MASSEY UNIVERSITY

CODE OF ETHICAL CONDUCT

FOR THE USE OF

LIVE ANIMALS FOR RESEARCH, TESTING AND TEACHING

Revised Edition 2008
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1. INTRODUCTION

1.1 Users of live animals for research, testing and teaching or production of biologically active agents have ethical and legal responsibility for the welfare of their animals.

1.2 Legal responsibilities in relation to this code holder are set down in the Animal Welfare Act 1999, specifically Part 6, sections 80, 99 and 100, and in all codes of animal welfare approved under that Act as listed on the MAF Biosecurity New Zealand website.

1.3 The Massey University Code of Ethical Conduct (the “Code”) is to be administered by an Animal Ethics Committee, which is responsible to the Vice-Chancellor through the Assistant Vice-Chancellor (Research).

1.4 The Code applies to all Massey University staff and students and all animals used for research, testing and teaching wherever they are.

2. THE ANIMAL ETHICS CODE

Note: Definitions of terms used are to be found in Section 10.

2.1 All individuals using animals for research, testing or teaching are to be familiar with the University’s Code of Ethical Conduct for the Use of Live Animals for Research, Testing and Teaching and so signify on their application to the Animal Ethics Committee. Guidelines for determining the need or otherwise for Animal Ethics Committee approval may be found on the Massey University Animal Ethics Committee website.

2.2 Manipulations should be proposed only after due consideration of the relationship between the ethical cost and the potential benefit to be obtained and where those responsible for the research, testing or teaching are thoroughly conversant with the literature and background information on the subject in question.

2.3 In making decisions on whether to approve an application, the Animal Ethics Committee will subscribe to the principles of replacement, reduction and refinement as defined in the Animal Welfare Act 1999 (Section 80).

2.4 Before an application is sent forward, careful attention should be given to the following:

(a) that the manipulation is necessary as part of an education curriculum, or

(b) that there is good reason to believe the findings will add to the scientific understanding of biological functions and behaviour or will extend the body of knowledge aimed at the
improvement of the health and welfare of humans and animals or the productivity of animals, and

(c) that alternative methods such as mathematical models, audio-visual means, computer simulation and in vitro biological systems cannot provide the required result or fulfil the purpose.

2.5 Animals selected for an experiment should be of an appropriate species and quality. Research, testing and teaching should be of an appropriate design and performed on the minimum number required to obtain scientifically valid results or meet teaching objectives. Endangered or threatened species must not be used unless the appropriate permits are obtained and the findings are expected to assist the survival of that species.

2.6 Manipulations must be undertaken by trained individuals or under the direct supervision of trained individuals. This includes euthanasia of animals.

2.7 While the primary responsibility lies with the chief applicant, all co-applicants and other persons involved are also responsible for the well-being of the animals and must give due regard to avoiding or minimising discomfort, distress or pain.

2.8 Paralysing agents will be permitted only under exceptional circumstances, in the hands of experienced personnel and, normally, under general anaesthesia.

2.9 Procedures with animals that may cause more than momentary or minimal pain or distress should be performed with appropriate sedation, analgesia or anaesthesia, including post-surgical analgesia, in accordance with best veterinary practice. Surgery or other painful procedures must not be performed on un-anaesthetised animals or those paralysed by chemical agents without sufficient justification. In the absence of information to the contrary, investigators should assume that any procedures that would cause pain in human beings will cause pain in other vertebrate species.

2.10 To minimise distress, no animal should be subjected to more procedures than are necessary to achieve the objectives of the research, testing or teaching. The fact that procedures are multiple in regard to individual animals must be brought to the attention of the Animal Ethics Committee at the time approval for a procedure is requested. Multiple procedures may be carried out on a single animal only if the applicant can justify that they are necessary and do not cause avoidable harm to the animal. The applicant must also show that, by repeatedly using the same animal, the results from the research, testing or teaching are not compromised.
2.11 Animals that suffer severe or chronic pain, distress, discomfort or disablement that cannot be relieved should be euthanased.

2.12 Prior approval of the Animal Ethics Committee, according to guidelines outlined in Section 3, must be obtained for any manipulation of animals within the facilities of Massey University or by university staff and students away from the university.

2.13 Animals should be acquired from specialised breeding programmes wherever possible. Other non-specifically bred animals should be used only if they meet research requirements for health and quality, and are acquired legally.

2.14 Animals must be transported under safe, humane and hygienic conditions appropriate to the species.

2.15 Animals must be housed so as to ensure that their general health is safeguarded and that undue stress is avoided. Sufficient space, according to the species, should be allocated for each animal. Environmental needs such as temperature, humidity, ventilation, lighting and social interaction should also be consistent with the needs of the species concerned. Animals must receive a supply of foodstuffs appropriate to their requirements and of the quality and quantity adequate to preserve their health, with free access to water, unless the object of the experiment is to study the effects of variation in these nutritional requirements.

2.16 Sick or injured animals should immediately, according to circumstances, either receive appropriate veterinary care or be euthanased. When untoward outcomes occur or unplanned euthanasia of animals is required or unplanned deaths of animals occur as a direct result of the research, testing or teaching procedures (or of conditions under which animals are maintained for such procedures), these outcomes, including necropsy reports, must be reported in writing to the Committee as soon as practicable. The report should also advise the steps being taken to avoid further outcomes of this type.

2.17 Any event during research, testing or teaching that impacts adversely on animal welfare beyond the approved manipulation(s) will be notified to the Secretary as soon as practicable.

2.18 At the conclusion of a manipulation as defined in the Code, the person undertaking the manipulation, or a senior person responsible for the research, testing or teaching, must make appropriate arrangements for the final disposal of animals either to non-experimental circumstances or by euthanasia. Dead animals must be disposed of in an acceptable manner.

2.19 All Acts of Parliament, regulations or by-laws pertaining to the obtaining, holding possession, care and treatment of animals are to be complied with.
2.20 Minor amendments to this Code must be notified to MAF. Other amendments must be submitted to MAF for approval.

3. PROCEDURES TO BE FOLLOWED BY THE APPLICANT

3.1 All applications involving research, testing or teaching in which living animals are to be used must be submitted to the Animal Ethics Committee. Except as provided in paragraphs 3.13 and 3.14, no such research, testing or teaching shall commence without prior approval by the Animal Ethics Committee.

3.2 Such applications must list and be signed by persons primarily involved and responsible for the manipulations. Where the manipulation is undertaken as part of a professional service by a specialist not otherwise involved in the project, then it is sufficient to merely list the person (e.g., anaesthetist, surgeon, technician, farm manager). It is the responsibility of those signing to ensure that all personnel involved in the manipulations and care of the animals are adequately skilled and aware of their obligations under the Code of Ethical Conduct.

3.3 Persons signing the application (see paragraph 3.2) shall indicate and signify on the approved application form:

(a) their experience (and, where appropriate, that of others listed) with the procedures proposed in the application;

(b) that they have read the Code of Ethical Conduct and will abide by it.

3.4 From time to time, the Animal Ethics Committee will ask Heads of Institute to nominate senior staff to act as Designated Signing Authorities. These people will be responsible for reading the applications to ensure that all questions asked are answered appropriately. The Secretary will maintain a list of staff with designated signing authority.

3.5 Before being submitted to the Secretary, all applications must first receive approval from a person with designated signing authority from the Animal Ethics Committee. Where the person with designated signing authority is himself/herself an applicant, then this prior approval must be sought from another person with designated signing authority.

3.6 Each application must have a completed MAF statistics form attached. All animals used in the research, testing or teaching must be included in one of the specified grades (A, B, C, D or E).

3.7 The prescribed number of word-processed copies on a current form should be submitted by the proposer to the Secretary of the Animal Ethics Committee at least seven (7) working days
before a regular meeting. Late submissions may be considered by the Committee if accompanied by an explanation of lateness and valid reason for immediate consideration.

3.8 Approval for ongoing research, testing or teaching procedures must be renewed at least every three (3) years.

3.9 A departure from an approved application that adversely affects the welfare or increases the number of animals must be approved by the Committee or by the Chairperson acting with authority vested through paragraphs 3.13 and 3.14.

3.10 The Committee may request a report on any approved research, testing or teaching procedure. Reports will automatically be required for any procedures where animals fall into Categories D and E. Reports may also be requested for the purposes of educating members of the Committee (e.g., where a technique that is unknown to the Committee is being used).

3.11 The applicant will not normally be present during the Committee's discussion of an application, but may ask to attend a meeting in support of an application. Similarly, the Committee may require an applicant to be present.

3.12 In the case of the Committee not approving an application, the applicant may submit a revised application or appeal the decision to the Committee. In the latter situation, further justification or expert opinion in favour of the application shall be produced.

3.13 When approval or alteration of an application with the grade of animal manipulation being A or B is required at short notice, the Chairperson, or in his/her absence, the Deputy Chairperson, and one external member may approve it pro tem; this approval must be ratified at the next meeting of the Committee in order for the application to be considered approved by the Committee.

3.14 When approval or alteration of an application with manipulations graded C is required at short notice, the Chairperson, or in his/her absence, the Deputy Chairperson, may approve the application pro tem only after consultation with all available members of the AEC. Approval will require agreement by all members responding, with a minimum number of responses being that required for a meeting quorum; this approval must be ratified at the next meeting of the Committee in order for the application to be considered approved by the Committee. No pro tem approvals for protocols graded D or E will be permitted.

3.15 Applicants requiring guidance should refer to the Massey University Animal Ethics website or contact the Secretary, Chairperson or Deputy Chairperson of the Committee.
4. OUTCOMES

4.1 The Committee will either:

(a) approve an application;

(b) approve an application in principle subject to the provision of minor or technical modifications to the Secretary;

(c) approve an application subject to the provision of specified details to the Secretary and agreed as being acceptable to a specified sub-group of the Animal Ethics Committee;

(d) defer an application subject to the provision of specified details for consideration at the following Animal Ethics Committee meeting;

(e) not approve an application.

The Committee will normally reach decisions by consensus. Where the committee decides by majority vote, the names of dissenting members will be recorded if they so wish.

Decisions will be provided in writing to the Chief Applicant.

4.2 Committee members shall hold in confidence information submitted in the applications.

5. EXEMPTIONS

5.1 The procedural requirements of the Code of Ethical Conduct for the Use of Live Animals for Research, Testing and Teaching do not apply to:

(a) tissues obtained from a slaughter house, farm or at a routine post-mortem examination, where their use is incidental to the reason the animal died or was killed;

(b) animals subject to diagnosis and treatment in the normal course of veterinary practice. This extends to situations where students examine animals or assist with treatments either at Massey University or in other veterinary practices as part of their course requirements, so long as they are under the supervision of a registered veterinary surgeon;

(c) animals being farmed under normal animal husbandry practices, so long as there are no additional manipulations;
(d) Massey staff who are co-applicants on applications considered by other animal ethics committees. However, these staff are required to provide a copy of the signed approval by that committee to the Massey University Animal Ethics Committee.

(e) When a member of staff is on overseas leave, is attached to an overseas institution and participates in research, the responsibility for which clearly resides with the host institution. In this instance, the proposed work should be considered under the regulations pertaining to that country's laws on the use of animals in research, testing and teaching, provided that there is a mechanism in place. Notwithstanding this, the Committee requires the staff member to notify it of the type of research being undertaken and conditions pertaining to that research. If there is doubt in any particular situation, the matter should be discussed with the Animal Ethics Committee.

6. EUTHANASIA FOR TISSUE COLLECTION OR DISSECTION

Under the Animal Welfare Act 1999, it is not necessary to obtain permission from an Animal Ethics Committee to euthanase animals for the purposes of either collecting tissues or dissecting animals for instruction. However, the Vice-Chancellor has directed that the Massey University Animal Ethics Committee collect certain information for the purposes of being able to inform members of the public regarding the level of usage for these purposes, if so requested. The numbers of animals used for such purposes will not be communicated to the Director-General of MAF.

Because the animals will not be manipulated, other than being handled during euthanasia and being euthanased, the applicant need only answer the following sections of the application form: 1, 2, 3, 4, 7(b), 9, 11, 13 and 14 (for internal recording purposes).

7. STATISTICS

7.1 It is a requirement of the Animal Welfare Act 1999 that statistics of animal usage in research, testing and teaching be kept and made available to the Director-General of MAF on request.

7.2 To facilitate the requirement set out in Section 7.1, each researcher or teacher responsible for applications or their nominee must keep a diary or other record of the number of animals used, their source, the procedures they are being, or were, used for and their ultimate fate at the completion of the study. This must be kept fully up-to-date and may be inspected or requested at any time.

7.3 The Chief Applicant will be required to make a return of these statistics as required by MAF upon request.
8. IMPLEMENTATION OF THE CODE

8.1 The Committee will implement the Code according to the Terms of Reference for the Committee.

8.2 The University expects that all researchers and teachers involved in the use of animals, having signified that they have read the code, will observe it in the spirit as well as the letter. As there is also a corporate responsibility inherent in the Animal Welfare Act 1999, this expectation is extended to all other personnel (staff may wish to refer to the University document entitled, “Procedure for the Disclosure of Serious Wrongdoing (Whistleblower)” to understand the protection they are afforded by the Protected Disclosures Act 2000).

8.3 Inadvertent breaches of the Code should be corrected or dealt with immediately under the direction of the Animal Ethics Committee. Breaches of a serious nature will be dealt with by the Committee in conjunction with the Head of Institute. Heads of Institute have a special responsibility to see that staff under their control observe the Code and, to facilitate this, they shall receive and keep copies of all currently approved applications involving research, testing or teaching under their jurisdiction.

8.4 The Animal Ethics Committee has the power of inspection of animals, their accommodation, and of experimental records at any time in order to satisfy itself that procedures are being properly carried out. Between meetings, this power is vested in the Chairperson (or, where appropriate, the Deputy Chairperson) or his/her nominee. Any member of the Animal Ethics Committee can request access to animals or facilities at any time, subject to the approval of the Chairperson or Deputy Chairperson. Facilities will be inspected routinely at least biennially.

8.5 The Animal Ethics Committee may direct that any procedure, whether approved or not approved, be stopped or modified on ethical grounds and the animal(s) either be euthanased or otherwise properly cared for. Between meetings, this power is vested in the Chairperson (or, where appropriate, the Deputy Chairperson) or his/her nominee.

8.6 The Committee may investigate suspected or alleged non-compliance of the Code by an individual(s) and, where transgression of the Code is evident, instigate disciplinary procedures in accordance with the principles set out in Massey University's "Code of Responsible Research Conduct and Procedures for Dealing with Research Misconduct”.

8.7 The Animal Welfare Act 1999 provides that every person who commits an offence in contravention of, or fails to comply with, any provision of the regulations is liable, on summary
conviction, to a fine not exceeding $25,000 or to imprisonment for a term not exceeding six months or both.

8.8 The Committee reserves the right to cancel or suspend a protocol if the Chief Applicant fails to comply with the reasonable requests of the Committee in a timely or satisfactory manner.

9. **COMMITTEE MEMBERSHIP AND APPOINTMENT PROCEDURES**

9.1 The membership of the Animal Ethics Committee shall be comprised as follows:

- Chairperson
- Five (5) academic members
- Three (3) members from the community
- The Director of Agricultural Services (or nominee)
- Up to two (2) other members

Total membership is to be twelve (12) persons.

9.2 Appointment Procedures

9.2.1 Chairperson

Appointed by the Vice-Chancellor, on the recommendation of the Animal Ethics Committee, for a term of three (3) years.

9.2.2 Academic Members

- One (1) member with expertise in animal welfare appointed by the Pro Vice-Chancellor of the College of Sciences.
- Two (2) members with expertise in animal husbandry, physiology, pharmacology, surgery or animal health appointed by the Head of the Institute of Veterinary, Animal and Biomedical Sciences.
- One (1) member with expertise in animal nutrition appointed by the Head of the Institute of Food, Nutrition and Human Health.
- One (1) member with expertise in animal ecology appointed by the Head of the Institute of Natural Resources.
9.2.3 Community Members

- One (1) veterinarian, not a member of the Massey University staff, nominated by the New Zealand Veterinary Association.
- One (1) lay member, from outside the University, nominated by the National Council of the RNZSPCA.
- One (1) lay member, not affiliated with the University, the scientific community or animal welfare agencies, nominated by the Manawatu-Wanganui Regional Council.

9.2.4 The Director of Agricultural Services (or nominee).

9.2.5 Up to two (2) members may be appointed by the Committee itself to assist with scientific or technical matters or with expertise not otherwise represented on the Committee.

9.2.6 The Animal Welfare Veterinarian is an ex officio member of the Committee whose role is to regularly report on auditing, monitoring and site visits.

9.3 Eligibility for Reappointment

9.3.1 Members may be reappointed for additional terms.

Note: Members other than the Chairperson may be appointed for one, two or three years at the discretion of the appointing/nominating parties.

9.4 Deputy Chairperson

At the last meeting of each year, the Committee shall appoint a Deputy Chairperson from the Academic Membership category who may deputise for the Chairperson in his/her absence in the following year.

9.5 Quorum

The quorum for meetings shall be four (4), with at least two (2) from the Community Membership category. Committee members who attend a meeting using either video or telephone links will be considered part of the quorum.

9.6 Complaints

- Complaints of any nature from any origin about the activities of the Committee, its members or its decisions shall be notified to the Chairperson or Assistant Vice-Chancellor (Research) as appropriate to the circumstance. The complaints will be dealt with according to the following University policies:
10. DEFINITIONS

The following definitions, according to the Animal Welfare Act 1999, apply to the Code:

“Animal” –

(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” –

(1) In the Animal Welfare Act, unless the context otherwise requires, the term “manipulation”, in relation to an animal, means 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.

(2) The term “manipulation” does not include –

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

(b) The hunting or killing of any animal in a wild state by a method that is not an experimental method.
Table of References to Documents Relevant to the Operation of the Massey University Animal Ethics Committee

- Abbreviated Code of Ethical Conduct for signing by additional applicants not on the original application
- Application for Approval of Proposed Research, Testing and Teaching Procedures Using Live Animals
- Terms of Reference for the Massey University Animal Ethics Committee
- MAF-Approved Codes of Animal Welfare
- Code of Practice for the Use of Veterinary and Human Medicines in Research, Testing and Teaching Organisations
- Massey University Research Practice Policy
- Massey University Code of Responsible Research Conduct and Procedures for Dealing with Research Misconduct
- Massey University Protected Disclosure Policy (Whistleblower)
- Massey University Procedure for the Disclosure of Serious Wrongdoing (Whistleblower)
- Massey University Student Grievance Procedures
- Procedures for Dispute Resolution at Massey University
- Massey University Policy on Staff Conduct
- Massey University Conflicts of Commitment and Interest Policy
- Massey University Harassment Prevention and Complaints Resolution Policy
- Massey University Official Information Procedures
- NAEAC Guidelines for Determining the Need for Ethical Approval
- NAEAC Good Practice Guide for the Use of Animals in Research, Testing and Teaching

- Wildlife Act 1953
- Conservation Act 1987
- Marine Mammals Protection Act 1978