



National Animal Ethics Advisory Committee

General Meeting

Thursday, 15 November 2018
9.00am – 4.30pm

Ministry for Primary Industries
TSB Tower, Level 1, Meeting Rooms 2 and 3
147 Lambton Quay
Wellington

MINUTES

Present

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

In Attendance

s 9(2)(a) (Secretary); s 9(2)(a) (Senior Adviser, Animal Welfare); s 9(2)(a) (Principal Adviser, Animal Welfare); s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy); and s 9(2)(a) (Senior Policy Analyst, Regulatory Reform and Animal Welfare Policy) for agenda item C 3.

Apologies

Leasa Carlyon.

G Shackell welcomed attendees including s 9(2)(a) and opened the meeting at 9.20 am. It was noted that M Tingle would need to leave the meeting before 1.00 pm to attend to other business.

Any Other Business Part One (Public Excluded Agenda)

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

Any Other Business Part Two (Open to the Public)

No other items of business were identified for discussion under Part Two of the agenda.

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/B Connor):

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. Significant Surgical Procedures Regulations
- C 4. Feedback from 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.	Significant Surgical Procedures 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.	Feedback from 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.

I also move that s 9(2)(a) (Secretary), s 9(2)(a) (Senior Adviser, Animal Welfare), s 9(2)(a) (Principal Adviser, Animal Welfare), s 9(2)(a) (Senior Policy Analyst, Regulatory Reform and Animal Welfare Policy) and s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy) 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 code of ethical conduct meeting held on 18 October 2018 were reviewed. There were no amendments.

Moved (A Dale/T Fenn):

That the draft minutes of the code of ethical conduct meeting held on 18 October 2018 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:

Code of ethical conduct template and guide (action 3): G Shackell reported he was currently updating the code template and would send the amended version to committee members for review by the end of the month before passing onto MPI.

Format of independent review report - comment on MPI template (action 6): A Dale reported she had talked to s 9(2)(a) about the MPI template. No other feedback was noted.

Create document on MPI Secretariat for new committee members (action 7): In relation to NAEAC membership, s 9(2)(a) reported that the briefing for the new NAEAC members was currently with the Minister. It was anticipated that the new appointments would be made before the end of the year.

s 9(2)(b)(ii) **code of ethical conduct (action 9):** A Dale reported that the chair of the s 9(2)(b)(ii) animal ethics committee (AEC) was not aware of the current status of their code after NAEAC resolved not to recommend it to MPI for approval in its current form.

s 9(2)(a) reported that s 9(2)(a) wanted to review the draft code in relation to other approved codes belonging s 9(2)(b)(ii). It was noted that the current existing code had been extended until the end of January but had not yet been gazetted.

It was generally agreed that the institution needed to take more responsibility for preparing the code and not leave it to the chair of the AEC. G Shackell agreed to talk to s 9(2)(a) about this on behalf of the committee.

Three Rs awards for 2018 (action 12): It was noted that s 9(2)(a) had not yet contacted individual research offices about the extended deadline for the research grant.

G Shackell volunteered to amend the Three Rs award research grant application form to include details about a lay summary and budget (salary and consumables). In the meantime, it was agreed to take down the current research grant application form and include a note on the MPI website that interested parties should contact the NAEAC secretariat.

s 9(2)(b)(ii) **code of ethical conduct (action 13):** L Carsons reported that the s 9(2)(b)(ii) code of ethical conduct was currently with s 9(2)(b)(ii) for approval. In respect to the other codes recently reviewed it was noted that s 9(2)(b)(ii) codes had been approved. The s 9(2)(b)(ii) code was currently with C Johnson for final review.

It was agreed to delete the actions which had been carried over from the 2017 operational plan.

Actions:

G Shackell to circulate amended template to committee members for feedback.

G Shackell to talk to s 9(2)(a) about s 9(2)(b)(ii) code of ethical conduct.

G Shackell to redraft Three Rs research grant application form by end of November and circulate to the rest of the committee for review.

s 9(2)(a) to remove Three Rs research grant application form from website.

C 3. Significant Surgical Procedures (SSP) Regulations

G Shackell invited s 9(2)(a) to provide an update on the regulations.

Further to the update that had been provided at the AEC workshop held the previous day, s 9(2)(a) reported that she had asked AECs for feedback by 30 November 2018. MPI wanted to hear from AECs about any procedures that the Ministry were currently considering regulating which would be carried out by non-veterinarians under an AEC approved project; and any procedures that had not already been identified, which may be carried out by non-veterinarians outside of an AEC approved project and which may meet the SSP criteria.

The next step would be for the Regulation and Assurance and Policy animal welfare teams to review and 'triage' the information supplied with a view to running it past a working group representing different internal and external stakeholders in the new year. Re-consultation would follow again after that.

s 9(2)(a) reported that she was also working with organisations such as the Department of Conservation to identify the procedures they were performing under section 5 of the Act.

R Hazelwood asked s 9(2)(a) how MPI might define those procedures that were of a 'lower level'. s 9(2)(a) reported that guidance material or answers to commonly asked questions, might need to be drafted.

The committee briefly discussed whether the regulations would capture blood harvesting. It was noted that at the workshop, routine blood sampling was reported as being out of scope. However, blood harvesting could have significant welfare implications for the animal if too much blood was drawn. s 9(2)(a)

s 9(2)(a) agreed to add this topic to the list of procedures that had already been identified as requiring further consideration.

It was acknowledged that the system described above was a bit 'clunky'. s 9(2)(a) reported that MPI were also investigating whether people using animals for research, testing and teaching could be exempted from the regulations.

G Shackell thanked s 9(2)(a) for her update, after which she departed the meeting at 9.55 am.

C 4. Feedback from AEC workshop

G Shackell invited committee members to comment on or provide feedback from the workshop which had been held the previous day.

M Tingle reported that the feedback from the AEC chairs had been positive. It was noted that the chairs had appreciated the opportunity to go off topic so that they could discuss matters of interest amongst themselves. Likewise, the veterinarians and animal welfare officers (AWOs) were able to delve into issues relevant to them. It was generally agreed that the workshop groupings – AEC chairs together, institutional members and secretaries; veterinarians and AWOs; and SPCA and local government nominees together had been a successful way of splitting up AEC members.

It was agreed that the compliance presentation had not clearly outlined the responsibility of AECs to report non-compliances to the appropriate enforcement agencies. As the information was not presented as expected, NAEAC considered it would be valuable to draft its own information to AECs. It was suggested that s 9(2)(a) be invited to a future NAEAC meeting to discuss the matter of non-compliance further. For example, it would be useful to know what matters Compliance would want to know about and when they would want to know about them. G Shackell agreed to convey NAEAC's feedback to s 9(2)(a).

The committee enjoyed the presentation by s 9(2)(a) on animal welfare in emergencies. It was agreed to ask s 9(2)(a) for a checklist of things to consider in relation to research, testing and teaching.

G Shackell noted that s 9(2)(a) was going to ask the Animal Health Laboratory at Wallaceville about their emergency plans and if possible share them with other AECs. M Tingle suggested that emergency planning should be pushed back to animal facility managers. G Shackell agreed to discuss this further with the s 9(2)(b)(ii) facility manager.

The committee also generally discussed how it could reach those AECs who did not normally attend workshops. The following suggestions were made:

- Mentioning AEC workshops in the letter that went to code holders when their code was approved. It was noted that a letter had been drafted previously to code holders reminding them about the importance of sending AEC members to such events. G Shackell agreed to see how this letter could be amended and circulated to code holders.
- Attend an AEC meeting in conjunction with an accredited reviewer when they were reviewing a code holder.

s 9(2)(a) reported she would be able to provide further information about workshop attendance history and feedback at the next meeting.

Actions:

G Shackell to invite s 9(2)(a) to a NAEAC meeting.

G Shackell to provide feedback to s 9(2).

s 9(2)(a) to ask s 9(2) for RTT related checklist.

G Shackell to discuss emergency management with the University of Otago facility manager.

s 9(2)(a) to provide a summary of AEC meeting attendance at February 2019 meeting.

PART ONE (OPEN TO THE PUBLIC)

O 1. Meeting dates for 2019 including AEC site visit

The meeting dates for 2019 were agreed as follows:

- Friday, 8 February 2019 (general meeting) in Wellington
- Thursday, 16 May 2019 (AEC site visit) and Friday 17 May (general meeting) in Nelson
- Tuesday, 20 Aug 2019 (joint meeting with NAWAC on the 5 Domains and Mātauranga Māori) and Wednesday, 21 August 2019 (general meeting) in Wellington
- Thursday, 19 September and Friday, 20 September 2019 (codes of ethical conduct meeting) in Wellington
- Wednesday, 16 October 2019 (holding date for extra codes of ethical conduct meeting if required) in Wellington
- Thursday, 14 November 2019 (general meeting) and Friday, 15 November 2019 (meeting with AEC chairs) in Wellington

O 2. Discussion/approval of NAEAC's revised *Good Practice Guide*

The committee reviewed the draft revised *Good Practice Guide* which was circulated prior to the meeting. C Gillies commented on version control noting that tracking amendments, and the reasons for them, could be useful to both NAEAC and users.

s 9(2)(a) asked committee members for specific feedback on various parts of the draft document. The following changes were noted for amendment:

- *Section 2. Definition of Terms and Abbreviations Used in This Guide:* There was no need to reference the Animal Welfare Amendment Act (No 2) 2015 so this should be deleted.
- s 9(2)(a) sought clarification as to why some of the text was highlighted yellow and green. It was noted that the highlights could be removed from the text.
- *Section 3.2. Membership of NAEAC:* The opening sentence did not make sense.
- *Section 4.8. CEC Expiry and Statutory Review:* It was noted that s 9(2)(a) would amend the last paragraph in this section.
- *Section 4.9 Animal Ethics Committee:* Reference to section 3.1 should be 4.1.

- *Section 4.9.1. Jurisdiction of AECs:* 'Territorial waters' should be added to the end of the heading under this section.
- *Section 4.11. AEC Meetings and Decision Making:* It was agreed that 'face to face meetings' which appeared in the first paragraph should be defined. s 9(2)(a) agreed to do this.
- *Section 4.12.6. Conditions of Approval:* The web links at the fourth bullet point required separating.
- *Section 5.3. Interim Reports:* In the fourth bullet point it was noted that 'AE' referred to adverse event.
- *Section 5.7. Non-Compliance:* It was agreed to ignore the comment about including text about escalating non-compliances.
- *Section 6.2. Facility Manager:* In the last sentence of the first paragraph 'with' should be 'have'.
- *Section 6.7. Animals collected from their natural habitats:* Reference to section 36 of the Act should be checked as the legislation had been amended.
- *Section 7.4.2. Animal Welfare Monitoring of Pain or Distress:* It was agreed to delete reference to sample monitoring sheets being included as an appendix. It was also agreed that the code template, and application form also not be included as appendices.

s 9(2)(a) reported that he had reviewed the document in detail prior to the meeting and had made a number of changes that would probably address the concerns noted above, especially those relating to sections that did not make sense. s 9(2)(a) agreed to send his version of the document to s 9(2)(a)

Moved s 9(2)(a)

That the amendments made by s 9(2)(a) and the changes agreed to above, be incorporated into the draft and that it be prepared for publication by MPI after being reviewed by s 9(2)(a) and s 9(2)(a) one last time.

The motion was put: carried.

On behalf of the committee s 9(2)(a) thanked s 9(2)(a) for their significant work in redrafting the guide. s 9(2)(a) asked s 9(2)(a) to include the guide and code template as future standing agenda items with the code template appearing last on the agenda.

Actions:

- s 9(2)(a) to send his amended version of the Guide to s 9(2)(a)
- s 9(2)(a) to define 'face to face meetings'.
- s 9(2)(a) to finalise document and send to G Shackell and R Hazelwood for final review.
- s 9(2)(a) to put final document on MPI website.
- s 9(2)(a) to include the guide and code template as future standard agenda items for general meetings.

The meeting adjourned for lunch at 12.30 pm. M Tingle departed the meeting at 12.45 pm. The meeting resumed at 1.15 pm.

O 3. Discussion of NAEAC's revised Strategic Plan

G Shackell referred committee members to the strategic plan which had been reviewed and amended at the August operational planning day and circulated prior to the meeting. It was noted that this plan had been slightly different from the one that G Shackell had presented to AECs the previous day. The committee reviewed the plan again. The following changes were noted:

- There was concern that the Three Rs would be diminished if the committee added additional 'Rs' to its strategy. It was generally agreed that 'Explore the fourth R (Respect)' should be changed to 'Explore the concept of Respect for animals'.
- Because the animal use statistics belonged to MPI not NAEAC, it was agreed to change 'Make animal use statistics more accessible' to 'Support animal use in research, testing and teaching being more transparent'.
- Type 'NAEAC' in full at the top of the page.
- Delete the animal banner.

Moved (R Hazelwood/C Johnson):

That the agreed amendments to the draft Strategic Plan be made and that the amended document be adopted as the committee's updated Strategic Plan for 2019-23.

The motion was put: carried.

Once the plan was finalised it was agreed that it be put up on the MPI website, circulated to code holders, sent to the Minister, included in the next AEC newsletter and future issue of *Welfare Pulse*. In respect to the Minister, G Shackell agreed to discuss the strategy with the Minister at a future meeting.

Actions:

s 9(2)(a) to finalise the strategic plan and circulate it to code holders and the Minister.

G Shackell to include strategic plan in next AEC newsletter and future issue of 'Welfare Pulse'.

G Shackell to discuss strategy with Minister at a future meeting.

O 5. Code review process for 2019

Given that two new committee members are to be appointed, it was agreed that code assignment be deferred until February next year.

O 6. Zebra fish

C Johnson reported that while the Animal Welfare Act defined fish as animals, the legislation excluded those animals in a larval stage. The feedback NAEAC had sought from national and international experts, a summary of which was circulated prior to the meeting, confirmed NAEAC's view that zebra fish should be classed as animals after the yolk sac is completely absorbed (approximately 5-7 days post-fertilisation).

The committee discussed whether their view on zebra fish should be extended to all fish. It was noted that there is likely to be a lot of opposition to NAEAC wanting to change the definition of animal to include

the larval stages of all fish. Also, not all fish develop the same way. Therefore, it was agreed to just concentrate on changing the definition of animal as it relates to zebra fish.

It was noted that there would also be concerns by those individuals using zebra fish that they would not be able to count them for reporting purposes to MPI. C Johnson said this was possible and was currently done overseas.

Moved (C Johnson/A Dale):

That NAEAC agree to recommend to MPI that the definition of 'animal' in the Animal Welfare Act 1999 be amended to include zebra fish 5 days post fertilisation.

The motion was put: carried.

The committee asked s 9(2)(a) to advise them on next steps. A subcommittee comprising s 9(2)(a) Hazelwood, A Dale and C Johnson was formed to progress this piece of work.

Action - s 9(2)(a) to advise next steps on changing the definition of animal to include zebra fish.

O 7. Aotearoa New Zealand Three Rs awards

It was noted that the Three Rs awards had been discussed previously under agenda item C 2.

O 8. Animal use statistics

Further to the previous discussion on animal use statistics under agenda item O 3 and the update provided by s 9(2)(a) when she opened the AEC workshop, s 9(2)(a) reported that MPI was looking at ways in which it could improve the way it reported and delivered the animal use statistics to the public. NAEAC agreed that it was supportive of these measures.

The notion of positive grading systems was noted by G Shackell as this had come up during the AEC workshop. The example given being sniffer dog testing where dogs were rewarded with treats after sniffing out certain substances. It was noted that this had relevance to the 5 domains and the concept of a 'life worth living'.

O 9. Xenotransplantation

G Shackell referred committee members to the memo on xenotransplantation that had been circulated prior to the meeting. The memo, from s 9(2)(a) was asking NAEAC specific questions about xenotransplantation (taking animal tissue and introducing it into humans) and the scope of work covered by the s 9(2)(b)(iii) code of ethical conduct.

B Connor provided an overview of xenotransplantation including the work of s 9(2)(b)(iii) and the company that that been its predecessor, s 9(2)(b)(ii). The following points were noted:

- s 9(2)(b)(iii) research related to supplying pigs as a source of kidneys for humans who need kidney transplants

- There were many studies conducted in the field of xenotransplantation in the 1960s.
- In 1997 pig to human transplants were banned because of concerns about transmission of pig diseases to humans
- The Auckland Island pigs owned by s 9(2) did not have the pig endogenous retrovirus (PERV).
- Islet cell transplantation, to treat type 1 diabetes, has not continued because of recorded immune responses in humans
- Anti-cell – taking cells from piglets and encapsulating them to put into patients had been conducted in Canada
- The US Food and Drug Administration had regulations relating to work carried out on pigs and non-human primates
- The loss of cleanliness of the Auckland Island pigs as a result of s 9(2) closure means that s 9(2) will now need to breed transgenic pigs for their studies

It was noted that the committee did not consider any special animal welfare or ethical considerations when it reviewed s 9(2) draft code of ethical conduct and discussed whether it should have or not.

Also, the committee was unsure what had led to the questions being asked of NAEAC so B Connor agreed to discuss this further with s 9(2). It was noted that the removal of pig tissue was the smallest part of the xenotransplantation process.

Action – B Connor to discuss xenotransplantation with s 9(2).

O 10. MPI summary of CEC approvals, notifications and revocations

The MPI summary of code approvals, notifications and revocations was noted. s 9(2)(a) reported that Estendart Ltd had been bought out by Invetis (NZ) Ltd.

O 11. Discussion of information circulated by MPI

There were no specific comments arising out of the information circulated to NAEAC by MPI. It was agreed that this agenda item could be removed from future meeting agendas.

Action – s 9(2)(a) to remove 'discussion of information circulated by MPI' from future meeting agendas.

O 12. Committee members' reports on recent presentations and attendance at conferences

G Shackell invited committee members to comment on recent presentations or conferences they had attended.

C Johnson had attended a conference on human ethics in Townsville Australia. The focus of the meeting had been on the new human ethics handbook.

The discussion briefly went back to the s 9(2) code of ethical conduct. It was noted that xenotransplantation had Ministry of Health implications and that maybe NAEAC had missed an opportunity to access any potential risk of this type of work. R Hazelwood referred to the Act and confirmed that NAEAC could make comments on applications. C Gillies pointed out reputational risk and not wanting to embarrass the Minister. G Shackell offered to ring s 9(2) to ascertain if she could

attend the meeting now to discuss the context of her memo. s 9(2) reported to G Shackell that she was unavailable. As mentioned earlier, B Connor would contact s 9(2) to discuss the matter at another time.

s 9(2)(a) reported that when he was in London he went to the National Centre for the Replacement, Refinement & Reduction of Animals in Research but no one was available to see him. s 9(2)(a) noted he had undergone a similar experience.

s 9(2)(a) reported she had circulated a survey on mouse handling techniques to AECs by s 9(2)(a)

T Fenn reported she had met with the chair of the Schools' - New Zealand Association of Science Educators (NZASE) AEC.

M Tingle re-joined the meeting at 2.25 pm.

G Shackell reported that NAWAC had made some changes to the way they open and close meetings under the Local Government Official Information and Meetings Act 1987.

G Shackell reported that at the workshop he had been asked about whether wild pigeons could be caught and then housed in cages for research. It was generally agreed that animals used for research should be purpose bred. However, it was acknowledged that some institutions did use wild caught pigeons for studies and that these birds were obtained during specific depopulation programmes in the community.

T Fenn reported that NZASE had been approached by s 9(2)(a) from the New Zealand Antivivisection Society to distribute a survey to all schools. The Society were campaigning for zero use of animals in teaching at all levels.

C Johnson reported that s 9(2)(a) had visited Massey University's Veterinary School and was shown some of the alternatives used in teaching students veterinary medicine. s 9(2)(a) was to speak to senior veterinary students next year.

It was also noted that s 9(2)(a) was meeting with the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) on Friday.

G Shackell reminded committee members that he had invited s 9(2)(a) to present a mini-tutorial to the committee in February.

O 4. Discussion of NAEAC's revised Operational Plan

The feedback from the operational planning meeting held in August had been incorporated into a table and circulated to committee members. G Shackell suggested that the committee go through the table to identify the key priorities. In addition, G Shackell considered it would be useful to also identify subcommittees that could be responsible for specific pieces of work. It was noted that an AEC member from the University of Auckland, had offered to be of assistance with relation to fish if required. The following priorities and subcommittee topics were identified:

Priorities - relationship with AECs; reviewers (identified as being the most important); monitoring; documents; codes of ethical conduct; fish; teaching; and website presence.

Subcommittees - Training for AEC members s 9(2)(a); the review process (A Dale, M Tingle and s 9(2)(a)).

Rather than being involved in training, A Dale reported that s 9(2)(a) wanted someone to train her and the AEC that she chaired.

In relation to the review process, it was agreed that the subcommittee should look at the process which had already been described to look at what needed addressing first.

A Dale raised concerns that the operational plan was being re-litigated. G Shackell reminded committee members that the table document was not an operational plan and contained a lot of things that the committee could not possibly achieve in five years. M Tingle and A Dale believed it was better to aim high rather than doing the minimum. It was noted that nothing had been progressed since the August meeting and G Shackell wanted to ensure that the strategy working group had enough support to put something to the committee by the next meeting. The working group advised they would be able to do this. That being the case, G Shackell agreed to close the meeting.

Action – Strategy working group to present draft operational plan at February general meeting.

There being no other items of business to discuss, the chair thanked committee members for their attendance and closed the meeting at 3.22 pm.