



Submission to the
**Senate Rural and Regional Affairs and Transport
Committee**

from
Monash University

National Animal Welfare Bill 2005
(Senator Bartlett)

A Bill for an Act to promote humane, responsible and accountable care, protection and use of domestic animals, livestock, wildlife and animals kept for scientific purposes, and the standards required to achieve this end and for related purposes

November 2005

This submission was made on behalf of Monash University, and was submitted by the Deputy Vice Chancellor and Vice President (Research), Professor Edwina Cornish. All correspondence should be addressed to:

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Executive Summary

Monash University welcomes the opportunity to provide comments on the *National Animal Welfare Bill 2005* (Bill). This submission does not provide detailed analysis of the entire Bill, but rather provide responses on specific aspects relating to animal research that are of particular concern to the University.

In summary, this submission makes the following points:

Monash University is supportive of appropriate public accountability, the responsible care and use of animals for scientific purposes, and the promotion of alternatives to the use of animals in scientific research and teaching.

The University sees no need for additional Commonwealth regulation of scientific use of animals, as outlined in the Bill. Existing State government regulation and the *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes* (2004) ensure that uniform and humane standards of animal care and use apply nationally in scientific institutions. The implementation of the Australian Animal Welfare Strategy will ensure that a uniform approach to animal welfare will apply in all animal industries. If, in future, the States were to consider ceding to the Commonwealth the powers to regulate animal use in research then the University would seek to make further comment.

Monash University has concerns with the following aspects of the Bill:

- Duplication of existing State legislation and responsibilities
- Definition of “animal” used in Section 96 in reference to animal use for scientific purposes
- Definition of “pain” used in Section 96 in reference to animal use for scientific purposes
- Requirement to use anaesthesia for any procedure likely to cause pain (Section 108)
- Establishment of a data bank of all Australian and overseas experiments using animals (Section 100)
- Acquisition of animals for research (Section 106) limited to suppliers licensed by the National Animal Welfare Authority. This may preclude importation of animals (including laboratory mice) from some international sources.
- Establishment of a public register containing information relating to persons using animals for scientific purposes (Sections 112-114).
- Ambiguity in Section 117 “Prohibition on research funding”, with reference to point (2) -publication of commercial and other funding sources.

If the Bill were adopted in its present form the legislation would be an impediment to Australia’s participation in international research. This would come about because of the additional layers of bureaucracy imposed by the legislation, and because of the potential for restrictions on the sources of animals and types of research that will be able to be done.

Monash University requests to be advised of any future version of the Bill with a view to providing further comment.

Comments and responses to the *National Animal Welfare Bill 2005*

1. General Comments

Monash University strongly supports the responsible care and use of animals for scientific purposes, and acknowledges the role of legislation and industry Codes of Practice in ensuring that community expectations are met. Currently all Australian States and Territories have similar legislation in place for regulating animal research and animal welfare. In Victoria, the *Prevention of Cruelty to Animals Act (1985)* and *Regulations* control use of animals for scientific purposes, and require compliance with the national *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (2004)*, (Australian Code).

The responsibilities of scientific institutions and individual research investigators are thoroughly detailed in the Australian Code which has been developed and endorsed by national authorities (the National Health and Medical Research Council, the Commonwealth Scientific and Industrial Research Organisation, the Australian Research Council, and the Australian Vice-Chancellor's Committee) in consultation with representatives of the State and Territory governments, animal welfare groups and with input from the public.

In Victoria, all use of animals for scientific and teaching purposes must be conducted under the auspices of a license held by a scientific institution, and with the approval and ongoing monitoring of the Animal Ethics Committee (AEC) listed on the licence. The requirements and standards that relate to the approval and monitoring of animal research projects by an AEC are uniform across Australia as they are detailed in the Australian Code. Furthermore, the Australian Animal Welfare Strategy (endorsed by the Australian Primary Industries Ministerial Council in 2004), will also ensure that a uniform approach to animal welfare will apply in all animal industries.

As consistent and humane standards of animal care and use already apply nationally, the University sees no need for additional Commonwealth regulation of scientific use of animals, as outlined in the *National Animal Welfare Bill 2005* (Bill).

2. Responses to specific points outlined in the Bill

Monash University would like to respond to particular issues of concern raised in the Bill.

2.1 Duplication of existing State legislation and responsibilities

Constitutional issues are raised by the Bill in its current form. The Bill appears to duplicate rather than replace existing State legislation with regard to regulation of research involving animal use (e.g. licensing, inspections). If this were to occur it is not clear how discrepancies that might arise would be managed, or whether a particular agency would have the higher authority in making decisions.

Duplication of State regulation also would add an additional level of bureaucracy which would be an impediment to Australia's participation in international research. For example, animal research would require approval from the National Animal Welfare

Authority, in addition to approval from the institutional AEC, if the research project received Commonwealth funding (Section 99, 1d).

If, in future, the States were to consider ceding to the Commonwealth the powers to regulate animal use in research then the University would seek to make further comment.

2.2 Definition of “animal” used in Section 96 in reference to animal use for scientific purposes

The Bill contains two different definitions of the word *animal*. For the purposes of scientific use of animals, the definition of *animal* used in Section 96 (page 58) “means an invertebrate or vertebrate animal other than a human being”. This would extend animal welfare regulation beyond the invertebrate animals of Classes Cephalopoda (e.g. octopus, squid) and Malacostraca (e.g. lobster) listed in the Schedule 2 definition of *animal* (page 79), and include less sentient species such as jellyfish, sponges, insects and roundworms.

The implications of this change of definition may not be immediately obvious to a lay person, but would result in regulation of two key animal species used in genetic research, the vinegar fly *Drosophila melanogaster* and the microscopic soil roundworm *Caenorhabditis elegans*. Previous scientific research using these species have provided numerous and significant advances in our understanding of genetic control of body development. A typical experiment involving *D.melanogaster* might involve use of thousands of flies; whilst a culture of *C.elegans* used for experiments might consist of millions of microscopic worms in a tablespoon volume of soil. Accounting for all these additional invertebrate animals used in experiments would be extremely onerous and impractical. Extending animal research legislation to these animals would have a very great impact on the regulatory burden of the research investigators, the AEC and the institution. It would divert resources away from more sentient species which are of greater concern to the general community.

It is our view that the definition of *animal* should be the one used on page 79, which is consistent with the definition used by the Australian Code.

2.3 Definition of “pain” used in Section 96 in reference to animal use for scientific purposes

The Bill contains the following definition of *pain* (page 58): “refers to both psychological and physical pain and, in an animal, is taken to be the same sensation that an average, well human, having suffered the same trauma, would experience”.

This definition of pain using reference to humans is seriously flawed as it fails to acknowledge the known physiological and psychological differences between species.

2.4 Requirement to use anaesthesia for any procedure likely to cause pain (Section 108)

The Bill proposes that anaesthesia be used for all procedures that might be expected to cause pain. While this might appear reasonable on superficial consideration, concern exists that there is no exception made for minor procedures such as injections or simple blood collection, or for research that involves development of new treatments for pain.

There is also no consideration of the “side effects” of anaesthetic drugs and whether the impact of anaesthetising the animal may be more distressing to it than not anaesthetising the animal in some circumstances. These decisions are better made on a case-by-case basis taking into consideration the particular circumstances, rather than as a compulsory requirement.

The requirement to use anaesthesia would prevent the study of pain to acquire new knowledge and understanding, or develop new treatments, as this would require animal models to be unanaesthetised. Furthermore, as the definition of pain used in the Bill is anthropocentric, the anaesthesia requirement may also prevent the use of animal behavioural research to address important issues such as anxiety and the effects of social isolation. Experiments involving measurement of behavioural responses in conditions that might be psychologically distressing to humans are impossible to conduct on anaesthetised animals.

2.5 Establishment of a data bank of all Australian and overseas experiments using animals (Section 100)

The requirement to generate and maintain a new data bank that includes all animals used in research in Australia and overseas is impractical and unachievable. This would be a massive and costly data collection and record keeping exercise, with little foreseeable benefit. It is unlikely that sufficient cooperation of overseas research investigators could be obtained.

The implication of the sponsors’ remarks is that there is currently wastage of animals through duplication of undocumented experiments. It does not take into account the major research goal of all research academics to achieve publication of research results, nor the need for new knowledge to be tested for repeatability and soundness.

The generation and maintenance of a data bank of experimental animal use is unlikely to generate a resource that would be useful to research investigators, or minimise the use of animals in research. Publication of high calibre research work in international publications is currently available via the internet, and this is an extremely valuable resource. Provision of additional resources to facilitate publication of research would be a more productive and beneficial exercise than the proposed data bank.

2.6 Acquisition of animals for research (Section 106) limited to suppliers licensed by the National Animal Welfare Authority.

The proposal to require that animals for research are only to be acquired from licensed sources is reasonable, as long as this applies only to Australian suppliers. Difficulties would arise if the requirement were applied to international sources, as uniform and comparable standards are not in place in many overseas countries. This may preclude importation of animals (including laboratory mice) from some international sources, and thereby impede the conduct of research in Australia.

2.7 Establishment of a public register containing information relating to persons using animals for scientific purposes (Sections 112-114).

The proposal to establish this register is of great concern as it raises issues of personal security and privacy. The purpose of the register is unclear, particularly as it is proposed in addition to public notice of licences (Section 102).

2.8 Ambiguity in Section 117 “Prohibition on research funding”, with reference to point (2) -publication of commercial and other funding sources.

It is unclear what is intended by point 2; “All organizations that receive commercial funding must publish all other funding sources”, in the context of section 117 “prohibition on research funding”.

3. Other comments

3.1 Establishment of a data bank of alternatives to experiments using animals (Section 100)

Promotion of alternatives to the use of animals in scientific research and teaching has the potential to minimise the number of animals used in research, and in some cases provide better research data and other beneficial outcomes.

3.2 Funding for animal research initiatives

Promotion of other approaches that would minimise the number of animals used in scientific research and teaching could be encouraged by provision of additional funding. For example, sharing of animal tissues between research groups within an institution or around Australia would be facilitated by secure online databases such as “Ethitex”, a database that has been developed in conjunction with the University of Western Australia.

Finally, if the Bill were adopted in its present form the legislation would be an impediment to Australia’s participation in international research. This would come about because of the additional layers of bureaucracy imposed by the legislation, and because of the potential for restrictions on the sources of animals and types of research that will be able to be done. Close regulation of situations where adverse effects may be experienced by animals is a community expectation. It is our view that sufficient State regulation is currently in place and there would not be additional animal welfare benefits to justify the national system proposed in the Bill.

Monash University requests to be advised of any future version of the Bill with a view to providing further comment.

A handwritten signature in black ink, appearing to read "Edwina Cornish". The signature is fluid and cursive, with the first name "Edwina" written in a larger, more prominent script than the last name "Cornish".

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