

## RSPCA VICTORIA ANIMAL ETHICS COMMITTEE

### TERMS OF REFERENCE

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#### 1. Definitions

- 1.1 "Animal Ethics Committee (AEC)" shall mean an AEC, as outlined in the Australian code for the care and use of animals for scientific purposes under Part 3 of *The Prevention of Cruelty to Animals Act 1986 and Regulations 2008*.
- 1.2 "Committee" shall mean the RSPCA Victoria AEC.
- 1.3 "Member" shall mean a person appointed to the Committee by RSPCA Victoria.
- 1.4 "Licensee" shall mean the Chief Executive Officer of RSPCA Victoria.
- 1.5 "Proposal" shall mean a written application to carry out a project for consideration by an AEC.
- 1.6 "Project" shall mean that as defined in The Australian Code; 'an activity or group of activities that form a discrete piece of work that aims to achieve a scientific purpose.'
- 1.7 "Scientific procedures" shall be defined as in Part 3 of the Prevention of Cruelty to Animals Act 1986.
- 1.8 "the Code" shall mean the current edition of the Australian code for the care and use of animals for scientific purposes, mandatory under Part 3 of the *Prevention of Cruelty to Animals Act 1986 and Regulations 2008*.
- 1.9 *The Prevention of Cruelty to Animals Act 1986 and Regulations 2008* shall mean that as located at <http://agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare/animal-welfare-legislation/prevention-of-cruelty-to-animals-legislation>
- 1.10 "Minor Modification" shall mean:
- An increase in the total number of approved animals on a project approved by the Animal Ethics Committee Executive (AEC Executive) at their discretion, on a case by case basis out of session
  - An addition of staff to a project
  - A minor change to a procedure or protocol on a project that does not adversely affect animal welfare
  - Any other minor change to a project, e.g. an extension of the project expiry date, that does not adversely affect animal welfare

All requests for minor modifications must be made on an amendment form (latest template available from the EO) for consideration by the AEC Executive (see 4 e i)

The following are not minor modifications:

- An animal injury/illness/death - this requires the submission of an incident form plus veterinary report and post mortem report (if applicable).
- An animal or staff retirement or resignation - this requires an email to the EO.
- New applications.

#### 2. Membership of the Committee and Term of Office

##### 2.1 Category of Members:

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| 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.
Additional member	a person responsible for the routine care of animals from within the institution or with skills and background of value to the AEC. This membership is not mandatory.
Executive Officer	a person who is a member of RSPCA Victoria staff, who has experience in animal welfare issues and capabilities in organisation and administration.
Chairperson	a person who either holds a senior position at RSPCA Victoria or, if an external appointee, be given a commitment by RSPCA Victoria to provide the necessary support and authority to carry out the role. The chairperson may be appointed in addition to Category A to D members. This member should be independent of the care and use of animals for scientific purposes.

- 2.2 Term of Office:**  
Members of the AEC, categories A, B, C, D and other, the Chairperson and the Executive Officer are appointed by the Chief Executive Officer of RSPCA Victoria for a renewable term of one year.

Members who wish to resign from the Committee must provide at least one month's notice in writing to the Executive Officer.

- 2.3 Quorum**  
A quorum shall consist of four members with at least one in each of the categories (A to D) present throughout the meeting. Categories C and D together must represent at least one third of the members present. Videoconferencing, webconferencing or teleconferencing may be used where a face to face meeting is not possible, or for individual members who are unable to attend a face to face meeting.

### **3. Responsibilities of Committee Members**

- 3.1 Confidentiality:**  
All members of the AEC should acknowledge in writing their acceptance of their appointment and the terms of reference of the committee. Members must maintain confidentiality regarding the content of applications and the deliberations of the AEC.
- 3.2 Conflict of Interest:**

All members shall declare any conflict of interest, if and when such a conflict arises, at any stage of their involvement with the AEC. Where a member so declares they must remove themselves from the AEC's decision making on matters that relate to the conflict of interest.

#### **4. Functions of the Committee:**

The primary responsibility of the Committee is to ensure, on behalf of RSPCA Victoria, that all activities relating to the care and use of animals are conducted in compliance with the Code.

The Committee is accountable to the Chief Executive Officer at RSPCA Victoria.

In performing its function, the Committee will be free to make whatever enquiries it considers necessary to give effect to its terms of reference.

In accordance with the Code all teaching involving the use of live, non-human vertebrates (including fish) and higher order invertebrates (cephalopods) must have AEC approval prior to commencement of the project.

- a) The Committee shall advise the management of RSPCA Victoria on all matters concerning the use of animals for scientific purposes. Use of animals will include teaching or any other educational or demonstration purposes that are outside normal shelter husbandry procedures.
- b) The Committee shall hold meetings twice a year, unless otherwise determined by the Committee. The AEC shall maintain minutes of the meetings that provide an accurate record of all decisions and actions.
- c) The Committee shall ensure that all activities involving the use of animals as described in 4a are carried out in accordance with Victorian laws and the Code (to ensure the standards of the Code are maintained) and the guidelines that have been endorsed by the Committee. To satisfactorily discharge this responsibility the AEC shall:
  - (i) Examine in detail all proposals for the use of animals for scientific purposes or teaching at RSPCA Victoria and approve only those for which animals are ethically acceptable and that conform to the requirements in the Code. The Committee must be satisfied that there is no suitable alternative to animals and that the number of animals involved and the impact on them is minimised;
  - (ii) Withdraw or suspend approval for any projects that are not compliant with the Code, and ensure that remedial action is initiated;
  - (iii) Decide, on the basis of consensus, on the approval, modification, rejection or withdrawal of approval for a project. Where consensus cannot be reached, a reasonable effort must be undertaken to resolve differences, including discussion with the applicant(s) about ways of modifying the project that may lead to consensus. If consensus is still unachievable, the Committee should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion;
  - (iv) Progress issues concerning the AEC must be made via email. Actual decisions can only be made via consensus (as described above) in face to face meetings. Special dispensation may be given to make decisions via email, only when all members are in agreement and only for where the animal welfare and educational outcomes are not compromised, i.e.: a minor modification to the project.
  - (v) Advise project applicants, of their decisions about the approval or rejection of projects in writing as promptly as possible. Projects must not commence until written approval has been received. Approval will only be given for a maximum of 3 years, subject to ongoing review of the project;

- (vi) Ensure that all persons involved in the care and use of animals in approved projects are appropriately trained and competent;
  - (vii) Approve detailed guidelines for the care and use of animals in each activity;
  - (viii) Ensure that RSPCA Victoria teachers and staff who intend on using animals for purposes outside normal shelter husbandry procedures, are aware of the legal requirements and need for AEC approval for such uses;
  - (ix) Regularly review all approved activities through the review of regular reports (annual progress reports, and final reports), and inspections of facilities (at least annually) as described below;
  - (x) Review regular (annual) progress reports and final reports (submitted to the AEC at the completion of each project) for each project. Each report should provide information as detailed in the appropriate AEC report template;
  - (xi) Inspect facilities. Members of the AEC should inspect all facilities where approved projects are being undertaken and must maintain records. A Category C or D member of the AEC should participate in animal facility inspections. Where access to facilities is difficult or facilities are remote, inspection may be performed by an agent or delegate approved by the AEC and can be facilitated or corroborated with photographic or video imaging.
  - (xii) Review, examine and comment on issues related to animal welfare and ethics that are referred to the AEC by the RSPCA Victoria Board, CEO or Head of Prevention Programs. Submit a written annual report on its activities to the Chief Executive Officer and the Board of RSPCA Victoria. The annual report should provide information as detailed in the appropriate AEC report template.
- d) The AEC may establish an AEC Executive that must include the chairperson and at least one member from Category C or D who:
- (i) may approve minor modifications to approved projects, for ratification at the next AEC meeting;
  - (ii) must not approve new proposals.

#### 4.1 Delegation of Authority:

The Committee will carry out the functions set in (2) above through its meetings and the decisions arising thereon.

On a day to day basis, the AEC's role, responsibilities, and decisions will be communicated to RSPCA Victoria management, staff and volunteers via the Executive Officer.

#### 4.2 Executive Officer

RSPCA Victoria shall provide executive support services to the Committee.

The Role of the Executive Officer:

4.2.1 In the area of decision-making that requires action that is within the RSPCA Victoria's line management accountabilities, the Executive Officer of the Committee will raise matters with the Senior Manager with responsibility for staff in their area, having regard to advice from the committee.

4.2.2 The Executive Officer will liaise with and report to the Chief Executive Officer and Senior Managers of RSPCA Victoria to ensure compliance with legislation on the use of animals in education.

### 5. Non-RSPCA Victoria applicants and AEC responsibility

Organisations and research institutions wishing to use RSPCA Victoria shelter animals for observation, fieldwork or other studies must submit a copy of their approved application from their external institutional ethics committee, and a field work notification.

These documents must be reviewed and approved by the RSPCA AEC before work on the project can commence.

- 5.1 In addition to the usual requirements for applications, information should be provided on the following:
- one's liability and responsibility for the project,
  - who will monitor the impact of the project on the animals, and;
  - the qualifications and experience of applicants.
- 5.2 A formal agreement between RSPCA Victoria and the non-RSPCA institute needs to be set up and followed to ensure that both parties are aware of and can meet their respective responsibilities under the requirements of the Code and relevant legislation.

## 6. Grievance Procedures

The following grievance procedures will be adopted if there is dissent:

In the case of dissension with a committee decision the Chair, on behalf of the committee, should follow this procedure:

- Attempt to resolve the matter with the dissenting person(s).
- Seek an opinion from the Licensee or nominated responsible person either at the Committee meeting or as soon as possible after a Committee meeting.
- Place the matter before the Licensee 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 Committee member(s).
- Refer the decision and discussions back to the Committee.

Where AEC requirements are not being met:

- The Committee receives a report of an alleged incident either prior to or at a regular meeting of the Committee where the matter is discussed.
- The AEC will investigate the report and seek a written explanation of the incident from the applicant or other relevant persons.
- The report is distributed to all Committee members for comment and if necessary an extraordinary Committee meeting may be convened for further discussion.
- The Chairperson will report the incident and the Committee's views(s) to the Licensee for information and may provide recommendations for further action.
- Should an 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 Licensee and may report their dissent to the Department of Economic Development, Jobs, Transport and Resources.

## 7. Insurance of Members

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

## 8. Review of Terms of Reference

These Terms of Reference will be reviewed annually or as necessary in response to changes in the legislation, institutional policy or concerns expressed by members of this Committee.

REVISION RECORD

Date Approved:	Revision Description:
April 2016	Update in line with Code and change in licensee
September 2017	Update in line with requirements in the Code
September 2018	Update with advice from DEDJTR auditor
April 2020	Update to include remote conferencing option for quorate meetings