

**The University of Sydney responses to Questions on Notice received from the
Standing Committee on State Development as part of its inquiry into
Animal Welfare Policy in New South Wales**

Question One

The Hon. MARK BANASIAK: *Just picking up on, I guess, some of the comments that have been made already and also Mr Veitch's comments, the University of Sydney's submission talks about how the definition in the draft bill for "animal research" differs from the national code. It talks about that it does not reflect the breadth of animal research conducted. So I am just interested to know currently what would be some research as defined by that national code that would possibly fall foul if this bill was passed and that alignment did not happen. Do you have any current examples of research that is being done, that would not fit into that definition in the draft bill?*

SUSAN MAASTRICHT: *With respect, I would probably need to take that one on notice and get you some information. Is that okay?*

The Hon. MARK BANASIAK: *That would be good. If you could each perhaps take it on notice, in your respective universities, what would be some research that may fall foul if there is not that alignment.*

University of Sydney response:

[The NHMRC Code](#) – definition of animal research, defined in the Code as scientific purposes:

- **Animal:** any live non-human vertebrate (that is, fish, amphibians, reptiles, birds and mammals encompassing domestic animals, purpose-bred animals, livestock, wildlife) and cephalopods. And as a guide, when embryos, fetuses and larval forms have progressed beyond half the gestation or incubation period of the relevant species, or they become capable of independent feeding.
- **Scientific purpose:** 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.

New Bill – definition of animal research:

- **Animal means:** (a) means—
 - (i) a member of a vertebrate species including—
 - (A) an amphibian, and
 - (B) a bird, and
 - (C) a fish, and
 - (D) a mammal, other than a human, and
 - (E) a reptile, and
 - (ii) a cephalopod, and
 - (iii) a decapod crustacean, and
 - (b) in relation to animal research—includes other animals or forms of animals prescribed by the regulations.
-
- **Animal research means:**
 - 1) An experiment, inquiry, investigation, procedure, study or test in connection with which an animal is used.
 - 2) Without limiting subsection (1), animal research includes—
 - a. an experiment, inquiry, investigation, procedure, study or test in the course of which an animal is subjected to—
 - i. biological, chemical, medical, physical, psychological or surgical treatment, or
 - ii. abnormal conditions of cold, confinement, dark, heat, isolation, light, noise or overcrowding, or
 - iii. abnormal dietary conditions, or
 - iv. electric shock or radiation treatment, and
 - b. an experiment, inquiry, investigation, procedure, study or test in the course of which a material or substance is derived or extracted from the body of an animal, and
 - c. the use of an animal for a recognised research purpose.

- 3) Animal research **does not** include the following—
- a. displaying an animal, or keeping an animal for display, for educational or scientific purposes that does not involve an experiment, inquiry, investigation, procedure, study or test in connection with the animal,
 - b. providing veterinary treatment to an animal to protect the welfare of the animal,
 - c. carrying out routine animal husbandry,
 - d. demonstrating routine animal husbandry for educational purposes in the ordinary course of caring for the animal,
 - e. the use of animals for a scientific or educational purpose prescribed by the regulations for this section.

[The NHMRC Code](#) – also refers in section 4.17 that Animal Ethics Committee approval is not required for the training and application of agricultural extension work practices, or the training of students in veterinary science, veterinary nursing or animal technology to achieve competency-based outcomes in routine procedures **ONLY if ALL** of the following apply:

- (i) the animals are at their home property or a premises licensed by a state or territory Veterinary Surgeons Board
- (ii) the procedures would normally occur as part of routine management or veterinary clinical management of the animal
- (iii) the animals are not subjected to anything additional to routine management or veterinary clinical management of the animal
- (iv) the teacher is competent to carry out the procedure.

If this Bill was passed without alignment to the Code, it reads as if only biomedical research would be regulated and that areas like teaching, field studies (wildlife, production animals), veterinary companion animal studies and environmental studies would not be considered under the Bill. The role of the Bill is not only to regulate animal research and teaching but to provide information to the general public and to support maintaining a social licence.

It should be made clear in the Bill that animal research encompasses all research and teaching involving animals. The Code also prescribes when an Animal Ethics Committee is not required to approve activities involving animals and as can be seen, this requires compliance with four distinct requirements.

A way to ensure that the definition of animal and animal research is well understood could be to refer to the Code and state that the definition of both animal and animal research is as defined in the Code, current at that time. Therefore, when the Code is updated, so too is it immediately referenced in the Bill/Act.

Question Two

The CHAIR: *On that, how do you interact with the department at the moment on these regulatory issues?*

SUSAN MAASTRICHT: *Do you mean in terms of reporting?*

The CHAIR: *All of those things. The evidence is that the system is working fine at the moment in terms of interacting with New South Wales and I just wanted to understand what interacting is involved. Mr Rohr?*

TED ROHR: *We are working closely with the Department of Primary Industries when it comes to licensing, the accreditation of the animal ethics committee—the new members of the animal ethics committee are accredited by the department—and also we are working closely with the department as they are conducting regular audits of the universities, very thorough audits that are providing feedback on how our system is working.*

University of Sydney response:

The [Animal Ethics Infolink](#) is a good resource to explore – this website has been developed by the Animal Research Review Panel (ARRP) and the Animal Welfare Unit within the NSW Department of Primary Industries (NSW DPI). The website, along with direct engagement with the NSW DPI Animal Welfare Unit (particularly Dr Lynette Chave), is invaluable in assisting accredited animal research establishments and Animal Ethics Committees with any interpretations/advice to ensure compliance with the current legislation and Code.

In short:

- To be able to work with animals in research and teaching or even to supply animals for research or teaching, the corporation must apply to the NSW DPI for Accreditation as an Animal Research Establishment and/or for an Animal Supply Licence.
- Establishments cannot be Accredited without a properly constituted Animal Ethics Committee (AEC) to approve and oversee the animal research carried out by the establishment; and researchers and teachers cannot undertake procedures where animals are used without the approval of the establishment's AEC.
- Applicants for Accreditation and Animal Supply Licences must complete [Form R](#) and return it to NSW DPI.
- Accreditation application fees reflect the size of the establishment, based on the number of animal researchers at the establishment (holders or proposed holders of Animal Research Authorities). The fees range from \$350 to \$2000. Accreditation is initially for one year; then for three years for renewal applications.
- Animal Supply Licence application fees are \$300. Animal Supply Licences are granted for a period up to three years.
- Applications are assessed by staff of NSW DPI based on criteria developed by the [Animal Research Review Panel \(PDF, 245.9 KB\)](#). As a result of this assessment, further information may be sought from the applicant.
- Recommendations on the applications are made to the ARRP. The Panel considers these recommendations and advises the delegate of the NSW DPI Secretary, on whether applications should be approved and on what conditions.
- The delegate of the Secretary considers the Panel's recommendations and makes a determination on the applications.
- Applicants are advised in writing of the outcome, including any conditions placed on the Accreditation or Animal Supply Licence.

Once accreditation/licences are granted, the accreditation is continually assessed by the NSW DPI ARRP, again as a delegate of the NSW DPI Secretary, through:

- Any changes in AEC membership, animal housing/facilities etc (essentially any changes to Form R) must be submitted to the NSW DPI for review and approval by ARRP.
- Annual submission of [Form L: Animal Use Statistics](#) and the [Annual reporting by AECs to Accredited Animal Research Establishments](#) to the NSW DPI for review and approval by ARRP.
- An independent external review conducted at least every four years to assess the institution's compliance with the Code, and to ensure the continued suitability, adequacy and effectiveness of its procedures to meet its responsibilities under the Code. This may be performed by the NSW DPI ARRP and the Animal Research Inspector (veterinarian) or by an independent external reviewer/panel.
- If concerns are raised, then ARRP and/or the Animal Research Inspector may visit the accredited research establishment at any time.