

UNIVERSITY OF TECHNOLOGY SYDNEY

ANIMAL CARE AND ETHICS COMMITTEE

TERMS OF REFERENCE

The University of Technology Sydney (UTS) Animal Care and Committee (ACEC) is a Vice-Chancellor's advisory committee that reports to the Deputy Vice-Chancellor (Research). Throughout this document, references to the Australian Code for the Care and Use of Animals for Scientific Purposes 8th Edition 2013 (the Code) are cited in brackets and relate to the relevant section and clause. These Terms of reference should be read in conjunction with the UTS ACEC Standard Operating Procedures (SOP).

1. Objectives

- 1.1. The UTS ACEC ensures, on behalf of the University of Technology Sydney, that all activities relating to the care and use of animals are conducted in compliance with the Code and the NSW Animal Research Act (2.1).
- 1.2. UTS recognises and supports the governing principles of the Code (1.1-1.4)
 - Respect for animals must underpin all decisions and actions involving the care and use of animals for scientific purposes.
 - The care and use of animals for scientific purposes must be subject to ethical review.
 - The ethical acceptability of the proposed use of animals must be based on information that demonstrates the principles in the Code and must balance whether the potential effects on the wellbeing of the animals involved is justified by the potential benefits.
 - The obligation to respect animals, and the responsibilities associated with this obligation, apply throughout the animal's lifetime.

2. Functions

- 2.1. Promote and ensure compliance with the Australian Code for the Care and Use of Animals for Scientific Purposes 8th Edition 2013 (the Code) and the NSW Animal Research Act, and all applicable legislation (2.3.1).
- 2.2. Protect the reputation of UTS as a place of ethical research by providing independent, competent, fair, timely review and monitoring of research and teaching involving the care and use of animals for scientific purposes.

3. Scope of responsibility

- 3.1. Receive, review and monitor proposals for all activities, including projects, that involve the care and use of animals for scientific purposes.
- 3.2. Approve only those activities that are ethically acceptable and conform to the requirements of the Code (2.3.1 - 2.3.2)
- 3.3. Monitor the care and use of animals by inspecting animals, animal housing and the conduct of procedures, and/or reviewing records and reports (2.3.17 - 2.3.23).
- 3.4. Assess and take appropriate action regarding adverse events, including unforeseen events (2.3.24).
- 3.5. Develop and provide input on UTS policies and guidelines for the care and use of animals for scientific purposes.
- 3.6. Provide education and training for UTS staff members and/or students on the ethical conduct of research and processes/requirements for ethical review and approval.
- 3.7. Provide advice to the University, through the Deputy Vice-Chancellor (Research), on strategies to promote awareness of the ethical conduct of animal research and on ethical issues including the ethical aspects of complaints against researchers or research projects and teaching protocols.

4. Accountability

- 4.1. The UTS ACEC is a Vice-Chancellor's advisory committee that reports to the Deputy Vice-Chancellor (Research).
- 4.2. The ACEC provides an annual report to the Vice-Chancellor and Deputy Vice-Chancellor (Research), NSW Department of Primary Industries, and other State and Territory Governments as required.
- 4.3. The ACEC will bring to the attention of the Director, Research Office and Deputy Vice-Chancellor (Research) any issues of significant concern.
- 4.4. The ACEC will undertake reviews in a timely and efficient manner and have mechanisms to monitor and evaluate their performance.

5. Composition

- 5.1. A Chairperson shall be appointed, with suitable experience, whose other responsibilities will not impair the ACEC's capacity to carry out its obligations under the Code. The Chairperson may be appointed in addition to Category A to D members (2.2.2).
- 5.2. A Deputy Chairperson (from within the ACEC's membership) shall be appointed to cover short-term absences by the Chairperson.
- 5.3. Membership of the ACEC shall comprise at least one person from each of the four categories of membership (2.2.4):
 - a) 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;

- b) Category B – a suitably qualified person with substantial and recent experience in the use of animals for scientific purposes relevant to the institution and the business of the ACEC. 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) 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 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
 - d) 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 ACEC, and must not fit the requirements of any other category.
- 5.4. Categories C and D shall together represent at least one-third of the ACEC membership (2.2.8).
- 5.5. Representatives who are not members of the ACEC but who serve in an advisory capacity may include:
- a person responsible for the routine care of animals within the University (2.2.5);
 - an Animal Welfare Officer (2.1.5 vii).
- 5.6. Additional members with skills and background of value to the ACEC may be appointed to the Committee (2.2.6). This may include a representative of the Animal Users' Group to advise on matters relevant to the Committee's deliberations. This representative may serve concurrently as a Category B member of the ACEC.
- 5.7. Observers are invited to attend the meeting at the discretion of the ACEC Chairperson.

6. Membership

- 6.1. The Chairperson, Deputy Chairperson, and all members will be appointed by the Deputy Vice-Chancellor (Research), and will receive a letter of appointment including the date of appointment, length of appointment, and responsibilities as an ACEC member. The process for the recruitment of members is outlined in the UTS ACEC SOP.
- 6.2. Members are required to acknowledge in writing their acceptance of the terms of reference and sign a declaration of interest and confidentiality statement undertaking:
- that any conflicts of interest, which exist or may arise during his/her tenure on the ACEC, will be declared (2.2.10); and
 - that all matters of which he/she becomes aware during the course of his/her work on the ACEC will be kept confidential (2.2.11).

- 6.3. Each person nominated in any category shall receive approval from the NSW Department of Primary Industries, and all other State and Territory Governments as required.
- 6.4. A formal induction session and support will be provided to all new members in accordance with the requirements of the Code (2.2.12).
- 6.5. Members are appointed for an initial period of one year. Thereafter, members may be appointed for a further two year term, and may then be re-appointed for a consecutive three year term. All appointments are renewable at the discretion of the ACEC Executive and the Deputy Vice-Chancellor (Research). The process for the retirement of members is outlined in the UTS ACEC SOP.
- 6.6. Members are required to attend at least 80% of the meetings held during each year of their appointment alongside the provision of written comments on the majority of the ethics applications being reviewed.
- 6.7. Members are expected to participate in inspections of animal facilities as arranged with the Ethics Secretariat.
- 6.8. Lay members and non-institutional members will be reimbursed for their travel costs.
- 6.9. During their membership on the ACEC, members will be provided with opportunities to attend training and professional development relevant to their work on the Committee (2.2.12).

7. Meetings

- 7.1. A quorum is required at each meeting for the ACEC to reach a final decision on any agenda item. The quorum for meetings is at least one member from each category as specified in the Code (2.2.4) attending in person, via videoconference or web conferencing, or in special circumstances, teleconferencing (2.2.26).
- 7.2. Categories C and D must together represent at least one-third of the ACEC membership (2.2.26)
- 7.3. The Chairperson, Deputy Chairperson and the Ethics Secretariat shall form an Executive. The ACEC Executive is responsible for conducting the business of the ACEC between meetings, excluding the review of new applications and amendment applications.
- 7.4. The ACEC Executive shall appoint a subcommittee, as required, to review minor and (where urgent) major amendments to approved activities, including projects, and to deal with other business as delegated to it by the full ACEC. Detailed requirements for subcommittee review are outlined in the UTS ACEC SOP.
- 7.5. The Deputy Chairperson shall undertake the duties of the Chairperson for at least one meeting per year.

8. Declaration of interest

- 8.1. An ACEC member must declare to the ACEC any conflicts of interest they have in relation to an application for ethical and scientific review or any other matter for consideration at the meeting. Conflicts of interest includes financial interests, personal, professional or institutional benefits or advantages that depend significantly on research outcomes.

- 8.2. An ACEC member with a conflict of interest who is present at the meeting may be asked to withdraw from the meeting (by leaving the room) or may remain in the room at the ACEC's discretion.
- 8.3. The ACEC member with a conflict of interest will not participate in the discussions and will not be entitled to vote in the decision with respect to the matter.
- 8.4. The minutes will record the declaration of interest and the decision of the ACEC on the procedures to be followed.

9. Confidentiality

- 9.1. ACEC meetings are held in private. The agenda and minutes of meetings, applications, supporting documentation and correspondence are all treated confidentially as outlined in the UTS ACEC SOP.

10. Record keeping and reporting

- 10.1. The Ethics Secretariat will maintain a record of all research proposals received and reviewed in accordance with the Code (2.3.30).
- 10.2. The Ethics Secretariat will prepare and maintain official records of the ACEC's activities, including agendas and minutes of all ACEC meetings.
- 10.3. Files will be kept securely and confidentially in accordance with the requirements of the State Records Act 1998 (NSW) and the UTS Records Management Vice-Chancellor's Directive.
- 10.4. Records shall be retained for a minimum of 15 years after action completed, then destroyed.
- 10.5. The ACEC will provide annual reports to the Deputy Vice-Chancellor (Research) and the NSW Department of Primary Industries as required (2.3.28-2.3.29). The content of the report will be in accordance with requirements outlined by the Code and the NSW Department of Primary Industries.
- 10.6. ACEC Terms of Reference will be available on the UTS Research Ethics & Integrity website (2.1.6).

11. Appeals, complaints and non-compliance

The UTS ACEC has agreed to the overriding principle that the UTS ACEC Executive, Animal Welfare Officer, the Director, Research Office or Deputy Vice-Chancellor (Research) may take immediate action to cease any activity with the potential to adversely affect animal wellbeing (5.2 i).

11.1. Appeals regarding ACEC rejection of an application

- 11.1.1. Where the ACEC has rejected an application, the investigator will be able to:
 - Submit a new application to the ACEC taking due account of the ACEC's concerns. This will be processed and reviewed in the same way as any other new application; or

- Lodge an appeal with the ACEC Chairperson specifying the grounds of the appeal in writing. The Chairperson will investigate the appeal and its validity and recommend to the ACEC an appropriate course of action in a timely manner.

11.1.2. The ACEC will notify the appellant of the course of action and determination in a timely manner.

11.1.3. If the appellant is not satisfied with the outcome, they will have the discretion to refer the appeal to the Director, Research Office.

11.2. Complaints about the ACEC's review process

11.2.1. A complaint about the ACEC's review process, including the process for independent external review, will be directed to the attention of the Chairperson of the ACEC, detailing the grounds of the complaint.

11.2.2. The Chairperson will investigate the complaint and its validity and recommend to the ACEC an appropriate course of action. The ACEC will notify the complainant of the course of action and determination in a timely manner.

11.2.3. If the complainant is not satisfied with the outcome, they will have the discretion to refer the complaint to the Director, Research Office.

11.3. Complaints about the care and use of animals for scientific purposes

11.3.1. Any concern or complaint about the care and use of animals for scientific purposes including conscientious objection in the case of teaching activities will be directed to the Research Ethics Manager.

11.3.2. Concerns or complaints from internal and external stakeholders received by email, telephone or in a face-to-face conversation will be recorded by the Research Ethics Manager and kept in a designated file in Content Manager.

11.3.3. The Research Ethics Manager will acknowledge receipt of the complaint and undertake a preliminary investigation regarding the issues raised by the complainant.

11.3.4. The ACEC Chair will be notified about the complaint and the results of the preliminary investigation and if necessary will provide advice about the appropriate resolution of the concern or complaint.

11.3.5. Where the preliminary investigation finds that the complaint may also represent a breach of the Australian Code for the Responsible Conduct of Research, the Research Ethics Manager will refer it to the Designated Officer who will take responsibility for handling the allegation in accordance with the UTS Research Ethics and Integrity Policy.

11.3.6. The Chair and the ACEC shall endorse the resolution of complaints relating to the ethical approval of a research project.

11.3.7. The complaint, and its proposed or actual resolution, will be notified to the Director - Research Office, the ACEC (at its next meeting), and the Faculty's Associate Dean (Research) or equivalent.

- 11.3.8. The Research Ethics Manager will inform the complainant and the respondent of the outcome.
- 11.3.9. In exceptional cases, the ACEC Chair, Deputy Chair or Research Ethics Manager may place an immediate suspension on a project upon receipt of a complaint. The researcher will be notified immediately if this occurs.
- 11.3.10. If the complainant is not satisfied with the outcome, they will have the discretion to refer the complaint to the Director, Research Office.

11.4. Disagreements between the ACEC and the institution

- 11.4.1. In the event that any disagreements arise between the ACEC and the University of Technology Sydney, the matter shall be referred to an independent mediator.

11.5. Non-compliance with the Code

- 11.5.1. Procedures for dealing with non-compliance with the Code are outlined in detail in the UTS ACEC SOP.