

Submission to

**Senate Rural and Regional Affairs and  
Transport Committee**

From

**Murdoch University Animal Ethics Committee**

**National Animal Welfare Bill 2005**

**This submission was made on behalf of the Murdoch University Animal Ethics  
Committee**

**Contact details**

**Dr Sue Godkin  
Animal Ethics Officer  
Research ethics  
Murdoch University  
MURDOCH 6150  
Western Australia**

**[sgodkin@murdoch.edu.au](mailto:sgodkin@murdoch.edu.au)**

**Phone 9360 7366**

**Fax 9360 6686**

**Dr Sue Dyson  
Executive Manager (Research Services)  
Division of Research and Development  
Murdoch University  
MURDOCH 6150  
Western Australia**

**[s.dyson@murdoch.edu.au](mailto:s.dyson@murdoch.edu.au)**

**Phone 9360 6170**

**Fax 9360 7366**

# **National Animal Welfare Bill 2005**

## **Submission by Murdoch University Animal Ethics Committee**

This submission is based on comments offered by members of the Murdoch University Animal Ethics Committee and researchers from Murdoch University. The comments particularly address the sections concerning the use of animals for scientific purposes

An overall comment was that a National approach to Animal Welfare would be valuable as the present differing laws and regulations between States and Territories are confusing and unwieldy. However; it is concerning that the speech given to the Senate on the 2<sup>nd</sup> June 2005 to introduce the Bill, and the Bill itself did not provide recognition to the established processes already in place. There is an overall failure to recognise the Animal Ethics Committee (AEC) system which is presently in place in Australian research and teaching institutions. This system of animal welfare regulation where individual AECs report annually to the National Health and Medical Research Council is working efficiently.

To substitute this system with a National one would replace the detailed consideration of projects at a local level, with a centralised administrative system that could have difficulty effectively and efficiently conducting the deliberations undertaken by a large number of individual Committees. This is a retrograde move that would undermine a system that has international respect and acceptance. It could also result in enormous delays to the research process.

### **Comments on specific issues are**

#### **Part 1 Section 3 Purpose of the Act**

(d) "ensure that the use of animals for scientific purposes is accountable, open and responsible" A definition for scientific purposes is needed which includes teaching

#### **Part 2 - National Animal Welfare Authority**

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

At least one of the 14 members should be a Veterinary Surgeon. To consider the formation of such a body without the inclusion of a Veterinary Surgeon would be a gross omission

#### **Part 8 – Animals used for experimental purposes**

##### **96 Definitions**

###### **Animal**

The definition of an animal is critical starting point to the determine the range of creatures covered under this Bill. Consistency within this Bill is essential. Section 96 states: 'animal means an invertebrate or vertebrate animal other than a human being'. This would be an excessively broad definition, embracing all invertebrate animals. Schedule 2 1(d) is much more limiting in its definition of an invertebrate, limiting it to: 'a live invertebrate creature of a species, or the stage of a life cycle of a species, from the class Cephalopoda or Malacostraca prescribed under a regulation for this paragraph'. If the intent is that the term 'invertebrate' in Section 96 is fully defined in

Schedule 2 1(d), then the implications are limited. However, implications are serious and widespread if the definition of ‘animal’ is broadened to the zoological meaning of Section 96.

### **Implications of including all invertebrates**

If it is intended that the full provisions of the Bill will apply to all invertebrate research in Australia these issues arise:

- will all invertebrate researchers need approval? If so, is the rapid, large-scale expansion of the regulatory system necessary to accommodate this practicable?
- much critical invertebrate work takes place in the field (e.g. tests of the efficacy of pest control). How will workers comply with regulations regarding inspection, licensed suppliers and so on?
- invertebrate projects often involve far more animals than vertebrate projects. Are statistical returns on causes of mortality, fates of all animals held and the like really required for such work? Do committees really need to know the numbers of maggots or cockroaches dying in a culture and the causes of death?
- it is common to feed live invertebrates to a wide range of animals in captivity, including both vertebrates and other invertebrates. Are the provisions of Section 87 intended to apply when the prey is any type of invertebrate?
- do invertebrate researchers really need to be subject to the public licence provisions of Sections 102 – 105? Does the general public really want to know what is being done to tapeworms, garden snails, lice etc. in research laboratories?

### **Implications of restricting ‘invertebrate’ to Cephalopoda and Malacostraca**

If this restricted definition of ‘invertebrate’ is applied, there may still need to be special provision for fieldwork. I assume that much research on these species will occur in the context of fisheries management, so how will workers comply with regulations regarding inspection, licensed suppliers and so on in field studies?

“**Research** means critical or scientific inquiry, study, investigation or experimental test, including procedure involving interference with an animal’s condition of well-being, where pain and distress are likely to occur”

- ❖ This definition is too narrow. In many experiments pain and distress are not likely to occur if they are properly carried out by skilled investigators using the best techniques. It is the function of AEC’s to ensure that this is the case. Therefore all experiments using sentient animals should be classed as research and fall under the Act.
- ❖ It does not cover teaching. In scientific institutions the line between teaching and research may be blurred and many of the procedures and animal welfare issues are similar. Therefore animals used for teaching scientific procedures should be covered by the Act

### **99 Matters of Responsibility**

It is proposed that individual researchers, scientific institutions and individual research projects will be licensed by the Authority. At present AEC’s ensure that

researchers have the necessary skills and experience and consider each project individually. Will this function which is working well be removed from local AEC's and be administered Nationally? The burden on researchers to ensure that they have three licences current for each project they conduct seems excessive with no added benefit to animal welfare

- (1) (f) (1) "ensuring that the public is aware that proposals for cruel experiments will be scrutinised" Cruel is a very emotive word with varying definitions. Pain and distress is consistent with the Code's use and is more precise

**101;** The formation of a central authority to issue the required licences will require an extensive bureaucracy to provide the required licences in a timely manner. Extensive delays would impede and limit the conduct of projects, continuity of employment of research staff and justification of research funds. Reiterating the initial comment in the overview, such a system as the one proposed disregards the current valuable role of AECs and places excessive burden on the researchers

**104** the conditions for objecting to granting of licenses needs some clarification and definition. The basis of objecting to a licence must be defined in animal welfare terms

#### **106 Acquisition of animals for research**

The requirement for research units to only acquire animals from another licensed research unit or licensed supply unit will cause difficulties, especially for the supply of farm animals. Presently, these animals are purchased from sale yards or commercial breeders as there are no scientific suppliers. Under the Code this is permissible if the establishments adhere to the relevant industry codes

Wildlife research is another area where this would cause problems. They are not "owned" by an authorised person nor are they "used" on authorised premises. How will wildlife be obtained legally?

#### **107 Revoked Licences**

The suggested one year suspension of a licence is an arbitrary time period and that has no identifiable link to the nature of the animal welfare reason for revocation of the licence

#### **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" This provision is unnecessarily broad. Many procedures used in scientific studies cause minimal pain. Examples of these procedures could include ear-tagging, blood collection and injections. The process and consequences of administering an anaesthetic may be worse than the procedure.

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

"A licensed research unit operator must submit an annual report to the Authority showing for each experiment

(h) the number of deaths from disease or from unexplained causes"

Deaths from explained causes other than disease should be recorded. Eg accident, surgery, starvation etc

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

(e) comment as above

## **114 Inspection of Register**

There are serious concerns for privacy and safety if the register of persons registered to use animals for scientific purposes (which contains, name, address and licence number) is open for inspection by the public

The requirement for a copy of such a large register to be given to on request would cause logistical and practical problems

Maintaining “Commercial in Confidence” applications will also be difficult and a process needs to be thought through more carefully

## **Wildlife provisions**

Despite the claims of the title the wildlife provisions of the Bill are very restricted and offer almost no guidance for field research aimed at vertebrate pest control or conservation of native wildlife. Specific issues include, but are not limited to:

- Section 3 (b)(i) – I suggest changing ‘Where it is deemed necessary to capture and kill wildlife ...’ to ‘‘Where it is deemed necessary to capture or kill wildlife ...’. This covers the many instances of capture and release in wildlife field studies.
- much critical wildlife work takes place in the field (e.g. tests of the efficacy of vertebrate pest control, studies of the ecology or conservation of native species). How will workers comply with regulations regarding inspection, licensed suppliers and so on?
- should training provisions be specified before individuals can study wildlife in the field?
- wildlife studies may involve specific mutilations of animals for identification purposes (branding, toe-clipping, ear-punching etc.) Should any of these common practices be restricted?
- Section 78 – who decides if a cat should be declawed to protect wildlife? Is it solely the owner? Or can another party claim under this Bill that a pet cat should be impounded and declawed because it hunts?

Perhaps wildlife issues are sufficiently complex to require a separate Bill

## **Summary**

Many statements in this proposed Bill need further consideration and careful re-drafting. The proponents of the legislation would be well advised to consult the Australian Code of Practice for the care and use of animals for scientific purposes (the Code). This has been prepared after extensive consultation. It is our opinion that the Code offers a more acceptable set of specifications for protecting the welfare of animals than the proposed Bill