



13 July 2005

Attn: Ross Burton
Director
Animal Welfare Unit
NSW Department of Primary Industries
Locked Bag 21
Orange NSW 2800

Dear Mr Burton,

Re: Proposed Animal Research Regulation 2005.

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

First and foremost, the 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.

Extrapolation from animals to humans can and does result in dangerously misleading outcomes. Different species have a different genetic make-up and it is on the genetic and molecular level that variances occur. Results can differ between different sexes of the same species, different strains, and even due to different housing conditions or levels of stress within the same species. So if such differences can occur within the same species then it's negligent to extrapolate from say a rat to a human – two totally different species with a totally different genetic make-up. Researchers also often claim that animals are used because they need to test in a living system rather than on isolated cells or tissue, however an entire living system creates more variables which can further affect the outcome of any results.

Another problem is that quite often a disease that is being researched does not appear in its natural state but instead is artificially induced in the research animal. This can result in the same symptoms being expressed but the underlying illness is not the same as in its human form. Treatments then try to cure the symptoms of the falsified illness but is not addressing nor curing the real problem.

Specific comments to the Regulatory Impact Statement:

3.1.2 Objectives of the Act and Rationale for Regulatory Intervention.

- ***To ensure any such use of animals is justified through ethical review – including application of the 3Rs,***

We consider that Codes of Practice, animal ethics committees and promotion of the 3R's only encourage animal use rather than challenge the validity of such outdated methodology.

They do NOT justify the cruelty that research animals are subjected to, nor do they offer protection from the pain and stress they will inevitably endure. It is widely known within the anti-vivisection movement that such formalities and regulatory bodies are deficient in protecting the

interests of the animals and provide no reassurance that they will not suffer. Providing better housing, environmental enrichment, less stress and more “humane” procedures only serves to falsely reassure the public that the animals are being cared for and treated humanely. It does not address the issue that the animals shouldn’t be there at all.

Whilst researchers are encouraged to seek alternatives wherever possible there seems to be no provision for policing this requirement. This is likely to be because of competition within the research industries and the subsequent reluctance for sharing information. The lack of a central register or database for sharing this information means that many thousands of animals are likely used for research that has already been conducted elsewhere – probably unpublished, making a search for this information virtually impossible.

The presence of ethics committees, and in particular, inclusion of a category C member (animal welfare representative) is often used by researchers to promote a ‘clean’ image of the industry to the public - as an assurance that the care and use of animals is sanctioned by those with a concern for their welfare and/or rights. However this is not the case. Most category C persons serving on an ethics committee are opposed to the use of animals in research. Their presence is to ensure that the animals are protected as much as possible but only within the scope of the Code of Practice. The committees are dominated by institutional members. In 1998 a survey of category C members was conducted by Animals Australia. The responses received revealed that:

- One third of respondents are “not happy with the way decisions are made” on their AEC;
- Half stated that “researchers failed to adequately answer the most crucial questions on the proposal forms, particularly those dealing with justification for the research and the availability of alternatives or refinements”;
- Half the respondents indicated that they had experienced “animosity or aggression from researchers on the AEC during decision making”; and
- Almost that number also indicated that “pressure is brought to bear on them to go with the status quo”.
 - ***To provide mechanisms to ensure public participation in the decision-making process, and***
 - ***To provide mechanisms to make such use accountable to the community.***

It was suggested during a recent Victorian seminar (1) that there was a need for open communication between researchers, opponents and the public, and that Australian research was open to public scrutiny. I should mention here, that this has certainly not been our experience, having been refused entry to three separate research facilities despite being told that there was no secrecy! Institutions that conduct animal research never have, and never will be, open to public scrutiny due to competition between researchers, and in order to protect them from criticism for their immoral activities.

An article which appeared in the UK Guardian newspaper in April 2003 referred to a “public which doesn’t necessarily understand the issues”. We believe that this exemplifies the dangerous perception that researchers are the authority who should not and cannot be questioned. This unfortunate conclusion has allowed users of animals to continue their unethical and unscientific

1 ‘*Challenging Times*’, Annual Scientific Procedures Seminar, Victorian Institute of Animal Science, Attwood. 17th December 2004

work unabated for too long. With such work being shrouded in secrecy, the public is denied access to knowing the truth of what is actually happening and are therefore not able to make an informed judgment, nor can they object accordingly.

3.2 The Animal Research Regulation 1995 prescribes the following matters for the purposes of the Act:

- **Special procedures related to the use of animals in schools;**

The review of the regulation provides an opportunity to exclude the use of animals for educational purposes and impose a ban on the use of animals in schools.

Teaching is the passing on of information that is already known. No further knowledge is obtained by using animals for this purpose. There is already a huge number of alternative teaching methods available, which makes such use of animals unjustified and these alternatives should therefore be promoted rather than allowing the continuation of animal use. With the vast array of alternatives now available there is little chance that an alternative does not exist.

InterNICHE (International Network for Humane Education) provides an extensive resource of alternatives to animals in teaching. This resource is provided free of payment to schools and students.

The use of animals in teaching also has the potential of desensitising students to the needs of animals. Dissection and behavioural studies reinforces the view that animals are mere subjects from which to obtain information and have no intrinsic worth in their own right - a view perhaps shared by many medical researchers!

**9.1.2 Part 2 –Licensed Animal Suppliers in relation to dogs and cats.
“some licensed animal suppliers source their animals from strays...”**

We are certain that dog and cat owners would be horrified to learn that a lost companion may be subjected to research and call for a ban on this protocol.

Summary.

We consider that the review of the NSW Animal Research Regulation 2005 provides opportunity to impose further restriction on the use of animals in research and encourage a move toward non-animal methodologies.

We appreciate and support 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.

Yours sincerely,

Helen Rosser
Chief Executive Officer
Australian Association for Humane Research