

Open Government Forum Secretariat
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Re: PUBLIC CONSULTATION ON DRAFT COMMITMENTS FOR AUSTRALIA'S THIRD NATIONAL ACTION PLAN

Humane Research Australia Inc (HRA) is a not for profit organisation that challenges the use of animal experiments and promotes more humane and scientifically-valid non animal methods of research. Open Government is crucial to our work, both in relation to Government funded research and privately funded research, for which research institutes have received a licence from a public body.

Obtaining information about what actually happens to animals in research can be a difficult and frustrating process. Those opposed to animal research have an obvious interest in more disclosure. They believe that if the public were adequately informed, there would be greater scope for informed debate.

But so arguably do those who see a need for such research and are concerned about the respect for animal welfare in laboratories. Greater transparency is also supported by significant voices on the research side. As such, a motion calling for increased transparency was passed in the Senate in February 2020 (1).

But while it may be that all sides of the animal research debate desire transparency, Australia remains behind, making minimal effort towards openness, better communication, greater accountability and more public access to information.

HRA is pleased to provide our comments on the draft commitments below, based on the difficulties we face in acquiring even basic information about animal research occurring in Australia.

1. BUILDING BETTER CONNECTIONS BETWEEN CIVIL SOCIETY AND GOVERNMENT

HRA would welcome the opportunity of representation on the Open Government Forum as a civil society organisation, and is supportive of the proposal for a series of open government themed dialogues that bring together senior bureaucrats and civil society leaders in an open discussion on dialogue public policy/governance issues related to the nominated theme. Bringing together different groups in-person will facilitate understanding of the challenges from both a Government and civil society perspective. However, a concern is that the dialogue does not result in meaningful changes on policy or process, and there would need to be steps taken to ensure this commitment is integrated with other commitments.

2. BUILDING TRUST IN DATA SHARING

HRA has no comment to make on this commitment, since our concerns are not with how public data is shared and used by Government agencies, but more so how data from Government agencies is shared with the public.

3. OPEN BY DESIGN (RIGHT TO KNOW)

HRA is strongly supportive of the commitment to improve the accessibility of information held by government, or under government contractual or outsourcing arrangements, through the development of the key features for a nationally consistent approach to the proactive release of information commonly sought by members of the Australian community or which they identify as valuable and/or necessary for open and accountable government.

We advocate for:

- Mandatory national collation and reporting of statistics, particularly for issues in which there are national codes and should be national uniformity.

Australia maintains no national collection or collation of animal use statistics, unlike many other countries. Even at state/territory level, there are lengthy delays in reporting, extremely inconsistent collection and reporting methods between jurisdictions and institutions, and some states and territories don't even collect statistics at all.

Due to the difficulty in obtaining statistics, and discrepancies in data provided, it is difficult to create a comprehensive picture of the national use of animals in research and teaching.

The lack of statistics collation at a national level, and even at state/territory level, means that the 3Rs principles (Refining, Reducing, and Replacing animal use in research), or any other national policies that aim to limit the use of animals in research and teaching, are very difficult to implement, given that there is no accurate way of measuring change. Australia has a responsibility to follow the example of other jurisdictions, such as Canada, the United Kingdom, the European Union, and New Zealand, and set up an annual national animal use report system. Given that Canada, with over 10 provinces, and the European Union, made up over 28 member nations, effectively collect and collate statistics, it is very difficult for Australia to make the case that it is too cumbersome to collect national statistics in a uniform format from our 8 states and territories.

- Promotion of transparency in legislation and association codes or regulations

Clauses encouraging institutes to 'consider making available' documentation (*Code of Practice for the Care and Use of Animals for Scientific Purposes*.) are not sufficient and HRA's experience in requesting copies of compliance reports from research institutes shows a hesitance to make these publically available. Such language permits this lack of transparency.

- Greater oversight of agencies which hold co-regulatory powers

When authorities are effectively given the ability to approve, implement and in the event of complaints, self-investigate, their own research with limited regulator oversight, there is an increased need for scrutiny and public transparency.

- Plain language information

For some areas such as animal research, HRA advocates following the example of the EU and Article 43.3 Directive 2010/63/EU which now requires that non-technical summaries (NTS) are published by the European Member States in order to provide the public with access to information concerning projects using live animals. The NTS must include title, purpose, objectives and benefits, number and type of animals, predicted harms and application of the 3Rs (Reduction, Refinement & Replacement). They must be written in non-scientific language and accessible for five years. Annual

reports on animal use in research are published, unlike Australia, which has no mandatory reporting system, meaning that there is no way of measuring progress or otherwise.

Certain projects (including those which use non-human primates) must also undergo a retrospective analysis – a powerful tool to facilitate critical review the use of animals. It is believed that this facilitates improved design for similar studies, raises openness of best practice and prevents mistakes.

- Transparency in the first instance

Supplying more information in the public domain would reduce reliance on FOI, this reducing time and cost and increasing public confidence in the public sector.

4. PROFESSIONAL SUPPORT FOR MINISTERIAL ADVISERS

HRA has no comment on this commitment

5. IMPROVE AWARENESS WITHIN COMMONWEALTH ENTITIES, AND MORE BROADLY, OF FRAUD RISKS ASSOCIATED WITH GOVERNMENT RESPONSES TO A CRISIS SITUATION

HRA has no comment on this commitment

6. IMPROVING TRANSPARENCY AND TRUST RELATED TO THE USE OF EMERGENCY AND CRISIS POWERS

HRA has no comment on this commitment

7. BEST PRACTICE IN DEALING WITH FREEDOM OF INFORMATION REQUESTS

HRA applies FOI requests to government agencies and universities. Our most common requests focus on gathering information relating to animal use statistics, the operations of animal ethics committees, identifying animal research licence holders, details on specific research protocols, details of incident reports or to obtain visual footage. HRA contend that the information released provides an insufficient level of detail to enable informed debate on the subject, and unnecessarily so, since exemptions should only be used where absolutely necessary, rather than to counter legitimate opposition. In effect, this enables a “selective openness”, which simply serves to maintain the status quo.

HRA agrees with the finding that freedom of Information requests vary considerably between different government departments and agencies. From our experience, the identical or similar request can result in varied responses dependent on the state or territory, institution, or individual FOI officer. Consistency should not only be sought by the APS, but also institutions such as universities. Third party rights can cause significant delays and this process could be streamlined.

1. https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/7123b722-738a-4e51-9256-2815f1b3d2bd/&sid=0148