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| Wildlife Animal Ethics Committee - Terms of Reference  January 2024 |

Contents

[1. Introduction 3](#_Toc168985890)

[2. Background 3](#_Toc168985891)

[3. Scope of responsibilities 3](#_Toc168985892)

[3.1 Responsibilities of the WAEC chairperson 3](#_Toc168985893)

[3.2 Responsibilities of the WAEC members 3](#_Toc168985894)

[3.3 Responsibilities of the WAEC 4](#_Toc168985895)

[4. Wildlife AEC membership, appointments, and support 4](#_Toc168985896)

[4.1 Membership 4](#_Toc168985897)

[4.2 Selection, appointment, and obligations 6](#_Toc168985898)

[4.3 Term and termination 7](#_Toc168985899)

[4.4 Support to the WAEC 7](#_Toc168985900)

[4.5 WAEC Executive 7](#_Toc168985901)

[5. WAEC meetings 8](#_Toc168985902)

[5.1 Ordinary and extraordinary meetings 8](#_Toc168985903)

[5.2 Quorum 8](#_Toc168985904)

[5.3 Conflict of Interest 8](#_Toc168985905)

## Introduction

The following Terms of Reference (ToR) have been endorsed by the Department of Primary Industries and Regional Development (DPIRD) and the Western Australian Wildlife Animal Ethics Committee (WAEC).

The ToR should be read in conjunction with the [*Australian code for the care and use of*](http://www.nhmrc.gov.au/guidelines/publications/ea28)[*animals for scientific purposes*](http://www.nhmrc.gov.au/guidelines/publications/ea28) *8thedition* 2013 (updated 2021) (the Code), the *Animal* *Welfare Act 2002* (the Act) and related DPIRD policies. A glossary of terms is provided in Appendix 1.

In the event of any conflict of interpretation, the provisions of the Act and Code will prevail.

The ToRs are publicly available and will be published on DPIRD’s website and other DPIRD communication channels DPIRD considers suitable.

## Background

Environmental Scientists who use animals for scientific purposes are required to have a Scientific Use Licence (SUL) under the Act.

The WAEC is established as a committee within DPIRD.

Environmental scientists who undertake projects and activities that involve the care and use of animals for scientific purposes and don’t have access to a properly constituted Animal Ethics Committee must comply with the following:

* Be subject to ethical review, approval, and monitoring by the WAEC.
* Commence only after approval has been granted by the WAEC.
* Be conducted in accordance with WAEC approval.
* Cease if approval from the WAEC is suspended or withdrawn; and
* Submit an annual report, including the number of animals used, to the WAEC.

## Scope of responsibilities

### 3.1 Responsibilities of the WAEC chairperson

The chairperson (Chair) is responsible for impartially guiding the operation of the WAEC, resolving conflicts of interest related to the business of the WAEC and representing the WAEC in any negotiations with the DPIRD management.

### 3.2 Responsibilities of the WAEC members

Each member is responsible for deciding whether, in their own judgement, any matter under consideration by the AEC is ethically acceptable and meets the requirements of the Code.

To fulfil this responsibility, members should:

* Be familiar with the Code, WAEC Terms of Reference, WAEC Operating Procedures and other policies and guidelines relevant to the AEC.
* Provide informed opinions on the ethical acceptability of applications and other matters under consideration by the AEC.

### 3.3 Responsibilities of the WAEC

The WAEC’s primary responsibility is to ensure, on behalf of DPIRD, that all activities relating to the care and use of animals for scientific purposes are conducted in compliance with the Code.

The WAEC will:

* Apply the principles that govern the use of animals for scientific purposes:
  + Use animals only when it is justified.
  + Support the wellbeing of the animals involved.
  + Avoid or minimise harm, including pain and distress, to those animals.
  + Apply high standards of scientific integrity; and
  + Apply Replacement, Reduction and Refinement (the 3Rs) at all stages of animal care and use.
* Review new applications and approve only those projects that are ethically acceptable and conform to the requirements of the Code.
* Review applications for activities associated with the care and management of animals in facilities, including procedures applicable to breeding programs integral to the maintenance of an animal life, and approve only those activities that are ethically acceptable and conform to the requirements of the Code.
* Conduct follow-up review of approved projects and activities and allow the continuation of approval for only those projects and activities that are ethically acceptable and conform to the requirements of the Code.
* Monitor the care and use of animals, including housing conditions, practices and procedures involved in the care of animals in facilities.
* Take appropriate actions regarding unexpected adverse events.
* Take appropriate actions regarding non-compliance.
* Approve guidelines for the care and use of animals.
* Report on its operations to DPIRD and the Scientific Licensing Unit.
* Provide advice and recommendations to environmental scientists regarding the care and use of animals for scientific purposes, and strategies required to ensure that the requirements of the Code are maintained and that matters affecting animal wellbeing are addressed.
* Perform all other duties as required by the Code.

The WAEC Executive Officer (EO) will ensure that WAEC records are maintained in accordance with the Code and are available for review by DPIRD and authorised external reviewers. The records include:

* A register of all applications to the WAEC including the outcomes of deliberations.
* Minutes that record decisions and other business of the WAEC’s operation.
* Records of inspections conducted by the WAEC.
* Management of adverse events.

## Wildlife AEC membership, appointments, and support

### 4.1 Membership

The WAEC will comprise a Chair and at least two members from each of the required categories. Administrative support will be provided by an Executive Officer (EO).

#### 4.1.1 Chair

DPIRD will appoint a Chair to the WAEC who either holds a senior position in the department or is a suitable external appointee. DPIRD must provide the necessary resources to effectively carry out the role. A Deputy Chair will be appointed by the Chair from among the Category members.

The Chair will:

* Maintain a sound understanding of the Act, Code and relevant DPIRD policies, procedures and requirements.
* Ensure the WAEC, its Executive and Animal Ethics Officers operate in accordance with the spirit and letter of the Act, the Code, DPIRD’s licence, DPIRD policies and WAEC operating procedures.
* Ensure project applications are considered by the WAEC and decisions are conveyed to Chief Investigators in a timely manner.
* Ensure that the WAEC’s decisions and directives are enacted, with advice being provided to the institutional licensee where individuals or groups do not act on or show due regard for such decisions and directives when informed of them.
* Hear, and respect the confidentiality of any concerns raised regarding the ethical and humane treatment of animals used for scientific purposes.
* Advise DPIRD regarding the resource needs of the WAEC.
* Consult with DPIRD, AEC officers and others, as appropriate, in matters relating to the WAEC’s operational effectiveness and the ethical and humane treatment of animals used for scientific purposes.
* Represent the WAEC in negotiations with DPIRD.
* Be responsible for resolving conflicts of interest related to the business of the WAEC.

#### 4.1.2 WAEC Category members

The WAEC must have a minimum of two members from each membership category. The Director General of DPIRD will appoint at least two members in each of the following Categories to ensure a quorum, consistency in decision-making over members terms, and provide the committee with a broad range of knowledge and experience relating to wildlife research and survey, animal welfare, and community expectations.

**Category A**: a person with qualifications in veterinary science that are recognised for registration as a veterinary surgeon in Australia and with experience relevant to the institution’s activities or the ability to acquire relevant knowledge.

**Category B**: a suitably qualified person with substantial and recent experience in the use of animals for scientific purposes relevant to the business of the AEC. This must include possession of a higher degree in research or equivalent experience.

**Category C**: a person with demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not employed by or otherwise associated with the institution, and who is not currently involved in the care and use of animals for scientific purposes. Veterinarians with specific interest and/or experience in animal welfare 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 organization.

**Category D**: a person not employed by or otherwise associated with the institution and who has never been involved in the use of animals in scientific or teaching activities, either in their employment or beyond their undergraduate education. Category D members should be viewed by the wider community as bringing a completely independent view to the AEC and must not fit the requirements of any other category.

### 4.2 Selection, appointment, and obligations

The selection of prospective appointees will be made by the Chair after consultation with WAEC members. If no suitable candidates are readily available, appropriate advertising will be utilised.

Prospective appointees will submit a resume that includes a declaration of interest. The Chair and the WAEC will consider any potential conflicts of interest in determining suitability of the applicant before the recommendations for appointment are made.

Appointments are made by the DG or delegate via a letter of appointment and signed by the appointee.

New appointees must also sign to accept the WAEC’s Terms of Reference, Operating Procedures, and Deed of Confidentiality.

Members of the WAEC are covered by DPIRD’s insurance whilst engaged in WAEC business. External members will be paid a sitting fee and other expenses (such as travel) if eligible.

Where appropriate, suitable training such as conferences, seminars or workshops will be made available to members.

DPIRD will ensure that WAEC members undergo appropriate induction and have access to education programs and resources such as animal ethics training via the ANZCCART ComPass modules.

#### 4.2.1 Primary/secondary categories of membership

WAEC members are assigned a primary category. Some members may be eligible to fulfil the requirements of a secondary category. Under exceptional circumstances, at the request of the Chair and with the approval of the member, they may act in a secondary category instead of their primary category. This is provided they meet the criteria of the alternate category, the meeting remains quorate, and their vote is counted for ONE category only. Category D members cannot change category.

#### 4.2.2 Confidentiality

External WAEC members must sign a Deed of Confidentiality prior to their appointment. DPIRD staff are bound by confidentiality as a condition of their employment.

The Chair, EO and WAEC category members must maintain confidentiality regarding the content of applications and the deliberations of the WAEC. WAEC members should not disclose personal details of their membership of the WAEC to current or potential stakeholders of the WAEC.

A declaration of confidentiality is a standing item at WAEC meetings.

WAEC members may seek advice from the Chair on any relevant matter. The Chair will respect the confidentiality of any concerns raised and manage complaints within the WAEC in accordance with the appropriate DPIRD policy and WAEC Operating Procedures.

Sharing of departmental information will be managed under the *Freedom of Information Act 1992* in accordance with DPIRD policy.

### 4.3 Term and termination

Category A, B, C and D members may be offered three-year terms with the option of another three-year term subject to mutual agreement. The Chair’s term will be determined by DPIRD. The need for a turnover of members over time should be considered.

Members may terminate their WAEC membership by advising the Chair in writing or during a minuted WAEC meeting. The notice of termination will be no less than three months unless approved by the Chair.

If a member is in breach of their obligations, DPIRD may issue a verbal reprimand or a written notice of warning or a letter of termination to a person who, in DPIRD’s opinion, has failed to:

* Comply with the WAEC’s Terms of Reference and Operating Procedures.
* Act in a manner to maintain DPIRD’s and the WAEC’s positive public image and reputation.
* Maintain the confidentiality required by the WAEC or DPIRD; and
* Without good reason, attend three meetings in succession or at least fifty percent of meetings in each year of appointment.

### 4.4 Support to the WAEC

DPIRD will support the effective operation of the WAEC by appointing an EO and the services of the Animal Welfare Office when required. Additional staff may be appointed as required to ensure compliance with the Code.

### 4.5 WAEC Executive

The WAEC Executive will be determined by WAEC members and consist of the Chair and one Category C and one Category D member. The WAEC will nominate a primary Executive Category C and Category D member. If the primary member is unavailable, then the secondary Category C or Category D member will form the Executive. If the Chair is unavailable, the Deputy Chair will fill the role.

The WAEC Executive:

* May approve minor amendments to approved activities which will be ratified by a quorate WAEC at the next available meeting. What constitutes a minor amendment will be determined by the WAEC (refer to Appendix 2*).*
* Shall carry out other functions as delegated by the WAEC and in accord with the Code. Such functions may include:
  + Approving urgent minor matters.
  + Emergency approval of animal use.
  + Determining if a proposal requires WAEC approval.
* Must not approve applications for new projects or activities, and the ongoing approval for existing projects and activities. This is only permitted at quorate meetings of the WAEC.
* Executive decisions may be made via email or teleconference but must be ratified at the next WAEC meeting. If there is disagreement with the Executive decision, then the full WAEC should attempt to arrive at a consensus.

## WAEC meetings

### 5.1 Ordinary and extraordinary meetings

Ordinary meetings of the WAEC will be held at a frequency sufficient to allow for its effective functioning. Nominally this will be seven scheduled ordinary meetings each calendar year, consisting of six approximately bi-monthly meetings to consider new application proposals, amendments, adverse events, reports and other relevant business, and one meeting to consider the Annual Animal Use Reports (AAUR).

A schedule of yearly meeting dates will be supplied to the WAEC members in advance and placed on the DPIRD WAEC website.

The Chair may request an extraordinary meeting of the WAEC to discuss urgent or serious matters as they arise.

WAEC members may attend a meeting via electronic means where a face-to-face meeting is not possible.

The WAEC Executive may consider urgent, minor out-of-session items by way of email or electronic means. Executive decisions will be ratified at the next ordinary WAEC meeting.

### 5.2 Quorum

At least one member from each of the membership categories A, B, C and D must be present for quorum. Categories C and D must represent at least one-third of those members present.

The WAEC must consider and approve applications for new projects and activities and the ongoing approval for existing projects and activities and major amendments only at quorate meetings of the WAEC.

### 5.3 Conflict of Interest

Before any deliberations at a WAEC meeting, members must declare any interest that could influence the objectivity of their decision-making.

A request for disclosures of this nature shall be a standing Agenda item at all WAEC meetings.

The Chair is responsible for resolving conflicts of interest related to the business of the WAEC.

WAEC members and experts whose advice is sought by the AEC, and who declare a conflict of interest, **must withdraw from the meeting,** and not take part in the WAEC’s decision-making on matters that relate to the conflict of interest.

This does not preclude a conflicted member or expert from being asked to provide information relevant to the WAEC, but they must then remove themselves prior to the WAEC’s deliberations and decision-making.

In the case of the Chair declaring a conflict of interest, the Chair will hand over the meeting to the Deputy Chair or suitable WAEC member and remove themselves whilst the WAEC deliberates.

The remaining WAEC members must still constitute a quorum with Category C and D together representing no less than one-third of the remaining members present.

The conflict of interest and the way it was resolved shall be recorded in the minutes.