

## **Response to Proposed National Animal Welfare Bill 2005**

This is a collated response incorporating the collective opinions of research and teaching personnel who use animals, members of the Animal Ethics Committee, Animal Care and Welfare Staff and other interested individuals and parties associated with UWA.

Staff at UWA strongly support the principles of ethical research, and adequate licensing and scrutiny of research protocols and conduct. Ensuring high standards of animal welfare is considered paramount and a fundamental pre-requisite for high quality science.

### **GENERAL CONCERNS:**

Within the Bill, specific use of animals in education, teaching and training is not mentioned and therefore is at odds with current Codes of Practice and State Legislation.

The Bill does not acknowledge the current role of Animal Ethics Committees (AECs), as required under the NHMRC's *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes 7th Edition 2004*, or the terms of reference and specific role of external membership in Categories A, C, and D on these committees to ensure transparency and consideration of public viewpoints in the scrutiny of all research applications. In effect this would mean that there will be double assessment by Authority under New Animal Welfare Bill and by AECs under NHMRC Code of Practice.

A public register of people registered to use animals for scientific purposes containing names, addresses and licence number exposes researchers to terrorism by animal activists. In Europe, USA and UK this has led to violence towards researchers, animal breeders and their families. In fact this aspect of the Bill may expose researchers to violent action which would be more effective as a result of the provisions in the bill. This was a view expressed by all the researchers who responded. Many respondents stated that they would abandon research requiring animal use if the Bill was passed incorporating public access to researcher's details.

The Bill if passed would have a severe negative impact on research in Australia.

### **Specific Parts of the Bill provoking concern:**

#### **10 Constitution of Authority**

(1) The Authority consists of:

- (a) 3 members representing the Commonwealth; and
- (b) 2 members representing commercial producers or users of animals and animal products; and
- (c) 2 members representing animal welfare non-government organisations; and
- (d) 2 members representing community groups; and
- (e) 4 other members, at least 2 of whom are scientists; and
- (f) 1 member who is an ethicist.

***The Authority is devoid of compulsory veterinary representation. The general public generally regard the input of veterinarians as crucial to safeguard health and well being of animals and their input to the Authority is essential.***

## **16 Qualifications of inspectors**

- (1) Inspectors must have a sound knowledge of animal husbandry and animal welfare. The minimum academic requirement is the completion of a prescribed course of training in animal welfare or an equivalent course of study.

***Inspectors with minimum academic requirement or completion of a prescribed course of training in animal welfare or an equivalent course of study would be inappropriately skilled to evaluate many of the complex research projects carried out in Universities. More appropriate skills and/or other credentials with no vested interest should be pre-requisite for inspectors of scientific establishments.***

## **64 Animal cruelty prohibited**

a person is taken to be cruel to an animal if the person does any of the following to the animal:  
(e) uses on the animal an electrical device;

kills it in a way that:

(ii) causes it not to die quickly.

(l) kills unwanted animals.

***This would preclude many terminal anaesthesia procedures where the animal will not be allowed to recover from the anaesthesia and although killing is not rapid, the animal is not suffering as it is anaesthetised throughout. This would seriously prohibit management of breeding animals. It also makes killing of pest species cruel and makes all of those involved in pest control liable for prosecution.***

## **64 Animal cruelty prevented**

- (2) (l) kills unwanted animals

***Humane killing of animals is not cruel.***

## **96 Definitions**

In this Part:

***animal*** means an invertebrate or vertebrate animal other than a human being.

***This conflicts with West Australia's Animal Welfare Act 2002 which currently does not include fish as animals.***

***The Animal Welfare Act 2002 states that "animal" means —***

***(a) a live vertebrate; or***

***(b) a live invertebrate of a prescribed kind, other than a human or a fish (as defined in the Fish Resources Management Act 1994).***

## **99 Matters of Responsibility**

- (1) (a) issuing licences for approved research to a research worker

***Individual licensing of researchers, suppliers and institutions in addition to the existing State and federal requirements unnecessarily increases the amount of bureaucracy and may place Australian researchers at a competitive disadvantage.***

## **99 Matters of Responsibility**

(1) ensuring that the public is aware of proposals for cruel experiments which will be scrutinised

*This implies that cruel experiments are currently proposed and approved within Research Institutes and Universities. This statement should be reworded to ensuring that the public is aware that proposals for all experiments are and will continue to be carefully scrutinised.*

## **100 Data bank**

- (1) The Authority must establish a data bank of all animal experiments carried out in both Australia and overseas.
- (2) The Authority must establish a data bank of and all alternatives to experiments using animals that are carried out in both Australia and overseas.

*The requirement for an extensive data bank of all animal experiments carried out within Australia and overseas, and all alternatives to animal experiments is not feasible. An alternative could be to encourage widespread adoption and use of the database 'Ethitex'*

## **102 Public notice of licences**

- (1) The Authority must ensure that notices of an application for a licence are published in a newspaper circulating in the locality of a research unit and in a different newspaper circulating nationally.
- (2) The notices must state the time and place at which the Authority will meet to consider whether to grant a licence.

*Public notice of licences exposes researchers and institutions to potential threats and intimidation by animal activists.*

## **110 Annual report of research unit operator**

*Extensive annual reporting unnecessarily increases the amount of duplication associated with research reporting. Researchers are already required to obtain Animal Ethics Committee approval before starting work and are required to provide annual reports on animal use, as well as annual reporting to the State Government authorities and annual Statement of Compliance to NHMRC.*

## **114 Inspection of register**

The Authority must:

- (a) keep the register open for inspection, free of charge, by members of the public during office hours on business days at the Authority's office; and
- (b) allow a person to take extracts, free of charge, from the register; and
- (c) give a person a copy of the register, or part of it, on payment of the fee prescribed under the regulations.

*A public register of people registered to use animals for scientific purposes containing names, addresses and licence number exposes researchers to threats by animal activists. In Europe, USA and UK this has led to violence towards researchers, animal breeders and their families*

***The Bill, if passed may have a severe negative impact on the retention of animal research staff in Australia, particularly in view of the prevailing background of restricted availability of funding***

### **108 Management of pain**

(1) Every animal used in a research unit in any experiment that is likely to cause pain to the animal must be anaesthetised.

***As written, this would not be achievable, as injection / administration of anaesthetic agents can cause momentary pain.***

### **111 Annual report of supply unit operator**

A licensed supply unit operator must submit an annual report to the Authority showing:

- (a) the number of each species bred; and
- (b) to whom the animals were sold or forwarded;

***This could limit opportunities for successful rehoming of individual animals.***

### **117 Prohibition on research funding**

(1) The Commonwealth must not provide funding to any organisation that uses animals for:

- (a) research and development; or
- (b) promotional activities;

unless the Minister is satisfied that the organisation's use of animals is consistent with the objects of this Act and does not contravene any code of practice established under the regulations.

(2) All organisations that receive commercial funding must publish all other funding sources.

(3) If an organisation receives Commonwealth funding and funding from Commonwealth sources, those sources of funding must be:

- (i) reported in applying for any Commonwealth funds; and
- (ii) published in the organisation's annual report.

***This could cause problems as disclosing issues of confidentiality may compromise Intellectual Property Rights. There may also be problems in relation to Commercial-in-Confidence arrangements and international funding conditions.***