



18 January 2016

**Inquiry: *Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015.***

**By Online Submission: <http://www.aph.gov.au>**

**SUBMISSION re Inquiry into *Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015.***

Animals Australia is a peak animal protection organisation in Australia. On behalf of our member societies and individual members and supporters we are pleased to be able to provide the following input to the Inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015* (“**Bill**”).

The Bill amends the *Environment Protection and Biodiversity Conservation Act 1999* to ban the import of live primates for the purposes of research.

This submission will address the scope of the Bill. At the outset, however, we wish to make clear that Animals Australia is opposed to the use of animals in research. Humans differ from other animals anatomically, genetically and metabolically, meaning data derived from animals cannot be extrapolated to humans with sufficient accuracy. The Food and Drugs Administration of the United States confirms that nine out of ten drugs ‘proven’ successful in animal tests fail in human trials.<sup>1</sup> This not only questions the efficacy for using animals, but critically raises the obvious concern that cures may have been overlooked because they were unsuccessful in animal tests. Further, as new technologies emerge, the range of non-animal methods continues to grow. Despite claims by some researchers that alternative methods are not yet sophisticated enough to replace animal tests, they are more dependable and produce more accurate results than tests on species who differ from humans in their metabolism of toxins, absorption of chemicals, mechanisms of DNA repair and lifespan - all factors that have a profound effect on the efficacy of drugs.<sup>2</sup>

For the reasons set out below, Animals Australia fully supports the Bill.

There are three known Australian government-funded facilities in Australia that breed primates specifically for research purposes. Namely:

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<sup>1</sup> FDA Issues Advice to Make Earliest Stages Of Clinical Drug Development More Efficient. Press release / FDA 12 Jan 2006. See also: [http://vivisectioninformation.com/indexdfa4.html?p=1\\_10\\_50-disasters-of-animal-testing](http://vivisectioninformation.com/indexdfa4.html?p=1_10_50-disasters-of-animal-testing).

<sup>2</sup> For a searchable catalogue of research papers regarding the use of non-animal alternatives, see generally: <http://www.humaneresearch.org.au/research-papers/>.

- Two facilities in Churchill (Victoria) that breed macaques and marmosets; and
- One facility in Wallacia (NSW) that breeds baboons.

Despite this local supply of primates, nine (9) permits have been granted by the Australian government since 2000 for the importation of primates into Australia for research. Specifically, data available from the Convention on the International Trade in Endangered Species (CITES) (“**Convention**”) reveals that, between 2000 – 2015, Australia has imported:<sup>3</sup>

- 331 pig-tailed macaques from Indonesia;
- 250 crab-eating macaques from Indonesia;
- 71 owl monkeys from the United States; and
- 37 marmosets from France.

This import activity presents serious concerns and raises important questions.

First, given the readily available local supply of primates, why have 689 primates been imported into Australia from overseas for research?

Second, the National Health and Medical Research Council (“**NHMRC**”) – the legislative body charged with providing advice to the Minister for Health on matters pertaining to, *inter alia*, health and ethical behaviour in the conduct of medical research – has within its governing principles the reduction of the use of animals in research in favour of seeking non-animal ethical alternatives. These principles are enshrined in the *Australian code for the care and use of animals for scientific purposes* (8th edition) (“**Code**”).<sup>4</sup> Given the import data above, and in the face of having access to locally-bred primates, we query how seriously or successfully the Council and the research industry is taking and implementing this “reduction” principle, if at all.

Third, Australia is a signatory to the Convention, which works by subjecting international trade in “specimens” of selected species to certain controls. Non-human primates are regulated specimens and listed under Appendix II of the Convention.<sup>5</sup> Appendix II provides that permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met, above all that trade will not be detrimental to the survival of the species in the wild. In other words, the international trade in wild-caught primates is prohibited under the Convention. The NHMRC has also incorporated this prohibition into its *Policy on the Use of Non-Human Primates for Scientific Purposes*, which specifically provides that: “*Non-human primates imported from overseas must not be taken from wild populations and must be accompanied by documentation to certify their status*”.<sup>6</sup> While on its face this “policy” and the Convention aim to prevent the international trade of wild-caught primates, the **known reality** presents a starkly different situation. Without *in situ* independent monitoring of the originating source of the imported primates, there can be no concrete assurances that the primates were not wild-caught.

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<sup>3</sup> See: <http://trade.cites.org/>.

<sup>4</sup> Available here: <https://www.nhmrc.gov.au/guidelines-publications/ea28>.

<sup>5</sup> See: <https://www.cites.org/eng/app/index.php>.

<sup>6</sup> See Item 5, page 7. Available at: <https://www.nhmrc.gov.au/guidelines-publications/ea14>.

Indonesia, a known source of Australia's imported primate supply, for example, was investigated by the British Union Against Vivisection ("BUAV") in 2009.<sup>7</sup> The BUAV investigation found that **wild primates from Tanjil Island were captured and kept at the primate breeding facility which trades with Australia under the Convention**. Further, the investigation revealed that despite Indonesia's own local ban on the export of wild-caught macaques, there is no restriction on the number of primates that can be caught from the wild to replenish breeding stocks.<sup>8</sup>

Further, a recent study regarding the primate trade in Indonesia was published in 2015. The Study found that:<sup>9</sup>

*Indonesia has amongst the highest primate species richness, and many species are included on the country's protected species list, partially to prevent over-exploitation. Nevertheless traders continue to sell primates in open wildlife markets especially on the islands of Java and Bali. We surveyed 13 wildlife markets in 2012–2014 and combined our results with previous surveys from 1990–2009 into a 122-survey dataset with 2,424 records of 17 species. These data showed that the diversity of species in trade decreased over time, shifting from rare rainforest-dwelling primates traded alongside more widespread species that are not confined to forest to the latter type only. In the 1990s and early 2000s orangutans, gibbons and langurs were commonly traded alongside macaques and slow lorises but in the last decade macaques and slow lorises comprised the bulk of the trade.*

In addition to the above concerns regarding the continued trade of wild-caught primates, it is also a publicly documented fact that the welfare standards and living conditions of primates at Indonesia's Bagor Agricultural University – the facility from which Australia has sourced and imported primates – contravenes even the most minimal animal welfare standards that the Australian community would tolerate. Specifically, a BUAV investigation reported that:<sup>10</sup>

*"The BUAV investigators visited one holding facility at the IPB which they were told infant and juvenile long-tailed macaques who had been taken there after they had been trapped on Tinjil Island. The facility contained a number of small rooms, each containing one small chain link pen housing around 15-20 monkeys. The pens were a barren environment with a metal grid floor. There was no substrate for the monkeys to play or dig in. There was virtually no enrichment, just a few perches.*

*The monkeys could only climb the side of the pens and there was nowhere for them to hide from each other or people. The pens were indoors so there was no fresh air and limited sunlight through one window. Only one pen was seen to have a water bottle attached to it. The others had free standing bowls made from either rubber or plastic. In at least one pen, this bowl was empty, leaving the monkeys no access to water. The only evidence of food was a few pieces of monkey chow seen on the wire floor of one pen. In other pens no food was visible.*

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<sup>7</sup> British Union Against Vivisection, *Indonesia. The trade in primates for research*, April 2009. Available at: [http://lee-rhiannon.greensmps.org.au/sites/default/files/buav\\_indonesia\\_trade\\_in\\_primates\\_for\\_research-final\\_report\\_0.pdf](http://lee-rhiannon.greensmps.org.au/sites/default/files/buav_indonesia_trade_in_primates_for_research-final_report_0.pdf).

See also: <https://www.youtube.com/watch?v=bNgOecl0i7U>.

<sup>8</sup> See also: <https://www.crueltyfreeinternational.org/what-we-do/primate-campaign/stop-international-trade-monkeys-research>.

<sup>9</sup> Nijman, V. et al, "Changes in the primate trade in Indonesian wildlife markets over a 25-year period: Fewer apes and langurs, more macaques, and slow lorises", *American Journal of Primatology*, 29 December 2015.

<sup>10</sup> British Union Against Vivisection, *Indonesia. The trade in primates for research*, April 2009, page 18.

*The areas underneath the pens were covered in waste and what appeared to be monkey chow biscuits that had fallen through the grid floor. Mould could be seen growing on some of the food. This was a stressful environment in which these monkeys were forced to live. These conditions were in stark contrast to living freely in family groups in a natural environment on Tinjil Island."*

The submissions provided above should in no way be viewed as limited and unique to Indonesia. BUAV have conducted similar investigations into the trade of primates for research all around the world, with similar conclusions.<sup>11</sup>

The welfare issues faced by primates sourced for research are further exacerbated by the fact that they are then subjected to international transportation processes, which sees them transported in crates in cargo holds of planes – often passenger flights.

More than 60 airlines have stopped transporting primates due to the welfare issues and ethical issues inherent in the sourcing, transporting, trade and use of primates for research. They include major airlines such as: Qantas, Virgin Atlantic, Cathay Pacific, American Airlines, United Airlines, US Airways, Air China, Air New Zealand and Philippine Airlines.

Further, major cargo carriers have also stopped transporting primates for research, including: UPS, FedEx, Cathay Pacific, and Korean Airlines.<sup>12</sup>

Public opinion polls reveal that most Australians oppose the use of primates in research. A Nexus research Poll commissioned by Humane Research Australia in 2013 revealed that 60% of Australians polled oppose the use of primates in research. A further 17% of participants were undecided.<sup>13</sup> Further, in 2011, Labor MP Mike Symon presented a petition to the House of Representatives calling for a ban on the importation of primates for research. More than 10,000 Australians signed this petition.<sup>14</sup>

For all of the reasons and submissions above, Animals Australia is strongly in support of the Bill and implores the Australian government to legally prohibit the import of primates for research purposes, and ensure Australia does not participate in the unethical trade of wild-caught primates for experimentation.

Please contact us if further information or clarification is required.

Thank you for the opportunity to provide input to the Inquiry.

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<sup>11</sup> See generally: <https://www.crueltyfreeinternational.org>.

<sup>12</sup> For a full list, see: <http://www.peta.org/action/campaigns/airlines-ship-primates-labs/>.

<sup>13</sup> See: <http://www.humaneresearch.org.au/interview/australians-say-no-to-animal-experiments>.

<sup>14</sup> See: <http://www.openaustralia.org.au/debates/?id=2011-11-23.166.1>.

Yours sincerely,

Glenys Oogjes  
***Executive Director***