# VICTORIAN SCHOOLS ANIMAL ETHICS COMMITTEE (VSAEC)

# TERMS OF REFERENCE

1. **Purpose**

The purpose of the Victorian Schools Animal Ethics Committee (VSAEC), is to ensure on behalf of the Department that all activities relating to the use and care of animals for scientific purposes by schools is ethically acceptable and conducted in accordance with the Australian Code.

The Australian Code covers the care and use of animals in teaching activities where the ‘scientific purpose’ is to impart or demonstrate knowledge or techniques to achieve an educational outcome in science, as specified in the relevant curriculum or competency requirement. The VSAEC provides competent, fair and timely review of applications and reports related to the care and use of animals in government, Catholic and independent schools in Victoria.

Definitions and information on the legislative context is provided at **Attachment 1.**

1. **Functions of the VSAEC**

2.1. The Australian Code sets out the responsibilities of the VSAEC. According to the Australian Code, the key functions of the VSAEC include:

* reviewing applications for projects and approve only those projects that conform to the requirements of the Australian Code
* monitor and conduct follow-up review of approved projects and allow the continuation of approval for only those projects and activities that conform to the requirements of The Australian Code. This includes identifying school/s undertaking projects for site inspections as appropriate and maintaining records of inspections that include the names of attendees, observations, any identified problems, recommended actions, ongoing or outstanding issues, and outcomes.
* take appropriate actions regarding unexpected adverse events (e.g. death of animal)
* take appropriate actions regarding non-compliance
* approve guidelines for the care and use of animals that are referred to it by the Department.
* provide advice and recommendations to the Department regarding ethical use of animals in schools.
* report on its operations by providing an annual report to Animal Welfare Victoria (Department of Jobs, Precincts and Regions).
1. **Responsibilities of VSAEC members**

3.1. According to the Governing Principles (Section 1) of the Australian Code, the VSAEC, in considering applications to use live animals for teaching purposes, must be convinced that the applications are ethically acceptable and that the benefits of the activity outweigh the potential costs to the animal/s. For animal use to be justified, the 3R’s must be complied with as follows:

* replacement of animals with alternatives where possible
* reduction in the numbers of animals used where possible (without increasing the negative impact on individual animals)
* refinement of techniques to reduce the impact on animals.

3.2. The responsibilities of all members are as follows:

* attend meetings punctually, with delegates not ordinarily permitted except where formal acting arrangements are in place or other arrangements are agreed by the Chair
* provide apologies, verbally or in writing, to the Chair via the Executive Officer, prior to the meeting if they are unable to attend
* respect and maintain the confidential nature of the business of the committee
* declare any actual or perceived conflict of interest, if and when such a conflict arises, at any stage of their involvement with the VSAEC. Once disclosed, the individual should take no further part in the discussion of or vote on the application or other matter to which the conflict of interest relates
* adhere to professional and respectful behaviour during meetings.
1. **Membership and Term of Office**

4.1. Membership

* Chair

Membership must comprise at least four people – one from each of the following four categories:

* Category A – a veterinary surgeon with relevant experience
* Category B – a person with substantial recent scientific or teaching experience in the use of animals
* Category C – a person with a demonstrated commitment to animal welfare and ethics
* Category D – an independent person who has not been involved in the scientific use of animals and who is independent of educational institutions.

 Additional members may include:

* Category E – a member of animal care staff is recommended but not mandatory
* additional members may be appointed with skills and background of value to the VSAEC for particular purposes and specified periods. The VSAEC membership typically includes a representative from the independent and Catholic school sectors to represent the interests of non-government schools.

VSAEC members are drawn from the scientific and wider community to bring a diversity of knowledge, values and beliefs to the committee. Under the Australian Code, the Department must ensure that the committee’s membership allows the VSAEC to meet its responsibilities.

4.2. Terms of appointment are for three years after which time positions may be re-advertised. Incumbents may be reappointed by the Chair.

4.3. In the event of a member being obliged or electing to retire or resign during the term of the VSAEC or being removed by the Chair, nominations for a replacement member may be sought.

4.4. The VSAEC Chair is appointed by the Department, in addition to Category A to D members. The VSAEC Chair is provided secretariat support by an Executive Officer.
The licence nominee has authorised the VSAEC Chair to vary the membership of the committee.

4.5. If a member fails to attend three consecutive meetings of the VSAEC without provision of an apology or reasonable excuse, the VSAEC Chair can recommend that the member be replaced by a new appointee in the same category.

4.6. Members are required to demonstrate the behaviours agreed in the Department’s leadership charter and behavioural expectations at **Attachment 2**.

4.7. Delegations are not ordinarily permitted except where formal acting arrangements are in place, or are agreed with the Chair.

1. **Functions of the Department**

5.1. The functions of the Chair are to:

* ensure the VSAEC acts in accordance with all relevant departmental policies and responsibilities, including with respect to full disclosures of any potential conflicts of interest
* lead the VSAEC to execute its responsibilities in line with its Terms of Reference and the Australian Code.
* ensure the VSAEC is provided with the papers, knowledge and training required to execute its responsibilities effectively
* set Department policies for the use of animals for teaching in schools
* set procedures for the effective operation of the VSAEC, including procedures for the competent, timely review of applications
* manage the committee’s forward agenda, and maintain its focus on matters relevant to its function
* conduct meetings which are scheduled and administered in a way which:
	1. supports the committee to arrive at clear outcomes
	2. monitor actions and communicates advice
	3. enables active participation by all members
	4. engages with differing viewpoints in a constructive and clear way

5.2. The functions of the Executive Officer, overseen by the Chair, are to:

* act as the first point of contact for teachers and schools wishing to access the VSAEC
* support the Chair in administering their role
* support the work of the VSAEC by issuing meeting agendas and other papers, and preparing meeting minutes
* Recording and tracking agreed actions, owners, and timelines, and deciding how actions and information will be communicated.
1. **Business operations**

6.1. Frequency and conduct of meetings

6.1.1. The VSAEC will meet 4-5 times annually but may elect to conduct special meetings if circumstances or the nature of the business is urgent or extraordinary. The duration of meetings is typically two hours long.

1. 6.1.2. All relevant meeting papers will be provided to members at least one week prior to meetings. Meeting minutes will be provided **within** one week after meetings.

6.1.3 Meeting minutes will clearly state the actions required. The communication requirements will be captured in a decision log by the Secretariat. 6.1.4.The Chair approves the agenda for each meeting. All VSAEC members can nominate agenda items, and the Chair will include these items at their discretion.

6.1.5. Meetings will be held either in-person at the Department or via video conferencing. For in-person meetings, members will be expected to attend in-person unless agreement is given by the Chair for a member(s) to participate by other means.

6.2. Voting and decision-making

6.2.1. New projects can only be discussed at quorate meetings. To reach a quorum, at least one member from each of categories A, B, C and D must be present at meetings, and must be present for the review of applications to use animals for scientific purposes. Categories C and D together must represent at least one third of those members present.

6.2.2. In decision making, members with a conflict of interest must withdraw from the meeting on matters that relate to that conflict of interest. Once such members have withdrawn, the remaining members must constitute a quorum.

6.2.3. VSAEC decisions will be made based on voting at the end of the discussion of each application.

6.2.4. Consensus is required in decision-making. Where consensus cannot be reached after reasonable effort to resolve differences, the Executive Officer will explore with the applicant(s) ways of modifying the project or activity that may lead to consensus. If consensus is still not achieved, the VSAEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion.

6.2.5. Decisions of the VSAEC must be made as promptly as possible.

6.2.6. The VSAEC will review applications from schools planning to use animals for teaching purposes under the following recommendations:

* Outcome 1 – approved, or approved with minor administrative revisions
* Outcome 2 – minor substantive revisions, where revisions made by school staff require only an appointed VSAEC executive to approve revisions
* Outcome 3 – major substantive revisions, where the revisions made by the school must be re-discussed at a quorate committee meeting
* Outcome 4 – rejected, as the proposed application is not compliant with the Australian Code.

6.3. Executive

6.3.1. The Australian Code does not allow the VSAEC to delegate decisions to any entity other than an appointed executive of the VSAEC, if established. A VSAEC executive may only approve minor revisions to a project. All minor revisions approved by an executive must be recorded and subject to ratification by the VSAEC at the next meeting.

6.3.2. The VSAEC executive mustconsist of at least the Chair, and a Category C or D member. Other members may join if they wish, at the discretion of the Chair. Executive members are appointed at the meeting at which the application was discussed and must have been present for the committee’s deliberation of the project at the meeting.

6.4. Working groups

6.4.1. The Chair can establish timebound working groups to progress areas of the VSAEC’s workplan.

6.5. Grievance procedure

6.5.1. Grievances might include complaints either raised by a VSAEC member or a member of the public. Grievances might be regarding VSAEC procedure, and complaints regarding compliance with the Australian Code and relevant legislation.

6.5.2. The following grievance procedure will be adopted if there are complaints related to VSAEC procedure:

* 1. The Chair, on behalf of the committee, attempts to resolve the matter with the dissenting person(s).
	2. If the matter cannot be resolved, the Chair will table discussion on the matter at either a special or regular meeting for resolution. The dissenting person(s) will be invited to the meeting to provide their perspective.
		1. Where non-compliance with the Australian Code or relevant legislation is identified by or reported to the VSAEC, the VSAEC will:
* give priority consideration to the wellbeing of the animals affected
* recommend remedial action, where appropriate, to ensure compliance with the Australian Code and relevant legislation
* suspend or withdraw approval for the activity, where appropriate
* refer suspected animal cruelty to the relevant authorities.

6.5.4. Should VSAEC members, after the above procedures have been exhausted, still be unsatisfied that appropriate action has or will be taken to safeguard animal welfare, then a report can be made to Animal Welfare Victoria (Department of Jobs, Precincts and Regions).

**7.0 Financial arrangements**

7.1. While service on the VSAEC is voluntary, refreshments at VSAEC in-person meetings will be provided by the Department.

7.2. Occasional out of pocket expenses (e.g. travel) incurred by VSAEC members to conduct particular VSAEC-related work will be reimbursed by the Department, at the discretion of the Chair.

**8.0 Transitional arrangements**

8.1. Current VSAEC members are subject to these Terms of Reference as amended, revised or updated from time to time.

**9.0 Confidentiality and conflicts of interest**

9.1 Members of the Committee should adhere to the Department’s code of conduct in relation to confidentiality of matters discussed by the Committee. Confidentiality protocols may apply for selected agenda items. Papers marked ‘confidential’ are not to be circulated beyond the Committee membership.

9.2 Committee members are expected to understand and adhere to the Conflict of Interest (COI) policy and framework. The Chair is responsible for the management of COI related to the Committee’s members in accordance with the Department’s policy, with the Chair regularly monitoring conflicts identified. Reporting and management of members’ COI will be a standing agenda item at each meeting.

**10 Review of Terms of Reference**

10.1. It is the Department’s responsibility to ensure that the VSAEC has Terms of Reference that are effective and publicly available on the Department’s website, in line with its responsibilities outlined in section 2.1.6(2) of the Australian Code.

10.2. The Department will undertake a biannual review of these Terms of Reference in consultation with members.

10.3. VSAEC members can propose changes to the Terms of Reference, as part of the biannual review mentioned in 10.2.

10.4. These Terms of Reference can also be reviewed and updated as necessary in response to changes in legislation and departmental policy.

These Terms of Reference are current from the date of approval and replace all previous versions of these Terms of Reference.

Approved on: 6 July 2021

Date of next review: 12 months after approval date

**Attachment 1**

**Definitions**

In these Terms of Reference, unless stated otherwise:

“Animal”: means any live non-human vertebrate (that is, fish, amphibians, reptiles, birds and mammals, encompassing domestic animals, purpose-bred animals, livestock, wildlife) and cephalopods

“The Australian Code”: means the Australian Code for the care and use of animals for scientific purposes, 8th edition 2013, as located at: https://www.nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes

“Department”: means the Department of Education and Training

“Guidelines: must include:

* how the competence of people involved in the care and use of animals will be assessed and ensured
* strategies to ensure the maintenance of a health status of the animals that safeguards animal wellbeing and meets the requirements of their proposed use
* monitoring and assessment of animals to ensure that any harm, including pain and distress, is promptly detected and managed
* actions required for unexpected adverse events and emergencies, including those that require welfare interventions such as the emergency treatment or humane killing of any animal, to ensure that adverse impacts on animal wellbeing are addressed rapidly. Such guidance should include timeframes for actions, prompt reporting to the VSAEC, liaison between animal carers and investigators, and circumstances when consultation with a veterinarian, the performance of a necropsy by a competent person, and access to diagnostic investigations are required
* approval, in advance for the immediate use of animals, if required for the diagnosis of unexplained and severe disease outbreaks, or morbidity/mortality, in animals or people

“Major revisions”: means substantive revisions required are deemed to have more than a minimal impact on the well-being of animals, or the justification for the proposed use of animals is not deemed sufficiently strong and clear

“Minor revisions”: includes either minor administrative revisions or minor substantive revisions. Minor administrative revisions refer to revisions such as missing or erroneous dates and cross-references, numerical or typographical errors. Minor substantive revisions refer to revisions that have a relatively minimal impact on the well-being of animals, compared to a ‘major revision’

“Non-compliance”: means failure to act in accordance with relevant legislation or with projects approved by the VSAEC

“POCTA Act” means the *Prevention of Cruelty to Animals Act 1986*

“POCTA Regulations” means the Prevention of Cruelty to Animals Regulations 2019

“Project”: As defined in the Australian Code, a scientific activity or activities that form a discrete piece of work. A project cannot commence until it has been approved by the AEC

“Scientific Procedure”: has the same meaning as in in section 3(1) of the POCTA Act

“Scientific Purposes”: means all activities conducted with the aim of acquiring, developing or demonstrating knowledge or techniques in all areas of science, including teaching, field trials, environmental studies, research (including the creation and breeding of a new animal line where the impact on animal wellbeing is unknown or uncertain), diagnosis, product testing and the production of biological products. Animal use in scientific procedures and breeding of specified animals is defined in the POCTA Act

“VSAEC”: means the Victorian Schools Animal Ethics Committee, the Department’s animal ethics committee that is responsible for the use and care of animals for scientific purposes by schools in Victoria.

**Legislative Context**

* Under the POCTA Act, the Department holds a Scientific Procedures Premises Licence issued by the Department of Jobs, Precincts and Regions, allowing government schools to use animals for scientific procedures. Under the POCTA Act, the Scientific Procedures Premises Licence holder (the Department) is responsible for scientific procedures carried out under this licence. The Department nominates a person to handle legal and compliance matters regarding scientific procedures on its behalf (the licence nominee). Since 2019, the Department’s licence nominee is the Deputy Secretary of School Education Programs and Support Group.
* The POCTA Regulations require the Department to comply with the Australian Code. The POCTA Regulations also state that animals cannot be used for scientific procedures unless the use has been approved by an animal ethics committee.
* Individual Catholic and independent schools apply for their own Scientific Procedures Premises Licences, but cannot undertake scientific procedures without applying to an animal ethics committee. The designated animal ethics committee for Catholic and independent schools is also the VSAEC.
* While not all uses of animals on schools are considered ‘scientific procedures’, there are obligations for schools under the POCTA Act more broadly, including obligations related to animal cruelty. Under the Australian Code, the VSAEC can notify and advise the Department regarding suspected non-compliance with the Australian Code or relevant legislation. For non-compliance with scientific procedures which the VSAEC has approved, the VSAEC can choose to withdraw approval or set conditions.

###### **Attachment 2 Expected behaviours**

Board, Standing Committee, Sub-committee, PCB and working group members are required to act in accordance with the Department’s values and those behaviours expected of senior public officials in line with the VPS Code of Conduct. All staff are expected to take the time to understand the Department’s governance arrangements.

**Expectations of members**

All members must:

* adhere to the behaviours outlined in the Department’s leadership charter
* act impartially and in the best interest of the Department and not in the interests of an individual person, group, division or branch
* act in accordance with the Department’s legal, compliance and regulatory responsibilities
* demonstrate respect by listening and encouraging committee members to explain ideas and actions, and by collaborating and engaging constructively to work towards a common goal
* lead and support the Department’s integrity culture by providing transparency and accountability to committee deliberations
* appropriately prepare for meetings, including consulting as appropriate in advance of the meeting to inform decision-making
* draw on relevant technical expertise from the member’s business area including collaborating with other business areas as appropriate to provide advice and input that considers a whole of system perspective
* demonstrate collective accountability and responsibility for advice
* communicate feedback and outcomes of meetings with executives and staff in the members’ Group as per the communication method agreed by the governance body
* attend all meetings, with delegations not ordinarily permitted except where formal acting arrangements are in place or other arrangements are agreed by the Chair.

**Expectations of the Chair**

In addition to the expectations outlined above, the role of the Chair is to lead the governance body to achieve its objectives and execute responsibilities in line with its terms of reference. This includes:

* holding members to account where members do not adhere to the expected behaviours above
* champion continuous improvement of the governance body, and member performance
* ensuring the governance body acts in accordance with all relevant Department’s policies, and the VPS Code of Conduct, including with respect to full disclosures of any potential conflicts of interest
* oversight of the governance body’s compliance obligations
* managing the governance body’s forward agenda, and maintaining its focus on matters relevant to its function
* conducting meetings which are scheduled and administered in a way which:
* supports the governance body to arrive at clear outcomes
* monitors actions and communicates advice
* enables active participation by all members
* engages with differing viewpoints in a constructive and clear way.