



National Animal Ethics Advisory Committee

General Meeting

Wednesday, 19 February 2020
9.45 am – 3.30 pm

Ministry for Primary Industries
Charles Fergusson Building, Level 7, meeting room 3
34 - 38 Bowen Street
Wellington

MINUTES

Present

Grant Shackell, Arnja Dale, Craig Gillies, Rachel Heeney, Bronwen Connor, Jacquie Harper, Mike King, Nita Harding.

In Attendance

s 9(2)(a) (Secretary), s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy), s 9(2)(a) (Manager, Animal Welfare); s 9(2)(a) (Chair, New Zealand Association of Science Educators animal ethics committee (AEC)) for agenda item O 4 at 10.00 am.

Apologies

Dianne Wepa, Rob Hazelwood, s 9(2)(a) (Senior Adviser, Animal Welfare) and s 9(2)(a) (Principal Adviser, Animal Welfare).

Welcome

G Shackell opened the meeting at 10.12 am with a karakia and introduced himself to attendees via a pepeha. G Shackell invited committee members and meeting attendees to introduce themselves one by one for the benefit of the new members.

Any Other Business Part One (Open to the Public)

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

Any Other Business Part Two (Public Excluded Agenda)

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

PART ONE (OPEN TO THE PUBLIC)

O 4. Mini-tutorial: Operation of Schools' AEC

G Shackell welcomed s 9(2)(a) Chair of the Schools' animal ethics committee (AEC) to the meeting at 10.15 am to talk to the committee about their AEC. It was noted that a new code of ethical conduct, under which the Schools' AEC operated, was reviewed by NAEAC and approved by the Ministry for Primary Industries (MPI) last year. The AEC was unique in that it dealt with projects submitted by teachers and school children.

s 9(2)(a) reported that the Schools' AEC usually received approximately 60 applications per year. Of those, 90% came from year 7 and 8 students. These students often prepared CREST projects or entered school science fairs and required AEC approval if they were using animals as part of their projects.

Because the Ministry of Education did not want to become a code holder, the New Zealand Association of Science Educators (NZASE) agreed to take on the role instead. NZASE became a code holder in 2005 and set up its AEC the same year. NZASE currently receives s 9(2)(i) of funding per year from the Ministry of Education on a three year rotation. s 9(2)(a) has been chair since 2010. One of the difficulties noted by s 9(2)(a) was finding a Wellington-based Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA) nominee to sit on the committee.

s 9(2)(a) reported that the highest grade manipulations that the AEC dealt with related to mud crab research where year 13 students subjected the animals to mild physiological changes. This work was monitored by the AEC.

The Schools' AEC had worked hard to get teachers to understand their obligations in relation to animal ethics. However, the AEC was struggling with New Zealand's Predator Free 2050 goal and interest from school children for example wanting to trap possums or kill pest animals without consideration for how they should be treated. s 9(2)(a) reported that in relation to trapping protocols, the Schools' AEC would only be recommending National Animal Welfare Advisory Committee (NAWAC) approved traps. It was noted that NAWAC did not actually 'approve' traps but did publish a test protocol, which provides robust standardised information on welfare performance, with the rider that pass/fail trap results on their own are not an unequivocal determinant of whether the trap should or shouldn't be used. It was noted that Fish and Game New Zealand were also doing work with children.

s 9(2)(a) commented on the membership of the committee, and the work they had done educating teachers and children about their obligations. Some of those initiatives had included: sending mail outs to all schools; emphasising the importance of monitoring; and poster development for science fairs/conferences. It was noted that the Schools' AEC used local veterinarians from other AECs to assist with monitoring.

While some school science fair projects did not involve the manipulation of animals, the Schools' AEC considered that they should always be approached for advice if a student was unsure. If a student did not require AEC approval the committee would let the student know in writing (by email).

s 9(2)(a) reported that one of the teachers on the Schools' AEC was trying to get a speaking slot at SciCon 2020. G Shackell reported he was already attending and speaking at a workshop session.

M King reported that s 9(2)(a) from the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) was working on an animal ethics flow chart to help children and teachers understand if they needed AEC approval. s 9(2)(a) reported that the chart was being prepared for NZASE.

s 9(2)(a) reported that the Schools' AEC had introduced a prize for the best student animal ethics application. The prize consisted of a certificate and \$100 gift voucher.

C Gillies commended the Schools' AEC for promoting predator traps that aligned with NAWAC guidelines. It was noted that the Department of Conservation (DOC) was setting up a 'status' list of all traps that are currently used. It was anticipated that this would be available online mid-2020.

A Dale reported that students would be able to opt out of predator free activities at school. B Connor reported that university students could already opt out of using animals in their studies.

s 9(2)(a) enquired whether the Schools' AEC worked with the Royal Society in relation to making sure children had the proper approvals in place at science fairs and described her experience of judging a fair the previous year. s 9(2)(a) noted that one project that did not have AEC approval should have. Usually science fair organisers would not allow projects to be exhibited at a fair if they did not have AEC approval.

R Heeney advised that the BioTeachers Facebook page was very active and could be used as a way of communicating with teachers if needed.

s 9(2)(a) noted how difficult it was getting animal use statistics back from students and teachers each year.

G Shackell thanked s 9(2)(a) for her presentation after which she departed the meeting.

O 1. Election of Deputy Chair

The Animal Welfare Act 1999 (section 67 and Schedule 1, clause 3(1)) requires the committee to elect one of its members as its deputy chairperson, at its first meeting each year. G Shackell reported that he had contacted R Hazelwood out of session to ascertain if he was willing to be nominated for the role. R Hazelwood was willing to accept such a nomination and was elected deputy chairperson in absentia.

Moved (G Shackell/A Dale):

That Rob Hazelwood be elected deputy chairperson of the committee for 2020, pursuant to the Animal Welfare Act 1999 (section 67 and Schedule 1, clause 3(1)).

The motion was put: carried.

O 2. Confirmation of previous minutes

The draft minutes of the general meeting held on 14 November 2019 were reviewed. There were no amendments.

Moved (C Gillies/A Dale):

That the draft minutes of the meeting held on 14 November 2019 be adopted as a true and accurate record of that meeting.

The motion was put: carried.

O 3. Action list review

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

Update 'Good Practice Guide' relating to fish (action 3): G Shackell reported that s 9(2)(a) would complete the occasional paper by the end of the month.

Include section on training material in next AEC newsletter and update 'Good Practice Guide' (action 8): G Shackell reported that the next AEC newsletter was partially drafted. If members had something to add they were encouraged to contact or send G Shackell content. Examples of what was to be featured in the upcoming issue included: new techniques, opinion pieces AECs might find interesting; and a profile of one of the NAEAC members. It was agreed that once the newsletter had been circulated to AECs it should be put on the MPI website.

It was noted that the 'Good Practice Guide' was with R Hazelwood for amendment. R Heeney reported she would be recording future changes that would need to be made to the publication.

Draft a paragraph describing NAEAC's meeting schedule and have it placed on the MPI website (action 14): While this action had been completed it was noted that if anyone contacted MPI to attend a future meeting the chair could place conditions around public attendance. In relation to increased transparency, G Shackell reported that he and chair of the National Animal Welfare Advisory Committee (NAWAC) would be writing a short statement about this for a future issue of *Welfare Pulse*.

Actions:

s 9(2)(a) to put March AEC newsletter on MPI website.

G Shackell to write item for 'Welfare Pulse' on the public attending committee meetings.

O 5. Grading of manipulations

G Shackell referred committee members to the email circulated prior to the meeting from former NAEAC member, s 9(2)(a). The email attempted to summarise NAEAC's recent discussions on whether a manipulation should be graded on its own or whether the impact of the whole research project should be graded including the manipulation. It was noted that section 183(1)(c) of the Act required code holders to collect, and maintain, and to provide to the Director-General or to an inspector, information relating to the severity of the manipulation of the animals. s 9(2)(a) had suggested the committee provide clear guidance around this issue.

In relation to animal use statistics, it was the impact of the manipulation that was reported to MPI. There was some discussion about why the benefits of research, testing and teaching were not reported. [REDACTED] advised that MPI were starting to think about this for future animal use statistics reports. It was suggested that NAEAC might need to start a work stream to think about the topic of assessing benefits. In relation to the former issue, grading a manipulation versus grading the whole research project, the committee agreed it was the manipulation that should be considered and graded accordingly. This issue was mentioned as a possible topic for the upcoming AEC workshop.

It was agreed to try and provide clarity to AECs on grading manipulations by using a flow chart which contained specific examples – e.g. a farm, veterinary and biomedical example. B Connor agreed to draft the flow chart in the first instance. N Harding offered to provide a farming example.

Actions:

B Connor to draft grading manipulation flowcharts.

N Harding to provide B Connor with a farm-based manipulation example.

O 6. Annual review of committee performance in 2019

The committee reviewed feedback from the annual review of committee performance which was circulated prior to the meeting. It was noted that only four committee members responded. On the issues the committee had responded to over the previous year there appeared to be a range of thoughts as to whether more work was required in a particular area. In relation to legal advice, [REDACTED] advised this was available even though it technically belonged to the Crown. Rather than going through the survey in detail, the committee discussed other ways it could provide feedback on performance and MPI support.

The committee discussed different tools or surveys that could be used. It was agreed to go through the survey questions in person at the first meeting of 2021 rather than sending out the questions to members to complete prior to the meeting. This would generate debate and engagement at the time.

O 7. Update on review of NAEAC publications including *Good Practice Guide*, *Code Template*, *Lay Members Guide*, *Blood Harvesting Guidelines* etc.

It was noted that the compliance text and decision trees still had to be supplied to R Hazelwood by A Dale so that he could incorporate them into the *Good Practice Guide* (GPG). The *Guide for Lay Members of Animal Ethics Committees* also had to be incorporated into the revised version of the GPG.

O 8. Review of NAEAC AEC induction pack.

The committee reviewed the NAEAC AEC new member letter that was circulated prior to the meeting. The following amendments were noted:

- Second to last sentence in paragraph three – change ‘reviewed on a regular basis’ to ‘reviewed every five years’.
- *A Culture of Care* publication – It was agreed to review this publication as the committee could not think of anything suitable to replace it with.
- *A Guide for Lay Members of Animal Ethics Committees* – it was agreed to delete the reference to ‘March 2007’.

- *Euthanasia of Animals for Scientific Purposes* (ANZCCART 1993) – It was agreed to delete this reference and replace with a reference to the *AVMA Guidelines for the Euthanasia of Animals*: 2020 edition. There was some discussion as to whether the techniques described in this edition were suitable to use in a New Zealand context. As such, an additional note in the letter, noting that AEC chairs should be contacted if there was any uncertainty about a euthanasia technique, was considered appropriate. B Connor agreed that queries about euthanasia techniques could be forwarded to her. It was noted however that B Connor was on research leave from May to August this year.
- MPI's publication *Welfare Pulse* – delete 'is now'.
- Last sentence, last paragraph – replace 'on the committee' with 'on your committee'.

Actions:

NAEAC to update 'Culture of Care' publication.
 s 9(2)(a) to update new AEC member letter.

O 12. NAEAC annual report for 2019

G Shackell referred committee members to the draft NAEAC annual report for 2019 that was circulated prior to the meeting. G Shackell reminded committee members to contact s 9(2)(a) with any amendments to AEC meetings and conferences attended during 2019 and personal information contained in the membership table.

O 10. Zebrafish

A copy of the final zebrafish advice that was prepared and sent to the Minister was circulated for committee members' information prior to the meeting. G Shackell agreed to draft a short article for an upcoming issue of *Welfare Pulse* to 'socialise' the zebrafish issue with stakeholders and researchers. The next steps after that were noted as further consultation with likely affected persons and a literature review. Fish welfare was also now on NAWAC's work programme.

O 9. Update on review of operation of Part 6 of the Act

A Dale provided a summary of this work stream for the benefit of the rest of the committee. The review involved identifying all the 'touch points' involved across the code drafting and code review process and establishing ways to improve those processes. The review was intended to increase the robustness of the research, testing and teaching system as well as increasing transparency.

s 9(2)(a) summarised the previous feedback she had had about codes of ethical conduct in relation to review reports and accredited reviewers.

In relation to accredited reviewers, s 9(2)(a) reported that one new accredited reviewer application had been received. s 9(2)(a) asked NAEAC whether they wanted to review it. The committee agreed that because they had a statutory function *to recommend, for approval by the Director-General under section 109, such persons as are, in the opinion of the Committee, suitable for appointment as accredited reviewers* it would be appropriate to view the application. s 9(2)(a) reported she would check with Legal colleagues as to whether the name of the applicant and documentation relating to the application could be shared.

Action – s 9(2)(a) to check with Legal about sharing information with NAEAC.

O 11. Approval of NAEAC's work plan/priorities for 2020

G Shackell referred committee members to the updated Gantt chart that had been circulated prior to the meeting. It was noted that only two codes of ethical conduct were due for review this year. This meant that the next 'heavy' code review year would be 2022. The following updates were noted:

- 1.1.4 Promote public presence at NAEAC meetings – this was highlighted as an action for commencement in the second quarter of the year and should be added to the work programme.
- 2.2.2 Contribute to development of significant surgical procedures (SSP) regulations – this was highlighted for action during the entire year and should be added to the work programme.
- 2.2.3 Review Part 6 (fit for purpose) – this should also be added to the work programme.
- 4.2.1 Explore the value of the 4th R – it was agreed to move this to the second quarter of 2020.

Regarding NAEAC's relationship with ANZCCART, G Shackell advised that he would be overseas during the 2020 ANZCCART Conference in Queenstown and asked s 9(2)(a) if it were possible for MPI to fund R Hazelwood's attendance at the conference this year. s 9(2)(a) responded that any such requests should be made to her in writing.

Action – G Shackell to write to s 9(2)(a) seeking sponsorship for R Hazelwood to attend the ANZCCART conference.

O 13. Three Rs funding options

s 9(2)(a) referred committee members to the memo on MPI's Sustainable Food & Fibre Futures (SFF) fund that was circulated prior to the meeting. The fund was available to support research relating specifically to the Three Rs. Prior to the meeting NAEAC had been asked to consider how the fund should be promoted and how it would interact with the current Aotearoa New Zealand Three Rs awards given they had been relaunched by NAEAC in 2018.

NAEAC were interested in the SFF criteria for funding Three Rs research and how it could be marketed to the research community. For example, could a link to the Three Rs page on the MPI website redirect people back to the SFF page?

For the benefit of the new committee members, G Shackell provided an update on the development of NAEAC's Three Rs awards since they began in 2003. B Connor was unsure whether both awards/funds could stand together.

s 9(2)(a) asked NAEAC if some of the previous applications submitted for the Aotearoa Three Rs award would be suitable for the new fund. NAEAC considered they would be. Another question was, would NAEAC still want to be involved in supporting the application? If it were possible, NAEAC's preference would be to have one committee member on the evaluation panel.

After some discussion NAEAC agreed it s 9(2)(i) would continue to offer the \$5,000 John Schofield Three Rs Implementation prize every second year, initially. That meant the implementation award would be offered this year so would need to be

advertised. s 9(2)(i)

Thought would now need to be provided on how the transition to the SFF would take place and how it would be marketed to the research community. There was a view that separate guidelines for the Three Rs may need to be developed. It was important to note that the funding was non-contestable. s 9(2)(a) asked NAEAC how much they wanted to be involved in the marketing e.g. advertise in the AEC newsletter or *Welfare Pulse* etc. NAEAC considered that both a NAEAC and an ANZCCART member should be on the panel if at all possible. NAEAC agreed to s 9(2)(i) continue to offer the John Schofield implementation award every second year.

Actions:

s 9(2)(a) to provide NAEAC's feedback to the SFF team.
s 9(2)(i)

O 14. Three Rs John Schofield Award 2020

As discussed under the previous agenda item, it was agreed that the John Schofield implementation award would go ahead in 2020. A call for nominations/applications for the award should be circulated to the research organisations, AECs, parented organisations and ANZCCART.

Action – s 9(2)(a) to circulate details of 2020 John Schofield implementation award.

O 15. May AEC site visit

s 9(2)(a) reported that a trip to s 9(2)(b)(ii) was not going to be possible in May due to its location and the fact that there would not be much animal work occurring at that time of year. Instead, the visit would focus on city based institutions such as s 9(2)(g)(ii)

O 17. Application for approval of research using non-human hominids

Under s85 of the Animal Welfare Act 1999, NAEAC is required to make recommendations to the Director-General relating to use of non-human hominids. G Shackell referred committee members to an application to use non-human hominids that had been circulated prior to the meeting and invited members to comment on it. The following general points about the application as submitted were noted:

- It was not clear to NAEAC what the behaviours were going to be;
- It was not clear to NAEAC what 'abnormal social dynamics' meant;
- There was nothing in the application to describe how long the project was going to last;
- There appeared not be any validation or justification for the work;
- Mitigations techniques/strategies were not outlined;
- Was the research in the best interest of the species?; and
- Were the people doing the work competent to do so?

NAEAC considered that the research group needed to put their application through the AEC they normally used or talk to the AEC chair about how the application could be improved. Until such time as it was amended, NAEAC was not in a position to make a recommendation to MPI. It was agreed that

NAEAC could consider the application again out of session if it was amended before the committee's next general meeting.

Actions - NAEAC to provide feedback on non-human hominid application to MPI.

O 16. AEC workshop planning

G Shackell referred to the feedback received from the last workshop. Grading, information sharing, standard operating procedures, housing, compliance, killing animals e.g. in colonies (routine husbandry) were all topics that AECs were interested in hearing about.

The committee brainstormed some potential workshop themes. These included *Doing the right thing* and the *Three Cs – compliance, consistency and care*. G Shackell agreed to add a reminder about the AEC workshop in the next AEC newsletter. It was agreed that the committee had to keep thinking about the workshop theme and how they wanted the day to run. More planning would need to be completed at the next meeting.

A Dale left the meeting at 2.50 pm.

Action – Add item on AEC workshop in next AEC newsletter.

§ 9(2) referred back to the accredited reviewer application MPI had received and revealed the name of the applicant to committee members. § 9(2) reported she would confer with Legal colleagues about what other information about the applicant MPI was able to share with NAEAC. M King reported anecdotally on his experience with the candidate. G Shackell encouraged MPI to consider an induction programme for new accredited reviewers including a mentoring system. It was noted that undergoing a review could be stressful for staff employed by the code holder and for members of the AEC and as such, reviewers should maintain positive relationships during the process.

Action – § 9(2) to ascertain if application form can be shared with NAEAC.

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

The update on the code approvals and notifications circulated prior to the meeting was noted.

O 19. MPI update including regulations

§ 9(2) provided an update on the development of the significant surgical procedures regulations for the benefit of new committee members.

§ 9(2) left the meeting at 3.08 pm.

O 20. Committee members' reports on recent presentations and attendance at conferences

The following conference and meeting attendance since the last meeting was noted:

- B Connor attended the International Society for Stem Cell Research meeting on organoids in February and the Australasian Society for Stem Cell Research meeting in November;

- N Harding attended the Understanding Animals conference hosted by the International Society for Applied Ethology in Wellington;
- M King attended the New Zealand Bioethics Conference;
- G Shackell attended the s 9(2)(g)(ii) meeting in December 2019.

O 21. NAEAC correspondence

G Shackell reported on the various communications he had had with AECs and external organisations since the last meeting. The following interactions were noted:

- Email from s 9(2)(a) New Zealand Herald via NAEAC mailbox regarding a feature article he was writing on animal testing and research.
- Email from a management consulting firm based in Tel-Aviv wanting information regarding the operation of New Zealand's animal welfare system.
- Email about research from the chairs of two AECs - s 9(2)(g)(ii)
- Query regarding the flow chart for deciding if ethics approval is needed. It was noted that the flow chart originated from an occasional paper.
- Query from the s 9(2)(a) about the forced swim test.
- Query from the s 9(2)(g)(ii) AEC.
- Question from the chair of the s 9(2)(g)(ii) AEC that covered several operational areas.

There being no other items of business to discuss, the chair thanked committee members for their attendance and closed the meeting at 3.30 pm.