



***Environment Protection and Biodiversity Conservation Amendment
(Prohibition of Live Imports of Primates for Research) Bill 2015:
Submission to the Standing Committees on Environment and
Communications***

18 January 2016

The Animal Law Institute is a not for profit community legal centre that is dedicated to protecting animals and advocating for their interests through the Australian legal system.



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Submission to the inquiry into the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015

Introduction

1. The Animal Law Institute (**ALI**) welcomes the opportunity to make this submission to the Senate Standing Committees on Environment and Communications (**Committee**) in relation to its inquiry into the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 (**Bill**).
2. ALI is a registered charity and a not for profit community legal centre that is dedicated to protecting animals and advocating for their interests through the Australian legal system. ALI is a member of the Victorian Federation of Community Legal Centres and the National Association of Community Legal Centres.
3. ALI supports the Bill and urges the Committee to recommend that it be passed. However, we suggest one minor amendment to the drafting of the Bill which is explained further below.

Drafting recommendation

4. Section 5 of Schedule 1 to the Bill proposes an amendment to s 303GB(1) of the *Environment Protection and Biodiversity Conservation Act 1999* by adding proposed subsection (1AA). The purpose of the proposed amendment is to make clear that the Minister may not grant an 'exceptional circumstances permit' under s 303GB in respect of the importation of a live primate for research purposes. Proposed s 303GB(1AA) is in the following terms:

(1AA) Subsection (1) does not apply in respect of an application for a permit to be issued under section 303CG or 303EN if the Minister is precluded from issuing that permit because of subsection 303CG(5A) or 303EN(3A), as the case may be.
5. ALI considers that the drafting of this amendment could be improved by deleting proposed s 303GB(1AA) and instead, inserting a new subsection (aa) into s 303GB(1) as follows:



- (1) If:
- (a) the Minister is considering an application by a person for a permit to be issued under section 303CG, 303DG or 303EN in relation to a specimen; and
 - (aa) the Minister is not precluded from issuing that permit because of subsections 303CG(5A) or 303EN(3A); and**
 - (b) under this Part, the Minister is precluded from issuing that permit unless the Minister is satisfied in relation to a matter; and
 - (c) even though the Minister is not satisfied in relation to that matter, the Minister is satisfied that:
 - (i) the export or import of the specimen, as the case may be, would not be contrary to the objects of this Part; and
 - (ii) exceptional circumstances exist that justify the proposed export or import of the specimen; and
 - (ii) the export or import of the specimen, as the case may be, would not adversely affect biodiversity;
- the Minister may issue a permit to the person.

6. The effect of such an amendment is consistent with the intended effect of proposed s 303GB(1AA), namely, to preclude the Minister from issuing an exceptional circumstances permit in respect of the importation of a live primate for research purposes. However, ALI considers that the drafting suggested above is clearer. It is also preferable from a structural point of view. This is because it provides unambiguously that the power of the Minister to issue an exceptional circumstances permit is enlivened only if the permit sought does not relate to the importation of a live primate for research purposes.

ALI supports the proposed ban on the importation of live primates for the purposes of research

7. ALI otherwise supports the Bill for the following reasons (which were broadly set out in Senator Rhiannon's Second Reading Speech on 17 September 2015).
- a. The suffering and legalised cruelty inflicted upon live animals in the name of scientific research is well-documented and in the modern age is arguably inconsistent with the values of a humane, civilised society; this is particularly the case where primates, with high levels of cognition and intelligence, are the proposed experimental subjects.
 - b. Advances stimulated by knowledge of the human genome have allowed the study of human disease markers or molecular therapeutic targets (such as enzymes or neurotransmitter receptors) after expression in *in vitro* systems. The use of human proteins in this fashion directly addresses the criticism that studies of animal models are not necessarily relevant to human physiology or pathology. As a generality, non-animal models offer alternative, cheaper, and more scientifically reliable methodologies and technologies, are increasingly being used by international researchers.



- c. The necessity of importing live primates into Australia for research purposes is questionable given that there are already three government-funded primate breeding facilities in this country. Each of these facilities breed animals specifically for the purpose of being used in research, and were purportedly established to remove the necessity to import animals into Australia.
- d. The importation of live primates supports the illegal and unsustainable trade in wild primates (particularly in Indonesia), which is widely regarded as one of the most serious and urgent threats to global conservation.¹
- e. The proposed ban is consistent with the spirit and purpose of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, to which Australia is a signatory.

We thank the Committee for considering our submission.

Should the Committee have any questions, please do not hesitate to contact ALI via email at policy@ali.org.au.

Yours sincerely

The Animal Law Institute Inc.

¹ British Union for the Abolition of Vivisection, *Indonesia: The trade in primates for research* (April 2009).