



4 May 2022

The Hon. Catherine Cusack, MLC
Chair, Standing Committee on State Development
NSW Parliament House
Sydney NSW 2000

Dear Ms Cusack,

**Standing Committee on State Development's Inquiry into Animal Welfare Policy in New South Wales:
Questions on Notice**

Thank you for the opportunity to attend the Inquiry. I hereby provide answers to the following questions on notice on behalf of the University of New South Wales:

Question 1:

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.

ANSWER: The Australian code for the care and use of animals for scientific purposes (8th Edition 2013 updated 2021) does not define animal research *per se* but defines "**Scientific purposes:** 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 definition in the draft bill includes in 2(c) the assumed catch-all "the use of an animal for a recognised research purpose". As such there is coverage of research in the broader sense but animal use in teaching and environmental studies or diagnosis could well be left aside and outside the new scope if the bill is passed in its current form. Where possible it would be desirable to have consistency in national and state-based documents and legislation in particular as research is a national and international effort, and of course our view was and is that the current Animal Research Act be retained.

Question 2:

The CHAIR: Is there an office in the department and is the person signing off on the accreditation, perhaps the director-general—or I think the term is secretary—of the department?

TED ROHR: There was some movement in the department recently. I am not sure. I would need to take that on notice.

ANSWER: The most recent accreditation for the University of New South Wales was signed by the Delegate of the Secretary, Manager Licencing and Accreditation Services, Biosecurity & Food Safety Compliance, New South Wales Department of Primary Industries.

Question 3:

The Hon. MICK VEITCH: This is the second hearing day of this inquiry. At the previous hearing day we had a number of really stimulating conversations around recognising animal sentience in this draft bill. I would be very keen for each of your institutions' or your own views about the merits of recognising animal sentience in the legislation. If I could start with Professor Rogge and we will work our way across.

SVEN ROGGE: That is a very important question but with my background, I am a physicist, I will not touch that because I am not sufficiently qualified. I will hand it over.

The Hon. MICK VEITCH: You could take it on notice.

SVEN ROGGE: Happy to do that.

ANSWER: Both the current Animal Research Act and the draft bill recognise minimum requirements of provisions to animals such as housing, care and enrichment; by extension this is based on the assumption that animals covered under the legislation are sentient, feel pain and are aware of their environment. At the same time, the Animal Research Act defines these animals as “animal means a vertebrate animal, and includes a mammal, bird, reptile, amphibian and fish but does not include a human being”. The Australian code defines these animals extending to other taxa, as “any live non-human vertebrate (that is, fish, amphibians, reptiles, birds and mammals encompassing domestic animals, purpose-bred animals, livestock, wildlife) and cephalopods”. We need to be clear on what taxa of animals are covered by animal research legislation. Specific inclusion of sentience outside current provisions without clear understanding on how sentience translates to animals such as insects, for example, could introduce uncertainty on which animals should be subject to ethics review and legislative requirements, and it may therefore not be advisable in our opinion to introduce animal sentience in the legislation. As above, our view is that the current Animal Research Act be maintained with its definitions and adapted when the national code is reviewed in regular intervals.

Yours sincerely

Professor Sven Rogge
Pro Vice-Chancellor (Research)