Animal Ethics Committee Terms of Reference

Section 1 - Establishment

(1) The Animal Ethics Committee (AEC) is established pursuant to powers under sections 6 and 15 of the Charles Darwin University Act 2003.

Section 2 - Functions and Responsibilities

(2) The AEC is responsible for ensuring, on behalf of Charles Darwin University (CDU) or any other organisation for which it acts, that all activities relating to the care and use of animals by the University or other organisations are conducted in compliance with the current version of the Australian Code for the Care and Use of Animals for Scientific Purposes 8th Edition 2013 (the Code), the Animal Protection Act 2018 and equivalent legislation in each state or territory in which the University is registered or undertakes research and teaching activities involving animals. A person must comply with the Code if the person is using an animal, as defined by the Code, for scientific purposes.

(3) External organisations approved to use the AEC will be subject to the same conditions as applications internal to the University.

(4) The functions and responsibilities of the AEC are to:

a. review applications for projects and approve only those projects that are ethically acceptable in accordance with the Code and that conform to the governing principles and requirements of the Code;
b. approve persons to undertake projects and approve only those persons who are fit and proper and who have the competence to comply with the requirements of the Code;
c. ensure the use of animals is justified, the welfare of those animals is considered, and the principles of replacement, reduction and refinement (the 3 Rs) are incorporated;
d. 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 of the Code;
e. conduct follow-up reviews of approved projects and allow the continuation of approval for only those projects and activities that are ethically acceptable and conform to the requirements of the Code;
f. monitor the care and use of animals, including acquisition, transport, housing conditions, practices and procedures involved in the care of animals in facilities and provisions for animals at the conclusion of their use or appoint a suitably qualified person to perform these duties;
g. take appropriate actions regarding unexpected adverse events, including authorising the emergency treatment or euthanasia by a suitably qualified person of any animal to ensure that animal wellbeing is not compromised, ensuring that the issue is addressed promptly and that activities that have the potential to adversely affect animal wellbeing cease immediately;
h. take appropriate actions regarding non-compliance to ensure that animal wellbeing is not compromised, ensuring that the issue is addressed promptly and that activities that have the potential to adversely affect animal wellbeing cease immediately;
i. approve procedures or guidelines as defined by the Code for the care and use of animals on behalf of the

University, and maintain and publish on the University's website an electronic library of approved procedures and guidelines for subsequent use;

j. provide advice and recommendations to the University;
k. report on its operations to the University, to the Northern Territory Animal Welfare Authority, and to any other regulatory body in which the University is licensed for the use of animals for scientific purposes;
l. require that all members declare any perceived, potential or actual conflicts of interest and appropriately deal with such situations; and
m. perform all other duties required by the code.

(5) "Appropriate action" as mentioned in clauses 4g and 4h may include consulting with relevant people and, where necessary, suspending or withdrawing approval for the project or activity. Actions taken to address the issues must be in consultation with the person(s) involved. If necessary, matters must be referred to the University for action. The AEC will ensure non-compliance receives appropriate follow-up.

Section 3 - Membership

(6) Members of the AEC are appointed by the Vice-Chancellor.

(7) The AEC will have a minimum membership of at least two separate persons in each category specified as mandatory by section 2.2.4 of the Code which are as follows:

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 University'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 University and the business of the AEC. This must include possession of a higher degree in research or equivalent experience. If the business of the AEC relates to the use of animals for teaching only, a teacher with substantial and recent experience will 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 University, and who is not currently involved in the care and use of animals for scientific purposes. Veterinarians with specific animal welfare interest and experience may meet the requirements of this category. While not representing an animal welfare organisation, the person should, where possible, be selected on the basis of active membership of and endorsement by such an organisation.
d. Category D: a person not employed by or otherwise associated with the University 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 AEC and must not fit the requirements of any other category.

(8) The University will appoint an Animal Welfare Officer (AWO) to be responsible for overall institutional governance regarding the care and welfare of animals used in University activities.

(9) The University may appoint additional members with skills and background of value to the AEC.

(10) The AEC may invite people with specific expertise to provide advice, as required.

(11) In appointing members to the AEC, the following points will be considered:

a. For category A and B, the AEC will endeavour to maintain a minimum of three members to maximise the likelihood of quorum. If the AWO is eligible, they will be appointed as a category A/AWO member of the AEC.

The category A/AWO member will be exempt from a maximum duration sitting on the committee.

b. Category B members will be appointed from among CDU's staff where possible.
c. A member of the animal care staff from within CDU will be appointed onto the AEC as a voting Category E member where possible.
d. The AEC may include additional members as deemed necessary to ensure adequate functioning provided Categories C plus D represent no less than one third of the members.
e. Preference will be given to members based locally with the ability to attend face-to-face meetings and facility inspections.
f. Where the AWO is appointed as a category A/AWO member, they will only sit as a category A member when required for quorum. When the AWO is not sitting as a Category A member, they will attend meetings with rights of audience and debate but will not have voting rights. The AWO will conduct inspections and investigations on behalf of, and report their findings to, the AEC.
g. Before appointment, all members must acknowledge in writing their acceptance of the Terms of Reference of the AEC and agree to the conditions of confidentiality contained in the University's Confidentiality Agreement for AEC members.
h. The University accepts legal responsibility for decisions and advice received from the AEC and indemnifies members for any action taken against them in respect of AEC business.

Animal Ethics Committee Executive Committee

(12) The Animal Ethics Committee Executive Committee (AECEC) will be appointed by the AEC in accordance with section 2.2.23 of the Code and must include the AEC Chair and at least one member from Category C or D. Appointment will take place after a call for volunteers at each meeting of the AEC and the term of appointment will be for the period up to the next scheduled meeting of the AEC.

(13) The role of the AECEC is to expedite any urgent considerations of minor amendments to approved projects, where the proposed change is not likely to cause harm to animals including pain and distress, which arise outside of scheduled meetings of the AEC.

(14) The AECEC may:

a. Approve minor amendments to approved projects or activities for ratification at the next AEC meeting. Minor amendments include minor and straightforward changes to procedures, addition of non-invasive minor procedures, small changes to animal numbers or strains, addition or removal of investigators and extensions of time; and
b. Review responses to conditions on applications and/or modifications specifically referred by the AEC.

(15) The AECEC must not approve new applications.

(16) All decisions by the AECEC will be reviewed and ratified by the AEC at its next quorate meeting.

(17) The AECEC will take a cautious approach and refer any contentious issues to the full AEC. Matters requiring a resolution by the AECEC will be determined by consensus of the members present. The vote must have unanimous support. If any member is unwilling to support an approval motion, the matter will be referred back to the full AEC for review.

Section 4 - Chair

(18) The Vice-Chancellor will appoint the Chairperson of the AEC.

(19) The Chairperson of the AEC:

a. will hold, or have held, a senior position at a university or other research organisation, and have suitable experience in a range of relevant methodologies;
b. may be appointed in addition to Category A to D members;
c. will normally preside at all meetings of the AEC;
d. must impartially guide the operation of the AEC, resolving conflicts of interest related to the business of the AEC; and
e. will represent the AEC in any negotiations with the University's management or the organisation's management.

(20) When appointing the Chair, the Vice-Chancellor should consider someone independent of the care and use of animals for scientific purposes.

(21) Members of the AEC will elect a Deputy Chair from within the membership of the AEC. In the absence of the Chair, the Deputy Chair will perform all the functions of the Chair.

Section 5 - Secretary and Resources

(22) The Office of Research and Innovation (ORI) will provide the functions of the Secretary at meetings and all necessary administrative services to the AEC and its members.

(23) AEC members will be provided with access to any resources they reasonably require to fulfil their duties as a committee member.

Section 6 - Term of Office

(24) All members, other than the Chair and the AWO-Category A member, are appointed for a term of three years. At the end of their term, the position will be advertised by the ORI. Standing members may reapply.

(25) Reappointed members can serve a maximum of three consecutive terms. On reappointment of the third term, preference will be given to new applicants of equal qualifications, availability, and commitment. It is acceptable for members to subsequently be re-appointed to the AEC after a period of one year's absence. Appointments to the AEC should be in line with the University's commitments under the Equity, Diversity and Inclusion Policy wherever possible.

(26) At all times, appointment of members will be made that best serves the AEC's activities.

(27) Replacement of members will be phased to ensure the maintenance of a quorum and expertise on the AEC. Where a replacement member is not able to commence an appointment at the end of a current member's term, the current member will be asked to remain on the AEC until the replacement has been appointed and inducted.

(28) Members who do not attend three consecutive meetings, or a minimum of half of the annual scheduled AEC meetings without approved leave of absence may have their membership terminated.

(29) On the advice of the Chair, the Vice-Chancellor may terminate an individual's membership of the AEC if the Chair determines that their continued membership is not constructive to the operation and functioning of the AEC.

(30) The Chair is taken to have vacated their office as if:

a. they resign by instrument in writing addressed to the AEC;
b. they cease to be a member of the AEC; or

c. the Vice-Chancellor terminates their appointment.

Section 7 - Quorum

(31) At least one member from each of the membership categories A, B, C and D must be present at meetings to establish a quorum for the conduct of the meeting and must be present throughout the meeting. Categories C and D together must at all times represent not less than one-third of all members present (including non-voting members).

(32) If a quorum is not achieved, the meeting will be rescheduled.

(33) When a member is unable to attend an AEC meeting in person, the AEC may use video conferencing or web-conferencing to ensure a quorate meeting. Teleconferencing should only be used in special circumstances, such as where the meeting cannot be rescheduled, where video conferencing and web conferencing are not possible, or for maintenance of quorum for discrete conflict of interest items. Proxy or alternative membership will not be allowed.

(34) Members unable to attend meetings must advise the ORI as early as possible and may forward comments on the business before the meeting.

Section 8 - Meetings

(35) The AEC will meet at least seven times per year.

(36) Extra meetings may be called if circumstances or the nature of business is urgent or extraordinary.

(37) Members must fully prepare for each meeting and read all documentation in advance of the meeting.

(38) Members must make every reasonable effort to attend each meeting.

(39) Minutes of the meeting, specifying each item of business discussed, summarising essential items of discussion and recording the decision reached or advice resolved, will be circulated to all the members as soon as practicable after each meeting. The minutes will be confirmed at the subsequent AEC meeting.

(40) The AEC may invite people with specific expertise to provide advice as required. Any experts so invited are subject to AEC confidentiality requirements.

(41) The ORI will ensure that records related to the AEC's business are maintained, including:

a. a register of all applications to the AEC, including the outcomes of the AEC's deliberations;
b. minutes that record decisions and other aspects of the AEC's meetings;
c. the records of all inspections conducted by the AEC.

Section 9 - Decisions and Resolutions of the AEC

(42) Decisions will be based on a thorough, fair and inclusive process of discussion and deliberation by AEC members and will be made only by those present throughout the discussion.

(43) Decisions should be made on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the Committee 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 AEC should only proceed to a majority decision after members have been allowed a period of time to review their position followed by a further discussion.

(44) In the case of a tied vote, the Chair has the deciding vote.

Section 10 - Agenda

(45) A comprehensive agenda and associated documentation should be distributed at least seven working days before the meeting.

(46) Members will be notified in writing of the location and availability of meeting materials.

(47) All papers must be submitted to the ORI by the specified submission deadline prior to the distribution of the agenda and associated documentation.

(48) Late papers and submissions may be accepted with the permission of the ORI or the Chair.

Section 11 - Conflicts of Interest

(49) Conflict of interest arises when a member has an interest in a matter that may be reasonably construed as having the potential to influence the impartiality of that member in relation to that matter. The conflict of interest may be reasonably perceived, potential or actual conflict of interest.

(50) Members must declare conflicts of interest to the Chair who will exercise discretion and give direction to resolve the conflict of interest in accordance with the University's Conflicts of Interest Policy and Conflicts of Interest Procedure.

(51) If any member is in doubt as to whether conflict may exist, they are encouraged to seek advice from the Chair or the AWO.

(52) The Chairperson must not preside over matters in which they have a conflict of interest.

(53) For decision-making, members with a conflict of interest must withdraw from the meeting for the discussion of the particular agenda item. Once such members have withdrawn, the remaining members must constitute a quorum.

Section 12 - Review of Decisions and Complaints

(54) Complaints, grievances, and allegations of non-compliance will be managed in accordance with the Animal Ethics Committee Complaints, Grievances, and Non-compliance Procedures.

Section 13 - Reporting

(55) The AEC is responsible to the Vice-Chancellor and reports to the Vice-Chancellor and the Academic Board on all matters affecting the scientific use of animals at the University.

(56) All routine matters on AEC activities are to be submitted to the Academic Board and the Vice-Chancellor. If necessary, the Chair and/or the AWO may report directly to the Vice-Chancellor on urgent or critical matters.

(57) The AEC must submit a written annual report on its activities to the Research Committee for presentation to the Vice-Chancellor and Academic Board. The report includes information on:

a. Numbers and types of projects assessed and approved or rejected;
b. The physical facilities for the care and use of animals by the University;

c. Activities and actions that have supported the educational needs of AEC members, and of people involved in the care and use of animals;
d. Administrative and other difficulties being experienced; and
e. Any matters that may affect the University's ability to maintain compliance with the Code and any recommendations on how these matters might be addressed.

(58) The AEC is also held accountable for its activities through the provision of annual compliance and activity reports to:

a. the Northern Territory Government's Animal Welfare Authority;
b. other State and Territory government regulatory bodies as required; and
c. relevant funding bodies as required.

Section 14 - Compliance Monitoring and Review

(59) The University will regularly monitor and review its compliance with the Code by:

a. ensuring the Terms of Reference of the AEC are reviewed by the Vice-Chancellor every four years, at a minimum following the external review of the AEC, or as required;
b. ensuring that an independent external review is conducted at least every four years to assess compliance with the Code, and to ensure the continued suitability, adequacy and effectiveness of its procedures to meet its responsibilities under the Code (see Section 6);
c. conducting an annual review of the operation of the AEC; and
d. conducting an annual review of the effectiveness of the AEC's processes regarding complaints and noncompliance.

Section 15 - Non-compliance

(60) Non-compliance with Governance Documents is considered a breach of the Code of Conduct - Employees or the Code of Conduct - Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct – Students.

(61) Complaints may be raised in accordance with the Animal Ethics Committee Complaints, Grievances, and Non-compliance Procedures, Complaints and Grievance Policy and Procedure - Employees, and Complaints Policy - Students.

(62) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

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Glossary Terms and Definitions

"Animal" - A live, non-human organism in a category defined as an animal by the Animal Protection Act 2018 (NT) or the Australian Code for the Care and Use of Animals for Scientific Purposes 8th Edition 2013.

"University" - Charles Darwin University, a body corporate established under section 4 of the Charles Darwin University Act 2003. The University is comprised of the various faculties, CDU TAFE, organisational units, and formal committees, including the governing University Council and Academic Board.