

## **THE UNIVERSITY OF ADELAIDE ANIMAL ETHICS COMMITTEE**

### **PROCEDURES FOR RESPONDING TO NON-COMPLIANCE WITH ANIMAL WELFARE LEGISLATION, THE AUSTRALIAN CODE OF PRACTICE, OR ANIMAL ETHICS COMMITTEE DECISIONS**

#### **Overview**

It is a requirement of the University, and the expectation of the general public, that the holding and use of animals will be conducted in a manner compliant with all relevant legislation, the animal welfare Codes of Practice, and the decisions of the Animal Ethics Committee.

The current Australian Code of Practice requires institutions and AECs to develop written procedures to ensure that all animal use for scientific purposes complies with relevant legislation and the Code, to address any non-compliance that may occur, and to clearly indicate where responsibilities lie.

What is a “Non-Compliance” or “Breach”?

- An infraction or violation of:
  - i) the South Australian Animal Welfare Act and Regulations, or
  - ii) the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, or
  - iii) University animal welfare policy, or
  - iv) An agreement or commitment made by scientific investigators with the AEC.
  
- Situations considered to be Non-Compliant/Breaches include (but are not limited to) the list of example provided below.

#### **Policy Principles**

- the relevant AEC will be principally responsible for conducting an investigation and determining any corrective measures or penalties that may be applied.
  
- Serious non-compliance must be reported promptly to the AEC and the Animal Welfare Officer.
  
- Anyone who has a concern about animal welfare, or who suspects that a non-compliance/breach may have occurred should report this. That person may be a student; or a member of the animal care, research or academic staff; or a member of the AEC, the State Government Department of Environment and Natural Resources (DENR) Animal Welfare Unit, or a visitor to the institution; or any other person.
  
- The responsibilities of investigators, institutions and AECs are further described in Sections 2 and 3.

## **Section 1: Examples of Non-Compliance**

- Chief Investigator fails to submit an annual or completed project report on time (as determined by University or DENR Animal Welfare Unit requirements).
- Chief investigator fails to submit a satisfactory annual or completed project report (as determined by University or DENR Animal Welfare Unit requirements).
- Chief investigator fails to keep satisfactory records of animal use (animal identification, cage labels, breeding records, animal or environmental monitoring records, animal procedure records).
- Unauthorised animal use: Over-use of animals reported by Chief investigator (i.e. more animals used in a project than were approved for use by the AEC)
- Unauthorised animal use: Over-use of animals detected by the AEC or another party. Chief investigator fails to provide a satisfactory reason, despite a request for an explanation.
- Unauthorised animal use: Animal use continues on a project where the period of approval has expired.
- Unauthorised animal use: Animal use for a project, or use of an animal procedure, without approval from the AEC.
- Unauthorised animal use: Change of animal species or strain or procedure without approval from the AEC.
- Unauthorised animal use: Failure to perform a procedure (eg failure to anaesthetise an animal or provide analgesia or comply with an agreed animal endpoint/euthanasia criterion) with the result that animal suffering is likely.
- Unauthorised investigator: Animal procedures performed by an investigator who has not been included in the approved Application.
- Unauthorised investigator: Animal procedures performed by an investigator who is not a member of the University or other licensed scientific institution, and has not been included in an AEC-approved project Application.
- Unauthorised animal use: Animal procedure performed which was specifically not allowed or was specifically prohibited, by the AEC or by the Act.

## **Section 2: Procedure**

- The Convenor of the AEC is informed of any suspected non-compliance/breach of the Act or Code, Animal Welfare Concern, complaint, or grievance\*<sup>1</sup>.

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<sup>1</sup> \*Extract from the Code states 2.1.1(xi) *Responsibilities of Institutions* "Establish mechanisms to respond to enquiries or complaints concerning the use of animals within the institution and ensure that personnel and students may voice concerns without jeopardising their employment, careers or coursework".  
(Refer also to Code Sections 2.2.1, 2.2.33, 2.2.34, 2.2.36)

- Serious breaches of the Code and the Act will be reported by the University to the DENR Animal Welfare Unit and the RSPCA. The Deputy Vice-Chancellor and Vice-President (Research) is the person responsible for reporting on behalf of the University.
- If a Non-Compliance/Breach of the Code or the Act is detected:
  1. The AEC Convenor, the Chief Investigator and the Animal Welfare Officer or Secretary of the Animal Ethics Committee are notified immediately. The Deputy Vice-Chancellor and Vice-President (Research) will also be informed immediately about all serious matters.
  2. Any activity in breach of the Code or Act must cease at once.
  3. If applicable, urgent animal welfare concerns are identified and appropriate action is taken to alleviate animal suffering or distress. The Animal Welfare Officer must be consulted when there are animal welfare concerns. The AEC authorises animal care staff, the AEC Convenor and the Animal Welfare Officer to humanely kill or treat animals in an emergency in order to alleviate animal pain or distress.
  4. In cases of emergency, before an animal is treated or humanely killed, all reasonable steps must be taken to consult with the responsible investigator or teacher, the Animal Welfare Officer and the Convenor of the AEC. Any such action must be reported promptly to the responsible investigator or teacher and the AEC, including reasons for the action taken, and confirmed in writing. (*Refer Code 2.2.36*)
  5. The AEC approval for the Project or personnel involved in the breach to use animals may be suspended at the decision of the AEC Convenor or Executive, pending further investigation.
  6. The members of the AEC and the Head of Department or School may also be informed if appropriate.
  7. Following consultation with AEC members, the Convenor may call an extraordinary meeting to fully investigate the non-compliance/breach, and to determine other appropriate responses.
  8. The appropriate response is determined on a case-by-case basis, with reference to AEC precedents. Appropriate responses may include (but are not limited to):
    - cautioning an investigator;
    - requiring remedial action;
    - suspension of approval for a project, a series of projects, or an individual;
    - cancellation of approval for a project;
    - recommendation of disciplinary action to the institution.
  9. The Chief Investigator, Institutional Licence holder (Pro Vice-Chancellor Research) and the Animal Ethics Policy Committee are informed of the outcome of the investigation, and the AEC's determination regarding an appropriate response.
- Irreconcilable differences between the AEC and an investigator or teacher must be referred to the Animal Ethics Policy Committee for review of due process or conciliation. The ultimate decision of an AEC after such review must not be overridden (*Refer. Code, 2.2.14 & 2.1.1 (xii)*)

- Serious breaches are reported by the AEC Convenor or the Animal Welfare Officer, or by others to the Deputy Vice-Chancellor and Vice-President (Research). The institution has the authority and responsibility to discipline staff under its supervision, in accordance with University procedures and policies (e.g. Guidelines and rules for responsible practice in research). The AEC does not have legal authority or responsibilities in personnel matters.

### **Section 3: Brief Summaries of Responsibilities in Relation to this Procedure**

#### ***Investigators:***

- Investigators must comply with the *Animal Welfare Act* and Regulations, the current *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*, and all the conditions imposed by the AEC as part of the approval of the project Application. By signing the Application, all investigators have agreed to do this.
- Investigators should self-audit regularly and ensure record keeping is up-to-date to avoid inadvertent use of more animals than were approved or unauthorised changes to the approved protocol.
- All unexpected adverse events or unforeseen circumstances that may impact on animal wellbeing during the conduct of a project must be reported immediately to the Animal Welfare Officer and to the AEC Convenor via the AEC Secretary.
- In situations where a Non-Compliance/Breach of the Act or the Code occurs, the investigators must report the matter (verbally and in writing) to the Animal Welfare Officer and to the AEC Convenor via the AEC Secretary and adopt measures to correct the situation and prevent future recurrence.

***Chief Investigator:*** The Chief Investigator (*the first named primary applicant in whose name an ethical approval is granted*) assumes principal responsibility for the conduct of the project, the supervision of all personnel associated with the project, and the welfare of the animals involved in the project.

#### ***AEC:***

- The AEC is responsible for approval of projects, and for monitoring of all projects.
- In situations where a Non-Compliance/Breach is reported, the AEC authorises the Convenor (or Executive) and the Animal Welfare Officer to act in an emergency and initiate an appropriate response.
- The AEC is responsible for conducting an investigation and determining an appropriate response which may include formally withdrawing approval for a project or authorising the treatment or humane killing of any animal.

#### ***AEC Convenor:***

- The Convenor is responsible for representing the AEC in any negotiations with the institution.
- If a Non-Compliance/Breach of the Act or the Code occurs during the conduct of a project, the AEC Convenor (or Executive) is responsible for initiating an immediate response on behalf of the Committee.
- The Convenor or Executive is responsible for contacting the Chief Investigator and the Animal Welfare Officer so that activity in the project ceases, any animal welfare concerns are addressed, and other appropriate action can be taken.
- The Convenor is responsible for reporting the Breach promptly to the AEC members, the Research Ethics and Compliance Unit (Animal Ethics), the Scientific Licence holder (Pro Vice-Chancellor Research) and the Animal Ethics Policy Committee. The Convenor may

also request that the Deputy Vice-Chancellor and Vice-President (Research) report the matter to the DENR Animal Welfare Unit and the RSPCA, on behalf of the University.

***Animal Ethics Policy Committee:***

- Responsible, through the AEC, for ensuring that all scientific and teaching activities involving the use of animals comply with relevant legislation and the Code.
- Review the outcome of AEC procedures and processes to ensure that any activity in breach of the Code ceases immediately and appropriate action is taken.
- Report to the institution through Deputy Vice-Chancellor and Vice-President (Research).
- Recommend reporting of serious non-compliance/breaches to the DENR Animal Welfare Unit and RSPCA by the Deputy Vice-Chancellor and Vice-President (Research), on behalf of the University.
- Establish policies and mechanisms to respond to enquiries or complaints concerning the use of animals within the institution, and ensure that staff members and students may voice concerns without jeopardising their employment, careers or coursework.
- Establish and make known procedures for the fair resolution of disagreements between the AEC members or between people who use animals for scientific purposes and the AEC
- Review of due process or conciliation whilst acknowledging that the ultimate decision of an AEC must not be overridden.

***Scientific Licence Holder (Pro Vice-Chancellor Research):***

- Responsible for responding promptly and effectively to recommendations from each AEC to ensure that all use of animals for scientific purposes within the institution remains in accord with the Australian Code of Practice.
- Accept the advice of the AEC, and discipline staff who contravene the Code.

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Flowchart of the Procedure for responding to Non-Compliance with Animal Welfare legislation, the Australian Code, or AEC decisions

