

NAEAC *news*

Official Newsletter of the National Animal Ethics Advisory Committee

Issue No. 21

August 2004

Chair's piece



A key function for the National Animal Ethics Advisory Committee is the requirement to provide information and advice to animal ethics committees in accordance with section 63 of the Animal Welfare Act 1999. The workshops and seminars held by NAEAC each year, in association with its scheduled meetings at various centres in New Zealand, are proving to be a useful and valued forum at which NAEAC and AEC members can share information and discuss current issues. As part of its meeting schedule, NAEAC members are also given the opportunity to visit institutions with animal ethics committees.

It was during discussions at such meetings that NAEAC was requested to give advice on two specific matters. The first requested clarification regarding the words "not associated with the scientific community", when appointing a lay person to an animal ethics committee. The second concerned the appropriate length of the term or terms for which an appointee to an animal ethics committee should hold office. In this edition of *NAEAC News* we have set out our advice in this regard and, while this is not a legal opinion, we hope that it will be useful to AEC members when determining their committee procedures.

I would like to draw our readers' attention to the section in *NAEAC News* which deals with section 93 of the Animal Welfare Act which states that an approval of a code of ethical conduct is personal to the code holder. This is important also for organisations which have arrangements to use another organisation's code and animal ethics committee.

In an earlier issue of *NAEAC News* we reported on the Fourth World Congress on Alternatives and Animal Use in the Life Sciences, which was held in New Orleans in August 2002. The proceedings of this conference have recently been published. We recommend that all AECs consider purchasing a copy of these proceedings (see the News Round Up column in this issue for further details). Copies of the contents pages will also be circulated to all committees. The Fifth World Congress is to be held in Berlin from 21 – 25 August 2005 and full details are available on the congress website: www.ctw-congress.de/act2005.

NAEAC is inviting nominations for recipients of the 2004 Three Rs Award given for excellence in the humane use of animals in research, testing and teaching. The award is made on an annual basis to an individual, group or institution in New Zealand that epitomises best practice in the reduction, refinement or replacement of live animals in research testing and teaching. For example, there has been enormous progress in recent years in the evolving science based on the principles of the 3Rs in the use of computer animation for teaching students, and this was recognised and acknowledged in last year's award.

The NAEAC 2003 Annual Report was launched by the Minister of Agriculture, The Hon Jim Sutton. If *NAEAC News* readers would like a copy, it is available on request.

Wyn Hoadley QSO
Chair

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Codes Of Ethical Conduct – Approvals, Notifications & Revocations

If you would like to check on whether a particular organisation has an approved code of ethical conduct please contact this office.

Codes of ethical conduct approved since 2 December 2003 (pursuant to section 91 of the Animal Welfare Act 1999)

- AgResearch Ltd
- Ambreed New Zealand Ltd
- Ancare New Zealand Ltd
- Auckland Zoological Park
- Bay of Plenty Polytechnic
- HyClone New Zealand
- Landcare Research New Zealand Ltd
- Massey University
- Schering-Plough Animal Health Ltd

Codes of ethical conduct transferred (pursuant to section 93 of the Animal Welfare Act) Nil

Amendments to codes of ethical conduct approved after consultation with NAEAC (pursuant to section 96 of the Animal Welfare Act) Nil

Notifications to MAF of minor amendments to codes of ethical conduct made during 2003/4 (pursuant to section 95 of the Animal Welfare Act)

- PharmVet Solutions

Notifications to MAF of arrangements to use an existing code of ethical conduct since 2 December 2003 (pursuant to section 192 of the Animal Welfare Act)

- Kelly Tarlton's Antarctic Encounter and Underwater World (to use NIWA's code)

Notifications to MAF of arrangements to use an existing code of ethical conduct since December 2003 (pursuant to section 84 of the Animal Welfare Act)

- Abacus Biotech Ltd (to use AgResearch Ltd's code and Invermay AEC) (renewal – code expired)
- AgriQuality NZ Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- AgVax Developments Ltd (to use AgResearch Ltd's code and Wallaceville AEC) (renewal – code expired)
- Animal Breeding Services Ltd (to use AgResearch Ltd's code and Ruakura AEC)
- Animal Health Centre (to use AgResearch Ltd's

- code and Ruakura AEC) (renewal – code expired)
- Central Southland Veterinary Services Ltd (to use AgResearch Ltd's code and Invermay AEC) (renewal – code expired)
- Bomac Research Ltd (to use PharmVet Solutions' code)
- Dairy Production Systems Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Dexcel Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Duires New Zealand Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Elanco Animal Health (to use PharmVet Solutions' code)
- Equine Fertility Services Ltd (to use AgResearch Ltd's code and Ruakura AEC)
- ES Plastics Ltd (to use AgResearch Ltd's code and Ruakura AEC)
- Fort Dodge New Zealand Ltd (to use PharmVet Solutions' code)
- Horticulture & Food Research Institute of New Zealand (to use AgResearch Ltd's code and animal ethics committees) (renewal – code expired)
- Impian Technologies Ltd (to use Animal Health Services Centre's code and AEC)
- InterAg (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Kotare Bioethics Ltd (to use AgResearch Ltd's code and Grasslands AEC) (renewal – code expired)
- Livestock Improvement Corporation Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Ministry of Agriculture and Forestry National centre for Disease Investigation (to use AgResearch Ltd's code and Wallaceville AEC) (renewal – code expired)
- Neuren Pharmaceuticals Ltd (to use the University of Auckland's code and AEC)
- New Zealand Institute for Crop & Food Research Ltd (to use AgResearch Ltd's code and Grasslands AEC)
- New Zealand Leather & Shoe Research Association (Inc) (to use AgResearch Ltd's code and Grasslands AEC)
- On-Farm Research Ltd (to use AgResearch Ltd's code and Grasslands AEC) (renewal – code expired)

- Parnell Laboratories New Zealand Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Photonz Corporation Ltd (to use the University of Auckland's code and AEC)
- PPL Therapeutics (New Zealand) Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Protelix Corporation Ltd (to use the University of Auckland's code and AEC)
- Robbins, Lloyd (to use Animal Health Services Centre's code and AEC)
- Suta Export Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)
- Virionyx Corporation Ltd (to use HyClone New Zealand's code) (renewal – code expired)
- Wanganui Veterinary Services Ltd (to use AgResearch Ltd's code and Grasslands AEC) (renewal – code expired)
- Xcluder Pest Proof Fencing Company Ltd (to use AgResearch Ltd's code and Ruakura AEC) (renewal – code expired)

Codes of ethical conduct revoked since 2 December 2003

(pursuant to section 96 of the Animal Welfare Act)

- Bomac Laboratories Ltd
- Woodland Goats Ltd

Revocations of approval to use an existing code of ethical conduct since 2 December 2003

(pursuant to section 96 of the Animal Welfare Act)

Nil

Revocations of approval because approvals personal to code holder

(pursuant to section 93 of the Animal Welfare Act)

Nil

Codes expired and not renewed

- Fort Dodge New Zealand Ltd

Arrangements lapsed and not renewed

- Agri-Feeds Ltd
- Diverse Animal Holdings
- Elanco Animal Health
- Impian Technologies Ltd
- New Zealand Trade and Enterprise
- Novartis New Zealand Ltd
- P A Biologicals New Zealand
- Slacek, Dr Brigitte

Termination of arrangements made pursuant to section 192 of the Animal Welfare Act

- Tompkins, Dr Daniel

Termination of arrangements made pursuant to section 84 of the Animal Welfare Act

- Neuronz Ltd
- PPL Therapeutics (NZ) Ltd

Approvals by the Director-General of MAF for the use of non-human hominids

(pursuant to section 85 of the Animal Welfare Act)

Nil

Approvals by the Minister of Agriculture of research or testing in the national interest

(pursuant to section 118 of the Animal Welfare Act)

Nil

NAEAC Annual Report Available

NAEAC's 2003 annual report was released on 15 July 2004 at a press conference at Parliament Buildings. All AECs and organisations with an arrangement to use a code, along with a number of other relevant bodies, should have received a copy in the post. The report is also available on MAF's website.



News Round Up

A summary of items of interest from the newsletters and journals which cross our desks.

Workshop “Retrieval Approaches for Alternative Methods to Animal Experiments”

The article reports on this workshop held in Berlin in November 2003, following on from the Fourth World Congress on Alternatives and Animal Use in the Life Sciences. It focused on appropriate search strategies and indexing systems for alternatives. The article cites a number of databases worth visiting and additional information on searching for alternatives.

Netherlands Centre Alternatives to Animal Use Newsletter, vol 16, March 2004

Humane endpoints database

This is designed to help investigators find the earliest endpoint that is compatible with the scientific objectives of their research. It briefly discusses the difficulties of establishing the database and describes it as ‘a first attempt at making resources on this important topic more readily accessible’. The database can be found at <http://www.altwebsearch.org/humane/>

Netherlands Centre Alternatives to Animal Use Newsletter, vol 16, March 2004

The value of Animal Ethics Committees for wildlife research in conservation biology – an Australian perspective

This article discusses the merits of animal ethics committee evaluation of research using wildlife. Although it deals with the Australian situation, New Zealand animal ethics committees which consider projects involving wildlife should find the article of interest.

Susan E Dyson and Michael C Calver, Pacific Conservation Biology, vol 9, p 86-94, 2003

The role of ethics in the management of New Zealand’s wild mammals

Ethical principles to develop a framework for considering ethical responsibility to pest species based on a review of contemporary bioethics are explored in this article.

J E Eggleston, S S Rixecker and G J Hickling, New Zealand Journal of Zoology, vol 30, p 361-376, 2003

Measurement of aversion to determine humane

methods of anaesthesia and euthanasia

The conclusion of this article is that carbon dioxide, either alone or in combination, should not be used for either anaesthesia or euthanasia in rats or mice, since there are effective and more humane alternatives available. Recommendations are made regarding the preferred methods.

M C Leach, V A Bowell, T F Allan and D B Morton, Animal Welfare, Vol 13 Supplement, February 2004

The law of research – A guide

This book, produced in the main by members of the law faculty of the University of Otago, provides a guide to the law of research. (It is up to date as at 1 July 2003.) It would be a valuable resource to anyone working in the New Zealand research community and appears to be comprehensively indexed. The book covers a wide variety of topics:

- academic freedom
- (human) research ethics committees
- Treaty of Waitangi
- privacy and access to information
- environmental law
- animal research
- clinical trials
- health and safety in research facilities
- research on human tissue
- consent and information disclosure
- non-disclosing and deceptive research designs
- children as research participants
- employment law
- intellectual property
- liability for misconduct in research
- research contracts.

John Dawson and Nicola Peart (eds), University of Otago Press, 2003

Review of *From guinea pig to computer mouse – Alternative methods for a progressive humane education* (2nd edition)

In the last issue of *NAEAC News* we suggested that this book would be of interest and relevance to animal ethics committees. The book has now been reviewed by Lynette A Hart of the University of California Center for Animal Alternatives, in *Animal Welfare*. She states: “The cornerstone of the book is its catalogues of resources. These are embellished with several essays providing the rationale for the book’s approach and

case studies focusing on particular situations and challenges involving animal use. ... The first catalogue ... includes a list of 500 products, well-organised by academic discipline, each with subsections as appropriate on software, video, world-wide web, and models, manikins, and simulators. This list is well-presented and user-friendly, with icons with each item for the type of product, as well as descriptive text and highlighted information as to the medium, price and source for the item. ... A product index references each item by species.... The second catalogue ... adds another 800 resources, including databases, websites, listserves, printed and video resources, alternative loan systems, organisations and producers. ... Their book is now the essential handbook presenting a comprehensive overview of the literature and resources available in the area of animal alternatives for teaching. While it clearly establishes that many resources are already available, it also points the way towards a need for systematic development of additional outstanding teaching resources.”

Lynette A Hart, Animal Welfare, Vol 13(2), May 2004

The Three Rs at the beginning of the 21st century – Proceedings of the Fourth World Congress on Alternatives and Animal Use in the Life Sciences

The proceedings of the Fourth World Congress, held in New Orleans in August 2003, have been published as Supplement 1A of ATLA (Alternatives to Laboratory Animals), volume 32, June 2004. As mentioned in the Chair's Piece of this issue, NAEAC recommends that AECs consider purchasing the proceedings and subscribing to the ATLA journal if they do not already do so. For further information contact:

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Code Approvals Personal To Code Holder

Organisations with their own code of ethical conduct

The approval of a code of ethical conduct is personal to the code holder (see section 93 of the Animal Welfare Act 1999).

For the purposes of the Act, 'person' includes corporations sole and bodies of persons, whether corporate or unincorporate, and personal has a corresponding meaning. Thus, although a code holder may be an individual, most code holders are organisations.

If there is any change to the legal status or ownership of an organisation with an approved code, the code of ethical conduct is automatically revoked unless the assignment or transfer of assets, goodwill or capital is effected with the approval of the Director-General of MAF. Thus, if any sale, merger or other change to your legal entity is planned, you are encouraged to contact this office early in the process to avoid being in the position of not having an approved code and thus not being able to carry out research, testing or teaching.

If there is any legal change to a code holding organisation's name that does not involve assignment or transfer of assets, goodwill or capital, this office should still be formally notified so that we can maintain up to date records.

Organisations using another organisation's code of ethical conduct

Similarly, if an organisation with an arrangement to use another organisation's code and animal ethics committee undergoes an assignment or transfer of assets, goodwill or capital, then the new organisation does not have any formal agreement to use the code and AEC. Although the Director-General's approval could be sought at the time of the assignment or transfer, it is generally simpler for the new organisation to immediately enter into an arrangement with their code holder/AEC and for the code holder to notify MAF of this.

NAEAC Policy:

Definition Of Scientific Community

The membership requirements of every animal ethics committee (AEC), set up under the Animal Welfare Act 1999, include one member who must be a person appointed by the code holder on the nomination of a territorial authority or regional council. Section 101(9) further states that such person must not be in the employ of, or otherwise associated with, the code holder, or associated with the scientific community or an animal welfare agency.

Readers of *NAEAC News* and participants at NAEAC-sponsored workshops have asked us to clarify what is meant by the words 'not associated with the scientific community.'

Use common sense approach

It is NAEAC's view that a common sense approach be used on a case by case basis.

The fundamental purpose of section 101 is to limit external members to persons who would be likely to assess research, testing and teaching projects from the perspective of a member of the public, a 'lay' person. However, some knowledge of science would not by necessity imply that the person was associated with the scientific community and would also clearly assist the appointee with understanding the complexities of research, testing and teaching project applications. The Act anticipates that the external member will be no more likely to have a scientific or an animal welfare perspective than any other member of the public.

Public perception important

From a public perception point of view it is vital, for the success and credibility of the AEC system under the Animal Welfare Act, that the AECs include persons who are seen to represent the public interest. With this in mind, a conservative interpretation of the meaning of 'associated with the scientific community' would reduce the risk of any public perception that the lay member of an AEC could be "biased."

The overriding principle therefore would be that a lay member has no scientific, financial or philosophical bias, particularly if derived from present or past occupation that would lead to a public perception that he or she represents anything other than the general view of a member of the public on matters classified as research, testing or teaching.

As one NAEAC member put it in colloquial terms:

Lay persons should not receive dosh or regular tucker from the head shirang (and MAF ticket holder) of the outfit or even share a Friday evening grog with them. Neither should they belong to any other outfit that makes them one-eyed when it comes to looking at research and stuff. Preferably they should be gung ho into reading but not have a kip when the big words are tossed around. The MAF ticket holder can, of course, turn any joker down, toot sweet, who only wants a pozzie on the AEC in order to put the kibosh on the whole shooting match. Natch, the applicant doesn't need to know Arthur from Martha when it comes to science as long as their mates consider them a dinkum regular joker.

NAEAC Policy:

Length of Terms and Conditions Of Appointment of AEC Members

The membership requirements of every animal ethics committee (AEC), set up under the Animal Welfare Act 1999, include three external members appointed by the code holder on the nomination of the New Zealand Veterinary Association (or similar body), an approved organisation such as the Royal New Zealand Society for the Prevention of Cruelty to Animals, and a territorial authority or regional council. Section 101(10) further states that the persons appointed to each AEC shall hold office for such terms and conditions as are specified in the code holder's code of ethical conduct.

Readers of *NAEAC News* and participants at NAEAC-sponsored workshops have asked us to comment on the appropriate length of the term or terms for which an appointee to an AEC should hold office and any conditions that might apply.

In responding to this question NAEAC is guided by the information it has received from code holders who have recently reviewed their codes. The terms and conditions of AEC members, while holding office, are set out in the codes. There appears to be general consensus that a defined term of three years is appropriate and that this can be renewed on expiry of the first term for a further term or terms. Conditions of appointment also include mention of whether or not external members are to receive a meeting fee. There is general consensus that such members are to be reimbursed for their out of pocket expenses (travel, telephone/fax etc) associated with their work as AEC members.

New Zealand Veterinary Journal Instructions For Authors

NAEAC is pleased to report that, after consultation between MAF and the New Zealand Veterinary Journal, the journal's Editorial Board recently adopted the following rule for incorporation into the journal's Instructions for Authors.

"All projects involving the manipulation of live animals conducted in New Zealand must be approved by the relevant animal ethics committee, in accordance with Part 6 of the Animal Welfare Act 1999. All experimental work involving animals conducted outside New Zealand and all experimental work involving human subjects must comply with the legal and ethical requirements of the institutions at which the work was done.

The ethical principles guiding acceptability of experimental work involving animals, for publication in the Journal, are described in the *Good Practice Guide for the Use of Animals in Research, Testing and Teaching*, published by the National Animal Ethics Advisory Committee (2002).

The Good Practice Guide is available at the following website:
www.maf.govt.nz/biosecurity/animal-welfare/
The Animal Welfare Act is available at: www.legislation.govt.nz"

United Kingdom Centre for the Three Rs

In May 2004 the UK government announced the establishment of a National Centre for Replacement, Refinement and Reduction of Animals in Research. The centre's director will be Vicky Robinson, the current head of the Medical Research Council's Centre for Best Practice for Animals in Research (CBPAR).

The new centre will focus on the Three Rs – replacing animal use, refining the procedures involved to minimise suffering and reducing the number of

animals used. It will be overseen by an independent board. The centre's work will involve collation and dissemination of information on existing work into the Three Rs, ensuring implementation of best practice as well as funding new research.

MAF and NAEAC will be establishing close links with this important new international centre.

(With thanks to *The Scientist*, 27 May 2004)

NAEAC Chairperson Honoured

In The Queen's Birthday Honours 2004 it was announced that NAEAC Chairperson, Wyn Hoadley has been appointed as a Companion of the Queen's Service Order for Public Service (QSO). "In accepting this honour, I acknowledge the tremendous support and encouragement I have received from past and present NAEAC members and the staff at MAF," Wyn said when the announcement was made.

We extend our warmest congratulations to Wyn.

NAEAC News “Comes of Age”



Linda Carsons

A total of 21 issues of NAEAC News have now been produced over the period 1991 – 2003. Approximately 850 copies of each issue are distributed both within NZ and internationally and are also available on the MAF web site. Regular readership surveys have consistently provided favourable and positive feedback. As editor of NAEAC News, MAF’s Senior Policy Adviser, Animal Welfare Linda Carsons is very much the driving force behind the publication. Linda’s detailed knowledge of the subject area, national and international networks, attention to detail and meticulous proof reading skills ideally suit her for this role. On behalf of NAEAC members, all NAEAC News readers and MAF colleagues I congratulate Linda on an outstanding effort and look forward to the publication continuing to go from strength to strength.

Wyn Hoadley

This newsletter is produced for the information of those interested in animal ethics and welfare issues. It may be reproduced and distributed.

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