



National Animal Ethics Advisory Committee

General Meeting

Wednesday, 21 August 2019
9.30 am – 4.30 pm

Ministry for Primary Industries
TSB Tower, Level 1, Meeting Room 2
147 Lambton Quay
Wellington

MINUTES

Present

Grant Shackell, Arnja Dale, Malcolm Tingle, Craig Gillies, Craig Johnson, Dianne Wepa, Rachel Heeney, Bronwen Connor.

In Attendance

§ 9(2)(a) (Senior Adviser, Animal Welfare), § 9(2)(a) (Secretary), § 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy), § 9(2)(a) (Principal Adviser, Animal Welfare) and § 9(2)(a) (Manager, Animal Welfare) at 9.30 am for agenda item O 10.

Apologies

Rob Hazelwood.

Grant Shackell opened the meeting at 9.34 am and welcomed attendees.

Any Other Business Part One (Open to the Public)

The following items were identified as additional items for discussion under Part One of the agenda:

- O 19. Gene editing
- O 20. Openness
- O 21. Mini-tutorials

Any Business Part Two (Public Excluded Agenda)

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

PART ONE (OPEN TO THE PUBLIC)

O 1. Confirmation of previous minutes

The draft minutes of the general meeting held on 17 May 2019 were reviewed. There were no amendments.

Moved (A Dale/M Tingle):

That the draft minutes of the meeting held on 17 May 2019 be adopted as a true and accurate record of that meeting.

The motion was put: carried.

O 10. Xenotransplantation

G Shackell welcomed ^{s 9(2)(a)} to the meeting for this agenda item and invited B Connor to lead the discussion. For the benefit of new committee members, B Connor provided a summary of her involvement with this issue since it was brought to the attention of the committee by ^{s 9(2)(a)} in 2018.

B Connor reported it had been difficult to locate people who were interested or wanted to discuss xenotransplantation with her. There appears to be little xenotransplantation currently being performed clinically in New Zealand. The work of ^{s 9(2)(b)(ii)} was noted. In recent times there had also been media interest in human chimera which involved the modification of human organs/tissues for use in other humans.

Two reports on xenotransplantation circulated prior to the meeting were noted. The Gene Technology Advisory Committee (GTAC) published guidelines for the preparation of applications involving clinical trials of xenotransplantation in New Zealand in 2007. A report on xenotransplantation by the Bioethics Council was published in 2005, which B Connor considered was still relevant today. According to B Connor's contacts in this area, the approval process for xenotransplantation appeared to be fragmented as it crossed a number of different agencies that had responsibility for different pieces of legislation. B Connor reported that she has a contact who would be happy to write an opinion piece if it was considered necessary.

The committee discussed whether a New Zealand company that performed xenotransplantation, should have its own animal ethics committee (AEC) or use one belonging to another organisation. M Tingle was of the opinion there was no justification for NAEAC not to allow a company performing xenotransplantation from setting up its own AEC. C Johnson agreed. While there might be ethical issues relating to xenotransplantation itself, these were separate to what current animal welfare legislation allowed.

^{s 9(2)(a)} talked about the regulatory system and the importance of different groups talking to each other.

There was discussion about how much the public understood or cared about xenotransplantation or animal use in research, testing and teaching (RTT) conducted in New Zealand. Had anyone as a whole checked in with New Zealanders about their views on this matter? In relation to public 'representation' it was considered that lay members on AECs had a part to play in this area. They should be the eyes of the public and not approve work if they do not consider it appropriate. NAEAC also had a role to play to ensure the RTT system is robust.

A Dale suggested NAEAC put together a chart that showed the different groups involved in the xenotransplantation application process. While there was some discussion about this work fitting better with the remit of the Australian and New Zealand Council for the Care of Animals and Research (ANZCCART) or the National Ethics Advisory Committee (NEAC) A Dale was adamant that that the work would tie nicely into NAEAC's strategic plan which included supporting animal use in RTT being more transparent.

Topics suggested for inclusion in the chart development work included 'regulatory testing' and 'drug development'. A conference that an AgResearch employee was to be involved with on the topic of finding alternatives for the testing of animals for vaccines was noted.

After further discussion it was agreed that MPI would start developing a flow chart on the process for veterinary medicine approvals while NAEAC would concentrate its efforts in supporting AECs.

There is currently an approved code of ethical conduct for a ^{s 9(2)(b)(ii)} that could potentially be used for xenotransplantation in humans. It was noted that G Shackell would be attending a meeting of that newly formed AEC the following week.

G Shackell thanked ^{s 9(2)(a)} for her attendance after which she departed the meeting at 10.35 am.

Actions:

MPI to develop flow chart on the process for veterinary medicine approvals.

NAEAC to provide information/advice and support to AECs.

NAEAC to add development of 'regulatory flow charts' to their work programme.

O 2. Action list review

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

Draft occasional paper on monitoring devices (action 1): It was agreed to delete this item and advise ^{s 9(2)(a)} that her assistance with this project was no longer required.

Format of independent review report (action 2) and codes of ethical conduct (action 3): It was agreed to combine these actions and complete them when NAEAC met with the AEC chairs and accredited reviewers in November.

Feedback from AEC workshop (action 4): It was noted that G Shackell and A Dale had both talked to ^{s 9(2)(a)} about ^{s 9(2)(a)} presentation at the previous years' AEC workshop. This action could now be deleted.

G Shackell reported that he now had a copy of the emergency plan for the University of Otago. It was agreed that it would be beneficial to visit the university's new animal facility once it had been built.

Discussion of NAEAC's revised strategic plan (action 6): G Shackell reported that he had referred to NAEAC's strategic plan when he and C Johnson met with the Minister at the beginning of the week.

Feedback from AEC workshop (action 9): s 9(2)(a) reported she would follow up on some meeting dates for M Tingle who was facilitating committee member attendance at Auckland AECs.

Meeting with accredited reviewers/AEC chairs (action 12): The codes review subcommittee requested some dedicated time with the accredited reviewers when they travelled to Wellington for the AEC chairs meeting.

Equine blood solutions (action 24): It was agreed to ask MPI about the outcome of this matter.

Actions:

G Shackell to advise s 9(2)(a) that her assistance with the remote monitoring occasional paper was no longer required.

s 9(2)(a) to schedule time for codes subcommittee to meet with accredited reviewers in November.

G Shackell to ask MPI for an update on equine blood solutions.

O 3. Feedback from meeting with Minister

G Shackell and C Johnson provided an update on the meeting they had had with the Minister alongside the chair of the National Animal Welfare Advisory Committee (NAWAC), Dr Gwyneth Verkerk. The Minister indicated that he was satisfied with the work of the committee and did not consider it necessary to interfere with its operation. The Minister was interested in both committees increasing their independence by having their own websites.

NAEAC matters discussed with the Minister included the committee's strategic plan, zebrafish and the Aotearoa New Zealand Three Rs awards. In relation to zebrafish, it was acknowledged that NAEAC's advice on this matter would only relate to Part 6 of the Animal Welfare Act 1999 (the Act). As any change to the definition of *animal* in relation to fish may have implications for industry and NAWAC's work programme, the Minister was advised that NAEAC would not do anything without input from the Ministry for Primary Industries (MPI).

O 4. Feedback from NAWAC/NAEAC joint meeting/next steps

G Shackell sought feedback from the committee on the joint meeting that had been held with NAWAC the previous day. Personally speaking, G Shackell considered that both committees should continue to keep in contact about initiatives or ideas relating to how *Mātauranga Māori* could be incorporated into their work.

G Shackell suggested the following 'outputs': a glossary of Māori words; a Māori statement in codes of welfare; a statement around euthanasia in codes of welfare. G Shackell suggested taking the

'dictionary' and papers by s 9(2)(a) and s 9(2)(a) and collating them so that form part of the NAEAC new member induction pack.

C Johnson considered that the outputs listed by G Shackell were a 'western' approach to Mātauranga Māori. Instead, both committees needed to learn to be bicultural. B Connor agreed that it was the committees thought processes that needed to change. Of particular interest to B Connor was NAEAC consideration of an animal after it had died. C Gillies considered there needed to be people on the committee to help them achieve these goals. D Wepa reported on how she operated when attending meetings in Australia and the importance of 'setting the scene' and engaging with others.

s 9(2)(a) commented on a paper titled *Most people are not WEIRD* which argues that to understand human psychology, behaviour scientists must stop doing most of their experiments on people from western, educated, industrialized, rich and democratic societies. s 9(2)(a) agreed to circulate the paper to committee members for information.

A Dale reflected on the use of the word 'sanctuary' at the joint meeting and considered that thank you letters should be sent to all the speakers.

M Tingle reported that he enjoyed s 9(2)(a) presentation and would encourage AECs to be more philosophical.

Actions:

s 9(2)(a) to circulate *WEIRD* paper.

G Shackell to draft thank you letters to speakers in consultation with NAWAC, ANZCCART and MPI.

O 5. Feedback from meeting with ANZCCART

G Shackell sought feedback on the meeting with ANZCCART members that had been held the previous evening after the joint workshop with NAWAC. The meeting had provided an opportunity for the two committees to update each other on their core work programmes.

C Gillies reported that it would have been nice if the both committees had taken the time to provide background information about their functions for the benefit of the two new NAEAC members. C Gillies reported that he himself, was unsure about what ANZCCART actually did. C Johnson reported that ANZCCART is an independent body, established to provide a focus for consideration of the scientific, ethical and social issues associated with the use of animals in research and teaching. It did this through leadership, producing educational material and facilitating informed public debate. It was noted that ANZCCART received very little funding.

O 6. Progress against milestones in NAEAC Operational Plan

G Shackell referred committee members to the work programme update documents circulated prior to the meeting. G Shackell had taken the Gantt chart and separately listed the priorities for the previous quarter so that the committee could identify if they had been completed or not. The following updates were provided following the Gantt chart numbering system:

1 Informed Public Discussion

- 1.1.1 The NAEAC annual report for 2018 had been published and sent to the Minister.
- 1.1.2 The joint meeting with NAWAC had been held the previous day.

2 Good advice to Minister and Director-General

- 2.1.1 Zebrafish would be discussed separately later in the meeting.
- 2.2.2 It was agreed that M Tingle and C Johnson stay on the significant surgical procedures (SSP) regulations subcommittee until the end of the year despite their term of appointment finishing on 31 October.

3 AECs supported to ensure animals used ethically

- 3.1.1 G Shackell reported that an AEC newsletter had been drafted and just needed to be circulated.
- 3.1.5 NAEAC would discuss the AEC chairs meeting later during the meeting.
- 3.2.1 Some wording around Mātauranga Māori would need to be incorporated into NAEAC's *Good Practice Guide*.

4 Robust ethical RTT system

- 4.2.1 A Dale reported that a paper on the '4th R' would be available for the next meeting.

In addition to the above items, the development of regulatory one-page flow diagrams, as discussed under agenda item O 10, would need to be added to the work programme.

Action – MPI/NAEAC to amend the operational plan to include the development of one-page flow diagrams.

O 7. Update from code of ethical conduct subcommittee

M Tingle provided an update on the subcommittee's work since the last general meeting. M Tingle had taken the questions from the reviewers' check list and added them to the code template. The document was then sent to accredited reviewer s 9(2)(a) for comment. M Tingle reported on s 9(2)(a) comments which centred around increased work for accredited reviewers if the checklist questions were expanded.

M Tingle agreed with s 9(2)(a) that working to a template was useful but who should ultimately be responsible for setting the questions? The person asking them (the code reviewer) or the people acting on the answers (MPI after consultation with NAEAC)? M Tingle considered that it should be the latter.

M Tingle asked the committee whether they considered it appropriate to recommend to MPI that the questions asked by the accredited reviewers be set by NAEAC and MPI. It was agreed to discuss this matter with the reviewers in November before making a recommendation to MPI.

Following the discussion, NAEAC was happy for the subcommittee to continue with this scope of work.

O 8. Update from zebrafish subcommittee and review of draft formal advice to the Minister

On behalf of the committee, G Shackell thanked the zebrafish subcommittee for their work in drafting the advice/recommendation to the Minister.

s 9(2)(a) suggested it would be helpful if NAEAC included some reference to NAWAC given that their role was to provide the Minister with advice on legislative proposals concerning the welfare of animals.

After some discussion it was agreed to add an extra bullet point to the end of the letter, noting that consultation with NAWAC in addition to industry and the scientific community was required. s 9(2)(a) agreed to make the necessary amendment and submit the revised advice to the subcommittee.

Moved A Dale/M Tingle:

That subject to the change noted above being made and approved by the zebrafish subcommittee, NAEAC's recommendation on zebrafish be accepted and submitted to the Minister.

The motion was put: carried.

Action – s 9(2)(a) to finalise zebrafish advice and submit to Minister.

O 9. Aotearoa New Zealand Three Rs awards

G Shackell provided feedback on this recent meeting with Damian Scarf, recipient of the inaugural Aotearoa New Zealand Three Rs award research grant. G Shackell reported that D Scarf was a very passionate person and grateful to be the recipient of the grant. The project was something D Scarf had been thinking about for approximately 4-5 years. D Scarf had a student working with him and they had already developed a prototype of the free-range learning apparatus (FLAP) which was up and running. D Scarf had a vision that FLAP could be used in other applications such as for use on animals in zoos. D Scarf was willing to speak about his work at the 2020 ANZCCART conference which was due to be held in Queenstown.

It was noted that D Scarf provided positive feedback about the research grant application form but acknowledged he had difficulty with the section on Māori consultation.

O 11. Planning for AEC chairs/accredited reviewers meeting

The committee referred to the letter from s 9(2)(ba)(i) that highlighted the substantive issues their AEC wanted to discuss at the November meeting. A Dale suggested prioritising those meeting agenda topics. After some discussion it was agreed that the topic of 'moral progress and its destination' be added to the agenda even if an answer on the day could not be reached. It was noted that this and any other topic could be added to the programme for the 2020 AEC workshop.

s 9(2)(a) reported that one of MPI's system auditors wanted to talk to the accredited reviewers at the meeting. The codes subcommittee would also need an hour separately with the accredited reviewers to discuss the code review process.

It was suggested that an additional topic on non-compliance and when to refer non-compliance to the appropriate authorities would also be added to the meeting agenda.

s 9(2)(a) and G Shackell agreed to send a reminder to AECs about the meeting and provide an updated agenda by the second week in October.

Actions:

s 9(2)(a) to add 'moral progress' and 'non-compliance' to AEC meeting agenda.
s 9(2)(a) and G Shackell to send reminder to AECs.
s 9(2)(a) and G Shackell to finalise meeting agenda and timing.

O 12. Update on independent NAWAC and NAEAC websites

s 9(2)(a) reported that statements of work had been obtained from a web development company for independent NAEAC and NAWAC websites at the end of June. The cost for building each website coming to \$13,500 plus ongoing costs for 36 months of support. Time for the build, including detailed design was estimated at 5 weeks. Unfortunately, because the budget for animal welfare had already been set prior to the end of June, MPI was not able to proceed immediately because no funding was available. s 9(2)(a) was currently looking at alternative funding options.

s 9(2)(a) also reported that Shared Workspace currently administered by the Department of Internal Affairs was being disestablished/retired at the end of the year. All users were being asked to find alternative collaborate tools or platforms for information sharing. As shared workspace was being used by several different business units throughout the Ministry, alternative options were currently being investigated.

A Dale reported that the SPCA used Diligent – governance management software.

O 13. Code of ethical conduct template

No updates were identified for the code of ethical conduct template.

O 14. Committee members' reports on recent presentations and attendance at conferences

G Shackell invited committee members to comment on recent presentations and attendance at conferences. The following were noted:

- B Connor attended the International Society for Stem Cell Research meeting on organoids in February.
- Four NAEAC members had attended the ANZCCART conference in Australia (G Shackell, A Dale, C Johnson and R Hazelwood). Among others, a paper relating to a State-wide researchers' training programme was noted.
- C Johnson attended Science Week in Brisbane and presented a paper to the Anaesthesia Chapter.

O 15. NAEAC correspondence

The following pieces of correspondence were noted:

The letter from s 9(2)(a) Chief Executive Officer, Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) International, seeking ways to strengthen the relationship between NAEAC, ANZCCART and AAALAC International. s 9(2)(a) would be travelling to New Zealand later in the year to meet with ANZCCART in Auckland. A Dale as a member of ANZCCART and deputy chair of NAEAC could attend on behalf of the committee.

s 9(2)(a) had contacted G Shackell by email with a question relating to student training. G Shackell had advised s 9(2)(a) that opportunist training, did not require AEC approval. However, if animals were to be manipulated specifically because the students needed to be trained, then AEC approval would be required.

G Shackell reported that the New Zealand Anti-Vivisection Society (NZAVS) had received 324 replies to their survey on animal use/dissection in schools. A Dale noted the current relationship between SPCA Australia and New Zealand with NZAVS.

G Shackell noted a meeting request he had received relating to animal ethics and fodder beet. NAEAC discussed whether the analysis of fodder beet toxicity needed to be tested on animals when it would be easier to just test the plant i.e. perform a chemical analysis.

A Dale noted that she had meet with the Deputy Vice-Chancellor of the s 9(2)(ba)(i) recently.

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

The summary of CEC approvals, notifications and revocations circulated prior to the meeting was noted.

O 17. MPI update including animal welfare regulations

s 9(2)(a) provided an update on work relating to the development of significant surgical procedures regulations that had started in 2016. Due to new and substantially changed proposals, another round of public consultation had taken place during July and August. It was noted that representatives from both NAWAC and NAEAC had attended a meeting with Policy on 2 August to discuss the proposals and had lodged their submissions with MPI a week later.

The final position on the proposals were currently being decided. It was noted that MPI may come back to both committees with additional questions. It was anticipated that a paper seeking policy approval would go to Cabinet in December this year with permission to begin the regulatory drafting process by Parliamentary Counsel Office early next year.

s 9(2)(a) also gave a quick update on the livestock export review noting that 5 opinions had been put to the Minister for consideration.

G Shackell asked s 9(2)(a) how many codes of ethical conduct, had been received to date and when they were due to MPI. s 9(2)(a) reported that one code (from the s 9(2)(ba)(i)) had been received but the deadline for submission was 2 September.

M Tingle and A Dale, who were responsible for leading the discussion of the s 9(2)(ba)(i) code, asked s 9(2)(a) if she could forward it to them as soon as possible so that they could start working on it.

Finally, s 9(2)(a) reported that the Animal Health and Welfare Directorate would be moving to the Charles Fergusson building mid-September. It was likely that the codes meeting would still be held at TSB Tower.

Action – s 9(2)(a) to send M Tingle and A Dale s 9(2)(ba)(i) draft code.

O 18. Non-human hominids

s 9(2)(a) reported that the research, involving non-human hominids, which had been approved by the Director-General of MPI in December 2017 had now come to an end.

The committee discussed whether it was appropriate for NAEAC and/or MPI to request an end of approval report. It was agreed to write to MPI suggesting that they may wish to request such a report from the applicant. NAEAC considered it would not be an onerous task for the applicant to provide this. G Shackell agreed to draft the letter.

Action – G Shackell to write to MPI suggesting that they ask the applicant for an end of approval report.

O 19. Gene editing

The recently published reports on gene editing prepared by the Royal Society of New Zealand was noted. It was agreed to keep a watching brief on this subject matter.

O 20. Openness

Regarding the topic of openness, G Shackell reported that as far as he could ascertain, only three codes of ethical conduct were in the public domain. G Shackell agreed to write to code holders encouraging them to be more transparent and asked s 9(2)(a) to add this topic to the AEC chairs' meeting agenda.

G Shackell advised that before the end of the year he would be attending three AEC meetings.

A Dale reported she had attended a meeting of the s 9(2)(ba)(i) AEC. It was noted that the committee were lovely and had been very welcoming.

Actions:

G Shackell to write to code holders encouraging them to be more transparent by making their codes publically available.

s 9(2)(a) ***to put topic of openness on AEC chairs' meeting agenda.***

O 21. Mini-tutorials

The following mini-tutorial topics were identified for future meetings:

- Local Government Official Information and Meetings Act 1987 and increased transparency (Office of the Ombudsman)
- Human ethics approvals (Health and Disabilities Ethics Committees)
- Gene editing (the Royal Society of New Zealand)

Finally, G Shackell reported that he would think about changes to meeting procedure in relation to Mātauranga Māori. G Shackell also asked committee members to contact him directly if they had any suggestions for improving the operation of committee meetings.

There being no other items of business to discuss, the chair thanked committee members for their attendance and declared the meeting closed at 3.05 pm.

Proactively Released