



# WEHI

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## Committee Record MC2 - Animal Ethics Committee Terms of Reference

### Version

5 **APPROVED**

### Author(s)

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### Owner

Animal Ethics Committee

### Department

Governance, Risk & Compliance

### Approval Authority

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## 1. Purpose

WEHI has established an Animal Ethics Committee (**AEC**) to meet its obligations under the Australian code for the care and use of animals for scientific purposes, 8th edition 2013 (Updated 2021)(**Code**)<sup>1</sup> and Prevention of Cruelty to Animals Act 1986 (Vic) (**Act**).

These Terms of Reference are prepared following section 2.2.18 of the Code to support the proper functioning of the AEC.

These terms of reference should be read in conjunction with the Code. Where inconsistencies exist between these terms of reference and the Code, the Code will prevail.

1. Note that references brackets refer to sections in the Code.

## **2. Authority and Responsibilities**

### **2.1 Authority**

The AEC has been established by WEHI to assist in ensuring that all activities relating to the care and use of animals for scientific purposes are conducted in compliance with the Code.

The AEC must:

- review applications for projects and approve only those projects that are ethically acceptable and conform to the requirements of the Code
- review applications for activities associated with the care and management of animals in facilities, including procedures applicable to breeding programs integral to the maintenance of an animal line, and approve only those activities that are ethically acceptable and conform to the requirements of the Code
- conduct follow-up review of approved projects and activities and allow the continuation of approval for only those projects and activities that are ethically acceptable and conform to the requirements of the Code
- monitor the care and use of animals, including housing conditions sections, practices and procedures involved in the care of animals and facilities.

### **2.2 Governing principles**

In undertaking its role, the AEC must consider the governing principles contained in section 1 and the governing principles for AECs included in section 2.3 of the Code.

### **2.3 Responsibilities of AEC**

The AEC will undertake its role consistent with section 2.3 of the Code, including:

- ensuring, on behalf of WEHI, that all activities relating to the care and use of animals are conducted in compliance with the Code (s2.3.1)
- reviewing and approving new and ongoing activities (ss2.3.3 – 2.3.16)
- monitoring the care and use of animals (ss2.3.17 – 2.3.23)
- taking action regarding unexpected adverse events (s2.3.24)
- taking action regarding non-compliance (s2.3.25)
- approving guidelines for the care and use of animals (s2.3.26)
- providing advice and recommendations to WEHI (ss2.3.28-29)

## **2.4 Ethical review and approval**

In conducting an ethical review and considering approval of a project, the AEC will act consistently with 2.3.3 to 2.3.16 of the Code.

### **2.4.1 Term of projects**

The AEC will consider the number of years that the project is funded, any milestones or stages outlined in the project and any formal agreements between WEHI and funding bodies determining the period of approval.

Subject to the above, the maximum initial period of approval for a project will be three years. Extensions will be at the discretion of the AEC, and will usually be up to 2 years in duration.

## **2.5. Monitor the care and use of animals**

The AEC will monitor the care and use of animals consistent with sections 2.3.17 to 2.3.23 of the Code.

### **2.5.1 Facility inspections**

The AEC will conduct inspections of each facility at least annually. Any facility inspection must include either a category C or D member (s2.3.20 of the Code), though all members are encouraged to attend.

The AEC should promptly report any concerns raised in these inspections to the WEHI for immediate action.

Visits of facilities may form part of the AEC meeting agenda, which will record the attendees and information outlined in section 2.3.22 of the Code.

## **2.6. Take action regarding unexpected adverse events**

The AEC will take action regarding unexpected adverse events consistent with section 2.3.24 of the Code and relevant WEHI policies.

### **2.6.1. The AEC will take action regarding non-compliance**

The AEC will take action regarding non-compliance events consistent with section 2.3.25 of the Code and with WEHI policies.

### **2.6.2. The AEC will provide advice and recommendations to the Institution**

The AEC must provide advice and recommendations to WEHI regarding the care and use of animals for scientific purposes and strategies required to ensure that the Code's requirements are maintained and that matters affecting animal wellbeing are addressed.

All correspondence of this nature should be directed to the licence nominee and the Director of the WEHI.

## **3. Membership**

### **3.1 AEC membership**

The membership of the AEC will be made up of:

- Chairperson (non-voting)
- Voting members (Category A-D members)
- Non-voting members

#### **3.1.1 Chairperson**

WEHI shall appoint a Chairperson to the AEC consistent with section 2.2.2 and 2.2.3 of the Code.

#### **3.1.2 Responsibilities**

The Chairperson is responsible for:

- impartially guiding the operation of the AEC
- resolving conflicts of interest related to the business of the AEC
- representing the AEC in negotiations with WEHI's management.

#### **3.1.3 Deputy Chairperson**

The AEC shall appoint a Deputy Chairperson to act as Chairperson of AEC meetings when the Chairperson is not available.

The appointment of a Deputy Chairperson shall be for one year with the ability to renew the appointment until they reach the maximum period of their appointment under clause 3.2.1. When appointing the Deputy Chairperson, consideration should be given to the requirements of the Code under sections 2.2.2 and 2.2.3.

#### **3.1.4 External appointments**

Where the Chairperson is an external appointment, the role will be remunerated to reflect the level of responsibility and commitment involved in carrying out the role.

#### **3.1.5 Voting rights**

The Chairperson does not have voting rights in their capacity as Chairperson.

## **3.2. Members**

### **3.2.1. Voting Members**

The membership of the AEC shall be constituted in accordance with sections 2.2.4 – 2.2.6 of the Code and must include at least one person from each of the following categories:

- **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.
- **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.

### 3.2.2 Responsibilities

Each voting member of the AEC is responsible for deciding whether, in their judgement, an application or other matter under consideration by the AEC is ethically acceptable (refer to section 1.3 of the Code) and meets the requirements of the Code.

To fulfil this responsibility, voting members should:

- Be familiar with the Code and other policies and guidelines relevant to the business of the AEC.
- Provide opinions on the ethical acceptability of applications and other matters under consideration of the AEC.
- During their appointment to the AEC and before any deliberations of the AEC, members must declare any interest that could influence the objectivity of their decision making.

- Members must maintain confidentiality regarding the content of applications and the deliberations of the AEC.

### **3.2.3 Payment to voting-members**

Voting members will receive a stipend to cover expenses associated with their appointment consistent with any guidelines provided by Animal Welfare Victoria.

### **3.2.4 Voting rights**

Members of the AEC who hold a position under Category A - D are voting members of the committee.

### **3.2.5 Balance of membership**

Categories C and D must together represent at least one-third of the AEC membership (s2.2.8).

### **3.2.6 Access to expertise (s2.2.7)**

The AEC voting members or the Chairperson may invite people with specific expertise to attend the meeting and provide advice as required.

### **3.2.7 Term**

Voting members of the AEC may be appointed for terms of up to three years.

### **3.2.8 Reappointment**

Voting members may be reappointed to a position for up to three terms or a maximum of nine years.

Previous members who have met the nine-year term limit may seek reappointment after five years when their term will re-commence.

### **3.2.9 Retirement and resignation**

Members may resign from the AEC by written notice to the Chairperson and copied to the AEC Convenor.

Given the nature of the AEC, members are requested to provide at least two months' notice of their resignation.

### **3.2.10 Non-voting members**

WEHI may appoint non-voting members to attend meetings and support the AEC in their role. Non-voting members will usually be WEHI staff with areas of responsibility or expertise of benefit to the AEC.

WEHI will appoint at least one non-voting member to attend AEC meeting who has expertise in the routine care of animals in the WEHI. This person will generally be the head of one of WEHI's animal facilities.

The term and nominations for these roles will be at the discretion of WEHI but will include the roles listed in schedule 1.

### **3.2.11 Responsibilities**

Non-voting members should:

- Be familiar with the Code and other policies and guidelines relevant to the business of the AEC.
- Declare any interest that could influence the objectivity of their decision making.
- Maintain confidentiality regarding the content of applications and the deliberations of the AEC.
- Not seek to influence the decision making of the AEC unduly.

## **3.3. Appointment of the Chairperson, voting and non-voting members (s2.2.9)**

WEHI's Director makes all appointments to the AEC, including the Chairperson, non-voting and voting members. All appointments must be in writing and confirm the period of the appointment.

Before the confirmation of the appointment of prospective voting members must:

- declare any interests that may impact their ability to undertake their role. Where a conflict exists, it must be managed according to the Code and WEHI policies and procedures.
- acknowledge their acceptance of these terms of reference
- complete the WEHI's confidentiality agreement
- agree to complete the WEHI's induction program for AEC members, and participate in ongoing training.

(ss 2.2.10 to 2.2.12)

The AEC Convenor is responsible for maintaining records related to the Chairperson's, voting and non-voting members appointments and completing all reporting requirements related to these appointments.

## **4. Meetings**

### **4.1 Form of meeting**

Meetings will take place in person where possible.

#### **Video or web conferencing – (s2.2.26 (ii))**



The Chairperson may approve for members to attend an AEC meeting using videoconferencing or web conferencing. Teleconferencing may only be used in special circumstance.

#### **4.1.1 Apologies**

AEC voting-members must notify the AEC Convenor as soon as possible if they are unable to attend a meeting.

Non-voting members not attending should notify the AEC Convenor prior to the commencement of the meeting.

The AEC Convenor will keep a log of attendance of voting and non-voting members.

### **4.2. Quorum – (s2.2.26 (ii))**

At any meeting of the AEC, at least one representative of each Category A, B, C, D, where category C and D members represent at least one-third of the voting members present, shall form a quorum.

The AEC can only make decisions relating to the approval of applications, new projects and activities and the ongoing approval of existing projects and activities where a quorum is present (2.3.6).

### **4.3. Decision making**

When assessing applications and reports, the AEC will do so in a fair manner to applicants and acceptable to all members. (s2.3.7)

Decisions of the AEC are to be made consistent with sections 2.3.10 to 11 of the Code. Note that decisions can only be made by those present during the discussion.

Decisions of the AEC must be made as promptly as possible (s2.3.12). Requests from the AEC to provide additional information should be addressed in a timely manner.

### **4.4. Frequency – (s2.2.26 (v))**

A minimum of nine AEC meetings will be conducted each year.

### **4.5 AEC Executive**

The WEHI has established an AEC Executive.

#### **4.5.1 Membership**

The AEC Executive consists of:

- the Chairperson



- at least one member from category C or D

#### 4.5.2 Authority

The AEC Executive has the authority to approve minor amendments to approved projects or activities.

Minor amendments 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. Examples of minor amendments include:

- addition of suitably experienced personnel
- minor changes to procedures, where minor is defined as any change that has little or no impact on the wellbeing of the animals involved in the project; for example, verifying dose rates for drugs, needle sizes, routes of administration where the impact to the animals is the same or less than originally approved.
- opportunistic diagnostic or veterinary activities intended to benefit animals
- reactivation of paused projects.

The Walter and Eliza Hall WEHI will also consider the following as minor amendments:

- removal of personnel
- administrative amendment to approved Standard Operating Procedures where the proposed change is not likely to cause harm to animals, including pain and distress.

The AEC Executive may not approve new applications.

#### 4.5.3 Ratification

All decisions of the AEC Executive must be presented for ratification at the next AEC meeting.

## 5. Conflicts of Interest

Conflicts of interest must be declared at the commencement of each meeting.

A person with a perceived or actual conflict of interest in relation to a matter being considered by the AEC must withdraw from the meeting and not participate in discussions. (s2.2.21)

### 5.1 Minutes

All conflicts of interest should be recorded in the minutes of the meeting.

## 6. Conduct of Members and Attendees at Meetings

Each member and attendee must act with:

- respect to members and attendees at each meeting
- care and diligence
- discharge their duties in good faith and honesty to the best of their ability.

## **7. Risk Management**

The Committee will actively consider risk management in its recommendations and decisions, including:

- WEHI's risk profile
- identify risks and mitigating strategies associated with decisions made
- implement processes to allow the Committee to identify, monitor and manage high-level risks associated with strategic and business operations.

## **8. Secretarial**

### **8.1 Distribution of papers – (s2.2.26 (i))**

AEC meeting papers will be distributed a minimum of seven days before each meeting.

Late papers may only be distributed if they relate to minor amendments such as strains or the addition or removal of staff.

### **8.2 Record keeping**

Ensure that all files relating to the Committee are saved on the AEC SharePoint site.

### **8.3 Membership records**

Save a list of past and current Committee members on the AEC SharePoint site.

## **9. Reporting**

### **9.1 Licence holder**

The Chairperson of the AEC will meet at least monthly with the licence nominee to proactively address ethical compliance issues.

### **9.2 Director**

The Chairperson of the AEC will meet with the Director of the WEHI as required, but at least once a year.

## 9.3 Reports to board

The AEC will provide a written report to the Board of WEHI at least annually addressing the points outlined in section 2.3.29 of the Code.

See also **2.6.2** of these terms of reference.

## 10. Term of Committee

The AEC is an ongoing committee that operates for WEHI to meet its obligations under the Australian code for the care and use of animals for scientific purposes, 8th edition 2013 (Updated 2021), as the code requires it has no term limit.

## 11. Review

Yearly or when code changes, A formal review of the AEC is conducted as part of the external audit process (section 6.1).

## 12. Supporting Information

### 12.1 Terms of Reference Management

Delegation Authority	Board
Responsible Division/Department	Governance, Risk and Compliance department

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## Review Cycle

 <b>Initial</b> 1 Year(s)	 <b>Ongoing</b> Annual	 <b>Next</b> 2023
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## Version History

Approved By	Approval Date	Effective Date	Approval Notes	Version
Animal Ethics Committee	23/6/2022	23/6/2022	Section 11 updated. Section 3.1 re-arranged. TOR transferred into new template	5

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## Appendix

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