

Animal Welfare Act Amendment Bill
Biosecurity Tasmania
NRE Tasmania
GPO Box 44
Hobart TAS 7001

15 July 2022

Dear Biosecurity Tasmania

**Re: HUMANE RESEARCH AUSTRALIA SUBMISSION ON DRAFT ANIMAL WELFARE ACT
AMENDMENT BILL 2022**

I am writing on behalf of Humane Research Australia (HRA), a not-for profit organisation advocating scientifically valid and humane non-animal methods of research. HRA works professionally and ethically to develop community-wide awareness of animal experimentation; pursues all reasonable channels to eliminate such experimentation and champions the benefits of realistic, scientifically effective alternatives to all forms of animal usage in research and teaching.

HRA notes that the draft Bill seeks “to support and further strengthen the provisions under the Animal Welfare Act 1993 for the enforcement and prosecution of animal welfare offences in Tasmania”. However, we submit that by amending the Bill to add the non-application of section 10 (baiting and shooting) and section 11 (use of animals to train other animals) of the Act to approved animal research activities, the Bill will actually do the opposite by allowing further acts that would previously have been subject to prosecution.

We point out that as the Act currently stands it already allows, at Section 8(2), a person, albeit with Animal Ethics Committee (AEC) approval, to, amongst other things, wound, mutilate, torture, abuse, beat, torment or terrify an animal, or to have possession or custody of an animal that is confined, constrained or otherwise unable to provide for itself and fail to provide the animal with appropriate and sufficient food, drink, shelter or exercise, an injurious drug or a toxic or noxious substance.

Further the Act, at Section 9, already allows a person to commit aggravated cruelty if the person, albeit with AEC approval, knows that ... the act or omission will, or is reasonably likely to result in death, deformity or serious disablement of an animal; harm to an animal that endangers the life of the animal; or an injury that, either alone or in combination with the health of the animal at the time of the injury, results in a significant and longstanding injury to the animal.

By including Section 10 (baiting and shooting) the Bill would allow animal researchers, albeit with AEC approval, to, amongst other things, use an animal... to fight, bait, worry, kill or injure another animal or to be baited, killed, worried or injured by another animal.

By including Section 11 (training) it would also allow animal researchers, albeit on approval of an AEC, to use live bait for the training of greyhounds.

Adding the non-application of sections 10 and 11 is a concerning proposed amendment to the Act which will only go to allowing further exemptions for aggravated cruelty on the part of an animal researcher when approved by an AEC, thereby allowing acts which would be prosecutable by any other individual in the community.

Further, we strongly submit that the acts or procedures referred to in Sections 10 and 11 of the Act are clearly not defined as scientific procedures.

The National Health & Medical Research Council Code for the care and use of animals for scientific purposes described scientific purposes as: *all activities conducted with the aim of acquiring, developing or demonstrating knowledge or techniques in all areas of science, including teaching, field trials, environmental studies, research (including the creation and breeding of a new animal line where the impact on animal wellbeing is unknown or uncertain), diagnosis, product testing and the production of biological products.* The NHMRC code is the over-arching Code for the use of animals for scientific purposes and it in no way suggests live baiting and training are scientific procedures.

We submit that draft Bill certainly does not strengthen the provisions under the Act for enforcement or prosecution, and in fact does the opposite and it would be a retrograde step. It will allow acts that are clearly defined as aggravated cruelty to be approved to be undertaken by research scientists.

There is, in Australia very little protection for animals used in scientific procedures with self-regulation carried out by the Institutes that undertake the research with little oversight by government and a clear lack of transparency. This lack of transparency will ensure that further procedures carried out on animals, as mentioned in Sections 10 and 11, under the guise of medical research will continue unabated and unprosecuted.

We question from where the recommendation for the above exemptions originates? The Biosecurity Tasmania webpage gives the rationale as below:

*It is intended to add, **for consistency**, the non-application of section 10 (baiting and shooting) and section 11 (use of animals to train other animals) of the Act to approved animal research activities It is intended to add, for consistency, the non-application of section 10 (baiting and shooting) and section 11 (use of animals to train other animals) of the Act to approved animal research activities.*

We question what this would be consistent with? Are these practices already occurring and permitted by AECs in Tasmania? Or have requests been made to conduct such activities by research investigators? Whilst we concede that there may be permitted research to develop and assess humane methods of control of invasive species, that would certainly not relate to all uses covered by Sections 10 and 11.

In relation to the proposal that authorised disease surveillance and monitoring programs (using accepted methodologies) be added to the current exemptions, HRA has no objection. Similarly, HRA supports the inclusion of a provision that it is an offence to threaten, intimidate or abuse an inspector (animal research) appointed under the Act.

Thank you for your consideration of our submission.

Yours sincerely,

Rachel Smith
Chief Executive Officer Humane Research Australia