



**The Australian and New Zealand Council for the Care
of Animals in Research and Teaching Ltd.**

**Submission regarding the Draft 2005 National
Animal Welfare Bill**

Submitted on behalf of the Board and Council of
ANZCCART by: Dr Geoffrey W. Dandie
Chief Executive Officer
ANZCCART
C/o The University of Adelaide
South Australia, 5005.
Ph: (08) 8303 7586
Email: Geoff.Dandie@adelaide.edu.au

November, 2005.

About ANZCCART:

The Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) is a not – for – profit company established in 1987, in recognition of the importance of animal-based medical research advances and the potential impact of changing public opinions regarding the use of animals in research and teaching. Our membership base is broad and includes animal welfare organizations, State Government departments and the major national research funding bodies and research organizations. We serve our membership and other interested stakeholders by the provision of free expert advice and relevant national workshops for students, researchers and providers and an annual conference. The latter that is the major national forum and source of information for members of Animal Ethics Committees (AEC) from around Australia and New Zealand, particularly the animal welfare and Lay members of AECs (Categories C & D members). The annual conference importantly serves as a forum for all stakeholders to meet, debate and discuss advances in understanding, policy and topical issues.

Our Corporate Mission is:

To promote excellence in the care of animals used in research and teaching;

To ensure that the outcomes of the scientific users of animals are worthwhile; and

To foster informed and responsible discussion and debate within the scientific and wider community regarding the scientific use of animals.

Extent of Submission:

In line with our mission, and the specific expertise of ANZCCART, most of the content of this submission will address sections of the draft Bill that pertain to the use of animals in research and teaching and related issues.

General Comments Relating to the National Animal Welfare Bill 2005:

ANZCCART is strongly supportive of the concept of having the greater possible consistency in animal welfare legislation across all States and Territories of Australia – including off-shore regions such as our Antarctic bases. What is not clear is how effectively the National Animal Welfare Bill will operate along side the regionally based legislations. The statement that the National Bill will dominate over State legislation highlights a likely source of legal challenge that may result in important issues slipping through the gap. This issue alone supports the rationale for supporting the Australian Animal Welfare Strategy (AAWS), which is currently being implemented and will actually incorporate existing legislation, guidelines and codes of practice rather than

undermining them. Importantly, this Strategy has had input from all relevant and interested stakeholders to date and clear mechanisms have been put in place to ensure their continued involvement.

It was disappointing to see the apparent lack of knowledge of current legislative arrangements that apply across the animal welfare sector, particularly in relation to research and teaching, exhibited by those responsible for drafting the National Animal Welfare Bill. The Bill and related documents also creates the false and potentially dangerous impression that the Australian Code of Practice for the Care of Animals used for Scientific Purposes (The Code) is currently voluntary or in some way restricted to recipients of NHMRC funds. Such an impression is completely erroneous, as the Code has been incorporated into the relevant legislation in force in every State and Territory across the Country. Any suggestion to the contrary risks potentially undermining the authority of the Code across the sector. **No research using animals is exempt from the provisions of the Code, including work done in private laboratories and work done in a commercial – in – confidence setting.** Similarly, the vitally important principles of the 3R's (ie. Replace the use of animals with other alternatives. Where this is not possible, Reduce the number of animals used, or under circumstances where animals must be used, Refine the methods employed to ensure that they have minimal impact on the animals) have been adopted as a part of the Code and are a legal requirement throughout the country and must be applied in every setting.

Section 73, seeks to prohibit the laying of poison baits and other similar substances, which on the surface appears a laudable aim, but the extent to which this could be enforced is not clear. A peripheral scan of supermarket shelves may offer some insight into the frequency of use for rodenticidal baits in both the domestic and commercial settings. Equally, under the definitions of “Animals” contained in this Bill, the same would apply to the laying of snail and slug baits. Clearly, some attempts have been made to clarify such situations with the inclusion of section 86, which defines feral animals or pests and provides some exemptions, but clearly this introduces further potential for confusion and legal challenge. Presumably exemptions from these sections would automatically be granted to AQIS approved quarantine facilities, where there is a clear requirement for a monitored baiting program to be maintained in order to prevent access by rodents and alike that may otherwise potentially contaminate the environment. This is however not addressed at all in the Bill.

Comments Relating Specifically to Research and Teaching Related Animal Use:

Definition of “Animals”

The definition of an “animal” given in Schedule 2 of the Bill, while far more detailed than that given within the Bill itself, is inadequate and inappropriate. This definition would appear to include a number of Krill species that form a natural part of the aquatic food chain. Such inclusions would clearly have the potential to impact

adversely on the feeding and adequate care of fish for example, if viewed in the context of the proposed ban on feeding “animals to animals”.

Requirement for Individual Licensing of Investigators:

It is unclear why the Bill proposes a new system of having scientists, academics, facilities and researchers individually licensed to house or use animals by a Government department, rather than maintaining the current system whereby the local presiding AEC makes such decisions. Experience from around the world would suggest that this is perhaps more likely to result in technically inadequate or inappropriate individuals being granted a licence than the system currently in place where the presiding AEC is required to assure themselves of the ability and character of any new or unknown applicant prior to approving their application. The AEC can also impose clear and readily enforceable requirements for adequate training and supervision of new investigators. In contrast, such measures would be far more difficult, if not impossible to effectively manage and police from a central government department. The locally based AECs are of course ideally placed to ensure that all requirements are being met.

The requirement for publication of the names of people applying for a licence could easily be interpreted as a bullying tactic designed to wipe out medical research in this country or to invite the same problems of terrorism and murder that have created such problems in the United Kingdom where a similar system of individual licensing has proven to be a source of trouble. Similarly, the move to maintain a public register, including details of all licencees names and addresses that would be open for inspection, free of charge, by members of the public would also be a source of concern for all scientists and their families, with the potential to force many of our best and brightest research minds out of Australia or out of science altogether.

Ban on the testing of Sunscreens

ANZCCART is naturally always supportive of realistic measures capable of reducing the numbers of animals used for testing. This is in the context of recognition that an appropriate balance must be reached between use of animals and outcomes of major importance to human and animal health and welfare. A blanket ban on the testing of agents such as sunscreens would remove the considered weighing up of the costs and benefits in relation to specific proposals in this area. Australia still suffers from the highest rate of skin cancers in the World and local researchers have conclusively shown that this is a result of both direct damage to skin cells caused by sunlight and the indirect effects of sunlight on the immune cells that should otherwise protect our skin against forming cancers. Much of this work was a result of research involving the use of animals and current efforts directed at determining how immunoprotective various sun screening agents are also going to rely on studies involving animals. It is now well established, that sunscreens with a high SPF (Sun protection Factor) may not have as good an IPF (Immune Protection Factor). Studies aimed at correlating these two criteria and improving the IPF of sunscreens will be vital for improving the health of young

Australians and potentially saving lives, so we would not support the proposed ban being adopted and we hope that the important differences between this example and cosmetic testing be recognised.

Acquisition of Animals for Research

Section 106 prescribes some rather serious limitations on the ways by which animals may be legally obtained, yet it appears to pay no heed to sources of wild animals that may need to be captured for wildlife or aquaculture studies. This is a major omission and inconsistency.

Mandatory use of Anaesthesia for all Procedures:

In a manner consistent with ANZCCART's strong support for the principles of Reduce, Refine and Replace, we strongly support any and all measures that prevent or at the very least reduce pain or suffering of animals used for scientific purposes. However, the mandatory use of anaesthesia for any and all procedures (as outlined in section 108) is known in some cases to have greater adverse sequelae for the animals than many minor procedures such as simple injections or other similar basic manipulations. Accordingly, we would strongly endorse the current system that requires Animals Ethics Committees to consider such issues on a case by case basis.

Summary:

ANZCCART has and will consistently support and contribute to the development of nationally consistent legislation and regulations that provide mechanisms to ensure and promote animal welfare in the context of the need for their use in research and teaching. Unfortunately, this Bill does not present such an opportunity. We are clear however, that the Australian Animal Welfare Strategy may offer clear opportunities to do so with attendant benefits for the further improvement of animal welfare in Australia.. Accordingly, we have decided to offer our support and assistance to the AAWS, as it does offer opportunities to improve both animal welfare and the level of consistency with which it is applied across all aspects of Australian life. Importantly, it will also help to increase public awareness of the protective measures that are currently in place and ensure that Australia's status as a world leader in animal welfare issues is recognised.

This Bill, as drafted, offers no viable improvements to animal welfare in the research and teaching sector, but does risk introducing a culture of fear that may potentially decimate our research sector, force some of our best researchers out of the field and result in animal experiments being shifted off-shore to countries where welfare and scientific standards are inferior if not substandard.

If required, The CEO of ANZCCART would be available to speak in support of this submission.

This concludes our submission.