INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Organisation: The University of Sydney

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28 February 2022

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

Standing Committee on State Development's Inquiry into animal welfare policy in New South Wales

Dear Ms Cusack,

The University of Sydney (the University) welcomes the opportunity to provide feedback on the Draft Animal Welfare Bill 2022 (the Draft Bill) as part of the inquiry into the Government's proposed animal welfare policy, and the associated legislative and regulatory framework.

In September 2021, we provided feedback on the *NSW Animal Welfare Reform: Discussion Paper*, which set out key proposals for a single new law. In this submission, we focussed primarily, but not exclusively, on animal research and teaching related aspects of the Draft Bill.

In 1985, NSW was at the forefront nationally in recognising the need for dedicated legislation that provided welfare protection for animal research, and we urge the government to retain this standing and reconsider its decision to incorporate the *Animal Research Act 1985* into a single new Act. This decision risks dilution of the important internationally recognised standards of regulation for animal research and the community reassurance and confidence that this delivers.

While dedicated animal research welfare protection legislation remains our strongly preferred position, we do acknowledge the current progress towards a single law. We therefore offer the following feedback on the Draft Animal Welfare Bill 2022 for consideration by the Standing Committee.

1. **Detail regarding animal research**

   The Draft Bill contains substantially less detail on animal research than is provided in the *Animal Research Act*. It is our understanding that this will be addressed in the Regulations, and we urge the Standing Committee to consider including relevant sections from the *Animal Research Act* and the Animal Research Regulation 2021 in a discrete chapter covering animal research and teaching. It will be important for the Regulations to address the details in the current *Animal Research Act* that reassure the community that animal welfare compliance underpins animal research. The oversight provided by the inclusion of important aspects of the *Animal Research Act* and its Regulation will legitimise the specific exemption for animal researchers in the Draft Bill and preserve the social licence to conduct animal research and teaching[i].

We understand that there will be a consultation period for the Regulations, however, we suggest that a targeted consultation with the research community - including the NSW Deputy Vice-Chancellors' Research Committee - is seriously considered prior to the public consultation. As an accredited research establishment working under the current *Animal Research Act* and its Regulation, we believe there are areas of this legislation that need review before inclusion in the new Regulations. The University of Sydney would be very pleased to assist with this. Consultation with the NSW research community will ensure that all matters pertaining to animal research and teaching are addressed in accordance with international best practice prior to the release of the Regulations for public consultation.

2. Recognised research purposes

The definition of 'recognised research purpose' in the Draft Bill is largely the same as the definition in the *Animal Research Act*, however, it does differ from the definition provided in the NHMRC's *Australian code for the care and use of animals for scientific purposes* (the Code) and does not reflect the breadth of animal research conducted in NSW. We urge the Standing Committee to consider aligning the definition of recognised research purposes with the Code: "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."

3. Authorised officer

We support the continued requirement (through s.59(2)), in relation to an offence under Part 5 (Licensing and approvals) involving animal research, for an authorised officer to be a veterinary practitioner. Animal research is more rigorously regulated than any other exempt activity in the Draft Bill and it is anticipated that this degree of regulation will not be diminished under the Animal Welfare Act and Regulations. This reflects the unique and often complex animal research activities that, under the social licence offered, require assessment by highly qualified authorised officers. This is best delivered by veterinarians who can correctly assess animal status and wellbeing and address any urgent need for pain or distress mitigation, including analgesia or euthanasia. Veterinarians can fulfil this role because any training they may require relates only to the understanding of animals in research and not clinical animal welfare assessment per se.

4. Licensing scheme

Animal research will continue to be licensed but this is not set out in the Draft Bill other than in s.45 which indicates that details of the licensing scheme may be provided in the Regulations. This inclusion would be a step forward in the legislation as it allows for a more agile governing document where the Regulations can be changed more readily (than legislation). This can address any unforeseen problems or emerging issues that require immediate, thoughtfully considered responses that streamline process and improve animal welfare and research outcomes.

As we have expressed above, the new Regulations will be best served by including relevant sections from the *Animal Research Act* and its Regulation in a discrete chapter covering animal research and teaching. It will be important that the language used is clear and consistent with related legislation and the Code, and that licensing is understood from the perspective of an institutional licence and an individual researcher licence. It will also be important to ensure that the new Regulations and the Code are aligned. The Code should be embedded in the new legislation, as is the case with the *Animal Research Act* and its Regulation.

On behalf of the University of Sydney, I would like to thank you again for the opportunity to provide feedback on the Draft Animal Welfare Bill 2022 as part of the Inquiry process.

Should you require further information relating to this feedback, please do not hesitate to contact our Animal Ethics Manager, Nicole Clark,

Yours sincerelv.

Professor Duncan Ivison
Deputy Vice-Chancellor, Research

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[i] We understand that the Draft Bill has been written to provide a more agile framework and that most of the detail will be in the Regulations. However, we have some concerns that this may be understood to imply that animal research has an 'exemption' from prosecution under the proposed Bill. In reality, animal research and teaching are more rigorously regulated than any of the other exempted activities in the Draft Bill and this reassurance is the foundation of the social licence that researchers are given to conduct animal research. We would not want public confidence to be eroded by an 'exempt' classification that may not be well understood, particularly when compared to the other exempt activities.