WILDLIFE ETHICS COMMITTEE

Terms of reference

The Wildlife Ethics Committee (the WEC) is established as a condition of the South Australian licence to undertake teaching, research or experimentation involving animals pursuant to Section 19(2)(a) of the *Animal Welfare Act 1985* (the Act) and the *Animal Welfare Regulations 2012* (the Regulations). The committee is a partnership between the Department for Environment and Water (DEW), SA Museum and Zoos SA. The committee serves the licensees (the licensees) of DEW, SA Museum and Zoos SA and numerous other researchers and unaffiliated organisations that hold licences to undertake teaching or experimentation involving animals in South Australia. These terms of reference were endorsed on by Ben Bruce, Chief Executive (CE) DEW. The terms of reference were subsequently endorsed by the WEC on .

1. Terms of reference preamble

The Terms of reference of the Committee are to:

1.1. Ensure that the WEC membership will enable the committee to meet its responsibilities in accordance with the requirements of the *Australian code for the care and use of animals for scientific purposes (8th edition 2013)* (the Code) and the Act.

1.2. Describe how members are appointed, re-appointed or retired.

1.3. Ensure that the WEC has terms of reference that are publicly available.

1.4. Describe the reporting mechanisms. The committee reports annually to the Chief Executives of its three principal licensees, namely DEW, SA Museum and Zoos SA, and provides copies of external reviews to these organisations.

1.5. Ensure that all research and teaching using animals considered by the WEC is compliant with the Code, the Act and the Regulations.

The Code requires that:

- Investigators, teachers and institutions using animals are aware of, and meet, the responsibilities it places upon them.
- The welfare of animals is always considered.
- The use of animals is justified. Pain or distress for each animal used in scientific and teaching activities is avoided or minimised.
- The number of animals used in projects is minimised.

- The development and use of techniques which replace animal use in scientific and teaching activities is promoted.
- Events that have a negative impact of animals and that was not foreshadowed in the approved project are investigated.

2. Objectives and performance of the Wildlife Ethics Committee

2.1. FUNCTIONS AND RESPONSIBILITIES OF THE WEC

The Committee:

2.1.1. Examines and approves, approves subject to modification or conditions, or rejects written applications (including modifications to previously approved projects) to use animals for research or teaching; and approves only that use for which animals are essential and which conforms to the requirements of the Code, taking into consideration ethical and welfare aspects as well as scientific value.

2.1.2. May invite, through the Chair, appropriate experts or request information from other sources in order to facilitate its work whilst maintaining the confidentiality of applicants and researchers.

2.1.3. Receives and reviews final and annual reports of approved research. Receives and reviews unexpected adverse event reports from researchers and teachers.

2.1.4. Approves guidelines and standard operating procedures for the care of animals that are captured, transported, held, or used for any other teaching, research or experimentation by the licensees it serves.

2.1.5. Maintains a register of approved applications.

2.1.6. Takes appropriate action to address unexpected adverse events, non-compliance with the Code, or any other mandatory standard of conduct applicable at the time, to ensure that animal wellbeing is optimised and public accountability is prioritised. Actions may include suspension or withdrawal of approval for any project, or authorisation for treatment or humane killing of any animal.

2.1.7. Supports and promotes education and training in the care and use of animals for teaching, research and experimentation.

2.1.8. Reports annually to the Chief Executives of DEW, SA Museum and Zoos SA regarding matters of animal use and welfare as required by the Code (Sections 2.3.27 and 2.3.28).

2.1.9. Recommends to those, or any other licensees served by the Committee, any measures that are needed to ensure compliance with the Code.

2.1.10. Performs all other duties required by the conditions imposed by the licence to use animals for teaching, research or experimental purposes. This includes compliance with policies and guidelines,

2.1.11. Ensures that the care and/or use of animals for all teaching, research and experimentation is in accordance with the Code for the following organisations:

2.1.11.1. DEW

2.1.11.2. SA Museum

2.1.11.3. Zoos SA

2.1.11.4. Other licensees who depend on the committee for ethical review of their work in compliance with their conditions of licence.

2.2. MEMBERSHIP

2.2.1. The membership of the WEC allows it to fulfil its terms of reference and is compliant with the Act and the Code.

2.2.2. The membership of the WEC meets the requirements of the Code and, in accordance with Section 23(3) of the Act, includes, Category E (see Section 2.2.4.5 below).

2.2.3. The WEC and its members are appointed by the Chief Executive of DEW with approval from SA Museum and Zoos SA. Potential committee members will be invited to attend a meeting as an observer before they are appointed.

2.2.4. The membership comprises at least one person from each of the following categories (Categories A to D as required by the Code and a Category E person as required by the Act) plus the Chair:

2.2.5. The Chair - A person with sufficient standing within DEW, Zoos SA or SA Museum to implement changes within those organisations if required. The Chair may also fill one of the categories below:

2.2.5.1. Category A – A person with qualifications in veterinary science that are recognised for registration as a veterinary surgeon in South Australia, and with experience relevant to wildlife.

2.2.5.2. Category B – A suitably qualified person with substantial and recent experience in the use of wildlife for scientific purposes.

2.2.5.3. 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 DEW, SA Museum or Zoos SA, and who is not currently involved in the care and use of animals for scientific purposes.

2.2.5.4. Category D – A person not employed by or otherwise associated

with DEW, SA Museum or Zoos SA 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.

2.2.5.5. Category E – A person who is responsible for the daily care of animal used in teaching or research activities.

2.2.6. The WEC may include additional members to ensure that it can function effectively. Additional members will not be considered for the requirements of 2.2.5

2.2.7. The term of office for a committee member is two years. On expiration of the term of office a member is eligible for reappointment (see Section 4).

2.2.8. The Chair of the Committee recommends to the CE DEW the proposed composition of the WEC for each two-year period.

2.2.9. A recommendation for a new appointment will include a curriculum vitae and an explanation of how the appointee's skills, knowledge and experience meet the requirements of the category for which they are proposed.

2.2.10. The Chair, the Executive Officer (see Section 2.5.1) and members nominated by the Chair may interview potential committee members to ensure their suitability to serve on the WEC and to confirm that the person fills the criteria of their Category.

2.2.11. The CE DEW 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.

2.2.12. Although members are appointed to the WEC by the CE DEW, in agreeing to be a member of the committee, a nominee agrees that all contact with the Chief Executive will be through the Chair.

2.2.13. As payment of members is not mandated by the Code, DEW will renumerate members in accordance with its *Remuneration for internal (non-statutory) DEW committees: Policy and Procedure* as amended from time to time.

2.2.14. All members must abide by the honesty and accountability requirements of the *Public Sector (Honesty and Accountability) Act 1995* for the South Australian Public Sector. 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 WEC is to function well

as a group and be able to fulfil its purpose. These include:

2.2.14.1. Acceptance that ethical research and teaching using animals is acceptable if the proposal has been properly assessed and duly approved by the Committee.

2.2.14.2. Courtesy and patience in dealing with other committee members, with researchers and with DEW, SA Museum and Zoos SA staff.

2.2.14.3. Willingness to listen as well as to speak.

2.2.14.4. Clarity and succinctness in oral and written communication.

2.2.15 Members must not make comments to the media regarding workings of the WEC. Members receiving requests from the media must refer these requests to the Chair.

2.3. CHAIR

2.3.1. The CE DEW will appoint a Chair to the WEC in consultation with the Chief Executives of SA Museum and Zoos SA.

2.3.2. The Chair will hold a senior position in DEW or SA Museum or Zoos SA and can also fulfil Categories A, B, C, or E.

2.3.3. The Chair is responsible for impartially guiding the operation of the WEC, resolving conflicts of interest related to the business of the committee, and representing the WEC in any negotiations with management within DEW or its affiliated organisations.

2.3.4. The WEC will appoint a member to chair a meeting if the Chair is absent.

2.3.5. The Chair may respond to media requests regarding general workings of the committee but not such as to breach confidentiality.

2.4. OTHER OFFICERS

2.4.1. The Executive Officer is appointed by the CE DEW to assist the Chair in managing the regulatory and practical aspects of the WEC. The Executive Officer (or delegate) will attend WEC meetings but will not be a voting member of the committee. The duties of the Executive Officer include:

2.4.1.1. Communicating with members outside meetings as required.

2.4.1.2. Receipt of applications, modifications, adverse events and annual and final reports from applicants.

2.4.1.3. Calling for agenda items prior to meetings, allowing sufficient time for responses.

2.4.1.4. Preparing and writing the agenda with the Chair.

2.4.1.5. Distributing the agenda and papers prior to meetings, allowing adequate reading time (normally at least a week).

2.4.1.6. Organising room bookings, catering and any equipment or other items required.

2.4.1.7. Taking minutes at the meeting.

2.4.1.8. Finalising the minutes in consultation with the Chair.

2.4.1.9. Preparing the notifications to applicants after the meeting.

2.4.1.10. Keeping a complete record of all meetings, correspondence, and all other documentation.

2.4.1.11. Contacting members, if required, to attend to out-of-session matters.

2.4.1.12. Inviting applicants or researchers to address the committee on the work they are undertaking or any incidents that have occurred.

2.4.2. The WEC has an Executive Subcommittee to carry out certain tasks (in accordance with Section 2.2.23 of the Code) on behalf of the committee out of session. The Executive will consist of the Chair and will include at least one member from Category A, Category C or D. The Executive Subcommittee will be administered by the Executive Officer.

2.5. FREQUENCY OF WILDLIFE ETHICS COMMITTEE MEETINGS

2.5.1. Meetings are scheduled by the Executive Officer in consultation with the Chair.

2.5.2. Meetings are held at least every 8 to 10 weeks.

2.5.3. 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 possible.

2.5.4. The timetable of meetings will include a closing date for submission of applications and other documentation for each meeting. The closing date will be determined such that it allows adequate time for processing of applications, preparation of meeting documents and assessment of applications by reviewers prior to the meeting date.

2.5.5. The Chair and the Executive Officer will strive to advise all applicants of the outcome of their application within 14 days of a meeting being held.

2.6. QUORUM

2.6.1. A quorum of five members is required at meetings of the Committee.

2.6.2. The quorum consists of at least one member representative of Categories A to E including the Chair. A quorum must be maintained for each decision of the Committee meeting.

2.6.3. Category C plus D members must represent at least one third of the members present.

2.6.4. If an applicant is a member of the WEC, 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 remotely to consider the application if no other member of that category is present at the meeting.

2.7. INDUCTION AND TRAINING OF WILDLIFE ETHICS COMMITTEE MEMBERS

2.7.1. Potential members may be invited to attend a WEC meeting as an observer prior to their appointment and are required to sign a confidentiality agreement prior to that attendance.

2.7.2. Newly appointed WEC members will be provided with relevant documents required to perform their duties including access to the Code, WEC Standard Operating Procedures and Animal Welfare site.

2.7.3. New members may be asked to attend an Induction with the Chair and Executive Officer which will include an overview of the Code, an introduction to the application forms and how to review them, a synopsis of the Committee's processes and a discussion of the roles of Categories A to E members.

2.7.4. Members shall participate in training on animal welfare.

2.7.5. All WEC 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) or other appropriate meetings.

2.8. GENERAL DUTIES

2.8.1. It is the duty of members to understand and accept their responsibilities under the Code.

2.8.2. Each member must decide in his or her mind whether or not an application or other matter under consideration by the WEC is ethically acceptable and be prepared to discuss their reasoning.

2.8.3. Each member is required to comply with any procedures and policies established by the WEC in the effective function of the 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.

2.8.4. All members must declare any conflict of interest. Types of conflict are perceived, potential and actual and could be:

2.8.4.1. Applicant on an application
2.8.4.2. Personal close relationship to an applicant on an application
2.8.4.3. Staff member applicant on application
2.8.4.4. Business interest in the application
2.8.4.5. Financial interest in the application

2.8.5. All members must maintain confidentiality in relation to all matters pertaining to the WEC (subject to legal requirements, refer section 7).

2.8.6. All members are expected to attend meetings, read the agenda papers, make a meaningful contribution to the meeting, abide by directions from the Chair, respect the views of other members and behave in a manner which assists the Chair to facilitate an effective and collaborative meeting.

3. Executive Subcommittee

3.1 The Executive Subcommittee of the WEC must be comprised of at least three members being:

3.1.1. Chair.
3.1.2. One Category A.
3.1.3. One Category C or D member.

3.2. The Executive Subcommittee is administered by the Executive Officer (or delegate). The Executive Officer is not a voting member of the Executive.

3.3. The Executive Subcommittee may approve revised applications that have been referred to it by the committee. The Executive Subcommittee may not impose its own conditions in addition to those of the committee.

3.4. The Executive Subcommittee may approve minor modifications to currently approved projects. A minor modification is defined as:

3.4.1. A change in principal researcher if the new principal researcher has previously been approved to fufill the role by the full WEC.
3.4.2. A change in personnel not including the primary researcher if the new person has an equivalent level of skill and experience to previously approved personnel.

3.4.3. A change in the name of the institution seeking ethical approval if the licence of the new institution nominates the WEC as its animal ethics committee.

3.4.4. Extensions of time (up to six months for a project).

3.4.5. Minor changes in methodology, or the site at which work is to be undertaken which are in accordance with a standard operating procedure approved by the WEC, and if the impact category remains unchanged or lessened.

3.5. When reviewing revised applications or minor modifications, the Executive Subcommittee may seek advice on a confidential basis from DEW's Animal Welfare Unit, one or more additional members of the wildlife ethics committee, or another animal ethics committee, regarding animal impact or welfare considerations but must not divulge information which would identify the researcher.

3.6. Should the Executive Subcommittee fail to reach consensus regarding a revised or minor application, the application must be referred to the full WEC at its next meeting.

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

3.8. Any decision made by the Executive Subcommittee must be reviewed and ratified by the WEC at its next meeting. Notwithstanding this requirement, the decision of the Executive Subcommittee comes into effect immediately upon it being made.

3.9. Alteration to the procedures as directed by a veterinarian for the purposes of the animal's immediate health and welfare will not need Executive Subcommittee or WEC approval. In this event the executive officer must be notified.

4. Term of office

4.1. The term of office for a WEC 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 Executive Officer prior to the expiration of their current term. The Chair has discretion to appraise the attendance record of a member, and/or their contribution to the effective operation of the WEC, and to seek other nominations as deemed appropriate.

4.3. If the Chair wishes to serve another two-year term, he/she should state so in writing to the CE DEW 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, giving three months' notice if possible.

5. Revocation of membership

5.1. The WEC may recommend to the CE DEW that a member be removed from the committee if the member:

5.1.1. Has an undeclared real or apparent conflict of interest with the interests of the WEC.

5.1.2. Behaves in a manner which brings the WEC into disrepute.

5.1.3. Impedes the WEC from fulfilling its terms of reference.

5.1.4. Engages in misconduct.

5.1.5. Breaches confidentiality.

5.1.6. Is absent from three consecutive meetings without notifying the EO or the Chair.

5.1.7. Fails to meet confidentiality requirements.

5.1.8. Consistently fails to read the meeting documents prior to the meeting.

5.1.9. Uses WEC information for purposes other than those intended.

5.1.10. Behaves in a manner which impairs the effectiveness of the WEC.

5.1.11. Makes media comments regarding the WEC activities without approval of the Chair.

5.1.12. Ceases employment with DEW, SA Museum or Zoos SA if membership was a condition of employment.

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 WEC 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. Retain the member subject to further review after an agreed period of time.

5.3. If the WEC resolves that a member be removed, the Chair will formally request that the CE DEW removes the member from the committee. The granting of such a request is at the discretion of the Chief Executive. The member's

membership will cease immediately on receipt of delivery of notice from the CE DEW that the request has been granted. The CE DEW will notify senior management of SA Museum and Zoos SA if a revocation has been made.

5.4. The CE DEW may instruct the Chair to suspend a member of the committee whilst a revocation of that member is under consideration.

5.5. A member may, at any time, submit a complaint or grievance, in accordance with the Wildlife Ethics Committee Complaints, Grievances and non-compliance procedure and Complaints and non-compliance Section 5 of the Code.

6. Voting rights of members

6.1. Whilst it is preferred that all decisions made by the WEC are on the basis of consensus, occasions may arise when a vote is required.

6.2. All members have the right to vote unless a member has a conflict of interest (see Section 10 below).

6.3. Each member in attendance at the meeting 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. If a non-member is co-opted to the WEC to provide 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 attendance at a meeting, receipt of agenda papers or appointment, members of the WEC must sign a Confidentiality Agreement which protects project-specific information, details about the WEC process, conversations, deliberations or decisions and details about other committee members from being disclosed outside of the WEC 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. Members may seek information on specific issues from contacts outside the WEC, 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.

7.3.1. 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 WEC business or purposes.

7.4. 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.

7.5. Compliance with DEW Information and Communication Technology (ICT) policies, procedures and guidelines are mandatory:

7.5.1. When using DEW ICT facilities or equipment.

7.5.2. When accessing DEW network or shared sites.

7.6. Should any confidential information (or any storage device containing confidential information) pertaining to the WEC be lost or stolen, the Executive Officer must be notified immediately.

7.7. .

8. Communication with the public

8.1. 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 WEC, who is the committee's authorised spokesperson on such issues.

8.2. Any communication with the Media must Ibe referred to the Chair who may in turn, seek advice from the DEW, SA Museum and/or Zoos SA media manager before agreeing to provide comment.

8.3. Third party information requests (see S ection 8.3.1) shall be considered by a meeting of the WEC bearing in mind confidentiality, legal issues, intellectual property and any other relevant factors. The Committee may seek advice from any of its licensees in consideration of such requests.

9. External review

9.1. An independent external review of Committee will be conducted every four years as mandated by the Code.

10. 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. If a member of the WEC 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

12.1 All applications must be received by the Executive officer.

12.2 The WEC will consider all proposals at its scheduled meetings before making recommendations or advising of their approval.

12. Related information

Wildlife Ethics Committee *Complaints, grievances and non-compliance*.

12.1. Wildlife Ethics Committee Confidentiality Agreement.

12.2. DEW's Remuneration for internal (non-statutory) DEW committees: Policy and Procedure.

13. Review and amendment of the terms of reference

14.1 These terms of reference will be reviewed every five years, or at any time if the Chair or the majority of members at a meeting so requests.

14.2 Before coming into effect, amendments must be agreed by the majority of members at a meeting, and by the CE DEW.

14.3 The SA Museum and Zoos SA must be invited to comment on any proposed amendments and advised if such amendments have been made.

14. Enquiries

Any inquiries about the Wildlife Ethics Committee should be directed to:

Executive Officer
Wildlife Ethics Committee
Department for Environment and Water
GPO Box 1047 Adelaide SA 5001 AUSTRALIA

Telephone (08) 8463 6851

Email: DEW.WildlifeEthicsCommittee@sa.gov.au