



18 January 2016

RSPCA Australia Submission

Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015

SUMMARY

The RSPCA supports the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 for the following reasons:

1. Primates are highly intelligent animals with complex behaviour and social structure and their confinement and use for scientific purposes raises serious ethical questions. It is highly questionable whether it is possible, even with the best available facilities and care, to meet the complex needs of these diverse species in a research environment.
2. There are already three established NHMRC-funded breeding centres with four species of non-human primates that are available for Australian-based researchers.
3. Each primate species has different social, physiological, behavioural and environmental needs and requires specific expertise in order to provide them with an appropriate level of care. It is likely for those species that are not currently held in Australia that such expertise would be entirely lacking.
4. The *Australian code for the care and use of animals for scientific purposes* contains no specific conditions for the use of primates or their sourcing other than the requirement for *particular justification* for activities that involve their use.
5. The draft NHMRC *Principles and guidelines for the care and use of non-human primates for scientific purposes* proposes some conditions towards limiting applications for the importation of primates for scientific purposes, there remain a number of significant limitations to the application of this policy:
 - The policy only applies to projects funded by the NHMRC. There is no requirement for privately funded researchers or those working for another government department or institution (e.g. the Department of Defence) to adhere to the policy.
 - There are no set criteria for establishing the necessity of importation in order to gain AEC approval.



- The decision on whether to approve the project lies with the institutional AEC who are unlikely to have had any previous experience of a proposal of this type, simply because they are so rare.
 - There is no over-arching body to approach for advice in making this decision.
 - This decision is made in isolation from any other proposal to use or import primates for scientific purposes
 - There is no national oversight of the decision.
6. The current regulatory system for the use of animals for scientific purposes provides no opportunity for national coordination and consistency in the approval of proposals for the importation or use of primates for scientific purposes. This means there are insufficient safeguards to ensure that an application for importation of primates for research can be effectively scrutinised and that their welfare can be ensured.
7. Allowing the importation of primates from centres in countries with indigenous populations of primates contributes to the ongoing capture of primates from wild populations.
8. Ending the importation of primates for research would assist in reducing overall primate use, in line with the fundamental principles of reduction, refinement and replacement in animal research (the 3Rs).

DETAILED COMMENTS

1. Why primates deserve special consideration

The breeding, confinement and use of non-human primates (hereafter referred to as primates) in research is a major concern for the RSPCA.

Primates are highly intelligent animals with complex behaviour and social structure and their confinement and use for scientific purposes raises serious ethical questions. Indeed it is highly questionable whether it is possible, even with the best available facilities and care, to meet the complex needs of these diverse species in a research environment.

These concerns are well recognised and accepted by those within the biomedical research community. For example, the NHMRC Draft *Principles and guidelines for the care and use of non-human primates for scientific purposes* released in 2015 stated the following:



The use of non-human primates for scientific purposes also raises special ethical and welfare issues over and above these issues. The primary reason that some non-human primates are used as an animal model in biomedical research is their close phylogenetic relationship to humans, but it is precisely because of this genetic similarity that they are the subject of special concern.

The complex and highly social behaviour and advanced cognitive capacity of many non-human primates make it difficult to adequately provide for their needs in a captive environment or research setting. In addition, many non-human primates have long lifespans and are often used in long-term research programs or re-used in multiple experiments over the course of their lives, presenting additional challenges for their care and welfare. Consequently, there is a widely held view that the compromise to their life associated with use in scientific research has the potential to cause non-human primates greater psychological suffering than other species.

The use of primates for research inevitably will cause some level of pain, suffering or distress to the animals involved. Some research projects involving primates conducted in Australia are terminal projects that require the experimental subjects to be killed as part of the research; others will allow animals to be re-used in subsequent experiments. Most primate species will live for more than ten years in captivity, many can live for several decades. Their complex social needs are often in conflict with a research setting where animals are kept in pairs and at times are isolated from their companions. Introducing unfamiliar animals requires considerable time and care: some animals may not be accepted by others and will remain isolated for long periods of time. The sheer size, strength and intelligence of many primate species means that housing environments often require significant engineering, are expensive, and combined with the need for a high level of hygiene in a research setting, these factors will often conspire to make it even more difficult to make their environment sufficiently complex and stimulating to meet their needs.

2. Why primates should not be imported for research purposes

Where primates are imported from overseas, their suffering is compounded by additional stresses associated with their transport, and, where animals are taken from free-ranging populations, with their capture and confinement. Even where primates are bred in captivity, the standards of husbandry in their source country may be considerably below the minimum required here in Australia.



There are already three established NHMRC-funded breeding centres with four species of non-human primates that are available for Australian-based researchers. Little detailed information is available on the standards at these facilities, and there are no species-specific requirements for primates under the *Australian code of practice for the use of animals for scientific purposes*. However, there is a general requirement in the code that the facilities at these centres are appropriate for the species and that the staff are familiar with the biology and requirements of the species they are caring for.

Each primate species has different social, physiological, behavioural and environmental needs and requires specific expertise in order to provide them with an appropriate level of care. Primates cannot be lumped into one group - species can vary hugely in their size, strength, social structure, reproductive behaviour, diet and mode of living. For species outside the four present in NHMRC breeding centres, Australian researchers lack that expertise. This is exacerbated by the fact that in most cases, where primates are imported for use in biomedical research, they are being used as a living 'model' for humans. Thus the expertise of the researchers and technical staff involved in the project is related to the biomedical processes under investigation, not to the biology of the primate species being used. Indeed it is likely for those species that are not currently held in Australia that such expertise would be entirely lacking. This places imported primates at a very high risk of being cared for and housed without due regard for their species-specific needs.

It is important to note that relatively few primates are used in Australia compared to other countries with a similar interest and standard in biomedical research. For example, in Australia the average number of primates used per year is less than 400, in the UK it is over 2,000 and in the US over 60,000. This has implications for the level of knowledge and understanding of primate species and the capacity of Australian institutions to adequately care for these animals.

In the UK in particular, considerable attention has been given in the past two decades to improving requirements for the ethical oversight of primate research and the standard of care and housing provided for primates. In Australia no such progress has been made: there are no mandatory species or taxon specific standards for the care and use of primates and ethical oversight of primate use remains at the level of the instructional AEC and the state regulator.



3. Existing regulation is insufficient to protect primates

The *Australian code for the care and use of animals for scientific purposes* contains no specific conditions for the use of primates or their sourcing other than the requirement for *particular justification* for activities that involve their use.

For NHMRC-funded research, the NHMRC *Policy on the Care and Use of Non-Human Primates for Scientific Purposes* makes the following reference to importation:

Whenever possible investigators obtain non-human primates from the NBCs. The NBCs provide macaques (Macaca nemestrina & Macaca fascicularis), baboons (Papio hamadryas) and marmosets (Callithrix j. jacchus). The necessity to obtain these or other species from elsewhere must be established.

This Policy has been under review for a number of years. In 2015, a revised version, titled *Principles and guidelines for the care and use of non-human primates for scientific purposes* was released for public consultation. This version includes a clause that would prevent NHMRC-funded projects from importing great apes for scientific purposes (the document notes that no great apes are currently held in Australia for this purpose).

In the case of other primate species, the document, if adopted, would continue to allow AECs to approve projects that require the importation of primates, under the following conditions:

Sourcing, supply, importation

16. *When non-human primates are supplied to a project approved by an institutional AEC, the animals must be obtained from an established Australian breeding colony unless another source is approved by the AEC.*
17. *When importation of non-human primates is proposed, the investigator must provide the institutional AEC with all available information regarding animal welfare at the source facility. This information should include housing conditions, social grouping, environmental enrichment, diet, and health status and breeding performance of animals. Information provided should also include transport arrangements and conditions between the source colony and the institution.*
18. *Non-human primates that are imported from overseas must be captive bred and must be accompanied by documentation to certify their captive-bred status.*



19. Importation of non-human primates for scientific purposes must comply with relevant legislation and must not occur unless appropriate Commonwealth and state or territory government permits, licences and approvals are in place.

20. Ordering and dispatch of non-human primates must be accompanied by evidence of an institutional AEC approval for the project.

While these conditions would go some way towards limiting applications requesting the importation of primates for scientific purposes, there remain a number of significant limitations to the application of the NHMRC policy:

- The policy only applies to projects funded by the NHMRC. There is no requirement for privately funded researchers or those working for another government department or institution (e.g. the Department of Defence) to adhere to the policy.
- There are no set criteria for establishing the necessity of importation in order to gain AEC approval.
- The decision on whether to approve the project lies with the institutional AEC who are unlikely to have had any previous experience of a proposal of this type, simply because they are so rare.
- There is no over-arching body to approach for advice in making this decision.
- This decision is made in isolation from any other proposal to use or import primates for scientific purposes
- There is no national oversight of the decision.

4. The need for national oversight of primate research

Importation of primates for scientific purposes requires three levels of approval:

- Commonwealth requirements (e.g. related to importation, biosecurity)
- State/territory legislation
- Animal Ethics Committee (AEC) Approval for the activity

Only at the level of the Institutional AEC is there a requirement to whether the use of primates in the project under consideration is ethical acceptable. The AEC alone is tasked with the responsibility of balancing whether the potential effects on the wellbeing of the animals involved is justified by the potential benefits to humans, animals or the environment in order to decide whether or not the project should be approved. There is no separate assessment of the ethics of their importation: government permit processes just require confirmation of AEC approval from the relevant institution.



Thus in the recent case in 2014 where 37 marmosets were imported into Australia for research purposes, there was no external scrutiny of the necessity of the importation or explanation of why marmosets of the same species from the relevant NHMRC breeding centre were not used for this research. In this situation there is not even any mandatory requirement for staff involved in the care and use of these animals to receive advice training from the relevant NHMRC breeding centre.

RSPCA Australia is very concerned that the current system of institutional AECs provides no opportunity for national coordination and consistency in the approval of proposals for the importation or use of primates for scientific purposes.

Each AEC exists in isolation and in a vacuum of in terms of information on the use of primates in other parts of Australia. AECs vary in their quality and capacity to make judgements about the justification of animal use. It is clear that there are some areas of use (i.e. by the Department of Defence) where very little is known about the purpose of research, the way in which it is conducted, or how the primates involved are held.

RSPCA Australia has urged the NHMRC to investigate new mechanisms of oversight for the use of primates in Australia to ensure that when the new NHMRC *Principles and guidelines for the care and use of non-human primates for scientific purposes* are finalised they are implemented consistently wherever primates are used in Australia.

The RSPCA holds the view that the current regulatory system for the use of animals for scientific purposes does not provide sufficient safeguards to ensure that an application for importation of primates for research can be effectively scrutinised and that their welfare can be ensured.

5. Sources of imported primates

All primate species are CITES listed, thus trade in all species is recorded in the CITES database. Table 1 provides a summary of importations of primates into Australia over the past 10 years. A total of 199 primates has been imported over that time: 69 of these did not meet the CITES definition of captive bred.

All macaques (*Macaca nemestrina*) imported into Australia in the past 10 years have come from Indonesia. Indonesia is a major supplier of primates to the biomedical research community, and is home to several large breeding colonies managed on islands. These breeding centres are allowed to capture wild animals to replenish breeding stock. The Indonesia government authorises the capture and



transfer of several thousand macaques every year from the wild to breeding facilities. It is difficult to verify the origin of animals in centres that include wild-caught animals. In addition, many of the primates exported from breeding centres are first-generation animals, indicating that capture from the wild is still relied on and such centres are not self-sustaining.

The capture of primates from the wild and their subsequent confinement carries a very high cost in terms of capture-related deaths and injuries. Wild-caught animals then have to adjust to the reality of confinement in an unfamiliar environment, including the fracturing of social groups and a range of human interventions such as the forced removal of unweaned young. Many countries that host breeding centres do not have any legislation to control standards of animal care or indeed do not have any enforceable animal welfare legislation.

Allowing the importation of primates from centres in countries with indigenous populations of primates supports the primate breeding industry and contributes to the ongoing capture of primates from wild populations.

6. Implementation of the 3Rs

The 3Rs (reduction, replacement and refinement) are the foundation of the regulation of the use of animals in research in Australia. Applying these principles to primate use means reducing the number of primates used, refining procedures for the care and use of primates to improve their welfare and reduce or avoid suffering, and replacing the use of primates with lower order species or non-animal alternatives wherever possible. In a country where expertise in the care and use of primate species is limited, achieving refinement in this area is difficult. Ending the importation of primates for research would assist in reducing overall use, in line with the 3Rs.



Table 1: CITES Trade Database Comparative Tabulation Report

Year	App.	Taxon	Class	Order	Family	Genus	Importer	Exporter	Origin	Importer reported quantity	Exporter reported quantity	Term	Unit	Purpose	Source
2005	II	<i>Macaca nemestrina</i>	Mammalia	Primates	Cercopithecidae	Macaca	AU	ID		36		live		S	C
2006	II	<i>Macaca nemestrina</i>	Mammalia	Primates	Cercopithecidae	Macaca	AU	ID		36		live		S	C
2007	II	<i>Aotus nancymaae</i>	Mammalia	Primates	Aotidae	Aotus	AU	XX	US	21		live		S	C
2008	II	<i>Aotus nancymaae</i>	Mammalia	Primates	Aotidae	Aotus	AU	US		25		live		S	F
2009	II	<i>Macaca nemestrina</i>	Mammalia	Primates	Cercopithecidae	Macaca	AU	ID		44		live		S	F
2014	II	<i>Callithrix jacchus</i>	Mammalia	Primates	Cebidae	Callithrix	AU	FR	CH	(37)		live		S	C
										199					

C - Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention.

F - Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof.