



AUSTRALIAN MUSEUM

# **TERMS OF REFERENCE FOR THE AUSTRALIAN MUSEUM ANIMAL CARE AND ETHICS COMMITTEE**



Version 2.1  
June 2021

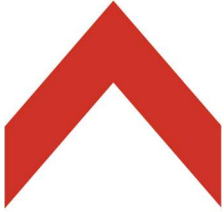
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## Introduction and General Principles

As a registered user of animals for scientific purposes the Australian Museum must comply with the requirements of the *Animal Research Act 1985 (the Act)* and the current *Australian code for the care and use of animals for scientific purposes 8th Edition 2013 (Updated 2021) (the Code)*. In accord with the requirements of the Act and the Code, the Australian Museum has established the Australian Museum Animal Care and Ethics Committee (AM ACEC) to apply principles that govern the ethical conduct of persons whose work on behalf of the Museum involves the use of animals for scientific and/or educational purposes. The role of the ACEC is to ensure that projects are ethically acceptable by ensuring that the use of animals is justified, provides for the welfare of those animals, incorporate the principles of Replacement, Reduction and Refinement and conforms to the requirements of the Code (the Code 2.3.2).

The AM ACEC is a committee of the Australian Museum sitting under the Australian Museum Research Institute (AMRI). The Committee reports to the Director of AMRI on all matters affecting research and education involving live animals at the Australian Museum.

The Australian Museum will comply with Section 2 of the code “Responsibilities” at all times. In addition, Section 2.3 of the Code outlines the responsibilities of ACECs and this must form part of the terms of reference.

## Definition of terms used in the context of the Terms of Reference

**Animal:** Animal is defined according to the legislation of the state in which the animal use is to be conducted (e.g. In NSW an animal includes any non-human vertebrate; in Qld an animal also includes prescribed invertebrates from the class Cephalopoda).

**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.

**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 ACEC relates to the use of animals for teaching only, a teacher with substantial and recent experience may be appointed.

**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 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 nomination by, such an organisation; and

**Category D:** a person who is both independent of 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 under-graduate 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.

**Investigator:** any person who uses animals for scientific or teaching purposes.

**Principal Investigator:** the investigator who has primary responsibility for the activity and is nominated on the application form.



## **Membership of the Australian Museum ACEC**

- a) The ACEC must have a membership that will allow it to fulfil its terms of reference and meet the requirements for categories of minimum membership (the Code 2.2.18). It must comprise at least four persons, including a separate person appointed to each of the four defined categories (A, B, C and D).
- b) If the ACEC has more than four members, Categories C plus D will represent no less than one third of the members.
- c) The Committee will have a Chair who will be appointed from the Australian Museum staff members of the ACEC.
- d) The term for a person to serve as Chair will be three years, although this may be renewed for a second term.
- e) The Committee will have an Executive Officer who will not usually be a member of the ACEC.
- f) The ACEC will appoint an Executive that must include at least the Chair, one Category A or B member and one Category C or D member. The Chair may perform dual roles on the Executive (e.g. Chair and Category B).
- g) The Chair will monitor the membership needs of the ACEC.
  - If a new member is required, the Chair may call for 'expressions of interest' and/or make direct approaches to representative groups (for example, RSPCA and Animals Australia).
  - Unsolicited applications lodged periodically by members of Australian Museum staff and external persons with an interest in serving on the ACEC may be considered also.
  - An interested person must complete an Acknowledgement of the Terms of Reference of ACEC form to acknowledge their acceptance of the terms of reference of the ACEC and indicate in writing on what basis they satisfy the relevant membership category criteria as defined by the Code.
  - The completed forms must be submitted to the Chair.
  - The Chair will confirm the availability of Australian Museum staff with line managers.
  - The Chair will assess applications and make recommendations to the Director of AMRI, who will inform the Director and CEO of Australian Museum.
  - The Director and CEO of Australian Museum will recommend ACEC appointments to the Leader, Animal Research, Animal Welfare Unit, Biosecurity NSW, NSW Department of Primary Industries.
  - Following acceptance of an appointment, new members will receive a letter of appointment signed by the Director and CEO of Australian Museum.



- h) Members may resign from the ACEC at any time by advising the Chair in writing with a minimum two-month notification period. The Chair will advise the Director of AMRI of the resignation.
- i) On the recommendation of the Chair, the Director of AMRI may request a member of the ACEC to resign from the ACEC. If the member does not accede to the request, the Director and CEO of Australian Museum may initiate action to retire the member.
- j) All changes to the membership will be noted at the next ACEC meeting, and reported to the “Animal Research Review Panel” within 30 days of formal appointment.
- k) The ACEC may select an Acting Chair (from within its membership) to cover short-term absences by the Chair.
- l) Prior to appointment, ACEC members will acknowledge, in writing, that they accept these Terms of Reference, the Grievance Policy and a Confidentiality Agreement.

#### **Responsibilities of the Chair**

The Chair must:

- a) Ensure that the ACEC operates in accord with the principles and requirements of the Code, the relevant Australian Museum policies and the agreed ACEC procedures.
- b) Ensure that proposals are considered by the ACEC and the outcomes are conveyed to the Principal Investigators in a timely fashion.
- c) Advise the Australian Museum management regarding the level of resourcing required by the ACEC.
- d) Represent the ACEC in negotiations with Australian Museum management.
- e) Oversee all requirements of the ACEC to report and review its operation as outlined in the Code.
- f) Ensure ACEC records are maintained and made available for review by the Australian Museum and inspectors as required by the Act.

#### **Responsibilities of the Executive Officer**

The Executive Officer will assist the Chair and efficient operation of the ACEC by:

- a) Being the first point of contact for applicants wishing to access the ACEC.
- b) Expediting project applications and approval processes through the provision of advice and assistance to investigators regarding ethics applications, procedures and mandatory reporting requirements.
- c) Organising the distribution of information to members and scheduling meetings and monitoring sessions.
- d) Overseeing database integrity and requirements, and providing management reports.

#### **Responsibilities of the Australian Museum ACEC Executive**

The ACEC may delegate functions to the Executive. The Executive may:



- a) Approve minor modifications to projects (where a proposed change is not likely to cause harm to the animals, including pain and distress (the Code 2.3.23)). The role of the Executive is to review responses to conditions on applications and/- modifications, approve minor and straightforward modifications to protocols including minor changes to procedures, animal numbers or strains, approve the additions/deletions of associate investigators and approve notification of field collecting trips (that are covered under approved projects);
- b) Recommend emergency/alternative action required in response to reports of adverse events. This may include a temporary suspension of the project (or a specific technique) until the matter is considered at a subsequent meeting; and
- c) Not approve new proposals.

Decisions and recommendations of the Executive must be ratified by the next quorate meeting of the ACEC.

## **Responsibilities of the Australian Museum ACEC**

The primary responsibility of the AM ACEC is to ensure, on behalf of the Australian Museum, that all activities relating to the care and use of animals are conducted in compliance with the Code. Under the Code section 2.3.2, the ACEC has the responsibilities to:

- i. Review applications for projects and approve only those projects and proposed amendments to projects that are ethically acceptable and conform to the requirements and governing principles of the Code, the Animal Research Act 1985 (NSW) and the Animal Research Regulations (NSW). Judgement as to whether a proposed use of animals is ethically acceptable must be based on information that demonstrates the principles of the Code, and must balance whether the potential effects on the wellbeing of the animals involved is justified by the potential benefits.

The ACEC may decide that:

- An application to commence a project or activity, or amend an approved project or activity, is approved with or without conditions, deferred subject to modification, or not approved;
- An approval is suspended or withdrawn.

Additional relevant procedures to make these decisions include:

- Considering new proposals and reviewing Executive decisions on minor modifications at quorate meetings.
- Inviting comment from a person(s) with specific technical expertise. The person may submit written comments or address the meeting, either in person or via a telephone or video link. The ACEC should reach agreement on how it may seek advice, without breaching confidentiality.
- Seeking clarification of and/or agreement to amendments to a proposal from the Principal Investigator. The Principal Investigator may be invited to address the ACEC in person or via a telephone or video link.
- Making decisions on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the ACEC should explore with the applicant(s) ways of modifying the project that may lead to



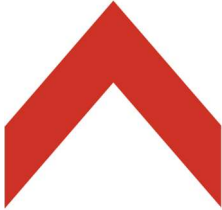
consensus. If consensus is still unachievable, the ACEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion.

*Note: The Chair must advise the Principal Investigator of the ACEC's decision. The Chair must provide reasons to the Principal Investigator if the proposal is rejected by the ACEC.*

*The Principal Investigator may seek clarification of the reasons for rejection from the ACEC and, subsequently, provide additional relevant information/comment from other parties (for example, persons with specialist expertise). The Chair may invite the Principal Investigator to address the ACEC at its next meeting.*

*If the matter is not resolved, the Principal Investigator may lodge a grievance against the ACEC decision*

- ii. Review applications for activities associated with the care and management of animals in facilities, including procedures applicable to breeding programs integral to the maintenance of an animal line, and approve only those activities that are ethically acceptable and conform to the requirements and governing principles of the Code, the Animal Research Act 1985 (NSW) and the Animal Research Regulations (NSW).
- iii. Conduct follow-up review of approved projects and activities, at least annually, and allow the continuation of approval for only those projects and activities that are ethically acceptable and conform to the requirements and governing principles of the Code, the Animal Research Act 1985 (NSW) and the Animal Research Regulations (NSW) (also see section vi).
- iv. Monitor the care and use of animals, including the acquisition, transport, breeding, housing and husbandry of animals and the practices and procedures involved in the care of animals in facilities on a regular and ongoing bases to assess compliance with the Code, the Animal Research Act 1985 (NSW), the Animal Research Regulations (NSW) and decisions of the ACEC.
  - The ACEC reviews relevant sections of a project proposal against the Act, the Code and any other relevant legislation (e.g. legislation specific to activities conducted in another state). The ACEC also may refer to other guidelines and standards developed for the ethical treatment of animals and that are considered acceptable by the ACEC.
  - The ACEC monitors the care and use of animals by inspecting animals, animal housing and the conduct of procedures and practices. The ACEC inspect all animal facilities at least once per year. In addition, the ACEC delegates conduct unannounced inspections of facilities and ACEC approved projects. Delegates must prepare written reports for the ACEC following inspections. A copy of the report of the inspection or monitoring will be provided to the Principal Investigator and person in charge of animals and managers where appropriate.
  - Where an activity may cause pain or distress, the ACEC may elect to conduct additional inspections to avoid or minimise harm, including pain and distress, to those animals.



- The ACEC maintain records of inspections that include the names of attendees, observations, any identified problems, recommended actions, ongoing or outstanding issues, and outcomes.
- v. Take appropriate actions regarding unexpected adverse events in accordance with Section 3 of the Code. The action taken is to ensure that animal wellbeing is not compromised, the issue is addressed promptly, and activities that have the potential to adversely affect animal wellbeing cease immediately. Actions may include consulting with relevant people, the authorisation of emergency treatment, humane killing of animals and, where necessary, suspension or withdrawal approval for the project or activity.
- vi. Take appropriate actions regarding non-compliance which may result in suspension or withdrawal of ethics approval to ensure that animal wellbeing is not compromised, the issue is addressed promptly and activities that have the potential to adversely affect animal wellbeing cease immediately. When considered necessary, non-compliance may be escalated to the Director of AMRI to manage as research misconduct under the Research Code of Conduct 2013 policy. The ACEC may withdraw approval for any project when:
  - An inspection detects activities that are non-compliant with the Code, the ACEC must ensure that such activities cease immediately and remedial action is initiated.
  - An animal is used in a way other than as approved in the initial application or subsequent approved modification or amendment to an application.
  - It becomes aware that an activity or project is associated with a higher negative welfare impact than was approved or an unnecessary or unjustified welfare impact.

*Note: If the ACEC decides that approval for an activity should be withdrawn, the Chair must advise the Principal Investigator.*

*The Principal Investigator may seek clarification of the reasons for rejection from the ACEC and, subsequently, provide additional relevant information/comment from other parties (for example, persons with specialist expertise).*

*The ACEC must consider any objection raised and additional relevant information provided by the Principal Investigator. The Chair may invite the Principal Investigator to address the ACEC at its next meeting.*

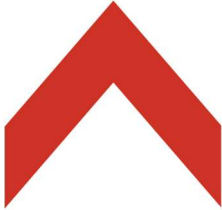
*If the matter is not resolved, the Principal Investigator may lodge a grievance against the ACEC decision.*

- vii. Approve guidelines for the care and use of animals on behalf of the Museum by:
  - Calling for and considering guidelines from Australian Museum staff. Guidelines should cover all aspects of animal care and use, plus contingencies such as fire, power failure, flooding and dealing with critically ill and/or injured animals.
  - Reviewing approved guidelines every three years or when a change to any part of the approved guidelines is proposed.



All proposed guidelines and standard operating procedures will be reviewed at ACEC meetings. Once approved, these guidelines will be available for all Australian Museum researchers on the internal website.

- viii. Provide advice and recommendations to the Museum on all Museum plans, policies, procedures and guidelines regarding the care and use of animals, animal housing, and strategies required to ensure that the requirements of the Code are maintained and that matters affecting animal wellbeing are addressed. To ensure that the standards of the Code are met, the ACEC will also:
  - Report instances of non-compliance and recommend remedial action to the Principal Investigator. The ACEC may comment on the standard of the facilities/infrastructure, animal management and Australian Museum staff competencies.
  - Report significant contraventions of the Code or approved project procedures to the Director of AMRI who will refer the matter to the Director and CEO of Australian Museum. The Director and CEO of Australian Museum may decide to have the matter dealt with by the Australian Museum internal discipline system.
  - Make recommendations to the Director of AMRI, regarding the training and personal development needs of ACEC members, investigators, animal carers and managers in relation to animal ethics philosophy and practice.
  - Provide advice to the Museum on the building or modification of animal facilities to ensure that the requirements of the Code are maintained and that matters affecting animal wellbeing are addressed. In addition, the ACEC must conduct a final inspection of any modifications to animal facilities or new animal facilities prior to final approval.
- ix. The ACEC must comply with the reporting requirements of the Australian Museum and the Code, by:
  - Submitting an annual internal report on the activities of the ACEC to the Director and CEO of Australian Museum by the end of March each year. The report will include information and comments 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 ACEC 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.
  - Promptly reporting to the Director of AMRI, any event or issue that may need to be referred to the Director and CEO of Australian Museum.
  - Submitting any reports relating to use of animals for scientific purposes by the Australian Museum as required by law including the Annual Animal Use Statistics Report required by the authorities in relevant States.



## **Meetings and Operations of the Australian Museum ACEC**

- a) The ACEC will meet each quarter on or about the third Wednesday of February, May, August and November. Additional meetings may be called as required. Meetings are held at a time suitable for the members.
- b) The Chair will ensure that an agenda is produced prior to each meeting and the meeting will consider ACEC business as required to fulfil the Committee's responsibilities.
- c) The Executive Officer will ensure that: all relevant documents (for example, minutes, correspondence and applications) are distributed prior to the meeting allowing reasonable time for members to read, consider and prepare questions. The Executive Officer will also maintain the 'hard copy' filing system for the TRIM system.
- d) Each meeting will be quorate (i.e. at least one member from each of Categories A, B, C and D). If more than four members are present Category C and D members should represent not less than one-third of the members present.
- e) In exceptional circumstances, a member required to meet quorum may participate in a meeting via a teleconferencing or videoconferencing link if it is not possible and/or practical to attend the meeting in person. Members in addition to those required to meet quorum may teleconference whenever it is not possible and/or practical for the additional member to attend the meeting in person. The electronic link must utilise a conferencing feature so that all participating members can hear each other during the meeting discussions and decision making.
- f) Participation of a member via a teleconferencing or videoconferencing link must be clearly noted in the minutes and the member may authorise the Chair to record their support on the proposal.
- g) The Executive Officer will maintain minutes of decisions and other aspects of ACEC business for each meeting.
- h) Decisions by the ACEC with regard to approval, modification or rejection of a proposal, or withdrawal of approval for a project, should be made on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the ACEC should explore with the applicant(s) ways of modifying the project that may lead to consensus. If consensus is still unachievable, the ACEC should only proceed to a majority decision after members have been allowed a period of time to review their positions, followed by further discussion. The ACEC may invite people with specific expertise to provide advice as required. The ACEC should reach agreement on how advice can be sought from outside experts without breaching confidentiality.
- i) Members of the ACEC are required to declare general potential conflict of interest at the commencement of the meeting. Should a member identify a conflict of interest at any time during the meeting, this should be declared at that time.
- j) Members of the ACEC whose objectivity may be influenced by an interest (including consideration of an application submitted by that member or by a colleague) are required to leave the meeting during the decision making process.



**The ACEC will respond to enquiries and complaints regarding the use of animals according to the following procedures:**

- a) Any member of the ACEC, or the Executive Officer, receiving a welfare complaint must raise the matter with the Chair as soon as possible. The Chair must advise the Committee of the details of the complaint at the next meeting of the Committee.
- b) All enquiries and complaints will be treated promptly, impartially, confidentially and with respect.
- c) A formal record of all steps in the process will be lodged on the TRIM filing system.
- d) Where the enquiry or complaint is made by a staff member and they feel that they have been adversely affected within the Australian Museum as a result of making the enquiry or complaint they have the right to seek redress via the Australian Museum grievance procedures.
- e) Investigation of an enquiry or complaint may include:
  - interviews of the complainant, the subject of the complaint and witnesses
  - unannounced inspection of the research site, facility or animal(s) in question
  - seeking expert advice on technical matters from outside the Museum
- f) Guidance on policy matters may be sought from the Animal Research Review Panel in the case of an irreconcilable dispute.
- g) Any person with an enquiry or complaint will be invited to meet the Chair and, if appropriate, one or more of the Committee members to discuss the matter.
- h) If the meeting does not resolve the problem, the complaint will be referred to the Director of AMRI and then, if required, the Director and CEO of Australian Museum.
- i) These enquiry and complaint procedures will be made available via the Australian Museum ACEC intranet site. Copies of the procedures will be provided to any external enquirer upon request.

**The ACEC will respond to disputes between Committee members, between itself and investigators or between itself and the Australian Museum according to the following procedures:**

- a) All matters of dispute will be treated promptly, impartially, confidentially and with respect.
- b) A formal record of all steps in the process will be lodged on the TRIM filing system.
- c) Investigation of a dispute may include:
  - interviews of the parties, the subject of the dispute and witnesses
  - unannounced inspection of the research site, facility or animal(s) in question
  - seeking expert advice on technical matters from outside the Museum
- d) Guidance on policy matters may be sought from the Animal Research Review Panel in the case of an irreconcilable dispute.



- e) Wherever possible disputes should be resolved at the local level.
- f) Where the dispute is between Committee members they will initially discuss the areas of difference with the Chair and, if appropriate, one or more of the Committee members.
- g) If initial discussions do not resolve the problem, the dispute will be referred to the Director of AMRI, and then, if required, the Director and CEO of Australian Museum.
- h) Where the dispute is between the ACEC and investigators the person pursuing the dispute will initially discuss the areas of difference with the Chair and, if appropriate, one or more of the Committee members.
- i) If initial discussions do not resolve the problem, the dispute will be referred to the Branch Head of the investigator, and, if required, the Director of AMRI and then Director and CEO of Australian Museum.
- j) Where there is an irreconcilable difference between the ACEC and an investigator the Australian Museum cannot over-ride the ultimate decision of the ACEC.
- k) Where the dispute is between the ACEC and the Australian Museum the Director of AMRI will initially discuss the area(s) of difference with the Chair and, if appropriate, one or more of the Committee members.
- l) If initial discussions do not resolve the problem the dispute will then be referred to the Director and CEO of Australian Museum.
- m) These dispute resolution procedures will be made available via the Australian Museum ACEC intranet site, and provided to all Committee members at the time of their appointment.

**The ACEC will deal with situations in which a conflict of interest arises, including any situation where a member of an ACEC has an interest that may be seen to influence the objectivity of a decision by:**

- a) Requiring members to disclose the nature of their interest and conflict as soon as practicable after they become aware of anything that may be reasonably considered to be a conflict of interest.
- b) Requiring a member whose objectivity may be influenced by an interest (including consideration of a proposal on which that member is named as a participant) to withdraw from the ACEC meeting while the particular matter in which they have an interest is being considered.
- c) Requiring a member is may be influenced by an interest (including being named as participant on a research protocol) to abstain from any monitoring activity on the particular matter in which they have an interest that is conducted by, or on behalf of, the ACEC, apart from providing the Committee or its delegates with such access and information as is required to enable the ACEC to exercise its supervisory and monitoring functions.
- d) Considering and responding to any concern raised by a Principal Investigator or other party that an ACEC member has an interest that may have influenced the objectivity of an ACEC decision.

*Note: The Chair must advise the complainant, in writing, of the ACEC's response. If the complainant is not satisfied with the ACEC's response, a grievance may be lodged.*



**The ACEC will maintain a record of proposals and projects by:**

- a) Authorising the Executive Officer to retain, on departmental files, all documentation associated with ACEC business (including minutes, proposals, decisions, inwards and copies of outwards correspondence, reports and comments provided by the ACEC).
- b) Authorising the Executive Officer to maintain electronic files of all proposals to the ACEC (approved and rejected), including the outcomes of the Committee's deliberations.

**Revision**

These Terms of Reference will be reviewed as necessary in response to changes in legislation and departmental policy.

List of changes:

- 24/02/2017: "The Committee reports ~~through~~ to the Director of AMRI, Education & Lifelong Learning on all matters affecting research and education involving live animals at the Australian Museum."
- 24/02/2017: "**Animal:** Animal is defined according to the legislation of the state in which the animal use is to be conducted (e.g. In NSW an animal includes any non-human vertebrate; in Qld an animal also includes prescribed invertebrates from the classes Cephalopoda and Malacostraca)." Explanation: Although listed under the definition of an animal in Qld *Animal Care and Protection Act 2001*, Malacostraca are not listed under the Qld *Animal Care and Protection Regulation 2012*.
- 02/06/2021: "As a registered user of animals for scientific purposes the Australian Museum must comply with the requirements of the *Animal Research Act 1985 (the Act)* and the current *Australian code for the care and use of animals for scientific purposes 8th Edition 2013 (Updated 2021) (the Code)*." Explanation: On 1 June 2021, the National Health and Medical Research Council's Chief Executive, Professor Anne Kelso AO announced the release of the *Australian code for the care and use of animals for scientific purposes, 2013 (updated 2021) (the Code)*, which incorporates a new Section 7: Cosmetic Testing.
- 02/06/2021: The title: Director of Australian Museum Research Institute (AMRI), Education & Lifelong Learning has been updated throughout the document to Director of AMRI.
- 02/06/2021: The title: Director, Australian Museum has been updated throughout the document to Director and CEO of Australian Museum.