



**Veterinarians Toolkit
for dealing with
animal welfare issues
on farms and
lifestyle blocks**



Animal Welfare issues on farms and lifestyle blocks – the Veterinarian's role

A Practical Toolkit



The aim of the process is to achieve an outcome that prevents animal suffering and achieves at least the minimum standards in the codes of welfare. At the same time it is desirable that the process creates minimal confrontation and maximum cooperation with the client. 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. Specific timeframes and results can be used to evaluate and monitor progress until a humane solution is achieved.



VETERINARY COUNCIL
OF NEW ZEALAND
Te Kaitiaki Raua Kaitiaki o Aotearoa





Acknowledgements

Ministry for Primary Industries (MPI) Safeguarding our Animals, Safeguarding our Reputation Programme for improving animal welfare compliance in New Zealand.

Acknowledgment is owed to the New Zealand Veterinary Association, the Veterinary Council of New Zealand, the Society for the Prevention of Cruelty to Animals and the Ministry for Primary Industries for the time and effort put into developing this toolkit.

Disclaimer

This toolkit has been designed to provide practical guidance for veterinarians involved in addressing animal welfare issues during the course of their work. It does not intend to provide legal advice to veterinarians. 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 a lawyer.

While this toolkit is focused on animals on farms, its principles apply across all species. Guidance is also provided for dealing with concerns on lifestyle blocks, with horses and on other non-commercial enterprises. With this in mind practices are encouraged to develop their own policies and procedures for dealing with animal welfare issues based on the information in this toolkit.

© Copyright NZVA, 2022

All rights reserved – material contained in this resource may be reproduced or published without further licence provided that it is not reproduced for profit, and acknowledgement is made of the source.

At a glance: using the toolkit

A logical and thorough approach to resolving welfare issues on farm

Rationale

(page 4)

What the toolkit is for and how it can help you

The legislation

(page 5) The Animal Welfare Act 1999, regulations and codes of welfare

Your obligations as a veterinarian

(Page 7)

Know your obligations and boundaries

Your involvement

(page 10) How you might become involved

Are you the right veterinarian?

(page 14) How to decide

Engaging with the client

(page 15)

Emphasising positive outcomes, working together and handling difficulties

Assessment and action planning

(page 18)

Assess, plan, summarise, do, review

Being part of a MPI investigation

(page 29) Your role and responsibilities

Helpful resources and contacts

(page 38) For veterinarians and those who are responsible for animals

Preface

Animals play an important part in many aspects of New Zealand life, including food production, companionship, and recreation, as well as research and teaching.

We all have a duty to provide for the welfare of animals in our care, by attending to their physical, health, and behavioural needs. This is not just the responsibility of those who work with animals, it is the responsibility of every New Zealander.



The Ministry for Primary Industries recognises the crucial role veterinarians play every day to ensure high levels of animal welfare. We want to support you to continue this vital work.

The veterinary profession understands the links between the welfare of every animal, human wellbeing and environmental context. As veterinarians, you see these linkages every day on farms and lifestyle blocks and you are in a unique position to make a positive impact.

This revision of the *Veterinarians Toolkit* highlights the commitment of veterinarians to animal welfare and provides guidance on how to approach animal welfare discussions on farms and lifestyle blocks.

The role of veterinarians who raise animal welfare issues with clients and safeguard the humane treatment of animals is something that the veterinary profession should be proud of and encourage. Your work makes a difference, to humans, to animals, to the environment and to New Zealand.

Dr Mary van Andel, Chief Veterinary Officer, MPI

What the toolkit is for

This toolkit has been designed to provide practical guidance for veterinarians involved in addressing animal welfare issues on farms, lifestyle blocks, and on other non-commercial enterprises.

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 clients about the welfare of their animals become confrontational;
- set out good practice guidelines for assessment of situations where animal welfare is a concern, data collection and record keeping;
- provide you with an understanding of what is involved in an animal welfare investigation; and
- provide references to useful technical resources and support for you and your clients.

The information provided in the toolkit can be used as the basis for practice policies outlining how animal welfare issues are dealt with. The formalisation of such policies 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 client.

Animal welfare legislation

The primary focus of the Animal Welfare Act 1999 is on a duty of care to animals. The 2015 amendment to the Act included recognition that animals are sentient. This inclusion acknowledges that animals have the capacity to experience positive and negative states.

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 including by providing:

- a. proper and sufficient food and water;
- b. adequate shelter;
- c. the opportunity to display normal patterns of behaviour;
- d. physical handling in a manner that minimises unreasonable or unnecessary pain or distress; and
- e. 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.

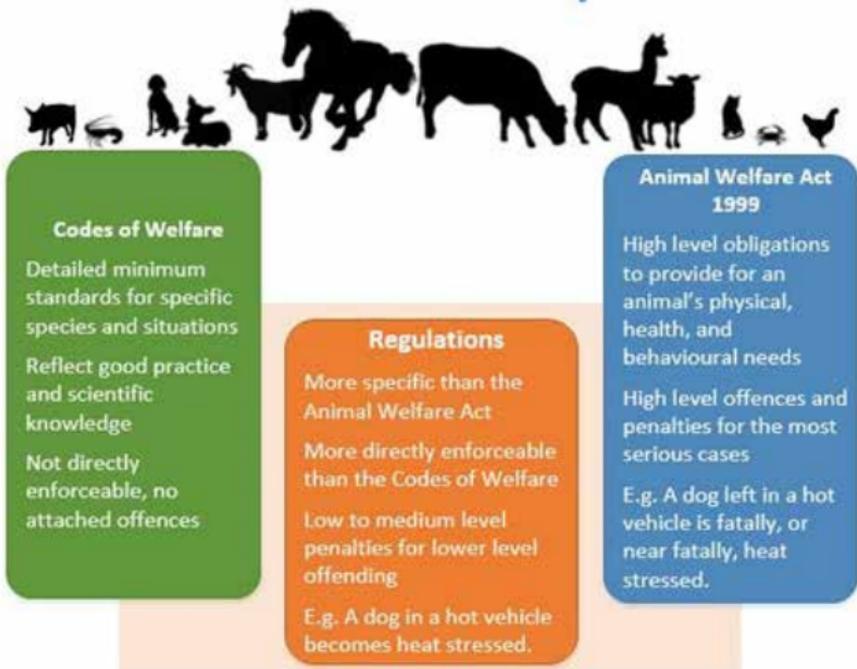
The Animal Welfare Act requires that the physical, health, and behavioural needs of animals are met in accordance with both good practice and scientific knowledge. The Act does not specify in any further detail how that is to be achieved for specific animal types or activities. Instead, codes of welfare dealing with specific animal types or activities contain minimum standards that must be met along with example indicators and recommended best practices. Codes of welfare are available for download from the MPI website: www.mpi.govt.nz/welfarecodes

Some more specific requirements are covered by regulations (e.g. provision of pain relief for certain procedures): www.mpi.govt.nz/animalregs

While a breach of a code of welfare is not an automatic offence under the Animal Welfare Act, non-compliance with a minimum standard in a code of welfare may be used as evidence to support a prosecution under Parts 1 and 2 of the Act which deal with the proper care of animals and prohibited conduct. 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.

A breach of a regulation may result in an infringement notice and fine, or depending on the regulation, may result in a prosecution.

The Animal Welfare System



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 any pain or distress. The owner or person in charge may employ a veterinarian to help them meet their obligations.

A **person in charge** is defined as a person who has the animal under their possession or custody, or under their care, control, or supervision.

As a veterinarian, you have a professional obligation, set out in the Veterinary Council Code of Professional Conduct for Veterinarians, to act in the animal's best interests, promote positive 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, or possible breaches of animal welfare legislation. If a situation involves neglect or cruelty or a situation shows no sign of being remedied the veterinarian must report the case to an Inspector under the Animal Welfare Act 1999.

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 and the animal will suffer unnecessary or unreasonable pain or distress if it continues to live, 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 and does not obtain within a reasonable time 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 2020 a veterinarian can provide personal and private information about a client and their animals to an Animal Welfare Inspector if they believe that not doing so would prejudice 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. The veterinarian may also provide this information following being served with a Production Order by an Animal Welfare Inspector.

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** (e.g. 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 or are contrary to requirements under the Act or regulations, you may be investigated as party to an offence under the Animal Welfare Act. You may also be subject to disciplinary action by the VCNZ.

Penalties for offences against the Animal Welfare Act or regulations includes fines, imprisonment, and disqualification. Many of these can extend to farm employees and directors. As a result a veterinary opinion is often sought during a MPI/SPCA investigation to determine the exact condition of the animals. See Section 8 for more information.

See Appendix One for a more complete list of obligations and powers.



5

Getting involved

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

1. You identify an issue yourself while visiting the property.
2. You are notified of a potential issue by a member of the community or by an industry group.
3. You are asked to help resolve an animal welfare situation by the client.
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).

1 If you see an animal welfare issue on a client's property where you have cause to suspect unreasonable or unnecessary pain or distress in an animal, or possible breaches of animal welfare legislation, 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 Animal Welfare Inspector (noting Privacy Act 2020 obligations).

If the circumstances are such that you feel you are unable to raise the issue with the client, or refer the issue to an Animal Welfare Inspector, because the consequences for you personally would be significant, for example loss of employment, then you should contact the Vet Council (**04 473 9600**) for advice.

If the situation encountered is not an immediate animal welfare issue, but has the potential to become one, an educational approach should be taken. MPI/ SPCA can be contacted for advice in these cases.

While the Society for the Prevention of Cruelty to Animals (SPCA) has Animal Welfare Inspectors under the Animal Welfare Act, the focus of the SPCA is on companion animals and urban environments. The Ministry for Primary Industries (MPI) is the lead enforcement agency for on-farm and lifestyle blocks matters, however, assistance may be provided by the SPCA from time to time. If the issue you see is significant, consider reporting it to MPI (**0800 00 83 33**) or seeking advice from your local MPI Animal Welfare Inspector or your local SPCA Animal Welfare Inspector straight away.

When involved in helping a client to resolve an incident (i.e. with a minor issue) and the situation deteriorates, you should communicate with a veterinary colleague (for example a colleague with more experience with the species/type of animal, or with welfare investigations, or a team leader) and/or MPI or SPCA.

2 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 (e.g. name of farmer or owner, veterinary consultant or practice involved, location, type of animals, main concern and scale). You should think seriously about whether you are the right person to get involved and whether you should refer this issue to another veterinarian or to MPI (**0800 00 83 33**), your local MPI

Animal Welfare Inspector, or your local SPCA Animal Welfare Inspector.

Veterinarians are not Inspectors under the Animal Welfare Act 1999 unless they have been appointed by MPI. If the issue occurs on a property that is not part of your practice, it should be referred to MPI (**0800 00 83 33**), your local MPI Animal Welfare Inspector, your local SPCA Animal Welfare Inspector, another veterinary practice, an industry group, or the Police. 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 to an Animal Welfare Inspector, or ask a colleague within your own practice to deal with it.

3 A client may voluntarily seek your help to resolve animal welfare issues on their property. If you become involved and the situation deteriorates, you must bring in a veterinary colleague and/or MPI (**0800 00 83 33**), your local MPI Animal Welfare Inspector, or your local SPCA Animal Welfare Inspector.

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

With the client'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 client, 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, videos and client records may ultimately be released to an Inspector, either with the client'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 may also be contracted by an Inspector as a 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 post mortems, 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. Animal welfare cases can be complex and time consuming. Instances when you may not be the right person include when:

- you are a new graduate;
- you don't have the technical expertise required;
- you don't have the ability to allocate the amount of time the case may take;
- 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 MPI/SPCA/Police.

You can discharge your obligation by referring the issue to a colleague, or to another practice who then accepts the referral, or to an Animal Welfare Inspector for MPI, the SPCA or the Police. Note that MPI and the SPCA are obliged to accept the referral if there are animal welfare concerns.

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, MPI or SPCA for advice and support.

The primary objective of both MPI and the SPCA is to ensure all animal welfare issues are addressed and animal health and welfare are maintained on a property. MPI and the SPCA can also be used for advice and early intervention. Notifying/engaging MPI/SPCA to help resolve an animal welfare incident does not necessarily result in legal action – a range of other alternative outcomes are often used and can be more effective.

Engaging with the client

(Note: client is synonymous with owner, person-in-charge and farmer)

Before you visit, or before you raise an issue you see on a property, think about how, where and when you are going to broach the subject. For example, it may be easier for the client to speak with you while walking outside, avoiding potential face-to-face confrontation in a small room or in front of other people. The client will also be better able to focus on what you are saying if the subject is raised at a time when they are not distracted by other tasks.

Clearly state that you are concerned about the welfare of the animals and then ask the client 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 client 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 Veterinary Council Code of Professional Conduct for Veterinarians are a good place to start. These include:

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

Be supportive and encourage the client to involve their chosen industry representative or support agency.

Having to confront the fact that they may have an animal welfare issue may be difficult for a client.

Two common responses are:

- anger and denial;
- relief and acceptance.

Sometimes the client may respond with anger; it is important to recognise that being defensive can be an expression of remorse. You can try to reduce any feelings of shame by using non-judgemental language, separating the person from the problem, acknowledging when the client has tried to do something positive (even if it hasn't worked) and by actively listening to the client.

Provide the client 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 client to understand your professional opinion and what is needed to uphold the minimum animal welfare standards. Listen and ask questions to understand the client'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, regulations 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. You should also:

- engage with the client 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 e.g. while the desired outcome is definite, maybe the process can be negotiable.

Know your bottom lines, both technically (what is acceptable within the Act, regulations 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. It is also advisable to have a process set up for someone to know where you are and when you are due back so that an alert can be raised if you are delayed, for example GPS monitoring on vehicles. 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 client, within the family and community.

Where a client rejects your advice regarding an animal at risk, it would be prudent to advise the client on their responsibilities under the Animal Welfare Act. If they still refuse to respond, it is your professional responsibility to report the matter to an Inspector.



6 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;
- consent forms for carrying out assessments, autopsies etc, making sure it is clear what use will be made of the information obtained;
- a mobile phone/camera;
- a notebook and pens;
- relevant codes of welfare and body condition scoring charts;
- blood testing equipment;
- faecal sample collection equipment;
- equipment for restraining animals e.g. ropes, pole syringes, halter and lead ropes, twitch;
- appropriate sedation for species encountered;
- method of euthanasia;
- autopsy equipment including specimen containers.

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

- take a map of the property (Google Earth, Farms on Line, Agribase etc);
- let someone know where you are going and when you expect to return;
- take another person such as a nurse or tech assistant if available;
- take a list of key contacts and the phone numbers on the back page of this toolkit.

MPI: 0800 00 83 33

Animal welfare risk assessment

Animals are exposed to many risks that may affect welfare throughout their lifetime. Having appropriately skilled personnel, who know and understand animal welfare requirements, to care for the animals will eliminate or reduce these risk factors and create an environment that is conducive to good animal health and welfare.

The risk factors relevant for any situation will vary between properties, districts and regions, and also depend on the weather and time of year. The headings in this section form a guide for conducting a comprehensive property assessment and should be assessed in isolation as well as together to determine current and future welfare situations. For some properties other factors may also need to be considered.

To support farm and animal assessments a good working knowledge of the Animal Welfare Act, regulations 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, regulations 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 necessary to keep 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 the property will give you credibility in the eyes of the client and, if necessary, in the eyes of Inspectors (MPI/SPCA/Police) and the courts.



Step 1: Assess

Assess whether the situation is normal and acceptable under the Animal Welfare Act, regulations and codes of welfare. Assessment priority should be given to animals suffering acutely. 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 (e.g. accounting, mental health, finance, feed, farm consultants etc) should be engaged. The higher the scale and severity and the greater the reluctance (or lower the capability) of the client to intervene, the more likely that industry and/or MPI/SPCA involvement will be needed.

Finance – Finance is frequently a factor in situations of poor animal welfare. Consider whether the client 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 property; the person in charge of the animals may not always be the decision maker. As well as their technical farming skills, the physical and mental health of the client and their family, and 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 property ownership/management situation, the more difficult planning and taking action may be.

Animal Health – Look out for signs of disease, abnormal behaviour, pain, distress, and injuries that may need treatment. Balance these signs with indications of acceptable health/behaviour to assess whether the welfare of the animals is impacted. Also consider the suitability of the animals for transport (e.g. 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.

Pain or Grimace Score – Score the animal and record scores. It may be useful to evaluate and record the sometimes subjective assessments objectively by using a pain or grimace score system.

Physical Environment – The construction, maintenance and operation of property facilities are important for animal housing, the conduct of important stock handling procedures, and for the movement of animals. What are the facilities like, are

they appropriate for the species, and in particular, the existence and condition of facilities to restrain animals? Consider the property 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 condition of laneways, fencing and gates? Is intensive winter grazing used? Is there equipment for feeding out supplementary feed when needed? What is the weather forecast or are there seasonal climatic conditions to consider?

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

Animal Husbandry and Stockmanship Capability

– The knowledge, skills and attitude of the people involved with handling and managing the animals 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. Are there enough people with the appropriate skills/experience to care for all the animals on the property? When a client is stressed or dealing with other issues, their ability to act as a good stockperson may be compromised.

Animals of different ages, sexes and species should, in general, be kept separate and this is usual on production farms. On properties where small numbers of a variety of species are held this may not be the case. In this situation only animals that are compatible with each other should be held together.

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 property.

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 property rate compared to others in the district?
- Does the attitude and demeanour of the client make the situation riskier or more dangerous?
- What is your past experience with the client?
- Has the same, or similar issue presented in the past?
- Does the financial situation or property setup 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 Two for a basic list of things to record.

It can be useful to keep in mind how the situation could play out in the media.

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



Step 2: 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 client whether you believe the situation meets the minimum standards of the Animal Welfare Act, regulations 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 client that you want to hear his or her point of view and that you understand what he or she is saying. Avoid asking too many questions – let the client talk. Keep the majority of questions for clarification purposes to demonstrate that you are listening and are focused on what he/she is saying. Ensure you understand the client’s situation and emotions correctly.

If your client 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 client and the veterinarian based on the property 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 client 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 client.

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 client.

The client may not have the financial resources to manage a way out of a problem. The veterinarian needs to understand the financial capacity of the client and work through the action plan in light of available resources, and this includes the ability to access any support required, e.g. farm advisors, additional veterinary input.

An action plan may include:

- the animal welfare outcomes to be achieved;
- how the client 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);
- what will be done to prevent the situation occurring again;
- any required reporting to an Animal Welfare Inspector involved.

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

The client should also be informed of the obligations of a veterinarian under the Code of Professional Conduct and the requirement for the veterinarian to pass the issue to MPI or SPCA 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 client fully understands both his/her and your obligations (see section 4 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 client 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 MPI/SPCA.



Step 3: Do

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

Step 4: Review

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

If the issue still remains or if you are dealing with a recidivist client, treat the person 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 client to do these things to determine whether the issue should be passed (along with the action plan) to MPI/ SPCA or industry to help resolve.



Considerations for properties that are not commercial farms

Factors to consider when dealing with lifestyle blocks, horses and other non-commercial enterprises where animals are kept:

- all requirements of the animal welfare legislation apply to those owning or responsible for animals on these properties and ignorance or lack of resources is not a valid excuse for non-compliance;
- a range of species may be kept, and these can include adult, growing and young stock, and some of the animals may be older than is usual on a production farm;
- the human-animal bond on these properties is likely to be different to such bonds on commercial farms and will need to be taken into consideration during the veterinary consultation;
- the owner or person-in-charge may have a limited knowledge of their obligations under the Animal Welfare Act, codes of welfare and regulations, as well as limited animal care and husbandry knowledge and skills;
- veterinarians are well placed to provide advice on animal care and husbandry;
- the owner or person-in-charge may have employment off the property and not be available at all times;
- facilities to restrain animals may not be available, or if present, may not be of the required standard.



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 property, Inspectors can also exercise enforcement powers under the Animal Welfare Act 1999.

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 (\$5,000 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.

Veterinarians may also be required to provide evidence in support of an application to the Court for an Enforcement Order. This is a step up from a section 130 notice, and failure to comply with an Enforcement Order may result in a fine of up to \$25,000 or six months imprisonment for an individual, or up to \$125,000 fine for a company.

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, the severity of the pain or distress, and the impact

on the mental state of the animal(s) 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.

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;
- what you advised.

A good report will describe the property situation as well as the type and severity of the pain and distress of individual animals and the impact on their mental state. 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, regardless of who has paid them to appear in court, has a primary and overriding obligation to assist the court. An expert witness 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 that 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 Court.

Veterinarians acting reasonably during an investigation are also protected from any personal liability. Section 158 of the Animal Welfare Act 1999 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..."

If a veterinarian, assisting with a MPI investigation, receives a Claim or is subject to Court Proceedings in relation to the work done with MPI they should contact MPI promptly. In the case of a Claim, MPI will invite the third party to seek resolution with MPI and to acknowledge that the third party has no further Claim against the veterinarian. In the case of Court Proceedings, MPI will write to the Court, or body to which the Proceeding relates to, asking that the veterinarian is removed as a respondent and that the applicant has no further claim against the veterinarian.



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 court.
- 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, MPI, SPCA 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 advice and guidance.
 - Always call the media back, even if you are not going to give any comments.

If details of the case or your involvement are raised on social media it is advisable not to respond to these comments. If you feel you are being harassed or bullied on social media report this to the NZVA or to the Police, or if the work is part of an investigation report this to MPI or the SPCA. The Harmful Digital Communications Act 2015 provides protection in these circumstances.

Appendix 1: Veterinary obligations and powers

Animal Welfare Act 1999

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	Only Police officers
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
133	search land, premises, place, vehicle, aircraft or ship and seize evidence of breach of the Act (under a search warrant)	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)	Inspectors, Police
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)	Inspectors

Section	Power	Applies to
138	following reasonable attempts to locate and consult with the owner, destroy severely injured or sick animals (other than marine mammals) 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

Privacy Act 2020

Veterinarians must regard information concerning an animal that arises out of the treatment of that animal as confidential to the owner or persons in charge. Veterinarians can therefore not disclose personal information about the owners or person in charge 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 animal welfare is reasonably considered to be at risk (i.e. a suspected offence under the Animal Welfare Act 1999) and a veterinarian suspects that the owner or person in charge of the animal is not acting reasonably to relieve the situation, and in situations of neglect or cruelty to animals, whether the owner or person in charge is a client or not.

Veterinarians have obligations under the Code of Professional Conduct and must comply with all the requirements of the Code irrespective of whether they are charging for the services provided. There are consequences for veterinarians who do not comply.

Principle 11 (1) (c) in section 22 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 person in charge has not consented to the disclosure of information, a veterinarian would only be able to disclose personal information about the farmer or owner/person in charge to an Inspector if the veterinarian “believes on reasonable grounds” that one of the exceptions in section 22 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 , including the prevention, detection, investigation, prosecution, and punishment of offences.

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

The current version of the Code of Professional Conduct for Veterinarians is available online at Code Of Conduct (vetcouncil.org.nz)

As the Code is regularly updated, it is advisable to refer to the online version to ensure the most up to date version is used.

The Code of Professional Conduct for Veterinarians makes it clear that veterinarians have a duty to act in the animals’ best interests, promote positive animal welfare and alleviate animal suffering.

Sections of the Code that are relevant and useful for animal welfare work are those regarding Animal Welfare (sections 1 to 4), Client Relationships (sections 1 to 3) and Veterinary Services (section 4).

Appendix 2:

Veterinary record details

It is necessary to keep full and accurate records, including photos/videos 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, Pain or Grimace Score, Physical Environment, Feed Supply, and Animal Husbandry and Stockmanship capability.

The assessment undertaken

- examinations;
- descriptions of injuries;
- disease process;
- observations of normal/ abnormal behaviour;
- discussion of levels of pain/ distress etc.

(Photographs and/or videos 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 e.g. weighing of underweight animals, subsequent stock assessments etc.

It may be important to reference specific literature or any other material used or relied on in support of your opinions.



Appendix 3: 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.vetspace.org.nz
- Contact details for MPI VS veterinarians based at meat processing premises (nzva.org.nz/resource/general-welfare/fitness/mpivs/)
- The Animal Welfare Policy for your Veterinary Practice.
- Veterinary colleagues.

MPI's animal welfare site provides information about:

- the Animal Welfare Act;
- codes of welfare;
- regulations; and
- animal welfare related publications: Animal welfare | Animals | NZ Government (mpi.govt.nz/animalregs)

You can email questions to animalwelfare@mpi.govt.nz

You can also call MPI confidentially on **0800 00 83 33** for advice or to refer an issue to an Animal Welfare Inspector.

Vets in Stress Counselling Service (Vitae) 24 hour help line: **0508 664 981** or www.vitae.co.nz

Your own professional adviser (for example, VPIS, lawyer, insurer etc).

- Staff and rural professionals associated with the farm itself, for example, stock or feed agents, processing company representatives.
- Local MPI 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

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 enquires@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

- NZ Equine Health Association can assist with finding resources to support equine health and welfare for all types of horses info@nzeha.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 woman involved in dairy farming: www.womenindairying.org.nz
Call **(07) 838 5238** or email info@dwn.co.nz
- Rural Women of New Zealand is an organisation that supports people in rural communities through personal connections, advocacy and education. Call **(04) 473 5524**. www.ruralwomen.org
- Lifestyle Block website contains information on a ranges of topics for lifestyle block owners www.lifestyleblock.co.nz
- Farmlands Lifestyle Block guide provides information on the care of a range of species **Farmlands** – Lifestyle Blocks.





You have a professional obligation, set out in the Veterinary Council Code of Professional Conduct for Veterinarians, to act in the animal's best interests, promote positive 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 involves neglect or cruelty, or a situation shows no sign of being remedied the veterinarian must report the case to an Inspector under the Animal Welfare Act 1999.

ISBN 978-1-99-106233-8 (print)

ISBN 978-1-99-106232-1 (online)

November 2022

Te Kāwanatanga o Aotearoa
New Zealand Government