Department of Energy,   
Environment and Climate Action

Agricultural Research & Extension Animal Ethics Committee

Terms of Reference

and Mode of Operation

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# Introduction

In using animals for scientific purposes, the *Department of Energy, Environment and Climate Action* (DEECA) must implement processes so that the Secretary to the Department, or his or her delegate/s, may be assured of compliance with the *Australian Code for the Care and Use of Animals for Scientific Purposes* *- 8th edition, 2013* (the Code) and *the Prevention of Cruelty to Animals Act 1986* (the Act). The Act requires that the use of animals for scientific procedures be authorised by a scientific procedures licence.

Animal research is an integral part of the DEECAresearch, development and extension activities. The use of animals under scientific procedures licences must be approved and overseen by a nominated Animal Ethics Committee operating in accordance with the Code.

The DEECA Agricultural Research & Extension Animal Ethics Committee (AEC) has been established to service the department’s Agriculture Victoria Research and Biosecurity and Agriculture Services branches.

Although the Act and the Code provides for the basic framework of the AEC, this document outlines further working details as agreed by members. The DEECA Agricultural Research & Extension AEC Terms of Reference and Mode of Operation is expected to be a living document, reviewed and updated as required to provide support to the function of the AEC.



# Overview

## 1. Definitions

1.1 The “Code” means the *Australian Code for the Care and Use of Animals for Scientific Purposes* - 8th edition, 2013.

1.2 The “Act” means the *Prevention of Cruelty to Animals Act 1986*.

1.3 “DEECA” means the *Department of Energy, Environment and Climate Action.*

1.4 “AEC” means the Agricultural Research & Extension Animal Ethics Committee.

1.5 “Member” means a person appointed to the AEC and includes the Chairperson unless otherwise stated.

1.6 “AEC ToR” means the Agricultural Research & Extension Animal Ethics Committee Terms of Reference and Mode of Operation.

1.7 “Licensee Nominee” means the person nominated by the respective DEECA Divisional Executive Director to be legally responsible for scientific or teaching procedures and any breeding of specified animals.

## 2. Function

In accordance with clause 92(8) of the *Prevention of Cruelty to Animals Regulations 2008*, the function of the Agricultural Research & Extension AEC is to ensure that:

Any scientific procedure or program of scientific procedures carried out under the licence must not commence until the AEC nominated by the licence holder, in relation to the procedure or program of scientific procedures, has approved:

(a) the procedure or program of procedures; and

(b) the place at which the procedure or program of procedures are to be carried out; and

(c) the person or persons who are to carry out the procedure or program of procedures.

## 3. Responsibilities of the Department of Energy, Environment and Climate Action

In using animals for scientific purposes, DEECA must implement processes so that the Secretary to the DEECA, or his or her delegate/s, may be assured of compliance with the *Australian Code for the Care and Use of Animals for Scientific Purposes* - *8th edition, 2013* (the Code) and the *Prevention of Cruelty to Animals Act 1986* (the Act).

Section 2.1 of the Code describes the responsibilities of DEECA.

Responsibilities

2.1.1 The governing body of an institution is responsible for ensuring that the care and use of animals for scientific purposes conducted on behalf of the institution complies with the Code.

2.1.2 Institutions must:

(i) ensure, through the operation of an AEC, that all activities involving the care and use of animals comply with the Code;

(ii) promote compliance with the Code;

(iii) ensure and support the effective operation of the AEC;

(iv) identify clear lines of responsibility, communication and accountability;

(v) ensure that all people involved in the care and use of animals understand their responsibilities and the requirements of the Code, have the necessary skills and knowledge, and have access to appropriate educational programs and resources;

(vi) regularly monitor and review the institution’s compliance with the Code.

Ensure compliance through an animal ethics committee

2.1.3 Institutions must ensure, through the operation of an AEC 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 Code.

2.1.4 The institution may use an external AEC or share an AEC with another institution (see Clause 2.6.2).

Promote compliance

2.1.5 Institutions must promote compliance with the Code by:

(i) nominating a senior member of the institution to be responsible for overall institutional governance with respect to the care and use of animals;

(ii) providing adequate resources to ensure that the AEC and people involved in the care and use of animals can meet their responsibilities, including monitoring animals and managing adverse impacts on their wellbeing;

(iii) promoting and facilitating adoption of the governing principles of the 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);

(iv) ensuring that policies and procedures are made available to all relevant people and AEC members, and are promoted within the institution. This includes institutional 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;

(v) ensuring that guidelines for animal care and use are developed in consultation with the AEC, approved by the AEC, and implemented and promoted within the institution. Guidelines must include:

(a) how the competence of people involved in the care and use of animals will be assessed and ensured;

(b) strategies to ensure the maintenance of a health status of the animals that safeguards animal wellbeing and meets the requirements of their proposed use;

(c) monitoring and assessment of animals to ensure that any harm, including pain and distress, is promptly detected and managed;

(d) 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 AEC, 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;

(e) approval, in advance, for the immediate use of animals, if required, for the diagnosis of unexplained and severe disease outbreaks, or morbidity/mortality, in animals or people;

(vi) 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;

(vii) considering the appointment of an officer with veterinary or other appropriate qualifications, who is authorised by the institution to ensure that activities proceed in compliance with the Code and the decisions of the AEC.

Ensure and support the effective operation of the animal ethics committee

2.1.6 Institutions must ensure and support the effective operation of the AEC by:

(i) implementing policies and procedures so that the care and use of animals is ethically reviewed, approved and monitored by the AEC;

(ii) ensuring that the terms of reference of the AEC are publicly available;

(iii) providing mechanisms for prompt and effective response to recommendations from the AEC to ensure that the care and use of animals for scientific purposes within the institution complies with the Code;

(iv) addressing concerns raised by the AEC regarding non-compliance with the Code that may include disciplinary action upon the advice of the AEC;

(v) seeking advice from the AEC on all matters that may affect the welfare of animals used for scientific purposes by the institution, including the building or modification of animal facilities or areas adjacent to animal facilities.

Identify clear lines of responsibility, communication and accountability

2.1.7 Institutions must identify clear lines of responsibility, communication and accountability by:

(i) ensuring that a person is responsible for the wellbeing of animals at any given time and is clearly identified so that:

(a) animal wellbeing is monitored by competent people at all stages and sites of animal care and use. The scope of day-to-day monitoring must be clearly outlined and communicated to all parties;

(b) 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;

(c) disease outbreaks and emergencies, such as fire, power failure and biosafety issues, are promptly detected and effectively managed;

(ii) ensuring that procedures are developed for addressing complaints and non-compliance relating to the care and use of animals for scientific purposes.

Ensure understanding of responsibilities

2.1.8 Institutions must ensure that all people involved in the care and use of animals understand their responsibilities and the requirements of the 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, by:

***With respect to investigators***

(i) ensuring that investigators are well informed of their responsibilities under the Code and their legal responsibilities;

(ii) providing adequate resources for appropriate education, training, and assessment of competence of investigators, and certification of such competence to the satisfaction of the AEC.

***With respect to animal care and management, animal carers and veterinary services***

(iii) ensuring that practices and procedures for the care and management of animals are based on current best practice;

(iv) employing adequate numbers of competent people to care for animals;

(v) ensuring that the care and management of animals is under the direction of competent people with appropriate animal care or veterinary qualifications or experience;

(vi) ensuring availability and access to appropriate veterinary and diagnostic services so that a health status of the animals is maintained that safeguards animal wellbeing and meets the requirements of their proposed use.

***With* respect *to work health and safety***

(vii) advising relevant personnel and AEC members of the potential disease hazards and other occupational health and safety issues associated with the care and use of animals.

***With respect to projects involving more than one institution and/or animal ethics committee, and projects conducted in other countries***

(viii) ensuring that procedures are developed in accordance with Chapter 2.6 and that relevant people are aware of their responsibilities in these situations.

Monitor and review compliance

2.1.9 Institutions must regularly monitor and review institutional compliance with the Code by:

(i) ensuring that an independent external review is conducted at least every four years to assess the institution’s compliance with the Code, and to ensure the continued suitability, adequacy and effectiveness of its procedures to meet its responsibilities under the Code (see Section 6);

(ii) conducting an annual review of the operation of the AEC (see Clauses 2.2.1 [v], 2.2.37 and 2.3.28–29);

(iii) conducting an annual review of the effectiveness of its processes regarding complaints and non-compliance (see Section 5).

2.1.10 Institutions should consider making publicly available:

(i) an annual report of compliance with the Code;

(ii) a summary of the independent external review report (see Section 6).

Section 2.2.1 of the Code states that Institutions that establish an AEC must:

(i) ensure that the AEC membership will allow the committee to meet its responsibilities. Membership must comprise at least four people, one from each of four categories of membership (see Clause 2.2.4);

(ii) ensure that the AEC has terms of reference that are publicly available;

(iii) provide the AEC with the resources required to carry out its responsibilities, and to maintain the AEC;

(iv) establish procedures for the effective governance and operation of the AEC that will enable the AEC to meet its responsibilities under the Code and relevant institutional policies, and promote competent and timely ethical review of animal care and use;

(v) conduct an annual review of the operation of the AEC.

This document sets out the processes, including the establishment of the DEECA AEC, so that the Secretary to the Department, or his or her delegate/s, may be assured of the Department’s compliance with the Code in its use of animals for scientific purposes.

# 4. Responsibilities & Function of the AEC

The primary function of the AEC is to ensure that all use and care of animals for scientific research and extension activities undertaken by DEECA staff within the Agriculture Victoria Research and Biosecurity and Agriculture Services Branches are conducted in accordance with the Code and the Act.

The role of the AEC is to ensure that the use of animals is justified, provides for the welfare of those animals and incorporates the principles of Replacement, Reduction and Refinement (the Three R’s).

4.1 The AEC’s assessment of proposal applications will be conducted in a manner that is fair to applicants and acceptable to all members including the need to provide AEC members with information in a timely manner.

4.2 The AEC may withdraw or suspend approval for any project where necessary;

4.2.1 Where it is deemed necessary to withdraw or suspend approval for a project the person assigned as the Principal Investigator for that project will be contacted by the Chairperson advising of relevant action.

4.2.2 Notice in writing will be sent to the Principal Investigator, detailing the reasons for withdrawal or suspension of approval.

4.2.3 The Principal Investigator will be invited to attend the next scheduled meeting of the AEC; to discuss the withdrawal or suspension of approval.

4.2.4 Depending on the outcome of the meeting with the AEC, a suspended proposal may be granted permission to continue or advice of withdrawal or suspension will be given.

4.3 The AEC may be approached by individuals or organisations that do not have direct access to an institutional animal ethics committee yet require animal ethics committee approval before proceeding to use animals for scientific purposes. The AEC must decide on an individual case basis whether it is prepared to assess the proposal and oversee the project. Arrangements between the AEC and a non-institutional applicant must be through a formal agreement between DEECA and the applicant.

4.4 The AEC must:

4.4.1 Approve and review guidelines for the care of animals that are used for scientific or teaching/extension purposes on behalf of DEECA;

4.4.2 Examine and approve, approve subject to modification, or reject written proposals as submitted on the relevant DEECA AEC application form for up to three years, subject to annual reporting of approved projects;

4.4.3 Review annual and completion reports of projects, according to section 2 of the Code;

4.4.4 Ensure Principal Investigators establish procedures for:

(i) monitoring the acquisition, transportation, production, housing, care, use and fate of animals involved in an approved project;

(ii) provisions for monitoring which include ensuring that appropriate records of animal care and use are being kept by the investigator and that unexpected or adverse effects that impact on the welfare of the animals are reported to and reviewed by the AEC;

(iii) the treatment or humane killing of an animal.

4.5 Conduct inspections of relevant sites and monitor project activities approved by the AEC, at least annually. The AEC may delegate this authority, on behalf of the AEC as appropriate and where possible a member of the AEC who is external to the institution should participate in inspections

4.6 Recommend to DEECA any measures, including training or supervision, needed to ensure that the standards of the Code are maintained.

4.7 Facilitate on-going education of AEC members.

4.8 Maintain a record of proposals and projects for four years.

4.9 Deal with alleged non-compliance with the Code and grievances with AEC decisions, including referral to the institution and the Manager, Licensing & Audit, Animal Welfare Victoria, DEECA, as required.

4.10 Provide advice on any relevant matters referred by DEECA.

# 5. Terms of Reference

The terms of reference for animal ethics committees are defined in the Code. Accordingly, the AEC will:

5.1 Approve and review guidelines for the care of animals that are bred, held and used for scientific or teaching /extension purposes on behalf of the DEECA.

5.2 Monitor the acquisition, transportation, production, housing, care, use and fate of animals through approved procedures and reporting by the Principal Investigators.

5.3 Recommend to DEECA any measures needed to ensure that the standards of the Code are maintained.

5.4 Describe how members are appointed, reappointed, or retired; according to procedures developed by DEECA in consultation with the AEC (refer to clause 6 of the AEC ToR).

5.5 Requires that all members declare any conflict of interest (refer to clause 11 of the AEC ToR).

5.6 Deal with situations in which a conflict of interest arises in accordance with section 2.3.12 of the Code and clause 11 of the AEC ToR.

5.7 Examine and approve, approve subject to modification, or reject written proposals relevant to the use of animals for scientific purposes.

5.8 Approve only those studies/activities for which animals are essential and justified and which conform to the requirements of the Code. This should take into consideration factors including ethics, the impact on the animal or animals and the anticipated scientific or educational value.

5.9 Withdraw approval for any project in accordance with section 2.3.9 of the Code.

5.10 Authorise the emergency treatment or euthanasia of any animal in accordance with section 2.1.5(V) (d) of the Code.

5.11 Examine and comment on all institutional plans and policies that may affect the welfare of animals used for scientific purposes.

5.12 Maintain a record of proposals and projects in accordance with section 2.2.30 of the Code.

5.13 Comply with the reporting requirements of the institution (refer to clause 12 of the AEC ToR) and in accordance with section 2.3.28-29 of the Code.

5.14 Perform all other duties required by the Code.

# Committee membership

6. Membership

6.1 Composition

The AEC consists of up to 16 members appointed by the Secretary.

Of the persons appointed to the AEC:

(i) one is to be the Chairperson;

(ii) up to 15 members are to be appointed after the Secretary has taken into account the balance of areas of expertise held by the members of the AEC appointed under categories A, B. C and D as per descriptions below.

Membership of the AEC shall comprise of representatives from the four categories as defined in clause 2.2.4 (i) – (iv) of the Code and set out below, all of whom have a genuine interest and commitment to the ethical use of animals for scientific procedures or teaching.

***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 AEC. This must include possession of a higher degree in research or equivalent experience. If the business of the AEC 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 AEC, and must not fit the requirements of any other category.

Categories C and D must together represent at least one-third of the AEC membership.

All nominated candidates must be accepted by the Manager, Licensing & Audit, Animal Welfare Victoria, DEECA prior to approval by the Secretary. The Manager, Licensing & Audit provides guidance in advising if the nominated candidate suits the criteria of the specified member category in accordance with the Code.

6.2 Appointment of the Chairperson

In accordance with clause 2.2.2 of the Code, Institutions must appoint a chairperson of the AEC. Institutions should consider appointing a chairperson who holds a senior position in the institution. If the chairperson is an external appointee, institutions must provide the chairperson with the necessary support and authority to carry out the role. The chairperson may be appointed in addition to Category A to D members.

6.3 Appointment of Members

6.3.1 Members are recruited by a range of methods:

(i) from institutional recommendations; or

(ii) personal recommendations; or

(iii) public advertising of the position.

6.3.2 To ensure that the AEC has oversight of DEECA activities across the State, membership from each of the Divisions covered by the AEC is required.

6.3.3 Category A members may be chosen from among suitably qualified DEECA staff or persons external to DEECA.

6.3.4 In the first instance, where possible, Category B members will be selected from suitably qualified persons that are nominated from within DEECA Branches. If a sufficient number of suitably qualified DEECA staff is not available for appointment to the AEC, Category B members may then be sourced externally.

6.3.5 DEECA staff nominations as Category A and Category B members are crucial in providing expert advice on the work conducted by DEECA Research and Extension staff.

6.3.6 The selection of members will be based on formal curriculum vitae provided. The Members and Chairperson will be appointed by the Secretary, taking into account the expertise of the nominees and their suitability to fill the specified member Category according to the Code.

6.4 Term of Office

6.4.1 A member of the AEC holds office for the period of up to four years that is specified in the instrument of appointment and is subject to the terms and conditions that are specified in that instrument. Where a replacement member (including the Chairperson), is appointed, the term of office for that member shall be the balance of the term of office of the replaced former member.

6.4.2 A member is eligible for reappointment.

6.4.3 With the objective of continuance of effective committee functioning, a staggered reappointment of the AEC members may be undertaken whereby up to eight members of the AEC will be replaced or reappointed every two years, commencing two years following the inaugural appointments to the AEC.

6.5 Vacancies

The office of a member (including the Chairperson) becomes vacant if the member:

(i) becomes bankrupt; or

(ii) is absent from three consecutive meetings of the AEC without the Chairperson's leave, or, in the case of the Chairperson, without the Secretary’s leave; or

(iii) resigns in writing delivered to the Chairperson (or to the Secretary in the case of the Chairperson).

The Secretary may suspend for just cause a member from office.

The Secretary may remove a member (including the Chairperson) from office if the member:

(i) becomes incapable of performing his or her duties; or

(ii) is negligent in the performance of those duties; or

(iii) engages in improper conduct; or

(iv) fails to disclose a pecuniary interest as required by clause 11 of the AEC ToR.

If the office of a member of the AEC is vacant, or the member has died, resigned or been removed from office, the Secretary may fill the vacant office for the rest of the term of appointment of the member whose place he or she fills, in accordance with clause 6.1 of the AEC ToR.

The Chairperson must advise the Manager, Licensing & Audit, Animal Welfare Victoria of changes in AEC membership. If the office of Chairperson is vacant, the procedure outlined in clause 10.5 of the AEC ToR shall be followed at every meeting held until a new Chairperson is appointed by the Secretary.

6.6 Procedure for New Members

New members must be:

(i) provided with a list of current members, including a brief history of their background;

(ii) be provided with a copy of the Act and the Code and any other guidelines relevant to the AEC;

(iii) be provided with a list of current and on-going research projects and any associated protocols.

6.7 Procedure for Co-opted Persons

The AEC 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 or teaching. Co-opted persons attending meetings of the AEC cannot exercise voting rights and must adhere to the general principles of confidentiality as per voting members.

Co-opted persons should be:

(i) provided with a list of current members;

(ii) be provided with a copy of the Act and the Code and any other guidelines relevant to the AEC; and

(iii) be provided with a list of current and on-going research projects and any associated protocols.

# 7. Confidentiality

7.1 Intellectual property interests of the institution, individual privacy and maintenance of commercial in confidence obligations may be the subject of confidentiality. Members of the AEC undertake to treat all proposals and materials that come before the AEC for consideration in the strictest confidence, to ensure the protection of intellectual property and commercially sensitive information.

7.2 The members (including the Chairperson) of the AEC acknowledge in writing their acceptance of the requirements for confidentiality, required by the DEECA (Appendix 1).

7.3 A member (including the Chairperson) resigning or retiring from the AEC shall not, without the express approval of the institution, expose or discuss confidential information accruing from membership. All documentation relating to the AEC, held by the resigning or retiring member must be returned to the Executive Officer.

# 8. Role and responsibilities of the Chairperson

8.1 Role

The role of the Chairperson is to facilitate an orderly and constructive discussion between members on matters within the ToR, ensure that any action required is assigned to an appropriate member, liaise with the Executive Officer on the development of meeting agendas and progress of actions arising from meetings.

The Chairperson should hold a senior position in the institution.

To perform a key role in the successful operation of the AEC, the Chairperson should possess the following attributes:

(i) an ability to bring impartiality to the task;

(ii) the skills to manage the business of the AEC;

(iii) an ability to communicate, negotiate and to resolve conflict; and

(iv) an understanding of the ethical and animal welfare issues involved in the use of animals for scientific purposes.

The Chairperson will possess the administrative and leadership skills necessary to effectively manage the AEC and bring focus and discipline to AEC proceedings.

8.2 Responsibilities

In accordance with clause 2.2.13 of the Code, the Chairperson is responsible for impartially guiding the operation of the AEC, resolving conflicts of interest related to the business of the AEC, and representing the AEC in any negotiations with the institution’s management.

The Chairperson must:

1. ensure that the AEC operates in accordance with the principles and requirements of the Code; the relevant policies of the institution, and the agreed AEC procedures in accordance with sections 2.2 – 2.3 of the Code;
2. ensure that proposals are adequately considered by the AEC and the outcomes conveyed to investigators in a timely manner;
3. advise DEECA regarding the level of resourcing required by the AEC;
4. represent the AEC in any negotiations with DEECA;
5. oversee all requirements of the AEC to report and review its operation, as outlined in accordance with section 2.2.37 of the Code;
6. ensure AEC records are maintained and made available for review by the institution and authorised external reviewers.

The Chairperson or Licensee will be the first point of contact for investigators wishing to access the AEC.

# 9. Role and responsibilities of the Executive Officer

DEECA shall provide an Executive Officer to provide support services to the AEC and Chairperson.

The Executive Officer will not be a voting member, and preferably have substantial experience in administration of an animal ethics committee with a detailed knowledge of related issues.

The Executive Officer will:

(i) organise meetings in consultation with the Chairperson;

(ii) ensure that; all relevant documents (minutes, correspondence, proposal applications, project reports, AEC decisions and AEC procedural documents) as appropriate are distributed in a timely manner to the AEC prior to each meeting;

(iii) maintain files and records of meetings and make available for review by the institution and authorised external reviewers;

(iv) assist the chair in preparing correspondence, reports etc. of relevance to AEC business;

(v) arrange for payment of sitting fee and travelling expenses of members;

(vi) assist the Chairperson prepare the Annual Report to the Secretary and internal Departmental briefings;

(vii) attend training, as approved by the Chairperson, so they have adequate knowledge of the Code and associated animal welfare legislation to undertake the role.

# Business and finance

## 10. Business Operations

10.1 Conduct of Meetings

Meetings shall be conducted in accordance with the operating procedures established by the AEC under these Terms of Reference.

Proposal applications must be assessed in accordance with the relevant information required in clauses 2.3.3 – 2.3.16 of the Code.

10.2 Correspondence

All AEC correspondence will be through the Chairperson’s office.

Institutional, project or procedural related correspondence from and to the AEC between meetings shall be circulated to all members promptly and a copy filed by the Executive Officer.

Written correspondence conveying the AEC's advice to the project applicant or the institution, as appropriate, shall be completed as soon as practicable after the relevant meeting and within 14 working days.

10.3 Meetings

***10.3.1 General Meetings***

The AEC will meet six times a year.

The time and venue of the meetings shall be determined by the Executive Officer in consultation with the Chairperson, and meeting dates will be provided twelve months in advance.

***10.3.2 Special Meetings***

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

Special meetings must be conducted in accordance with the same rules governing general meetings as outlined in the AEC ToR.

10.3.3 Meeting Agenda and Relevant Documents

The Executive Officer shall ensure that the meeting agenda will consider AEC business as required to meet the AEC’s responsibilities.

The Executive Officer shall circulate not less than ten days prior to a general meeting or a Special Meeting, an agenda setting out standing business before the AEC and all relevant proposals and related correspondence.

10.3.4 Meeting Minutes

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

Minutes of the meeting must specify each item of business discussed, summarise essential items of discussion, and record the decisions reached or advice resolved and actions to be taken.

The minutes will be confirmed at the subsequent meeting of the AEC.

10.4 Quorum

In accordance with the Code, a quorum of the AEC is constituted by a membership of at least one representative of each of the categories A to D being in attendance at the meeting. If the AEC has more than a quorum of members, Categories C plus D should represent no less than one third of the members.

Unless a quorum is in attendance the AEC may discuss proposals but must not approve or reject proposals.

Attendance of Special Meetings may be facilitated by video-linking or teleconferencing of some members in special circumstances, where face-to-face attendance is not possible. Such remote members may authorise the Executive Officer or Chairperson to record their support of any proposals or other decision outcomes.

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

10.5 Absence

The Chairperson or an Officer of DEECA nominated by the Chairperson as the Deputy Chairperson or Member (as point (iii)) must be present at any meeting of the AEC.

At a meeting of the AEC the person who must preside is:

(i) its Chairperson; or

(ii) if the Chairperson is absent or the office of Chairperson is vacant, the deputy Chairperson; or

(iii) if the Chairperson and Deputy Chairperson are both absent, or both offices are vacant, a member elected to preside by the members present at the meeting.

10.6 Effect of Vacancy or Defect

An act or decision of the AEC is not invalid only because:

(i) of a vacancy in its membership; or

(ii) of a defect or irregularity in the appointment of any of its members.

10.7 Voting

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

Decision outcomes at a meeting of the AEC shall be determined by consensus as defined in clauses 2.3.8 – 2.3.13 of the Code.

Where consensus cannot be reached after reasonable effort to resolve differences, the AEC should explore with the applicant(s) ways of modifying the project that may lead to consensus. If consensus is still unachievable, the AEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion.

The Chairperson presiding at a meeting of the AEC has a deliberative vote and also, if the voting is equal, a casting vote.

10.8 Submission and Approval of Proposals

Only those proposals which conform to the requirements of all relevant sections of the *Code and the Prevention of Cruelty to Animals Act 1986* may be approved.

Activities must not start without AEC approval

(i) The AEC has the authority to accept or reject proposals.

(ii) If the AEC deems that modifications are necessary, the proposal may be sent back to the researcher to be re written.

(iii) If modifications are made which meet the requirements of the AEC, then the Chairperson or an executive may approve the proposal out of session and the project may proceed.

(iv) The AEC has the authority to impose conditions as part of the approval process.

(v) The AEC is only required to consider completed and signed protocols submitted by the responsible investigator(s) or teacher(s).

(vi) Proposals must be considered and approved only at scheduled or special meetings of the AEC.

(vii) Only under extreme circumstances, will the AEC consider proposals for Out of Session approval as dates for AEC meetings and submission deadlines are available twelve months in advance.

(viii) Experiments must not start before written approval is given by the AEC.

(ix) In accordance with section 2.2.33 of the Code, where a project has a Standard Operating Procedure (SOP) referred to in the proposal, the AEC members will be provided with a copy of that SOP.

(x) The AEC may liaise with DEECA on any matter requiring independent advice.

10.9 Executive

The AEC may establish an executive at any time from the available members. In accordance with clause 2.2.23 of the Code, if established, an AEC Executive:

1. must include the Chairperson and at least one member from Category C or D;
2. may be delegated to approve minor amendments to approved projects or activities, for

ratification, at the next meeting of the AEC. The AEC should provide guidance on the type of

activity that would be a minor amendment. A minor amendment may include a change

to an approved project or activity where the proposed change is not likely to cause

harm to the animals, including pain and distress;

1. must not approve new applications.

An Executive of the AEC, has on behalf of the AEC the authority to approve the following minor modifications without the need to send to a quorum of the AEC:

1. requests for an extension only to the end date of a AEC approved project if the original approval period is less than 3 years;
2. requests for transfer of responsibility of Principal Investigator for an AEC approved project;
3. requests for approval for new staff to work on an AEC approved project;
4. Investigator Approval Forms;

All out of session approvals will be ratified at the AEC meeting following the approval.

Projects that require approval for a change to the project protocol must be approved by a quorum of the AEC.

10.10 Grievance Procedures

In the case of dissension with an AEC decision, the Chairperson, on behalf of the AEC, may follow the following grievance procedure:

(i) attempt to resolve the matter with the dissenting person(s);

(ii) seek an opinion from the Licensee nominee or nominated responsible person either at the AEC meeting or as soon as possible after an AEC meeting;

(iii) place the matter before the Licensee nominee or nominated responsible person at a formal meeting for resolution. This meeting will be attended by the Chairperson, Executive Officer, dissenting person(s) and other nominated AEC member(s);

(iv) refer the decision and discussions back to the AEC.

10.11 Where AEC Requirements are not being met

(i) The AEC receives a report of an alleged incident either prior to or at a regular meeting of the AEC where the matter is discussed.

(ii) The AEC will investigate the report and seek a written explanation of the incident from the applicant or other relevant persons.

(iii) The report is distri**b**uted to all AEC members for comment and if necessary an extraordinary AEC meeting may be convened for further discussion.

(iv) The Chairperson will report the incident and the AEC’s view(s) to the Licence Nominee for information and may provide recommendations for further action.

(v) Should a AEC member, after the above procedures have been exhausted, still be unsatisfied that appropriate action has or will be taken to safeguard animal welfare, then that member should advise the License Nominee and may report their dissent to the Manager, Licensing & Audit, Animal Welfare Victoria.

# 11. Conflicts of Interests

Clause 2.3.12 of the Code requires that at the point of 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 Code: that is, one member from each of the membership categories A, B, C and D, with Categories C and D together representing at least one-third of members present.

Where, a member has any direct or indirect interest in any matter of business before the AEC, which may be construed as a conflict of interests, that interest shall be declared to the AEC.

As DEECA members of the AEC often submit applications to the AEC for consideration, a conflict of interests must be declared when any item of business relating to their applications is discussed. The DEECA member declaring a conflict of interests can remain in the room and provide information on their application; however, they must withdraw from the meeting for the period of discussion and resolution of that business.

Declarations of any conflict of interests must be recorded in the minutes of the meeting.

# 12. Reporting

In accordance with sections 2.3.28-29 of the Code the AEC must submit a written report on its activities at least annually by 31 December to the Secretary of DEECA or his or her delegate/s for which it acts.

The report should include information on:

(i) numbers and types of projects and activities assessed, and approved or rejected;

(ii) the physical facilities for the care and use of animals by the institution;

(iii) actions that have supported the educational and training needs of AEC members, and people involved in the care and use of animals;

(iv) administrative or other difficulties being experienced; and

(v) any matters that may affect the institution’s ability to maintain compliance with the Code and if appropriate, suitable recommendations.

# 13. Financial arrangements

13.1 Sitting Fees

In accordance with the government’s *Appointment and Remuneration Guidelines for Victorian Government Boards Statutory Bodies and Advisory Committees* (the Guidelines), the AEC is categorised as a Group C Band 1(a) 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.

Eligible appointed members shall be paid sitting fees in accordance with Schedule C sessional rates as detailed in the Guidelines. These rates shall be fixed by the Secretary of Department in the instrument of appointment.

13.2 Out of Pocket Expenses

Expenses will be paid in accordance with rates that apply to employees of DEECA for the provision of allowances for travelling and personal expenses, fixed by the Secretary of the Department.

13.3 Insurance of Members

Under section 14 (3) of the *Accident Compensation Act 1985*, an appointed member of the AEC is deemed to be an employee of the Crown while attending meetings or while undertaking any directed or approved activity on behalf of the AEC. Cover is afforded by WorkCover.

AEC members (including non- DEECA external members) are covered byDEECA's professional indemnity and public liability insurance, to the extent that they are working on DEECA business, namely ensuring that all use and care of animals is conducted in accordance with the *Code and the Prevention of Cruelty to Animals Act 1986*.

# 14. Revision of Terms of Reference and Mode of Operation

This Terms of Reference and Mode of Operation (AEC ToR) will be reviewed annually or as necessary in response to changes in legislation, the Code, institutional policy or concerns expressed by members of the AEC.

All proposed revisions to the AEC ToR will be submitted to the Secretary for approval.

APPENDIX 1

**DEED OF CONFIDENTIALITY**

This Deed is made on the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 .

**BY** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **of** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“**the** **Confidant**”)

**being a Member of the Department of Energy, Environment and Climate Action, Agricultural Research & Extension Animal Ethics Committee (AEC)**

**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**

1. **The Confidant is appointed as a member to the AEC by the Secretary (or his/her delegate) of the Department of Energy, Environment and Climate Action, Victoria (DEECA)**
2. **The Information to which the Confidant will have access to as a member of the AEC is confidential.**
3. **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 –

**“AEC”** meansthe Agricultural Research & Extension 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 AEC or arising out of any dealings with DEECA including but not limited to deliberations of the AEC, correspondence between the Minister or DEECA and the AEC and DEECA or papers supplying information; including in relation to:

* 1. Any intellectual property rights of the DEECA;
  2. The financial position or reputation of DEECA;
  3. The internal management and structure of DEECA;
  4. The personnel, policies and strategies of DEECA;
  5. DEECA’s clients or suppliers; and
  6. 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:

* 1. all copies, notes and records; and
  2. all related information

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

“**Terms of Reference**” means the DEECA Agricultural Research & Extension Animal Ethics Committee Terms of Reference and Mode of Operation effective January 2019.

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 AEC or during any dealings with the AEC 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 AEC 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

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| --- | --- |
| SIGNED SEALED and DELIVERED  By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Print name of Confidant)  Position \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­\_  Organisation\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  In the presence of:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Print name of Witness) | )  )  )  ……………………………………………  (Signature)  ……………………………………………  (Witness signature) |
| SIGNED SEALED and DELIVERED  By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Print name of Supervising Officer of Confident)  Position \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Organisation\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  In the presence of:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Print name of Witness) | )  )  )  ……………………………………………  (Signature)  ……………………………………………  (Witness signature) |