

Bill 2015
Submission 7



Australian Government
Department of the Environment

Dr Gordon de Brouwer PSM
Secretary

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Ms Christine McDonald
Secretary
Environment and Communications Legislation Committee
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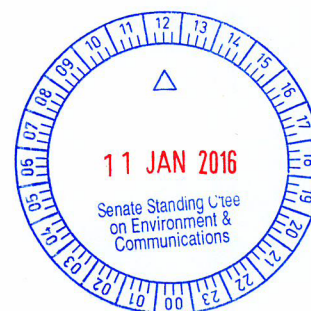
Christine
Dear Ms McDonald

Thank you for your letter of 17 November 2015 inviting the Department of the Environment to provide a submission to the Environment and Communications Legislation Committee on the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015. I am pleased to provide the attached submission to the Inquiry.

If you have any questions in relation to the Department's submission, please contact Mr Stephen Oxley, First Assistant Secretary, on (02) 6274 1050.

Yours sincerely

Gordon de Brouwer
6 January 2016





Australian Government
Department of the Environment

Submission
to the
Senate Standing Committees on Environment and
Communications

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

January 2016

1 BACKGROUND

On 15 October 2015 the Senate referred the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 to the Environment and Communications Legislation Committee for inquiry and report by 1 March 2016.

The Bill proposes to amend the *Environment Protection and Biodiversity Conservation Act 1999* to make it unlawful to import into Australia primates for research purposes, and is intended to ensure that Australia does not participate in the trade of wild-caught primates for experimentation.

The Department of the Environment is responsible for administering the international movement of wildlife and wildlife products, including live primates, regulated under the *Environment Protection and Biodiversity Conservation Act 1999*. The Department is pleased to offer this submission to assist the Inquiry.

The Department of Health, under its agency, the National Health and Medical Research Council (NHMRC), has also been invited to comment on the Bill. The NHMRC seeks to ensure that any non-human primates used in government-funded research are used ethically and treated humanely and only used when there is no valid alternative.

2 CITES CONVENTION

The Australian Government implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). CITES regulates the international trade in wildlife to ensure that the trade is legal and sustainable. The species covered by CITES are listed in three Appendices, according to the degree of protection they need.

The EPBC Act permits the importation of live CITES-listed animals for a restricted number of purposes. Live primates may only be imported for eligible non-commercial purposes such as exhibition, education, research or conservation breeding.

CITES import or export permits may only be issued for scientific research purposes where the object of the research is to better understand or increase knowledge of the species, conserve biodiversity, or maintain and/or improve human health.

All primates are listed under CITES. Primates commonly used in medical research are generally listed under Appendix II to CITES. Appendix II includes species not necessarily threatened with extinction, but for which trade must be controlled to avoid utilisation that is incompatible with their survival.

3 CITES PERMITS

A CITES import permit may not be issued for a specimen of a species listed on CITES Appendix II unless the CITES Management Authority of the exporting country has issued an export permit.

The CITES Management Authority of an exporting country must not issue a permit authorising the export of specimens listed on CITES unless it is satisfied that: the export will not be

detrimental to the survival of that species in the wild; the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and any living specimen will be prepared and shipped to minimise the risk of injury, damage to health or cruel treatment.

4 INTERNATIONAL TRANSPORT, WELFARE, CODE OF PRACTICE

The international transport of live specimens must comply with the International Air Transport Association Live Animal Regulations (IATA Regulations). IATA Regulations are the worldwide standard for transporting live animals by commercial airlines with the objective of ensuring all animals are transported safely and humanely by air. All countries that are signatory to CITES agree to comply with IATA Regulations when internationally transporting live specimens.

There are also comprehensive and effective safeguards in place in Australia to ensure that non-human primates are used only for justified, ethical and humane research purposes including the Australian code of practice for the care and use of animals for scientific purposes (the Code). The Code is published by the National Health and Medical Research Council (NHMRC) and has been variously incorporated into all state and territory legislation.

The Code requires the use of non-human primates to be approved by an institutional Animal Ethics Committee (AEC). The AEC must be satisfied that the proposed use of the animals is justified, and that the potential value of the research is appropriately balanced against the potential effects on the welfare of the animal.

All NHMRC-funded research using non-human primates must also comply with the NHMRC Policy on the care and use of non-human primates for scientific purposes, which states that non-human primates must be sourced from within Australia whenever possible, and that non-human primates imported from overseas must not be taken from wild populations. Imported non-human primates must, under the Policy, be accompanied by documentation to certify their status. There are three captive breeding facilities in Australia for the purposes of research.

The EPBC Regulations include welfare requirements for live mammals, birds, reptiles and amphibians. The receiving facility must be suitably equipped to manage, confine and care for the animal, including meeting the behavioural and biological needs of the animal. To this end, an assessment is conducted on the facility, husbandry plans, diet and staff experience of the recipient.

5 PRIMATE IMPORTS

Between 2000 - 2015, the Department issued the following CITES import permits for the import of live, captive bred primates for research purposes:

- 255 pigtail macaques from Indonesia
- 46 owl monkeys from the USA
- 59 common marmosets from Switzerland and France (one from Switzerland and 36 from France in 2014, 22 from France in 2015)
- 10 long-tailed macaques from France (in 2015)