

National Animal Welfare Bill 2005

Submission by The University of Newcastle in relation to the use of animals for scientific purposes

The University of Newcastle uses animals for research and teaching purposes, and such use is essential to both these University functions. The University recognises the arguments for a coordinated national approach to animal welfare issues, but there are aspects of the proposed legislation which cause the University concern and which should be addressed as a matter of urgency.

The University's animal use is currently regulated by the requirements of the NSW Animal Research Act, NSW Animal Research Regulation, and the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes" (enacted under the Act). The University's Animal Care and Ethics Committee (ACEC) which is established under the NSW legislation, oversees the care and use of animals in research and teaching at the University of Newcastle, the Hunter Area Health Service and several other accredited research establishments. Before any vertebrate animal can be used for research or teaching purposes, the investigator must obtain approval from the ACEC. The ACEC also monitors all aspects of the care and use of animals for research or teaching purposes, and carries out regular inspections of work areas, as well as breeding and holding areas.

The University is proud of its record in animal care and ethics and believes that it is well-placed to offer some constructive criticism of the Bill as it affects the scientific use of animals. The following comments summarise the University's concerns.

National Animal Welfare Authority

- A National Animal Welfare Authority is not necessary for the oversight of animal research. The Australian Code of Practice for the care and use of animals for scientific purposes (NH&MRC et al, 2004) is incorporated in some form into the legislation of all states and territories, and therefore acts as a *de facto* national legislation governing animal research. Contrary to the information presented in the second reading speech to the Senate on 20 June 2005, the Australian Code applies to all animal research, not just to animal research funded by the National Health and Medical Research Council. The Australian Code of Practice provides for effective review and monitoring of animal research by local and state Animal Ethics Committees which include in their membership representatives of the community and animal welfare organisations. Most existing state and territory legislation also provide for some form of licensing of corporations and individuals involved with animal research, and animal supply units.
- Compared to a single national body, the use of local Animal Ethics Committees (as currently exists) is more effective in achieving and maintaining a high standard of animal welfare in animal research, because they are more likely to have the necessary expertise to enable close scrutiny of the research before it is approved, and to monitor the conduct of the research following its approval.
- Clause 10 (1): Given that the Authority will be responsible for decisions regarding licensing of research workers and final approval of research projects (Clause 99), the constitution of the Authority should at least parallel the requirements of membership of an Animal Ethics Committee under the Australian Code of Practice. The proposed constitution of the Authority does not appear to provide adequate representation of all relevant stakeholders. There is no specific provision for inclusion of veterinarians. Persons involved with animal research may be underrepresented.
- Clause 126: A quorum for the Authority is stated as being 5 members. Given the constitution as outlined in Clause 10 (1), decisions regarding the granting or otherwise of licences for research workers, and approval of research projects, may be made by persons who do not represent all relevant stakeholders. Quorum requirements for the Authority should at least parallel that required in the Australian Code of Practice (ie. minimum of a veterinarian, an animal researcher, an animal welfare representative and an independent person).

Part 3, Inspectors

- Clause 16 (1): The proposed minimum qualifications for inspectors are “completion of a prescribed course of training in animal welfare or an equivalent course of study”. Inspections of animal research must be conducted by persons with appropriate qualifications to enable them to interpret research situations, and to judge the clinical condition and well-being of animals. In most existing legislation governing animal research, inspectors of animal research must be veterinarians.
- The powers of inspectors for entry, and seizure and release of animals are extremely broad and do not take into account:
 - any actions on the part of inspectors that may adversely affect or impede the lawful conduct of animal research, the result of which may be compromise to that research and potential wastage of animals.
 - situations where entry, seizure and/or release may involve a risk to the health and/or safety of humans, other animals or the environment; for example, animals infected with human or animal pathogens as part of an approved research project, microbiological or immune status of the animals (eg. “Specific Pathogen Free” or immunocompromised animals) and genetically modified animals.
- Clause 61 permits an inspector to destroy an animal with no requirements for prior consultation with a veterinarian. An animal (including a research animal) may be destroyed with no provisions for accountability for that decision.

Part 4, Animal welfare offences

This part includes no exemptions for animal research that is being conducted in accordance with relevant legislation or the Australian Code of Practice.

Definition of “animal”

- Clause 96 defines “animal” as an “invertebrate or vertebrate animal other than a human being”. Evidence of transmission and central processing of painful stimuli is not present in all invertebrates. Thus, it is not reasonable to include all invertebrates in this definition.
- The definition of animal in Clause 96 does not accord with that provided in Clause 1, Schedule 2 where the definition of “invertebrate” is restricted to those from the class Cephalopoda or Malacostraca.
- Class Malacostraca includes invertebrate species in which evidence of transmission and central processing of painful stimuli may be questioned (eg. krill and pill bugs). The specific species from this class that are to be included in the definition of “animal” should be clearly indicated.

Definition of “research worker”, “research unit operator”, “supply unit operator”

The definitions of these terms in Clause 96 are unclear as to whether they refer to an individual or a corporation or both.

Licences and approvals

- Clause 99 (1): In order to conduct animal research, a person must have a licence issued by the National Animal Welfare Authority. In addition, a research project must receive final approval from the Authority.
 - This system does not take into account the current system of local Animal Ethics Committees established under the Australian Code of Practice.
 - There is no clear reference to the role of the local and state Animal Ethics Committees in the process of licensing and approval by the Authority.
 - Use of a single national body that is responsible for the licensing of all research workers in Australia, and the final approval of all animal research projects conducted throughout Australia, will result in unreasonable delays in the commencement of animal research.

- No provisions are made for approval of any variations to an approved research project. Such variations may require approval within a relatively short time-frame so that progress on the project is not delayed and the use of animals to date is not wasted.
- There are no provisions for appeal against a decision of the Authority regarding approval of a licence application or a research project, or the suspension or revocation of a licence.
- Clause 102 provides for public notification of the time and place at which the Authority will consider the matter of approval for a licence. There is no provision for the privacy or security of the individual.
- Clauses 112-116 in relation to a register of persons to use animals for scientific purposes.
 - There are no provisions for exemption of disclosure of registration details.
 - Clause 116 for cancellation or suspension of registration implies that registration is necessary for a person to perform animal research. However, this is not clear.
 - There are no provisions for appeal against the cancellation or suspension of registration.

Clause 106, Acquisition of animals for research

This clause does not provide for the situation where animals are acquired from farms or from the wild (native or wild/feral animals).

Clause 108 (1), Management of pain

This clause states that “every animal used in a research unit in any experiment that is likely to cause pain to the animal must be anaesthetised”. These requirements are not practical and should be further defined. As written, procedures that may cause pain of a minor and transient nature such as an injection would require the animal to be anaesthetised for the procedure. The clause does not recognise that many anaesthetic regimes involve injections that could be said to cause pain, or that pain and distress may be relieved by non-pharmacological means such as acclimatisation of the animal to handling.

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