

AFSA Survey Responses SA Animal Welfare Bill

What animals do you have an interest in? (tick all that apply)

Science, research and teaching

Do you have a professional involvement with animals?

Yes

In which area do you have a professional involvement with animals?

Science, research and teaching

Do you consent for your responses to be publicly shared?

Yes

Definition of 'animal'

The definition of 'animal' has been updated to include fish, and additionally to include cephalopods when used, supplied or kept for scientific purposes. The updated definition allows these species to be protected.

Do you think the definition of animal is appropriate? (s 3)

Disagree

Definition of 'scientific purposes'

The current Act refers to 'teaching and research involving animals'. This has been updated to 'the use of animals for scientific purposes' in line with the *Australian Code for the Care and Use of Animals for Scientific Purposes*.

Do you think the wording of ‘scientific purposes’ is appropriate? (s 3)

Agree

Principles and objects

The Bill includes ‘principles’ which acknowledge an animal’s ability to feel, perceive and have experiences, and introduce a person’s duty of care. The Bill also introduces ‘objects’ which help readers to interpret the legislation’s intent.

Do you think the principles and objects are appropriate? (s 4)

Disagree

Part 1 – you can add any comments to support your responses here:

Why are cephalopods only granted legal protection if kept for scientific purposes? AFSA welcomes the extension of the definition of 'animal' but cephalopods in the food industry have equal capacity to suffer and are deserving of legal protection. AFSA propose the principles use the term sentience rather simply implying its meaning. Re the Objects, suggest adding in improvements by the animal use industry, not just increased awareness by the 'community' by which it is implied pet-owners.

Prohibited activities and items

No changes have been made to the activities or items that are prohibited. An additional provision is included that would enable additional activities or items to be prohibited through regulation.

Do you think the ability to prohibit items or activities in the future is appropriate? (s 7-10)

Neither agree or disagree

Part 2 – you can add any comments to support your responses here:

As detailed in AFSA's submission to the discussion paper, we wish to see forced smoke inhalation research and the forced swim test included as prohibited activities, as per

the recent amendment to NSW animal research legislation. Additionally, we wish lethal dose testing to only be permitted by Ministerial approval. It is our preference that these prohibitions are immediately enacted in the Act due to the length of time to develop regulations. We do not oppose this approach but there is sufficient evidence for these activities to be prohibited immediately.

Establishment of an Animal Welfare Advisory Committee (AWAC)

The provision to establish AWAC is maintained in the Bill. The Bill updates the membership requirements to include appropriate skills, qualifications and experiences. This shift enables the committee to be more broadly representative and may open the opportunity for individuals to apply to be on the committee.

Do you think the skills based composition of AWAC is appropriate? (s 13)

Disagree

Part 3 – you can add any comments to support your responses here:

AFSA propose that a person with expertise in non-animal methods be appointed. This is a different but necessary background than experience, skills or qualifications in scientific use of animals.

Classes of licence

The current Act has only one type of licence, a 'Teaching and Research Licence'. The Bill creates 2 new classes of licence associated with the scientific use of animals, covering breeding and use of animals. This aligns with the *Australian Code for the Care and Use of Animals for Scientific Purposes*, effectively splitting the old licence type in 2.

Do you think the separation of licences is appropriate? (s 16)

Agree

Administration of licences

Each licence will need to have a nominated person who takes responsibility for compliance with its conditions.

Do you think it is appropriate to have a nominated person for a licence? (s 17 - 22)

Agree

Registered activities

The Bill introduces a power to create registers and require an activity/entity to be registered.

Do you think it is appropriate to have registered activities/entities? (s 25-31)

Neither agree or disagree

Animal ethics committees

One of the key entities that will be registered is animal ethics committees (AECs). By registering AECs, attaching conditions to that registration, and providing additional powers to disclose information, the government will have greater oversight of the sector.

Do you agree that animal ethics committees should be registered and require a nominated person? (s 31)

Neither agree or disagree

Part 4 – you can add any comments to support your responses here:

Re question 23, it is unclear why this would be preferable to the conditions placed upon a license holder. Could these license conditions not be strengthened? Noting s19 Without limiting the matters with respect to which conditions may be imposed, the Minister may impose conditions requiring the licensee.....the 'may' should be 'must'. s26- Minister may maintain registers. 2 (b) A register be made wholly or partly available for public inspection on a website determined by the Minister. We recommend this be

amended to wholly available. If there is concern due to individual names being included we accept that information being redacted. s31 (functions of an animal ethics committee) None of the functions relate to ethical deliberation of animal research protocols. They are not animal welfare committees. It seems a key omission to not include ethical evaluation as one of the core functions of an animal ethics committee. The previous Act (s24 Procedure) (2) that 'a decision carried by a majority of votes cast by the members present at a meeting of animal ethics committee is a decision of the committee. It is not clear with the amended Act what the process is. AFSA's recommendation is that there must be a consensus amongst all members for a decision to be carried forward.

Part 5 – you can add any comments to support your responses here:

s31 Animal Ethics Committees It would be worth defining the core function of an AEC- to scrutinise applications requesting to use animals for the purposes of research, experimentation or teaching. 31 (C) Absence of any reference to ethical deliberation as a function of an animal ethics committee. 31 (5) An animal ethics committee may not approve the use of an animal for scientific purposes, or the acquisition of an animal for such purposes, unless it is satisfied that— (a) the use of the animal is essential for the particular purpose; and 30 (b) the person who proposes to use the animal has appropriate experience and qualifications Suggest add to this: The particular purpose is deemed to be scientifically and ethically justifiable. As some background for this addition, a researcher may propose curiosity-driven research on primates to assess whether that species is a 'good' model for X disease as opposed to X species. This research could not be performed without animals. The researcher may have the necessary skills and experience. But there needs to be an additional criterion to prevent invasive research with limited practical value to human patients.

Do you agree with the introduction of an animal welfare fund? (s 52)

Strongly agree

Part 7 – you can add any comments to support your responses here:

Suggest funding for development and validation of non-animal methods or for rehoming animals used in research be included.

Registration of interstate orders

Prohibition orders that have been made in other states and territories will be recognised and registered in South Australia. A corresponding notice to comply will be used to enable enforcement and penalties within our state.

Do you think it is appropriate to register interstate orders and enforce them in SA? (s 53)

Agree

Ministerial exemptions

The Minister will have an exemption power. Exemptions could be granted (where appropriate) via application, or on the Minister's own initiative, and a permit could be used to provide specific conditions and timeframes.

Do you think it is appropriate for the Minister to be able to grant exemptions? (s 55)

Neither agree or disagree

Please provide any other comments you may have:

The aim of Reform 5 is to 'improve regulation, oversight and transparency of the research and teaching sector- to enable greater transparency, accountability, and address community concerns'. However, there is no requirement within the legislation for annual animal use statistics for animals used in research and teaching to be collated and publicly reported. The lack of statistics reporting means that the 3Rs principles (replacing, reducing and refining) animal use in research, or any other 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. It also results in limited accountability for public-funded research. It was in 2013 when South Australia last collated and published their annual animal use statistics. This contrasts with Victoria, New South Wales and Tasmania, which collate and publish their statistics annually with comprehensive summary reports. It was a Labor Government pre-election commitment to publish animal use statistics, but this is not reflected within the draft Bill. Significantly, the Code (Scientific Use of Animals) is omitted from Regulation 5 of the corresponding Regulations, which creates an offence for non-compliance with named codes of practice. It is unclear if this will be addressed when regulations are reviewed. At this stage, language could be used in the Act such as: Where compliance with the Code is a license condition, noncompliance with any part of the Code is an offence under subsection X.... It will be important to make the Code a 'prescribed'

Code of Practice, by including it in Schedule 2 of the Animal Welfare Regulations 2012 (SA). The language of the Bill should be clearer to establish an offence to use an animal where a validated alternative is available.