



Department of
Environment and Conservation (NSW)

Ms Maureen Weeks
Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
Parliament House
Canberra ACT 2600

30 November 2005

Dear Sir/Madam

**DEC NSW Environment & Conservation Science Branch Submission on
National Animal Welfare Bill 2005**

The Environment & Conservation Science Branch of the Department of Environment & Conservation, NSW, deals with animals in its research programs in several ways and is currently subject to the NSW Animal Research Act and the associated Australian Code of Practice for the Care and use of Animals for Scientific Purposes. In most areas we have no difficulty in adhering to the Code and being subject to the Act and support the need for such legislation, including the National Animal Welfare Bill 2005, in ensuring that animals are treated in a humane manner and that animal users are accountable, open and responsible.

The main areas of DEC use of animals are:

- Field surveys of animals to determine environmental health or assess impacts of contaminants and other human activities on ecosystems;
- Ecotoxicity testing of (mainly) aquatic animals to protect ecosystems; and
- Field deployment and transplant with of animals to establish bioaccumulation of contaminants.

DEC is concerned about the potential effects of some aspects of the National Animal Welfare Bill on its ability to undertake scientific studies to underpin decisions relating to protecting the environment. I have summarised them her but can expand further if required:

- An all-encompassing definition of "animal" in Section 96: If this definition is accepted, it would be extremely difficult for DEC to undertake most environmental testing and field assessments for the Natural Resources Commission and other groups would be severely curtailed, with potential negative effects on sound environmental decisions;
- Conflicting definitions between Section 96 and Schedule 2: This needs to be clarified.
- Inclusion of Malacostraca in the definition of "Animal" in Schedule 2: Amphipods are essential test animals for sediment assessment under National ocean disposal guidelines and for contaminated sites assessment, with no suitable chronic alternative. Isopods and related crustaceans are key animals for assessing soil toxicity and establishing Environmental Investigation Levels under the Contaminated Sites NEPM. Field assessments, such as the Murray-Darling Basin Sustainable Rivers Audit, would be it would be difficult to undertake site-specific assessments for the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*;
- Continued prohibition of the LD50 test or equivalent (eg. LC50): Ecotoxicity testing, particularly for fish and crustaceans, provides the link for cause-effect relationships with hazardous chemicals and is essential for DEC's rapid response to spills and incidents. Quality control systems integral to NATA accreditation require a small amount of reference LC50 testing;
- The selection of cosmetics or sunscreens for prohibition: These are a subset of a larger group of pharmaceuticals and personal care products that are of increasing environmental concern. The arbitrary prohibition of animal testing on these products means that environmental assessment relevant to Australian conditions is limited; and
- Supply restrictions: The potential difficulty of obtaining supplies of some test animals (eg. PL15 prawns, small fish) currently provided by hatcheries but which could be unavailable under this Bill due to the disincentive for these hatcheries to obtain the necessary animal supply licences.

Environmental testing requires a representative suite of test organisms to adequately represent the different taxonomic groups in aquatic systems. This includes fish and crustaceans, and on occasions lethality testing. There is no other adequate surrogate for these tests that will provide sound robust results on which to base decisions to protect the environment. Inclusion of a broad range of environmentally significant crustaceans and virtual banning of LC50 tests have very wide ramifications for protection of the water, soil and sediment environment in Australia against hazardous chemicals.

We trust that you will consider our attached submission, and DEC officers are prepared to discuss this further if requested.

Yours sincerely

A handwritten signature in black ink that reads "Klaus Koop". The letters are cursive and fluid, with a distinct loop at the end of the word "Koop".

Dr KLAUS KOOP
DIRECTOR, ENVIRONMENT & CONSERVATION SCIENCE