



# National Animal Ethics Advisory Committee

General Meeting via Videoconference (Zoom)

Tuesday, 1 September 2020  
9.30 am – 4.30 pm

## MINUTES

### Present

Grant Shackell, Arnja Dale, Bronwen Connor, Jacquie Harper, Mike King, Nita Harding, Rob Hazelwood and Dianne Wepa.

### In Attendance

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

### Apologies

Craig Gillies and Rachel Heeney.

*Moved (D Wepa/M King):*

*That the apologies for the meeting be accepted.*

*The motion was put: carried.*

### Welcome

G Shackell opened the meeting at 9.40 am with a Karakia and introduced himself to attendees via a pepeha. In addition to committee members, the Ministry for Primary Industries (MPI) secretariat were also welcomed to the meeting.

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

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

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

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

**PART ONE  
(PUBLIC EXCLUDED AGENDA)**

**DRAFT RESOLUTION TO EXCLUDE THE PUBLIC**  
*Section 48, Local Government Official Information and Meetings Act 1987*

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

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

C 1. s 9(2)(b)(ii) code of ethical conduct

*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)(b)(ii) code of ethical conduct	<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  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>

B: *That s 9(2)(a) (Secretary), s 9(2)(a) (Senior Adviser, Animal Welfare), s 9(2)(a) (Policy Analyst, Regulatory Reform and Animal Welfare Policy) and s 9(2)(a) (Manager, Animal Welfare) remain at this meeting after the public has been excluded, because of their knowledge of meeting procedure and the subject matter under consideration. This knowledge is relevant background information to assist the committee in its deliberations.*

*The motion was put: carried.*

C 1. s 9(2)(b)(ii) code of ethical conduct

The committee reviewed the draft code of ethical conduct submitted by s 9(2)(b)(ii) section by section. The following points were noted for clarification/amendment (adopting the references in the code):

**Section 1.1:** In the first sentence it was agreed that “for research” should be deleted as in other places in the code testing and teaching were also referred to. In the second sentence “research” should be replaced with “activities”.

**Sections 1.3:** One member suggested that a footnote be added giving a definition of s 9(2)(ba)(i)

**Section 1.4:** In the second sentence, “(1999)” should be moved to after “Act” and the brackets removed. Also, “specifically” should be changed to “particularly” and reference to the three sections removed. NAEAC was of the view that these were not the only relevant sections of Part 6.

**Section 3.1:** The addition of a bullet point relating to ensuring that personnel who will manipulate animals are trained and competent to do so was considered relevant in this section.

**Section 3.2:** NAEAC considered the phrase “with a minimum of four statutory members, two internal and other members” confusing and suggested the wording be clarified.

**Section 3.7:** While the appointment process for the Chairperson and Deputy Chairperson was described, there was nothing about the appointment process for other members so a section should be added to cover this.

**Section 3.7.2:** “At the expiry” should be reworded to “Prior to the expiry” as if it is not done until someone’s term has expired there may be a period when there is no member in that particular role.

**Section 3.10:** Strictly speaking, someone not attending meetings does not constitute a vacancy in the membership. Also, there is no legal provision to have “stand in” members. The new person needs to be properly appointed. This section should also cover situations where animal ethics committee (AEC) members resign.

**Section 4.7:** This section should cover what happens if consensus cannot be reached.

**Section 4.8:** It was suggested that at the end of this section “(See section 4.13.)” is added.

**Section 4.10:** The phrase “abstain from voting” was at odds with section 4.7 which stated that decision-making is by consensus. In addition, in the final sentence of the first paragraph, “the applicant should request to”, should be replaced with “the applicant must”.

**Section 4.18:** NAEAC considered that it would be helpful if this section also stated that if it was agreed that amendments should be made to the code, minor ones must be notified to MPI and any that are not minor must be submitted to MPI for approval.

**Section 4.19:** In the second sentence NAEAC considered that “requested when” would be better than “maintained by”. Also, NAEAC was of the view that directing complaints about the Chairperson to the Deputy Chairperson was not appropriate. These should be directed to the Chief Executive.

**Section 5.6:** While this section described a procedure for considering amendments, NAEAC considered that a procedure for variations to an approved protocol should also be in place.

NAEAC also recommended that some guidance be given in relation to what an acceptable variation would be allowed without prior approval. For example, a variation in animal numbers of 5% may be allowed, but greater variation must be approved.

NAEAC recommended that this section include the statement "Changes to approved protocols cannot be made without prior approval of the AEC".

**Section 9.1:** In the second paragraph, it was recommended that the phrase "communicated to ... AEC Amendment form." be amended to read "submitted to the AEC for consideration, using the current AEC Amendment form, and follow the process outlined in section 5.6."

**Section 12.2:** In accordance with NAEAC's guidance documents, it was considered that 10% of manipulations graded A and B should be monitored and all manipulations graded C, D or E should be monitored.

**Section 12.2.5:** NAEAC was of the view that facility monitoring should be annual rather than biennial.

**Section 12.3:** NAEAC suggested the following revision to this section:

"The AEC will investigate suspected or alleged non-compliance with the Code by an individual(s).

Where minor transgression against the Code is evident, disciplinary procedures will be undertaken by s 9(2)(b)(ii) management. Such breaches may be reported to MPI.

Where non-compliance significantly compromises animal welfare and/or or is in breach of an Act of Parliament, the matter will be reported to the appropriate regulatory authority.

Where misconduct and/or non-compliance has an impact on animal welfare the AEC approval of the project may be revoked.

Where non-compliance involves a parented organisation, the parenting relationship may be revoked."

**Section 13.2:** Reference should be made to dealing with anonymous complaints.

**Section 8:** There should be reference in this section to procedures for managing animals and facilities during an emergency or natural disaster.

**General:** Throughout the document the phrases "as soon as practicable" and "as soon as possible" are used. NAEAC considered these should be more specific.

**Typographical errors:** The following typographical errors were noted:

- Section 3.9, final sentence – "AEC members are also encouraged" should be "AEC members is also encouraged".
- Section 4.8: "case-to-case should be "case-by-case".

*Moved: R Hazelwood/B Connor:*

That the s 9(2)(b)(ii) 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 changes noted by NAEAC being made to the satisfaction of G Shackell.

*The motion was put: carried.*

R Hazelwood considered it would be worthwhile asking AECs for feedback on the *Good Practice Guide* and code template. G Shackell agreed to draft something that could be sent to code holders that had submitted a code in the last 18 months.

**Actions:**

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

*G Shackell to seek code holder/AEC feedback on NAEAC's 'Good Practice Guide' and code template.*

The meeting adjourned for lunch at 12.00 pm and resumed again at 12.35 pm.

## PART TWO (OPEN TO THE PUBLIC)

### O 1. Confirmation of previous minutes

The draft minutes of the general meeting held on 14 May 2020 were reviewed. There were no amendments.

*Moved (B Connor/M King):*

*That the draft minutes of the meeting held on 14 May 2020 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 with the actions agreed to at previous meetings. The following updates were provided:

**Develop flow chart on the process for veterinary medicine approvals (action 2):** It was agreed to defer this action until 2021. While the Agricultural Compounds and Veterinary Medicines group did not already have existing flow charts in place documenting the veterinary medicines approval process there were several guidance documents on the MPI website that could be used as a starting point.

**Review 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 (action 5):** This action had been completed and would be discussed further under agenda item O5.

**Draft grading manipulations flowchart (action 8):** The grading manipulation flowchart B Connor had drafted was circulated prior to the meeting. There was a comment that the text could be more general

and that only pertinent issues be included. G Shackell invited committee members to send their feedback directly to B Connor by the end of September with a view that the flow chart be completed by the next meeting.

**Write to code holders/AECs asking them about their experiences during the lockdown period (action 12):** G Shackell reported that after the first lockdown he had sent out a survey to AECs. Some of the feedback received was noted at the meeting. G Shackell reported that a further invitation to complete the survey would be added in the next AEC newsletter.

**Advise code holders that research grant will no longer be offered (action 10):** G Shackell reported he was still unsure how the SFF Futures Fund could be used to fund Three Rs research as it was not immediately clear from the MPI website. s 9(2)(a) advised that while no specific process had been put in place due to Covid-19, any expressions of interest for funding Three Rs work should just be directed to the SFF Futures team.

G Shackell reported that he would amend the letter to the sponsors of the NAEAC research grant s 9(2)(a) currently had, to convey the above information. The NAEAC mailbox would also be listed as a contact address in the letter, given NAEAC was now promoting SFF Futures for Three Rs research.

The relevant paragraph on SFF Futures, from the letter, would also be used in the next AEC newsletter.

**Update on draft guidelines in relation to dairy cattle and vertebrate pest species (action 20):** N Harding reported she had looked at the American Veterinary Medical Association (AVMA) guidelines and would follow up with C Gillies in due course.

**Actions:**

s 9(2)(a) /G Shackell to amend letter to sponsors.

G Shackell to add paragraph on SFF Futures funding to next AEC newsletter.

s 9(2)(a) departed the meeting at 12.58 pm.

**O 3. Review of NAEAC work plan**

The committee reviewed the 2020 work plan. G Shackell reported he had made the necessary changes to the workplan regarding the development of flowcharts. Exploring the value of the '4<sup>th</sup> R' would be discussed at the next meeting. There were no other significant updates to report.

**O 4. AEC workshop planning**

G Shackell referred committee members to a draft programme that had been circulated prior to the meeting. The following comments were made in relation to an electronic (Zoom) format:

- The use of short talks and presentations were considered appropriate;
- The chat function should be used so that attendees could ask questions;
- AECs could be asked to attend as a group to support each other. Alternatively, there was no problem having AEC members attend as individuals if that was their preference;
- Each session should have a moderator;

- The committee should schedule a practice run with attendance from G Shackell, B Connor and M King;
- The committee was in favour of half an hour slots so that people could join and leave the meeting as they liked; and
- It was suggested that six speakers covering 3 hours during the day would be sufficient in terms of length of time for an electronic meeting.

Before proceeding any further with regard to content, G Shackell sought committee member views on whether they considered the workshop should go ahead or not. G Shackell invited each committee member to give their view before seeking a vote on the matter. After some discussion it was reluctantly agreed to defer the AEC workshop until 2021. G Shackell reported he would include this in the next AEC newsletter.

***Action – G Shackell to notify AECs via newsletter that the 2020 workshop, scheduled to be held in November, has been deferred until 2021.***

**O 5. Update on review of the *Good Practice Guide* including incorporation of *A Guide for Lay Members on AECs***

G Shackell invited R Hazelwood to provide an update on the review of the *Good Practice Guide*. R Hazelwood reported that information relating to fish had now been incorporated; the *Lay Members Guide* had been amended and incorporated; and the checklist removed, given that NAEAC wanted code holders to use the code template when submitting draft codes for approval.

On behalf of the committee, G Shackell thanked R Hazelwood for his efforts in updating the Guide and referred committee members to the latest version circulated prior to the meeting.

J Harper suggested that heading 4.6 '*Undertaking research, testing and teaching (RTT) without a CEC*' be amended to '*Undertaking RTT using another organisation's CEC*' to make it clear that AEC approval was required to carry out RTT.

M King asked whether there was an argument for AECs to have to consider the health and safety of researchers e.g. when they were required to cull large numbers of animals for example. After some discussion it was agreed to acknowledge compassion fatigue in the *Good Practice Guide*. However, it was noted that it was up to each individual organisation, not its AEC, to be responsible for health and safety policies.

A Dale agreed to send R Hazelwood some information on compassion fatigue that could be used in the Guide. G Shackell invited committee members to provide any additional comments directly to R Hazelwood by the end of the month.

***Actions:***

***A Dale to provide R Hazelwood with information on compassion fatigue.***

***Committee members to provide feedback to R Hazelwood by the end of September.***

**O 6. Update on review of *Code of Ethical Conduct Template***

G Shackell again took the opportunity of thanking R Hazelwood for his work in updating the template and making sure the template and the *Good Practice Guide* were aligned. Committee members were encouraged to provide any feedback directly to R Hazelwood by the end of September.

*Action – Committee members to provide feedback on the code template to R Hazelwood by the end of September.*

**O 7. Update on review of *Culture of Care***

G Shackell referred committee members to the draft amended document that had been circulated prior to the meeting noting that any further comments were due to MPI by the end of September.

*Action – Committee members to provide feedback to s 9(2)(a) by the end of September.*

**O 8. Update on review of operation of Part 6 of the Act**

s 9(2)(a) reported that the update circulated prior to the meeting provided information on the scope of the review the subcommittee were undertaking and the work to date that had been completed. It was noted that the reviewer's checklist had been amended to incorporate information from the code template. The subcommittee sought feedback from NAEAC on this before it would be sent to accredited reviewers.

R Hazelwood noted that the checklist contained a lot of good information but that it needed to be more interactive e.g. like a checklist that reviewers could use on a device.

A Dale invited committee members to comment on the checklist by the end of September.

*Action – Committee members to provide feedback to s 9(2)(a) /A Dale by the end of September.*

**O 9. Explore the value of a 4<sup>th</sup> R**

It was noted that discussion of this agenda item had been deferred until the November general meeting.

**O 10. NAEAC correspondence**

A correspondence log, documenting the requests for information NAEAC had received since the last meeting was circulated prior to the videoconference. It was noted that additional items had been added to the log since the date it was printed (19 August). G Shackell provided an update on the additional pieces of correspondence received, including a brief email from s 9(2)(a) about his Three Rs research project.

s 9(2)(a) re-joined to the meeting at 2.22 pm.

G Shackell thanked s 9(2)(a) and the MPI secretariat for their continued support during the Covid-19 lockdowns.



**O 11. MPI summary of CEC approvals, notifications and revocations**

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

**O 12. MPI update**

The MPI update circulated prior to the meeting was noted. § 9(2)(a) and § 9(2)(a) highlighted items relating to staffing changes and animal welfare regulations.

G Shackell reported that he had circulated an AEC approval flowchart to committee members and welcomed any feedback. At the meeting, R Hazelwood noted one change that was required to the flowchart.

G Shackell reported that the conference of the New Zealand Association of Science Educators had been rescheduled for November this year.

G Shackell reported he had attended a § 9(2)(ba)(ii) AEC meeting via Zoom. A Dale reported she had attended a face-to-face § 9(2)(ba)(i) AEC meeting. A Dale provided some feedback from the meeting, noting she would circulate some notes. Given A Dale's feedback, G Shackell asked committee members whether they should be doing more in relation to training. It was agreed to defer discussion of training to the November meeting after the committee had had the opportunity to reflect on A Dale's written feedback.

**Actions:**

***Committee members to send G Shackell feedback on the AEC approval flow chart by the end of September.***

***A Dale to circulate notes from § 9(2)(b)(ii) ' meeting.***

***§ 9(2)(a) to add AEC training to November meeting agenda.***

There being no other items of business to discuss, the chair thanked committee members for their attendance and closed the meeting at 2.47 pm with a Karakia.