

## **TAFE SA ANIMAL ETHICS COMMITTEE:**

### **TERMS OF REFERENCE**

#### **1. TERMS OF REFERENCE PREAMBLE**

The Terms of Reference for the TAFE SA Animal Ethics Committee (AEC) are to:

- 1.1. Ensure that the AEC membership will enable the Committee to meet its responsibilities. Membership must comprise at least six people, being a Chair and one from each of five categories of membership (see Section 2.3 Membership).
- 1.2. Describe how members are appointed, re-appointed or retired, according to procedures developed by the Institution in consultation with the AEC.
- 1.3. Ensure that the AEC has terms of reference that are publicly available.
- 1.4. Ensure that the operation of the AEC is compliant with the Animal Welfare Act 1985 (Act) and the Australian Code for the Care and use of Animals for Scientific Purposes 2013 (Code)
- 1.5. Review the Terms of Reference in accordance with a minimum review cycle of every two years.

#### **2. OBJECTIVES AND POWERS OF THE AEC**

The Terms of Reference and the operations of the AEC must comply with the the Act and the Act will apply in the event of any inconsistency.

##### **2.1. FUNCTIONS AND RESPONSIBILITIES**

The AEC shall:

- 2.1.1. Examine and approve, approve subject to modification or reject written proposals relevant to the use of animals for research or teaching; and approving only that use for which animals are essential and which conform to the requirements of the Act and the Code<sup>1</sup>, taking into consideration ethical and welfare aspects as well as scientific or educational value.
- 2.1.2. Monitor the acquisition, transport, breeding, housing, husbandry, and use of animals in each proposal, and the provisions for the animals at the completion of their use, including disposal of animals.
- 2.1.3. Approve Guidelines and Standard Operating Procedures for the care of animals that are bred, held and used for research or teaching purposes on behalf of the Institution.
- 2.1.4. Maintain a register of approved proposals.
- 2.1.5. Take action regarding unexpected adverse events or non-compliance to ensure animal wellbeing is not compromised. Action may include, where

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<sup>1</sup> Australian code for the care and use of animals for scientific purposes 8th edition (2013)



necessary, withdrawal of approval for any proposal or authorisation for treatment or humane killing of any animal, in the custody of TAFE SA

- 2.1.6. Examine and comment on all TAFE SA plans and policies which may affect animal welfare.
- 2.1.7. Support and promote the education and training of staff and students in the care and use of animals for scientific purposes.
- 2.1.8. Require that all members declare any conflict of interest.
- 2.1.9. Require that all members maintain confidentiality in relation to any matters pertaining to the AEC.
- 2.1.10. Deal with situations in which a conflict of interest arises.
- 2.1.11. Report to the EDE<sup>2</sup> matters in relation to animal use and welfare as required by the Code 2.3.27 and 2.3.28.
- 2.1.12. Recommend to the EDE any measures that are needed to ensure that the Act and the Code are complied with.
- 2.1.13. Perform all other duties required by the terms of the licence to use animals for teaching, research or experimental purposes, including compliance with policies and guidelines, audit and inspection of animal holding and teaching facilities and submission of an annual report to TAFE SA Board and the Chief Executive of the Department of Environment, Water and Natural Resources
- 2.1.14. Perform all other duties required of it by the Act and the Code.
- 2.2. TAFE SA accepts responsibility for the care and/or use of animals for scientific purposes for the following organisations:
  - 2.2.1. TAFE SA (all sites).
  - 2.2.2. Other organisations approved to use TAFE SA animal holding and teaching facilities, such use being subject to signing of an appropriate Indemnity Agreement.
- 2.3. **MEMBERSHIP**
  - 2.3.1. The AEC must have a membership which will allow it to fulfil its Terms of Reference.
  - 2.3.2. The membership of an AEC is stipulated in accordance with the licence in the Code. Where differences exist between AEC memberships as described in the Act compared to the Code, the Act has precedence but the TAFE SA AEC must use reasonable measures to satisfy both requirements if possible.
  - 2.3.3. TAFE SA is licensed by the Department of Environment and Water and its members are appointed by the EDE. New members may not be appointed to the AEC at any time without prior approval by the EDE.

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<sup>2</sup> Executive Director Education



- 2.3.4. The AEC must comprise at least six persons, being a Chair and at least one person from each of the following categories<sup>3</sup>:
- 2.3.4.1. 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 activities of TAFE SA
  - 2.3.4.2. Category B - A suitably qualified person with substantial and recent experience in the use of animals for scientific or teaching purposes relevant to the activities of TAFE SA
  - 2.3.4.3. 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 teaching or scientific purposes.
  - 2.3.4.4. Category D - A person who is both independent of the Institution, 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
  - 2.3.4.5. Category E - A person who is responsible for the daily care of animals for use in teaching or research activities within the Institution
- 2.3.5. Category C plus D members in attendance at meetings shall represent no less than one third of members.
- 2.3.6. The AEC may include additional members to ensure that it can function effectively.
- 2.3.7. The term of office for an AEC member is two years; on expiration of the term of office, a member is eligible for reappointment (see Section 4).
- 2.3.8. The Chair of the AEC recommends to the EDE the proposed composition of the AEC for each two year period. The Chair must notify the EDE of any resignations, retirements or other departures from the membership of the AEC within that two year period.
- 2.3.9. Applicants applying for membership of the AEC must submit a current CV and also sign the confidentiality agreement before appointment. The Chair, the Executive Officer (see section 2.5.1) and other deputised AEC members may interview potential new AEC members to ensure their suitability to serve on the AEC and to confirm that the person fills the criteria of their Category.

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<sup>3</sup> The Category definitions are as defined by the Code but encompass the requirements of the Act.



- 2.3.10. Potential new members for the AEC must be submitted to the EDE for approval and appointment to the Committee.
- 2.3.11. Proxys may be nominated and appointed for all categories of membership of the AEC. Nomination, selection and appointment conditions and processes of proxy members will be as for full members.
- 2.3.12. Although members are appointed to the Committee by the EDE, in agreeing to be a member of the AEC, a nominee agrees that all contact with the EDE will be through the Chair in the first instance.
- 2.3.13. All categories of members are equally valuable and valued. The knowledge, expertise and personal opinions of individual members will vary considerably, but certain overarching characteristics and abilities are necessary if the AEC is to function well as a group and be able to fulfil its purpose. These include:
  - 2.3.13.1. An acceptance that ethical scientific and teaching practices can be carried out using animals as long as they have been properly assessed and duly approved by the AEC
  - 2.3.13.2. Courtesy and patience in dealing with other committee members
  - 2.3.13.3. Willingness to listen as well as to speak
  - 2.3.13.4. Clarity and succinctness in oral and written communication
- 2.3.14. Non-Institutional committee members shall be entitled to remuneration as per the *Boards and Committees – Remuneration Framework (Approved by Cabinet 10 December 2007)*

## 2.4. CHAIR

- 2.4.1. The EDE will appoint a member of the AEC to be its Chair.
- 2.4.2. The Chair should hold a senior position in the Institution and may be a proxy to Category A to E members.
- 2.4.3. The Chair 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 TAFE SA Executive<sup>4</sup>.
- 2.4.4. The Chair should appoint a Committee member as Deputy to serve as Chair in his/her absence.

## 2.5. OTHER OFFICERS

- 2.5.1. An Executive Officer (EO) shall be appointed by the Chair to manage the regulatory and practical aspects of AEC operations. The EO (or delegate) will be in attendance at AEC meetings but will not be a voting member of the AEC. The duties of the EO will include:
  - 2.5.1.1. Communicating with members outside meetings as required

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<sup>4</sup> Australian code for the care and use of animals for scientific purposes 8th Edition 2013, Section 2, Paragraph 2.2.13



- 2.5.1.2. Calling for agenda items prior to meetings, allowing sufficient time for responses
- 2.5.1.3. Preparing and writing the agenda with the Chair
- 2.5.1.4. Distributing the agenda and papers prior to meetings, allowing one week reading time.
- 2.5.1.5. Organising room bookings, catering and any equipment or other items required
- 2.5.1.6. Taking minutes at the meeting
- 2.5.1.7. Finalising the minutes in consultation with the Chair within three weeks of meeting.
- 2.5.1.8. Preparing the advisory letters to applicants after the meeting within two weeks of meeting.
- 2.5.1.9. Keeping a complete record of all meetings, correspondence and any other documentation
- 2.5.1.10. Contacting members, if required, to attend to out-of-session matters
- 2.5.1.11. Organizing payment of Sitting Fees for non-government employed members
- 2.5.1.12. Keeping records of Unexpected/Adverse events
- 2.5.1.13. Writing the annual report with the Chair
- 2.5.1.14. Providing AEC members with copies of Annual Returns at the first meeting after 30 June when Annual Returns must be submitted.
- 2.5.1.15. Newly-appointed AEC members will be provided with copies of the Code, the Act and the Terms of Reference

- 2.5.2. The Committee may appoint an Executive to carry out certain tasks on behalf of the AEC out of session. The Executive will consist of the Chair and at least one member from Category C or D (or their proxys). The Executive will be administered by the EO.

## 2.6. FREQUENCY OF AEC MEETINGS

- 2.6.1. Meetings should be scheduled by the EO in consultation with the Chair. Meetings will be held at least 4 times each year.
- 2.6.2. The timetable of meetings for a calendar year should be available before the final meeting of the previous year and any changes to the dates should be made in consultation with as many members as is possible.
- 2.6.3. The timetable of meetings must include a cut-off date for submission of applications for each meeting. The cut-off date must be set to allow adequate time for processing of applications, preparation of meeting



documents and assessment of applications by reviewers prior to the meeting date.

## 2.7. QUORUM

- 2.7.1. A quorum of six members is required at meetings of the TAFE SA AEC.
- 2.7.2. The quorum consists of a Chair plus at least one member representative of each Category A to E (or their proxies); a quorum must be maintained for the period of each AEC meeting at which new applications are considered.
- 2.7.3. Category C plus D members shall represent no less than one third of members.

## 2.8. INDUCTION AND TRAINING OF AEC MEMBERS

- 2.8.1. Where possible, prospective new members will be offered an opportunity to attend an AEC meeting prior to being formally invited to become a member. A confidentiality agreement must be signed prior to attending a meeting.
- 2.8.2. Newly-appointed AEC members will be provided with copies of the Code, the Act and the Terms of Reference
- 2.8.3. New members may be asked to attend an Induction which will include an overview of the Act and the Code, an introduction to the application forms and how to review them, a synopsis of the Committee process and a discussion of the roles of the Category A to E members.
- 2.8.4. All AEC members, as well as the Chair and EO, are encouraged to attend relevant workshops or conferences, such as the ANZCCART<sup>5</sup> or ANZLAA<sup>6</sup> annual conferences, or other appropriate meetings.
- 2.8.5. Upon consent AEC members will be added to the ANZCCART mailing list, otherwise members will be informed about important events and training date by EO.

## 2.9. GENERAL DUTIES

- 2.9.1. It is the duty of members to understand and accept their responsibilities under the Code.
- 2.9.2. Each member must decide whether or not an application or other matter under consideration by the AEC is ethically acceptable.
- 2.9.3. Each member is required to comply with any procedures established by TAFE SA for the effective function of the AEC.

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<sup>5</sup> ANZCCART = Australian and New Zealand Council for the Care of Animals in Research and Teaching

<sup>6</sup> ANZLAA = Australian and New Zealand Laboratory Animal Association



### **3. EXECUTIVE**

- 3.1. The Executive of the AEC must comprise of at least two members being:
  - 3.1.1. Chair.
  - 3.1.2. One Category C or D member (or their proxys).
- 3.2. The Executive will be administered by the EO (or delegate). The EO will not be a voting member of the Executive.
- 3.3. The Executive may approve revised applications that have already received Conditional Approval from the AEC, as long as the conditions imposed by that approval have been satisfied. The Executive may not impose its own conditions in addition to those of the AEC.
- 3.4. The Executive may approve minor modifications to currently approved projects.
- 3.5. Should the Executive fail to reach consensus regarding a revised or minor application, the application must be referred back to the full AEC at its next meeting.
- 3.6. The Executive may deal with emergencies, including but not limited to unexpected adverse events, natural disasters or breaches of approved project protocols.
- 3.7. Any decision made by the Executive must be reviewed and ratified by the AEC at its next meeting and effective immediately following the Executive's approval.
- 3.8. Executive meetings may be conducted utilizing technology (eg teleconference, Lync, Skype or Video Conferencing) if deemed appropriate by the Chairperson.

### **4. TERM OF OFFICE**

- 4.1. The term of office for an AEC member is a period of up to two years, as per the requirements of the Act.
- 4.2. If a member wishes to serve another two-year term they should state so in writing to the Chair prior to the expiration of their current term. The Chair has the discretion to appraise the attendance record of a member, and/or their contribution to the effective operation of the AEC, and to seek other nominations if deemed necessary (with or without giving reasons).
- 4.3. If the Chair wishes to serve another two-year term he/she should state so in writing to the EDE prior to the expiration of his/her current term.
- 4.4. If a member wishes to resign their position they should state so in writing to the Chair.

### **5. REVOCATION OF MEMBERSHIP**

- 5.1. In certain circumstances, the Committee may resolve to recommend to the EDE that a member be removed from the Committee. This may occur where the member:



- 5.1.1. Has a real or apparent conflict of interest with the interests of the Committee.
- 5.1.2. Behaves in a way which brings the Committee into disrepute.
- 5.1.3. Impedes the Committee from fulfilling its Terms of Reference.
- 5.1.4. Engages in misconduct.
- 5.1.5. Incurs a criminal record.
- 5.1.6. Incurs termination of employment due to misconduct.
- 5.1.7. Has a poor attendance record (i.e. misses three meetings in a row without leave of absence, without good cause or without notifying the EO).
- 5.1.8. Fails to meet confidentiality requirements.
- 5.1.9. Consistently fails to read the meeting documents prior to the meeting.
- 5.1.10. Uses information for purposes other than those intended.
- 5.1.11. Behaves in a manner which impairs the effectiveness of the Committee.
- 5.2. At least one calendar month prior to making a resolution to recommend removal, the Chair will meet with the member to outline the basis for the recommendation and will provide the member with reasonable opportunity, not exceeding two weeks, to be heard or to make a written submission in response. Following receipt of the member's response, the Committee may:
  - 5.2.1. Resolve to recommend that the member be removed from the Committee.
  - 5.2.2. Resolve to retain the member.
- 5.3. Where the Committee resolves that a member be removed, the Chair will formally request that the EDE removes the member from the Committee. The granting of such a request is at the discretion of the EDE. The member's membership will cease immediately on receipt of notice from the EDE that the request has been granted.
- 5.4. A member may submit a complaint or grievance, in writing to the EDE, about any step in this process.

## **6. VOTING RIGHTS OF MEMBERS**

- 6.1. Whilst it is preferred that all decisions made by the AEC are on the basis of consensus, occasions may arise when a vote is called for.
- 6.2. All members (including proxies) have the right to vote, except under circumstances where an AEC member has a conflict of interest (see 10.1).
- 6.3. Each member present at a meeting of an AEC is entitled to one vote per decision at that meeting. Should there be an equal number of 'for' and 'against' votes, the Chair may cast a second, or casting, vote.
- 6.4. Where a non-member is co-opted to the Committee for the purposes of providing expertise on specific issues, they must take no formal part in the proceedings of



the Committee other than offering expert advice when it is sought on the issues concerned.

## **7. CONFIDENTIALITY & SECURITY**

- 7.1. Maintaining confidentiality and security is essential to protecting the ethics approval process as well as privacy, innovation, the integrity of educational purposes and the reputation and safety of individuals and Institutions.
- 7.2. Members of the AEC must sign a Confidentiality Agreement which protects project-specific information, details about the AEC process, conversations, deliberations or decisions and details about other Committee members from being disclosed outside of the Committee itself. This agreement does not apply to any information that:
  - 7.2.1. constitutes alleged breaches of legislation which may be reported to the relevant state or territory government authorities
  - 7.2.2. is required to be disclosed by law (provided that only the minimum amount of confidential information is released or disclosed to comply with the applicable law)
  - 7.2.3. is lawfully already in the public domain, or becomes part of the public domain, other than due to the fault of, or any act or failure to act by the member
  - 7.2.4. is or becomes available to the member from a third party which is lawfully in possession of that information and has the lawful power to disclose or release that information to the member on a non-confidential basis
- 7.3. Any visitors, guests or observers present at AEC meetings may be requested to sign Confidentiality Agreements.
- 7.4. Information may be sought by AEC members from contacts outside the AEC with regards to specific issues, but applicants must not be identified nor information divulged which could identify projects or applicants or which could be regarded as socially, scientifically or commercially sensitive.
- 7.5. It is up to members to seek advice from the Chair if they are unsure of how to balance their responsibilities with regards to confidentiality and security.
- 7.6. TAFE SA Information Communication Technology (ICT) policies, procedures and guidelines must be adhered to:
  - 7.6.1. When using ICT facilities or equipment.
  - 7.6.2. When accessing TAFE SA webpages or shared sites.
- 7.7. Should any confidential information (or any storage device containing confidential information) pertaining to the AEC be lost or stolen, the EO must be notified immediately.
- 7.8. All emails must contain a confidentiality footer



## **8. RETENTION OF RECORDS**

- 8.1. Full documentation of AEC business will be maintained by TAFE SA by the EO.
- 8.2. All records pertaining to research projects or protocols must be retained in accordance with the Government of South Australia General Disposal Schedule 24, as follows:
  - 8.2.1. Research or teaching programme protocol applications for animal ethics approval and related correspondence may be destroyed 7 years after the last action is completed.
  - 8.2.2. Records relating to the monitoring of animal use, including individual project monitoring, annual review of activities, internal reports to governing bodies, summary reports, and compliance reports to external bodies, must be retained as per Section 8.2.1 whichever is relevant.

## **9. COMMUNICATION WITH THE PUBLIC**

- 9.1. Any communications received from members of the public regarding animal ethics or welfare matters pertaining to the AEC must be referred, in the first instance, to the Chair of the AEC, who is TAFE SA's authorised spokesperson on such issues.
- 9.2. The Chair may allow senior staff to comment publicly on operational matters, but any application-specific issues must be referred to the Chair.
- 9.3. Any communication with the Media must be referred to the Chair or to the EDE.

## **10. CONFLICT OF INTEREST**

- 10.1. Members are required to declare a conflict of interest, must refrain from voting, and absent themselves from the discussion of an item of business in which they have a pecuniary, personal or other conflict of interest.
- 10.2. When a member of the committee is an applicant on a project, or has another declared conflict of interest, the member must leave the room during the discussion of the project and during the decision-making process (unless asked to give some background information prior to leaving the room). Whilst a member may be given the opportunity to talk about the project with which he or she is involved, this must not be a greater opportunity than is afforded to other applicants.
- 10.3. The Minutes of the meeting should clearly record all stated conflicts of interest and whether the member concerned has:
  - 10.3.1. Absented himself / herself from the meeting during discussion of the application or business item; or
  - 10.3.2. Given an overview of the proposal or business item and answered questions before leaving the room; or
  - 10.3.3. Absented himself / herself from the room during the decision-making process and only responded to questions directed to him /her by the committee.



### **ACKNOWLEDGEMENT OF TERMS OF REFERENCE**

I hereby confirm that I have read the TAFE SA Animal Ethics Committee Terms of Reference 2018 and that I accept them:

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_  
**(AEC Member)**

**AEC Category:** \_\_\_\_\_