

NSW Government Response

Inquiry into the Use of primates and other animals in medical research in New South Wales

#	Recommendation	NSW Government Response
1	That the NSW Government take steps to ensure the forced swim test and smoking tower test are rapidly phased out of use in medical research in New South Wales.	<p>Noted</p> <p>The Animal Research Review Panel (ARRP) established under Part 2 of the <i>Animal Research Act 1985</i> (the Act), has recently undertaken a review of these procedures and published:</p> <ul style="list-style-type: none"> • Guideline 28: Smoke Inhalation Procedures in Rodents (Jul 2022) • Guideline 30: Forced Swim Test (Nov 2022) <p>The ARRP has committed to a 12-monthly review of the use of smoke inhalation procedures in rodents.</p>
2	That the NSW Government deliver at least three in-person seminars with the ability for online participation every year for members of animal ethics committees and develop in-person induction training with the ability for online participation and ensure all animal ethics committee members receive adequate training about the availability of alternatives.	<p>Supported in principle</p> <p>The ARRP and the NSW Government are committed to increasing industry knowledge to support the welfare of animals used in research and teaching. In 2022, the ARRP, in conjunction with the NSW Department of Primary Industries (DPI), hosted 3 online webinars, as follows:</p> <ul style="list-style-type: none"> • Research animal rehoming webinar (31 May 2022) • Animal Research Statistics webinar (9 August 2022) • Ethical Decision-Making webinar (8 November 2022). <p>The webinars were a huge success as demonstrated through the strong participation from industry stakeholders (over 750 registering across the 3 sessions), and the positive feedback from participants collected during post-webinar surveys.</p> <p>As part of their 2022-24 strategic plan, the ARRP is investigating the potential to hold further webinars and/or seminar days.</p>
3	That the New South Wales Government increase funding to the Department of Primary Industries within Regional NSW to effectively resource the audit and inspection functions of the Animal Research Review Panel and reinstate three-yearly audits of animal research facilities as soon as practicable, to be conducted by inspectors employed by the department.	<p>Noted</p> <p>DPI and the ARRP take a risk-based approach to compliance audit and inspection functions. DPI and ARRP will continue to work with animal research facilities and review the compliance, audit and inspections framework to deliver risk-based</p>

		compliance outcomes. DPI has recently increased the number of active veterinary inspectors with responsibility for conducting these audits and inspections.
4	<p>That the NSW Government investigate opportunities for reform and undertake a review of the <i>Animal Research Act 1985</i> considering the issues raised in this inquiry, including but not limited to the:</p> <ul style="list-style-type: none"> • overbreeding of animals • need to encourage pre-registration and publication of negative results of medical research involving animals • issues concerning honours student undertaking medical research using animals • housing and care of animals used in medical research • need for protections for whistleblowers who seek to raise concerns about the treatment of animals used in medical research. 	<p>Supported in principle</p> <p>The NSW Government notes the evidence heard during this inquiry relating to the <i>Animal Research Act 1985</i>, as well as the evidence given at the Inquiry into Animal welfare policy in NSW.</p> <p>The NSW Government will consider options to address the matters raised in this inquiry as part of the Government's animal welfare reform process, to ensure that the NSW animal welfare legislative framework is fit for purpose.</p>
5	<p>That the NSW Government engage with the Australian Government at a ministerial level to advocate for priority review of the Australian Code for the Care and Use of Animals for Scientific Purposes, to ensure that:</p> <ul style="list-style-type: none"> • veterinarians with appropriate expertise are appointed to animal ethics committees • research institutions be required to employ a veterinarian. 	<p>Noted</p> <p>The membership and duties of animal ethics committees (AECs) are laid down in the <i>Animal Research Act 1985</i> and also in the Australian Code for the care and use of animals for scientific purposes (the Code).</p> <p>An AEC must include a veterinarian, and the Code, at clause 2.2.4 already requires that vets on AECs have "experience relevant to the institution's activities or the ability to acquire relevant knowledge."</p> <p>The NSW Government will consider options to address the matters raised in this inquiry as part of the Government's animal welfare reform process, to ensure that the NSW animal welfare legislative framework is fit for purpose.</p>
6	<p>That the NSW Government amend the Animal Research Act 1985 to provide that one member of the Animal Research Review Panel shall be a person selected by the Minister from a panel of qualified persons nominated by the Australian Veterinary Association.</p>	<p>Noted</p> <p>The constitution, membership and mode of operation of the ARRPP are set out in the <i>Animal Research Act 1985</i>. The ARRPP has twelve members with equal representation from industry, government and animal welfare groups. This provides for a range of expertise in regulating the conduct of animal research in NSW. Members are appointed by the Minister for Agriculture and Western NSW based on a range of factors including their qualifications, experience, skills and other matters relevant to the effective functioning of the ARRPP. The strength of the ARRPP lies in the diversity of expertise, opinions and ethical perspectives of its members. The</p>

		<p>development of cohesive and progressive policies has occurred as a result of this diversity.</p> <p>The 12 member ARRP currently consists of 4 veterinarians, 3 who are also members of the Australian Veterinary Association (AVA).</p> <p>The NSW Government will consider options to address the matters raised in this inquiry as part of the Government's animal welfare reform process, to ensure that the NSW animal welfare legislative framework is fit for purpose.</p>
7	That the NSW Government commit to the reinstatement of the TAFE training course on animal care.	<p>Noted</p> <p>TAFE NSW continues to offer Animal Care courses, including Certificate IV in Veterinary Nursing, Certificate III in Animal Care Services, Certificate III in Wildlife and Exhibited Animal Care, Certificate II in Animal Care, as well as short courses both Nationally and Non Nationally Recognised (NNR) in response to industry demand.</p>
8	That the NSW Government commit to a mandatory model for rehoming animals used in medical research, building on the Animal Research Review Panel's 'Research Animal Rehoming Guidelines' and investigate opportunities to provide support to animal rescue organisations who rehome animals used in medical research.	<p>Noted</p> <p>The NSW Government notes that the Animal Research Amendment (Right to Release) Bill 2022 passed Parliament on 10 November 2022.</p> <p>The NSW Government and the ARRP encourage the rehoming of animals that have been used in research and teaching wherever possible, and where it is in the best interests of the animals being rehomed and public safety.</p> <p>The ARRP in conjunction with the NSW Government, will shortly publish 15 new species specific rehoming guidelines, which have been designed to support the 'Research Animal Rehoming Guidelines'.</p> <p>In May 2022, the ARRP hosted a Research Animal Rehoming webinar to help raise awareness of the processes involved in and the benefits of rehoming of animals used in research. This on-line event attracted registrations from over 200 AEC members, research animal carers, researchers, animal science students, veterinarians and community members.</p>
9	<p>That the NSW Government consider the reporting of statistics surrounding animals used in medical research, including but not limited to:</p> <ul style="list-style-type: none"> publishing an annual list of accredited animal research establishments, and the species of animals they use in medical research 	<p>Noted</p> <p>NSW already has the most comprehensive reporting on animal use in research and teaching of any jurisdiction in Australia. This includes the mandatory reporting on the fate of domestic dogs and cats and the separate reporting on animals used in observation studies.</p>

	<ul style="list-style-type: none"> reporting on the total numbers of animals bred (but not ultimately used) for medical research requiring the fate of all species used in research to be reported the separate reporting of animals used in observational studies. 	With the recent passing of the Animal Research Amendment (Right to Release) Bill 2022 there will be additional reporting on rehoming of dogs and cats.
10	That the NSW Government engage with the Australian Government at a ministerial level to advocate for nationally consistent reporting requirements on the use of animals in medical research including the separate and discrete reporting of animals involved in observational studies.	<p>Noted</p> <p>Animal research legislation is state / territory based. There is currently no mechanism at a national level to require reporting on animal use in research, nor to collect, collate and publish this information. Mechanisms to do this would need to be developed. If developed, it would need to be ensured that any system implemented did not weaken the rigorous and comprehensive reporting standards currently in place in NSW.</p>
11	That the NSW Government liaise with the Australian and New Zealand Council for the Care of Animals in Research and Teaching to ensure appropriate funding of the administration of the Openness Agreement on Medical Research in Australia and explore opportunities to ensure all research institutions sign up to this Agreement.	<p>Supported in principle</p> <p>The NSW Government supports in principle the development of an Openness Agreement but advocates that the existing transparency mechanisms under the Act for research institutions should be maintained until a new mechanism is established.</p> <p>The NSW Government notes that the ANZ Council for the Care of Animals in Research and Teaching has undertaken public consultation on its draft Openness Agreement and a final version is expected to be launched by mid-2023..</p> <p>As the Openness Agreement is in draft format and is still at the feedback stage, it would be premature for the NSW Government to explore opportunities to ensure all research institutions sign up to it.</p> <p>Further, until the Agreement is finalised, it is difficult to determine what the 'appropriate funding' envelope would be that the NSW Government should consider committing funding to.</p>
12	That the NSW Government commit funding to enable the establishment and operation of a national flagship 3Rs research centre in the state.	<p>Noted</p> <p>The NSW Government notes the evidence heard during this inquiry relating to the suggested establishment of a national flagship 3Rs research centre in NSW.</p>
13	That the NSW Government report annually on the amount of government funding given to the use of animals in medical research and funding given to the development of alternatives.	<p>Supported</p> <p>The NSW Government supports the intent of the Recommendation and will examine possible mechanisms to implement reporting, in consultation with funded research organisations.</p>

		It is noted that the implementation of this Recommendation may not accurately reflect researchers' efforts to adhere to the principles of replacement, reduction and refinement.
--	--	--