

FACT SHEET:

Legislation and Animal Protection

It is widely believed within our community that animals used in research are protected through legislation and the presence of ethics committees. This is a misconception. Whilst animal welfare legislation does exist, as do various Codes of Practice, there are loopholes that will still allow suffering to occur. Furthermore, researchers are provided with legal protection to carry out manipulations on laboratory animals which would otherwise cause them to be prosecuted for animal cruelty.

Prevention of Cruelty to Animals (POCTA) Act and Codes of Practice

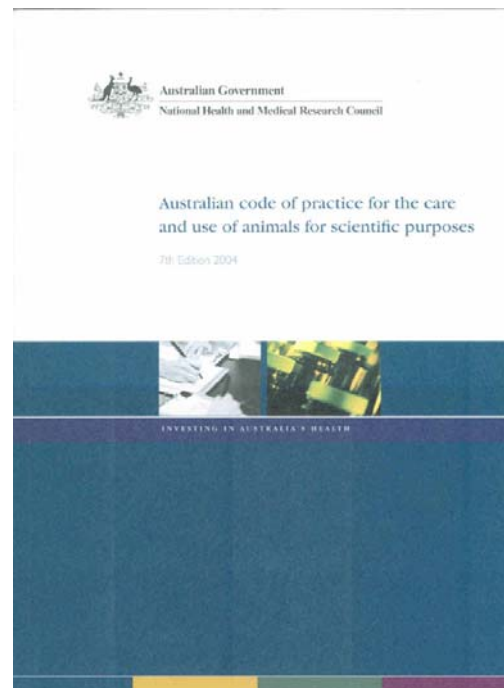
Animal welfare legislation exists to protect animals from unnecessary suffering being inflicted upon them either through intentional cruelty or through neglect, however the Act is very general and cannot be specific to all species and in all circumstances. The welfare needs of dogs in boarding kennels for example, would be very different from the needs of a layer hen in a battery cage. Codes of Practice therefore exist to address issues that relate specifically to the welfare concerns of animals covered in the relevant Code and provide guidelines on what is necessary to ensure that the welfare needs of such animals are met.

Codes of Practice often work against the animals' best interests however, as some acts of cruelty are exempt within the Act as they are in accordance with the Code of Practice. Without Codes exempting certain actions many animal industries (including research institutions) would be unable to operate as the confinement and treatment would otherwise constitute cruelty.

Codes therefore serve a dual purpose – to address specific needs of animals through providing guidelines for their treatment, and to allow animal industries to continue certain procedures and practices without breaking the law.

The **Australian Code of Practice for the Care and Use of Animals for Scientific Purposes** states *“The scientific validity of animal models of human disease rests in part on how closely a given model resembles a particular disease, which may include the animals experiencing the attendant pain or distress of the human disease state”* (3.3.43).

The nature of many forms of medical research means that animals will suffer pain and distress - from the induced conditions themselves, from the invasive procedures and



from the effects of many drugs. For example, during research into arthritis the research animals would need to experience the arthritic pain associated with the condition. It may also suffer any adverse reactions the drugs may cause such as vomiting, seizures, stroke etc. Furthermore, induced disease is not an accurate reflection of disease in its natural state. Producing artificial effects to mimic a human disease defeats the purpose of the research as it alters the state.

“If animals develop signs of severe pain or distress ..., the pain or distress must be alleviated promptly or the animals must be euthanased without delay. Alleviation of such pain

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or distress must take precedence over continuing or finishing the project.”(3.3.9)

Whilst this statement seems at first glance to protect animals, it would not always be adhered to. As per above statement no. 3.3.43, such suffering will be justified by researchers as being necessary to study and understand the disease or condition being studied.

“Scientific activities using animals may be performed only when they are essential:... [incl.] for the improvement of animal management or production.”(1.1)

Farmed animals already produce to their capacity. Current farming practices do not and cannot cater to the welfare needs of these animals. Striving to achieve higher yields will only lead to further intensive farming and further welfare problems.

Similarly, the **Policy on the Care and Use of Non-Human Primates for Scientific Purposes** clearly lacks a commitment in promoting alternatives to animal use. In the second sentence of their preamble they state *“Animal experimentation remains crucial to a high proportion of NHMRC-funded research...”*. When in its draft form, the document also stated that the NHMRC is *“obliged to ensure that research which involves animals can continue.”* This statement was however removed for the final document. These comments would indicate that the NHMRC has no commitment to promoting the 3R’s (described below), and instead, appears to be committed to ensuring that the use of animals continues

Point 3 of the policy also suggests *“...because the NBCs [National Breeding Colonies] will not generally accept animals that have been used for scientific purposes. In most cases, euthanasia will be the only option.”*

Depending on the type of research conducted on the animals, some may be left in such a traumatised and/or dilapidated state that euthanasia may be the most humane option, however some animals may still have the ability to sustain a quality life. To merely dispose of these animals when they are no longer required is a total disregard of their individual worth. If their use has been funded by the NHMRC then the NHMRC and/or research institution must take responsibility to ensure that the wellbeing of these animals is guaranteed for the remainder of their natural lives. Primates are individuals, deserving of our respect and with their own intrinsic value and should not be regarded as mere disposable tools for research.

Ethics Committees

Before any research involving animals is conducted in Australia, it must first be approved by an Animal Ethics Committee (AEC). They consist of the following people:

Chairperson

Category A - Veterinarian

Category B - Scientist/Researcher

Category C - Animal welfare representative

Category D - Lay person.

The role of this committee is to ensure that the research adheres to any guidelines, that the number of animals and the level of suffering are kept to a minimum, that non-animal alternatives are used wherever possible and that the use of animals in the research is ethically justified. It is impossible to know how effective these committees are however, as all information on protocols and decisions made remain confidential.

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. Many 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”.

The 3 R's

The three R's – replacement, reduction and refinement were proposed by William Russell and Rex Burch in their manuscript *The principles of humane experimental technique*, published in 1959. The recommendations, which have been universally accepted, were intended to reduce the overall amount of suffering caused to animals during research.

Replacement

The replacement of animals in scientific research eliminates the need to subject them to any scientific procedure. They can be replaced by using less (or non) sentient animals, usually in order to study basic cellular events; by using in vitro techniques – cell and tissue cultures to test drug effects; by using non-biological techniques, such as mathematical modeling, computer simulation, electronic animals and film and studio aids; and by using humans. This may involve obtaining tissue samples from post mortems or human volunteers providing consent to undergo scientific procedures.

Reduction

This does not eliminate the use of animals, but by reducing the number of animals used can also reduce the overall amount of suffering. Animal use can be reduced by pooling available resources and sharing information so that procedures will not be repeated unnecessarily, and by using appropriate statistical techniques so that the smallest number of animals may be used.

Refinement

This involves the modification of procedures wherever possible to minimize the level of animal suffering. This may be through the use of anaesthesia or analgesia and the improvement of animal husbandry and housing, such as adding environmental enrichment, to reduce the stress factors.

Together the replacement, reduction and refinement of animal use are intended to tighten the regulation of animal research and lessen the overall level of animal suffering. Unfortunately however, reduction and refinement do not address the fact that results from animal experiments can be dangerously misleading when applied to human health. It is therefore pointless to use fewer animals or refine the procedure when it is the wrong procedure to follow. Replacement is therefore the only one of the R's that remains a credible objective.

Environmental Enrichment

In principle, regardless of whether an animal is well cared for, their use in research designates them as mere objects – a means to an end – rather than recognizing and respecting their intrinsic value.

Measures are often taken to provide environmental enrichment for laboratory animals – nesting material for rodents, toys for primates etc. – yet these can never compensate for the life that these animals would experience if they were free-living. Rodents for example, are naturally inclined to tunnel and forage and travel over greater distances than they are able in a laboratory box. Primates develop social structures that are unable to be maintained when members of their troupe are constantly being removed for scientific procedures. Even 'well cared' for animals are kept in confinement when used for research. Such confinement may have detrimental effects on them that may not be immediately apparent.

The level of care of the animals also has no relevance when we consider views such as Sharpe (1988)¹ and others who condemn animal use on the grounds of it being misleading when applied to human conditions.

(Footnotes)

1 The Cruel Deception. The use of animals in medical research, Dr Robert Sharpe, 1988