

PORTFOLIO COMMITTEE NO. 2 - HEALTH

INQUIRY INTO USE OF PRIMATES AND OTHER ANIMALS IN MEDICAL RESEARCH IN NEW SOUTH WALES

HEARING – 1 JUNE 2022

SUPPLEMENTARY QUESTIONS TO LIBERTY FOUNDATION

1. Do you believe there is a community expectation that researchers should be rehoming animals wherever they can, rather than killing them when the experiment is over or using them in experiments over and over?

We don't have substantive data to know what the overall community expectation is regarding rehoming of animals from research. However, we have anecdotal evidence through our own work that many people in the community and also the animal-based research sector, support rehoming.

It is fair to say that public awareness of the use of animals in research and teaching in Australia is low and the transparency of the animal-based research sector of its work with animals, is also at a low level.

This lack of public awareness coupled with low levels of disclosure and reporting on animal-based research activities, means that many Australians have not been able to formulate informed views on the matter on whether animals from research should be rehomed.

A 2013 opinion poll commissioned by Humane Research Australia and carried out by Nexus Research, found that 57% of respondents were not even aware animals are used in experimental research in Australia.

Many establishments rely on their minimum compliance with the Code. But as we have seen in other industries where animals are part of the supply chain, reliance on a company's compliance with Australian regulation has not been sufficient to protect it from the impact of changes in public opinion and government policy¹. Recent high-profile examples include live export and the greyhound racing industry in NSW.

Issues related to animals in industry are starting to appear on the global business sustainability agenda.² They have become the subject of new assessment tools for investors that connect ESG performance with corporate performance – namely the Business Benchmark for Animal Welfare (BBFAW) and the Farm Animal Investment Risk & Return (FAIRR).

In recent years, we've also seen the emergence of sustainability-linked loans or green loans, which have become a popular alternative to traditional capital raising and debt.

One such loan has been executed between the Commonwealth Bank and Queensland business Stockyard Group, which runs a 20,000-head cattle feedlot on the Darling Downs. The amount of interest paid on the loan will be charged according to how the company reduces greenhouse gases, meets animal welfare targets, and provides a safe workplace for its staff. It is said the loan was "driven by customer interest and global trends".³

¹ <http://www.abc.net.au/7.30/content/2013/s3753039.htm>

² <https://procurementandsupply.com/2015/10/animal-welfare-and-responsible-procurement/>

³ <https://www.abc.net.au/news/rural/2021-07-22/beef-bank-loan-linked-to-emissions-animal-welfare/100311374>

One recognition of the wider importance of social licence has been a global move towards greater openness in animal research, led by the research sector. This is most advanced in the United Kingdom where the Declaration on Openness on Animal Research has now been signed by more than 126 research establishments.⁴

The resulting Concordat, released in 2014, states a primary aim of “culture change within the life-science sector, and a resulting shift to greater societal understanding of why and how research establishments use animals in science”.

Since then, New Zealand and several countries in Europe have launched openness agreements based on similar commitments to those in the UK.

Regulations in the European Union also encourage greater openness, where it has been mandatory since 2010 to publish non-technical summaries of approved animal research projects, thereby making them more accessible for the “lay person”.

There is now an initiative in Australia to launch an “Openness Agreement on Animal Research”, a voluntary pledge that can be signed by organisations wishing to demonstrate commitment to greater transparency in their use of animals for research or teaching.

A working group convened by ANZCCART has prepared a draft openness agreement for Australia.⁵ The draft sets out four commitments similar to those in other countries and also provides specific context relating to the use of animals in research and teaching in Australia.

Aside from community and industry expectation, the mandatory *Australian code of practice for the care and use of animals for scientific purposes* (the Code) is clear on the matter of rehoming [emphasis added]:

*3.4.2 Opportunities to rehome animals **should be considered wherever possible**, especially when the impact of the project or activity on the wellbeing of the animal has been minimal and their physiological condition and behavioural attributes indicate that they can be introduced to a new environment with minimal, transient impact on their wellbeing.*⁶

The Code is also clear about the impact, cumulative and otherwise, of research on the animal. Under its governing principles it states [emphasis added]:

*(i) The wellbeing of animals used for scientific purposes must be considered in terms of the **cumulative effects of the animal’s lifetime experience**. At all stages of the care and use of an animal, measures should be taken to ensure that the animal’s environment and management are appropriate for the species and the individual animal, and support the animal’s wellbeing (see Clause 1.8).*

*(ii) Animals have a capacity to experience pain and distress, even though they may perceive and respond to circumstances differently from humans. Pain and distress may be difficult to evaluate in animals. **Unless there is evidence to the contrary, it must be assumed that procedures and conditions that would cause pain and distress in humans cause pain and distress in animals.***

⁴ <https://concordatopenness.org.uk/>

⁵ <https://anzccart.adelaide.edu.au/openness-agreement-public-consultation#openness-agreement-online-feedback-form>

⁶ nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes

Decisions regarding the possible impact of procedures or conditions on an animal's wellbeing must be made in consideration of an animal's capacity to experience pain and distress (see Clause 1.10).

*(iii) **Steps must be taken at all times** to safeguard the wellbeing of animals.⁷*

So, would the broader community and those working in research have an expectation that research establishments should follow the mandatory National Code, which states that rehoming should be considered wherever possible and consideration be giving the cumulative impact on animals? Yes, I believe they would have that expectation. State-based regulators certainly have that expectation.

When it comes to an older dog or cat, perhaps beyond eight or nine years of age, which is facing the possibility of being moved to yet another research establishment, to have more research work done, what would the community expectation be on this? I believe they would consider, as the Code states, that unless there is evidence to the contrary, this would cause pain and distress.

The reality is, that many such dogs and cats are being continued in research, when one could argue that the cumulative impact on the animal outweighs the benefits and that ethically it is more acceptable to rehome these animals outside of research.

The low level of public awareness and industry transparency enables a situation to continue where there is limited accountability on the part of the industry, and this is likely a contributing factor in the current levels of rehoming which are lower than they could be.

Research establishments could argue there is a large amount of regulation and red tape they must deal with, but the reality is that there is no effective enforcement of the National Code. That is before we even begin to consider whether the National Code is itself an effective mechanism to protect the welfare of animals including provisions for them at the end of the research process. And whether compliance with the Animal Research Act and the National Code can be well managed by individual Animal Ethics Committees, which is currently the case.

As a member of Animal Research Review Panel (ARRP) since 2016 I can attest to the fact that inspection activities are not adequate to enforce the Code in NSW, with only one inspector and inspections being scaled down in recent years, including an extended period of time where there was no inspector (meaning no inspections were taking place).

It would be many years between ARRP inspections for most organisations licensed to use animals for research and scientific purposes, if they were inspected at all. The only ways that ARRP would be alerted to any concerning activity by a licensed facility would be via an inspection; someone making a complaint or report to ARRP; or there was an issue with licence renewal applications/s or annual reports submitted by research establishments (many of which do not include data on rehoming as it is optional).

Given there are hundreds of licensed organisations with animals in their care at any time in NSW, there should be more funding for ARRP inspectors to be able to support research establishments and their Animal Ethics Committees in complying with the Act and the Code.

One positive development in recent years has been the advent of more detailed reporting in NSW on the fate of animals in research (see answer to next question), which provides some indication of the number of animals that may be suitable for rehoming that are continuing in research and those that are being rehomed. ARRP has also issued a guideline on webinar on rehoming.

⁷ nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes

2. Can you detail some of the issues with using the same animal for experimentation over a long period of time- what needs to be put in place to ensure animals are suitable for rehoming and not institutionalised?

See my answer above.

In addition to that, we have evidence now from animals coming out of research establishments that they have different needs based on numerous factors:

- . the length of time they have been at the research establishment – eg. this relates to the kind of home they require and period of time to transition
- . whether they have been in an institutionalised environment since birth – eg. they haven't experienced living in a home or bonding long-term with one or more people, this relates to the kind of home they require
- . whether they have been bred specifically for research - eg. rats and mice from research are different from normal pet rats and mice in temperament and behaviour and need specific kinds of homes
- . what conditions they have experienced at the research establishment – eg. greater socialisation with animals and people assists rehoming; whether they have been able to exhibit natural behaviours at the research establishment also plays a role
- . how much human contact they have received and the type of contact – eg. consistent, positive contact with the same people generally means the animals are less fearful or skittish.

Clearly, the greater the needs of the animals for specific kinds of homes and carers - often based on the amount of time and experiences they have had in the research establishment - will require more care, time and attention on the part of the rehoming group and the adopter.

When animals come out of research establishments we provide them with the opportunity to exhibit natural behaviours. In the case of mice, this includes digging, tunnelling, nest building, running, climbing, jumping, foraging, socialising, eating a variety of foods. For example, simply chewing on an old log in a naturalistic enclosure is a very popular activity for our mice in care, or digging in soil to forage for food.

All these experiences are new experiences. And this means all animals have an adjustment period which can be challenging in the short-term, but positive in the longer-term. Generally speaking, the longer an animal has been in a research establishment where they did not have facility to exhibit their range of natural behaviours (that does not include all research establishments), the longer it takes them to adjust and begin exhibiting these behaviours.

For example, some dogs and cats from research establishments are not particularly playful, curious or interactive. They do not understand what toys are and may take some time, if they understand at all, how to interact with toys or become playful with people or other dogs. This does not mean they can't be rehomed, it just means they are different from other dogs or cats who have lived in a home environment for instance and adopters must be aware of this.

The [rehomeing guidelines issued by ARRPP⁸](#) provide some good examples of how animals can be prepared for rehoming. We would recommend that rehoming be included as part of the approval process for research projects, so animals can be earmarked early for rehoming and given as much support and preparation as possible.

This can include, for example, play time for rats or rabbits, in a bigger area than their home cage, where they can run, play, explore, forage and also interact with people in these environments. **One of the most important things research establishments can do to prepare animals for rehoming is to spend more time with them, get them more accustomed to handling and interaction with humans.**

Given that the opportunities for rehoming are generally broader if the animal has spent less time in a research establishment, it is helpful to look at figures from NSW in recent years which indicate how many animals are being kept at research establishments for ongoing work or new projects, or moved to other research establishments.

Since 2019 (calendar year), ARRPP has collected stats on the fate of cats and dogs in NSW.

In 2019, the figures showed, from a total of 3616 dogs and 1504 cats⁹:

- Many of these domestic cats and dogs were privately (non-research) owned and remained with the owners (864 domestic cats and 2729 domestic dogs).
- **The remaining 640 domestic cats were retained in projects or retained for use in other projects or supplied to another establishment/individual for research.**
- Of the remaining 887 domestic dogs:
 - **852 were retained in projects or retained for use in other projects or supplied to another establishment/individual for research.**
 - 30 were rehomed externally.
 - 5 were euthanased or died unrelated to the project.

In 2020, the figures showed, from a total of 2553 dogs and 884 cats¹⁰:

- Many of these domestic cats and dogs were privately (non-research) owned and remained with the owners (332 domestic cats and 1575 domestic dogs).
- Of the remaining 552 domestic cats:
 - **461 were retained in projects or retained for use in other projects or supplied to another establishment/individual for research.**
 - 11 were retired and kept by the research establishment.
 - 75 were rehomed externally.
 - 5 were euthanased or died unrelated to the project.
- Of the remaining 978 domestic dogs:

⁸ <https://www.animaethics.org.au/policies-and-guidelines/animal-rehoming>

⁹ https://www.animaethics.org.au/__data/assets/pdf_file/0008/1285748/2019-Animal-use-in-research-statistics-report.pdf

¹⁰ https://www.animaethics.org.au/__data/assets/pdf_file/0007/1395466/INT21-148540-2020-Animal-use-in-research-statistics-report.pdf

- 957 were retained in projects or retained for use in other projects or supplied to another establishment/individual for research.
- 12 were retired and kept by the research establishment
- 9 were euthanased or died unrelated to the project.

If a mandatory retirement age or limit to the amount of time an animal can be in research were to be introduced, then more of the animals that were retained for use in other projects or supplied to other research establishments would be rehomed, but it's impossible to say how many.

3. You note in your submission that there is no funding for rehoming animals from research – do you think this is something that should be funded by the research profession, or allocated as part of research grants? How would funding assist your organisation to rehome animals?

For the rehoming movement for ex-research animals to expand and become sustainable at scale, we believe industry and government must work together with rehoming organisations, most importantly, by providing funding and other support.

It is staggering to consider the amount of government funding directly supporting animal-based research, when compared to the absence of:

- any funding to support end-of-research options for these animals either at the industry, federal or state government level
- state government rehoming programs for the animals being used in their own government facilities.

For example, it should not be left to the charitable sector to pay for rehoming of animals from government-owned or -run research facilities as is currently taking place. Essentially this means that taxpayers are paying for much of the research to take place (through government research grants) and are paying again for rehoming of these animals by donating to rehoming charities.

While there are government grant programs for companion animal rehoming in general in other states, there are none in NSW aside from some assistance to major welfare agencies such as the RSPCA, least of all for domestic animals from research such as rats and mice.

This is an issue that must be addressed in any discussion around improving welfare outcomes for research animals and the demand this will create for rehoming services.

This was reflected in the recent work of the Victorian government's Taskforce on Rehoming Pets. Its final report to government in December 2021 recommended that the government not only consider mandatory retirement for dogs and cats at the conclusion of research but it consider specific grant programs to support the rehabilitation and rehoming of animals used in research and training. It further recommended that the government consider funding programs to support the sector to upskill in rehabilitation and care for such animals.

Liberty Foundation has developed a business case for industry and government to work together on establishing a dedicated rehoming centre for animals from research. While this may commence with one centre, it would demonstrate leadership and provide a model that could be replicated in other states and territories.

Other ways that could build capacity within the rehoming sector would be:

- . a government grant program (competitive or otherwise) offered to organisations providing rehoming services for animals from research or specific projects that will rehome animals from research
- . funding offered to rehoming services by individual research establishments or used for their own internal rehoming programs
- . mandatory funding requirements for rehoming in the allocation of government research grants (at state and Commonwealth level), to be administered by individual research establishment when they approve projects for example
- . rehoming services to introduce surrender fees or fees for their services.

Clearly, the amount of work that can be done by not-for-profits or small animal rescues in rehoming animals from research, and the number of animals they can accommodate, is directly proportional to the funds and skills they have available within the organisation.

In other words, the more money and access to resources they have, the more animals they can assist and the broader range of animal needs they can meet.

4. What recommendations would you like to see from this inquiry?

Our recommendations to the NSW government are as follows:

- Request a review of the NHRMC's Australian code of practice for the care and use of animals for scientific purposes, to make rehoming mandatory for all animals from research and introduce mandatory retirement ages for at least domestic/companion animal species (not just dogs and cats).
- Make it mandatory for all research establishments, or at least those conducting research with a high level of impact on the animal, to become signatories to an openness agreement such as the one being considered by the ANZCCART initiative.
- Seek to co-ordinate states and territories to work towards nationally consistent collection and reporting of statistics of animal use in research and science including mandatory reporting on the fate of animals.
- Set up a rehoming taskforce to bring together companion/small animal rescue groups and government to discuss and respond to issues related to rehoming.
- Create funding and grant opportunities, possibly including relevant industry players, for companion/small animal rescue operators across the state.
- Fund and operate programs to support the sector to upskill in rehabilitation and care specifically for animals from research.
- Provide a forum to discuss Liberty Foundation's proposal to establish a dedicated rehoming centre for animals from research in NSW, with industry and government support.