



# National Animal Ethics Advisory Committee

## Codes of Ethical Conduct Meeting

Wednesday, 16 October 2019  
9.30 am – 4.30 pm

Travelodge Hotel  
Boulcott Room, Level 6  
2-6 Gilmer Terrace, Wellington

### MINUTES

#### Present

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

#### In Attendance

§ 9(2)(a) (Senior Adviser, Animal Welfare) and § 9(2)(a) (Secretary).

#### Apologies

Dianne Wepa.

#### Welcome

G Shackell opened the meeting at 9.33 am and welcomed attendees.

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

Information relating to work conducted by § 9(2)(ba)(i) was identified as an additional item for discussion under Part One of the Agenda.

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

**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. s 9(2)(ba)(i) [Redacted]
- C 2. s 9(2)(ba)(i) [Redacted]
- C 3. s 9(2)(ba)(i) [Redacted]
- C 4. s 9(2)(ba)(i) [Redacted]

*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. s 9(2)(ba)(i) [Redacted]	<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>
C 2. s 9(2)(ba)(i) [Redacted]	<i>As for C 1 above.</i>	<i>As for C 1 above.</i>
C 3. s 9(2)(ba)(i) [Redacted]	<i>To protect information where making the information available would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and/or</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 sections 9(2)(b)(ii) and/or 9(2)(g)(ii) of the Official Information Act 1982.</i>
C 4. s 9(2)(ba)(i) [Redacted]	<i>As for C 1 above.</i>	<i>As for C 1 above.</i>

B: That <sup>s 9(2)(a)</sup> (Secretary) and <sup>s 9(2)(a)</sup> (Senior 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.

Regarding the <sup>s 9(2)(ba)(i)</sup> animal ethics committee (AEC), R Hazelwood declared a conflict of interest in relation to knowing the chairperson who was employed by his organisation to do veterinary contract work. G Shackell asked committee members if his involvement in helping the <sup>s 9(2)(ba)(i)</sup> redraft their code precluded him from future discussions later in the meeting. The committee agreed that in both cases, no conflict existed.

#### C 1. <sup>s 9(2)(ba)(i)</sup> code of ethical conduct

It was noted that <sup>s 9(2)(ba)(i)</sup> had not contacted M Tingle for assistance in redrafting their code. G Shackell invited R Heeney to lead the discussion of this code. R Heeney provided a summary of the changes requested at the last meeting noting whether or not they had not been incorporated into the revised version.

While most of the changes NAEAC suggested had been made, the committee decided to review the amended code again in its entirety. The following points were noted for clarification/amendment (adopting the references in the code):

**Section 1.1:** This section referred only to teaching proposals whereas the title of the document and, for example, section 4.1 referred to research proposals as well so this section should be amended to include research proposals.

**Section 1.2.4:** "hold" should be "holds".

**Section 2.1:** The separation into statutory and non-statutory members was incorrect in this section. The staff member who is capable of evaluating projects et cetera is a member specified by the Act. With regard to the external members, only the first three listed in the code are statutory members. Generally speaking, the local body nominee is regarded as the lay person representing the general public. However, this does not preclude <sup>s 9(2)</sup> having another lay member as specified in section 2.1.1(a)(4) but that person would not be a statutory external member.

**Section 2.1.2:** Rather than "and/or", this can just be "and".

**Section 2.2.2(e):** It should be "Ensuring that all members have effective input..." and the wording could be changed to include providing the external members with the Guide.

During the discussion, it was suggested that the NAEAC publication *A Guide for Lay Members of Animal Ethics Committees* be 'de-commissioned' and any relevant material contained within it, transferred to the *Good Practice Guide*. This would ensure AECs only needed to access one NAEAC reference document.

**Section 3.2.1:** NAEAC considered that given that decision-making is supposed to be by consensus specifying voting members was confusing.

**Section 3.2.2:** Delete “voting” at the beginning of this section.

**Section 3.2.6:** Delete the word “for” and insert a space between “nominated” and “with”.

**Section 3.2.8:** “application” should be plural, “of” should be inserted after “quorum” and “are” should be “is”.

**Section 4.1.8:** This section required re-writing as it was difficult to understand.

**Section 5:** The term “protocols” is used in the heading of this section whereas “proposals” is used in 5.1 and “applications” is used in 5.2. NAEAC considered that consistent terminology be used.

**Section 6.1.3:** “practise” should be “practice” and “Recognised Good Practice” should not be capitalised because it is not the name of a specific document.

**Section 7:** This section was still not considered adequate regarding frequency of monitoring and monitoring of projects where animals are brought to s 9(2)(ba)(i) purposes. NAEAC suggested that the code holder refer to the *Good Practice Guide for the Use of Animals in Research, Testing and Teaching* for specific requirements.

**Section 9.2.3:** Add “the” before s 9(2)(ba)(i)

**Section 9.2.4:** NAEAC recommended that to be gender neutral “he/she” should be “they”.

**Section 9.3.5:** The placement of the last sentence could imply that the person holding the approval is responsible for sending their individual statistics return to MPI. This, of course, is not the case. MPI requires one return from each code holder.

**Sections 9.4.4:** NAEAC suggested that there be a review date rather than an expiry date.

**Section 10.1.1:** Insert “member” after “staff”.

**Section 11:** This section should include provisions to refer matters to the appropriate compliance authorities when warranted.

*Moved: G Shackell/M Tingle:*

*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 monitoring section being addressed to the satisfaction of M Tingle and the other changes being addressed to the satisfaction of MPI.*

*The motion was put: carried.*

**Actions:**

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

NAEAC to review 'A Guide for Lay Members of Animal Ethics Committees' and incorporate material into the 'Good Practice Guide for the Use of Animals in Research, Testing and Teaching'.

C 4.

s 9(2)(ba)(i)

[Redacted]

[Redacted]

[Redacted]

**Action – G Shackell to draft letter to s 9(2)(ba)(i) and circulate to rest of committee for comment.**

C 3.

s 9(2)(ba)(i)

conduct

code of ethical

R Hazelwood reported that s 9(2)(ba)(i) did contact him for advice regarding the amendment of their code. It was noted that while the conversation was less positive than R Hazelwood would have liked, a subsequent phone conversation acknowledged the value of the advice provided.

The committee reviewed the revised code section by section. The following points were noted for clarification/amendment (adopting the references in the code):

**Section 3.1:** NAEAC agreed that the sentence "However, any subsequent use of the animal may require AEC consideration" be added to the end of this section.

**Section 4.1:** In the second sentence delete the second "to" after "limited".

**Section 7.1 (b) and 7.1 (d):** There was inconsistency with the use of the terms "research" and "research, testing and teaching".

**Section 7.1(l):** The first sentence referred to applications but the second referred to amendments. NAEAC was unsure if this should be documents or something similar and sought clarification.

**Section 7.1(m) and section 7.2:** Section 7.1(m) deals with variations and section 7.2 states that variations will be addressed in one of two ways, listing two. However, that means there are three ways

in total to deal with variations. NAEAC suggested one way to overcome this would be to amend section 7.2 to say "Requests for non-urgent variations ...". Also in 7.2(a), the statement is made that approvals made by the subcommittee will be minuted at the next meeting. NAEAC considered this should be changed to "discussed" or "discussed and minuted". The reason for this is that meeting procedure would normally mean that only matters that are discussed at a meeting are included in the minutes.

**Section 7.3:** In the first sentence "would" should be "will".

**Section 11.4:** NAEAC was strongly of the view that a minimum of 10% of projects graded A and B and all projects graded C, D and E should be monitored and suggested referring to section 5.2 of NAEAC's *Good Practice Guide for the Use of Animals in Research, Testing and Teaching*.

**Section 11.5:** NAEAC suggested that "1 week" be changed to "an appropriate time frame" as circumstances may vary and there may be times when directives might be necessary more urgently. NAEAC also considered that the final sentence should be changed to read "In all cases of non-compliance section 16.4 will apply."

**Section 12:** It was noted that all projects, whether parented or not, should follow the same vigour. NAEAC considered that the monitoring of parented projects should be in accordance with other sections of the code. [Secretariat Note: Following the meeting, <sup>s 9(2)</sup> (ba)(i) notified MPI that they were going to change this section and not allow external parties to use their code].

**Section 14.2:** In the sentence about standard operation procedures (SOPs), NAEAC considered that this should be "regularly reviewed and updated by senior managers of each site and approved by the AEC." In the last sentence "are" should be replaced with "is".

**Section 14.7:** In the second sentence, "as often as is appropriate" should be amended to read "in accordance with an AEC-approved schedule".

**Sections 14.7-14.12:** It was thought that these sections would be more appropriately placed in section 8.

**Section 16.1:** The final sentence should be amended to read "The AEC will respond to all complaints in writing within 28 days of notification. Complaints should be forwarded to the AEC not the animal welfare officer (AWO).

**Section 16:** The section should include provisions to refer matters to the appropriate compliance authorities when warranted.

*Moved: G Shackell/M Tingle:*

That the <sup>s 9(2)(ba)(i)</sup> 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 monitoring section being addressed to the satisfaction of R Hazelwood and the other changes being addressed to the satisfaction of MPI.

*The motion was put: carried.*

Action – s 9(2)(a) to write and advise s 9(2)(ba)(i) accordingly.

Given that it was not long before lunch, it was agreed to discuss other minor items.

A Dale provided an update on the One Welfare Conference she attended in Sydney earlier in the month, including a presentation by s 9(2)(a) that compared animal research across countries. It was noted that Malaysia wanted to provide legislative protections for invertebrates, fetuses and eggs. A Dale also reported that in the UK, individuals wanting to do research had to undergo three days of mandatory training.

A Dale enquired about the status of appointing new committee members given that M Tingle and C Johnson were due to retire at the end of October. s 9(2)(a) reported that the briefing papers were scheduled to go to the Minister's office on the same day as this meeting and it was hoped the appointments would be finalised in mid-November.

The committee also discussed meeting dates for 2020. The following tentative dates were scheduled:

- General meeting in Wellington on Wednesday, 19 February;
- AEC site visit (location tbc) 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.

## C 2. s 9(2)(ba)(i) code of ethical conduct

G Shackell reported on the positive meeting he had had with the s 9(2)(ba)(i) following the September codes meeting. G Shackell reminded committee members that he had offered to speak at the next s 9(2)(ba)(i) conference. R Heeney reported this meeting would be held in March 2020.

The committee talked at length about the use of leg-hold traps and lures in relation to Part 6 of the Act. It was acknowledged that because the hunting or killing of any animal in a wild state by a method that is non-experimental was exempt from the definition of manipulation, some AECs may only be considering the use of the lure as the manipulation and assigning it a low grading. NAEAC agreed to prepare some guidance around this issue, especially in relation to the impact grading. M Tingle reported that a code holder could appoint an independent chairperson who was experienced with different types of manipulations if they considered it appropriate.

The committee reviewed the revised code section by section. The following points were noted for clarification/amendment (adopting the references in the code):

NAEAC was strongly of the view that even though s 9(2)(ba)(i) projects may be minor and harmless they still constitute research so it was suggested that research be added back throughout the document e.g. s 9(2)(ba)(i) research projects" or s 9(2)(ba)(i) research projects".

NAEAC also wanted to see the terms s 9(2)(ba)(i) and s 9(2)(ba)(i) changed to "responsible investigator" throughout the document.

C Gillies left the meeting at 2.25 pm.

**Section 2.1:** In the first bullet point research purposes should be included as well as s 9(2)(ba)(i) purposes.

**Section 3.8:** Members nominated by the SPCA, NZVA and local authorities are not appointed as representatives of their nominating body. NAEAC also suggested a statement be added to the effect that the chairperson will ensure that all members have the opportunity to participate and express their views.

**Section 3.11:** NAEAC considered that the first sentence could be interpreted by some as indicating that s 9(2)(ba)(i) were allowed to leave things until the last minute. It was suggested that this sentence could be deleted.

**Section 4.1:** NAEAC considered that the third paragraph be reworded as follows: "All applications shall require consideration of ..." Also, in the penultimate paragraph, NAEAC suggested that the word s 9(2)(ba)(i) be removed as some s 9(2)(ba)(i) applicants would not generally be regarded s 9(2)(ba)(i). Also, it was suggested that s 9(2)(ba)(i) was a better term, than s 9(2)(ba)(i).

**Section 4.2(b):** If further information is required, then the project has not been approved so this section should be reworded accordingly. NAEAC also suggested that, in order to be gender inclusive, "he/she is" be changed to "they are".

**Section 4.3:** NAEAC was of the view that this section was irrelevant and could be deleted.

**Section 4.5:** NAEAC suggested this section is reworded to read: "The AEC may suspend or revoke approvals when the project has deviated from the approval."

**Section 5.1.2:** NAEAC suggested this section is reworded as follows: "The s 9(2)(ba)(i) and responsible investigator will ensure that the manipulation is carried out in accordance with this Code, and the conditions that are set in the approval."

**Section 5.2:** The first sentence is unnecessary and should be deleted.

**Section 5.3:** The first sentence can be deleted.

**Section 5.4:** The first sentence is superfluous and can be deleted as can the last sentence.

**Section 5.5 & 5.6:** NAEAC was of the view that these sections should be merged and could read "The conditions of the approval will detail how to deal with sick and injured animals on a case by case basis."

**Section 5.7:** NAEAC wanted the phrase "in accordance with guidelines in MPI's Animal use statistics document" added at the end of this section.

**Section 5.9:** The first sentence was not relevant to rehoming. As such, it was suggested that this be reworded to read "The AEC will not approve applications which involve the killing of an animal." and that this be moved to section 4.1.



**Section 7:** NAEAC suggested that the first sentence be amended to read: "Individual approvals will indicate monitoring requirements. This may involve a video." They also want it specified that at least 10% of all approvals will be monitored in some way, not just 10% of s 9(2)(ba)(i) projects.

**Section 7.6:** NAEAC was strongly of the view that the applicant must state the actual impact grade and whether this varied from that in the approval.

**Section 9:** Again, s 9(2)(ba)(i) was preferred over s 9(2)(ba)(i)

The following typographical errors were also noted:

- Section 2.3: there should be a semicolon at the end of (a), and (b) and full stop at the end of (d) rather than a semicolon.
- Section 2.4: Add a full stop at the end.
- Section 2.6 Remuneration: In the second paragraph "fix" should be "fixed" and again, add a full stop at the end of the sentence.
- Section 4.6: "approval" should be "approved".
- Section 5.1.1: "of a live animals" should be "of a live animal" or "of live animals".
- Section 7: "Monitoring is." at the end of this section should be deleted.
- Section 8: "Permitted" should not have a capital.
- Section 10: Hyphenate "Director General".

*Moved: G Shackell/R Heeney:*

That the s 9(2)(ba)(i) code of ethical conduct not be recommended for approval and that an amended code be submitted to NAEAC for consideration on 14 November 2019.

*The motion was put: carried.*

**Action –** s 9(2)(a) **to write and advise** s 9(2)(ba)(i) **accordingly.**

M Tingle asked s 9(2)(a) to provide an update on the review report for the s 9(2)(ba)(i) and the status of the current draft code given the he and A Dale had been assigned with reviewing the changes. In relation to the review report, s 9(2)(a) reported that it had now been received and was with s 9(2)(a) for review. In relation to the approval of amendments required to the s 9(2)(ba)(i) draft code, s 9(2)(a) reported she was still waiting for feedback from A Dale.

## PART TWO (OPEN TO THE PUBLIC)

### O 1. Confirmation of previous minutes

The draft minutes of the codes of ethical conduct meeting held on 19 and 20 September 2019 were reviewed. There were no amendments.

*Moved (M Tingle/R Hazelwood):*

*That the draft minutes of the meeting held on 19 and 20 September 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:

**Contact** <sup>s 9(2)(b)(ii)</sup> (action 2): G Shackell reported that he had been invited to attend an AEC meeting in the first quarter of 2020.

**Finalise zebrafish advice and submit to Minister (action 7):** <sup>s 9(2)(a)</sup> reported that this action had not yet been completed.

<sup>s 9(2)(ba)(i)</sup> **code of ethical conduct (action 12):** In relation to animal use in <sup>s 9(2)(ba)(i)</sup> generally, it was noted that the <sup>s 9(2)(ba)(i)</sup> were now sending Official Information Act requests to <sup>s 9(2)(ba)(i)</sup> about their use of animals <sup>s 9(2)(ba)(i)</sup>

**Write to MPI about the NZVA nominee on the** <sup>s 9(2)(ba)(i)</sup> **AEC (action 15):** G Shackell reported that he still had to complete this action.

There being no other items of business to discuss, the chair thanked committee members for their attendance and declared the meeting closed at 4.18 pm.