

6 Other

6.1 Use of Animals for Educational Purposes⁴

Depending on the units of competency selected, teachers of the Primary Industries Curriculum Framework may need to use animals in their teaching and learning strategies in order to meet the syllabus outcomes. The use of animals provides opportunities for students to gain knowledge, acquire skills and develop appropriate positive values towards the welfare of animals while meeting the requirements of the course. Consequently, teachers of the Framework have the responsibility of ensuring that the use of animals is at a ‘best practice’ standard. This means that teachers must understand the legal, ethical and welfare aspects of the use of animals.

The use of animals in schools is governed primarily by legislation that places the responsibility for the care and welfare of animals in schools upon the teacher involved with their use:

- *Animal Research Act 1985* (NSW)
- *Prevention of Cruelty to Animals Act 1979* (NSW)
- Australian Code of Practice for the Care and Use of Animals for Scientific Purposes.

These pieces of legislation have evolved in response to attitudes of the Australian community and its concern for the welfare of animals in general and particularly relating to the use of animals in teaching and research. Underpinning these attitudes is the notion that vertebrate species can experience pain and suffering and that there is a moral duty to minimise the harm to any animal.

Teachers must model ‘best practice’ whenever they are using animals for educational purposes. The teacher has the responsibility to assist students develop a respect for animals and learn to care for animals in a responsible and ethical manner.

Teaching activities involving animals may be performed only when a decision has been made that they are justified, after weighing the educational value against the potential negative effects on the welfare of the animal and determining that no other non-animal or less sentient animal alternative is suitable. If it has been decided that animal use is justified, approval to do so must be obtained from an appropriate Animal Ethics Committee (AEC) prior to commencing the activity as indicated below.

The appropriate committee for DET and CEC schools is the Schools Animal Care and Ethics Committee (SACEC). Schools that are part of AIS and other independent schools must apply to NSW Agriculture and nominate SACEC or an alternative as their Animals Ethics Committee. The SACEC was established in 1990 by joint agreement between the AIS, the CEC and the DET. Its role is to ensure that the use of animals by schools complies with the Acts. All CEC schools, DET, AIS and independent schools that have nominated the SACEC, are accredited to use animals for teaching purposes, on the condition that:

- the school has appointed an appropriately trained Animal Welfare Liaison Officer
- activities using those animals are conducted in accordance with legislation (as stated above).

⁴ This advice has been provided by the Schools Animal Care and Ethics Committee (SACEC).

The legislation has been interpreted for teachers in the book called *Animals in Schools: Animal Welfare Guidelines for Teachers* produced by the SACEC. This book is a mandatory document in all schools covered by the SACEC.

Contained within this publication are approved activities that may be carried out involving animals. These activities are arranged into categories according to the level of risk to the animal.⁵ Category one activities are assessed as being of very low risk to the animal and category five activities are assessed as being high risk. If the category five procedures are not conducted skilfully or an accident occurs, the risk to the animals is considerable.

As the most common use of animals in schools is for teaching and demonstration rather than research, schools supervised by the SACEC have been granted special privileges relating to the use of animals for teaching and research not accorded to others. These privileges mean that many activities involving animals do not require prior written approval.

All **categories one and two activities** may be carried out by students, with teacher approval and after instruction has been given.

Category three activities require a higher level of student skill than category two activities before they are attempted and their inclusion in the current teaching program must be justified.

Categories four and five activities have the potential to cause distress to the animal. Some of these activities are painful to the animal even when done properly. If done incorrectly the pain and distress are very significant. Teachers may carry out category four activities without written approval but may students may only carry them out by with written approval from the SACEC.

Written approval⁶ from the SACEC is required prior to commencement of the activity when:

- students are to carry out categories four or five activities
- teachers are to demonstrate category five activities
- either teachers or students are to carry out any activities that are not on the approved list.

When applying to use an animal in teaching for an activity not on the approved list or which is in categories four or five, the SACEC needs to assess whether it is essential for students to carry out the activity. The teacher must provide justification that carrying out the particular activity is essential for achieving educational outcomes related to a Board of Studies approved school or TAFE course.

⁵ A complete list of approved activities and their corresponding category is presented in *Part A: Animals in Schools: Animal Welfare Guidelines for Teachers*, Table 3: Description of activities, pp 17–19.

⁶ Application forms are provided in Appendices 5 and 6 of *Part A: Animals in Schools: Animal Welfare Guidelines for Teachers*. In order to streamline processing, teachers are encouraged to complete application forms as thoroughly as possible.

When completing the application for certification to demonstrate a category five activity the SACEC needs to assess whether the teacher has the relevant competence to carry out the activity at a level of best practice. Evidence⁷ must be supplied in order for the application to be approved. The aim of this verification process is to satisfy the SACEC that the welfare of the animal will be safeguarded to the highest possible level.

Teachers are reminded that these approvals are a requirement of the *Animal Research Act 1985* (NSW).

Applications are to be sent to:
SACEC Support Officer
Department of Education and Training
Private Bag 3
RYDE NSW 2112

For further information about the *Animals in Schools: Animal Welfare Guidelines for Teachers* or matters concerning the use of animals in schools, contact the SACEC Support Officer on (02) 9886 7426.

6.2 Teaching and Learning Materials

It is the responsibility of the Registered Training Organisation (RTO) to determine the teaching and learning materials that will be used to support the delivery of Primary Industries courses within the Primary Industries Curriculum Framework.

Advice on curriculum materials which may be used to support the delivery of courses within the Primary Industries Curriculum Framework is contained within the *Primary Industries Curriculum Framework Stage 6 Resource List*. This information is provided as a guide to RTOs and teachers delivering HSC courses within the curriculum framework. The use of the listed training materials is not mandatory.

6.3 Legislation

A basic understanding of the main features of relevant legislation and their amendments are included in several units of competency under *what specific knowledge is needed to achieve the performance criteria?* (requirements of the Training Package) and HSC requirements and advice.

Five **examples** of legislation from the curriculum framework are provided.

It is important to note that these are not the only Acts or Codes of Practice that students are required to study in the Primary Industries Curriculum Framework. Refer to Part B of the syllabus for details about content for study.

⁷ This evidence may be provided through a variety of documents or verifications as suggested on p 51 *Part A: Animals in Schools: Animal Welfare Guidelines for Teachers* or through other appropriate forms of evidence.

6.3.1 Noxious Weeds Act 1993 (NSW)

The *Noxious Weeds Act 1993* is a law passed by the NSW Government. It defines the roles of government, councils, private landholders and public authorities in the management of noxious weeds.⁸

The objectives of the Act⁹ are:

- to identify noxious weeds in respect of which particular control measures need to be taken
- to specify those control measures
- to specify the duties of public and private landholders as to the control of those noxious weeds
- to provide a framework for the Statewide control of those noxious weeds by the Minister and local control authorities.

The Act applies to plants declared, by order of the Minister, to be a noxious weed for the purposes of the Act. The Act may declare a plant to be a noxious weed in respect of the whole of the State or a part of the State. Any tree, shrub, fern, creeper, vine, palm or plant that is native to the State may not be declared a noxious weed except with the consent of the Minister administering the *National Parks and Wildlife Act 1974* (NSW).

The Act specifies control categories that may apply to the noxious weed. A control category may be applied to a noxious weed in respect of the whole State or a part of the State.

The control categories for noxious weeds are W1, W2, W3 and W4. A W1 weed is referred to as a 'notifiable weed'. When a W4 category applies to a noxious weed the Minister is to specify the action that must be taken in respect of the weed.

The actions to be taken for each control category are:

- W1 – the presence of the weed on land must be notified to the local control authority and the weed must be fully and continuously suppressed and destroyed
- W2 – the weed must be fully and continuously suppressed and destroyed
- W3 – the weed must be prevented from spreading and its numbers and distribution reduced
- W4 – the action specified in the declaration must be taken in respect of the weed.

The Act provides that occupiers of land including owners of land are responsible for controlling noxious weeds on the land they occupy. This obligation applies to both private and public occupiers of land including local control authorities. The Act is enforced by the issue of weed control notices by the Minister and local control authorities.

The Minister has responsibility for the control of noxious weeds in the State and for control of noxious weeds by public authorities and local control authorities. Local control authorities have responsibility for the control of noxious weeds in the areas under their control but are not responsible for control of noxious weeds by public authorities or other local control authorities.

(Source: Far North Coast Weeds, Far North Coast County Council, *Extract from the Noxious Weeds Act 1993*, www.fncw.nsw.gov.au/doc_downloads/nwa_overview.doc, accessed 24/09/03)

⁸ North West Weeds County Council, www.northwestweeds.nsw.gov.au/noxiousweedsact.htm, accessed 24/09/03.

⁹ *Noxious Weeds Act 1993*, section 3, www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/s3.html, accessed 24/09/03.

6.3.2 Code of Practice for the Control of Workplace Hazardous Substances 1996 (NSW)

An approved industry code of practice is a practical guide to achieving the standard of health, safety and welfare required by the Occupational Health and Safety Act and should be followed, unless there is an alternative course of action which achieves the same or a better standard of health, safety and welfare in the workplace.

The Code of Practice for the Control of Workplace Hazardous Substances 1996 (NSW) commenced on 12 July 1996. It is designed to be used in conjunction with the Act and Regulations but does not have the same legal force. Failure to comply with the code of practice may be used as evidence of failure to comply with the provisions of the Act or Regulations.

This code provides advice to employers, self-employed persons, suppliers and employees on meeting the requirements of the Occupational Health and Safety (Hazardous Substances) Regulation 1995.

The purpose of the code is to adopt practices for the control of workplace hazardous substances recommended by the National Occupational Health and Safety Commission. It provides a practical guide on how to comply with the Regulation so as to minimise the risk of disease and injury due to exposure to hazardous substance in the workplace.

The code provides information and advice regarding the following areas:

- consultation between employers and employees
- suppliers' duties regarding the classification of hazardous substances and the provision of information
- employers' duties regarding the provision of information in the workplace
- prohibition of scheduled substances for specified purposes
- induction and training of employees
- assessment of work involving potential exposure to any hazardous substance
- control measures to minimise risks to health
- monitoring the workplace for exposure of employees to hazardous substances
- health surveillance of employees at risk of exposure to hazardous substances
- record-keeping
- employees' duties in the workplace
- access to information by WorkCover NSW and emergency services.

[Source: Code of Practice for the Control of Workplace Hazardous Substances 12 July 1996, WorkCover NSW]

6.3.3 **Threatened Species Conservation Act 1995 (NSW) and Threatened Species Conservation Amendment Act 2002 (NSW)**

The *Threatened Species Conservation Act 1995* (NSW) is legislation to ‘conserve threatened species, populations and ecological communities of animals and plants’.¹⁰ It outlines the duties of the NPWS in protecting threatened species, communities and critical habitat in New South Wales.

The *Threatened Species Conservation Amendment Act 2002* (NSW) is to ‘amend the Threatened Species Conservation Act to make further provision with respect to the conservation of threatened species, populations and ecological communities of animals and plants; to make related amendments to other Acts; and for other purposes’.¹¹ It builds on the processes for conserving threatened species, populations and ecological communities and their habitats established by the TSC Act.

An independent Scientific Committee has been set up under the Act to determine which species, populations and ecological communities should to be listed as endangered, vulnerable or extinct under the Act, and also to determine key threatening processes.

The purposes of the Act remain the same:¹²

- conserve biological diversity and promote ecologically sustainable development
- prevent the extinction and promote the recovery of threatened species, populations and ecological communities
- protect the critical habitat of those species, populations and ecological communities that are endangered
- eliminate or manage certain threatening processes
- ensure proper assessment of activities impacting threatened species, populations and ecological communities
- encourage the conservation of threatened species, populations and ecological communities through cooperative management.

Key features that remain include:

- a list of species, populations and ecological communities and threatening processes
- public involvement in the listing process
- identification of critical habitat for endangered species, populations and ecological communities
- preparation of recovery and threat-abatement plans
- exemption of routine agricultural activities from the licensing requirements of the Act.

(Licensing requirements have been amalgamated under the Amendment Act. Only one single licence is required for those who want to undertake actions of scientific, educational or conservation purposes that involve protected fauna and native plants, threatened species, populations or ecological communities or their habitat.)

¹⁰ *Threatened Species Conservation Act 1995*, www.legislation.nsw.gov.au, accessed 24/09/03.

¹¹ *Threatened Species Conservation Amendment Act 2002*, www.legislation.nsw.gov.au, accessed 24/09/03.

¹² www.nationalparks.nsw.gov.au/PDFs/tsc_amendment_act_guide.pdf, accessed 24/09/03.

6.3.4 Protection of the Environment Operations Act 1997 (NSW)

On 1 July 1999, the *Protection of the Environment Operations Act 1997* (POEO Act) commenced operation. It is the primary environment protection legislation in NSW, ‘adopting a more holistic approach to protecting the environment, changing from pollution control legislation to environment protection legislation’.¹³

Previous legislation such as the *Clean Air Act 1961*, *Clean Waters Act 1970*, *Pollution Control Act 1970*, *Noise Control Act 1975*, and *Environmental Offences and Penalties Act 1989* have been combined into a single Act.

The objects of this Act¹⁴ are to protect, restore and enhance the quality of the environment, provide increased opportunities for public involvement and participation in environment protection and ensure that the community has access to relevant and meaningful information about pollution. It is recognised that only with increased awareness and participation can the environment be protected and offenders penalised.

The Act is administered by the Environment Protection Authority (EPA), with a broad allocation of responsibilities between the EPA, local councils and other public authorities. The EPA is made the regulatory authority for:

- activities listed in Schedule 1 and the premises where they are carried out
- activities carried on by a State or public authority
- other activities in relation to a licence regulating water pollution is issued

In nearly all other cases, the regulatory authority is the relevant local council.

The POEO introduces a number of innovative approaches to reducing pollution and expands the regulatory role councils have in the management of their environment.

Policy instruments called Protection of the Environment Policies (PEPs) set environmental standards, goals, guidelines and protocols. These must be taken into account when making decisions that affect the environment.

Activities with potentially significant environmental impacts are listed in Schedule 1 to the Act and require a licence. Licences are issued by the EPA and regulate a particular activity, such as the operation of a waste facility, and all the air, noise, water and waste impacts consequential of the activity. Whilst licences operate indefinitely until suspended, revoked or relinquished, they are reviewed at least once every three years.

Notices may be issued to an organisation or to individuals for the purpose of ensuring better management and protection of the environment:

- clean-up – to deal with pollution incidents (eg a spill of pollutants)
- prevention – where an activity is being carried out in an environmentally unsatisfactory manner
- prohibition – requires an activity to be stopped.

Clean-up and prevention notices are issued by either the EPA or local council. A prohibition notice can only be issued by the Minister.

The POEO Act has a three-tiered classification of offences, with Tier 1 being the most serious (maximum penalties of \$1 million for corporations and \$250,000 and/or 7 year imprisonment for individuals).

[Source: *Protection of the Environment Operations Act 1997*, www.epa.nsw.gov.au/legal/summariesact.htm, accessed 30/09/03]

¹³ www.rtagroup.com.au/wizard/peo_act_1997.html, accessed 30/09/03.

¹⁴ <http://www.austlii.edu.au>, accessed 30/09/03.

6.3.5 Code of Practice for the Safe Use and Storage of Chemicals in Agriculture 1998 (NSW)

The Code of Practice for the Safe Use and Storage of Chemicals (Including Pesticides and Herbicides) in Agriculture 1998 (NSW) commenced on 1 September 1998. It is designed to be used in conjunction with the Act and Regulations but does not have the same legal force. Failure to comply with the code of practice may be used as evidence of failure to comply with the provisions of the Act or Regulations.

This code applies to employers, self-employed persons and employees engaged in the end use, storage and disposal of agricultural chemicals, including pesticides and herbicides.

The code provides a practical and informative guide to persons on how to comply with the relevant legislation relating to the use and storage of agricultural chemicals by end users. It will assist users to minimise detrimental effects to human health and the environment by suggesting ways to control the risks of exposure to these hazardous substances. It covers chemicals commonly used in agriculture including substances such as pesticides, fertilisers, fuels, disinfectants, and emissions such as dust or fumes.

The code will assist users to comply with the *Occupational Health and Safety Act 2000*, the Occupational Health and Safety (Hazardous Substances) Regulation, the Dangerous Goods Regulation and the *Pesticides Act 1999*.

The purpose of the code is to provide practical guidance on the safe use and storage of chemicals, including pesticides, herbicides and other agricultural chemicals, and the protection of the health of workers, with the aim of assisting users to achieve a safe system of work.

The code provides information and advice regarding the following areas:

- legal responsibilities
- consultation with employees and contractors
- identification of hazards and risks
- information about chemicals
- assessing exposure risks in the workplace
- managing the control of chemical risks
- recommended specific control measures
- provision of training by employers
- transport and storage risks
- legislation relating to the storage and licensing of dangerous goods
- planning emergency procedures
- record keeping.

[Source: Code of Practice for the Safe Use and Storage of Chemicals in Agriculture, 1 September 1998, WorkCover NSW]