

## FSS – Animal Ethics Committee Terms of Reference and Operational Procedures

### 1 Purpose

To describe the terms of reference and operational procedures for the Forensic and Scientific Services - Animal Ethics Committee (FSS-AEC) as defined by the Australian code for the care and use of animals for scientific purposes 8<sup>th</sup> Edition 2013 (“the Code”). These terms of reference and operational procedures will be made available on request.

### 2 Governing Principals

- 2.1 Respect for animals must underpin all decisions and actions involving the care and use of animals for scientific purposes. This respect is demonstrated by: (i) using animals only when it is justified
- i. supporting the wellbeing of the animals involved
  - ii. avoiding or minimising harm, including pain and distress, to those animals
  - iii. applying high standards of scientific integrity
  - iv. applying Replacement, Reduction and Refinement (the 3Rs) at all stages of animal care and use:
    - a. the Replacement of animals with other methods
    - b. the Reduction in the number of animals used
    - c. the Refinement of techniques used to minimise the adverse impact on animals
  - v. knowing and accepting one’s responsibilities.
- 2.2 The care and use of animals for scientific purposes must be subject to ethical review.
- 2.3 A judgement as to whether a proposed use of animals is ethically acceptable must be based on information that demonstrates the principles in Clause 1.1 of “the Code”, and must balance whether the potential effects on the wellbeing of the animals involved is justified by the potential benefits.
- 2.4 The obligation to respect animals, and the responsibilities associated with this obligation, apply throughout the animal’s lifetime, including acquisition, transport, breeding, housing, husbandry, use of the animal in a project, and provisions for the animal at the conclusion of their use.

### 3 Introduction

The FSS-AEC is constituted in accordance with “the Code”.

## 4 Mission and Role

The mission of the FSS-AEC is to:

*“Ensure that all animal care and use within the institution is conducted in compliance with this Code and incorporates the principles of replacement, reduction and refinement”.*

The role of the FSS-AEC is thus to:

- monitor the acquisition, transport, production, housing, care, use and disposal of animals;
- recommend and provide advice to the institution regarding any measures needed to ensure that the standards of this Code are maintained;
- examine and approve, approve subject to modification, or reject written proposals relevant to the care and management of animals being used and bred for scientific and teaching activities. Also, to approve only those studies for which animals is ethically acceptable as per the principles outlined in section 1.1 of “the Code”, and balance whether the potential effects on the wellbeing of the animals involved is justified by the potential benefits.
- where another organisation is a collaborator in the research project, the Committee will seek to advise that organisation of the project approval or if possible develop a memorandum of understanding for approvals to manage multiple site collaborations. The collaborator would be expected to also have responsibility for informing their organisation of the project and approval process;
- if deemed necessary, formally withdraw approval for any project, or authorise the emergency treatment or humane killing of any animal;
- examine and comment on all institutional plans and policies which may affect animal welfare;
- maintain a register of projects and proposals, and their status;
- perform all other duties required by this Code; and
- approval in advance in case a situation arises where approval is needed for immediate animal use for the diagnosis of unexplained and severe disease outbreaks or morbidity/mortality in animals and people.

## 5 Functions and Terms of Reference

### 5.1 Reporting relationships

The FSS-AEC reports and is accountable through its Chair to the FSS Executive Director. The FSS-AEC also reports to the Department of Agriculture and Fisheries (DAF). A full written report on the FSS-AEC activities will be submitted at least annually to the FSS Leadership Team. The report will include:

- numbers and types of projects assessed and approved or rejected;
- information on the status of transport and physical facilities housing animals;
- activities supporting educational needs of FSS-AEC members and staff responsible for care and use of animals on site;
- any administrative difficulties experienced;
- any matters affecting the ability to maintain compliance with “the Code”.

The FSS-AEC also has an annual reporting requirement to DAF for the use of animals.

No charges are applicable for FSS-AEC assessments.

## 5.2 Care of animals

The FSS-AEC will approve guidelines for the care of animals that are bred, held and used for scientific purposes on behalf of FSS by.

- a. Calling for and considering guidelines from FSS units undertaking animal based research, breeding or reference service activities. Guidelines should cover all aspects of animal care and use plus contingencies such as fire, power failure, flooding and dealing with critically ill and/or injured animals.
- b. Reviewing approved guidelines every three years or when a change to any part of the approved guidelines is proposed by the respective FSS unit.
- c. Inspection of “onsite” and “offsite” facilities holding animals for animal experimentation under the jurisdiction of the FSS-AEC will be done on an annual basis or as deemed required by the FSS-AEC. Inspections will be recorded in the meeting minutes and identified as an agenda item for each meeting.

## 5.3 Committee Protocol

### 5.3.1 Operating Procedures

The FSS-AEC must ensure that operating procedures are established which will enable compliance with the provisions of “the Code”. Such procedures should cover in particular:

- establishment of a quorum for meetings, which must include at least one member from each Category (A, B, C and D). However, it is desirable that the full membership is present for most meetings;
- any matter specific to the institution that will assist compliance with “the Code”; and
- powers that the FSS-AEC is prepared to delegate to an Executive.

The FSS-AEC may establish an Executive which must include at least one external member from Categories C or D. The Executive may approve minor modifications to projects and deal with emergencies, but any decision by the Executive must be reviewed by the FSS-AEC at its next meeting. The Executive may not approve proposals. Minutes must be maintained which record decisions, and all other aspects of the FSS-AEC operation, at the meetings.

The FSS-AEC aims to meet a minimum of once per year. The chair may call meetings more frequently should the need arise. Where it is not possible to conduct a meeting due to exceptional circumstances a meeting may be organised through a teleconference or video linking. Efforts should be made to reach decisions by general consensus. The process by which decisions are made must be fair to investigators and acceptable to all FSS-AEC members. Failure to agree may require an extension of time to reconsider the research protocol and its possible modification, especially when any member is not satisfied that the welfare of the animals is protected. Dissenting and supporting opinions, including those sent by absent members, should be summarised in the minutes. Irreconcilable differences between the FSS-AEC and an investigator must be referred to the FSS Leadership Team for review.

The FSS-AEC will ensure that the Chief Investigator makes new researchers aware of their responsibilities. This to be achieved through an initial induction course and maintaining adequate records on the acquisition, breeding, health, care, housing, use and disposal of animals.

### 5.3.2 Appeals and complaints

- a) Should a researcher be dissatisfied with the outcome of the FSS-AEC recommendation regarding his/her project, the matter should be referred in writing to the Chairperson of the FSS-AEC.

Depending on its nature, as assessed by the Chairperson, the submission may be referred to the Committee for advice or direct to the FSS Leadership Team for advice. The FSS-AEC decision on the matter will take into consideration advice from the FSS Leadership Team. The FSS-AEC must consider the matters raised in the submission and respond to those matters within 10 working days. The committee shall provide to the complainant a written statement addressing each of the matters raised and advice of any confirmation of, or change of decision or procedure. The final decision is held by the FSS-AEC and cannot be over-ridden. Where irreconcilable differences occur between the FSS Animal Ethics Committee and the complainant, the matter will be referred to DAF for review.

- b) Should there be a disagreement between FSS-AEC members, the matter should be referred in writing to the Executive Director, FSS. Depending on its nature, as assessed by the Executive Director, the submission may be referred to the FSS Leadership Team for advice. The Executive Director must consider the matters raised in the submission and respond to those matters within 10 working days. The Executive Director shall provide to the complainant a written statement addressing each of the matters raised and advice of any confirmation of, or change of decision or procedure. The final decision is held by the FSS Executive Director and cannot be over-ridden. Where irreconcilable differences occur between the FSS Executive Director and the complainant, the matter will be referred to the Chief Executive or DAF for review.
- c) Should there be a disagreement between the FSS-AEC members and FSS, the matter should be referred in writing to DAF.

### 5.3.3 Non-compliance

Complaints and concerns regarding the conduct of any approved research project should be submitted in writing to the Chairperson of the FSS-AEC.

The matter will be reported to the Executive Director of FSS and alleviation of animal suffering would always be paramount. A formal investigation will then be conducted by authorised persons from the FSS-AEC.

Investigation may include;

- Interviews with the complainant, the subject of the complaint and any witnesses
- Unannounced inspection of the facility or animal(s) in question
- Seeking expert advice on technical matters from outside the institution

The FSS-AEC must ensure that;

- actions are taken to ensure that animal wellbeing is not compromised, the issue is addressed promptly, and activities that have the potential to adversely affect animal wellbeing cease immediately. Actions may include suspending or withdrawing approval for the project or activity

- actions are taken to address the issues in consultation with the person(s) involved
- matters are referred to the institution for action (where necessary)
- non-compliance receives appropriate follow-up

Where deemed necessary, advice on actions regarding non-compliance may be sought from the relevant office of the DAF. Further information is available from the [Monitoring Program for the Scientific Use Code](#)

#### 5.3.4 Monitoring of projects

The Animal Ethics Committee will ensure that Chief Investigators submit progress reports annually, and that follow-up review is conducted when required (including adverse events reporting and amendments to approved activity). The FSS-AEC will review all reports for continued ethical approval, care and use of animals, and compliance with “the Code”. Inspections of all animal housing and laboratory areas must be conducted regularly by members, and appropriate records maintained to ensure compliance with “the Code”. The FSS-AEC must ensure that any activity in breach of this Code ceases immediately and appropriate action is taken. This may include referral to the head of the institution.

#### 5.3.5 Adverse events

On the site where animals are used, the Chief Investigator will nominate a person who is authorised to respond to emergencies.

Chief Investigators must ensure they, or a representative, be available at all times to respond to issues affecting the health and welfare of animals involved in their research projects. In cases of adverse events, the Chief Investigator must advise the Chairperson of the FSS-AEC, and the FSS-AEC must take action to ensure that animal wellbeing is not compromised, the issue is addressed promptly, and activities that have the potential to adversely affect the animal wellbeing is ceased immediately. Any such action, including reasons for the action taken, is to be reported promptly in writing to the responsible Chief Investigator and the FSS-AEC using QIS document [27571](#). A register of adverse events is maintained by the FSS-AEC Secretariat (QIS doc [29196](#)).

The FSS-AEC may suspend or discontinue a project where monitoring, or the investigation of a complaint, indicates a departure from the approved protocol or that the project has significant adverse effects on the wellbeing of the animal.

#### 5.3.6 Monitoring of the FSS-AEC

- Institutions must ensure that an independent external review is conducted at least every four years to assess the institution’s compliance with “the Code”, and to ensure the continued suitability, adequacy and effectiveness of its procedures to meet its responsibilities under “the Code” (see Clause 1.9 [i]).
- Institutions must:
  - make arrangements for the review to be conducted by external people who are independent of the institution and the activities conducted on behalf of the institution, and who have appropriate qualifications and/or experience relevant to the activities of the institution
  - establish procedures so that members of the review panel declare their interests, and any conflicts of interest are managed
  - ensure that members of the review panel are advised of requirements for confidentiality

- iv. provide the review panel with the necessary authority and resources to conduct the independent review of the activities of the institution. This will include access to people, information, records and premises, and provision of reasonable assistance
  - v. ensure that the findings and recommendations of the review are made widely known within the institution
  - vi. ensure that timely actions are taken to address the recommendations of the review
  - vii. consider publishing a summary of the external review report (e.g. as part of an institutional annual report or website) and making the summary report available to the relevant regulatory authority and funding bodies of the institution (see Clause 2.1.10 under “the Code”).
- c. Reviews carried out under the administration of state or territory legislation may satisfy the requirement for an independent external review.

## 5.5 Membership of FSS-AEC

### 5.5.1 Categories

Within the following guidelines of membership, the FSS-AEC will satisfy the minimum membership requirements of “the Code”.

- The committee must comprise at least five members.
- A separate person will be appointed to 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 institutions 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 FSS-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 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. Whilst 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 FSS-AEC, and must not fit the requirements of any other category.
- The committee may include additional members to ensure that it can function effectively.
- The Chairperson should hold a delegated senior position in the institution.
- Categories C plus D must together represent no less than one third of the members.

- Details of the FSS-AEC membership will be provided to the Department of Agriculture and Fisheries on the appropriate form (EC34)
- The composition of the committee also must comply with any relevant legislation.
- A register of projects and their status, and complete files of documentation will be maintained. These to be held by the FSS-AEC Secretariat.
- No conflict of interest will be tolerated in any member voting on the approval of an application (e.g. involvement in the research project). The FSS-AEC will require that all members declare any conflict of interest by:
  - a. Prior to their appointment – by making a signed declaration of all real or potential conflicts of interest as part of the member application process.
  - b. As matters arise – by declaring all real or potential conflicts of interest and the nature of that interest to either the chair or secretariat of the FSS-AEC as soon as is reasonable after they become aware of the conflict.
  - c. At each meeting: – by declaring as an early item of the meeting agenda all real or potential conflicts of interest and the nature of that interest. This must include all real or potential conflicts with any items on the meeting agenda or any other matter relating to membership of the FSS-AEC.
  - d. All declarations of real or potential conflicts of interest (as part of the appointment process, between or at meetings) are to be recorded in the relevant meeting minutes.

*Note: A conflict of interest arises in where a member of an FSS-AEC has an interest that maybe seen to influence the objectivity of a decision*

The FSS-AEC will deal with situations in which a conflict of interest arises, including any situation where a member of the FSS-AEC has an interest that may be seen to influence the objectivity of a decision by:

- a. Requiring a member whose objectivity may be influenced by an interest (including consideration of a proposal submitted by that member) to leave the meeting at an appropriate time (certainly during the decision making process).
- b. Recording the method of dealing with any conflict in the relevant meeting minutes (e.g. record when the member left and returned to the room or recording the basis on which it was decided that the member could participate in the item).
- c. Considering and responding to any concern or claim raised by an activity leader or other party that an FSS-AEC member has a conflict of interest that may have influenced the objectivity of an FSS-AEC decision.
- d. Advising complainants, in writing, of the FSS-AEC's response to any concern or claim relating to conflict of interest. If the complainant is not satisfied with the FSS-AEC's response, a grievance may be lodged.

**Members will be appointed or retired according to the following procedures:**

- a. The FSS-AEC Chair will monitor the membership needs of the FSS-AEC.
- b. If a new member is required, the FSS-AEC Chair may call for 'expressions of interest', search the Queensland Register of Nominees to Government Bodies and/or make direct approaches to representative groups (for example, RSPCA and Animals Australia).

- c. Unsolicited applications lodged periodically by departmental officers and external persons with an interest in serving on a departmental FSS-AEC may be considered also.
- d. An interested person must complete an *FSS-AEC membership application form* to acknowledge their acceptance of the terms of reference of the FSS-AEC and indicate in writing on what basis they satisfy the relevant membership category criteria as defined in section 2.2.4 of “the Code”.
- e. The completed forms must be submitted to the FSS-AEC Chair. These to be held by the FSS-AEC secretariat.
- f. The FSS-AEC Chair will assess applications and make appointments to the Committee.
- g. The FSS-AEC Chair will obtain a signed confidentiality agreement from each prospective new member before producing letters of appointment.
- h. The FSS-AEC Secretariat will maintain a record of all appointments to the FSS-AEC and associated documents.
- i. Members are appointed to the FSS-AEC until either they resign, retire or die.
- j. A member may resign from the FSS-AEC at any time by advising the Chair in writing.
- k. The FSS-AEC Chair may ask a member to resign from the FSS-AEC if it is deemed to be in the best interests of the FSS-AEC. If the member does not accede to the FSS-AEC Chair’s request, the FSS-AEC Chair may initiate action through the Executive Director, FSS to retire the member.
- l. The Executive Director, FSS may retire members at any time by providing not less than 24 hours notice in writing.
- m. Changes in the membership of the FSS-AEC will be noted at the next FSS-AEC meeting and recorded in the minutes.

### 5.5.2 Confidentiality

Before appointment, all members of the FSS-AEC should acknowledge in writing their acceptance of the terms of reference of the committee and requirements for confidentiality required by FSS. Persons employed under the Public Service Act 1996 (Queensland) and Public Sector employees are strictly prohibited from divulging information without authorization. The committee should reach agreement on how advice may be sought without breaching confidentiality.

### 5.5.3 Remuneration

Membership of the FSS-AEC is a voluntary activity. There is no facility for FSS to remunerate non-crown employees. Taxi fares may be reimbursed if they are necessary in atypical situations.



## 6 Records

Records created pursuant to this document include, but are not limited to:

- terms of reference acceptance and confidentiality declarations.
- minutes of committee meetings;
- register of projects;
- animal housing inspection records;
- animal monitoring records; and
- records resulting from investigations into complaints, potential non-compliance and grievances
- Records and register of adverse events

## 7 Associated Documentation

QIS [27571](#) Adverse Event Report Form

QIS [29196](#) Adverse Event Register

## 8 References

- National Health and Medical Research Council – Australian code of practice for the care and use of animals for scientific purposes (8<sup>th</sup> Edition 2013).
- Animal Care and Protection Act 2001.