



National Animal Ethics Advisory Committee

General Meeting

Friday, 17 May 2019
8.00 am – 3.00 pm

Hotel Nelson
Fairfield Room
40 Waimea Road, Nelson

MINUTES

Present

Grant Shackell (Chairperson), Craig Johnson, Malcolm Tingle, Arnja Dale, Rob Hazelwood, Craig Gillies, Rachel Heeney, Dianne Wepa.

In Attendance

§ 9(2)(a) (Secretary); § 9(2)(a) (Senior Adviser, Animal Welfare); § 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy).

Apologies

An apology for absence was received from Bronwen Connor.

G Shackell welcomed attendees, especially new members R Heeney and D Wepa, and opened the meeting at 8.13 am.

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)

Blood harvesting in racehorses was identified as an additional item of business 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. *Animal ethics committee (AEC) service award nomination*

C 2. s 9(2)(a)

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:

<i>General subject of each matter to be considered</i>		<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
C 1.	<i>AEC service award nomination</i>	<i>To protect the privacy of natural persons.</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9(2)(a) of the OIA.</i>
C 2.	s 9(2)(a)	<i>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.</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9(2)(a) and/or 9(2)(g)(ii) of the OIA.</i>

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) be permitted to remain at this meeting after the public has been excluded, because of their knowledge of meeting procedure and the subject matter under consideration. This knowledge is relevant background information to assist the committee in its deliberations.*

The motion was put: carried.

C 1. s 9(2)(ba)(i)

s 9(2)(a) referred committee members to the memo she had circulated prior to the meeting. From time to time, NAEAC makes awards to AEC members on the nomination of their organisation or AEC, to recognise an outstanding contribution. s 9(2)(ba)(i)

s 9(2)(ba)(i)

The committee had no objection to the nomination and agreed to present s 9(2)(a)

Moved: (G Shackell/M Tingle):

That NAEAC award s 9(2)(a) an AEC service award.

The motion was put: carried.

It was noted that the s 9(2)(ba)(i) planned to present the award on 29 May 2019. As such, the certificate would need to be prepared as soon as possible after the meeting so that it could reach the AEC on time.

Action – s 9(2)(a) to prepare AEC service award certificate.

C 2. s 9(2)(b)(ii)

The subcommittee responsible for reviewing the code of ethical conduct process suggested that a way forward, in future, would be to have a member of NAEAC attend the first meeting to provide support.

s 9(2)(a)

Action – G Shackell to talk to s 9(2)(a) about s 9(2)(b)(ii)

PART TWO (OPEN TO THE PUBLIC)

O 1. Confirmation of previous minutes

The draft minutes of the general meeting held on 8 February 2019 were reviewed. There were no amendments.

Moved (M Tingle/C Johnson):

That the draft minutes of the meeting held on 8 February 2019 be adopted as a true and accurate record of that meeting.

The motion was put: carried.

O 2. Action list review

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

Feedback from AEC workshop (action 11): G Shackell reported that he was still trying to contact the facility manager at the ^{s 9(2)(ba)(i)} [REDACTED]

NAEAC's revised strategic plan (action 13): While the strategic plan had been included in the April 2019 newsletter to AECs, G Shackell had not yet had the opportunity to discuss the plan with the Minister.

Xenotransplantation (action 15): ^{s 9(2)(a)} [REDACTED] noted that B Connor and ^{s 9(2)(a)} [REDACTED] had discussed this matter via telephone in March and that she could speak to the agenda item later on.

Feedback from AEC workshop (action 19): The survey of AECs that did not attend the 2018 workshop had been completed after the February 2019 general meeting. Four out of the eleven AECs surveyed had responded to the questionnaire. G Shackell circulated a summary of the replies at the meeting. The committee briefly reviewed the feedback. It was noted that travel to Wellington was a consideration for two of the AECs.

Following distribution of the survey there was still an action for some committee members to personally contact those AECs that did not attend the workshop. M Tingle reported he was still willing to contact ^{s 9(2)(b)(ii)} [REDACTED] and ^{s 9(2)(b)(ii)} [REDACTED] and suggested R Heeney could accompany him on one of the visits as a learning opportunity.

Forced swim test (action 26): It was noted that this topic had been included in the April 2019 AEC newsletter. G Shackell reported that he had given ^{s 9(2)(a)} [REDACTED] a copy of that newsletter. On seeing that the forced swim test had been mentioned, ^{s 9(2)(a)} [REDACTED] wanted to put something about it on the ^{s 9(2)(a)} [REDACTED] website. A copy of her proposed text had subsequently been sent to G Shackell for review. G Shackell had recommended some minor editorial changes, the majority of which had been accepted. A copy of the draft website text, including tracked changes made by G Shackell, was circulated at the meeting. The committee did not oppose the revised text being published.

Meeting with accredited reviewers/AEC chairs (action 27): G Shackell reported that a letter inviting AEC chairs to a meeting in November had been distributed. As the reviewers had not yet been notified of the meeting, G Shackell agreed to draft a similar letter on behalf of the committee.

Action - G Shackell to draft letter to accredited reviewers inviting them to the AEC chairs meeting.

O 3. Approval of NAEAC's Operational Plan

R Hazelwood provided an update on the final version of the operational plan that had been circulated to committee members prior to the meeting. It was noted that some of the committee's routine operational activities, such as the annual site visit and biennial AEC workshop that had not been included in previous versions, were now captured in the final document. There were no suggestions for further amendments. As such, it was agreed to adopt this document as the committee's new operational plan and plot progress against the work programme at future meetings.

C Johnson thanked the subcommittee, particularly R Hazelwood, for the work they had done in finalising the plan.

Moved (G Shackell/M Tingle):

That the final draft Operational Plan be received and adopted as the committee's updated Operational Plan for 2019 - 2023.

The motion was put: carried.

Action – s 9(2)(a) **to put NAEAC's operational plan on the MPI website.**

O 4. Approval of NAEAC's annual report for 2018

G Shackell reported that he had incorporated the feedback received from committee members when the original draft was circulated for comment. G Shackell thanked M Tingle for his comprehensive feedback. s 9(2)(a) noted some minor grammatical and editorial changes that were required to the draft. A small change to the name of the organisation C Johnson worked for was also required.

The committee agreed to adopt this document as their 2018 annual report subject to the minor changes noted above being incorporated into the final draft.

Moved (G Shackell/C Johnson):

That the agreed amendments to the annual report be made and that the amended document be adopted as the committee's annual report for 2018.

The motion was put: carried.

s 9(2)(a) and s 9(2)(a) agreed to liaise with MPI Communications about formatting the report before sending it to the Minister.

Actions:

s 9(2)(a) **to liaise with MPI Communications about formatting the annual report.**
s 9(2)(a) **to send annual report to the Minister.**
s 9(2)(a) **to put annual report on MPI website.**

O 5. Review of NAEAC's AEC induction pack

§ 9(2)(a) reported that currently NAEAC's AEC induction pack consisted of a covering letter from the chair and two separate attachments – an article about the two ministerial advisory committees and an article about the Three Rs. § 9(2)(a) reported that the letter from the chair, which included links to various documents, had been updated to align it with the recently revised *Good Practice Guide*. § 9(2)(a) sought committee agreement about what else, if anything, required amendment.

While there were no suggestions for additional content to the induction pack it was agreed that the resource should be made available to all AEC members, not just new members. § 9(2)(a) agreed to send the revised induction pack to all AECs once it was updated.

In regard to training for lay members on AECs, G Shackell asked A Dale if the SPCA were any closer to having their training material available for their nominees. A Dale reported that the resource was not yet available, but when it was, would also be available to territorial authority nominees. It was noted that the resource would be available online via permissions.

Action – § 9(2)(a) to send revised induction pack to AECs.

O 6. Update on survey relating to AEC workshop attendance

An update on this agenda item had been provided during the action list review. There was nothing further to add.

O 7. Feedback from site visits

G Shackell invited committee members to comment on the previous day's site visits, noting that he personally had not visited fish facilities before and had found the tours fascinating. C Johnson believed that it was very beneficial being exposed to areas of animal use outside your own field of expertise. M Tingle noted that, because the research facilities were relatively close to each other travel was made easier. After hearing from the § 9(2)(ba)(i) AEC chair it was apparent that NAEAC's knowledge and advice to AECs about fish husbandry and facilities required updating. It was agreed to ask the § 9(2)(ba)(i) AEC chair to draft an occasional paper on fish husbandry and welfare in relation to use in research, testing and teaching. NAEAC's advice in the *Good Practice Guide* would need to be updated in due course.

Action:

§ 9(2)(a) to draft thank you letters to host organisations.

G Shackell to ask § 9(2)(a) to prepare an occasional publication on husbandry of fish used in RTT.

NAEAC to update 'Good Practice Guide' relating to fish.

O 8. Update from code of ethical conduct subcommittee

On behalf of the code review subcommittee, A Dale provided an update on the work programme relating to improving the code review process for committee members. This had been identified as a priority during the strategic planning sessions held in 2018.

M Tingle had prepared an initial document for the subcommittee outlining the functions of the different groups (code holders, AECs, NAEAC, accredited reviewers and MPI) involved in the process of a code review. The subcommittee had raised questions and identified issues at each of these steps. These included for example, monitoring; effective input by statutory external AEC members and reporting non-compliances to the appropriate authorities. Terms of reference, outlining the scope of work to be undertaken had been agreed prior to the meeting based on the background document that had been prepared and various conversations held during scheduled subcommittee meetings.

Following on from the last subcommittee meeting, M Tingle had undertaken to review the reviewers' checklist. It was the intention of the subcommittee to enlist the help of one of the accredited reviewers in this process. The next meeting of the subcommittee was scheduled to take place on 5 June 2019.

O 9. Update from zebra fish subcommittee

On behalf of the zebra fish subcommittee, C Johnson provided an update on the work that had been completed since the last meeting. This included seeking advice from international experts about whether fish species, other than just zebra fish, should also be considered as animals after the absorption of their yolk sac. The feedback NAEAC received supported this view.

It was noted that R Hazelwood had circulated the subcommittee's recommendation - that the legal definition of animal be changed to include all fish from the point of yolk sac absorption, to the committee on the morning of the meeting. The rationale, mechanism for change and next steps were also detailed in the recommendation document.

Other issues that had not been addressed/scoped out at this stage related to viviparous fish and impacts on industry. s 9(2)(a) reminded committee members that there was still some scoping work to do in relation to other animals such as amphibians and crustaceans in addition to viviparous fish. A Dale believed there was insufficient science available on amphibians and crustaceans to make an informed decision and that they should not be included in the scope of work. C Johnson was not comfortable about including viviparous fish until he had completed further reading on the subject. C Johnson undertook to do this work in the next few weeks.

In relation to impacts on industry, R Hazelwood confirmed he had spoken to s 9(2)(a) from the s 9(2)(ba)(i) about being involved in consulting with the fishing industry. s 9(2)(a) had confirmed he was willing to assist.

s 9(2)(a) asked NAEAC about the approach they wished to use in progressing this work. The options included making a recommendation directly to the Minister or working alongside MPI to progress work when time and resources were available. There were mixed views on which approach was best. In the end it was agreed to go ahead and make a recommendation to the Minister.

G Shackell reported he would request a meeting with the Minister, but he wanted one of the subcommittee members to accompany him. C Johnson agreed to do this. It was noted that during a meeting with the Minister, NAEAC might be asked about the numbers of fish affected. G Shackell considered it would be useful to have some metrics available when meeting the Minister. After further discussion, it was agreed that the recommendation could simply identify that there was still some work to do on identifying the number of fish affected.

Moved: A Dale/M Tingle:

That NAEAC recommend to the Minister of Agriculture that the definition of animal be changed to include all fish from the point of yolk sac absorption.

The motion was put: carried.

The subcommittee was tasked with drafting the letter and recommendation to the Minister. It was noted that the next zebra fish subcommittee meeting had been scheduled for 5 June 2019.

Actions:

C Johnson to research viviparous fish.

G Shackell to request meeting with the Minister.

Subcommittee to draft letter and recommendation to the Minister.

O 10. Aotearoa New Zealand Three Rs award research grant

The judging panel comprising NAEAC members G Shackell, C Gillies, B Connor, M Tingle; ANZCCART member ^{s 9(2)(a)} and MPI member ^{s 9(2)(a)} had held a teleconference on Wednesday 8 May 2019 to discuss the applications received. In total 14 applications were received from a range of organisations – including universities, one crown research institute and private companies. G Shackell summarised the applications received and the way the panel had worked through them, noting conflicts of interest, to come up with a short list that the panel could vote on. The panel agreed to award the research grant to Dr Damian Scarf from the University of Otago for his proposal to develop an apparatus that will enable pigeons to learn to perform comparative cognitive tasks in a free-range environment.

NAEAC agreed to support the judging panel's recommendation.

Moved (G Shackell/R Hazelwood):

That Dr Damian Scarf, from the University of Otago, be awarded with the 2019 Aotearoa New Zealand Three Rs award research grant.

The motion was put: carried.

C Johnson abstained from the vote.

Actions:

NAEAC/MPI to notify applicants.

NAEAC/MPI to notify sponsors.

MPI to arrange payment of research grant.

MPI to draft and issue media release on behalf of NAEAC.

O 11. Xenotransplantation

In B Connor's absence, ^{s 9(2)(a)} reported on a teleconference that she and B Connor had held with ^{s 9(2)(a)} in March. ^{s 9(2)(a)} had wanted to know if NAEAC had a view on xenotransplantation. ^{s 9(2)(a)} had suggested that a paper on the topic be prepared by NAEAC and MPI that covered matters such as:

state of play since 2007; view on the practice now; and research outcomes. B Connor had agreed to talk to a contact at the Health Research Council in the first instance.

O 12. Joint NAWAC and NAEAC meeting in August

G Shackell had circulated a draft programme to the subcommittee prior to the committee's general meeting. G Shackell reported that MPI had wanted both committees to come up with an objective for the combined meeting. The objective proposed was to "Improve committee members' understanding of Mātauranga Māori in order to determine when and how those principles and processes might be incorporated into the work of the two statutory animal welfare committees". R Hazelwood advised that as he didn't know anything at all about Mātauranga Māori, an understanding of the landscape and what it might mean for NAEAC and research, testing and teaching was appropriate.

The committee discussed the suggested speakers for the day, two of whom had already indicated that they were very keen to attend and be involved. A Dale suggested an additional contact who was the author of a paper she had recently sent to s 9(2)(a) on Māori and vegan food. A Dale also suggested she could talk about the SPCA incorporating Mātauranga Māori in their practices. As well as 4 or 5 talks, workshop sessions would also be held.

When considering a location, it was suggested that holding the meeting at an urban marae, might be appropriate.

G Shackell thanked committee members for their feedback, which he would share with the National Animal Welfare Advisory Committee (NAWAC) at their meeting the following week.

Action – G Shackell to share NAEAC feedback at NAWAC meeting.

O 13. Independent NAWAC and NAEAC websites

During a meeting between the chair of NAWAC, Gwyneth Verkerk and the Director-General of MPI, the topic of websites had come up. The Director-General agreed that NAWAC and NAEAC should have their own websites and MPI should progress work to make this happen. G Verkerk and G Shackell had spoken about this and agreed to ask each committee whether they wanted individual or a shared website and, if so, what the websites should contain.

It was agreed that:

- NAEAC have its own website;
- the information currently on the MPI website be moved to new website;
- maintenance of NAEAC content would be the secretariat's responsibility; and
- review of content would be the responsibility of NAEAC in consultation with the secretariat.

The Committee also discussed timeframes for having the website in place. It was agreed that an update on progress be requested for the August general meeting.

Moved: A Dale/M Tingle:

That MPI create and manage a separate, external website for NAEAC.

The motion was put: carried.

Action – G Shackell to request that MPI start work on creating a separate website for NAEAC and provide an update on progress at the August general meeting.

O 14. Code of ethical conduct template

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

O 15. Committee members' reports on recent presentations and attendance at conferences

G Shackell reported that he had attended the NZAVS public meeting that had been held at the University of Otago. The presentation focused on encouraging the university not to use animals for teaching. Around 30 people were in attendance including the Deputy Vice-Chancellor.

A Dale reported she would be attending the ANZCCART conference in Australia in July. It was noted that G Shackell, C Johnson and R Hazelwood would also be in attendance. C Johnson reported that s 9(2)(a) was to co-author a paper with him.

O 16. NAEAC correspondence

The letter drafted by G Shackell, inviting AEC chairs to a meeting in November was noted.

O 17. Discussion on *Nature* article

An article titled *Restoration of brain circulation and cellular functions hours post-mortem* had been circulated prior to the meeting. C Johnson reported that he had been asked by an overseas journalist if this type of study, using post-mortem tissue recovered from dead animals would require ethical approval if it were carried out in New Zealand. While the answer was 'no', C Johnson wondered whether brains could be restored to a level of function that was potentially conscious. Since most definitions of death refer to irreversible loss of brain function, animals whose brain function had been restored would no longer be considered to be dead, even if they had been 'killed' by an approved technique.

M Tingle reported that many brain functions continue after death. The perfusion of pig brains killed in slaughter premises and hippocampus brain slices were noted as examples of post-mortem tissue that contained some sort of cell function.

C Johnson considered there should be a watching brief on this area of research, as it could potentially lead to challenging how 'death' and 'animal' could be defined and what it means to carry out a manipulation.

O 18. MPI summary of CEC approvals, notifications and revocations

s 9(2)(a) provided an update on code approvals and notifications.

In regard to the work being undertaken by the codes review subcommittee, M Tingle made the comment that accredited reviewers should be visiting parented organisations as part of their review.

O 19. MPI update including animal welfare regulations

The MPI update, was circulated prior to the meeting. s 9(2)(a) reported that the fourth package of regulations, relating to significant surgical procedures, was nearly ready for public consultation. A series of stakeholder workshops had been planned and would be held around the country. The committee considered it appropriate that, rather than being included in general workshops discussions, regulations affecting the research community should be targeted specifically to that stakeholder group.

s 9(2)(a) reported that MPI had recently undergone another restructure. The MPI Animal Welfare Team would be moving into a new Branch called Agriculture and Investment Services that had been created to be more 'outward facing' with the farming/agricultural sector.

O 20. s 9(2)(b)(ii)

The committee discussed an email that that had been circulated for information prior to the meeting. An Australian company called s 9(2)(b)(ii) had established in s 9(2)(b)(ii) and manufactured an s 9(2)(b)(ii) which was promoted as a 100% drug-free and chemical-free technology to aid in reducing inflammatory responses in horses. The serum is developed using cells from the horse's own blood and a question had been raised as to whether this product was performance enhancing when used in competition animals.

The email had stimulated some correspondence between committee members as to whether the practice required AEC approval. For example, any work carried out for the purpose of producing antisera or other biological product falls under research, testing and teaching whereas a treatment for therapeutic purposes performed under veterinary supervision did not. After further discussion, it was agreed to inform MPI that in NAEAC's opinion, if the procedure was not deemed to be for therapeutic purposes, there was potential for it to fall under Part 6 of the Animal Welfare Act. G Shackell agreed to advise MPI accordingly.

Action – G Shackell to advise MPI that if s 9(2)(b)(ii) could not be proven to have therapeutic value, the production of it could potentially fall under Part 6 of the Animal Welfare Act.

There being no other items of business to discuss, the chair thanked committee members for their attendance and declared the meeting closed at 12.47 pm.