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Submitted to Survey: Australian code for the care and use of animals for scientific purposes
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Individual or institution?

1 Are you responding as an individual or on behalf of an institution?

On behalf of an institution (Skip to question 7)

About your institution

7 What is the name of your institution?

Name of institution:
Animal Defenders Office Inc.

8 What type of institution or organisation are you responding on behalf of?

Type of institution:
Other

If 'Other', please specify below:
Community Legal Centre

Survey questions

9 What are the CRITICAL issues that should be addressed during the review of the Code?

critical issues with the 8th edition of the Code:

DEFINITIONS

- 'Humane killing': the use of the term 'humane' in this key phrase is misleading and should be avoided. Methods such as exposing an animal to carbon dioxide (CO₂), cervical dislocation, or decapitation inevitably involves some degree of pain and/or distress. Using a term such as 'humane' in this context is an example of 'humane washing'. It obscures the fact that taking the life of a sentient being is a negative welfare outcome, ie inhumane, in and of itself, as no animal wants to die. An alternative phrase that focuses on the methodology (low pain, high speed) rather than the moral value judgment of 'humaneness' or kindness should be used such as 'painless killing' or 'rapid killing/termination' or 'swift termination', 'controlled swift death'.
- 'Vertebrate pest animals': use of the term 'pest' should be avoided as it is pejorative, can involve moral value judgements, and is vague in both a practical and legal sense. Neutral terms such as 'introduced' or 'non-native' animals should be used instead. Where it is used to refer to a legal classification, such as in cl 3.3.43, it should be used in quotation marks (eg 'pests'), or not defined and its dictionary meaning relied on as for the term 'feral' (cl 3.3.44).

GOVERNING PRINCIPLES—3Rs

- The Code should clearly prioritise REPLACEMENT in the 3Rs (cl 1.1(v) and cl 1.18ff). It should be clearly stated that the goal is to phase out the use of animals in all research except where it benefits the individual animal or their species.
- In relation to the mandatory requirement to consider replacement techniques (cl 1.19), researchers should be required to demonstrate actual evidence of having researched replacement alternatives. Too often researchers use standard words to assert that no alternative exists and that they will continue to monitor the relevant literature. Researchers should be required to cite a minimum number (eg 3) of recent articles on the issue of alternatives relevant to their research that they have consulted and/or at least one 'New Approach Methodology' ("NAM").
- The mandatory requirement to continue to review opportunities to replace the use of animals during a project (cl 1.20) should be supported by a requirement to cite in annual and final reports a minimum number (eg 3) of recent articles on the issue of alternatives relevant to their research and/or at least one NAM.
- Re 'reduction', the Code currently states that '[b]reeding animals must be managed to avoid or minimise the production of excess animals' (cl 1.27). The reference to 'minimise' should be removed from this principle. Breeding excess animals is unacceptable in 2026 and must be actively discouraged and ultimately phased out.
- An institution's responsibility (cl 2.1) should include committing the institution to replacing the use of animals for all research except wildlife studies or studies that primarily benefit the individual animal. This could include a regular requirement to monitor, review, and report on the institution's efforts to replace animals.

10 Are there any CRITICAL gaps in the guidance provided in the Code?

Critical gaps in the Code:

ANIMAL SENTIENCE

- The Code must clearly acknowledge animal sentience. It does implicitly already (eg cl 1.10). The new Code should adopt wording such as in the Animal Welfare Act 1992 (ACT) section 4A(1) (<https://www.legislation.act.gov.au/a/1992-45/>).
- The new Code must commit to phasing out 'death as an endpoint'. Clauses such as 1.13 and 3.1.28 of the Code, which allow 'death as an endpoint' where it is 'essential for the aim(s) of the project', should not be replicated in the new Code. Similarly, the new Code should not allow projects that involve animals experiencing pain and distress that will not be alleviated, meaning that cl 3.1.19 of the Code should not be replicated.

- The term 'humane' should be removed from the phrase 'humane killing', as their life is important to any sentient animal. As suggested earlier, alternative phrases that focus on the methodology (low pain, high speed) should be used instead. The term 'humane' should therefore be removed from the Code's guidance on 'humane killing' in cl 3.3.45. In this clause, the words 'be humane and' should simply be removed from the chapeau. It is not necessary and the clause functions perfectly without this 'humane washing'.

REHOMING

- Institutions should be required to have policies and procedures dealing with rehoming research animals. This should be added to the list of policies and procedures specified in cl 2.1.5(iv) in the Code.
- Investigators should be explicitly required to consider rehoming animals as part of their responsibilities (cl 2.4.4) and to report on their efforts to rehome animals (cl 2.4.34). This is necessary both as an animal welfare issue, but also to change the culture in institutions where rehoming animals who survive the laboratory is not considered.
- Applicants should be required to provide information on rehoming options in the application form to commence a project (cl 2.7.4). Applicants should be required to outline what prospects for rehoming animals have been considered, and if rehoming is considered not possible, the reasons for this assessment.
- The current sections on rehousing (rehoming) in Chapter 3 (cl 3.4.2–3.4.3) are a good start but not sufficient to change institutions' and researchers' awareness of and attitudes towards rehousing. From the experience of our nominated Category C members, it is too easy for institutions to ignore the rehousing option or to dismiss it under a blanket excuse such as 'all our animals are genetically modified'. Institutions should be required to have a policy on rehousing and be required to report on progress they are making towards encouraging and facilitating rehousing. Researchers should be required to report on active consideration of rehousing opportunities for their animals.

WILDLIFE OBSERVATION STUDIES

Clause 1.32 of the Code needs to be more flexible when it comes to wildlife observation studies. As currently worded, it may exclude results from observations resulting from 'citizen science' or the use of passive equipment such as cameras that may not have been considered by the AEC. A strict interpretation of the current clause can result in valuable, and often unrepeatable, observational data being disallowed, thereby wasting potential benefit to animals or the environment. A limited form of 'retrospective' approval by the AEC in tightly specified circumstances should be allowed. This also applies to clauses such as cl 2.4.13.

11 What approaches used in the Code work well?

What works well in the Code?:

No comment.

12 What approaches used in the Code do NOT work well?

What does not work well in the Code?:

The Code uses too much 'soft' guidance which undermines its value in setting standards. 'Soft' guidance leaves too much discretion to individual institutions, which can inhibit meaningful culture change and/or a shift towards phasing out animal-use in research (other than wildlife studies).

By way of example, the Code states that 'Breeding of animals must be managed to avoid OR MINIMISE the production of excess animals' (cl 1.27, emphasis added). The words 'or minimise' completely undermine the obligation that the production of excess animals 'must' be avoided.

Similarly, the Code states in relation to rehousing animals that 'Opportunities to rehome animals should be considered WHEREVER POSSIBLE...' (cl 3.4.2, emphasis added). Words such as 'wherever possible' allow an institution to ignore the 'strongly recommended' (as indicated by the word 'should') component of the Code.

13 Are there any other comments that you would like to make?

Other comments:

USE OF ANIMALS ONLY WHEN JUSTIFIED

- Clause 1.6 stipulates when 'projects must only be undertaken' and includes 'to improve animal management or production' (1.6(iii)). The reference to animal production should be removed. Animal use for research should not be permitted where the end goal is the greater exploitation of animals for the benefit of humans.

- Researchers should be required to be very clear if their proposal is about finding solutions to specific ailments or conditions (ie applied or pre-clinical research), or about understanding fundamental biological, physiological and genetic processes (ie basic physiological research). This can make a huge difference in the assessment of the research value of the proposal and the utility or relevance of the proposed animal model.

AEC MEMBERSHIP

- Membership requirements should be clarified regarding Category C members in cl 2.2.4 (iii) of the Code to exclude persons who are employed by or otherwise associated with government agencies engaged in the promotion of animal industries. By way of example, a veterinarian from the Australian Department of Agriculture should not be able to join as a Category C member, given that Department's role in promoting animal exploitation industries such as the live export of animals. This undermines the credibility and integrity of an AEC. This could be achieved by defining 'animal welfare organisation' or expanding the Category C guidelines to specify the person is not employed by or otherwise associated with an entity engaged in promoting or supporting animal use industries.

- The new Code should specifically allow institutions to appoint to the AEC a person to advise on replacement alternatives (cl 2.2.5-6).

- The new Code should strongly encourage that external members of an AEC (eg Categories C and D) be adequately remunerated for their time spent on AEC duties. Participation in an AEC is very time consuming. Allowances should be approved by an external entity such as the jurisdiction's remuneration

tribunal. This would ensure they are fair and avoid payments varying from institution to institution and even within the institution depending on its own budget vagaries.

HATCHING PROJECTS

The new Code should clarify that use of animals for hatching projects in schools is not an acceptable teaching activity due to the immediate and lifetime welfare impacts on the animals including the chicks and adult roosters who are inevitably produced by these projects. The use of eggs and live animals in these projects is not essential to achieve an educational outcome in science. These projects should therefore be included in the list of activities not to be carried out by primary or secondary level students as specified in cl 4.6 of the Code.

COSMETIC TESTING

The Code states that '[t]he use of animals for cosmetic testing is banned in Australia' (p 85). Is it? Where is this ban specified ie in what legislation? This assertion should be supported by relevant references or amended to better represent the situation in Australia ie to clarify that animals are not USED for cosmetic testing in Australia (which is different from the practice actually being banned), and then refer to recent reforms regarding new animal test data only as per the dot points under the heading 'Background' on p 87 of the Code.

ENFORCEABILITY

Compliance with the Code should be mandatory. The new Code should encourage jurisdictions to give it legal effect in a uniform manner.

TRANSPARENCY AND ACCOUNTABILITY

Institutions must be required to publish meaningful data about their use of animals for research so that the public can find out important information such as how many animals are used each year in the various areas of research (eg biomedical, wildlife), what was the fate of those animals, and how many animals were rehomed at the end of a project.