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

Email: rrat.sen@aph.gov.au

Dear Secretary

Please find attached the University of Sydney submission on the *National Animal Welfare Bill 2005*.

Yours sincerely

Professor Don Nutbeam
Acting Deputy Vice-Chancellor (Research and Innovation)

Encl: Submission

Ref:chs2005/secretary.animal.welfare



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Submission to

The Senate Rural and Regional Affairs and Transport Committee

from

The University of Sydney

National Animal Welfare Bill 2005

A Bill for an Act to promote humane, responsible and accountable care, protection and use of domestic animals, livestock, wildlife and animals kept for scientific purposes, and the standards required to achieve this end, and for related purposes

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National Animal Welfare Bill 2005

Submission to Senate Rural and Regional Affairs and Transport Committee

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SUMMARY

- This submission is intended only to address those provisions of the Bill relating to the use of animals for scientific purposes, especially biomedical research. While the submission includes comment on a number of matters regarded as important to the University, it is not necessarily exhaustive.
- The University supports a number of the Bill's goals including enhanced accountability and promoting the use of alternatives to animals in research. (**Refer Item 1 in this submission 'Desirable Outcomes'**).
- It is felt, however, that these goals can be effectively pursued under existing provisions in state legislation, the Code of Practice and the Australian Animal Welfare Strategy. Indeed, there is concern that the redundancies created by the Bill would lead to confusion and inefficiency. (**Refer Item 2 'Relationship to Existing Legislation ...'** and **Item 3 'Relationship to the Australian Animal Welfare Strategy'**).
- While the Bill includes several provisions which appear to be aimed at greater transparency, these would be expensive to implement and appear unlikely to prove constructive. In particular, the University feels that the provisions for public notification and a publicly accessible register are open to abuse and would not allow a fair representation of the complex issues that must often be taken into account. (**Refer Item 4 'Public Notification and the Register'**).
- Some of the assertions in the Second Reading Speech are not well substantiated and, in at least one important instance, inaccurate. This is of concern since it would appear that these assertions form the basis of several provisions in the Bill that relate to animal research. (**Refer Item 5 'The Second Reading Speech'**).

CONCLUSION

While supportive of several key aims in the Bill, the University is of the view that a nationally consistent and enforceable system already exists for the monitoring and assessment of animal research. The University also believes that the rationale behind some of the Bill's provisions is not well established and that the existing system provides an effective and responsive means of pursuing goals relating to the welfare of animals used in research.

1) DESIRABLE OUTCOMES

The University supports several key goals of the Bill (as it relates to animal research) including:

- Promoting the responsible care and use of animals (Section 3a);
- Ensuring that the use of animals for scientific purposes is accountable, open and responsible (Section 3d); and
- Promoting alternatives to the use of animals in research.

As discussed below, however, the University believes that effective provision for the pursuit of these goals already exists under current legislation, regulations and policies.

2) RELATIONSHIP TO EXISTING LEGISLATION AND THE CODE OF PRACTICE

The 'Australian Code of Practice for the Care and Use of Animals for Scientific Purposes' is a national document that is integrated into states' animal research legislation. As a result, it is legally binding and applies to all research involving animals regardless of factors such as the source of funds or considerations of 'commercial in confidence'.

The stated purpose of the Code is 'to ensure the ethical and humane care and use of animals used for scientific purposes.' The document has a number of strengths including broad-based input from community as well as scientific stake-holders and a capacity for regular updating or revision (the latest revision was published in 2004).

The University believes that the key provisions of the Bill relating to animal research are already covered by the Code and are therefore nationally consistent, legally enforceable and adaptable to changing community expectations.

The University also believes that the current system of Animal Ethics Committees (AECs), as constituted under the Code, provides an effective and responsive means of assessing and monitoring animal research. Indeed, there is concern that the National Animal Welfare Authority proposed under the Bill, with its centralised structure and far more diverse responsibilities would be less effective than an AEC which has the advantages of proximity and local knowledge.

3) RELATIONSHIP TO THE AUSTRALIAN ANIMAL WELFARE STRATEGY

In 2004, the Australian Animal Welfare Strategy was endorsed by the Primary Industries Ministerial Council – a body established by agreement between the federal, state and territory governments. The Federal Government has committed \$6million to the implementation of this strategy which will pursue many of the goals implicit in the Bill including:

- Recognition of the intrinsic value of animals.
- Promoting a duty of care and responsibility among animal industry groups.
- A national consultative approach between community, industry and government.
- Harmonisation and consistency across jurisdictions.
- Facilitation of the collection of national statistics on animal welfare standards.
- Emphasis on a scientific basis for animal welfare standards.
- Timely development and revision of codes of practice.
- Funding for animal welfare research priorities.
- Communication and education to enhance not only skills but also attitudes.

Like the Code of Practice, the University regards the Australian Animal Welfare Strategy as an example of how the animal research provisions of the Bill are already catered for in a nationally consistent manner under existing mechanisms. In other words, **the Bill is unnecessary: existing legislation is comprehensive and adequately addresses all issues.**

4) PUBLIC NOTIFICATION AND THE REGISTER

The provisions in Sections 102 and 104 ('Public notices of licences' etc) would be costly and in many cases time-consuming. While supportive of transparency, the University believes that care needs to be taken to ensure that the resources allocated to this goal are deployed efficiently.

The University believes that the existing Animal Ethics Committee (AEC) system meets important transparency and accountability goals. For example, AECs provide for effective community input through its Category C and D members in an environment that, in our experience, allows for a fair discussion of complex ethical issues. This system also has the advantages of local continuity and ready access to animal facilities for inspection and monitoring purposes. In NSW, the accountability of AECs is further enhanced through regular review of their activities by an independent statutory panel supported by government officers; new provisions under the Code of Practice now recommend that a similar review process be applied to AECs in all states.

The provisions of Sections 4g, 112, 113 (the Register of researchers and other unspecified information) and particularly Section 114 (public access to the Register) appear to extend well beyond reasonable administrative requirements and it is not clear what constructive purpose is to be served. The University opposes the publication of such information on the grounds that there is considerable potential for abuse of personal details and intellectual property.

5) THE SECOND READING SPEECH

Several claims made in the Second Reading Speech appear to support the provisions of the Bill yet are difficult to substantiate. For example:

Powers of the NHMRC's Code of Conduct.

The speech claims that the NHMRC's "*Animal Welfare Code of Conduct* [sic], ...*is only applicable to NHMRC funded projects*" .

- This is incorrect. The NHMRC Code (correctly titled the 'Australian Code of Practice for the Care and Use of Animals for Scientific Purposes') is legally binding under state legislation for all research involving animals, not just NHMRC-funded projects.

Development of alternatives to animal research.

The speech refers to "*the failure of research institutions to seek alternative methods to animal experimentation.*"

- There is, in fact, a substantial international research effort directed towards the development and validation of alternatives to the use of animals in research. This was clearly evident, for example, at the recent 5th World Congress on Alternatives & Animal Use in the Life Sciences to which the University sent a representative. A recent, independent commentary on one aspect of the search for alternatives can be found in the scientific journal 'Nature' (Vol 438 pp 144-146, 10 November 2005).
- University of Sydney researchers whose work has contributed directly to this effort can be seen among both the 2004 and 2005 finalists for the 'Voiceless Eureka Prize for Research which Replaces the Use of Animals or Animal Products'.

Differences between legislation in the states.

The speech states that "*The vagaries of each state's and territory's animal welfare legislation...make it virtually impossible for there to be any rapid advancements in animal welfare...*".

- This cannot be said to apply to animal research. As already stated, all animal research is subject to a common, national Code of Practice which is legally binding through its integration into state legislation. The fact that this Code of Practice can be (and is) revised without requiring amendment to either state or federal law makes it readily adaptable to changes in community attitudes or technology that are relevant to laboratory animal welfare.
- A primary goal of the Federal Government's Australian Animal Welfare Strategy is to achieve an enhanced national approach through facilitating the "improved consistency of legislation across states and territories."
- Australia already has a national body dedicated to promoting and disseminating improvements in laboratory animal welfare. This body, known as the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART), encourages input from animal welfare groups, ethicists and the general community as well as relevant scientific expertise. Further information can be found at www.adelaide.edu.au/ANZCCART.

National database and tissue bank.

The speech asserts that "*...the greatest loss perhaps is in the area of statistical gathering, for without this there will never be a national database on animal experimentation, which would enable researchers to share information across institutions and state and territory borders. And neither will it be likely for a national tissue bank to be established...*".

- Information sharing already occurs through the publication of research in peer-reviewed journals and less formally through the activities of organisations such as ANZCCART and the Australian and New Zealand Society for Laboratory Animal Science (ANZSLAS – see www.anzslas.org).
- An innovative, national tissue bank known as Ethitex has already been launched in Australia (see www.ethitex.com).
- A goal of the Federal Government's Australian Animal Welfare Strategy is to facilitate the collection of national statistics.

(End of submission)