

## **Zoos Victoria's Animal Ethics Committee Terms of Reference – November 2006**

---

### **1. Definitions**

- 1.1. "Committee" shall mean the Animal Ethics Committee (AEC) as outlined in the 'Australian Code of Practice for the Care and Use of Animals for Scientific Purposes' under Part 3 of *The Prevention of Cruelty to Animals Act 1986 and Regulations 1997*.
- 1.2. "Board" shall mean the Victorian Zoological Parks and Gardens Board
- 1.3. "Department" shall mean the Bureau of Animal Welfare, Department of Primary Industries.
- 1.4. "Member" shall mean a person appointed to the Committee by the Board.
- 1.5. "Proposal" shall mean that as defined in The Australian Code; "a written application to carry out a project for consideration by an AEC."
- 1.6. "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 it has been approved by the AEC.
- 1.7. "Scientific procedures" shall be defined as in Part 3 of the Prevention of Cruelty to Animals Act 1986.
- 1.8. "The Australian Code" shall mean the current edition of The Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (8<sup>th</sup> edition), mandatory under Part 3 of The Prevention of Cruelty to Animals Act 1986 and Regulations 1997.
- 1.9. *The Prevention of Cruelty to Animals Act 1986 and Regulations 1997* shall mean that as located at <http://agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare/animal-welfare-legislation/prevention-of-cruelty-to-animals-legislation>
- 1.10. "Wildlife Scientific Permit " shall mean the permit as granted by the Department of Sustainability and Environment (DSE) under The Wildlife Act 1975.

### **2. Function and Responsibilities of the Committee**

The Zoos Victoria Animal Ethics Committee (AEC), shall be responsible to the Chair of the Board under the provisions of the Prevention of Cruelty to Animals Act 1986. The primary responsibility of the AEC, on behalf of the Board, is to ensure that all use and care of animals within the context of scientific projects and procedures, is conducted in accordance with the Australian Code and relevant Victorian legislation. In relation to proposals submitted for scientific projects or procedures, the AEC shall:

- 2.1. Examine and approve, approve subject to modification, or reject written proposals relevant to the use of animals in experiments and approve only those scientific procedures for which animals are essential and which conform to the requirements of the Code of Practice, taking into consideration ethical and welfare aspects as well as scientific or educational value.
- 2.2. Monitor the acquisition, transport, production, housing, care, use and disposal of animals involved in an approved project. The Committee must 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 effects that impact on the welfare of the animals are reported to and reviewed by the Committee.
- 2.3. Conduct inspections of relevant sites where projects approved by the AEC are undertaken and monitor project activities, annually where possible.
- 2.4. Review annual or final reports of projects according to Section 2 of the Australian Code.
- 2.5. Recommend to applicants any measures, including training or supervision, needed to ensure that the standards of the Australian Code are maintained.
- 2.6. Establish a process to be able to withdraw or suspend approval for any project where necessary.

- 2.7. Establish provisions to authorise the emergency treatment or humane killing of any animals used in any project, as it deems necessary.
- 2.8. Provide advice to the Board on euthanasia issues. This includes input to, and approval of, Zoos Victoria's Euthanasia Policy; and monitoring of and reporting on the implementation of this policy.
- 2.9. Provide advice on any relevant matters referred by the Board.
- 2.10. Maintain a register of all experimental protocols.
- 2.11. Maintain a record of proposals and projects for at least four years.
- 2.12. Report annually to the Department on the Committee's activities.

### **3. Responsibility of Committee Members**

The primary responsibility of members is to ensure that the use of animals for Scientific Procedures or proposed under a Wildlife Scientific Permit is ethically justified, provides for their welfare based on collective experience and knowledge, and not to represent any particular interest group.

#### **3.1. Maintain the confidentiality of material contained in proposals:**

- 3.1.1. Members shall sign a letter of undertaking in relation to maintaining confidentiality and acceptance of the terms of reference in accordance with item 2.2.8 of the "Code of Practice".
- 3.1.2. Confidential information means all knowledge, know-how, methods, the tangible form of the expression of ideas, all rights concerning patents (particularly patentable information), copyrights, trademarks, trade secrets, registered design, improvements to technology. For example: Methods used to test a product would not generally be considered to be confidential. Information about the product (formulation, effectiveness, new market push etc) would be considered to be confidential.
- 3.1.3. Notwithstanding the above, individual members have the freedom, whenever necessary, to discuss aspects of protocols with colleagues and co-workers. This can be done in a generic manner without discussing or disclosing confidential details that compromise potential patents or Zoos Victoria's reputation.
- 3.1.4. A member resigning or retiring from the Committee shall not, without the express approval of the Board, expose any document accruing from membership stated as being confidential.

#### **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 pecuniary or other gain, that interest shall be declared to the Committee.
- 3.2.2. Where a member so declares, the Committee may refuse the member the right to speak to the business, refuse the member the right to vote on that business, or require the member to withdraw from a meeting for the period of discussion and resolution of that business.

### **4. Membership of the Committee and Term of Office**

#### **4.1. Term of Office**

Unless otherwise determined by the Board, the term of office of the Committee and each member shall be three years.

#### **4.2. Number and Category of Members:**

- 4.2.1. The Committee may consist of up to ten members, all of whom will have a genuine interest and commitment to the ethical use of animals for scientific procedures or under

a Wildlife Scientific Permit. The Committee must comprise and meet with at least a chairperson and four persons, including a separate person appointed to 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 that 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 Board or any potential project applicant, and who is not involved in the care and use of animals for scientific procedures or under a Wildlife Scientific Permit. 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 Zoos Victoria and any potential project applicant and who has never been involved in the use of animals for scientific procedures or under a Wildlife Scientific Permit, either in their employment or beyond their under-graduate 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 Board will have regard for the need for knowledge and experience concerning ethical use of animals in scientific procedures or under a Wildlife Scientific Permit. In addition to the prescribed Categories A to D.

4.3. Varying and replacing the Members, Absentee Members:

4.3.1. The Committee may recommend to the Board that membership be amended. The Committee must have a quorum in attendance to conduct meetings.

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. Co-opted members of the Committee can not exercise voting rights and must adhere to the general principals 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 Board, the Board will seek nominations for a replacement member.

4.3.4. Where a member fails to attend three consecutive meetings of the Committee without providing an apology or excuse, the Committee shall recommend to the Board the removal of the member and appointment of a replacement member.

## **5. Nominations and Appointment of the Committee**

5.1. Nominations of Category A to D members. The Board 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 from the public or organisations that use animals in scientific procedures or under a Wildlife Scientific Permit.

5.1.3. Veterinarians, with experience specific to wildlife and/or laboratory species to nominate themselves. Two nominations will be selected to be members;

5.1.4. Category C members or Animal welfare organisations to nominate a member or themselves. Two nominations will be selected to be members.

5.2. Appointment of Category A to D members:

5.2.1. The Board shall approve the appointment of all members

5.2.2. Members shall sign a letter of undertaking regarding maintaining confidentiality and acceptance of the Terms of Reference of the AEC and, in accordance with item 2.2.8 of The Australian Code, any requirements for confidentiality required by the Board, including how advice may be sought without breaching confidentiality.

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 Board 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.

5.4. Chairperson;

5.4.1. The Board 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 the AEC, to communicate, negotiate and resolve conflict with an understanding of the relevant ethical and animal welfare issues. The Chairperson must review and accept the agreed terms of reference as a condition of appointment.

5.4.2. Responsibilities of the chairperson are outlined in section 2.2.9 of The Australian Code.

5.4.3. 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.

## **6. Executive Officer Serving**

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

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

The Executive Officer will ensure that: all relevant documents (minutes, correspondence, proposals, project annual reports and Committee decisions, Committee procedural documents) as appropriate are distributed to the Committee prior to each meeting, as well as maintaining a 'hardcopy' filing system subject to triennial audit.

The Executive Officer will be responsible for drafting operating procedures in accordance with section 2 of the Australian Code for review by this Committee.

## **7. 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. Board, project or procedural related correspondence from and to the Committee between meetings shall be circulated to all members promptly and a hard copy filed by the Executive Officer.

7.2.2. Correspondence conveying the Committee's advice to the project applicant or the Board, 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 four times per year to facilitate regular consideration of project applications and related matters.

#### 7.3.2. Special Meetings:

The 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 fulfil the Committee's responsibilities. The Executive Officer shall circulate not less than seven 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 as soon as practicable 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. 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. No meeting of the Committee shall commence or continue unless a quorum is in attendance.

7.4.3. Attendance of quorate meetings may be facilitated by video-linking or teleconferencing 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.

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. Executive:

The Committee may establish an executive that must include the Chairperson and at least one member from Category C or D who may:

7.5.1. approve minor modifications to projects for review at the next meeting;

7.5.2. specify emergent or alternative action required in response to reports of adverse events or emergencies;

7.5.3. not approve new proposals.

### 7.6. Voting:

7.6.1. Decision outcomes at a meeting of the Committee shall be determined by consensus as defined by The Australian Code.

7.6.2. No person at a meeting, other than an appointed member, has the right to vote.

7.7. In the event that AEC requirements are found to have not been met, the following procedure will be adopted:

7.7.1. The AEC receives a report of an alleged incident immediately following the event from the principle investigator.

7.7.2. The Chair of the AEC investigates the report and seeks a written explanation of the incident from the researcher/staff member.

7.7.3. The report is distributed to all AEC members for comment and if necessary an extraordinary AEC meeting may be convened for further discussion.

7.7.4. The Chair of the AEC reports the incident and the AEC view(s) to the Chair of the Board and the CEO of Zoos Victoria for information and/or action.

7.7.5. Should an AEC member, after the above procedure (in items 11 and 12) have been exhausted, still be unsatisfied that appropriate action has or will be taken to safeguard animal welfare, then the member should advise the Chair of the Board and pursue the issue as a personal matter through the Bureau of Animal Welfare.

7.7.6. The AEC retains the right to suspend a project during an investigation.

#### 7.8. Reporting

An annual report shall be provided to the Board and the Department at its February meeting. Members of the AEC will be provided with an opportunity to comment on the final draft of the annual AEC report and to approve it for submission to the Board. In particular, comments from category C and category D members shall be given due regard in finalising the content of the annual report.