

Department of Conservation

**CODE OF ETHICAL CONDUCT
For the Use of
Animals for Research, Testing and Teaching**

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1. Introduction / Background on the Activities of the Organisation

1.1. Organisational Activities

The Department of Conservation (DOC) is the government agency responsible for the conservation of New Zealand's natural biodiversity and historic heritage. DOC seeks to improve the state of biodiversity by preventing threats (including fire, weeds and invasive species) to biodiversity, and by undertaking work to support the ecological integrity of public conservation lands and waters.

To achieve this goal, DOC undertakes many operational activities involving the protection and husbandry of animals as well as undertaking animal pest control. It also undertakes research, testing and teaching (RTT) to contribute to the understanding of ecosystems, biodiversity and species conservation.

The department recognises that the use of animals in RTT has a cost that must be weighed against the potential benefit obtained.

This Code of Ethical Conduct (CEC) is designed to comply with all the requirements of the Animal Welfare Act (AWA) 1999. Of particular relevance in the Animal Welfare Act (AWA) 1999 is Part 6: "Use of Animals in RTT", enabling the consideration of the use of specified animals in RTT by the Department of Conservation.

1.2. RTT and the Three Rs

As a part of the CEC and Animal Ethics Committee (AEC) processes, researchers wishing to manipulate animals for research, testing or teaching are required to submit an application to the AEC that demonstrates why there is no alternative to the use of the animal(s) and what will be done to minimise the number of animals manipulated and any distress that may result from the manipulation.

The principles of the 3Rs will be applied and described in the application process:

- **Replace** the use of animals with alternative techniques or avoid the use of animals.
- **Reduce** the number of animals to a minimum required to achieve the scientific requirements.
- **Refine** the way experiments are carried out to reduce animal suffering and enhance animal welfare.

1.3. Responsible Persons

The Department of Conservation (the 'Code Holder') must meet its legal responsibilities as defined by the Animal Welfare Act 1999. The Director-General retains the institutional responsibility to ensure the department is compliant with the CEC through the following delegated responsibilities for ensuring the code requirements are met:

- Deputy Director-General Biodiversity
- Chair of the department's Animal Ethics Committee
- Members of the AEC
- All individuals named on approved AEC approvals and associated documents
- All staff responsible for any aspect of care and welfare of animals used in RTT.

1.4. Persons/Organisations under the CEC

This CEC applies to all Department of Conservation staff and contractors, and all animals used for RTT within New Zealand by those staff and contractors.

The department's AEC does not parent (i.e., consider applications on behalf of) other organisations or individuals.

For research that occurs in collaboration with other New Zealand CEC holders, only one AEC will approve the research and only the CEC under which the approving AEC is appointed will apply.

2. Establishment, Functions, Powers and Membership of the Animal Ethics Committee

2.1. Functions, duties and powers of the Committee

The key functions and powers of the AEC are listed under Section 99 of the Animal Welfare Act 1999. The AEC also seeks:

- to ensure that the highest welfare and ethical standards are observed by all people associated with the AEC and the Department of Conservation in relation to the manipulation and use of animals
- to ensure compliance with the Animal Welfare Act 1999, including the Animal Welfare Amendment Act No. 2 (2015), by all people named on approved AEC approvals and associated documents.

2.2. Membership of the AEC

The AEC comprises statutory members and departmental staff members. The department's AEC will consist of a minimum of six members.

2.3. Statutory members

- a chairperson who is member of the department appointed by the Code Holder
- If the chairperson is a statutory member then they need to be a senior member of staff who is capable of evaluating the scientific value of the projects.
- a person appointed by the Code Holder on the nomination of an approved animal welfare organisation, such as the Society for the Prevention of Cruelty to Animals (SPCA), who is not employed by, or associated with, the department or involved in the use of animals for RTT
- a person appointed by the Code Holder on the nomination of a territorial authority or regional council who is not employed by, or associated with, the the department, or associated with the scientific community or an animal welfare agency
- a veterinarian appointed by the Code Holder on the nomination of the New

- Zealand Veterinary Association (NZVA) who is not employed by, or associated with, the department
- up to four additional departmental staff appointed by the Code Holder.

2.4. Departmental members

Departmental members of the AEC are selected based on experience with animal research or operational experience to provide a range of knowledge on topics covered by the AEC.

At least one senior statutory member must be appointed based on the capability to evaluate the scientific validity of projects.

All members are appointed and approved by the chairperson and Code Holder.

2.5. External members

Upon receipt of a claims form, external members appointed under section 2.3 will be remunerated by the Department of Conservation as per Cabinet office Circular CO(19) 1 *Revised Fees Framework for members appointed to bodies in which the Crown has an interest 17 June 2019*.

2.6. Additional members

The AEC has the power to co-opt additional expertise where additional skills or knowledge gaps are identified. This may be in relation to the science involved in applications, the species of animal or similar situations. Co-opted advisors do not have voting rights.

If the co-opted additional expertise is from the department, this will occur as part of their role so no additional remuneration will apply.

If the co-opted additional expertise is external to the department, they will be remunerated on an hourly rate commensurate with their skills and the complexity of the advice sought.

2.7. Appointment Procedures

The Code Holder will appoint the chairperson, and the AEC will elect the deputy chairperson.

Reappointment of statutory external members at the expiry of their term must be through a formal nomination by the relevant body as outlined in section 2.3.

Reappointment of Institutional members at the expiry of their term must be through the formal appointment process as outlined in section 2.3.

The secretariat of the AEC should be an employee of the department and approved by the Code Holder or delegate. The secretariat is 'in attendance', is not a member and does not form part of the consensus decision-making processes of the AEC.

2.8. Vacancies

Vacancies in the membership of the committee will not invalidate its actions, as long as a quorum of members (as outlined in section 3.4) is still available for committee meetings. Vacancies must be filled as promptly as possible in accordance with section 2 of this CEC.

If a member has an unexplained absence from the committee for three consecutive meetings, this member will have been deemed to have resigned their position on the AEC and the vacancy filled in accordance with section 2 of this CEC.

2.9. Induction and Training of New Members

The Chair will provide new AEC members with the NAEAC induction pack and additional departmental information as deemed necessary, including this Code. Members may also be required to attend NAEAC workshops, conferences and/or training courses during their term on the AEC.

2.10 Term of Appointment

Appointments shall be for an initial period of three years. Reappointment for a further two years is subject to the appointment process as outlined in section 2.3 of the CEC.

The Chairperson's appointment may be extended beyond the five years, if agreed to by the Code Holder.

2.11 Members Responsibility to Perform

If a member of the AEC has been negligent in the discharge or performance of their duties and this has materially and adversely affected the performance of the AEC in undertaking its functions and responsibilities, the ongoing involvement of that member in the AEC will be reviewed by the Chair, and the Code Holder, and the member's nominating body will be advised.

3 AEC Processes

3.1. AEC Meetings

The primary function of the AEC meeting is to review applications for animal manipulations submitted by staff members and contracted researchers for assessment and to monitor approvals. The AEC will provide and advise on matters relating to animals used in RTT, to ensure the highest welfare and ethical standards are required for the manipulation and use of animals by the Department of Conservation.

In accordance with the Animal Welfare Act 1999, including the Animal Welfare Amendment Act No. 2 (2015), applications must be submitted for the following:

- the manipulation of live animals in RTT
- the killing of animals for RTT
- the breeding or production of animals for RTT that may result in the birth or production of animals that are more susceptible to, or at greater risk of, pain or distress during its life.

The AEC is responsible for the review of monitoring of animal welfare during manipulation procedures, and end of project reports.

The AEC reviews and comments on other business related to animal use for RTT at the department.

3.2. Frequency of Meetings

The department's AEC will meet at least four times a year as organised by the chairperson. It has the potential to meet every month, except in January.

The upcoming year's meeting schedule is confirmed at the last meeting of the current year.

Meetings may be face to face or by video conferencing, teleconferencing, or skype. Face to face meetings will occur at a minimum four times a year.

3.3. Timing for Circulation of Agenda Items

The chairperson will ensure that meeting minutes are kept, that information is stored safely, and that the agenda, AEC applications and all other appropriate information is forwarded to the AEC members at least one week prior to the meeting.

3.4. Quorum

A quorum is 50% +1 of membership, including two external statutory members appointed as per section 2 of the CEC.

3.5. Decision Process

All decisions made by the AEC will be by consensus.

3.6. Conflict of Interest

Committee members must declare any actual or potential conflict of interest to the chairperson for consideration, prior to the matter concerned being discussed by the AEC.

When a conflict of interest is declared, it will be recorded, and the member will recuse themselves from all AEC deliberations and decision making, although they may be asked to brief the committee on the project as per section 3.12.

3.7. Effective Input of Committee Members

To ensure effective input from external members, all members will have equal opportunities to contribute to the business of the meeting. Decisions will be made after all committee members present have had the opportunity to express their views. All members will have the opportunity to ask for further information or clarification so that they can obtain information and answers to questions they have regarding applications made to the AEC.

3.8 Confidentiality

When inducted, committee members are advised of the need for confidentiality and must treat all information submitted to the AEC as confidential.

3.9 Consideration between Meetings

All AEC applications are considered in a meeting and if required, deliberations may be completed after the meeting should further information be requested. This is to avoid delays which may impact on the planned project.

There are certain occasions when an AEC decision (including the consideration of interim approval) may be required between meetings without having had the benefit of discussion at a previous meeting.

There are two situations where consideration of an interim approval between meetings may apply:

- modifications to existing approvals
- consideration for new proposals in urgent situations

3.9.1 Minor modifications to existing approvals

For modifications/alterations to existing approvals to be considered and approved by the chairperson the following criteria must be met:

- The changes do not involve a major departure from the approved study design.
- There is no increase to the impact grading.
- Additional staff and students are required to be added to an existing approval.
- Any change to numbers is the minimum necessary to retain the statistical validity of the original approval. Any increase over 10% of the original number requested must be agreed by a quorum of the committee.
- Any extension in time for the project does not exceed a three-year timeframe for the total duration of the project.

Any other modifications need to be considered by the whole committee.

3.9.2 Interim approvals

An interim approval for a new project may be issued on a well-justified case-by-case basis, where there are reasonable grounds for the urgency of the approval.

The requirements for considering an interim approval are:

- There is a legitimate requirement for urgency.
- The manipulation is graded A and/or B.
- The application is brought to the next meeting of the AEC, which may endorse, endorse with conditions, or not endorse the decision.

A subcommittee of the AEC shall consider these proposals. Subcommittee membership must include as a minimum the chairperson (or deputy chairperson), two of the statutorily appointed external members and a departmental AEC member.

The interim approval shall be considered for ratification at the next AEC meeting and the approval subsequently confirmed in writing by the AEC.

3.10 Public Presence at Meetings

Meetings will not be open to the public.

3.11 Applicant Presence at Meetings

The AEC may invite applicants to be present at the meeting in support of their application and to answer any questions the AEC may have.

Applicants may also apply to the chairperson requesting attendance at the AEC meeting to present on their application and answer questions from the AEC, which will be at the discretion of the chairperson.

3.12 Secretariat Support

Secretariat support will be supplied by the department. The secretariat will have the following skills:

- Organisational aptitude
- Accurate minute taking
- Attention to detail.

3.13 Record keeping and Information Management

AEC documentation is maintained in order to meet the requirements of the Animal Welfare Act. All information is retained in the Department's electronic filing system.

3.14 Reporting of Animal Use Statistics to MPI

The Chair will ensure that the AEC will report annually on the statistics on animal use and impact of use on approvals as per the MPI Guideline.

3.15 Process to amend the CEC

Should the situation arise whereby a minor amendment is necessary to the Code, this will be raised through the Chair, who will then arrange and recommend amendments to the Code-holder and facilitate the notification process to MPI. Approval from MPI will be sought for amendments that are not minor.

4 Consideration of Projects by the AEC

4.1 Criteria for Consideration

When considering submitted applications, the AEC shall ensure that the application meets the criteria set out in section 100 of the Animal Welfare Act.

4.2 Outcomes for Consideration

The AEC may:

- **Approve**

Work on the research may commence as per the approval, with standard or specific conditions.

- **Require revision**

No work is to commence, as the application requires revision.

Provisional approval may be granted pending the applicant providing further minor details or clarification and agreed to out of session by the members. In this instance, approval will not be issued until all members agree to the approval in writing as a result of receiving the further information.

- **Decline**

No work is to commence in any capacity in relation to the application.

All decisions will be recorded in the minutes and the applicant advised of the outcome in writing.

4.3 Conditions of Approval

Conditions of an approval and manipulation gradings will be determined by the members during deliberations and recorded in the approval. Conditions will be managed by means such as manipulation reports, manipulation statistics, the supply of video recordings and, when possible, site visits.

4.4 Maximum Approval Period

The maximum approval period for an application is three years. At this time all animal manipulations must stop. Where there is sufficient justification, an extension of up to two years may be granted by the AEC upon application.

4.5 Power to Suspend, Revoke and Vary Approvals

The AEC has the authority to suspend or revoke approvals or vary conditions of approvals temporarily or permanently. This may be a result of non-compliance with the conditions of approval, concern for animal welfare, or concern that the project is not being undertaken as authorised.

Non-compliance that result in suspensions, revocations or variations to approvals will be communicated in writing to the project leader and their manager.

4.6 Changes to Approved Applications

There may be the requirement for modifications to the approved manipulation procedures or other aspects. Such requests (for items other than those specified in section 3.10.1 – minor modifications between AEC meetings) should be submitted to the AEC with supporting documentation.

4.7 Protection of AEC Members

Members of the AEC are protected under section 104 of the Animal Welfare Act and are not personally liable for any act done or omitted by the member or the committee in good faith in the course of the operations of the committee.

5 Responsibilities under AEC Approved Projects

5.1 Compliance

To ensure that any RTT involving the manipulation of a live animal is carried out in accordance with this Code, the application form explicitly requests information on the three Rs, the justification for the manipulation, and the welfare measures to be undertaken for the animals. The project lead's manager is also a signatory on the application form and any approvals issued.

The Code Holder is responsible for monitoring compliance of approvals with all Acts of Parliament, regulations or bylaws pertaining to the care and treatment of animals. Particular attention will be given to sections 80 and 100 of the Animal Welfare Act.

5.2 Appropriate Qualifications

All staff or contractors approved to manipulate animals must have the appropriate skills to perform the manipulations they are authorised to perform under an approval. The AEC will specify any required training and the timeframes for completion of training, evidence of which must be provided to the AEC.

Use of sedatives in predator research by non-veterinarians is managed under section 28 of the Agricultural Compounds & Veterinary Medicines Act (ACVM Act) 1997 and allows Research, Teaching and Testing Organisations (RTTO's) to use veterinary medicines under certain circumstances as described in an Operating Plan approved by MPI and the use of Controlled Drugs is under Ministry of Health approval. Key documents include the MPI approved Operating Plan DM-3190578 and MoH audited Controlled Drug Standard Operating Procedure DM-3170683.

A factsheet describing the requirements for staff when animal remedies are proposed to be used as part of a manipulation is available on DM-5381099, including the requirements set out in the Section Z: *Application for the Use of Prescription Registered Veterinary Medicines* which must be submitted to the AEC with the project application form.

If the manipulation is approved, an Institutional Drug Administration Order is issued by the DOC veterinarian and endorses a drug regime which is specific to that AEC approval. In gaining approval, key requirements stipulated in the ACVM Act and the DOC Operational Plan (MPI approved) must be met.

5.3 Transportation of Animals

All transportation of animals will be humane and hygienic and in accordance with regulatory requirements. This will be achieved through any conditions included in the approval.

5.4 Housing of Animals

Animal facilities and practices shall be in accordance with good practice and scientific knowledge (for example, as recommended by NAEAC in its Good Practice Guide for the Use of Animals in Research, Testing and Teaching (March 2019)) and to the relevant codes of welfare issued under section 75 of the Animal Welfare Act. This is to ensure that the animals' health is safeguarded, and that undue stress is avoided. All requirements of the Animal Welfare Act must be met.

5.5 Sick and Injured Animals

Sick or injured animals will not be manipulated.

Any animals found to be sick or injured during a project will be notified to the DOC veterinarian for expert wildlife advice. In such cases, the manipulation to a sick or injured animal will not occur. Where veterinary care is not possible (e.g., a large wild animal on an inaccessible island or at sea), a vet will also be contacted for advice on welfare options.

5.6 Standard Operating Procedures and Best Practice Documents

Departmental staff may develop SOPs or best practice documents for animal husbandry practices or routine procedures that relate to the manipulation of animals in RTT. These documents will be developed in consultation with experts, and peer reviewed. They will then be submitted to the AEC for consideration, review and feedback.

Any SOPs or best practice documents that include significant surgical procedures will include a competency component to ensure the welfare of animals and compliance with legislation. SOPs or best practice documents that include the use of significant surgical procedures do require approval by the AEC.

5.7 Adverse Events

Any animal welfare adverse events that occur during a manipulation or as a direct consequence of the manipulation shall be dealt with promptly, and the Chair and the department's vet notified immediately. An adverse event report must be completed and submitted to the AEC for discussion. If appropriate, the adverse event will be logged on the Lessons Learnt Register (DM- 2626553) if the AEC believes similar events are preventable in the future.

5.8 Grading

All applications submitted to the AEC will be assessed for the appropriate manipulation grading as per the Animal Manipulation Grading Guide. (DM-870472).

All projects will have their grading reviewed by both the approval holder and the AEC when the final project report is submitted.

6 Animal Facilities

6.1 Management of Animal Facilities

Although most manipulations that occur under this Code by departmental staff and contractors involve wild animals that are not contained within a facility, in rare instances animals may be contained.

Should an animal be in a facility, all practices will be in accordance with best practice and scientific knowledge (as recommended by NAEAC in its Good Practice Guide for the Use of Animals in Research, Teaching and Testing (March 2019)) and the relevant codes of welfare issued under section 75 of the Animal Welfare Act.

The Code Holder, or delegated authority, shall ensure that systems and procedures have been put in place to manage any impacts on welfare of animals in facilities, including those caused by emergency events.

The AEC has the power to inspect any animal facility where approval has been granted for a manipulation in order to be satisfied that animals are being cared for appropriately and in accordance with the AEC approval and any relevant codes of welfare issued under section 75 of the Animal Welfare Act.

7 Monitoring

All individuals involved with approvals are required to comply with the conditions of the AEC approval and this code.

The AEC is responsible for the monitoring of all approved projects. Where a delegated authority is nominated by the AEC to provide this monitoring function, this must be recorded in writing. All monitoring events, such as site visits, will be documented and reports received by the AEC.

Where corrective actions are identified, these must be time framed with specific responsibilities allocated. Compliance with corrective actions will be monitored by the AEC, and where non-compliance is significant or ongoing, the AEC will escalate the matter to the Code Holder or their delegated authority.

Where appropriate, matters may be referred to external compliance agencies.

7.1 Powers of the AEC

The AEC has the power to inspect animals, their facilities and related experimental records at any time to satisfy itself that approved procedures are being properly carried out.

Between meetings, this power is vested in the chairperson and (in the absence of the chairperson), the deputy chairperson on behalf of the AEC.

7.2 Monitoring during the approval period

At a minimum, interim manipulation reports will occur annually, and the final manipulation report will be due within two months of the completion of the project.

Site visits and/or post approval monitoring will be conducted on at least 10% of grade A – C approved projects, and all grade D and E projects. For some approvals, video recordings will be a necessary monitoring tool due to site accessibility, with the majority of the department's animal manipulations occurring in the field or at sea.

Monitoring during an approval period will at the minimum comprise interim manipulation reports and often a request for video footage of a manipulation, given the locations where most departmental AEC projects occur.

Where practical, to achieve independent monitoring, site visits or video footage are to be provided. These monitoring events are recorded on the AEC Applications and Approvals master record on DM 456787.

Visits to sites are desirable, but not always possible.

7.3 Monitoring by Proxy

When applicable, monitoring of manipulations by a representative of the AEC may occur. The attributes of a person and their qualifications will be discussed as part of the application deliberations and the role of the monitor will be described in the AEC approval.

The monitor will provide a short report to the Chair for inclusion in the next agenda.

7.4 End of Approval Reporting

The AEC will be provided with an end of project report submitted by the project lead. The report must include the outcome of the research, any approved modifications made to the project or approval and all reports of inspections, site visits, sick animal reports or similar. The end of approval report will include the initial grading of the approved project, and an assessment from the project lead on the manipulation grade during the approval.

Timing of the submission of interim and final manipulation reports is listed on the AEC Approval.

7.5 End of Approval Grading

The final manipulation report will include the project lead's assessment of the manipulation grading and the rationale if it has changed from the original grading determined by the AEC. The AEC has the power to change the final grading if it believes this is required.

7.6 End of Approval Statistics

The timing for submitting manipulations statistics is recorded on the AEC approval when issued. In addition, in November of each year, a reminder request will be sent to all approval holders who are due to submit manipulation statistics by February of the following year.

8 Complaints Procedures

8.1 Reporting of Complaints

All complaints regarding animal welfare must be reported to the chairperson, discussed in a meeting, and recorded in the minutes. All complaints will be investigated by the Chair or a delegate.

8.2 Procedural Complaints

Complaints may be written to the chairperson of the AEC. The chairperson may consult with other personnel as needed to complete any required investigation. If the matter cannot be resolved by the AEC, or to the satisfaction of the complainant, it shall be referred to the Deputy Director-General, Biodiversity.

In accordance with section 103 of the Animal Welfare Act, any member of the AEC who believes that the committee or the Department of Conservation is failing to comply with the CEC may report such non-compliance to the Director-General of MPI.

An AEC member who makes such a report in good faith shall not be liable to any discipline or civil proceedings from the Department of Conservation because of having made the report.

8.3 Animal Welfare Complaints

8.3.1 Animal welfare complaints made by members of the public

Complaints made by members of the public shall be referred to the AEC chairperson who will correspond/liaise directly with those concerned to inform them of the department's position and/or to advise them that further correspondence may be addressed to MPI.

If the committee agrees that there is evidence of a potential non-compliance, the chairperson shall arrange an investigation by AEC member(s), with a formal report provided to the next AEC meeting. Where non-compliance with the CEC or Animal Welfare Act is identified, corrective actions shall be recorded and monitored by the AEC. The Code Holder will be notified.

8.3.2 Animal welfare complaints made by departmental staff

Complaints made by departmental staff or AEC members shall be directed to the AEC chairperson. If there is evidence of a potential non-compliance, the chairperson shall arrange an investigation by AEC member(s). A report of the investigation will be provided to the next AEC meeting and the Code Holder. Corrective actions will be identified and monitored by the AEC.

Where the Code Holder believes the complaint justifies escalation, the MPI shall be notified.

8.3.3 Complaints made about the Chairperson

Complaints made members of the public regarding the chairperson shall be directed to the Code Holder or delegate, who will correspond/liaise directly with the chairperson to resolve the issue.

Where the Code Holder believes the complaint justifies escalation, the MPI shall be notified.

9 Process to Amend, Suspend or Revoke the CEC

Should circumstances arise whereby this Code of Ethical Conduct requires an amendment, suspension or revocation, the chairperson shall notify the Code Holder, in writing, and contact MPI to complete the process.