

# TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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Introduction .....	3
Role of the QSAEC.....	3
Membership of the QSAEC .....	4
QSAEC appointments .....	5
QSAEC resignations and retirements .....	5
Confidentiality.....	6
Conflict of interest .....	6
Remunerating members .....	6
Personal injury and public liability insurance .....	6
Responsibilities .....	7
Responsibilities of the Chair.....	7
Responsibilities of QSAEC members .....	7
Role of the Animal Ethics Officer .....	7
QSAEC Operations - Meetings .....	8
Meeting procedures.....	8
QSAEC Operations – Assessing and overseeing animal use in schools.....	8
Approval procedures.....	8
Withdrawal of QSAEC approval .....	9
Compliance with the Code .....	10
Monitoring the care and use of animals .....	11
Standard Operating Procedures - Guidelines for the care and use of animals for scientific purposes ....	12
Institutional policies and plans .....	12
Authorising emergency treatment.....	12
QSAEC Operations – Grievances and complaints .....	13
Grievance procedure.....	13
Complaints concerning the care and use of animals by specific schools .....	13
Complaints concerning QSAEC policies or the ethics of animal use .....	14
Other issues.....	14
QSAEC Operations – Records and reporting.....	15
Records of proposed animal-use activities .....	15
Reporting to schools/sectors .....	15
Annual reporting .....	15
Requests for information .....	16
Independent external review of the QSAEC .....	16
Revision of the Terms of Reference.....	17

**TERMS OF REFERENCE FOR THE  
QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE**

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References ..... 18

Contact officer ..... 18

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# TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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## INTRODUCTION

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The *Animal Care and Protection Act 2001* (the Act) and the *Australian code for the care and use of animals for scientific purposes*, 8<sup>th</sup> Edition, 2013 (the Code) require users of animals for scientific purposes to have their animal-use activities approved by an Animal Ethics Committee (AEC). All state and non-state schools in Queensland that use animals in teaching activities to impart or demonstrate knowledge or techniques to achieve an educational outcome in science are required to be registered as scientific users with the Department of Agriculture and Fisheries (DAF) and to have these uses approved by an AEC.

In accordance with these requirements, the Chief Executives of the Department of Education (DoE), the Queensland Catholic Education Commission (QCEC) and Independent Schools Queensland (ISQ) approved the establishment of the Queensland Schools Animal Ethics Committee (QSAEC) to assess and oversee the animal-use proposals for Queensland schools.

The QSAEC is responsible to the Director-General (or delegate), DoE through State Schools Division (SS), and to the Chief Executives (or delegates) of the QCEC and ISQ.

Accordingly the QSAEC has the Director-General's approval and support to act as an AEC in accord with these Terms of Reference, the Act and the Code.

## ROLE OF THE QSAEC

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1. The primary responsibility of the QSAEC is to ensure, on behalf of the DoE, the QCEC and ISQ, that all activities relating to the care and use of animals are conducted in compliance with the Code.
2. To meet its responsibilities under the Code, the QSAEC will:
  - i) provide competent, fair, consistent and timely review of applications and reports related to the care and use of animals for scientific purposes in all Queensland schools
  - ii) review applications for animal-use activities and activities associated with the care and management of animals in facilities, and approve, with or without conditions, only those activities that are ethically acceptable based on information that demonstrates the principles in Clause 1.1 of the Code and that conform to the requirements of the Code, balancing whether the potential effects on the wellbeing of the animals involved is justified by the potential benefits
  - iii) conduct follow-up review of approved activities, at scheduled times and when triggered by circumstances identified at Clause 2.2.32 (ii) of the Code
  - iv) allow the continuation of approval for only those activities that are ethically acceptable and conform to the requirements of the Code, and suspend, modify or withdraw approval for an activity that is not conducted in accordance with the QSAEC approval
  - v) monitor the care and use of animals in approved activities, including monitoring of housing conditions, practices and procedures involved in the care of animals in facilities
  - vi) take appropriate actions regarding unexpected adverse events and non-compliance
  - vii) approve guidelines for the care and use of animals for scientific purposes by schools on behalf of Queensland school sectors
  - viii) provide advice, recommendations and reports on its operations to DoE, QCEC and ISQ
  - ix) perform all other duties as required by the Code.

# TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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## MEMBERSHIP OF THE QSAEC

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3. The Chairperson (Chair) should either hold a senior position in an education sector or, if an external appointee, be given a commitment by the institution to provide the necessary support and authority to carry out the role. The Chair will be an additional appointment to Category A to D members. To perform a key role in the successful operation of the QSAEC, the Chair should possess the following attributes:
  - i) an ability to bring impartiality to the task in managing the business of the QSAEC
  - ii) an ability to communicate, negotiate and to resolve conflict
  - iii) an understanding of the ethical and animal welfare issues involved in the use of animals for scientific purposes.
4. The QSAEC must comprise at least one person from each of the four categories of membership:
  - i) **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.
  - ii) **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 QSAEC. This must include possession of a higher degree in research or equivalent experience. As the business of the QSAEC relates to the use of animals for teaching only, a teacher with substantial and recent experience may be appointed.
  - iii) **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.
  - iv) **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 under-graduate education. Category D members should be viewed by the wider community as bringing a completely independent view to the QSAEC, and must not fit the requirements of any other category.
5. SS will appoint an Animal Ethics Officer (AEO) as a non-member advisor to the QSAEC, to support the Chair and satisfy an administrative and secretariat role to the committee.
6. In addition to the prescribed membership Categories A to D, additional voting members may be appointed to the QSAEC (e.g. persons responsible for the routine care of animals from within the school sectors).
7. In addition to the prescribed membership Categories A to D, people with skills and background of value to the QSAEC (e.g. representatives from each school sector) may be appointed as non-voting members of the committee.
8. The QSAEC may invite people with specific expertise to provide advice as required.
9. Categories C plus D must represent no less than one third of the voting members.
10. In addition to the requirements of the Code, the QSAEC may decide to select a Deputy Chair (from within the Category A or B members) to act as the Chair in the absence of the appointed Chair.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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11. The QSAEC may choose to establish an Executive that must include the Chair (or Deputy Chair) and at least one member from Category C or D. The Executive may be delegated to approve minor amendments to approved projects or activities, for ratification at the next meeting. Minor amendments may include changes to approved activities where the proposed change is not likely to cause harm to the animals. New applications must not be approved by the Executive.

### *QSAEC APPOINTMENTS*

12. The AEO will maintain a record of all appointments to the QSAEC and associated documents.
13. The AEO will monitor the membership needs of the QSAEC.
14. If a new member is required, the AEO may call for 'expressions of interest', search the Queensland Register of Nominees to Government Bodies and/or make direct approaches to representative groups (e.g. RSPCA Queensland, Australian Veterinary Association).
15. Unsolicited applications lodged periodically by persons with an interest in serving on the QSAEC may also be considered.
16. An interested person must complete an *Application – Animal Ethics Committee (AEC) Member Details* online that details how the membership criteria are met for the proposed category of membership.
17. If the Chair supports the nomination, the AEO advises DAF of acceptance of the nomination to the QSAEC.
18. The AEO will notify prospective members in writing of their appointment or rejection.
19. Prior to their appointment members must complete a *QSAEC Confidentiality Agreement Form AE2* to acknowledge acceptance of the Terms of Reference (TOR), agreement to maintain confidentiality of all matters brought before the committee and agreement to declare any conflict of interest.
20. Members are appointed to the QSAEC until they either resign or are asked to retire by the Chair.
21. QSAEC members will undergo appropriate induction and have access to appropriate education programs and resources.

### *QSAEC RESIGNATIONS AND RETIREMENTS*

22. A member may resign from the QSAEC at any time by advising the Chair in writing. The Chair will advise the AEO who will inform DAF of the change in membership.
23. The Chair, on behalf of the QSAEC, may ask a member to retire from the QSAEC if it is deemed to be in the best interests of the QSAEC. If the member does not accede to the Chair's request, the Chair may initiate action through the Director-General of DoE or relevant Chief Executive of QCEC or ISQ to retire the member.
24. The Director-General of DoE or Chief Executive of QCEC or ISQ (or their delegates) may replace QSAEC members from their respective schooling sector at any time by providing not less than 24 hours' notice in writing to the Chair.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### *CONFIDENTIALITY*

25. QSAEC members, visitors and persons assisting the QSAEC at meetings acknowledge in writing their acceptance of the QSAEC Terms of Reference and confidentiality requirements prior to their first attendance at QSAEC meetings.
26. Should members feel that they need to consult someone with specialised knowledge to assist the committee in its deliberations over a particular application, limited licence may be granted by the Chair for a member to seek advice outside the committee.

### *CONFLICT OF INTEREST*

27. On appointment, by signing the *QSAEC Confidentiality Agreement Form AE2*, members agree to disclose any interest which may constitute or be perceived as constituting a conflict of interest with their duties as members of the QSAEC.
28. As real or potential conflicts arise at meetings, members will declare the nature of the interest that may be seen to influence the objectivity of a decision to either the Chair or AEO as soon as is reasonable after they become aware of the conflict.
29. The QSAEC will deal with situations in which a conflict of interest arises by:
  - i) requiring QSAEC members to disclose the nature of their interest and conflict as soon as practicable
  - ii) removing the member from consideration of any agenda item with which the member has a conflict of interest
  - iii) recording such conflict of interest and the method of dealing with it in the meeting minutes
  - iv) considering and responding to any concern raised by an activity leader or other party that a QSAEC member has an interest that may have influenced the objectivity of a QSAEC decision.

### *REMUNERATING MEMBERS*

30. Members of the QSAEC act in a voluntary capacity.
31. Travel allowances and out-of-pocket expenses incurred when attending meetings and site inspections may be reimbursed at the discretion of the Chair.
32. Attendance by the Chair and members (voting and non-voting) at approved professional development (e.g. ANZCCART annual conference) will be financially supported at the discretion of the Chair.

### *PERSONAL INJURY AND PUBLIC LIABILITY INSURANCE*

33. The QSAEC will ensure that it holds current personal injury insurance and association liability insurance.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### RESPONSIBILITIES

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#### *RESPONSIBILITIES OF THE CHAIR*

34. The Chair must:

- i) impartially guide the operation of the QSAEC and resolve conflicts related to the business of the QSAEC
- ii) ensure that the QSAEC operates in accord with the principles and requirements of the Code, the relevant DoE policies and agreed QSAEC procedures
- iii) ensure that proposed animal-use activities are considered by the QSAEC and the outcomes are conveyed to the animal-use activity leaders in a timely fashion
- iv) exercise the authority of the QSAEC to ensure that any activity in breach of the Code ceases immediately and that appropriate remedial action is taken by appropriately qualified people
- v) advise SS, QCEC and ISQ regarding the level of resourcing required by the QSAEC
- vi) represent the QSAEC in negotiations with management
- vii) oversee all requirements of the QSAEC to report and review its operation as outlined in the Code
- viii) ensure QSAEC records are maintained and made available for review as necessary by the DAF, SS, QCEC, ISQ and authorised external reviewers

#### *RESPONSIBILITIES OF QSAEC MEMBERS*

35. Members will read and remain familiar with the Code.
36. All members should have a clear understanding of the extent and limitation of their responsibilities.
37. Members will review meeting documentation prior to the meeting, participate in out-of-session online discussions as relevant, and attend scheduled meetings.
38. Members must ensure that they have a clear understanding of the underlying intent of an application or guideline under consideration so that they can assess the information provided appropriately.
39. If a member is unable to attend a meeting in person, where possible, members will provide notice of at least 48 hours to the AEO.
40. Members must apply the 3Rs – Replacement, Reduction and Refinement – to all stages of informed decision-making. When considering applications to use animals, members must be satisfied that animal use is essential and that no suitable alternatives exist.
41. The Chair may ask members to participate in site inspections of animal facilities (as required under the Code), and to report and make recommendations on such inspections.

#### *ROLE OF THE ANIMAL ETHICS OFFICER*

42. The AEO will assist the Chair in the efficient operation of the QSAEC by:

- i) monitoring the membership needs of the QSAEC
- ii) being the first point of contact for applicants wishing to access the QSAEC
- iii) expediting activity applications and approval processes through the provision of advice and assistance to teachers/applicants regarding ethics, applications, procedures and mandatory reporting requirements

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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- iv) pre-screening applications to ensure that all relevant information is clearly stated
- v) scheduling meetings, organising the distribution of meeting agenda and other documentation and to QSAEC members, taking and distributing meeting minutes
- vi) informing applicant schools in writing of QSAEC decisions following a meeting
- vii) maintaining an electronic database of all QSAEC approved animal-use activities
- viii) maintaining all documentation associated with QSAEC business, in accordance with DoE's document management policy
- ix) providing management reports as required.

### QSAEC OPERATIONS - MEETINGS

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#### *MEETING PROCEDURES*

43. The QSAEC will determine the frequency of meetings to:
- i) ensure regulated animal use activities in schools may proceed with QSAEC approval
  - ii) ensure decisions are made promptly
  - iii) ensure at least one QSAEC meeting is held each school term, with at least four meetings per calendar year.
44. The AEO will ensure that all relevant QSAEC meeting documents (including the agenda, previous minutes, correspondence, applications and reports) are distributed prior to the meeting allowing reasonable time for members to read, consider and prepare questions.
45. At least one member from each of the membership categories (A, B, C and D) must be present at meetings to establish a quorum, and must be present throughout the meeting. Categories C and D together must represent at least one-third of those members present.
46. A member may participate in a meeting via a telephone, video or web link in exceptional circumstances, if it is not possible and/or practical to attend the meeting in person.
47. The AEO will maintain minutes of meetings – recording decisions and relevant aspects of QSAEC business for each meeting.

### QSAEC OPERATIONS – ASSESSING AND OVERSEEING ANIMAL USE IN SCHOOLS

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#### *APPROVAL PROCEDURES*

48. The QSAEC, subject to conditions as explained in the Code, will examine and approve, approve with conditions, defer a decision subject to modification, or reject written proposals relevant to the use of animals for scientific purposes by:
- i) assessing new proposed animal-use activities only after receiving fully completed and signed application forms and at quorate meetings
  - ii) reviewing Executive decisions on minor modifications to approved activities
  - iii) approving only those activities for which animals are essential and justified and which conform to the requirements of the Code and the principles of Replacement, Reduction and Refinement. This should include consideration of factors including ethics, the impact on the animals of the proposed use and the means by which it will be minimised, and the anticipated scientific or educational value

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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- iv) providing appropriate advice to activity leaders to obtain all relevant permits for the use of hazardous substances, and native wildlife, as well as bringing to the attention of the activity leader any perceived Workplace Health and Safety (including Biosecurity) issues concerning the activity
  - v) 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 QSAEC should reach agreement on how it may seek advice, without breaching confidentiality
  - vi) seeking clarification of and/or agreement to amendments to a proposal from the activity leader
  - vii) making decisions based on a thorough, fair and inclusive process of discussion and deliberation by QSAEC members.
49. Decisions should be made on the basis of consensus. Where consensus cannot be reached after reasonable effort to resolve differences, the QSAEC should explore with the applicant ways of modifying the activity that may lead to consensus. If consensus is still not achieved, the QSAEC should only proceed to a majority decision after members have been allowed a period of time to review their positions.
50. The AEO, on behalf of the Chair, will advise the activity leader of the QSAEC's decision using the *Response to Applicant Form*. Reasons must be provided to the activity leader if the proposal is not approved as is.
51. If the applicant feels that the QSAEC has erred in its rejection of the application, a grievance procedure can be instigated in accordance with Clauses 74-77 of these TOR.

### *WITHDRAWAL OF QSAEC APPROVAL*

52. The QSAEC may withdraw approval for any activity when:
- i) an animal is used in any other way other than that approved in the initial QSAEC application or subsequent approved modification or amendment to an application
  - ii) the committee receives written opinion of a veterinarian (or another appropriate person approved by the Chair) that an activity is associated with a higher negative welfare impact than was approved and that this impact will be reduced by stopping the activity
  - iii) an inspection detects that activities are non-compliant with the Code or other legislation.
53. If the QSAEC decides that approval for an activity should be withdrawn, the Chair must advise the activity leader immediately or as soon as possible after the decision to withdraw approval has been made.
54. The activity leader may seek clarification of the reasons for rejection from the QSAEC and, subsequently, provide additional relevant information/comment from other parties (e.g. persons with specialist expertise).
55. The QSAEC must consider any objection raised to its decision. Additional relevant information provided by the activity leader must be considered. The Chair may invite the activity leader to address the QSAEC at its next meeting.
56. If the activity leader or school representative feels that the QSAEC has erred in its withdrawal of approval, a grievance procedure can be instigated in accordance with Clauses 74-77 of these TOR.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### *COMPLIANCE WITH THE CODE*

57. The QSAEC will regularly monitor and review compliance with the Code by:
- i) ensuring that an independent external review of the QSAEC is conducted at least every four years
  - ii) reporting on the operation of the QSAEC and the effectiveness of its processes regarding complaints and non-compliance by:
    - (a) written annual report to the school sector authorities
    - (b) annual review discussion between the Chair and the Deputy Director-General, State Schools (or delegate)
  - iii) advising activity leaders of their responsibilities under the Code
  - iv) diligently monitoring the submission of reporting required under the Code for approved activities
  - v) reviewing reports for all approved activities and taking appropriate actions regarding non-compliance with the terms of an approval
  - vi) fair, prompt, timely, effective, confidential investigation of reports or complaints of non-compliance with the Code, in accord with procedural fairness, the principles of natural justice and protection of whistle-blowers
  - vii) scheduling site inspections of schools with approved activities, either to investigate a particular issue of concern or to monitor current practice. The selection and number of schools to be inspected will be determined by the QSAEC in consultation with school sector representatives.
  - viii) ongoing review of approvals, guidelines and standard operating procedures to ensure they remain ethically acceptable and consistent with the Code.
58. The QSAEC will recommend to schools any measures needed to ensure that the standards of the Code are maintained by reporting instances of non-compliance and recommending remedial action to the principal, the activity leader (the investigator or teacher who is responsible for the activity and as nominated on the application form), animal carer and facility manager as considered appropriate. The QSAEC may comment on the standard of the facilities/infrastructure, animal management procedures and staff competencies.
59. When any party or person involved in the care and use of animals is found to be non-compliant with the Code or other relevant state legislation, the QSAEC will:
- i) give priority consideration to the wellbeing of the animals, and ensure that activities with the potential to adversely affect animal wellbeing cease immediately
  - ii) clearly identify the responsibilities of all parties and recommend remedial action, where appropriate, to ensure compliance with the Code and to support best practice e.g. standards of facilities, staff competencies, animal management
  - iii) suspend or withdraw approval for the activity if deemed appropriate
  - iv) report significant contraventions of the Code or approved activity procedures to the Chair who will refer the matter, for appropriate action, to the Director-General of DoE or Chief Executive of QCEC or ISQ or other relevant governing institutions
  - v) if the nature of the non-compliance involves breach of state legislation, the Chair will, if considered appropriate, advise the relevant regulatory authority of a breach.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### *MONITORING THE CARE AND USE OF ANIMALS*

60. The QSAEC will monitor the care and use of animals (including the acquisition, transport, breeding, housing and husbandry of animals) on a regular and ongoing basis to assess compliance with the Code and decisions of the QSAEC by:
- i) conducting site inspections of a selection of schools with approved activities in a range of regions and across all school sectors
  - ii) taking prompt and appropriate action in response to unexpected adverse events
  - iii) taking prompt and appropriate action in response to reports of non-compliance.
61. The procedure for conducting site inspections is as outlined.
- i) Schools selected for routine site inspection will advise preferred dates, giving one month notice where possible to allow availability of site inspectors.
  - ii) Inspection of schools for which an urgent issue of concern has been raised may be conducted with little or no notice.
  - iii) Schools will be provided with an inspection checklist prior to the inspection.
  - iv) Where possible, a Category C or D member will participate in the inspection.
  - v) Delegates may be authorised to carry out site inspections on behalf of the QSAEC. Delegates may provide video or photographic evidence of the inspection for consideration by the QSAEC and will be invited to join the next meeting of the QSAEC either in person or online to discuss their findings.
  - vi) Following site inspections, the inspectors/delegates must prepare written reports for the QSAEC. Reports may include comment on standards of facilities/infrastructure, animal management procedures and staff competencies.
  - vii) Where the inspector/delegate finds that the school is acting in a way that is non-compliant with the Code, the QSAEC will ensure that such activities cease immediately and that remedial action is taken as appropriate. The QSAEC will report any significant non-compliance of the Code to the Chair, who will refer the matter, for appropriate action, to the Director General of DoE, Chief Executive QCEC or ISQ or other relevant governing institution (or their delegates).
  - viii) The inspection report will be considered by the QSAEC at its next meeting. If endorsed, the AEO will provide a copy of the report to the principal and the activity leader or the person in charge of animals.
62. If a reported unexpected adverse event is considered by the AEO to warrant immediate consideration and action by the QSAEC, the Chair may:
- i) determine that immediate remedial action be taken to address the reason for the event
  - ii) refer the report to a QSAEC member with expertise in the approved activity so that contact can be made with the school and negative impacts on animals minimised
  - iii) call for QSAEC volunteers to conduct a site inspection of the activity
  - iv) ensure that activities that have the potential to adversely impact animal wellbeing cease immediately.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### *STANDARD OPERATING PROCEDURES - GUIDELINES FOR THE CARE AND USE OF ANIMALS FOR SCIENTIFIC PURPOSES*

63. The QSAEC must approve guidelines for the care of animals that are bred, held and used for scientific purposes in Queensland schools. This may include any Standard Operating Procedures (SOPs) that have been developed for use by schools.
64. Review of approved guidelines or SOPs must be undertaken by the QSAEC at least every three years or when a change to any part of the approved guidelines is proposed.

### *INSTITUTIONAL POLICIES AND PLANS*

65. The QSAEC will examine and comment on all plans and policies of the school sectors and/or their member schools that may affect the welfare of animals used for scientific purposes by:
- i) reviewing plans and policies provided by schools and their governing bodies<sup>1</sup> in Queensland that may affect the welfare of animals
  - ii) considering information/comments provided by any person who has concerns regarding the care and use of animals on an educational site where the QSAEC has jurisdiction
  - iii) considering information/comments provided by delegates who conduct site and activity inspections on behalf of the QSAEC or in accord with the agreed monitoring strategy
  - iv) discussing matters pertaining to plans and policies of DoE, QCEC and ISQ member schools
  - v) making recommendations reflecting a consensus view of the QSAEC
  - vi) making comments in the QSAEC Annual Report.

### *AUTHORISING EMERGENCY TREATMENT*

66. If the QSAEC becomes aware of a situation in which an animal's welfare is at risk, the QSAEC Chair may authorise a veterinarian or another appropriate person to examine any animal involved in an approved activity and to provide emergency treatment or euthanasia if deemed necessary.
67. Any decisions and actions by the Chair or Executive regarding emergency situations including examination, treatment or euthanasia should be reviewed by the QSAEC at its next meeting.

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<sup>1</sup> QCEC and ISQ are not governing bodies for QCEC and ISQ member schools.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### QSAEC OPERATIONS – GRIEVANCES AND COMPLAINTS

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68. Complaints may concern the care and use of animals by specific schools or others, including conscientious objection. Complaints may concern the QSAEC process of review of an application or report, or may concern disagreements between QSAEC members or between QSAEC and DoE. Complaints may concern the process for independent external review or may relate to governance officials.

#### *GRIEVANCE PROCEDURE*

69. If a QSAEC decision to reject, suspend or withdraw activity approval is disputed by an activity leader /school, and the dispute has not been resolved to the satisfaction of the activity leader/school, a grievance may be lodged in writing to the QSAEC.
70. The grievance will be referred to a person or agency external to the QSAEC, usually the Chief Executive (or delegate) of the relevant school sector, for review of the QSAEC's decision.
71. The QSAEC will consider the findings of that review and may choose to re-evaluate its decision. However, the ultimate decision regarding the ethical acceptability of an activity lies with the QSAEC and cannot be overridden.
72. The AEO will ensure all parties are kept informed of the process and decisions concerning the matter.

#### *COMPLAINTS CONCERNING THE CARE AND USE OF ANIMALS BY SPECIFIC SCHOOLS*

73. Complaints to DoE, QCEC and ISQ concerning animal activities that would normally require animal ethics committee approval must be referred to the QSAEC to investigate whether such activities are conducted in accordance with QSAEC approval.
74. On receipt of a complaint to the QSAEC about animal-use activities, the AEO will advise the relevant school sector representative of the complaint and whether the activity is approved by the QSAEC. The school sector representative will liaise with the school to determine whether the activities are being conducted in accordance with the QSAEC approval and report their findings to the Chair.
75. On receipt of complaint details by the Chair, a determination will be made by the Chair about the potential to adversely affect animals' wellbeing if the activity continues and whether the activity should cease immediately, pending further consideration by the QSAEC.
76. Based on the nature and urgency of the matter, the Chair may:
- i) determine that remedial action be taken to address the reason for the complaint, prior to consideration of the complaint at the next scheduled meeting of the committee
  - ii) determine that no action is required prior to the next scheduled meeting of the committee, at which time the QSAEC will decide if modification to the approval of the activity is required
  - iii) call for QSAEC volunteers to conduct a site inspection of the activity
  - iv) schedule a meeting of the QSAEC to investigate the complaint. This meeting may be online or face-to-face.
77. The Chair will provide, in writing to the person who lodged or referred the complaint, the QSAEC's determination on the matter.
78. Where the activities are not conducted in accordance with QSAEC approval, the matter will be referred back to the relevant school sector for consultation with the school.
79. The AEO will ensure all parties are kept informed of the process and decisions concerning the matter.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### *COMPLAINTS CONCERNING QSAEC POLICIES OR THE ETHICS OF ANIMAL USE*

80. At times, complaints may be received by the QSAEC:
- i) concerning animal activities that would not normally require animal ethics committee approval e.g. equestrian events
  - ii) concerning the care and use of animals by the school sectors as a whole e.g. conscientious objection to the use of animals in schools
  - iii) concerning QSAEC policies or procedures e.g. the external review process
  - iv) alleging non-compliance with the Code or other legislation by the QSAEC or the relevant school sector.
81. The Chair will provide, in writing to the person who lodged or referred the complaint, the QSAEC's determination on the matter.
82. The QSAEC may re-evaluate its policies in light of review of the complaint, however the ultimate decision regarding the ethical acceptability of activities lies with the QSAEC and must not be overridden by DoE, QCEC or ISQ.
83. If a complaint directly to the QSAEC is not resolved, the complainant will be referred to a person or agency external to the QSAEC, usually the Chief Executive (or delegate) of the relevant school sector, for review of the QSAEC's decision.
84. The AEO will ensure all parties are kept informed of the process and decisions concerning the matter.
85. Complaints addressed directly to DoE, QCEC and ISQ as per clause 81 (ii-iv) should be referred to the QSAEC Chair to contribute to the response to the complaint.

### *OTHER ISSUES*

86. Other issues (for example, events that have a minor impact on the welfare of an animal, where the main issue is related to financial or administrative considerations) should be addressed by the Chair.
87. When determining the appropriate action needed to address the issue, consideration should be given to the following:
- a) Is due consideration being given to the welfare of the animal?
  - b) Compliance with the requirements of the Act and the Code
  - c) Is the activity being conducted in accordance with the QSAEC approval?
  - d) Any reasonable explanation and/or additional information obtained from the Applicant, the person-in-charge of the animals at the site, the responsible activity leader, other QSAEC members and, if appropriate, the person making the complaint.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### QSAEC OPERATIONS – RECORDS AND REPORTING

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#### *RECORDS OF PROPOSED ANIMAL-USE ACTIVITIES*

88. The QSAEC will maintain a record of proposed animal-use activities by:
- i) authorising the AEO to retain, in departmental or other schooling sector files, all documentation associated with QSAEC business (including minutes, proposals, decisions, copies of inwards and outwards correspondence, and reports and comments provided by the QSAEC)
  - ii) authorising the AEO to maintain an electronic database of all activities assessed (both approved and rejected) for the QSAEC.
89. Records should be stored in accordance with DoE's document management procedure.

#### *REPORTING TO SCHOOLS/SECTORS*

90. The AEO will report, on behalf of the QSAEC, recommendations of any measures needed to ensure that the standards of the Code are maintained.
- i) Instances of non-compliance and recommended remedial action will be reported to the school principal, the activity leader (the investigator or teacher who is responsible for the activity as nominated on the application form), animal carer, facility manager, and the relevant sector representative as considered appropriate. The QSAEC may comment on the standard of the facilities/infrastructure, animal management and staff competencies.
  - ii) Significant contraventions of the Code or approved activity procedures will be reported to the sector representative. The sector may decide to have the matter dealt with by their internal discipline system.

#### *ANNUAL REPORTING*

91. The AEO will undertake the following scheduled activities to ensure that all scientific animal use by schools is approved by the QSAEC and that reporting of those activities as stipulated by the Code is satisfied.
- i) Schools will be advised of approval expiry dates falling in the following term and required to complete a final activity completion report in respect of that approval. Schools will be provided with the necessary information to renew those approvals, if required.
  - ii) In Term 4, schools with current animal ethics approvals will be advised of the responsibility to complete an annual activity completion report.
  - iii) Advice of adverse events and complaint reporting requirements is included in activity completion reports.
92. Under the *Animal Care and Protection Act 2001*, scientific users registered in Queensland are required to report their annual animal-use statistics by 31 May to DAF. The QSAEC will collate and report on behalf of all Queensland school registrants.
93. The QSAEC must submit a written report annually to the Chief Executives of the school sectors. The QSAEC report:
- i) provides summary data on the number and types of projects and activities assessed, approved or rejected
  - ii) provides summary data of amendments to approved guidelines for physical facilities for the care and use of animals in approved activities

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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- iii) details actions that have supported the educational and training needs of QSAEC members, and of personnel involved in the care and use of animals
- iv) details administrative or other difficulties being experienced
- v) advises on any matters that may affect the ability of the schooling authority or school to maintain compliance with the Code and if necessary provides suitable recommendations.

### *REQUESTS FOR INFORMATION*

- 94. Requests for information concerning the use of animals within schools may be lodged in writing with the AEO for consideration by the QSAEC.
- 95. The Chair will consider and advise the AEO of the timeframes for response, based on the nature and urgency of the matter.

### *INDEPENDENT EXTERNAL REVIEW OF THE QSAEC*

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- 96. An independent external review of QSAEC operations will be conducted every four years to assess compliance with the Code by the QSAEC, DoE, ISQ member schools and QCEC.
- 97. To ensure the review addresses continued suitability, adequacy and effectiveness of QSAEC procedures to meet its responsibilities under the Code, DoE will:
  - i) make arrangements for the review to be conducted by DAF if possible, or by an alternate external review team
  - ii) ensure that members of the review panel declare their interests through written statement and sign a Confidentiality agreement prior to conducting the review
  - iii) consult with the review panel to develop a process for the manner in which the review is conducted, in accord with the principles of natural justice and including an appeal process
  - iv) provide the review panel with the necessary authority and resources to conduct the independent review of the activities of the QSAEC and the activities conducted by schools in each of the school sectors. This will include access to:
    - (a) QSAEC members and relevant staff at DoE, ISQ, QCEC
    - (b) information, records and premises and provision of reasonable assistance.
  - v) provide a copy of the panel's summary report to the QSAEC, Director General, DoE and Chief Executives of ISQ and QCEC and to the Animal Ethics Officer, DAF
  - vi) include findings and recommendations of the review in the QSAEC Annual Report
  - vii) ensure that timely actions are taken to address the recommendations of the review.
- 98. Areas covered by the independent external review will include:
  - i) the conduct of the Chair and members of the QSAEC, sector representatives and administrators
  - ii) the conduct of a sample group of school staff involved in the care and use of animals for scientific purposes - principals, activity leaders and animal carers, at state and non-state schools
  - iii) the adequacy of the QSAEC and school sectors to ensure that the care and use of animals for scientific purposes is conducted in compliance with the Code:
    - (a) adequacy of QSAEC review and approval of applications
    - (b) adequacy of monitoring of approved activities to ensure they are conducted in accordance with QSAEC approval

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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- (c) adequacy of review of QSAEC standard operating procedures and guidelines
  - (d) adequacy of school sector support, resources and educational programs for the QSAEC and its members to ensure they can meet their responsibilities under the Code
  - (e) adequacy of school support, resources and educational programs for staff involved in any aspect of the care and use of animals to ensure they can meet their responsibilities under the Code
- iv) the effectiveness of QSAEC operations
    - (a) conduct of QSAEC meetings
    - (b) record keeping
    - (c) reporting
    - (d) grievance and complaint procedures
    - (e) communication with stakeholders
  - v) the effectiveness of school sector strategies to promote and monitor the implementation of the governing principles
  - vi) effective monitoring of the wellbeing of animals
  - vii) animal facility management at a sample number of state and non-state schools
  - viii) if applicable, an assessment of the report from the previous external review and actions taken in response to recommendations in that report.
99. The review panel will provide a summary report which:
- i) identifies areas of non-compliance
  - ii) recommends support strategies for short-term and long-term continual improvement
  - iii) gives recognition to behaviours and actions by individuals and teams that support compliance.

### REVISION OF THE TERMS OF REFERENCE

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100. These TOR will be reviewed as necessary in response to changes in legislation and departmental policy.

## TERMS OF REFERENCE FOR THE QUEENSLAND SCHOOLS ANIMAL ETHICS COMMITTEE

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### REFERENCES

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Animal Care and Protection Act 2001

Australian code for the care and use of animals for scientific purposes, 8<sup>th</sup> Edition, 2013, National Health and Medical Research Council

### CONTACT OFFICER

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