



23 November 2005

Dr Kate Blaszak
Principal Veterinary Officer
Bureau of Animal Welfare
Department of Primary Industries
475 Mickleham Road
Attwood
Vic. 3049

Dear Dr Blaszak,

Re: Proposed amendments to the Prevention of Cruelty to Animals Regulations 2005.

The Australian Association for Humane Research Inc. (AAHR) welcomes this opportunity to comment on the above document.

First and foremost, AAHR is strongly opposed to the use of animals in research on both ethical and scientific grounds. We maintain that *real medical progress* can only be made through studying our own species and abandoning the use of animal experiments.

Over the last century, literally millions of lives have been lost due to our continued reliance on the dangerously misleading results of animal experiments. Far more emphasis needs to be placed on epidemiology, clinical research and autopsies so that we can address real disease rather than a replica in a model of another species.

Despite claims by some researchers that alternative methods are not yet sophisticated enough to replace animal tests, they are certainly more dependable and produce more accurate results than tests on species who differ from humans in their metabolism of toxins, rates of detoxification and protein binding, absorption of chemicals, mechanisms of DNA repair and lifespan – all factors that have a profound effect on the efficacy of drugs. There are many emerging technologies that should replace outdated and unreliable animal tests.

For these reasons we wish to clarify that AAHR is hesitant to endorse the regulation of a system to which we are opposed. We do however acknowledge your reasons for tightening these regulations and feel it is appropriate to submit comments on specific items.

Specific comments on the Exposure Draft:

6 Changes to certain scientific procedures

(1) “A person must not carry out any scientific procedure or series of related scientific procedures involving the application of any substance to the eye of an animal unless carried out for the sole purpose of establishing that a prophylactic or therapeutic eye medication is not an irritant to the eye.”

While we support the extension of the prohibition of the Draize test from just rabbits to include all animals, we are concerned that the exception allows this test if it is for prophylactic or therapeutic eye medication. Your Regulatory Impact Statement states that the Draize test “is not a suitable model for human ocular irritancy and that there are a number of replacement techniques available.” We therefore suggest that this exception is removed from the regulation. Similarly, number 14 (ocular irritancy testing) should be removed from Schedule 6 – listed under “Particular procedures and breeding.”

(2) In regulation 12(2) of the Principal Regulations –

(c) after paragraph (a)(ii) Insert-

“(iii) development and assessment of the humaneness and of lethal vertebrate pest control agents; or (iv) investigation of environmental contaminants; and”

Again we suggest that these exceptions, along with the existing exceptions, be removed from this regulation. Too many exemptions leave the rule open to interpretation and can allow loopholes. For example, this regulation already allows for “potentially lifesaving treatment” and research in connection to cancer. Researchers may argue that almost any protocol has the potential to provide data that may be lifesaving at some stage. Furthermore, it should by now be clear that animal models do not provide credible data for cancer research. We have been able to cure cancer in rodents for over a decade, and we constantly hear of breakthroughs in cancer research – based on animal data, but this does not correlate to human cancer, and after huge resources having been wasted on animal-based research we still have no cure for human cancer.

The use of animals in toxicity testing should be acknowledged as inaccurate, misleading and unnecessary – particularly with so many alternatives now available.

10. Conditions on scientific procedures field work licenses

addition of “(iv) the number and species of specified animals destroyed without being used in scientific procedures and the date of their destruction;”

We welcome this addition as it will enable the measurement of wastage of animal lives. We do question whether it will include genetically-engineered animals that do not express the desired phenotype required for the research. Genetic engineering has been given as the reason for the rise in animal research statistics but the statistics do not reflect the true extent of lives lost.

12. Conditions on specified animals breeding licences

Addition of “specified animals used for breeding must be obtained from - ... (iv) premises outside Australia;”

We are concerned by the allowance of using animals sourced from outside Australia – particularly primates.

Firstly, Australia has no control over the conditions in which these animals are kept overseas. Research animals may be obtained from breeding establishments in countries that have welfare standards much lower than our own – or even no legislation at all!

Secondly, animals may suffer during transit. According to Gateway to Hell, “Undercover exposés show ... They are often deprived of the basic necessities of food, water and space. There is no care or sensitivity for the animals already terrified by their experiences. Many do not make it through alive.”

AAHR also shares the concern raised in the RIS about the risk of primates being wild-caught and currently have a campaign to ban the importation of primates to Australia.

While we are opposed to the use of all primates in research (whether obtained from overseas or from Australian breeding colonies) we acknowledge that there are further considerations for importing primates and are urging that a national ban be imposed. Australia already has three government-funded primate breeding facilities and it should not be necessary to import further primates from overseas.

Summary.

We consider that the review of the Victorian Prevention of Cruelty to Animals Regulations 2005 provides opportunity to impose further restriction on the use of animals in research and encourage a move toward non-animal methodologies. Far more emphasis needs to be placed on ‘replacement’, rather than ‘reduction’ and ‘refinement’.

We also consider that all members of animal ethics committees (not just category C’s) need to attain a greater understanding of ethics. As well as their current practice of picking up items within protocols that can lessen the extent of suffering or provide better environmental enrichment for animals, they should have an ability to question the justification of the protocol in its entirety, and if the researcher is unable to justify their work to the satisfaction of that committee then the research should simply not proceed.

Recently there was a seminar at Monash University where Dr Robert Sparrow of the Centre of Human Bioethics presented “Making them suffer so that we prosper – ethical issues in animal experimentation.” Dr Sparrow raised several issues that should be taken into consideration before any research using animals proceeds. It was clear from the questions and comments raised by the audience (which consisted mostly of young researchers) that there was little understanding of the basic ethical frameworks. It was also clear that many of the researchers were very defensive of their work and were resistant to address the issues raised by Dr Sparrow. It is imperative that the justification of every protocol is challenged by the relevant ethics committee and we urge that all members of such committees be better informed about the subject of ethics.

AAHR appreciates and supports the advancement of medical progress, however we stress that such progress can never be attained should we continue with the current trend of using animals.

Thank you for the opportunity to provide our views on this issue.

Yours sincerely,

Helen Rosser

Chief Executive Officer

Australian Association for Humane Research