

# **Transparency and Animal Research Regulation: An Australian Case Study**

Siobhan O'Sullivan \*

## **Introduction**

This paper focuses on transparency in Australian animal research policy. For the last three decades the rhetoric from those who engage in, and those who regulate, animal research, has asserted the need for the practice of animal experimentation to be more transparent and open to the public and objective scrutiny. From the perspective of both animal researchers and the government transparency is thought to be helpful in garnering public support for animal experimentation, particularly in the face of attacks from animal rights advocates. This position has been adopted by researchers and regulators despite animal rights advocates considering it morally unacceptable to use animals as a means to human ends, regardless of potential medical benefits. Underpinning the approach taken by researchers and the state is the notion that opposition to animal research is partly a result of public ignorance. It is thought that if more people understood the scientific process, their opposition to animal experimentation would dissipate. An enquiry by the Australian Senate Select Committee into animal experimentation found that it is important for research institutions to be "open and forthcoming" about their animal use.

This paper seeks to examine the extent to which the research sector has addressed transparency concerns. I argue that the animal research community has not adequately increased its level of public accountability, nor have policy makers imposed legislative changes upon the research community that achieve that end. At the same time, public concern over the use of animals in research is significant. Using original survey data, this paper contends that although the majority of those surveyed stated they are either "very concerned" or "somewhat concerned" about animal research, community understanding of animal-based research is poor. These findings suggest that the animal research community has failed to "open the laboratory door" in a meaningful way. However, it is also argued that it is not self-evident that enhanced transparency is in the best interest of any particular stakeholder. The animal rights claim that animal research should be abolished, not made transparent aside, this paper addresses the debate on its own terms and as it unfolds within many sectors of the research, animal advocacy, and policy making communities.

## **The Argument in Favour of Transparency in Animal Research Policy**

A great deal of ink has been spilt over the issue of transparency and the use of animals in research. The issue may be couched in different ways. Some speak of holding the research community accountable for their actions. Others refer to the issue in terms of providing the public with the information they are rightfully entitled to by virtue of tax-based funding of research. Some speak of educating the public about the benefits of animal-based research, and still others think of the issue in terms of protecting the interests of research animals through public debate and enhanced awareness, including bringing about an end to animal experimentation by exposing its reality to a largely ignorant public. However, regardless of the terminology employed, or the perspective from which the issue is approached, transparency has been at the centre of the animal research debate in Australia and elsewhere for the last thirty years.

The tussle over transparency in animal research has engaged all three stakeholder groups: those who oppose the use of animals in research, those who make their living from animal-based research, and public policy makers who mediate the two. Relations between animal advocates and animal researchers have been likened to a state of war (Pifer, Shimizu and Pifer 1994) and in many ways that is an apt description. However, survey work into attitudes held by both animal researchers and animal advocates, suggests that on some issues the views held by the two groups are not dissimilar (Paul 1995), and that when it comes to the question of increased transparency, according to the rhetoric employed by both camps, there appears to be a level of consensus. Both researchers and activists appear to believe that enhanced transparency is in their own best interest, and raising the level of transparency is a goal to which both parties claim to aspire. Policy makers have also encouraged animal research institutions to move in that direction. In the following section, I examine the conflicting attitudes towards enhanced transparency in the animal research sector, and consider the reasons why each group may consider transparency to be in their own best interest.

### Animal Advocates

Although trends within each stakeholder group are observable, it is important to note that no one interest group is a homogenous entity and different views do prevail. For the purpose of this article the most diverse stakeholder group involves those who oppose the use of animals in research. In *Rain Without Thunder: The Ideology of the Animal Rights Movement* (1996), American legal theorist Gary L. Francione argues that the animal protection movement may be broken up into three component parts: old welfarism, new welfarism, and animal rights. According to that classification, old welfarists seek merely to minimise animal suffering within laboratories, factory farms, and elsewhere, without challenging the institutions of exploitation themselves. New welfarists, in contrast, advocate a rights view in theory, but in practice they work only to reduce animal suffering, not abolish it. True animal rights advocates, however, pursue abolitionist philosophy and tactics, as they seek the end of all forms of animal exploitation. The animal rights position includes an unwillingness to compromise the rights of individual animals in pursuit of a reformist agenda (Francione 1996). In Australia those who subscribe to either a new welfarism or to an animal rights position express the strongest opposition to animal research. Proponents of both the new welfarist and the animal rights views consider enhanced transparency important in progressing their agenda as many believe that enhanced transparency will result in greater opposition to animal research.. However, those who hold to an animal rights position are likely to pursue transparency as an aid to achieving the abolition of all animal-based research. Whereas other segments of the animal protection movement may consider it sufficient to use enhanced transparency as a tool to achieving better conditions within laboratories, or a reduction in the number of animals use.

The concept of enhanced transparency does not sit entirely comfortably with an animal rights (abolitionist) philosophy. However, at least some within the animal rights community support the notion of enhanced transparency. Claudette Vaughan, editor of the animal rights journal *The Abolitionist-Online*, stated that "I know calling for transparency is not abolitionist however exposing light into dark places is the first step and that feature alone scares the "other side" (personal communication, May 17, 2006). Animal activists who adhere to strict animal rights principles are unlikely to be willing to participate in the regulatory system, and enhanced

transparency may be something they pursue via direct action, including infiltrating research laboratories. By contrast, those animal advocates who may best be described as new welfarist, may support enhanced transparency both via direct action and also by working with the state to enhanced transparency as part of the regulatory system. The concepts discussed in this article which relate to the debate concerning enhanced transparency in the animal research regulatory system therefore deal most closely with new welfarist animal advocates.

Animal advocates -- that is, people who actively seek to influence the manner in which humans and nonhuman animals may lawfully interact -- appear to be strongly in favour of knowing as much detail about animal research as possible. In this case the word "detail" does not mean to suggest animal activists are content to learn about animal research practices through journal articles authored once a research protocol is complete. Rather, animal advocates are keenly interested in knowing what experiments are being approved, by which institutions, and for what reason. They do not wish to access the information after the fact, but rather in a timely manner, preferably prior to the protocol's commencement.

Animal advocates are also interested in learning who makes the decision to approve research, why scientists believe the research should be carried out, what species of animals will be used, and how the animals will be affected. Importantly, animal advocates also appear to want to know how the animals are treated while in the laboratory and what will happen to the animals once the protocol is complete. The detail of how a procedure is carried out is often of greater interest to the animal advocate than the aim of the protocol or the research findings. As one observer argued, animal advocates tend to be focused on the animals' suffering, whereas animal researchers tend to prioritise the benefits that may flow from their research project (Paul 1995).

In October 2002 New Zealand Greens MP, Sue Kedgley, speaking in her capacity as Green Party Animal Rights Spokesperson, delivered a paper at a seminar hosted by the New Zealand Animal Rights Legal Advocacy Network in which she effectively captured many of the sentiments commonly expressed by animal advocates who campaign in opposition to the use of animals in research. Advocating increased public transparency, she stated that:

[E]ach year scientists and researchers in New Zealand carry out all manner of experiments, including cloning and genetically engineering animals, on about 300,000 animals a year. Of those 300,000 over 17,000 of these animals are subjected to severe or very severe suffering.

But we, ordinary New Zealanders, or even someone like myself who is an MP [Member of Parliament] representing the public interest, have absolutely no idea what actual experiments are conducted on these 300,000 animals, or why. What happened to the 300 horses or 300 odd cats who were experimented upon last year? Did we really need to use 300 horses and 300 cats?

And was it really necessary to subject 17,265 animals to severe or very severe suffering?

We ordinary New Zealanders, have no idea because all the meetings of the Animal Ethics committees [AECs] which approve experiments are conducted in secret – their meetings are not advertised, and members of the public cannot even obtain copies of the agendas or minutes of their meetings - much less the details of the experiments they approve, or the reasons for the research and experimentation.

The public cannot even find out who are members of Animal Ethics committees – even members who are supposed to be representing the public (Kedgley 2002).

However, the animal protection community's concerns over insufficient transparency do not begin and end with the application process. Animal advocates want to see what takes place in laboratories, and they want the public to understand the reality of animal cruelty brought about by scientific research on animals.

In 1996 independent filmmaker Zoe Broughton worked as a laboratory technician for Huntingdon Life Sciences (HLS) in the United Kingdom (UK). She took the position in order to secretly film conditions inside the laboratory. Her footage resulted in two technicians being charged with "cruelly terrifying dogs." Broughton's is a well-known case because the resulting footage was widely distributed (Broughton 2001:31). However, animal groups regularly put time, energy, and expense into obtaining footage and information from inside laboratories. At the same time Broughton worked at HLS UK, HLS laboratories in the United States were also being infiltrated by People for the Ethical Treatment of Animals (PETA) (Broughton 2001:31). Recently PETA Europe also obtained footage from inside Germany's Covance Laboratory. However, in both PETA cases the results have not been as widely publicised because of legal action initiated once the infiltrations were uncovered (Broughton 2001:31 and Covancecruelty 2005).

Not all animal protection groups have the means or expertise to gain access to research facilities, but many feel such activity is necessary in order to bring about greater transparency in animal research. The British Union for the Abolition of Vivisection (BUAV), an influential anti-animal research organisation, states on their web site:

The animal research industry is responsible for the deliberate infliction of pain, suffering, distress and death on billions of animals every year around the world. By its very nature, it is an industry that remains closed to public scrutiny. It operates behind closed doors and in secrecy.

The BUAV, in its determination to break through this secrecy, not only pioneered the use of investigative work in the UK but also, at an international level, leads the field with its expertise to expose the plight of laboratory animals (BUAV nd).

Similarly, in Australia, the organisation Animal Liberation New South Wales (NSW) carries a message on its web site claiming:

Hundreds of thousands of animals are used in experiments each year in NSW - including pain experiments and poisons testing. But the details are hidden behind a veil of secrecy. And despite serious breaches of the Act, no researcher has ever been prosecuted under it! Why not???

Most teaching and research are funded by taxpayers' dollars. The taxpayers have a right to know how their money is being spent - and that legal requirements are being met (Animal Liberation NSW 1999).

The animal advocates cited above all agree that achieving enhanced transparency is important in advancing their agenda of protecting animals against the harms they suffer when used in research. To this group, the concept of transparency implies revealing to the world the conditions under which animals live and die in research laboratories.

### Animal Researchers

Influential sections of the animal research community also argue that there is a need for enhanced transparency. Following Sue Kedgley's speech in 2002, the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART), whose mission statement is to "provide leadership in developing community consensus on ethical, social and scientific issues relating to the use of animals in research and teaching" (ANZCCART nd), convened its 2003 conference in Christchurch, New Zealand. The conference was titled *Lifting the Veil*, and following the meeting a press release was issued which stated that delegates had recommended that:

- o increased transparency of animal research and testing procedures would be of value to the public, and that more information should be provided as long as such disclosure does not compromise personal safety of scientists. The preferred means for providing this information is by publication of a plain language summary of all research projects approved by animal ethics committees.

- o annual statistics published by MAF [Ministry of Agriculture and Forestry] should provide more detail on different types of animal research, testing or teaching.

- o balanced information on the value and need for animal research and testing must be made available to the public at all levels (ANZCCART 2003).

Since that time, ANZZCART, through its publication *ANZCCART News*, has continued to air debate concerning the pros and cons of enhanced transparency. In 2005 Graham Nerlich, Emeritus Professor of Philosophy at the University of Adelaide (Australia), argued that the

research community must act in order to raise its level of public accountability. If enhanced transparency does not come from within, he claimed, it will be imposed from without -- meaning researchers may not be in a position to define their own terms of reference (Nerlich 2004:11-12). In response, John Schofield, Director of Animal Welfare at the University of Otago (New Zealand), argued that enhanced transparency poses a threat to researchers and research (Schofield 2004:14-15). Such arguments are not unique. However, beyond such overt political manoeuvring, there is another sense in which the animal research community claims that enhanced transparency is necessary, and indeed in their best interest.

One of the most frequently recounted arguments in favour of enhanced transparency, put forward by the research community, is that because "animal rights extremists" have hijacked the debate over the use of animals in research, the only way to bring balance back to the debate is to furnish the public with information about animal research. Underpinning this idea is a belief that animal rights advocates use public ignorance to benefit their cause. Thus, the only way to counter the damage done to the animal research community's public image is to increase the lay community's understanding of research practices. For example, writing in *BioScience*, Miller and Strange argued that:

Because animal rights activists play off public ignorance, biologists should educate themselves about the movement and also educate the public about biological research. For example, people unfamiliar with science do not understand why repeating experiments is important, not redundant (Miller and Strange 1990: 431).

Writing in the *Education Digest*, Morrison blamed the success of the animal rights lobby on their ability to play upon "general scientific illiteracy" (Morrison 1992:57). In a series of influential articles published in the UK edition of *New Scientist Magazine*, written by researchers and based on interviews with 43 scientists who engage in animal-based research, Birke and Michael concluded that:

Animal experimentation is a legitimate topic of public debate, and that the public has the right to know what is done in its name. We call for greater openness on the part of scientists and civil servants as the only effective way to allay public concern (Birke and Michael 1992a:25).

More recently, the RDS (formerly the Research Defence Society), which is a UK-based peak body representing the interests of medical researchers, wrote on their web site, in relation to the British Freedom of Information Act (FOI) which came into full force on 1st January 2005:

RDS welcomes the greater openness that FOI will bring to discussions about animal research. With more good quality information about how and why animals are used, people should be in a better position to debate the issues (RDS 2005).

According to animal researchers, transparency is an important tactic that should be employed to protect their interests against the circulation of misinformation, and to counter general public ignorance. In the minds of researchers, opposition to animal research does not occur because people know what takes place in animal research laboratories, but rather opposition is a result of people not understanding the importance of the work the research community undertakes.

### Policy Makers

Policy makers have also expressed the view that enhanced transparency should be the aim of all animal research institutions. In support of that stance policy makers often engage similar arguments to those employed by researchers. That is, it is argued that opposition to animal research is in large part due to public ignorance, and the only way to counter such opposition is to allow the public to engage with research through enhanced transparency.

In 1989, the Australian Senate Select Committee on Animal Welfare handed down a report on animal experimentation. The Senate is the upper house of the Australian Federal Parliament and the Select Committee on Animal Welfare was appointed on the 16th and 17th of November 1983. The Committee's terms of reference were broad and included investigation into interstate and overseas commerce in animals, wildlife protection and harvesting, animal experimentation, codes of practice for animal husbandry for all species, and the use of animals in sport (Senate Select Committee on Animal Welfare 1989:1). As part of the Committee's report into animal experimentation evidence from 162 individuals was heard (Senate Select Committee on Animal Welfare 1989: 285-291). An additional 50 completed questionnaires on animal research practices were received from active animal research institutions and some research facilities were inspected (Senate Select Committee on Animal Welfare 1989:2). The Committee's report strongly and repeatedly called for information concerning the use of animals in research to be made widely available for public consideration. The Committee stated that:

The evidence taken then [1984] made it clear to the Committee that publicly available information on the extent and nature of the use of animals in experiments in Australia was extremely limited (Senate Select Committee on Animal Welfare 1989:2).

The Committee went on to argue that:

[I]t has been the secretive approach in the past and the reluctance to provide public information about their use of animals in experiments which has led to the public misapprehension about the nature of animal experimentation in this country. Secrecy breeds suspicion and the media feed on suspicion. What might have been a misunderstanding becomes a crisis (Senate Select Committee on Animal Welfare 1989:6).

The Committee then concluded that:

All people and bodies involved in animal experimentation and in its administration and control need to be accountable for their action, otherwise the system may be brought into disrepute (Senate Select Committee on Animal Welfare 1989:245).

And:

The ethics committee is also a key element in the system for public accountability. By having animal welfare and community views on an ethics committee, the community has more confidence that the ethical attitudes of the community are being reflected in the judgements and decisions of the committee (Senate Select Committee on Animal Welfare 1989:262).

The Australian Senate Select Committee on Animal Welfare, however, did not have the authority to ensure the implementation of its recommendations. In the next section of this essay, I consider whether transparency has been effectively achieved in the Australian animal research sector.

### **Current Levels of Transparency in the Animal Research Sector**

With such strong support from all quarters one would expect that on the issue of enhanced transparency substantial progress would have been achieved over the last twenty years. Furthermore, it would be imagined that public policy which comprehensively raises the level of public accountability would be in place. Yet it is not evident that this has been achieved. Calls for enhanced transparency in the practice of animal research continue to be made in Australia and are echoed around the world. In this section, I consider ways in which it may be argued that Australian research has become more transparent since the Senate Select Committee on Animal Welfare handed down its findings in the 1980s. I also present arguments which question whether that transparency is meaningful or adequate.

#### *Changes in Australian Animal Research Practices Since the 1980s*

In 1989, the Senate Select Committee on animal experimentation made 20 recommendations. The recommendations were wide in scope. However, the most relevant to the current discussion called for the publication of national statistics on animal use and the expansion and strengthening of Australia's Animal Ethics Committee (AEC) system (Senate Select Committee on Animal Welfare 1989).

Writing in 2003, the Australian Commonwealth Scientific and Research Organisation's (CSIRO) animal welfare officer, Michael D. Rickard, argued that all but a handful of the Committee's recommendations have been implemented (Rickard 2003:2). Rickard also argues that it was the highly polarised views held by the research community, versus those of the animal advocacy community, which lead governments and research institutions to move towards a more

transparent and accountable model of animal research. That model, Rickard argued, began to develop in the late 1970s and early 1980s (Rickard 2003:1). His analysis suggests that policy makers and institutions imposed enhanced transparency upon themselves prior to the Senate Select Committee's findings being handed down. This analysis is supported by the Committee's report which tracked the development of what it viewed as a more accountable research approvals system, a system which began to be implemented in earnest in the early 1980s (Senate Select Committee on Animal Welfare 1989). According to the Committee's report, the shift towards enhanced transparency is embodied in the practice of "enforced self regulation." In practice enforced self regulation means that all research facilities must work with an Animal Ethics Committee (AEC). The role of the AEC is to consider applications to undertake animal-based research and to approve, reject, or modify such applications.

### *The Animal Ethics Committee System and Animal Use Statistics in Australia*

At the time the Senate Select Committee handed down its findings, there was a question mark over the reliability of the newly developed AEC system. The Senate Select Committee noted that:

The history of ethics committees in Australia, as evidenced by the Committee, is one of varying levels of success, with some acting merely as a façade to keep authorities and the community at bay (Senate Select Committee on Animal Welfare 1989:228).

The Committee went on to observe that:

There has been reluctance on the part of the institutions to appoint non-scientists to ethics committees. With few exceptions, ethics committee membership has included the minimum number of animal welfare or community representatives (Senate Select Committee on Animal Welfare 1989:235).

The AEC system has come a long way since that time and it is likely that in Australia research proposals are overwhelmingly approved by an AEC, which is properly constituted (see below), and which takes the task seriously. Where a proper AEC system is not in place, it would be widely construed as a serious breach of statutory requirements.

Although the AEC system has developed strongly, it is not self-evident that it facilitates transparency in significant ways. The AEC system has consistently been presented as one of the pillars of enhanced dialogue between the research community and the public. Yet the extent to which AECs facilitate the wider community's timely and detailed understanding of animal research practices is questionable. Indeed, the link between AECs and enhanced transparency is difficult to interpret.

The structure and function of Australian AECs is outlined in the *Australian Code of Practice for the Care and use of Animals for Scientific Purposes 7th Edition* (the Code). The Code stipulates that properly constituted AECs must be made up of a veterinary scientist, an animal researcher, a person with a demonstrable commitment to animal welfare, and an independent person who does not have a research background or affiliation to the AEC's research institution. It is the inclusion of an independent, normally referred to as a "Category D" member, which is often seen by policy makers, and the animal research community, as the lynch pin which allows the public to engage in the animal research process. However, beyond the involvement of 100 or so individuals who sit on Australian AECs as Category D members, the ability for interested parties to learn about the detail of animal research remains highly restricted.

AEC meetings are not public forums and the detail of what is decided, and why a particular decision is reached, is not publicly available. Of even greater concern to the current discussion is the high level of secrecy imposed on participants. All AEC members are subject to institutional confidentiality (Australian Government and the National Health and Medical Research Council 2004:12) and in NSW, members of the Animal Research Review Panel (ARRP) and others involved in administering the Act "shall not disclose any information obtained in connection with the administration or execution of this Act" except under limited circumstances (NSW Government 1985). What this means is that if an issue of concern does arise, only a handful of people in Australia are privy to the detail of that problem.

Furthermore, the *NSW Animal Research Act 1985*, read in conjunction with the *NSW Prevention of Cruelty to Animals Act 1979*, does not make it clear whether instances of animal cruelty which take place within research facilities, but not within the context of an approved research protocol, may be reported to the Royal Society for the Prevention of Cruelty to Animals (RSPCA). In the period 2002 – 2003, the NSW RSPCA undertook 112 prosecutions for animal cruelty (Moore 2005). In NSW no prosecution has even been brought against an individual engaged in animal research. This may be because no act of cruelty, negligence, or other illegal action has even been perpetrated by an animal researcher or an AEC member, or that such acts have occurred but were not observed or reported. However, animal advocates and interested members of the public have no way of knowing what actually occurs inside secretive laboratories.

The second pillar of transparency in Australian animal research policy is the provision of statistical data by research institutions on the number of animals used, species type and the procedure's level of invasiveness. That information is conveyed to state government authorities. A consistent, reliable, single data source that records all animal research statistics throughout Australia is still being developed. However, even once a national database is in place, statistics alone reveal little about the research process. Most problematically, the Code and the AEC system both require that the cost to the animal be weighed against the research's anticipated benefit. Yet for the majority of people who are not part of the regulatory system there is no mechanism available to allow them to arrive at their own conclusion as to whether the cost/benefit analysis is being carried out appropriately. Publicly available data on animal research has to be considered in isolation, so it is impossible to form a clear picture as to whether decisions reached by AECs were reasonable or not. The public knows that new drugs come onto the market. They also know animals are used in research. But under the current system there is no way of putting the pieces of the puzzle together.

In the UK, where both the government and the research community also articulate a desire for enhanced transparency in animal research, the Home Office has developed a system whereby information on every approved research protocol will be published and publicly available. An anonymous and abridged version of all research licences will be available on the Home Office website from 2006. Furthermore, in 2005, the UK's Animals in Scientific Procedures (ASP) Inspectorate's annual report was made public for the first time. On the Home Office's web site it states that the "report provides previously unavailable information and highlights a commitment to transparency and openness in animal research" for both medical research and animal welfare" (Home Office 2005). Interestingly, moves to remove the confidentiality clause from the UK's *Animals (Scientific Procedures) Act 1986* were obstructed by animal researchers (Home Office 2004:6).

### **Knowledge Levels and Attitudes Toward the use of Animals in Research**

Some survey work dealing with the issue of animal-based research has been undertaken around the world; however, very few surveys have included the views of the non-aligned public (Pifer, Shimizu and Pifer 1994) and very little survey work of any sort has been conducted on the issue in Australia (Rickard 2003:2). The remainder of this paper will present original survey data, collected in order to better understand what various stakeholder groups think about the use of animals in research, and how much they know about the practice. Only a small amount of the total survey data collected is presented in this article.

#### *Survey Method*

The survey involved seeking anonymous responses from five sample groups. One group was made up of animal researchers. They were surveyed on the second afternoon of a two-day compulsory induction program. The program was undertaken in order to allow them to use animals in research at a postgraduate level at an Australian university. The majority of respondents were early level researchers, with only 25 per cent having already completed a post-graduate degree. The total number surveyed from the animal research sample group was 89.

The second group consisted of individuals involved in providing support services to animal researchers. Support services include animal house technicians and managers, research assistants, breeders and animal welfare officers. 73.9 per cent of animal support service providers recorded having a postgraduate degree. This suggests they had previously been engaged in animal research themselves and had since moved into the field of support services. Surveys were distributed to this group of participants via their professional organisation's newsletter. Participants were required to meet the cost of postage to return the survey. The total number of surveys returned was 23. That represents 13.5 per cent of surveys distributed.

The third sample was derived by surveying members of a moderate animal welfare organisation. The organisation is classified as moderate because it does not seek to abolish all industrial animal use. Rather, the organisation states on its web site that its aim is to significantly improve the welfare of all animals. The organisation campaigns on a wide range of issues. The survey was distributed to its members via the organisation's bi-annual magazine. As with other groups,

participants were required to meet the cost of postage to return the survey. There was a 23.5 per cent return rate from this group. The total number of surveys returned was 261.

The fourth group was made up of members of a specialist anti-vivisection group. This group was selected because of its specialist focus on animal research issues. This group is classified as a strong animal protection organisation because it states its aim as the complete abolition of all animal research. This organisation does not participate in the Australian animal research regulatory system. The organisation only campaigns on animal research issues. The survey was distributed to the organisation's members via their regular newsletter. There was a 41.5 per cent return rate from this group. The total number of surveys returned was 209.

The fifth group was a control group made up of people without any affiliation to either animal research or animal advocacy. Survey work for this group was carried out by distributing the survey to students attending two first year political studies lectures at an Australian university. The total number of surveys returned using that method was 176. After the initial round of data collection, it was decided the sample needed to be expanded in order to attract more respondents and capture a more diverse range of participants. An online survey company was therefore contracted to distribute the survey. Five hundred people already registered with the company were invited to complete the survey. No one was blocked from participating. The number of participants generated from the online survey was 417. Surveys collected via the two first year political studies lecturers, and those generated by the online survey were then pooled. The total number of non-aligned people surveyed using the three methods was 593. This is the control group. It is the response from this group that will be of most interest to the discussion below.

The survey was two pages in length. It combined closed questions where participants were asked to rank their attitudes from "very strong" to "I know nothing about the issue" and open sections where participants were invited to expand on their thoughts. A series of multiple-choice questions designed to test respondent's knowledge level was also included. The survey data was analysed using SPSS analytical software. The SPSS data analysis was performed by a data analysis specialist contracted for the task.

### Survey Findings

As anticipated, members of two animal protection groups expressed the highest level of concern about the use of animals in research, with 98.5 per cent from the moderate animal protection organisation and 97.6 per cent from the strong animal protection organisation indicating that they were "very concerned," or "somewhat concerned" about the use of animals in research. Of greater interest to the current research however is that 86.3 per cent of the control group responded that they were also "very concerned" or "somewhat concerned" about the use of animals in research.

Respondents were asked to identify which behaviours they had engaged in as a result of their concern about the use of animals in research. Respondents were asked to choose between eight actions. They were:

1. I tell my friends and family about animal research
2. I now try to choose "cruelty free" products
3. I have joined an animal welfare/rights organization
4. I have written to a politician about the issue
5. I have protested about the issue
6. I joined an Animal Ethics Committee (AEC)
7. I have stopped using animals in research and education
8. I have altered the way I use animals in research and education

Respondents were also invited to identify another actions not included in the list. The most popular response was to choose cruelty free products, which effectively constitutes a boycott of animal research. 90.6 per cent of the moderate animal protection organization, 92.8 per cent of the strong animal protection organization and 63.5 per cent of the general public selected that option. In response to the question asking whether their concern had resulted in the respondent joining an AEC, seven per cent of respondents from the moderate animal protection groups answered "yes," 2.9 per cent of those from the strong animal protection groups also answered "yes," and 1 per cent of the control group also indicated that they had joined an AEC. No one from the animal research group indicated they had joined an AEC. This is despite 92 per cent of the research group stating that are "very concerned" or "somewhat concerned" about the use of animals in research.

These findings suggest that among early level researchers, animal advocates, and the general public, participation in the animal research regulatory system is not viewed as a legitimate way of seeking to protect animals and indeed in all cases those sampled were more willing to boycott the products of animal research than become involved in the animal ethics system. Although there are limited Animal Ethics Committees in Australia, many institutions find it difficult to fill the animal welfare and lay AEC positions, meaning it is unlikely that the low response rate from those groups was a result of them not being able to find an AEC willing to accept them as a member.

When asked what it was about the use of animals in research that they objected to, the control group's strongest response was that "animals suffer as a result" (58.9 per cent). The second most strongly supported statement by the general public was "animal researchers are largely unaccountable for their treatment of animals" (34.4 per cent) followed by "there are better ways of undertaking research" (33.7 per cent), and then "such use is immoral" (30.9 per cent). However 50.5 per cent of the control group supported the statement "modern medicine would not be where it is today if it were not for such use [of animals in research]." That suggest that when

assessing the appropriateness of animal research the public most readily engages a utility model. That is, they weight the harm to the animal against the benefit of the research. As already discussed, the ability of the public to carry out an appropriate calculation of the utility of animal research would be aided by enhanced transparency in the animal research sector.

As anticipated, the animal researchers who had undertaken a day and a half training on the use of animals in research demonstrated the highest level of knowledge about the detail of animal research. Participants were asked to answer five true or false questions. The questions were:

- a) Animal Research in NSW is regulated by Animal Ethics Committees
- b) You can use a pound dog in research in NSW as long as you have proper approval
- c) Australia has a Code of Practice for animal research but it doesn't apply in NSW
- d) Analgesic is always used in research where animals may experience pain
- e) Animal researchers are required to show a commitment to the principles of Reduction, Refinement and Replacement (3Rs)

The correct answers were: a) true; b) false; c) false; d) false and e) true.

All survey participants from the animal researcher's group attempted the quiz questions. The results from that group were: 15.9 per cent answered five questions correctly, 46.6 per cent answered four questions correctly, 30.7 per cent answered three questions correctly, 3.4 per cent answered two correctly, 2.3 per cent answered one correctly and 1.1 per cent scored zero. By contrast, 43.3 per cent of the control group did not make any attempt at the quiz questions. Of those who attempted them, 2.9 per cent answered five questions correctly, 6.2 per cent answered four questions correctly, 13.3 per cent answered three questions correctly, 14.7 per cent answered two questions correctly, 16.9 per cent answered one question correctly, and five per cent answered no questions correctly. The finding that close to half of all those surveyed from the general public were unable to answer a single factually based question about the practice of animal research suggests that the public does not have a good understanding of the issue. This again suggests enhanced transparency has not been effectively achieved.

When asked where they received their information about the use of animals in research, the most frequent response from the control group was the popular media (78.1 per cent). As cited above, the Senate Select Committee's 1989 findings on animal experimentation suggested that the media played a role in strengthening public opposition to the use of animals in research. However, a media survey conducted in 2004 showed that over a period of a month *The Sydney Morning*

*Herald* carried nine stories that mentioned research animals, *The Daily Telegraph* carried two, *The Sun Herald* carried one, and *The Sunday Telegraph* carried none. Of the twelve stories run on the issue all were sympathetic towards animal research and all were focused on a new research discovery. None were critical or made mention of animal suffering.

## Conclusions

The research community, the animal advocacy community and policy makers all claim to be in support of enhanced transparency. Yet, the findings presented here suggest an adequately transparent system has yet to develop in Australia. Beyond questions concerning the form research transparency has taken and the effectiveness of that system, it would also seem that the logic underpinning the calls for transparency from both animal researchers and the animal advocates are essentially in conflict. If both groups claim to be in support of enhanced transparency, then it stands to reason that each considers transparency to be in their best interest. However, the best interest of the research community and the best interest of the animal protection community are likely to be diametrically opposed. To put it simply, animal researchers appear to believe enhanced transparency will result in greater public support for their activities. The animal advocacy community appears to believe that enhanced transparency will result in greater opposition to the use of animals in research. Both views cannot be correct. The research presented here does not provide a categorical answer to the question: In whose best interest is enhanced transparency? However, it does provide interesting food for thought.

Although the research community and the animal protection communities both claim to be in favour of enhanced transparency, the research community has not moved swiftly to "open the laboratory door." This suggests that if enhanced transparency is to occur it is most likely to come about as a result of changes to public policy. In turn, this suggests that those who inform that structure of animal research policy need to decide what they consider the value of transparency in animal research to be. The animal advocacy community believes that enhanced transparency will result in public opinion more strongly opposing the use of animals in research. The research community believe that enhanced transparency will result in stronger public support for research, yet appears unwilling to actually test that hypothesis.

If policy makers do not move to enforce enhanced transparency it is likely we will never know who is right – animal rights advocates or the animal researchers. However, if policy makers do force enhanced transparency upon the research community, the public attitude that will flow from that change is likely to be a fair and reasoned response to the reality of animal research because, for the first time, the public will have the opportunity to arrive at their own conclusion. That would arguably be the best result for a democratic society, because one of the principles underpinning democratic political arrangements is the notion that citizens should influence political decisions. Citizens are only capable of influencing the policy process to the extent they are exposed to, and understand, a particular policy area. Currently, that exposure is seriously limited in the case of animal research.



## References

Animal Liberation NSW (1999) *Demonstration Against Animal Research*, viewed 26 May 2005, <http://www.animal-lib.org.au>

Australian Government and the National Health and Medical Research Council (2004) *Australia code of practice for the care and use of animals for scientific purposes 7th edition*, Canberra, Australian Government.

ANZCCART (2003) *Media Release: Scientists to push for more public information on animal research*, viewed 26 May 2005, <http://www.rsnz.org/advisory/anzccart/releaseSept03.php>

ANZCCART (nd) *Mission Statement*, viewed 26 May 2005, <http://www.adelaide.edu.au/ANZCCART>

Birke, L. and Michael, M. (1992a) "The researcher's dilemma", *New Scientist*, 1815, 25-28

Birke, L. and Michael, M. (1992b) "Views from behind the barricade", *New Scientist*, 1815, 29-35.

Broughton, Z. (2002) "Seeing is Believing", *The Ecologist*, vol. 31 i2.

BUAV (nd) *Undercover*, viewed 26 May 2005 <http://www.buav.org/undercover/index.html>

Covanecruelty (2005) *Court Rules that PETA Europe Should be Allowed to Show Video of Monkey Abuse Inside Covance Lab*, viewed 26 May 2005, <http://www.conancruelty.co.uk/coutRules.asp>

Francione, G. L. (1996), *Rain without Thunder: The Ideology of the Animal Rights Movement*, Philadelphia: Temple University Press.

Home Office (2004) *Animal Welfare – Human Rights: protecting people from animal rights extremists*, London: Home Office Communications Directorate.

Home Office (2005) *Inspectorate Published First Annual Report into Animal Research*, viewed 23 February 2006, <http://www.homeoffice.gov.uk/about-us/news/inspectorate-animals>

Kedgley, S. (2002) "Lifting the Veil on Animal Experimentation Secrecy", *Seminar of the Animal Rights Legal Advocacy Network*, viewed 26 May 2005, <http://www.greens.org.nz/searchdocs/speech6317.html>

Miller, J. A. and Strange, C. (1990) "Taking the Offensive for Animal Research", *BioScience*, v40 n6.

Moore, C. (2005) "Prevention of Cruelty to Animals Amendment Bill", *NSW Legislative Assembly Hansard*, 23/3/05, viewed 26 May 2005, <http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA20050323005>

Morrison, A. R. (1992) "What's wrong with animal rights", *The Education Digest*, vol75.

Nerlich, G. (2004) "Letters to the Editor", *ANZCCART News*, Vol. 17 No. 1

NSW Government (1985) *NSW Animal Research Act*, Government Printing Service.

Paul, E. (1995) "Us and Them: Scientists' and Animal Rights Campaigners' Views of the Animal Experimentation Debate", *Society & Animals*, Vol.3, Number 1, viewed 25 May 2005, <http://www.psyeta.org/sa/sa3.1/paul.html>

Pifer, L, Shimizu, K., and Pifer, R. (1994) "Public Attitudes Toward Animal Research: Some International Comparisons", *Society & Animals*, Vol. 2, No. 2, viewed 26 May 2005 <http://www.psyeta.org/sa/sa2.2/pifer.html>

RDS (2005) "Freedom of Information", *RDS: Understanding Animal Research in Medicine*, viewed 22 April 2006, [http://www.rds-online.org.uk/pages/page.asp?i\\_ToolbarID=5&i\\_PageID=1782](http://www.rds-online.org.uk/pages/page.asp?i_ToolbarID=5&i_PageID=1782)

Rickard, M. D. (2003) "Meeting community expectations for animal-based science: an Australian perspective", *ANZCCART News*, Vol. 16, No. 3.

Schofield, J (2004) "Letters to the Editor", *ANZCCART News*, Vol. 17, No. 2

Senate Select Committee on Animal Welfare (1989) *Animal Experimentation: Report by the Senate Select Committee on Animal Welfare*, Canberra, Australian Government Printing Service.

Vaughan, C. ([info@abolitionist-online.com](mailto:info@abolitionist-online.com)), 17 May 2006. RE: Revised journal article. E-mail to O'Sullivan, S. ([s.osullivan@econ.usyd.edu.au](mailto:s.osullivan@econ.usyd.edu.au)).

\* This article was originally presented at a conference on public policy in 2005. It has since been significantly re-written. Thanks goes to the following people who assisted with this project: Lyn Carson, Glenys Oogjes, Elizabeth Alston, Malcolm French, Len Cantrill, Kathy O'Sullivan, Aaron O'Sullivan, Dan O'Sullivan, Andrew Knight and Claire O'Rourke. Thank you also to the anonymous referees and editor at the *Animal Liberation Philosophy and Policy Journal* for their

feedback and comments and to all members of the Animal Issues reading group who reviewed an early version of this paper.

The term "stakeholder groups" is used in this context to denote human stakeholders only. Another potential stakeholder are patients' rights groups. However, their influence is limited and has not significantly informed debate in their area. Patients' rights groups are therefore also excluded from this paper's terms of reference.

Animal Research Review Panel is a statutory body empowered to oversee the NSW AEC system. I was a member of ARR from 2003 to 2005.

Australia has a federal political system. Although it is not always clear what constitutes a federal or a state responsibility, animal research regulation has tended to be a state responsibility.

At the time of writing the system was yet to be implemented.

This survey work was approved by the University of Sydney Human Ethics Committee.

Regrettably, the survey size was limited because the research was self-funded and self administered. However, I would like to thank the University of Sydney's Discipline of Government and International Relations for meeting the cost of photocopying the survey.

Returns from animal research support service personnel were disappointingly low. The low return rate could indicate staff do not read the publication the survey was distributed through. It may also suggest staff were too busy to prioritize participating in a survey. It may also suggest that staff were suspicious about the survey's purpose and did not feel it was in their interest to participate. The low response rate suggested that analysis might have been aided by combining the data from the animal research group and the support services group. However, in order to gain permission to distribute the survey to animal research support staff, through their professional magazine, a commitment was made that the group would be identified as support services and not researchers. In order to honor that commitment the two sets of data could not be combined.

The identities of the groups sampled in this survey has been withheld purposefully. This has been done because of the challenging nature of the discussion.

Earlier versions of this paper did not include all surveys. For that reason the figures are slightly different here.

The media survey was conducted in June 2004.

Siobhan O'Sullivan is a PhD candidate with the University of Sydney's Discipline of Government and International Relations. She specialises in animal protection policy and the animal protection movement. She also regularly lectures on animal protection issues at her own institution and around Australia.

*Animal Liberation Philosophy and Policy Journal*, Volume IV, Issue 1, 2006 © Siobhan O'Sullivan.