



Lawyers for Animals Inc.
Kindness House
288 Brunswick Street
Fitzroy 3065 Vic

15 April 2006

Secretariat, Animal Welfare Committee
MDP 33 National Health and Medical Research Council
GPO Box 9848
Canberra ACT 2601

By e-mail: research@nhmrc.gov.au

Dear Animal Welfare Committee,

**Re: Draft paper – ‘Minimising pain, distress and suffering in animals in research’,
January 2006**

We refer to the above and seek to make the following submission to the Animal Welfare Committee (‘AWC’).

Introduction

Lawyers for Animals (‘LFA’) believes that Australian laws relating to the welfare of animals are inadequate and fail to accord the majority of animals basic protection and freedom from suffering. We welcome any progress in the area of regulating animal use which aims to improve their welfare. The draft paper *Minimising pain, distress and suffering in animals in research* (‘draft paper’) acknowledges the suffering of animals used in scientific research and LFA submits that the minimisation of pain, distress and suffering must be a primary consideration when undertaking such research. Standards relating to the use of animals in research must constantly be revised and improved and not watered down in any way.

Legal status of the draft paper

Standards contained in the draft paper should be independently monitored and enforced:

Human beings have the utmost responsibility when dealing with other animals to ensure that they are treated with respect and not forced to suffer unduly. LFA does not condone the use of animals in scientific research especially where there are adequate alternatives, however, whilst their use continues, every effort must be made to minimise the pain, suffering and distress inflicted upon them. Whilst the draft paper talks about the use of pain management drugs (anaesthesia, analgesia and anxiolytics) it is the case that in practice animals are often exposed to severe pain without the benefit of such drugs.¹

In light of the serious consequences to animals in the event standards are not complied with, we submit that any standards produced by the AWC should be independently monitored and enforced. Standards will not improve the welfare of animals unless non-compliance results in negative consequences for the research body. Negative consequences such as revocation of current or future funding would be an effective mechanism to achieve compliance.

LFA is concerned that the draft paper is not incorporated into the *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes* ('Code') and does not appear to have any status which would make independent inspections and enforcement possible.

Alternatives to the use of animals

Greater emphasis and funding should be given to the development of alternatives:

LFA is concerned that despite the Code's emphasis upon the 3Rs (replacement, reduction and refinement), the number of animals used in painful scientific experiments is

¹ Lawyers for Animals, *Submission to the Senate Rural and Regional Affairs and Transport Committee on the National Animal Welfare Bill 2005* citing various sources, p 41

increasing and researchers are not complying with the Code.² Extremely painful experiments are still being routinely and frequently conducted.

We acknowledge that the use of animals has produced advances in medical science, however, this is because the use of animals has been the norm until now. Non-animal models have also resulted in significant breakthroughs and have the capacity to continue to do so.

To fulfil its ethical obligations to animals, the NHMRC should provide financial incentives to researchers to encourage the development and use of alternative models. It is incumbent upon the AWC to ensure that meaningful financial support is provided to researchers who are developing and implementing alternatives to the use of animals.

Toxicity testing

Toxicity testing has a ‘strong potential’ to cause pain and suffering and should be prohibited:

Animals are sentient beings and have capacity for suffering which is similar to human beings.³ Accordingly, the use of animals in research should only be used in the most essential circumstances (until alternatives are developed). LFA is concerned about the use of animals in toxicology which has a ‘strong potential’⁴ to cause pain and suffering. It is in the area of toxicity testing that the use of animals is most morally reprehensible because it may involve the testing of chemicals rather than potentially life saving medicines. Every effort should be made to eliminate the use of animals for this purpose.

Conclusion

We encourage the AWC to take every action to alleviate the suffering of animals used in scientific research. We emphasise the importance of independent monitoring and enforcement of the standards contained in the draft paper.

² Ibid at 28 citing Baker, Richard, *Sacrificed for Science*, The Age, 25 June 2005, p 1

³ *Draft paper* p 4

⁴ Ibid p 151

LFA believes that future generations will regard the use of animals in scientific research as abhorrent as experimentation on human beings.

Should you have any queries in relation to the above, or in the event LFA may be of further assistance, kindly contact Cybele Stockley on 9651 0407 or 0414 455 817.

Yours faithfully,

Lawyers for Animals