Nelson Marlborough Institute of Technology

CODE OF ETHICAL CONDUCT

For the Use of
Animals for Research, Testing and Teaching

[Version 4.O 14.07.2019]

25.11.2019 - 24.11.2024

Contents

1.0 Introduction / Background on the Activities of the Organisation

1.1. Organisational Activities

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; 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.

- to emphasise the responsibilities associated with research, teaching and biotechnology involving the use of live animals;

- the research findings will enhance biological or ecological understanding, human or animal health or welfare, management of ecosystems, the production or productivity of animals, or the achievement of educational objectives;

- the use of the animals in research is expected to provide benefits that will outweigh the likely harm to the animals;

- 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

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

- 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

- 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;

1.2. RTT and the Three R's

The Code seeks 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.

Persons responsible for administering the Code. The Chief Executive of Nelson Marlborough Institute of Technology is responsible for administering this Code of Ethical Conduct. Responsibility for ensuring compliance with the Code is delegated to the Programme Coordinator for Aquaculture, and day-to-day management of compliance is delegated to the Chair of the Animal Ethics Committee.

1.3. Persons/Organisations under the CEC

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.

2.0 Establishment, Functions, Powers and Membership of the Animal Ethics Committee

2.1 Functions, duties and powers of the Committee

The functions and duties of the AEC are to:

a) consider and determine applications for the use of animals in research, and set conditions of approval

b) monitor compliance with conditions of approval, and suspend or revoke approval where necessary

c) monitor animal management practices

d) recommend amendments to this Code to the code holder.

2.2 Membership of the AEC

AEC members are appointed by the Chief Executive. The AEC will consist of a minimum of five members including:

A chairperson who is a senior representative of the company/organisation, and who is nominated by the AEC

A senior member of the staff of NMIT appropriately qualified and experienced in the manipulation and use of animals; and the following 'statutory external members' (i.e. as required by the Act):

2.2.1 A person nominated by an approved animal welfare organisation, such as the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA), who is not employed by or associated with MWLR, or involved in the use of animals for research, testing or teaching.

2.2.2 A person nominated by a territorial authority or regional council, not employed by or associated with MWLR, or associated with the scientific community or an animal welfare agency.

2.2.3 A veterinarian nominated by the New Zealand Veterinary Association (NZVA) who is not employed by or associated with MWLR.

2.3 External members

Nelson Marlborough Institute of technology will negotiate with the AEC a fair remuneration to cover:

2.3.1 time spent attending AEC meetings
2.3.2 travel costs associated with AEC meetings
2.3.3 time spent considering applications and amendments to approved applications
2.3.4 time and travel costs in relation to monitoring activities including visits to field sites
2.3.5 travel costs to attend conferences, training seminars, and meetings relating to AEC functions.

The level of remuneration will be reviewed annually at an AEC meeting and recorded in the minutes of the meeting.

2.4 Appointment Procedures

2.4.1 Term of appointment

All members are appointed, as described in 2.2, for terms of 3 years.

2.4.2 Reappointment of statutory external members

Statutory external members wishing to continue to serve on the AEC at the completion of a term must indicate this to the AEC at a meeting within the last 6 months of their term. The Chair will promptly seek written re-nomination of statutory external members from the appropriate organisation represented by the member as outlined in 2.2. Reappointment of statutory external members will be made at the discretion of the Chief Executive on the recommendation of the Academic Manager after consideration of the member-body re-nomination.

2.4.3 Appointment of Secretary and Minute Secretary

A statutory external member is appointed as Secretary to provide external checking that the process for dealing with research applications is correctly followed.

The Minute Secretary position is specifically for taking minutes at AEC meetings.
Nominations for these positions will be proposed in association with AEC positions when appointments are due. The committee Secretary must be a member of the committee. The Minute Secretary will normally be a member of the committee but, at the committee's discretion, a non-member may be appointed Minute Secretary. Where this option is taken the Minute Secretary will not participate in the formal discussion nor exercise a vote.

2.4.4 Chair and Deputy Chair

Nominations will be proposed at an AEC meeting when the appointment is due. Nomination of the Chair will be made by the AEC on the basis of majority votes and the process recorded in minutes of the meeting. The committee secretary will then seek formal appointment of the Chair by the Chief Executive.

In the event that the Chair will not be available to the AEC for a period greater than one month, a deputy will be appointed following the same procedure. The appointment will be made for the period during which the Chair is unavailable.

2.4.5 Reappointment of non-external members

At the expiry of their term, non-external members wishing to continue serving on the committee must be formally nominated by the AEC as outlined in 2.2.

2.4.6 Scheduling reappointments

The Chair will maintain a schedule of dates indicating when reappointments are due and raise these at AEC meetings immediately preceding each scheduled date.

2.5 Vacancies

2.5.1 Vacancies in the membership of the committee will not invalidate its actions, as long as a quorum of members is still available for committee meetings. Vacancies must be filled promptly in accordance with 2.2 and 2.4 of this code.

2.6 Induction and Training of New Members

Following appointment to the AEC, the Chair will undertake a one-on-one familiarisation with each new member on committee procedures. Familiarisation will involve a step-by-step demonstration of committee procedures with reference to hard-copy examples of documentation that is used in the processing and archiving of research applications. The member will also be provided with copies of the Animal Welfare Act 1999, this Code of Ethical Conduct and the 'New Member Pack' supplied by the National Animal Ethics Advisory Committee (NAEAC). New members will be encouraged to seek advice from the Chair on any aspect of committee responsibility. Members will also be encouraged to attend NAEAC workshops, conferences and/or training courses during their term on the AEC.

2.7 Term of appointment

All members are appointed, as described in 2.2, for terms of 3 years.

3.0 AEC Processes

3.1 AEC meetings

To ensure effective input, all members will have equal opportunity 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.

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

3.2 Frequency of Meetings

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.
Reasonable prior notice of the time, date, place and proposed business of each meeting shall be given to each member.

3.3 Timing for Circulation of Agenda Items

The chairperson will ensure the agenda, AEC applications, and all other appropriate information is forwarded to the AEC members at least one week prior to the meeting.
Reasonable prior notice of the time, date, place and proposed business of each meeting shall be given to each member.
The Committee Secretary will normally record meetings and keep minutes.

3.4 Quorum

A quorum is at least three members comprising the Chair and two statutory external members appointed as described in 2.2. Meetings will not proceed if a quorum is not achieved.

3.5 Decision Process

The AEC will engage in discussion of applications and other matters.
All decisions will be by consensus.

3.6 Conflict of Interest

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.

3.7 Effective Input of Committee Members

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

3.8 Confidentiality

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 Primary Industries or other proper authority of any unethical or unlawful act or omission relating to animal welfare.

3.9 Use of Tele/Video Conferencing

Tele or video conferencing may be used to consider applications between quarterly meetings. Such meetings must achieve a quorum and be minuted. Members have the right to require discussion of applications in face-to-face meetings.

3.10 Consideration between Meetings

3.10.1 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.

3.11 Public Presence at Meetings

Meetings will not be open to the public.

3.12 Applicant Presence at Meetings

AEC members may request the attendance of applicants at meetings to answer any questions members may have.

3.13 Use of Sub-Committees

Sub-committees may be formed to undertake specific tasks, such as monitoring (see 7.1 b) or other activities. A sub-committee will be formed by the AEC only if there is consensus within the committee as to the need and appropriateness of its formation, and it will comprise at least two statutory external members.

3.14 Secretarial support

Secretarial support for the committee is undertaken by the appointed Committee Secretary. They are supported by the Committee Chairperson in this role.

3.15 Record keeping and Information Management

All AEC documents and records will be held in electronic form in appropriate folders within the NMIT network. The information will include (but not be limited to):

- MPI-approved The Code of Ethical Conduct
- Operation Guidelines (which contains AEC forms and guidance)
- Institutional Operating Procedure (for regulating the use of restricted veterinary medicines)
- Study applications associated Animal Use forms
- AEC responses to applications and associated correspondence
- Study reports
- Monitoring reports
- Minutes of AEC meetings

3.16 Reporting of Animal Use Statistics to MPI

- Statistics on animal use and impact of use for each calendar year will be forwarded to MPI.
- In December each year, the Secretary will collate data from Animal Use forms for completed projects, and submit the data to MPI in the summary format required during January/February each year.

3.17 Process to amend the CEC

The AEC may occasionally wish to amend this Code, for example, to refine processes or accommodate new requirements. The Chair will seek approval from the Chief Executive (or delegate) to notify MPI of any such minor amendments or seek MPI approval for any that are more significant.

4.0 Consideration of Projects by the AEC

4.1 Criteria for Consideration

The criteria, specified in section 100 of the Act, by which applications will be considered by the AEC are:

a) the 'Purposes' of this Code (see 1.2)

b) regulations made under the Act

c) scientific objectives of the research application

d) the likely harm or distress resulting from proposed manipulation(s) and the means by which they will be minimised

e) whether the expected benefits of the study outweigh the expected impact on animal welfare of the study

f) the likelihood of the research achieving its aims

g) the reasons for selecting the proposed animal species

h) the biostatistical justification of proposed numbers to be used

i) the adequacy of animal health care measures proposed

j) the qualifications and experience of personnel involved in the proposed research

k) whether duplication of a previous study is proposed

l) whether animals are to be used repeatedly

m) whether findings will be adequately used, promoted or published

n) any other criteria that the AEC considers relevant.

o) Storage will be managed by the Chair and Secretary.

p) Access to the information will be under password control and is secure. In addition to the Chair, access to the stored information will be available to the NMIT Committee members only.

q) All records will be maintained for at least a 10-year period.

4.2 Outcomes for Consideration

The AEC may approve a proposal, decline a proposal, or direct that a proposal be modified on ethical grounds before approval is given. Decisions will be minuted. The outcome will be documented in writing, signed on behalf of the committee by the committee secretary, and sent to the applicant. Each application, and the associated discussion and decision, will be presented at the next meeting as an opportunity for further discussion.

4.3 Conditions of Approval

4.3.1 Maximum Approval Period

The maximum approval period for an application is three (3) years.

4.3.2 Power to Suspend, Revoke and Vary Approvals

The AEC has the power to suspend or revoke approvals or set, vary or revoke conditions of project approval.

4.3.3 Changes to Approved Applications

Changes to approved studies are sometimes required. The process and application form used in considering such amendments will be based on the following principles:

where changes increase the suffering of animals involved or the numbers of animals used, an amendment must be submitted to the entire AEC for approval.

where there is no change or a decrease in the level of suffering of animals used, the amendment must be approved by the Chair and a veterinary member of the AEC. Where animal numbers used are reduced, this must be endorsed by a person with biostatistical experience to ensure that the aims of the study will not be compromised.

4.3.4 Protection of AEC Members

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.

5.0 Responsibilities under AEC-approvals

Project Leaders for AEC-approved applications have the following responsibilities:

5.1 Compliance

5.1.1 Ensure that any research involving the manipulation of any live animal is carried out in accordance with this code.

5.1.2 To bring all research proposals to the attention of the AEC for consideration. Research proposals are to be presented on the standard application form (see 4.2).

5.1.3 To ensure that no animal manipulation is carried out until AEC approval is received.

5.2 Appropriate Qualifications

To ensure that any approved manipulations are undertaken by appropriately qualified personnel, or under the direct supervision of appropriately qualified personnel.

5.3 Transportation of Animals

To ensure that animals are transported under humane and hygienic conditions at all times. Animals must be physically handled in a manner that minimises the likelihood of pain or distress. Transport and handling practices will meet the requirements of relevant MPI 'Codes of Welfare'.

5.4 Housing of Animals

To ensure that, when animals are housed, their health is safeguarded and that undue stress is avoided. Sufficient space must be allocated and environmental conditions must be consistent with the needs of the species concerned. Animals shall receive free access to water and adequate food to meet their nutritional requirements, and ways of enriching the environment of captive animals' must be considered.

5.5 Sick and Injured Animals

To ensure that the person caring for the day to day needs of animals in AEC-approved studies is properly trained and has access to a registered veterinarian should the need arise.

To ensure that sick or injured animals receive appropriate care from animal facility staff or a veterinarian, and that the Chair is promptly notified of unexpected ill-health incidents via an Adverse Event report (see 5.8).

5.6 Standard Operating Procedures

To ensure that appropriate SOPs are attached to AEC applications and used in the conduct of the study. Staff will develop standard operating procedures for animal husbandry practices and routine procedures that relate to the manipulation of animals in research trials. These standard operating procedures, or amendments to them that may impact animal welfare, will be submitted to the animal ethics committee for consideration and approval (See 6.2).

5.7 Adverse Events

To ensure that any adverse events (i.e. an unexpected impact on an animal's welfare) that occur during an approved study are dealt with promptly. If an animal is injured or sick as a result of the adverse event, appropriate care must be sought immediately from animal facility staff or a veterinarian. The adverse event must be reported to the Chair of the AEC as soon as practicable. The Chair will determine what, if any, additional action is required. The adverse event will be discussed at the next AEC meeting and procedures will be developed to prevent the event happening in future research trials if the AEC believes it is preventable.

5.8 Grading

The AEC will assess impact grading of any proposed application using the MPI grading guidelines.

No impact	A
Little impact	B
Moderate impact	C
High impact	D
Very high impact	E

5.9 Euthanasia for tissue collection/dissection

Animals used for tissue collection or dissection will usually be sourced from commercial sources. Where research animals are used, the relevant approved project will be in place. All animals will be euthanised using the appropriate SOP. The animal numbers for this process will be recorded separately to other uses.

5.10 Rehoming

Opportunities to rehome animals will be considered wherever possible, especially when the project or manipulation has had minimal impact on the welfare of the animal. Rehoming will be the preferred choice if the physiological condition and behavioural attributes of the animal indicate that it can be introduced to a new environment with little, or no, transient impact on its well-being and biosecurity requirements are met.

An animal should not be released to a person at the conclusion of its use unless:

- the AEC has approved such release;
- safeguards are in place and approved by the AEC to ensure the ongoing well-being of the animal;
- transport of animals between sites is appropriate.

6.0 Animal Facilities

The NMIT animal facilities comprise of air-conditioned, temperature- and photoperiod-controllable facilities.

The facility and animal management practices have been designed to ensure the physical, health and behavioural needs of animals are met including:

a) appropriate and sufficient food and water
b) adequate shelter
c) opportunity to display normal patterns of behaviour
d) physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress
e) protection from, rapid diagnosis of, and treatment of any significant injury or disease.

These needs will be met in a manner that is appropriate to each species of animal kept at the facility, recognising the environment and circumstances required for research studies.

6.1 Management of Animal Facilities

6.1.1 NMIT and parented institutions has developed policies and procedures to ensure that all animal facilities and practices shall be in accordance with good practice and scientific knowledge as well as good biosecurity processes.

6.1.2 NMIT and parenting institutions all have contingency plans to secure the welfare of animals in the event of emergencies.

6.2 Development of SOPs for facility management

Standard husbandry practices used at the Animal Facility will be described in Standard Operating Procedures (SOPs), developed as the need arises. SOPs provide clear instructions for Animal Facility staff performing routine tasks

Where manipulations are used routinely by research staff in approved studies, SOPs can be submitted to the AEC . Once approved, the SOP can only be used as part of an application to the AEC: an approved SOP alone does not constitute an approval to manipulate animals.

All SOPs will be reviewed every 5 years by the AEC vet who will report findings to the Animal Facility Manager and Chair. The report will also be discussed at the next AEC meeting. Proposed amendments to SOPs must be submitted to the AEC for consideration.

6.3 Monitoring Animal Facilities

Animal Facilities will be monitored once per year and a report drafted by the monitoring sub-committee to be considered by the AEC at the next timetabled meeting.

7.0 Monitoring

Monitoring of approvals and animal facilities is one of the main responsibilities of the AEC. Monitoring activity will be discussed at each meeting.

7.1 Powers of the AEC

A range of activities will be undertaken by the AEC to monitor the conduct of approved studies, and to assess the standard of the Animal Facility and its management:

7.1.1 Site visits (unscheduled): AEC members have the right to view any AEC-approved studies occurring at the Animal Facility at any stage. This will be arranged through the Chair and can, on request, be conducted as an unannounced visit. The AEC member who makes the visit will draft a report. This will be finalised following distribution to all other members and presented at the next meeting with key findings being documented in the minutes.

7.1.2 Site visits (scheduled): when applications are approved for studies at the Animal Facility, the AEC will consider the desirability of monitoring planned work. These visits will be made by the monitoring-subcommittee to observe animal facilities, husbandry and manipulations. The subcommittee will consist of the Chairman and one other committee member. Routinely one visit per year will be undertaken by the Monitoring sub-committee.

If membership does not include a vet, the subcommittee will seek advice from an AEC vet as needed.

The Chair will notify project leaders where the AEC wish to monitor approved work. This will be noted in the Conditions of Approval together with responsibilities of the project leaders to facilitate the monitoring by:

a) obtaining, from the Chair, contact details for the monitoring subcommittee
b) initiating contact with a member of the monitoring subcommittee to arrange an appropriate schedule of inspection visits for the project
c) being the primary point of contact for the monitoring subcommittee
d) being responsible for ensuring that the monitoring subcommittee has full opportunity to monitor the work
e) notifying the Facility Manager of monitoring visits for studies based at the facility
f) informing the monitoring subcommittee of any changes in the project-monitoring schedule
g) notifying the monitoring subcommittee when the project has ended
h) notifying both the Chair and the monitoring subcommittee immediately of any adverse incidents.

7.2 Monitoring of Manipulations Grade A & B

Site visits to approved studies using captive animals will be made for at least 10% of approvals graded A-B.

7.3 Monitoring of Manipulations Grade C-E

All approvals graded C-E will be visited that entail new manipulations.

7.4 Monitoring by Proxy

Monitoring visits will be made by the monitoring-subcommittee to observe animal facilities, husbandry and manipulations. The subcommittee will consist of the Chairman and one other committee member.

7.5 Monitoring during the approval period

Project Leaders at meetings: AEC members may request that Project Leaders attend meetings to answer specific questions relating to compliance with approved study applications, or to make a presentation about planned, continuing or completed work.

Interim study reports – multi-year studies: Interim study reports must be sent annually (by 31 December) to the AEC for approved studies that will be conducted over a period of longer than one year. Reports must follow a format set out in the *Operational Guidelines* (Form 9). They must be sent to the AEC Chair in December of the year of approval unless less than 3 months has passed since approval by the AEC.

7.6 End of Approval Reporting

Final study reports: Final reports will be presented to the AEC following a format that focuses on study achievement and animal welfare considerations. They must be sent to the AEC Chair by 31 December of the year of completion. Study completion and reporting details will be entered into the database maintained by the Chair. Final reports must be reviewed by the AEC at the end of the maximum 3-year approval period before applications for continuation of such work will be considered.

7.7 End of Approval Grading

The AEC will be informed of the impact gradings at the completion of the project. This information will enable the AEC to compare the actual gradings from the manipulations performed against those proposed in the initial application. This information will be supplied at the first AEC meeting after the completion of a project.

7.8 End of Approval Statistics

Animal use reporting: the AEC will be informed of the number of animals manipulated at the completion of the project. This information will be supplied at the first AEC meeting after the completion of a project.

8.0 Arrangements for External Parties to Use the CEC and AEC ('Parenting')

8.1 Arrangements are not Permitted

n/a

8.2 Arrangements are Permitted

NMIT may enter into a discretionary 'parenting' arrangement if approached by an external organisation or person with a request for AEC service if:

- it is considered likely that the experience and expertise of the AEC is adequate for the type of application anticipated
- the geographical location of the proposed work is such that the AEC can effectively monitor the proposed work either directly or through a local veterinarian.

A decision as to whether a particular application will be considered will be made on a case-by-case basis so that review of applications beyond the experience or expertise of the AEC may be declined.

If such an arrangement is made, parented studies will be subject to the requirements of this Code.

The Chair will notify the Director-General of MPI in writing of any such arrangements.

9.0 Complaints Procedures

Members of the AEC are encouraged to think independently as well as collectively. From time to time a member of the AEC may have a complaint related to the manner in which an approved protocol is being managed, or about the proceedings of the AEC.

It is expected that the AEC should function in a cooperative manner such that disagreements relating to research applications or dissatisfaction with the functioning of the committee can be resolved by open and frank discussion. Such discussion may extend to particular staff members being invited to participate in meetings

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.

9.1 Reporting of Complaints

9.1.1 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.

9.2 Procedural Complaints

9.2.1 Where a complaint concerning the manner in which an approved protocol is being managed, the following will apply:

a) The member will discuss the concern in the first instance with the Chair.
b) If not resolved at that level the matter must be discussed at the next meeting of the AEC.
c) If a consensus cannot be reached by the AEC the member may take the issue to the Academic Manager.

9.2.2 **AEC procedures**

Where a member of the AEC has a complaint concerning the conduct of AEC proceedings, the following will apply:

a) The member will discuss the concern in the first instance with the Chair.
b) If not resolved at that level the matter must be discussed at the next scheduled meeting of the AEC or, if necessary, a special meeting may be called.
c) If a consensus cannot be reached by the AEC, the member may take the issue to the Academic Manager.
d) If the member is a member to which sections 101(6-8) of the Act applies, the member may discuss the issue in confidence with a senior member of the member's nominating organisation. In so doing the member must respect the confidentiality and commercial sensitivity of any information contained in any document in the member's possession or control.

e) Where a member of the AEC has a complaint against the Chair, this will be addressed to the Academic Manager who will pursue an appropriate course of action.

9.3 Resolution of complaint

Where an issue cannot be resolved by the AEC, an AEC member should forward a written complaint to the Academic Manager who will, if necessary, seek advice from appropriate external agencies before replying in writing to the member. Swift resolution will be sought so as to minimise impacts on the functioning of the committee. Should the member remain dissatisfied with the response received, a review of the decision can be requested. The Academic Manager may seek advice on the matter from NAEAC.

All such complaints and their resolution will be documented and archived by the Chair unless the member requests that the complaint is treated confidentially.

In addition to or instead of using the above procedures, any member of the AEC who believes the AEC or code holder is failing to comply with the Act or the Code of Ethical Conduct may report the non-compliance to the Director-General of MPI.

9.4 Complaints from staff and the general public

9.4.1 In addition to the statutory requirement for Codes to contain procedures to deal with complaints made by AEC members, the AEC will respond to complaints received from any member of staff or the general public in relation to either the conduct of animal-based research at NMIT or the functioning of the committee.

A response will be made by the AEC where the complaint relates to AEC procedures or AEC-approved studies. Such complaints and the AEC's response will be brought to the attention of the Academic Manager. Complaints of a more general nature regarding animal research at NMIT will be referred to the Academic Manager for response.

Copies of complaints will be filed and maintained by the Chair who, in conjunction with the Academic Manager and Chief Executive, will determine the need for informing other relevant authorities.

10.0 Appendix 1: Key definitions under the Animal Welfare Act 1999, incorporating amendments made by Parliament on 1 Jan 2018.

Notes: 1. All references to s.# are to sections in the Act.

2. The sections presented are incomplete, but contain the definitions of most relevance to researchers at NMIT. Amendments introduced on 1 Jan 2018 are shown in bold. Refer to the Act for the full version of each section.

'Animal'— s.2

(a) means any live member of the animal kingdom that is -

i) A mammal; or
ii) A bird; or
iii) A reptile; or
iv) An amphibian; or
v) A fish (bony or cartilaginous); or
vi) Any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
vii) Any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of this Act; and

(b) includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development; and

(c) includes any marsupial pouch young; but

(d) does not include—

(i) A human being; or

(ii) Except as provided in paragraph (b) or paragraph (c) of this definition, any animal in the pre-natal, pre-hatched, larval, or other such developmental stage.

'Manipulation' — s.3

(1) Unless the context otherwise requires, the term manipulation, in relation to an animal, means, subject to subsections (1A) to (3), interfering with the normal physiological, behavioural, or anatomical integrity of the animal by deliberately—

(a) subjecting it to a procedure which is unusual or abnormal when compared with that to which animals of that type would be subjected under normal management or practice and which involves—

(i) exposing the animal to any parasite, micro-organism, drug, chemical, biological product, radiation, electrical stimulation, or environmental condition; or

ii) enforced activity, restraint, nutrition, or surgical intervention; or

(b) depriving the animal of usual care;—

and 'manipulating' has a corresponding meaning.

(1A) The term defined by subsection (1) includes the killing of an animal (other than an animal in a wild state) for the purpose of interfering with the animal's body or its tissues in a manner specified in that subsection.

(1B) The term defined by subsection (1) also includes the breeding or production of an animal using any breeding technique (including genetic modification) that may result in the birth or production of an animal that is more susceptible to, or at greater risk of, pain or distress during its life as a result of the breeding or production.

(2) The term defined by subsection (1) does not include—

(a) any therapy or prophylaxis necessary or desirable for the welfare of an animal; or

(b) the killing of an animal by the owner or person in charge as the end point of research, testing, or teaching if the animal is killed in such a manner that the animal does not suffer unreasonable or unnecessary pain or distress; or

(c) [**Repealed**]

(d) the hunting or killing of any animal in a wild state by a method that is not an experimental method; or

(e) any procedure that the Minister declares, under subsection (3), not to be a manipulation for the purposes of this Act.

'Research, testing, and teaching' — s.5

(1) Unless the context otherwise requires, the term research, testing, and teaching means, subject to subsections (1A) to (4),—

(a) any work (being investigative work or experimental work or diagnostic work or toxicity testing work or potency testing work) that involves the manipulation of any animal; or

(b) any work that—

(i) is carried out for the purpose of producing antisera or other biological products; and

(ii) involves the manipulation of any animal; or

(c) any teaching that involves the manipulation of any animal; or

(d) any routine breeding of animals that may result in the birth or production of an animal that is more susceptible to, or at greater risk of, pain or distress during its life, being breeding for the purpose of carrying out any work or teaching of a type specified in paragraphs (a) to (c) on any offspring.

(1A) The term defined by subsection (1) includes any work of a kind described in subsection (1)(a) or (b) carried out on the body or tissues of an animal after the animal was killed for the purpose, if the killing of the animal was a manipulation under section 3(1A).

(1B) A reference in subsection (1) to a manipulation of an animal includes a reference to the act of breeding or producing the animal in a way described in section 3(1B).

(1C) In applying subsection (1) in relation to a manipulation described in section 3(1B), the reference in subsection (1) to work must be read as a reference to scientific work but does not include normal animal management or practice.

(2) The term defined by subsection (1) does not include any manipulation that is carried out on any animal that is in the immediate care of a veterinarian, if—

(a) the veterinarian believes on reasonable grounds that the manipulation will not cause the animal unreasonable or unnecessary pain or distress, or lasting harm; and

(b) the manipulation is—

(i) for clinical purposes in order to diagnose any disease in the animal or any associated animal; or

(ii) for clinical purposes in order to assess the effectiveness of a proposed treatment regime for the animal or any associated animal; or

(iii) for the purposes of assessing the characteristics of the animal with a view to maximising the productivity of the animal or any associated animal.

(2A) Subsection (2)(a) does not apply in relation to a manipulation described in section 3(1A).

(3) The term defined by subsection (1) does not include any manipulation of an animal—

(a) which is carried out with the principal objective of—

(i) assisting the breeding, marking, capturing, translocation, or trapping of animals of that type; or

(ii) weighing or taking measurements from the animal; or

(iii) assessing the characteristics of animals of that type; and

(b) which is a manipulation of an animal that—

(i) is carried out routinely; or

(ii) is a minor modification of a manipulation that is carried out routinely; and

(c) which is used to fulfill responsibilities and functions under—

(i) the Conservation Act 1987; or

(ii) any Act listed in Schedule 1 of the Conservation Act 1987; or

(iii) any other Act or regulations under which the Minister of Conservation or the Director-General of Conservation or the Department of Conservation has responsibilities or functions; or

(iv) the Fisheries Act 1996.

(4) For the purposes of this section, an animal is in the immediate care of a veterinarian if the veterinarian—

(a) has accepted responsibility for the health and welfare of the animal; and

(b) is providing the animal with direct and continuing care.