

# Section 1

## The Role of the Veterinarian in an animal welfare investigation

- Am I the right veterinarian?
- Conflict of Interest
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- On-farm role and record keeping
- Chain of evidence
- Formal veterinary report
- Role of an Animal Welfare Inspector
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- Appendix:
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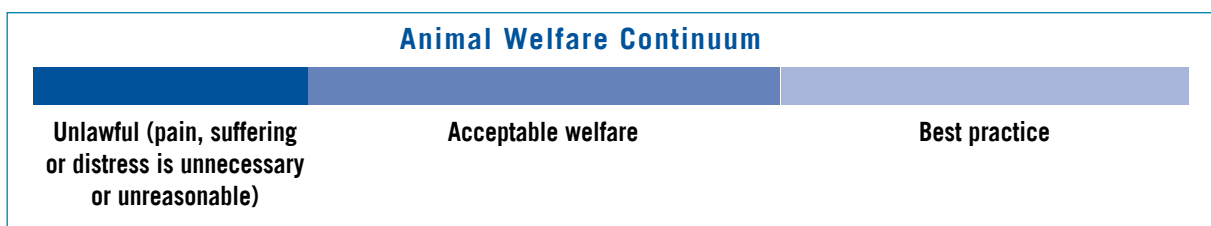


# THE ROLE OF THE VETERINARIAN IN AN ANIMAL WELFARE INVESTIGATION

In practice, and as a matter of common sense, the first step in managing an animal welfare incident is education or mediation. Once a party to an offence understands the (often unknown) legislative requirements and therefore the rationale behind the actions or behaviours required by an Inspector, cases are usually quickly resolved.

The majority of animal welfare complaints are minor and can be dealt with by an Inspector without the need to call on expert advice. However, major and critical complaints (which may include animals in acute or chronic pain and distress, or large-scale starvation) will require the expert assistance of veterinarians to identify the cause of the pain and distress and, where appropriate, collect evidence to support charges under the Animal Welfare Act 1999.

An animal welfare prosecution will determine whether the legal benchmark of 'unnecessary or unreasonable pain, suffering or distress' has been met.



## YOUR ROLE

**A veterinarian called in by the Inspector has two distinct roles:**

- the identification and mitigation of pain, suffering and distress of the animals; and,
- the collection of evidence to assist in the investigation of an offence such as failing to meet the physical health and behavioural needs of the animal.

It may also be necessary to act as a witness in court in the case of a prosecution.

An Inspector will provide direction as to what services and actions are required, including the procedures and detail required for evidence gathering. You must follow the instructions of an Inspector.

**Your role may include:**

- identifying animal welfare risks and issues;
- assessment of stock (types, numbers, general condition, injury, disease);
- estimation of the level of pain, suffering and distress (see section two);
- advice on, and implementation of, measures to mitigate pain, suffering and distress;
- advice on alternative, expected and available husbandry practices;
- body condition scoring (to recognised industry standard);
- nutritional requirement advice;



- contribution to a plan of action;
- assessing fitness for transport;
- post mortem of animals:
  - samples to eliminate possible cause/to confirm cause (bloods, tissue, faecal, bone)
  - security of samples
  - assessment of post mortem and laboratory analyses (diagnosis of likely and alternative disease/injury); and
- providing a formal report.

## AM I THE RIGHT VETERINARIAN?

When contacted by a MPI Inspector about a matter under investigation, the first step is to check if you are the right person for the job.

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. You need to consider whether it is appropriate for you to become involved, taking into account your experience, the species of animal(s) involved in the complaint and your ability to allocate the amount of time that the investigation may take. Other instances when you may not be the right person include when:

- there is a conflict of interest;
- you are a short-term locum or in a temporary position;
- you have other commitments.

You are not required to be part of an animal welfare investigation. If you don't think you are the right veterinarian for the job, you can tell the Inspector who will find another veterinarian.

If you do choose to be part of the investigation, you can ask the Inspector in charge for a written agreement with clear instructions about your role in the investigation and MPI expectations.

Be aware that other parties may also be involved in an investigation, including farm consultants, support groups like Federated Farmers, and other providers.

## CONFLICT OF INTEREST

As public servants and professionals, Inspectors and veterinarians must act, and be seen to be acting, with the upmost integrity. Among other things this means you must always act honestly and impartially. You must therefore avoid any situation which compromises or gives the appearance of compromising your integrity, such as a conflict of interest.

A conflict of interest is any situation where your personal or business interests oppose, or appear to oppose, the interests of your role in an investigation (for example when the person being investigated is a client, a friend or a family member).



## WHO DO YOU WORK FOR?

Section 127 of the Animal Welfare Act empowers an Inspector to enter any land, premises or place at any reasonable time, without a warrant for the purposes of inspecting an animal. It also allows an Inspector to take any person along in order to help him/ her inspect an animal.

When you accept the invitation of the Inspector to assist with the inspection of an animal, you are part of the MPI investigation team (though not an Inspector or investigator yourself) and your entry to the property is under the powers conveyed by section 127. Usually, you will be contracted to MPI for field work and recompense will be at the veterinarian standard rates. You will work closely with, and at the direction of, the MPI Inspector in charge of the field activities. You should not enter into any technical discussion with the farmer without including the Inspector in the conversation.

However, there may be other investigations when a veterinarian is requested by a MPI Inspector to provide animal health services for a specified person and situation. In these situations, the client is that specified person (the owner or person in charge on an animal), and will pay for your time and services. When this is the case, the MPI Inspector will make this clear to you and will have obtained agreement from the owner or person in charge that the costs will be met by them.

## CODE OF CONDUCT

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.

See Section Four for details of your professional animal welfare obligations.

## ON-FARM ROLE AND RECORD KEEPING

All of a veterinarian's opinions and decisions must be professional and technically robust: that is, based on a thorough and detailed veterinary examination, which may include herd or flock health assessment, clinical pathology, gross pathology and nutritional assessments. Attention to detail and the accurate recording of all events, observations, discussions and any relevant information is essential at the outset as all notes, no matter how brief or draft, are discoverable as part of a prosecution. Notes should be recorded at the time the events or observations or discussions occur or as soon as possible thereafter.



### Note Taking 'Must Do's':

- Record the time, date and location for every note entry, as well as who is present.
- Record everything and don't delete anything (e.g. keep all photos you take and all scraps of paper).
- Be specific (e.g. use animal identification numbers, and record exact numbers rather than using terms such as 'many').
- Use professional language and assessment tools/ scales (e.g. use a body condition score with explanation instead of 'skinny, and explain HOW wet etc, not just state that it was wet).
- Use a dedicated notebook and keep your notes in chronological order.
- Take photographs/videos to support your notes and animal identification.

You may wish to use a tape recorder, but should also have a dedicated notebook on hand. This ensures accuracy and reliability. If you choose to use a digital voice recorder, e.g. when doing a post mortem, the following points are important:

- Use the same disciplines as written notes, i.e. time, date, place.
- The original electronic note must be stored and its integrity must be maintained.
- If you are recording, first seek approval from the Inspector and advise colleagues and team members that you are recording.

Given that a prosecution may ensue, it is extremely important that all aspects of your observations and considerations (as an animal health and welfare professional) are accurately recorded.

Your notes are what you will base your formal veterinary report on and should set out all relevant facts in full, be objective, descriptive and specific. All supporting facts or observations should be accurately recorded to prove the offence to the satisfaction of the Court. Such a methodical approach will also ensure as much data as is necessary to work with or refer to when subsequently completing a formal report.

For example, a detailed description and reasoned opinion regarding an injury and how it occurred, or the identified disease and the cause and progress of the disease should be compiled in full. The length of time over which the suffering of injury or the disease occurred, or an accurate assessment based on considered facts is also important for the veterinarian to establish. This is necessary for both the framing of the charge and demonstrating the severity of the offence.

Experience has shown that if persons attached to an investigation maintain clear, detailed and chronological notes about where they were, what they did, who was present, and what was said then this makes the process of providing reports, drafting a brief of evidence and other relevant legal procedures much easier for the person concerned and more credible and reliable.

Pain, distress and suffering are critical considerations in animal welfare prosecutions as they form the basis of an offence against the Animal Welfare Act. Pain is often difficult to quantify, but it is the role of the veterinarian to assess pain, distress and suffering and to be able to support that assessment should the investigation proceed to prosecution. See Section Two for further information on pain and distress.

Where samples or specimens are obtained by the veterinarian, it is necessary to accurately describe and identify each item taken and to keep a chronological record of the "movement" of that item. A chain of evidence is required from the time the item is discovered until the production of the evidence in the Courtroom.

# CHAIN OF EVIDENCE

A critical part of an investigation where items, including body and tissue samples, are being seized for analysis is the “Chain of Evidence”. Where samples or specimens are obtained by the veterinarian, it is necessary to accurately describe and identify each item taken and to keep a chronological record of the “movement” of that item. It is also essential that the specimen is appropriately identified, packaged and tracked. If you have a large sample (e.g. a limb) this should be sealed in a large, labelled plastic bag, not just wrapped in newspaper.

A chain of evidence is required from the time the item is discovered until the production of the evidence in the courtroom, so that the integrity and authenticity of the item seized can be guaranteed as it passes through different hands and ultimately to the court. An inability to prove the integrity of an exhibit can result in the evidence relating to the analysis of it being deemed inadmissible at Court.

A veterinarian involved in an investigation must be aware of the importance of the chain of evidence particularly if they and their clinic staff are involved in sending the samples to the laboratory for analysis.

Exhibit packaging/labelling and paperwork to accompany the samples will be provided by the Exhibits Officer and laboratories have well documented procedures to deal with samples involved in legal proceedings. However, you should ring the laboratory in advance and alert them to the imminent arrival of samples.

You also need to alert your staff, or take particular note yourself, to securely store the samples in the clinic prior to despatch, and, at the time of despatch, to note the time, date, courier used and courier tracking number.

Further guidance will be given at the time by the MPI Animal Welfare Inspector who has been tasked with the role of Exhibits Officer.

# FORMAL VETERINARY REPORT

A formal report is to be provided to MPI on completion of the field operation. It can never contain too much detail as this report may form the basis of an eventual brief of evidence. If you take good notes on farm, drafting a formal report should be relatively straight forward.

A formal report must be set out in chronological order. The report will include such matters as the time of notification and arrival, observations made, action taken, samples (exhibits) removed either by consent or under search warrant, examinations, conversations, photographs and explanations given by people involved.

## 1 Introduction

- Full name and contact details
- Qualifications and experience
- Date assistance first requested, by whom and reason for request

## 2 Circumstances (to include, however not limited to)

- Set out in chronological order
- Date of inspection, location of inspection, other parties present during inspection, duration of inspection
- Feed assessment (type, availability, supplementary feed – how assessed) – nutritional value, samples taken for analysis (what, where sent, analysis interpretation)
- Stock assessment (condition – visual or hands-on Body Condition Score, species, numbers, euthanasia) – describe method of condition scoring, pregnancy status, injuries, disease, observations of behaviour normal/abnormal, levels of pain/distress. Also explain why you did what you did, and why you didn't do an alternative (e.g. unable to perform a hands-on Body Condition Score assessment as the animal was too wild)
- Specify literature or other material used or relied on in support of your opinions

### **3. Exhibits/samples taken**

- Description, time, date, place obtained, how packaged, labelled, where sent and when, and who had control of the sample at each step
- Post mortem – time, date, place, how many, who assisted, observations, description of samples taken, how packaged, where sent and when, type of analysis requested, subsequent assessment of post mortem and lab analyses
- Include appropriate photographs (remembering to keep an electronic copy of all photographs taken, not just those selected for your report)

### **4. Conclusions**

### **5. Recommendations (also include Animal Health Plan)**

## **ROLE OF AN ANIMAL WELFARE INSPECTOR**

The primary objective of an investigation is to rectify the situation and implement a sustainable solution on the farm. Inspectors also have a statutory obligation under the Animal Welfare Act to ensure animal welfare is enforced.

The core responsibilities of an Inspector are to:

- ensure the rights of the individual
- inform owner or person in charge of the minimum welfare standards
- conduct surveillance of the industry to ensure the minimum standards are being met
- mitigate animal suffering and resolve animal welfare incidents by taking necessary action and developing and implementing sustainable solutions
- investigate non-compliance with the law, collect evidence, and prosecute when necessary

During an investigation an Inspector, and everyone associated with that Inspector including the veterinarian, must be scrupulously fair. In practice this means that Inspectors must:

- observe and adhere to the law at all times
- observe the principle of the rule of law at all times
- conduct themselves courteously and professionally
- keep an open mind
- not discount any reasonable line of enquiry
- not allow personal feelings or prejudices to interfere with their enquiries
- not focus on any particular defendant unless the evidence supports that focus
- pursue relevant enquires that may not be necessarily helpful for the investigation
- be reasonable, patient and measured
- be thorough
- make decisions carefully and on the basis of all relevant information
- maintain a professional distance from the individual with whom they are dealing at the time
- listen to and take account of what is being said
- never bully or threaten people into providing them with information
- where necessary, consult with the affected person before making a decision that will affect his or her rights
- afford all people the relevant rights under the New Zealand Bill of Rights Act 1990
- disclose all relevant and discoverable material to a defendant on an ongoing basis



Animal Welfare Inspectors have a range of tools which they can use based on an escalating approach. Informal discussions and agreements, and referral to industry-based programmes (such as PigCare) may be used when the situation is minor and easy to resolve. In other cases the severity, scale and motivation of the farmer to resolve the issue may require the use of regulatory tools such as Section 130 Notices and Enforcement Orders.

The Inspector will always attempt to develop, and help the farmer implement, a sustainable solution and may ask for your help in doing this. Their actions will be based on the relevant law, facts and circumstances.

After the initial investigation, Inspectors have the following escalating options:

- To close the file because there is no animal welfare problem.
- To provide verbal and/or written educational advice.
- To perform formal or informal follow-up visits and give the farmer a formal education letter or (in more serious incidents) issue the farmer an official warning.
- Prepare a file for the MPI prosecution team. The Inspector may choose to do this if:
  - the farmer is unco-operative
  - the farmer fails to implement any of the suggestions/instructions provided by the Inspector, or
  - there is a clear evidence of a serious offence.



# ON-FARM ASSESSMENT

## Assessment Templates

Two assessment templates that you can use on-farm to assist you with your note-keeping are provided within this VetPak. The first assessment template is general and can be used for all animal species and farming systems. The second template is specific to dairy, sheep and beef farming (the farming systems most common in large-scale animal welfare investigations) and can be found in Section Five: Technical Information.

### Benchmarking against minimum standards

The term benchmark has come to mean any standard against which something is compared. It involves learning and adopting better practices to bring about step changes in performance. In the animal welfare scenario it is about benchmarking against minimum standards and adopting practices that move away from minimum standards towards recommended best practice.

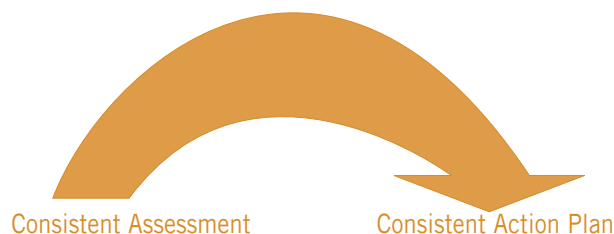
The reasons for using benchmarks in animal welfare are to set objectives and action programs so you know where you are and what you are moving toward. Benchmarks are measurable and comparable. Success and failure can be clearly evaluated.

Benchmarking allows you to discover the risks of performance when compared with normal. Nothing will happen, however, unless there is actual action to minimise or remove the risk. The real reward comes from changing what the farmers do to improve operations.

In practice, benchmarking usually encompasses:

- regularly assessing aspects of performance
- identifying risks in performance
- developing performance improvements to minimise the risks
- implementing the improvements (by the farmer)
- monitoring progress

## Risk Assessment



Some animal welfare situations are obvious while others are less overt, complicated, and involve consideration of many interacting factors.



Undertaking a systematic approach to assessment is required to ensure risks and breaches are identified and the severity, scale and intent (or farmer capability) can be assessed. In order to assess the risks there is a need to understand what is normal and what are the minimum standards (the benchmarks). The best criteria to use for reference are: Codes of Welfare, industry documentation and your experience.

Make sure you check any equipment you may use in your assessment for accuracy/ calibration before use, e.g. weighing scales. It is also important to note that some assessment techniques may require a team effort – for example, someone to do the hands-on body condition scoring, another person to take photos of the animal identification number and another to record the results. If you and the Inspector decide to take a sample (for example, when you have a large number of animals to condition score) it is important that you explain how your representative and unbiased sample was selected (for example, every 5th animal).

The key risks that have been identified as contributing to poor welfare outcomes are:

**Health** – focus on the animals showing signs of clinical illness with special attention given to animals who need urgent medical attention or euthanasia. In most cases (excluding euthanasia decisions) it is not your job to attend to these animals but you are in a position alongside the Inspector, to insist these animals receive veterinary attention.

Understand what is meant by unreasonable pain and distress, and assess how the animals that are ill are being managed.

Take appropriate samples that will aid in diagnosis and rule out illnesses.

**Feed Supply and Body Condition Score (BCS)** – Many animal welfare cases occur during the periods of greatest animal demand (winter/early spring) and/or periods of inconsistent feed supply (summer/winter/early spring). For this reason you must be able to objectively measure to industry BCS standards as this will be crucial to evidence. Notes and photos will be important.

Underlying BCS issues will be feed supply (or in some cases health) issues so there will be the need to correlate BCS with feed supply. In many cases the feed supply issues will be long standing so there will be the requirement to determine longer term feed supply with the use of historical feed budgets, production records and farmer statements.

When considering the amount of food and nutrients required by animals, a number of factors need to be taken into account including:

physiological state	body condition	genetic effects of strain or breed
nutritional composition and quality of feed	future metabolic needs relative to body condition	level of activity and exercise
age	state of health	maximum periods of food deprivation (e.g. during transportation)
sex	growth rate	introduction of new feeds
size	level of production	climatic and seasonal factors (e.g. extreme weather)
terrain	previous feeding levels	provision of shelter
feeding frequency		

Given the many factors to be considered and the natural variation in the needs of individual animals, it is not appropriate to specify the complete range of quantities and nutrients required. Information to allow feeding levels to be adjusted according to need can be obtained by monitoring body condition score, or by weighing at regular intervals.

When body condition score drops below specified levels urgent remedial action must be taken to improve condition. Remedial action may involve veterinary attention, improved nutrition and/or husbandry practice changes.

While BCS is not the only thing to consider when determining whether an animal has been provided with proper and sufficient food and water, it is an important consideration in an animal welfare investigation and scoring must be performed robustly and consistently.

**Infrastructure** – The construction, maintenance and operation of farm facilities are important to facilitate milking, for the conduct of important husbandry procedures, and to allow the loading and unloading of stock from transport to and from grazing or to slaughter. You should also take note of the maintenance of farm tracks, fences and farm machinery, the supply and storage of supplementary feed and medicines, and the distances animals have to walk to get to key sites such as milking sheds or stock yards.

**Animal Husbandry capability** – The knowledge, skills, abilities and attitude of the stockperson are integral to the standard of welfare. 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.

**Climate** – Contingency plans for emergencies such as floods, storms, snow or drought need to be in place to ensure the welfare of animals. While it is neither possible nor reasonable to put plans in place to deal with every potential problem, farms susceptible to extreme climatic conditions will benefit from contingency plans that help prevent the severe damage and welfare compromise that adverse events can produce.

**Young Stock** – Newborn and young animals are vulnerable to adverse environmental conditions and poor management. Consequently all neonates require special attention to ensure they are healthy and to allow their individual needs to be assessed.

**Records** – Most production systems require records to be kept of animal and herd treatments, these can be useful to determine previous management and compliance with good practice.

If at any stage you feel you are not qualified or are not able (time/scale) to assess the above risks then you should insist on referral to appropriately skilled people or seek a second opinion. Having a team of “experts” that see what you see is gold. You must also check with the Inspector that your risk assessment meets the evidence collection needs of the investigation.

## Risk Management

Following risk assessment the investigation team, with your assistance, may choose to put a plan in place to manage the risk. This plan may include:

- the animal welfare outcomes to be achieved
- any specific directions regarding euthanasia, veterinary attention, de-stocking, or supplementary feed
- 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
- what external support is needed and how this will be accessed

Risk management is a process of setting priorities based on risk assessment, establishing efficient and consistent risk reduction policies, evaluating the range of risk reduction alternatives, identifying cost-effective risk reduction measures, and identifying risk mitigation and contingency measures.

### What is Animal Welfare Risk Management?

Animal welfare risk management benchmarks factors that will prevent animals suffering unreasonable or unnecessary pain or distress through being inappropriately managed or cared for.

If something can cause “harm” we call it a ‘risk’. There are many potential risks as outlined as part of the assessment section.

Part 1 of the Animal Welfare Act places a duty of care on owners and people in charge of animals. They are required to ensure that the physical, health and behavioural needs of animals are met and that pain and distress of ill or injured animals is alleviated. Part 2 prohibits certain types of conduct towards animals. (It does not assume an ownership link).



An animal welfare risk management system defines the expectations, roles and responsibilities (minimum standards) of people caring for animals (owners and employees). It should also cover the maintenance of documentation and records that support standards, policy and events. The systems show how the animal environment will be made safe and healthy for all.

The key steps associated with animal welfare risk management for a veterinarian are outlined below:

- Know your minimum standards (from Codes of Welfare, Animal Welfare Act and Code of Professional Conduct).
- Assess and identify risks. Report, record and investigate risks, incidents, injuries and illnesses.
- Plan and recommend a way to manage risks.
- Provide information for MPI, consultants, farmer.
- Include all classes of stock/farm systems (grazing blocks, sheep properties) in your risk management processes.

In recommending an environment that will manage the identified risks a few learning's have been had:

1. Aim to alleviate/prevent further pain and suffering through aggressive treatment and management. If this is not feasible, euthanasia may be the best option.
2. Aim to get the farm back to above minimum standards (not best practice) as quick as possible.
3. Create a plan that will ensure long-term success in the maintenance of welfare and prevent a return to a similar situation "next season".
4. In formulating a plan give the farmer some flexibility in his/hers ability to carry out the recommendations (e.g., total kg DM available rather than specific diet formulation).
5. The plan must be practical and feasible.





## ON-FARM ASSESSMENT

<b>Date:</b>	<b>Address:</b>
<b>Farm Name:</b>	
<b>Owner:</b>	<b>Run-off:</b>
<b>Sharemilker:</b>	
<b>Manager:</b>	<b>Ph No.</b>
<b>Employees:</b>	
<b>HEALTH (incl deaths):</b>	
<b>FEED &amp; BCS:</b>	
<b>INFRASTRUCTURE:</b>	
<b>ANIMAL HUSBANDRY:</b>	

**CLIMATE:**

**YOUNG STOCK:**

**RECORDS:**

**PEOPLE:**

**FINANCE:**

**OTHER NOTES:**

### Summary points:

- Veterinarians have a dual role in an investigation:
  - 1) to identify and mitigate pain, distress and suffering; and
  - 2) to collect evidence
- Take good notes and keep everything
- Use professionally accepted assessment tools and techniques



# Support for Vets





## SUPPORT DURING AND AFTER AN INVESTIGATION

Animal welfare investigations can be stressful situations for everyone. Support for affected people and for you and your decision-making is critical. The following is a list of support contacts that you can use and direct others to.

The following veterinarians have all been involved in past animal welfare investigations and are available if you have any questions, need any advice or support.

Veterinarian	Region	Industry	Contact details
Ross Woods	Whangarei	Production animals	09 4701060 rosswoods@extra.co.nz
Angus Campbell	Whangarei	Cattle	09 4701060 angusc@northvets.co.nz
Dave Marks	Auckland	Chickens	027 4901744 davidmarks@extra.co.nz
Greg Stocker	Hamilton	All species	021 221 5335 greg.stocker@asurequality.com
Greg McNeil	Waikato	Dairy	027 575 5216 greg.mcneil@lic.co.nz
Peter Davidson	Waikato	Production animals	07 8888197 peter@matavet.co.nz
Andrew Cribb	Gisborne	All species	027 5274 229 Andrew.cribb@ecfv.co.nz
Clare Ryan	Hawke's Bay	Production animals	06 8767001 Clare.Ryan@vshb.co.nz
Richard Hilson	Waipukurau	Production animals	027 2753943 richard.hilson@vshb.co.nz
Barry Greenbrooke	New Plymouth	Production animals	06 7645357 Barry.Greenbrook@mpi.govt.nz
Polly Otterson	Taranaki	Cattle and sheep	06 764 8196 otterson@paradise.net.nz
Kevin O'Grady	Canterbury	Production animals	03 3759000 Kevin.O'Grady@mpi.govt.nz
Bernice Mangnall	Canterbury	Cattle and sheep	027 2102066 bernice_mangnall@hotmail.com
Richard Wild	Canterbury	Production animals	03 3581702 Richard.Wild@mpi.govt.nz
Ian Hodge	Ashburton	Production Animals	03 3079170 ianh@vetent.co.nz
Kevin Kearney	Oamaru	Production animals	03 4345666 Kevin@vet111.co.nz
Mat O'Sullivan	Oamaru	Cattle	03 4345666 mat@vet111.co.nz
Kerry Killorn	Dunedin	Production animals	029 9431511 Kerry.Killorn@mpi.govt.nz
Gavin Sinclair	Southland	Production animals	021 222 6153 gavin@vetsouth.co.nz
Selwyn Dobbins	Southland	Pigs and other production animals	027 5352772 Selwyn.Dobbins@freshpork.co.nz
Mark Bryan	Southland	Dairy only	021 647481 markb@vetsouth.co.nz

## Additional support for veterinarians

- New Zealand Veterinary Association and Special Interest Branches, phone (04) 471 0484, email [nzva@vets.org.nz](mailto:nzva@vets.org.nz) or check out [www.nzva.org.nz](http://www.nzva.org.nz)
- 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, and animal welfare related publications: [www.mpi.govt.nz/biosecurity-animal-welfare/animal-welfare](http://www.mpi.govt.nz/biosecurity-animal-welfare/animal-welfare)
- 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 helpline: 0508 664 981 or [www.vitae.co.nz](http://www.vitae.co.nz)
- Your own professional advisor (for example, lawyer, insurer etc).
- Staff and rural professionals associated with the farm itself, for example, stock or feed agents.
- Local MPI or SPCA Inspectors.
- Veterinary Council of New Zealand, especially for Code of Professional Conduct information or complaints: (04) 473 9600 or email [vets@vetcouncil.org.nz](mailto:vets@vetcouncil.org.nz)
- In cases of suspected family violence contact the Police, Women's Refuge or Child, Youth and Family.

## 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](http://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](http://www.fedfarm.org.nz)
- DairyNZ: 0800 4 DAIRYNZ (0800 4 324 7969) or email [info@dairynz.co.nz](mailto:info@dairynz.co.nz)
- NZPork: 0800 NZPORK (0800 697 675) or email [info@pork.co.nz](mailto:info@pork.co.nz)
- Beef + Lamb New Zealand: 0800 BEEFLAMB (0800 233 352) or email [enquiries@beeflambnz.com](mailto:enquiries@beeflambnz.com)
- Deer Industry New Zealand: (04) 473 4500 or email [info@deernz.org](mailto:info@deernz.org)
- Egg Producers Federation of New Zealand: (09) 520 4300 or [www.eggfarmers.org.nz](http://www.eggfarmers.org.nz)
- Poultry Industry Association of New Zealand: (09) 520 4300 or email [info@pianz.org.nz](mailto:info@pianz.org.nz)
- Family and Community Services website has a database of different support organisations for families: [www.familyservices.govt.nz](http://www.familyservices.govt.nz)
- Dairy Women's Network provides professional and personal support for woman involved in dairy farming: [www.womenindairying.org.nz](http://www.womenindairying.org.nz). Call (07) 838 5238 or email [info@dwn.co.nz](mailto: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) 4735524 or [www.ruralwomen.org](http://www.ruralwomen.org)
- In cases of suspected domestic violence the Woman's Refuge: 0800 REFUGE (0800 733 84) or Child, Youth and Family: 0508 FAMILY (0508 326 459) can help

## EXPERIENCES OF OTHERS

**Kevin Kearney**

**Article from** *VETScript* **Nov 2003: A Veterinary Perspective on large scale animal welfare disasters**

During 2001 and 2002 I was involved in four large-scale welfare investigations, all in late winter/early spring when feed demand is highest. All situations arose from overstocking, underfeeding and basic farm mismanagement. In some cases neighbours, friends or relatives had tried to deal with the situation but had been unsuccessful.

It is important to gain an overview of the farming operation as fast as possible. Some of the difficulties I have encountered have been:

- a lack of farm records;
- large property of up to several thousand hectares;
- an open-gate type farming operation with stock over the entire farm;
- dying stock needing assessment;
- poor facilities for handling stock;
- the ram/bull left out all year and no weaning, so all ages of stock are running together.

The first objective is to assess the animal's welfare needs. Even this can be difficult – not enough daylight hours, a shortage of farmers to help, inclement or deteriorating weather, a lack of supplementary feed and/or no mechanical means of feeding it out, stock that are too weak to muster.

While the basic situations I have dealt with have been the same in each case – stock dead, dying, starving, or in poor to average condition, with little or no supplementary feed available – the on-farm investigations have varied. On two farms, the farmer has walked away leaving MAF, the vet, stock agents, Federated Farmers and neighbours to work things out the best they can. Three of the farms have ended up being essentially destocked.

The initial tour of the farm allows assessment of farm cover, general stock condition and supplementary feed available. Stock are mustered to suitable paddocks; those that are too weak to stand or are moribund are euthanased. Supplementary feed is given as soon as possible. Once yarded, stock are drafted into species (if necessary), age, sex, and those of similar physiological status (e.g. heavily pregnant, recently calved). I try to avoid running stock through the yards too often.

The decisions for handling stock after this are difficult. The options of stock retention, selling store stock and keeping capital lines, destocking or slaughtering emaciated animals are discussed with the farmer and, where possible, his advisors: stock agents, financiers, family and other interested parties. On two properties the farmers felt they were no longer able to make rational decisions and asked other parties to act for them. One farmer was suicidal at times. The mental wellbeing of the farmer is a priority, and the veterinarian has a moral obligation to ensure counselling is available.

Animals that are moribund, emaciated, rejected for sale, or deemed unsuitable for travel, have to be euthanased. On one farm, MAF arranged a team from the local slaughter house who used captive bolts to kill the sheep, then exsanguinated them and buried them in a large bulldozed grave. On another farm the MAF Inspectors, local farmers and I euthanased several hundred sheep in the same manner. This is a reality of such investigations and I find euthanasia on this scale unpleasant.

Nutritionally, the feeding of hundreds or thousands of hungry, poor condition stock poses its own problem. On all farms grass has been negligible. The quality of hay, silage or baleage has been poor to average and not much of it. Limited nuts and barley were available on two farms and had to be introduced slowly to prevent rumen acidosis, with frequent small feeds and the addition of whatever fibre was available. The demeanour of malnourished stock improves dramatically in 24-48 hours with planned feed-pad type feeding.

The veterinarian has a major say on feeding, and must be able to offer basic feeding guides for different groups of stock. I use Metabolisable Energy (ME) and palatability as the basis. The farms that are the subject

of a full scale investigation are extreme examples of poor farming practices. Unfortunately by the time MAF gets involved, there may not be much community support. If the farmer is known as a bad debtor it may be difficult to procure supplementary feed.

These investigations are stressful. The veterinarian is under immense pressure, needing to make informed decisions and recommendations, while trying to work with the various groups of people – MAF, the farmer and his family, stock agents, local farmers, Federated Farmers, financiers, lawyers – each offering a different perspective, and possibly having different agendas. The veterinarian must remain objective throughout, and frank discussion with the different parties is essential to ensure the best decisions from an animal welfare perspective.

During the investigation the most commonly quoted section of the Act is: ‘....has reasonable grounds to believe that an animal is suffering or is likely to suffer unreasonable or unnecessary pain or distress....’ I was somewhat surprised to find that the Animal Welfare Act does not define the terms pain, suffering and distress. This leaves the field veterinarian having to provide his/ her own definition of the terms, and risk being accused of either emotionalism or anthropomorphism. Is a downer cow in pain? Can we measure it? Is a heavily pregnant merino ewe with CS 1.0, which is ‘bright’, able to eat, drink and move freely, distressed?

The cases I have been involved with have lasted three to seven days. Report writing is time consuming and needs to be precise, especially if the farmer is prosecuted. Some veterinarians may not want to get involved with this work and this should be their choice.

Of the four investigations in which I have been involved, none of the farmers has been a client. From both a professional and personal viewpoint I can see no value in being involved in an investigation, employed by MAF, of my own client. I appreciate others may have differing opinions.

These investigations have made me question what I consider acceptable and unacceptable farming practices. Objective criteria have to be established and the farming community and related professions need to address some of the issues.

In future investigations, if prosecution is likely, I would recommend more animals are weighed and this correlated to average BCS. The demeanour of the animal must also be taken into consideration. Obviously a range of benchmarks must be available – vitality, locomotion, BCS, weight, available feed, stage of gestation, topography and shelter, wool length and climate, climate changes, intention of owner, ability of owner, disease status or flock/herd etc.

Two of the cases I have been involved with have led to prosecution. Therefore it is imperative that the veterinary report is accurate, as the Crown Prosecutor takes statements from the reports and uses them in the ‘Summary of Facts’. I spent considerable time preparing for court. The courts view evidence from expert witnesses, such as vets, very favourably, and our profession is held in high regard. The fact that a veterinarian was present during the investigation, and their photos or video footage is used in their report, makes the veterinary evidence very important. I found the factual and scientific questions I was asked straightforward to answer. Subjective questions are much more difficult.

## Peter Presland

### Article from *VETScript* March 2011: *When co-dependency breaks down*

*When Peter Presland read the job description for the role of Animal Welfare Investigator with the Ministry of Agriculture and Forestry (MAF) on the internet in 1999 – while holidaying in England – it seemed relatively straightforward: uphold the soon-to-be-introduced Animal Welfare Act by working with all facets of industry, most particularly farmers and their staff.*

As with many things in life, I came to realise in short order the reality was vastly more complex. In line with Charles Darwin's evolutionary theorem, I am a work-in-progress, with the 2011 model greatly different from the 1999 model. Today, when asked about my role, I describe it as part farm consultant, part social worker, part rural constable.

During the past 11 years there have been many trials (some in the courts), tribulations and successes. The insights I have gained come with the territory and are simply my opinions, coloured by my field experiences – not those of a qualified human behaviourist.

#### ***The co-dependency of humans and animals***

A simple definition of animal welfare is the physical and psychological wellbeing of non-humans. "Animal Welfare" has also come to mean concern for animal welfare. It is accepted that domesticated animals become dependent on humans to have their needs met in sickness, and in health, in accordance with good practice and scientific knowledge. We can also substitute humans for animals in both definitions – thus human welfare is the physical and psychological wellbeing of humans. The fate of both is indelibly entwined in total co-dependency if the welfare of both is to be enhanced.

Yet we know this symbiotic on-farm relationship can break down, sometimes irrevocably, with devastating consequences for all species involved.

The following individual cases are drawn from my professional experience and illustrate what occurs if this co-dependency breaks down after humans fail their self-imposed duty of care.

#### ***When things get out of hand***

When looking at human behaviour and demeanour associated with clinical ketosis, symptoms could include appearing sick and depressed (SAD), dull, lethargic, apathetic, hyperactive, irritable, irrational and aggressive, all while showing a lack of awareness. This behaviour and demeanour is often on display in people who are in charge of animals – sometimes even mirroring their animals.

Stress, depression, indecisiveness, compassion fatigue and wilful blindness to one's circumstances are all displayed by people who are placed under chronic pressure. If the person involved owns an urban business, such as a corner dairy, then all that occurs when a non-coping owner abdicates responsibility is that the shelves do not get restocked, customers stop walking through the door and business slowly dies. For people on the land in charge of animals, the animals are the business and thus they are at risk. Left unchecked, animals suffer to varying degrees. Some animals may die, while the people in charge put not only their business at risk but also their freedom if court action follows.

For both the urban business owner and farming people, the cause of these pressures are manifold. Like any complex chemical compound, the factors are numerous and intricately linked. Financial pressures, overstocking, climatic conditions, breakdown in personal relationships, fear or feelings of failure, lack of knowledge or support are just some of the contributory factors.

#### **Case A**

Early in my sojourn in the south I visited a sheep and beef unit. I had been led to believe the owner was expecting me given an adjacent property has been the subject of a serious welfare event immediately before this. I drove up the narrow driveway to the nondescript house perched on a small hill. Repeated knocking raised the young owner and sole occupier from his midday sleep. He immediately admitted expecting me and seemed relieved.

While talking at his kitchen table I noticed a large mound on an adjacent hill through the kitchen window and soon realised I was staring at a large pile of dead sheep. Evidently, this man's only action upon being warned of my imminent visit was to collect up the dead sheep in the house paddocks. An inspection revealed more than 500 dead sheep, all of which had died for the want of food, or shearing, or both.



It was all the owner could do to pick up the readily accessible dead sheep then retire back to bed. He remained in the house throughout the subsequent operation required to tidy the job up. The signs of this man's ill-health were obvious: he was chronically SAD.

### **Case B**

This farm has a paper road traversing the rear half of the property and public road frontage on the other side. I entered the property via the paper road and saw hundreds of dead sheep. I found the owner at his house and he readily admitted his omissions, describing them as having ruined the environment, the stock and the farming business. Analysis of historical events revealed illness in the family with things slowly getting on top of the owner, culminating in his own illness.

Sheep became caste for lack of shearing. The owner could not bring himself to get the shearers in so left them on the hill. Eventually, he could not bring himself to even traverse that side of the farm and had trained himself not to go there. When asked how he thought the issue would be resolved, he said he guessed someone like me would eventually turn up.

His wife and wider family had no idea what was unfolding on the property, and I had to remind him he would need to explain my presence to his wife. It was a cathartic moment in this proud man's life.

### **Case C**

I arrived at a rotary shed at a new dairy conversion. It was springtime, yet there was nothing spring-like about the conditions. I found the owner, a recent immigrant, trying to draft recalcitrant heifers in the shed. On one leg he had a plaster cast from the knee down and there was a foot of slurry in the yards.

The sharemilker had died in an accident days before and the conversion was unfinished. Stepping in following the death, the owner had broken his leg on the farm. There was no water to half the property and intermittent supply to the shed, hence the slurry. Staff had fallen ill, probably because of the added pressure. This scenario had been unravelling for four weeks. Half the herd was lame, some were under treatment and many were not yet even drafted out.

His comment to me was "This was not how it was in the brochure!"

### **Common factors**

In all three cases, the owners were male. None sought any external help before MAF's intervention. All were SAD, under intolerable pressure and had ceased to function rationally. In each case, there was a degree of public knowledge and concern, yet no one intervened – or if they did, they did not go deep enough.

In hindsight, the triggers that cause such scenarios to escalate unchecked are sometimes beyond the control of the individual. Once the unravelling begins, the individual feels powerless to arrest the nosedive of the business or save their animals. This is when collective responsibility from the farming community, with veterinarians at the forefront, should kick in.

The symptoms shown by these men may seem obvious, but what are the signals or clues that indicate how the farm business is travelling? In the three cases outlined, the environment they had created had become self-perpetuating in a vicious downward spiral. All three had lost any sense of how to rectify it.

### ***The veterinarian is in a unique situation***

Intuitively, veterinarians know which of their clients fit the descriptions outlined above.

When I assess a property I always start with the owner, the person in charge, or staff on the farm – whoever is available. I look at how they present and sometimes offer an observation about their own health or demeanour. The answer they give is not necessarily important. Rather it is the way they answer that tells me more (although in many cases they are surprisingly candid). It is amazing the level of response you will get to a simple question such as "how does this make you feel?"

Veterinarians are in a unique situation to enter into such a discussion and need to consider a similar exchange.

First impressions count. The manner in which the property presents tells a lot about the relative levels of motivation and pride. Simple things, ranging from the amount of plastic wrap left about to if and how dead animals are disposed of, tells much about the health of the people. From there springs the fine-grain detail such as inputs and outputs and the condition of livestock, all bread and butter for veterinarians.

### ***Choosing to do the right thing***

Often the solutions are relatively stark but are not apparent to the people on the farm because they are too close to the problem. An outside perspective allows veterinarians to see the problem and its cause – thus the solution – relatively quickly.

For example, how many times has acute lameness been treated individually but no in-depth analysis of the causative factors undertaken with a sustainable long-term fix implemented? If new cases are continually developing, or the problem is chronic and treatment by the staff is ineffectual resulting in cases becoming acute, then the owner should be advised to focus on the cause – not the symptoms.

Time spent working through this analysis will not treat the individual animal but will address the underlying cause. This discussion is only able to be undertaken if the veterinarian has taken the time to engage with the client.

I recall a veterinarian, who was a partner in a practice, being in an ethical dilemma over whether to become involved in a case or not. In this instance, the welfare issues were large-scale and it was a prominent runholding. I could not decide for him and simply asked him to consider on which side of the line he felt more comfortable – to assist or walk away. I suggested the kudos he would earn from doing the right thing would far outweigh any negative reaction. In the end, the numbers of prominent farmers who supported him and his colleagues through the protracted operation proved this point. The opinions of naysayers or local people who chose to not become involved were neither informed nor valid. Veterinarians have to live in the community too, and I understand this. They know where there are likely to be animal welfare problems that are unaddressed and that could evolve into something far more serious for the animals and owners if not confronted. No one ever said doing the right thing was easy.

Veterinarians are in an ideal position to assess the level of risk attached to a farm business through analysing data such as somatic cell counts, inductions, conception rates, lambing percentages, clinical facial eczema, yersinia outbreaks and so on. Looking for the underlying causes of such problems and assessing the risk of leaving things unchecked will lead to a positive outcome for the long-term. Challenging owners to address problems early is more favourable for everyone concerned than leaving them to fester and manifest further.



## Greg McNeil. Email to MPI May 2012

As I write this perspective I am yet to complete the final stanza of my large-scale animal welfare investigation experience – The court appearance and the role as an “expert” witness.

Hindsight is a wonderful thing and with I am sure following the court appearance hindsight will be even more valuable.

Unfortunately (or fortunately!) in October 2009 I did not have the luxury of hindsight so I made do with my 15 years dairy practice clinical experience.

With any veterinary involvement in an animal welfare investigation you must expect that you may end up giving evidence in court – so be prepared and collect evidence that will ultimately support your brief of evidence and your court appearance!

### Keys to the on-farm approach

During the investigation a systematic approach to the investigation will aid in investigation, recommendations and the collection of evidence.

Habits that will hold you in good stead include accurate and regular note and evidence (photographs) collection.

Notes should include:

- Date/time
- Who is present
- What you observed (numbers, animal state etc)
- What was said/discussed including key statements
- What was recommended
- Who was to do what
- Reference to photos/documents/samples

As time goes on in the investigation specific measurements should be collected to assist with evidence collection.

During and following my involvement in an animal welfare investigation MPI and I have developed a risk management approach to aid in an animal welfare investigation (this approach is explained in detail in another section of this VetPak). This approach should help you in your role within an investigation, as well as your role as a veterinarian in assisting the farmer to improve the situation on their farm.

### Top few things I learnt being part of the investigation:

1. The need to make sure that the standards you assess animal(s) welfare against are supported by codes of welfare and industry standards, e.g. they are minimum standards, not best practice. It is also important to focus on the outcomes set in standards and to give the owners the flexibility to meet them in a way that best suits their farming practice.
2. A team approach (including consultants and other vets) is often required to ensure a robust investigation, especially when you are dealing with a large-scale event.
3. Much of the work comes after the initial investigation – putting together the brief of evidence.

### Things I found the most difficult:

1. The scale of the animal welfare issues and therefore the investigation.
2. Putting together the brief of evidence. This is very different to a veterinary report. Facts are required at a far greater level rather than opinion and interpretation. With delays between the investigation and any case going to court it is important that you have good notes to refer to.
3. The delay between the investigation and going to court.

### Where I got support/advice:

1. Referring to other veterinarians.
2. MPI field staff.
3. Animal Health Laboratory.

Once again, hindsight has highlighted the time such investigations take. Rarely is it a few hours, but often days as the complexity of the system failure unravels. Time is quickly swallowed during the investigation, preparation of a report and finally in preparation of a brief of evidence for court purposes.

The pleasure in contributing to improved animal welfare outcomes far out ways the time commitment.