

Submission to

Senate Rural and Regional Affairs and Transport Committee

From

The Walter and Eliza Hall Institute of Medical Research

National Animal Welfare Bill 2005

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National Animal Welfare Bill 2005

Scope

This submission is concerned only with Parts 8 and 9 of the Bill “Animals used for experimental purposes” It is not intended as a detailed analysis of the contents of the Bill but comprises general comments on the proposed model.

Key Points

- WEHI strongly supports the promotion of responsible care and use of animals and to ensure accountability in the use of animals for scientific purposes.
- It is not clear how this Bill will provide safeguards additional to those already in place.

The NHMRC “Australian code of practice for the care and use of animals for scientific purposes” is already legally binding in each state. The proposed National legislation would not replace animal welfare legislation at a state level but would run concurrently. This would provide confusion and conflict in complying with differing regulatory structures and place a further administrative burden on researchers with no discernable increase in benefits for animal welfare. It consumes valuable time and resources that could otherwise be used more constructively.

- **Section 99. Matters of responsibility.**
We would have concerns how a national authority could handle the volume of work involved in scrutinizing individual projects in a timely manner. The NHMRC ‘code’ integrates the Animal Ethics Committee (AEC) process with experiments undertaken on a day-to-day basis in the research institute. Thus the AEC is ideally placed to monitor and educate scientists in the ongoing area of animal welfare and can be far more responsive to changing concerns and conditions than a centrally located authority. A central authority could not spend the many, many hours undertaken by our local AEC scrutinizing projects before issuing approval.
The licensing of establishments and collation of data concerning

animal use is currently undertaken by state governments. This legislation proposes a second layer of licensing which is at best unnecessary and at worst could impose inconsistent requirements.

- Section 101 and 102 Public Notices and Licences.
While WEHI supports transparency in research (our annual report is a public document) the publication of licence applications in the local and national newspapers will not lead to balanced public debate because the complexity involved with many research projects cannot be condensed into a simple notice.
- Section 113 and 114 should be checked for consistency with the new privacy legislation. It is difficult to think of a reason for the public disclosure of names and addresses other than it has been requested by the more extreme arm of the animal rights movement. Researchers are rightly concerned it may lead to personal harassment of themselves and their families by unbalanced members of the community. Researchers in the UK and USA have endured both bomb threats and damage to personal property for many years as a result of animal rights activism.

Additional concerns

There are minor points that suggest that adequate and balanced advice has not been sought in the drafting of this Bill including

- “ensuring the public is aware that *cruel experiments* will be scrutinized” without defining “cruel experiments” (section 99(L))
- “the authority must establish a databank of *all* experiments using animals, carried out in Australia and *overseas* “(section 100). This is totally unrealistic.

PUB MED (National Library of Medicine online Biomedical Journals) entries for the period for just one year (October 2004 to October 2005) totalled 693,939.

- “every animal used in a research unit in any experiment that is likely to cause pain to the animal must be anaesthetized” (Section 108)
Compulsory use of anaesthetics in every instance for transitory discomfort may not be in the best interests of the animal’s welfare as a centrally acting anaesthetic will inevitably have systemic side effects. The mild discomfort and disorientation involved in a general anaesthetic must be balanced against the discomfort produced by the procedure.
- Definition of “animals” to include all invertebrates is not appropriate as the additional resources needed to track creatures such as nematodes and cockroaches may direct resources away from genuine welfare issues. It is also inconsistent with the NHMRC code definition of ‘animals’.

Conclusion

A level of consistency across State and Territories is desirable and all industries involved with animal use should continue to strive for ‘best practice’. However, WEHI believes the National Animal Welfare Bill 2005 will not contribute to improved animal welfare and is unnecessary as existing state legislation incorporates the NHMRC “Code”. The Bill would impose yet a further and potentially conflicting level of regulation. The Australian Animal Welfare Strategy (AAWS) was endorsed by the Primary Industries Ministerial Council in May 2005. This excellent and well-considered approach was proposed by NCCAW (National Consultative Committee on Animal Welfare) with one of its objectives being to “facilitate improved consistency of legislation across states and territories for improved and sustainable animal welfare outcomes”. NCCAW is truly representative of all parties interested in animal use, incorporating as it does representatives from state and territory governments as well as representatives from animal welfare organizations, industry groups, The Australian Veterinary Association and NHMRC. The strategy which they have begun to develop provides a better way forward for achieving the aims of advancing animal welfare throughout Australia than does this proposed Bill.