

The Senate

Environment and Communications
Legislation Committee

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

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

1.1 On 15 October 2015, the Senate, on the recommendation of the Selection of Bills Committee, referred the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 (the bill) to the Environment and Communications Legislation Committee for inquiry and report by 1 March 2016.¹

1.2 The bill is a private senator's bill introduced by Senator Lee Rhiannon on 17 September 2015. The bill proposes to prohibit the importation of live non-human primates (hereafter referred to as primates) for the purposes of research.

1.3 Senator Rhiannon had previously introduced a bill to prohibit the importation of live primates for the purposes of research. The Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2012 was introduced on 22 November 2012 and lapsed at the end of the 43rd Parliament.

Conduct of the Inquiry

1.4 In accordance with its usual practice, the committee advertised the inquiry on its website and wrote to relevant individuals and organisations inviting submissions by 18 January 2016.

1.5 The committee received 93 submissions. A form letter supporting the continued importation of non-human primates for research purposes was received from 12 academics and researchers, including many from overseas research institutes. The committee also received correspondence in support of the bill from 34 individuals. The list of submissions and list of those who provided the form letter is at Appendix 1. Submissions and the form letter may be accessed through the committee's website: www.aph.gov.au/senate_ec.

1.6 The committee held a public hearing on 5 February 2016 in Canberra. A list of witnesses who appeared at the hearing may be found at Appendix 2.

Scope of the inquiry

1.7 The committee acknowledges the broader debate regarding the use of animals in scientific research and notes the correspondence and submissions received on this issue. However, the purpose of this inquiry is to examine the provisions and effects of the bill on scientific research, rather than the broader issue of research using animals.

1 *Journals of Senate*, 2013–15, No. 122, p. 3261.

1.8 The committee thanks all the organisations and individuals who assisted the committee with the inquiry.

Consideration by other committees

1.9 When examining a bill or draft bill, the committee takes into account any relevant comments published by the Senate Standing Committee for the Scrutiny of Bills. The Scrutiny of Bills Committee assesses legislative proposals against a set of accountability standards that focus on individual rights, liberties and obligations, and on parliamentary propriety.

1.10 The bill was considered by the Scrutiny of Bills Committee in its *Alert Digest No. 11 of 2015*. The committee had no comment on the bill.²

Overview of the bill

1.11 The bill proposes to amend Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) which regulates the international movement of wildlife, including the importation of primates into Australia. The amendments would make it unlawful to import into Australia primates for the purpose of research.

1.12 Proposed subsection 303CG(5A) would prohibit the Minister from issuing a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) import permit if the specimen is a live primate; and the proposed import would be for the purposes of research or for purposes that include research.

1.13 Proposed subsection 303EN(3A) would prohibit the Minister from issuing an import permit for a 'regulated live specimen' if the specimen is a live primate and the purpose is research, or for purposes that include research.

1.14 Proposed subsection 303GB(1AA) would prohibit the Minister from issuing an 'exceptional circumstances permit' authorising the import of live primates for research; or authorising the import of regulated live specimens that are primates, for research.

1.15 Proposed subsection 303GC(5A) would prohibit the Minister from issuing a permit authorising the Secretary to import a specimen, if the specimen is a live primate; and the proposed import would be for the purposes of research or for purposes that include research.

2 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest No. 11 of 2015*, 14 October 2015, p. 10. The Scrutiny of Bills Committee noted that it considered an identical bill introduced into the Senate on 22 November 2012. The committee made no comment on this bill. See *Alert Digest No. 1 of 2013*, 6 February 2013, p. 49.

1.16 Senator Rhiannon, in her second reading speech, stated that:

This Bill, if passed, would confirm in law that Australia does not support the cruel and inhumane primate trade for experimentation and that Australia will not participate in practices leading to the extinction of primates in the wild.

This is a small but important step on the long road to ceasing the cruel practices of experimentation on animals.³

The importation and use of primates for research in Australia

1.15 The importation of primates for research (and for zoos) must be undertaken in accordance with CITES, the EPBC Act and transport regulations. The use of primates for research is regulated by the National Health and Medical Research Council (NHMRC).

Convention on International Trade in Endangered Species of Wild Fauna and Flora

1.17 CITES is designed to ensure that the trade in wildlife and wildlife products is both legal and sustainable. CITES lists the species covered in three Appendices according to the degree of protection required.⁴ All primates are listed under CITES, with those commonly used in scientific research listed under Appendix II. This Appendix includes species which are 'not necessarily threatened with extinction, but for which trade must be controlled to avoid utilisation that is incompatible with their survival'.⁵

1.18 The export permit system, which is the 'foundation on which the whole of the CITES system is based'⁶, requires the CITES Management Authority in the country of export to certify 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.⁷

1.19 In addition, permits for the import and export of species listed under CITES may only be issued for scientific purposes 'where the object of the research is to better

3 Senator Lee Rhiannon, *Senate Hansard*, 17 September 2015, p. 7123.

4 Department of the Environment, *Submission 7*, p. 2.

5 Department of the Environment, *Submission 7*, p. 2.

6 Mr Stephen Oxley, Department of the Environment, *Proof Committee Hansard*, 5 February 2016, p. 33.

7 Department of the Environment, *Submission 7*, p. 3.

understand or increase knowledge of the species, conserve biodiversity, or maintain and/or improve human health'.⁸

Environment Protection and Biodiversity Conservation Act 1999

1.20 The Australian Government implements CITES under the EPBC Act.⁹ Live primates may not be imported to Australia without a CITES import permit issued under the EPBC Act and an export permit issued by the CITES management authority of the exporting country. The EPBC Act permits the import of live CITES-listed animals for a restricted number of purposes and live primates may only be imported for eligible non-commercial purposes such as exhibition, education, research or conservation breeding.

1.21 The animal welfare and transport requirements are given effect under the EPBC Act and EPBC Regulations. The Department of the Environment commented that:

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.¹⁰

1.22 In making a decision to allow the import of a live animal, the decision-maker must be satisfied that:

- animal welfare requirements are met in regard to how the animal will be transported and the facility where the animal or animals will be confined, managed and cared for;
- the applicant has demonstrated that the researcher is suitably qualified;
- the relevant animal ethics authorities have approved the research and, where possible, the primate has been sourced from a captive-breeding facility; and
- the application must include a valid CITES export permit from the exporting country.¹¹

8 Department of the Environment, *Submission 7*, p. 2.

9 *Environment Protection and Biodiversity Conservation Act 1999*, Part 13A—International movement of wildlife specimens.

10 Department of the Environment, *Submission 7*, p. 3.

11 Mr Stephen Oxley, Department of the Environment, *Proof Committee Hansard*, 5 February 2016, p. 33.

1.23 Between 2000 and 2015, the Department of the Environment issued a number of CITES import permits for live captive-bred primates for research purposes. This included:

- 255 pigtail macaques from Indonesia;
- 46 owl monkeys from the United States of America;
- 59 common marmosets from Switzerland and France (one from Switzerland and 36 from France in 2014, and 22 from France in 2015); and
- ten long-tailed macaques from France.¹²

Use of primates in research in Australia

1.24 Australia has two primate breeding facilities currently funded by the NHMRC—the National Non-Human Primate Breeding and Research Facility, which includes a macaque colony and a marmoset colony, and the National Baboon Colony. These facilities were established to 'centralise breeding, provide a consistently high standard of animal care and management, and to allow access to non-human primates for research'.¹³ In addition, there is an owl monkey breeding facility in Queensland. This facility is not funded by the NHMRC.¹⁴

1.25 The NHMRC funds the use of macaques, marmosets and baboons in health and medical research through its competitive grants funding schemes. NHMRC funded research must comply with the *Australian code for the care and use of animals for scientific purposes* (the Code) and the *Policy on the care and use of non-human primates for scientific purposes* (NHP Policy).¹⁵

1.26 The Code has been incorporated into state and territory animal welfare legislation, and controls the operation of non-human primate facilities. It also regulates animal welfare requirements in these facilities.¹⁶

1.27 The NHP Policy requires researchers to 'ensure that documentation of the source of each non-human primate and assessment of its behaviour, clinical history and health status, accompany the animal and are kept current'. The NHP Policy also requires that, wherever possible, researchers must source primates from one of the three nationally funded breeding colonies. However, if animals are to be imported for NHMRC funded research they must be obtained from captive-bred populations and

12 Department of the Environment, *Submission 7*, p. 3; see also Department of the Environment, Answers to questions on notice, p. 2 and Attachment B.

13 National Health and Medical Research Council, *Submission 59*, p. 2.

14 National Health and Medical Research Council, Answers to questions on notice, p. 1.

15 National Health and Medical Research Council, *Submission 59*, pp. 1–2.

16 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 19.

must be accompanied by documentation to certify their status. In addition, the Animal Welfare Committee of the NHMRC must be notified prior to importation.¹⁷

1.28 The NHMRC funds the use of primates in health and medical research, however the research must also have been approved by an institutional animal ethics committee (AEC). AECs are established by individual research institutions, based on the Code and controlled by the animal welfare legislation of the relevant state or territory.¹⁸

1.29 Under the Code, AECs must include people from four different categories with specified qualifications and experience including veterinary science, use of animals for scientific purposes relevant to the institution and the business of the committee and experience in furthering animal welfare. A person with no research or connection to the institution who should 'be viewed by the wider community as bringing a completely independent view to the committee and must not fit the requirements of any other category' is also to be appointed to an AEC.¹⁹

1.30 When assessing research proposals, AECs must be satisfied that the research complies with the 3R principles. These principles are Replacement (there is no alternative to the use of primates available), Reduction (researchers use a minimum number of primates), and Refinement (adverse impacts on the animals are minimised). If the importation of primates is proposed, the AEC must also be satisfied that it is essential.²⁰

Issues raised in relation to the bill

1.31 Submitters who supported the bill acknowledged that the bill would only prohibit the importation of primates for research rather than banning the use of primates for research purposes. However, it was seen as an important first step in ending animal experimentation. These submitters based their support of the bill on a range of issues including:

- concerns regarding the origins of imported primates;
- concerns with the transport of primates;
- concerns with institutional animal ethics committees;
- the failure rate of application of successful primate research to human application; and

17 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 19.

18 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 19.

19 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, pp. 19–20.

20 National Health and Medical Research Council, *Submission 59*, p. 2.

- the availability of alternative technologies and research techniques.

1.32 The committee received evidence from organisations and researchers which raised concerns about the effect of any ban on imports of primates on the long-term viability and genetic diversity of the primate colonies at Australia's breeding facilities. Submitters who did not support the bill also provided evidence in relation to the benefits of, and continued need for, the use of primates in research. Submitters also responded to evidence about the use of alternative technologies and research techniques. Finally, the committee received evidence on the effect on Australian research capacity should the bill be passed.

1.33 The following discussion canvasses the evidence received in relation to these issues.

Origin of imported primates

1.34 Submitters commented on concerns with the origins of primates imported for research. While it was noted that CITES and the NHP Policy restricted imports of animals to those from captive-bred populations, it was submitted that this requirement has not precluded the import of wild-caught primates.

1.35 Submitters pointed to the export of primates from Indonesia and argued that, while being exported as captive-bred, they were in actual fact wild-caught.²¹ Many primates are exported from so-called primate 'breeding islands' with Tinjil Island the most well-known. According to Cruelty Free International, between 1988 and 1994, 520 long-tailed macaques were released on Tinjil Island, and by 2002, the population was an estimated 2000 primates. By 2002, 1150 offspring had been trapped and transported for use in research. Tinjil Island and other primate breeding islands provide primates for a number of primate-supply companies in Indonesia.²²

1.36 According to RSPCA Australia, the Indonesian government authorises the capture of several thousand macaques each year to replenish breeding stock in these island facilities, although it noted that it is difficult to verify which animals are wild-caught or captive-bred when exported.²³ In addition, a large number of primates exported for research from these facilities are classified as 'first-generation' which indicates that animals captured from the wild are relied upon for breeding, and that such facilities are not self-sustaining.²⁴

1.37 Cruelty Free International also stated that it did not consider that 'island breeding' could legitimately be classified as 'captive breeding' as the animals live

21 Explanatory Memorandum, p. 1.

22 Cruelty Free International, *Submission 48*, Attachment 3, p. 1; see also Animal Liberation NSW, *Submission 9*, p. 3.

23 RSPCA Australia, *Submission 10*, p. 8.

24 RSPCA Australia, *Submission 10*, p. 8.

freely, interact with other wildlife, and are part of the islands' ecosystems.²⁵ In addition, breeding occurs naturally and there is no control of genetic lineage.²⁶

1.38 Ms Helen Marston, Chief Executive Officer of Humane Research Australia (HRA), told the committee that:

...we believe that the ban on wild-caught animals is a sham...mainly because the macaques that we have received for our research have been obtained from Tinjil Island in Indonesia, and they are classified as captive-bred because the island is contained, but they are actually free-living animals in a natural environment that are caught and then have been transported. There is also no ban on the capture of wild animals to replenish stocks.²⁷

1.39 The committee received evidence responding to concerns about the importation of wild-caught primates. Associate Professor James Bourne, medical researcher and Chair of the Nonhuman Primate Breeding and Research Facility Board operated by the Monash University, stated that:

None of the recently imported primates were taken from wild populations...Their breeding and health history was fully documented. All animals were either bred in the primatology centre or have continuously been held there for over two years.²⁸

1.40 Associate Professor Bourne went on to further assure the committee that:

None of the animals that have been imported since 2012 have been from an island such as Tinjil Island...They have been from European facilities which are accredited by AAALAC, which is an independent body that looks at animal welfare and care...They are also ISO 9001 accredited.²⁹

1.41 In addition, the committee received evidence from researchers who supported the ban on the use of wild-caught primates for research.³⁰

25 CITES Resolution Conference 10.16 (Rev) *Specimens of animal species bred in captivity*, requires that both 'first generation offspring' and offspring 'bred in captivity' must be produced in a 'controlled environment' which is defined as 'an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food'.

26 Cruelty Free International, *Submission 48*, Attachment 3, pp. 1–2.

27 Ms Helen Marston, Humane Research Australia, *Proof Committee Hansard*, 5 February 2016, p. 9.

28 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 27; see also Monash University, *Submission 89*, p. 2.

29 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 31.

30 Professor Trichur Vidyasagar, *Submission 58*, p. 2; Dr John Capitanio, *Submission 71*, p. 1.

1.42 The committee sought evidence from the Department of the Environment as to whether there was a possibility that Australia could have imported wild caught animals via a third country. Dr Ilse Kiessling, Assistant Secretary, Wildlife Trade and Biosecurity Branch in the Department of the Environment told the committee that:

...CITES permits that are provided from exporting countries show the original origin of the animal. There are no permits that have come to us that have shown that the species are from wild caught.³¹

1.43 Mr Stephen Oxley, First Assistant Secretary, Wildlife, Heritage and Marine Division in the Department of the Environment, added that the non-human primates that have been exported to Australia from Europe have come with the certification of the CITES management authority of the exporting country which have very rigorous processes in place.³² In addition, Mr Oxley noted that the import permits required by Australia are 'stricter domestic measures', that is, they are a requirement over and above the obligations under CITES.³³

Transport of primates

1.44 A number of submissions raised concerns regarding the transport of live primates on international flights. For example, People for the Ethical Treatment of Animals (PETA) Australia stated that primates are:

...transported inside the dark cargo holds of long-haul flights — which in some cases can last up to three days and can involve turbulence, extreme fluctuations in temperature, multiple loadings and unloadings and a lack of food, water and veterinary care.³⁴

1.45 PETA Australia commented that researchers from the University of Oxford found that air transport causes stress in primates which can compromise their welfare and lead to changes in their behaviour. Chronic stress in captive animals can lead to self-harming behaviour such as slapping and biting themselves, hair pulling, rocking, circling and pacing.³⁵

1.46 Similarly, the joint submission from the Barristers Animal Welfare Panel and Sentient stated there is evidence that primates suffer weight loss after being subjected to long distance transportation. This is especially the case in juvenile primates where

31 Dr Ilse Kiessling, Department of the Environment, *Proof Committee Hansard*, 5 February 2016, p. 35.

32 Mr Stephen Oxley, Department of the Environment, *Proof Committee Hansard*, 5 February 2016, p. 35.

33 Mr Stephen Oxley, Department of the Environment, *Proof Committee Hansard*, 5 February 2016, p. 33.

34 People for the Ethical Treatment of Animals, *Submission 2*, p. 2.

35 People for the Ethical Treatment of Animals, *Submission 2*, p. 2.

the stress of 'unfamiliar handling and changes to diet and feeding schedules' compromises the animal's ability to recovery.³⁶

1.47 However, the Department of the Environment stated that the international transport of live animals by commercial airlines is regulated by the International Air Transport Association Live Animal Regulations (IATA Regulations). These worldwide standards are intended to ensure that all animals are transported by air safely and humanely. All CITES signatory countries agree to comply with the IATA Regulations when transporting live specimens.³⁷

1.48 Mr Oxley also noted that the EPBC Act and EPBC Regulations require that the transport of live animals be done in a humane way. In addition, the decision maker, in assessing an application to import a primate, must be satisfied that animal welfare requirements are met during transportation.³⁸

Concerns with institutional animal ethics committees

1.49 As noted above, the NHMRC requires the establishment of animal ethics committees. Ms Helen Marston raised concern with the composition of AECs and stated:

Many of the people on ethics committees are not scientifically expert to challenge the validity of the research using animals and to be aware of the alternatives that are available...³⁹

1.50 The RSPCA also voiced concern with AECs. It noted that AECs alone have 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'. The RSPCA called for the NHMRC to investigate new mechanisms for the oversight of the use of primates in research.⁴⁰

1.51 In response to these matters, Professor Anne Kelso, Chief Executive Officer of the NHMRC, commented that 'while any one member of an ethics committee cannot have deep expertise in every area of research, they will have broad expertise relevant to the work of the committee'. Professor Kelso went on to note that all research approved for funding by the NHMRC has gone through a rigorous peer

36 Barristers Animal Welfare Panel and Sentient, *Submission 56*, p. 2.

37 Department of the Environment, *Submission 7*, p. 3; see also Associate Professor James Bourne, *Proof Committee Hansard*, p. 29.

38 Mr Stephen Oxley, Department of the Environment, *Proof Committee Hansard*, 5 February 2016, p. 37.

39 Ms Helen Marston, Humane Research Australia, *Proof Committee Hansard*, p. 8.

40 RSPCA, *Submission 10*, pp 6–7.

review process 'as to its quality and the relevance and appropriateness of any animal models, if they are proposed, in the research project'.⁴¹

1.52 All NHMRC funded research must comply with both the Code and the NHP Policy and the committee received evidence that both the Code and the NHP Policy ensure that all research carried out using primates is conducted to the highest standard of ethical care. This standard is considered to be higher than those in a number of other countries. For example, Dr Nicholas Price stated that:

...the NHMRC Policy on Non-Human Primates was recently reviewed and is world-leading; husbandry and housing policies are more strict, and ensure better welfare for animals than similar policies in USA, Japan, Europe and UK. The facilities are regularly inspected by members of an Animal Ethics Committee, as per NHMRC regulations.⁴²

1.53 Another submitter noted that the research codes mean that 'any NHP related work is performed to the highest standard of ethical care'.⁴³ The Australasian Neuroscience Society similarly added that the 'bar is set very high for support of primate research by academic institutions and funding agencies'.⁴⁴

1.54 Associate Professor Bourne provided evidence in relation to the care of primates and commented that research is conducted under the 'strictest scrutiny and followed the principles of reduction, refinement and [replacement]—the three Rs' and 'researchers are continuously looking for alternative models that can replicate the vast complexity of disorders and diseases'. He added that while undertaking research, 'the care and welfare of animals is of paramount concern'.⁴⁵ In relation to the care of primates in breeding facilities, Associate Professor Bourne stated that the facilities are managed by experts including geneticists. The facilities are inspected by animal ethics committees, state animal welfare agencies and the Department of the Environment.⁴⁶

Appropriateness of primate models for medical research

1.55 The committee received evidence which argued against the use of primates in medical research on the grounds that primates are not an appropriate model for medical research and that there are alternative research methods and technologies available. While this issue is not related directly to the bill, the following discussion is included to provide a complete picture of the arguments put forward by the submitters and witnesses supporting the bill.

41 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, pp 21–22.

42 Dr Nicholas Price, *Submission 70*, p. 2.

43 Name Withheld, *Submission 12*, p. 2; see also Dr Tim Kuchel, *Submission 75*, p. 1.

44 Australasian Neuroscience Society Inc, *Submission 63*, p. 1.

45 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 26.

46 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 29.

1.56 In relation to the appropriateness of the use of primate research, submitters pointed to instances where success in the use of drugs and vaccines on primates had not been transferred to humans. For example, HRA noted that data from the US Food and Drug Administration had shown that 95 per cent of drugs successfully tested on animals fail when translated to humans.⁴⁷

1.57 Cruelty Free International also pointed to some 100 HIV vaccines which have been tested in monkeys with positive results, 'yet none have provided protection or therapeutic benefit in humans'. Cruelty Free International went on to argue that primates are no better at predicting the safety of new drugs than other species. It also asserted that 'data from developmental toxicity tests in primates correlate with human data just 50 per cent of the time' which is less than species such as rats, hamsters and ferrets.⁴⁸

1.58 While pointing to recent cases where drugs successfully tested on monkeys had led to near fatal outcomes for volunteers, Dr Andre Menache commented that 'animal models are actually giving us a false sense of security and if we did not have the animals, we would be a lot more careful'.⁴⁹

1.59 HRA concluded that research on primates could not be 'accurately credited for any medical "breakthrough"' as:

The genetic, anatomic and metabolic differences between humans and other animals mean that any data obtained from animal tests cannot be translated to humans with sufficient accuracy. Even when genetically modified, there is no single animal model that can accurately mimic the complex human situation. There are far too many unknown variables that cannot all be accounted for.⁵⁰

1.60 The committee also received evidence which pointed to the emergence of new methods and technologies which, it was argued, called into question the continued use of primates in medical research. For example, Australians for Animals stated that the range of non-animal methods continues to grow and concluded that while it is claimed by some researchers that alternative methods are not yet sophisticated enough to replace animal tests, these methods are more dependable and produce more accurate results than tests on primates.⁵¹ HRA similarly argued that Australian researchers

47 Humane Research Australia, *Supplementary Submission 1*, p. 3; see also Dr Andre Menache, *Proof Committee Hansard*, 5 February 2016, p. 2.

48 Cruelty Free International, *Submission 48*, p. 5.

49 Dr Andre Menache, *Proof Committee Hansard*, 5 February 2016, p. 5.

50 Humane Research Australia, *Supplementary Submission 1*, p. 2; see also Animal Defenders Office, *Submission 3*, p. 2; Animal Liberation Queensland, *Submission 5*, p. 3; Animals Australia, *Submission 8*, p. 1.

51 Australians for Animals, *Submission 8*, p. 1.

should be using non-animal methodologies that are far more relevant to studying human disease.⁵²

1.61 Associate Professor Brett Lidbury and Dr Menache provided the committee with examples of research methods which they commented were viable alternatives to primate research. Dr Menache pointed to the use of toxicogenomics and Associate Professor Lidbury to the 'human-on-a-chip' technology.⁵³ In addition, Associate Professor Lidbury noted the use of the Ames test and the development, by the European Centre for Validation of Alternative Methods, of approximately 50 animal replacement alternatives for toxicology testing.⁵⁴

1.62 Dr Menache concluded that:

No-one is suggesting that we can replace an animal experiment with a bunch of cells or with a computer. What we are saying is that we want to replace animal experiments because they are not effective or efficient and they are not able to predict what will happen in people.⁵⁵

1.63 In response to these arguments, submitters who did not support the bill provided evidence of the benefits of, and continued need for, the use of primates in research. In addition, it was noted that the numbers of primates used for research purposes are small.

1.64 The European Animal Research Association noted that primates account for less than 0.05 per cent of all animals used in Europe 'yet their role has been central in many important medical advances'.⁵⁶ These include the development of the polio vaccine, anti-retroviral therapies, life support systems for premature babies and deep brain stimulation for Parkinson's disease.⁵⁷

52 Humane Research Australia, *Submission 1*, p. 4.

53 Dr Andre Menache, *Proof Committee Hansard*, 5 February 2016, p. 2; Associate Professor Brett Lidbury, *Proof Committee Hansard*, 5 February 2016, p. 13.

54 Associate Professor Brett Lidbury, *Submission 50*, p. 2; see also Associate Professor Brett Lidbury, *Proof Committee Hansard*, 5 February 2016, pp 16, 18.

55 Dr Andre Menache, *Proof Committee Hansard*, 5 February 2016, p. 2.

56 European Animal Research Association, *Submission 57*, p. 1; see also Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 26.

57 Association of Primate Veterinarians, *Submission 62*, p. 2; Expert Group for Non-Human Primate Neuroscience Research in the UK, *Submission 73*, p. 1; Society for Neuroscience, *Submission 78*, p. 1.

1.65 Evidence pointed to the continued need for research on primates. Currently, primates are used in research on infectious diseases, brain function, neurodegenerative diseases, and reproduction, fertility and foetal research. Professor James McClusky, Deputy Vice Chancellor (Research) and Dr Mark Hargraves, Dean, The University of Melbourne, commented:

The areas of enquiry underway are not amendable to experiments in lower mammals, in vitro test tube approaches or virtual computer modelling or simulation. Animal models are used because it is the only way currently to understand a process in vivo i.e. in a living system, where it is possible to tease out a cascade of consequences with a given intervention. Living systems are highly complex, are relatively simple methods of investigation (e.g. cell culture or computer modelling) cannot effectively simulate such a complex environment.⁵⁸

1.66 It was also argued that research on primates allowed Australia to respond to emerging public health issues.⁵⁹ In this regard, submitters pointed to the development of novel vaccines which often require research using primates. An example provided was that of the novel dengue virus vaccine which is currently being tested in African green monkeys. The Zika virus was also mentioned by Associate Professor Bourne who commented that the development of a vaccine is likely to involve rhesus monkeys.⁶⁰ Professor Kelso also noted the development of a vaccine for Ebola where safety and efficacy of the vaccine was demonstrated in macaques.⁶¹

1.67 In response to arguments about alternatives to the use of primates in research, Professor Kelso indicated that there are some areas of research where use of primates is not appropriate either because they are not the best model or they are too expensive for the scale of work.⁶² However, while there are alternatives available these may have limited application. For example, Associate Professor Bourne stated that tests, genetics, proteomics and genomics are used but there are some areas of research, such as understanding brain disease, which require the use of primates.⁶³ Similarly, in relation to the use of rodents, it was submitted that while important research is undertaken on rodents, there are limits to the applicability of this research to humans. For example, it was stated that:

58 Professor James McClusky, Deputy Vice Chancellor (Research) and Dr Mark Hargraves, Dean, The University of Melbourne, *Submission 84*, p. 2.

59 Expert Group for Non-Human Primate Neuroscience Research in the UK, *Submission 73*, p. 1.

60 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 28.

61 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 22.

62 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 22.

63 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 28.

...diseases such as autism, schizophrenia and Alzheimers' disease cannot be completely modelled in lower order species such as rodents due to their rudimentary cognitive abilities, impeding the search for therapies for such diseases. This leads the way for more translatable primate-based research models, which have more comparable cognitive and behavioural abilities to humans to account for this short fall.⁶⁴

1.68 Associate Professor Bourne went further and commented that it was false to claim that knowledge gained from primate research is not applicable to humans. He went on to state:

Anyone who claims that insights gained from animals are meaningless when it comes to the understanding of normal and pathogenic processes in human bodies is either badly informed or knowingly untruthful. Primates share approximately 95 per cent of human genes and a number of anatomical and physiological similarities. For this reason primates are critical to biomedical research targeting the cause, progression, prevention and treatment of a wide variety of diseases.⁶⁵

1.69 Professor Kelso also commented on the need for continued research using primates:

...a critical effect on the development of new drugs and vaccines for the treatment of human conditions. That will particularly apply—again, from a research point of view rather than a regulatory point of view—to those conditions where non-human primates provide the best model—the best approximation—to human disease.⁶⁶

1.70 In addition, it was noted that many drugs validated in rodents have had poor translation into therapeutics for humans due to the differences between species. The Australasian Neuroscience Society commented that there have been occurrences where clinical trials have moved rapidly from rodents to human investigations resulting in harm of participants because additional experiments were not conducted in primates.⁶⁷

Long-term viability of primate colonies

1.71 Submitters who opposed the bill expressed concern that, without continued importation of primates when required, the long-term viability of primate colonies will be undermined and ultimately the welfare of animals in Australia's primate colonies

64 Name Withheld, *Submission 12*, p. 2.

65 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 26.

66 Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 22.

67 Australasian Neuroscience Society Inc, *Submission 63*, p. 2; see also Professor Anne Kelso, National Health and Medical Research Council, *Proof Committee Hansard*, 5 February 2016, p. 20.

would be adversely affected. It was argued that, without primate imports from colonies around the world, inbreeding would result in an increased chance of congenital defects, mortality and low fertility and thus the colonies usefulness in providing a reliable animal model.⁶⁸

1.72 The department indicated that 37 marmosets were imported in 2014 with another 22 imported in 2015 along with 10 macaques in that year.⁶⁹ Dr Price commented on the need for the importation of primates undertaken recently:

...separate groups of marmoset and macaque monkeys were imported to diversify the genetic pool of the existing Australian breeding colonies. This was necessary to limit the risks associated with in-breeding; without this importation, the breeding colony would have been: (1) unable to supply the number of animals required for research purposes; (2) suffered a steady decline in health due to in-breeding.⁷⁰

1.73 While supporting the continued importation of primates to ensure the viability of Australia's breeding colony, the need for those primates to be sourced from reputable breeders was endorsed.⁷¹

The need for continued genetic diversity of primate colonies

1.74 A number of submissions argued that the bill, in its current form, would have long-term negative consequences for the future of Australian biomedical research. In particular, a decline in the genetic diversity of primate colonies and/or a decrease in numbers of primates through disease and attrition would limit research opportunities.⁷²

1.75 Submitters commented on the importance of genetic diversity of primates used in research. It was noted that a captive primate population 'outbred' is important when primates are used in researching human diseases as they best reflect the human populace.⁷³ Associate Professor Bourne explained that:

68 Name Withheld, *Submission 12*, p. 3. See also Professor Marcello Rosa, *Submission 29*, p. 1; Association of Primate Veterinarians, *Submission 62*, p. 1; Australasian Neuroscience Society, *Submission 63*; Oregon National Primate Research Centre, *Submission 65*; Yerkes National Primate Research Centre, *Submission 66*; Society for Neuroscience, *Submission 78*, p. 1; Japan Neuroscience Society, *Submission 79*, p. 1; Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 26.

69 Department of the Environment, Answers to questions on notice, Attachment B.

70 Dr Nicholas Price, *Submission 70*, p. 1.

71 Australasian Neuroscience Society Inc, *Submission 63*, p. 1; Expert Group for Non-Human Primate Neuroscience Research in the UK, *Submission 73*, p. 1; Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 27.

72 Professor Trichur Vidyasagar, *Submission 58*, p. 1.

73 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, pp. 26–27.

The health of these colonies and an ability for them to continue to represent a heterogeneous human population depends on outbreeding to maintain genetic diversity.⁷⁴

1.76 The Association of Primate Veterinarians also commented on the consequences of a reduction in genetic diversity over time are 'expected to be severe' and added:

In the short term, reduced genetic diversity can change the means and variability of important biomedical traits and will complicate or invalidate the interpretation of experimental findings in NHPs to human disease. Over the longer term, this loss of genetic diversity will result in fewer viable offspring, increased morbidity and mortality in the colony, and spiralling costs for veterinary care, as genetic variation that prevents disease is lost permanently from the colony. Ultimately, the colony will become unsustainable, and will collapse under this burden.⁷⁵

1.77 HRA responded to this issue and argued that a lack of genetic diversity would only be an issue if Australian researchers were looking at 'using large numbers in the future'.⁷⁶ Ms Marston also commented that a commitment to the 3Rs principle would mean that 'there should be no reason to improve that genetic diversity when we should be looking at replacing them altogether'.⁷⁷

1.78 However, Associate Professor Bourne explained that:

...we have enough in the colony for a period of time, but that aligns with a stable usage. In these colonies we do not keep animals for years on end or have a large colony; we keep a stable number that allows for the research of the day. There may be a need for some condition that we need to ramp up the size of the colony, and that may require an additional import.⁷⁸

1.79 Similarly, the Expert Group for Non-Human Primate Neuroscience Research in the UK commented that the 'Australian NHP breeding colonies are probably too small to maintain a diverse genetic background. The currently contemplated ban on the importation of lab-bred NHPs would prevent any new monkeys being imported to maintain the colony'.⁷⁹

74 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 26.

75 Association of Primate Veterinarians, *Submission 62*, p. 1.

76 Ms Helen Marston, Humane Research Australia, *Proof Committee Hansard*, 5 February 2016, p. 7.

77 Ms Helen Marston, Humane Research Australia, *Proof Committee Hansard*, 5 February 2016, p. 7.

78 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 28.

79 Expert Group for Non-Human Primate Neuroscience Research in the UK, *Submission 73*, p. 1.

The effect on Australian research capacity

1.80 A further matter raised with the committee by submitters opposing the bill was the effect on Australia's research capacity, particularly the ability of Australian scientists to respond to public health issues or new areas of biomedical research.⁸⁰ The International Basel Declaration Society, for example, commented on the standing of Australian research and the use of primates in that research:

Traditionally, Australian scientists have made a disproportionate contribution to biomedical research internationally. Current Australian research with non-human primates covers an impressive breadth, including endocrinology, immunology, and neuroscience, all areas in which progress has recently accelerated, mainly due to the introduction of novel approaches, particularly in gene-based technologies and imaging. Thus, many novel approaches to treatment for medical disorders, such as gene therapy and stem cell transplants, could not be developed and tested without research in non-human primates.⁸¹

1.81 It was also noted that many other countries undertake primate-based research programs. This primate research is 'an important factor for Australia to maintain a competitive edge in medical research globally'.⁸² In addition, a ban on the importation of live primates may force Australian researchers to move overseas to continue their work. Associate Professor Bourne told the committee that without access to primates he would 'have to ultimately leave Australia and enter into a country...[in] Europe or the United States' to continue his research.⁸³ It was also stated in another submission that should researchers move to other jurisdictions because of the lack of suitable primates for research, there is the possibility that they may go to other countries which do not have such a high ethical standards.⁸⁴

1.82 The European Animal Research Association concluded:

If an artificial limit is placed on the importation into Australia of NHPs for research, it will limit the progress that can be made in both fundamental research and innovative medicine development.⁸⁵

Committee view

1.83 The committee commends the Government for its commitment to implementing the Convention on International Trade in Endangered Species of Wild

80 Association of Primate Veterinarians, *Submission 62*, p. 1; *Submission 77*, p. 1.

81 International Basel Declaration Society, *Submission 76*, p. 1.

82 Name Withheld, *Submission 12*, p. 2.

83 Associate Professor James Bourne, *Proof Committee Hansard*, 5 February 2016, p. 28.

84 Name Withheld, *Submission 12*, p. 2.

85 European Animal Research Association, *Submission 57*, p. 2.

Fauna and Flora through the *Environment Protection and Biodiversity Conservation Act 1999*.

1.84 The committee notes that the bill is a response to concerns about the international trade in wild-caught primates and seeks to ensure that Australia does not participate in this trade. In addition, as stated in the second reading speech, the bill is a first step in stopping the use of primates in research.

1.85 The committee has considered the evidence received and believes that it does not point to a need for a ban on the import of primates for research. Moreover, the evidence indicates that there will be significant effects on biomedical research in Australia should a ban on imports be implemented.

1.86 While acknowledging concerns about the trade in wild-caught primates, the committee notes that there is no evidence that primates recently imported to Australia are wild-caught. In addition, the committee draws attention to submissions from researchers which point to support for bans on the use of wild-caught primates in research.

1.87 In relation to concerns about the welfare of primates used in research in Australia, the committee acknowledges the work of the NHMRC, state and territory agencies and the Department of the Environment in ensuring that research on primates is performed to the highest ethical standard and that the welfare of research animals is paramount.

1.88 The committee also notes the concerns of stakeholders about the effect of a ban on imports on the long-term viability of the three nationally funded primate breeding facilities. The committee also considers that a ban on imports would significantly affect current research as well as Australia's ability to respond to emerging public health issues.

1.89 While there was evidence of the development of viable alternatives to the use of primates in some areas of research, it appears that these alternatives are yet to reach a stage where they can replace research using primates.

1.90 Given the implications for scientific and medical research being conducted in Australia, the committee considers that the bill should not be passed.

Recommendation 1

1.91 The committee recommends that the Senate not pass the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015.

**Senator Linda Reynolds CSC
Chair**

Additional Comments from Labor Senators

1.1 Labor Senators note that the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 does not seek to end primate testing for research purposes in Australia.

1.2 We recognise that while many submissions to the inquiry focussed on this broader issue, the Bill only proposes to deny the importation of non-human primates (NHPs) for research purposes.

1.3 Labor Senators contend that while the Bill would not decrease the incidence of testing, it would have negative impacts on the genetic diversity of the national breeding population and potentially compromise the efficacy of medical research.

1.4 This is supported by the submission from the National Health and Medical Research Council which states:

...in order for the colonies to be sustainable into the future, there may be times when some importation of NHPs is required to:

- (i) maintain genetic diversity and avoid problems of inbreeding within small colonies
- (ii) supply animals, or provide for rapid expansion of the colonies, to meet urgent need, if one arises.¹

1.5 Labor Senators recognise the use of non-human primates continues to be an important avenue for medical research globally.

1.6 While some submissions to the inquiry pointed to the recent decision by the United States National Institutes of Health to cease its existing chimpanzee research program to justify an end to primate importation, we note the advice of Associate Professor James Bourne who stated that:

The research community was very happy to not have chimps used for research anymore. However, the United States is still the largest user in the world of non-human primates for research. They have over seven national breeding facilities.²

1.7 On this matter, Professor Kelso from the National Health and Medical Research Council also testified that she was 'not aware of any chimpanzee research in Australia'.³

1 National Health and Medical Research Council, *Submission 59*, p. 3.

2 Associate Professor James Bourne, *Committee Hansard*, 5 February 2016, p.30.

3 Professor Anne Kelso AO, National Health and Medical Research Council, *Committee Hansard*, 5 February 2016, p. 22.

1.8 Labor is committed to a high standard of animal welfare and will continue to oppose anything that causes unnecessary harm to animals. To this end, Federal Labor recently announced a policy to ban the importation of products tested on animals.

1.9 However, Labor Senators recognise there are significant medical advances that could not have been made without the aid of medical testing on non-human primates.

1.10 Labor Senators acknowledge the importance of a world-class medical research regime which maintains strict animal welfare standards. On this matter, Associate Professor James Bourne testified that:

We are under the most tightly regulated system already. We have what is given to be world-standard facilities for our non-human primates. The main funding body equivalent to the National Health and Medical Research Council in the United States is the NIH—the National Institutes of Health. They have looked at our facilities, because we have collaborative grants, and have put ours as above world standard. Our animals have access to outside runs, which is well above anything that you would see on an international framework.⁴

1.11 Labor Senators are persuaded by the expert evidence provided to the inquiry that, while the Bill would have no impact on the incidence of medical research on non-human primates, it would reduce the genetic diversity of the national breeding population and potentially compromise the health of individual animals in the process.

1.12 Thus, we do not support the Bill in its current form.

1.13 However, Labor Senators may be willing to reconsider the Bill if an amendment were made to provide an exemption for the three government-funded registered breeding facilities.

1.14 Labor Senators contend this amendment would ensure high animal welfare standards are maintained without compromising the health and genetic diversity of national breeding colonies.

Senator Anne Urquhart
Deputy Chair
Senator for Tasmania

Senator the Hon Lisa Singh
Senator for Tasmania

4 Associate Professor James Bourne, *Committee Hansard*, 5 February 2016, p. 30.

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

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 3,000km² 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

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 RPSA [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

Appendix 1

Submissions and additional information received by the committee

Submissions

1	Humane Research Australia
2	PETA Australia
3	Animal Defenders Office
4	Humane Society International
5	Animal Liberation Queensland
6	Choose Cruelty Free
7	Department of the Environment
8	Animals Australia
9	Animal Liberation NSW
10	RSPCA
11	Animal Law Institute
12	Name Withheld
13	Name Withheld
14	Name Withheld
15	Name Withheld
16	Name Withheld
17	Name Withheld
18	Name Withheld
19	Mrs Sylvia Cooper
20	Ms Georgia Blomberg
21	Dr Bridget Brooklyn
22	Ms Robyn Kirby
23	Ms Jan Heald
24	Ms Rosemary Lavin
25	Ms Debbie Davis
26	Mrs Tracy Ashdown
27	Ms Stacey Winch
28	Mrs Louise Paine
29	Professor Marcello Rosa
30	Mrs Susan Rosker
31	Ms Adalita Srsen
32	Mrs Cheryl Mackie
33	Mrs Cathy Audley
34	Ms Diana Palmer
35	Ms Lynn Gauntlett
36	Ms Kerry Marlow
37	Ms Carolyn Cooper
38	Mrs Anne Roberts
39	Mr Mark Spooner
40	Mrs Karen Johnson
41	Ms Celia Smith
42	Ms Kathryn Woolfe
43	Mrs Janet Allan

- 44 Mrs Elizabeth Duggan
45 Dr Andre Menache
46 Mr Robert Soto
47 Mr Peter Collins
48 Cruelty Free International
49 Ms Bernadette Shingles
50 Associate Professor Brett Lidbury
51 Ms Christine Pierson
52 Ms Helen Powderly
53 Ms Patricia Penn
54 Ms Josephine Velte
55 Ms Salome Argyropoulos
56 Barristers Animal Welfare Panel & Sentient, The Veterinary
Institute for Animal Ethics
57 European Animal Research Association
58 Professor Trichur Vidyasagar
59 National Health and Medical Research Council
60 Dr George Manos, Mrs Helen Manos
61 The Spinney Wildlife Refuge
62 Association of Primate Veterinarians
63 Australasian Neuroscience Society Incorporated
64 Dr Mike Mustari
65 Oregon National Primate Research Center
66 Yerkes National Primate Research Center
67 Mr Cris Magee
68 Dr Michael Goldberg
69 Name Withheld
70 Dr Nicholas Price
71 Dr John Capitanio
72 Professor George Paxinos AO
73 The Expert Group for Non-Human Primate Neuroscience Research, UK
74 Federation of European Neuroscience Societies
75 Dr Tim Kuchel
76 International Basel Declaration Society
77 Speaking of Research
78 Society for Neuroscience
79 Japan Neuroscience Society
80 Professor Simon Foote
81 Ms Melita Grant
82 Anti-Vivisection Union SA
83 Dr Jaikishan Jayakumar
84 Professor James McCluskey and Dr Mark Hargreaves
85 Dr Andrew Knight
86 Mr Errol Lloyd
87 Mr. Rob Buttrose
88 Mr Larry Abel
89 Monash University
90 Dr Robert Desimone
91 Dr Jeffrey Rosenfeld
92 Professor Michael Cowley
93 The Doherty Institute

Form letter received from

Professor Luciano Fadiga, University of Ferrara
Professor Leonardo Chelazzi, University of Verona – Medical School
Professor Vittorio Gallese, University of Parma
Professor Giuseppe Luppino, University of Parma
Professor Alexandra Battaglia Mayer, University of Rome
Professor Wolfram Schultz, University of Cambridge
Dr Milena Raffi, University of Bologna
Associate Professor Patrizia Fattori, University of Bologna
Professor Claudio Galletti, University of Bologna
Dr Cristina Lucchetti, University of Modena and Reggio Emilia
Professor Aldo Genovesio, University of Rome
Professor Roberto Caminiti, University of Rome

Additional Information**Answers to questions on notice**

Associate Professor Brett Lidbury – Answers to questions taken on notice (public hearing, Canberra, 5 February 2016)
National Health and Medical Research Council – Answers to questions taken on notice (public hearing, Canberra, 5 February 2016)
National Health and Medical Research Council – Answers to questions taken on notice (public hearing, Canberra, 5 February 2016)
Department of the Environment – Answers to questions taken on notice (public hearing, Canberra, 5 February 2016)

Tabled documents

Ms Helen Marston, Chief Executive Officer, Humane Research Australia

- BUAV: Indonesia: The trade in primates for research, April 2009
- Jarrod Bailey, 'Monkey Based Research on Human Disease: The Implications of Genetic Differences', ATLA 42, 2014
- J Bailey, M Thew, M Balls, 'Predicting Human Drug Toxicity and Safety via Animal Tests; Can Any Species Predict Drug Toxicity in Any Other, and Do Monkeys Help?', ATLA 43, 2015

Appendix 2

Public Hearing

Friday, 5 February 2016 – Canberra

Dr Andre Menache – Private Capacity

Associate Professor Brett Lidbury – Private Capacity

Associate Professor James Bourne – Private Capacity

Humane Research Australia

Ms Helen Marston, Chief Executive Officer

National Health and Medical Research Council

Professor Anne Kelso AO, Chief Executive Officer

Ms Samantha Robertson, Executive Director

Department of the Environment

Mr Stephen Oxley, First Assistant Secretary, Wildlife, Heritage & Marine Division

Dr Ilse Kiessling, Assistant Secretary, Wildlife, Heritage & Marine Division