



Animal Defenders Office
Using the law to protect animals

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Committee Secretary
Senate Standing Committees on Environment and Communications
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Dear Sir/Madam

Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015—submission

Thank you for the opportunity to provide a submission in relation to the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 (the Bill).

About the Animal Defenders Office

The Animal Defenders Office (ADO) is a non-profit, community law practice that specialises in animal law. The ADO offers information and representation for individuals and groups wanting to take action for animals. The ADO also produces information to raise community awareness about animal protection issues, and works to advance animal interests through law reform.

The ADO is a member of the National Association of Community Legal Centres.

Our submissions regarding the Bill are set out below.

Incremental protection of primates used for medical research

The Bill was introduced into the Australian Senate by Senator Rhiannon. In her Second Reading Speech, Senator Rhiannon states that it is a ‘small but important step on the long road to ceasing the cruel practices of experimentation on animals.’¹

As such, the ADO commends Senator Rhiannon for introducing the Bill, and urges the passage of the Bill as soon as possible.

¹ Senator Lee Rhiannon, Second Reading Speech, 17 September 2015, p7123: <http://lee-rhiannon.greensmps.org.au/content/speeches-parliament/speech-prohibition-live-imports-primates-research>.

The Bill's explanatory material correctly notes that the sourcing of live primates for research is at odds with the biodiversity conservation provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of which Australia is a signatory.

The ADO suggests, however, that it is its concern for both biodiversity conservation and animal suffering (even if confined to the 'cruelty and suffering' during the primates' 'capture, confinement and transportation'²), that makes the passing of this Bill so essential.

In particular, the ADO notes, and supports, the view expressed in the Bill's Statement of Compatibility with Human Rights that the suffering of non-human primates is an object of moral concern:

This Bill fulfils humanity's responsibility to protect and defend the rights of animals to live a life free of cruelty and suffering.³

The ADO also notes the possible tension in seeking to prohibit one form of suffering (being caught in the wild for research importation purposes), while ostensibly condoning other forms (medical experimentation on animals in general).

Therefore, accepting the Bill's specific focus on banning the 'cruel and inhumane primate trade for experimentation', the ADO wholeheartedly supports the Bill, but with the clear proviso that we do not support the use of animals for medical research purposes.

Ineffectiveness of non-human animal experimentation

Senator Rhiannon cites in her Second Reading Speech a 2006 medical tragedy where a new drug deemed safe after extensive experimentation on monkeys caused multiple organ damage in six young men.⁴ It is important to note that such scientific disasters still occur today, despite the supposed hindsight of a further decade of medical 'progress'. Indeed, 2016 began with an even more disastrous human drug incident, again after extensive non-human animal experimentation. This time the incident tragically resulted in death.⁵

The ADO agrees with Senator Rhiannon's emphasis on the ineffectiveness of non-human animal experimentation. Human and non-human animals are too dissimilar to justify trying to increase knowledge for the benefit of one (humans) by abusing the other (animals). Of course, humans and non-human animals do share a major similarity, ethologically incontestable since Darwin, of having a mutual capacity to suffer. Despite this shared capacity to suffer, hundreds of non-human primates in Australia are routinely used for biomedical experimentation,⁶

² Explanatory Memorandum, Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015, Senate, The Parliament of the Commonwealth of Australia.

³ *Ibid.*

⁴ Senator Lee Rhiannon, Second Reading Speech, p7121.

⁵ 'France drug trial: Brain-dead man dies in hospital', *BBC News*, 18 January 2016, <http://www.bbc.com/news/world-europe-35337671> and Sewell Chan, '6 Hospitalized, One of Them Brain-Dead, After Drug Trial in France', *The New York Times*, 15 January 2016, http://www.nytimes.com/2016/01/16/world/europe/french-drug-trial-hospitalization.html?_r=0.

⁶ 'Ban Primate Experiments', *Humane Research Australia*, <http://www.banprimateexperiments.org.au/ban-primate-experiments/index.htm>.

sourced from the three taxpayer-funded breeding colonies in NSW and Victoria and from overseas.⁷

Conclusion

The ADO shares the Bill's concern for the suffering of non-human primates caused by human actions. The ADO commends the Bill for its proposed ban on importing primates for medical research, and looks forward to the day when this country will pass legislation that also outlaws the suffering that awaits any research primates at the experimental institutes for which they are currently destined.

Animal Defenders Office

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⁷ See, most recently, 'Live monkeys imported for lab tests', 22 September 2015, *Herald Sun*, <http://www.heraldsun.com.au/news/victoria/scientists-restart-controversial-program-of-importing-live-monkeys/news-story/0656d0586d57524aac8122cfc43a85f6>.