Wildlife and Small Institutions Animal Ethics Committee (WSIAEC)

Terms of Reference

September 2026

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1. Definitions

Activity means 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 The definition of 'Animal' under the POCTA prevails over the definition of animal under the Australian Code. Animal in accordance with Prevention of Cruelty to Animals Act 1986 (POCTA) means—

a. a live member of a vertebrate species including any—

fish or amphibian that is capable of self-feeding; or

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

a live adult decapod crustacean, that is—

a lobster; or

a crab; or

(iii) a crayfish; or

(c) a live adult cephalopod including—

an octopus; or

a squid; or

a cuttlefish; or

a nautilus;

AEC means *Animal Ethics Committee* in accordance with the Australian code.

Australian Code (the Code) means *Australian code for the care and use of animals for scientific purposes, 8th edition 2013*.

Chief Executive means the Chief Executive of Agriculture Victoria of the department.

Competent means 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 means 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 means 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 means 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 means Department of Energy, Environment and Climate Action (DEECA)

Eligible institution means 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.

Executive Committees means a committee …– refer below

Guidelines means the Victorian Government's *Appointment and Remuneration Guidelines*.

Governance Unit means the Governance Unit in Agriculture Victoria within the department.

Governing Body means the body or person responsible for the administration and governance of the institution (e.g. university council or senate, board of an organisation, school board) or, where appropriate, its delegated officer.

Institution means any organisation or agency involved in the care and use of animals for scientific purposes, including universities, hospitals, research institutes, government departments, teaching organisations (including schools and colleges), vocational training organisations, agricultural organisations, commercial companies, and organisations involved in animal breeding and supply.

Investigator means any person who uses animals for scientific purposes.

Licence means a licence issued under Part 3 of the *Prevention of Cruelty to Animals Act 1986* (the Act).

Animal Use Regulation means the Animal Use Regulation team within Agriculture Victoria of the department.

Member means a person appointed to the WSIAEC as a member, including the chairperson.

Minor amendment or modification means 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 means 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 means failure to act in accordance with relevant legislation or with projects and standard operating procedures approved by the WSIAEC.

Person with ultimate responsibility means a 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.

POCTA Act means the *Prevention of Cruelty to Animals Act 1986*.

POCTA Regulations means *Prevention of Cruelty to Animals Regulations 2019*.

Project means an activity or group of activities that form a discrete piece of work that aims to achieve a scientific purpose. Upon approval by the WSIAEC, the project becomes the 'approved project'.

Scientific Purposes means 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. Animal use in scientific procedures and breeding of specified animals is defined in the POCTA Act.

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

WSIAEC means the Wildlife and Small Institutions Animal Ethics Committee.

WSIAEC Committee Executive (CE) is established in accordance with 2.2.23 of the Australian Code.

2. Responsibility and function of the WSIAEC

2.1. WSIAEC was established by the department and is an Animal Ethics Committee for the purposes of the Australian Code.

2.2. The primary responsibility of the WSIAEC is to ensure that all use and care of animals for scientific purposes 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.

2.3. The WSIAEC will only approve projects and activities undertaken in the State of Victoria.

2.4. 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.

3. Responsibilities of the department

3.1 The department, having established the WSIAEC, is a host institution for the purposes of the Australian Code.

3.2 Section 2 of the Australian code describes the responsibilities of:

- institutions (Chapter 2.1)
- institutions regarding the governance of an animal ethics committee (Chapter 2.2).

3.3 To ensure compliance through an animal ethics committee, Institutions must ensure, through the operation of an animal ethics committee that is constituted and functioning in accordance with Chapters 2.2 and 2.3, and directly responsible to the governing body of the Institution, that all activities involving the care and use of animals comply with the Australian Code.

3.4 The Australian Code also provides provisions for Institutions; in summary they are:

- Promote compliance.
- Ensure and support the effective operation of the animal ethics committee.
- Identify clear lines of responsibility, communication and accountability.
- Ensure understanding of responsibilities.
- Applying Replacement, Reduction.
- Monitor and review compliance.

3.5 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.

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

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

3.8 The Governance Unit is responsible for:

- Ensuring these Terms of Reference are available for access by the general public.
- Providing adequate resources to allow proper function of the WSIAEC.
- Facilitating education of WSIAEC members and assist in conflict resolution as necessary.
- Conducting an annual review of the function of the WSIAEC.
- Appointing a chairperson to the WSIAEC.
- Providing administrative support to the WSIAEC.
- Referring eligible institutions to the WSIAEC.
- Providing governance support as per the Service Agreement.

4. Responsibilities of WSIAEC members

ETHICAL JUDGMENT AND DECISIONS

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

4.2. 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.

4.3. To fulfil this responsibility, members are required to:

- have a working knowledge 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.
- undertake professional development.

4.4. The ultimate decision regarding the ethical acceptability of an activity lies with the WSIAEC and must not be overridden.

CONFIDENTIALITY

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

4.6. Members are required to sign a confidentiality agreement.

4.7. 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.

4.8. Members may seek general advice on a specific matter, as required from persons external to the WSIAEC with relevant knowledge or expertise. Members seeking such advice must not disclose sensitive information such as names of investigators or institutions.

CONFLICT OF INTEREST

4.9. Where a member's individual interests or responsibilities have the potential to influence the carrying out of his or her AEC member responsibilities, that interest shall be declared to the WSIAEC.

4.10. 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.

DECISION MAKING

4.11. Clause 2.3.3 of the Australian Code provides that the WSIAEC must provide competent, fair, consistent and timely review of applications and reports related to the care and use of animals.

4.12. Clause 2.3.4 of the Australian Code outlines provisions related to judgement on where the proposed use, or continued use, of animals is ethically acceptable. The Australian Code should be referred to for further information in this regard and other related clauses under the section entitled 'Review and approve new and ongoing activities.'

4.13. These clauses also provide information of how the WSIAEC must consider and approve applications; the requirement for procedures that describe how applications and reports will be assessed, and on how the WSIAEC bases its decisions on information received from applicants.

4.14. Clause 2.3.10 of the Australian Code provides that decisions should be based on a thorough, fair and inclusive process of discussion and deliberation by members, and should be made only by those present throughout the discussion.

4.15. Clause 2.3.11 of the Australian Code provides that 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.

4.16. 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.

4.17. The decision of the WSIAEC at a meeting is the decision of the majority of votes cast at a meeting at which a quorum is present.

4.18. The person presiding at a meeting of the WSIAEC has a deliberative vote and also, if the voting is equal, a casting vote.

4.19. Any non-member in attendance at a meeting may contribute to deliberations at that meeting is a non-voting member and may not participate in a majority decision by the members.

4.20. Clause 2.3.12 of the Australian Code states that - for decision making, members with a conflict of interest must withdraw from the meeting. Once such members have withdrawn, the remaining members must constitute a quorum as defined in Clause 2.2.25 of the Australian Code– that is, one member of each of the membership categories, A, B, C and D, with Categories C and D together presenting at least one-third members present.

4.21. Clause 2.3.13 of the Australian Code provides that decisions of an AEC must be made as promptly as possible.

4.22. Clause 2.3.16 of the Australian Code provides that in determining the duration of approval for individual projects, AECs should take into account the number of years for which the project is funded, any milestones or stages outlined in the project, and any formal agreements between the institution and funding bodies.

5. Membership of the committee and term of office

APPOINTMENT

5.1. The WSIAEC may comprise such members as deemed necessary to conduct its business, all of whom will have a genuine interest in and commitment to the ethical use of animals for scientific purposes.

5.2. The WSIAEC consists of up to 15 members appointed by the Chief Executive. Of the persons appointed to the WSIAEC:

- up to 15 members are to be appointed after the Chief Executive has taken into account the balance of areas of expertise held by the members of the WSIAEC appointed under categories A, B. C and D; and
- one member is to be the chairperson.

5.3. The WSIAEC must comprise and meet with at least 1 appointed person from each category of member.

5.4. At least a third of members must be Category C or D members.

5.5. The WSIAEC may invite persons with specific expertise to provide advice, as required. These persons cannot exercise voting rights and must adhere to the principles of confidentiality as per voting members.

SELECTION CRITERIA FOR MEMBERS

5.6. The members will be appointed based on their skills and experience against 1 of the following key selection criteria, consistent with the Australian Code:

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.

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 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.

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.

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

SELECTION CRITERIA FOR CHAIRPERSON

5.7. The chairperson will be appointed based on their skills and experience against the following key selection criteria:

- Experience relevant to the WSIAEC's activities including as described in Category A to C.

- Independent of care and use of animals for scientific purposes.
- Working knowledge with POCTA and associated Regulations, the Australian Code and other policies and guidelines relevant to the business of the WSIAEC.
- Experience as a board/committee member or chairperson and demonstrated understanding of integrity and governance principles.
- Other criteria as determined by the Chief Executive.

TERM OF OFFICE

5.8. Unless otherwise determined by the Chief Executive, the term of office of each member shall be 3 years. A member may be reappointed for additional 3-year terms at the determination of the Chief Executive.

WSIAEC COMMITTEE EXECUTIVE (CE)

5.9. In accordance with the 2.2.23 of the Australian Code the WSIAEC may establish a Committee Executive (CE) from the available members at any time.

5.10. The CE must include the chairperson and at least 1 member from Category C or D who:

- may be delegated to approve minor modifications to projects for ratification at the next WSIAEC 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 CE 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
- must not approve new applications.

5.11. 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) cannot be approved by a CE and must be considered by a quorate meeting of the WSIAEC.

5.12. A CE may make a decision without meeting in accordance with the following:

- the Executive Officer must provide all CE members with the same information, including the question which they are being asked to vote on. All members must be fully able to participate in the decision.
- A CE member votes on a decision by emailing the chairperson and other members which are via exchange of emails between all members of the CE and the Executive Officer.
- A decision of a CE is made when all CE members (including the Chairperson) agree.
- A CE decision will be recorded by the Executive Officer.

5.13. Decisions of a CE of the WSIAEC must be ratified at the subsequent quorate meeting of the WSIAEC and will then come into effect.

VARYING AND REPLACING THE MEMBERS

5.14. The Chief Executive may elect to vary membership or replace members at any time.

5.15. The WSIAEC may recommend to the Chief Executive that membership be amended.

5.16. 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 Chief Executive nominations for a replacement member will be sought.

ABSENTEE MEMBERS

5.17. Where a member fails to attend 3 consecutive meetings of the WSIAEC without providing an apology or excuse or is demonstrably unable to maintain an adequate level of preparation and participation or meet other responsibilities of WSIAEC Membership, the WSIAEC chairperson shall recommend to the Chief Executive that the member be replaced by a new appointee of the same category.

6. Nominations and appointment of the WSIAEC

NOMINATIONS OF CATEGORY A TO D MEMBERS

6.1. The Chief Executive 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 relevant to the business of the WSIAEC
- members of animal welfare organisations.

APPOINTMENT OF CATEGORY A TO D MEMBERS

6.2. Proposed members are assessed for suitability in accordance with the requirements of the Committee and in accordance with the Australian code.

6.3. A proposed member deemed suitable may be appointed to the WSIAEC by the Chief Executive.

6.4. Members must sign an agreement to maintain confidentiality and acceptance of the terms of reference of the WSIAEC.

6.5. Each member of the Committee is required to comply with these terms of reference, and each member's ongoing participation in the Committee is their implied acceptance of these Terms of Reference.

6.6. Proposed new members of the WSIAEC, may attend one meeting of the WSIAEC as an observer, prior to progressing their application for appointment to the WSIAEC. This person must adhere to the confidentiality provisions of a member.

CONTINUITY OF THE WSIAEC

6.7. The WSIAEC will be a standing committee with, wherever possible, staggered reappointment of members with the objective of continuance of effective committee functioning.

7. Chairperson

7.1. The Chief Executive will appoint a suitably qualified chairperson. The chairperson shall be a member of the WSIAEC and must be registered with Animal Use Regulation as a member of the WSIAEC.

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

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

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

8. Executive officer

8.1. The Governance unit 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.

8.2. The Executive Officer will not be a voting member but will attend all meetings.

8.3. 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.

8.4. The Executive Officer in conjunction with the WSIAEC chairperson will prepare an annual report of WSIAEC operations to the department and eligible institutions.

8.5. 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 decision regarding the relevant business.

9. Business operations

ELIGIBLE INSTITUTIONS

9.1. The Governance Unit will be responsible, in consultation with the WSIAEC as required, for determining eligibility of institutions to access the services of the WSIAEC in accordance with the access criteria outlined within the access application forms and the capacity of the WSIAEC.

9.2. Access shall be granted as restricted or unrestricted depending on the nature of the proposed animal use.

9.3. Unrestricted access may be granted to applicants wishing to nominate the WSIAEC to perform AEC functions for a scientific procedures or specified animals breeding licence issued in accordance with the POCTA Act.

9.4. Restricted access may be granted to individuals undertaking collection, taking, banding and marking of wildlife for research purposes, exempt from licensing under the POCTA Act and conducted in accordance with the Wildlife Act 1975.

9.5. Individuals and institutions that have previously accessed another AEC, where there is current approval from that AEC, must submit a new application to the WSIAEC for continuation of any projects.

9.6. Upon acceptance as an eligible institution, the Director Governance, Regulatory Improvement and Programs (as representative of 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.

CONDUCT OF MEETINGS

9.7. Meetings shall be conducted in accordance with operating procedures established by the WSIAEC and compliant with the Code.

9.8. The WSIAEC must have a quorum of members in attendance to conduct meetings. The Chairperson must be present at any meeting of the AEC. At a meeting of the AEC the person who must preside is:

- its Chairperson; or
- if the Chairperson is absent or the position is vacant, the member elected to preside at that meeting by the members present at that meeting.

9.9. Clause 2.2.25 of the Code provides at least one member from each of the membership categories A, B, C and D must be present at meetings to establish a quorum for the conduct of a meeting, and must be present throughout the meeting. Categories C and D together must represent at least one-third of those members present.

9.10. The WSIAEC will not make meet or make decisions unless a quorum is in attendance.

9.11. Attendance at quorate meetings may be facilitated by video or web conferencing or teleconferencing of members in exceptional circumstances, where face-to-face attendance is not possible.

9.12. 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 in accordance with the Australian Code.

9.13. Where possible the WSIAEC applicants will attend WSIAEC meetings to discuss applications and report and answer questions that may arise.

CORRESPONDENCE

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

9.15. 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.

DOCUMENTS AND PROCEDURES

9.16. 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.

MEETING FREQUENCY

9.17. The time and venue of general meetings of the WSIAEC shall be determined by the WSIAEC. The WSIAEC shall meet at least 6 times per year.

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

9.19. Meeting dates and lodgement deadlines may be published on the WSIAEC website.

MEETING AGENDA AND RELEVANT DOCUMENTS

9.20. 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 must be retained for at least 4 years.

9.21. 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 WSIAEC, all relevant proposals and related correspondence.

9.22. The Executive Officer, in consultation with the chairperson as necessary, may determine that urgent items of business may be added to the agenda after initial circulation.

9.23. The chairperson shall ensure that the meeting agenda will consider business as required to meet the WSIAEC responsibilities.

MEETING MINUTES

9.24. The Executive Officer will maintain and circulate meeting minutes to members as soon as practicable after each meeting.

9.25. The minutes will be confirmed at the subsequent meeting of the WSIAEC.

10. WSIAEC approval

APPLICATIONS THAT MAY BE CONSIDERED

10.1. The WSIAEC may in its absolute discretion 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* (restricted access)
- 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 (unrestricted access)
- licence holders proposing major upgrades of existing or building of new animal facilities
- Investigators requiring AEC approval under other regulatory schemes.

10.2. The WSIAEC may only approve applications that comply with the POCTA Act and associated Regulations and the Australian Code.

PROJECT APPROVAL

10.3. The WSIAEC will examine applications for projects and may:

- approve
- defer a decision pending modification
- not approve.

10.4. Approval for projects and activities may be granted for up to 3 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, or to allow enough time

for the WSIAEC to fully consider a new application for ongoing animal use. Approval for extensions of time may only be granted prior to project expiry. Expired projects cannot be extended.

10.5. Having approved a project, the WSIAEC may withdraw or suspend project approval.

10.6. When a decision is deferred pending modification, the project must be resubmitted to the WSIAEC within 6 months of the date of deferral of the decision. Where an applicant fails to re-submit within 6 months the WSIAEC will require resubmission as a new project application and the associated application fee will apply. In exceptional circumstances as determined by the Governance Unit and in consultation with the WSIAEC chairperson an extension of up to an additional 6 months may be considered by the WSIAEC.

CONDITIONS ARE APPLIED TO APPROVAL

10.7. The WSIAEC will apply conditions, relevant to the animal use, to its approval. These may be standard or project specific, for example, reporting at various time points or at completion of part of an approved project.

10.8. The following condition will be applied to all projects involving animal use in teaching:

- You must ensure procedures are in place for conscientious objection, by a student, to teaching activities involving animals in this project. The WSIAEC must be notified when a student conscientiously objects to a teaching activity involving animals in an approved project.

10.9. The following condition will be applied to all projects involving animal use in scientific procedures where death is the endpoint (as defined within the POCTA Regulations):

- You must not commence animal use within this project until Ministerial approval to undertake death as endpoint scientific procedures has been received and you have provided evidence of this approval to the WSIAEC.

MODIFICATION TO APPROVED PROJECTS

10.10. 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.

10.11. Any proposed changes to an approved project must be approved by the WSIAEC before the change is implemented.

THE WSIAEC WILL CONSIDER REPORTS IN ACCORDANCE WITH THE AUSTRALIAN CODE

10.12. Reports include:

- Annual or final reports of projects, according to section 2 of the Australian code.
- Unexpected adverse events.
- Non-compliance.

THE WSIAEC WILL REVIEW AND APPROVE GUIDELINES

10.13. Guidelines may include:

- 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.

10.14. 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.

11. Monitoring the care and use of animals

ANIMAL USE

11.1. 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.

11.2. 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 Animal Use Regulation in accordance with WSIAEC procedures.

SITE INSPECTIONS

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

11.4. The WSIAEC will determine the frequency and timing of inspections.

11.5. 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.

11.6. 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

SITTING FEES

12.1. In accordance with the Victorian Government's Guidelines, the WSIAEC is benchmarked as a Group C Band 1(a) organisation under the Schedule C of the Guidelines as it is fulfils the criteria of scientific, technical and legal advisory bodies requiring members to be "experts in their field" and provides the highest level of advice available.

12.2. An eligible member (including the Chairperson) is entitled to be remunerated for:

12.2.1. attendance at a WSIAEC meeting; and

12.2.2. consideration of a Committee Executive to which they are appointed, as described in section 12.5 below.

12.3. The remuneration rate for a member and for the Chairperson shall be fixed by the Chief Executive in the instrument of appointment. A "sitting day" has the same meaning as it does in the Guidelines. Whether a member is eligible for remuneration is determined in accordance with the Guidelines.

Committees Executives are created to review requested variations on animal ethics application submissions. A Committee Executive will consist of the chairperson and at least one C or D category member. Approval of the requested variations on animal ethics application submissions is approved by the Committee Executive independent of the WSIAEC meetings.

12.4. Payment of sitting fees for Committee Executive considerations will be calculated each month on a pro rata basis with 20 Committee Executive considerations equating to a full sitting day. The rate for a full sitting day will be the same as payments made for WSIAEC meetings when acting as a chairperson or member as fixed in the instrument of appointment.

For example:

If a member has participated in 10 CE considerations in a month, they are entitled to claim 50% of the remuneration rate for a full sitting day.

OUT OF POCKET EXPENSES

12.5. Expenses will be paid in accordance with rates that apply to employees of department for the provision of allowances for travelling and personal expenses, fixed by the Chief Executive.

INSURANCE OF MEMBERS

12.6. Members will be covered under the department's Combined Liability insurance policy, subject to its terms, conditions and exclusions.

13. Annual report and review of operations

13.1. The WSIAEC will produce an annual report for the department and eligible institutions.

13.2. The WSIAEC chairperson will make themselves available to meet with the Governance Unit to review the WSIAEC annual report.

13.3. 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
- actions that have supported the educational and training needs of WSIAEC members and people involved in the care and use of animals
- administrative or other difficulties experienced
- any matters that may affect the eligible institution's ability to maintain compliance with the Australian Code
- any matters that may affect the WSIAEC's ability to maintain compliance with the Australian Code
- any matters that relate to eligible institution's ability to maintain compliance with the Australian Code
- appropriate recommendations to address matters of non-compliance and measures for effective/remedial change.

14. Revision and approval of terms of reference

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

14.2. The Chief Executive is responsible for approving these Terms of Reference, including amendments which make substantial changes to the intent, functions and processes of WSIAEC.

14.3. Agriculture Victoria's Director of Governance, Regulatory Improvement and Programs may approve minor, technical and administrative changes to these Terms of Reference.

14.4. The WSIAEC may be consulted when revising these Terms of Reference.

15. Version control

Version	Date	Reason for update	Name
1.1	August 2017	Minor corrections and clarifications Addition to definitions; including definition of minor amendment	Mandy Errington
1.2	August 2019	Update of department name with machinery of government change Clarification of member appointments, TOR review and approval, WSIAEC responsibilities, confidentiality Addition of Appendix 1: Deed of Confidentiality	Rachel McCarthy and Mandy Errington
1.3	March 2020	Update of definitions, clarity regarding appointer and composition, insurance provisions updated as Act has been repealed, minimum number of meetings set at 6, revision of Terms of Reference	Fiona Eades
1.4	February 2021	Update of provisions to clarify quorum, decision-making and revision of Committee membership provisions allowing the chairperson (and member) to also be incorporated as a Category C member to assist in meeting quorum requirements while recruitment is being undertaken for this category. The inclusions of a definition of animal, member, AEC (Animal Ethics Committee) and WSIAEC Executive. This ToR is to be reviewed following the outcome of the impending recruitment process.	Fiona Eades
1.5	March 2024	Minor updates to reflect machinery of government change to new department, increase membership from 10 to 15, selection criteria for chairperson and provide for a member to be remunerated for Committee Executive consideration, as well as updating the Deed of Confidentiality and other minor administrative updates. Clause 9.8 has been modified to provide for the members to elect a chairperson in the event that the Chair is absent or the position is vacant. Modification of clauses 5.12 to 5.13 to in relation to the Committee Executive regarding decision making. In addition, the Executive Committee was renamed to Committee Executive to meet the wording in the Code.	Monica Bird/Fiona Eades
1.6	March 2026	Minor updates to reflect the February 2026 Clause 11 department restructure and name	Nathan J Potter /Fiona Eades

		change from the Group 'Scientific and Pest Animals Licensing' to 'Animal Use Regulation' and the revised Terms of Reference version cited in the Deed of Confidentiality.	
1.7	September 2026	Changes to internal procedures to reflect that the Animal Use Regulation office will no longer check the candidates' suitability before appointment, as this process was deemed unnecessary.	Marlenne Rodriguez /Nathan J Potter

Appendix 1: Deed of confidentiality

This Deed is made on the_____ of _____ 20 .

BY _____ **of** _____ ("**the Confidant**")

being a Member of the Wildlife and Small Institutions Animal Ethics Committee (WSIAEC)

IN FAVOUR OF THE STATE OF VICTORIA through the **DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION of** 1 Spring Street Melbourne, 3000 ("**the State**")

Introduction

A. The Confidant is appointed as a member to the WSIAEC by the Secretary (or his/her delegate) of the Department of Energy, Environment and Climate Action, Victoria (DEECA)

B. The Information to which the Confidant will have access to as a member of the WSIAEC is confidential.

C. The State will allow the Confidant access to this Information provided that confidentiality can be maintained, and the Confidant has entered into this Deed in order to acknowledge the conditions under which access to the Information will be granted.

It is Agreed:

1. In this Deed –

"WSIAEC" means the Wildlife and Small Institutions Animal Ethics Committee

"DEECA" means the Department of Energy, Environment and Climate Action.

"Information" means all information disclosed (whether orally, in writing or in any other form) and made available to the Confidant in the course of carrying out his / her duties as a member of the WSIAEC or arising out of any dealings with DEECA including but not limited to deliberations of the WSIAEC, correspondence between the Minister or DEECA and the WSIAEC and DEECA or papers supplying information; including in relation to:

(i) Any intellectual property rights of the DEECA;

(ii) The financial position or reputation of DEECA;

(iii) The internal management and structure of DEECA;

(iv) The personnel, policies and strategies of DEECA;

(v) DEECA's clients or suppliers; and

(vi) Information of DEECA that has any actual or potential commercial value to DEECA or to the person or corporation which supplied that information;

and includes:

(vii) all copies, notes and records; and

(viii) all related information

generated by the Confidant based on or arising out of any such disclosure.

"**Terms of Reference**" means the Wildlife and Small Institutions Animal Ethics Committee Terms of Reference, effective September 2026.

2. The Confidant agrees to treat as secret and confidential all Information to which he or she has access, or which is disclosed to him or her in the course of carrying out the duties as a member (including the Chairperson) on the WSIAEC or during any dealings with the WSIAEC or DEECA.
3. The Confidant will use the Information only for the purpose of its dealings with DEECA (whether directly or indirectly).
4. The Confidant agrees not to distribute any Information to any other third party unless with the express written consent of DEECA.
5. If DEECA grants its consent for Information to be disclosed, it may impose conditions on that consent. In particular, DEECA may require that the Confidant obtain the execution of a Deed in these terms by the person to whom the Confidant proposes to disclose the Information.
6. The Confidant will not copy or reproduce the Information without the approval of DEECA, will not allow any other persons outside of DEECA access to the Information and will take all necessary precautions to prevent unauthorised access to or copying of the Information in his or her control.
7. The Confidant agrees to immediately notify DEECA on becoming aware of any unauthorised copying, use or disclosure in any form and will immediately on request by DEECA deliver and return to DEECA or destroy (at DEECA's option) any or all copies or forms of the Information in the possession or control of the Confidant (in which case any right to use, copy and disclose that information ceases).
8. If at the time of such a request the Confidant is aware that documents containing Information are beyond his or her possession or control, then the Confidant must provide full details of where the documents containing the Information are, and the identity of the person who has control of them.
9. The burden of showing that any Information is not subject to the terms and conditions of this Deed will reside with the Confidant.
10. The obligations of the Confidant under this Deed shall not be taken to have been breached where the Information is legally required to be disclosed.
11. The Confidant agrees that he or she has no ownership of intellectual property in relation to the Information, or title, rights or interests to the Information, in any way whatsoever.
12. Any purported variation of a provision of this Deed shall be ineffective unless in writing and executed by the parties.
13. This Deed will survive the termination or expiry of any appointment made to the WSIAEC or any contract between DEECA and the Confidant providing for the performance of services or the provision of goods by the Confidant.
14. This Deed is governed by the Law of Victoria.

EXECUTED as a Deed on the date set out at the commencement of this Deed

SIGNED SEALED and DELIVERED)

)

)

By _____ .....

(Print name of Confidant) (Signature)

Position _____

In the presence of:

_____ .....

(Print name of Witness) (Witness signature)