



National Animal Ethics Advisory Committee

Codes of Ethical Conduct Meeting

Wednesday, 5 September and Thursday, 6 September 2018
9.00 am – 5.30 pm

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

MINUTES

Present

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

In Attendance

s 9(2)(a) (Senior Adviser, Animal Welfare) and s 9(2)(a) (Secretary) for the entire day;
s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy) for part of the meeting.

Apologies

None.

G Shackell opened the meeting at 9.03 am and welcomed attendees. It was noted that s 9(2)(a) had invited s 9(2)(a) to morning tea at 10.30 am to meet committee members. s 9(2) was would be attending NAEAC meetings in future, representing MPI Policy, now that s 9(2)(a) was at the Minister's office.

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 was identified for discussion under Part Two of the agenda.

PART ONE (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/M Tingle):

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

- C 1. MPI update
- C 2. s 9(2)(b) code of ethical conduct
- C 3. s 9(2)(b)(ii) code of ethical conduct
- C 4. s 9(2)(b)(ii) code of ethical conduct
- C 5. s 9(2)(b)(ii) code of ethical conduct
- C 6. s 9(2)(b)(ii) code of ethical conduct
- C 7. s 9(2)(b)(ii) code of ethical conduct
- C 8. s 9(2)(b)(ii) code of ethical conduct
- C 9. Discussion of arrangements for 2018 animal ethics committee (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.	MPI update	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 2.	s 9(2)(b) code of ethical conduct	To protect information where making the information available would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; 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)(b)(ii) and/or 9(2)(g)(ii) of the OIA.
C 3.	s 9(2)(b)(ii) code of ethical conduct	As for C 2 above.	As for C 2 above.

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 4.	s 9(2)(b)(ii) code of ethical conduct	As for C 2 above.	As for C 2 above.
C 5.	s 9(2)(b)(ii) code of ethical conduct	As for C 2 above.	As for C 2 above.
C 6.	s 9(2)(b)(ii) code of ethical conduct	As for C 2 above.	As for C 2 above.
C 7.	s 9(2)(b)(ii) code of ethical conduct	As for C 2 above.	As for C 2 above.
C 8.	s 9(2)(b)(ii) code of ethical conduct	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 section 9(2)(g)(ii) of the Official Information Act 1982.
C 9.	Discussion of arrangements 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), s 9(2)(a) (Senior Adviser, Animal Welfare) and s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy) 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. MPI update

s 9(2)(a) provided a quick summary of the MPI update which was circulated prior to the meeting.

C 2. s 9(2)(b)(ii) code of ethical conduct

G Shackell asked committee members to focus their discussion of this code on content rather than spelling mistakes which the Secretariat would deal with. It was generally agreed that s 9(2)(b)(ii) had done a good job of updating their code based on feedback received from NAEAC in August. The committee reviewed the revised draft code. The following points were noted for clarification/amendment (adopting the references in the code):

Section 3.2: NAEAC queried whether the Chairperson was a staff member and considered that the external members should be described as "statutory external members" rather than "from the community". This terminology should be used throughout the document. Also, the Act required one of the members to be a senior staff member capable of evaluating projects, the skills of the applicant and the scientific or teaching value of the project. It was unclear who this was in the code.

Section 3.2.2.2: With regard to the final paragraph, as well as seeking the nominations, the CEO must also then appoint those people to the AEC.

Section 3.2.2.3: NAEAC members were unclear whether the Operations Manager/Senior Scientist was one person or two, especially since elsewhere in the document there was reference to just the Operations Manager. It was agreed that the terms should be clear and used consistently.

Section 3.2.4: This section should clarify whether co-opted members are full members of the AEC who participate in decision-making or whether they simply provide advice during AEC discussions. NAEAC also suggested that the phrase "are poorly represented which" be deleted.

Section 4.3: The use of the word "generally" in this section made the timing fairly vague so it was suggested that this word be deleted. Also, if meetings are only held twice a year and minutes are only distributed, say, four weeks prior to the next meeting, members' memories of events might be a little vague. It was suggested that minutes be circulated within a specified time after the meeting.

Section 4.5: If there are six AEC members then a quorum of four is fine. If however there are additional members who participate in decision-making then the quorum should be 50% plus 1 of members including at least two of the statutory external members.

Section 4.12: In this section "invitational" should be "invitation".

Section 10.3: The sentence "A complaint made with regard to the Chair should be reported directly to the Code holder." should be moved to section 10.1. This section should also specify that if the Chair has dealt with a complaint it should be reported back to the AEC. In addition, reference should be made to reporting offences to the relevant authorities.

Appendix 1: In the third bullet point "From" should be "Form".

Moved: (M Tingle/C Johnson):

That s 9(2)(b)(ii) code of ethical conduct be received and that NAEAC recommend that the Director-General of the Ministry for Primary Industries approve the code under the Animal Welfare Act 1999, subject to the matters identified by NAEAC being addressed to the satisfaction of MPI.

The motion was put: carried.

The committee thanked G Shackell and s 9(2)(a) for their work in enabling s 9(2)(b)(ii) to produce a revised code in time for the September meeting.

Action – s 9(2)(a) to write to advise s 9(2)(b)(ii) accordingly.

C 3. s 9(2)(b)(ii) code of ethical conduct

s 9(2)(a) reported that he used to work for s 9(2)(b)(ii). While he did not feel conflicted he asked the rest of the committee whether they wanted him to leave the room for the discussion of this code. The committee agreed that this would not be necessary.

M Tingle and A Dale had been assigned the responsibility of leading the review of this code. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1, 5th paragraph: NAEAC requested that the macron be used for Māori rather than Māori.

Section 1.1: NAEAC considered that "wherever possible" should be deleted.

It was noted that the committee liked the last sentence on page 3 which read: s 9(2)(b)(ii) *promotes a culture of care which fosters integrity and accountability of the actions and decisions of all staff and committee members.*

Section 2.1: In paragraph 2, NAEAC did not like the reference to the current code which would be irrelevant once the new code was approved. It considered that all of this paragraph apart from the final sentence be deleted. It also considered that if an AEC was disbanded the AEC to which the projects are transferred should reconsider them and decide whether or not to approve them. NAEAC therefore wanted the final sentence amended to read "... projects will be passed to another s 9(2)(b)(ii) AEC for consideration."

Section 2.2.1: NAEAC considered that the first paragraph could be deleted.

Section 2.2.3: If there are going to be additional members on the committee they must be appointed not just nominated. NAEAC also considered that the three bullet points listed could be deleted.

Section 2.3: In the first paragraph "external appointments" should be "statutory external appointments" as the code allowed other external members to be appointed. Similarly any reference throughout the document should specify statutory external members. It was considered that the second paragraph in this section should be deleted.

s 9(2)(a) joined the meeting at 10.55 am and departed at 11.15 am.

Section 2.5: The first sentence in this section mentioned the AEC Chair whereas the term Chairperson was used elsewhere in the document. For consistency one or other term should be used. It was suggested that the bullet points relating to particular items in the NAEAC induction pack simply be deleted as these may change over time.

Section 2.6: NAEAC considered that the use of "internal and external" in this section was unnecessary and adding "where relevant" after "nominating body" would be useful.

Section 3.2: NAEAC considered that the second sentence in this section was unnecessary. In the final sentence it was suggested that "maintained on" be replaced by "recorded in".

Section 3.3: In the third paragraph NAEAC considered that a minimum time period should be specified for circulating meeting documents to give AEC members sufficient preparation time. Also, in the final sentence of the fourth paragraph, "and ratified" should be amended to "for ratification" otherwise it could be implied that there is no option except to ratify.

Section 3.4: There may be times when the chairperson is not available so including the deputy chairperson as well would be useful.

Section 3.5: In the second bullet point "Ministry of Agriculture" should be "Ministry for Primary Industries" and "Wellington" should be deleted.

Section 3.9: It was suggested that the sentence end after "apology" and the following wording replace the rest of the sentence: "However, preference is for attendance in person."

Section 3.10: In the final sentence, change "and ratification" to "for ratification".

Section 3.12: NAEAC suggested the first paragraph should be amended to read: "The presence of applicants at meetings is encouraged when the AEC considers a project in an area that is unfamiliar to it."

Section 3.13: In the final sentence, the phrase "may arrange meetings, applicant attendance and AEC member visits but" should be deleted.

Section: 3.15: In the final paragraph "with" should be "within".

Section 3.16: "Animal Welfare Directorate" should be "Animal Health and Welfare Directorate".

Section 4.2: In the sixth paragraph, "ratified" should be changed to "considered for ratification".

Section 4.4: In the second sentence, the comma after "and" should be removed. In the second paragraph, NAEAC considered that after "project" the rest of the paragraph should be replaced with "the AEC has the power to immediately terminate the project and stop all manipulations."

Sections 5.3: Transport provisions are contained in some other codes too so NAEAC suggested this section be reworded to "... in accordance with relevant legislation, relevant codes of welfare or NAEAC's *Good Practice Guide for the Use of Animals in Research, Testing and Teaching*."

Section 5.4: The 2002 guide was replaced in 2010 but as it is being revised again it was suggested to leave out the date. In the last sentence, "approved SOP's" should be "AEC-approved SOPs".

Section 5.5: In the second paragraph, "registered" would be more appropriate than "trained as".

Section 5.6: NAEAC considered that the first sentence should read "SOPs relating to the care and use of animals are created by the applicant in conjunction with the AWO and must be approved by the AEC."

In relation to some of the sections discussed above it was agreed that NAEAC should ask accredited reviewers if they were reviewing against documents such as the SOPs and NAEAC's Good Practice Guide.

Section 5.7: In the second sentence "These" should be replaced by "Causes". The third sentence should be amended to read "Any adverse event and effects on the study animals must be reported to the AEC and an adverse event form completed and submitted as soon as possible." In the second paragraph "minor" should be deleted. In the final paragraph, the term "proposer" is used but "applicant" has been used in other places in the code so terminology should be consistent.

Section 6.1: In the third paragraph, the term "principal investigator" was used. NAEAC wanted the terminology to be consistent throughout the code. It was suggested that the following sentence be added as a fourth paragraph: "In all other cases approved SOPs must be followed. The phrase "that is consistent with NAEAC emergency management protocols" should be deleted from the final sentence.

Section 6.2: For the sake of clarity "Parented" should be added to the beginning of the second sentence. Also, it was NAEAC's view that SOPs should be approved by the AEC.

Section 6.3: In the third sentence of paragraph one, it should specify each **s 9(2)(b)(ii)** facility rather than one. In the following sentence "visited" was misspelt. In the next paragraph, it was suggested that "Facilities of" be added at the beginning of the sentence.

Section 7.2: In paragraph two, it was agreed that "at least" be added before "10%" and "applications" should be changed to "approvals". NAEAC was of the opinion that 10% of approvals for parented organisations should also be monitored. The first sentence of the fourth paragraph should be deleted and the remainder moved so that it become the second paragraph. In the sixth paragraph "Minor supervisory" should be deleted. In the final paragraph the term "project leader" was used. Earlier comments regarding applicants and principal investigators also applied here.

Section 7.3: This section should also include projects undertaken by parented organisations and, once again, "applications" and "projects" should be "approvals".

Section 8: In the second sentence "review and monitor the applications" should be amended to "review applications and monitor the approvals". In the third paragraph, the name of the Directorate required updating.

Section 9.1: In the first sentence NAEAC considered that the comma after "notice of an AEC" should be deleted. It also noted that the term "Chairman" had been used in the last sentence of paragraph one when "Chairperson" was used elsewhere.

Section 9.3: The subsections "Describe the policies and" should be deleted and perhaps the section headings reworded. In 9.3.1 the term "Company" is used instead of **s 9(2)(b)(ii)**.

Section 10: In both places "Director-General MPI" would read better if it were "the Director-General of MPI".

List of documentation: The three guides were out of date and should be removed from the list.

A Dale and M Tingle asked about the accredited reviewers report. s 9(2)(a) advised that the report had been attached to the draft code that was circulated as a PDF mail out in Shared Workspace. A Word version of the code had been sent to A Dale and M Tingle separately (without the review report) as requested at a previous meeting so that it would be easier to track changes on the document.

s 9(2)(a) gave A Dale her hard copy of the review report at the meeting.

Moved: (M Tingle/A Dale):

That s 9(2)(b)(ii) code of ethical conduct be received and that NAEAC recommend that the Director-General of the Ministry for Primary Industries approve the code under the Animal Welfare Act 1999, subject to the matters identified by NAEAC being addressed to the satisfaction of MPI.

The motion was put: carried.

Actions:

NAEAC to ask accredited reviewers if they are reviewing against the code holder's SOPs and NAEAC's 'Good Practice Guide'.

s 9(2)(a) to write and advise s 9(2)(b)(ii) accordingly.

C 4. s 9(2)(b)(ii) code of ethical conduct

A Dale reported that she had recently attended one of s 9(2)(b)(ii) AEC meetings. s 9(2)(b)(ii)

B Connor and R Hazelwood led the discussion of this code. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1: It was suggested that reference be made to Part 6 of the Animal Welfare Act 1999 rather than particular sections.

Section 3.5: The definition of manipulation should be the same as that in the Animal Welfare Act.

Section 5.1: This section stated that there was a minimum of four AEC members but specified five in the bullet points so was contradictory.

The Act states that one of the institutional members must be a senior member of staff capable of evaluating the application, the value of the project and the qualifications and experience of the applicant. The code needed to specify or identify which member this was.

NAEAC asked for clarification as to whether "Research Co-ordinator" was a specific job title at s 9(2)(b)(ii)

s 9(2)(b)(ii)

The wording in that bullet point should also be "A nominee of" rather than "A nominee from". The second sentence in this bullet point could then be deleted.

In the last bullet point, any extra members must also be appointed by the Director not simply "invited" by the AEC.

Section 5.2: This section stated that the term of appointment was for three years but the second sentence stated that appointments may be of varying intervals. This was contradictory and could be overcome by stating that members will be appointed for a maximum period of three years.

Section 5.3: In this section, and elsewhere in the document, reference to "external members" should be "statutory external members" in case any other external members are ever appointed. Also, this section did not specify how the Chairperson was appointed. In addition, with regard to helping to prepare members for their roles, some reference should be made to providing new members with the NAEAC AEC induction pack.

Section 5.5: This section should specify whether co-opted experts are involved in decision-making or are simply advisers.

Section 5: It was suggested this section include some procedure for dealing with prolonged absences of AEC members.

Section 6.1: It was suggested that "face-to-face" be added between "one" and "meeting".

Section 6.3: It was suggested that papers be circulated to AEC members at least 5 working days before the meeting.

Section 6.5: As the number of members may vary, it was suggested that the quorum be 50% of members plus 1, including 2 statutory external members.

Section 6.6: The types of decisions possible should be mentioned and there should be some reference to what happens if there is no consensus. How decisions are recorded and notified should also be included.

Section 6.7: NAEAC suggested that a little more information be given about the items listed as bullet points in this section.

Section 6.8: Again, there needed to be some reference to recording decisions and notifying applicants and the full committee.

Section 6.9: The subcommittee composition should be specified.

Section 6.10: As section 5.3 stated that the Chairperson was an external member the Chairperson will not be submitting protocols.

Section 6.11: NAEAC did not consider that applications should be considered by email as this did not enable discussion. It was suggested that teleconferencing or videoconferencing could be used.

Section 7: NAEAC was unclear what the additional protocols section was referring to.

Section 7.2: This could be expanded as it needed more than start and end dates. For example, what does the report to the AEC cover?

Section 7.9: It might be useful to refer to what happens after a recommendation is made to the Director i.e. if the Director agrees to the amendments, minor ones will be notified to MPI and all others will be submitted to MPI for approval.

Section 8: This section needed to contain more detail about monitoring such as frequency and percentages of projects monitored. Also in 8.3, the AEC has more power than to simply request a modification.

Typographical errors

- In 6.8, first bullet point, "member's" should be "members" as it is plural.
- In 7.2 there are two full stops.
- In 7.5 a) there is no full stop but the other subsections have one.

The committee was of the view that the code required significant revision and that it should be resubmitted in the format following the code template. The committee considered that s 9(2) also needed to address comments made by the accredited reviewer. B Connor volunteered to make herself available to help the code holder redraft their code.

Action – s 9(2)(a) **to write to advise** s 9(2)(b)(ii) **accordingly.**

C 6. s 9(2)(b)(ii) code of ethical conduct

s 9(2)(a) declared his conflict of interest and left the meeting at 3.30 pm. As this would be the last code reviewed in the day s 9(2)(a) would return to the meeting the following morning.

M Tingle and L Carlyon had been assigned responsibility for leading the discussion of this code. The following points were noted for clarification/amendment (adopting the references in the code):

T Fenn noted that she liked the page which talked about Treaty of Waitangi obligations and principles.

NAEAC noted that the term "Committee" and "AEC" were used interchangeably throughout the document and considered using "AEC" was preferable. Also, "code" should be replaced with "code of ethical conduct" to avoid confusion with codes of welfare.

Section 1.1.2: Reference to Part 6 of the Act was sufficient in this section.

Section 2.2: The Act specifies that one of the internal AEC members must be a senior staff member capable of evaluating projects, the skills of the applicant and the scientific or teaching value of the project. It should be clear which member this is. Also, in the second bullet point NAEAC did not consider that "lay" was an appropriate term in this context and it should be deleted.

It was stated that the membership is 12 but the list only totalled 11 members. Also, in section 2.2.3 it was stated that up to two additional members may be appointed which would bring the total to 13.

Section 2.2.1: NAEAC was of the view that the second sentence and the list of areas of expertise be deleted.

Section 2.2.2: Rather than "Community members" NAEAC considered that the term "statutory external members" should be used, both in this section and throughout the document.

Section 2.3: NAEAC considered that it would be better to separate appointment procedures and reappointment procedures.

Section 2.5: As well as the NAEAC AEC induction pack, new members should also be provided with a copy of the code of ethical conduct.

Section 2: It would be useful to add a statement about the protection of AEC members (section 104 of the Act).

Section 3.2: Given the size of the AEC a quorum of four was not considered adequate. A quorum of 50% plus 1 of the members was recommended.

Section 3.3: Decision-making should be by one method only and NAEAC was of the view that it should be by consensus.

Section 3.4: This section should include a statement about the declaration of conflicts of interest.

Section 3.5: NAEAC considered that all AEC members should have effective input into AEC deliberations.

A question was raised about what could be done about inappropriate or ineffective participation of AEC members. s 9(2)(a) was asked to record this as an item for future consideration.

Section 3.8: NAEAC did not consider it appropriate that new projects (as opposed to amendments) were considered between meetings. This section should be amended to reflect this. It was noted that NAEAC considered teleconferencing or videoconferencing would constitute a meeting but not decision-making by email.

During the discussion of this section G Shackell amended the code template to reflect the committee's view on considering applications between meetings.

Section 3.12.1: This should refer to the legally required annual statistics return as well as additional requests.

Section 4.1.2: NAEAC suggested "submitted for consideration" would be more appropriate than "sent forward".

Section 4.1.6 and 4.1.7: C Gillies advised that the correct abbreviation for the Department of Conservation was DOC not DoC which was used for the Department of Corrections.

Section 4.1.8: NAEAC wanted the code holder to clarify why the chief applicant had to be a permanent member of staff.

Section 4.1.9 d): NAEAC wanted "considered" changed to "approved" and thought it would be clearer if "that committee" was changed to "that AEC".

Section 4.5: NAEAC considered that this section be amended to "Any proposed alteration to an approved application must be considered for approval by the AEC or".

Section 5.1.4: NAEAC suggested that "involving research, testing and teaching in which animals are to be used (with the exception of 4.1.9)" be deleted along with "Except as provided in paragraphs 3.8.1 and 3.8.2".

Section 5.1.6: Unless there was also an Animal Welfare Officer who was not on the AEC "of the Animal Ethics Committee" seemed superfluous.

Section 5.1.8: If the statistics form is attached to the application form, then the animals have not been used so the second sentence could read "All animals proposed to be used ...".

Section 5.1.9: The term applicant or chief applicant is used elsewhere so "proposer" should be changed for the sake of consistency.

Section 5.1.13: In the last sentence, "consent" should be "approval".

L Carlyon departed the meeting at 5.07 pm.

Section 5.1.14: In the last sentence, the word "compliant" was preferred over "acceptable".

Section 5.1.16: NAEAC queried whether Heads of School should receive approved applications from the applicant or the AEC.

Section 5.1.18: As penalties may change, NAEAC did not see the need to specify maximum penalties.

Sections 5.3 and 5.4: Reference should be made to codes of welfare in these sections.

Section: 6.2: A minimum number or percentage of protocols should be specified.

Section 6.3: There should be more emphasis on AEC involvement monitoring facilities.

Section 6.4.1: NAEAC considered that the AEC should receive a report on every completed project.

Section 6.4.2: This section should include a comparison between numbers approved and actually used and impact grades predicted and actual impact grades.

Section 7: NAEAC suggested this section could be expanded using NAEAC's code template.

Typographical errors

- In section 2.2, first bullet point, remove the capital from "Appointed".
- In section 4.1.8, "Chief" does not need a capital and is not given one elsewhere when the chief applicant is mentioned.

It was agreed that this code be reconsidered at the 18 October 2018 codes meeting.

Action – s 9(2)(a) to write and advise s 9(2)(b)(ii) accordingly.

The meeting adjourned at 5.30 pm and resumed at 9.10 am the following day.

C 5. s 9(2)(b)(ii) code of ethical conduct

A Dale and B Connor led the discussion of this code. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1.1: NAEAC wanted to know how monitoring was undertaken in s 9(2)(b)(iii).

Section 2.4.2: The reference to external members should be “statutory external members” both here and throughout the document to differentiate them from any other external members that may be on the AEC. Also the requirement to have a unanimous vote to reappoint an external member provided an easy mechanism to get rid of someone that another member did not like or who was regarded as being difficult because they did not agree to approve every project or such like. NAEAC considered this should be removed.

Section 2.5.1: It is not always possible to fill vacancies promptly despite someone’s best efforts so it was suggested that the second sentence be reworded to “Replacements must be sought promptly ...”.

Section 3.1: NAEAC interpreted this section as meaning that applications may be routinely dealt with without a committee meeting. It did not consider this acceptable and believed that, unless genuinely urgent, decisions should be made at meetings to enable discussion. NAEAC considered that such meetings could be held by teleconference or videoconference as well as face-to-face.

Section 3.4: NAEAC was of the view that decisions should always be by consensus.

Section 3.6: If consensus is achieved there is no voting so decision-making would be a better term to use here.

Section 3.7: Although there was mention of people having an opportunity to have their say NAEAC suggested that a statement about the Chair encouraging the statutory external members to have effective input should also be included.

Section 3.9: Given the comments made about section 3.1, it was noted that rewording may also be required to cover lower impact gradings as well. Also, the heading referred to video conferencing but the second and third sentences only included teleconferences.

Section 3.10: As mentioned previously, low impact welfare applications could be considered at meetings held by teleconference or video conference between the quarterly face-face-face meetings.

Section 4.2: NAEAC considered that the last two paragraphs needed revision in line with earlier comments about considering applications at meetings. It was NAEAC's view that, if urgent, projects graded A or B could be considered by email.

Section 4.4: Reapplying "After" three years would leave a gap between when the first approval ended and when the second approval came into force. NAEAC considered that the second sentence could be deleted.

Section 5.1.2: This section should include a statement that no work may begin without AEC approval.

Section 5.3: This section should also refer to compliance with relevant codes of welfare.

Section 5.4: In the second sentence NAEAC considered "should" should be replaced with "must" in both places and in the third sentence "must" should be "shall". Also there should be a statement to the effect that enrichment must be considered.

Section 5.6: A statement should be added that the AEC will be notified as soon as practicable.

Section 5.7: In the second sentence delete "either" and change "or" to "and". Also, in the final sentence, after "consideration" add "and approval" and delete the rest of the sentence.

Section 5.8: There should be some statement about the Chair determining what action, if any, is necessary between being notified and the next AEC meeting as the next scheduled meeting may not be for some time.

Section 6.1: NAEAC did not consider that there was any need to list animal types in the three categories.

Section 6.2: NAEAC considered that the manual should be reviewed every year even though there may be no need for changes that frequently.

Section 6.3: In the final paragraph, NAEAC was of the view that the SOPs should be reviewed by the AEC and any proposed amendments should be submitted to the AEC for consideration.

Section 7.1: NAEAC considered that there should be more detail on monitoring and frequency should be specified. For example, site visits should be annual and at least 10% of projects graded A or B should be monitored and all projects graded C-E. The committee also thought that this section would flow better if subsections c) and d) were swapped. Field studies should be subjected to the same rate of monitoring as other studies although it acknowledged that in some circumstances other methods may be needed e.g. videos.

Section 7.3: In the first sentence of the "Minor non-compliance" section, NAEAC suggested adding "or the ethical use" after "impact on animals" and deleting the rest of the sentence after "approved study". Also, in the "Reporting non-compliances" section some statement could be made about reporting to the relevant authorities.

Section 9.2: NAEAC considered that the most appropriate AEC is the one that has sufficient expertise and is able to undertake monitoring. It did not consider the second paragraph necessary.

Section 11: Presumably the AEC cannot amend the code unilaterally - changes would have to be approved by the Chief Executive (or someone with delegated authority).

The committee commented briefly on the accredited reviewer's report. In relation to section 5.0 – *AEC compliance with its policies and procedures for monitoring approved projects* it was noted that there had been an adverse event over a holiday period. M Tingle was of the view that it was important that actual data and metrics were gathered by the reviewer in relation to monitoring.

Moved: (M Tingle/L Carlyon):

That s 9(2)(b)(ii) code of ethical conduct be redrafted in line with NAEAC's comments and resubmitted for review in October by the whole committee.

The motion was put: carried.

Action – s 9(2)(a) **to write and advise** s 9(2)(b)(ii) **accordingly.**

C 8. s 9(2)(b)(ii) code of ethical conduct

R Hazelwood and T Fenn led the discussion of this code. It was noted that the code holder had not used the code template and as a result the code was insufficiently detailed. The following points were noted for clarification/amendment (adopting the references in the code):

Title: NAEAC suggested that "use of animals for research, testing and teaching" would be more appropriate than "manipulation of animals".

Contents: Section 1.1 was missing from the contents page.

Section 1.1: It was suggested that reference to Department of Conservation and iwi approvals be made here as well.

Section 1.3: NAEAC considered that it was the applicant's responsibility to ensure that the person was properly trained not the line manager or supervisor.

Section 1.4: NAEAC wanted to see the opening sentence reworded to: "In accordance with the principles of the Three Rs, manipulation of live animals must only be undertaken: ...". In section 1.4.1, the word "considered" could be removed.

Section 1.5.1: In the second sentence NAEAC wanted to see the word "should" replaced with "must". It also suggested that in the third sentence, "Endangered or threatened species should" be replaced by "Native species shall".

Section 1.5.2: "ethical" was considered a more appropriate word than "humanitarian".

Section 1.5: NAEAC suggested that this section be moved to after section 1.7.

Section 1.6.1: In the fourth paragraph, it was suggested that the word "should" be replaced with "must". In the fifth paragraph, "an unacceptable level of suffering to the animals" could be replaced with "a level of suffering to the animals beyond which approval has been gained".

Section 1.7.1: Add the word "predicted" before "minimum".

Section 1.7.5: NAEAC suggested that "In general" be deleted from the beginning of this sentence.

Section 1.8: At the end of the first sentence add "and species appropriate". There should also be some reference to animals being cared for in accordance with relevant codes of welfare. Where codes of welfare do not exist for particular species, health and welfare should be detailed within the application or the AEC should develop SOPs. This section should also cover arrangements for identifying and treating sick or injured animals.

Section 2.1: It was suggested that the second sentence be amended to read "Its purpose is to assess whether the merit of applications for the use of animals in research, testing and teaching, using the guidelines ...". Also there seemed to be something missing in the last sentence "... both on and off by staff...". Project perhaps?

NAEAC also noted that there was no section describing the grading system.

Section 2.2: In the final sentence "legal" would be a more appropriate term to use than "working".

Section 2.3: It was suggested "only" be deleted from the first sentence as this would be contradicted if other arrangements were entered into as provided for below. Also, at the end of the last paragraph it might be helpful to mention the need to notify those arrangements to MPI.

Section 2.4: NAEAC considered that the provisions relating to monitoring were inadequate and required significant redrafting. It was suggested that the code holder refer to NAEAC's code template, the *Good Practice Guide for the Use of Animals in Research, Testing and Teaching* and NAEAC's Occasional Papers 4 and 5.

Section 2.5: This section could also include matters relating to the confidentiality of the complainant, time limits for responses and the potential to notify regulators of offences.

Section 3.1: As well as not being an employee, the Act specifies that the external veterinarian must not be associated with the organisation. NAEAC assumed that the fifth bullet point did not mean a fifth member but someone selected from the preceding four. If so, for the sake of clarity, it should not have a bullet point.

In relation to membership, NAEAC was concerned that the current New Zealand Veterinary Association (NZVA) nominee on the committee was not independent having been a recent employee of s 9(2)(b)(ii). NAEAC agreed to notify MPI of its concerns relating to this matter.

Moved: (M Tingle/R Hazelwood):

That MPI be made aware of NAEAC's concerns that the current NZVA nominee on s 9(2)(b)(ii) AEC is not independent.

The motion was put: carried.

Section 3.2: In the second bullet point "statutory" should be inserted before "external members".

Section 4.3: It was suggested that this section be reworded to "Approve, modify or decline proposals; inspect, stop manipulation or order the destruction of animals. "

Section 4.5: In the first bullet point insert "and evaluate" after "Receive". Also in the second bullet point, receiving vet reports annually may be too late to take any constructive action. Generally speaking NAEAC considered that this section lacked detail and suggested that the code holder look at the *Good Practice Guide for the Use of Animals in Research, Testing and Teaching* and the template for codes of ethical conduct.

Section 4.6: This section could be simplified by rewording it to "submit statistics as required by the regulations to the Director-General of the Ministry for Primary Industries".

Section 5.2: This section should state that this is the minimum number of meetings and that they will be face-to-face.

Section 5.8: This section should specify that the notification by the AEC secretary will be in writing.

Section 5.10: NAEAC recommended decision making by consensus.

Sections 5.12 and 5.13: These sections were contradictory. Also, NAEAC considered that email would be acceptable for amendments but not for applications.

Sections 5.17-5.20: It was suggested these would be better placed in section 3.2.

Section 5: Again, NAEAC considered this whole section would benefit by using the template for codes of ethical conduct.

Typographical errors

- In the fourth paragraph of 1.6.1, "of" should be "or" in the final line.
- In section 4.2, remove the capital from "The".
- In section 4.4 add the full stop to the end of this sentence.
- In section 5.1 the word "Chair" seemed to have been added to the start of this sentence by mistake.

It was agreed that this code could not be recommended for approval in its current state. R Hazelwood offered to make himself available to the code holder if required to assist with the amendments.

Moved: (G Shackell/M Tingle):

That MPI ask the code holder to address NAEAC's concerns and resubmit their code in time for the October codes meeting for consideration by the whole committee.

The motion was put: carried.

G Shackell recorded his apologies for the October codes meeting.

In relation to the review report, A Dale considered that it was unsatisfactory. G Shackell reminded committee members that the report was drafted in two parts. It provided a recap of the findings from the code that was reviewed five years (in this case 2013) as well as the current code which was due to expire in 2018.

Actions:

s 9(2)(a) to write and advise s 9(2)(b)(ii) accordingly.

Secretariat to notify MPI about NAEAC's concerns regarding the NZVA nominee on the s 9(2)(b)(ii) AEC.

C 7. s 9(2)(b)(ii) code of ethical conduct

As an employee of s 9(2)(a) declared a conflict of interest and left the meeting at 2.20 pm for the discussion of this code. It was noted that C Gillies and C Johnson

had been assigned responsibility for leading the discussion of this code. The following points were noted for clarification/amendment (adopting the references in the code):

Summary: NAEAC thought there should be some mention in this section that the code applied to staff.

Section 1: In the Note, the reference to "External nominees" should specify "Statutory external nominees" as it might be possible that other external members are appointed. Other references to external members throughout the code should also specify "statutory".

Section 1c: NAEAC was concerned that this could allow for members being removed from the AEC if they were not agreeing to approve projects etc. NAEAC considered a term of appointment should be specified.

Section 2d: NAEAC considered that "at least" would be better than "no less than".

Section 2e: This section seemed relevant for internal members only so it was suggested that the wording be more general to cover all AEC members.

Section 2i: The quorum specified would be fine if there were four or five AEC members but not if there were 10. It was suggested that the quorum be 50% plus 1 of the members including two statutory external members. Also, the provision for proxy votes seemed to contradict the following section relating to consensus. It was suggested that this be amended to refer to members being able to submit their comments.

Section 2j: NAEAC suggested that "applicant" would be a better term to use than "author". Also, NAEAC was strongly of the view that decisions should be made by consensus so the final sentence should be amended to read: "If full agreement still cannot be reached, then the application is deemed to be not approved." (Or the term "declined" could be used.)

Section 2u: NAEAC was unsure what "GH" stood for.

Section 3j: NAEAC queried whether these powers were delegated or whether the whole AEC (or quorum) had to exercise these.

Sections 4a and 4b: Rather than "New Zealand regulations" "Relevant New Zealand legislation" would cover things better. Also, another bullet point could be added for "relevant codes of welfare".

Section 4b: With regard to the second bullet point, NAEAC was of the view that this should specify that the SOPs are "AEC-approved".

Section 4c: NAEAC suggested the following phrase be added to the end of the sentence: "as soon as possible and reported to the AEC as soon as practicable".

Section 4d: Rather than "reviewed" NAEAC suggests "considered for approval" was more appropriate.

Section 4k: NAEAC suggested that "at least" would be preferable to "not less than".

Section 6: NAEAC suggested that "approve" be changed to "consider"

Section 7b: NAEAC considered that "Where it is appropriate" should be deleted from the beginning of the third paragraph.

Typographical errors

- In section 1e and 1f, in NAEAC Good Practice Guide, it should be "practice" not "practise". Also in 1f the title has capitals but it does not in 1e. Whichever style is used, it should be consistent.
- In sections 2a, 2k and 7c there should be a gap after "CH".
- In 4i, 5a and 5b 5th bullet point, "study director" should have either an initial capital for both words or lower case for both words.

The accredited reviewers report was noted.

Moved: (C Gillies/L Carlyon):

That s 9(2)(b)(ii) code of ethical conduct be received and that NAEAC recommend that the Director-General of the Ministry for Primary Industries approve the code under the Animal Welfare Act 1999, subject to the matters identified by NAEAC being addressed to the satisfaction of MPI.

The motion was put: carried.

Action – s 9(2)(a) to write and advise s 9(2)(b)(ii) accordingly.

In summary the codes which would come back to the whole committee in October included: s 9(2)(b)(ii)

C 9. Discussion of arrangements for 2018 AEC workshop

The committee reviewed the draft programme which was circulated prior to the meeting. The following comments were noted.

s 9(2)(a) agreed to check with s 9(2)(a) whether Minister O'Connor was able to open the workshop and present the Three Rs awards. If he was not available it was suggested that s 9(2)(a) approach Chris Rodwell, the Director of the Animal Health and Welfare Directorate.

In relation to the Three Rs awards G Shackell reported that the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) was interested in knowing how many applications NAEAC had received because they were considering asking the government to fund Three Rs research.

Discussion session 1 on consensus: It was agreed to change the title of this session from 'consensus' to 'consensus versus majority voting'. It was noted that M Tingle could allude to this topic when he was talking about the revised *Good Practice Guide*. It was agreed that some carefully worded questions/scenarios were required for workshoping. For example 'what does consensus mean to you?' T Fenn offered to pull out some of the decision making examples from recently reviewed codes of ethical conduct. C Gillies volunteered to draft the scenarios.

Discussion session 2 on non-compliance: s 9(2)(a) asked G Shackell to send her the final version of his non-compliance scenario.

5 minute non-compliance talks: It was suggested that s 9(2)(a) from MPI could talk about non-compliance. A Dale and M Tingle agreed to brief s 9(2)(a) if he was available.

ARRIVE guidelines: The presentation on this topic should outline what the guidelines are and encourage AECs to ask for the sort of information required under the guidelines in their end of approval reports.

Actions:

T Fenn to pull decision making examples from recently reviewed codes of ethical conduct.

s 9(2)(a) to check if C Rodwell available to open workshop if the Minister was not.

C Gillies to draft consensus scenarios.

s 9(2)(a) to ask s 9(2)(a) if he is available to speak at workshop.

A Dale and M Tingle to brief s 9(2)(a) on non-compliance if available.

s 9(2)(a) to make changes to workshop programme.

PART TWO (OPEN TO THE PUBLIC)

Before moving to the first agenda item in the open part of the meeting, G Shackell took the opportunity of presenting L Carlyon and T Burrell with their NAEAC service plaques and thanking them for the huge contribution they had made to committee business over their terms. Both L Carlyon and T Burrell would be leaving the committee at the end of October.

O 1. Update on NAEAC's strategy and operational plan

It was noted that the strategy working group would need to review the draft operational plan when it was circulated with a view to informing the rest of the committee about next steps. It was agreed to make some time available for discussion of the plan at the November general meeting.

Actions:

Strategy working group to review draft operational plan and advise next steps for approving a final draft.

s 9(2)(a) to put NAEAC's strategy and operational plan on the November meeting agenda.

O 2. Minister's framework for action on animal welfare

G Shackell reported that the National Animal Welfare Advisory Committee (NAWAC) intended to send a letter to Minister Whaitiri about her framework for action on animal welfare. The intention of the letter was to ask the Minister specific questions as well as offer suggestions on how NAWAC could help achieve the objectives in the plan. It was noted that framework actions would remain in NAEAC's operational plan for the time being.

G Shackell also raised the idea of having a standalone NAEAC/animal welfare website which was separate from MPI.

O 4. Review of NAEAC Good Practice Guide and policies

M Tingle provided an update on progress relating to the revision of the *Good Practice Guide*. It was noted that some feedback had already been received from committee members and incorporated into the document. It was agreed that further discussion of the document was required so that the committee could agree the final changes before handing it over to MPI for formatting and layout.

G Shackell reported he would provide his comments to M Tingle before departing overseas. M Tingle would then circulate the revised document to the rest of the committee.

On behalf of the committee, G Shackell thanked M Tingle again for the work he had done on this document.

Actions:

G Shackell to provide feedback to M Tingle.

M Tingle to circulate latest version to committee members.

O 3. Three Rs Awards for 2018

It was noted that no applications had been received to date for the relaunched Three Rs awards. However, the closing date was 5 October 2018 so time was still available.

In G Shackell's absence it was noted that C Johnson would chair the October codes meeting. The existing Three Rs award subcommittee consisted of C Johnson, M Tingle and G Shackell. It was agreed that now C Gillies, M Tingle and B Connor would review any applications received. There was some discussion about having a nominee from ANZCCART and MPI on the judging panel as well. L Carlyon agreed to chair the Three Rs subcommittee.

G Shackell asked committee members if they had any final items of business to discuss. C Johnson asked if the topic of zebra fish could be added to the November meeting agenda.

A Dale raised concerns over some of the projects she had become aware of which were being considered by the Schools' AEC.

Craig Johnson departed the meeting at 4.50 pm.

Action – s 9(2)(a) to put topic of zebra fish on agenda for November general meeting.

There being no other items of business to discuss the chair thanked committee members for their attendance and closed the meeting at 5.10 pm.