



National Animal Ethics Advisory Committee

General Meeting

Thursday, 16 November 2017
9.00am – 4.30pm

Ministry for Primary Industries
Level 2, meeting room 8
3 The Terrace
Wellington

MINUTES

Present: Grant Shackell (Chairperson), Terry Fenn, Malcolm Tingle, Craig Johnson, Arnja Dale, Bronwen Connor, Craig Gillies, Leasa Carlyon, Rob Hazelwood.

In Attendance: s 9(2)(a) (Secretary) and s 9(2)(a) (Senior Adviser, Animal Welfare).

Apologies: None.

G Shackell opened the meeting at 9.05 am and welcomed attendees. G Shackell reported that s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy) had contacted him that morning to advise that he would be unable to attend the meeting. It was noted that s 9(2)(a) (Accredited Reviewer) would be attending the meeting at 9.30 am for agenda item O 5.

Any Other Business Part One (Open to the Public)

No other items of business were identified under Part One of the agenda.

Any Other Business Part Two (Public Excluded Agenda)

s 9(2)(b)(ii) code of ethical conduct was identified as an item of business for discussion under Part Two of the agenda.

PART ONE (OPEN TO THE PUBLIC)

O 1. Progress against milestones in NAEAC Operational Plan

The committee reviewed progress with the actions in the operational plan. The following comments were made:

Provide advice to the Minister and the Director-General: It was noted that the new Minister of Agriculture was Hon Damien O'Connor and that the Associate Minister of Agriculture was Hon Meka Whaitiri. MPI was still waiting for confirmation about which Minister would be responsible for animal welfare.

Provide advice to AECs and code holders: It was noted that NAEAC had received a lot of requests for advice from animal ethics committees (AECs) in recent months.

G Shackell reported he would draft an AEC newsletter before the end of the year.

G Shackell asked committee members if they had been able to attend any AEC meetings (apart from their own) during the year. A Dale reported she was making arrangements to try and attend two AEC meetings. At the meeting, T Fenn asked R Hazelwood if she could attend a Schering-Plough AEC meeting. R Hazelwood had no objection.

O 2. NAEAC content on MPI website

In light of the numerous number of NAEAC documents on the MPI website, G Shackell considered it would be useful to allocate one or two documents to each committee member to review. The following allocations were made:

- *NAEAC guidelines for AECs on adequate monitoring* – A Dale and M Tingle;
- *NAEAC guidelines of AECs' use of teleconferencing to assess protocols* – B Connor and T Fenn;
- *NAEAC guidelines on application templates used by AECs* - leave as is;
- *NAEAC guidelines for avoiding needless duplication of animal use in research* – C Gillies;
- *NAEAC guidelines on emergency management of animals used in research, testing and teaching* – leave as is;
- *NAEAC guidelines on the formation and use of subcommittees* – L Carlyon;
- *Good practice guide for the use of animals in research, testing and teaching* – M Tingle.

M Tingle was of the opinion that NAEAC take a more holistic approach to drafting guidance material. Rather than having multiple documents incorporating information in different places it was suggested NAEAC have one guiding document that was updated each year.

G Shackell asked s 9(2)(a) about the process for getting NAEAC documents on the MPI website. s 9(2)(a) reported that NAEAC word documents were just given to the MPI web team to upload to the website but if a document was a publication it had to go to MPI Communications for layout, design and editing before it could be uploaded.

G Shackell asked M Tingle whether he would be prepared to lead the work on drafting one guiding NAEAC document. M Tingle agreed and offered to have a draft available by the first meeting of 2018.

A Dale agreed to help M Tingle with this piece of work. In the first instance, it was agreed that committee members would review the documents allocated to them and then pass any feedback to M Tingle.

The committee continued the document allocation as follows:

- *Guide for lay members of AECs* – G Shackell and R Hazelwood
- *Guidelines for the Welfare of Livestock from which Blood is Harvested for Commercial and Research Purposes* – G Shackell and C Johnson
- *NAEAC site visit guidelines* – s 9(2)(a)
- *Commercial cloning* – B Connor
- *Conflict of interest* – L Carlyon
- *Interpretation of 'scientific community' in relation to appointment of lay members* – whole committee
- *Killing as a manipulation as it relates to Part 6 of the Animal Welfare Act 1999* - C Johnson
- *Providing assistance to new AECs* – s 9(2)(a)
- *The production of genetically-modified animals* – B Connor
- *Which AEC should assume the approval role* – for review by whole committee

Actions:

s 9(2)(a) to send documents to committee members.

s 9(2)(a) and committee members to review relevant documents and provide feedback to M Tingle

O 3. Analgesic best practice

C Johnson reported that this work had not been completed yet.

O 4. Feedback from sentience workshop

G Shackell thanked committee members and MPI staff for their assistance as table helpers/facilitators at the sentience workshop held the previous day. It was noted that the training committee members and MPI staff received the night before the workshop had not been clear or concise. It would have been helpful to have had some instruction about how the day was to be structured earlier than just the morning of the workshop. G Shackell reported that he and Gwyn Verkerk (National Animal Welfare Advisory Committee (NAWAC) Chair) had provided feedback to that effect.

It was agreed overall, that the workshop had been a success as 140 people had attended from a variety of animal welfare sector groups and participants seemed to have been engaged.

P Lemow left the meeting at 9.35 am to collect s 9(2)(a).

O 5. Mini-tutorial: *Independent reviews*

s 9(2)(a) returned to the meeting at 9.45 am with s 9(2)(a).

G Shackell welcomed and introduced s 9(2)(a) to the meeting for this agenda item and invited committee members to introduce themselves.

s 9(2)(a) had been invited to the meeting to talk about independent reviews because the committee, in considering applications for new codes of ethical conduct, had also read the review reports associated with expiring codes and wanted to learn why the review reports appeared to be different.

s 9(2)(a) reported that to s 9(2) undertaking a code review was a relatively easy process because the performance standards which applied to the review were very prescriptive.

M Tingle was of the opinion that the reviewer may not be considering the same things in the expiring codes that NAEAC was considering in new codes and that maybe the two processes should be a little closer aligned.

It was noted that in respect of the review reports sighted in 2018, some appeared to be quite long, containing information which was out of scope (e.g. information on health and safety) whereas others lacked detailed content. s 9(2)(a) reported that as well as looking into procedural matters reviewers were also expected to look into the quality of care the animals received at the institution. NAEAC considered it would be useful if they could view the MPI accredited reviewer performance standards so as to understand the scope of work reviewers were expected to undertake.

T Fenn asked s 9(2)(a) how much time she would spend doing a review. s 9(2)(a) reported that when s 9(2) had reviewed AgResearch for example, which had three AECs, it had taken s 9(2) 10 days to review. For a smaller organisation, it might take three days – one day for reviewing documents, one day for visiting the site and one day for writing the report.

M Tingle asked whether reviewers could see other review reports in order to improve their own report writing. s 9(2)(a) said that there would be confidentiality issues with sharing reports with other reviewers and that this was probably not done. In terms of learning about other reviews, s 9(2)(a) reminded committee members that early each year the accredited reviewers are invited to participate in a teleconference to share any learnings from the previous year's reviews. MPI staff and representatives from NAEAC had always been in attendance. It was noted that all but one of the current accredited reviewers were veterinarians.

s 9(2)(a) reported on the frequency of MPI audits of reviewers noting that the legislation did not actually specify a term. Reviewers were previously accredited for 5 years and audited at the end of that five year period. Once the accreditation process was taken over by MPI's Approvals Operations Team, which deals with all statutory appointments, the accreditation period was reduced to three years. This is because all the other appointments are only for three years and are covered by one warrant card. Thus reviewers are only audited before the end of their second accreditation period i.e. every six years. (New reviewers are also audited at the end of their first year of accreditation. L Carlyon considered that this was too long a period of time and was in favour of NAEAC being provided with a copy of MPI's report on the accredited reviewer.

s 9(2)(a) described the audit process s 9(2) had been through. It involved receiving a visit from two people from MPI who went through a selection of s 9(2) reviews and asked her a series of questions about process.

It was generally agreed that accredited reviewers might require additional support and that NAEAC should explore the possibility of meeting with them at a face-to-face meeting. G Shackell agreed to raise this with s 9(2)(a) Manager Animal Welfare when he next met with her.

The committee discussed whether they needed to review their timeline for next year and perhaps schedule an additional meeting. It was generally agreed that this was a good idea.

G Shackell thanked s 9(2)(a) for making the time to meet with NAEAC after which s 9(2) departed the meeting at 10.40 am.

Actions:

s 9(2)(a) to send NAEAC the accredited reviewers performance standards and checklist.

G Shackell to talk to s 9(2)(a) about a face-to-face meeting with accredited reviewers.

O 6. Code of ethical conduct template and guide

G Shackell invited committee members to forward the amendments they wanted to see in the template and guidelines to s 9(2)(a) so that they could be incorporated.

Action – NAEAC to forward code template and guide amendments to s 9(2)(a)

O 7. Non-compliance issues and reporting lines

A Dale suggested that NAEAC provide advice to code holders and AECs about reporting cases of non-compliance Under Part 6 of the Animal Welfare Act. A Dale advised committee members of a situation brought to the attention of the Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA) which occurred under Part 6 of the Act. In this particular case, the SPCA chose to educate the person who was the subject of the non-compliance, but in fact, the person could have been prosecuted for what they had done.

L Carlyon suggested that AECs could start up an issues register to list all non-compliances which could be checked by the accredited reviewer during the review process.

M Tingle reported that when a non-compliance was triggered, it meant a form was usually filled out. People could report their own non-compliance, or they could be reported by an animal welfare officer or by animal facility staff.

The real issue appeared to be that institutions wanted to deal with non-compliances internally. However, it was noted that if the level of offending was serious it should be reported to an external compliance agency such as MPI or the SPCA.

G Shackell asked committee members to defer their thoughts on this issue until the AEC workshop agenda item.

O 8. NAEAC Three Rs Award

L Carlyon reported that she had contacted the personal assistant of the Vice-Chancellor at Victoria University and was told that NAEAC's request for sponsorship still had to be formally approved. A time frame for the approval was not currently known.

It was agreed that rather than writing to just the universities all code holders receive a letter about NAEAC's Three Rs award.

Action – Write to all code holders not just universities.

O 9. NAEAC occasional paper series

G Shackell reported that the paper on remote monitoring was on hold at the moment but that Ngaio Beausoleil from Massey University was happy to be involved. The paper would be high level and cover the principles on remote monitoring.

O 10. Identification of mini-tutorial topics for 2018

G Shackell invited committee members to nominate mini-tutorial topics for 2018. Two topics were identified: how to write a good process; and zebrafish.

O 11. Topic/author for next issue of *Welfare Pulse*

G Shackell reported that he had spoken to s 9(2)(a) at the sentience workshop the previous day. s 9(2) had expressed a willingness to draft a follow up article, to the one he had submitted in November, on weighing harms and benefits in research.

L Carlyon suggested that an article on the sentience workshop could be included in the first edition of *Welfare Pulse* in 2018 if there was anything to report.

O 12. Update for Minister of Agriculture

G Shackell reported that the new Minister would receive an update on the sentience workshop at some stage.

O 13. Update on alternatives to animal-based regulatory testing

R Hazelwood reported that he had no update to provide under this agenda item.

O 14. Update on New Zealand Three Rs Initiatives

s 9(2)(a) reported that the finalised examples of Three Rs were now available on the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) website. C Johnson reported that further ideas would be developed in due course.

O 15. Update on emerging/new technologies

C Gillies reported that intelligent monitoring techniques for luring pest species (such as possums and rats) were currently being developed. The Cacophony Project, which C Gillies was referring to proposed to lure specific mammals to traps using sound and light technology.

O 16. MPI summary of CEC approvals, notifications and revocations

s 9(2)(a) reported that since the last update was provided, three organisations had terminated their arrangements to use another institutions code and AEC.

s 9(2)(b)(ii) had entered into an arrangement to use the s 9(2)(b)(ii) code and AEC for all new projects. s 9(2) own code would not be revoked until all approvals made under that code had expired.

s 9(2)(b)(ii) had entered into an arrangement to use the AgResearch Ruakura AEC.

A Dale asked s 9(2)(a) whether she had been notified that s 9(2)(b)(ii) were going to revoke their code. s 9(2)(a) reported she was aware of the decision by s 9(2)(b)(ii).

O 17. Discussion of information circulated by MPI

There were no matters for discussion arising out of the information circulated to NAEAC since the last general meeting.

O 18. Committee members' reports on recent presentations and attendance at conferences

The NAWAC and NAEAC sentence workshop held the previous day and the ANZCCART conference held in Queenstown in September were noted.

A Dale reported she would be attending the International Compassionate Conservation Conference in Sydney the following week.

C Johnson reported that a workshop for animal welfare officers had been held the previous day at the Royal Society. The workshop provided an opportunity for participants to discuss some of the issues (e.g. pain relief, statistics etc.) they face in the course of their work. Feedback from the workshop had been positive.

O 19. Meeting dates for 2018

The committee agreed the following meeting dates for 2018:

- General meeting (in Wellington) on 15 February;
- Site visit and general meeting (in Christchurch) on 10 and 11 May;
- General meeting (in Wellington) on 16 August;
- Codes of ethical conduct meeting (in Wellington) on 5 and 6 September;
- Codes of ethical conduct meeting if required (in Wellington) on 18 October;
- AEC workshop and general meeting (in Wellington) on 14 and 15 of November.

PART TWO (PUBLIC EXCLUDED AGENDA)

DRAFT RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987

There being no further introductory items of business to discuss, it was moved (G Shackell/A Dale):

A: That the public be excluded from the following parts of the proceedings of this meeting, namely:

- C 1. Confirmation of previous minutes
- C 2. Action list review
- C 3. Update on animal welfare regulations
- C 4. Update on codes of ethical conduct
- C 5. NAEAC correspondence
- C 6. MPI update
- C 7. Planning for 2018 AEC workshop

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C 1.	Confirmation of previous minutes.	To protect the privacy of natural persons.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9(2)(a) of the OIA.
C 2.	Action list review.	As for C 1 above.	As for C 1 above.
C 3.	Update on animal welfare regulations.	To protect the privacy of natural persons; and/or: To maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under sections 9(2)(a) and/or 9(2)(f)(iv) of the OIA.
C 4.	Update on codes of ethical conduct.	As for C 3 above.	As for C 3 above.
C 5.	NAEAC correspondence.	As for C 1 above.	As for C 1 above.
C 6.	MPI update.	As for C 3 above.	As for C 3 above.
C 7.	Planning for 2018 AEC workshop.	To protect the privacy of natural persons; and/or: To maintain the effective conduct of public affairs through the protection of Ministers, members of organisations, officers and employees from improper pressure or harassment.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under sections 9(2)(a) and/or 9(2)(g)(ii) of the OIA.

B: That s 9(2)(a) (Secretary) and s 9(2)(a) (Senior Adviser, Animal Welfare) be permitted to remain at this meeting after the public has been excluded, because of their knowledge of meeting procedure and the subject matter under consideration. This knowledge is relevant background information to assist the committee in its deliberations.

The motion was put: carried.

C 1. Confirmation of previous minutes

The draft minutes of the teleconference meeting held on 12 October 2017 were reviewed. There were no amendments.

Moved (M Tingle/R Hazelwood):

That the draft minutes of the teleconference meeting held on 12 October 2017 be adopted as a true and accurate record of that meeting.

The motion was put: carried.

s 9(2)(a) provided an update on MPI's consideration of s 9(2)(b)(ii) non-human hominid application. A memo to the Animal and Animal Products Director had been drafted but was currently with MPI Legal for review. Once the legal review had been completed it would then go the Director for consideration.

s 9(2)(a) had been advised that two of the zoos would be anaesthetising their chimpanzees and orangutans for various procedures the following week. However, it was uncertain whether a decision about the application would be made in time.

It was noted that a monitoring sheet had been sent to s 9(2)(a) by s 9(2)(a). s 9(2)(a) foreshadowed that it was likely that MPI would require the zoo veterinarian to be responsible for performing the monitoring. If so, s 9(2)(b)(ii) would have to get the zoo veterinarians to agree to this.

In regards to reporting statistics to MPI, the applicant would report on the number of animals used directly to MPI.

The draft minutes of the codes of ethical conduct meeting held on 24 and 25 October 2017 were reviewed. There were no amendments.

Moved (C Gillies/T Fenn):

That the draft minutes of the codes of ethical conduct meeting held on 24 and 25 October be adopted as a true and accurate record of that meeting.

The motion was put: carried.

C 2. Action list review

The committee reviewed progress with the actions agreed to at previous meetings. The following updates were provided:

Write to s 9(2)(b)(ii) (action 4): G Shackell reported that he had sent an email to the chair of s 9(2)(b)(ii) AEC as well as talked to him. G Shackell had recommended s 9(2)(b)(ii) make a minor amendment to their code.

Consider giving code holders advice on relevant pay scales for meeting attendance (action 6): G Shackell agreed to include this topic in the next AEC newsletter.

Draft response to gill net query (action 20): R Hazelwood asked whether s 9(2)(b)(ii) had clarified how the fish (perch) they were catching with a gill net were being used. G Shackell reported that they had and that a letter had already been sent back to s 9(2)(b)(ii). For the benefit of the committee who had not seen a copy of the letter which had been drafted, G Shackell read aloud the response.

The letter acknowledged that the amendment taking effect on 1 January 2018 excluded animals in a wild state when killing animals to perform research, testing or teaching on their body or tissues. However, it was pointed out that their code stated that all animals were protected, including wild animals. G Shackell agreed to point this out to s 9(2)(b)(ii).

Actions:

G Shackell to contact s 9(2)(b)(ii).

G Shackell include topic of pay scales for meeting attendance in next AEC newsletter.

C 3. Update on animal welfare regulations

C Johnson reported that he and G Shackell had met with s 9(2)(a) prior to the October codes meeting. Due to the change in Government the regulation relating to counting surplus animals would not be passed in time to come into force on 1 January 2018. There was also a possibility the regulation might change so it was agreed that it would be better that it took effect on 1 January 2019.

C 4. Update on codes of ethical conduct

s 9(2)(a) provided an update on the status of the codes of ethical conduct which were reviewed in October.

Bar two exceptions, all the other codes had been approved although the *Gazette* notices were still to be published. Where codes had been approved, the code holder had been notified. The two codes not approved belonged to s 9(2)(b)(ii) because s 9(2)(a) was still waiting for MPI Legal to certify the *Gazette* notice and s 9(2)(b)(ii), whose code had required extensive revision.

It was noted that s 9(2)(b)(ii) amended code had only been received the previous day. While s 9(2)(a) had distributed the documents to members at the beginning of the meeting in anticipation that the committee might be able to review it that day, it was generally agreed that there

was insufficient time and that the code should be considered by teleconference on 27 November 2017 at 3.30 pm. s 9(2)(a) agreed to send out a meeting invitation.

C Johnson, who had helped s 9(2)(b)(ii) redraft their code, thought it appropriate that he not look at the code again and as such would not take part at the teleconference.

Actions:

s 9(2)(a) *to send out teleconference meeting invitation.*

NAEAC *to discuss* s 9(2)(b)(ii) *revised code by teleconference.*

C 5. NAEAC correspondence

It was noted that since the October codes meeting a formal response on the query relating to gill netting and the larval stage of zebra fish had been dispatched.

In relation to zebrafish, C Johnson reported that he had started collating some information on the subject and would be seeking advice from international experts. A Dale reported she had some reports which might be useful and agreed to send them to C Johnson. C Johnson reported that he had also taken the opportunity to speak to s 9(2)(a) at the sentence workshop about the approach NAEAC should take in communicating their concerns with MPI. C Johnson had been advised that any report to MPI should highlight any potential amendments that may be required due to the advancement of scientific knowledge.

A symposium on aquatic animals, due to be held at the University of New South Wales from 31 January to 2 February 2018 was noted. C Johnson reported that he would be attending and speaking about animal avoidance to pain.

Action - A Dale to send C Johnson zebrafish reports.

C 6. MPI update

The MPI update, circulated prior to the meeting was noted.

C 7. Planning for 2018 AEC workshop

G Shackell invited committee members to consider topics they would like to see incorporated into the 2018 AEC workshop programme. It was noted that one offer, on emergency management, had already been put forward. The committee agreed that this would be a good topic to include.

AEC functioning and procedural issues such as consensus decision making, handling of complaints, escalating cases of non-compliance to the appropriate authorities and the role of the animal welfare officer were suggested as potential topics for discussion.

L Carlyon reported that she knew an expert in the field of governance s 9(2)(a)) who would be able to address the procedural issues identified as workshop topics. L Carlyon agreed to contact s 9(2)(a) to ascertain his fee for providing a key note address. M Tingle suggested there may also be existing expertise at universities teaching governance. As had been the case at the sentence

workshop with regards to the session on the 5 domains model, a case study could be discussed in small groups prior to the governance keynote address.

M Tingle suggested that the Animal Research: Reporting of In-Vivo Experiments (ARRIVE) guidelines, developed as part of the National Centre for the Replacement, Refinement and Reduction of Animals in Research (NC3Rs) initiative to improve the standard of reporting of research using animals, could help New Zealand users with their end of year reporting requirements. It was suggested that NAEAC could be the body to promote the guidelines with AECs and ANZCCART the body to promote the guidelines with funding bodies.

It was suggested that implications of code of ethical conduct wording would be a good topic for the next AEC chairs meeting. The question of whether lawyers should be involved in drafting codes was discussed.

It was noted that the impact grading workshop was very well received last time and perhaps something similar could be run again.

G Shackell reported that s 9(2)(a) had indicated his interest in being involved again if the committee wanted him. s 9(2)(a) from More-Than-Human Lab, whose research examines intersections of people, non-human animals and technologies was also suggested as a potential speaker. A Dale suggested someone from MPI policy also provide an update on animal welfare regulations.

Other topics mentioned included compliance and monitoring.

It was suggested that NAEAC members form the panel for discussion of questions at the end of the session instead of the speakers. A 30 minute time slot would be allocated to the session with questions submitted ahead of time.

As the date of the workshop had now been set, AECs could be advised now so that they could plan to send their members. Those AECs that don't normally attend could be identified and asked separately to send someone.

Actions:

L Carlyon to contact s 9(2)(a).
s 9(2)(a) to notify AECs of workshop date.

On behalf of the committee, G Shackell thanked s 9(2)(a) for their support of the committee during the year.

There being no further items of business, the Chair thanked committee members for their attendance and declared the meeting closed at 2.50 pm.