

# Australian Greens' Dissenting Report

## Introduction

1.1 The Australian Greens understand we all share a responsibility to minimise and remove the suffering of animals, especially where that suffering results from human activities. We are committed to working towards that end where it is possible.

1.2 Across Australia, systemic harm to animals is normalised under the protection of agricultural industry codes and practices; in the guise of entertainment and sport; within the framework of commercial wildlife slaughter; and in the name of science. The harm visited upon animals in many areas of animal research and experimentation is a matter of fact.

1.3 The Greens acknowledge that there are conflicting ethical arguments with regard to the use of animals in research experiments. There is the premise that the benefit humans may gain from the research far outweighs the often profound harm, distress and prolonged suffering inflicted on the animal. This is none more so than in the area of non-human primate experimentation.

1.4 Given the complexities of this issue, this dissenting report focusses on the terms of reference that informed the bill in the first place: that there is unambiguous evidence that the world's global research industry is a major factor in the looming extinctions of those species across the planet; that the trade in primates destined for the world's laboratories is cruel and causes cumulative and profound trauma and deep suffering to those traded animals; and that active and diligent application of 3Rs principles fail from the outset in this issue given Australia's intent to increase its primate breeding populations.

## *The Bill*

1.5 The Greens' Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 amends the *Environment Protection and Biodiversity Conservation Act 1999* to disallow the importation of primates into Australia for research purposes.

1.6 This bill does not ban the use of primates for research. As noted in the bill's second reading speech, this is a separate issue that requires its own rigorous challenge and examination. The intent of this bill is to ensure that Australia does not participate in the cruel trade in wild-caught primates for experimentation or in practices that contribute to the threat of extinction of primates in the wild.

1.7 Senator Rhiannon's second reading speech on the bill provides details on why the bill was introduced, and the majority report also provides details of the bill. The Greens see this bill as a small but achievable first step in addressing the cruel and inhumane primate export trade. It is Australia's chance to show the international

community that Australia does not support or participate in the cruel global trade in primates for experimentation.

### ***Thank you***

1.8 The Greens thank the committee for its work on this inquiry. We especially thank the organisations and individuals who took the time to write submissions, and those who provided evidence at the inquiry hearing. We also thank the committee and committee secretariat for their work on this inquiry.

### **Benefits of research**

1.9 The Greens are well aware that many Australians are fortunate to have benefited from past and current scientific and medical research. The Greens are unequivocal supporters of properly funded robust, effective and accountable science and research, as our parliamentary record attests.

1.10 The Greens also believe that the 3Rs framework for humane animal research — replacement, reduction and refinement — is an unequivocal necessity in the phasing out of cruel and unnecessary animal research. Fundamental to this is an effective and robust framework of transparency and accountability to ensure the 3R principles are robustly applied to achieve that end. Australia does not have such a framework.

1.11 Evidence to the inquiry has raised serious issues about Australia's research on non-human primates that requires a more considered response than that in the majority report.

1.12 Evidence to this inquiry suggests Australia's regulatory framework is not sufficient to the task, and has raised serious questions about Australia's commitment to minimise its primate research that invites a further response than that in the majority report.

### **Primates held for research in Australia**

1.13 Three Australian National Health and Medical Research Council (NHMRC) funded centres in Victoria and in NSW breed between them baboons, pig-tailed macaques, long-tailed macaques and marmosets. All together 751 animals are held in the three breeding centres. A third non NHMRC-funded owl monkey breeding facility in Queensland revealed during the inquiry hearing holds an unknown number of animals — possibly for Department of Defence research as suggested in a 2012 media report.

1.14 In 2001 the NHMRC advised the Senate that those primate breeding facilities had been established among other reasons 'to remove the necessity to import these animals into Australia; and to protect these species in the wild by breeding them in captive colonies.' At that time there were 416 non-human primates held in those centres.

1.15 It is not clear how many non-human primates have been provided to Australian researchers for research from the breeding centres, or indeed imported directly to those researchers, nor is there any central database of the outcomes for those animals.

### **Imported primates for research**

1.16 However from 2000 to 2009 some 370 non-human primates were imported into Australia for research purposes, including 46 owl monkeys. In 2014 another 37 marmosets were imported, with another 32 marmosets and long-tailed macaques imported last year in 2015.[Department of the Environment, Sub 7]

1.17 The Greens note with great concern that many thousands of non-human primate specimens are listed on the CITES trade list as also having been imported into Australia before and since 2000 for science and research purposes, with many of them originating as wild caught animals from China, South-East Asia and Mauritius. We raise the question whether these thousands of monkeys are being killed to order to meet the demand of Australian research facilities for research specimens.

### **Genetic diversity**

1.18 The main concern of the majority report which echoes statements expressed by those researchers who oppose the bill, is that the importation of non-human primates to replenish the populations at Australia's three primate breeding centres is required to ensure genetic diversity is maintained.

1.19 The Greens understand the issues of genetic diversity in any confined populations. However it is noted that neither Dr James Bourne, who has been involved in the most recent importation of non-human primates, nor other submitters or witnesses opposing the bill on the strength of genetic diversity mentioned or were cognisant of the minimum effective genetic population size of any of the species captive in our breeding centres when asked. Recognising this is a complex issue, we look forward to the answer to Senator Rhiannon's questions on notice about this.

### **Principles of Replacement, Reduction and Refinement**

1.20 Notwithstanding questions of genetic diversity, the growing of Australian monkey populations for research necessitates discussion about intentions to increase primate vivisection in the future. Any such increase contradicts the scientifically accepted 3Rs principles that are supposed to inform every decision and use of animals in research internationally to reduce and prevent the unacceptable levels of animal suffering through their use in laboratories.

1.21 The Greens note by comparison the full commitment in the European animal research sector and its regulators to 'actively seek opportunities to replace animal studies with alternative methods, to design studies that enable us to reduce the number of animals needed to obtain a scientifically valid result and to refine studies to minimise pain and distress to the animals involved [which] has already resulted in a

significant reduction in the numbers of animals used in recent years'. [European Animal Research Association, Sub 57]

1.22 The 3Rs principles are supposed to be embedded in all Australian animal research processes. They are incorporated into State legislation. They are also included in the *Australian Code for the Care and Use of Animals for Scientific Purposes*, as noted by submissions for and against the bill.

1.23 The Greens would expect the 3Rs to be seriously and rigorously applied not only by the actual research process itself, but also in the decision-making processes that propose, allow and fund experiments on the animals in the first instance; in the granting of permits to import primates; and indeed in parliamentary decisions about this bill and the issues around it.

1.24 Those opposing the bill certainly made reassurances about existing commitment to, and a stringent application of the 3Rs framework in Australian animal research, as evidence that the continuing importation of primates is not inhumane.

1.25 Conversely support for the bill submitted that the continuing importation of primates for experimentation questions and the lack of oversight in this area points to a lack of serious commitment to the 3R principles [Animals Australia, Sub 10; Animal Liberation, Sub 9]. The Greens share this concern given that the first 3R principal requires the commitment to reduce animal testing through replacement with non-animal alternative methodologies and technologies where possible, and where not possible with lower-order animals. The second principle requires reducing to a minimum numbers of animals in research to reduce the number of animals harmed. The third principle requires refinement of procedures and methodologies to decrease the incidence and severity of inhumane procedures. As noted by Animals Australia, it is also about refining the care and keeping of primates to reduce their suffering.

1.26 The committee was not provided with details of how many animals have been experimented on across the years in Australia. Reference to publically available state animal use returns show that there have been 3,171 primates used in experiments from 2006 until 2014, with only NSW and Victoria reporting use every year and using 2,982 of those animals. The remainder of the states have publically reported six times between them since 2006 with the last reports in 2009 when 98 primates were experimented on between South Australia, Queensland and the ACT.

1.27 We note that no submissions opposing the bill mentioned commitment to specifically reducing Australia's own use of primate vivisection. We also note the fundamental aim of the 3R principles is to reduce animal testing in the first instance. The Greens are most concerned that Australia's primate research industry, from project proposal and approvals to importation, husbandry and to research itself, look like failing the 3Rs at the first test. With this in mind the Greens believe it is important to examine assertions and questions raised by this inquiry about the processes of transparency and accountability that are used to support the demand this bill be rejected.

1.28 The majority report 'acknowledges the broader debate regarding the use of animals in scientific research' however it states 'the purpose of this inquiry is to examine the provisions and effects of the bill on scientific, rather than the broader issue of research using animals.' The Greens understand, however, that consideration of the 3R principles is in fact fundamental to consideration of any scientific use of animals and to this bill's aims. We further assert that it is not possible to separate 'scientific' approach from 'the broad issue of research' as argued in the majority report.

1.29 Acceptance by the majority report of submissions rejecting the bill on the basis of its asserted cost to Australian primate research against the claimed benefit of that specific research, obligates a closer consideration of those specific costs and benefits within the 3R framework, as is ostensibly required by Australia's regulatory framework, such as it is. It is undeniable that despite the care and intent expressed by researchers submitting to this inquiry, profound and lifelong suffering is inflicted on primates by the Australian research industry, and from the moment a monkey enters the system either through birth or capture.

### **Sentience, suffering and relevance to the bill**

1.30 It is worth reproducing in whole Cruelty Free International's statement that echoes so many other submitters regarding the scientifically confirmed 'sentience, cognitive capacity and complex social needs' [Sub 56, Sentience and Barristers Animal Welfare Panel] of primates, and their capacity so like our own to suffer:

Modern studies in ethology, genetics, neurophysiology, neuropharmacology and psychology have shown that there is no abrupt discontinuity between humans and all other primates in terms of ability to feel pain, distress and suffering; or in their morally-relevant cognitive, social and emotional faculties. Rather, there is a spectrum of capacities throughout the animal kingdom (including humans), with considerable overlap between species. This biological continuity offers no support for moral positions that discriminate absolutely between all humans and all other animals. Britain's [2002] Animal Procedures Committee's report on the laboratory use of primates acknowledged that *...there are serious ethical and animal welfare concerns regarding the use of primates in experiments, and considerable public disquiet with regard to such use. These concerns are also likely to increase as more is discovered about their advanced cognitive faculties, complex behavioural and social needs, and the difficulties of satisfying these in a laboratory environment*'.

1.1 It is striking that the 'clear ethical dilemma of using animals with high cognitive abilities and well-developed social structures as tools for research' [Humane Research Australia, Sub 1] was largely unremarked in researchers' opposition to the bill, despite their recognition of the 'complex brains of [these] longer-living animals' [Name Withheld, Sub 63] and their close genetic relationship to human primates.

1.2 Experimentation on the complex and intelligent primate brain was stated by an opponent of the bill as key to the seeking of understanding of 'the mechanisms underlying human thought and behaviour' and to questions 'associated with cognitive

[human] phenomena [which] can only be answered by research in primates'. [Sub 68, Michael E Goldberg]

1.3 However, consideration of existing and extensive research using modern technology on actual humans to provide important insights into the mechanisms behind complex human thoughts and behaviour are not mentioned in those submissions.

1.4 The Greens recognise that consideration of primate sentience and neurological complexity is not explicit to the bill itself. However, it is certainly an explicitly required consideration in all animal testing processes through the 3Rs framework, and so to Australia's importation of primates to support its research on these animals.

1.5 The Greens argue the consideration of the 3Rs is thus absolutely fundamental to consideration of the bill and its effects on scientific use of animals, as it is supposed to be fundamental to the consideration of primates in research from the outset.

## **The export trade**

### ***Regulation and transparency***

1.6 One of the main arguments presented across submitted opposition to the bill was that the global and Australian primate research enterprise is 'always highly regulated and closely monitored' [Professor James McClusky and Dr Mark Hargraves, University of Melbourne, Sub 84] and the 3Rs principles conscientiously applied, inferring the fact of harm and suffering to the animals that the bill is intended to address need not be a consideration. This argument was extended to beyond the scope of the bill itself to the whole vivisection effort.

1.7 It was submitted that the 'bar is set very high for support of primate research' [The Australasian Neuroscience Society, Sub 63] and that research on primates is permitted only 'when there are no obvious alternatives' [Dr Jayakumar, University of Melbourne, Sub 83]. It was also stated that primate vivisection is 'currently regulated at all levels of government and performed in strict adherence to the ... research codes as set by the NHMRC ensuring that any ... related work is performed to the highest standards of ethical care'.[Name removed, Sub 11]

1.8 Submissions from overseas organisations also variously stated that Australian primate research is 'strictly regulated' and that the 3Rs are always applied.[Speaking of Research blog USA, Sub 77 and Association of Primate Veterinarians, Sub 62]

1.9 Evidence was provided by the Department of the Environment [Sub 7] and Professor Anne Keogh of the NHMRC [Sub 59] and other submitters describing the regulatory framework in which sits Australia's research effort on primates. This is also summarised in the majority report.

1.40 Submitted evidence also, however, suggested the existence of regulatory frameworks, codes and guidelines is not validation of the effectiveness of those

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frameworks. The Greens concern is that application of inadequate guidelines and codes does not automatically translate into a diligent effort to replace, reduce and refine the use of primates in Australia. Indeed evidence provided in this inquiry points to a major lack of oversight and accountability provided by Australia's regulatory frameworks which are fragmented, siloed and hamstrung by their own terms of reference. We thus return to the bill's concerns about the unethical and cruel trade of wild-caught primates and the transportation of those animals to supply the world's laboratories.

### ***Wild-caught primates for research***

1.41 The NHMRC *Policy on the Care and Use of Non-Human Primates for Scientific Purposes* states that 'non-human primates imported from overseas must not be taken from wild populations and must be accompanied by documentation to certify their status' and was referred to as evidence that wild animals do not fall victim to the primate research industry by opponents to the bill.

1.42 Dr Nicholas Price of Monash University [Sub 70] refers to the bill's concern about the importation of wild-caught animals and possible threats to wild populations as 'no longer a reasonable concern'. PhD Candidate Errol Lloyd [Sub 86] states that 'no wild animals are involved' in the research trade of primates and that 'these exchanges are between scientifically motivated breeding colonies, not unlike zoos, and simply exchange one captive animal from one facility to another'.

1.43 Dr Robert Desimone [McGovern Institute for Brain Research at Massachusetts Institute of Technology, Sub 90] submit that 'there are already strict laws in many countries, including ... Australia to prohibit such traffic. The primates that are imported ... into Australia for research purposes are bred in captivity, in facilities that are required to meet international standards for animal welfare...no wild-caught animals may ever be used in research'.

1.44 Researchers opposing the bill are 'categorically opposed to the practice of capturing animals from the wild for use in research or for any other use'. [Dr John P Capitanio, Sub 71]

1.45 Whilst the Australasian Neuroscience Society [Sub 63] opposes the bill, it supports its 'purported rationale' to inhibit the illegal trade in primate species and 'is opposed to such illegal trafficking in primate species, and strongly supports the conservation rationale to close down such activities'.

1.46 Professor Trichur Vidyasagar [Sub 58] 'would support...banning importation from the wild' saying 'A ban on importation of wild-caught animals is not likely to affect our biomedical research capability. However he adds that importation from other reputable breeders should be allowed.

### ***The wild-caught primate trade & conservation crisis***

1.47 Herein lies the crux of the Greens' concerns. The globally networked trade of live primates is based on export certificates by originating exporting countries indicating that the primates are not wild-caught. Those originating countries are across Asia and South & Central America where it is widely recognised oversight of this highly profitable trade is facilitated by a lack of oversight and corrupt practices where the false coding of wild-caught animals as captive bred is easy to ensure. First generation primates born of wild-caught monkeys are legally allowed to be traded further fuelling wild-capture.

1.48 It is a matter of fact that millions to hundreds of millions of animals are experimented on world-wide each year, and that between one to two hundred thousand primates are subjected to experiments in research facilities across the world annually. To support this enterprise, many tens to hundreds of thousands of monkeys are traded across continents to meet the demands of the research industry and the breeding centres that then feed the world's laboratories, including Australia. Humane Society International [Sub 4] notes that the endpoint of over two-thirds of the estimated one million monkeys illegally wild-caught each year is biomedical research.

1.49 As noted in the bill's second reading speech this global wildlife trade is recognised as one of the biggest threats to biodiversity conservation, and the major trade in non-human primates – as live or dead scientific specimens, as body parts or as meat – is increasingly recognised as an urgent threat to their persistence in the wild. In Southeast Asia, with its concurrent highest rate of tropical deforestation on the planet, the loss of its biodiversity has been described as an impending disaster, as it is across all habitat countries.

1.50 The European Commission has stated that the majority of Asian monkeys traded for the global research are not bred in western facilities but are born to wild-caught captive monkeys in Asian facilities. The IUCN Primate Specialist Group's Ardith Eudley described these as 'lucrative operations...[that] may serve to 'launder' wild-caught monkeys' to sell as captive-bred to the research industry, and which 'appear[s] to have resulted in their disappearance even from legally protected areas'. [Eudley, A The Crab-Eating Macaque (*Macaca fascicularis*): Widespread and Rapidly Declining. Primate Conservation, Nov 2008, pp. 129–132]

1.51 More than half of the 70 species of primates in Southeast Asia are found in Indonesia, which features prominently on the list of source countries for both domestic and international trade. There are whole islands have been set up to breed wild primates that are then on sold to export markets as CITES classified captive bred animals which are legally allowed to be exported without limiting quotas. The Greens note that between 2000 and 2005 Australia imported 255 Pig-tailed macaques from Indonesia's most infamous 'breeding' island, Tinjil.

1.52 Viet Nam, Laos and Cambodia have also been identified as major players in the illegal wildlife trade, moving illegally wild-caught long-tailed macaques across



their own and Chinese borders 'supplying animals to breeding farms that are...laundering wild-caught animals into international trade'. The numbers of traded monkeys is massive. Wildlife surveys in Cambodia between 2006 and 2011 found populations of long-tailed macaques are disappearing. A Wildlife Conservation Society wildlife monitoring report found populations of long-tailed macaques had declined by 82.8% between 2010 and 2013 in the 3,000km<sup>2</sup> Seima Protected Forest where they were on the brink of local extinction. In 2010 'it was reported that Laos had exported 5,000 macaques to China and Vietnam, with many of these wild-caught primates destined for the USA and Britain using suspect paperwork.' [Species Survival Network Primate Working Group submission to the CITES, provided by Cruelty Free International, Sub 48 att2]. In 2008 Ardith Eudley of the IUCN/SSC Primate Specialist Group wrote that the wild-caught monkey trade in Southeast Asia and especially in Cambodia was started 'ostensibly for captive breeding for export to China and to the USA and elsewhere'. [Eudley, A *ibid*]

1.53 Via the 'large-scale illegal trade of long-tailed macaques from mainland Southeast Asia,' China is a major exporter of monkeys to the world's 'booming biomedical trade' [Nijman,V et al. *Primate conservation: measuring and mitigating trade in primates*.2011. Endangered species research. Vol 13: 159–161]. China too has suffered a decline in its own wild macaque population, from an estimated 254,000 in 1998 to 100,000 in 2003. According to a 2007 paper, some Chinese scientists 'alarmed by this trend and citing a 2002 US National Academy of Sciences report discussing the shortage of rhesus monkeys for research, have urged the government to designate the rhesus macaque a "national strategic resource" and have called for an export ban'. [Zin Hao 2007 *Monkey Research in China: Developing a Natural Resource* Cell Volume 129, Issue 6, 15 June 2007, Pages 1033–1036]

1.54 In 2016 CITES agreed to ban trade of long-tailed macaques from Laos, and advised that the international trade of that species from Cambodia and Vietnam be investigated. [Department of the Environment answer Question on Notice, Inquiry Public Hearing, 05/02/2016]

1.55 Associate Professor James Bourne's evidence during this inquiry's hearing provided that 'none of the recently imported primates were taken from wild populations' having been 'either bred in the primatology centre or have continuously been held there for over two years' and that they are listed by the IUCN's red list as of 'least concern'. With reference to the above discussion, the Greens note that ten long-tailed macaques were imported into Australia in 2016, and are noted on the IUCN red list as suffering declining populations pending further investigations.

1.56 As noted in Senator Rhiannon's second reading speech to the bill, owl monkeys previously imported into Australia for research 'breeding purposes' are listed on the IUCN red list as 'although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival'. The IUCN also notes with concern that large numbers of these South American species are used in research, and

that the issue of wild-caught owl monkeys 'should be monitored to understand the effect on populations.'

1.57 The IUCN's last primate status review in 2008 listed 44% of those South American primates as already threatened, with another 8% either not evaluated or lacking data. This proportion of threat was similar for all four primate habitat regions except for Asia, which had 77% of its primates already listed as threatened and nearly 10% either lacking data or remaining unevaluated. [IUCN Red List 2008: Threatened Primates by Family and Region. Primate Specialist Group]

1.58 In November 2015 the IUCN announced that more than half the world's primate species are at risk of extinction and that with a current reassessment of all primates 'there is a great concern that the situation may be getting even worse for many of these iconic species'. [ICUN 24 Nov 2015, international news release]

1.59 The Department of the Environment confirmed in answers to a question on notice by Senator Rhiannon during the bill's hearing that from 2000 to 2009 255 pig-tailed macaques were imported into Australia for research. Pig-tailed macaques are listed by the IUCN as vulnerable to extinction.

### *Conditions and cruelty in capture and country of origin breeding centres*

1.60 The sheer numbers of primates wild-captured each year across the planet to meet the demands of the primate trade is not only resulting in the alarming decline of the world's primate populations, but is causing immense suffering borne by these intelligent animals. It is a matter of record that demand for primates by the research industry is contributing to terrible cruelty in the capture and containment of those animals and their offspring.

1.61 Animal Liberation Queensland referred to the bill's second reading speech that also described the findings of investigations by Cruelty Free International (then BUAV) in Indonesia which revealed high levels of cruelty during the capture, confinement and transportation of primates.

1.62 Animal Liberation [Sub 9] cites the 2009 BUAV investigation into Indonesia's primate trade that found 'the conditions and methods used to trap, cage and transport in Indonesia violate guidelines set out by the International Primatological Society' and 'that Indonesian authorities [are] contravening obligations under CITES by allowing permits for export for primates 'who will undoubtedly suffer unnecessarily'.

1.63 The issue of traumatised infant primates is a major shared concern. Dr George & Helen Manos [Sub 60] write as volunteer education officers for The Orangutan Project that they 'are painfully aware how often primates across Southeast Asia are caught and subsequently abused'. As an example of how captured primates are treated across the region they state that 'female orangutans are often macheted and their young sold into the illegal pet trade', adding that 'mother primates are renowned for their care of the young, staying with them for 7 years'. They describe

primates as 'highly social, intelligent and curious' with the tearing of babies away from their mothers 'particularly sickening'. Captured baby primates 'are left with indelible mental and physical trauma [and] suffer depression, fear and trauma when torn from their mothers' [and] 'a journey in a tiny steel cage to a laboratory then drives them into further trauma'.

1.64 Cruelty Free International [Sub 48] and other submitters in favour of the bill agreed that the trauma for both the mother and her infant when forcibly separated 'is an extremely distressing experience' for both 'and one of the cruellest treatments to which primates can be subjected to...resulting in a psychological trauma for the infant that is long-lasting, perhaps even permanent'. [BUAV, *Mauritius The Trade in primates for research*]

1.65 Captured animals are then taken to holding or breeding facilities where barren concrete or empty wire pens offer no refuge for the scores of already traumatised animals who hang frightened from the walls or ceilings in the absence of safe shelter. Conditions in investigated Asian facilities have been described as particularly inhumane and cruel. Humane Research Australia (HRA) [Sub 1] cites an extract from the 2009 BUAV report that describes conditions at Indonesia's Bogor Agricultural University primate facility, with its dark, bleak and filthy bare space in which the monkeys are forced to exist after being extracted from their jungle habitat and close family groups.

1.66 Not surprisingly, the RSPCA [Sub 10] notes 'the capture of primates from the wild and their subsequent confinement carries a very high cost in terms of capture-related deaths and injuries'. Cruelty Free International's recent investigation into the cruelty of Mauritius' burgeoning trade of long-tailed macaques to the research industry describes macaques routinely being pulled and hung by their tails when handled, and quotes the British Animal Procedures Committee 'which advises the Home Office on welfare issues says monkeys routinely suffer broken arms, legs and tails during capture'.

1.67 The psychological and emotional suffering of these intelligent and complex animals in their capture and initial confinement is recognised as profound. The long haul flight entering Australia only compounds this trauma.

### ***Importing primates and the long-haul flight***

1.68 The transportation of primates to the world's researchers is also proven to cause serious psychological harm on top of the suffering already endured in the cruel capture and removal from habitat and family groups. Once again, individual animals are 'separated from familiar environments and established social groups...and separated into single cages for medical investigations and quarantine...a few weeks before the journey'. [Sentient and BAWP, Sub 56]

1.69 Cruelty Free International [Sub 48] submits that 'transportation causes profound negative and lasting effects on the welfare of primates...the animals are transported singly as cargo in small cramped crates usually too small to allow them to

stand up, and travel as cargo [where] they ... may become ill or die in transit [while] for others anxiety and stress can lead to infection and the onset of disease...'.

1.70 Sentience and BAWP [Sub 56] describe in distressing detail the terrifying experience monkeys endure in transit, sometimes for days and with insufficient food and water. US transport guidelines permit as little food and water as once every 12 hours for infant monkeys under one year old.

1.71 PETA [Sub 2] also describes the experience of monkeys destined for Australia's primate facilities, quoting research that records how primates are 'transported inside the dark cargo holds of long-haul flights...[with] turbulence, extreme fluctuations in temperature, multiple loadings and unloadings and a lack of food, water and veterinary care'.

1.72 PETA also submits that researchers at the University of Oxford found the extreme stress on primates from air transport 'resulted in compromising the welfare of the study animals...and created an indefinite marked change in the animals' behaviour' that demonstrated chronic stress and psychological trauma. This included repetitive behaviour and self-harm.

#### *Australia's travel guidelines*

1.73 The Greens question how such dire transport conditions are allowed, given the confirmed harm it causes to already traumatised animals. The Department of Environment's submission [Sub 7] states that 'the international transport of live specimens must comply with the International Air Transport Association Live Animal Regulations.' These regulations are the worldwide standard for commercial airlines to ensure all animals are transported safely and humanely by air. However in answers to questions on notice, the Department advised that the IATA is a trade organization thus their regulations are not a worldwide standard for ensuring all animals are transported safely and humanely by air.

1.74 The Greens note with concern however that in the inquiry hearing, Department of Environment officials [Mr Oxley and Dr Kiessling] were at first unclear as to whether there was any specific requirement for adherence to those regulations. Dr Kiessling consequently confirmed there is no specific requirement that any [transport] 'Code' be adhered to other than the EPBC Act, however it only 'requires that the transport of live animals be done in a humane way'. The Greens further note that the Department did not know who is responsible for the animals' welfare once they are in transit from the country of export.

1.75 Sentient and BAWP further note that the 'NHMRC Guidelines make no specific allowance for travel time or frequency of feeding or watering' and that veterinary intervention and treatment essential for animals in physical distress is impossible to provide during air transit.

1.76 Assertions of a highly regulated industry presented as evidence against any need for the bill are further challenged by PETA's submission 'in 2014, an American

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charter airline was cited by the US government for failing to provide more than 1,000 monkeys destined for the US...with food and water for over 24 hours and for transporting them in insecure crates'. Furthermore, 'in 2012 China Southern Airlines paid over \$14,000 in fines to the US government after 17 primates died of starvation and/or dehydration on a flight from China to the US; and that same year a monkey destined for a laboratory escaped from a passenger airplane in a New York airport, delaying the flight and putting airport workers in danger'.

1.77 Given the evidence presented about the great suffering and harm done to primates in transit and the seeming complete lack of regulatory oversight by any government agency, the Greens undertake to consider Sentient and BAWP's suggestion that 'there should be a ban upon the importation into Australia of all primates irrespective of the purpose of the importation'.

1.78 We note Dr Jaikishan Jayakumar's [Sub 83] observation that this bill is still 'keeping open the possibility to import for other purposes (eg zoos)' and acknowledge Dr Nicholas Price [Sub70] who states 'this bill seeks specifically to ban live importation of animals for research, but not zoos. From an ethical view-point, this makes little sense; the primary consideration associated with this bill should be the distress to the animal associated with transport, which is identical regardless of the animal's destination'. The Greens agree.

1.79 The Greens are most concerned that evidence seems to confirm a complete lack of any oversight in the actual transporting of primates to Australia, especially given the completely inappropriate conditions and harm a long haul flight inflicts on an intelligent, traumatised and terrified animal being handled as baggage in the hold of an aircraft to Australia. The question as to who is responsible for those animals whilst in transit remains, and why after many decades has nothing been done to replace, reduce and refine the logistics of this stage of the animal's unhappy fate?

#### *Australia's regulation for the care of primates*

1.80 Australia's codes and guidelines that have been presented as evidence of a 'strictly regulated' primate research effort have been examined by the RPSCA [Sub 10] and have been found lacking. The RSPCA considers that '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'. The Greens agree with this assessment.

1.81 RSPCA further notes: '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'.

1.82 They add 'the draft NHMRC Principles and guidelines for the care and use of 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 RSPCA also notes that 'the policy only applies to projects publically funded by the NHMRC. This means 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'. The Greens believe this to be a major gap in accountability and urge this issue be further explored in its own forum.

1.83 The RSPCA also notes that there are no set criteria for establishing the necessity of importation in order to gain AEC approval; that 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; that there is no over-arching body to approach for advice in making such a decision, and that it is made in isolation from any other proposal to use or import primates for scientific purposes; and that there is no national oversight of the decision. The Greens add Mr Rob Buttrose's [Sub 87] observation that no AEC has been known to refuse any application for primate research.

1.84 The Greens also would add that there is no coordinated monitoring for duplication of research that uses and harms primates in its methodology; no audit of the robustness, validity or real utility of that research and its application to human medical advances; no centralised database of the research, its full methodologies and outcomes to inform regulators and the scientific community as a whole; and there is no way of knowing the outcomes suffered by primates other than the inevitable endpoint of death that currently exists due to the absence of options for refuge at the end of their miserable research lives.

1.85 The Greens know that cutting edge science is already providing important breakthroughs in biomedical science without the use of primate vivisection, and that Australian researchers are part of those exciting solutions that are already offering so much hope to previously intractable medical questions. We refer to the evidence of Associate Professor Lidbury, Dr Menarche and Dr Knight, as well as the evidence provided by Humane Research Australia and Cruelty Free International in this regard.

1.86 Finally we refer to the evidence of Rob Buttrose that provides detailed consideration of the true cost-benefit of primate vivisection with its cumulative profound harm and deep suffering to the animal in its lifetime, as is compelled by the Code. The Greens believe Mr Buttrose's evidence provides important terms of reference for separate inquiry into this important issue of ethics: the fact of the infliction of cruelty on another.

1.87 We also refer to the deeply horrendous harm that is inflicted on sentient, aware, emotional and intelligent primates that are so closely related to ourselves, and observe that the fact of the horrific cruelty inflicted on these animals remains the same, no matter how carefully that cruelty is applied.

**Recommendation**

1.88 Inquiry evidence provided by both supporter and opponents to the bill, we believe, supports the Greens' recommendation that the bill should be passed, and the issues raised in evidence to this inquiry should receive further parliamentary and indeed regulator's attention.

1.89 In this, the Greens disagree with the Coalition and Labor majority report's recommendation that the bill be rejected outright.

1.90 The Greens recommend that the bill be passed.

**Senator Lee Rhiannon**  
**Senator for New South Wales**

