

## **Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2012**

*Introduced into the Senate on 22 November 2012*

*By: Senator Rhiannon*

1.1 This bill seeks to amend the *Environment Protection and Biodiversity Conservation Act 1999* to prohibit the Minister from issuing an importing permit for the import of a live primate for the purposes of research.

### **Compatibility with human rights**

1.2 This bill is accompanied by a self-contained statement of compatibility, which states:

This bill does not engage any of the applicable rights or freedoms. Animals are sentient beings but as yet do not enjoy rights comparable to human rights. This bill fulfils humanity's responsibility to protect and defend the rights of animals to live a life free of cruelty and suffering.

1.3 It concludes that the bill 'is compatible with human rights as it does not raise any human rights issues.' The explanatory statement correctly indicates that the rights enjoyed under the relevant UN human rights treaties are enjoyed only by human beings, and that the direct and indirect protection of animals may be required under a number of other international treaties, in addition to under domestic law.

### ***Right to health***

1.4 Although the statement of compatibility states that no human rights are implicated, it implicitly accepts that the right to health may be relevant. In its General Comment No 14 on the right to health, the UN Committee on Economic, Social and Cultural Rights noted that part of a State's obligation to fulfil that right includes 'the promotion of medical research'.<sup>1</sup> However, the statement of compatibility maintains:

The bill will not have an adverse impact on medical research. Australia has three primate breeding facilities supporting medical research in Australia which serve current research requirements. No primates have been imported to Australia for research purposes since 2009. This bill seeks to prevent the resumption of the importation of primates for research purposes that are caught in the wild.

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1 UN Committee on Economic, Social and Cultural Rights, General Comment No 14, para 36.

1.5 In Senator Rhiannon's seconding reading speech, material is also produced which is said to establish that the use of non-human primates for research relevant to humans is of questionable utility.<sup>2</sup>

**1.6 The committee considers that the bill does not appear to give rise to any human rights issues.**

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2 Senate, *Parliamentary Debates*, 22 November 2012, pp 9492-9494.