



## Department of Primary Industries

### ANIMAL RESEARCH REVIEW PANEL

#### Ethical Decision-Making Webinar : Tuesday 8 November 2022

The introduction to the [Australian Code for the Care and Use of Animals for Scientific Purposes](#) (the Australian Code) states that its purpose is to promote the ethical, humane and responsible care and use of animals for scientific purposes”, underpinned by “an obligation to respect animals”? What does respect for animals mean? And how should this guide the decisions of AECs and others involved in the care and use of animals? During the webinar, we heard from three presenters who explored ethical decision making, how it shapes an AEC's responsibilities and guides an AEC's decisions to ensure that the care and use of animals for scientific purposes is ethically acceptable, whilst balancing the potential effects on the wellbeing of the animals involved with the potential benefits to humans, animals or the environment.

**Below are a series of questions and answer arising from the webinar:**

<b>What is your definition of 'ethics'?</b>	
<b>Dr Jane Johnson</b>	Defining ethics is a big and in some senses tough question. In fact the philosopher Bob Fischer who edited the Routledge Handbook of Animal Ethics says it is so difficult he doesn't even attempt it when he is teaching ethics! So instead I will focus on answering the more limited question of defining animal ethics. Animal ethics is about examining the relationships between humans and other animals. It is concerned with normative questions about how humans ought to engage with and treat nonhuman animals. Basically animal ethics focuses on how we should behave towards nonhuman animals and what we owe to animals.
<b>Dr Tony Rowe</b>	I use the definition from The Code i.e. Ethics: a framework in which actions can be considered as good or bad, right or wrong. Ethics is applied in the evaluation of what should or should not be done when animals are proposed for use, or are used, for scientific purposes.
<b>Ms Tara Ward</b>	In short, ethics could be defined as how we should behave, and what makes an action right or wrong. That is why I think it is disappointing that the language of ethics has been appropriated in the context of animal experimentation that many would argue is intrinsically unethical i.e. using sentient animals for research without their consent. As we don't do this to humans, doing so to sentient non-human animals is an example of speciesism which is fundamentally unethical.
<b>What is your view on animal capture during field fauna studies, particularly during breeding season?</b>	
<b>Dr Jane Johnson</b>	I'm answering this from the perspective of someone who works in ethics, so I don't know what the scientific or practical rationale for this might be, but it does appear as though it is the kind of action that might stress and cause harm to the individual animals captured and also have impacts on their conspecifics and the environmental context in which they live. Given this disruption and potential for harm, I would think that there would need to be a very strong justification for doing this.

<b>Dr Tony Rowe</b>	The appropriateness of capturing animals during field fauna studies is dependent on the project and species involved. Some research aims can only be achieved by capture and release of animals. Examples include tagging individuals to estimate population size, blood and/or tissue sampling for genetic/omics analysis, and swabbing (e.g., oral swabs, faecal swabs) for other indications such as health and parasitism. Observation only and collection of environmental samples can provide some information but may not be sufficient for the specific research aims.
<b>Ms Tara Ward</b>	If the capture can be classified as minor interference or if it is part of a minor conscious procedure then it may be acceptable, depending on the research goal (e.g. to benefit the animals' species or the animals themselves). Similarly, if animals are being captured to be part of a breeding program to benefit the species and the animals will ultimately be released back into the wild, that may also be acceptable if the animals have a good quality of life while they are in captivity. Capturing should avoid breeding seasons due to the inherent risks to the welfare of mothers and their young.
<b>What is your perspective on conservation-focused research that primarily uses wild animals, in the field, with the aim of better conserving their populations, particularly where very low impact methods are used? Should we aim to phase out this type of research?</b>	
<b>Dr Jane Johnson</b>	Often the focus of discussions about animal research and many of the worries raised about it have to do with the more invasive protocols in research intended to have medical applicability to humans. Conservation based field research does seem relatively benign when compared to these biomedical protocols, though it is still important to carefully consider the ethical issues around such research. There can be unintended and adverse impacts of field research, even when it is motivated by conservation goals. For instance, devices used to monitor animals may impact on their functioning and well-being.
<b>Dr Tony Rowe</b>	Applying Replacement, Reduction and Refinement (the 3Rs) at all stages of animal care and use is one of the governing principles of The Code. Refinement of techniques minimises the adverse impact on animals and enhances animal wellbeing. Many AECs would likely approve projects which are using very low impact methods for conservation of wild animal populations.
<b>Ms Tara Ward</b>	I support research involving wild animals that is observation only, or that involves minor interference or procedures, provided the research goal is to benefit the species or the individual animals and individual animals or family groups are not harmed (other than minor interference considered on a case-by-case basis).
<b>Have you witnessed any significant disagreements between AEC members in making a decision on a research application? If so, can you comment on how it was resolved, and the effectiveness of formal procedures for resolving these sorts of disagreements?</b>	
<b>Dr Jane Johnson</b>	I have been an AEC guest observer and haven't witnessed any significant disagreements, but that may have been influenced by people knowing there was an 'outsider' in the room.
<b>Dr Tony Rowe</b>	AEC membership is broad by design so significant disagreements can occur. Section 2.3.11 of The Code advises decisions should be made on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the AEC should explore with the applicant(s) ways of modifying the project or activity that may lead to consensus. If consensus is still not achieved, the AEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion.

<p><b>Ms Tara Ward</b></p>	<p>Our AEC has not had to resort to formal procedures for resolving disagreements. The example I gave in the presentation of disagreeing on a substantive proposal in a fauna study was an example of disagreement amongst committee members. The disagreement was more or less about whether the concerns being raised were outside the committee's remit. In the end we all met somewhere in the middle and agreed on restrictions to put on the committee's conditional approval of the project e.g. shorter duration, increased reporting requirements, need for a pilot study etc.</p> <p>On another occasion, the committee disagreed over a question of animal management. We held out-of-session meetings to try to resolve the issue in dispute. In the end we took a vote with the Chair having the deciding/casting vote. Because we had gone through the issue so comprehensively and decided to vote as a last resort, everyone accepted the outcome.</p>
<p><b>What is the role of the Chair or and/or examples of committee meeting strategies that you have found valuable in encouraging equal contributions from all AEC members in deliberations?</b></p>	
<p><b>Dr Jane Johnson</b></p>	<p>It is really important to establish good practices right from the beginning. If good practices are established early on these gather their own momentum and a positive dynamic is fostered, whereas, for instance, if someone does not develop the habit of contributing, they become less and less likely to do so over time.</p> <p>A Chair should seek to ensure all voices are heard. They can do this by inviting Category C and D members (who are the members likely to contribute less) to be the first to respond to a protocol. A Chair should carefully monitor discussions and people's reactions, including attending to body language that indicates someone might want to contribute but isn't necessarily comfortable intervening in the discussion. The Chair can then take the opportunity to ask if the member would like to contribute. It can also be helpful as discussion is wrapping up for a Chair to invite anyone who has not yet spoken to do so, or to explicitly solicit final comments from Category C and D members.</p> <p>A Chair should also insist on plain language in applications and the discussions of protocols, so that these are not alienating for those who don't have scientific expertise.</p> <p>People should be treated respectfully and not talked down to or patronized. People should not be permitted to talk over others but to listen to what is said and then respond. The views of everyone should be taken seriously. A Chair might even consider helping a Category C or D member clarify their point to make sure it is made in such a way that others can understand what they are concerned about and enable everyone to engage meaningfully with the point.</p> <p><u>Note:</u> In addition to one of the responses I gave to a question in the webinar : I don't think it should be up to Category C and D members to keep ethics on the agenda in the way I might have suggested. These are the members with the least power in committees. Institutions should demonstrate they value ethics in how they support committees, and chairs have a particular responsibility to ensure the focus remains on ethical issues.</p>
<p><b>Dr Tony Rowe</b></p>	<p>A meeting strategy which encourages thorough preparation and equal contributions from all AEC members is for the Chair to go through a list of all members present and individually invite each member to comment as each item in the meeting agenda is discussed. The order of the member list should be changed after each agenda item.</p>
<p><b>Ms Tara Ward</b></p>	<p>Our Chair is rigorous in ensuring that every member is given an opportunity to comment on protocols or issues by calling each member's name in random order. Giving all members advance warning of issues in upcoming meetings is also useful, to enable committee members to consider any issues before the meeting rather than having to form and articulate views on the spot.</p>

**Currently ethical decision-making is largely based on the harm (to animals) compared to benefit (to humans) model - do you think there are other models that are acceptable and scientifically rigorous?**

**Dr Jane Johnson** | I agree with the question, that ethical decision-making in many areas involving animals (not just research), weighs up the harms to animals compared to the benefits to humans. I think it is an appealing approach for many people as it seems to make ethics into a kind of calculation that has a correct answer, and it permits the use of animals for human purposes, generally provided certain limits are in place. I do, however, think there are other possible models that are robust and could be appealed to in addressing the ethics of animal research. So, for instance, if we look to how human research ethics is often talked about, we generally don't think that it is okay to balance the harms to one group against the benefits to another. This conflicts with a basic principle of justice that has been central to the development of human research ethics since the Belmont Report (incidentally one of the authors of the Belmont Report, Tom Beauchamp, co-authored the 6 principles I outlined as part of the talk). Other ideas from human research ethics that could be made applicable to the animal setting include special protections for vulnerable groups. The dependency of many animals on humans in research make them vulnerable in a similar way to children, people in institutions and so on, and these groups do have special protections that follow from their vulnerability.

**Dr Tony Rowe** | The harm to animals vs benefit to humans model applies most frequently to medical research. Other purposes for animal research include understanding animal biology, maintenance and improvement of animal health/welfare (e.g. grimace scales) and environmental studies (e.g. species identification, estimating population sizes, conservation). Any adverse impacts in these projects are balanced against other benefits such as improved animal population health/welfare and species conservation. Regulators recognise these purposes as acceptable and rigorous.

**Ms Tara Ward** | In the context of scientific research, the same ethical decision-making model should be adopted in relation to both human and non-human animal research. That is, the two themes of 'risks and benefits of research' and 'participants consent' should apply to both. There is no ethical justification for applying these themes to one (humans) and not the other (non-humans). As we have mechanisms in place for human subjects with insufficient mental capacity to provide consent, these could also be used for non-human subjects who cannot themselves provide consent. These principles and mechanisms are outlined in NHMRC's *National Statement on Ethical Conduct in Human Research* (2007; updated 2018).

**What advice would you give those managing a colony where the mice have some issues with breeding?**

**Dr Tony Rowe** | Options include the following;

1. Ensure the health status and breeding performance records recommended in section 2.5.13 of The Code are being collected to allow epidemiological investigation within the facility.
2. Ensure prospective (subclinical infections) and retrospective (clinical cases and post-mortems) health monitoring is in place to maintain optimal population health.
3. Compare breeding performance with that from any external source of the same mice e.g. replacement breeders

<b>Do you have any book recommendations for general reading for community members interested in learning more about animal ethics and animal decision-making?</b>	
<b>Dr Jane Johnson</b>	<p>Tony Milligan's book 'Animal ethics: The basics' is a good and easy to read and introduction to animal ethics. It also has a nice glossary at the back explaining some of the key concepts used in animal ethics. (Milligan, T. (2015) <i>Animal Ethics: The Basics</i>, New York: Routledge).</p> <p>And for a quite different view to the more standard approaches to animal ethics I really like Lori Gruen's short and accessible book 'Entangled empathy' (Gruen, L. (2015) <i>Entangled Empathy</i>, New York: Lantern Books).</p>
<b>Dr Tony Rowe</b>	<p>Predictably Irrational: The Hidden Forces that Shape Our Decisions by Dan Ariely</p> <p>Blind Spots by Max H Bazerman &amp; Ann E Tenbrunsel</p> <p>Think Again by Adam Grant</p> <p>Thinking Fast &amp; Slow by Daniel Kahneman</p> <p>The Power of Ethics: How to Make Good Choices in a Complicated World by Susan Liataud</p> <p>Merchants of Doubt: How a handful of scientists obscured the truth on issues from Tobacco smoke to global warming by Naomi Oreskes &amp; Eric Conway</p> <p>Justice by Michael Sandel</p> <p>The Immortal Life of Henrietta Lacks by Rebecca Skloot</p>
<b>Ms Tara Ward</b>	I endorse Dr Johnson's recommendations.
<b>What is your opinion on the potential for funding to influence ethical decisions? Regardless of whether you have experienced or have advice on when a committee may have questions over the scientific validity of a project, yet it may be funded by NHMRC or ARC - who don't consider ethical concerns in the broader assessments of applications. And as such, there may be pressure to focus only on welfare issues?</b>	
<b>Dr Jane Johnson</b>	<p>There are a couple of issues here. The way in which applications are assessed for funding before having ethics review does mean there is a potential for an AEC to feel it is not their role to challenge research or ask for significant changes to protocols that have received external support. External funding is increasingly difficult to secure and there is prestige for institutions whose researchers secure this funding, so that there may be a perception that an AEC should not 'interfere' with the research going ahead as proposed. There are also issues around the appropriate scope of the deliberations of AECs. AECs should be assessing the ethical issues related to animals, including their welfare and wellbeing, particularly when this is not considered by funding bodies. But AECs should also be assessing other relevant features of the application including merit and social value, as this is part of appropriately assessing whether an application is justified. However, the way information is presented in an application and the expertise of committee members may make it difficult to do this well.</p>

<b>Dr Tony Rowe</b>	Applying high standards of scientific integrity is a governing principle of The Code. Section 1.15 states 'Regardless of the potential benefits of a project, the methods used must be scientifically valid, feasible, well designed and carefully conducted so that there is a reasonable expectation that the aims of the project will be achieved. Projects that are not scientifically valid must not be performed, no matter how mild the impact on the wellbeing of the animals.'
<b>How is consistency of decision-making achieved between AECs? While the Code guides all decisions, there would still be room for objectivity. How that is objectivity managed when each AEC acts independently?</b>	
<b>Dr Jane Johnson</b>	The Code can be interpreted in different ways by different committees who will balance and value things differently. The same protocol may be assessed differently by a different AEC, or even the same AEC at a different point in time. Some research has been undertaken that shows this, however because of a lack of transparency it is difficult to know the reasons for this divergence.
<b>Dr Tony Rowe</b>	Maintaining objectivity and consistency between AECs is challenging because even AEC members from the same category have different backgrounds and experience, and the interactions between members on independent committees are different. A similar problem occurs for other independent decision-making bodies such as juries and sporting judiciaries/tribunals.
<b>Ms Tara Ward</b>	I'm not sure that consistency between AECs is a goal or desired outcome given that there are so many variables between AECs eg membership, institution, type of research projects, etc. If consistency on any particular issue is desired then the state or territory government should introduce legislation that applies to all research institutions in the relevant jurisdiction in relation to the particular issue eg mandate consideration of certain issues or outcomes.