



National Animal Ethics Advisory Committee

Te Komiti Tohutohu Matatika Kararehe ā-Motu The National Animal Ethics Advisory Committee

Tikanga hui: General Meeting

Whaitua o rēhia: Via Microsoft Teams Virtual Conferencing

Rā: 25 November 2024

Tāima: 9.00 am – 4.00pm

MINETI | MINUTES

Komiti/Committee: Natalie Waran (Chairperson), Jessica Walker, Laura Bennet, Janine Duckworth, Jacquie Harper, Mike King, Nita Harding, Rachel Heeney and Joanne Holter.

Nuinga/Attendees: s9(2)(a)

) for agenda items C1-C2.

Public attendees/Tūmatanui tangata I tae atu: s9(2)(a)

Manuhiri/Guests: s9(2)(a) for agenda item C1 at 12.00 pm.

Nau mai/Welcome: J Harper opened the meeting at 9.03 am and provided the karakia.

Matangaro/Apologies: An apology for absence was received from Dianne Wepa.

It was noted that:

- N Waran was unwell and would join the meeting after attending a doctor's appointment.
- L Bennet was travelling back to New Zealand from overseas and may be delayed logging into meeting
- J Holter could only attend the meeting from 9-11 am and 1-4 pm.

J Harper invited members to provide any updates to the Committee Member Register of Interests. J Walker advised that she was not on the Wintec animal ethics committee anymore and reference to this should be removed.

M King declared a conflict of interest in relation to the s9(2)(a) code of ethical conduct (CEC) discussion and would not be participating in the discussion of agenda item C4.

Action – Secretariat to remove Wintec against J Walker's name.

Any Other Business Part One (Open to the Public)

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

O 14 Webinar series debrief

O 15 Update on AEC visits that have taken place in 2024

Any Other Business Part Two (Public Excluded Agenda)

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

PART ONE (OPEN TO THE PUBLIC)

O1 Welcome and farewells

There were no new committee members to welcome or existing members to farewell.

O2 Confirmation of previous minutes held on 8 August 2024

The draft minutes from the general meeting held on 8 August 2024 were reviewed. There were no amendments.

O3 Confirmation of minutes held on 23 & 24 September 2024

The draft minutes from the code of ethical conduct (CEC) meeting held on 23 and 24 September 2024 were reviewed. There were no amendments.

O4 Confirmation of minutes held on 23 October 2024

The draft minutes from the meeting held on 23 October to discuss the s9(2)(a) CEC were reviewed. There were no amendments.

Moved (J Harper/J Duckworth):

That the draft minutes of the meeting held on 8 August 2024 be adopted as a true and accurate record of that meeting.

That the draft minutes of the meeting held on 23 and 24 September 2024 be adopted as a true and accurate record of that meeting.

That the draft minutes of the meeting held on 23 October 2024 be adopted as a true and accurate record of that meeting.

The motion was put: carried.

O5 Status of actions arising from previous meetings

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

Action 7: It was agreed that M King join the gene editing working group.

Action 9: N Harding confirmed she had spoken to s9(2)(a) to discuss what guidance should be included in the Good Practice Guide (GPG) regarding parenting arrangements. This action could be marked as completed.

Action 11: It was noted that N Waran would reach out and form the zebra fish working group in due course.

Action 14: This action had not been progressed as J Harper and N Waran had to discuss the relevant options first.

Action 16: This action would be reported on once MPI has issued updated information on the operational research funding stream.

It was agreed to delete the actions that had already been completed.

Action - Delete actions from actions list that have already been completed.

O6 NAEAC correspondence

The correspondence log circulated prior to the meeting was noted.

O7 MPI update

J Harper invited s9(2)(a) to speak to the MPI update that was circulated prior to the meeting.

s9(2)(a) is on parental leave but there is no targeted replacement to cover her role. For the time being, jobs relating to secretariat support would be shared amongst the animal welfare team. MPI management would be having conversations with the relevant subcommittees about what work may need to be paused.

There was no update regarding upcoming appointments. M King raised concerns about a lack of urgency regarding the appointment process and the expectation that existing members just need to “carry on” until such time as they are replaced. s9(2)(a) acknowledged that 2024 had been a busy and challenging year for the committee and the secretariat with a significant amount of work being undertaken including the recruitment and appointment of multiple committee members for 2025.

s9(2)(a) was confident that the new committee members would be on board and inducted before the first NAEAC general meeting of 2025. It was noted that there was a detailed MPI process in place for the appointment of committee members. s9(2)(a) noted that the provisions in the Act allow for members to remain until they are replaced. If this is a concern for any members finishing a term, they need to be having conversations with their chairperson.

Two codes of ethical conduct had been signed out by MPI and another three were still running through the process.

In relation to National Animal Welfare Advisory Committee (NAWAC) opinion pieces, M King asked if there were any plans by the committee to produce more of these types of documents. s9(2)(a) advised that NAWAC were looking to see how they might go forward with this including asking the Minister what he would like to see.

It was noted that MPI does not usually see compliance issues related to animal use in research, testing and teaching.

O8 MPI summary of CEC approvals, notifications, and revocations

The summary of CEC approvals, notifications and revocations circulated prior to the meeting was noted. There had been one code holder name change and the s9(2)(a) code had been revoked at their request as part of the entity's disestablishment.

L Bennet joined the meeting at 9.40 am.

O9 Subcommittee updates

An update on subcommittee work underway was provided:

Mātauranga Māori: The subcommittee had met a few months ago and needed to decide on next steps in its work plan.

NAEAC Publications: The subcommittee was continuing to make changes to the GPG – a total of 60 changes to date had been logged in the change register – some minor and some major. The subcommittee was aiming to get all the changes completed and would take this to the full committee at a future date. While the subcommittee was working to a planned timeline, completion would depend on available secretariat resources.

Aotearoa New Zealand 3Rs Award Working Group: M King noted it was satisfying to see good work being done in this space that was being celebrated. Continuing the momentum for getting people to apply for this award was a priority for the subcommittee and would resume in the new year.

O10 Committee members' reports on recent presentations and attendance at conferences

J Harper invited committee members to comment on recent presentations and attendance at conferences since the last general meeting. The following updates were provided:

J Duckworth acknowledged the recent NAEAC webinar series. N Harding's presentation on non-compliance provided useful information that the publications subcommittee would use to update the GPG.

It was noted that a number of NAEAC members (J Walker, M King, R Heeney, J Duckworth and N Waran) and MPI staff members s9(2)(a) had attended this year's Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) conference. J Duckworth had also attended Dana Briggs' workshop at the ANZCCART conference on risk management.

M King was of the view that the ANZCCART conference had been valuable for a range of different stakeholders who would not normally have had the chance to meet and that the networking at such events is important. It was noted that every third year the conference was held in New Zealand. J Walker agreed with M King's comments noting that the conference theme had focussed on teaching which was interesting.

M King reported on a previous ANZCCART initiative that sought to have animal care champions in schools. This work had stalled due to the perceived workload this would bring to teachers. NAEAC knows how complicated animal use in schools can be. In hindsight, NAEAC could have approached ANZCCART to arrange a workshop on the topic. It was also suggested that more people (for example, animal ethics committee chairs and members) be funded to attend this conference.

O11 Point of difference between ANZCCART NZ and NAEAC

J Harper invited s9(2)(a) to talk to the paper circulated prior to the meeting.

The original paper, drafted by ANZCCART in 2012 had been updated to include information from NAEAC's 2024 strategic plan. The paper highlighted the type of work that sits with NAEAC (i.e., legislative functions) versus the type of work that sits with ANZCCART. It was noted there was little value in both groups duplicating work.

M King reported that the original paper had been started before he had left ANZCCART. The reason it is important to document the differences between the two groups is that because New Zealand is a small country, there is the potential for both groups to embark on the same work, thereby undermining each other and wasting resource.

It was generally agreed that a framework for providing feedback or critiquing the work of both groups was required. s9(2)(a) agreed to raise this with ANZCCART as an action. Both groups needed to agree on their points of difference to determine what was better left to a particular group and what matters both groups could collaborate on.

J Duckworth noted some minor editorial changes that were required to the paper and emailed those to s9(2)(a) during the meeting.

Action – s9(2)(a) to discuss points of difference with ANZCCART.

O12 NAEAC position on the 4th R (Respect)

The committee discussed next steps on the topic of the 4th R (respect). J Walker advised that a statement already existed on the NAEAC website and queried how much more work had to be completed.

There needed to be a conversation with ANZCCART about this before NAEAC went any further with developing its thinking. The ANZCCART paper by s9(2)(a) had not supported the 4th R and NAEAC had not carried out any conceptual work to respond to the matters outlined in the paper.

There was discussion about asking stakeholders like animal ethics committees (AECs) what the 4th R means to them however, NAEAC does not have a statutory function to consult. NAEAC could consult with ANZCCART and ANZCCART could then consult with stakeholders.

It was suggested that inclusion of the 4th R could be implemented via a change to Part 6 of the Act. If not included as a legislative change, the issue was better to sit with ANZCCART. NAEAC would need to do some thinking initially to determine if such an amendment were warranted.

Until such time as NAEAC had developed its thinking around the 4th R it was agreed that the committee should not push code holders to adopt it in applications for a new CEC.

The meeting adjourned at 10.30 am for morning tea and restarted at 10.50 am at which time N Waran joined the meeting.

For the benefit of N Waran, J Harper provided an update on where the committee had got to in terms of discussion of agenda items.

J Harper returned chairing responsibilities back to N Waran.

O13 2025 NAEAC Meeting Dates

Proposed meeting dates for 2025 had been circulated prior to the meeting. The following matters were discussed/considered:

- Feedback on the proposed meeting dates should be returned to s9(2)(a) .
- A new CEC was expected shortly and would need to be considered by NAEAC.
- A joint meeting with ANZCCART mid-year was supported. s9(2)(a) agreed to discuss this with ANZCCART.
- N Waran asked about the AEC forum and the email sent out by ANZCCART to AECs to be part of an animal ethics discussion. Creating an online forum was noted favourably, however it was generally agreed that NAEAC should not be primarily involved.
- NAEAC webinar series.
- Face to face meeting with AEC chairs.
- The week initially proposed for the February general meeting should be avoided because it coincided with a public holiday.
- N Harding was not available on 19 May.
- Regarding site visits, M King advised that the second half of the year would suit him better. Also, due to his teaching schedule, Thursdays or Fridays were better days for him instead of Mondays and Tuesdays.
- s9(2)(a) would discuss and finalise the meeting dates with N Waran once feedback had been received by the due date of 27 October.

Actions:

NAEAC to provide feedback to s9(2)(a) on meeting dates by 27 October.

Discuss/confirm date that NAEAC can meet with ANZCCART.

Finalise and send out 2025 meeting dates.

O 14 Webinar series debrief

N Waran invited feedback on the NAEAC webinar series. The following comments were noted:

- It was good to see numbers attending and questions being asked, increasing over the series.
- The Q and A sessions were good.
- It was good to hear from NAEAC members as well as AEC members.
- A few matters were identified for inclusion in the next revision of the GPG.
- There were between 15 and 20 attendees at each session.
- ANZCCART would like to contribute to next year's webinar series.
- N Waran conveyed her thanks to those who had led the webinars including s9(2)(a) , N Harding and M King and to NAEAC members for attending in support.
- A preference to attempt to double attendees' numbers next time was noted.
- The webinar invite had been circulated to MPI's AEC contact list with a request that the invitation be forwarded to all AEC members in an organisation. It was suggested that in future the invite could be sent to the New Zealand Veterinary Association (NZVA) and the SPCA to forward to their members.
- A brighter poster or pop of colour was suggested for the invite.
- It was noted that there had been some interesting questions raised during the webinars. Was there a plan to discuss these questions at a future meeting? s9(2)(a) advised she had taken some notes about this and intended to bring these together in a paper for NAEAC to discuss at its first general meeting next year.

Action – s9(2)(a) to draft paper on webinar series for February 2025 general meeting.

O 15 Update on AEC visits that have taken place in 2024

Committee members that attended AEC meetings during the year provided their respective updates. J Walker had attended two AEC meetings and would be attending her last one next week.

N Waran advised s9(2)(a) would not be looking to apply for a new CEC and would enter into an arrangement to use s9(2)(a) code. MPI confirmed this was the case.

It was noted that NAEAC's attendance at AEC meetings was purely as an observer and was outlined in a letter that went to AECs.

It was agreed to add the list of AECs to the bottom of the agenda so committee members could be reminded about planning to visit AECs in their area.

Action – Add list of AECs to bottom of meeting agenda.

PART TWO (PUBLIC EXCLUDED AGENDA)

DRAFT RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987

There being no further introductory items of business to discuss, it was moved (J Harper N Waran):

- A. *That the public be excluded from the following parts of the proceedings of this meeting, namely, —*
- C 1. MBIE Update*
 - C 2. Draft NAEAC 2024 Annual Report*
 - C 3. CEC meeting debrief*
 - C 4. s9(2)(a) 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:

| 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 1 – C 3 | <i>To maintain the effective conduct of public affairs through —</i> | <i>the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.</i> |
| C 4 | <i>To enable the local authority to deliberate in private on decisions or recommendations where it is required to make a recommendation by any enactment.</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 48(1)(d) of the LGOIMA.</i> |

- B. That s9(2)(a) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of meeting procedure and the subject matter under discussion. This knowledge is relevant background information to assist the committee in its deliberations.
- The motion was put: carried.*

Given, it was not quite 12 pm the agenda items in the closed session were reordered to allow discussion to continue while the committee waited for their guests to arrive. s9(2) agreed to provide a short introduction to the gene editing item.

C 2 Draft NAEAC 2024 annual report

s9(2)(a) advised that the same process that occurred last year would be in place for the drafting of the 2024 annual report. To help the secretariat, committee members were asked to think of items to draft. Suggestions included: the new strategic plan; looking at material that had been covered in previous newsletters; the joint meeting with NAWAC; advice that had gone to the Minister; and zebrafish. The subcommittee chairs could note 3 highlights relating to their work programmes. It was agreed for N Waran to email the subcommittee chairs and ask them to provide this information to MPI.

It was noted that NAEAC depended heavily on the secretariat to progress the annual report and would be concerned if it had to do more work than usual.

Action – N Waran to email subcommittee chairs and ask them for short updates for the annual report.

C 1 MBIE update

The government is aiming to pass legislation and introduce a gene technology regulator before 2026. In reading the initial documentation that had crossed her desk, s9(2) was primarily looking to see if there were any unintended consequences for NAEAC and AECs. Initial feedback to MBIE, was that s9(2) did not know and a workstream would need to be opened. The Animal Welfare Act 1999 (the Act) does not cover all animals and does not cover animals in the first half of gestation. Work on the bill is progressing at pace and advice and changes to the bill may need to be made at the Select Committee stage. There is a need to identify if there will be any issues.

It was noted that the GPG did not contain much information on the subject. The things that need to be considered are the manipulation/how the animal is produced and the method of introducing the genetic modification.

There was a question about when NAEAC would need to provide feedback. In response, s9(2) sent a link to MBIE's webpage in the chat: <https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation>. s9(2) agreed to provide NAEAC with a copy of the initial advice she had put together for MBIE.

N Waran welcomed s9(2)(a) [REDACTED] to the meeting who introduced herself to the committee. While waiting for her colleagues to join the meeting, s9(2)(a) [REDACTED] shared a power point presentation which covered the following areas:

- background;
- key features of the new law;
- non-regulated and authorised activities; and

- participants in the system.

s9(2)(a) joined the meeting and introduced themselves to the committee.

s9(2)(a) noted the AEC system works well. Advice to Ministers has been to continue using the current system. This has been well received by Cabinet. MBIE needs to understand the definition of “animal.” What happens if you gene edit in the first half of gestation and later it becomes an animal? Is ethical oversight/approval required before the animal is born?

N Waran reported that the answer probably relates to the species in question. NAEAC have been having ongoing discussions regarding the larval stage of zebrafish and when it becomes an “animal” requiring AEC approval. Different research exists relating to the sentience of different species. The reality is that we are talking about animal welfare rather than the ethics of using animals. The AEC system was briefly discussed. AECs have statutory external members that can provide opinion on the pros and cons of a particular research application. NAEAC supports this system. AECs operate under an approved code of ethical conduct. NAEAC has a template for code holders to use when applying for a new CEC. NAEAC could amend the template or provide some content about gene editing in due course, if appropriate.

The importance of NAEAC having the opportunity to provide good advice on this issue was noted. MBIE were happy to take feedback on the bill generally.

There was a question about whether the Animal Welfare Act 1999 (the Act) would require amendment. It was noted that the Act considers animal welfare and not wider concerns about the philosophy of animal use in research. There could be small amendments to other bills and MBIE would be happy to take advice from MPI as to whether the Act required amendment.

The timeline for providing advice was discussed. This would need to be received by February/March next year ahead of the Select Committee considering feedback.

MBIE agreed to put their questions to NAEAC in writing. It was noted that it would be good for NAEAC to provide examples of different scenarios in their response.

J Holter rejoined the meeting at 12.39 pm.

On behalf the committee N Waran thanked MBIE staff for their attendance after which they departed the meeting at 12.40 pm.

s9(2)(a) suggested NAEAC stand up a subcommittee to liaise with MBIE on this issue. It was noted a subcommittee had already been established previously but not operationalised yet. M King was co-opted to the committee at his request. The members were N Waran, J Walker, L Bennet and M King.

N Waran suggested the subcommittee set up a couple of two-hour meetings to discuss this side of Christmas. It was agreed that the first meeting be held on 9 December at 12.30 pm. s9(2)(a) agreed to send out the meeting invite and would include s9(2) as an attendee.

The meeting was adjourned for lunch at 12.50 pm and restarted at 1.20 pm.

Actions:

**s9(2) to provide copy of her advice to MBIE.
MBIE to send NAEAC specific questions.**

s9(2)(a) to set up meeting invite to discuss gene editing.

C 3 CEC meeting debrief

The following points were noted from the 2024 CEC review:

- N Waran thanked the MPI team for their work in supporting NAEAC to review the codes.
- The process is an efficient one – holding subcommittee meetings to discuss draft codes ahead of the full committee meeting works very well.
- Some members had reservations about the s9(2)(a) CEC and their response to NAEAC's recommendations. It was noted that MPI giving advice about training, if AEC members were unable to agree on what constituted a manipulation, was a practicable solution the AEC could adopt.
- The CEC template is very helpful but again, not all code holders followed it.
- The template could do with some improvement and the relevant subcommittee will look at it again.
- Some members favoured an online version of the template for code holders to use. The pros and cons of this approach were discussed. Feedback from AEC members who attended the last webinar series was that NAEAC had views on where things should go in a code. s9(2)(a) noted that J Harper discussed in the webinar that NAEAC was of the view that if code holders wanted to deviate from using the template that was OK as long as they let NAEAC know/provided context. Preparing a draft code online would be harder to achieve if you had to consult with other people during the process. It would also be harder to complete the sections as you could not see the entire document at the same time. It was noted that when code holders do not follow the template it is harder for NAEAC to determine if all the relevant information has been included. It is therefore reasonable to have a standard way for information to be presented to NAEAC.
- s9(2) provided an update on the status of the codes that had been reviewed. The majority were tracking well.
- NAEAC was due to provide a recommendation to MPI by 27 November on the s9(2) code. Given previous concern about the operation of this code holder, it was agreed to schedule a meeting to discuss. A tentative date of 29 November was suggested.

Action – Schedule meeting to discuss s9(2) CEC.

C 4 s9(2)(a) code of ethical conduct

The draft code of ethical conduct for s9(2)(a) had been circulated prior to the meeting. Initial feedback had been requested from the committee, which had been summarised to aid the discussion of this code. Due to M King's previous declaration of a conflict of interest he departed the meeting at 1.50 pm. The following points were noted for clarification/amendment (adopting the references in the code):

Section 1.1 Organisational activities: S9(2)(g)(i)

Section 1.3 The Three Rs: S9(2)(g)(i)

Section 1.4 Responsible individuals: S9(2)(g)(i)

Section 2.1 Functions and powers of the AEC: S9(2)(g)(i)

Section 2.2 Membership of the AEC: S9(2)(g)(i)

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Section 2.2 Statutory members: S9(2)(g)(i)

Section 2.2 Organisational members: S9(2)(g)(i)

Section 2.2 Additional members: S9(2)(g)(i)

Section 2.3 Vacancies: S9(2)(g)(i)

Section 2.3 Induction and training: S9(2)(g)(i)

Section 3.1 Conflict of interest: S9(2)(g)(i)

Section 3.1 Confidentiality: S9(2)(g)(i)

Section 3.2 Establishment and membership of subcommittees: S9(2)(g)(i)

Section 3.2 Meeting attendance by other parties: S9(2)(g)(i)

Section 3.3 Minor amendments: S9(2)(g)(i)

Section 3.4 Secretarial support: S9(2)(g)(i)

Section 3.5 Record keeping requirements: S9(2)(g)(i)

Section 4.1 Criteria for consideration: S9(2)(g)(i)

S9(2)(g)(i)

Section 4.1 Impact grading: S9(2)(g)(i)

Section 4.1 Outcomes after consideration: S9(2)(g)(i)

Section 4.1 Maximum approval period: S9(2)(g)(i)

Section 4.1 Modifications: S9(2)(g)(i)

Section 5.3 Monitoring across impact grades: S9(2)(g)(i)

Section 5.5 Monitoring animal facilities: S9(2)(g)(i)

Section 6.1 Non-compliance: S9(2)(g)(i)

Section 6.5 SOPs developed by the code holder: S9(2)(g)(i)

Section 7.1 Compliance breaches: S9(2)(g)(i)

Section 7.2 Animal welfare complaints: S9(2)(g)(i)

Section 7.3 Procedural complaints: S9(2)(g)(i)

S9(2)(g)(i)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Moved (N Waran/J Harper):

That the s9(2)(a) 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 the committee.

The motion was put: carried.

Action – MPI to write to s9(2)(a) accordingly.

There being no other items of business to discuss, N Waran thanked everyone for their attendance, including J Harper for chairing part of the meeting and closed the meeting with a karakia at 3.12 pm.