Animal Ethics Infolink website via:

<https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/forms>

#### Recommendations

While the Right to Release amendment does not apply to dogs and cats kept under animal supplier’s licences, licensed animal suppliers should still consider its implications for the dogs and cats that they breed and acquire for the purposes of supply to authorised persons. Animal suppliers are

encouraged to familiarise themselves with the Right to Release amendment and this guideline, and to take reasonable steps to prepare animals in their care for future rehoming (see items 2.1-2.4 of this guideline for advice on reasonable steps).

## 1.2 Suitable individual

### Legislated requirements

*Animal Research Act 1985 Section 54A*

***suitable individual*** means an individual who —

- (a) agrees to provide an animal with a home and appropriate care, and
- (b) agrees to not keep the animal for animal research, and
- (c) meets criteria prescribed by the regulations for the purpose of this definition.

### Additional interpretation

No further criteria are currently prescribed in the regulations as per (c) in the definition of “suitable individual”.

### Recommendations

In determining whether a person is a “suitable individual”, authorised persons should also apply the following criteria:

- Aged 18 years or over.
- No previous convictions for any offence:
  - In NSW, under the *Prevention of Cruelty to Animals Act 1979*, *Exhibited Animals Protection Act 1986*, *Animal Research Act 1985*, an animal cruelty offence under the *Crimes Act 1900*, or any of the regulations in force under these Acts, or
  - In another jurisdiction, which would also constitute an offence under any of the Acts listed above if it had been committed in NSW.
- Agrees not to use or supply the dog or cat for “animal research” (as defined in section 3 of the *Animal Research Act 1985*) in NSW or any other jurisdiction (including interstate and overseas).
- Provides accurate and sufficient personal information to the authorised person including:
  - Name, address and contact details, and
  - Any details required by the authorised person in accordance with their rehoming policy (e.g., details about their household, family, work arrangements, other pets, etc).



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## 2. Preparation for rehoming (section 54B)

### Legislated requirements

*Animal Research Act 1985 Section 54B*

*An authorised person must, over the period a relevant animal is kept by the person for animal research, take reasonable steps to ensure that the animal is prepared for rehoming, including by providing the following as appropriate for an animal of the species, breed and age of the animal –*

- (a) exercise,*
- (b) environmental enrichment,*
- (c) socialisation, handling and basic training.*

### Additional interpretation

Reasonable steps as outlined in section 54B of the *Animal Research Act 1985* must be taken over the entire period the relevant animal is kept for research by the authorised person to ensure the dog or cat is prepared for rehoming. This period commences on the date the relevant animal first began to be kept by the authorised person for use in research, i.e., the “date of supply” to the authorised person.

Authorised persons are reminded that they are required to keep records of reasonable steps taken to prepare relevant animals for rehoming (see section 54F of the *Animal Research Act 1985* and item 6 of this guideline).

Additionally, authorised persons are reminded that they have obligations under the Code and the Panel’s housing guidelines (available via: <https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infocentre/arrp-policies,-guidelines-and-factsheets>) to maintain appropriate standards of housing, husbandry, enrichment and training of animals as approved and monitored by the ACEC.

### Recommendations

Animal Research Review Panel Guideline 27 – Research Animal Rehoming Guidelines, and the relevant species-specific Panel guidelines (Animal Research Review Panel Guidelines 27-C and 27-E), should be consulted for further information on preparing animals for rehoming. Some specific recommendations are also made in items 2.1-2.4 of this guideline.

## 2.1 Housing & husbandry

### Recommendations

The authorised person, with approval from their ACEC, should take steps to adjust the relevant animal’s exercise program, training, diet, housing or any other aspects that would be beneficial in preparation for rehoming. For example, gentle and gradual exposure to a variety of common features in private residences such as stairs, different flooring types and household noises, may help a dog or cat adjust to its new environment once rehomed.

## 2.2 Veterinary care

### Recommendations

Routine veterinary examinations should continue at their regular frequency while an animal is awaiting rehoming. A final veterinary examination should also be carried out within a reasonable time prior to the release of the animal to a suitable individual or animal rescue organisation.

Prior to rehoming, dogs and cats should be desexed, microchipped and up to date with parasite control (for external and internal parasites) and vaccinations in accordance with current veterinary best practice for the species.

The findings of the most recent veterinary examination prior to rehoming can be captured in the optional template for the information to be provided about a relevant animal (see also item 3.1.3, and template 1 in the Appendix to this guideline).

## 2.3 Temperament & behavioural assessment

### Recommendations

The authorised person should arrange for a temperament and behavioural assessment of the dog or cat in preparation for rehoming. This should ideally be carried out by a suitably qualified individual (being a person with relevant qualifications and/or experience in behavioural assessments of the species, such as a veterinary practitioner or animal technician) in accordance with a behaviour and temperament testing protocol that is appropriate for the species. This process can be used to assess an animal's suitability for rehoming and determine if this could be improved by any factors such as:

- Exposures to any new/additional household conditions or animals
- Training and conditioning
- Pharmacological therapy (e.g., anti-anxiety medication)

The assessment should ideally be carried out across multiple time points and contexts (including locations the animal is familiar with) to ensure adequate opportunity is given to accurately document the temperament and behaviour of the relevant animal.

The findings of this assessment can be captured in the optional template for the information to be provided about a relevant animal (see item 3.1.3, and template 1 in the Appendix to this guideline).

Animal Research Review Panel Guidelines 27-C and 27-E can be consulted for further advice on behavioural and temperament assessments of cats and dogs, respectively.

## 2.4 Rehoming policies & procedures

### Recommendations

The steps to prepare animals for rehoming should be subject to the approval and oversight of the authorised person's ACEC. The authorised person should develop and adhere to rehoming policies and procedures (see also item 3.1.1a in this guideline and item 5 in the Animal Research Review

Panel Guideline 27 – Research Animal Rehoming Guidelines) outlining the steps that will be taken to prepare animals for rehoming. ACECs may also wish to develop mechanisms of notification and reporting on the rehoming status of dogs and cats under their oversight, to ensure this information is received in a consistent manner (e.g., when an animal is successfully rehomed, a certificate under section 54E is issued, an animal is transitioned into retirement, etc). How and when this information is provided is at the ACEC’s discretion.

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### 3. Rehoming dogs & cats after research (section 54C)

#### 3.1 Rehoming requirements

##### Legislated requirements

###### *Animal Research Act 1985 Section 54C*

- (1) *An authorised person who keeps a relevant animal for animal research must take all reasonable steps to rehome the animal on the occurrence of the first of the following –*
- (a) the animal ceases to be used by the authorised person for animal research,*
  - (b) the animal has been kept by 1 or more authorised persons for animal research for a total of 3 years.*

*Maximum penalty – 30 penalty units.*

##### Additional interpretation

Authorised persons should note that a Court imposed penalty (maximum 30 penalty units) may apply for non-compliance with section 54C(1) of the *Animal Research Act 1985*.

Additionally, authorised persons are reminded of their obligation under section 54F of the *Animal Research Act 1985* (see also item 6 of this guideline) to keep records of:

- Reasonable steps taken under section 54C, and
- All communication with suitable individuals and animal rescue organisations about rehoming the relevant animals, and
- Details of a suitable individual or an animal rescue organisation with whom the relevant animal has been rehomed.

Schedule 2 Part 2 of the *Animal Research Regulation 2021* and clause 2.2.30 of the Code also mandate the keeping of records relating to research project applications and ACEC decisions.

##### Recommendations

Section 54C(1) of the *Animal Research Act 1985* requires authorised persons to “...take all reasonable steps to rehome the animal...”, with the definition of “rehome” in section 54A including to give the animal to “...a suitable individual...”. To demonstrate compliance with this requirement, it is recommended that authorised persons collect a declaration from any individual with whom they are rehoming a relevant animal confirming that they are a “suitable individual”, as per the definition in

section 54A of the *Animal Research Act 1985* (see also the additional recommended criteria in item 1.2 of this guideline).

An optional template for this declaration is available within the “Rehoming Agreement” resource (see template 2 in the Appendix to this guideline).

### **3.1.1 What are “...all reasonable steps...”?**

#### **Recommendations**

In addition to what is required by sections 54B and 54C(2) of the *Animal Research Act 1985* (see also items 2.1-2.4 and 3.1.3 of this guideline), points 3.1.1a, b & c below provide examples of how an authorised person can demonstrate that “...all reasonable steps...” have been taken to rehome a relevant animal. Authorised persons can choose to demonstrate that they are taking “...all reasonable steps...” using other means than those recommended below but should be prepared to provide supporting evidence of this to the Department where requested. Authorised persons should ensure that the animal is genuinely available for prompt rehoming if an opportunity to rehome arises while all reasonable steps are being taken.

#### **a. Rehoming policies and procedures**

Authorised persons should develop and adhere to written rehoming policies and procedures (see also item 2.4 of this guideline and item 5 in the Animal Research Review Panel Guideline 27 – Research Animal Rehoming Guidelines). This documentation should:

- Be subject to ongoing review and approval by the authorised person’s ACEC.
- Outline steps to be taken to prepare relevant animals for rehoming.
- Outline the authorised person’s strategy for rehoming an animal, including how a suitable individual or animal rescue organisation may be located and contacted.
- Consider the ongoing care and management of any relevant animals unable to be rehomed or certified as unsuitable for rehoming.
- Outline how the ACEC will be kept informed throughout the rehoming process.
- Include steps for routine follow-up on previously rehomed dogs and cats to establish and record the success of the rehoming program and identify any potential areas for improvement.
- Consider support that may be offered in the event of placement failure (see also item 3.4 of this guideline and item 16 in the Animal Research Review Panel Guideline 27 – Research Animal Rehoming Guidelines).

#### **b. Initial rehoming attempts**

In the initial 6-month period after the occurrence of the first of either the relevant animal ceasing to be used (section 54C(1)(a)), or having been kept by 1 or more authorised persons for 3 years (section 54C(1)(b)) (see also item 3.1.2 in this guideline), authorised persons should:

- Contact and advise at least three animal rescue organisations which can take the species in question, that the specific dog or cat is available for rehoming (where possible, one of these rescue organisations should be dedicated to rehoming animals from research facilities), and
- Advertise the relevant animal as available for rehoming through internal and/or external networks as appropriate.

Authorised persons can cease making attempts to rehome an animal once a suitable individual or animal rescue organisation prepared to take the animal has been successfully located.

### **c. Ongoing rehoming attempts**

If the relevant animal has not been rehomed after the initial 6-month period in item 3.1.1b of this guideline, authorised persons should continue to take all reasonable steps to rehome the relevant animal. At least once every 6 months, authorised persons should:

- Contact and advise at least three animal rescue organisations which can take the species in question, that the specific dog or cat is available for rehoming, and
- Re-advertise the relevant animal as available for rehoming through internal and/or external networks as appropriate.

Provided that an animal remains suitable for rehoming, attempts to rehome should continue indefinitely.

## **3.1.2 When does the rehoming obligation in section 54C arise?**

### **Additional interpretation**

Section 54C(1) of the *Animal Research Act 1985* states that an authorised person who keeps a relevant animal for animal research must take all reasonable steps to rehome the animal on the occurrence of the FIRST of the following:

- the animal ceases to be used by the authorised person for animal research (section 54C(1)(a)), or
- the animal has been kept by one or more authorised persons for animal research for a total of 3 years (section 54C(1)(b)).

An explanation and some practical examples of what sections 54C(1)(a) and (b) mean are set out below. Please see item 3.1.1 of this guideline for information on what is meant by ‘all reasonable steps to rehome the animal.’

### **a. Section 54C(1)(a) - “...the animal ceases to be used by the authorised person for animal research...”**

In section 54C(1)(a) the obligation to take all reasonable steps to rehome a relevant animal arises after the animal ceases to be used by the authorised person in its first research project.

This means that once an authorised person has ceased using an animal in a particular research project, they are not permitted to keep the animal with the intention of using it in a further research project, without taking all reasonable steps to rehome the animal.

This also means that an animal cannot be transferred to a licensed animal supplier (including returning to the authorised person's own supply unit if the authorised person is also a licensed animal supplier), as this would mark the cessation of the animal's use by the authorised person. Therefore, the authorised person must instead commence taking all reasonable steps to rehome the animal at that time.

In interpreting this section of the *Animal Research Act 1985*, the meanings of a "research project", and the difference between a "research project" and an "animal research authority" must be considered.

#### What is a research project and when does it end?

The Code provides that a research project is: *"...an activity or group of activities that form a discrete piece of work that aims to achieve a scientific purpose."*

The ACEC's approval of a research project will set out the end date of the research project or the time period for which a research project has been approved. The Code does not set a minimum or maximum length of time for research projects and research projects may run for several years.

Authorised persons who operate by keeping the same animals for use in a series of multiple, short-term research activities, will need to either rehome these animals after the conclusion of the first short project in which the animal is used, or align their research into relevant groups of activities that could reasonably be defined under a single, longer research project (aiming to achieve a scientific purpose) in accordance with the Code, if approved by the ACEC (see Example 3).

#### Animal research authorities

In NSW, researchers must also hold an animal research authority under the *Animal Research Act 1985* to carry out animal research (section 47(1)). Animal research authorities remain in force for a maximum of 12 months and so they will need to be reissued if the research project runs for longer than 12 months. Accordingly, the end date of ACEC approval for a research project can be different to the date on which an animal research authority ends.

#### Exemptions

An authorised person does not need to comply with section 54C(1)(a) if the relevant animal is certified by a veterinary practitioner as being unsuitable for rehoming (see section 54E of the *Animal Research Act 1985* and item 5 of this guideline).

**b. Section 54C(1)(b) - “...the animal has been kept by 1 or more authorised persons for animal research for a total of 3 years.”**

In section 54C(1)(b) the obligation to take all reasonable steps to rehome a relevant animal arises when a relevant animal has been kept by 1 or more authorised persons for animal research for a total of 3 years. This rule applies, even if:

- The relevant animal was not used in an animal research project (rather they were being kept by an authorised person who had the intention of using them for a research project); or
- The research project that the relevant animal is used in is longer than 3 years.

Additionally, due to the transitional provisions in the Right to Release amendment (schedule 3 Part 3 of the *Animal Research Act* 1985, see also “Animals kept for research before commencement” in the introductory section of this guideline), there will be circumstances where a relevant animal that was being kept for research immediately before the commencement of the Right to Release amendment (on 25 November 2022) may be used for multiple research projects, and potentially by multiple authorised persons. In these circumstances, section 54C(1)(b) will require an authorised person to take reasonable steps to rehome the animal after the animal has been kept by 1 or more authorised persons for a total of 3 years (i.e., from 25 November 2025).

Exemptions

An authorised person must comply with section 54C(1)(b) unless they obtain the approval of the Panel to keep the relevant animal for animal research for longer than 3 years. The authorised person must comply with any conditions of this approval (see section 54C(4) of the *Animal Research Act* 1985 and item 3.6 of this guideline).

An authorised person does not need to comply with section 54C(1)(b) if the relevant animal is certified by a veterinary practitioner as being unsuitable for rehoming (see section 54E of the *Animal Research Act* 1985 and item 5 of this guideline).

**Examples**

Example 1:

*An authorised person uses a dog for animal research in a 2-year research project. The relevant ACEC has approved the research project. The authorised person obtains an animal research authority for the use of the dog in the research project every 12 months. At the end of the 2-year research project, the authorised person must take all reasonable steps to rehome the dog.*

*In this example, section 54C(1)(a) was met after 2 years as the dog has ceased to be used at the conclusion of the research project.*

Example 2:

*An authorised person uses a cat for animal research in a 3-month research project. The relevant ACEC has approved the research project. The authorised person obtains an animal research authority for the*



use of the cat in the research project. At the end of the 3-month research project, the authorised person must take all reasonable steps to rehome the cat.

*In this example, section 54C(1)(a) was met after 3 months as the cat has ceased to be used at the conclusion of the research project.*

#### Example 3:

*An authorised person uses a dog for animal research in a 3-year research project which involves a group of activities (i.e., multiple related activities aiming to achieve a scientific purpose are grouped under a single research project). The relevant ACEC has approved the research project. The authorised person obtains an animal research authority prior to each activity for which the dog is used during the research project, and/or every 12 months as applicable. At the end of the 3-year research project, the authorised person must take all reasonable steps to rehome the dog.*

*In this example, section 54C(1)(a) was met after 3 years as the dog has ceased to be used at the conclusion of the research project. Section 54C(1)(b) was concurrently met as the total period the dog has been kept for research has reached 3 years.*

#### Example 4:

*An authorised person uses a cat for animal research in a 4-year research project. The relevant ACEC has approved the research project. The authorised person obtains an animal research authority for the use of the cat in the research project every 12 months. The authorised person also applies to, and receives approval from, the Panel to keep the cat for animal research for the 4th year of the research project. At the end of the 4-year research project, the authorised person must take all reasonable steps to rehome the cat.*

*In this example, the authorised person applied for and received approval from the Panel to keep the animal for longer than 3 years (one additional year, i.e. a total of 4 years) under section 54C(4) of the Animal Research Act 1985.*

#### Example 5:

*An authorised person keeps a dog with the intention of using it for animal research. The dog is not the subject of any research project applications to use the dog in a research project. After the authorised person has kept the dog a total of 3-years, the authorised person must take all reasonable steps to rehome the dog.*

*In this example, section 54C(1)(b) was met as the total period the dog has been kept for animal research has reached 3 years.*



### 3.1.3 Information to be provided

#### Legislated requirements

*Animal Research Act 1985 Section 54C*

*(2) For the purpose of subsection (1), reasonable steps include giving the following information about the relevant animal to a suitable individual or an animal rescue organisation who may be able to rehome the animal –*

- (a) the animal's species, breed, age, weight and gender,*
- (b) a description of the animal's general health, physical condition and temperament,*
- (c) whether or not the animal is desexed,*
- (d) whether or not the animal is microchipped and, if so, the microchip number,*
- (e) the date the animal was last vaccinated and wormed,*
- (f) the medications the animal is currently taking,*
- (g) other information prescribed by the regulations.*

#### Additional interpretation

No other information is currently prescribed by the regulations as per section 54C(2)(g).

#### Recommendations

Additional information that should be provided to assist suitable individuals and/or animal rescue organisations in determining if they are able to rehome the relevant animal, and/or to help them prepare for transitioning the animal into their home or facility, includes:

- A photograph of the relevant animal
- Descriptions of:
  - Any other permanent identifying marks or features, e.g., a tattoo number or pattern.
  - The current housing (including environmental enrichment), exercise, handling and socialisation of the relevant animal.
  - Any training the relevant animal has undergone.
- The date the relevant animal began to be kept by the authorised person for research.
- Relevant medical history relating to ongoing veterinary care including surgical procedures, results of diagnostic testing and any current or previous medications.
- Information about any research the relevant animal was used for that may impact its ongoing care after rehoming.
- The findings of:
  - A veterinary assessment completed prior to rehoming, and
  - A temperament and behavioural assessment.

An optional template for the information to be provided about a relevant animal is available for use (see template 1 in the Appendix to this guideline).

## 3.2 Housing & care while awaiting rehoming

### Recommendations

The minimum standard of housing and care for dogs and cats awaiting rehoming should remain as initially approved by the authorised person's ACEC for routine (i.e., non-experimental or "off study") housing of the species, and the relevant Animal Research Review Panel housing guideline for the species.

Once a dog or cat has reached either of the timepoints outlined in item 3.1.2 of this guideline (i.e., the obligation to take all reasonable steps to rehome has commenced), the animal should no longer be used in research.

While awaiting rehoming, a relevant animal should remain under the oversight of the authorised person's ACEC (including inspections and any relevant reporting in accordance with the Code). The ACEC should be regularly updated on all animals awaiting rehoming, and the progress of efforts to rehome them.

Authorised persons should also note that where a relevant animal is no longer being kept for use or supply in connection with research, the provisions of the *Prevention of Cruelty to Animals Act 1979* apply to that animal.

## 3.3 Dogs & cats unable to be rehomed

### Recommendations

If an authorised person has been unable to rehome a relevant animal despite taking all reasonable steps as outlined in item 3.1.1 of this guideline, the authorised person should keep the relevant animal at their facility in a state of retirement, noting that its housing and care should continue to be as per item 3.2 of this guideline. The ACEC should be advised of this outcome of the rehoming process.

The time point at which a relevant animal could proceed to being kept in a state of retirement is at the discretion of the authorised person and should be incorporated into rehoming policies and procedures. This may be at the stage where initial rehoming attempts (as per item 3.1.1b of this guideline) have been unsuccessful and a transition is made into ongoing rehoming attempts (as per item 3.1.1c).

If the relevant animal remains suitable for rehoming, the authorised person should continue to make attempts to rehome the relevant animal as per item 3.1.1c, and the relevant animal should not be:

- Subject to further use in research,
- Supplied to another authorised person or a licensed animal supplier for use in connection with research, or
- Euthanased solely because it cannot be rehomed.

### 3.4 Placement failure

#### Recommendations

Placement failure is defined here as a situation where a dog or cat has initially been successfully rehomed to a suitable individual, who becomes the relevant animal's new owner, but the new owner later becomes unable to keep the animal.

Authorised persons should consider the support they may be able provide in response to becoming aware of placement failure. This should be incorporated into the authorised person's rehoming policies and procedures (see item 3.1.1a of this guideline and item 16 in the Animal Research Review Panel Guideline 27 – Research Animal Rehoming Guidelines).

The reasons for placement failure may be due to factors outside of the authorised person's control. Nonetheless, authorised persons and their ACEC should also review any reports of placement failure and consider if any changes to their rehoming procedures or policies could prevent or minimise the risk of a similar situation occurring in the future.

If the new owner contacts the authorised person to advise that they can no longer keep the relevant animal, and/or they request assistance in finding a new home for the relevant animal, the authorised person should consider what assistance and advice they may be able to provide. This could include the relevant animal being:

- Rehomed to another suitable individual by the new owner,
- Surrendered to an animal rescue organisation by the new owner, or
- Returned to the authorised person for further attempts at rehoming.

Noting that if a dog or cat that has been rehomed is returned to the authorised person, the relevant animal cannot be acquired under an animal supplier licence or kept by that or any other authorised person for use in connection with research (see also item 9 in this guideline). Any returned dog or cat must be solely kept as a non-research animal while awaiting rehoming, as per item 3.2 in this guideline, and the authorised person should recommence taking reasonable steps to rehome the relevant animal as soon as practicable.

Authorised persons are reminded that they are not obliged to provide this assistance under the *Animal Research Act 1985* but can choose to do so if they are able.

### 3.5 Special circumstances

The Department and the Panel have considered that there may be some special circumstances that require discretion in the application of the Right to Release amendment.

Companion animals owned by individuals and kept primarily for purposes other than research are already exempt from the rehoming requirements of the Right to Release amendment, as per the explanatory note in section 54C of the *Animal Research Act 1985* (see also the "Background" section of this guideline).

The below scenarios in items 3.5.1 and 3.5.2 are intended to account for animals that may not meet the precise terms of the exemption in section 54C of the *Animal Research Act 1985* but may be exempted by the Department based on other reasonable grounds.

ACECs should consider whether they support animals under their oversight being exempted from the Right to Release amendment in accordance with the scenarios in items 3.5.1 and 3.5.2 of this guideline. This consideration can occur during the ACEC's review of project applications and/or other reports (e.g. annual or final). The ACEC's decision can be recorded via normal meeting minutes, and/or by any other means the ACEC and authorised person choose. Authorised persons do not need to apply to, or notify, the Department or the Panel where this occurs.

The Department and the Panel may follow up on any special circumstances if indicated via correspondence, inspections and/or the assessment of routine accreditation renewal applications.

### **3.5.1 Dogs & cats primarily kept in another state or territory**

Dogs and cats primarily kept in another state or territory and brought into NSW temporarily for use in animal research may be exempted by the Department from the requirements for rehoming (Part 6A of the *Animal Research Act 1985*) if the authorised person can demonstrate to the satisfaction of the Department that they have the support of their ACEC, and:

- The use in research in NSW is short-term (typically, this means no greater than 1 month per instance and no greater than 3 months of cumulative use in NSW in any 12-month period).
- The relevant animal is registered in, and/or primarily is kept in, another state or territory.
- The intention is for the relevant animal to return to the state or territory where it is primarily kept and/or registered following the conclusion of its use in NSW.
- While in NSW, the relevant animal is not kept within an animal research facility (being a facility intended primarily for the keeping of that species for use in animal research, that is designated land under an accredited research establishment, animal research authority or animal supplier's licence).

### **3.5.2 Detection dogs & other working animals**

Detection dogs, conservation dogs and other specialised working or service animals (e.g., herding dogs, guide dogs, etc) that are used at times in research projects may be exempted by the Department from the requirements for rehoming (under Part 6A of the *Animal Research Act 1985*) if the authorised person can demonstrate, to the satisfaction of the Department, that they have the support of their ACEC, and the relevant animal is:

- Kept primarily for a purpose other than use in research (e.g., as a working, companion or service animal).
- Not kept within an animal research facility (being a facility intended primarily for the keeping of that species for use in animal research, that is designated land under an accredited research establishment, animal research authority or animal supplier's licence).

### 3.6 Applying to keep a dog or cat for longer than 3 years

#### Legislated requirements

*Animal Research Act 1985 Section 54C*

- (4) Subsection (1)(b) does not apply to an authorised person who keeps an animal for animal research if—
- (a) on application from the authorised person, the Panel approves the keeping of the animal for research for longer than 3 years, and
  - (b) the authorised person complies with any conditions of the approval.
- (5) An application for approval under subsection (4)(a) must not be made without the approval of the animal care and ethics committee supervising the research project.
- (6) The animal care and ethics committee must not give approval unless—
- (a) the committee is satisfied the animal research project is justified to run for longer than 3 years, and
  - (b) at least 1 Category A member of the committee is satisfied animal welfare will not be compromised.
- (7) An application under subsection (4)(a) must include—
- (a) proof of the animal care and ethics committee's approval, and
  - (b) the reasons the committee is satisfied the project is justified to run for more than 3 years.

#### Additional interpretation

In accordance with section 54C(4)(a) of the *Animal Research Act 1985*, a relevant animal can be kept for longer than 3 years before all reasonable steps to rehome the dog or cat must be taken if the Panel approves an application made by the authorised person for a research project.

Applications to the Panel cannot be made without the prior approval of the ACEC supervising the research project, and evidence of ACEC approval must be submitted with the application. The ACEC's approval is subject to the ACEC being satisfied that the research project is justified to run for longer than 3 years (section 54C(6)(a)), and at least 1 Category A member (as defined in clause 2.2.4(1) of the Code) being satisfied that animal welfare will not be compromised (section 54C(6)(b)). In assessing the application, the ACEC must operate in compliance with the *Animal Research Act 1985*, the *Animal Research Regulation 2021* and the Code, including by maintaining a quorum and keeping records of minutes and decisions made. A form to provide evidence of the ACEC's approval of the project is available on the Department's Animal Ethics Infolink website, and via a link within the application form. A completed copy of this will need to be attached to the application.

The Panel can place conditions on any approval it grants under section 54C(4)(a). Authorised persons must comply with any such conditions.

If the Panel refuses an application under section 54C(4)(a), the authorised person must comply with section 54C(1) and take all reasonable steps to rehome the relevant animal once it has been kept for animal research for a total of 3 years, or it ceases to be used in research (whichever occurs first, as per item 3.1.2 of this guideline).

Decisions of the Panel under section 54C(4)(a) are not subject to review by the Department. Procedural fairness will be applied by the Panel, and applicants can submit a request to the Panel for a review of its decision.

Additionally, authorised persons are reminded of their obligation under section 54F of the *Animal Research Act 1985* to keep records of each application made under section 54C(4)(a), and the Panel's decision regarding each application (see also item 6 of this guideline).

## **Recommendations**

Applications to keep a dog or cat for longer than 3 years under section 54C(4)(a) of the *Animal Research Act 1985* can be submitted via the Department's Animal Ethics Infolink website (see "Forms" in the Appendix to this guideline).

Applications to keep a relevant animal for longer than 3 years should be submitted by authorised persons as soon as it is known there will be a need for the research project to extend beyond 3 years (this can be at the time the research project is first approved by the ACEC, if preferred). In most cases, applications should be submitted no less than 6 months prior to the relevant animal having been kept for 3 years, to allow sufficient time for the application to be assessed by the Panel.

Applications must be linked to a specific research project, and the period requested beyond 3 years must be the same for all animals in a single application. If different time periods beyond 3 years are to be requested for different animals, then separate applications should be submitted.

Applicants will be required to provide information about each dog or cat that is the subject of the application for that research project. A spreadsheet to capture this information is available on the Department's Animal Ethics Infolink website (see "Forms" in the Appendix to this guideline). A completed copy of this spreadsheet will need to be attached to the application.

Applications will be assessed by the Panel on a case-by-case basis. The Panel will consider aspects including:

- Justification for keeping the relevant animal longer than 3 years (both scientific and ethical).
- History and current status of the relevant animal (including age, supply history and previous owners, health status, housing and enrichment, etc.)
- Nature of the research project the relevant animal would be used in.
- Nature of any previous use in research.
- Measures the authorised person would take to protect animal welfare.
- The authorised person's adherence to regulatory requirements and ongoing compliance with the *Animal Research Act 1985*, *Animal Research Regulation 2021* and the Code, including the outcomes of any prior inspections and complaint investigations.

Authorised persons should also note the following positions of the Panel regarding applications under section 54C(4)(a) of the *Animal Research Act 1985*:

- The standard additional period the Panel will consider approving a dog or cat being kept for is 1 year. Applicants can request longer periods, and these will be assessed on a case-by-case basis.

- If a dog or cat has already been the subject of an approved extension application under section 54C(4)(a), the Panel will not typically approve any re-applications for continuing to keep the same dog or cat unless there are exceptional circumstances.
- Reporting to the Panel on the status of the research project and the relevant animals will be required (at a minimum frequency of annually, as determined on a case-by-case basis).

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## 4. Confidentiality (section 54D)

### Legislated requirements

#### *Animal Research Act 1985 Section 54D*

- (1) A suitable individual or an animal rescue organisation with whom a relevant animal is rehomed under section 54C must not disclose identifying information about an authorised person who kept the animal for animal research.*
- (2) Subsection (1) does not apply if the disclosure is made —*
- (a) with the consent of the authorised person, or*
  - (b) in connection with the administration or execution of this Act, or*
  - (c) for the purposes of any legal proceedings arising out of this Act, or*
  - (d) with other lawful excuse.*

### Recommendations

Authorised persons should ensure that suitable individuals and animal rescue organisations are aware of their responsibility not to disclose information about the authorised person, including where such information is provided to them as per item 3.1.3 of this guideline.

The optional “Rehoming Agreement” template (see template 2 in the Appendix to this guideline) includes a declaration by the suitable individual or animal rescue organisation that they will not disclose identifying information about the authorised person, unless in accordance with section 54D(2) of the *Animal Research Act 1985*.



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## 5. Dogs & cats unsuitable for rehoming (section 54E)

### Legislated requirements

*Animal Research Act 1985 Section 54E*

- (1) *If a relevant animal is certified by a veterinary practitioner registered under the Veterinary Practice Act 2003 to be unsuitable for rehoming, the authorised person is not required to comply with section 54C.*
- (2) *A certificate given under subsection (1) must include the reasons the animal is unsuitable for rehoming.*
- (3) *A veterinary practitioner who gives a certificate under subsection (1) must —*
- (a) be independent of the authorised person to whom the certificate is given, and*
  - (b) have expertise in the welfare of animals of the species of the relevant animal.*

### 5.1 Suitability for rehoming

#### Recommendations

The primary reasons a dog or cat may be unsuitable for rehoming are likely to be behavioural (e.g., severe anxiety or aggression) and/or medical (e.g., a severe, debilitating and chronic medical condition). It is also possible that dogs or cats may be unsuitable for rehoming due to biosecurity reasons.

Authorised persons should provide the veterinary practitioner assessing a relevant animal's suitability for rehoming with sufficient records and information to allow this assessment to be made. This may include ensuring the veterinary practitioner has a copy of this guideline and providing copies of any records relating to the relevant animal's care, medical history and use in research. Reasonable requests by a veterinary practitioner for further records and information (including access to staff who are familiar with the relevant animal) should not be denied.

Where euthanasia is deemed necessary by a veterinary practitioner, this must not be delayed while awaiting certification as unsuitable for rehoming if such a delay will result in poor animal welfare outcomes.

The ACEC should be advised of the outcome of the rehoming process, including when any animal is certified as unsuitable for rehoming.

#### 5.1.1 Behavioural

##### Recommendations

The veterinary practitioner should ensure that a temperament and behavioural assessment has been carried out on the relevant animal as per item 2.3 of this guideline. This should be carried out by a suitably qualified and/or experienced individual (being a person with relevant qualifications and/or recent experience in behavioural assessments of that species – this may also be the veterinary



practitioner) and be based on observations made across multiple time points and contexts. Staff such as animal attendants who are familiar with the relevant animal should also be consulted with.

If the results of this assessment indicate that dog or cat may be unsuitable for rehoming, the veterinary practitioner should first consider whether rehoming may still be possible if:

- The new owner can meet particular criteria (e.g., working from home, having experience with animals with behavioural issues).
- The nature of the household is carefully selected (e.g., there are no children or other animals).
- Other treatments may be sufficient to address any concerns (e.g., medication).

### 5.1.2 Medical

#### Recommendations

Veterinary practitioners should not certify a dog or cat as unsuitable for rehoming on medical grounds unless they are satisfied that the medical condition:

- Raises significant quality of life concerns (i.e., the dog or cat will experience an unacceptably poor quality of life), and/or
- Is chronic in nature and cannot be treated or sufficiently managed with surgical and/or pharmacological measures, and/or
- Cannot be adequately managed logistically and/or financially (this should be discussed with animal rescue organisations and prospective owners).

### 5.1.3 Age

#### Recommendations

Age should not in itself be grounds for a dog or cat being certified as unsuitable for rehoming. However, age may compound behavioural or medical issues and therefore may be a contributing factor to the veterinary practitioner's assessment.

## 5.2 Veterinary practitioners

#### Additional interpretation

Veterinary practitioners issuing a certificate under section 54E must:

- Be registered under the *Veterinary Practice Act 2003*, and
- Be independent of the authorised person to whom the certificate is given, and
- Have expertise in the welfare of animals of the species of the relevant animal.

## **Recommendations**

### **Independence**

To demonstrate independence from the authorised person (as per section 54E(3)(a) of the *Animal Research Act 1985*), the veterinary practitioner should be external to the authorised person and their activities and should not have any other current or former personal, family, business or financial relationship with the authorised person or their representatives that could be considered an actual, potential or perceived conflict of interest. This would include the veterinary practitioner not being:

- A current or former employee of the authorised person.
- A current or former member of the authorised person's ACEC.
- Currently or formerly involved in the use of that dog or cat in research.

Noting that any financial or business relationship with a veterinary practitioner for the purpose of completing an assessment of suitability for rehoming would be excluded from the above considerations.

It is also recommended that a veterinary practitioner who certifies a relevant animal as unsuitable for rehoming is not the authorised person's regular veterinary practitioner or veterinary practice (i.e., not providing the ongoing routine program of veterinary care for their animals), even if they are external to the authorised person, as this ongoing relationship could be perceived as a conflict of interest. However, it is acknowledged that in some circumstances (e.g., for authorised persons with facilities in remote locations) this may not be practical.

### **Expertise**

To demonstrate having expertise in the welfare of the species of relevant animal, the veterinary practitioner issuing the certificate should have recent clinical experience in examining and treating the species in question.

If certifying a relevant animal as unsuitable for rehoming on behavioural grounds, the veterinary practitioner should ideally also have recent experience in the behavioural assessment and management of the relevant species.

## **5.3 Form of certificate**

### **Additional interpretation**

A certificate issued under section 54E of the *Animal Research Act 1985* must include the reasons the relevant animal is unsuitable for rehoming (section 54E(2)).

Additionally, authorised persons are reminded of their obligation under section 54F of the *Animal Research Act 1985* to keep records of any certificates issued under section 54E (see also item 6 of this guideline).

Certificates do not need to be submitted to the Department or the Panel, however annual reporting on these certificates is required via Form L: annual animal use statistics (see also item 8 in this guideline).

## **Recommendations**

In addition to the legislated requirements, the certificate should also include:

- A declaration of the veterinary practitioner's independence from the authorised person, and
- A statement on how measures to improve the relevant animal's suitability for rehoming have been considered, and why any such measures have been considered unachievable or impractical.

The certificate should be completed within a reasonable period (ideally 1 month) after the most recent examination of the relevant animal carried out by that veterinary practitioner.

An optional template for this certificate is available for use (see template 3 in the Appendix to this guideline).

## **5.4 Fate of dogs & cats unsuitable for rehoming**

### **Additional interpretation**

Section 54E(1) of the *Animal Research Act 1985* states that authorised persons are not required to comply with section 54C of the *Animal Research Act 1985* if a relevant animal is certified as unsuitable for rehoming (by a veterinary practitioner as per section 54E(3) of the *Animal Research Act 1985*). This means that authorised persons do not have to take reasonable steps to rehome the relevant animal.

### **Recommendations**

Any relevant animal certified as unsuitable for rehoming should be kept by the authorised person in a state of retirement (if suitable for their quality of life in accordance with advice from a veterinary practitioner) and given any necessary veterinary treatment, noting that ongoing housing and care should be as per item 3.2 of this guideline and that the *Prevention of Cruelty to Animals Act 1979* may apply to this animal.

It is recommended that the relevant animal is not used in any further research by the authorised person (or any other authorised person) after reaching the timepoint outlined in item 3.1.2 of this guideline and is also not supplied to a licensed animal supplier, in NSW or equivalent persons in interstate or overseas jurisdictions.

Dogs and cats should not be euthanased solely because they have been certified as unsuitable for rehoming. However, the reasons for the certification as unsuitable for rehoming may be justification for euthanasia (e.g., poor quality of life due to a chronic medical or behavioural condition).

The ACEC should be notified of the fate of any animal certified as unsuitable for rehoming.

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## 6. Record keeping (section 54F)

### Legislated requirements

#### *Animal Research Act 1985 Section 54F*

*An authorised person must keep the following for each relevant animal kept by the person for animal research —*

- (a) records of the reasonable steps taken under section 54B and 54C,*
- (b) records of all communications with suitable individuals and animal rescue organisations about rehoming the animal,*
- (c) details of a suitable individual or an animal rescue organisation with whom the animal has been rehomed,*
- (d) a certificate issued under section 54E,*
- (e) a copy of —*
  - (i) each application made under section 54C(4)(a), and*
  - (ii) the Panel's approval or refusal of each application.*

*Maximum penalty — 20 penalty units*

### Additional interpretation

The keeping of records as outlined in section 54F is compulsory, and failure to do so may result in a Court imposed penalty (maximum 20 penalty units). Records can be subject to review by inspectors appointed under the *Animal Research Act 1985* during inspections, as per the powers under section 50 of this Act. Records must also be kept to ensure that authorised persons can accurately report to the Department, as per item 8 in this guideline.

Additionally, authorised persons are reminded of their obligations under Schedule 2 Part 2 of the *Animal Research Regulation 2021* and clause 2.2.30 of the Code to keep records relating to research project applications and ACEC decisions.

### Recommendations

An optional template is available for record keeping relating to rehoming under Part 6A of the *Animal Research Act 1985* (see template 4 in the Appendix to this guideline).

It is recommended that all records relevant to Part 6A of the *Animal Research Act 1985* are kept for a minimum of 7 years after the record is made.

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## 7. Condition of authority or accreditation (section 54G)

### Legislated requirements

#### *Animal Research Act 1985 Section 54G*

- (1) It is a condition of the accreditation of an animal research establishment or of an animal research authority that the accredited establishment or the authority holder comply with this Part.*

### Additional interpretation

Authorised persons should be aware that section 54G has the following implications:

- Compliance with Part 6A of the *Animal Research Act 1985* is taken to be a condition of the accreditation of a research establishment, or any animal research authority issued for the use of animals in research in NSW, regardless of whether this condition is explicitly written on the accreditation or authority.
- Statutory complaints mechanisms under the *Animal Research Act 1985* (sections 22(1)(d) and 28(1)(c)) can be activated regarding any failure by an accredited research establishment or animal research authority holder to comply with Part 6A of the *Animal Research Act 1985*. The potential outcomes of a statutory complaint investigation include dismissal of the complaint, caution or reprimand, suspension of the relevant accreditation or authority, or cancellation of the relevant accreditation or authority.

## *Animal Research Regulation 2021*

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### 8. Reporting (section 24(5))

#### Legislated requirements

*Animal Research Regulation 2021 section 24*

- (5) *The report must, where relevant, include the following information —*
- (a) the total number of animals rehomed under the Act, section 54C,*
  - (b) the total number of animals unable to be rehomed under the Act, section 54C and a summary of the reasons the animals were unable to be rehomed,*
  - (c) the number of applications made under the Act, section 54C(4)(a),*
  - (d) the number of applications made under the Act, section 54C(4)(a) that were approved,*
  - (e) the number of applications made under the Act, section 54C(4)(a) that were refused,*
  - (f) the length of each animal research project for which an application under the Act, section 54C(4)(a) was approved,*
  - (g) the total number of certificates received by the authorised person under the Act, section 54E and a summary of the reasons the animals were unsuitable to be rehomed,*
  - (h) for an animal that was euthanased, whether the animal was euthanased —*
    - (i) because the animal was unable to be rehomed under the Act, section 54C(1), or*
    - (ii) because the animal was certified under the Act, section 54E as unsuitable for rehoming, or*
    - (iii) for another reason and, if so, the reason.*

### Additional interpretation

Authorised persons need to be aware of the requirements imposed under section 24(5) of the *Animal Research Regulation 2021*, particularly about records that must be kept by them to allow for this reporting to be completed.

This reporting is captured in “Form L: Animal use statistics” along with the regular annual animal use and ACEC reporting already submitted by authorised persons. Form L and a guidance document for its completion and submission are available on the Department’s Animal Ethics Infolink website (<https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/forms>).

For authorised persons using the Secretary’s ACEC, Form L reporting will continue to be captured via this ACEC, and the additional information outlined in section 24(5) of the *Animal Research Regulation 2021* is to be provided directly to the Secretary’s ACEC for submission to the Department.

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## 9. Supply of dogs & cats (Schedule 1, item 11A)

### Legislated requirements

*Animal Research Regulation 2021 Schedule 1*

*11A Animals that have been rehomed*

*A licensed animal supplier must not accept an animal for use in connection with animal research if the animal has previously been rehomed under the Act, section 54C.*

### Additional interpretation

Under the Right to Release amendment, a licensed animal supplier must ensure that they do not accept an animal if it has already been rehomed under section 54C of the *Animal Research Act 1985*. This ensures that animals previously kept by authorised persons for use in research and then rehomed are not transferred back into research facilities via those holding an animal supplier’s licence.

In addition to the above, licensed animal suppliers are reminded of their obligation under Schedule 2 Part 2 of the *Animal Research Regulation 2021* to maintain records of all dogs or cats they acquire in the approved form (Form N – Licensed Animal Supplier Record for Dogs and Cats, available at <https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/forms>).

### Recommendations

To demonstrate compliance with this section of the *Animal Research Regulation 2021*, licensed animal suppliers should collect a declaration from the previous owner of any dog or cat they are accepting, confirming that the relevant animal has not been previously rehomed under section 54C of the *Animal Research Act 1985*. Form N contains such a declaration and is available on the Department’s Animal Ethics Infolink website (<https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/forms>).

# Appendix

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## Templates

- 1 – Animal information
- 2 – Rehoming agreement
- 3 – Certificate for animals unsuitable for rehoming
- 4 – Record of animal rehoming

These are optional resources available via the Department's Animal Ethics Infolink website:  
<https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/rehoming-dogs-and-cats>

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## Forms

- Apply to keep a dog or cat for longer than 3 years
  - Individual animal information spreadsheet
  - Animal Care and Ethics Committee approval form
- Form L – Annual animal use statistics
  - Guidance on completing Form L: annual animal use statistics
- Form N – Supplier's record for dogs and cats

These forms and documents are available via the Department's Animal Ethics Infolink website:  
<https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/forms>

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## Animal Research Review Panel guidelines

- Animal Research Review Panel Guideline 27 - Research Animal Rehoming Guidelines
- Animal Research Review Panel Guideline 27-C - Research Animal Rehoming Guideline - Cats
- Animal Research Review Panel Guideline 27-E - Research Animal Rehoming Guideline - Dogs
- Animal Research Review Panel Guideline 14 - Guidelines for the Care and Housing of Dogs in Scientific Institutions

All Animal Research Review Panel guidelines are available via the following link:  
<https://www.dpi.nsw.gov.au/dpi/animals/animal-ethics-infolink/arrp-policies,-guidelines-and-factsheets>

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