



THE UNIVERSITY OF
MELBOURNE

30 November 2005

Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

Submission on the National Animal Welfare Bill 2005

Thank you for the opportunity to comment on the *National Animal Welfare Bill 2005* (Bill).

The University of Melbourne is one of Australia's largest research focused universities and, consequently, is a user of animals in research and teaching.

This submission concerns the provisions of the Bill that relate to animals used for experimental purposes (Parts 8 and 9). Nonetheless, general comments provided may apply to other parts of the Bill.

The University is of the view that the use of animals in research and teaching is critical for scientific progress, and ultimately for the benefit of the whole community in the areas of human and animal health and welfare, animal management and production, education and the natural environment.

The University is committed to the responsible use of animals for scientific purposes and to the "3Rs" as encapsulated in the *Australian code of practice for the care and use of animals for scientific purposes* (Australian Code of Practice).

To "promote the responsible care and use of animals¹" and "ensure the use of animals for scientific purposes is accountable, open and responsible²" is a worthy purpose. The State of Victoria, by way of the *Prevention of Cruelty to Animals Act 1986*, provides such coverage and imposes a robust regulatory system that addresses the above mentioned purpose. The University does not endorse the Bill's approach to impose another layer of legislation and create a new national authority with investigative powers.

¹ National Animal Welfare Bill 2005, Purpose of Act, clause 3(a)

² National Animal Welfare Bill 2005, Purpose of Act, clause 3(d)

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The University supports the Australian Government's commitment to the Australian Animal Welfare Strategy that was formulated following extensive consultation with the community and key animal welfare stakeholders. The Australian Animal Welfare Strategy (AAWS) is a "national strategy that aims to maintain and improve the high standards of animal welfare that currently exist in Australia"³. A National Implementation Plan has been developed. The Strategy and the Implementation Plan will achieve many of the same aims as the National Animal Welfare Bill without the need for complex and costly Federal legislation.

The University is very concerned that there is no clear process planned for the operation of the provisions of the National Animal Welfare Bill and the operation of concurrent State legislation. The Bill is vague on which jurisdiction would take precedence and how any variance between the requirements of different pieces of legislation would be resolved in relation to day-to-day operations and reporting to statutory authorities.

It is evident that the provisions of the Bill would increase the administrative burden on universities and impose an onerous reporting regime. One likely outcome would see Commonwealth and State authorities seeking the same information albeit in different ways, and causing universities to continually re-engineer the same data. This will result in significant funds being diverted from core research and teaching activities and reduced funds available to universities to progress the Australian (and State) Government's key initiative to support biotechnology and biomedical research.

As a consequence of the Bill's definition of an "animal"⁴, Part 8 would be applicable to all invertebrates that are used in scientific procedures. This would have a vast, and an arguably unwarranted, impact on the type and number of animals scrutinised by animal ethics committees operating under State systems. The University believes that the definition of an animal, particularly in connection to scientific procedures, should be limited to vertebrates and those invertebrates that are known to be sentient.

While conscious of the need for continuing assessment of legislative measures and their implementation, the University is anxious to ensure that the effectiveness of the current system in the State of Victoria is not eroded.

The University has witnessed how properly maintained animal ethics committees significantly contribute to the promotion, maintenance and improvement of animal welfare. It is also acknowledged that the Australian Code of Practice underpins the vital work of animal ethics committees. Importantly, the Victorian *Prevention of Cruelty to Animals Act 1986*, Part 3, incorporates the Australian Code of Practice and this strengthens an existing national approach to animal welfare. In fact, all of the States and Territories have incorporated the Australian Code of Practice into their legislation, thereby providing national uniformity in the approach to all animal experimentation, and not only that funded by the National Health and Medical Research Council (NHMRC).

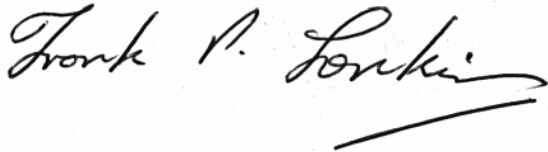
³ Department of Agriculture, Fisheries and Forestry, Australian Government, "Draft National Implementation Plan of the Australian Animal Welfare Strategy", November 2005, p.5

⁴ The National Animal Welfare Bill 2005, Schedule 2 – Definitions, p.79

In summary, the University does not believe the National Animal Welfare Bill, as proposed, will be an effective instrument to add to the humane, responsible and accountable care, protection and use of animals kept for scientific purposes.

The University is available to expand on its evaluation of the Bill and how it would impact on the research and teaching activities of the University.

Yours sincerely

A handwritten signature in black ink that reads "Frank P. Larkins". The signature is written in a cursive style with a long horizontal stroke at the end.

Professor Frank P Larkins
Deputy Vice-Chancellor (Research)