

## ANIMAL ETHICS COMMITTEE CONSTITUTION

Sub-Committee of Research Committee

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### ROLE

- 1 The role of the Animal Ethics Committee (AEC) is to ensure that all animal research undertaken under the auspices of the University is ethically reviewed, conducted and monitored in accordance with the *Australian code for the care and use of animals for scientific purposes (2013)* (“**Code**”) and the *Animal Care and Protection Act 2001 (Qld)* (“**Act**”).
- 2 The AEC advises the Deputy Vice Chancellor (Research) and makes recommendations to the Research Committee on all matters relating to the ethical conduct of animal research undertaken under the auspices of the University.
- 3 In undertaking its role the AEC contributes to the University meeting the requirements of the following Domains and/or Standards within the *Higher Education Standards Framework (Threshold Standards) 2015* (HESF 2015):
  - (a) Domain 4 – Research and Research Training
  - (b) Domain Standard 5.2 – Academic and Research Integrity
- 4 The AEC does not:
  - (a) process ethical review matters which do not relate to Griffith University research; and
  - (b) apply a processing fee to the consideration of any proposal for ethical review.

### INTERPRETATION

- 5 In this constitution, references to academic elements and academic management positions shall be as defined in *Structure and Governance of Academic Groups of the University*.

### FUNCTIONS

- 6 The AEC is responsible for:
  - (i) advising the University on the appropriate ethical standards in relation to the use of animals in research and teaching, and whether these standards satisfy the *Australian code for the care and use of animals for scientific purposes (2013)* (“**Code**”) and the *Animal Care and Protection Act 2001 (Qld)* (“**Act**”) and other relevant State and Commonwealth Government legislation;
  - (ii) monitoring compliance with the *Australian Code for the Responsible Conduct of Research (2018)*, and the Griffith University *Responsible Conduct of Research Policy* as they relate to research and teaching with animals;
  - (iii) advising individuals within the University on compliance with the Act and the Code; and
  - (iv) reporting on its operations to the Research Committee as well as to State and Commonwealth Government authorities;
  - (v) ensuring that all animal care and use within the University is:
    - (a) conducted in compliance with the Act and the Code; and
    - (b) incorporates the principles of “Replacement, Reduction and Refinement” as outlined in the Code;

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- (vi) considering the ethical and welfare aspects, as well as the scientific or educational value of the use of animals for scientific purposes;
- (vii) reviewing applications for projects and approving only those projects that are ethically acceptable and conform to the requirements of the Code;
- (viii) reviewing 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 line, and approve only those activities that are ethically acceptable and conform to the requirements of the Code;
- (ix) conducting 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;
- (x) monitoring the care and use of animals, including housing conditions, practices and procedures involved in the care of animals in facilities;
- (xi) taking appropriate actions regarding unexpected adverse events and non-compliance;
- (xii) ensuring the University's guidelines on ethical standards for animal research remain current in light of those applied elsewhere in the community, and informed by international best practice;
- (xiii) advising the University in any circumstances involving the proposed use of an animal species not covered by the Code, to inform a decision on whether AEC approval is required, taking into account emerging evidence of sentience and ability to experience pain and distress; and
- (xiv) approving guidelines for the care and use of animals on behalf of the University.

### MEMBERSHIP

- 7 Consistent with clause 2.2.4 of the Code, the AEC membership must include at least one person from each of the following categories:
- (i) Category A — a person with veterinary science qualifications that are recognised for registration as a veterinary surgeon in Australia, and with experience relevant to the University's activities or the ability to acquire relevant knowledge;
  - (ii) Category B — a suitably qualified person with substantial and recent experience in the use of animals for scientific purposes relevant to the University and the business of the AEC. This must include possession of a higher degree in research or equivalent experience. If the business of the AEC relates to the use of animals for teaching only, a teacher with substantial and recent experience may be appointed;
  - (iii) 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 University, 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; and;
  - (iv) Category D — a person not employed by or otherwise associated with the University 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.

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- 8 Consistent with clause 2.2.8 of the Code, members appointed under Category C and Category D must together represent at least one-third of the Committee membership.
- 9 The Committee may also include additional members who provide skills or knowledge of value to the AEC (eg. in ethics or statistics), to assist the Committee to function effectively.
- 10 The members will be appointed by the Deputy Vice Chancellor (Research), upon recommendation of the Director, Office for Research, and are subject to ratification by Biosecurity Queensland.
- 11 The AEC Secretary will provide notice to Biosecurity Queensland of:
- (i) the proposed appointment of new members;
  - (ii) a proposed change of membership category for an existing AEC member; and
  - (iii) the retirement or resignation of an AEC member, and accordingly, the proposed appointment arrangement.
- 12 The AEC Secretary will also ensure that the regulatory authorities of other States and Territories where accreditation is held are notified of any changes in AEC membership.
- 13 The Secretary will advise each member in writing once his or her appointment has been ratified.

#### **TERMS OF OFFICE**

- 14 The members shall normally serve for a period of two years up to 31 December of the relevant anniversary year, and shall be eligible for re-appointment.
- 15 Prior to their appointment taking effect (and before subsequent renewal of their membership), all AEC members must sign a Membership Deed, which confirms (among other things) their commitment to abide by:
- (i) this Constitution;
  - (ii) the Standard Operating Procedures of the Committee
  - (iii) the terms of the University's Personal Information Privacy Plan; and
  - (iv) the requirement to disclose any conflict of interest, for inclusion in the AEC register (refer sections 29-34 of this Constitution below, for further details).

#### **RESIGNATION OR TERMINATION OF MEMBERSHIP**

- 16 A Member may resign from the AEC at any time by advising the Chairperson in writing (or in the case of the Chairperson, the Deputy Vice Chancellor (Research)). If possible at least two months' notice should be given.
- 17 The Deputy Vice Chancellor (Research) may terminate a membership on the Committee if the member:
- (i) fails to attend three consecutive meetings without the prior approval of the Committee Chairperson (or in the case of the Chairperson, the prior approval of the Deputy Vice Chancellor (Research));
  - (ii) ceases to fulfil the criteria for their membership category; or
  - (iii) fails to comply with the terms of their Membership Deed.
- 18 The Chairperson or Deputy Vice Chancellor (Research) will advise the AEC Secretary of the resignation or termination.
- 19 Appointment of a replacement member shall be arranged in accordance with section 10 of this Constitution, above.

## **CHAIRPERSON**

- 20 The Deputy Vice Chancellor (Research) shall appoint a person (who shall hold a senior academic position) to the role of Chairperson of the Committee, for a two year term.
- 21 The Chairperson shall have (at a minimum) the same rights and obligations as all other Committee Members.
- 22 In addition to the standard duties, authorities and responsibilities of a chairperson outlined in the University's [Guide to Committee and Meeting Skills](#), clause 2.2.13 of the Code imposes on the Chairperson of the AEC responsibility for:
- (i) impartially guiding the operation of the AEC;
  - (ii) resolving conflicts of interest related to the business of the AEC; and
  - (iii) representing the AEC in any negotiations with the University's management.
- 23 The Chairperson may not direct the Committee to act in a way which is contrary to the requirements of the Act or the Code.
- 24 Where this Constitution or the Standard Operating Procedures provides for a decision of the AEC to be made by majority (rather than consensus), the Chairperson has a casting vote in addition to their personal deliberative vote, in the event of an equality of votes. In the context of AEC decisions on whether particular projects or activities should be approved, the Chairperson should keep in mind the guidance set out in clause 2.3.11 of the Code and should only exercise his or her casting vote once the procedure specified in section 47 of this Constitution has been followed.

## **DEPUTY CHAIRPERSON and AEC EXECUTIVE**

- 25 At the first meeting of the year, the AEC shall elect one or more Deputy Chairperson/s from among its Members (excluding the Chairperson). The Deputy Chairperson will serve for a period of one year.
- 26 The Deputy Chairperson shall exercise the responsibilities of the Chairperson on those occasions when the Chairperson is absent from the meeting or where the Chairperson registers a conflict of interest in relation to a particular matter under discussion.
- 27 At the first meeting of the year, the AEC shall also elect at least one Category C or Category D Member to serve, with the Chairperson, on the AEC Executive.
- 28 Consistent with clause 2.2.23 of the Code, the AEC Executive:
- (i) may approve minor amendments to approved projects for ratification at the next Committee meeting; and
  - (ii) must not approve new proposals, major amendments or annual reports.

## **CONFLICTS OF INTEREST**

- 29 The AEC Secretary will maintain an AEC register of conflicts of interest.
- 30 A Committee member (or other attendee at the AEC meeting) who has an interest or a perceived interest in a matter under discussion must declare the interest immediately upon becoming aware of it. Examples include (but are not limited to) membership of the research team, supervision of a member of the research team, family relationship with a member of the research team, or pecuniary interest in a project.
- 31 Ongoing interests (eg an employment relationship or membership of an external organisation) will be recorded in the register and do not need to be re-declared at each meeting.
- 32 The Committee will decide (on a majority basis) whether the interest declared constitutes a conflict of interest.

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- 33 Minutes of Animal Ethics Committee meetings must contain records of all declared interests and conflicts of interest relevant to specific matters under consideration at that meeting, and of any measures taken to address the conflicts of interest.
- 34 Where the Committee determines that a declared interest constitutes a conflict of interest, members or other attendees with that conflict of interest in relation to a matter under consideration must withdraw from the meeting while that matter is being discussed. Once any members so conflicted have withdrawn, the number of remaining members must still constitute a quorum if a decision is required.

### **RESPONSIBILITIES OF COMMITTEE MEMBERS**

- 35 Consistent with the Committee's commitment to confidentiality, members must not discuss matters relating to the Committee's deliberations outside the Committee, unless:
- (i) they are discharging a delegated or official responsibility of their membership (eg. an Animal Ethics Advisor discussing with a head of an element a pattern of problems with applications submitted from that element); or
  - (ii) disclosure is required in relation to official University business.
- 36 Members must also make themselves aware of the University's conflict of interest policy, and must disclose any actual, potential or perceived ongoing conflict of interest in accordance with sections 29-34 of this Constitution.
- 37 Members must immediately notify the Chairperson of the AEC in writing should any Disqualifying Event happen to them, during the period of their membership of the AEC. "Disqualifying Event" has the meaning given to that term in the Act, which is currently – a conviction (other than a spent conviction) for an "animal welfare offence" or similar offence committed in another Australian jurisdiction. "Animal welfare offence" is currently defined as an offence against certain provisions of the Act or the Criminal Code, section 468 ("Injuring animals").

### **SECRETARY**

- 38 The Director, Office for Research will appoint a Secretary to the Committee who will have rights of audience and debate. The Secretary will normally be the Animal Ethics Coordinator (responsible for administration of animal ethics).
- 39 A detailed description of the role of the Secretary is set out in the Standard Operating Procedures.

### **MEETINGS**

- 40 The annual meeting schedule for the AEC will be determined at the end of the preceding year. Generally, the AEC will meet at least 9 times a year.

### **QUORUM**

- 41 A quorum constitutes at least one Member from each of the membership categories A, B, C and D. Categories C and D together must represent at least one-third of those members present. When a face-to-face meeting is not possible, a quorum may be established through the use of video-linking or, in special circumstances, teleconferencing with remote members. A quorum is required for all Committee decisions.

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## **RIGHTS OF AUDIENCE AND DEBATE**

- 42 Meetings of the AEC may be attended by the following non-members, none of whom shall be counted in reaching a quorum, however all persons listed shall have the rights of audience and debate:
- (i) the AEC Secretary – appointed under section 38 of this Constitution, above;
  - (ii) the animal facilities manager – the Chairperson may invite the attendance and participation at its meetings of the person currently holding the position of animal facilities manager (or equivalent) at the University, being the person responsible for the routine care of animals within the University. For the avoidance of doubt, this person is not a member of the AEC and does not have voting rights;
  - (iii) additional non-member advisors - the Chairperson may invite the attendance and participation at its meetings of such persons who, by reason of their special expertise or experience, can assist the Committee's deliberations on any particular matter. Such persons may participate in debate if invited to do so, but cannot exercise a vote; and
  - (iv) Responsible Investigators - the Chairperson can elect to invite the Responsible Investigator to attend a meeting of the AEC to discuss their application with the Committee, if it is felt that this will assist with the review of the application. The Responsible Investigator shall not be present when the Committee makes its decision.

## **OBSERVERS**

- 43 Observers may attend Committee meetings at the Chair's discretion or invitation. AEC members should be advised before a meeting if an observer will be in attendance. Such persons may have an interest in research ethics and the review process but are not Committee members. Observers must sign a confidentiality agreement before papers are shared and the meeting commences.

## **DECISIONS BY THE COMMITTEE**

- 44 Members have debate and voting rights for all matters before the Committee unless a conflict of interest exists (see section 29-34 of this Constitution, above).
- 45 17.2 Wherever possible, Committee decisions should be made on the basis of consensus (refer clause 2.3.11 of the Code).
- 46 Notwithstanding section 45 above, each member is responsible for deciding whether, in their own judgement, an application or other matter under consideration by the Committee is ethically acceptable (refer clause 1.3 of the Code) and meets the requirements of the Code. To fulfil this responsibility members should:
- (i) be familiar with the Code and other policies and guidelines relevant to the business of the AEC; and
  - (ii) provide opinions on the ethical acceptability of applications and other matters under consideration by the AEC.
- 47 Where two or more Members oppose a proposal, it should not be approved until the Committee has explored with the applicant(s) ways of modifying the project that may lead to consensus. If consensus is still not achieved, the AEC should only proceed to a majority decision after Members have been allowed a period of time to review their positions, followed by further discussion (see clause 2.3.11 of the Code).

## **PHYSICAL INSPECTIONS**

- 48 All University activities that involve the care and use of animals for scientific purposes are subject to monitoring by the AEC. As required by clause 2.3.17 of the Code, the AEC monitors the care and use of animals by inspecting animals, animal housing and the conduct of procedures, and/or by reviewing records and reports.
- 49 Consistent with clause 2.3.21 of the Code, the Committee shall determine the frequency and timing of inspections.
- 50 The Committee may request that individual AEC members or suitably qualified University staff undertake such inspections on its behalf in relation to remote facilities or sites.
- 51 Where an inspection detects activities that are considered to be non-compliant with the Code or an approved protocol, the Committee must direct the researcher in writing to cease any activities that have the potential to adversely affect animal wellbeing immediately and initiate remedial action.

## **EMERGENCY ACTIONS**

- 52 Consistent with clause 2.5.5 of the Code, animal facilities staff and consultant veterinarians may carry out the emergency treatment or euthanasia of animals where they reasonably believe this is necessary for the maintenance of animal welfare.
- 53 If an emergency welfare intervention is considered necessary, animal carers must take reasonable steps to first contact the Responsible Investigator or Teacher following the procedures outlined in the Animal Facility Procedure – Animal Health Monitoring document. However, the welfare of the animal must be the priority at all times and may necessitate immediate intervention.
- 54 Animal carers must promptly:
- (i) advise the Responsible Investigator of actions taken and the reasons for emergency interventions; and
  - (ii) report the event to the AEC, via the AEC Secretary.
- 55 The Chairperson (as the delegate of the Deputy Vice Chancellor (Research)) may issue a written notice to a responsible investigator of suspension of activities in relation to an adverse event or apparent breach of an approved protocol in cases where the Chairperson reasonably believes that the welfare of animals will be seriously compromised if the activities are permitted to continue. Any such suspension of activities must be considered by the Committee at its next meeting, and the Committee should make a decision on whether the relevant approval should be suspended, modified or withdrawn.
- 56 Consistent with the Australian and Griffith University Codes for the Responsible Conduct of Research, the Chairperson (in consultation with the Office for Research) will also consider whether any apparent breach of an approved protocol should be referred for formal investigation pursuant to the University's procedures for dealing with misconduct or serious misconduct, and will make a recommendation accordingly.

## **REPORTING PROCEDURES**

- 57 The Chairperson, with the support of the Committee will:
- (i) promptly report to the Deputy Vice Chancellor (Research) (or delegate) any event or issue that may require referral to Biosecurity Queensland or other regulatory body;
  - (ii) provide an annual report to the University Council through the Research Committee; and

- (iii) assist the University with the preparation of any other reports required by law relating to the use of animals for scientific purposes, including those required by the National Health and Medical Research Council and Biosecurity Queensland, Department of Agriculture and Fisheries or its equivalent.
- 58 The Chairperson shall also meet with the Deputy Vice Chancellor (Research) or delegate to discuss the annual report.
- 59 Consistent with the requirements of clause 2.3.29 of the Code, the AEC's annual report to the University Council should advise on:
  - (i) numbers and types of projects and activities assessed, and approved or rejected;
  - (ii) the physical facilities for the care and use of animals by the University;
  - (iii) actions that have supported the educational and training needs of AEC members and people involved in the care and use of animals;
  - (iv) administrative or other difficulties experienced; and
  - (v) any matters that may affect the University's ability to maintain compliance with the Code and, if appropriate, suitable recommendations.

## **REPORTING**

- 60 AEC will report its activities to the Research Committee. AEC will provide an annual report to the Research Committee.