

475 Mickleham Road

Attwood, Victoria 3049 Australia

Wsi.aec@ecodev.vic.gov.au

SERVICE AGREEMENT FOR UNRESTRICTED ACCESS TO THE WILDLIFE AND SMALL INSTITUTIONS ANIMAL ETHICS COMMITTEE

# Parties

This Agreement is made between and binds the following Parties:

Name: The State of Victoria (**State**) as represented by its
Department of Energy, Environment and Climate Action (**Agriculture Victoria)**

Address: 475 Mickleham Road, Attwood, Victoria 3049

**AND**

Name:           .

Evidence of incorporation within Australia:

(for example ACN/Incorporated association registration/ABRN)           .

Address:           .

# Recitals

* 1. The Act provides for a licensing regime that regulates the conduct of scientific procedures on animals in Victoria.
	2. The Regulations prescribe certain conditions, including requiring that all scientific procedures must be carried out in accordance with the Australian code.
	3. The Australian code imposes certain requirements on institutions, being organisations or agencies involved in the care and use of animals for scientific purposes, including a requirement to obtain approval from an Animal Ethics Committee before conducting scientific research on animals.
	4. WSIAEC was established by Agriculture Victoria and is an Animal Ethics Committee for the purposes of the Australian code. Agriculture Victoria, having established the Committee, is a host institution for the purposes of the Australian code.
	5. We provide the services of WSIAEC to certain eligible institutions.
	6. You remain responsible for meeting all your obligations under the Australian code, even where you use WSIAEC.
	7. The Australian Code requires the Parties to enter into an agreement setting out the matters listed in clause 3.2 of this Agreement.
1. **Purpose**
	1. The purpose of the Agreement is to provide for the respective obligations of the Parties to the Agreement where you access the services of WSIAEC.
	2. In accordance with the Australian code, the Agreement provides for:
2. procedures and governance arrangements for ensuring that you can meet your responsibilities regarding the AEC;
3. procedures for communication between the Parties, including governance and reporting;
4. your agreement that you will abide by WSIAEC’s policies and procedures regarding non-compliance with the Act, Regulations and Australian code; and
5. the circumstances under which the Parties may withdraw from this Agreement.
	1. This Agreement is limited to the responsibilities of the Licence Holder and Institution in accordance with the Act, Regulations and the Australian code. It does not consider the responsibilities of investigators.

# Definitions

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

**Agreement** means this agreement executed by the Parties.

**Animal Ethics Committee** or **AEC** means an Animal Ethics Committee as defined in the Australian code.

**Application** means a request for approval from an animal ethics committee to carry out a project or activity. An application may be for commencement of a project or activity, or an amendment to an approved project or activity. Upon approval by the WSIAEC to commence a project or activity the application becomes the approved project or activity.

**Australian code** means the *Australian code for the care and use of animals for scientific purposes 2013*.

**Department Head** means the Department Head as defined in section 3 of the Act, being the Secretary of the Department of Energy, Environment and Climate Action.

**Eligible Institution** means any natural person or incorporated entity meeting the eligibility criteria determined by Agriculture Victoria, and as amended from time to time, to access the services of the WSIAEC.

**Investigator** means any person who uses animals for scientific purposes. Includes researchers, teachers, undergraduate and postgraduate students involved in research projects, and people involved in product testing, environmental testing, production of biological products and wildlife surveys.

**Regulations** mean the Prevention of Cruelty to Animals Regulations 2008.

**WSIAEC** means the Wildlife and Small Institutions Animal Ethics Committee.

# Services provided by Agriculture Victoria

* 1. We agree to make available to you the services of WSIAEC.
	2. We agree to ensure membership of the WSIAEC is in accordance with section 2.2 of the Australian code.
	3. We agree to notify the Department Head of any changes to the membership of the WSIAEC before the change is made.
	4. We agree to put in place certain appropriate governance procedures so WSIAEC is compliant with the Act and the Regulations including ensuring:
1. adequate resources and training are provided to the WSIAEC to support effective operation of the WSIAEC as an Animal Ethics Committee under the Australian code;
2. procedures identified in schedule one are reviewed and updated as required, and made available to you, including:
	1. application to access the WSIAEC;
	2. this agreement;
	3. WSIAEC Terms of Reference;
	4. WSIAEC schedule of fees;
	5. WSIAEC advice to applicants;
	6. WSIAEC procedures for complaints, non-compliance and unexpected adverse events;
	7. WSIAEC application for approval of a project or activity;
	8. WSIAEC annual, final or progress report on an approved project or activity.
3. provision of administrative assistance to the WSIAEC to support effective operation and record keeping;
4. records are maintained for at least four years and include:
5. a register of all applications to the WSIAEC, including the outcomes of deliberations;
6. minutes that record decisions and other aspects of the WSIAEC’s operation; and
7. records of inspections conducted by the WSIAEC, or its delegate.
	1. We agree to facilitate effective communication between the WSIAEC and you by:
8. ensuring documents and procedures for communication between you and your investigators and the WSIAEC identified in schedule one
9. are developed in accordance with the Australian code, reviewed and updated as required and made available to you;
10. providing an executive summary of the annual review of the operation of the WSIAEC to you;
11. ensuring the executive summary of the independent external review of the WSIAEC conducted in accordance with section 6 of the Australian code to is made available to you.
	1. We agree to monitor and review compliance of the WSIAEC with the Australian code by:
12. ensuring independent external review is conducted in accordance with section 6 of the Australian code;
13. ensuring an annual review of the operation of the WSIAEC ;
14. ensuring an annual review of the effectiveness of processes regarding complaints and non-compliance.

# Your obligations when accessing the services of WSIAEC

* 1. You agree to ensure animal care and use complies with the Act and the Regulations and the *Wildlife Act 1975*.
	2. You agree to promote compliance with the Australian code and, as applicable, ensure clear lines of responsibility by:
1. nominating a senior member of your organisation, as applicable, to be responsible for overall governance with respect to the care and use of animals and promoting compliance with the Australian code;
2. identifying clear lines of responsibility, communication and accountability to ensure that all people involved in the care and use of animals in your organisation understand their responsibilities and the requirements of the Australian code, have the necessary skills and knowledge, and have access to appropriate educational programs and resources;
3. ensuring that a person is responsible for the wellbeing of animals at any given time and is clearly identified so that animal wellbeing is monitored by competent people at all stages and sites of animal care and use;
4. ensuring the scope of day-to-day monitoring of animals is clearly outlined and communicated to all relevant parties;
5. ensuring that investigators are well informed of their responsibilities under the Australian code and legislation;
6. ensuring that policies and procedures are made available to all relevant persons, and are promoted within your organisation. These must include policies on the care and use of animals, work health and safety, confidentiality, freedom of information legislation, legal requirements, conscientious objection in the case of teaching activities, privacy and commercial-in-confidence considerations;
7. ensuring that guidelines for animal care and use developed in consultation with the WSIAEC and approved by the WSIAEC are implemented and promoted within your organisation. Guidelines must include:
	1. how the competence of people involved in the care and use of animals will be assessed and ensured;
	2. strategies to ensure the maintenance of a health status of the animals that safeguards animal wellbeing and meets the requirements of their proposed use;
	3. monitoring and assessment of animals to ensure that any harm, including pain and distress, is promptly detected and managed;
	4. 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. Such guidance should include timeframes for actions, prompt reporting to the WSIAEC, liaison between animal carers and investigators, and circumstances when consultation with a veterinarian, the performance of a necropsy by a competent person, and access to diagnostic investigations are required.
8. ensuring procedures, in accordance with the Australian code, are developed and maintained for addressing complaints and non-compliance.
	1. You agree to ensure animal care and use complies with the Act and the Regulations and the Australian code by:
9. ensuring any animal use for scientific purposes does not occur until the WSIAEC has approved the activities or project, the place or premises where the animal use will occur and the persons who are to carry out the animal use;
10. ensuring that all activities involving the care and use of animals for scientific purposes comply with the Australian code and the conditions of WSIAEC approval including the WSIAEC approved projects and or activities and any referenced approved standard operating procedures;
11. regularly monitoring and reviewing animal care and use for compliance with the Australian code;
12. promoting and facilitating adoption of the governing principles of the Australian code in all aspects of animal care and use, including coordinating planning and operations, and sharing resources and information, to facilitate the application of Replacement, Reduction and Refinement (the 3Rs);
13. ensuring project applications, notifications and requests for amendments to approved projects or activities are made using the forms supplied by the WSIAEC; and
14. considering the appointment of an officer with veterinary or other appropriate qualifications, who is authorised to ensure that activities proceed in compliance with the Australian code and the decisions of the WSIAEC.
	1. You agree to ensure that all people involved in the care and use of animals understand their responsibilities and the requirements of the Australian code, are competent for the procedures they perform or are under the direct supervision of a person who is competent to perform the procedures, and have access to appropriate education programs and resources.
	2. You agree to support animal wellbeing by, as applicable:
15. employing or recruiting adequate numbers of competent people to care for animals;
16. providing adequate resources to ensure that the people involved in the care and use of animals can meet their responsibilities, including monitoring animals and managing adverse impacts on their wellbeing;
17. ensuring availability and access to veterinary advice for the management and oversight of a program of veterinary care, quality management and project design to safeguard animal wellbeing;
18. ensuring that the care and management of housed animals is under the direction of competent people with appropriate animal care or veterinary qualifications or experience;
19. ensuring that a person is responsible for the wellbeing of animals at any given time and is clearly identified so that:
20. animal wellbeing is monitored by competent people at all stages and sites of animal care and use;
21. appropriate actions are taken in cases of unexpected adverse events and emergencies that require welfare interventions, such as treatment or humane killing of an animal;
22. disease outbreaks and emergencies are promptly detected and effectively managed.
23. ensuring that practices and procedures for the care and management of animals are based on current best practice;
24. ensuring availability and access to appropriate veterinary and diagnostic services so that a health status of housed animals is maintained that safeguards animal wellbeing and meets the requirements of their proposed use;
25. seeking advice from the WSIAEC on all matters that may affect the welfare of animals used for scientific purposes by the eligible institution, including the building or modification of animal facilities or areas adjacent to animal facilities.
	1. You agree to support the function of the WSIAEC by:
26. implementing policies and procedures so that the care and use of animals is ethically approved, reviewed and monitored by the WSIAEC;
27. providing mechanisms for prompt and effective response to recommendations from the WSIAEC to ensure that the care and use of animals for scientific purposes within the eligible institution complies with the Australian code;
28. addressing concerns raised by the WSIAEC regarding non-compliance with the Australian code that may include disciplinary action upon the advice of the WSIAEC;
29. ensuring all information regarding the care and use of animals in projects approved by the WSIAEC is made available, on request, to the WSIAEC;
30. ensuring responsible and other investigators are available to meet with the WSIAEC as requested by the WSIAEC;
31. ensuring reporting to the WSIAEC by the eligible institution and the responsible investigator(s) occurs as required by the WSIAEC; and
32. facilitating inspection of animal care and use facilities and equipment by the WSIAEC as requested by the WSIAEC.
	1. You agree to maintain records in accordance with the Act, the Regulations and the Australian code including records of the monitoring and assessment of animal wellbeing that:
33. include details of procedures, including, as applicable, dates, substances administered, analgesia and anaesthesia, and any unexpected outcomes;
34. include sufficient information to enable the WSIAEC to verify that the wellbeing of animals has been monitored as agreed;
35. allow review and critical investigation of the cause(s) of and responses to unexpected adverse events as a basis for future prevention strategies;
36. are accessible to all people involved in the care of the animals;
37. are available for audit by the WSIAEC and authorised external reviewers; and
38. are maintained for a period of at least four years.
	1. You agree to ensure you and your investigators abide by the directions of the WSIAEC and the WSIAEC procedure regarding non-compliance with the Australian code.

# Fees

* 1. We will invoice you for services of the WSIAEC in accordance with the current fees for service schedule, as updated from time to time.
	2. Fees will be determined from time to time as deemed necessary by us and in accordance with Department of Treasury and Finance Cost Recovery Guidelines.
	3. You are required to pay the invoice issued by us for services provided by WSIAEC in accordance with the terms of payment outlined on the invoice. Failure to do so:
1. may result in suspension or cancellation of any approved projects or activities;
2. may result in the WSIAEC suspending consideration of applications;
3. will result in implementation of the Agriculture Victoria debt collection procedures.

# Termination of this agreement

* 1. You may at any time, withdraw from this agreement. Notification of withdrawal from this agreement must be made in writing to the Director Agriculture Regulatory Assurance, Department of Energy, Environment and Climate Action.
	2. Upon receipt of notice of your withdrawal in accordance with clause 8.1, the agreement will be terminated.
	3. Upon termination of this agreement, WSIAEC approval of all projects will cease from the time of termination. All animal use undertaken as part of a WSIAEC approved project or activity must cease. New approval from another AEC will be required for any further animal use in scientific procedures. Final reports of projects must be submitted to the WSIAEC at the time of the notification of your withdrawal from this agreement.
	4. You are responsible for ensuring compliance with the conditions of any licence issued under Part 3 of the Act.
	5. Agriculture Victoria may at any time, withdraw from this agreement by providing written notice to the eligible institution.

# Natural person accessing the restricted services of WSIAEC

In signing this agreement on behalf of the eligible institution I declare I am authorised to sign on their behalf.

Name:           .

Name of eligible institution (where not a natural person):      .

Position within the eligible institution organisation:      .

Date:      .

Signature:      .

# Agriculture Victoria

Director Governance, Regulatory Improvement and Programs

Name: James Hider

Date:      .

Signature:      ..