



**Proposed revisions to the Australian code of practice for the care and use of animals for scientific purposes (7<sup>th</sup> Edition 2004) - Consultation Submission Form**

**PLEASE COMPLETE THE FORM BELOW AND INCLUDE IT WITH YOUR SUBMISSION. SUBMISSIONS THAT DO NOT HAVE THIS FORM ATTACHED WILL NOT BE ACCEPTED**

1. Does this submission reflect the views of the organisation or an individual?  
 An individual  An organisation

If the submission reflects the views of an organisation please include details of the organisation at Q2:

2. Contact Details

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3. My submission is confidential/not confidential. (Please Note: You should be aware that any submission made to the NHMRC may be subject to the requirements of the Commonwealth *Freedom of Information Act 1982*.)  
 CONFIDENTIAL  NOT CONFIDENTIAL
4. The National Health and Medical Research Council (NHMRC) has my permission to place my submission about this consultation draft on the NHMRC website. (Please Note: The NHMRC retains the right to determine whether or not it will post submissions on the NHMRC website.)  
 YES  NO
5. The NHMRC has permission to quote from my submission in any reports prepared about this document. (If you do not agree to your submission being quoted, the issues you raised in your submission may be referred to. However, no direct quote would appear.)  
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I am aware that if I agree to release information from my submission, it will be widely available, e.g. it may be placed on the NHMRC website and made available in hard copy. I am also aware that the information may be further referenced in later publications. If I have named an organisation at question 2, I agree that my comments are representing the views of the organisation.

Any personal information provided, e.g. contact details, will only be used for the purpose of developing this document and will only be disclosed to members of the NHMRC's Australian Health Ethics Committee. Such information will not be used or disclosed for any other purpose, without prior written consent.

Name (please print) EDYTA ZURAWSKI  
Signature: [Signature] (if completing electronically – please type your name)

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THE LAW SOCIETY OF NEW SOUTH WALES  
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probonoanimalawservice



Project Officer - Australian code of practice for the care and use of animals for scientific purposes

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2 December 2011

Dear Project Officer

**Public Consultation on Proposed Revision of the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes 2004**

**NSW Young Lawyers Animal Law Committee**

The NSW Young Lawyers Animal Law Committee (“**ALC**”), the Pro Bono Animal Law Service (“**PALS@PILCH**”) and Voiceless thank you for the opportunity to make the following joint submission to the National Health and Medical Research Council (“**NHMRC**”).

The NSWYL Animal Law Committee comprises of a group of lawyers and law students interested in animal welfare and laws regulating the treatment of animals. The Committee aims to raise awareness and provide education to the legal profession and wider community, while increasing understanding about the importance of protecting animals from abuse and neglect. A common theme amongst Committee members is a passion and desire to use our legal skills and the law to help improve the lives of animals.

**Pro Bono Animal Law Service**

The Pro Bono Animal Law Service is a project of the Public Interest Law Clearing House (“**PILCH**”) NSW and PILCH Victoria. PALS@PILCH is a national legal referral service that puts

not for profit animal protection organisations in contact with lawyers able to provide pro bono legal advice and assistance. Our members include prominent Australian law firms, barristers and universities. In addition to our referral service, PALS@PILCH is also committed to addressing significant animal welfare issues.

## **Voiceless**

As an innovator, capacity builder and ideas-generator, Voiceless plays a leading role in the development of a cutting edge social justice movement, animal protection.

With a highly professional and well-educated team, Voiceless brings together like-minded compassionate Australians from the legal, academic, non-profit and education sectors to form strong and effective networks.

Voiceless believes in the provision of quality information, analysis and resources to inspire debate and discussion and to empower individuals and organisations to generate positive social change.

Voiceless is a non-profit Australian organisation established in May 2004 by father and daughter team Brian and Ondine Sherman.

To build and fortify the animal protection movement, Voiceless:

- Creates and fosters networks of leading lawyers, politicians, business people and academics to influence law, policy, business and public opinion;
- Conducts high quality research and analysis of animal industries, exposing legalised cruelty and promoting informed debate;
- Creates a groundswell for social change by building and fortifying the Australian animal protection movement with select grants and prizes;
- Grows animal law as a mainstream practice area to advocate for change in the courts and in legislation; and
- Informs consumers and empowers them to make animal-friendly choices.

## **Introduction**

The ALC, PALS and Voiceless believe that the majority of Australian laws and regulatory regimes are lacking and do not provide adequate protection to animals to be free from pain, fear, confinement, suffering and general harm. The ALC, PALS and Voiceless therefore strongly support legislative and regulatory measures which increase the level of protection afforded to animals within Australia and which include objectives such as pain and stress minimisation, the acknowledgement of animal sentience as well as an overarching respect for animals.

Within the specific context of the use of animals in research and education, the ALC, PALS and Voiceless are of the view that the achievement of the above aims must be based on thorough regulation of the use of animals in research and teaching, which requires transparency and consistency in regulation as well as the proper enforcement of any regulatory provisions (including taking appropriate disciplinary action where necessary). It is integral that at all times, the welfare of animals and a respect for animals must be the paramount considerations in undertaking any research or teaching utilising animals in any fashion.

Whilst the ALC, PALS and Voiceless do not support the use of animals in research or educational procedures that cause pain, suffering, distress or lasting harm (including aspects such as fear,

hunger, boredom, social isolation and stress)<sup>1</sup>, the ALC, PALS and Voiceless are of the view that whilst such use continues, legal, regulatory and scientific measures must be constantly improved to promote and advance the following:

- The **ethical** and scientific justification of research and non-duplication of research. This requires demonstration to a high level, that appropriate non-animal alternatives are not available in the particular circumstances, and that such research is novel rather than previously conducted. In considering the justification for research, significant regard must also be had to degree to which research on animals translates to human models (where such research or teaching is aimed at improving human welfare). This must be a paramount consideration.
- Reduction of animal use wherever possible, by using and encouraging non-animal alternatives including actively adopting, encouraging and funding the development of alternatives, high-level justification for research before it is commenced and also the refinement of research to decrease or eliminate the use of animals.
- Reduction of pain and suffering in animals that are used.

With this general background, the ALC, PALS and Voiceless are of the view that the proposed revision of the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (“**the revised Code**”) is an improvement upon the current regulatory system and represents a step forward in increasing the welfare of animals used for such purposes. The ALC, PALS and Voiceless, however, submit that the welfare improvements contained within the revised Code can only be successful if the revised Code is properly enforced, Animal Ethics Committees (“**AECs**”) are provided with adequate training, support and authority to carry out their obligations including the ability to determine disciplinary action for breaches of the Code, and that researchers utilising animals and others charged with the care of animals are also properly trained, supported and actively encouraged to consider welfare and respect for animals as a paramount consideration prior to undertaking research.

### **Public Consultation on Proposed Revision of the *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes 2004*<sup>2</sup>**

With specific regard to the questions raised for public consultation questions raised, the ALC, PALS and Voiceless submit the following: -

1. The revised Code, for the most part, clearly and concisely sets out the governing principles in relation to the care and use of animals for scientific and educational purposes.
2. The terms “*should*” and “*must*” are appropriately used in a number of the sections of the revised Code. The ALC, PALS and Voiceless submit, however, that a number of actions or considerations that researchers “*should*” turn their minds to in the Code, have the potential to much more significantly increase animal welfare and protection by being compulsory obligations that “*must*” be considered. This would also greater increase the revised Code’s

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<sup>1</sup> RSPCA, *Policy D1 Animals in Research* ([http://kb.rspca.org.au/RSPCA-Policy-D1-Animals-in-research\\_183.html](http://kb.rspca.org.au/RSPCA-Policy-D1-Animals-in-research_183.html) )

<sup>2</sup> Herein referred to as “*Public Consultation Paper*”.

object of “respect” for animals used in research and teaching and aim of ensuring the “ethical and humane care and use” of such animals<sup>3</sup>.

The ALC, PALS and Voiceless recommended amendments to the use of the words “should” and “must” are referred to below (under “**Suggested Amendments**”). The ALC, PALS and Voiceless submit that these suggested amendments would not cause any ‘unnecessary regulatory burden’ and in fact are obligations or considerations that are necessary and in some cases, essential to the greater protection of animal welfare for animals used in research and teaching. This is especially important having regard to the adoption of the existing 2004 Code within the various State and Territory legislative frameworks governing the care and use of animals in research and education<sup>4</sup>.

3. Generally, the revised Code clearly and concisely sets out and correctly attributes the responsibilities of all parties involved, in particular researchers undertaking the research or utilising animals. Amendments to the Code in this regard are also set out below (under “Suggested Amendments”).
4. Overall the revised Code provides practical guidance on the application of principles of Code of Practice in terms of their responsibilities. The ALC, PALS and Voiceless, however, submit that improvements could be made by providing examples and/or definitions in some instances and also more specifically referring to the NHMRC guidelines as well as other appropriate research, veterinary and welfare standards and benchmarks utilised within Australian and overseas research (with the flexibility for these standards to be amended over time so as to ensure that they reflect current best practice). In addition, there is little practical guidance in relation to the enforcement of the revised Code or sanctions and actions taken for breaches of the Code or guidelines in relation to grievance processes.

Whilst it is acknowledged that the 2004 Code and any subsequent revised Code are not legally enforceable documents on their own, instead relying on the various State and Territory legislative frameworks for legal legitimacy<sup>5</sup>, the Code does represent the single most comprehensive and cohesive regulatory framework for the use of animals in research and teaching within Australia and therefore can provide significant guidance on issues relating to breaches of the Code and dispute resolution in relation to complaints by researchers and members of the public alike<sup>6</sup>. The ALC, PALS and Voiceless submit that it is imperative that transparent and thorough guidance be included in the Code in relation to the enforcement of the Code or there is a threat that the enforcement of the Code is less significant and too reliant upon a system of self-regulation therefore providing opportunities for conflict and inconsistency.

5. The ALC, PALS and Voiceless submit that the current wording in relation to surgery and other procedures such as anaesthesia being conducted by persons who are “competent” is vague and ambiguous. These are high impact procedures carried out on animals and

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<sup>3</sup> *Public Consultation Paper*, p 1.

<sup>4</sup> *Australian Code of Practice for the care and use of animals for scientific purposes 2004* (herein referred to as “2004 Code”).

<sup>5</sup> D.Cao (2010), *Animal Law in Australia and New Zealand*, Lawbook Co, pp 260-261.

<sup>6</sup> *Ibid.*

require persons of a significant skill level, competence and confidence to carry out such tasks which must be independently assessed. The ALC and PALS acknowledge that numerous researchers have been undertaking animal research for many years and have developed high level skills and competencies in relation to certain high impact and technically complex procedures such as surgery and anaesthesia. The ALC and PALS also acknowledge that a number of researchers have previously undertaken veterinary or medical training at a significant level.

In this context, the ALC and PALS do not submit that procedures such as surgery and anaesthesia should be undertaken *only* under direct veterinary oversight although this is the optimal position, as well as Voiceless's position, and should be encouraged wherever possible. The ALC and PALS are of the view that a compulsory requirement for veterinary oversight may be impractical and indeed, impossible in some circumstances due to financial constraints or the location of the research for example, in remote areas and are concerned that it may result in breaches of the Code and disregard for animal welfare. The ALC and PALS submit that in addition to the above recommendation that veterinary oversight for high impact procedures should be in place wherever possible, the Code **must** include a provision for the training of persons utilising such techniques by qualified veterinarians and that the evidence of the completion of such a training course be provided to the AEC. Such training should be regularly re-examined. A list of requirements for determining "competency" in such areas must also be developed and included in the Code or the various NHMRC guidelines.

6. The ALC, PALS and Voiceless do not agree with the assertion that "as a principles-based document, the impact of the Code of Practice may be lost if too much detail is included". Animal use in research and education is a highly contentious topic with varying views within the various legal, scientific, veterinary, welfare and public realms. The research that is conducted can be high-level in terms of the negative impacts upon animals utilised. It is essential that sufficient detail is provided to ensure that standards are adhered to and that animals are afforded a significant level of protection. A lack of detail can cause confusion, lack of consistency and clarity leading to a watering down of protections and regulations which should be discouraged at all costs. The ALC, PALS and Voiceless further submit that the current Australian regime for regulating animal research is a "self-regulating"<sup>7</sup> system and therefore it is essential that transparent, clear and consistent guidelines are provided that can be easily applied, accessed and interpreted.
7. The ALC, PALS and Voiceless are of the view that there is not sufficient connection between the revised Code and the NHMRC Wellbeing Guidelines. These are important documents which reflect scientific benchmarks and standards that should be adhered to. It is therefore important that researchers and those involved in the care of animals used for scientific and education purposes are clearly aware of their responsibilities to adhere to the standards and bench marks set out in these documents. It is also imperative that these documents are continuously updated so as to reflect current scientific best practice and welfare best practice.

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<sup>7</sup> Ibid.

8. The title of the document should be amended to more appropriately indicate to the scientific and general community that the document is focused and committed to ensuring that animal based teaching and research be guided by ethical principles as well as humane and current (continuously updated) “best practice” scientific and welfare guidelines. The ALC, PALS and Voiceless are supportive of the suggested title set out in the consultation pack, however, suggest the following amendments to further re-iterate the focus of the Code, namely “*Australian Code for the care, welfare and use of animals in research, science and education*”. If the use of the terms “science” and “research” are both used in the title, there should be a clear definition of the distinction between research and science – assumingly that the use of animals in science is sometimes purely for the purposes of gaining **justifiable** scientific knowledge not specifically to advance human or animal welfare.
9. The definition of “animal” is appropriate within the Code, however, the ALC, PALS and Voiceless submit that crustaceans should also be included<sup>8</sup>. The inclusion of this animal species is also a recognition of the growing body of research supporting the sentience of such animals<sup>9</sup>.

The ALC, PALS and Voiceless submit that the definition of “animal” should also be clearer in relation to the obligations towards animals in early stages of development. Animals at such stages of development must be included within the definition of “animal” unless otherwise justified to the AEC.

10. The ALC, PALS and Voiceless are supportive of the inclusion of a Category E member and submit that the inclusion of such a member may provide a significant level of insight into the routine care and husbandry of animals utilised by an institution as well as insight into the problems associated with the care and husbandry of certain types of animals. The inclusion of such a category of members may increase the wealth and depth of knowledge available to the AEC and provides a further objective insight and standard. To allow for flexibility, such a member can either be a staff member or facility manager provided that such a member has the appropriate knowledge. It is imperative, however, that the independence and objectivity of such a member must be maintained in circumstances where such a person will be an employee of an institution undertaking research. This independence is essential to preserve the integrity and proper functioning of Category C and D members and the balance of the AEC.

In addition to Category E members, the ALC, PALS and Voiceless submit that other categories of specialists could be included as observer members, without voting rights.

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<sup>8</sup> See *Prevention of Cruelty to Animals Act NSW (1979)* s4 “definitions”, s4(b) “a crustacean but only when at a building or place (such as a restaurant) where food is prepared or offered for consumption by retail sale in the building or place”.

<sup>9</sup> See for example, Advocates for Animals (2005), *Cephalopods and decapod crustaceans: their capacity to experience pain and suffering* (2005) <http://www.onekind.org/uploads/publications/cephalopods-decapod-crustaceans.pdf>; Stuart Barr, Peter R. Laming, Jaimie T. A. Dick & Robert W. Elwood (2007). “Nociception or pain in a decapod crustacean?”. *Animal Behaviour* **75** (3): 745–751; RSPCA, *What is the most humane way to kill lobsters and other crustaceans* [http://kb.rspca.org.au/What-is-the-most-humane-way-to-kill-lobsters-and-other-crustaceans\\_79.html](http://kb.rspca.org.au/What-is-the-most-humane-way-to-kill-lobsters-and-other-crustaceans_79.html)

Such persons could include lawyers, medical practitioners, statisticians etc. The inclusion of such members would increase the quality and amount of information provided to AECs.

11. The revised Code should include a guide regarding the longest duration of approval granted by an AEC before the submission of a new protocol or modification with a sufficient level of justification for an extension of time is required. The ALC, PALS and Voiceless submit that an appropriate maximum duration for a grant approval should be three years so as to allow the AEC to properly consider issues such as whether the research or teaching remains ethically and scientifically relevant and justifiable given the continuously changing and developing nature of science and ethics, a determination as to whether alternatives are available, an analysis of the effects and benefits of the research to date, the suitability of the animals to the research project and so forth. These issues can be determined having regard to research undertaken against the advances in science and welfare as well as changing societal and legal standards.

**12. Other matters**

- (a) Given the ever changing and developing nature of science, ethics and law, and given the primacy that the Code plays in the regulations of the use of animals in research and teaching, the ALC, PALS and Voiceless submit that the Code should be reviewed at intervals of no longer than five years.
- (b) The use of non-human primates should be significantly restricted to non-invasive studies.
- (c) Death as end point studies should be significantly restricted.
- (d) Predator-prey studies should be significantly restricted.
- (e) The ability of students to opt-out of animal studies for tertiary students should be strengthened.
- (f) The ALC, PALS and Voiceless recognise the Code's requirement that animals not be re-used without justification to the AEC and also note that reduction of animal numbers should be done in a manner that does not detrimentally affect an individual animal. Whilst the ALC, PALS and Voiceless fully support the reduction of animal numbers and refinement of procedures, the Code must ensure that animals are not repeatedly subjected to things such as painful procedures, stressors or confinement.

**Suggested Amendments**

In addition to the specific commentary above, the ALC, PALS and Voiceless make the following suggested amendments to the revised Code: -

| Section     | Suggested amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Definitions | <ul style="list-style-type: none"> <li>• “Adverse events” should be more clearly defined to include both <u>expected</u> and unexpected events that impact in any negative way upon the health, welfare and wellbeing of animal. Expected adverse events may include, for example, certain procedures that have a high mortality rates or complications arising from certain strains of animals such as immuno-deficient animals. It is imperative for AECs to be aware of the mortality and</li> </ul> |

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|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <p>impacts upon animals at all times in order for members to continuously reconsider whether the research is justifiable and relevant as well as for providing for proper and transparent record keeping.</p> <ul style="list-style-type: none"> <li>• “Must” should include the comment “breaches of which will be investigated and may be disciplined by the AEC and Institution”.</li> <li>• “Routine husbandry” should include a comment that such practices etc are defined with reference to current standards and guidelines.</li> <li>• “Should” should include the comment “Researchers should show justification when deviating from the strongly recommended components of the Code”.</li> </ul> |
| 1.1(i)    | “...using animals only when it is <u>satisfactorily</u> justified.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.2       | “..all decisions and actions <u>must</u> ...”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1.6(i)    | “the activity has <u>substantial</u> scientific or educational....will be <u>beneficial to human or animal welfare or increasing scientific knowledge with a view to increasing human or animal welfare</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1.8       | “...for a scientific purpose is <u>well</u> justified”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.11      | “Work that is of doubtful scientific validity <u>must</u> not be performed.... <u>unless significant justification has been provided to the AEC that such work may in the near future be scientifically valid and justifiable</u> ”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.15(i)   | “...application of the 3Rs <u>and disseminate any information that may assist with this</u> ”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1.15(iii) | “...communication and <u>enforceability</u> and ensure...clearly identifiable <u>and contactable.</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.18(ii)  | “...including <u>thorough</u> consideration and application of the principle of 3Rs.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1.22      | “...care and use of animals <u>must</u> ensure...”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.23      | “...replace the use of animals <u>must</u> be kept...”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.26      | “...design of the project and has been <u>specifically approved by the AEC...</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.34(v)   | “...in application <u>approved by</u> the AEC...”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1.35(vi)  | “using Death as an end-point <u>and predator/prey relationships...</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1.35(vii) | “the duration of activities <u>must</u> be no longer...Animals <u>must</u> not be held...”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2.1.7(vi) | “...animal facilities <u>and acquiring of animals for the purposes of establishing flocks, colonies etc.</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.1.8(ii) | “...required to deal with ( <u>delete unexpected</u> ) adverse events...”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.2.13(i) | “..one member from Category C <u>and D...</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.2.17    | “...required by Categories A to E. <u>These members must be observers only and not</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <u>have voting rights.</u> "                                                                                                                                                                                                   |
| 2.2.19        | "The Chairperson <u>must</u> either hold...The Chairperson <u>must</u> be an additional..."                                                                                                                                    |
| 2.2.20        | "The Chairperson <u>must</u> have the following skills..."                                                                                                                                                                     |
| 2.3.3(i)      | "...case that such use is <u>well</u> justified..."                                                                                                                                                                            |
| 2.3.3(ii)     | "...non-compliant activities, <u>including disciplinary actions</u> ".                                                                                                                                                         |
| 2.3.11        | "The AEC <u>must</u> ensure..."                                                                                                                                                                                                |
| 2.3.16        | "AEC procedures <u>must</u> cover the delegation..."                                                                                                                                                                           |
| 2.4.8(ii)     | " <u>extensively</u> consider the application....use of animals <u>with appropriate evidence of the consideration of the application of the 3Rs to be presented to the AEC</u> ".                                              |
| 2.4.1(iv)     | "...accept their role and responsibilities, <u>have a high level of competency in procedures being utilised (to be externally assessed by a qualified independent veterinarian) and have undergone appropriate training</u> ". |
| 2.4.37        | "...investigators <u>ensure, where possible, that a necropsy</u> ..."                                                                                                                                                          |
| 2.4.40        | "...unsuitable for the scientific purpose <u>and this has been demonstrated to the satisfaction of the AEC</u> ".                                                                                                              |
| 2.4.47(ii)(a) | "...achieve the aims of the project, <u>and this has been specifically addressed and evidence provided to the satisfaction of the AEC</u> ".                                                                                   |
| 2.4.47(b)(iv) | "other qualified person" should be specifically defined.                                                                                                                                                                       |
| 2.5.11        | "...animal carers must use humane procedures appropriate to the species and circumstances, <u>with specific regard to current standards and guidelines</u> ".                                                                  |
| 3.2.1         | "...that could have <u>any</u> negative impact..."                                                                                                                                                                             |
| 3.3.3         | "provision of <u>prompt and appropriate (including specialised care where necessary) veterinary clinical care</u> ..."(for example, where an animal is a less common species such as a non-human primate).                     |
| 3.3.16        | "...scientific purpose <u>must</u> be assessed..."                                                                                                                                                                             |
| 3.3.19        | "The Facility Manager <u>must where possible</u> ...of the scientific and teaching activities <u>or otherwise as soon as possible where such changes occur as a result of an emergency</u> ."                                  |
| 3.3.24        | "control environmental factors appropriately and <u>provide natural light and air where species appropriate and possible</u> ."                                                                                                |
| 3.3.26        | "...humidity, light and noise <u>must</u> be maintained..."                                                                                                                                                                    |
| 3.3.30        | "...and the AEC must be informed... <u>or otherwise as soon as possible where such changes occur as a result of an emergency</u> ."                                                                                            |
| 3.3.31        | "They <u>must</u> be used in consultation..."                                                                                                                                                                                  |

|                  |                                                                                                                                                                                                                                                            |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.3.37           | "...suitable for the species, <u>unless the research specifically requires the removal of water and this has been satisfactorily demonstrated to the AEC</u> ".                                                                                            |
| 3.4.3            | "Electroimmobilisation <u>must</u> not be used for restraint..."                                                                                                                                                                                           |
| 3.5.4            | "... <u>wherever possible and inline with current standards</u> ."                                                                                                                                                                                         |
| 3.5.6            | "Animals <u>must</u> be killed in a quiet..."                                                                                                                                                                                                              |
| 3.5.11           | " <u>Wherever</u> practicable..."                                                                                                                                                                                                                          |
| 3.6.3            | "...should not be used <u>unless justified to the satisfaction of the AEC</u> ".                                                                                                                                                                           |
| 3.6.4            | "...the application to the AEC <u>must</u> describe those differences..."                                                                                                                                                                                  |
| 3.6.5            | "...frequency of monitoring <u>must</u> be provided"                                                                                                                                                                                                       |
| 3.6.6            | "...consideration <u>must</u> be given"                                                                                                                                                                                                                    |
| 3.7.1            | "...sedatives <u>must</u> , form part of a plan..."                                                                                                                                                                                                        |
| 3.7.12           | "Procedures <u>must</u> be performed using recognised standards..."                                                                                                                                                                                        |
| 3.7.13           | "...the investigation <u>must</u> be used."                                                                                                                                                                                                                |
| 3.7.14           | "The methods used <u>must</u> be those that minimise..."                                                                                                                                                                                                   |
| 3.7.59           | "Painful or noxious stimuli <u>must be avoided unless significant justification is provided to the AEC</u> ..."                                                                                                                                            |
| 3.7.63           | "...severity of side effects <u>must</u> be minimised by..."                                                                                                                                                                                               |
| <u>new</u> 3.8.5 | "Consideration must be given to the ability of the animals to be released into the wild taking into account and policies of State and Territory authorities, potential threats to wildlife and the ability of the captive animal to survive upon release". |
| 3.9.3            | "Opportunities to re-home animals <u>must</u> be considered..."                                                                                                                                                                                            |
| 3.9.6(i)         | "...unless the AEC and <u>any relevant State or Territory authority (if applicable)</u> has approved their."                                                                                                                                               |
| 3.9.7            | "...in accordance with the requirements of the Code <u>and having regard to current best practice</u> ."                                                                                                                                                   |
| 4.3.3(v)         | " <u>immediately</u> arrange treatment of any ill..."                                                                                                                                                                                                      |
| 4.4.6(iv)        | "production of nutritional deficiency (delete to an extent that causes distress)"                                                                                                                                                                          |

Yours faithfully



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