

## **Animal Welfare Legislative Reform- Submission by Humane Research Australia**

1.4 Do you support a single regulatory framework covering the performance of controlled procedures on animals?

Partly support.

HRA appreciates the distinction between the categories, but animals are sentient and their capacity to suffer is the same regardless of their intended use. Therefore, there should be consistency. For example, if only a qualified veterinary can perform surgical procedures, this should be consistent across all categories, which is not currently the case. HRA also proposes that there are specific procedures that are not permitted under any circumstances including scientific procedures such as the forced swim test, which is not met in the existing definition and framework for the use of animals in science and teaching. We would recommend a full review of this framework.

What types of short-term and long-term effects on an animal, and what skills or training could apply to restricting or prohibiting a controlled procedure

Being sentient, the types of long-term and short-term effects on an animal during a controlled procedure (such as a scientific procedure) must include the psychological effects as well as the physical effects as a result of such proposed procedures. Independent veterinary surgeons and animal behaviouralists should be involved in the assessment of which procedures should be restricted or prohibited, as well as representatives of animal welfare organisations.

2.3 Should the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes be treated in the same way as the Australian Animal Welfare Standards and Guidelines?

The code has national application and should be mandatory and enforceable by the state Government. As it is currently mandatory under the POCTA Regulations 2019, it would be more fitting for option 2 'Adopt relevant content from the national Standards into Regulations', although HRA has no objection to option 1 referencing them in the new animal welfare Act if this is more fitting for stakeholders across all areas of animal welfare.

2.4 Do you support allowing for co-regulation in the new animal welfare Act?

Partially support. There may be instances where co-regulation is effective, but in HRA's view, co-regulation in animal research is failing. Approval of animal research is subject to institutional animal ethics committee approval. Due to lack of transparency, it is not clear what research has been conducted, and whether it should have been approved. However, the case studies that HRA have identified suggest a clear failing (1) in this system of co-regulation, which borders on self-regulation.

What challenges or areas of risk must be well-considered when assessing co-regulation?

Competence of the co-regulator, independent oversight, potential for animal suffering, transparency to the public.

Proposal 3.1 – Enhance powers to proactively monitor compliance

Do you support enhancing powers to enable proactive assessments for compliance with the new animal welfare Act?

Yes

If your response is support, partly support or don't support, please tell us why

Many industries are operating without public access or scrutiny despite public funding. There needs to be assurance that animal welfare standards are being met and therefore HRA supports mechanisms such as CCTV cameras and unannounced inspections as a deterrent to animal abuse.

Under what circumstances would proactive monitoring be appropriate? Please explain why.

When there have been allegations of neglect or cruelty, where there have been previous incidents as a priority, but this should be a routine practice.

PROPOSAL 3.2 – Introduce a risk-based framework for permitting restricted activities.

Do you support introducing a risk-based framework for permitting restricted activities under the new Act?

Yes

If your response is support, partly support or don't support, please tell us why

As indicated previously, some procedures should be prohibited with no exemptions, including not allowing under permitted restricted activities. But a risk-based framework could be effective in allocation of appropriate resourcing and risk management. Within animal research, non-invasive animal research such as observational research could be classified as lower risk even if they require a license, and as such, the risk levels could differ, so the risk framework could be further modified.

## TOPICS FOR FURTHER DEVELOPMENT

Definitions and key terms- many of the codes have ambiguous terms. For example, 'scientific or educational merit' or 'suitable' in the Code of Practice for the Care and Use of Animals for Scientific Purposes. Therefore, it is recommended that the new Act has more prescriptive terms to provide greater clarity.

HRA would also like to see public transparency included as a topic for future development, including access to information and how members of the public can raise issues with enforcement- will there be one central body for all areas of animal use?

Collaboration with other relevant ministries or departments could also be considered. For example, there is overlap with the Ministry of Health in animal research, and animal research should not be conducted that does not have scientific merit or could be conducted without animals. However, the enforcement is via the Ministry of Agriculture, and inspectors would be unlikely to have the skills to be able to assess the research, only the animal welfare conditions.

1 <https://www.humanersearch.org.au/case-studies/>