

ANIMAL ETHICS COMMITTEE

Terms of Reference

Prepared for: Department of Biodiversity, Conservation and Attractions
Animal Ethics Committee

Version 1.0

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Department of **Biodiversity,
Conservation and Attractions**

1 Introduction

The Department of Biodiversity, Conservation and Attractions (hereafter referred to as the Department) use of animals for scientific purposes is subject to licensing under the *Animal Welfare Act 2002* and is directed by the *Australian Code for the Care and Use of Animals for Scientific Purposes* (the Code) published by the National Health and Medical Research Council. The Department appoints and supports an Animal Ethics Committee to ensure that animals used for scientific purposes are cared for and used in an ethical and humane manner and that the Department meets its commitments under the Animal Welfare Act, its *Licence to use animals for scientific purposes*, and the Code.

2 Functions

The Department's Animal Ethics Committee (AEC) will:

1. Advise the Department on the appropriate ethical standards in relation to the use of animals for scientific purposes (and teaching, where required), and whether these standards satisfy the Code.
2. Monitor the conduct and compliance of approved projects with the Code.
3. Advise staff and approved project personnel on compliance with the Code.
4. Report to the Director General of the Department on the acquisition, transportation, production, housing, care, uses and fate of animals involved in approved scientific research.
5. Review and comment on Departmental plans and policies that may affect the welfare of animals used for scientific purposes.
6. Comply with the reporting requirements of the Department and the Code in accordance with section 2.2.40 of the Code.
7. Perform all other duties required by an AEC subject to the Code.
8. Consistent with clause 2.3.2 of the Code, the AEC must:
 - i. review applications for projects and approve only those projects that are ethically acceptable (see Clause 1.3 of the Code) and conform to the requirements of the Code.
 - ii. review applications for activities associated with the care and management of animals in facilities and approve only those activities that are ethically acceptable and conform to the requirements of the Code.
 - iii. conduct follow-up review of approved projects and activities and allow the continuation of approval for only those projects and activities that are ethically acceptable and conform to the requirements of the Code.
 - iv. monitor the care and use of animals, including housing conditions, practices and procedures involved in the care of animals in facilities.
 - v. take appropriate actions regarding unexpected adverse events.
 - vi. take appropriate actions regarding non-compliance.

- vii. approve guidelines for the care and use of animals on behalf of the Department.
- viii. provide advice and recommendations to the Department.
- ix. report on its operations to the Department.

3 Membership

3.1 Composition of the Committee

Membership of the Committee is established in accordance with the Code. The Department's Animal Ethics Committee will be comprised of a Chairperson and two members from each of the four categories of membership (see below). The appointment of two members of category A, B, C and D will ensure ongoing experience and consistency in decision-making over member terms, ensure a quorum at meetings, and provide the Committee with a broad range of knowledge and experience relating to animal welfare and wildlife research.

Categories of Membership

- a) Category A: a person with qualifications in veterinary science, with experience relevant to the activities of the institution
- b) Category B: a person with substantial recent experience in the use of animals in scientific activities
- c) Category C: a person with demonstrable commitment to the welfare of animals, not employed by, or associated with the institution
- d) Category D: an independent person who does not and has not previously conducted scientific activities using animals, and is not employed by the institution

The Department may also appoint additional members with skills and background of value to the AEC. The Department in consultation with the AEC will determine the requirement for, and the required skill or expertise that they would seek from an additional member(s).

3.2 Appointment of Committee Members

Members are appointed by invitation from, or application to, the Department. Members are selected for their expertise and are able to demonstrate they meet the criteria for the category as described in the Code.

Term of appointment is for a period of four years, with capacity for re-appointment through invitation (for a second term-only) and/or an expression of interest process. Where possible within each category, the terms of members will overlap by a period of two years to ensure consistency in decision-making and experience on the Committee is maintained over time.

Members may retire from the Committee at the end of a contract term and/or by giving the Chairperson written notice of at least three months prior to their intended retirement date.

At any time, the Department may after due enquiry, provide in writing a caution or terminate the membership of a member who in the Department's considered opinion has failed to comply with their obligations (see Section 2.4).

Any change in membership, including appointment, reappointment, retirement and termination, will be noted in writing.

New members will receive an induction on the operating procedures of the Committee, including the *AEC Terms of Reference*, the *AEC Code of Practice* and the Code. Training on the Code will be provided where required.

3.3 Appointment and Role of the Chairperson

The Director General and/or the Executive Director of Biodiversity & Conservation Science will appoint a person to the role of Chairperson of the Committee for a four year term, with the possibility of extension at the discretion of the Director General/Executive Director.

In accordance with clause 2.2.13 of the Code, the Chairperson will:

- i. Impartially guide the operation of the AEC;
- ii. Resolve conflicts of interest related to the business of the AEC;
- iii. Represent the AEC in any negotiations with the Department.

The Chairperson may not direct the Committee to act in a way that is contrary to the requirements of the Code.

Where it is necessary for a decision of the AEC to be made by majority (rather than consensus), the Chairperson will have a casting vote in the event of an equality of votes (subject to the guidance set out in 2.3.11 of the Code).

3.4 Obligations of Committee Members

The Department's AEC members must:

- a) Comply with the Animal Welfare Act, the Code, the Department's AEC Terms of Reference and Code of Conduct;
- b) Sufficiently maintain the good name and character required by the Department; and,
- c) Maintain the confidentiality required by the Committee or the Department.

Before carrying out any role as a member, a person appointed as a member must acknowledge in writing their acceptance of the Department's AEC Code of Conduct and any requirements of confidentiality required by the Department.

Members will be provided a copy of the Code and should ensure they are familiar with and understand the governing principles and responsibilities under the Code.

3.5 Proxy for Committee Members

The Department may invite a person to be a proxy for the Chairperson, or a member of a Category in the absence or incapacity of the member, or where a conflict of interest requires that member to withdraw from a matter being considered by the Committee. Prior notification must be provided to existing Committee members.

Any proxy members must acknowledge in writing their acceptance of the Department's AEC Code of Conduct and any requirements of confidentiality required by the Department before the meeting.

A person appointed as a proxy will have the same required qualifications, and the same authority as the member for whom the proxy is appointed.

3.6 Animal Ethics Committee Executive

The AEC shall establish an Executive committee for out of session approvals. The Executive committee will consist of the Chairperson and one member from each of the Categories A, B, C and D. The AEC Executive is delegated to approve minor amendments to current approved projects or activities, consistent with the Code, out of session. The approvals will be ratified at the next scheduled meeting of the AEC.

The Executive will determine the definition of "minor" on a case by case basis, however, as a guiding principle: a minor amendment may include a change to an approved project or activity where the proposed change is not likely to cause harm to the animals, including pain and distress, and/or where the change may benefit their wellbeing.

Changes to the key aims/objectives of the project would not be considered minor.

3.7 Support to the Committee

In addition to the position of Chairperson, the Department will make available to the Committee one or more nominated employees, as agreed with the Committee, to support the Committee's work and ensure the timely and effective implementation of its decisions and directives.

4 Meetings and Operating Mechanisms

4.1 Number and Timing of Meetings

The Committee will meet six times a year in the months of February, April, June, August, October and December. One of the meetings will be set aside to focus on review of projects (the *Annual Report* meeting). Currently the Annual Report meeting is February.

Where necessary and appropriate, the Committee may assess *Adverse Event Reports* out of session. Out of session decisions will be made by consensus as per standard meeting requirements and will be clearly recorded in the next meeting agenda and minutes.

Where necessary and appropriate, the Committee may, on request by the Department or a project CI, agree to hold an extraordinary meeting.

4.2 Meeting Quorum

At least one member from each of the membership categories A, B, C and D must be present at meetings to establish a quorum for decision resolution. Categories C and D together must represent at least one-third of the members present.

4.2.1 Extraordinary meetings

Where circumstances necessitate a project approval, or an amendment to a project that requires a quorate meeting decision (as per Section 2.3.6 of the Code) outside of scheduled meeting dates; that is for emergency or time-limited decisions whereby delays would result in greater harm or distress to animals or an outcome that is inconsistent with the Code, the AEC may agree to hold an extraordinary meeting.

Where a face-to-face meeting is not possible for a quorate of all members, videoconferencing and teleconferencing will be the preferred method to conduct the extraordinary meeting. In circumstances where these methods are not possible, quorate consensus via telephone and group email will be used.

4.3 Confidentiality

All documentation provided to the Committee and matters discussed as part of the Committee's decision-making are confidential. All members will maintain confidentiality and not divulge AEC information other than as required by law, or where authorisation is given from the Chairperson.

Where members wish to seek advice on a matter, they may only do so if the advice can be sought without identifying the project, project personnel, project sites or any items identified by the Committee as confidential. The Committee or a member must seek approval from the Chairperson if this is not possible.

4.4 Conflicts of Interest

Any members having a conflict of interest relating to any issues under consideration at AEC meetings must declare their interest in that matter prior to the issue being considered, absent themselves from the meeting room while the issue is discussed and decided upon, and the conflict of interest is to be recorded in the minutes of the relevant meeting.

If there is any doubt on actual or perceived conflict of interest the Chairperson should rule on the matter. If the absence of a member affects the ability to achieve a quorum the matter must be held over until a quorum is achieved, or the member in consultation with the Chairperson, must identify a suitable proxy to assess the matter.

Conflicts of interest must be dealt with in accordance with Section 2.2.10 (vi) of the Code.

4.5 Decisions by the Committee

Members have debate and voting rights for all matters before the Committee unless a conflict of interest exists.

Wherever possible, Committee decisions should be made on the basis of consensus (as per Clause 2.3.11 of the Code).

Each member is responsible for deciding, whether, in their own judgement an application or other matter under consideration by the Committee is ethically acceptable and meets the requirements of the Code. To fulfil this responsibility members should:

- i. Be familiar with the Code and other policies and guidelines relevant to the business of the AEC; and

- ii. Provide considered opinions on the ethical acceptability of applications and other matters under consideration by the AEC.

The decision-making process must provide an opportunity for all legitimate concerns of individual members of the Committee to be addressed.

Where consensus cannot be reached after reasonable effort to resolve differences, the Committee will explore with the applicant ways of modifying the project that may lead to a consensus. If consensus is still not achieved, the AEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussions.

4.6 Communication of decisions by the Committee

The Committee will communicate decisions to the project Chief Investigator, via the Chairperson (or as delegated to the Executive Officer), in writing and in a timely manner. The decision will be communicated clearly and where required, provide reasons for the decision.

5 Reporting

5.1 Annual Report to the Department

The Chairperson with the support of the Committee will provide the Department with an annual report on its operations each year. The annual report will include:

- a) Numbers and types of projects and activities assessed, and approved or rejected;
- b) The physical facilities for the care and use of animals by the Department;
- c) Actions that have supported the educational and training needs of Committee members and people involved in the care and use of animals;
- d) Administrative or other difficulties experienced; and
- e) Any matters that may affect the institution's ability to maintain compliance with the Code and, if appropriate, suitable recommendations.

The Chairperson will participate in an interview with the Director General to discuss the Annual Reports.

5.2 Annual Report to DPRID

Under the Department's *Licence to use animals for scientific purposes* and in accordance with the Code, the Department will provide an annual report to the Department of Primary Industries and Regional Development by the 30th of April each year, for the preceding year's activities. The annual report will include:

- f) A statement on the Committee and the Department's compliance with the Code;
- g) A summary of the activities of the Committee and its operating procedures;

- h) An annual review of the Department's animal use activities;
- i) *Death as an End Point Report*, and
- j) Animal use and/or supply statistics.

Agencies that use the Department's AEC are also required to submit an annual report to DPIRD. The Department will assist those agencies with their annual reporting requirements by providing animal use statistics and summaries of information that are held in the AEC database.

5.3 Independent External Review

Under the Department's *Licence to use animals for scientific purposes* and the Code, the Department must undertake an external review every four years to assess the Department's compliance with the Code, and to ensure the continued suitability, adequacy and effectiveness of its procedures to meet its responsibilities under the Code. Section 6 of the Code outlines the requirements for appointing independent reviewers, the scope and the outcomes of the review. The review should:

- k) Identify areas of non-compliance;
- l) Support strategies for short-term and long-term continual improvement; and,
- m) Give recognition to behaviours and actions by individuals and teams that support compliance.