

Terms of Reference

The PIRSA Animal Ethics Committee was established as a condition of the PIRSA licence to undertake research, teaching or experimentation using animals pursuant to section 19(2)(a) of the Animal Welfare Act 1985. The committee was established, and these terms of reference endorsed, on 21st December 2015 by Scott Ashby, Chief Executive PIRSA. The terms of reference were subsequently endorsed by the Animal Ethics Committee on 22nd January 2016.

The PIRSA Animal Ethics Committee may review the Terms of Reference at any time. Modifications to the Terms of Reference will require the approval of the PIRSA Animal Ethics Committee and the Chief Executive of PIRSA.

1. Terms of Reference Preamble

The Terms of Reference for the PIRSA Animal Ethics Committee are to:

- 1.1. Ensure that the Animal Ethics Committee membership will enable the committee to meet its responsibilities. Membership must comprise at least five people, being a Chair and one from each of five categories of membership (see Section 2.3 Membership). The Chair who may fulfil another category or membership in the event that a member was absent and the Chair qualified for the category.
- 1.2. Describe how members are appointed, re-appointed or retired, according to procedures developed by PIRSA in consultation with the Animal Ethics Committee.
- 1.3. Ensure that the Animal Ethics Committee has terms of reference that are publicly available.
- 1.4. Ensure that all research and teaching using animals by PIRSA personnel or collaborators is compliant with the Australian code for the care and use of animals for scientific purposes 8th edition (2013) (<http://www.nhmrc.gov.au/guidelines-publications/ea28>) referred to as the Code, the Animal Welfare Act 1985 and the Animal Welfare Regulations 2012.

The Code aims to:

- emphasise the responsibilities of investigators, teachers and institutions using animals
- ensure that the welfare of animals is always considered
- ensure that the use of animals is justified
- avoid pain or distress for each animal used in scientific and teaching activities
- minimise the number of animals used in projects
- promote the development and use of techniques which replace animal use in scientific and teaching activities.

2. Objectives and Powers of the Animal Ethics Committee

2.1. FUNCTIONS AND RESPONSIBILITIES

The Animal Ethics Committee shall:

- 2.1.1. Examine and approve, approve subject to modification or reject written applications to use animals for research or teaching; and approve only that use for which animals are essential and which conform to the requirements of the Code, taking into consideration ethical and welfare aspects as well as scientific value.
- 2.1.2. Monitor the acquisition, transport, breeding, housing, husbandry, and use of animals in each project, 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 acquired, bred, transported, held and used for scientific purposes on behalf of PIRSA.
- 2.1.4. Maintain a register of approved applications.
- 2.1.5. Take appropriate action to address unexpected adverse events or non-compliance with the Code, the Public Service Code of Ethics, or any other mandatory standard of behaviour applicable at the time to ensure that animal wellbeing is not compromised and public accountability are prioritized. Actions may include, if necessary, withdrawal of approval for any project or authorisation for treatment or humane killing of any animal.
- 2.1.6. Examine and comment on all PIRSA plans and policies which may affect animal welfare.
- 2.1.7. Support and promote the education and training of staff in the care and use of animals for scientific purposes.
- 2.1.8. Report to the Chief Executive PIRSA (CE) matters in relation to animal use and welfare as required by the Code 2.3.27 and 2.3.28.
- 2.1.9. Recommend to the CE any measures that are needed to ensure compliance with the Code.

- 2.1.10. 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 houses & laboratories and submission of an annual report to the Chief Executive PIRSA and any other person or agency.
- 2.1.11. Perform all other duties required of it by the Code.
- 2.1.12. Ensure the relevance of the Terms of Reference and recommend modifications when required to the CE for approval.
- 2.2. The PIRSA Animal Ethics Committee accepts responsibility for the care and/or use of animals for scientific purposes for the following organisations:
 - 2.2.1. PIRSA (all sites).
 - 2.2.2. Other organisations approved to use PIRSA Animal Research Facilities, such use being subject to signing of an appropriate Indemnity Agreement and Access Deed.
- 2.3 MEMBERSHIP
 - 2.3.1. The Animal Ethics Committee must have a membership which will allow it to fulfil its Terms of Reference.
 - 2.3.2. The membership of an Animal Ethics Committee is stipulated in the Code and, in accordance with section 23(3) of the Act, will include Category E (see Section 2.3.4.5 below).
 - 2.3.3. The Animal Ethics Committee and its members are appointed by the CE. New members may not be appointed to the Animal Ethics Committee at any time without approval by the CE. New members will be invited to attend a meeting as an observer before they are appointed.
 - 2.3.4. The Animal Ethics Committee must comprise at least five members plus the Chair, who may fulfil another category or membership, and at least one person from each of the following categories (categories A to D are stipulated by the Code):
 - 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 South Australia, and with experience relevant to the institution's activities or the ability to acquire relevant knowledge
 - 2.3.4.2. Category B – A suitably qualified person with substantial and recent experience in the use of animals for scientific purposes relevant to the PIRSA and the business of the Animal Ethics Committee. This must include possession of a higher degree in research or equivalent experience

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 PIRSA, 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

2.3.4.4. Category D – A person not employed by or otherwise associated with PIRSA 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 Animal Ethics Committee 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 PIRSA.

- 2.3.5. Category C plus D members must together represent at least one-third of the Animal Ethics Committee membership in relation to Categories A plus B plus C plus D members.
- 2.3.6. The Animal Ethics Committee may include additional members to ensure that it can function effectively.
- 2.3.7. The term of office for an Animal Ethics Committee 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 Animal Ethics Committee recommends to the CE the proposed composition of the Animal Ethics Committee for each two year period. The Chair must notify the CE of any resignations, retirements or other departures from the membership of the Animal Ethics Committee within that two year period.
- 2.3.9. The Chair, the Executive Officer (see section 2.5.1) and other Animal Ethics Committee members deputised by the Chair may interview potential new Animal Ethics Committee members to ensure their suitability to serve on the Animal Ethics Committee and to confirm that the person fills the criteria of their Category.
- 2.3.10. Potential new members for the Animal Ethics Committee must be submitted to the CE for approval for appointment to the committee.
- 2.3.11. The CE has complete discretion as to whether to accept or reject a nomination or to appoint a person to the committee who has not been recommended by the Chair.

- 2.3.12. Although members are appointed to the committee by the CE, in agreeing to be a member of the Animal Ethics Committee, a nominee agrees that all contact with the CE will be through the Chair.
- 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 Animal Ethics Committee is to function well as a group and be able to fulfil its purpose. These include:
 - 2.3.13.1. ethical research on animals can be acceptable if the proposed research has been properly assessed and duly approved by the Animal Ethics Committee
 - 2.3.13.2. courtesy and patience in dealing with other committee members and with investigators
 - 2.3.13.3. willingness to listen as well as to speak
 - 2.3.13.4. clarity and succinctness in oral and written communication.

2.4 CHAIR

- 2.4.1. The CE will appoint the Chair.
- 2.4.2. The Chair will hold a senior position in PIRSA and is in addition to Category A to E members.
- 2.4.3. The Chair is responsible for impartially guiding the operation of the Animal Ethics Committee, resolving conflicts of interest related to the business of the Animal Ethics Committee, and representing the Animal Ethics Committee in any negotiations with management within PIRSA.
- 2.4.4. The Chair will appoint a committee member as Deputy to serve as Chair in his/her absence.

2.5 OTHER OFFICERS

- 2.5.1. An Executive Officer shall be appointed by the CE to assist the Chair in managing the regulatory and practical aspects of Animal Ethics Committee operations. The Executive Officer (or delegate) will be in attendance at Animal Ethics Committee meetings but will not be a voting member of the Animal Ethics Committee. The duties of the Executive Officer will include:
 - 2.5.1.1. communicating with members outside meetings as required
 - 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 adequate reading time (normally at least a week)
 - 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
 - 2.5.1.8. preparing the advisory letters to applicants after the meeting
 - 2.5.1.9. keeping a complete record of all meetings, correspondence and all other documentation
 - 2.5.1.10. contacting members, if required, to attend to out-of-session matters
 - 2.5.1.11. inviting applicants or researchers to address the committee on the work they are undertaking or any incidents that have occurred.
- 2.5.2. The committee may appoint an Executive to carry out certain tasks (in accordance with section 2.2.23 of the Code) on behalf of the Animal Ethics Committee out of session. The Executive will consist of the Chair and at least one member from Category C or D who will be selected by the Chair on a case by case basis. The Executive will be administered by the Executive Officer.

2.6. FREQUENCY OF ANIMAL ETHICS COMMITTEE MEETINGS

- 2.6.1. Meetings will be scheduled by the Executive Officer in consultation with the Chair.
- 2.6.2. The timetable of meetings for a calendar year will normally be available before the final meeting of the previous year and any changes to the dates will 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 PIRSA Animal Ethics Committee.
- 2.7.2. The quorum consists of a Chair plus at least one member representative of each Category A to E; a quorum must be maintained for the duration of each Animal Ethics Committee meeting.

- 2.7.3. Category C plus D members must represent no less than one third of the Category A plus B plus C plus D members present.
- 2.7.4. If necessary, and preferably prior to the meeting, members from Category A or B can be asked to leave the meeting, so as to maintain the “Category C plus D ‘one third’ rule” whilst maintaining the “one member representative of each Category” rule.
- 2.7.5. If an applicant is a member of the committee, that person must leave the meeting during consideration of their application due to their Conflict of Interest (see Section 10). If, as a result of their absence, the meeting becomes inquorate, an alternate member can join the meeting by telephone linkup to consider the application. Members with declared conflicts may remain in the meeting at the discretion of the Chair.

2.8. INDUCTION AND TRAINING OF ANIMAL ETHICS COMMITTEE MEMBERS

- 2.8.1. Where possible, prospective new members will be offered an opportunity to attend an Animal Ethics Committee meeting as an observer prior to being appointed.
- 2.8.2. Newly appointed Animal Ethics Committee members will be provided with a copy of the Code.
- 2.8.3. New members will be asked to attend an Induction with the Chair and Executive Office which will include an overview of 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. Ongoing members will be required to participate in at least annual training sessions which will include opportunities for in-depth examination of specific issues, updates on legislation as appropriate and invited speakers.
- 2.8.5. All Animal Ethics Committee members, as well as the Chair and Executive Officer, are encouraged to attend relevant workshops or conferences, such as the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART), Australian and New Zealand Laboratory Animal Association annual conferences, National Health and Medical Research Council of Australia workshops as offered, or other appropriate meetings.
- 2.8.6. All members can choose to be added to the ANZCCART mailing list.

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 in his or her mind whether or not an application or other matter under consideration by the Animal Ethics Committee is ethically acceptable.

- 2.9.3. Each member is required to comply with any procedures established by PIRSA the effective function of the Animal Ethics Code, as well as any other internal Code or policy appertaining to animal research, or which requires the exercise of due care and diligence and ethical behaviour.
- 2.9.4. Require that all members declare any conflict of interest.
- 2.9.5. Require that all members maintain confidentiality in relation to any matters pertaining to the Animal Ethics Committee.
- 2.9.6. Deal with situations in which a conflict of interest arises.
- 2.9.7. Attend.
- 2.9.8. Read the papers.

3. Executive

- 3.1. The Executive of the Animal Ethics Committee must be comprised at least two members being:
 - 3.1.1. Chair
 - 3.1.2. one Category C or D member.
- 3.2. The Executive will be administered by the Executive Officer (or delegate). The Executive Officer 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 Animal Ethics Committee, if the conditions imposed by that approval have been satisfied. The Executive may not impose its own conditions in addition to those of the Animal Ethics Committee.
- 3.4. The Executive may approve minor modifications to currently approved projects.
- 3.5. When reviewing revised applications or minor modifications, the Executive may seek advice on a confidential basis from the Manager Animal Welfare, Department of Environment, Water and Natural Resources regarding animal impact or welfare considerations. The Executive may seek advice from other sources only with the consent of the applicant.
- 3.6. Should the Executive fail to reach consensus regarding a revised or minor application, the application must be referred back to the full Animal Ethics Committee at its next meeting.
- 3.7. The Executive may deal with emergencies, including but not limited to unexpected adverse events, natural disasters or breaches of approved project protocols.

- 3.8. Any decision made by the Executive must be reviewed and ratified by the Animal Ethics Committee at its next meeting. Notwithstanding this requirement, the decision of the Executive comes into effect immediately upon it being communicated to the applicant.

4. Term of Office

- 4.1. The term of office for an Animal Ethics Committee member is a maximum period of two years.
- 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 Animal Ethics Committee, and to seek other nominations if deemed necessary.
- 4.3. If the Chair wishes to serve another two year term he/she should state so in writing to the CE 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 CE 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 without leave of absence, without good cause or without notifying the Executive Officer)
 - 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
- 5.1.12. demonstrates mental or physical incompetence
- 5.1.13. makes media comments regarding the committee or PIRSA without approval of the CE to do so.
- 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
 - 5.2.3. place the member on probation and retain them subject to further review after an agreed period of time.
- 5.3 Where the committee resolves that a member be removed, the Chair will formally request that the CE removes the member from the committee. The granting of such a request is at the discretion of the CE. The member's membership will cease immediately on receipt of notice from the CE that the request has been granted.
- 5.4 The licence holder may prohibit a member from being on property under his or her control (thus preventing that member from attending Animal Ethics Committee meetings) whilst a resolution to recommend removal is considered in accordance with section 5.2, or in the case that criminal charges or allegations of misconduct are being investigated.
- 5.5 A member may submit a complaint or grievance, in accordance with Animal Ethics Committee Complaints Process and Section 5 of the Code about any step in this process.

6. Voting Rights of Members

- 6.1 Whilst it is preferred that all decisions made by the Animal Ethics Committee are on the basis of consensus, occasions may arise when a vote is required.
- 6.2. All members have the right to vote, except under circumstances where an Animal Ethics Committee member has a conflict of interest (see Section 10 below).
- 6.3. Each member present at a meeting of an Animal Ethics Committee 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 and Security

- 7.1. Maintaining confidentiality and security is essential to protecting the ethics approval process as well as privacy, innovation, the integrity of research and the reputation and safety of individuals and Institutions.
- 7.2. Prior to their appointment, members of the Animal Ethics Committee must sign a Confidentiality Agreement which protects project-specific information, details about the Animal Ethics Committee 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 Animal Ethics Committee meetings must also sign Confidentiality Agreements.
- 7.4. Information may be sought by Animal Ethics Committee members from contacts outside the Animal Ethics Committee 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.
 - 7.4.1. Those contacts must also be informed of the sensitive nature of such an enquiry and the corresponding confidentiality restrictions and be asked to be mindful of such, to exercise absolute discretion and not to discuss the nature of any conversations or information gained with other persons except in conjunction with Animal Ethics Committee business or purposes.

- 7.5. It is to the responsibility of members to seek advice from the Chair if they are unsure of how to balance their obligations with regards to confidentiality and security.
- 7.6. Compliance with PIRSA Information and Communication Technology (ICT) policies, procedures and guidelines are mandatory:
 - 7.6.1. when using ICT facilities or equipment
 - 7.6.2. when accessing PIRSA webpages or shared sites.
- 7.7. Should any confidential information (or any storage device containing confidential information) pertaining to the Animal Ethics Committee be lost or stolen, the Executive Officer must be notified immediately.
- 7.8. Unless with prior approval of the Chair, meeting agenda papers must be returned to the Executive Officer for destruction at the end of the meeting at which they are discussed. If approval to hold papers is granted, they must be held and eventually destroyed in a secure manner.

8. Retention of Records

- 8.1 Full documentation of Animal Ethics Committee business will be maintained by PIRSA and managed by the Executive Officer.
- 8.2. All records pertaining to research projects or protocols must be retained in accordance with the Government of South Australia General Disposal Schedule 15.
- 8.3. If a record is reactivated after a retention period has commenced, the time is recalculated from the date of the subsequent last action. The reactivation of a record is triggered by such events as:
 - 8.3.1. record retrieved to meet a freedom of information request
 - 8.3.2. record retrieved to meet a subpoena
 - 8.3.3. record accessed for research
 - 8.3.4. record identified as being of significant risk management status
 - 8.3.5. record identified as being required for possible legal proceedings.

9. Communication with the Public

- 9.1. Any communications received from members of the public regarding animal ethics or welfare matters must be referred, in the first instance, to the Chair of the Animal Ethics Committee, who is PIRSA'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.

9. Conflict of Interest

- 10.1. The Agenda for each meeting will state at the beginning of the document that “Members are required to declare a potential conflict of interest. The committee will determine if a conflict exists and, if it does, the member 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 will 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.

11. Applications to the Committee

- The committee does not directly receive applications.
- The committee will consider all proposals at their scheduled meetings before making recommendations or advising of their approval.

12. Related Information

- PIRSA ANIMAL ETHICS COMMITTEE application guidelines.
- Application forms, submission dates and fees.
- Principles for the care and use of animals for scientific purposes.
- Animal Ethics Committee Complaints Process
- NHMRC Animal Well-being Guidelines

13. Enquiries

If you have any questions about the PIRSA Animal Ethics Committee please contact us:

Executive Officer
PIRSA Animal Ethics Committee
Plant Research Centre
2b Hartley Grove, Urrbrae SA 5064
Phone: (08) 8429 4366
Email: PIRSA.AnimalEthics@sa.gov.au