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**VICTORIA UNIVERSITY**

**ANIMAL  
ETHICS  
COMMITTEE**

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**TERMS OF REFERENCE  
& OPERATING  
PROCEDURE**

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Version 10

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## DEFINITIONS

- 1.1 "Animal Ethics Committee (AEC)" shall mean an AEC, as outlined in the 'Australian code for the care and use of animals for scientific purposes 8th Edition 2013' and under Part 3 of *The Prevention of Cruelty to Animals Act 1986 and Regulations 2019*.
- 1.2 "Committee" shall mean the Victoria University AEC.
- 1.3 "Department" shall mean the Department of Jobs, Precincts and Regions or equivalent and current State regulatory department
- 1.4 "Minister" shall mean the Victorian Minister for Agriculture.
- 1.5 "Member" shall mean a person appointed to the Committee by the organisation.
- 1.6 "Proposal" shall mean that as defined in The Australian Code; "a written application to carry out a project for consideration by an AEC".
- 1.7 "Project" shall mean that as defined in The Australian Code; a 'scientific activity' or activities that form a discrete piece of work. A project cannot commence until approved by the AEC.
- 1.8 "Scientific procedures" shall be defined as in Part 3 of *The Prevention of Cruelty to Animals Act 1986*.
- 1.9 "The Australian Code" shall mean the current edition of The Australian Code for the care and use of animals for scientific purposes, mandatory under *Part 3 of The Prevention of Cruelty to Animals Act 1986 and Regulations 2019*.
- 1.10 *The Prevention of Cruelty to Animals Act 1986 and Regulations 2019* shall mean that as located at <http://www.legislation.vic.gov.au>.
- 1.11 "Minor Amendments" shall mean, changes to a protocol that do not alter the substantive procedures or processes and have no impact on the management of animal welfare.

## FUNCTION OF THE COMMITTEE

The primary function of this Committee, on behalf of the institution, is to ensure that all use and care of animals is conducted in accordance with The Australian Code and relevant Victorian legislation.

- 2.1 The Committee may withdraw or suspend approval for any project where deemed necessary and in line with the VU AEC non-compliance procedure. The decision to withdraw or suspend an approved project will:
  - 2.1.1 Require an investigation implemented by the Committee
  - 2.1.2 Convene an investigation by the AEC Advisory Committee that will include the AEC Chair/AEC Acting Chair and Category A or Category C member of the AEC
  - 2.1.3 Consider interviewing of all parties to the matter
  - 2.1.4 Prepare a report for consideration by the AEC. The AEC will review the findings of the investigation. The AEC may report the findings to the

- Department in addition to the licence holder, and stipulate recommendations and remedial actions
- 2.1.5 Be communicated by the Chair of the AEC. The Chief and Associate Investigators, College Director of Research / Department and Animal Facility staff will be notified of the AECs decision
- 2.1.6 Provide an appeals process for the Chief Investigator
- 2.1.7 If the project is suspended or withheld, the subsequent continuation of the project and/or publishing of the data will be subject to AEC consideration and approval. The Committee will confirm that the issues have been addressed to the satisfaction of the Committee prior to lifting suspension or reinstating ethical approval
- 2.1.8 Additional requirements may be required subject to the advice of the Department and/or licence holder

## 2.2 The Committee must:

- 2.2.1 Approve and review guidelines for the care of animals that are bred, housed, held, captured, marked, banded and used for scientific or teaching (including observation) purposes on behalf of the institution
- 2.2.2 Examine and approve, conditionally approve subject to modification, withhold or reject written proposals as submitted on the agreed institution's application form for up to 3 years subject to annual reporting of approved projects
- 2.2.3 Review Annual and Final reports of projects, according to section 2 of The Australian Code
- 2.2.4 Monitor the acquisition, transportation, production, housing, care, use and fate of animals involved in an approved project. Establish provisions for monitoring which include ensuring that appropriate records of animal care and use are being kept by the investigator and that unexpected or adverse events that impact on the welfare of the animals are reported to and reviewed by the Committee
- 2.2.5 Conduct inspections of relevant sites and monitor project activities approved by the AEC, at least annually. The Committee may delegate this authority, on behalf of the AEC as appropriate and where possible a member of the AEC who is external to the institute should participate in inspections
- 2.2.6 Recommend to the institution any measures, including training or supervision, needed to ensure that the standards of The Australian Code are maintained
- 2.2.7 Facilitate on-going education of AEC members
- 2.2.8 Establish protocols to authorise the emergency treatment or euthanasia of any animal

The AEC will nominate a person who is authorised to respond to emergencies. Where possible this person should be a member of the AEC. In the event of that person being unavailable, the investigator will be notified, who will then take appropriate action. Before an authorised person arranges for the treatment or humane killing of an animal, all reasonable steps must be taken to consult with the responsible investigator or member of the AEC. Any action taken by such persons must be reported promptly in writing to the responsible investigator and AEC, including reasons for action taken

- 2.2.9 Maintain a record of proposals and projects for 5 years

- 2.2.10 Deal with alleged non-compliance with The Australian Code and grievances with Committee decisions, including referral to the Victoria University Animal Welfare Non-compliance Procedure, the Institution, AEC Advisory Committee (AECAC) and the Department as required; (see section 7.8)
- 2.2.11 Facilitate annual audits by the institution.
- 2.2.12 Ensure coordination with the AEC Advisory Committee where appropriate
- 2.2.13 Provide advice on any relevant matters referred by the institution
- 2.2.14 Report at least annually to the institution on the Committee's activities

## RESPONSIBILITY OF COMMITTEE MEMBERS

The primary responsibility of members is to ensure that the use of animals for scientific procedures and teaching is ethically justified, provides for their welfare, and incorporates the principles of *Replacement, Reduction and Refinement* based on collective experience and knowledge, and not to represent any particular interest group.

### 3.1 Confidentiality :

- 3.1.1 Intellectual property interests of the institution, individual privacy and maintenance of commercial in confidence obligations may be the subject of confidentiality and *in camera* policy may be applied during AEC meetings. Institutions are required to inform AEC members in writing how members may seek advice relevant to fulfilling their role and responsibilities without breaching confidentiality. Following receipt and acknowledgement of this advice, AEC members may be required to sign a member declaration to maintain confidentiality. Members must not be precluded from seeking advice and guidance, including external advice, on matters pertaining to ethics and animal welfare in research. Member responsibilities include obtaining advice relating to procedural techniques, procedural burden, pain management, experimental end-points, monitoring, animal husbandry and accommodation from a range of reputable sources
- 3.1.2 A member resigning or retiring from the Committee shall not, without the express approval of the institution, expose or discuss confidential information accruing from membership

### 3.2 Conflict of Interest:

- 3.2.1 Where a member has any direct or indirect interest in any matter of business before the Committee, which may be construed as involving pecuniary or other gain, that interest shall be declared to the Committee.
- 3.2.2 Where a member so declares, the Committee may
  - 3.2.2.1 Refuse the member the right to speak to the business
  - 3.2.2.2 Refuse the member the right to vote on that business

Require the member to withdraw from a meeting for the period of discussion and resolution of that business

# MEMBERSHIP OF THE COMMITTEE AND TERM OF OFFICE

## 4.1 Term of Office

Unless otherwise determined by the institution, the term of office of each member shall be 3 years and may be renewed for an additional term of three years. Current members may be reselected. There is no limit to reoccurring terms.

## 4.2 Number and Category of Members:

4.2.1 The membership of the Committee shall comprise of at least one (1) member per category, all of whom will have a genuine interest and commitment to the ethical use of animals for scientific procedures or teaching. The Committee must comprise and meet with at least one appointed person from each of the following categories:

- A.** A person with qualifications in Veterinary Science and with experience relevant to the activities of those submitting project applications to the Committee. Veterinarians who lack this experience must familiarise themselves with the biology and clinical characteristics of the species of animals used
- B.** A suitably qualified person with substantial recent experience in the use of animals in scientific or teaching activities. This will usually entail possession of a higher degree in research
- C.** A person with demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not employed or otherwise by the institution or any potential project applicant, and who is not involved in the care and use of animals for scientific procedures or teaching. Veterinarians with specific animal welfare interest and experience may meet the requirements of this category. While not representing an animal welfare organisation, that person should, where possible, be selected on the basis of active membership of and nomination by, such an organisation
- D.** A person who is both independent of the institution and any potential project applicant and who has never been involved in the use of animals for scientific procedures or teaching, either in their employment or beyond their undergraduate education. Category D members should be viewed by the wider community as bringing a completely independent view to the AEC, and must not fit the requirements of any other category

4.2.2 In selecting all members, the institution will have regard for the need for knowledge and experience concerning ethical use of animals in scientific procedures or teaching. In addition to the prescribed categories A to D, the institution may appoint persons with knowledge of the routine care and husbandry of animals involved in projects

4.2.3 If the Committee has more than four members, categories C plus D should represent no less than one third of all the members. To ensure that meetings are quorate, members may communicate via teleconference. Non quorate meetings will be cancelled and reconvened within 1-4 weeks

4.2.4 The Committee must have a quorum in attendance to conduct meetings. A quorum shall consist of one member from each category (see 7.4.2)

- 4.2.5 Before appointment, all members of the AEC should acknowledge in writing their acceptance of the terms of reference of the AEC and any requirements for confidentiality required by the institution, including how advice may be sought without breaching confidentiality.
- 4.3 Varying and replacing the members, absentee members:
  - 4.3.1 The Committee may recommend to the institution that membership be amended
  - 4.3.2 The Committee may co-opt other persons with relevant experience or expertise as required, including persons with experience in the routine care of animals for scientific procedures or teaching. Co-opted members of the Committee cannot exercise voting rights and must adhere to the general principles of confidentiality as per voting members
  - 4.3.3 In the event of a member being obliged or electing to retire or resign during the term of the Committee, or being removed by the institution, the institution will seek nominations for a replacement member. Details of the eligibility of the nominated member should be provided to the Department prior to attending the first AEC meeting. The Department may provide guidance advising if the member suits the criteria of the nominated category
  - 4.3.4 Where a member fails to attend three consecutive meetings of the Committee without providing an apology or excuse, or is demonstrably unable to maintain an adequate level of participation, the Committee shall recommend to the institution that the member be replaced by a new appointee of the same category

## **NOMINATIONS AND APPOINTMENT OF THE COMMITTEE**

- 5.1 Nominations of category A to D members. The institution shall invite:
  - 5.1.1 Existing Victorian AEC members, of any category, to nominate themselves
  - 5.1.2 Other potential members that fulfil one of the above categories within the institution
  - 5.1.3 Veterinarians, with experience specific to the species of animals used by the institution to nominate themselves. One nomination will be selected to be a member
  - 5.1.4 Category C members or animal welfare organisations may nominate a member. One nomination will be selected to be members (see 4.2.1.C).
- 5.2 Appointment of category A to D members:
  - 5.2.1 Appointments to the AEC will be made by the Licence Nominee
  - 5.2.2 The Licence Nominee may withdraw membership at any time on the advice of the AEC
  - 5.2.3 Members will be required to sign a letter of undertaking regarding maintaining confidentiality and acceptance of the terms of reference in accordance with item 2.2.22 of The Australian Code.

### 5.3 Reappointment of the Committee:

Not less than three months prior to the expiry of the term of appointment of the Committee, and subject to the continuance of the Committee, the institution shall call for nominations in accordance with 5.1 for the next term of appointment. With the objective of continuance of effective Committee functioning, a staggered re-appointment of the Committee members will be attempted. A letter confirming renewal will be sent out to each Committee member. This letter will confirm appointment of another three year term.

### 5.4 Chairperson:

5.4.1 The institution, will appoint a chairperson who possesses the relevant attributes to bring impartiality to the consideration of applications submitted to the Committee, skills to manage the business of an AEC, to communicate, negotiate and resolve conflict with an understanding of the relevant ethical and animal welfare issues. The Chairperson must accept the agreed terms of reference as a condition of appointment. An official letter with confirmation of appointment (three-year period) will be sent out with a signoff from the DVCof Research.

The chairperson will;

5.4.2 Ensure that the AEC operates in accordance with the principles and requirements of the Code; the relevant policies of the institution and the agreed AEC procedures

5.4.3 Ensure that proposals are considered by the AEC and the outcomes conveyed to investigators and teachers in a timely manner

5.4.4 Advise institutional management regarding the level of resourcing required by the AEC

5.4.5 Represent the AEC in any negotiations with management

5.4.6 Oversee all requirements of the AEC to report and review its operations as outlined in the Code

5.4.7 Ensure AEC records are maintained and made available for review by the institution and authorised external reviews

5.4.8 Provide a report to the institution at least annually which details the activities of the AEC (see 2.3.28 of The Australian Code)

5.4.9 In the absence of the Chairperson at any meeting of the Committee, the members present shall appoint one of their members as acting Chairperson at that meeting or utilise the Deputy Chair

## EXECUTIVE OFFICER

6.1 The Office for Research shall provide an Executive Officer to provide support services to the Committee. The Executive Officer will be the first point of contact for investigators wishing to access the Committee

6.2 The Executive Officer will not be a voting member usually but have substantial experience in administration of an AEC and detailed knowledge of related issues



6.3 The Executive Officer will ensure that all relevant documents (minutes, correspondence, proposals, project reports, Committee decisions and Committee procedural documents) as appropriate are distributed to the Committee prior to each meeting, as well as maintaining a system for the provision of audit

6.3.1 Documentation related to adverse incidents is to be filed

## **BUSINESS OPERATIONS**

7.1 Conduct of Meetings:

Meetings shall be conducted in accordance with the operating procedures established by the Committee under these Terms of Reference. Proposals must be assessed in accordance with the relevant information required in section 2 of The Australian Code

7.2 Correspondence:

7.2.1 Institutional, project or procedural related correspondence from and to the Committee between meetings shall be circulated to all members promptly and a copy filed by the Executive Officer

7.2.2 Written correspondence conveying the Committee's advice to the project applicant or the institution, as appropriate, shall be completed as soon as practicable after the relevant meeting

7.3 Meeting Frequency and Documents:

7.3.1 General meetings:

The time and venue of general meetings of the Committee shall be determined by the Committee but should aim to meet at least six times per year, unless the Department has provided an exemption, to facilitate regular consideration of project applications and related matters in accordance with client needs

7.3.2 Special Meetings:

The full Committee may elect to conduct special meetings, if circumstances or the nature of business is urgent or extraordinary

7.3.3 Meeting Agenda and relevant documents:

The Chairperson shall ensure that the meeting agenda will consider AEC business as required to meet the Committee's responsibilities. The Executive Officer shall circulate not less than 7 days prior to a general meeting or a special meeting, an agenda setting out standing business before the Committee and all relevant proposals and related correspondence

7.3.4 Meeting Minutes:

The Executive Officer will maintain and circulate to members, if requested, as soon as practicable (or define turnaround time e.g. 7 days) after each

meeting, minutes of the meeting specifying each item of business discussed, summarising essential items of discussion, and recording the decisions reached or advice resolved and actions to be taken. The minutes will be confirmed at the subsequent meeting of the Committee

#### 7.4 Attendance of meetings:

- 7.4.1 A quorum of the Committee is constituted by a membership of at least one representative of each of the categories A to D. If the Committee has more than a quorum of members, Categories C plus D should represent no less than one third of the members
- 7.4.2 Unless a quorum is in attendance the Committee may discuss proposals but must not approve or reject proposals (see 4.2.4)
- 7.4.3 Attendance of quorate meetings may be facilitated by video-linking, teleconferencing, or other remote linking technology of some members in circumstances, where face-to-face attendance is not possible. Such remote members may authorise the Executive Officer or Chairperson to record their support of any proposals or other decision outcomes
- 7.4.4 Any duly convened meeting at which a quorum is in attendance shall be competent to consider and resolve any business of the Committee and shall have and may exercise all the functions of the Committee

#### 7.5 Submission and approval of proposals:

- 7.5.1 Only those experiments which conform to the requirements of all relevant sections of The Australian Code and legislation may be approved
- 7.5.2 The AEC has the authority to accept or reject proposals
  - 7.5.2.1 If the Committee deems that modifications are necessary, the proposal may be sent back to the researcher to be re-written
  - 7.5.2.2 If modifications are made which meet the requirements of the Committee, then the Chair or an executive may approve the proposal out of session and the project may proceed
  - 7.5.2.3 The AEC has the authority to impose conditions as part of the approval process (e.g., approval for new applications may be delayed until any outstanding Annual or Final reports are received by the AEC)
- 7.5.3 The Committee is only required to consider completed and signed protocols submitted by the responsible investigator(s) or teacher(s). The organisation may also elect to have proposals signed off by other relevant people such as student supervisor, animal facility manager, the scientific premises Licensee or field work licensee
- 7.5.4 Proposals must be considered and approved only at scheduled or special meetings of AEC. Minor modifications to existing proposals can be approved at any time by the executive (see executive; point 7.7)
- 7.5.5 *Minor modifications* shall mean, changes to a protocol that do not alter the substantive procedures or processes and have no impact on the management of animal welfare and an increase in animal numbers above those approved in the original application
- 7.5.6 Experiments must not start before written approval is given by the Committee

- 7.5.7 Where a project has a Standard Operating Procedure (SOP) referred to in the proposal, the AEC members will be provided with a copy of that SOP. (See 2.2.36 of The Australian Code)

#### 7.6 Executive:

The Committee may establish an executive at any time from the available members and must include the Chair of the AEC and at least one member from category C or D. The executive must not approve new applications and may only:

- 7.6.1 Approve minor modifications to projects for review and ratification at the next meeting of the AEC – The Committee can approve new investigators to a project by an executive approval under the proviso that no project work is conducted without appropriate training & supervision by a supervisor until they have been signed off at competent.
- 7.6.2 It is preferable that all minor amendments go to a full committee for approval. With special circumstances in which changes are required, an executive Committee may approve amendments if there is no additional impact on animal welfare.
- 7.6.3 Specify urgent action required in response to reports of adverse events or emergencies

#### 7.7 Voting:

- 7.7.1 Decision outcomes at a meeting of the Committee shall be determined by consensus as defined by The Australian Code. Where consensus cannot be reached after reasonable effort to resolve differences, the AEC should explore with the applicant(s) ways of modifying the project that may lead to consensus. If consensus is still unachievable, 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 discussion
- 7.7.2 No person at a meeting, other than an appointed member, may have the right to vote

#### 7.8 Grievance Procedures:

The following grievance procedures will be adopted if there is dissent:

- 7.8.1 In the case of dissension with a Committee decision:
  - The Chair, on behalf of the Committee, may follow the following procedure:
    - 7.8.1.1 Attempt to resolve the matter with the dissenting person(s)
    - 7.8.1.2 Seek an opinion from the Licensee or nominated responsible person either at the Committee meeting or as soon as possible after a Committee meeting
    - 7.8.1.3 Place the matter before the Licensee or nominated responsible person at a formal meeting for resolution. This meeting will be attended by the Chairperson, Executive Officer, dissenting person(s) and other nominated Committee member(s)
    - 7.8.1.4 Refer the decision and discussions back to the Committee.

## 7.8.2 Where AEC requirements are not being met:

- 7.8.2.1 The Committee receives a report of an alleged incident either prior to or at a regular meeting of the Committee where the matter is discussed. This shall be dealt with as per the VU Animal Welfare Policy non-compliance procedure.
- 7.8.2.2 The AEC will investigate the report and seek a written explanation of the incident from the applicant or other relevant persons
- 7.8.2.3 Depending on the level of non-compliance, the report may be distributed to all Committee members for comment and if necessary an extraordinary Committee meeting may be convened for further discussion
- 7.8.2.4 The Chairperson will report the incident and the Committee's views(s) to the Licensee for information and may provide recommendations for further action
- 7.8.2.5 Should an AEC member, after the above procedures have been exhausted, still be unsatisfied that appropriate action has or will be taken to safeguard animal welfare, then that member should advise the Licensee and may report their dissent to the Department
- 7.8.2.6 All parties have a right of appeal, to be submitted in writing within one month of the outcome being published

## 7.8.3 In the event of dissension between the AEC and an Independent External Review Panel :

- 7.8.3.1 The AEC will attempt to resolve the matter with the Independent External Review Panel
- 7.8.3.2 The AEC will seek the opinion of the Licensee regarding their complaint. If the Licensee has appointed the Independent External Review Panel, the AEC will seek the opinion of the Vice - Chancellor regarding their complaint
- 7.8.3.3 The AEC will submit the complaint to the Independent External Review Panel in writing
- 7.8.3.4 The AEC expectation would be to receive a written response to the grievance from the Independent External Review Panel within one calendar month
- 7.8.3.5 The Independent External Review Panel response may be distributed to all the Committee members for comment and if necessary, an extraordinary Committee meeting may be convened for further discussion
- 7.8.3.6 If the AEC and Independent External Review Panel are unable to resolve the matter, then the complaint shall be referred to the Licensee or Vice Chancellor of the University (in the case the Licensee has appointed the Independent External Review Panel) and the Department
- 7.8.3.7 In the case that the Independent External Review Panel is the Department or associated with the Department, and the matter cannot be resolved, the AEC will refer the matter to the Minister for Agriculture
- 7.8.3.8 The AEC and the Licensee and other appropriate parties will be informed of the outcome and this shall be documented in the meeting following resolution

7.8.3.9 All parties have a right of appeal, to be submitted in writing within one month of the outcome being published. All appeal decisions will be communicated to the AEC at the next scheduled meeting

7.8.4 In the event of a dissension between the AEC and the Institution:

7.8.4.1 The AEC will aim to resolve the matter with the Institution

7.8.4.2 The AEC will submit the complaint in writing to the Institution and Licensee

7.8.4.3 In the event the complaint cannot be resolved by the AEC and the Institution, it will be referred to the Department

7.8.4.4 All correspondence from the relevant parties will be distributed to an AEC Executive for comment and if required, an extraordinary meeting of the full AEC will be convened for further discussion

7.8.4.5 The AEC, the Licensee and other appropriate parties will be informed of the outcome and this shall be documented in the meeting minutes following the resolution

7.8.4.6 All parties have a right of appeal, to be submitted in writing within one month of the outcome being published. All appeal decisions will be communicated to the AEC at the next scheduled meeting

## FINANCIAL ARRANGEMENTS

8.1 Honorarium:

Victoria University recognises the time and effort of the AECs external members. Victoria University will provide an honorarium to the AECs external members that will be determined by the VU Research Services Office from time to time

8.2 Expenses:

8.2.1 Victoria University will provide travel expenses to the AECs external members in the form of taxi vouchers or visitor parking permits. The form of reimbursement will be determined from time to time by the by the VU Office for Research

## INSURANCE OF MEMBERS

Under 14 (3) of the Accident Compensation Act 1985, an appointed member of the Committee is deemed to be an employee of the Crown while attending meetings or while undertaking any directed or approved activity on behalf of the Committee. Cover is afforded by WorkCover

# REVISION OF TERMS OF REFERENCE AND OPERATING PROCEDURES

## 10.1. Review:

The Terms of Reference and Operating Procedures will be reviewed annually or as necessary in response to changes in the legislation, institutional policy or concerns expressed by members of this Committee

## 10.2. Changes and amendments:

Changes and amendments to the Terms of Reference will require the endorsement of the AEC and approval of the appropriate VU Committee