

## **TERMS OF REFERENCE**

### **1. Establishment**

The Non-Government Schools Animal Ethics Committee (NGSAEC) is established in accordance with the condition imposed on the South Australian Commission for Catholic Schools (SACCS) Licence to undertake teaching, research or experimentation involving animals issued to the relevant institutions. The Association of Independent Schools in South Australia (AISSA) will also refer to these Terms of Reference and is an equal partner in the Committee's decision making and administration.

The NGSAEC is established in accordance with the *Animal Welfare Act 1985* (the Act), the *Animal Welfare Regulations 2012* (the regulations) and the *Australian Code for the Care and Use of Animals for Scientific Purposes 8th Edition 2013* (the Code).

### **2. Purpose**

The purpose of the NGSAEC is to ensure that the care and use of animals in Independent and Catholic schools in South Australia is justified, provides for the welfare of those animals, and incorporates the principles of Replacement, Reduction and Refinement. The Terms of Reference are consistent with the Code and the functions that are outlined in the Act.

SACCS and AISSA have agreed to share responsibility for the organisation, administration, and the management of the NGSAEC and its work.

### **3. The Chair**

- 3.1 A person who holds a senior position within one of the two school sectors will be appointed as Chair of the NGSAEC.
- 3.2 The two sectors will provide Chairs on a two-year alternating basis.
- 3.3 The Chair is appointed in addition to category A to E members.

### **4. Members**

- 4.1 Membership of the NGSAEC will comprise of at least five persons, appointed to each of the five Categories A, B, C, D and E described in the Act, as follows:
  - 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.
  - 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 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.
  - 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 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.

- 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. The wider community should view Category D members as bringing a completely independent view to the AEC and must not fit the requirements of any other category.
- E) A person who is responsible for the daily care of animals kept for use in teaching or research activities.

- 4.2 When a vacancy arises, that vacancy will be filled by agreement between SACCS and AISSA to ensure each membership category is filled at each meeting of the NGSaec and that the two organisations are equally represented.
- 4.3 While only five members are required, additional members are encouraged and may be appointed to the NGSaec. Having one or more alternate members for each of the categories assists the scheduling of quorate meetings.
- 4.4 The alternative members are appointed by, and at the discretion of, SACCS after consultation with, and agreement of, AISSA.
- 4.5 SACCS may appoint proxy members after consultation with, and agreement of, AISSA if they consider this would assist the NGSaec in achieving its purpose.

## **5. Support to the NGSaec**

5.1 An Executive Officer (EO) shall be appointed by the organisation from which the Chair is drawn to assist the Chair in managing the regulatory and practical aspects of NGSaec operations. The EO (or delegate) will attend NGSaec meetings but will not be a voting member of the NGSaec. The duties of the EO will include:

- Communicating with members outside meetings as required.
- Calling for agenda items prior to meetings, allowing sufficient time for responses.
- Preparing and writing the agenda with the Chair.
- Distributing the agenda and papers prior to meetings, allowing adequate reading time.
- Organising room bookings, catering and any equipment or other items required.
- Taking notes at the meeting.
- Finalising the Minutes in consultation with the Chair.
- Preparing the advisory and approval letters to applicants after the meeting.
- Keeping a complete record of all meetings, correspondence, and any other documentation; and
- Contacting members, if required, to address out-of-session matters.

## **6. Payment of Members**

6.1 The committee will not normally pay its members nor reimburse members' travel. Payment in kind or otherwise may be considered on a case-by-case basis at the discretion of the Chair.

## **7. Tenure and Appointment Process**

- 7.1 The Code requires that before appointment, all members of NGSaec should acknowledge in writing their acceptance of the Terms of Reference of the Committee and any requirements for confidentiality required by the institution. Also see section 11.
- 7.2 SACCS will appoint NGSaec members for a term not exceeding a two-year period.
- 7.3 Appointments are made on receipt of a letter from the school sector nominating that member and accompanied by a biography and nomination form demonstrating the

suitability of the candidate and a signed confidentiality agreement. Members may be offered a further term.

- 7.4 If a member wishes to serve another two-year term they should advise the Chair in writing prior to the expiration of their term.
- 7.5 A member may resign from the NGSaec at any time by advising the Chair in writing. The Chair will advise the Executive Officer.
- 7.6 The Chair and the EO will be appointed by the establishing organisations and will continue in the role until the sector establishing organisations terminate the appointment or the member resigns.

## **8. Dismissal of Members**

8.1 In certain circumstances, the NGSaec may resolve to recommend to SACCS that a member be removed. This may occur if the member:

- Has a real or apparent conflict of interest with the interests of the NGSaec.
- Behaves in a way which brings the NGSaec into disrepute.
- Impedes the NGSaec from fulfilling its Terms of Reference.
- Engages in misconduct.
- Incurs a criminal record.
- Incurs termination of employment due to misconduct.
- Has a poor attendance record (i.e., misses three consecutive meetings without leave of absence, without good cause or without notifying the Executive Officer).
- Fails to meet confidentiality requirements.
- Consistently fails to read the meeting documents prior to the meeting.
- Uses information for purposes other than those intended.
- Behaves in a manner which impairs the effectiveness of the NGSaec.
- Demonstrates mental or physical incompetence.

8.2 A member will only be removed when both SACCS and AISSA agree that this step is necessary.

8.3 The member will be notified in writing of termination of their membership and will have the right to appeal that decision to the Chief Executive AISSA and the Chair of SACCS whose decision shall be final.

## **9. Meeting Procedures and Quorum**

9.1 The NGSaec meeting shall have a quorum of at least one member from each Category A, B, C, D and E, as described in the Act, being present.

9.2 In the absence of the Chair, the NGSaec may elect a Chair from the members in attendance.

9.3 Category C and D members will comprise not less than one-third of the members participating in a meeting. Category E will be included with C and D members' numbers to calculate the one-third rule where the Category E person is external to the institution.

9.4 Meetings will be held in a face-to-face and MS Teams environment.

9.5 The NGSaec will hold regular meetings, at least one per school term.

9.6 Minutes of each meeting will be distributed to the NGSaec members. An agenda will be prepared and distributed for each meeting, along with meeting papers.

9.7 Information discussed at Committee meetings will remain confidential (as per section 11.)

9.8 The NGSaec will review all written applications from schools planning to use animals for teaching purposes under the following recommendations:

- Approved meeting all criteria
- Approved subject to modifications
- Rejected, as proposal is not compliant with the Code. If rejected, the NGSaec will ensure that the activity if in progress ceases immediately and remedial action is initiated.

9.9 The NGSaec, in considering a project application, must be convinced that the benefits

from the use outweigh the potential costs to the animal/s. For animal use to be justified the 3R's must be complied with:

- Replacement of animals with alternatives where possible
- Reduction in the numbers of animals used (without compromising statistical validity)
- Refinement of techniques to reduce the impact on the animals.

9.10 The NGSaec will act regarding unexpected adverse events or non-compliance to ensure animal wellbeing is not compromised. Action may include, where necessary, withdrawal of approval for any project or authorisation for treatment or humane killing of any animal.

## **10. Appeals Of NGSaec Decisions**

10.1 Notwithstanding the following grievance procedures adopted by the establishing organisations, any NGSaec member who suspects on reasonable grounds that there has been a breach of legislation may exercise their right to report this directly to the appropriate state or territory authority.

10.2 NGSaec operations or rulings:

10.2.1 Grievances by Committee members or applicants concerning NGSaec operation or rulings should in the first instance be discussed, in confidence, with the Chair.

10.2.2 The Chair will decide whether the matter is best referred back to the NGSaec or referred to the establishing organisations.

10.2.3 Irreconcilable differences between the NGSaec and a member or applicant must be referred by the Chair to the establishing organisations.

10.2.4 If any matter is referred to the establishing organisations, the NGSaec must be informed that this course of action has been initiated.

10.2.5 Any ruling of the NGSaec may be appealed to the Minister responsible for administering the Animal Welfare Act, as per Division 3 Paragraph 26 of the Act.

10.2.6 Any ruling of the Minister responsible for administering the Animal Welfare Act may be appealed to the Supreme Court, as per Division 3 Paragraph 27 of the Act.

10.3 Care and use of animals:

10.3.1 Concerns held by any person, be they teaching staff, animal management staff, students, or general staff, about the wellbeing of animals used should in the first instance be discussed with the school focus person, or senior staff member.

10.3.2 Such concerns may be reported to the NGSaec Chair.

10.3.3 All complaints and concerns must be treated seriously, and investigations must meet standards of natural justice.

10.3.4 The Chair must determine if:

10.3.4.1 The complaint or concern is properly and fairly made.

10.3.4.2 The complaint or concern is valid.

10.3.5 If the complaint or concern is found to be valid, the Chair may institute one or all of the following:

10.3.5.1 Consultation with the student or staff member who is the subject of the complaint or concern.

10.3.5.2 Suspension of all further work on the project in question.

10.3.5.3 Suspension of all projects pertaining to the student or teacher in question.

- 10.3.5.4 Initiation of an unexpected adverse event investigation,
- 10.3.5.5 Solicitation of veterinary treatment or euthanasia of the animal/animals in question.
- 10.3.5.6 Communication with the school Principal.
- 10.3.5.7 Report of the incident to the establishing organisations, if the incident is deemed to be a matter of significant non-compliance
- 10.3.6 Written records must be kept of all actions taken.
- 10.3.7 The complaint or concern and any action arising from it must be reported to the NGSAC at the next full meeting.
- 10.4 Conscientious objection:
  - 10.4.1 Concerns held by any student about the use of animals for teaching must be discussed with the appropriate staff member or animal focus person at the school.
  - 10.4.2 Any student wishing to complain about management of an expressed conscientious objection must refer the matter to the school Principal for resolution.
- 10.5 External review:
  - 10.5.1 An appeals process relating to the process for the triennial external review will be instituted by the establishing organisations, in consultation with the Chair and the manager of the Animal Welfare Unit of DEWNR, when agreeing the terms of the external review.
- 10.6 Non-compliance:
  - 10.6.1 Any event deemed to be a matter of non-compliance with the Code, or the Act must be reported to the Chair.
  - 10.6.2 The Chair will investigate all allegations of non-compliance, consulting as indicated with the school, animal management staff, teachers, or other members of the NGSAC.
  - 10.6.3 The Chair will then determine whether or not a non-compliance has occurred, and whether or not it is an administrative matter or impacts on animal welfare, and what subsequent actions or consequences are required.
  - 10.6.4 If the non-compliance has a significant impact on animal welfare, or is a repeated offence, the Chair must report the matter to the establishing organisations.
  - 10.6.5 If a matter of non-compliance also involves a breach of State legislation, the Chair must ensure that the relevant regulatory authority has been informed by the Institution.
  - 10.6.6 The Chair will report back to the NGSAC about any non-compliance investigations, findings, and actions.
- 10.7 Disputes between the NGSAC and the Institution:
  - 10.7.1 Any dispute between the NGSAC and a school or teacher must be reported by the Chair to the establishing organisations.
  - 10.7.2 If the Chair and the establishing organisations are unable to resolve the dispute internally, external mediation will be organised by the establishing organisations.

## **11. Confidentiality**

- 11.1 Candidates for membership of the NGSAC will sign a Confidentiality Agreement prior to appointment to the NGSAC.
- 11.2 Visitors and people assisting the NGSAC at meetings will sign a Confidentiality Agreement prior to their first meeting.
- 11.3 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.
- 11.4 Members of the NGSAC must sign a Confidentiality Agreement which prohibits disclosure of projects - specific information, details about the NGSAC process, conversations, deliberations or decisions and details about other Committee members outside of the NGSAC itself. This agreement does not apply to any information that:
  - 11.4.1 Constitutes alleged breaches of legislation which may be reported to the relevant State or Territory government authorities.
  - 11.4.2 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).
  - 11.4.3 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.
  - 11.4.4 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.
- 11.5 Any visitors, guests or observers present at NGSAC meetings must also sign a Confidentiality Agreement.
- 11.6 Information may be sought by NGSAC members from contacts outside the NGSAC with regard 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.
  - 11.6.1 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 NGSAC business or purposes.
- 11.7 It is up to members to seek advice from the Chair if they are unsure of how to balance their responsibilities with regard to confidentiality and security.
- 11.8 SACCS and AISSA procedures and guidelines must be adhered to:
  - 11.8.1 When using IT facilities or equipment.
  - 11.8.2 When accessing their webpages or shared sites.
- 11.9 Should any confidential information (or any storage device containing confidential information) pertaining to the NGSAC be lost or stolen, the EO must be notified immediately.

## **12. Conflict of Interest**

- 12.1 All NGSAC members should declare all real or potential conflicts of interest and the nature of that interest to either the Chair or EO of the NGSAC as soon as is reasonable after they become aware of the conflict.
- 12.2 A conflict of interest may arise where a NGSAC member:

- has his or her own proposal being considered;
- has an interest in an external provider of a product or service; or
- has an interest or relationship with a researcher or teacher with a proposal being considered.

12.3 If a member of the NGSAC is a practising teacher whose own proposal is being considered, they will leave the room until the decision is made.

12.4 Where a situation arises where a member of the NGSAC has an interest that may be seen to influence the objectivity of a decision that member must declare the conflict of interest and refrain from joining in the discussion, providing an opinion or casting a vote on any matter where there could be a perceived or real conflict of interest.

### **13. Guests And Seeking External Advice**

13.1 The NGSAC may invite people with specific expertise to provide advice as required. The NGSAC will agree on how such advice can be sought from outside experts without breaching confidentiality. This will be dependent on the situation and the issues on which advice is sought.

### **14. The Executive**

14.1 The Executive of the NGSAC must be comprised of at least two members being:

14.1.1 The Chair.

14.1.2 One Category C or D member.

14.2 The Executive will be supported administratively by the EO (or delegate). The EO will not be a voting member of the Executive.

14.3 The Executive may approve revised applications that have already received Conditional Approval from the NGSAC, as long as the conditions imposed by that approval have been satisfied. The Executive may not impose its own conditions in addition to those of the NGSAC.

14.4 The Executive may approve minor modifications to currently approved projects.

14.5 When reviewing revised applications or minor modifications, the Executive may seek advice from the Animal Welfare Officer (AWO) regarding animal impact or welfare considerations.

14.6 Should the Executive fail to reach consensus regarding a revised or minor application, the application must be referred back to the full NGSAC at its next meeting.

14.7 The Executive may deal with emergencies, including but not limited to unexpected adverse events, natural disasters, or breaches of approved project protocols.

14.8 Any decision made by the Executive must be reviewed by the NGSAC at its next meeting and either rejected or ratified.

14.9 Where an Executive decision is rejected the NGSAC will provide direction regarding the handling of such matters.

### **15. The Approval Process**

15.1 The NGSAC will examine and approve in writing, with or without modification, or reject written proposals for the use of animals in experiments or for educational purposes as it deems appropriate.

15.2 The NGSAC will make recommendations to schools to ensure that the standards of the Code are maintained, in the form of written feedback on applications as appropriate.

15.3 The NGSAC, in approving or rejecting applications, will have regard to factors such as ethical issues, the welfare of the animals and educational value of the proposal.

15.4 The NGSAC will withdraw in writing approval for an application/proposal not conforming

to the Code.

- 15.5 If Schools are using animals and have not submitted an application, the NGSAC will notify the school in writing that permission has not been given to keep or use animals for teaching and learning purposes.
- 15.6 Approval of applications will be by consensus, where unanimous approval is not possible. If consensus is not possible, the matter will be determined by vote. If the NGSAC is equally divided, the Chair may determine the matter.

## **16. Monitoring**

- 16.1 The NGSAC will monitor the acquisition, transportation, production, housing, care, use, and fate of animals by:
  - Ensuring applications comply with the Act, the Code and Regulations, and any other guidelines for the ethical treatment of animals.
  - Conducting inspections of school sites and activities as frequently as deemed necessary by the NGSAC.
  - The development of an annual audit program with a focus on high-risk activities. The program will include desk and field audits, including the use of electronic media, to conduct inspections of school sites and animal use activities.
  - The site inspection team will prepare a written report for the NGSAC following inspections. Schools will be invited to respond to the written report.
  - Authorising delegates to conduct inspections of sites and monitor animal use activities at remote sites. Delegates must prepare written reports for the NGSAC for the following inspections. Such reports may consist of a checklist approved by the NGSAC.
  - Receiving reports and advising on unexpected or adverse effects that impact on the welfare of animals used for scientific purposes.
  - Collecting and reviewing Annual Reports on all activities to confirm that animal use and fate is consistent and in accord with the approved activity application.

## **17. NGSAC Annual Reports**

- 17.1 The keeping of animals for scientific purposes requires the NGSAC to prepare an annual report for the governing body of the institution(s) for which it acts (ref 2.3.28). The NGSAC reports to the Establishing Organisations each year.
- 17.2 The report should include information on:
  - numbers and types of projects assessed and approved or rejected.
  - the physical facilities for the care and use of animals by the institution.
  - activities that have supported the educational needs of NGSAC members, and of personnel involved in the care and use of animals.
  - administrative or other difficulties being experienced; and
  - any matters that may affect the institution's ability to maintain compliance with the Code and if necessary, the provision of suitable recommendations.
- 17.3 The NGSAC will produce an annual report for SACCS and AISSA. Information required by DEWNR includes number of animals used, number of meetings, number quorate, number of proposals, number approved/rejected and details of members attending meetings with a brief summary of the business discussed. Details and frequency of monitoring of animal facilities are also to be included.

## **18. Records**

- 18.1 The NGSAC will distribute information, collect data, and maintain documentation regarding the care of animals that are bred, held, and used for teaching science in Non-Government schools in South Australia. The NGSAC will provide information to Schools to ensure applicants are aware of the details required in submission of an application/proposal.



18.2 The NGSaec will maintain a database of contact persons in Schools, maintain records and registers of all applicants and have written procedures to advise schools of approval of an application, or that deals with non-compliance of the Code.

**19. External Review**

19.1 The NGSaec will comply with external review requirements and recommendations.

**20. Revision of the Terms of Reference**

20.1 These Terms of Reference will be reviewed as necessary by the NGSaec in response to changes in legislation and or institutional/departmental policy.

Link to NHMRC website for a copy of the *Australian code for the care and use of animals for scientific purposes, 8th Edition 2013*:

<https://nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes>