

**Overarching Principle and Intent**

Western Sydney University complies with the [Australian Code for the Care and Use of Animals for Scientific Purposes](http://www.nhmrc.gov.au/guidelines-publications/ea28) (2013) and the New South Wales [Animal Research Act](http://www.legislation.nsw.gov.au/maintop/view/inforce/act%2B123%2B1985%2Bcd%2B0%2BN) (1985) and its regulations. Other policies, guidelines and codes that may need to be complied with concurrently include those published by the Animal Research Review Panel (ARRP), NHMRC and the [Office of the Gene Technology Regulator (OGTR)](http://www.ogtr.gov.au/).

**Animal Ethics Non-Compliance Procedure**

**Purpose**

To provide clear guidelines for the handling of non-compliance (a type of complaint) by staff and students related to the use of animals for scientific purpose at Western Sydney University.

**Scope**

Western Sydney University has procedures in place for the management of animal related complaints that may involve, for example, concerns about animal welfare, decisions of the Animal Care and Ethics Committee (ACEC) from researchers, or complaints between members of the ACEC (Refer Animal Ethics Complaints Procedure). The nature of the complaint may involve a non-compliance (an activity, behaviour or omission) that does not satisfy agreed criteria.

**Background**

Broadly speaking, a non-compliance may include not satisfying the requirements of:

1. The NSW Animal Research Act and Regulations, or
2. The *Australian Code for the Care and Use of Animals for Scientific Purposes* (2013), or
3. Any requirements stated in the ACEC application or conditions imposed by the ACEC regarding the conduct of an approved project, or
4. Any act, code or regulation enforceable around the treatment, use or display of animals.

Specific examples of a non-compliance may include:

* Use of animals without ACEC approval (e.g. exceeding the approved number of animals, commencing prior to approval);
* Use of a different species of animal without ACEC approval;
* Conducting a procedure on an animal without ACEC approval;
* Use of animals when approval has expired, been withdrawn or suspended;
* Failure to ensure the wellbeing of animals e.g. regular monitoring, providing humane euthanasia as and when required, providing analgesia as and when required;
* Failure to a) notify the Animal Welfare Officer and/or the Animal Ethics Officer of an adverse event within 48 hours of the event occurring or b) failing to subsequently provide an Adverse Event Report;
* Animal procedures performed by an investigator who has not been included on the research team;
* Failure to keep satisfactory records of procedures, animal use and monitoring (e.g. missing entries, no dates, initials);
* Progress or Final Reports are not forwarded to the ACEC in a timely manner (as determined by University or ACEC requirements).

**Procedure**

After receipt, and deciding that a complaint is best dealt with as a non-compliance, the following steps are to be followed:

1. If applicable, and where urgent animal welfare concerns are identified, appropriate immediate action will be taken to alleviate animal suffering or distress. The Animal Welfare Officer must be consulted when there are animal welfare concerns. The ACEC authorises animal care staff and the Animal Welfare Officer to humanely kill or treat animals in an emergency in order to alleviate animal pain or distress.

2. 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 ACEC Chair. Any such action must be reported promptly to the responsible investigator or teacher and the ACEC, including reasons for the action taken, and confirmed in writing.

3. The ACEC approval for the project or personnel involved in the breach to use animals may be suspended at the decision of the ACEC Executive, pending further investigation.

4. The members of the ACEC and the Dean or Institute Head may also be informed, if appropriate.

5. The ACEC Chair may call an extraordinary meeting to fully investigate the non-compliance, and to determine other appropriate responses.

6. The appropriate response is determined by the ACEC on a case-by-case basis, taking into account the level of seriousness related to the non-compliance.

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.

7. The Chief Investigator and the Animal Care and Ethics Committee are informed of the outcome of the investigation, and the ACEC’s determination regarding an appropriate response.

**Related documents:**

[UWS Policy DDS – Complaint Handling and Resolution Policy](http://policies.uws.edu.au/view.current.php?id=00098)

Animal Ethics Complaints Procedure

[Australian Code for the Care and Use of Animals for Scientific Purposes (2013)](http://www.nhmrc.gov.au/guidelines-publications/ea28)

[Animal Research Act 1985](http://www.legislation.nsw.gov.au/#/view/act/1985/123)

[Animal Research Regulation 2010](http://www.legislation.nsw.gov.au/#/view/regulation/2010/425)

**Animal research ethics guidance documents available from REDI**

* ACEC Frequently Asked Questions
* ACEC Amendment Guidelines
* ACEC Species, Purpose and Procedure Descriptions
* Alternatives to Using Animals
* Tips for Improving the Quality of Your ACEC Application
* Animal Ethics Non-Compliance Procedure
* Animal Ethics Complaints Procedure

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**Guidance on Data Storage and Retention Questions in the NEAF**