Manager, Animal Care and Protection Act Review
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Humane Research Australia Inc Submission: ACPA Review 2021

Thank you for the opportunity to contribute to the Queensland Animal Care and Protection Act (ACPA) review. Humane Research Australia Inc (HRA) is a not-for-profit organisation that challenges the use of animal experiments and promotes humane and scientifically valid non-animal methods of research. As a preface to our submission, please note that except for the purpose of the Act, we have restricted our feedback to animal use in research and education, whilst recognising that there is a need to review and strengthen the Act in its entirety.

With respect to the questions posed in the Discussion Paper, HRA responses are as below:

Purpose of the Act- Statement 1- Somewhat disagree
Suggested purpose: *Achieve a reasonable balance between the welfare needs of animals and the interests of people whose livelihood is dependent on the animals, subject to the necessity of that use, and community expectations*.

Livelihood is not a defence when an animal industry is unnecessary, particularly for the use of animals in entertainment, such as circuses or aquaria, or greyhound racing.

Reporting of Animal Welfare Concerns by Veterinary Professionals
HRA **strongly agrees** with the statement that veterinary professionals should have obligations under the ACPA to report suspected incidents of animal cruelty or neglect to authorities. This must extend to Government appointed veterinarians acting in an inspectorate or other role in the public service.

Additional comment: The ACPA also states that a person giving the information does not breach any code of professional etiquette or ethics or accepted standards of professional conduct. **We propose that members of animal ethics committees or those involved in the animal research industry have a responsibility to report breaches despite confidentiality agreements.**

Regulated Surgical Procedures
The current list of surgical procedures restricted to veterinary surgeons is appropriate. **Neither agree nor disagree**. In the interests of clarity, **it should be stated that non-veterinarians are permitted to perform surgical procedures on animals used for scientific purposes. HRA is not in agreement with this exception but feels it should be explicit in the interests of transparency.**

Using animals for scientific purposes

The scope of when an animal is used for scientific purposes should be aligned with the Scientific Use Code. In particular, it should be expanded to:
▪ accommodate advances in science such as the creation and breeding of new animals where the impact on the animal's wellbeing is unknown or uncertain, and add other practices that involve the use of animals for science, including diagnosis, product testing and production of biological products.

STRONGLY AGREE

Other provisions in the APCA relating to the scientific use of animals are appropriate.

STRONGLY DISAGREE

Suggested changes are as below:

Accountability and reporting:
One of the purposes of the ACPA is to ensure that any use of animals for scientific purposes is accountable, open and responsible. We commend the register of persons registered to use animals for scientific purposes as one way of achieving this. However, more could be done. According to the ACPA, SECT 87 Reporting obligations of registered persons
For subsection (1) , an annual report must state—
(a) information prescribed under a regulation about—
(i) animals the person has used, or allowed to be used, for scientific purposes; and
(ii) complaints, enquiries and grievances about the use of animals for scientific purposes; and
(b) another matter prescribed under a regulation about the scientific use of animals by the person.

Despite collecting this data, the last time this collation took place was in 2009. This is not acceptable and does not ensure any accountability or ability for the public to monitor trends in animal use. **Annual animal use reports should be published on the department website.**

Prohibited procedures:

Section 92 prohibits the use of animals for certain scientific purposes. Prohibited purposes include the Draize eye test or skin irritancy test (or similar test), the classical LD 50 test (or similar test) and the testing of sunscreen products. **However, an exception may be made with the chief executive's approval. HRA suggests this exception be removed**. **There are validated alternatives in place; therefore it would appear that permitting these tests is contrary to the Australian code for the care and use of animals for scientific purposes,**

which states that animals can only be used when suitable alternatives to replace the use of animals to achieve the stated aims are not available.

HRA proposes that the below tests be added to these prohibitions. A brief rationale is provided below and HRA is happy to provide more detail.

1. **Forced swim test**

   In the FST, animals, typically mice or rats, are made to swim in a cylinder of water. They swim frantically, trying to find an escape, until they stop struggling and subsequently float. The claim is that when animals spend more time floating, they are deemed to be more "depressed." This claim is made in spite of evidence that floating is actually a learned and adaptive behaviour, one that saves energy and is beneficial for survival (1). An analysis of publicly available data from four major pharmaceutical companies revealed that the test was less predictive than chance at determining if a compound would have antidepressant efficacy in humans (2).

   Many of the world's top pharmaceutical companies (Roche, Bayer, Johnson & Johnson, AbbVie, GlaxoSmithKline, Pfizer, AstraZeneca, Bristol-Myers Squibb, and more) have formally ended their use, funding, and/or commissioning of forced swim tests (3). King's College London and the University of Adelaide recently put a permanent end to forced swim tests conducted in their laboratories as well.

   The forced swim test does not teach us anything reliable about human depression—nullifying any scientific justification for carrying out the test; and it causes acute suffering and distress to the animals who are used—presenting a compelling ethical argument against using the test.

   Relevant alternatives include testing on human platforms. For example, novel compounds might be identified using mathematical or computer modelling of human systems, or by a drug-repurposing program. These compounds might be tested on human tissues or cells using advanced in vitro methods, such as in organoids or microfluidic systems. Epidemiology is another tool for understanding how to prevent and treat human depression. Further, funds can also be allocated to support and improve access to existing mental health treatment.

2. **Antibody production**

   The development and production of monoclonal and polyclonal antibodies as well as other affinity reagents is still involving animals despite the availability of technologies that do not entail the use of animals. There is a very strong scientific and animal welfare argument to replace the use of animals, especially the ascites method, which is classed as a severe procedure.

   The EU Reference Laboratory for alternatives to animal testing (EURL ECVAM) mandated its Scientific Advisory Committee (ESAC) to review the available evidence

and deliver an opinion on the scientific validity of antibodies and non-antibody affinity reagents produced using animal-free technologies. The review focused on non-animal-derived antibodies generated by phage-display technology since this is the most mature technology and already widely used. Taking into consideration the available evidence, the ESAC endorsed an opinion on the suitability of existing animal-free technologies to produce affinity reagents with equal or better quality (purity, activity, specificity, affinity, stability, reproducibility) than that offered by antibodies produced using the conventional animal-based methods. The EURL ECVAM recommends that animals should no longer be used for the development and production of antibodies for research, regulatory, diagnostic and therapeutic applications (4).

If superior methods are available, why is Queensland permitting antibody production using animals?

Breeding and Supply

Individuals or institutions do not need to register in Queensland to breed and supply animals to other institutions. However, entities that breed and supply animals do need to register if they also house or otherwise participate in animals being used for scientific purposes in Queensland.

All institutions should be required to register in order to ensure monitoring and compliance and close any loopholes.

Inspections

It is crucial that inspectors be given the ability to conduct unannounced visits to animal facilities, and given power of entry without the consent of the license holder. This is for obvious reasons, providing notice of a visit would allow breaches to be concealed and provide a more effective deterrent to wrongdoing. HRA also advocates for CCTV camera in research facilities.

Establishing appropriate penalties

Section 91 Offence Use for scientific purposes must comply with code
License holders are typically large businesses with multi-million-dollar turnover. These penalties could simply be absorbed as a cost of doing business, and should be increased. Can multiple offences be issued, for example Section 91 and 17 and 18, if applicable? This should perhaps be clearer.

References

(1) Molendijk ML, de Kloet ER. Immobility in the forced swim test is adaptive and does not reflect depression. Psychoneuroendocrinology. 2015;62:389-391. doi:10.1016/j.psyneuen.2015.08.028

(2) Trunnell ER. Are we throwing good antidepressants out with the swim test water? Poster - LabRoots Laboratory Animal Sciences, February 2019. https://www.peta.org/wp-content/uploads/2019/03/LAS-2019-Poster-Dr.Emily-Trunnell.pdf

(3) People for the Ethical Treatment of Animals. Victories! PETA is ending near-drowning experiments on animals. PETA.org. https://www.peta.org/features/peta-ends-near-drowning-tests-small-animals

(4) EURL ECVAM Recommendation on Non-Animal-Derived Antibodies (2020) https://publications.jrc.ec.europa.eu/repository/bitstream/JRC120199/jrc120199pdf.pdf