

Reforming Victoria's Animal Care and and Protection Laws – HRA Submission

October 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. Due to remit of HRA, our submission is focussed on the use of animals in research and teaching.

HRA is broadly supportive of the plan for Victoria's new animal care and protection laws and views many of the approaches as a vast improvement on the current framework, whilst acknowledging that the detail will be provided in a subsequent draft Act and regulations. At that stage, HRA will submit more detailed feedback.

Despite this support, we remain concerned that the exceptions to offenses granted to animal research activities permitted by animal ethics committees (AECs) will leave millions of animals exposed to procedures which would otherwise be considered as cruelty offences, and we emphasise the need for strong oversight of AECs, given the extraordinary influence they hold.

HRA notes that feedback is sought on:

- Priorities and concerns
- Impact
- Unintended consequences
- Gaps

HRA's feedback is detailed below.

3. Legislative framework

Options to meet minimum standards of care- *'there would be no penalty for non-compliance with these but an offence in the legislation may apply'*.

This appears contradictory- if the standards are not met, would an infringement offence not be issued as the penalty?

4. Decision-making principles

The fourth decision-making principle *'Alternatives that reduce harm, pain or distress should be considered'*. 'Considered' could be strengthened by the terminology 'implemented wherever possible'. Considered does not convey the importance of execution of an alternative unless there is a justifiable reason otherwise.

8. Controlled conduct

HRA proposed that nose-only forced smoke inhalation and the forced swim test are added as prohibited procedures.

9. Framework for specified classes of conduct

Classes of conduct where regulations may make requirements for specific activities: *Using an animal for testing (other than scientific procedures)*

HRA is unclear as to what testing purposes these would be – perhaps an example could be provided for clarity.

15. Co-regulated approved arrangements

HRA questions whether this would be implemented for the auditing of licensed scientific research institutes, and if so, which industry body would serve as the co-regulator? Noting that as per Section 10 Scientific Procedures, the inspection of scientific premise would require a subset of specifically qualified authorised officers, this suggests that co-regulation may not be feasible, at least in terms of auditing purposes.

16. Other administrative arrangements

Animal care and protection fund

E. Developing new ways to replace, reduce or refine the use of animals in research, testing and teaching

HRA favours the funding being prioritised for replacement. This is where researchers need the most incentive and where the fewest funding opportunities exist.

Case study supplied: I am a Scientific Researcher

Would AEC members be considered a 'person in charge' of animals? It is not clear from this scenario.

Not clear under which circumstances exemptions are required via approved AEC applications or Minister approval, or both.

Not clear under which circumstances primate research or procedures otherwise prohibited will require AEC approval only or Minister approval and AEC approval.

This may be clarified in the regulations.

Yours sincerely,

Rachel Smith
CEO Humane Research Australia