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Committee Secretary,
Senate Rural and Regional Affairs and Transport Committee,
Department of the Senate,
Parliament House,
Canberra. ACT. 2600

Dear Sir/Madam,

Re: National Animal Welfare Bill 2005 Inquiry

The University of Queensland welcomes the opportunity to comment on the Bill with the focus of this submission being on Part 8 – Animals Used for Experimental Purposes. The University believes that the current State government regulatory framework for the use of animals for scientific and teaching purposes provides a well balanced approach to the consideration of animal welfare issues.

The Bill demonstrates little understanding and appreciation of the role that State regulatory agencies play in protecting animal welfare and regulating the conduct of animal research. In May 1991 the National Health and Medical Research Council's *Code of Practice for the Care and Use of Animals for Scientific Purposes* became regulations to the then Queensland legislation governing animal welfare. In 2001 the *Animal Care and Protection Act (Qld)* was passed and since then, the State regulatory agency has worked closely with counterparts in other states to introduce operational guidelines that are reasonably consistent across state jurisdictions. Contrary to the proponents of the Bill, there is a high degree of consistency in the principles and practice across the six States regarding animal welfare and, in particular, the regulation of the use of animals in research. No good case has been made to remove from State jurisdiction a responsibility that has existed for many decades and where the States, in particular Queensland, have demonstrated an enduring commitment to improving the welfare of animals.

The involvement of the National Health and Medical Research Council (NH&MRC) in the oversight of animal research has been in place since the first version of the *Code* in the early 1980s. The University reports to the NH&MRC annually and the report encompasses all research and teaching projects, not just projects funded by the NH&MRC. In addition to the annual report to the NH&MRC, institutions that use animals for research and teaching purposes must provide extensive annual reports to the State regulator and are subjected to rigorous on-site audits of facilities, committee business,

files and interviews with animal ethics committee members and researchers. We hope that the Senate Committee will take the opportunity to examine in detail the legislation and operational units that oversee animal welfare in each State to gain a well grounded understanding of the comprehensiveness of animal welfare regulation across Australia and balance this against the high costs of a centralised system that can be very unresponsive to local needs and issues.

Part 8 of the Bill proposes a hybrid of the United Kingdom and Australian systems with a focus on a large centralised bureaucracy. There is a very real prospect that the focus of this Bill, being animal welfare, will become secondary to the creation of an unwieldy, process driven federal regulator. The creation of the Office of the Gene Technology regulator and the passing of the *Gene Technology Act (Cwth)* in 2000, occurred in an environment which there was no long standing State responsibility for activities in gene technology in any coordinated fashion. Prior to the *Gene Technology Act* compliance with the Genetic Manipulation Advisory Committee guidelines was voluntary. It cannot be stressed enough that to derogate from the States' responsibility for animal welfare would weaken the importance of animal welfare at the local and State levels.

The Bill, particularly Part 8, contains a number of inconsistencies and lacks clarity by use of ill defined or emotive words and phrases. A list of these is attached for the information of the Committee. To reiterate the University's position, the current regulatory environment for animal welfare should remain a State responsibility and the Bill would serve no useful purpose in the improvement of animal welfare across Australia.



David Siddle
Deputy Vice-Chancellor (Research)

cc. ORPS File

Comments on the drafting of Part 8 and Part 9 of the National Animal Welfare Bill 2005

Part 8

Definitions – Animal is defined as an invertebrate or vertebrate animal other than a human being. Not only does this conflict with current State legislation and the NH&MRC Code but also runs contrary to the definition of animal at Schedule 2 of the Bill.

Section 99, Matters of Responsibility – In this section the Bill combines the review and registration of both the researcher/individual and of each project. This is unnecessary duplication as under current State legislation, a corporate entity will be registered to undertake scientific research using animals with each animal ethics committee reviewing and approving projects. Animal ethics committees include lay members and animal welfare advocates who are not employees of the institution and Section 99 of the Bill would abolish local animal ethics committees. This would set aside a long tradition of engaging members of the local community and animal welfare advocates in the assessment and approval (or veto) of animal research undertaken in their communities.

Section 99, sub-section (l) – The word “cruel” to describe experiments is an emotive term and has a specific meaning under State law that could lead to criminal prosecution. The term “cruel” experiment is not defined in the definitions to Part 8 or in Schedule 2. Unless there is good reason to include such a term, it should be deleted from the Bill.

Section 102, Public Notice of Licenses – It is not clear why an application for a license is to be published in a local and national newspaper unless public submissions are being invited (and this is not stated in the Bill). There is no timeframe given as to when notice is to be published.

Section 104, Objections to Licenses – There must be some basis for an objection to a license and any objection must surely be justified, not only for the Authority to make a determination on the application but also for the applicant to have available proper administrative review of a decision.

Section 108, Management of Pain – Presumably the term “anaesthetised” also includes a variety of pain blocking agents, both local and general in their application.

Section 109, Notice of Revocation, Refusal or Suspension of License – This Bill provides the Authority with almost unfettered power. Once an application is submitted a maximum period for review must be stated in the Bill or in the regulations with a clear process for appeal described in the Bill.

Section 114, Inspection of Register – How is the Authority to deal with projects that are subject to commercial in confidence agreements and access to this register by the public? Nowhere in the Bill are matters of a confidential nature considered.

Part 9 - Section 117 (2) – The purpose of this Section is unclear. Is it intended that only funding from ALL other sources relevant to the Commonwealth funded project involving animals be published? Surely any known or potential conflict of interest would be dealt with at a contractual level between the funding recipient and the Commonwealth?