

Western Australia

**Prevention of Cruelty to Animals Act —
Control of Vivisection and Experiments
Regulations 1959**

As at 23 Oct 1997

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Western Australia

Prevention of Cruelty to Animals Act — Control of Vivisection and Experiments Regulations 1959

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PREVENTION OF CRUELTY TO ANIMALS ACT 1920

**Prevention of Cruelty to Animals Act —
Control of Vivisection and Experiments
Regulations 1959**

1. Citation of regulations

These regulations may be cited as the *Prevention of Cruelty to Animals Act — Control of Vivisection and Experiments Regulations 1959*.

2. Interpretations

In these regulations unless the context requires otherwise —

“**Act**” means the *Prevention of Cruelty to Animals Act 1920*, as amended from time to time;

“**animal**” means any domestic or captive animal;

“**authorised person**” means a person authorised by the Governor under regulation 4 of these regulations to perform vivisection and other experiments;

“**captive animal**” has the same meaning as the interpretation of that expression in section 3 of the Act;

“**domestic animal**” has the same meaning as the interpretation of that expression in section 3 of the Act.

3. Application of regulations

These regulations apply to any vivisection or other experiments, or operation performed on an animal except that vivisection, or

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those other experiments, or operations exempted from the provisions of the Act by paragraphs (a), (b), (c), (d), (e) and (g) of subsection (1) of section 6 of the Act.

4. Application for authority to perform vivisection and experiments

- (1) A person who desires to perform vivisection, or other experiments, or operations, on animals may apply to the Governor for authority to do so.
- (2) The person who makes the application referred to in subregulation (1) of this regulation —
 - (a) shall complete form No. 1 in the Schedule to these regulations;
 - (b) shall attach to the application two testimonials made by persons who know the applicant as to the character of the applicant; and
 - (c) shall lodge the completed application with the Commissioner of Health.
- (3) The Commissioner of Health shall deliver the application to the Governor who may grant or refuse the application.
- (4) Where the application is granted by the Governor notice of the granting of the authority shall be published in the *Gazette*.
- (5) A copy of the authority in form No. 2 in the Schedule to these regulations shall be delivered to the authorised person named on the authority and he shall affix the same in a prominent position at the premises in which operations are to be conducted.
- (6) Every authority granted after the commencement of this subregulation shall remain in force for a period of twelve months from the date of the granting thereof unless sooner withdrawn pursuant to regulation 6 of these regulations.

[Regulation 4 amended in Gazette 7 September 1966 p.2385; 2 August 1985 p.2693; 1 August 1997 p.4397 (Disallowance published in Gazette 28 October 1997 p.5982).]

5. Conditions of authority

- (1) The Governor may include conditions in the authority referred to in regulation 4 of these regulations.
- (2) Without limiting the generality of subregulation (1) of this regulation the Governor may direct by the conditions in the authority —
 - (a) the premises at which the authorised persons may conduct operations on animals;
 - (b) where an authorised person conducts an operation on an animal, the persons or class of persons who may be present at the operation;
 - (c) the measures to be observed by the authorised person with regard to the premises at which operations are conducted on animals to ensure that no unauthorised person may see an animal which is, or has been, the subject of vivisection or other experiments, or operation; and
 - (d) that the authorised persons comply with the provisions of regulation 8 of these regulations.

6. Variation of conditions or withdrawal of authority

The Governor may by notice published in the *Gazette* vary the conditions of an authority or withdraw the authority.

7. Regulation of operations

- (1) No person shall conduct an operation to which these regulations apply unless he is an authorised person.
- (2) An authorised person who performs an operation shall observe the following conditions which apply to that operation and to the animal the subject of the operation —

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- (a) the animal subject to the operation shall, during the whole time thereof, be so under the influence of some anaesthetic as to be insensible to pain;
- (b) when the animal has in the course of the operation been so injured that its recovery would involve serious suffering, it shall be destroyed while still insensible; and
- (c) an animal which has suffered one operation shall not be subjected to another.

8. Particulars to be kept and supplied by authorised person

Where an authorised person conducts an operation on an animal that person —

- (a) shall keep a full and complete record in writing of the particulars of the animal and the nature and result of the operation;
- (b) shall permit the Commissioner of Health, or any person authorised by him in writing, to have access to and take extracts from the record referred to in paragraph (a) of this regulation; and
- (c) shall supply in writing a true copy of any particulars contained in the record to the Commissioner of Health whenever he is requested by him to do so.

Schedule

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Prevention of Cruelty to Animals Act 1920

Form No. 1

**APPLICATION FOR AUTHORITY TO PERFORM OPERATIONS
AND EXPERIMENTS ON ANIMALS**

Name.
Address
Qualifications
Occupation or Appointment
Place where operation or experiment is to be carried out
.....
Nature and purpose of operation or experiment
.....
Proposed means to be adopted to prevent pain to animals
.....
Type of animals to be used
.....
Type of accommodation for keeping animals
.....
Means of disposal of carcasses
.....

.....
Signature of Applicant
Date

Sch.

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Form No. 2

**AUTHORITY TO PERFORM OPERATIONS OR EXPERIMENTS
ON ANIMALS**

His Excellency the Governor, with the advice and consent of Executive Council, has granted authority to
..... of
to perform operations and/or experiments on animals subject the conditions endorsed on the reverse side of this Authority.

Issued at Perth this day of
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.....
Commissioner of Health

[Schedule amended in Gazette 2 August 1985 p.2693.]

Notes

- ¹ This is a compilation of the *Prevention of Cruelty to Animals Act — Control of Vivisection and Experiments Regulations 1959* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Prevention of Cruelty to Animals Act — Control of Vivisection and Experiments Regulations 1959</i>	16 Oct 1959 pp.2598-2600	16 Oct 1959
	7 Sep 1966 p.2385	
	2 Aug 1985 pp.2692-3	
<i>Prevention of Cruelty to Animals Act — Control of Vivisection and Experiments Amendment Regulations 1997</i>	1 Aug 1997 p.4397 Disallowance effective on and from 23 Oct 1997 (see <i>Gazette</i> 28 Oct 1997 p.5982)	1 Aug 1997