



# National Animal Ethics Advisory Committee

## General Meeting

Friday, 8 February 2019

9.00 am – 4.30 pm

Ministry for Primary Industries  
TSB Tower, Level 1, meeting room 2  
147 Lambton Quay  
Wellington

## MINUTES

### Present

Grant Shackell (Chairperson), Craig Johnson (via video-conference), Malcolm Tingle, Arnja Dale, Bronwen Connor, Rob Hazelwood and Craig Gillies.

### 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); s 9(2)(a) Executive Director, New Zealand Anti-vivisection Society (NZAVS) at 11.00 am for agenda item O 13; s 9(2)(a) MPI Departmental Science Adviser at 2.00 pm for agenda item O 18.

### Apologies

Terry Fenn and Leasa Carlyon.

G Shackell welcomed attendees and opened the meeting at 9.00 am. It was noted that C Johnson was attending the meeting via video-conference from Palmerston North. s 9(2)(a) arrived to the meeting at 9.10 am.

### Any Other Business Part One (Open to the Public)

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

### Any Other Business Part Two (Public Excluded Agenda)

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

## PART ONE (OPEN TO THE PUBLIC)

### O 1. Election of Deputy Chair

The Animal Welfare Act 1999 (section 67 and Schedule 1, clause 3(1)) requires the committee to elect one of its members as its deputy chairperson, at its first meeting each year. The committee nominated A Dale who agreed to accept the role of deputy chair.

*Moved (M Tingle/B Connor):*

*That A Dale be elected deputy chairperson of the committee for 2019, pursuant to the Animal Welfare Act 1999 (section 67 and Schedule 1, clause 3(1)).*

*The motion was put: carried.*

### O 2. Confirmation of previous minutes

The draft minutes of the general meeting held on 15 November 2018 were reviewed. There were no amendments.

*Moved (M Tingle/R Hazelwood):*

*That the draft minutes of the meeting held on 15 November 2018 be adopted as a true and accurate record of that meeting.*

*The motion was put: carried.*

### O 3. 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):** It was noted that the separate, 2017 version of the *Guide to the Preparation of Codes of Ethical Conduct*, should be removed from the MPI website given it had been incorporated into the revised *Good Practice Guide*. Likewise, all policies and guidelines should be removed from the MPI website, given that they too had been incorporated into the revised *Guide*.

**Format of independent review report (action 5):** M Tingle reported that a subcommittee comprising himself, A Dale and s 9(2)(a) (Manager, Animal Welfare) had been established to consider the accredited review process/review of codes of ethical conduct. It was noted that the subcommittee was to develop terms of reference for how they would operate.

**Discussion and development of NAEAC's operational plan (action 6):** It was agreed to amend the strategic plan that was approved at the November general meeting as there appeared to be some confusion as to what had been said in relation to the point on the 'fourth R'. The last item under the heading 'Animal ethics committees are supported in their function to ensure animals are used ethically'

in the strategic plan should read 'explore the concept of respect as a fourth R' instead of 'explore the concept of respect for animals'.

A number of other actions were noted as being completed since the last meeting.

**Actions:**

s 9(2)(a) to remove out of date NAEAC publications/policies/guidelines from MPI website.

CEC subcommittee to draft terms of reference for how it will operate.

s 9(2)(a) to amend strategic plan.

#### O 4. Annual review of committee performance

The committee reviewed feedback from the annual review of committee performance which was circulated prior to the meeting. The following areas of work were identified for improvement:

- Completing actions in a timely manner;
- Better use of subcommittees;
- Relationship with Minister's office; and
- Review of codes of ethical conduct.

M Tingle expressed his disappointment that only four responses had been received from nine committee members. There was general discussion about whether the questions in the survey were fit for purpose; whether committee members were given sufficient time to respond; and whether the survey should be sent out electronically (via survey monkey for example) in the future. The committee generally agreed that the current system was sufficient for the time being. It was noted that the areas of work identified for improvement by committee members were not new and would be addressed in the committee's operational plan.

#### O 5 Feedback from animal ethics committee workshop

G Shackell referred committee members to the summary of feedback and attendance record that had been circulated prior to the meeting. s 9(2)(a) reported that the feedback had been mostly positive, but as always, it was impossible to make everyone happy across all the different aspects of the workshop. Committee members reported that on the day, they had also received positive feedback directly from attendees – one animal ethics committee (AEC) chair noting that it had been the best workshop to date.

The committee reviewed the historical list that recorded the AECs that had not attended workshops over the years. It was agreed that it would be useful to survey those AECs to ascertain why they did not attend e.g. was it related to cost; were there any other barriers? G Shackell agreed to prepare a list of questions and send them to the committee for review.

It was also considered a good idea to summarise the feedback received and pass that onto AECs via the chair's newsletter. The workshop programme could also be included to provide context and a reminder about the topics that were discussed.

The committee discussed ways it could engage with AECs that did not send members to the workshop routinely. s 9(2)(a) suggested concentrating on one or two AECs initially so that a rapport could be

developed between them and the committee. M Tingle reported he would contact s 9(2)(b)(ii) and s 9(2)(b)(ii). C Johnson was available to visit s 9(2)(b)(ii) Ltd and G Shackell s 9(2)(b)(ii). It was noted that contact with Nelson based AECs would occur in May at the site visit. It was agreed that any visit should occur after the survey was carried out and the results analysed.

It was agreed that the questions for the survey should cover topics such as: location, cost, and workshop content. A free form box for comments would also be added at the end of the survey. It was agreed to circulate the survey electronically via survey monkey.

**Actions:**

**G Shackell to draft survey questions and send to committee members for review.**

**M Tingle to contact** s 9(2)(b)(ii)

**C Johnson to contact** s 9(2)

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

**O 6. Discussion and approval of NAEAC's Operational Plan**

R Hazelwood provided a summary of the deliberations that had occurred since last year's planning sessions that had led to the development of the strategic plan and now draft operational plan. A Gantt chart, which accompanied the feedback from the planning sessions had been circulated prior to the meeting as the draft operational plan. The Gantt chart provided a high-level overview of the work the committee wanted to achieve over the next four years. The feedback from the planning sessions was considered background information.

The outcomes NAEAC wanted to achieve were spread out over four years (2019-2022). The priorities identified for 2019 included: code reviews, zebra fish, forced swim test, ensuring documents were fit for purpose/clear and assessable for AECs.

s 9(2)(a) was concerned that the Gantt chart did not provide enough detail about how the committee would achieve its operational objectives. It also did not contain any information about the committee's regular business such as the Three Rs award; AEC workshop, annual site visit, and annual report for example.

G Shackell reported that the operational plan should align with the headings from the strategic plan. Also, an additional year would need to be added as the draft operational plan had only been set for four years instead of five. It was noted that the cycle of reviewing codes of ethical conduct ran for three years 'on' followed by two years 'off'. It was agreed that feedback on the draft operational plan be provided by the following Friday with a view that the plan be approved by the end of March.

**Action – NAEAC to provide feedback on draft operational plan by 14 February 2019.**

**O 13. Mini-tutorial: Replacing the use of live animals in teaching situations**

G Shackell welcomed s 9(2)(a), Executive Director of NZAVS to the meeting at 11.00 am to give a presentation on replacing the use of live animals for dissection in teaching. s 9(2)(a) thanked committee members for the opportunity to attend and speak at the meeting.

s 9(2)(a) believed that humane education was the future for Aotearoa. Currently, animals were being dissected for teaching purposes at the primary school level (e.g. students as young as 9 years of age) and at the secondary school level. In 2019, there was no valid reason for animals to be used for such purposes. The two levels of animal dissection identified by NZAVS were:

- animals killed specifically for the purpose of using their body or tissues for the purposes of research, testing or teaching; and
- tissue/organ use from those animals killed for other purposes.

While both levels of animal dissection were considered important, the initial focus for NZAVS was eliminating animals being specifically killed for research, testing and teaching. It was noted that NZAVS would, at some stage, be launching their 'humane education campaign'.

s 9(2)(a) talked about 'replacement' as one of the Three Rs and asked NAEAC about its role in enforcing the Animal Welfare Act and making sure that AECs were properly considering alternatives. M Tingle reported that NAEAC was only an advisory committee and that it was MPI's role to enforce the Act.

s 9(2)(a) highlighted a number of teaching alternatives promoted by Animals in Science Policy Institution (AISPI) such as virtual dissection and augmented reality experiences (e.g. Froggipedia App for iPads), Virtual reality tools (e.g. Leap Motion Cat Explorer), paper dissection models and Anatomy in Clay. AISPI believed better science was available without animals.

The key reasons to end the use of animals for dissection included:

- animals being saved;
- academic outcomes being better or equivalent;
- student safety being improved; and
- fulfilling already existing guidelines.

s 9(2)(a) highlighted the steps that NZAVS had already undertaken to stop animal dissection in schools and what their future plans would involve. NZAVS were going to conduct a second survey of schools to try and determine which schools were using animals for dissection. NAEAC offered to review the survey questions to ascertain if they were fit for purpose.

It was noted that the Schools' code would be expiring in 2019. s 9(2)(a) asked NAEAC if they could ask the code holder to put something in their code specifically relating animal dissection. M Tingle reported that NAEAC could not ask the code holder to not approve killing animals specifically for the purposes of research, testing and teaching as this would contradict the current legislation. Other suggestions put forward for NAEAC involvement included having a formal statement about animal dissection in their *Good Practice Guide* and/or meeting with a member of AISPI to learn more about their work.

NAEAC suggested that NZAVS might like to contact the House of Science – a Charitable Trust providing science resources to schools throughout New Zealand.

On behalf of the committee, s 9(2)(a) thanked s 9(2)(a) for her attendance after which she departed the meeting.

#### O 7. NAEAC annual report for 2018

G Shackell reported that the NAEAC annual report for 2018 was partially drafted. It would be circulated to the rest of the committee for comment and review prior to going to MPI.

*Action – G Shackell to circulate draft NAEAC annual report for 2018 to committee members once complete.*

#### O 8. Update on review of *Good Practice Guide for the use of animals in research, testing and teaching*

s 9(2)(a) provided an update on progress in getting the revised *Good Practice Guide* published. As agreed to at November meeting, s 9(2)(a) had incorporated all the feedback received and circulated the final draft to R Hazelwood and G Shackell for one final check. It was agreed to insert the code of ethical conduct checklist after which it could be sent to MPI Communications for formatting and layout. It was noted that for version control the document's footer should include the year it was finalised.

#### O 9. Code of ethical conduct template


No items were identified to include in the code of ethical conduct template.

#### O 10. Code review process for 2019

G Shackell asked s 9(2)(a) for an update on the NAEAC appointments. s 9(2)(a) reported that the briefing was to go to the Appointments and Honours Committee mid-February and then to Cabinet after that. It was anticipated that the new appointments would be in place by the end of February or early March.

The committee discussed code review allocations. The following pairings were agreed:

s 9(2)(b)(ii)



s 9(2)(a) reported that she had reminded code holders that had a code expiring this year that their new draft code was due to MPI by 2 September so that it could be considered at the codes meeting. The code template had been sent to the code holders and s 9(2)(a) agreed to also send them the draft *Good Practice Guide*.

*Action – s 9(2)(a) to send code holders draft 'Good Practice Guide'.*

#### O 11. Zebra fish

It was recalled that this issue (changing the definition of 'animal' to include zebra fish after the yolk sac larval stage) had been brought to the attention of NAEAC by an AEC in 2017. Since that time NAEAC

had sought advice from national and international experts about whether zebra fish should be considered animals as soon as they become free-living and are able to feed independently. The consensus from these experts was that yes, zebra fish as young as 5 days post-fertilisation should be protected by animal welfare legislation. At the November 2018 general meeting the committee passed a resolution to progress work to look at changing the definition of 'animal'.

s 9(2)(a) reported that the following items would need to be considered:

- the scope of the definition of 'animal';
- the impact any change would have on existing animal welfare regulations; and
- the current work programme of the animal welfare policy team given the significant surgical procedures regulations were currently in development.

It was noted that s 9(2)(a) would set up a meeting with the NAEAC zebra fish subcommittee to discuss these matters further and outline next steps.

A Dale reported that she had had an opportunity to speak to the Governor-General about this issue.

**Action – s 9(2)(a) to set up zebra fish subcommittee meeting.**

#### **O 12. Aotearoa New Zealand Three Rs award research grant**

G Shackell reported that s 9(2)(a) had compiled a list of contacts the reminder about the research grant should be sent to. These included code holders, chief executives of organisations with an approved code of ethical conduct, award sponsors, past applicants, AECs/parented organisations and research offices.

The committee generally discussed what other organisations might be interested in the award. Bronwen Connor suggested the Auckland Bioengineering Institute as an additional contact.

**Action: s 9(2)(a) to add Auckland Bioengineering Institute as contact.**

#### **O 14. MPI summary of CEC approvals, notifications and revocations**

s 9(2)(a) provided an update on the code approvals and notifications especially in relation to s 9(2)(a). It was noted that the code had been approved by MPI despite NAEAC's recommendation that it not be.

One of the suggestions made by NAEAC was that the organisation apply for an extension to its existing code for a short period. This is what happened. s 9(2)(a) then reviewed the code alongside two other approved polytechnic codes. s 9(2)(a) came to the decision that she would approve the code. The Gazette notice had since been published and the approved code sent to NAEAC via shared workspace for their information.

C Johnson reported that after the codes meeting he chaired last year he had advised s 9(2)(a) in person that NAEAC considered that the code was not fit for purpose. C Johnson noted that NAEAC always gave careful consideration to how codes of ethical conduct met the standards that the Animal Welfare Act dictated. M Tingle advised G Shackell that NAEAC's annual report should note that it did not recommend this code for approval. It was suggested that s 9(2)(a) attend a future NAEAC meeting or

that the codes subcommittee discuss this further with s 9(2)(a) G Shackell agreed to talk to s 9(2)(a) about this matter.

It was noted that previously, the draft s 9(2)(b)(ii) code had been considered to be inadequate and had been approved by MPI. s 9(2)(a) reported that s 9(2) had since entered into an arrangement to use another organisation's code and AEC.

*Moved (G Shackell/M Tingle):*

*That NAEAC record their surprise about MPI's decision to approve the s 9(2)(b)(ii) code of ethical conduct and ask G Shackell to talk to s 9(2)(a) about the process.*

*The motion was put: carried.*

**Action – G Shackell to discuss Toi Ohomai code with s 9(2)(a)**

#### **O 15. MPI update including regulations**

The MPI update circulated prior to the meeting was noted. s 9(2)(a) reported that animal welfare policy would be running a workshop the following week to 'triage' the surgical and painful procedures regulations and that G Shackell, M Tingle and C Johnson would be attending to represent NAEAC.

It was anticipated that MPI would undertake public consultation in April/May and that NAEAC's assistance in implementation of the regulations would be sought after that.

#### **O 16. Committee members' reports on recent presentations and attendance at conference**

There was no update to provide under this agenda item.

#### **O 17. NAEAC correspondence**

It was noted that any correspondence received by NAEAC be entered into the log stored in shared workspace and a summary printed for the next meeting.

#### **O 19. Forced swim test**

The committee discussed the NZAVS petition calling for the Government to ban the use of the Forced Swim Test (FST) in New Zealand. NZAVS was also asking the Government for a formal review and evaluation of the validity of all animal-based psychological tests including the Tail Suspension Test, Elevated-Plus-Maze Test and the Morris Water Maze Test.

B Connor provided an overview of the FST (a traditional test used for evaluating depression) and ran a short video to show committee members what the test consisted of - placing a rodent in an inescapable transparent cylinder filled with water to observe/monitor escape related mobility behaviour.

The rats are removed from the cylinder after 5 minutes or once they have become immobile/cease swimming, whichever comes first, after which the animal is immediately removed from the water and

warmed under a heat lamp before being returned to its cage. No animal should die as a result of the test itself.

The committee discussed what, if any, action it should take in relation to the petition. It was noted that the focus of the petition was currently the FST but tomorrow it could be something else. It was generally agreed that there would be many tests the committee were not aware of that could potentially be seen to impact animals adversely. It was agreed that NAEAC should advise AECs about the campaign and remind them to observe tests in practice to make sure they understood what manipulations they were approving. It was agreed to write a piece about this issue for the first AEC newsletter of the year.

**Action – G Shackell to include FST in next AEC newsletter.**

#### **O 18. Animal welfare and identifying science needs**

G Shackell welcomed J Roche, MPI Departmental Science Adviser to the meeting at 2.00 pm. J Roche had been invited to the meeting to give a brief overview of his role within MPI and his view on current animal welfare issues.

J Roche had been the Principal Scientist at DairyNZ before joining MPI in mid-2018. Since his arrival at MPI he had been mostly involved in responses relating to Kauri die back and *Mycoplasma bovis*.

Animal welfare issues identified in the dairy industry included: broken tails, lameness, cull calf separation/feeding, and body condition score. The poultry and pig industries were also noted as having their own issues

J Roche's role was to work with MPI's science team to come up with key areas of research. This included setting the science direction for the Ministry. It was noted that MPI's new Director-General wanted J Roche to be more involved across the Ministry. MPI would also be trying to engage industry to do more.

On behalf of the committee, G Shackell thanked J Roche for his attendance after which he departed the meeting.

#### **O 20. Joint NAWAC/NAEAC meeting in August**

s 9(2)(a) reported that s 9(2)(a) an intern currently with the animal welfare team had drafted some ideas for the joint meeting with the National Animal Welfare Advisory Committee (NAWAC). Those ideas, contained in an email, had been circulated to committee members prior to the meeting.

R Hazelwood commented that he would like to know more about what NAWAC did. He noted that the ideas put forward did not mention Wai 262 and the research, testing and teaching space. R Hazelwood was also unsure if a presentation on s 9(2)(b) was relevant. There was little other feedback on the suggestions, other than perhaps having Meka Whaitiri attend. G Shackell asked for volunteers to serve on a subcommittee with NAWAC to approve content for the joint meeting. A Dale offered to join G Shackell. It was noted due to A Dale's involvement in the codes subcommittee that she may not have time to dedicate to this. That being the case, B Connor offered to join G Shackell to form a sub-committee.

#### O 21. Meeting with accredited reviewers/AEC chairs

Following accredited reviews, it was usual practice for the reviewers to hold a teleconference with members of MPI and NAEAC in the new-year. The committee was asked whether they still wanted to participate in a teleconference or meet with accredited reviewers in person, given that was something the committee was not able to achieve last year. It was noted that a day had already been allocated to meet with AEC chairs in conjunction with the committee's November general meeting. The committee decided a face-to-face meeting might be best and that it be combined with the meeting with AEC chairs. The meeting would provide a useful opportunity to discuss the review process. The codes subcommittee agreed to provide some guidance/feedback on the agenda for this meeting.

*Action – Codes subcommittee to provide guidance on content for meeting with accredited reviewers and AEC chairs.*

There being no further items of business, the Chair thanked committee members for their attendance and declared the meeting closed at 3.45 pm.