Agriculture Victoria
Wildlife and Small Institutions Animal Ethics Committee
Terms of Reference
2017
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1. Definitions

**Activity:** any action or group of actions undertaken that involves the care and use of animals, including acquisition, transport, breeding, housing and husbandry of those animals. An activity may involve one or more procedures. Activities are described in an application to the animal ethics committee.

**Animal:** means—
(a) a live member of a vertebrate species including any—
   (i) fish or amphibian that is capable of self-feeding; or
   (ii) reptile, bird or mammal, other than any human being or any reptile, bird or other mammal that is below the normal mid-point of gestation or incubation for the particular class of reptile, bird or mammal; or
(b) a live adult decapod crustacean, that is—
   (i) a lobster; or
   (ii) a crab; or
   (iii) a crayfish; or
(c) a live adult cephalopod including—
   (i) an octopus; or
   (ii) a squid; or
   (iii) a cuttlefish; or
   (iv) a nautilus;

**Australian code:** *Australian code for the care and use of animals for scientific purposes, 8th edition 2013.*

**Competent:** the consistent application of knowledge and skill to the standard of performance required regarding the care and use of animals. It embodies the ability to transfer and apply knowledge and skill to new situations and environments.

**Complaint:** a statement that something is unsatisfactory or unacceptable this may relate to the activities of any party or person involved in the care and use of animals, including investigators, animal carers, the WSIAEC and governance officials.

**Conflict of interest:** a situation in which a person’s individual interests or responsibilities have the potential to influence the carrying out of his or her institutional role or professional obligations, or where an institution’s interests or responsibilities have the potential to influence the carrying out of its obligations.

**Current best practice:** a practice, procedure, method or process that has proven to be most effective in supporting and safeguarding animal wellbeing, and that:
- takes into consideration the relevant aspects of species-specific biology, physiology and behaviour.
- is based on the best available scientific evidence (or, in the absence of scientific evidence, accepted practice), which includes the potential adverse impact of conditions and procedures on the wellbeing of the animals.
- includes strategies to minimise adverse impacts.

**Department:** Department of Economic Development, Jobs, Transport and Resources; Agriculture Victoria.

**Eligible institution:** any natural person or incorporated entity meeting the eligibility criteria determined by the department, and as amended from time to time, to access the services of the WSIAEC.

**Investigator:** any person who uses animals for scientific purposes

**Licence:** a licence issued under Part 3 of the POCTA Act

**Licensing and Audit Unit:** Licensing and Audit unit of the Biosecurity Branch, Department of Economic Development, Jobs, Transport and Resources.

**Minor amendment or modification:** Changes to a project or activity approved by the WSIAEC where the proposed change is not likely to cause any additional harm to the animals, including pain and distress.

**Monitoring:** measures undertaken to assess, or to ensure the assessment of, the wellbeing of animals in accordance with the Australian code. Monitoring occurs at different levels (including those of investigators, animal carers and animal ethics committees).
Non-compliance: Failure to act in accordance with relevant legislation or with projects and standard operating procedures approved by the WSIAEC.

Person with ultimate responsibility: person who is responsible for the overall management and conduct of an individual project, and for ensuring that clear lines of responsibility, communication and accountability regarding the care and use of animals in the project are identified.


Project: an activity or group of activities that form a discrete piece of work that aims to achieve a scientific purpose WSIAEC, upon approval by the WSIAEC the project becomes the ‘approved project’.

Scientific Purposes: all activities conducted with the aim of acquiring, developing or demonstrating knowledge or techniques in all areas of science, including teaching, field trials, environmental studies, research (including the creation and breeding of a new animal line where the impact on animal wellbeing is unknown or uncertain), diagnosis, product testing and the production of biological products.

Specified animal: guinea pig; and rat, mouse or rabbit, other than a rat, mouse or rabbit bred in its native habitat; and non-human primate.

WSIAEC: Wildlife and Small Institutions Animal Ethics Committee

2. Responsibility and function of the WSIAEC

The primary responsibility of the WSIAEC is to ensure that all use and care of animals for scientific purposes and breeding of specified animals by eligible institutions is ethically acceptable and conducted in accordance with the Australian code and relevant Victorian legislation. The WSIAEC must provide competent, fair, consistent and timely review of applications and reports related to the care and use of animals in accordance with the Australian code.

The Governing Principles are outlined in the Australian code, respect for animals must underpin all decisions and actions involving the care and use of animals. This respect is demonstrated by:

- Using animals only when it is justified.
- Supporting the wellbeing of the animals involved.
- Avoiding or minimising harm, including pain and distress, to those animals.
- Applying high standards of scientific integrity.
- Applying Replacement, Reduction and Refinement (the 3Rs) at all stages of animal care and use.
- Knowing and accepting one’s responsibilities.

The WSIAEC will recommend to eligible institutions any measures, including training or supervision, needed to ensure that the requirements of the Australian code are met.

The WSIAEC will facilitate independent external review in accordance with section 6 of the Australian code at least every four years.

The WSIAEC will provide advice and recommendations to the department and eligible institution.

3. Responsibilities of the department

The department is responsible for:

a. Ensuring these Terms of Reference are available for access by the general public.
b. Providing adequate resources to allow proper function of the WSIAEC.
c. Facilitating education of WSIAEC members and assist in conflict resolution as necessary.
d. Conducting an annual review of the function of the WSIAEC.
e. Appointing a chairperson to the WSIAEC.
f. Providing administrative support to the WSIAEC.
g. Referring eligible institutions to the WSIAEC.
h. Providing governance support as per the Service Agreement, see section 8.9.
4. Responsibilities of WSIAEC members

4.1 Ethical judgment and decisions

The primary responsibility of members is to ensure that the use of animals for scientific purposes or other approved investigative purpose is ethically justified, provides for their welfare and incorporates the principles of Replacement, Reduction and Refinement based on collective experience and knowledge.

Members are responsible for deciding whether, in their own judgment, an application to undertake a project or any other matter under consideration by the WSIAEC is ethically acceptable and meets the requirements of the Australian Code.

To fulfil this responsibility, members are required to:

- be familiar with the POCTA Act and associated Regulations, the Australian code and other policies and guidelines relevant to the business of the WSIAEC.
- provide opinions on the ethical acceptability of applications and other matters under consideration by the WSIAEC.

4.2 Confidentiality

Correspondence between the department, the WSIAEC, and the eligible institution, including details contained within any project application shall be confidential.

Members are required to sign a confidentiality agreement.

A member resigning or retiring from the WSIAEC shall not, without the express approval of the department, discuss or expose any document or business accruing from membership stated as being confidential.

4.3 Conflict of Interest

Where a member has any direct or indirect interest in any matter of business before the WSIAEC, which may be construed as pecuniary or other gain, that interest shall be declared to the WSIAEC.

Where a member so declares, the members with a conflict of interest must remove themselves from the WSIAEC’s decision-making on matters that relate to the conflict of interest.

4.4 Decision making

Decisions must be based on a thorough, fair and inclusive process of discussion and deliberation by WSIAEC members, and must be made only by those present throughout the discussion.

Decisions should be made on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the WSIAEC should explore with the applicant(s) ways of modifying the project or activity that may lead to consensus. If consensus is still not achieved, the WSIAEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion. No person at a meeting, other than an appointed member, may have the right to vote.

Decisions of the WSIAEC must be made as promptly as possible.

5. Membership of the committee and term of office

5.1 Term of Office

Unless otherwise determined by the department, the term of office of each member, shall normally be three years.

5.2 Category and number of members

The WSIAEC may comprise such members as deemed necessary to conduct its business, all of whom will have a genuine interest and commitment to the ethical use of animals for scientific purposes. The WSIAEC must comprise and meet with at least one appointed person from each of the following categories:
A. a person with qualifications in veterinary science that are recognized for registration as a veterinary surgeon in Australia, and with experience relevant to the institution’s activities or the ability to acquire relevant knowledge.

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 WSIAEC. This must include possession of a higher degree in research or equivalent experience. If the business of the WSIAEC relates to the use of animals for teaching only, a teacher with substantial and recent experience may be appointed.

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.

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 WSIAEC, and must not fit the requirements of any other category.

The membership must comprise at least one third category C and D members.

The WSIAEC may invite persons with specific expertise to provide advice, as required.

5.3 WSIAEC executive

The WSIAEC may establish an executive from the available members at any time, the executive must include the Chair and at least one member from category C or D who:

- may approve minor modifications to projects for ratification at the next meeting
- may grant final approval, subject to ratification at the next meeting, to projects where the decision was deferred by the WSIAEC and minor changes were required prior to approval. In this circumstance, the executive must consist of members of the WSIAEC present at the meeting where the WSIAEC assessed the application
- may specify urgent action required in response to reports of adverse events or emergencies
- will not approve new proposals

Modifications that have potentially high animal welfare impact (for example justification for inducing pain in the absence of analgesia, single housing for social species, queries as to why valid alternatives are not used) must be considered by a quorate meeting of the AEC.

5.4 Varying and replacing the members

The department may elect to vary membership, or replace members at any time. The WSIAEC may recommend to the department that membership be amended.

The WSIAEC 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 WSIAEC cannot exercise voting rights and must adhere to the principles of confidentiality as per voting members.

In the event of a member being obliged or electing to retire or resign during the term of the WSIAEC, or being removed by the department, the department will seek nominations for a replacement member.

5.5 Absentee Members

Where a member fails to attend three consecutive meetings of the WSIAEC without providing an apology or excuse, or is demonstrably unable to maintain an adequate level of participation or meet the responsibilities of WSIAEC Membership, the WSIAEC shall recommend to the department that the member be replaced by a new appointee of the same category.
6. Nominations and appointment of the WSIAEC

6.1 Nominations of Category A to D members
The department may invite the following to nominate for membership:

- existing Victorian AEC members, of any category
- other persons who fulfil one of the above categories from the public or organisations that use animals in scientific procedures or under a Research Permit issued in accordance with the Wildlife Act 1975.
- veterinarians, with experience specific to wildlife and/or laboratory species
- members of animal welfare organisations

6.2 Appointment of Category A to D members
In selecting members, the department will have regard for the need for knowledge and experience concerning ethical use of animals for scientific purposes.

The department is responsible for appointing members to the WSIAEC.

Members shall sign an agreement to maintain confidentiality and acceptance of the terms of reference in of the WSIAEC.

6.3 Continuity of the WSIAEC
The WSIAEC will be standing committee with, wherever possible, staggered re-appointment of members with the objective of continuance of effective committee functioning.

7. Chairperson
The department will appoint a suitably qualified Chairperson. The Chairperson shall be a member of the WSIAEC.

The chairperson will represent the WSIAEC in any negotiations with the department or external institution’s management.

The chairperson will report annually, and at other times as necessary to the department and eligible institutions on the activities of the WSIAEC.

Responsibilities of the chairperson are outlined in section 2.2.13 of the Australian code.

In the absence of the Chairperson at any meeting of the WSIAEC, the members present shall appoint one of their members as acting Chairperson at that meeting.

8. Executive officer
The department shall provide an Executive Officer to provide administrative support to the WSIAEC. The Executive Officer will be the first point of contact for institutions or investigators wishing to access the WSIAEC.

The Executive Officer will not be a voting member.

The Executive Officer will ensure distribution of meeting papers to the members prior to each meeting, as well as maintaining records of WSIAEC business. Records of applications and associated documents will be maintained for at least four years.

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 WSIAEC, all relevant proposals and related correspondence.

The Executive Officer will be responsible for drafting procedures in accordance with the Australian code and other relevant legislation and codes of practice for review by the WSIAEC.

The Executive Officer in conjunction with the WSIAEC Chairperson will prepare an annual report of WSIAEC operations to the department and eligible institutions.
Under exceptional circumstances, where the executive officer declares conflict of interest, the committee will determine if the executive officer is required to withdraw from a meeting during discussion and or voting on the relevant business.

9. Business operations

9.1 Conduct of meetings
Meetings shall be conducted in accordance with operating procedures established by the WSIAEC.

The WSIAEC must have a quorum of members in attendance to conduct meetings. Such quorum must comprise at least one member from each category and at least one third category C and D members.

The WSIAEC will not make decisions unless a quorum is in attendance. A non-quorate meeting of the WSIAEC may discuss matters for approval by a quorate meeting.

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.

Any duly convened meeting at which a quorum is in attendance shall be competent to consider and resolve any business of the WSIAEC and shall have and may exercise all the functions of the WSIAEC.

Where possible the WSIAEC will meet face to face with applicants.

9.2 Correspondence
Departmental, project or procedural related correspondence from and to the WSIAEC between meetings shall be circulated to all members promptly.

The WSIAEC must clearly communicate its decisions, the reasons for its decisions and any conditions attached to an approval to investigators in writing, as promptly as possible, after the relevant meeting.

9.3 Documents and procedures
The WSIAEC will develop and maintain documents and procedures in accordance with the Australian Code including for:

- application for WSIAEC approval to commence a project or activity
- follow-up review of an approved project or activity at scheduled times
- circumstances that trigger additional review, investigation, project suspension or withdrawal of approval
- proposed amendment to an approved project or activity
- review of annual progress of an ongoing project or activity
- reporting unexpected adverse events
- reporting on an approved project or activity that has been completed or discontinued.
- handling events of non-compliance
- handling complaints.

9.4 Meeting frequency
The time and venue of general meetings of the WSIAEC shall be determined by the WSIAEC. The WSIAEC shall meet at least six times per year.

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

9.5 Meeting agenda and relevant documents
The Chairperson shall ensure that the meeting agenda will consider business as required to meet the WSIAEC responsibilities.

9.6 Meeting minutes
The Executive Officer will maintain and circulate meeting minutes to members as soon as practicable after each meeting. The minutes will be confirmed at the subsequent meeting of the WSIAEC.
9.7 Eligible institutions
The department is responsible for determining eligibility for access to the WSIAEC.
Institutions, that are eligible and have previously accessed a different AEC, must submit a new application to the WSIAEC for continuation of any existing projects.
Upon acceptance as an eligible institution, the department and the eligible institution must sign a service agreement. A signed service agreement must be in place prior to acceptance of applications to the WSIAEC.

10. WSIAEC approval

10.1 Applications that may be considered
The WSIAEC may consider for approval, in accordance with the Australian code, applications submitted by:

- individuals undertaking collection, taking, banding and marking of wildlife for research purposes. These applicants are exempt from licensing under the POCTA Act, but must hold a research permit issued by the Department of Environment, Land, Water and Planning (DELWP) in accordance with section 28A of the Wildlife Act 1975
- investigators associated with scientific procedures licence holders using animals for research or teaching, and specified animals breeding licence holders where the licence holder nominates the WSIAEC under the licence
- proposals for major upgrades of existing or building of new animal facilities submitted by licence holders

The WSIAEC may only approve applications that comply with the Australian code and other relevant legislation.

10.2 Project approval
The WSIAEC will examine applications for project approval and may:

- approve
- defer a decision pending modification
- not approve

Approval for projects and activities may be granted for up to three years, subject to submission of annual reports. In exceptional circumstances, the WSIAEC may consider a request for a limited extension of time, for example to allow an approved project to conclude.
Having approved a project, the WSIAEC may withdraw or suspend project approval.

10.3 Modification to approved projects
An approved project may be amended during the period of its approval provided the proposed changes do not alter the substantive procedures or processes to such a degree that a new project application is warranted.

The WSIAEC will determine if a new application is required. Any proposed changes to an approved project must be approved by the WSIAEC before the change is implemented.

10.4 The WSIAEC may review and approve
Guidelines including:

- How competency of those involved in animal use will be assessed and ensured
- Strategies to ensure the maintenance of a health status of the animals that safeguards animal wellbeing and meets the requirements of their proposed use.
- Monitoring and assessment of animals to ensure that any harm, including pain and distress, is promptly detected and managed.
- Actions required for unexpected adverse events and emergencies, including those that require welfare interventions such as the emergency treatment or humane killing of any animal, to ensure that adverse impacts on animal wellbeing are addressed rapidly.
Standard Operating Procedures (SOPs). In general, SOPs for projects are submitted and reviewed with the application, once approved such SOPs form part of the approved application.

Annual or final reports of projects, according to section 2 of the Australian code.

11. Monitoring the care and use of animals

11.1 Animal use
The WSIAEC monitors the care and use of animals by reviewing records and reports and as necessary inspecting animals, animal housing and the conduct of procedures.

The WSIAEC must ensure that unexpected adverse events or issues identified as a result of monitoring receive appropriate follow-up. Breaches of the Australian code will be reported to the eligible institution and the department in accordance with WSIAEC procedures.

11.2 Site inspections
A Category C or D member of the WSIAEC should participate in animal facility inspections.

The WSIAEC will determine the frequency and timing of inspections.

The WSIAEC must maintain records of inspections that include the names of attendees, observations, any identified problems, recommended actions, ongoing or outstanding issues, and outcomes.

The WSIAEC may delegate to suitably qualified people to monitor animal care and use, including projects and activities conducted at remote sites (e.g. fieldwork). Such delegation will include how reports of such monitoring are to be provided to the WSIAEC (e.g. using still or video images).

12. Financial arrangements

12.1 Sitting fees
Appointed members shall be paid meeting fees, determined by the department using the current Victorian State Government “Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees” Schedule C: Sessional Rates, category 2: fees/day for members for guidance

12.2 Travelling expenses
Private motor vehicle usage reimbursement rates, as determined from time to time by the department, shall be paid to appointed members attending meetings.

Costs of travel by train, bus, tram, or taxi to attend meetings of the Committee shall be reimbursed.

Where incurred, parking fees shall be reimbursed with other travel expenses.

12.3 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.

13. Annual report and review of operations
The WSIAEC will produce an annual report for the department and eligible institutions.

The WSIAEC chairperson will make themselves available to meet with the department to review the WSIAEC annual report.

The report should advise on:

- numbers and types of projects and activities assessed, and approved or not approved.
- the physical facilities for the care and use of animals by eligible institutions
o actions that have supported the educational and training needs of WSIAEC members and people involved in the care and use of animals
o administrative or other difficulties experienced
o any matters that may affect the eligible institution’s ability to maintain compliance with the Australian code
o any matters that may affect the WSIAEC’s ability to maintain compliance with the Australian code
o any matters that relate to eligible institution’s ability to maintain compliance with the Australian code
o appropriate recommendations to address matters of non-compliance and measures for effective/remedial change.

14. Revision of terms of reference
These Terms of Reference will be reviewed as necessary in response to changes in legislation, departmental policy or upon the request of the WSIAEC.

15. Version control

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<th>Version</th>
<th>Date</th>
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| 1.1     | August 2017| Minor corrections and clarifications  
Addition to definitions; including definition of minor amendment | Mandy Errington |