

# Fifth World Congress on Alternatives and Animal Use in the Life Sciences

## Theme 3: Moral issues of animals, ethics and public policy.

### Session 3.5: Ethical review – good practice and outputs.

## The role and evolution of independent Government advisory committees: the New Zealand experience from 1985 to 2005

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**Summary** - In the New Zealand national animal welfare infrastructure, the National Animal Ethics Advisory Committee (NAEAC), the National Animal Welfare Advisory Committee (NAWAC) and the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART) all play important and discrete roles in ensuring that the New Zealand government receives independent, broadly-based advice regarding the use of animals in science, in agriculture and for other purposes. This paper covers the genesis, legal status and management disciplines associated with the New Zealand NAEAC/NAWAC system, including the role of the scientific community, Government and NGOs.

**Key words:** *Government advisory committees, animal welfare, animal ethics, New Zealand.*

### Introduction

Over the last two decades, animal welfare has received increasing attention in New Zealand as a complex, multi-faceted public policy issue with important scientific, ethical, economic, cultural and social dimensions. Over this same period, New Zealand has developed a cohesive national animal welfare infrastructure, animal welfare science and ethics capability and has introduced contemporary animal welfare legislation. (1,2,3,4,5) The latter takes note of both the concepts of the Three Rs of Russell and Burch (6) and the five freedoms originally developed by the UK Farm Animal Welfare Council. (7)

Two independent ministerial advisory committees play a vital role in the national infrastructure, with their functions, responsibilities and membership prescribed by the Animal Welfare Act 1999. The National Animal Ethics Advisory Committee (NAEAC) deals with the use of live animals in research, testing and teaching, while the National Animal Welfare Advisory Committee (NAWAC) covers all other uses of animals, including in agriculture and in entertainment.

In the development of animal welfare policy and the setting of regulatory standards, the consultative requirements of the Animal Welfare Act provide extensive opportunity for input from both the public at large and affected and interested stakeholders. This input is complemented by high level independent advice to Government from two committees, whose membership reflects the broad spectrum of opinion which exists within any society on animal use in science, agriculture and for other purposes.

### Discussion

#### History and Background

Reid (8) provided a very valuable account of the historical developments leading up to the establishment in New Zealand of Animal Ethics Committees (AECs) and the National Animal Ethics Advisory Committee (NAEAC). In the 1970s and 1980s, the New Zealand scientific community had recognised the need for legislation covering the use of live animals in research, testing and teaching and, through the Royal Society of New Zealand, had worked closely with Government in formulating appropriate policy and legislation. AECs were, to an extent, modelled on existing human ethics committees and also took note of the experience gained in countries such as Sweden and Canada. In spite of some opposition, it was decided that NAEAC should be located within, and serviced by, the Ministry of Agriculture as a core Government department.

NAEAC was established in 1984 and the complementary National Animal Welfare Advisory Committee (NAWAC) held its first meeting in 1989. A third significant development, in the early 1990s, was the establishment of the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART). Unlike the two ministerial advisory committees, ANZCCART has no statutory status and is constituted as a committee of the Royal Society of New Zealand. It does, however, play an important role in encouraging informed debate on the ethical use of animals in science, promoting humane science and sponsoring valuable conferences in conjunction with ANZCCART Australia.

## Roles and Responsibilities

Part 4 of the New Zealand Animal Welfare Act 1999 is devoted to advisory committees and covers in detail the purpose, functions, membership, terms of office and annual reporting requirements for both NAEAC and NAWAC.

The functions of NAEAC are:

- a) To advise the Minister on ethical issues and animal welfare issues arising from research, testing, and teaching:
- (b) To make recommendations to the Minister under section 3(3) (which relates to manipulation):
- (c) To make recommendations to the Director-General under section 85 (which relates to restrictions on use of non-human hominids):
- (d) To provide advice and information on the development and review of codes of ethical conduct:
- (e) To make recommendations to the Director-General concerning the approval, amendment, suspension, or revocation of any code of ethical conduct:
- (f) To make recommendations to the Minister concerning the setting of standards and policies for codes of ethical conduct:
- (g) To provide information and advice to Animal Ethics Committees:
- (h) 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:
- (i) To consider the reports of independent reviews of code holders and Animal Ethics Committees:
- (j) To make recommendations to the Minister under section 118(3) (which relates to the power of the Minister to approve research or testing).

The membership of NAEAC reflects the need for the committee to possess knowledge and experience in the following areas:

- (i) Veterinary science
- (ii) Medical science
- (iii) Biological science
- (iv) The commercial use of animals in research and testing

- (v) Ethical standards and conduct in respect of animals
- (vi) Education issues, including the use of animals in schools
- (vii) The manipulation of animals in research, testing, and teaching
- (viii) Environmental and conservation management
- (ix) Animal welfare advocacy
- (x) Any other area the Minister considers relevant; and

The membership recognises the need for a balance between those members who are currently involved in research, testing, and teaching and those members who are not so involved.

- (a) To advise the Minister on any matter relating to the welfare of animals in New Zealand, including (without limitation)—
    - (i) Areas where research into the welfare of animals is required; and
    - (ii) Legislative proposals concerning the welfare of animals:
  - (b) To make recommendations to the Minister—
    - (I) Under section 3(3) (which relates to manipulation); and
    - (ii) Under sections 6 and 16 (which relate to surgical procedures):
  - (c) To discharge its functions under section 32 in relation to the making of Orders in Council declaring traps or devices to be prohibited or restricted traps or devices:
  - (d) To discharge its functions under section 32 in relation to the conditions that should be attached to the sale or use of any restricted trap or restricted device:
  - (e) To make recommendations to the Minister concerning the issue, amendment, suspension, revocation, and review of codes of welfare:
  - (f) To promote, and to assist other persons to promote, the development of guidelines in relation to—
    - (i) The use of traps or devices or both:
    - (ii) The hunting or killing of animals in a wild state.
- The membership of NAWAC reflects the need for the committee to possess knowledge and experience in the following areas:

- (a) Veterinary science
- (b) Agricultural science
- (c) Animal science
- (d) The commercial use of animals
- (e) The care, breeding, and management of companion animals
- (f) Ethical standards and conduct in respect of animals
- (g) Animal welfare advocacy
- (h) The public interest in respect of animals
- (i) Environmental and conservation management
- (j) Any other area the Minister considers relevant

Schedules to the Act cover a range of administrative matters and also describe in detail the provisions applying to accreditation of independent reviewers of AECs and associated code holders. In all cases, members are appointed to committees in a personal capacity recognising their individual experience and expertise and do not play a representational or advocacy role on behalf of nominating organisations.

#### **Policies and Procedures**

Initially, appointments to both committees were not time-bounded. Fixed terms of three years were, however, introduced during the 1990s for both committee members and chairs. In most cases, two terms is the maximum period served by committee members and chairs but, in exceptional cases, this can and has been extended. This policy ensures a balance of committee experience and knowledge with the introduction of “new blood” but requires careful planning in relation to succession management and committee member and chair induction and hand-over. In the case of NAEAC, the independent committee chair has historically had no involvement with the use of animals in science, while in the case of NAWAC a detailed familiarity with animal agriculture and animal welfare science has been seen as an important attribute.

Formal strategic planning was introduced for both committees in the early 1990s. The strategic plan is reviewed in detail every three years and updated annually. The agreed strategic plan gives direction to the annual operational plan which, in turn, defines specific responsibilities for individual committee members and associated resource requirements.

Annual performance reviews are conducted for each committee. These involve completion of a standard questionnaire regarding committee performance and have proved to be a useful and valued tool in identifying issues and improving committee effectiveness. Policy manuals have also been prepared for both committees to record committee policies and decisions, to assist with the induction of new members and chairs and ensure consistency of decision making.

#### **Communications**

In addition to such committees generating quality advice and recommendations and effectively managing and discharging their statutory responsibilities, it is vital that they also communicate effectively with Government and all interested stakeholders. Communication with Government is assured by annual meetings of chairs with the relevant Minister, occasional attendance by the Minister at committee meetings and the preparation of an annual report which is a legislative requirement. This annual report is a major communication vehicle to all stakeholders and is complemented by annual or bi-annual newsletters from each committee.

Other strategic communication initiatives are included in an annually updated communications plan, which includes specific activities such as workshops, conferences, press conferences and press releases.

#### **International and Domestic Relationships**

It is in New Zealand’s strategic interest to keep abreast of international trends in the area of animal welfare and ethics and to liaise closely with organisations, institutions and other Government agencies to foster exchange of information and to undertake collaborative initiatives. In the area of animal use in research, testing and teaching, New Zealand has thus developed important relationships with ANZCCART in Australia, the United Kingdom Home Office, the International Council for Laboratory Animal Science (ICLAS), the Canadian Council for Animal Care (CCAC), Three Rs centres in Europe and North America, the European Commission and the UK Research Defence Society (RDS).

In the case of animal use in agriculture, similar important relationships exist with the UK Farm Animal Welfare Council (FAWC), the UK Department for the Environment, Food and Rural Affairs (DEFRA), the European Commission, university research groups and non-governmental organisations in Europe and North America and the USDA Animal Welfare Information Center.

Formal Government to Government interaction also takes place between New Zealand and Australia via the Trans-Tasman Animal Welfare Working Group (TTAWWG), and between New Zealand, Australia, Canada and the

USA via the Quadrilateral Animal Welfare Working Group (QAWWG). The World Organisation for Animal Health (OIE) involvement in animal welfare is an important recent development on the world stage and NZ has participated actively in this strategically important international initiative. Such international communication has been dramatically facilitated by electronic communication and the availability of information on web sites.

On the domestic front, both NAEAC and NAWAC have established close links with the New Zealand Bioethics Council (Toi te Taiāo). The purpose of the Bioethics Council is to:

- Enhance New Zealand's understanding of the cultural, ethical and spiritual aspects of biotechnology
- Ensure that the use of biotechnology has regard for the values of New Zealanders.

The New Zealand Government established the Bioethics Council in December 2002 following a recommendation by the Royal Commission on Genetic Modification. The Royal Commission wished to address public concern that decision-making was not adequately considering the cultural, ethical and spiritual dimensions of biotechnology. Submissions to the Royal Commission had highlighted the need for high-level advice to Government with community input on overarching cultural, ethical and spiritual concerns that had wider implications for society. The Bioethics Council has been set up as a ministerial advisory council that sets its own work programme and priorities. It reports to the Government through the Minister for the Environment.

To promote dialogue between politicians and key stakeholders involved in the animal welfare and ethics debate, an All Party Animal Welfare Group (APAWG) was established in 1994. This group was modelled on similar groups existing in the UK and European Union and is sponsored by the Royal Society of New Zealand (via ANZCCART), the New Zealand Veterinary Association (NZVA), the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA) and Federated Farmers of New Zealand (FFNZ).

### Operational Research

Research funding is made available, on a contestable basis, by the New Zealand Ministry of Agriculture and Forestry for research studies to support policy formulation and standard setting in the area of animal welfare. As indicated in the NAWAC Annual Report (9), over the period 1993 to 2004, 88 studies have been completed with the majority published in peer reviewed journals and the internationally recognised MAF publication "Surveillance". Such research findings have

proved extremely valuable to support both committees in their independent advisory roles and to ensure that recommendations are supported, or at least informed, by relevant science.

### Conclusion

Both NAEAC and NAWAC have evolved over the last 20 years in terms of core functions and supporting management and administrative disciplines. The relationship between the two committees is formalised by the NAEAC chair also being a NAWAC member. This ensures that areas of common interest and policy parallels are addressed efficiently and effectively. Ethical debate, which has been a key element of NAEAC discussions, is now also receiving increasing attention in relation to the use of animals in (particularly intensive) agriculture. The minimisation of pain and distress will continue to be a key priority for both committees.

In the case of NAEAC, genetic modification research presents a particular challenge. The Three Rs of Russell and Burch (6) have played a critical role over the past fifty years but the opportunity to expand the Three Rs, as described by Schuppli (10), will assist in addressing the challenges of the future. Schuppli proposes that "Some of the concerns that fall outside the Three Rs framework might be captured by adding a fourth 'R' for *responsibility*. *Responsibility*, as proposed by the International Foundation for Ethical Research, could be elaborated to include responsibility to not violate community standards, responsibility to enhance the quality of life of animals in human care, and responsibility to reflect real costs in analyses of costs and benefits." (Schuppli, 2004).

In a recent paper Balls (11) emphasises the importance of the "middle ground" i.e. "the only way forward to cooperation between people of goodwill and common sense - in the middle ground - is to secure the development and use of reliable and scientifically sound alternatives. This means rejecting the extremism on both sides." Goldberg (12) also refers to the "troubled middle" as reflecting a societal "understanding of the need for animal-based research but a desire to ensure that pain and distress are eliminated or, at least, minimised" and the "silent middle" i.e. scientists who practise humane science, who would prefer not to use animals but who do not publicly articulate their position or commitment. (Goldberg, 2004)

Goldberg further emphasises that extreme positions reject both societal expectations and scientific need and that "the issues for the general public are transparency, accountability and humaneness." In the New Zealand context, NAEAC, NAWAC and ANZCCART are essential elements of a cohesive national infrastructure

and make important and unique contributions to addressing these issues.

## References

1. Bayvel, A.C.D. (2000). The New Zealand regulatory approach to the use of animals in research, testing or teaching. In M. Balls, A-M, van Zeller and M.E. Halder (eds.), *Progress in the Reduction, refinement and Replacement of Animal Experimentation* (1023-1031). Amsterdam: Elsevier Science B.V.
2. Mellor, D. J. (1999). The new Animal Welfare Act 1999 and conducting animal-based science in New Zealand. *ANZCCART News* 12, 6.
3. Ministry of Agriculture and Forestry (1999). *Guide to the Animal Welfare Act 1999*. Wellington: Ministry of Agriculture and Forestry.
4. Ministry of Agriculture and Forestry (2000). *Guide to Part 6 of the Animal Welfare Act 1999*. Wellington: Ministry of Agriculture and Forestry.
5. Mellor, D.J. and Bayvel, A.C.D., (2004). *Application of legislation, scientific guidelines and codified standards to advancing animal welfare*. OIE Conference Proceedings 23-25 February 2004 Paris, 249-259.
6. Russell, W.M.S and Burch, R.L. (1959). *The Principles of Humane Experimental Technique*, reprinted edition. London: UFAW,1992.
7. Farm Animal Welfare Council (1993). *Second Report on Priorities for Research and Development in Farm Animal Welfare*. London: Farm Animal Welfare Council
8. Reid, C.S.W. (1989). *Ethics, Animal Science and the Royal Society in the Use and Welfare of Experimental Animals*. Wellington: Royal Society of New Zealand Symposium Proceedings.
9. National Animal Welfare Advisory Committee (2005). *2004 Annual Report*. Wellington: Ministry of Agriculture and Forestry.
10. Schuppli, C.A., Fraser, D., McDonald, M. (2004). Expanding the Three Rs to meet new challenges in humane animal experimentation. *ATLA* 32, 525-532.
11. Balls, M. (2004) Editorial – Animal experimentation and alternatives in the age of extremism. *ATLA* 32, 151-152.
12. Goldberg, A. M. (2004). Animals and alternatives: societal expectations and scientific need. *ATLA* 32, 545-551.

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