

## Animal Welfare v Wildlife Research?

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In this paper we review difficulties with two recent research proposals to a university animal experimentation ethics committee and two court injunctions, initiated by community groups, purportedly for animal welfare and/or conservation benefits. The common thread in the ethics cases and the court cases is that individuals delayed or prevented actions that were subsequently shown to be in the best interests of animal welfare and/or conservation. We conclude that community groups or individuals, claiming to represent animal welfare and/or conservation, should be accountable for their actions and should be able to demonstrate the factual basis for their decisions, as are scientists and other professionals. Lay individuals seeking appointment to ethics committees, or other committees concerned with animal welfare or scientific experimentation, should have their suitability and credentials to undertake these roles formally reviewed. Ethics committees need to be able to make majority decisions to prevent abuse of process by unscrupulous individuals. We recommend an urgent review of the operation of ethics committees and cognate non-government organizations to resolve the destructive case of Animal Welfare v Wildlife Research.

Key words: Wildlife, Research, Ethics, Welfare, Conservation.

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### INTRODUCTION

THIS paper follows recent discussion on the role of animal welfare in wildlife research (Webb 1997; Lunney 1999; Fulton and Ford 2001; Recher 2001). These authors have argued, that quite apart from the legal requirement, concern about animal welfare was an integral component of the psyches of wildlife professionals and was an agreed (although not the only) essential for research involving animals. They concluded, however, that under the present system the views of individuals could impede or stop research, sometimes with negative outcomes for conservation and other values. Ethics, animal rights, animal welfare and conservation are frequently confused in the minds of their proponents (Webb 1997).

### CASE STUDIES

Two research proposals were made by Christopher Tidemann to the Australian National University Animal Experimentation Ethics Committee in early 2002. The first proposal was to reduce public nuisance and negative impact on native wildlife by trapping and euthanasing Common Mynas *Acridotheres tristis*, a feral bird. The second proposal was to investigate translocation as a means of reducing public risk from swooping Australian Magpies *Gymnorhina tibicen*, a native bird — as an alternative to euthanasia.

Two court injunctions were both related to management actions by the New South Wales Government in early 1999 to prevent environmental damage and reduce public risk by moving Black Flying-foxes *Pteropus alecto* and Grey-headed Flying-foxes *P. poliocephalus* (native mammals) out of the Maclean Rainforest Reserve and Maclean High School. The injunctions have been reported in RSPCA v New South Wales Department of Education and Training, (New South Wales Supreme Court 1999) and North Coast Environment Council v New South Wales Department of Education and Training (New South Wales Land and Environment Court 1999).

The proposal to trap and euthanase mynas was eventually approved by the Ethics Committee, after supplementary questions had been answered and the trap had been demonstrated to the satisfaction of the members. As required under the guidelines, a detailed basis for the experiment had been provided to the Committee in the original submission, including the information that there was strong community and government support for the trial. Yet, one of the supplementary questions Christopher Tidemann was required to answer was “Why could mynas not be released into the wild instead of euthanased?”. We contend that the process, and this nonsensical question in particular, wasted a deal of time — a resource in short supply for most

researchers — and hence most Ethics Committee members.

The proposal to translocate magpies was rejected by the Ethics Committee, following two sets of supplementary questions. The basis for the rejection was “concerns over the fate of translocated birds”. We regard this decision as nonsensical, when it is considered that the alternative to translocation is euthanasia and a majority of the public support translocation — information that had been supplied to the Committee in the original proposal. It is fortunate for animal welfare and public safety that this decision will not affect the outcome of the process, as logistically it is being implemented as a management action by Environment ACT, which has a legal responsibility and mandate to reduce public risk from swooping magpies. The real loser in this case was science — a lost opportunity to integrate management and research and more wasted time. Although ethics committees are assumed to operate in good faith, it is becoming increasingly difficult for many, perhaps most, wildlife researchers to avoid the conclusion that the real agenda of some ethics committee members is not to ensure ethical research at all, but to stop research involving animals altogether.

The two sequential court injunctions were based on animal welfare (RSPCA) and animal welfare and conservation grounds (North Coast Environment

Council). Both injunctions were sought to prevent the New South Wales Government from moving flying-foxes out of the Maclean Rainforest Reserve, following ten years of requests from the Maclean community that they do so. The objectives of the move were to stop flying-foxes from camping in the adjoining Maclean High School grounds, thereby creating a public health risk — and from further damaging the heritage rainforest remnant. By the time the second injunction was lifted in April 1999, more than 80% of the trees in the Maclean Rainforest Reserve were dead or dying. The purportedly cruel and environmentally-damaging move of flying-foxes was finally instigated on 6 April 1999 — under the watchful eyes of the media, the New South Wales Police, the New South Wales Emergency Service, the NSW National Parks and Wildlife Service, the RSPCA and animal rights activists (Tidemann 1999). The dire predictions of massive flying-fox mortality and cruelty were completely disproved (Tidemann 2002).

The sequel to the Maclean story is that some flying-foxes have returned to the rainforest since they were moved out in April 1999, but the townspeople have persistently scared them away and eventually the numbers have dwindled to zero. Since October 2001 flying-foxes have not camped anywhere in the Maclean Rainforest Reserve or elsewhere in the town limits. What is particularly pleasing to report is that flying-foxes have camped on many occasions in nearby Farlow's Swamp Reserve, gazetted in December 1999 to accommodate them. *Not a single bat* was injured in the process (Tidemann 2002).

What we found most thought-provoking about Maclean, apart from the substantial theoretical implications for flying-fox biology and management, was that it had taken ten years and a substantial cost to the public purse to overcome persistent opposition from misinformed "animal welfare and conservation" activists, arguing essentially that the proposed move was cruel, that it would not work and that it would be damaging to the environment, particularly flying-foxes. Management agencies have legal obligations to protect public health and the environment, and solutions to

current and emerging problems are needed. What we found abhorrent about Maclean was the perhaps irreversible damage to the heritage rainforest and the personal venom with which the researchers (Christopher Tidemann and subsequently Michael Vardon) were anonymously threatened and targeted with vicious personal slurs.

### CONCLUSIONS

Our main conclusion, which mirrors the earlier reviews, is that misinformation disseminated by animal welfare activists commonly results in substantial wastage of public and private resources, primarily because it suppresses real information that could be used to advance conservation and animal welfare. Similarly, we argue that wildlife researchers are routinely being hindered in the pursuit of their research by individuals who do not wish to promote ethical research, but instead wish to stop it altogether. Experiments are a fundamental part of finding and testing solutions. It is preposterous to expect scientists to know the outcome of experiments before they are undertaken and almost beyond belief that in the absence of experimental data assertions of unqualified and often ideologically driven people (fanatics) are sometimes accepted in the place of facts.

The backbone of science is experimentation — the establishment of progress through constant testing and fine-tuning. But for scientists, and especially zoologists or ecologists working on vertebrates, conducting experiments has become fraught with difficulty. Even if university and bureaucratic procedures (State and Commonwealth) are cleared, experiments can then be called into question by community groups. These groups usually enlist the media, and with a combination of religious fervour and misinformation set about disrupting experiments. Truth is no barrier and the reputations of scientists are sullied at whim.

Apart from the legal requirement, ethics committee approval should mean that the procedure has the backing of peers and community. But how concerned is the community about animal welfare and how representative of the community is the "lay" sector on ethics committees? Australian

Bureau of Statistics (1999) data from 1999, the most recent available, show that 7.8% of people were concerned about the destruction of animals/wildlife, down from 13.3% in 1994. In 1999 destruction of animals/wildlife was ranked 10th in the list of environmental concerns. In 1994 it was ranked 7th. Air pollution was the issue of most concern (29.1%) in 1999 and 1994. How representative are the representatives?

At present, the desire to stop unnecessary experiments is such that necessary ones are being prevented too. If vertebrate zoologists and ecologists are unable to successfully defend the right to conduct experiments on wildlife, then the ability of these disciplines to provide solutions of relevance to the modern world will be greatly disempowered. If this happens then ultimately the study of ecology and zoology will become largely irrelevant to the solution of problems affecting the community. With the decline of the zoological professions, the way is clear for ideology, and not facts, to guide decision-making. We recommend an urgent review of the operation of ethics and cognate committees and non-government organizations to resolve the case of Animal Welfare v Wildlife Research.

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