



National Animal Ethics Advisory Committee

General Meeting

Thursday, 14 November 2019

9.30 am – 4.30 pm

Ministry for Primary Industries
TSB Tower, Level 1, Meeting Rooms 4, 5 and 6
147 Lambton Quay
Wellington

MINUTES

Present

Grant Shackell, Arnja Dale, Malcolm Tingle, Craig Gillies, Rachel Heeney, Rob Hazelwood and Craig Johnson.

In Attendance

^{s 9(2)(a)} (Secretary), ^{s 9(2)(a)} (Senior Adviser, Animal Welfare), ^{s 9(2)(a)} (Policy Analyst, Regulatory Reform and Animal Welfare Policy), ^{s 9(2)(a)} (Principal Adviser, Animal Welfare) and ^{s 9(2)(a)} (Principal Adviser, Office of the Ombudsman) at 10.00 am for agenda item O 4.

Apologies

Dianne Wepa and Bronwen Connor.

Welcome

G Shackell opened the meeting at 9.35 am with a karakia and introduced himself to attendees via a pepeha. R Heeney arrived at the meeting at 9.45 am.

Any Other Business Part One (Open to the Public)

The following additional items of business were identified for discussion under Part One of the agenda.

O 19. Non-human hominids

O 20. Use of unmanned aerial vehicles (UAVs) for research

Any Other Business Part Two (Public Excluded Agenda)

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

PART ONE (OPEN TO THE PUBLIC)

O 1. Farewell to C Johnson and M Tingle

On behalf of the committee, G Shackell thanked C Johnson and M Tingle for their valuable contributions over the last 6 years and presented them with a commemorative plaque. G Shackell noted C Johnson's extensive animal welfare background; his ability to be objective; and his support over the years as deputy chairperson. G Shackell noted M Tingle's impressive knowledge of the legislation; his attention to detail; and his robust analysis of all matters put before the committee. In particular, M Tingle's contribution to the review of the *Good Practice Guide* and code of ethical conduct review process were also highlighted.

C Johnson thanked G Shackell for taking the initiative to open the meeting in Māori. In relation to committee terms of appointment, C Johnson expressed his unease that these did not always coincide with the cycle for reviewing codes of ethical conduct.

M Tingle reported that he had enjoyed his time on the committee. M Tingle thanked G Shackell for his chairmanship; the committee members for their contribution; and s 9(2)(a) for her secretariat support.

A Dale reported that she had enjoyed working with both M Tingle and C Johnson and she would be sad to see them leave the committee.

O 2. Confirmation of previous minutes

The draft minutes of the codes of ethical conduct meeting held on 16 October 2019 were reviewed. Two minor errors were noted – one on page 4 and one on page 8 under section 3.8. s 9(2)(a) agreed to amend the mistakes and recirculate the minutes.

Moved (M Tingle/A Dale):

That the draft minutes of the meeting held on 16 October 2019 be adopted as a true and accurate record of that meeting subject to the changes noted above being made.

The motion was put: carried.

Action – s 9(2)(a) to amend and re-circulate minutes.

O 3. Action list review

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

Contact Invetus (action 2): C Johnson reported he had contacted s 9(2)(b)(ii) and would be attending their next animal ethics committee (AEC) meeting.

Update *Good Practice Guide* relating to fish (action 3): G Shackell reported that s 9(2)(a) had started the occasional paper on fish but it had not yet been completed. It was noted that information from the occasional paper would be incorporated into the next version of the *Good Practice Guide*.

s 9(2)(ba)(i) **code of ethical conduct (action 7):** G Shackell reported that this action had now been completed and read aloud the email he had sent to MPI.

Write to ANZCCART about their AEC member of the year award (action 10): G Shackell reported this action had now also been completed.

s 9(2)(ba)(i) **(action 12):** G Shackell reported that he had talked to the Manager of the Animal Welfare team about the matter involving a researcher at s 9(2)(ba)(i) MPI would talk the individual from the AEC that had raised the initial concern.

M Tingle considered there might be a wider issue with the s 9(2)(ba)(i) without advising individuals they may also require AEC approval. M Tingle considered NAEAC should be advising s 9(2)(ba)(i) that this may be a potential problem.

C Gillies reported that he had spoken to relevant individuals at s 9(2)(ba)(i) about s 9(2)(ba)(i) It was noted that the technical advice provided in this case had not been sufficient as permissions had been granted after work had already commenced. In engaging with fellow s 9(2)(ba)(i) staff about s 9(2)(ba)(i) C Gillies reported that he had raised awareness about Part 6 of the Act, noting he had been contacted specifically by the s 9(2)(ba)(i) for his opinion on a matter.

The committee discussed whether the s 9(2)(ba)(i) website or its forms could be amended to remind individuals to seek advice about AEC approval. It was generally agreed that advice about AEC approval should come from the top down and that perhaps NAEAC could write the Minister about this matter instead of writing to the AEC involved.

O 5. Mini-tutorial: *Local Government Official Information and Meetings Act 1987 (LGOIMA)*

G Shackell welcomed s 9(2)(a) (Principal Adviser, Office of the Ombudsman) to the meeting to talk about LGOIMA and the Official Information Act (OIA).

s 9(2)(a) reported that the Office of the Ombudsman handles complaints about, and investigates, the administrative conduct of public sector agencies. It also has a role in providing training and advice. In relation to complaints; as well investigating them, the Office of the Ombudsman can run its own investigations and publish opinions – akin to judicial review. While the Ombudsman's recommendations are not legally binding, non-compliance can be reported to Parliament.

The Office of the Ombudsman also visits places where people are detained or live (such as prisons and rest homes), to check their treatment and conditions and also has supervisory functions over Oranga Tamariki.

It was noted that prior to the OIA coming into force, the Official Secrets Act 1951 was the piece of legislation that provided for criminal penalties for espionage and unauthorised release of government information. Under the Official Secrets Act only Ministers could release information. The Act was repealed in 1983 by the Official Information Act 1982. Under the OIA the premise is that all information held by government bodies should be released, unless there are grounds not to.

LGOIMA is very prescriptive for local authorities and the assumption is that meetings are open to the public. Local government must advertise their meetings a few weeks in advance; Boards of Trustees a 'reasonable time' before meetings; whereas NAEAC does not have to advertise its meetings at all.

While the default under LGOIMA is openness there are permissions in the Act to close sections of the meeting. Any request for the parts of minutes that fall under the closed session of a meeting come under the OIA.

The Chairperson has powers under LGOIMA to manage people who become disruptive during meetings. At local government meetings agendas must be available for distribution to members of the public who attend the meeting.

It was noted that the Ministry of Justice is considering reviewing the OIA and a decision on this was due out shortly.

LGOIMA provisions do apply to NAEAC and while there is no obligation to report meeting dates, if this was to change in the future, NAEAC would have to post their agenda and change that the way in which it operates.

R Hazelwood reported on a Fish and Game meeting he had attended noting that the members of the council present had not known what to do when he had arrived. It was generally agreed NAEAC would need to have a plan in place should they advertise their meetings.

The committee also discussed the situation of third parties holding information when they were not subject to the OIA. It was acknowledged that some people may not be able to access information because of this anomaly.

On behalf of the committee, G Shackell thanked s 9(2)(a) for his attendance and address before he departed the meeting at 11.20 am.

O 6. Discussion about putting NAEAC minutes on the MPI website

In light of s 9(2)(a) address, the committee discussed ways it could increase transparency and public engagement. It was agreed that the committee would follow the National Animal Welfare Advisory Committee's (NAWAC's) lead and proactively place redacted meeting minutes on the MPI website. The first set of minutes would relate to the current November 2019 meeting and would be posted after they were confirmed at the first meeting in 2020. It was also agreed to include a sentence on the website that NAEAC's meeting were open to the public. There was some discussion as to whether the actual meeting dates should be made public. It was agreed that while this could be done it would require someone to monitor and update the website regularly. Instead, a statement along the lines of people contacting the secretariat if they were interested in attending was considered a better option.

Moved (M Tingle/C Johnson):

That from November 2019 confirmed redacted NAEAC minutes are posted on the MPI website.

The motion was put: carried.

Moved (R Hazelwood/M Tingle):

That a general statement about NAEAC meetings being open to the public is put on the MPI website and that the secretariat contact details are provided as opposed to actual meeting dates.

The motion was put: carried.

Action – G Shackell and s 9(2)(a) to draft a paragraph describing NAEAC's meeting schedule and have it placed on the MPI website.

The committee discussed having the s 9(2)(ba)(i) AEC chairperson visit NAEAC. It was agreed that the chairperson be invited to the February general meeting to give a mini-tutorial on how the s 9(2)(ba)(i) AEC operates.

O 4. Update on NAWAC and NAEAC websites and Shared Workspace replacement

s 9(2)(a) provided an update on progress to develop independent websites for the committees. MPI had gone back to the web developer to ascertain if the design and build could be achieved for half the amount originally quoted. While it was possible to do this, the ongoing support and set up costs that would need to be paid in the first year were still too high. Instead, MPI would put a case together to have the work for this project approved in the 2020/2021 financial year.

In relation to the retirement of Shared Workspace by s 9(2)(ba)(i) s 9(2)(a) reported that MPI were in the process of testing a replacement collaboration tool. The tool would form part of MPI's current data management system called s 9(2)(ba)(i). It was intended that guidance material would be available for users and MPI employees before the end of the year.

O 7. Discussion/recap of meetings to be held with AEC chairs and accredited reviewers

M Tingle reported on the presentation he had prepared for the meeting with accredited reviewers and MPI systems audit staff that would be held the following day. G Shackell reviewed the items listed on the agenda for the meeting with AEC chairs.

The committee asked s 9(2)(a) to let them know which AECs were not attending the meeting.

Action – s 9(2)(a) to let NAEAC know which AECs did not attend the meeting.

O 8. Progress against milestones in NAEAC Operational Plan

The committee reviewed progress against its 2019 work plan. The following updates were provided:

1 Informed Public Discussion

1.1.4 The presentation from the Office of the Ombudsman was noted. NAEAC had also identified some steps to take to promote public attendance at meetings.

2 Good advice to Minister and Director-General

2.1.1 It was noted that NAEAC's advice on zebrafish just needed to be submitted to the Minister by the secretariat.

2.2.1 New matters to add to the operational plan included the work relating to increasing transparency of NAEAC's meetings.

2.3.2 The review of all codes was nearly complete for the year.

3 AECs supported to ensure animals used ethically

3.1.1 The last AEC newsletter had been drafted and just needed to be circulated.

3.1.3 Planning for next year's site visit was already on the agenda for discussion later in the meeting.

3.2.0 In order to keep the NAEAC *Good Practice Guide* updated, it was agreed to form a subcommittee to undertake this task. R Heeney agreed to join R Hazelwood and G Shackell.

4 Robust ethical RTT system

4.2.1 A Dale reported that the timeline for the 4th R piece of work should be put back until August 2020.

4.4.1 Planning for the 2021 round of Three Rs awards would need to commence in 2020. NAEAC would have to seek sponsorship money again and schedule the timeframe for calling nominations.

O 9. Update from codes review subcommittee

M Tingle reported that the codes subcommittee required feedback from the reviewers on the reviewers' checklist before a recommendation could be made to MPI about next steps. It was agreed to co-opt M Tingle to remain on the codes subcommittee until then. M Tingle agreed he would be happy to continue contributing to this piece of work.

Moved (G Shackell/A Dale):

That M Tingle be co-opted to remain on the codes review subcommittee.

The motion was put: carried.

The committee also discussed the pool of accredited reviewers currently available, noting that it was small. Some succession planning was necessary to ensure there were enough qualified individuals available to undertake reviews when a number of codes were expiring during the same year. Examples of people who were noted as having the skills to undertake reviews included ex-animal welfare officers. There was some discussion about whether reviewers needed to have animal welfare experience. It was generally considered that this would not be necessary although audit experience was essential.

O 10. Discussion about updating the *Good Practice Guide for the Use of Animals in Research, Testing and Teaching*

R Hazelwood agreed to update the current version of the *Good Practice Guide*. However, R Hazelwood would require a specific list of changes. G Shackell agreed to send this to R Hazelwood as he had

been noting them down during the course of the year. It was agreed that A Dale would provide R Hazelwood with the text for the non-compliance section and include some 'decision trees'. All the amendments were due to R Hazelwood before the end of the year.

Actions:

*G Shackell to send R Hazelwood a list of changes required to the 'Good Practice Guide'.
A Dale to send R Hazelwood compliance text and decision trees.*

O 11. Discussion about updating the code of ethical conduct template

G Shackell reported that he had been making changes to the code template at meetings throughout the year. G Shackell agreed to send the amended template to committee members for comment before forwarding to s 9(2)(a) to put on the MPI website.

Actions:

*G Shackell to circulate amended code template to committee for comment.
s 9(2)(a) to arrange for amended code template to be put on the MPI website.*

O 12. Mātauranga Māori

G Shackell reported that he had spoken to D Wepa about getting a Māori translation for NAEAC. G Shackell also advised that NAWAC were interested in continuing to have a combined subcommittee on this topic.

O 13. Planning for 2020 AEC workshop

G Shackell referred committee members to the summary of feedback that had been collated after the last AEC workshop. While there were no specific themes identified, committee members considered it would be worthwhile continuing to address the topic of non-compliance. It was agreed to leave any further planning until the new-year.

O 14. MPI summary of code of ethical conduct approvals, notifications and revocations

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

O 15. MPI update including animal welfare regulations

s 9(2)(a) provided an update on the status of the regulations relating to surgical and painful procedures. The analysis of over 1,300 public submissions had now been completed and a final proposal developed to be considered by Government. A policy decision by Cabinet was due by the end of the year. The new regulations would be in place by May 2020.

It was agreed that if MPI required additional NAEAC comment on the regulations before they came into force C Johnson and M Tingle should still remain on the regulations subcommittee and be contacted.

Moved (G Shackell/R Hazelwood):

That M Tingle and C Johnson be co-opted to remain on the regulations subcommittee until such time as the painful and surgical procedures came into force.

The motion was put: carried.

O 16. Confirmation of 2020 meeting dates including site visit location

The committee confirmed the following meeting dates for 2020:

- General meeting in Wellington on Wednesday, 19 February;
- AEC site visit (Auckland) on Wednesday, 13 May and general meeting on Thursday, 14 May;
- General meeting in Wellington on Tuesday, 1 September;
- Tentative codes of ethical conduct meeting in Wellington on Tuesday, 6 October; and
- AEC workshop in Wellington on Thursday, 19 November and general meeting on Friday, 20 November.

In relation to the site visit, the committee discussed whether there would be an opportunity to visit the s 9(2)(ba)(i) R Hazelwood expressed interest in seeing the animals that had been of interest to NAEAC during the year, for example, zebra fish and pigeons. It was agreed that s 9(2)(a) make some initial inquiries about what facilities were suitable for NAEAC to visit in, or near, Auckland.

C Gillies noted he would be an apology for the 1 September 2020 meeting.

Action – s 9(2)(a) to make inquiries about what facilities can be visited in, or near, Auckland.

O 17. Committee members' reports on recent presentations and attendance at conferences

The following attendance at conferences and meetings were noted:

A Dale had attended the One Welfare conference in Sydney.

C Johnson would be attending the Understanding Animals conference hosted by the International Society for Applied Ethology in Wellington the following week. s 9(2)(a) contribution to animal welfare would be celebrated at the meeting and s 9(2)(a) would receive an honour – Honorary Associate Member of the Animal Welfare Science and Bioethics Centre.

G Shackell had attended a s 9(2)(b)(ii) AEC meeting and had the opportunity to view some s 9(2)(b)(ii) in practice.

O 18. NAEAC correspondence

Additional email correspondence between the chair of the s 9(2)(ba)(i) AEC and G Shackell was circulated to committee members during the meeting.

It was noted that the correspondence folder in Shared Workspace was not being updated regularly.

O 19. Non-human hominids

s 9(2)(a) reported that a letter from MPI asking for an end of approval report had been sent out in September. It was anticipated that the results of the research would be available at the end of November and these would be circulated to committee members in due course.

O 20. Use of unmanned aerial vehicles (UAVs) for research

This agenda item had been discussed previously. There were no further updates.

**PART TWO
(PUBLIC EXCLUDED AGENDA)**

DRAFT RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987

There being no further introductory items of business to discuss, it was moved (G Shackell/M Tingle):

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

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

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>
<i>C 1. s 9(2)(ba)(i)</i>	<i>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)(g)(ii) of the Official Information Act 1982.</i>

B: That s 9(2)(a) (Secretary), s 9(2)(a) (Senior Adviser, Animal Welfare), s 9(2)(a) Policy Analyst, Regulatory Reform and Animal Welfare Policy), s 9(2)(a) (Principal Adviser, Animal Welfare) 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) declared a conflict of interest in light of his having been the previous chair of the s 9(2)(ba)(i) AEC. While the conflict of interest was noted, it was not considered material enough for s 9(2)(a) to leave the room for the discussion of this code.

G Shackell asked committee members if they had had enough time to review the code given it was only circulated three days prior to the meeting. Two committee members indicated that they had not had enough time to prepare and thus could not provide an informed view on the amended code. Those committee members who had read it agreed that the amended code was satisfactory and that NAEAC could recommend to MPI that it be approved under the Animal Welfare Act.

The committee considered it appropriate for those committee members who required it to have additional time to review the code. C Johnson agreed to review the code in the following week and provide his feedback directly to A Dale.

Moved: (C Johnson/C Gillies):

That the s 9(2)(ba)(i) 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 satisfaction of C Johnson and A Dale.

The motion was put: carried.

In case there was any unforeseen circumstances that would not allow C Johnson and A Dale to review the code in a timely manner it was also agreed to recommend that the s 9(2)(ba)(i) current code be extended until 30 January 2020.

Moved (G Shackell/M Tingle):

That, if necessary, NAEAC's recommendation would be that the current code of ethical conduct of the s 9(2)(ba)(i) be extended until 30 January 2020.

The motion was put: carried.

Actions:

C Johnson and A Dale to review code.
s 9(2)(a) to write and advise s 9(2)(ba)(i) accordingly.

There being no other items of business to discuss, the chair thanked committee members for their attendance and closed the meeting at 3.23 pm.