

The Veterinarians Animal Welfare Toolkit



Animal welfare issues on farms – the veterinarian’s role

A Practical Toolkit

“The aim of the process is to achieve an outcome that reduces animal suffering and achieves the fundamentals expressed in the codes of welfare. At the same time it is desirable that the process creates minimal confrontation and maximum co-operation with the animal owner. To this end it is important to be non-judgemental, helpful and have objective standards to achieve. Acknowledgement of any progress being made can be helpful in reaching the best outcome. It is also important to specify timeframes and results, and to monitor progress until a sustainable solution is achieved.”

ACKNOWLEDGEMENTS

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Special thanks to the Arbitrators' and Mediators' Institute of New Zealand Inc for training and guidance on how to approach tough conversations with farmers and the feedback and support of all those who provided comment during the consultation phase is also acknowledged.

Disclaimer

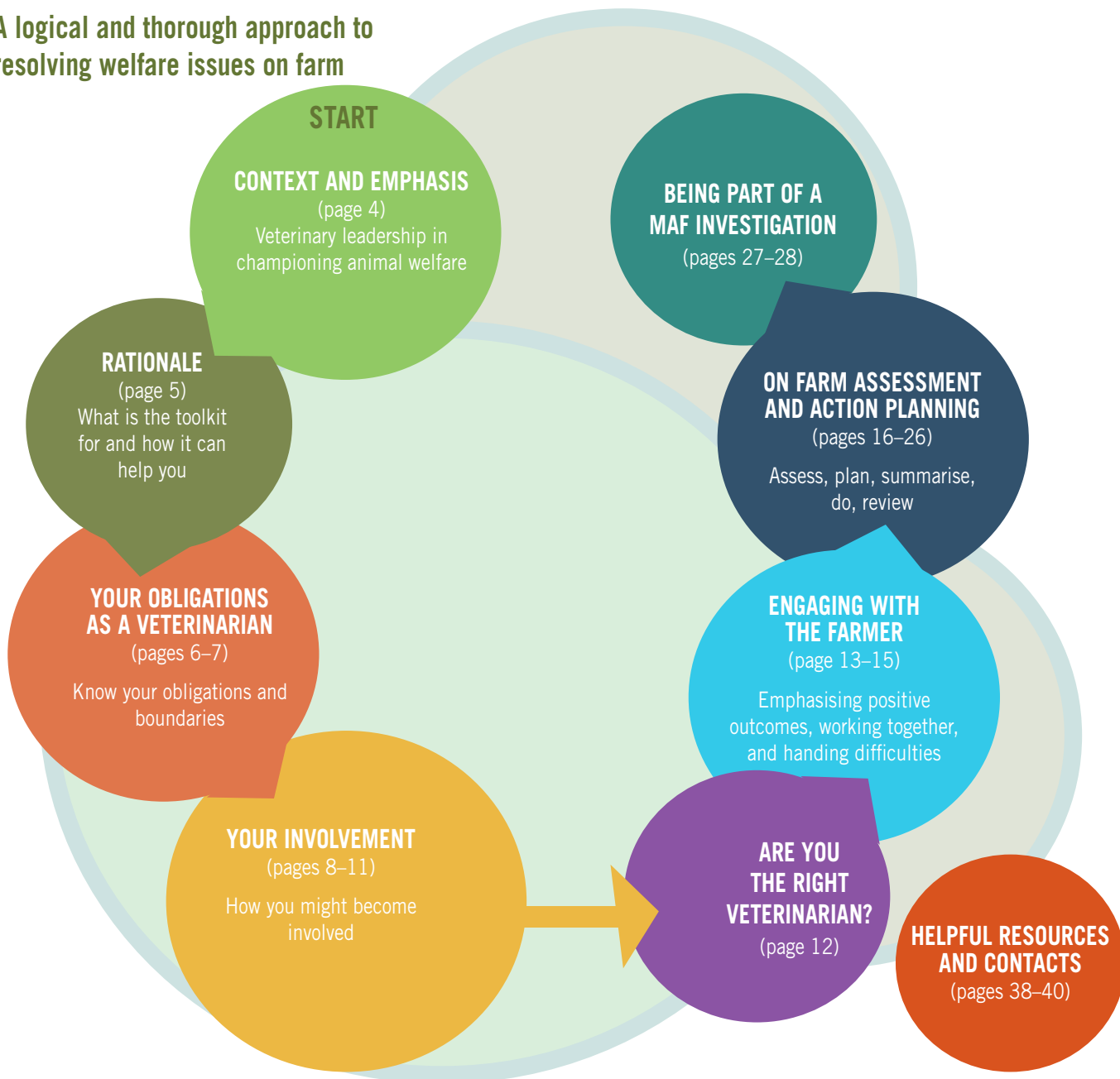
This toolkit has been designed to provide practical guidance for veterinarians involved in addressing animal welfare issues on farms. It does not intend to provide legal advice to veterinarians, and if you are unsure about your legal position you should seek advice from the Veterinary Council of New Zealand (VCNZ), New Zealand Veterinary Association (NZVA), or your own lawyer. While this toolkit is focused on farm animals, the principles apply across all species. With this in mind practices are encouraged to develop their own policies and procedures for dealing with animal welfare issues.

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A logical and thorough approach to resolving welfare issues on farm



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PREFACE

Animal welfare is not just the responsibility of those who work with animals, it is the responsibility of every New Zealander.

This is the vision of *Safeguarding our Animals; Safeguarding our Reputation*, a plan released by the Government in 2010 to improve animal welfare compliance in New Zealand.

New Zealand has a proud reputation for animal welfare and the veterinary profession works tirelessly to uphold this reputation. Veterinarians, in their on-farm activities, understand the link between the ethical treatment of animals, and performance and productivity.

The development of the New Zealand Veterinary Association's practical toolkit demonstrates the profession's commitment to animal welfare and provides sound guidance for veterinary activity on farms.

The role of veterinarians in raising animal welfare issues with their clients and ensuring humane treatment of animals is to be encouraged as a positive, rather than intrusive, approach.

Every step taken to maintain our international credibility in animal welfare matters deserves to be applauded.



Hon David Carter
Minister of Agriculture

WHAT THE TOOLKIT IS FOR

This toolkit has been designed to provide practical guidance for veterinarians involved in addressing animal welfare issues on farms.

This toolkit will:

- help you to understand your obligations and options when you have identified an animal welfare issue;
- provide some guidance in case conversations with your clients about the welfare of their animals become confrontational;
- set out good practice guidelines in regard to assessment, data collection and record keeping;
- provide you with an understanding of what is involved in an animal welfare investigation;
- provide references to useful technical resources and support for you and the farmer.

The information provided in the toolkit can be used as the basis for practice policies for how animal welfare issues are managed. The formalisation of such policies also demonstrates to clients and the public a commitment to address issues of animal welfare and encourages veterinarians to be proactive when they come across welfare-compromised animals. Individual veterinarians can then feel supported in their decision to raise welfare concerns with a farmer.



LEGAL AND PROFESSIONAL OBLIGATIONS AND POWERS

Under the Animal Welfare Act 1999, the owner or person in charge of an animal is responsible for meeting its physical, health and behavioural needs and alleviating its pain or distress. The owner or person in charge may employ a veterinarian to help them meet their obligations.

As a veterinarian, you have a professional obligation, set out in the Veterinary Council of New Zealand Code of Professional Conduct for Veterinarians, to protect animal welfare and alleviate animal suffering. This requires you to act immediately to address situations where there is cause to suspect unreasonable or unnecessary pain or distress in an animal(s), or possible breaches of animal welfare legislation. If a situation shows no sign of being remedied the veterinarian must report the case to an Inspector under the Animal Welfare Act.

Veterinarians have limited powers under the Animal Welfare Act: section 138 provides that if you find a severely injured or sick animal (other than a marine mammal) and consider that animal should be destroyed because reasonable treatment will be insufficient to make the animal respond, you must euthanase the animal and may do so without the express permission of the owner provided that the following steps are followed:

- you must consult with the owner; and
- allow the owner to get a second opinion from another veterinarian.

If the owner cannot be found within a reasonable timeframe, the owner does not agree to the destruction or obtain a second opinion you must euthanase the animal.

While a veterinarian must uphold client confidentiality, under section 6 principle 11(e) of the Privacy Act 1993 a veterinarian can provide personal and private information about a farmer and their animals to an Inspector if they believe that not doing so would result in a prejudice to the maintenance of the law. That is, if they believe that the information is necessary to prevent, detect, investigate, and prosecute offences under the Animal Welfare Act.

There is a legal obligation under the Animal Welfare Act for the owner or person in charge of an animal to meet an animal's physical, health and behavioural needs and to alleviate pain or distress. As a veterinarian you should be aware of any situations where you could become the person "in charge of an animal" (for example, when the animal is being kept at your practice or you are transporting it).

Depending on the circumstances, you should also be aware that if you do nothing, if you allow unnecessary or unreasonable pain or distress to continue, or if you undertake actions that exacerbate animal welfare issues, you may be investigated as party to an offence under the Animal Welfare Act.

Appendix 1 provides a more complete list of your obligations and powers.

**Protect
animal welfare,
alleviate suffering**

GETTING INVOLVED

You may find yourself involved in resolving an animal welfare issue on a farm, in a number of ways including:

- You identify an issue yourself while visiting the farm.
- You are notified of a potential issue by a member of the community or by an industry group.
- You are asked to help resolve an animal welfare situation by the farmer or person in charge of the animals.
- You are asked by an Inspector to help resolve an animal welfare situation (note, this may extend to acting as an expert during the investigation and ultimately giving evidence in legal proceedings).

1 You identify an issue yourself while visiting the farm – If you see an animal welfare issue on a client's property you must act immediately to advise how the problem should be alleviated. If the advice you give is not followed, and the animal welfare concern is not resolved, the matter should be referred for a second opinion or to an Inspector (noting Privacy Act obligations).

While the Society for the Prevention of Cruelty to Animals (SPCA) has Inspectors under the Animal Welfare Act, the focus of the SPCA is on companion animals and urban environments. While they will be present on some farms, the Ministry of Agriculture and Forestry (MAF) is the lead enforcement agency for on-farm matters. **If the issue you see is significant, consider advising MAF straight away by telephoning 0800 00 83 33.**

When involved in helping a farmer to resolve an incident (that is, with a minor issue) and the situation deteriorates, you must refer the issue to a:

- senior colleague, • NZVA; or
- practice principal; or • MAF.

2 You are notified of a potential issue by a member of the community or by an industry group – If someone from the community or an industry group notifies you of a potential animal welfare issue obtain as much information about the situation as possible (for example, name of farmer, veterinary consultant or practice involved, location, type of animals, main concern and scale). You should think seriously about whether you are the right veterinarian to get involved and whether you should refer this issue to another veterinarian or MAF.

Veterinarians are not Inspectors under the Animal Welfare Act unless they have been appointed by MAF. If the issue occurs on a property that is not part of your practice, it should be referred to MAF, another veterinary practice, an industry group, the Police or SPCA. If the complaint is about one of your clients, your response will depend on the relationship you have with that client. It may still be appropriate to refer the case, or ask a colleague within your own practice to deal with it.



3 You are asked to help resolve an animal welfare situation by the farmer or person in charge of the animals

– A farmer may voluntarily seek your help to resolve animal welfare issues on their farm. If you become involved and the situation deteriorates, you must involve a senior colleague and/or MAF as soon as possible.

A farmer may also call you for help and/or support after an Inspector has inspected their animal(s) and requires some remedial action to be taken. In this instance you are employed by the farmer, and your role is to advise, support and assist the farmer in forming and monitoring an action plan. With the farmer's consent, the NZVA encourages also involving industry bodies in the development and implementation of action plans.

With the farmer's consent, you should contact the Inspector and get a full briefing of any specific requirements and background before becoming involved.

If called into an issue where an Inspector is already active, whilst engaged by the farmer, it is necessary to communicate constructively with the Inspector and others to ensure an appropriate sustainable solution can be developed.

Your notes and associated clinical reports, photographs and client records may ultimately be released to an Inspector, either with the farmer's permission, or, if the case is being fully investigated, in line with the principles of the Privacy Act or following execution of a search warrant.

They may also be produced by the client in defence of any legal proceedings.

4 You are asked by an Inspector to help resolve an animal welfare situation

(note, this may extend to acting as an expert during the investigation and ultimately giving evidence in legal proceedings) – You may also be contracted by an Inspector as an on-farm specialist adviser. In this instance you will be provided with further support and advice from the Inspector or their respective agency. Duties may include identifying the issue, animal health and husbandry needs assessment, body condition scoring, nutritional requirement advice, action planning, giving advice on mitigating suffering, following up and monitoring properties, euthanasing animals, performing postmortems, and acting as an expert witness in any legal proceedings. If you are asked to be part of an animal welfare response and investigation, the Inspector will guide you.



Am I the Right Veterinarian?

When you have the basic information the next step is to check “am I the right veterinarian?” While you have a professional obligation to take action in cases of poor animal welfare, you may not be the right person to be involved in the particular situation. Instances when you may not be the right person include when:

- you are a new graduate;
- you don't have the technical expertise required;
- there is a conflict of interest;
- you are a locum or in a temporary position;
- the scale or severity of the issue requires immediate involvement of MAF/SPCA/Police.

You can discharge your obligation by referring the issue to a colleague, another practice, MAF, the SPCA or the Police.

It is useful to keep a hard copy or electronic copy of any referral to another colleague or veterinary practice. If you are concerned that the referral is not being treated appropriately, contact the NZVA, Veterinary Council of New Zealand or MAF for advice and support.

MAF's primary objective is to implement a sustainable solution on a farm. MAF can also be used for advice and early intervention. Notifying/engaging MAF to resolve an animal welfare incident does not necessarily result in prosecution – other more educational options are often more effective.

Education can be more effective

Engaging with the Farmer

Before you visit (or, before you raise an issue you see on-farm) think about how and where you are going to broach the subject. For example, it may be easier for the farmer to speak with you while walking outside, avoiding potential face-to-face confrontation in a small room or in front of other people.

Clearly state that you are concerned about the welfare of the animals and then ask the farmer whether they are also concerned. Deliver your opinions clearly, respectfully and early in the conversation. Be aware that the animal welfare issue does not sit in a vacuum. Think about what has gone before. Solicit information from the farmer about how things have been going in the last few months. Use language and behaviour that will act to diffuse a situation, not escalate it by seeming judgemental or assigning blame.

The skills and behaviours expected under the Code of Professional Conduct are a good place to start. These include:

- **professionalism;**
- **respect;**
- **open communication;**
- **providing options.**

Be supportive and encourage the farmer to involve their chosen industry representative.

Having to confront the fact that they may have an animal welfare issue may be difficult for a farmer. Two common responses are:

- anger and denial;
- relief and acceptance.

Sometimes the farmer may respond with anger; it is important to recognise that anger is often the expression of a farmer feeling ashamed. You can try to reduce shame by using non-judgemental language, separating the person from the problem, acknowledging when the farmer has tried to do something positive (even if it hasn't worked) and by actively listening to the farmer.

Provide the farmer with the opportunity to have a support person present. This could be a family member, neighbour, or industry representative.

Be aware of your own triggers and responses to high emotion and conflict situations so that you can manage these. Remember, you are trying to get the farmer to understand your professional opinion and what is needed to uphold the minimum animal welfare standards. Listen and ask questions to understand the farmer's perspective and how the situation has evolved. The more someone



feels listened to and respected, the more quickly they can move to a rational position and think about next steps.

You should use the Animal Welfare Act and relevant codes of welfare as a reference to measure the situation against so that the conversation is not focused on your opinion against theirs.

- **engage the farmer on what needs to happen to resolve the issue;**
- **be supportive;**
- **emphasise that the welfare of their animals is their responsibility and he/she must take ownership of the necessary actions.**

Even when faced with a necessary action, try to provide choice and input, for example, while the desired outcome is definite; maybe the process can be negotiable.

Know your bottom lines, both technically (what is acceptable within the law and codes) and regarding your personal safety. Safety (emotional and physical) is a priority for you, the client and affected people such as partners and children. If your safety, or the safety of others is at risk, be prepared to withdraw and have a protocol worked out for doing so, including involving others such as the Police. Always indicate alternative supports for the client. This may be a friend, family member, neighbour or industry representative.

Be aware of the wider implications of the problem for the farmer, within the family and community.

Where a farmer rejects your advice regarding an animal at risk, you must advise on their responsibilities under the Animal Welfare Act and if the refusal to respond continues, of your professional responsibility to report the matter to an Inspector.

ASSESSMENT AND ACTION PLANNING

It is useful to have the following items in your vehicle at all times in case you come across an animal welfare issue:

- this toolkit;
- a mobile phone/camera;
- a notebook and pens;
- relevant codes of welfare and body condition scoring charts;
- blood testing equipment;
- faecal sample collection equipment;
- method of euthanasia;
- autopsy equipment including specimen containers.

If you are aware of an animal welfare situation (or potential situation) on a farm, it is also a good idea to take:

- a map of the farm (Google Earth, FarmsOnLine, Agribase etc);
- a list of key contacts and phone numbers which are contained in *Appendix 3*.

MAF: 0800 00 83 33

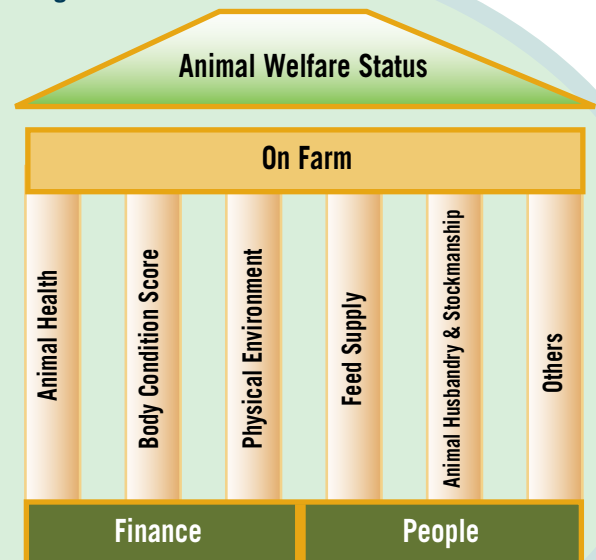
Be prepared

On-Farm Assessment

Animals are exposed to many risks that may affect their welfare throughout their lifetime. An appropriate on-farm management system will take all practical steps to eliminate or reduce these risk factors in order to create an environment that is conducive to good animal health and welfare.

Figure 1 summarises a set of animal welfare risk categories that together make up the whole farm animal production system. Many of these risk factors will vary between farms, regions and seasons. The headings in Figure 1 form a guide for conducting a comprehensive full farm assessment and should be assessed in isolation as well as together to determine current and future welfare situations (for example, body condition score, feed supply, and climatic conditions that prevail at the time of assessment).

Figure 1: Whole Farm Assessment



To support farm and animal assessment a good working knowledge of the Animal Welfare Act and relevant codes of welfare is essential for veterinarians. These will help you judge whether farming practice or an animal's condition is acceptable or not.

During the assessment phase you may identify relatively minor issue(s) or specific breaches of the Animal Welfare Act or codes of welfare. You may also identify factors that pose a significant risk of future breaches or which affect the ability of the farmer to remedy the animal welfare issues that are present. A simple triage system, such as traffic lights, can be used to quickly and clearly indicate the scale and severity of issues (for example, red can identify breaches of the Act; orange, where there is a risk of future breaches or reduced ability to remedy; and green, where no risk exists).

You may not be able to perform a detailed assessment when you first identify or suspect the problem. At the very least however, you must make a decision regarding the scale and severity of the problem, and based on this, determine how to proceed.

It is good practice to keep full and accurate records for both your own clinical assessment purposes, and in case the situation results in referral or prosecution in the future. A thorough and logical assessment of the animals and farming system will give you credibility with the farmer, MAF, SPCA, Police and the courts.

Figure 2:



ASSESS > PLAN > DO > REVIEW

ASSESS

Assess whether the situation is normal and acceptable under the Animal Welfare Act and codes of welfare. Assessment priority should be given to acutely suffering animals. More chronic situations can be assessed over time to ensure that all contributing factors are identified.

This assessment will help you to determine your management plan, and identify when other professional services (for example, accounting, finance, feed, farm consultants etc) should be engaged. The higher the scale and severity and the greater the reluctance (or lower the capability) of farm management to intervene, the more likely that industry and/or MAF involvement will be needed.

Finance – Finance is frequently a factor in situations of poor animal welfare. Consider whether the farmer has underlying financial issues and if the farmer has access to sufficient funds when discussing remedial options.

People – It is important to understand the decision-making authority on the farm; the person in charge of the animals may not always be the decisionmaker. As well as their technical farming skills, the physical and mental health of the farmer and their staff, and the support they can access may also be important factors in understanding how a situation has occurred and how it may be addressed. The more complex the farm ownership/management situation, the more difficult planning and taking action may be.

Find the decisionmaker

Animal Health – Look out for signs of disease, pain, distress, and injuries that may need treatment. Initial indicators of pain and distress that you might observe include:

- abnormal activity levels;
- high respiratory rate;
- demeanour;
- low food intake;
- wounds;
- scouring;
- shivering;
- vocalisation;
- vomiting;
- lameness;
- low weight;
- low body condition scores;
- blood from orifices.

Also consider their suitability for transport (for example, to off site grazing or slaughter plants) against the *NZVA Guidelines for Fitness of Livestock for Transport*.

Body Condition Score – Score the animal and record scores. Check codes of welfare for acceptable body condition scores and calibrate with colleagues.

Physical Environment – The construction, maintenance and operation of farm facilities are important for animal housing, the conduct of important stock handling procedures, and for the movement of animals. Consider the farm environment for things that may injure an animal or exacerbate a welfare problem. Is there an adequate water supply and access to it? Is there shelter? What is the weather forecast or are there seasonal climatic conditions to consider? What are the facilities like?

Feed Supply – As well as the availability of feed, the nutritional composition and quality of feed, climatic and seasonal factors, with reference to the physiological state of the animal, including age, sex, breed, size, body condition, current and future metabolic needs (for example, pregnant or lactating animals), level of production etc, also needs to be taken into account.

Animal Husbandry and Stockmanship – The knowledge, skills and attitude of the stockperson are integral to the standard of welfare an animal receives. Stockmanship is the ability to identify an animal's needs and ensure that action is taken to address those needs, along with an affinity and empathy with animals. When a farmer is stressed or dealing with other issues, their ability to act as a good stockman may be compromised.

Animals of different ages, sexes and species should, in general, be kept separate.

Newborn, young and old/cull stock are particularly vulnerable to adverse environmental conditions and poor management. They must be managed to the same standard as every other animal on the farm.

Once you have this basic information you should also consider them in relation to each other.

- When you consider these elements together does it make the situation riskier or more dangerous?
- How does the whole farm system rate compared to others in the district?
- Does the attitude and demeanour of the farmer make the situation riskier or more dangerous?
- What is your past experience with the farmer?
- Has this same, or similar issue presented in the past?
- Does the financial situation or farm management system make this situation riskier or more dangerous?

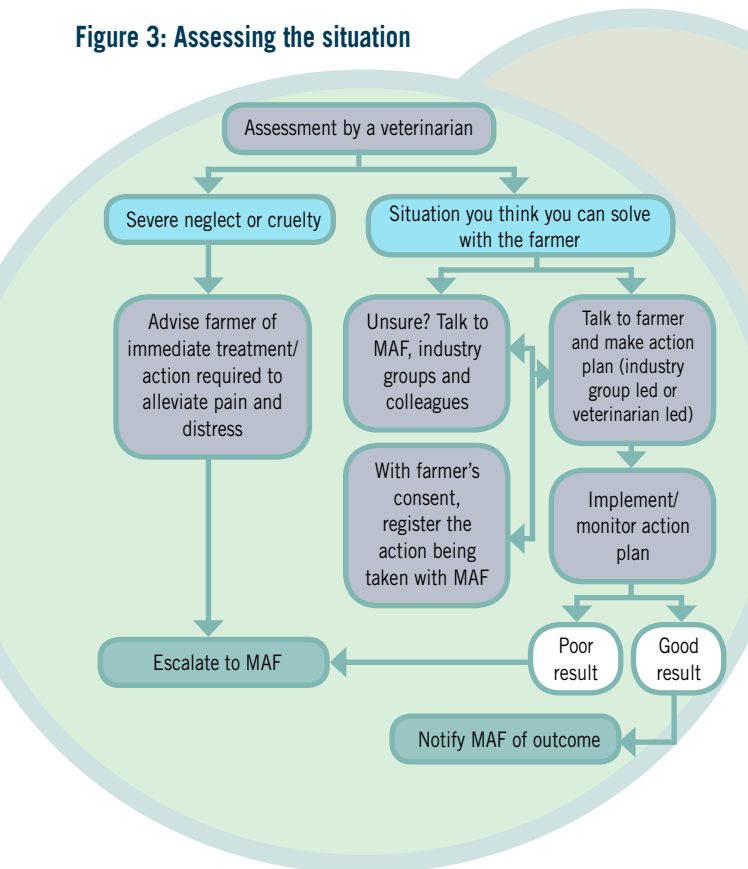
You may not be able to perform a detailed assessment when you first identify the problem. Make sure you write down your assessment and identify any gaps. Refer to *Appendix 2* for a basic list of things to record.

It can be useful to keep in mind “would this look good in the media?”

If, in your assessment, you determine that you can resolve the issue with the farmer alone, the NZVA strongly encourage you to still register your activity with MAF. This should be done with the consent of the farmer. Registering your actions with MAF allows them advanced notice should extra support be required and also to manage any public complaints/potential media inquiries about the farm. In cases of a possible breach of the Animal Welfare Act, Principle 11(e) of the Privacy Act exempts you from obtaining the farmer's consent.

If the scale or the severity of the situation leads you to believe that MAF needs to be involved contact it immediately (noting that personal information can only be released in accordance with the Privacy Act).

Figure 3: Assessing the situation



PLAN

The owner or person in charge is responsible for the welfare of the animals. Therefore, once you have assessed the situation you should discuss with the farmer whether you believe the situation meets the minimum standards of the Animal Welfare Act and codes of welfare. As a veterinarian, you have a professional duty to promote best practice and ensure minimum standards are met.

You should start by providing an unbiased assessment of the situation and outline your professional concerns. Make sure you take notes throughout this process.

Convey to the farmer that you want to hear their point of view and that you understand what they are saying. Avoid asking too many questions as this may come across as grilling – let the farmer talk. Keep the majority of questions for clarification purposes to demonstrate that you are listening and are focused on what they are saying. Ensure you understand the farmer's situation and emotions correctly.

If the farmer recognises the need for improvement you can start to develop an action plan for resolution. You need to ask “what are you doing about it?”, “what are you going to do about it?”, and “what support do you need to carry this out?”

An action plan is an agreed course of action between the farmer and the veterinarian based on the on-farm assessment. Your approach in developing this should be collaborative and respectful. The action plan works towards implementing a sustainable solution that meets agreed animal welfare outcomes (minimum standards set out in codes of welfare), but there should be flexibility in how the farmer achieves these outcomes.

A timeframe for each action is imperative. While developing an action plan may involve compromise, be mindful of your technical and legal animal welfare “bottom lines”.

Summarise

Before you write things down as a formal action plan, summarise what has been agreed to be the situation and what will be done about it with the farmer.

Action Plans

Action plans should be recorded in writing, either as a document, or captured in an email after the visit. Keep a copy for yourself and give one to the farmer.

Often the farmer does not have the financial resources to manage their way out of the problem. The veterinarian needs to understand the financial capacity of the farmer and work through the action plan in light of available resources.

An action plan may include:

- the animal welfare outcomes to be achieved;
- how the farmer will address each of the risks identified in the assessment in order to meet these outcomes, taking into account any financial constraints;
- timeframes for doing this;
- what external support is needed and how this will be accessed;
- a timeframe to assess progress against the action plan (including dates of re-visits);
- any required reporting to an Inspector involved.

You should also document any agreement reached regarding payment for your services.

The farmer should also be informed of:

- the obligations of a veterinarian under the Code of Professional Conduct;
- the requirement for the veterinarian to pass the issue

to MAF if the situation is not resolved through this action plan and if you, as a veterinarian, consider that the animals are still suffering unreasonable or unnecessary pain or distress.

It is important that the farmer fully understands both their and your obligations (see section 3 of this toolkit). Decisions made and information given should be reviewed from both parties' perspectives. The importance of documenting such interactions, including the elements of the discussion, the advice given and the decisions reached cannot be overemphasised. This documenting should take place immediately.

The best outcome is that the farmer accepts your professional opinion and advice on the need to mitigate the suffering, including the reasons why this is necessary and acts accordingly. However, if your client refuses to take your advice as to the seriousness of the situation and to act to remedy it, the situation becomes more difficult.

You should clearly and objectively review the situation, acceptable outcomes and possible solutions, and clarify the obligations of the client and your own obligations under the law and the Code of Professional Conduct. To discharge your obligations in such a situation, refer the issue to MAF.



DO

The responsibility for the welfare of the animals remains with the owner or person in charge of the animals. In many cases the farmer will be able to implement the action plan and resolve any issues. In some cases however, the farmer will not have the resources or skill to do so. In these cases, advise the farmer to contact his/her industry support groups, or, with the farmer's consent, contact them yourself. A list of support resources can be found in *Appendix 3* of this toolkit. These support resources are there to assist both you and your client.

REVIEW

During implementation of the agreed action plan, or after an agreed timeframe, with the consent of the farmer the veterinarian should go back to the farm to check that the actions have been taken and that the animal welfare situation has been resolved, or is resolving.

If the issue still remains or if you are dealing with a recidivist farmer, treat the farmer with the same respect as you did during the first visit. Try to use and build upon the relationship you have to identify what happened. Consider the actions taken, the extent of what else needs to be done, and the ability of the farmer to do these things to determine whether the issue should be passed (along with the action plan) to MAF or industry to help resolve.

6

BEING PART OF AN INVESTIGATION

If you are engaged by an Inspector to be part of an investigation you will be fully briefed as to the requirements of that engagement. While the primary objective of an investigation is to rectify the situation and implement a sustainable solution on the farm, Inspectors can also exercise enforcement powers under the Animal Welfare Act.

Under section 130, an Inspector can issue a notice in writing requiring a person in charge of an animal or an owner to take all such steps as the Inspector considers necessary or desirable to prevent or mitigate the suffering of an animal. Given the nature of the notice and the offence provisions if the person fails to implement it (\$5000 fine for an individual or \$25,000 for a company) a veterinary opinion is often sought to determine the exact condition of the animals. Given that prosecution may ensue, it is extremely important that all aspects of your observations and considerations are accurately recorded.

If the case is taken through to prosecution, a veterinarian's opinion regarding the length of time over which the suffering of injury or disease occurred, and the severity of the pain or distress, is an important contribution to an investigation when deciding whether or how to frame an offence. A veterinarian will also be required to provide a brief of evidence.

Check agreed actions

A veterinarian involved in an investigation provides a formal report on completion of the field operation. In general this report will provide a detailed chronological record of:

- **what you observed;**
- **your opinion of what you observed; and,**
- **what you advised.**

A good report will describe the farm situation as well as the type and severity of the pain and distress of individual animals. It should also include a reasoned opinion regarding an injury and how it occurred, or the identified disease and its cause and progress.

Specific guidance on this report, your role within an investigation, and how to prepare for court will be provided by the Inspector and legal team.

Being a Witness

Whilst this is not a common outcome, a veterinarian may be called on as a witness of fact, and/or an expert witness. A witness of fact is asked to testify solely on the facts as observed by them (what he/she saw, said or did). An expert witness works on behalf of the court and is asked to provide an opinion in respect to a particular set of factors or on a particular issue. Having accurate and comprehensive notes is necessary for a veterinarian to effectively perform in either of these roles.

If you are involved in an investigation which may result in prosecution, you will be guided by the Inspector and the legal team will provide more detailed advice about what to expect, what type of witness you will be and how your evidence should be presented in the court.

Have clear, accurate notes

MEDIA INTEREST

Media attention is often inevitable and needs to be handled appropriately.

- be aware that nothing you say to the media is ever “off the record”;
- be aware that anything you do say to the media could be used in a court of law;
- be aware of the privacy rights of your client.

If, at any stage, the media becomes interested and involved, here are some pointers on how to deal with them:

- before making any comment, always contact the communications team of NZVA, MAF or an industry group to seek advice and guidance;
- if you are part of an investigation, always refer all media enquires to the Inspectors on the case;
- when a representative from the media contacts you:
 - Be polite and advise that you will get back to them within a specific period of time.
 - Ask what questions they would like answered.
 - Get in contact with a communications team and ask for some advice and guidance.
 - Always call the media back, even if you are not going to give any comments.



APPENDIX 1: VETERINARY OBLIGATIONS AND POWERS

Animal Welfare Act 1999

The Animal Welfare Act is a clear statement to New Zealanders and to the rest of the world that animals in New Zealand have a right to expect proper and sufficient care.

While many cruelty offences have been carried over from the former Animals Protection Act of 1960, the primary focus of the Animal Welfare Act has moved from the “ambulance at the bottom of the cliff” to promotion of adequate care.

Under the Animal Welfare Act, people who own or are in charge of animals have an obligation to meet an animal's physical, health and behavioural needs and to alleviate pain or distress by providing:

- proper and sufficient food and water;
- adequate shelter;
- the opportunity to display normal patterns of behaviour;
- physical handling in a manner that minimises unreasonable/unnecessary pain or distress; and
- protection from, and rapid diagnosis of, injury and disease.

They must also ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress.

The Animal Welfare Act does not expand on the details of these physical and behavioural needs. Instead, best practice and detailed minimum standards of care are set out in codes of welfare which are available for download from the MAF website. Alternatively you can be sent copies of all codes of welfare free of charge by contacting animalwelfare@maf.govt.nz.

As a veterinarian you may on occasion become the person in charge of an animal (for example, while they are at your practice or being transported by you). In the case of negligence or unprofessional action (for example, performing a procedure that further compromises the animal's welfare) a veterinarian risks being seen as a party to an offence. You may also be subject to disciplinary action by the Veterinary Council of New Zealand.

While a breach of a code of welfare is not an automatic offence under the Animal Welfare Act, non-compliance may be used as evidence to support a prosecution under Parts 1 and 2 of the Act. Adherence to a code of welfare can likewise be used as a defence. It is therefore important that you and your clients are familiar with the codes of welfare.

Due to the penalties available in the Animal Welfare Act (including fines, imprisonment and disqualification – all of which can extend beyond the individual farmer to employees, board of directors, staff etc), a veterinary opinion is often sought during a MAF investigation to determine the exact condition of the animals. Given that prosecution may ensue, it is important that all aspects of the assessment are accurately recorded.

Veterinarians acting reasonably during a MAF investigation are also protected from any personal liability. Section 158 states that: “...no person assisting an Inspector or constable is personally liable for any act done or omitted in good faith...in pursuance or intended pursuance of any functions, duties or powers conferred by this Act...”

Relevant Powers under the Animal Welfare Act

| Section | Power | Applies to |
|----------------|--|---|
| 127 (1) | enter land, premises, places (not dwellings or marae), stationary vehicles, aircraft, ships without search warrant to inspect animals | Inspectors |
| 127 (2) | stop any vehicle if have reasonable grounds to believe that an animal on or in a vehicle is suffering or likely to suffer unreasonable pain or distress | Police officer |
| 127 (5) | seize any animals (by force if necessary) where there are reasonable grounds to believe that the animal has been wilfully ill-treated or the physical, health and behavioural needs or need for veterinary treatment require removal of the animal | Inspectors |
| 127 (7) | take any person in or on any land, premises, or place or to assist the inspector in an inspection under 127 (1) | Inspectors |
| 130 and 133(4) | take steps to prevent or mitigate any suffering of animals and direct the owner or person in charge of the animals to take steps to prevent or mitigate suffering (this can also include euthanasia) | Inspector |
| 133 | search land, premises, place, vehicle, aircraft or ship and seize evidence of breach of the Act (under a search warrant) | Inspectors, Police |
| 138 | Following reasonable attempts to locate and consult with the owner, destroy severely injured or sick animals (other than marine animals) without the express permission of the owner | Inspectors, Veterinarians and Auxiliary Officers. |
| 139 | certify animals in pounds to be so diseased, injured or sick that they are in a continual state of suffering, so that if the owner cannot be found, the local authority must destroy the animals | Inspectors, Veterinarians and Auxiliary Officers. |
| 143 - 156 | apply to the District Court for an enforcement order to require compliance with the Act, Regulations, a Code of Ethical Conduct or conditions imposed by an Animal Ethics Committee. (It is an offence not to comply with an enforcement order.) | Inspector |

Privacy Act 1993

Veterinarians must regard information concerning an animal that arises out of the treatment of that animal as confidential to the owner or agent. Veterinarians can not, therefore, disclose personal information about the owners or agents of animals unless the disclosure complies with the Privacy Act.

As well as maintaining client confidentiality, the Code of Professional Conduct sets out a duty on veterinarians to report cases where an animal is suffering unreasonable or unnecessary pain or distress. Veterinarians' obligations under the Code of Professional Conduct are serious and there are consequences for veterinarians who do not comply with it.

Principle 11(d) in section 6 of the Privacy Act enables a veterinarian to disclose personal information about an individual if that person authorises the disclosure.

In situations where the owner or the agent has not consented to the disclosure of information a veterinarian would only be able to disclose personal information about the farmer or owner/agent to an Inspector if the veterinarian "believes on reasonable grounds" that one of the exceptions in section 6 principle 11 of the Privacy Act applies. The most likely exceptions to apply would be in principle 11(e)(i): that is, non-compliance [disclosure] is necessary to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences.

Code of Professional Conduct for Veterinarians, issued by the Veterinary Council of New Zealand 2011

The Code of Professional Conduct for Veterinarians makes it clear that veterinarians **protect animal welfare and alleviate animal suffering.**

Relevant Clauses of the Code of Professional Conduct

Animal Welfare

- 1 Veterinarians must be familiar with and comply with the Animal Welfare Act 1999 and the relevant Codes of Welfare. In the course of their work, veterinarians must consider and take all reasonable steps to protect the needs of animals in relation to the five basic requirements of:
 - a. proper and sufficient food and water;
 - b. adequate shelter;
 - c. the opportunity to display normal patterns of behaviour;
 - d. appropriate physical handling; and
 - e. protection from, and rapid diagnosis of, injury and disease.

This obligation is qualified, however, as the needs in each individual case are assessed according to what is appropriate to the species, environment and circumstances of the affected animal(s).
- 2 In the course of their work veterinarians must not ignore circumstances where they have reasonable grounds to suspect non compliance with the requirements of the Animal Welfare Act 1999 and Codes of Welfare. Veterinarians must be satisfied that their co-workers and their clients are informed of and comply with the relevant provisions of the Animal Welfare Act 1999 and Codes of Welfare that relate to work they are undertaking.
- 3 Veterinarians must act immediately to remedy situations where they have cause to suspect unreasonable or unnecessary pain or distress in an animal(s), or possible breaches of animal welfare legislation.
- 4 When euthanasia is necessary it must be carried out humanely. In situations where an animal's owner is not known or cannot be contacted, veterinarians must exercise their duty under section 138 of the Animal Welfare Act 1999 to euthanase severely sick or injured animals responsibly.

Client relationships

- 1 Veterinarians must interact with clients in a way that promotes effective communication and trust. This includes:
 - a. listening to clients, respecting their view, responding to their concerns and preferences and treating them with courtesy;
 - b. treating all client information and information related to the provision of veterinary services as the private information of the client except in circumstances where:
 - i) the client's consent has been given;
 - ii) disclosure of the information is made in accordance with the principles set out under the Privacy Act 1993 or;
 - iii) there is a requirement for disclosure of information made under the Veterinarians Act 2005.
 - c. not exploiting a client's lack of veterinary knowledge.

- 2 Veterinarians must obtain appropriate consent before proceeding with a proposed treatment/course of action. Veterinarians must provide clients with the information they need, in a way that enables the client to understand and give consent to the proposed treatment/course of action. Veterinarians must be satisfied that clients are authorised to provide that consent. Depending on the circumstances the information provided to clients may include:
 - a. the condition of their animal(s);
 - b. treatment options, including likely outcomes, risks, side effects, complications, costs and benefits;
 - c. referral options where appropriate and how to access;
 - d. the veterinarian's skills and experience in providing the proposed treatment (where appropriate);
 - e. post treatment requirements and costs.

Note that the consent requirement may not apply in an animal welfare emergency where the client or owner is unable to be contacted and there is an immediate threat to the life of the animal, or there is an immediate need to relieve unreasonable or unnecessary pain (refer to the Animal Welfare requirements of this Code).

- 3 Veterinarians must respect clients' rights to:
 - a. use the services of more than one veterinarian;
 - b. seek a second opinion or referral;
 - c. choose an alternate course of action to the one recommended by the veterinarian provided this does not conflict with the animals welfare.

Veterinary Services

- 4 Veterinarians must maintain clear and accurate clinical records. The records must:
 - a. be of such detail that another veterinarian could take over management of the case at any time;
 - b. be retained for periods of time as required by statute or for the duration of time which they remain relevant to the purpose for which they were recorded;
 - c. not be altered retrospectively unless the changes are marked chronologically on the record, and the additions are dated and noted as being added retrospectively; and
 - d. be made accessible to clients on request, unless there are justifiable legal reasons to withhold.

Respect clients' rights

APPENDIX 2: VETERINARY RECORD DETAILS

It is good practice to keep full and accurate records for both your own clinical assessment purposes, and in case the situation results in prosecution in the future.

When writing your notes, it may be useful to consider “how would I describe the scene to portray the scale of the incident and the severity of pain and distress to the animals to a third party months from now?”

Your notes should cover:

Base information

- who engaged you;
- the date;
- location;
- names of other parties present;
- time and duration of visit/s;
- the number, class, tag number, status, species, breed, sex etc of the animal(s);
- other general observations relating to the risk indicators set out in section 4 of the toolkit: Finance, People, Animal Health, Body Condition Score, Physical Environment, Feed Supply, and Animal Husbandry and Stockmanship.

The assessment undertaken

- examinations;
- descriptions of injuries;
- disease process;
- observations of normal/abnormal behaviour;
- discussion of levels of pain/distress etc;
- (Photographs are essential).

The diagnosis, advice and treatment

- all steps that lead up to the actual diagnosis;
- the processes or considerations adopted in ruling out all other possible contributing factors;
- details of all advice given;
- treatment administered;
- outcome achieved for the animal/s;
- details of any subsequent/follow up treatment, for example, weighing of underweight animals, subsequent stock assessments etc.

Specific literature or any other material used or relied on in support of your opinions.

Keep good records

APPENDIX THREE: SUPPORT

Support for Veterinarians

Dealing with animal welfare issues and/or being part of an investigation can be stressful. The following is a list of support contacts that you can use and direct others to:

- New Zealand Veterinary Association and Special Interest Branches Phone (04) 471 0484, email nzva@vets.org.nz or check out www.nzva.org.nz
- The animal welfare policy for your veterinary practice.
- Veterinary colleagues.
- MAF's animal welfare site provides information about the Animal Welfare Act, codes of welfare, and animal welfare related publications: www.maf.govt.nz/biosecurity-animal-welfare/animal-welfare
- You can also call MAF confidentially on 0800 00 83 33 for advice or to refer an issue to an Animal Welfare Inspector.
- Vitae – a counselling services for veterinarians in stress help line: 0508 664 981 or www.vitae.co.nz
- Your own professional adviser (for example, lawyer, insurer etc).
- Staff and rural professionals associated with the farm itself, for example, stock or feed agents.
- Local MAF or SPCA Inspectors.
- Veterinary Council of New Zealand, especially for Code of Professional Conduct information or complaints: (04) 473 9600 or email [vet@vetcouncil.org.nz](mailto:veter@vetcouncil.org.nz).

Support for your Clients

- The Rural Support Trust is a free, confidential financial negotiation and counselling service. Support is available to families and individuals who need to talk the issues through with an independent person who is experienced in farm management: www.rural-support.org.nz
- Federated Farmers: 0800 FARMING (0800 327 646) for members or (07) 838 2589 for non-members. www.fedfarm.org.nz
- DairyNZ: 0800 4 DAIRYNZ (0800 4 324 7969) or email info@dairynz.co.nz
- NZPork: 0800 NZPORK (0800 697 675) or email info@pork.co.nz
- Beef + Lamb: 0800 BEEFLAMB (0800 233 352) or email enquiries@beeflambnz.com
- Deer Industry New Zealand: (04) 473 4500 or email info@deernz.org
- Egg Producers Federation of New Zealand: (09) 520 4300 www.eggfarmers.org.nz
- Poultry Industry Association of New Zealand: (09) 520 4300 or email info@pianz.org.nz
- Family and Community Services website has a database of different support organisations for families: www.familyservices.govt.nz
- Dairy Women's Network provides professional and personal support for women involved in dairy farming: www.womenindairying.org.nz (07) 838 5238 or email info@dwn.co.nz
- Rural Women New Zealand is an organisation that supports people in rural communities through personal connections, advocacy and education. (04) 473 5524. www.ruralwomen.org



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