

**Submission
No 95**

INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Organisation: The University of Newcastle

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**PROFESSOR ZEE UPTON
DEPUTY VICE-CHANCELLOR
(RESEARCH AND INNOVATION)**



28 February 2022

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

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

Dear Ms Cusack

Thank you for the opportunity to provide a submission on the State's animal welfare policy, regulatory and legislative framework.

As the senior representative of the University of Newcastle's research efforts, I would like to register concern about the proposed changes to animal welfare legislation. The University's overarching concern is that the proposed merging of legislation into the Animal Welfare Bill (2022) will effectively diminish welfare standards and erode public confidence in research that is critical for our nation.

New South Wales (NSW) has long been a leader in ensuring the wellbeing of animals used in research, and the Animal Research Act (ARA) played a significant part in this. The ARA was the only piece of legislation in Australia to set standards of care for animals used in research at a level consistent with the Australian Code for the Care and Use of Animals for Scientific Purposes (The Code). This ensured NSW research met the highest international standards and set a clear benchmark for research.

Unfortunately, the new Bill does not meet the same, world-leading standard set by the ARA. The Bill does not stipulate the rigorous regulatory environment for animal research that currently exists, with the majority to be set in regulation. Regulation is a useful approach for Parliament to legislate in rapidly changing environments, however it is not appropriate where standards must be seen to endure beyond the term of parliaments. The relative ease with which regulations could be modified is not consistent with setting the highest levels of stability and consistency that need to be applied in a research setting.

Significantly, any change to legislation that is seen to lower standards for the welfare of animals used in research has the potential to erode public confidence in research, which is critical to ensure research can be continued.

While simplifying unnecessary legislation is a worthy goal, in this instance it is unlikely to be achieved without ceding NSW's place as national leader in research animal welfare. We strongly urge the Committee to reconsider including the ARA in the current Bill.

If the Committee will not reconsider the current approach. We strongly recommend the following in relation to the draft Bill:

- Consult further with the University sector on the impact of merging the existing Act on animal welfare in research settings, given the University consensus that the resulting Bill significantly weakens current legislative settings.
- Establish clear links with the Code and the Animal Ethics Committee system that is central to ensuring adherence to appropriate standards of animal welfare. As drafted, the Bill does not set this out in a manner that is clear and easy to implement.
- Include the constitution of the Animal Research Review Panel in the new Act, rather than in regulation, which is subject to Ministerial discretion. Including the Panel in legislation will provide clarity when it comes to regulation and control, an important part of maintaining public confidence in the integrity of the system.

Universities in NSW are the major institutions that conduct research that is subject to regulation via the proposed Bill. As publicly funded institutions that serve our community, and that strive to discover new knowledge in health and medical research, it is paramount our research is held to the highest standards by the Parliament of NSW.

It is imperative research-intensive institutions like the University of Newcastle are adequately consulted during the process of drafting any related regulations. The University of Newcastle is committed to engaging actively and constructively with the NSW Government and Parliament as this important legislative change is made, and I am confident other NSW research institutions would similarly work in partnership to ensure NSW remains a leader in animal welfare.

Yours sincerely,

Professor Zee Upton
Deputy Vice-Chancellor (Research and Innovation)