

NORTHERN TERRITORY OF AUSTRALIA

APPLICATION FOR A VARIATION OF A LICENCE TO USE PREMISES FOR TEACHING OR RESEARCH INVOLVING ANIMALS

Animal Welfare Act, section 36

PLEASE PRINT CLEARLY

I apply for a variation of a licence, to use the premises described below for teaching or research involving animals, and enclose the fee of \$50.00 (GST exempt).

1.	<p>Name of Applicant* _____</p> <p>Postal address of applicant _____</p> <p>Licence No: _____ Date of issue / / 20 Expiry Date / / 20</p> <p>Name of licensed Teaching/Research organisation, or individual _____</p> <p>ABN _____ Position/Title _____</p> <p>Telephone _____ Fax _____</p> <p>Email _____</p> <p><small>* Applicant may be a body corporate, an individual or a partnership. Refer to section 31(2) of the <i>Animal Welfare Act</i>.</small></p>
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2.	<p>Reason for the variation of the Licence issued above</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Date: / / 20 _____
 Signature of applicant, or person authorised to sign on behalf of organisation.

.....
ANIMAL WELFARE AUTHORITY **APPROVED/NOT APPROVED**

LICENCE No: EXPIRY DATE:/...../ 20..... RECEIPT No:.....

Return to: Animal Welfare Authority
 Department of Local Government Housing and Sport
 GPO Box 4621, Darwin NT 0801
 Telephone: 1300 720 386 Fax: (08) 8999 8520


Northern Territory Government

NOTES ACCOMPANYING APPLICATION

EXCERPT FROM THE *ANIMAL WELFARE ACT*

PART 5 – TEACHING OR RESEARCH INVOLVING ANIMALS

Division 1 – Licence to use premises for teaching or research

29. When licence required

(1) A person may use premises for teaching or research only if the person holds a licence.

Penalty: 10 penalty units (ie \$1,000) or imprisonment for 12 months.

(2) A person holding a permit, or a person assisting a permit holder to conduct a teaching or research program, does not require a licence.

(3) A person in charge of animals in a child-care establishment, pre-school or educational institution does not require a licence unless the animals are used or intended to be used for scientific teaching purposes.

30. Application for licence

(1) An applicant for a licence must lodge with the Authority an application in the approved form accompanied by the approved fee.

(2) The Authority may request the applicant to provide the additional information that the Authority considers necessary to enable the Authority to determine whether or not to grant a licence.

31. Consideration of application

(1) In determining whether or not to grant a licence, the Authority must consider

–

- (a) the nature and purpose of the teaching or research to be conducted on the premises;
- (b) whether the applicant is a fit and proper person to hold a licence, including whether the applicant has been found guilty of an offence under animal welfare legislation in Australia;
- (c) the experience and competency of the applicant in the care and handling of animals;
- (d) the adequacy of the premises, equipment and other facilities to be used in connection with the breeding, care, use or handling of animals;
- (e) the adequacy of the applicant's arrangements for the provision of veterinary treatment to the animals to be kept, used or bred in or on the premises;
- (f) whether the applicant complied with a request for additional information; and
- (g) any other matter the Authority considers relevant.

(2) A reference in this section to an applicant includes a reference to the following:

- (a) if the applicant is a body corporate – an officer of the body corporate;
- (b) if the applicant is a partnership – each of the partners, whether or not the partner's name appears on the application form.

32. Refusal to grant licence

(1) If the Authority is not satisfied in respect of the matters referred to in section 31, the Authority may refuse to grant a licence.

(2) The Authority must inform the applicant in writing of the refusal, stating –

- (a) the reasons for the refusal;
- (b) the findings on the facts and circumstances underlying those reasons and the material on which those findings were based; and
- (c) the right of appeal under this Act.

33. Grant of licence

(1) If the Authority is satisfied in respect of the matters referred to in section 31, the Authority may grant a licence.

(2) A licence is to be issued in the approved form and is to specify the conditions to which the licence is subject.

34. Conditions of licence

(1) A licence is subject to the conditions that the licensee must –

- (a) establish and maintain an ethics committee in accordance with the Regulations or enter into an arrangement with an established ethics committee that has agreed to exercise its powers and perform its functions in relation to the licensee; and
- (b) comply with directions given to the licensee by the ethics committee.

(2) A licence may be subject to the additional conditions that the Authority considers are desirable for the welfare of the animals to be used or bred in or on the licensed premises, including that the licensee must –

- (a) make specified provisions for the breeding, care, use or handling of the animals;
- (b) provide specified facilities or equipment for use in connection with the animals;
- (c) consult with or seek the approval of the ethics committee about specified matters;
- (d) provide the ethics committee with the information it requests relating to the teaching or research under the licence; and
- (e) comply with a specified adopted code of practice.

35. Duration and renewal of licence

(1) A licence takes effect on the date it is issued and continues in force for 3 years, subject to its suspension, cancellation or surrender.

(2) Before the date of expiry, the licensee may apply to the Authority for a renewal of the licence.

(3) An application for renewal is to be in the approved form and accompanied by the approved fee.

(4) The Authority may renew a licence for a further 3 years if it is satisfied in respect of the matters referred to in section 31.

36. Application for variation of licence

(1) A licensee may apply for the variation of a licence by lodging with the Authority an application in the approved form accompanied by the approved fee.

(2) The Authority may request the licensee to provide the additional information that the Authority considers necessary to enable the Authority to determine whether or not to vary the licence.

(3) After considering an application for a variation and any further information provided by the licensee, the Authority may –

- (a) vary the licence; or
- (b) refuse to vary the licence,

if the Authority believes on reasonable grounds that it is desirable in the interests of animal welfare to do so.

37. Variation of licence without application

(1) If the Authority believes on reasonable grounds that it is desirable in the interests of animal welfare to vary a licence, it may give the licensee a notice in the approved form –

- (a) specifying the proposed variation and the reason it is believed to be desirable; and
- (b) inviting the licensee to show cause, in writing and within a specified period, why the licence should not be varied as proposed.

(2) On the expiry of the period specified in the notice, and after considering any representations made by the licensee, the Authority may vary the licence if satisfied on reasonable grounds that it is desirable in the interests of animal welfare to do so.

(3) If the Authority varies a licence –

- (a) the Authority must request the licensee, by written notice, to lodge the licence with the Authority within the period specified in the notice;
- (b) the licensee must comply with the notice without delay; and
- (c) the Authority must enter the variation on the licence and return it to the licensee as soon as practicable.

38. Cancellation or suspension of licence

(1) If the Authority believes on reasonable grounds that it is desirable in the interests of animal welfare to cancel or suspend a licence, it may do so in accordance with this section.

(2) The reasonable grounds on which a licence may be cancelled or suspended include the following:

- (a) that the licensee has been found guilty of an offence under this Act;
- (b) that the Authority believes on reasonable grounds that the licensee –
 - (i) obtained the licence improperly;
 - (ii) has failed to comply with a condition of the licence; or
 - (iii) is not a fit and proper person to continue holding the licence.

(3) The Authority must give the licensee a written notice stating –

- (a) that the Authority proposes to cancel or suspend the licence;
- (b) in the case of a proposed cancellation – the date on which the cancellation will come into effect;
- (c) in the case of a proposed suspension – the period of the suspension and the conditions the licensee must comply with to avoid cancellation of the licence;
- (d) the interests of animal welfare to be protected by the cancellation or suspension;
- (e) the facts and circumstances on which the Authority's reasonable grounds of belief are based; and
- (f) that the licensee may show cause in writing, within the period specified in the notice, why the licence should not be cancelled or suspended.

(4) If, after the expiry of the period specified in the notice and consideration of the licensee's representations, the Authority is of the opinion that in the interests of animal welfare it is desirable to do so, the Authority may –

- (a) in the case of a proposed cancellation – cancel the licence or suspend the licence for the period and on the conditions that the Authority considers appropriate; or
- (b) in the case of a proposed suspension – suspend the licence for the period and on the conditions it considers appropriate.

(5) The Authority must give the licensee written notice of a cancellation or suspension.

(6) A reference in this section to a licensee includes a reference to the following:

- (a) if the licensee is a body corporate – an officer of the body;
- (b) if the licence is held for the purposes of a partnership – each partner.

39. Surrender of licence

A licensee may surrender a licence at any time before its expiry by lodging with the Authority a written notice of the surrender accompanied by the licence.

40. Appeals

(1) A person aggrieved by a decision of the Authority –

- (a) to vary, cancel or suspend a licence; or
- (b) refusing to grant, renew or vary a licence,

may appeal to the Local Court against the decision.

(2) An appeal under this section is to be conducted as a hearing *de novo*.

(3) In determining an appeal, the Local Court may make the orders it considers appropriate, including any of the following:

- (a) affirming, varying or setting aside the decision of the Authority;
- (b) substituting its own decision for that of the Authority;
- (c) relating to costs.

Division 2 – Animal ethics committees

41. Animal ethics committee

(1) A licensee required by the Authority to establish and maintain an animal ethics committee must do so in accordance with the Regulations.

(2) An ethics committee is to be constituted in accordance with the Regulations and has the powers and functions prescribed by the Regulations.

Division 3 – Permits to conduct teaching or research program

42. Definition

In this Division, "relevant ethics committee" means the ethics committee that is exercising its powers and performing its functions in respect of the licensee who employs or has engaged a person –

- (a) making an application for a permit; or
- (b) who holds a permit.

43. When permit required

(1) A person employed or engaged by a licensee may conduct a teaching or research program only if the person holds a permit.

(2) Subsection (1) does not apply to a person providing teaching or research assistance to a person who holds a permit.

44. Application for permit

(1) An applicant for a permit must lodge with the relevant ethics committee an application in the approved form accompanied by the approved fee.

(2) The ethics committee may request the applicant to provide the additional information that it considers necessary to enable it to determine whether or not to grant a permit.

45. Consideration of application

(1) In determining whether or not to grant a permit, an ethics committee must consider –

- (a) whether the applicant is a fit and proper person to hold a permit, including whether the applicant has been found guilty of an offence under animal welfare legislation in Australia;
- (b) the experience and competency of the applicant in the care and handling of animals;
- (c) whether the applicant complied with a request for additional information; and
- (d) any other matter the ethics committee considers relevant.

46. Refusal to grant permit

(1) If an ethics committee is not satisfied in respect of the matters referred to in section 45, it may refuse to grant a permit.

(2) If an ethics committee refuses to grant a permit, it must inform the applicant in writing of –

- (a) the reasons for the refusal;
- (b) the findings on the facts and circumstances underlying those reasons and the material on which those findings were based; and
- (c) the right of appeal under this Act and the procedure to be followed to exercise that right.

47. Grant of permit

(1) If an ethics committee is satisfied in respect of the matters referred to in section 45, it may grant a permit.

(2) A permit is to be issued in the approved form and is to specify the conditions to which the permit is subject.

48. Conditions of permit

(1) A permit is subject to the condition that the permit holder must comply with directions of the ethics committee.

(2) A permit may be subject to additional conditions that the ethics committee considers are necessary in the interests of animal welfare, including conditions in relation to –

- (a) the use of animals in the teaching or research program to which the permit relates;
- (b) the welfare of the animals used in or bred for the teaching or research program;
- (c) particular facilities and equipment relevant to the use or breeding of animals in the course of the teaching or research program; and
- (d) compliance with a specified adopted code of practice.

49. Duration and renewal of permit

(1) A permit takes effect on the date it is issued and continues in force for the period (not exceeding 2 years) specified in the permit, subject to its suspension, cancellation or surrender.

(2) Before the date of expiry, the permit holder may apply to the relevant ethics committee for a renewal of the permit.

(3) An application for renewal is to be in the approved form and accompanied by the approved fee.

(4) An ethics committee may renew a permit for the period (not exceeding 2 years) specified in the permit if it is satisfied about the matters referred to in section 45.

50. Application for variation of permit

(1) A permit holder may apply for a variation of the permit by lodging with the relevant ethics committee an application in the approved form accompanied by the approved fee.

(2) The ethics committee may request the permit holder to provide the additional information that it considers necessary to enable it to determine whether or not to vary the permit.

(3) After considering an application for a variation and any further information provided by the permit holder, the ethics committee may –

- (a) vary the permit; or
- (b) refuse to vary the permit,

if it believes on reasonable grounds that it is desirable in the interests of animal welfare to do so.

51. Variation of permit without application

(1) If an ethics committee believes on reasonable grounds that it is desirable in the interests of animal welfare to vary a permit, it may give the permit holder a notice in the approved form –

- (a) specifying the proposed variations and the reason it is believed to be desirable; and
- (b) inviting the permit holder to show cause, in writing and within a specified period, why the permit should not be varied as proposed.

(2) On the expiry of the period specified in the notice, and after considering any representations made by the permit holder, the ethics committee may vary the permit if satisfied on reasonable grounds that it is desirable in the interests of animal welfare to do so.

(3) If an ethics committee varies a permit –

- (a) it must request the permit holder by written notice to lodge the permit with the ethics committee within the period specified in the notice;
- (b) the permit holder must comply with the notice without delay; and
- (c) the ethics committee must enter the variation on the permit and return it to the permit holder as soon as practicable.

52. Cancellation or suspension of permit

(1) If an ethics committee believes on reasonable grounds that it is desirable in the interests of animal welfare to cancel or suspend a permit, it may do so in accordance with this section.

(2) The reasonable grounds on which a permit may be cancelled or suspended include the following:

- (a) that the permit holder has been found guilty of an offence under this Act;
- (b) that the ethics committee believes on reasonable grounds that the permit holder –
 - (i) obtained the permit improperly;
 - (ii) has failed to comply with a condition of the permit; or
 - (iii) is not a fit and proper person to continue holding the permit.

(3) The ethics committee must give the permit holder a written notice stating –

- (a) that the ethics committee proposes to cancel or suspend the permit;
- (b) in the case of a proposed cancellation – the date on which the cancellation will come into effect;
- (c) in the case of a proposed suspension – the period of the suspension and the conditions the permit holder must comply with to avoid cancellation of the permit;
- (d) the interests of animal welfare to be protected by the cancellation or suspension;

- (e) the facts and circumstances on which the ethics committee's reasonable grounds of belief are based; and
- (f) that the permit holder may show cause in writing, within the period specified in the notice, why the permit should not be cancelled or suspended.

(4) If, after the expiry of the period specified in the notice and consideration of the permit holder's representations, the ethics committee is of the opinion that in the interests of animal welfare it is desirable to do so, it may –

- (a) in the case of a proposed cancellation – cancel the permit or suspend the permit for the period and on the conditions it considers appropriate; or
- (b) in the case of a proposed suspension – suspend the permit for the period and on the conditions it considers appropriate.

(5) The ethics committee must give the permit holder a written notice of a cancellation or suspension.

53. Surrender of permit

A permit holder may surrender a permit at any time before its expiry by lodging with the relevant ethics committee a written notice of the surrender accompanied by the permit.

54. Cessation of permit

(1) A permit ceases to have effect during a period when the relevant licence is of no effect due to expiry, suspension, cancellation or surrender.

(2) In subsection (1), "relevant licence" means the licence issued in respect of the licensed premises where the permit holder is permitted to conduct a teaching or research program.

55. Appeals

(1) A person aggrieved by a decision of an ethics committee –

- (a) to vary, cancel or suspend a permit; or
 - (b) refusing to grant, renew or vary a permit,
- may appeal to the Authority against the decision.

(2) In determining the appeal, the Authority may make the determination it considers appropriate, including any of the following:

- (a) affirming, varying or setting aside the decision of the ethics committee;
- (b) substituting its own decision for that of the ethics committee.