

ZOOS VICTORIA ANIMAL ETHICS COMMITTEE

Terms of Reference

1 PURPOSE

- 1.1 The primary purpose of the Zoos Victoria Animal Ethics Committee (the AEC) is to ensure that all research involving animals undertaken under the auspices of Zoos Victoria is conducted in accordance with the Australian Code for the Care and Use of Animals for Scientific Purposes, 8th edition 2013 (the *Australian Code*) and the Prevention of Cruelty to Animals Act 1986 and Regulations 2018 (*POCTA*).
- 1.2 The AEC reviews and monitors all ethical and welfare aspects of research in which animals are subject to scientific procedures (as defined by POCTA). *Note:* Throughout these Terms of Reference, it is assumed that research involves the use of such scientific procedures.
- 1.3 The AEC operates independently from but is responsible to the Zoological Parks and Gardens Board (the *Board*) and will provide advice on matters referred by the Board and matters relevant to the well-being of animals used in research.

2 PRINCIPAL RESPONSIBILITIES OF THE AEC

- 2.1 Review all applications for the use of animals in research and approve them, with or without conditions, defer them subject to modification or not approve them. Only those proposals that conform with the requirements of the Australian Code will be approved. In particular, the use of animals must be essential, ethically acceptable and fully-justified, with special reference to the principles of:
 - 2.1.1 *replacement* – the achievement of a given purpose of an activity or project without the use of animals;
 - 2.1.2 *reduction* - the use of the minimum number of animals required to obtain a meaningful, valid outcome, and
 - 2.1.3 *refinement* – the use of methods that alleviate or minimise potential pain and distress and enhance animal wellbeing.
- 2.2 Review all requests for amendments to approved projects and approve them, with or without conditions, defer them subject to modification or not approve them, ensuring continued ethical acceptability and conformance with the Australian Code.
- 2.3 Inform Principal Investigators of the outcome of their application or request for amendment in a timely manner.
- 2.4 Monitor the acquisition, transport, production, housing, care, use and disposal of animals involved in an approved project.
- 2.5 Review and approve all policies and operating procedures relating to the acquisition, transport, production, housing, care, use and disposal of animals involved in scientific procedures.

- 2.6 Take appropriate action (that may include suspension or withdrawal of approval) for project that fails to comply with the Australian Code or requirements of the AEC.
- 2.7 Review annual reports submitted by Principal Investigators on the progress of approved projects and final reports submitted on completion of an approved project.
- 2.8 Maintain a register of all approved applications and subsequent approved amendments.
- 2.9 Maintain a register of competencies of investigators to perform scientific procedures involving animals, including the training undertaken to obtain competency or the method by which competency has been verified.
- 2.10 Conduct inspections, annually where feasible, of facilities that house animals that are or have recently been used in research activities, and maintain records of such inspections.
- 2.11 Develop policies and procedures to ensure that any animal unexpectedly suffering is treated or euthanised promptly, and that the matter is reported to the AEC in a timely manner.
- 2.12 Take appropriate action in response to unexpected adverse events to ensure that animal well-being is not compromised.
- 2.13 Investigate cases of alleged non-compliance with the Australian Code and take appropriate action in cases where non-compliance is proven.
- 2.14 Report to the Board annually on the previous year's activities.
- 2.15 Report to relevant regulatory authorities annually on the previous year's activities.
- 2.16 Provide advice and recommendations to the Board on matters referred by the Board and matters relevant to the well-being of animals used in research.
- 2.17 Perform any other duties imposed on the AEC under the Australian Code.

Annual agenda

- 2.18 The AEC Executive Officer must confirm and circulate to the AEC a list of meeting dates for the following calendar year.

3 MEMBERSHIP OF THE AEC

Membership

- 3.1 The AEC will comprise a maximum of 12 members (the *AEC Members*), each of whom will be appointed by the Board.
- 3.2 The membership must include at least one person from each of the following four categories:
 - 3.2.1 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 Zoos Victoria's activities or the ability to acquire relevant knowledge.
 - 3.2.2 Category B – a suitably qualified person with substantial and recent experience in the use of animals in research relevant to Zoos Victoria and the business of the

AEC. This must include possession of a higher degree in a relevant field of research or equivalent experience.

- 3.2.3 Category C – a person with demonstrated commitment to, and established experience in, furthering the welfare of animals, who is not employed by or otherwise associated with Zoos Victoria, and who is not currently involved in the care and use of animals for research purposes.
- 3.2.4 Category D – a person not employed by or otherwise associated with Zoos Victoria 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 must not fit the requirements of any other category.
- 3.3 The membership should include a person responsible for the routine care of animals within Zoos Victoria and may include additional members with skills and background of value to the AEC.
- 3.4 Category C and D members must together represent at least one-third of the AEC membership.
- 3.5 The AEC Executive Officer must ensure that all AEC members are registered with Agriculture Victoria before they participate in meeting discussions.

AEC Chair

- 3.6 The Board will appoint a person to chair AEC meetings (the *AEC Chair*) who has an understanding of the relevant ethical and animal welfare issues and possesses the relevant attributes to impartially guide the operation of the AEC, to resolve conflicts of interest related to the business of the AEC, and to represent the AEC in any negotiations with Zoos Victoria management. The AEC Chair should be an appropriately experienced external person who is provided with the necessary resources and authority to carry out the role.
- 3.7 The Board may determine the period for which the AEC Chair will hold office.
- 3.8 An AEC Member will be appointed by the Board as AEC Deputy Chair to act in the absence of the AEC Chair or when the AEC Chair has a conflict of interest. In such circumstances, the Deputy Chair has the same powers as those provided to the Chair.
- 3.9 In the absence of both the AEC Chair and Deputy Chair at any AEC meeting, the members present shall appoint one of their members as acting Chair for that meeting.

Appointment and removal of AEC Members

- 3.10 Each AEC Member will be appointed for an initial term of three years, or reappointed for an additional term of such period as the Board considers appropriate. However, the Board may remove or replace an AEC Member at any time and for any justifiable reason.
- 3.11 The Board will require of prospective members a declaration of interests that could influence the objectivity of their decision making and will manage any possible conflicts of interest prior to confirming appointment.

- 3.12 In appointing, reappointing or removing AEC Members, the Board will take into account any feedback or recommendations provided by the AEC or a current or former AEC Member.

Required knowledge

- 3.13 Each AEC Member is expected to be familiar with the Australian Code and other policies and guidelines relevant to the business of the AEC, including the functions and powers set out in these Terms of Reference, or undertake such further study or training as is required to permit the AEC Member to acquire and maintain such knowledge.

Fees

- 3.14 AEC Members are not entitled to receive fees, travelling or other allowances with respect to their participation in AEC activities other than as permitted under the Zoological Parks and Gardens Act.

4 RESPONSIBILITIES OF AEC MEMBERS AND OTHER PERSONS ATTENDING AEC MEETINGS

Primary responsibilities

- 4.1 Before appointment, all members of the AEC must acknowledge in writing their acceptance of the Terms of Reference of the AEC and confidentiality requirements.

- 4.2 Each AEC Member is expected to:

4.2.1 devote the necessary time and attention to prepare for and attend AEC meetings and other AEC activities;

4.2.2 be responsible for deciding whether, in their own judgement, an application or other matter under consideration by the AEC is ethically acceptable and meets the requirements of the Australian Code, and

4.2.3 comply with the *Zoos Victoria 'Code of Conduct'* at all times.

- 4.3 A Category C or D Member should participate in all inspections of facilities housing animals.

Disclosure of interests

- 4.4 An AEC Member who has a direct or pecuniary interest in an application or other matter being dealt with by the AEC must disclose the perceived or actual conflict of interest at the beginning of the AEC meeting or as soon as possible after becoming aware of a potential conflict of interest.

- 4.5 An AEC Member who holds office or possesses property as a result of which, directly or indirectly, duties or interest may be in conflict with the AEC Member's duties, must disclose that fact at a meeting of the AEC as soon as possible after becoming aware of the potential conflict.

- 4.6 An AEC Member who has made a disclosure under clause 4.4 or 4.5 may remain in the meeting to respond to any questions the committee may have but must then withdraw from the meeting and take no further part in the discussion of or vote on the application or other matter to which the disclosure relates when the application or other matter is discussed.

- 4.7 When an AEC Member makes a disclosure under clause 4.4 or 4.5, that disclosure and the AEC Member's withdrawal from the meeting must be recorded in the minutes of the meeting.

Confidentiality

- 4.8 A person who is or has been an AEC Member or other attendee of an AEC meeting must maintain confidentiality regarding the content of applications and the deliberations of the AEC, in accordance with Zoos Victoria requirements.

5 MEETINGS

Frequency

- 5.1 The AEC will normally meet six times per calendar year on dates to be publicised in the previous calendar year.
- 5.2 An agenda for each AEC meeting, setting out standing business before the Committee and all relevant proposals and related correspondence, must be circulated to AEC Members not less than seven days prior to the meeting. However, late papers may be accepted and circulated with the AEC Chair's consent.

Convening meetings

- 5.3 The AEC Chair may convene additional meetings of the AEC if warranted by the urgency, nature or volume of business. Notice of such meetings must be given to each AEC Member at least seven days before the meeting, except that:
- 5.3.1 All AEC Members may waive the required period of notice for a particular meeting. In that event, the AEC Chair must notify Members of the short notice so as to facilitate their participation in the meeting.

Attendance at meetings

- 5.4 Each AEC Member is expected to be adequately prepared for and attend each AEC meeting unless they are on leave. If members are unable to attend a meeting, they should advise the AEC Executive Officer or AEC Chair as soon as possible.

Other required attendees

- 5.5 Zoos Victoria staff and/or other persons may be invited by the AEC Chair to attend scheduled meetings of the AEC as required for relevant agenda items (unless the AEC directs otherwise). Any such person with a declared interest in an agenda item must leave the meeting before the AEC finalises its decision on the agenda item. Notwithstanding, the AEC Chair may ask any such person to leave an AEC meeting at any time.

Quorum

- 5.6 The following two conditions must be satisfied for a meeting to be quorate:
- 5.6.1 At least one member from each of the membership categories A, B, C and D must be present, and
- 5.6.2 Members of categories C and D together must represent at least one-third of those members present.

- 5.7 If the AEC Chair belongs to one of the Categories A, B, C or D, the presence of the AEC Chair counts towards the satisfaction of conditions 5.6.1 and 5.6.2.
- 5.8 A quorum must be maintained throughout a meeting, including any period when an AEC Member withdraws from a meeting because of a declared conflict of interest or for any other reason.

Conduct of meetings

- 5.9 AEC meetings should normally be face-to-face meetings. Occasional participation of members by video- or tele-conference is permitted under special circumstances.
- 5.10 AEC members with a perceived or actual conflict of interest should declare that interest at the beginning of the meeting, then follow the procedures outlined in 4.6.
- 5.11 The AEC will
- 5.11.1 consider only those applications, requests for amendment, or annual/final reports submitted on approved forms completed to the AEC's satisfaction.
 - 5.11.2 reject applications that are not written in plain language comprehensible to all members of the AEC.
 - 5.11.3 invite advice as required from persons with specific scientific, statistical or technical expertise.
 - 5.11.4 seek clarification of an application from the Principal Investigator or nominee, as required. The Principal Investigator or nominee may be invited to address the AEC in person or by telephone, but must not be present during the Committee's discussion of its decision on the application.
 - 5.11.5 base decisions on a thorough, fair and inclusive process of discussion and deliberation by AEC members who are present throughout the discussion.
 - 5.11.6 make decisions on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the AEC will explore with the applicant(s) ways of modifying the project or activity that may lead to consensus. If consensus is still not achieved, the AEC will only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion.

AEC Executive

- 5.12 The AEC will appoint an Executive that includes the AEC Chair and at least one Category C or D member. The AEC Executive may approve minor amendments to projects where the proposed changes are not likely to cause harm, pain or distress to the animals. Examples include:
- a. addition of suitably experienced personnel;
 - b. minor changes to procedures, where "minor" is defined as any change that has negligible impact on the wellbeing of the animals involved in the project;
 - c. opportunistic diagnostic or veterinary activities intended to benefit the animals;

d. re-activation of paused projects.

5.13 AEC Executive decisions are subject to ratification at the next AEC meeting.

5.14 The AEC Executive must not approve new applications.

6 AUTHORITY OF THE AEC

Scope of authority and responsibility

6.1 The AEC has authority to approve or not approve applications or amendments to applications to undertake research involving animals, to approve or not approve reports on research projects, and to advise the Board on policies, procedures and guidelines relating to the use of animals in research.

Delegated authority

6.2 The AEC has the delegated authority of the Board in respect of relevant functions and powers set out in these Terms of Reference.

6.3 The AEC must exercise any functions or powers delegated to it by the Board strictly in accordance with any directions of the Board.

Power to delegate

6.4 The AEC has no power to delegate any of its powers, duties or responsibilities to any person, or to establish a subcommittee other than the AEC Executive.

7 REPORTING RESPONSIBILITIES

Minutes

7.1 The AEC will ensure that all minutes are signed by the person Chairing the AEC meeting at which the proceedings took place or by the person Chairing at the next AEC meeting.

7.2 A copy of the draft minutes of an AEC meeting will be forwarded to the Zoos Victoria Licence Nominee after they have been reviewed by at least the AEC Chair.

7.3 The AEC Chair, or in their absence, the AEC Deputy Chair or another AEC Member, will report any significant concerns or recommendations regarding AEC operation to the Licence Nominee.

Board access

7.4 AEC minutes, agendas and papers will be made available on Zoos Victoria digital portal (Diligent) unless they are subject to applicable rules regarding confidentiality, conflicts of interest and conflicts of duty.

Annual reporting

7.5 The AEC will submit an annual report to the Board each year covering the previous calendar year. The annual report will include:

7.5.1 numbers and types of applications approved and not approved;

- 7.5.2 comments on any concerns with the physical facilities for the care of animals used or to be used for research purposes;
 - 7.5.3 description of activities that have supported the educational and training needs of AEC Members, and of personnel involved in the care and use of animals in research;
 - 7.5.4 an account of administrative or other difficulties being experienced,
 - 7.5.5 a summary of any complaints and the outcome of these complaints.
 - 7.5.6 comments and recommendations on any matters or changes that may affect Zoos Victoria's ability to maintain compliance with the Australian Code.
- 7.6 The AEC will report annually to relevant regularity authorities by the dates specified by those authorities.

8 AEC RESOURCES

Access

- 8.1 AEC Members will have access to personnel and records of Zoos Victoria that are necessary to allow them to fulfil the AEC's functions and perform the AEC's duties.

Administrative support

- 8.2 An officer appointed by the Director of Wildlife Conservation and Science will act as Executive Officer to the AEC and perform secretariat and other duties, including:
- 8.2.1 circulate the meeting agenda and supporting material to all AEC Members and any other person advised by the AEC Chair, at least seven days prior to the relevant AEC meeting;
 - 8.2.2 take notes during, and prepare draft minutes of, each AEC meeting and promptly provide them to the AEC Chair (or other AEC Member who chaired the meeting) before circulating to other AEC Members;
 - 8.2.3 provide such other administrative support as the AEC Chair may require from time to time;
 - 8.2.4 provide all newly-appointed AEC members with the necessary and relevant information about the AEC and the organisation to assist them with their duties and responsibilities, and
 - 8.2.5 maintain contact with and prepare draft reports for regularity authorities, as required.

Independent experts and advisors

- 8.3 Independent experts or advisors may be invited as AEC Members (clause 3.3) or attendees (clause 5.5 and 5.11.3) when necessary or appropriate to assist the AEC in fulfilling its functions and performing its duties. The AEC will invite attendees independently of Zoos Victoria management but in line with Zoos Victoria procurement procedures.

- 8.4 Any advice or information provided by an independent expert or advisor retained by the AEC should be provided directly to the AEC, and not through (or sent jointly to) Zoos Victoria management, unless the AEC directs otherwise.

Training

- 8.5 The AEC may at Zoos Victoria expense and approval arrange for AEC Members to receive such additional training as the AEC considers necessary or appropriate to assist AEC Members in fulfilling their responsibilities under these Terms of Reference and remaining up-to-date with relevant issues.

9 PERFORMANCE EVALUATION

- 9.1 The AEC will support the Board in undertaking regular performance evaluations of the AEC and (as applicable) individual AEC Members. Reviews of the AEC by the Board will occur annually and include an assessment of the AEC's annual report.
- 9.2 The Chair will meet with the Zoos Victoria Licence Nominee at least annually to discuss the operation of the AEC and review the AEC's annual report before it is forwarded to the Board.
- 9.3 The Board will ensure that an independent external review is conducted at least every four years to assess the institution's compliance with the Australian Code, and to ensure the continued suitability, adequacy and effectiveness of its procedures to meet its responsibilities under the Australian Code.
- 9.4 The AEC, and each AEC Member, will:
- 9.4.1 actively participate in any self-assessment activities regarding the performance of the AEC or individual AEC Members;
 - 9.4.2 provide the Board with any information the Board requires to assist in a review of the performance of the AEC or individual AEC Members; and
 - 9.4.3 fully cooperate with any independent advisors appointed by the Board for these purposes.

10 REVIEW OF THESE TERMS OF REFERENCE

- 10.1 The AEC will support the Board in undertaking a biannual review of these Terms of Reference. The AEC will:
- 10.1.1 fully cooperate with any independent advisors appointed by the Board or another Zoos Victoria Committee for this purpose;
 - 10.1.2 propose to the Board any changes to these Terms of Reference that the AEC considers necessary or appropriate at the time of the review or whenever the AEC considers that it is prudent to do so; and
 - 10.1.3 ensure that all proposed changes to these Terms of Reference are approved by the Board prior to being implemented.

These Terms of Reference are current from the date of approval and replace all previous versions of these Terms of Reference.

Approved by Board on:	4th December 2019
Date of next review:	2 years after approval date
Responsible officer:	ZV Licence Nominee