

CODE OF ETHICAL CONDUCT – ANIMAL WELFARE

Section	Research		
Approval Date	25.11.2014	Approved by	Academic Board
Next Review	As required	Responsibility	Director of Curriculum and Quality
This review	28.10.2014	Key Evaluation Question	3,4,6

PURPOSE

This is the Code of Ethical Conduct of Nelson Marlborough Institute of Technology (NMIT), authorised by its Chief Executive and approved by the Ministry for Primary Industries.

Its purpose is:

- to ensure that all research and teaching at NMIT and by 'parented' organisations / persons is conducted in accordance with the Animal Welfare Act 1999;
- to emphasise the responsibilities associated with research, teaching and biotechnology involving the use of live animals;
- to promote an attitude which will encourage the efficient and considerate treatment of animals so that any degree of stress or discomfort produced is reduced to a minimum;
- to ensure that projects are not prejudiced by inefficient techniques and lack of care of animals;
- to promote a philosophy of seeking ways of reducing the number of animals used to the minimum necessary, of refining techniques to minimise the invasiveness of the experiment and maximise its benefits, and of replacing the use of whole animals with alternative methods where appropriate, referred to below as "reduction, refinement, and replacement"; and
- to define the operation of the NMIT Animal Ethics Committee.

SCOPE

This Code of Ethical Conduct - Animal Welfare is designed to comply with the requirements of Part 6 of the Animal Welfare Act 1999 so that animal species specified in the Act may only be used in research, teaching and biotechnology once an application is approved by the Animal Ethics Committee.

- a) Animals housed onsite that are used for teaching purposes and constitute classroom pets (pocket pets and aquarium fish) may include:
 - Ornamental fish
 - Rats; mice; rabbits; guinea pigs
 - Relevant Aquaculture Species

- b) Animals (privately owned) which are used in handling and husbandry practical teaching classes conducted onsite may include:
 - Dogs
 - Cats
 - Fish
 - Crustaceans

- c) Animals (privately owned) which are used in handling and husbandry practical teaching classes conducted offsite include:
 - Ruminants
 - Horses
 - Cats
 - Dogs
 - Pocket Pets
 - Birds
 - Fish
 - Crustaceans

DEFINITIONS

In this Code the following expressions shall have the meanings assigned to them unless the context otherwise requires:

“Act” means the Animal Welfare Act 1999 in force at the relevant time and includes any Act passed in replacement of that Act.

Website link <http://www.biosecurity.govt.nz/legislation/animal-welfare-act/guide/index.htm>

“Animals” shall have the meaning assigned to it in the Act and the Regulations.

“Approved Organisation” means an organisation declared, under section 121, to be an approved organisation for the purposes of this Act.

“Code” means this Code of Ethical Conduct.

“Committee” means the Animal Ethics Committee appointed pursuant to this Code.

“NMIT” means Nelson Marlborough Institute of Technology.

“Manipulation” shall have the meaning assigned to it in the Act and the Regulations.

“Regulations” means the Animal Welfare (Records and Statistics) Regulations 1999, as in force at the relevant time and includes any regulations made in replacement of those regulations.

“NAEAC” means National Animal Ethics Advisory Committee.

PARENTING ARRANGEMENTS

In the event of persons or outside organisations requesting permission to operate under the NMIT Code, this will be deemed to be acceptable only if the expertise of the Committee is appropriate for the supervision of such persons/organisations. NMIT will notify MPI of any parenting agreements that are undertaken by the committee.

ANIMAL ETHICS COMMITTEE

- a) The Chief Executive of Nelson Marlborough Institute of Technology (NMIT) shall maintain an Animal Ethics Committee (AEC) which shall have the functions, duties and powers conferred upon it by this Code, and such others as are now or may hereafter be conferred upon it by the Act or the Regulations.
- b) The Committee shall comprise no fewer than five [5] persons appointed by the Chief Executive, who shall include:
 - i) A senior member of the staff of NMIT, who shall be chairperson of the Committee and capable of evaluating proposals involving manipulation in terms of the standing of the proposer and others directly involved and the scientific or teaching value of the proposal. The AEC will be given the opportunity to endorse (or otherwise) the selection of the chairperson;
 - ii) A senior member of the staff of NMIT appropriately qualified and experienced in the manipulation and use of animals;
 - iii) A veterinarian nominated by the New Zealand Veterinary Association, not associated with NMIT;
 - iv) A person, not associated with NMIT, nominated by an ‘approved animal welfare organisation’;
 - v) A layperson, not associated with NMIT nor associated with the scientific community or animal welfare agencies, but nominated by the district or regional council;
 - vi) Such additional members as may be requested by the Committee and appointed by the Chief Executive in consultation with the chairperson of the Committee; and
 - vii) The Committee will appoint a Deputy Chair from its membership if and when the need for the position arises.
- c) The term of appointment of each member of the AEC shall be three (3) years in the first instance, with the possibility of reappointment for further terms. Any reappointment of statutory external members at the expiry of their term must be done through a formal nomination by their relevant body.

- d) NMIT shall pay to the members of the Committee, other than its own staff, a reasonable fee in respect of their attendance at meetings of the Committee or other Committee business.
- e) Effective input of external members shall be achieved through the processes relating to:
- Appointments / reappointments
 - Attendance at meetings and monitoring visits
 - Application approvals
 - Application summaries
 - Monitoring
 - Committee self-review
- f) The Committee shall meet a minimum of two (2) times per year, and on such other occasions as are desirable to enable it fully to carry out its responsibilities as decided by the chairperson.
- g) The Committee members shall attend all meetings. It is sometimes not possible to arrange meetings to suit all members, and occasionally unforeseen circumstances may prevent attendance. In such situations, an apology from the member will be recorded in the minutes where that member advises the Chair prior to the meeting that he/ she will be absent or where leave of absence has been granted.
- h) The Committee (or representatives including the Chairperson) shall carry out a minimum of two (2) visits per year to facilities to monitor the manipulation of any live animal, or teaching involving the manipulation of any live animal, as previously approved by the Committee to be in accordance with the Code. Findings from these visits shall be reported back to the AEC.
- i) Reasonable prior notice of the time, date, place and proposed business of each meeting shall be given to each member.
- j) A quorum for each meeting shall be not fewer than five members, of whom at least two shall be of those appointed under sub-paragraphs (iii), (iv) or (v) of paragraph (b) of this clause.
All decisions will be by consensus.
- k) Vacancies in the membership of the Committee shall not invalidate its actions. However, if vacancies render the AEC inquorate this would invalidate its actions. Any such vacancies shall be filled forthwith in accordance with paragraphs (a) and (b) of this clause.
- l) Each new member to the Committee will receive practical guidance regarding the functions of the Committee. The new member will not be assigned to lead any discussions regarding applications at their first meeting to allow them to observe the processes of the Committee in action, but will be afforded all rights and privileges as a voting member of the Committee. Induction processes will be based on the NAEAC guidelines and induction pack.
- m) A member of the Committee that is also an applicant is deemed to have a conflict of interest and must abstain from any vote on approval of his/her proposal, though at the discretion of the Committee, he/she may participate in discussions of the application.
- n) The committee shall maintain a complete record of all proposals and associated MAF Animal Use Forms, AEC responses and associated correspondence, study reports, annual animal use reports to MAF, and minutes of AEC meetings. Such records shall be retained for not less than 10 years. Minutes of meetings shall be supplied to the secretary of the NMIT Academic Board and made available to Board members and members of the NMIT Research and Ethics Committee.

- o) When decisions are required between meetings, temporary consents to proposals involving manipulations that have little or no impact may be given by a subcommittee of no fewer than three members of the Committee of whom at least two shall be of those appointed under subparagraphs iii, iv, or v of paragraph (b) of this clause. However, every such temporary consent shall be circulated forthwith to all members of the Committee, and a meeting of the Committee shall immediately be called if requested in writing by any member.

Every temporary consent shall be brought before the next meeting of the committee; which may confirm or revoke the consent, or confirm it subject to conditions or amended conditions.

Where a temporary consent is revoked the relevant work shall immediately cease save for any steps necessary to safeguard the welfare of animals involved.

Where an amended approval is given, the work shall continue only in accordance with such approval.

- p) Complaints received by the Committee may involve concerns about: animal suffering and welfare (classed as emergencies), decisions made by the Committee or about personnel (classed as non-emergencies). Complaints against personnel may be directed towards researchers, tutors, students or members of the Committee, including the Chairperson.

All complaints shall be addressed in the first instance to the Chairperson of the Committee and shall be in writing.

Where complaints are classed as emergencies, the Chairperson of the Committee shall have the power to immediately suspend or terminate any manipulation where the Chairperson considers that the Animal Welfare Act is in danger of being breached. The chairperson will report to the Committee the outcome of the emergency complaint for further action if necessary.

For complaints classed as non-emergencies, the Committee will discuss the complaint and the chairperson will write to the complainant stating the action(s) that will be taken. If further clarification is sought by the complainant, they will be given the opportunity to respond and attend the next Committee meeting.

In the event of complaints against the Chairperson, these shall be addressed to the Chief Executive.

RESPONSIBILITY – NELSON MARLBOROUGH INSTITUTE OF TECHNOLOGY (NMIT)

- a) Nelson Marlborough Institute of Technology (NMIT), shall not conduct, or permit any person to conduct on its behalf, whether on NMIT's premises or elsewhere, any research, experimental, diagnostic, toxicity, or potency testing work involving the manipulation of any live animal, or teaching involving the manipulation of any live animal, unless that work or teaching is carried out in accordance with this Code.
- b) NMIT shall bring every such proposal to the attention of the Committee for its prior approval in sufficient time to enable adequate consideration thereof.

- c) All Acts of Parliament, Regulations or Bylaws pertaining to the obtaining, holding, possession, care and treatment of animals are to be complied with.
- d) Every such proposal shall specifically refer to such of the following matters as are relevant to the proposal:
- i) Whether any alternative to the manipulation or use involving reduction, refinement or replacement, has been considered, and is reasonably practicable. If so, why such alternative is not being adopted;
 - ii) In what respect the work proposed is likely to result in the extension of the body of knowledge relevant to the health and welfare of humans, or animals, or the productivity of animals;
 - iii) In the case of any educational institution, that the manipulation or use is required as part of the teaching of that institution's curriculum;
 - iv) What factors are required or have been taken into account in the choice of animal species, and the weighting given to such factors. Where standard works of reference have been relied on, these should be identified;
 - v) The decision as to the number of animals involved, to ensure that it should be the minimum necessary to provide a scientifically interpretable result, consistent with the level of accuracy required.

Consideration must be given to:

- the design of the study;
- the level of accuracy necessary in the results;
- the possible confounding effects of animal variation;
- the needs of statistical analysis.

In general, duplication of experiments involving live animals should only be contemplated when it is considered that the original study requires scientific verification or was flawed or inadequate in some way which would invalidate its conclusions.

- vi) The source from which the animals are to be obtained, their movement and transportation and measures to ensure their welfare and humane treatment;
- vii) The responsibilities of the persons undertaking, supervising and responsible for manipulation and selection of animals, and their care and disposal;
- viii) The measures to be taken to ensure the general health and welfare of animals before, during and after manipulation; including the adequacy and cleanliness of housing, caging and equipment; the provision of food and water; prevention of over-crowding and prevention and control of disease;
- ix) The measures to be taken to minimise pain or distress, including abandonment of any manipulation and the humane destruction of animals where pain or distress cannot be held within reasonable levels (refer NAEAC's *Good Practice Guide for the Use of Animals in Research, Testing and Teaching*); and
- x) Any other aspects of the proposal which the applicant considers ought to be brought to the attention of the committee.

- e) NMIT shall in all respects comply with the regulations which relate to the keeping of sufficient records and the supply of statistics and other data to the Ministry for Primary Industries.
- f) Every proposal shall clearly identify the persons primarily involved in carrying it out and those responsible for the manipulations, and shall be signed by them. They shall be responsible to ensure that all personnel involved in the manipulation and care of animals are aware of their obligations under this Code. Every person signing the proposal shall provide appropriate information as to their experience with the procedures proposed in the application, and shall confirm that they have read this Code and will abide by it.
- g) In addition to containing an appropriate scientific and technical justification, and description of procedures sufficient to enable the Committee to have an adequate understanding of the proposal, and addressing any other matters referred to in paragraphs (d) and (f) above, every proposal shall be accompanied by an explanation in non-technical language fully describing the purposes and anticipated benefits of the work.
- h) NMIT shall fully and promptly comply with any decision of the Committee, and shall take into account any report of the Committee.
- i) Upon receiving from the Committee a report as to non-compliance with this Code, the Chief Executive shall immediately consider the report and take appropriate action thereon, which may include in-house disciplinary action, and/or reference of the report to the Ministry for Primary Industries with a view to a prosecution.
- j) NMIT shall indemnify each member of the Committee against any claim whatsoever arising out of any act done or omission made in good faith in pursuance, or purported pursuance of this code.

FUNCTIONS, DUTIES AND POWERS OF THE COMMITTEE

- a) The principal functions of the Committee shall be to ensure that the highest ethical standards are observed by Nelson Marlborough Institute of Technology (NMIT), and all persons associated with it in relation to the manipulation and use of animals.
- b) In considering any proposal put to it involving the manipulation or use of any animal, the Committee shall specifically take into account such of the following matters as it considers relevant:
 - i) What consideration has been given to the use of an alternative to manipulation, involving reduction, refinement or replacement, and what further consideration (if any) ought to be given to that or any other practicable alternatives, whether or not amongst those mentioned in the application;
 - ii) Whether there is good reason to believe that the findings will add to the scientific understanding of biological functions and behaviour, and will extend the body of knowledge aimed at improvement in the health and welfare of humans or animals, or the productivity of animals; or

Whether manipulation is a required (as opposed to merely convenient) part of an educational curriculum or for the purpose of teaching such curriculum; or whether there is any reasonably practicable alternative to using animals for assessing the potency, effectiveness or toxicity of substances or preparations of

established or potential usefulness for medical, scientific or commercial purposes.

- iii) What scientific, technical and humanitarian criteria have been employed in choosing an appropriate animal species, having regard not only to the nature of the experimental work and the question posed in planning it, but in particular, whether there are other techniques available, and which will prove equally appropriate. What weighting (if any) has been given to expediency and economic factors? Endangered or threatened species should not be used unless the findings are expected to assist the survival of that species. Where necessary, any statutory approvals must be obtained.
- iv) No more animals are to be used than are necessary to ensure unequivocal interpretation of the findings. Such consideration should include the design of the study or teaching exercise, the level of accuracy necessary in the results, the possible confounding effects of animal variation and the needs of statistical analysis. Whether duplication of experiments is involved, and if so, whether this is because the original study requires scientific verification or was flawed or inadequate in some way which would invalidate its conclusions.
- v) What measures are to be, or have been, taken to ensure that the procedures for the obtaining of animals for manipulation are such that they ensure the welfare and humane treatment of the animals.
- vi) That suitably qualified and experienced persons will be engaged in undertaking, supervising and responsible for manipulation and selection of animals, and that their care and disposal have been and will be safeguarded in accordance with the provisions of this code.
- vii) That every care has been taken to ensure the following:
 - that housing, feeding and general care of the animals involved is adequate to meet the needs of such animals;
 - that the housing and nutrition of experimental animals has been supervised by a veterinary surgeon (or by a person appropriately qualified in animal hygiene and husbandry, supported by a veterinarian where necessary);
 - that the collection and transport of the animals involved has been or will be carried out in such a way as to cause minimum distress;
 - that appropriate arrangements will be made for the final disposal of animals either to non-experimental locations (such as farms in the case of large animals), or by euthanasia.
- viii) What measures have been or are to be taken to minimise any pain or distress caused to live animals manipulated, including the abandonment of manipulation at any stage, and the immediate humane destruction of animals where pain and distress cannot be held within reasonable levels. This shall include:
 - consideration of the selection of techniques, which while achieving the desired result, will impose the least possible stress and pain on the animal;

- ensuring that the persons carrying out the manipulation are adequately trained in the requisite techniques; and the use of euthanasia and analgesia wherever necessary, the indications for such use being those accepted in good veterinary or laboratory animal practice;
 - ensuring that animals are not subjected to more procedures than are necessary to achieve the objective of the experiment or teaching exercise;
 - the termination and, if necessary, abandonment of studies which, if continued, would lead to an unacceptable level of suffering to the animals.
- ix) Adverse events will be reported to the chairman within 24 hours of an event. A report on this will then be presented to the Committee at the next AEC meeting. The report will focus on why the event occurred and the remediation undertaken to prevent this in the future.
- c) Subject to any other legal or statutory requirements, members of the Committee shall hold in confidence any information coming into their possession as members of the Committee, but this provision shall not prevent disclosure to the Ministry of Agriculture and Forestry or other proper authority of any unethical or unlawful act or omission relating to animal welfare.
- d) The Committee shall inspect any relevant animals, their accommodation and any records in relation to any manipulations or experimental work carried out upon them, or proposed to be carried out, at any time in order to satisfy themselves that the provisions of this Code are being properly carried out. A report of any inspections will be presented at the next Committee meeting and these reports will be collated. At least one meeting shall be scheduled for this purpose annually. Between meetings this power may be exercised by the chairperson together with one other member of the committee appointed under subparagraphs (iii), (iv) or (v) of paragraph (b) of Rule 4.
- e) The Committee may direct that any procedure, whether or not approved, be stopped or modified on ethical grounds, and that the animals involved be either euthanized or otherwise properly cared for. Between meetings this power may also be exercised by the chairperson and one other member of the committee as stated in the last preceding paragraph.
- f) The Committee will investigate any suspected non-compliance with this Code, and take the appropriate action. The Committee may report any suspected non-compliance to the Chief Executive.
- g) The Committee may seek expert opinion on any issue being considered.
- h) The Committee will consider and code all proposals for manipulations for the teaching year prior to academic year commencement.
- i) The Committee shall report annually to the Chief Executive upon its activities, for that calendar year outlining approved protocols, difficulties encountered, complaints received, and may at any time report to the Chief Executive on any matter pertaining to the welfare of animals involved in manipulation or to the operation of this Code.
- j) The Committee may:

- i) approve a proposal;
- ii) approve a proposal in principle subject to minor or technical modifications, or to conditions;
- iii) decline to approve a proposal unless it is modified;
- iv) decline to approve a proposal.

Any approval given shall be limited to a period of no more than three (3) years.

Every such decision shall be minuted, and shall be communicated in writing to the applicant.

- k) The Committee may in like manner approve or decline any variation of a proposal, or the extension of the term thereof, and in so doing shall take into account such of the matters set out in subparagraph (b) of this rule as it considers appropriate.
- l) The Committee shall be provided with reports on approved proposals and a final report on completion of an approved proposal, detailing the outcome(s) of the proposal.
- m) At its final meeting each year, the Committee will conduct an assessment exercise to determine if there has been adequate monitoring of projects throughout the year and whether these activities have been recorded in an appropriate way. All conclusions of this assessment will be included in the minutes of that meeting in a manner that is appropriate for an independent external review.

I, Tony Gray, of Nelson Marlborough Institute of Technology (NMIT) accept this Code of Ethical Conduct on behalf of NMIT, and accept the responsibility for ensuring that the provisions contained within this Code are complied with.

Tony Gray
Chief Executive
Nelson Marlborough Institute of Technology

REFERENCES

INTERNAL

Problem Resolution Framework
NMIT Complaint Procedure

EXTERNAL

Animal Welfare Act 1999