



New South Wales

Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to prohibit the carrying out of forced smoke inhalation experiments and forced swim tests.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Animal Research Act 1985 No 123

Schedule 1[1] provides that an animal research authority must not authorise, or purport to authorise, the carrying out of—

- (a) a forced smoke inhalation experiment, in which an animal is placed in an instrument of restraint and forced to inhale smoke administered directly to the animal's nose or head, or
- (b) a forced swim test, in which an animal is placed in water and forced to swim, as the animal is unable to escape or stand.

The forced swim test does not include animal research that has the effect, or likely effect, of protecting or promoting the welfare of the animal on which the research is carried out. **Schedule 1[2]** makes a consequential amendment.

Schedule 1[3] makes an amendment of a transitional nature.



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Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023

No. _____, 2023

A Bill for

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

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2023*.

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4

2 Commencement

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

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Schedule 1	Amendment of Animal Research Act 1985 No 123	1
[1] Section 26 Form of authorities		2
Insert after section 26(2)—		3
(2A) An animal research authority must not authorise, or purport to authorise, the carrying out of—		4
(a) a forced smoke inhalation experiment, or		5
(b) a forced swim test.		6
[2] Section 26(9)		8
Insert after section 26(8)—		9
(9) In this section—		10
<i>forced smoke inhalation experiment</i> means animal research in which an animal is forced to inhale smoke by—		11
(a) the placement of the animal in an instrument of restraint, and		12
(b) the administration of smoke directly to the animal’s nose or head.		13
<i>forced swim test</i> —		14
(a) means animal research in which an animal is—		15
(i) placed in water, and		16
(ii) forced to swim, as the animal is unable to escape or stand, and		17
(b) does not include animal research that has the effect, or likely effect, of protecting or promoting the welfare of the animal on which the research is carried out.		18
Example for paragraph (b) — Animal research involving hydrotherapy.		19
<i>smoke</i> includes—		20
(a) aerosol or vapour produced by an e-cigarette, and		21
(b) smoke produced by a cigarette or cigar.		22
[3] Schedule 3 Savings, transitional and other provisions		23
Insert at the end of the schedule—		24
Part 4	Provisions consequent on enactment of Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2023	25
5	Animal research authorities—forced swim tests and forced smoke inhalation experiments	26
(1)	The amendments made to section 26 by the amending Act do not apply to a current animal research authority.	27
(2)	To avoid doubt, the amendments made to section 26 by the amending Act apply to the renewal of a current animal research authority.	28
(3)	In this clause—	29
	<i>amending Act</i> means the <i>Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2023</i> .	30

current animal research authority means an animal research authority in force on the commencement of the amending Act.

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