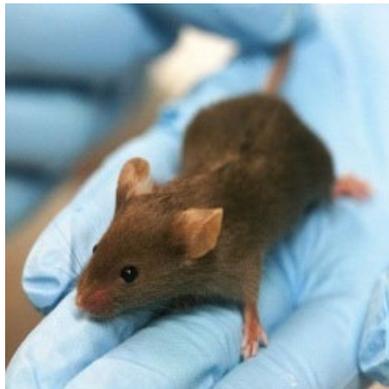




# Flinders University Animal Ethics Committee

## *Terms of Reference*



January 2020

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# Flinders University Animal Ethics Committee

## Terms of Reference

### 1. PREAMBLE

The Terms of Reference for Flinders University's Animal Ethics Committee (AEC), entitled the Animal Welfare Committee, are to:

- 1.1. Ensure that the AEC membership will enable the Committee to meet its membership responsibilities (see Section 2.2).
- 1.2. Describe how members are appointed, re-appointed or retired, according to procedures developed by the Institution in consultation with the AEC.
- 1.3. Ensure that the AEC has terms of reference that are publicly available.
- 1.4. Ensure that the operation of the AEC is compliant with relevant legislation and national guidelines.
- 1.5. Detail that the AEC is accountable to the Vice-Chancellor through the Deputy Vice-Chancellor (Research) (DVCR).

### 2. OBJECTIVES AND POWERS OF THE AEC

The Terms of Reference and the operations of the AEC must comply with the terms of the South Australian *Animal Welfare Act 1985* (Act) and the *Australian Code for the Care and Use of Animals for Scientific Purposes, 8<sup>th</sup> edition 2013* (Code). The Act will apply in the event of any inconsistency.

#### 2.1 Functions and Responsibilities

The AEC shall:

- 1.5.1. Examine and give "Approval", "Approval with Conditions", "Pending Approval", or "Deferral/Not Approved" to written proposals relevant to the use of animals for research or teaching. Approval is only provided for uses where animals are essential and which conform to the requirements of the Act and the Code, taking into consideration ethical and welfare aspects as well as scientific or educational value.
- 1.5.2. Apply Replacement, Reduction and Refinement (the 3Rs) at all stages of animal care and use.
- 1.5.3. Monitor the acquisition, transport, breeding, housing, husbandry, and use of animals in each project, and the provisions for the animals at the completion of their use, including disposal of animals.

- 1.5.4.** Approve guidelines for the care and use of animals on behalf of the institution
- 1.5.5.** Approve Standard Operating Procedures (SOPs) and Safe Work Method Statements (SWMSs) for the care of animals that are bred, held and used for scientific purposes on behalf of the Institution, including external SOPs and SWMSs.
- 1.5.6.** Maintain a register of approved proposals.
- 1.5.7.** Take appropriate action regarding unexpected adverse events. Action may include, for example, withdrawal of approval for any project or authorisation for treatment or euthanasia of any animal.
- 1.5.8.** Take appropriate action regarding non-compliance. Action may include, for example, withdrawal of approval for any project or authorisation for treatment or euthanasia of any animal.
- 1.5.9.** Where appropriate, examine and comment on all Flinders University plans and policies that may affect animal welfare.
- 1.5.10.** Support and promote the education and training of staff and students (particularly research students) in the care and use of animals for scientific purposes.
- 1.5.11.** Require that all members declare any conflict of interest.
- 1.5.12.** Require that all members maintain confidentiality in relation to any matters pertaining to the AEC.
- 1.5.13.** Manage situations in which a conflict of interest arises.
- 1.5.14.** Delegate authority to the Chair or Animal Welfare Officer to suspend an approved protocol pending review by the AEC.
- 1.5.15.** Report to the DVCR and the Director of Research Development and Support matters in relation to animal use and welfare as required by the Code (sections 2.3.27 and 2.3.28).
- 1.5.16.** Submit a written report, at least annually, to the University on:
  - 2.1.16.1.** Numbers and types of projects assessed and approved or rejected;
  - 2.1.16.2.** A summary and/or review of the facilities provided in the College of Medicine and Public Health and the College of Science and Engineering Animal Facilities;
  - 2.1.16.3.** Activities that have supported the educational needs of AEC and Sub-Committee members, and of personnel involved in the care and use of animals;
  - 2.1.16.4.** Administrative or other difficulties being experienced; and
  - 2.1.16.5.** Any matters that may affect the University's ability to maintain compliance with the Act and the Code and, if necessary, provide appropriate recommendations.
- 1.5.17.** Recommend to the DVCR any measures that are needed to ensure that the Act and the Code are complied with.

- 1.5.18.** Perform all other duties required by the terms of licences to use animals for teaching, research or experimental purposes, including compliance with policies and guidelines, audit and inspection of animal houses and laboratories, and submission of an annual report.
- 1.5.19.** Appoint members to the College of Medicine and Public Health Animal Ethics Review Sub-Committee (AERSC) and the College of Science and Engineering Animal Welfare Sub-Committee (AWS-C), following approval by the Dean (Research) of the relevant College and DVCR, where appropriate;
- 1.5.20.** Perform all other duties required of it by the Act and the Code.
- 1.5.21.** The AEC accepts responsibility for oversight, review and monitoring of the care and/or use of animals for scientific purposes for the following organisations:
  - 1.5.21.1.** Flinders University (all sites);
  - 1.5.21.2.** The Southern Adelaide Local Health Network, which includes the Flinders Medical Centre (FMC);
  - 1.5.21.3.** Other individuals or organisations approved to use the University's animal research facilities, such use being subject to signing of an appropriate Indemnity Agreement; and
  - 1.5.21.4.** Other individuals or organisations working outside the University's animal research facilities, where appropriate. In such cases, a Service Agreement may be required.
- 2.1.22** Ensure, on behalf of the institution for which it acts, that all activities relating to the care and use of animals are conducted in compliance with the Code.
- 2.1.23** Review applications for projects and approve only those projects that are ethically acceptable (section 1.3) and conform to the requirements of the Code.
- 2.1.24** Review applications for activities associated with the care and management of animals in Animal Facilities, including procedures applicable to breeding programs integral to the maintenance of an animal line, and approve only those activities that are ethically acceptable and conform to the requirements of the Code.
- 2.1.25** Conduct follow up review of approved projects and activities (section 2.2.32 [ii]) and allow continuation of approval of project and activities that are ethically acceptable and conform to the requirements of the Code.
- 2.1.26** Monitor the care and use of animals, including housing conditions, practices, and procedures, involved in the care of animals in Animal Facilities.

## **2.2 Membership**

- 2.2.1.** The AEC must have a membership which will allow it to fulfil its Terms of Reference.
- 2.2.2.** The membership of an AEC is stipulated in both the Act and the Code. Where differences exist between AEC membership as described in the Act compared

to the Code, the Act has precedence, however, the AEC must use reasonable measures to satisfy both requirements if possible.

**2.2.3.** The AEC must comprise at least six persons, being a Chair and at least one person from each of the following categories<sup>1</sup>, in accordance with the Act and the Code:

2.2.3.1. Category A - A person with qualifications in veterinary science that are recognised for registration as a veterinary surgeon in Australia, and with experience relevant to the Institution's activities or the ability to acquire relevant knowledge.

2.2.3.2. Category B - A suitably qualified person with substantial and recent experience in the use of animals for scientific purposes relevant to the Institution and the business of the AEC. This must include possession of a higher degree in research or equivalent experience.

2.2.3.3. Category C - A person with demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not employed by or otherwise associated with the Institution, and who is not currently involved in the care and use of animals for scientific purposes. Veterinarians with specific animal welfare interest and experience may meet the requirements of this category. While not representing an animal welfare organisation, the person should, where possible, be selected on the basis of active membership of, and endorsement by, such an organisation.

2.2.3.4. Category D - A person not employed by, or otherwise associated with, the Institution and who has never been involved in the use of animals in scientific or teaching activities, 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.

2.2.3.5. Daily Care ("Category E") - A person who is responsible for the daily care of animals for use in teaching or research activities within the Institution.

**2.2.4.** Category C plus D members must together represent at least one-third of the AEC membership in relation to Categories A, B, C plus D members.

**2.2.5.** Category B members should be comprised of the Chair and/or Deputy Chair of the Sub-Committees.

**2.2.6.** The AEC membership should strive for gender balance.

**2.2.7.** All categories of members are equally valuable and valued. The knowledge, expertise and personal opinions of individual members will vary considerably, but certain overarching characteristics and abilities are necessary if the AEC is to function well as a group and be able to fulfil its purpose. These include:

2.2.7.1. An acceptance that ethical experiments on animals can be carried out as long as they have been properly assessed and duly approved by the AEC;

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<sup>1</sup> The Category definitions are as defined by the Code but encompass the requirements of the Act.

- 2.2.7.2. Courtesy and patience in dealing with other committee members and with investigators;
- 2.2.7.3. Willingness to listen as well as to speak; and
- 2.2.7.4. Clarity and succinctness in oral and written communication.

## **2.3 General Duties**

- 2.3.1. It is the duty of members to understand and accept their responsibilities under the Act and the Code.
- 2.3.2. Each member must decide in his or her mind whether or not an application or other matter under consideration by the AEC is ethically acceptable.
- 2.3.3. Each member is required to comply with any procedures established by the University for the effective functioning of the AEC, as well as any other internal policies or procedures pertaining to animal research or participation in University committees.
- 2.3.4. All members are required to respect confidentiality of documents circulated and business discussed at meetings, and to sign a confidentiality agreement to this effect (see Section 8).
- 2.3.5. Members must attend every AEC meeting. When members are unable to attend an upcoming meeting, they must provide a written or oral apology prior to the meeting explaining their absence.
- 2.3.6. Members must read meeting papers prior to the meeting, and must actively contribute to discussions.

## **3. APPOINTMENTS**

### **3.1. AEC Member Appointments**

- 3.1.1. The Chair, in consultation with the Director of Research Development and Support, recommends prospective members to the DVCR, obtained by an open nomination process. The AEC and its members are appointed by the DVCR. New members may not be appointed to the AEC at any time without approval by the DVCR. The Chair must notify the DVCR of any resignations, retirements, or other departures from the membership of the AEC.
- 3.1.2. The Chair, the Executive Officer (EO), and other deputised AEC members may interview potential new AEC members to ensure their suitability to serve on the AEC and to confirm that the person fulfils the criteria of their Category. Potential AEC members, who are Flinders University staff, are required to have supervisor support.
- 3.1.3. Submissions regarding potential new members for the AEC must be reviewed by the DVCR, supported by the Director of Research Development and Support, for approval and appointment to the Committee.

- 3.1.4. The DVCR has complete discretion as to whether to accept or reject a nomination.
- 3.1.5. Although members are appointed to the Committee by the DVCR, in agreeing to be a member of the AEC, a nominee agrees that all contact with the DVCR will be through the Chair or the EO.

### 3.2. Term of Office

- 3.2.1. The term of office for an AEC member, including the Chair, is up to two years and may be renewable.
- 3.2.2. If a member wishes to renew their term they should state this in writing to the Chair, cc'd to the EO, a minimum of 4 weeks prior to the expiration of their current term. The Chair has the discretion to appraise the attendance record of a member, and/or their contribution to the effective operation of the AEC, and to seek and consider other nominations if deemed necessary.
- 3.2.3. If the Chair wishes to renew or cease their term he/she should state so in writing to the DVCR a minimum of three months prior to the expiration of his/her current term.
- 3.2.4. If a member wishes to resign their position they should state this in writing to the DVCR and cc'd to the Chair and EO, with a minimum one month notification period.

## 4. TRAINING OF AEC MEMBERS

- 4.1. All members will be required to participate in annual AEC Planning Days, which will include opportunities for in-depth examination of specific issues, updates on legislation as appropriate and invited speakers.
- 4.2. All AEC members, as well as the EO, are encouraged to attend relevant workshops or conferences, such as ANZCCART<sup>2</sup> annual conferences, NHMRC<sup>3</sup> workshops (as offered), or other appropriate meetings.

## 5. MEMBERS ALLOWANCES AND EXPENSES

- 5.1. Members are appointed on a volunteer basis, and therefore receive no sitting fee.
- 5.2. Some out-of-pocket expenses experienced by members may be covered, including complimentary parking.
- 5.3. The Chair will receive a responsibility loading for the term of office, which will be indexed in accordance with the prevailing Flinders University Enterprise Agreement. The loading will be paid into an account established in the College to be used for any

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<sup>2</sup> ANZCCART = Australian and New Zealand Council for the Care of Animals in Research and Teaching

<sup>3</sup> NHMRC = National Health and Medical Research Council

legitimate University purpose, such as teaching relief, travel, or computer infrastructure. Such funds are to be spent during the term of office or within one year of the office terminating.

## **6. RETIRING OR REMOVAL OF MEMBERS**

- 6.2.** The DVCR has the right to remove a member in order to create the opportunity for new members to join the committee, upon advice of the Chair.
- 6.3.** In certain circumstances, the Chair may resolve to recommend to the DVCR that a member be removed from the Committee. This may occur where the member fulfils one or more of the following:
  - 6.2.1.** Has a real or apparent conflict of interest with the requirements of the Committee.
  - 6.2.2.** Behaves in a way which brings the Committee into disrepute.
  - 6.2.3.** Impedes the Committee from fulfilling its Terms of Reference.
  - 6.2.4.** Engages in proven misconduct.
  - 6.2.5.** Incurs a criminal record.
  - 6.2.6.** Has a poor attendance record (i.e. misses three consecutive meetings without leave of absence, without good cause or without notifying the EO).
  - 6.2.7.** Fails to meet confidentiality requirements or uses AEC related information for purposes other than those intended.
  - 6.2.8.** Behaves in a manner which impairs the effectiveness of the Committee.
  - 6.2.9.** Demonstrates incompetence with regard to the duties required of a member.
- 6.4.** At least one calendar month prior to making a resolution to recommend removal, the Chair will meet with the member to outline the basis for the recommendation and will provide the member with reasonable opportunity, not exceeding two weeks, to be heard or to make a written submission in response. Following receipt of the member's response, the Chair may:
  - 6.3.1.** Resolve to recommend that the member be removed from the Committee.
  - 6.3.2.** Resolve to retain the member.
- 6.5.** Where the Committee resolves that a member be removed, the Chair will formally request that the DVCR removes the member from the Committee. The granting of such a request is at the discretion of the DVCR. The member's membership will cease immediately on receipt of notice from the DVCR that the request has been granted.
- 6.6.** The Chair may prohibit a member from attending AEC meetings whilst a resolution to recommend removal is considered in accordance with section 4.4, or in the case that criminal charges or allegations of misconduct are being investigated.
- 6.7.** A member may submit an appeal to the DVCR in regard to process only.

## **7. VOTING RIGHTS OF MEMBERS**

- 7.8.** Whilst it is preferred that all decisions made by the AEC are on the basis of consensus, occasions may arise when the Chair calls for a vote.
- 7.9.** All members have the right to vote, except under circumstances where an AEC member has a conflict of interest (see *AWC Operating Procedures*, section 17).
- 7.10.** All category A-E members present at an AEC meeting are entitled to one vote per decision at that meeting. Should there be an equal number of 'for' and 'against' votes, the Chair may cast a tiebreaker vote.
- 7.11.** Members are allowed to dissent against a decision made by the committee, and this will be recorded in the minutes.
- 7.12.** Where a non-member is co-opted to the Committee for the purposes of providing expertise on specific issues, they must take no formal part in the proceedings of the Committee other than offering expert advice when it is sought on the issues concerned.

## **8. CONFIDENTIALITY AND SECURITY**

- 8.13.** Maintaining confidentiality and security is essential to protecting the ethics approval process as well as privacy, innovation, the integrity of research and the reputation and safety of individuals and institutions.
- 8.14.** Members of the AEC must sign a Confidentiality Agreement that protects project-specific information, animal facility processes, details about the AEC process, conversations, deliberations or decisions, and details about other Committee members from being disclosed outside of the Committee itself. This agreement does not apply to any information that:
  - 8.2.1.** Constitutes alleged breaches of legislation which may be reported to the relevant state or territory government authorities.
  - 8.2.2.** Is required to be disclosed by law (provided that only the minimum amount of confidential information is released or disclosed to comply with the applicable law).
  - 8.2.3.** Is lawfully already in the public domain, or becomes part of the public domain, other than due to the fault of, or any act or failure to act by, the member.
  - 8.2.4.** Is or becomes available to the member from a third party who is lawfully in possession of that information and has the lawful power to disclose or release that information to the member on a non-confidential basis.
- 8.15.** Any visitors, guests, or observers present at AEC meetings must also sign Confidentiality Agreements.
- 8.16.** Information may be sought by AEC members from contacts outside the AEC with regard to specific issues, but all reasonable care should be taken so that applicants are not identified, with minimal information divulged that could identify projects or applicants, or that could be regarded as socially, scientifically or commercially sensitive. Those contacts must also be informed of the sensitive nature of such an

enquiry and the corresponding confidentiality restrictions, and be asked to be mindful of such, to exercise absolute discretion and not to discuss the nature of any conversations or information gained with other persons except in conjunction with AEC business or purposes.

**8.17.** It is up to members to seek advice from the Chair if they are unsure how to balance their responsibilities with regard to confidentiality and security.

**8.18.** Flinders University's "Information Security Policy" and "Privacy Policy" must be adhered to:

**8.6.1.** When using ICT facilities or equipment.

**8.6.2.** When accessing Flinders University webpages or shared sites.

**8.19.** Should any confidential information (or any storage device containing confidential information) pertaining to the AEC be lost or stolen, the EO must be notified immediately.

## **9. GRIEVANCES**

### **9.1. Researcher Grievances**

**9.1.1.** All researcher grievances will be handled according to the Flinders University Grievances Policy.

### **9.2. AEC Member Grievances**

**9.2.1.** All AEC member grievances regarding conduct of committee meetings are to be directed to the Chair, in the first instance.

**9.2.2.** All AEC member grievances will be handled according to the Flinders University Grievances Policy.

### **9.3. External Grievances**

**9.3.1.** All external grievances will be directed to the DVCR, in the first instance, for response, following consultation with the Chair, the Director of Research Services and the Research Ethics and Integrity team where required.

## **10. TERMS OF REFERENCE REVIEW**

**10.1.** It is recommended that the AEC Terms of Reference are reviewed every three years, or as required, by the AEC and the Animal Ethics Officer.

**10.2.** Any major change to the AEC Terms of Reference must be approved by the University Council, following review and recommendation from the AEC, the Animal Ethics Officer, and the DVCR.

**10.3.** All other changes, deemed not major, can be approved by the AEC and the Animal Ethics Officer.