




Speech By
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MEMBER FOR MIRANI

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ANIMAL CARE AND PROTECTION AMENDMENT BILL

 **Mr ANDREW** (Mirani—PHON) (12.23 pm): I rise to speak on the Animal Care and Protection Amendment Bill 2022. According to the explanatory notes, one of the most important policy objectives of the bill is to facilitate the 'ethical use of animals for scientific purposes while ensuring that animal welfare is not compromised'. To achieve this, the bill makes a number of relatively minor amendments to the Animal Care and Protection Act, the ACPA. The main ones being to: firstly, allow persons other than veterinary surgeons to perform acts of veterinary science on animals used for scientific use purposes; secondly, align the definition of 'scientific purposes' with the scientific use code; and, thirdly, clarify that the scientific use register can be inspected by the public at the department's head office.

For the most part, all these changes are characterised in the bill's associated documentation as mostly minor and inconsequential changes. However, I found at least two changes the bill makes somewhat concerning. As mentioned, the explanatory notes identify one of the bill's primary objectives being facilitating the use of animals for scientific purposes in Queensland. According to my dictionary, facilitate means to make an action, or process, easy or easier. Overall, the bill's scientific use changes are more concerned with facilitating the use of animals in research than they are with offering protections for their ethical treatment.

Clause 18 amends section 48 of the act by replacing its current definition of 'scientific purposes' with that contained in the Australian code for the care and use of animals for scientific purposes. Currently, the act defines 'scientific purposes' as follows—

- (1) An animal is used for "**scientific purposes**" if it is used—
- (a) in an activity performed to acquire, demonstrate or develop knowledge or a technique in a scientific discipline; or

Examples of an activity for paragraph (a)—

- diagnosis
- environmental studies
- field trials
- producing biological products
- product testing
- research
- Teaching.

The bill replaces this definition with that contained in the code, which defines 'scientific purposes' as—

All activities conducted with the aim of acquiring, developing or demonstrating knowledge or techniques in all areas of science, including teaching, field trials, environmental studies, research (including the creation and breeding of a new animal line where the impact on animal wellbeing is unknown or uncertain), diagnosis, product testing and the production of biological products.

The definition is virtually identical apart from one crucial addition—

... the creation and breeding of a new animal line where the impact on animal wellbeing is unknown or uncertain ...

Elsewhere the code states—

The creation and breeding of a new animal line, including genetically modified and cloned animals, where the impact of the genotype on animal wellbeing is unknown or uncertain is regarded as a scientific purpose. Persons responsible for animals involved in such projects are regarded as investigators.

My concern is the bill's amendment to the definition of 'scientific uses' or 'purposes' in the bill has been done to specifically facilitate the expanded use of genetic engineering and cloning of animals in Queensland. It will certainly have that effect, making it a significant change. It is one that deserved a lot more consideration in the committee process, particularly given the many ethical, biosecurity and animal welfare issues involved.

Another change is the amendment in clause 17 to omit section 47(a) of the act. This omission removes all restrictions on the supply of animals that have undergone a regulated surgical procedure. According to the act's definition, 'supply' has the meaning of 'giving or selling'. The bill's change will therefore facilitate the buying and selling of genetically modified and cloned animals in Queensland. Regulated surgical procedures are typically required for the production of genetically modified or gene-edited animals.

Further, the Queensland government has established a biotechnology code of ethics covering all areas of genetically modified organisms in Queensland. The code references the practice of xenotransplantation, also known as the creation of transgenic species. Under the code, researchers agree to—

... only use animals in xenotransplantation research if suitable alternative therapies are not available. We will make every effort to keep the number of animals used in xenotransplantation research to a minimum ...

Queensland's code already sanctions the use of xenotransplantation in Queensland. By omitting the prohibition in section 47(a) on the supply of animals that have undergone a regulated surgical procedure, it will also facilitate the commercial trade of transgenic animals here as well.

Sections 47 to 93 of the Animal Care and Protection Act 2001 contain the main legal protections afforded to animals used in experimental research in Queensland. The act has been the principal legislative framework for the protection of animals in this state since its commencement over 20 years ago. It took until 2020 for a review of that framework, despite the huge advances in medical and scientific research over the past two decades.

Australia is the fourth largest user of animals for scientific research in the world—due to the diversity we have—behind China, Japan and the US. No Australian state uses more animals for scientific research than Queensland. According to the AEC's annual reports, over 27 million animals were used for scientific purposes in Queensland between 2018 and 2021. Clearly, animal research is becoming a hugely profitable sector of the state's economy. It is also one of the least scrutinised.

It is vital that legislation keeps pace with contemporary medical and scientific standards and community expectations. Scientific practice and emerging technology should reflect societal values, especially where research may be regarded as ethically and environmentally contentious. The current mechanisms around the scientific use of animals in Queensland are woefully inadequate. They fail because the scientific researchers and their facilities appear to be mostly self-regulated. I could find no independent assessments, no evidence of governmental inspections or audits on the public record, and very little transparency or accountability on the part of the industry itself.

I am not disputing the importance of animal research in some instances or that it has not provided humanity with significant benefits over the years. What I am saying is that a proper review needs to be done on the utility and effectiveness of some of this research. Currently, research facilities provide limited details on any of the procedures they carry out on animals. Publishing this data would help go a long way towards satisfying community expectations on issues to do with animal welfare, biosecurity and other risks associated with the work.

From what I can see, the use of animals for scientific research has fallen by the wayside when it comes to many of the state's animal welfare laws. For example, the current bill introduces a requirement for CCTV cameras to be installed in abattoirs. Why hasn't the same requirement been made for Queensland's animal research facilities as well? Why has no independent inspectorate been set up to carry out regular inspections of these facilities, as happens with other animal related groups?

Earlier this year, New South Wales held an inquiry into the state's use of animals in medical research. It published a pretty damning report, along with many recommendations for changes to be made to New South Wales's outdated legislation. During the inquiry, senators were told that nearly three million genetically modified animals had been produced in New South Wales during 2019. This suggests that as many, or more, are being produced each year in Queensland as well. Currently the state's regulatory framework deals with GM animals as 'biotechnology', not 'living, breathing' creatures

capable of pain and suffering. It is well known that some GM and cloned animals suffer from serious health problems for no other reason than their modified existence. It has most often been documented in GM animals with transgene expression of growth hormones. Currently there is nothing in Queensland's animal welfare legislation to deal with any of this, and that needs to change.

I refer back to my experience in the field taking care of feral animals, especially feral pigs. I will be talking to the minister today about a new pig trap that I have designed. It actually works. There are things that we do use in the field. Farmers have problems accessing different poisons and things that can control feral pig numbers. As members know, in the last couple of months here in Queensland we have had ongoing rain and numbers are growing out of proportion. I think I have caught 38 animals in the last couple of months at night-time in my area alone. That is not even scratching the surface of what is going on.

We do need to put more money forward. Last budget I talked with the minister and we looked at a \$106 million problem that was getting \$975,000—0.73 per cent of the cost of the damage is budgeted and allocated to controlling feral pig numbers. It is not good enough. I hope that has changed. I hope the minister has looked at that again. With the looming issues of foot-and-mouth disease in this state, there has to be some sort of overarching response from the government to control feral pig numbers.