



National Animal Ethics Advisory Committee

Codes of Ethical Conduct Meeting

Thursday, 19 September and Friday, 20 September 2019
9.30 am – 4.30 pm

Ministry for Primary Industries
TSB Tower, Level 1, Meeting Rooms 5 and 6 on Thursday and
TSB Tower, Level 1, Meeting Rooms 2 and 3 on Friday
147 Lambton Quay, Wellington

MINUTES

Present

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

In Attendance

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

Apologies

Craig Johnson. It was noted that A Dale would be late to the meeting.

Welcome

G Shackell opened the meeting at 9.30 am and welcomed attendees.

Following on from the August joint meeting with the National Animal Welfare Advisory Committee (NAWAC) on Mātauranga Māori, D Wepa circulated a pepeha template to meeting attendees. Pepeha is a way of introducing yourself in Māori and tells people who you are by sharing your connections with the people and places that are important to you.

It was also noted that the husband of s 9(2)(a) (a scheduled guest speaker who was unable to attend the Mātauranga Māori meeting), had died two days previously.

Any Other Business Part One (Public Excluded Agenda)

An email relating to s 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)

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

**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) code of ethical conduct*
- C 2. s 9(2)(ba)(i) code of ethical conduct*
- C 3. s 9(2)(ba)(i) code of ethical conduct*
- C 4. s 9(2)(ba)(i) code of ethical conduct*
- C 5. s 9(2)(ba)(i) code of ethical conduct*
- C 6. s 9(2)(ba)(i) code of ethical conduct*
- C 7. Animal ethics committee (AEC) query relating to shark research*

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) code of ethical conduct</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>
<i>C 2. s 9(2)(ba)(i) code of ethical conduct</i>	<i>As for C 1 above.</i>	<i>As for C 1 above.</i>

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C 3. s 9(2)(ba)(i) code of ethical conduct	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 To maintain the effective conduct of public affairs through the protection of Ministers, members of organisations, officers and employees from improper pressure or harassment.	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.
C 4. s 9(2)(ba)(i) code of ethical conduct	As for C 1 above.	As for C 1 above.
C 5. s 9(2)(ba)(i) code of ethical conduct	As for C 1 above.	As for C 1 above.
C 6. s 9(2)(ba)(i) code of ethical conduct	As for C 3 above.	As for C 3 above.
C 7. AEC query relating to shark research	As for C 1 above.	As for C 1 above.

B: That s 9(2)(a) (Secretary), and s 9(2)(a) (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.

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

M Tingle and R Heeney had been assigned the responsibility of leading the review of this code. M Tingle was of the opinion that the code needed substantive revision and should follow the code template. The following points were noted for clarification/amendment (adopting the references in the code):

Title: As the title of the document referred to s 9(2)(ba)(i) only this would preclude the AEC from considering research proposals, both for staff and any external people/organisations using the AEC. The committee agreed this should be brought to the attention of the code holder.

Signature page: NAEAC considered that "involved in animal manipulations" should be changed to s 9(2)(ba)(i)

Section 1.1.1: Everything other than the first sentence should be deleted from this section as it is unnecessary.

Section 1.1.2: This can be incorporated in section 1.1.1.

Section 1.1.5: It was more appropriate for the second sentence to refer to Part 6 of the Act rather than just the two sections (80 and 100) specified. The remainder of this section could then be removed.

Section 1.2.4: NAEAC considered that the opening sentence could simply refer to companion animals rather than listing specific ones.

Section 1.3.2: The Official Information Act 1982 does not deal with attendance at meetings.

Section 1.4: NAEAC considered that section 1.4.1 could be deleted as it was irrelevant.

Section 2.1.1: NAEAC suggested that the statutory and non-statutory membership be separated. In section 2.1.1(c)(1), add "and who is not associated with ^{s 9(2)}(ba)(i) in (c)(2), add "and who is not associated with ^{s 9(2)}(ba) or involved in animal research, testing or teaching"; and in (c)(3) add "who is not associated with ^{s 9(2)}(ba) the scientific community or an animal welfare agency".

Section 2.1.3: In this section "as advisers" should be added at the end of the first sentence and it should be specified that they do not have voting rights.

Section 2.1.4: NAEAC was uncomfortable with this section as it could compromise free and frank discussion amongst members. It was suggested that this be reworded to say that the chief executive officer (CEO) may be invited to meetings.

Section 2.3.5: New AEC members should also be provided with a copy of the code of ethical conduct.

Section 3.2.2: This section should specify that if the AEC Executive Officer does not have a vote then they are not an AEC member.

Section 3.2.3: Replace "eligible voters" with "members".

Section 3.2.6: There may be circumstances in which the chairperson is unable to nominate someone else (due to serious illness or accident for example). NAEAC suggested that a deputy chairperson be elected each year.

Sections 3.2.7 & 3.2.11: NAEAC suggested that these two sections could be combined.

Section 3.2.8: All members may not be able to participate as they might be overseas or sick for example. Instead, NAEAC suggested requiring a quorum.

A Dale joined the meeting at 10.08 am.

Section 3.2.13: This section indicated that the AEC will not be setting up subcommittees, but subcommittees are mentioned in sections 3.2.9 and 3.2.10 so this required amendment.

Section 5: NAEAC was of the view that "Approval" in the title of the section should be changed to "Consideration" to reflect due process when reviewing applications. The committee also noted that

section 5.1.1 used the term applicants while 5.1.2 used proposer. Terminology should be consistent throughout the document.

Section 5.2: The title should be "Consideration of Applications" rather than "Approving Proposals". NAEAC also considered that the Three Rs should be mentioned somewhere in this section.

Section 5.2.1: "approved" would be more appropriate than "accepted".

Section 5.2.2: This could be moved into section 5.2.1 as "Whether all staff involved ...".

Section 5.2.6: The second sentence should be amended to read "No modifications may be made without AEC approval."

Section 6: NAEAC considered the monitoring section needed to include more detail and suggested referring to the *Good Practice Guide for the use of animals in research, testing and teaching*.

Section 7.1.3: This should be in the Monitoring section.

Section 8.1.3: NAEAC considered that this would be more appropriate in section 2.1.2.

Sections 8.1.4 & 8.1.5: These sections should be moved to section 5.2.

Section 8.2.4: This section should differentiate between minor amendments, which are just notified to the Ministry for Primary Industries (MPI), and other amendments which must be submitted for approval.

Section 8.2.5: It was suggested that this section be moved to the monitoring section.

Section 8.3.5: The "person holding the approval" would be a better term to use than "programme coordinators".

Section 9: NAEAC suggested that this section was sufficiently important that it should be moved to earlier in the document (e.g. section 5). It was also suggested that section 9.1.3 would be better in the monitoring section.

Section 9.1.4: NAEAC asked ^{s 9(2)(a)} to point out that its *Good Practice Guide* does not specify standards. While NAEAC was happy for the document to be referred to it also suggested that reference be made to "recognised good practice".

Sections 9.2 & 9.3: These should be moved to section 5.2.1.

Section 9.4: Given that this code is restricted to teaching, this section is not relevant.

Section 9.5.1: It was not clear what the 'protocols register' was.

Non-compliances: The reporting of non-compliances should be included in the code.

M Tingle offered to assist ^{s 9(2)} in revising their code provided they contacted him promptly to schedule in the time. In addition to the comments noted above, the code holder should make use of the *Good*

Practice Guide, specify if they are using animals only for s 9(2)(ba)(i) and submit a code with an adequate monitoring section.

Moved: (G Shackell/M Tingle):

That the s 9(2)(ba)(i) code of ethical conduct not be recommended for approval under the Animal Welfare Act 1999 and that an amended code be resubmitted to NAEAC for consideration on 16 October 2019.

The motion was put: carried.

The committee commented on the reviewer's report that had been circulated with the draft code. The following points were noted:

- The report mentioned animals being quarantined for two weeks while dogs were brought in for the day;
- Some activities that were not manipulations had been approved by the AEC; and
- Funding for research had been provided to s 9(2) under their current code when in fact the code states that animals are only used for s 9(2)(ba)(i)

It was agreed to inform MPI of the above matters relating to the reviewer's report. G Shackell agreed to draft something for the rest of the committee to review.

Action - NAEAC to write to MPI about s 9(2)(ba)(i) current code and the reviewer's report.

C 3. s 9(2)(ba)(i) code of ethical conduct

R Hazelwood and C Gillies led the discussion of this code. It was noted that the code holder had not followed the code template and as such the draft code was lacking detail in certain areas. The following points were noted for clarification/amendment (adopting the references in the code):

Title: The title of the document referred to research only but research, testing and teaching (RTT) were mentioned elsewhere in the code. There should be consistency in this terminology.

Section 1.1: "Director-General" should be hyphenated and abbreviated to "(DG)" in this section rather than in section 2.1. Reference to section 80 of the Act was also included but this section of the Act does not require the development of a code of ethical conduct - that is section 82.

Section 1.2: This section specified the abbreviation CEC for code of ethical conduct but in other places the term code is used. NAEAC considered that the terminology should be consistent throughout the document. There was also a reference to people on s 9(2)(ba)(i) vessels. NAEAC considered that there should be some clarification that this only applies in New Zealand territorial waters. In addition, in the final sentence "requirements of the legislation is" should be "requirements of the legislation are".

Section 2: This section used the abbreviation AEC, but this had not been stated in full. In addition, the title of this section should be changed from 'modifications' to 'modifications to the code of ethical conduct'.

Section 3.1: This section should specify non-experimental traps or devices (as per section 3.2 of the Act).

Section 4: NAEAC was of the view that this section should include either the whole definitions or refer to the Act. If the code holder opted to include the whole definition and these changed in the future, then the code holder would have to amend the code.

Section 5: NAEAC was concerned that the second sentence could be interpreted as giving the CEO power to direct the AEC in relation to its decision-making or activities.

Section 6: No reference was made to filling vacancies on the AEC. Also, statutory versus non-statutory members should be clearly identified.

Section 6.9: In the second sentence, "Appointment of nominees" would be better worded as "Appointment of statutory external members". Also, in the final sentence, it was suggested that "done by" be replaced with "done following".

Section 6.10: Again, "nominees" should be replaced by "statutory external members" where the term occurs. NAEAC considered that, in the second sentence, after "express their views" the sentence should be amended to read "on all AEC activities."

It was noted that the resources referred to in this section should also include the Animal Welfare Act 1999. G Shackell agreed to include a section on training material in the next AEC newsletter.

Section 6.11: Given that the number of AEC members can vary, NAEAC considered that the quorum should comprise 50% +1 of members. Also "statutory" should be inserted before "external members" to cover the possibility that additional external members are ever appointed. NAEAC wondered if the code holder would like to consider the option for a Deputy Chair to be part of the quorum as there may be times when the Chair is unavailable (e.g. overseas or ill). If the code holder wanted to use this option they would need to specify how the Deputy Chair is selected.

Section 7: The committee thought that this section did not flow logically and should perhaps be reordered. In addition, NAEAC noted that the terms application and protocol seemed to be used interchangeably and that, once again, consistency would be better. NAEAC did not like the term "treatment" (which appeared in section (c), (d) and (f)) and suggested that manipulation would be more appropriate.

Section 7.1(f): This section should specify that final decisions will be in writing.

Section 7.1(g): The AEC cannot necessarily ensure that manipulations do not occur prior to approval (e.g. if someone decides not to comply with the law). Also, the term "variations" would be better than "deviations".

Section 7.1(h): This section should also specify that the applicant is notified in writing.

Section 7.1(j): NAEAC was strongly of the view that applications involving impact gradings of D or E should not be considered by teleconference.

Section 7.1(k): The previous comment regarding not considering applications involving D or E impact gradings by teleconference also applied here. However, NAEAC considered that videoconferencing would be acceptable. Also, the quorum mentioned in this section differed from that in section 6.11.

Section 7.1(l): NAEAC considered that “subcommittee” would be a more appropriate term than “rapid response team” and that this provision should be restricted to projects graded A or B.

Section 7.3(a): The decision should also be documented.

Section 10: NAEAC considered that there should be more detail on monitoring and this section needed to be rewritten. The *Good Practice Guide for the use of animals in research, testing and teaching* provides guidance on this. Specific comments included specifying a time frame in section 10.1 and carrying out a monitoring plan (rather than just developing one) in section 10.3.

Section 13: In relation to animal facilities, the code should cover management of the facilities, staffing levels, standard operating procedures (SOPs), housing of captive animals, veterinary care, euthanasia practices and euthanasia for tissue collection.

Section 13.3: Change “should” to “must”.

Section 13.5: The applicant has responsibility too.

Section 13.7: Change “should” to “must” and add “and as specified in the approval” to the second sentence.

Sections 13.8, 13.9 & 13.10: Do not belong in the Animal facilities and practices section.

Section 13.12: “overrides” is one word.

Section 14: NAEAC was of the view that this section should be earlier in the document and duplication should be mentioned.

Section 14.1(i): D Wepa suggested it would be appropriate to add “te ao” in front of Māori.

Section 15.1: The information listed did not include all that is required by the Animal Welfare (Records and Statistics) Regulations. Furthermore, records should also include matters like non-compliances, adverse events, veterinary treatment and results.

R Hazelwood reported on the list of documents and records that his AEC kept. It was agreed to include this list in the *Good Practice Guide* when it was next revised.

Section 16: This section should include timelines, notifying the CEO when necessary, responding to the complainant, complainant confidentiality and complaints about the AEC.

R Hazelwood offered to assist the code holder in redrafting their code, providing this was appropriately scheduled.

Moved: (G Shackell/R Hazelwood):

That the s 9(2)(ba)(i) code of ethical conduct not be recommended for approval under the Animal Welfare Act 1999 and that an amended code be submitted to NAEAC for consideration on 16 October 2019.

The motion was put: carried.

Actions:

G Shackell to include section on training material in next AEC newsletter.

NAEAC to update 'Good Practice Guide' with R Hazelwood's list of records.

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

C 5. s 9(2)(ba)(i) code of ethical conduct

B Connor and D Wepa were responsible for leading the discussion of this code. Rather than going through the code section by section B Connor reported on the areas that she considered required attention.

The draft code described s 9(2)(ba)(i) as being the 'responsible person' whereas B Connor considered it should be the s 9(2)(ba)(i). Placing responsibility for compliance on a s 9(2)(ba)(i) research projects was not considered appropriate.

NAEAC considered that the code state only A and B grade manipulations will be considered by the AEC. Monitoring of A and B manipulations could be achieved via video on a smart phone.

There was some discussion around training for s 9(2)(ba)(i) to make them aware of the Animal Welfare Act 1999 and the principles of the Three Rs. It was agreed that this would require investment by each s 9(2)(ba)(i) to make sure the expertise was available.

In relation to section 4.4, D Wepa noted that the code holder may want to include more diverse groups under the heading s 9(2)(ba)(i) or s 9(2)(ba)(i) such as s 9(2)(ba)(i) and s 9(2)(ba)(i).

G Shackell agreed to help the code holder redraft their code and considered it might be useful to attend and speak at the next s 9(2)(ba)(i) conference to remind s 9(2)(ba)(i) about their obligations under Part 6 of the Act.

It was noted that B Connor had made a list of the items that were missing from the code. B Connor agreed to pass that list to G Shackell.

The committee agreed that it could not recommend to MPI that this code be approved in its current state. Given that NAEAC would be in Wellington for another day s 9(2)(a) agreed to contact the s 9(2)(a) to ascertain if they were available to meet with members of NAEAC to discuss the issues identified above.

Actions

B Connor to pass list of items missing from code to G Shackell.

**G Shackell to provide feedback to ^{s 9(2)(ba)} on their code.
^{s 9(2)(a)} to contact ^{s 9(2)(ba)(i)} **EC** chairperson.**

C 1. ^{s 9(2)(ba)(i)} code of ethical conduct

^{s 9(2)(a)} declared a conflict of interest and departed the meeting at 3.15 pm.

A Dale and M Tingle were responsible for leading the review of this code. It was noted that the code holder should be commended for following the code template. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1.1: In the last paragraph reference was made to amendments to the Act. Legally, amendments are part of the Act so this sentence could end after "1999". In the final sentence "the consideration of" should be added after "enabling" and a full stop inserted at the end.

Section 1.3: Reference to amendments in the first sentence can be deleted.

Section 2.1: Again, reference to amendments in the second bullet point can be deleted.

Section 2.2: NAEAC suggested that the first sentence could be reworded as follows: "The AEC comprises statutory members and departmental staff members."

Section 2.3: If the chairperson is a statutory member then they need to be a senior member of staff who is capable of evaluating the scientific value of the projects.

Section 2.4: The person in the second paragraph is a statutory member. Also, the third paragraph is not really relevant to this section.

Section 2.6: If co-opted people mentioned in this section do not have voting rights then they are not committee members. It was suggested that the term advisers be used instead of members.

Section 2.7: In the final sentence, wording after "and" should be changed to "is not a member."

Section 2.8: What constitutes "protracted" is subjective. It was suggested that this be reworded to read "If a member has an unexplained absence from the committee for three consecutive meetings, this member ...".

Section 2.11: External members do not have an institution, nor are they accountable to their nominating body. It was suggested that "the member's institution" be deleted and a statement added that the member's nominating body will be advised.

B Connor departed the meeting at 4.00 pm.

Section 3.1: In the first sentence it was suggested adding "and to monitor approvals." after "assessment" as monitoring is also an important function. The rest can become a separate sentence

with “The AEC will provide” at the beginning of it. Also, in the second bullet point, research should become RTT as the code is not just restricted to research.

Section 3.2: NAEAC suggested this section be combined with section 3.9 and considered that a minimum number of face-to-face meetings should be specified. Using the term skype would preclude the code holder using other videoconferencing products should the situation change during the term of the code.

Section 3.4: The quorum should be 50% + 1 of the membership.

Section 3.10: To say that all applications are considered in a meeting and then say that sometimes they may need to be approved between meetings is contradictory. It was suggested, in the last paragraph to insert “consideration for: before “interim approval” otherwise this may imply that approval is automatic. In addition, “interim” can be deleted in the second bullet point as the proposals are not interim.

Section 3.10.1: To be clear, NAEAC considered that a statement should be added that any other modifications need to be considered by the whole committee.

Section 3.10.2: NAEAC was of the view that there should be two statutory external members on subcommittees.

Section 3.13: A full stop should be added to the end of this sentence.

Section 3.14: Consistency was recommended between the use of “Act” in this section and “AWA” in other sections.

Section 3.15: The guideline is an MPI document.

Section 3.16: While it is a notification process for minor amendments, it is an approval process for amendments that are not minor.

Section 4.2: In the “Approve” section, the second paragraph could be incorporated in the “require revision” section, because even if the matters are only minor, they are still changes.

Section 4.3: NAEAC suggested that “means such as” replaces “through” to future-proof things.

Section 4.5: This section should refer to non-compliance procedures.

Section 5.1: NAEAC wanted clarification regarding the ‘projects lead’s manager’.

Section 5.2: In the second paragraph, “by non-veterinarians” should be added after s 9(2)(ba)(i)
Also, “ACVM Act” is used but is not given in full until the final paragraph. In the following paragraph, NAEAC believed that the appropriate term was “registered veterinary medicines” rather than “animal remedies”.

Section 5.4: NAEAC suggested adding “for example” before “as recommended”. Also, the latest version of the *Good Practice Guide* was March 2019, not June 2010. Reference to the Amendment Act could also be removed.

Section 5.6: NAEAC believed that SOPs should be approved by AECs. As such NAEAC considered that “(or their delegated authority)” should be removed and “review” changed to “consideration and approval”.

Section 5.7: NAEAC considered that “or as a direct consequence of the manipulation” should be added after “during a manipulation”.

Section 5.8: NAEAC was unsure what the ‘Animal Manipulation Grading Guide’ was referring to.

Section 6.1: As mentioned previously, the latest *Good Practice Guide* was March 2019.

Section 7: In the first sentence “or their delegated authority” should be removed because it is the AEC’s responsibility. This section should also include provision for referring matters to external compliance agencies where appropriate.

Section 7.2: NAEAC did not think that this section was about frequency. NAEAC suggested that the first paragraph be added to section 7.4 but that section 7.4 become section 7.2. The second paragraph of the current 7.2 could be incorporated in section 7.5.

Section 7.4: NAEAC wanted to see the final sentence moved to the beginning of this section.

Section 7.5: “approved” should be added before “modifications” in the second sentence. In the final sentence, “end of approval report” would be more appropriate than “end of completion report”.

Section 7.6: NAEAC thought the sentence would sound better if “for it” was deleted. Also, it should be clear that the AEC has the power to change the final grading if it believes this is required.

Section 8: This had been covered in section 1.4 so could be deleted.

Section 9.2: Director-General has been hyphenated elsewhere in the document.

Section 9.3: It should be made clear in this section that all types of complaints, not just ones made about the chairperson, could be escalated to MPI.

It was noted that while the review had been completed, the reviewer’s report was not yet available as the reviewer was away.

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 matters identified by NAEAC being addressed to the satisfaction of M Tingle and A Dale.

The motion was put: carried.

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

The meeting adjourned at 5.25 pm and resumed at 9.30 am the following day. s 9(2)(a) reported that the s 9(2)(ba)(i) AEC chair was available mid-morning to speak to NAEAC.

C 4. s 9(2)(ba)(i) **code of ethical conduct**

G Shackell and C Gillies led the review of this code. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1.1: In the first two bullet points, the term biotechnology is used. Biotechnology is not a term used in the Act so the code holder should use the term testing if this is relevant or just refer to research and teaching. In addition, given the beginning of the sentence, i.e. "Its purpose is", bullet points 3-7 need to have a phrase inserted at the beginning, such as "to ensure". In the 7th bullet point, NAEAC suggested it would be better to include "may" before "include", in case circumstances change. Also, the last bullet point should have a full stop at the end rather than a semicolon.

Section 1.2: NAEAC assumed that in the indented paragraph, "Persons responsible for administering this Code" was supposed to be a heading and that this should have been numbered rather than indented. NAEAC suggested that this be moved and become section 1.3.

Section 1.3: NAEAC thought that this could be incorporated in section 8.

Section 2.1: This needs to cover applications for teaching as well as research.

Section 2.2: In the part about the chairperson, s 9(2)(ba)(i) is not a company so this should be deleted. This section also states that the chairperson is nominated by the AEC but it does not say who appoints the chairperson.

Sections 2.2.1, 2.2.2 & 2.2.3: These contain the abbreviation s 9(2)(ba)(i) which NAEAC suspected was a mistake so it should be changed or spelt out in full on the first occasion.

Section 2.3: "technology" should have a capital T.

Section 2.4.3: NAEAC found the differentiation between the Secretary and Minute Secretary confusing. In the third paragraph there was reference to "committee Secretary" so it was not clear who this is. In the opening paragraph it should presumably refer to teaching applications as well as research ones, unless these are handled differently (in which case this should be clarified).

Section 2.4.4: NAEAC thought that this should be dealt with at the meeting prior to the expiry of the appointment, otherwise there is no chair until the whole process is finalised. Also NAEAC thought it might be safer to elect a deputy chair for, say, a year in case circumstances arise when the chair is unexpectedly not available for some time.

Section 2.5: As there is only one paragraph, numbering it 2.5.1 was considered unnecessary.

Section 3.1: The sentence beginning “Effective input...” is repeated in 3.7.

Section 3.2: This section referred to meeting at least twice a year but section 3.9 states that the committee meets quarterly. Also, this section refers to the chairperson whereas in 3.4 the term Chair is used. Consistent terminology should be used throughout the document and this should include whether it has a capital or not as this varies too. In addition, the sentence starting “Reasonable prior notice” is repeated in section 3.3.

Section 3.3: NAEAC suggested that the final sentence would be better placed in section 3.1. Also this should presumably be the Minute Secretary.

Section 3.4: Given that the number of members can vary (a minimum of five according to section 2.2), NAEAC was of the view that the quorum should comprise 50% + 1 of members including two of the statutory external members. Also, specifying that the Chair must be one of them means that if the Chair is absent for whatever reason, the committee is inquorate even if a Deputy Chair has been appointed.

Section 3.5: NAEAC suggested that the first sentence is moved to section 3.1 and that some examples of “other matters” are given.

Section 3.6: NAEAC commented that “his/her” and “he/she” omits other genders and “their” and “they” could be used.

Section 3.7: This should apply to all members not just external ones.

Section 3.10: As there are no other subsections, 3.10.1 is superfluous. Also, it would be helpful to add B or A in brackets after “little or no impact” as gradings appear later in the document. NAEAC recommended using the phrase “statutory external members” rather than referring to various subparagraphs.

Section 3.13: This refers to section 7.1b) which does not exist. As the committee’s decision-making is by consensus, stating that here is unnecessary. NAEAC suggested that the second sentence be reworded as follows: “A subcommittee formed by the AEC will comprise at least two statutory external members.

Section 3.14: NAEAC found this confusing and thought it was covered elsewhere.

The meeting adjourned at 10.25 am and restarted at 11.00 am so that G Shackell and B Connor could talk to the ^{s 9(2)(ba)(i)} AEC chairperson.

Section 3.16: The general gist of the first bullet point is covered in the second one so the first one is unnecessary.

Section 4.1: Subsections o), p) and q) are not relevant to Consideration of Projects by the AEC and would be better placed in section 3.1.5.

Section 4.3.3: It would be clearer if the three parts beginning with “where” were indented and/or bulleted.

Section 5.1: This needs to cover teaching as well as research. Also, in section 5.1.1, "and any conditions of the approval" should be added at the end. In addition, section 5.1.2 refers to section 4.2 but this is not relevant.

Section 5.3: It was suggested that "and/or AEC-approved SOPs" be added at the end.

Section 5.4: At the end of the first sentence, add "in accordance with an AEC-approved SOP as per the NAEAC *Good Practice Guide for the care of animals in research, testing and teaching.*"

Section 5.5: Paragraph 2 referred to section 5.8 instead of section 5.7.

Section 5.9: This section should make clear the animals specifically killed for tissue collection or dissection require AEC approval and should be included in statistics returns.

Section 5.10: While the rehoming provisions are positive, NAEAC wondered how the AEC could ensure the ongoing well-being of animals once they passed into someone else's ownership.

Section 6.1.1: "has" should be "have".

Section 6.1.2: "parenting" should be "parented".

Section 6.2: Add a full stop to the end of the first paragraph.

Section 6.3: Add "All" at the beginning of the sentence and "a minimum of" before "once".

Section 7.1.2: "monitoring-subcommittee" should not be hyphenated. Also, the composition of the subcommittee is inconsistent with section 3.13.

Section 7.4: This is not monitoring by proxy.

Section 7.5: This referred to Form 9 but no other numbered forms are mentioned. This required clarification.

Section 7.6: NAEAC suggested that the deadline for reporting be a specific period after the project is completed e.g. three months. Otherwise if a project finished in January, for example, there would be a very long delay. Also, NAEAC considered that there are other things that would be useful to include in the report such as:

- manipulations done and the actual impact grade resulting;
- modifications approved;
- non-compliances occurring; and
- adverse events.

Section 7.7: This should include provision for the AEC to change the impact grading if it thinks it should do so.

Section 8.0: Section 8.1 is not relevant so should be deleted.

Section 9.0: This should include provision for escalating matters to the authorities should circumstances warrant this.

Appendix 1: It was noted to remind the code holder that if any of the Animal Welfare Act definitions listed in the appendix were to change, the code would also require amendment. An alternative was for the code holder to just include a link to the legislation.

Moved: G Shackell/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 matters identified by NAEAC 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.

C 6. s 9(2)(ba)(i) code of ethical conduct

The committee reviewed the draft code for the s 9(2)(ba)(i) section by section. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1.1: NAEAC was of the view that “wherever they are” needed to be deleted from this section as the person might be out of New Zealand or its territorial waters so the Act would not apply or they might be carrying out a project at another institution which has an AEC and there cannot be two approvals.

Section 3: If the code holder keeps the definitions of “Animal” and “Manipulation” in this section and these are amended at any time while the code is in force, the code will have to be amended.

Section 5: NAEAC suggested that “Advertent or inadvertent” could simply be “Any”. In the following sentence “ensure” would be better than “see” (and remove the gap in “Deans”).

Section 6.1: NAEAC did not believe that two approvals were possible as the approvals might not be exactly the same (one AEC might want some minor modification); both AECs would be responsible for monitoring; and both would be responsible for submitting statistics. However, NAEAC suggested that the s 9(2)(ba)(i) could develop a policy document so that any approval given by another AEC was sighted. Also, this section contradicted section 7.1(e).

Section 6.4: NAEAC considered that this section required rewording to state that approvals are for a maximum of three years and for projects longer than that they resubmitted for further consideration of approval.

Section 6.5: In the first sentence, it was suggested that “approved” be replaced by “considered for approval” (so as not to imply that everything gets approved) and, similarly, amendments can be “considered for approval” by a subcommittee. NAEAC also suggested it would be simpler to refer to ‘statutory external members’: than section 8.2 in the code. The committee also believed that subcommittee decisions should be ratified at the next AEC meeting.

Section 6.10: There should be a timeframe specified and NAEAC suggested deleting “brief”.

Section 7.1(b): This applies to animals killed in the wild not collected from the wild and killed later.

Section 7.1(c): This should specify (as the Act does) by methods that are not experimental.

Section 8: It was considered that this should just be headed “ANIMAL ETHICS COMMITTEE” as not all the material is about procedures.

Section 8.2: A subheading of “Animal Ethics Committee Membership” was suggested, as well as dividing the membership into statutory members and non-statutory ones. Also, while it is the ^{s 9(2)(ba)(i)} decision, NAEAC questioned whether annual appointments might not have a detrimental effect on stability and institutional knowledge, not to mention additional work to seek renominations from nominating bodies each year.

Section 8.4: NAEAC suggested another subheading “Animal Ethics Committee Procedures” be inserted before this section. NAEAC would also like to know how these monthly meetings are held. Is it face-to-face?

Section 8.7: Given that the number of members can vary, the quorum should be 50% + 1 of the membership.

Sections 8.8, 8.15, 8.16 & 8.18: It was suggested that these could be moved to section 8.2.

Section 9: This is a very long section that NAEAC considered would be improved by the use of some subheadings.

Section 9.1(a): Given that the ^{s 9(2)(ba)(i)} also uses animals for teaching, “experimental procedure” should be changed to “manipulation” to cover both.

Section 9.1(b): Similarly, “experimentation on” should be “manipulation of”.

Section 9.1: Monitoring is also a principal function of the AEC so this should be added.

Section 9.3: NAEAC considered that the second bullet point was covered by the third one.

Section 9.8: NAEAC considered that “at the start of the meeting” should be inserted after “declared” and that “may” should be changed to “must”.

Section 9.10: NAEAC was of the view that C gradings should be included here.

Section 9.11: This should specify a minimum number of projects. Ten percent is usual. In addition, “whenever possible during the annual inspection of all animal facilities” should be deleted.

Section 9.13: The phrase “whether or not approved” can be deleted.

Section 9.14: Add “in accordance with an AEC-approved SOP” after “code”

Section 9.17: Again, a reference to statutory external members would be simpler.

Section 10: NAEAC did not think that some of these things were actually s 9(2)(ba)(i) responsibility. It is suggested that the code holder consult section 7 of NAEAC's *Good Practice Guide for the use of animals in research, testing and teaching*.

The committee discussed the review report that had been circulated with the code. It was noted that the New Zealand Veterinary Association (NZVA) nominee was the veterinarian that had signed the organisation's SOPs. The Act required the NZVA nominee not to be veterinarian who is an employee of, or is otherwise associated with the code holder. It was agreed to bring this matter to the attention of MPI. s 9(2)(a) was asked to add this matter to the next codes review subcommittee agenda.

Moved: G Shackell/R Hazelwood:

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 matters identified by NAEAC being addressed to the satisfaction of MPI.

The motion was put: carried.

Actions:

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

G Shackell to write to MPI about the NZVA nominee.

s 9(2)(a) to add topic of statutory AEC member conflict of interest on the next codes subcommittee agenda.

s 9(2)(ba)(j) code of ethical conduct – feedback from meeting with s 9(2)(ba)(i) AEC chair

G Shackell and B Connor provided feedback on their meeting with the s 9(2)(ba)(i) AEC chairperson that had been held earlier in the morning.

The topics of discussion included: how we educate s 9(2)(ba)(i) to be the responsible investigator; monitoring and how the use of video on smart phones could be a way of demonstrating this; and grading of manipulations. During the discussion, G Shackell had offered to help redraft the code.

It was noted that s 9(2)(ba)(i) had a Facebook page that they used. This might provide a way for NAEAC to interact with them directly about animal use in s 9(2)(ba)(i)

G Shackell agreed to visit the s 9(2)(ba)(i) in Invercargill as it was the responsibility of the code holder, not the AEC chairperson, to amend the code.

Action – G Shackell to travel to Invercargill and visit s 9(2)(ba)(i)

C 7. AEC query relating to shark research

The committee discussed a query from an AEC relating to the feeding of live fish to sharks outside New Zealand jurisdiction. AECs could not approve work that was conducted overseas and any such work involving animals should not be reported to MPI when statistics were collated. In New Zealand, the capturing of wild animals would be a manipulation and if death was the end point such a manipulation would have a very high impact grade.

G Shackell agreed to draft a response back to the AEC on behalf of the committee but circulate it for review first.

Action – G Shackell to draft AEC response and circulate it to the rest of committee before sending.

PART TWO (OPEN TO THE PUBLIC)

O 1. Confirmation of previous minutes

The draft minutes of the general meeting held on 21 August 2019 were reviewed. G Shackell identified one typographical error on page 6.

Moved (G Shackell/B Connor):

That the draft minutes of the meeting held on 21 August 2019 be adopted as a true and accurate record of that meeting subject to the error noted above being amended.

The motion was put: carried.

Action – s 9(2)(a) to amend the minutes and recirculate.

O 2. Action list review

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

Contact s 9(2)(b)(ii) (action 5): G Shackell reported that he had stopped in at s 9(2)(b)(ii) but no one was available to meet with him at that time.

s 9(2)(b)(ii) (action 7): G Shackell provided feedback on his attendance at the s 9(2)(b)(ii) AEC meeting. This was the second meeting of the newly formed AEC. G Shackell reported that any concerns raised as a result of the first meeting were comprehensively addressed during the second. It was noted that a consultant veterinarian epidemiologist who is a s 9(2) specialist had been employed by the code holder. G Shackell was also able to offer some advice which was accepted.

Update Good Practice Guide relating to fish (action 10): G Shackell reported that s 9(2)(a) had indicated he would have an occasional paper on fish available mid-October.

Put topic of openness on AEC chairs' meeting agenda (action 21): The committee discussed whether they could publish approved codes of ethical conduct on their website (once it was up and running).

O 3. NAEAC AEC service award and Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) AEC member of the year award

G Shackell referred committee members to an email from ANZCCART that was circulated to members prior to the meeting. The committee agreed that the NAEAC AEC service award and ANZCCART AEC member of the year awards were slightly different. While NAEAC is happy to put its name to the ANZCCART award the committee did not want to stop presenting their own AEC service awards on the current *ad hoc* basis. G Shackell agreed to write back to ANZCCART about this matter.

Action – G Shackell to write to ANZCCART about their AEC member of the year award.

O 4. AEC chairs meeting

A draft agenda for the AEC chairs meeting had been circulated prior to the meeting. s 9(2)(a) sought clarification as to how the AEC chairs meeting would run alongside the meeting of the codes subcommittee and accredited reviewers.

M Tingle suggested that the first topic for discussion with AEC chairs should be the topic nominated by s 9(2)(ba)(i) on 'moral progress'. During this time the codes subcommittee would meet with the accredited reviewers and MPI auditors to discuss the review process. The subcommittee and accredited reviewers would then come back to the AEC chairs group to discuss NAEAC's work on reviewing the code process and talk about non-compliance. It was noted that the MPI auditors were not available to stay for the rest of the day.

s 9(2)(a) agreed to amend the agenda based on the above feedback.

Action – s 9(2)(a) to amend AEC chairs meeting agenda and circulate to committee members.

There being no other items of business to discuss, the chair thanked committee members for their attendance and declared the meeting closed at 3.50 pm.