

**Submission
No 100**

INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Organisation: Western Sydney University

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28 February 2022

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

Re: Draft Animal Welfare Bill

Dear Ms Cusack

On behalf of Western Sydney University, we thank you for the opportunity to provide a submission to the inquiry into the Government's proposed animal welfare policy, and the associated legislative and regulatory framework including the Draft Animal Welfare Bill 2022 (the 'draft Bill').

In the following we will outline some of our concerns, largely focused on the current lack of detail regarding the unique principles and processes necessary to oversee and authorise animal research as is currently standard practice in NSW. It is essential that the animal research protocols are in place as regulations at the commencement of the new Act, and that there be no gap in coverage.

The draft Bill does not include fundamental principles of the Animal Research Act (ARA), particularly the principles that animal research can only be carried out with the approval from an Animal Ethics Committee (AEC) and in accordance with the *Australian code for the care and use of animals for scientific purposes* (the 'Code'). These core principles of the ARA were established to afford high standards of protection for animals used in connection with research. The inclusion of the Code in the current draft Bill is only detailed within the potential scope of the future Regulations, which we consider an important limitation, and the draft Bill should at least reference the Code and provide a clear framework for AEC procedures. In addition, the draft Bill does not cover the conduct of animal research and teaching by accredited research institutions with ethical review and oversight by an AEC, which we view with concern. For example, the statement under 119(b)(i-ii): "no unnecessary harm on the animal" is vague and is open to interpretation by whoever is conducting the activity. This should rather be based on accepted practices as is currently outline in the Code and controlled by AECs. Also, under 'Recognised Research Purposes', veterinary and behavioural sciences have now been combined and are listed as 'veterinary behaviour'. This is alarming as it discounts a large portion of research pursuits that would routinely fall under the umbrella of veterinary and behavioural research. If, despite the concerns raised, AEC oversight becomes embedded within the Regulations rather than the draft Bill itself, then substantive clauses and protocols on AEC procedures and scope would need to be developed within the Regulations together with the relevant stakeholders (i.e. AECs / members of institutions involved in animal research and teaching).

It is important to note here that the requirement for AECs which adhere to the Code and the principles of Replacement, Reduction, and Refinement (3Rs) have proven to be effective in maintaining a high level of animal welfare. This approach allowed several stakeholders, including animal welfare representatives and members from the general public, to be involved in the assessment and approval of animal research projects in relevant institutions, clearly supporting the idea of 'openness' of the sector towards the broader community. In fact, including animal research into the draft Bill as an 'exemption' could further erode the current social

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licence (see community representation on AECs) to operate, and appears contrary to observed best international animal welfare practice.

In addition, the draft Bill makes only limited mentioning of the 3Rs, whereas the Code and NHMRC guidelines outline these principles in detail and also state that any ethical justification is also dependent on the scientific validity of animal research projects. As such, the current legal framework as set out by ARA guarantees the assessment of the benefits, costs and scientific validity of animal research studies, in line with what is done internationally (see research legislation in [UK](#), [Netherlands](#), [EU](#)). Thus, the work of the AECs as outlined in the ARA provides a very high level of protection for animals on an individual level and puts in place a higher standard of animal care and husbandry than can be achieved under the currently proposed Bill.

Another concern is that the draft Bill outlines that the Animal Research Review Panel will be delegated to 'investigate' applications for licences. However, unlike the ARA, there is a lack of detail regarding i) practicalities of the licencing process and ii) regulations around carrying out animal research and the supply of animals – these are important objectives under the current ARA that extend beyond the protection of animal welfare during research alone. The lack of specificity for licensing animal research and AEC processes within the draft Bill, together with the delegation of these powers to external regulators, generate substantial risks that the welfare principles embedded within the ARA and the key role that AECs have in protecting research animals and managing research projects, will be weakened.

In summary, the current plan to detail animal research licensing and AEC requirements in the Regulations rather than the draft Bill itself enables faster changes to the process – this does allow for outdated practices to be amended more readily but could equally result in future changes that lead to the deterioration of the detailed framework of animal research authorisation. If the draft Bill along with its proposal to provide the legislative details in the Regulations are adopted, we would request that a targeted consultation be held with the animal research community and its stakeholders. This will ensure that all relevant controls are included at an international best practice standard prior to the release of the Regulations for public consultation.

To conclude, Western Sydney University sees a strong need for clear statements on animal welfare principles and regulatory details as well as AEC procedures related to animal research and teaching to reaffirm a standard of practice that provides sufficient certainty in ensuring a strong and well-rounded regulatory framework for animal research.

Thank you for providing Western Sydney University the opportunity to comment on the Draft Animal Welfare Bill. I look forward to close consultation in the drafting of the Regulations.

Yours sincerely

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