



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**

Animal Liberation is an animal rights charity founded in 1976 by Christine Townend, based on the philosophies set out by Professor Peter Singer in his best-selling book, *Animal Liberation*.

Our goal

We believe all animals have the right to live free from human intervention. As societies throughout time have had to fight for the rights of slaves, women and other minority groups to challenge dominant social views, the animal rights movement is now the greatest social change movement around the world with the potential to vastly improve the lives of non-human animals. Animal Liberation intends to fight for all non-human animals until they are able to live lives of their choosing, free from intervention, use and abuse by humans.

Our work

- We pursue our goal through education campaigns, public events and utilising the media to get our message across. Our mission statement is: *to work toward the end of suffering of exploited and confined animals, through legislation, consumer advocacy, action and humane education.*
- We run a 1800 Cruelty Hotline for people in VIC and NSW country and rural areas to report neglect and cruelty to animals – over a period of eight years this service has assisted hundreds of thousands of animals.
- The development of campaign strategies designed to influence changes in law and consumer behaviour.
- Research, investigation and evidence gathering into areas such as the use of non-human animals for food, entertainment, science and fashion.

Introduction

Animal Liberation appreciates the opportunity to provide the following comments on the proposed Prohibition of Live Imports of Primates for Research Bill 2015.

Animal Liberation understands that the proposed bill is tabled as an amendment to the *Environment Protection and Biodiversity Conservation Act 1999* to place a moratorium on the importation of live primates into Australia intended for research purposes. Further, it is understood that this Bill was initially advanced in 2012 as a means to stem the illegal profit-driven primate import trade and associated threats to biodiversity conservation. In the same year, former member for Deakin Mike Symon¹ presented a petition to the House of Representatives containing the signatures of over 10,000 individuals requesting an “immediate ban on the importation of primates to Australia for research purposes”. Animal Liberation supports the adoption of this amendment to the Act, which will ensure no primate will be imported to Australia to undergo painful and often unnecessary procedures when viable alternatives are readily available.

Background

Australia is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This Convention obligates members to guarantee that international trade does not endanger or jeopardise a species’ survival. Moreover, the National Health and Medical Research Council (NHMRC), Australia’s official policy making and main funding body for biomedical research², relating to the use of non-human primates for scientific research, sets out terms under which importation may or may not be allowed. The NHMRC, for example, decrees that “*whenever possible investigators obtain non-human primates from National Breeding Centres*” and articulates a prohibition on the import of non-human primates taken from wild populations.

Under the *Australian code of practice for the care and use of animals for scientific purposes* “non-human primates may be used only when necessary and only when there is no valid alternative”³. This is a sentiment echoed by the European Commission’s amended Directive 86/609/EEC⁴ which acknowledges that both methods and species used entail direct impacts on welfare, decreeing that “the methods selected should use the minimum number of animals” with an ultimate goal of using alternative methods (“the performance of procedures that result in severe pain, suffering or distress, which is likely to be long-lasting and cannot be ameliorated, should be prohibited”). Notwithstanding the significant ethical concerns relating to the use of non-human animals possessing considerable cognitive capacities and their associated social needs, the use of animals in research directed toward future human applicability is fraught with scientifically

¹ <<http://www.openaustralia.org.au/debate/?id=2011-11-23.166.1>>

² National Health and Medical Research Council (NHMRC), 2003, *Policy on the Care and Use of Non-Human Primates for Scientific Purposes*.

³ www.aph.gov.au/~media/Committees/clac_ctte/estimates/.../104.pdf

⁴ <http://register.consilium.europa.eu/doc/srv?!=EN&f=ST%206106%202010%20REV%201>

negligible results. Animal-based studies have been criticised as being an inadequate predictor when transplanted to human patients⁵.

A 2011 report conducted by the US-based Committee on the Use of Chimpanzees in Biomedical and Behavioural Research concluded that “*most current use of chimpanzees for biomedical research is unnecessary*” and encouraged the use of technologies that do not exploit animals as models for human disease prevention or cure, arguing that the overwhelming majority of such research does not require the use of animals. This follows the 3R’s principle as outlined in a 1959 report by Russell and Burch⁶. The 3R’s encompass an endeavour to treat animals with the “humanest possible treatment,” maintaining that this is “far from [...] an obstacle” and in fact constitutes “a prerequisite for a successful animal experiment”. The 3R’s, as laid out by Russell and Burch and since elaborated and analysed by others in the scientific and ethics-based academic communities⁷, consist of *reduction, refinement, and replacement*. Reduction involves diminishing the numbers of animals used in experiments and research, refinement constitutes “any decrease in the incidence or severity of inhumane procedures,” and replacement involves “the substitution for conscious living higher animals of insentient material,” primarily technological advances and innovations⁸.

The Animal Ethics Infolink⁹, developed collaboratively by the Animal Research Review Panel and the NSW Department of Primary Industries state that “today throughout the world the principles of the 3R’s are embedded in legislation which governs the use of animals in science”. The Australian Code for the Care and Use of Animals for Scientific Purposes actively promote the 3Rs, granting a ‘3Rs Animal Ethics Award’ through the University of Western Australia to individuals or groups who contribute to the field of animal welfare, specifically under the guidance of the 3R principle¹⁰. There is, however, a growing push to focus on replacement, with a number of governments around the world taking initial steps in this direction¹¹. Russell and Burch explained in their hallmark report that “we have again and again encountered instances of long delay in the application of existing knowledge to the improvement of experimentation... Delays of this kind may be regarded as a sort of inertia, or rigidity, the maintenance of a habit (positive or negative) long after information is available for its correction”¹². The 2011 Committee report maintained that funding and

⁵ “Data obtained from animal models in biomedical research [...] cannot be reliably extrapolated to humans”. Greek, C. R. and Greek, J. S. 2003, *Specious Science: Why Experiments on Animals Harm Humans*, the Continuum International Publishing Group, Inc.: New York.

⁶ Russell, W. M. S. and Burch, R. L. 1959, *The Principles of Humane Experimental Technique*

⁷ See, for example, the 2012 report published by Advanced Therapies and Systems Medicine, Freie Universität Berlin, Humane Society International/UK, Centre for Advanced R&D on Alternative Methods at the Flemish Institute for Technological Research, *Alternative Testing Strategies: Progress Report 2012*, ed. T Seidle and H Spielmann.

⁸ Balls, M 2010 ‘The principles of humane experimental technique: timeless insights and unheeded warnings,’ *Alternatives to Animal Experimentation*, 27, pp. 19-23.

⁹ <http://www.animaethics.org.au/three-rs>

¹⁰ <http://www.research.uwa.edu.au/staff/animals/animal-ethics-award>

¹¹ The following governments, for example, have implemented plans to phase out or explicitly ban the testing on animals in the cosmetic industry: Canada, Argentina, New Zealand, Taiwan, South Korea, Russia, and the United States. Furthermore, the Council of the European Union’s amendment to Directive 86/609/EEC adopted in 2010 stated that the “use of animals for scientific or educational purposes should therefore only be considered where a non-animal alternative is unavailable”. The European Commission announced in 2013 a total ban on the sale of cosmetics and their ingredients originating by means of animal testing.

¹² Russell and Burch cited in Farnaud, S 2009, ‘The evolution of the three Rs,’ *Alternatives to Laboratory Animals*, 37, pp. 249-254.

support was required to further develop existing non-animal based studies and assist in alleviating this reluctance¹³.

According to one estimate¹⁴, only 37% of animal studies published in academic journals resulted in effective human trials or have predicted human results adequately. An indicative example of this is the experimental vaccine research conducted against AIDS. Continually such research has arrested infection in primates, primarily chimpanzees and macaques, but fails to protect humans due to the differences between species. In a number of cases data obtained from animal studies has actually resulted in an increased rate of infection in humans¹⁵. Why this is so becomes patently evident when considering the differences in species anatomy, metabolism, physiology and pharmacology¹⁶. Thus, Langley concludes, “these variations between species can, and do, regularly confound the translation of laboratory animal results to humans” and proposes that “the only reliable way to prove a model-generated medical hypothesis [that is, any data or information generated via subject-based research] is in humans themselves, such as by clinical, volunteer, or population-based studies”¹⁷.

The Bill

The current Bill under consideration does not place any ban on the continued use of primates for research purposes. There are currently three government-funded breeding facilities operating in Australia: the National Marmoset and Macaque Facilities in Churchill, Victoria and the National Baboon Facility in Sydney. The Bill claims that amendments to this system would require a separate series of investigations and correspondingly does not table amendments to place any prohibition on actual research.

An analysis of data obtained from CITES shows that since 2000 Australia has imported primates for research purposes, primarily from Indonesia, the United States, and France:

- 331 pig-tailed macaques were imported from Indonesia – a species listed on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species as *vulnerable to extinction*
- 250 crab-eating macaques from Indonesia – also listed on the IUCN Red List
- 71 owl monkeys from the United States – also listed on the IUCN Red List
- 37 marmosets from France.

The primates imported from Indonesia are deserving of supplemental attention considering the cruel and inhumane methods and conditions they are kept and exported in. This was outlined in the April 2009 report, *Indonesia: the Trade in*

¹³ Committee on the Use of Chimpanzees in Biomedical and Behavioural Research, 2011 *Chimpanzees in Biomedical and Behavioural Research: Assessing the Necessity*

¹⁴ Balls, M 2009 ‘The validity of animal experiments in medical research,’ *Revue Semestrielle de Droit Animalier*, 1, pp. 161-168.

¹⁵ Buckland, G 2008 ‘Replacing primates in the search for an AIDS vaccine’. In *Replacing Primates in Medical Research: An Expert Report by the Dr. Hadwen Trust, FRAME and Advocates for Animals*.

¹⁶ Greek, C. R. and Greek, J. S. 2003 *Specious Science: Why Experiments on Animals Harm Humans*, the Continuum International Publishing Group, Inc.: New York.

¹⁷ Langley, G 2009 ‘The validity of animal experiments in medical research,’ Dr. Hadwen Trust for Humane Research (Online Article) <http://www.drhadwentrust.org/downloads/publications/LangleyValidityofAnimalResearchEnglish09__2_.pdf>

Primates for Research, published by the British Union for the Abolition of Vivisection (BUAV)¹⁸. These primates are often trapped in the wild and sold to the research industry, a practice that has been officially banned in Indonesia since 1994. The BUAV report concluded that the ban on trapping wild primates is “a sham”, arguing further that CITES codes are routinely fabricated or disguised to meet export criteria. This is particularly apparent when evaluating the case of so-called “island breeding” wherein several Indonesian islands are allocated under CITES coding as ‘F’ (captive-born) instead of ‘W’ (wild-caught). Such misleading identification allows the authorities of both Indonesia and Australia to continue to trade without sufficient scrutiny. Following the 1994 ban, Indonesian authorities claim to have restricted the export of wild macaques, placing these breeding islands to the fore of the lucrative export industry.

One such operation is Tinjil Island¹⁹, located off the coast of Java. Between 1988 and 1991, approximately 478 wild-caught long-tailed macaques were purposely captured and released on Tinjil Island for the purposes of creating a profitable breeding facility²⁰. Australia is known to have imported macaques from Tinjil, a facility which the BUAV claims routinely manipulates CITES data. The BUAV report claims that the conditions and methods used to trap, cage and transport in Indonesia violate guidelines set out by the International Primatological Society²¹, concluding that Indonesian authorities is contravening obligations under CITES by allowing permits for export for primates “who will undoubtedly suffer unnecessarily”. In 2012 it was revealed that Australian authorities had neither verified nor visited the facility to guarantee that the monkeys imported from Tinjil Island were indeed “captive-born”. It was also revealed that the Australian Environment Department and Quarantine Inspection Service, as supervisors to the import trade, were essentially reliant on the information provided by the export country or facility, problematizing the CITES chain of command and the source verification process²².

Conclusion

Animal Liberation commends the proposal for a ban on the import of live primates for research and biomedical experimentation. This is a timely and necessary amendment. However, Animal Liberation submits that, while the proposed Bill is laudable in principal, a more comprehensive and actionable effort to replace all animal research and experimentation would promote and develop both the welfare and treatment of primates, and the broader endeavour to pursue medical cures to assist human patients without submitting sentient

¹⁸ British Union for the Abolition of Vivisection (BUAV), 2009 *Indonesia: the Trade in Primates for Research*

¹⁹ The US government’s Interagency Research Advisory Committee (IRAC), previously the Interagency Primate Steering Committee (IPSC), assisted in the funding and technical training of staff for this “cooperative” breeding project through a number of associated federal agencies. The impetus for this was furthering American investigations and research, primarily into AIDS, with a ready supply of a “cost-effective resource of SPF [specific pathogen free] monkeys” from low-cost developing nations (Johnsen, D. O., Johnson, D. K., and Whitney, R. A 2012, ‘History of the use of nonhuman primates in biomedical research’. In *Nonhuman Primates in Biomedical Research, Vol. 1: Biology and Management*, ed. C. R. Abee, K Mansfield, S Tardif and T Morris. Academic Press: London, UK).

²⁰ Gumert, M. D. 2011 ‘The common monkey of Southeast Asia: long-tailed macaque populations, ethnophoresy, and their occurrence in human environments’. In *Monkeys on the Edge: Ecology and Management of Long-Tailed Macaques and their Interface with Humans*, ed. M. D. Gumert, A. Fuentes, and L Jones-Engel.

²¹ The Captive Care Committee of the International Primatological Society, 2007 *IPS International Guidelines for the Acquisition, Care and Breeding of Nonhuman Primates*.

²² Baker, R and McKenzie, N 2012 ‘Primate import trade to come under scrutiny,’ *Sydney Morning Herald*, 13 February, retrieved from: <<http://www.smh.com.au/national/primate-import-trade-to-come-under-scrutiny-20120212-1szpf.html>>

nonhuman beings to cruel and unnecessary procedures. Animal Liberation applauds the Greens for the tabling of this Bill.

Submitted by Alexander Vince, Animal Liberation.

Please send any correspondence to:
Animal Liberation
Suite 506, 89 York St
Sydney, 2000.