



**A practical
toolkit for farmer
representatives
helping to deal with
animal welfare issues**

“ Supporting farmers through animal welfare issues – a practical toolkit for farmer representatives helping to deal with animal welfare issues ”

If you see anything that you suspect might be an exotic animal disease, contact the MPI Exotic Disease and Pest Emergency Hotline immediately on

0800 80 99 66

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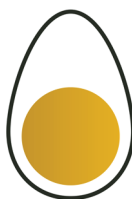
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Ministry for Primary Industries
Manatū Ahu Matua



**Poultry Industry
Association of
New Zealand (Inc)**



**Egg Producers
Federation of
New Zealand (Inc)**

Summary

This toolkit is for farmers and farmer representatives who are asked to help deal with an animal welfare issue by an industry organisation, Ministry for Primary Industries (MPI), or by a farmer requesting support.

Animal welfare issues can be complex and are often the consequence of something else such as financial pressures, climatic conditions, breakdowns in personal or business relationships, illness or a bereavement, or a lack of support or knowledge.

If you are concerned about the welfare of one or more animals, offer to help the owner if appropriate. Contact your industry organisation, a veterinarian or MPI if dealing with the situation is beyond your resources.

Quickly resolving any animal welfare issues is best for both the animals AND the farmer.

The uniting aim of everyone involved is to develop a timely, practical and workable solution that meets animals' needs and eases their pain and suffering.

Ideally, that solution will be something that the farmer can put in place and keep using to prevent issues in the future.

There is support for farmers struggling to adequately provide for their animals. This toolkit provides contact details for some support avenues which gives farmers options for helping themselves.

0800 00 83 33

Acknowledgements

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Special thanks also for the feedback and support from all those organisations and individuals who provided comment during the consultation phase.

Disclaimer

This toolkit has been designed to provide practical guidance for farmers, farm industry representatives or industry group members who identify, or are asked to help resolve, an animal welfare issue on someone else's farm. It is not intended as legal advice or protection. If you are concerned about the welfare of animals, please contact your industry organisation, veterinarian or MPI.

Purpose

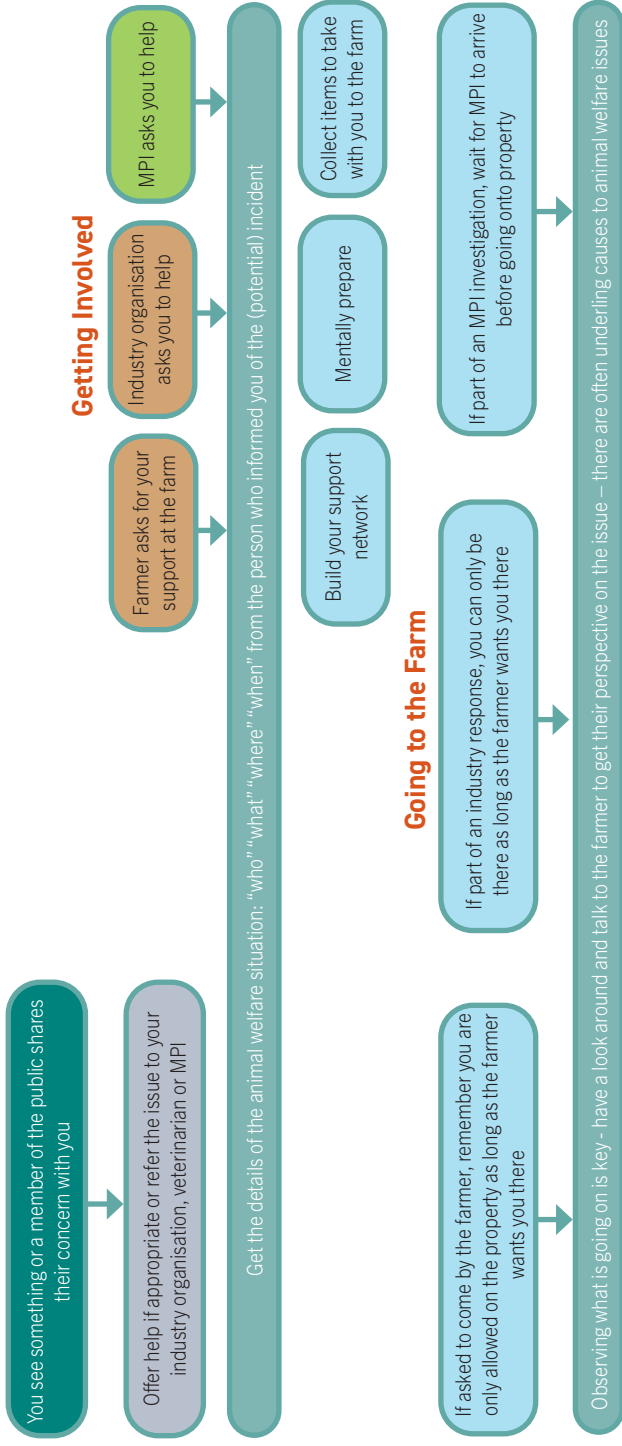
This toolkit provides guidance for farmers and farming industry representatives who are asked to help sort out an animal welfare issue on someone's farm.

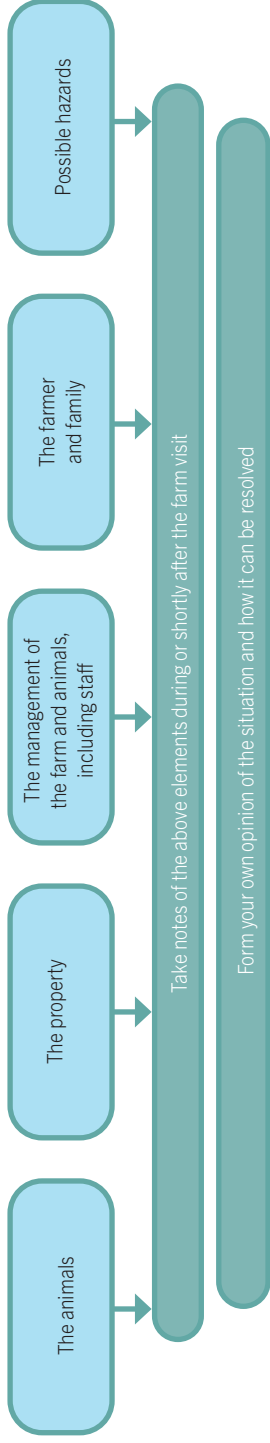
This toolkit has intentionally been kept very general, it is not meant to make you an expert in resolving animal welfare issues. Resolving an issue may well end up involving other people and may require specialised knowledge and skills. However, as someone local who the farmer can trust and talk to – someone who can act as a bridge between the farmer and other people with more technical knowledge – you can play a very important and positive role. Ultimately, all parties are trying to find the best solution – one that works for both the animals and the farmer. This toolkit will:

- Help you understand:
 - how you might get involved in supporting a farmer to resolve an animal welfare issue;
 - responsibilities under animal welfare legislation; and
 - options when you identify an animal welfare issue.
- Provide suggestions for assessment of situations where animal welfare may be a concern.
- Provide guidance for conversations with a farmer about the welfare of their animals.
- Provide you with an understanding of what is involved in an animal welfare investigation.
- Provide background resources and support contacts for you and farmers to use.

If you see something that causes you concern, or someone else tells you of their concern and you are unable to help, you should refer the situation to any industry organisation, a veterinarian, or the Ministry for Primary Industries (MPI).

If at anytime you would like advice, contact the national office of Federated Farmers, the relevant industry organisation, your veterinarian, or MPI (contact details are at the back of this toolkit).





Things to keep in mind/tips for on the farm



Coming up with a workable solution

You can help to build a support network around the farmer including:

- Family/friends/neighbours
- Rural professionals/advisers
- Financial manager/banker/accountant
- Lawyer/solicitor
- Rural Support Trust co-ordinator
- Local industry representative
- Doctor or health care professional
- A support network can help with a range of on-farm issues (e.g. NAIT compliance, environmental issues) not just animal welfare issues.

Animal Welfare Inspectors have a number of options available to them. The end outcome is always to develop a prompt and workable solution that provides for the animals' needs and eases their pain and suffering. Involving an Animal Welfare Inspector does not necessarily mean the case will go to prosecution.

Getting involved

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. 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.

A potential animal welfare issue may come to your attention in any number of informal ways: one of your friends may say something when you're socialising together; a member of the public might come to you and express their concerns about what they see on a farm; you could be driving along and notice something of concern on a farm.

Although this doesn't happen very often, a farmer may ask for your help early on (that is, you are their first point of contact), or could ask you to become involved in an investigation that has already started. In either case, having a farmer ask you for help is the best situation to find yourself in. This means the farmer recognises there is a problem and wants to do something about it.

An industry organisation may ask you to support a farmer where animal welfare concerns have been identified.

You may be asked to join an MPI investigation, in which case your farming skills and knowledge, and your experience in dealing with farmers, will be very valuable when it comes to working out timely and practical ways of dealing with any issues.

In general, when faced with a potential animal welfare situation there are two things to sort out first:

1 Is there an animal welfare issue at all?

Not all animal welfare complaints turn out to be an actual animal welfare issue: made out of a sense of genuine concern but actually reflect a lack of knowledge about normal farming practices (see box on dealing with the public); and some complaints come from malicious intent. Consequently, it's important to take some time to get familiar with the situation. This will help you work out if there is an animal welfare issue and if so, what the issue is. Even if there is no issue you may still think that the farmer could do with some support.

2 Who should the situation be referred to?

If, after taking time to get some background knowledge about the situation you believe there is a genuine animal welfare issue you could offer to help if appropriate. Otherwise refer it on to your industry organisation, a veterinarian, or to MPI (**0800 00 83 33**).

Your industry organisation, veterinarian or MPI may then ask you to help them resolve any animal welfare issue the farmer may have. Whether or not you become more actively involved is your choice to make. Be aware that involvement can be both challenging and rewarding.

Should I Get Involved?

Although it may seem daunting, it can be very rewarding to play a part in turning a bad situation into a good one, and inexperienced farmers or those experiencing difficulties may appreciate tips on good farming practices.

You need to ask yourself if you have the time and ability to get involved. Getting involved is entirely voluntary. If you get involved, can you provide the right sort of support for helping with the issue and is there anyone else who should be involved too? Animal welfare issues can be stressful, and you will have to find the right balance between supporting the farmer and being professional and objective.

Stop and ask yourself:

- **Do I have the time to commit?**
- **Do I understand/have experience with the farming system?**
- **What relationship do I have with the farmer?**
Will my involvement jeopardise this or is our relationship the reason I should help?
- **Am I comfortable taking on this role?**
- **Am I able to balance whatever emotions I feel with the need to be professional and objective?**
- **If I do become involved, what help might I need?**

You and the farmer need to be clear about your role. You do have a support role, but that support should not be unqualified. You need to set out clearly, right at the start, that although you are there for the farmer, you also have a duty to be neutral, objective, and honest. The farmer needs to know that you have to call it as you see it, even if it's something the farmer may not want to hear.

It is important to note that you are only there at the request and consent of the farmer. Even if you are visiting at the request of your industry organisation you can only be on the property with the permission of the farmer. If they do not give their permission, or change their mind at a later date, you must respect this decision and leave immediately.

If at any time you are uncomfortable, or don't think that you are the right person to be involved, contact your Federated Farmers or other industry representative, Rural Support Trust, or MPI (**0800 00 83 33**). Your details will be kept confidential. Refer to the back of the toolkit for contact details.

Rural Support Trusts

Rural Support Trusts are charitable trusts run by local, rural people who know from experience that pressures can mount up on farm. There is a network of 14 Rural Support Trusts across New Zealand. Each trust is run by local people who know the area, are familiar with agribusiness and are well networked and trained in many facets of support for farmers.

Sometimes weather, finances, relationships, or a build-up of farming pressures may start to feel overwhelming. If more than a cup of tea and a yarn is needed, the RST can also connect the client with the professionals who can provide further support, including farming or business advice, financial information, health, mental health and counselling services.

Referral is easy: the farmer themselves, or you as a concerned family member or friend, can call **0800 787 254** for a free, confidential chat. For more information: www.rural-support.org.nz

Dealing With the Public

A member of the public who reports something they see is normally doing so out of a real sense of concern and this is not something they would do lightly. This should be acknowledged.

However, many people have less understanding than previous generations about how their food gets from the farm to their plate. This means, for example, that people can see something genuinely distressing to them that is standard farming practice. For instance, someone driving down a country road and seeing a brown paddock with stock in it and not recognising it as break-feeding.

This is why it is vital to learn about the reality of the situation. It may also be wise (with the consent of the member of public) to get their contact details so you can make a follow-up call. This acknowledges the person has done the right thing by stepping forward, lets them know that something's being done, and is an opportunity to educate the person if their perception is the result of them not understanding current farming practice.



Assessment of situations where animal welfare may be a concern

2

If you become aware of an animal welfare concern, the following points should be considered:

- **Who is the farmer or owner of the animals?**
- **Where is the farm?**
- **What appears to be the problem?**
 - The type and number of animals involved.
 - The time of year in relation to farming practices.
 - The type of problem e.g. skinny animals, lack of feed, ill-treatment.
 - Climatic factors.
 - Availability of feed/resources.
 - Are there dying animals that need immediate assistance?
- **When did it happen/how long has the potential problem been going on?**
- **Do you know of anything going on within the farmer's home or family that may have contributed to this, for example, illness, divorce etc.?**
- **If the concern is raised by a member of the public, what is the relationship between this person and the farmer? And how did they find out about this incident?**
- **If the concern is from a member of the public, do they want to stay involved, if it is appropriate? Their identity should remain confidential unless they specifically give permission for the farmer to be advised.**

If there is a problem, your role is to help gather the appropriate resources and people to ensure that the animal welfare issues are dealt with promptly and in a workable way, or refer the issue to an industry organisation, a veterinarian or to MPI.

Keep in mind that....

- Animal welfare incidents can be the result of financial pressures, climatic conditions, breakdowns in personal or business relationships, illness or a death, fear or feelings of failure, or a lack of support or knowledge (or all or some of the above). Carefully listening to the farmer will allow you to understand the situation. People pick up on how they are being listened to. So, the more someone feels listened to and respected, the more quickly they can start thinking about what to do next.
- Your assessment of the situation and any advice you decide to give to the farmer should be independent and objective. Even if you are invited by the farmer or asked to be his or her support person, you need to retain that objectivity and honesty if you see things that aren't right.
- The benefits of involving others include allowing you to step back a bit from some of the practical details, while still enabling you to be a supportive and neutral sounding board for the farmer. Involving others may also result in the issue being fixed more quickly and easily.

If you are contacted by the farmer during an investigation

If an animal welfare investigation is already taking place at the farm, and the farmer has asked for your support, your main role will be supporting the farmer in a friendly but neutral way. It's not likely you will be there to give husbandry advice (although it's likely your opinion will be sought). Every animal welfare situation is different, so you will need to use your own judgement on how best to support the farmer.

For instance, if the farmer won't listen to an Inspector and their suggestions, you may find you have to act as a "bridge" between the two and try to diffuse any tensions. To be that bridge or tension-diffuser you have to be seen as a neutral and clear-headed voice by all parties. This is why it's important you think through your opinion of the situation and have a clear and objective view of whether a problem exists.

What to take with you on a visit

When you prepare for a farm visit, bear in mind that you may be on the farm for some hours, so it's sensible to let someone know where you are going and when you plan be back.

Things you may find useful during your visit include:

- **suitable protective clothing and footwear;**
- **notebook, pen and business cards/identification;**
- **food and drink;**
- **an open mind;**
- **this toolkit; and**
- **your mobile phone (with a camera/video).**



Why you are there

The core obligations on people who own or are in charge of animals are to provide for the animal's physical health and behavioural needs and to alleviate pain or distress. It is not your job to solve all their problems for them. You can be supportive and help them understand the situation, but at the end of the day, you are there to:

- **help identify whether an animal welfare problem exists;**
- **remind the farmer of their obligation to provide for their animals;**
- **help the farmer clearly communicate if there are others present (e.g. farm staff, rural professionals/contractors, MPI etc);**
- **discuss possible solutions to any problems;**
- **help the farmer to develop an action plan that results in a workable on-farm solution; and**
- **access resources and other support for the farmer when needed.**

It's up to the farmer to take ownership of any action plan designed to fix the problem. While you may advise and discuss the options with them, the farmer needs to be the one who makes the specific decisions about what actions are practical and workable for them. It's their farm and their animals.

Remember, even if you were invited onto the farm by the farmer, you can only stay there with their permission. If they ask you to leave, you must do so.

Appendix Two provides a more detailed guide to the types of things you may notice and record and some examples of questions you may want to ask.

Engaging with the farmer

When you are talking with the farmer you need to be able to establish a good personal relationship. You want to avoid misunderstandings and conflicts and encourage the farmer's co-operation and understanding. It's important to go into this kind of situation with a positive attitude. Treat the farmer as you'd expect to be treated. Avoid 'grilling' the farmer and keep most questions for clarification purposes. The objective is to work together to achieve a practical workable solution for the farmer and the animals.

Think about how and where you might broach tough subjects. It might be less confronting for the farmer to talk while walking around the farm, rather than across the table at the house or close to other family members.

However, even with the best intentions of all parties, animal welfare issues are can be very complex and are likely to be quite emotional for everyone involved. Things could get heated. If this happens, try to defuse the situation through your language and actions. It might be a good idea to get the farmer to move away from the immediate area until everyone can compose themselves.

The best way to avoid conflict is to manage your conversations with the farmer in such a way that the opportunities for conflict are minimised. To do this there are some personal skills that are very helpful in these situations. These are not passive skills – they need to be active, they can be learnt – and they do require practice. They are E.A.R. (Empathy, Attention, Respect).

1. Empathy

This is about “walking in the shoes of the farmer” and trying to imagine how he or she is thinking. Language used might include, for example, “Help me understand what your plan is for...”

“I can only imagine how this must be for you ...”

2. Attention

There are three aspects to this:

- **Listening rather than talking.** Listen to learn rather than making too many judgements as you talk to the farmer. Let the farmer know you are listening and encourage them to openly talk to you. Techniques include reflection (saying words/phrases back to the farmer), summarising (“So, my understanding of what you have been saying is ...”); and paraphrasing (“You seem to be saying that ..”).
- **Acknowledging.** Let the farmer know you have listened carefully, and that you understand/value their contribution – even if you don’t necessarily agree with them. For example: “This sounds like an interesting plan; can we have a closer look at it ...”; “I appreciate you inviting me for a visit ...”; “Thanks for your patience during what can’t have been an easy conversation for you”
- **Questioning.** Be curious but respectful. Open questions work well (“Could you tell me a little more about ...”), as does taking the stance of a curious questioner (“What are your thoughts about ...?” or “I’m wondering if ...?”).



3. Respect

It's important to be non-judgemental in both your content and tone (however strong your personal views may be). Some ways you can do this are:

- **Avoid assumptions.** For example:
 - “Please correct me if I’m wrong”;
 - “Let me see if I understand what you are saying”;
 - “Could I ask you a few questions to see if my facts are straight?”.
- **Accepting different views.** For example:
 - “We seem to have a difference here ... could you help me understand your reasoning behind your view?”
 - “Could I explain why I have a different view?”
- **Invite rather than demand.** For example:
 - “Could I ask a few questions to see that I have got my facts right?”;
 - “Would you be willing to meet with me to talk about what we might do?”

However, if the farmer appears uncooperative or aggressive, leave. Your safety is paramount.

If the farmer seems unwilling to fix the problem, you should leave and refer the situation to your industry organisation, veterinarian, or MPI.

The objective is always that of coming up with a timely and workable solution that provides for the animals' needs and eases their pain and suffering.



Learn about the farm, farmer, and situation

When you are visiting the property you will learn a lot by just looking around the farm, letting the farmer talk freely, and listening carefully to what the farmer says.

In general, you should learn about their animals, property, infrastructure, relationships, and the farm management system.

To build a rapport with the farmer, it may be useful to comment on something that looks good such as a good-looking mob of animals, or to acknowledge something that has been going on, such as family member not being well.

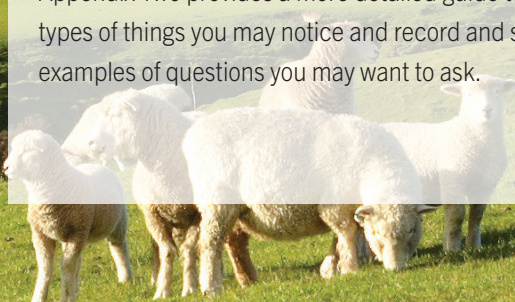
When appropriate, take notes on key facts and figures, however, avoid arriving with a clipboard and checklist as this will be off-putting. After your visit write down extra notes while things are still fresh in your mind. This will make discussing a solution with others at a later date a lot easier and will help you assist the farmer to develop a realistic action plan for dealing with any issues. In addition, you can refer to these notes should a legal intervention eventuate.

Some useful questions that you could ask include:

- **How is your feed situation at the moment and how does it compare with last year?** This may help you determine whether the farmer recognises the farm has a feed shortage, and what (if any) plans have been put into action, for example, engaging a farm consultant to do a feed budget, getting grazing, buying in supplements, and/or selling stock.

- **Have you had trouble getting good staff to help out on the farm?** This may give you some insight into the current workload of the farmer and whether staff issues have contributed to the situation.
- **How has the farm been going financially? Do you do your own GST or use your accountant?** This may give you some idea of the farmer's financial management skills and any potentially serious financial problems.
- **Do you have a vet you normally deal with?** This may give you an indication of when a vet was last on the property and to what extent animal health products are used, for instance, drenches, vaccines, annual consultation for drugs, past animal welfare problems etc.
- **Does your partner work with you on the farm? Who is responsible for what jobs?** This may help you to determine who else is involved in the running of the farm and care of the animals, for example, managers, casual labour, family etc.
- **How has your season gone?** Figures on animal weights, number of pregnant/dry stock, milk production, lambing/calving percentage, mortality rate etc. may give you an indication of whether there is a problem and what it might be. Unrealistic figures may also indicate that the farmer is out of touch with or in denial about the situation.

Appendix Two provides a more detailed guide to the types of things you may notice and record and some examples of questions you may want to ask.



Build a support network

If the farmer acknowledges a problem exists, and is willing to do something about it, building a support network around the farmer is a very effective way of providing assistance.

Start by asking the farmer if they have people that they can call on, or if they have had this or a similar issue in the past, who they got to help them. Building a support network based on people the farmer already knows and trusts should lead to a faster resolution of the issue.

Some suggestions for people to include in the network are:

- **Local and/or national industry representatives**
 - Finding and putting in place solutions is easier when there is more than one set of eyes and ears present. Another person can bring a different perspective to the situation and be a sounding board for you. A suitable colleague will be someone you respect and know to be trustworthy, discreet, easy to work with, and a good listener. They should also have the approval of the farmer as confidentiality is essential.
- **Local veterinarians**
- **Contractors** in the area who can:
 - Muster/shear/dock/milk animals, or fence, clear paddocks/sheds etc;
 - Deliver feed to the farm at short notice;
 - Graze/house livestock for short periods of time.

(**Note:** If payment is required for such services it needs to be negotiated and agreed beforehand with the farmer and supplier, and if appropriate, Federated Farmers, Rural Support Trust, the industry organisation or MPI).

- **Industry contacts** who are willing to help find solutions or who can redirect you to someone who may be more useful.

- **Rural professionals**, for example, farm consultant/adviser; stock agent; financial manager/banker/accountant; lawyer/solicitor.
- **Family, friends and neighbours** who can lend a listening ear – but they must be discreet about any information they receive.
- **Rural Support Trust coordinator**
- **Doctor** or health care professional

Refer to the back of the toolkit for contact details.

When putting the farmer in contact with any of these people you are in essence giving the farmer options and tools (as opposed to advice) for dealing with the problem themselves. This “self-help” approach is more likely to generate a long-term, workable solution. It’s also more likely that the issue won’t repeat itself.

Please note: if you are privy to confidential information about a farmer, you cannot disclose this information to anyone else without the farmer’s consent. Therefore, if you are contacting other people to set up a support network you must have the farmer’s permission to do so. This can be as simple as asking “I am hearing from you that you may like some support with xyz. Is it okay if I ring the RST on your behalf as they are a confidential service that can connect you with a facilitator and possible support options?”

Give the farmer some time to work with their support network. Go back and visit to make sure that a workable solution is in place – this visit should be within days, not weeks or months. The farmer will hopefully see your visit as a sign of support and see you as part of their network.

If you go back to the farm and you think things are slipping again or that the farmer isn’t following through on the action plan, then you are strongly advised to contact a MPI Inspector (**0800 00 83 33**) and/or an industry group representative.

If a farmer is unwilling to co-operate, walk away and contact MPI.

4 MPI asks you to get involved in an investigation

What MPI wants

MPI's main aim in situations like this is to put in place a workable on-farm solution, one that enables the farmer to take control of and manage the situation. The focus is on putting a solution in place as easily and quickly as possible, and where possible, working alongside industry organisations and farmers to make this happen.

MPI favours an educational approach. For instance, if a problem is identified early or is relatively minor, the preferred approach – by far – is to educate the farmer, with the ultimate aim of making sure a similar problem does not happen again.

Joint approach

An MPI investigation backed up by industry expertise is more likely to lead either to a workable solution the farmer can use, or to a realisation that, in fact, there is no problem.

You are an important part of this joint approach. Your farming skills and knowledge (for example, in dealing



with livestock), and your experience in dealing with farmers, will be really valuable when it comes to working out a timely and effective way of fixing the issues.

Coming up with a workable solution to the animal welfare issue is what everyone is aiming for. Sometimes, however, particularly if the farmer refuses to co-operate, MPI may need to take enforcement action.

In the interest of overall balance and fairness, you are encouraged to have your own opinion of the situation on the farm and share it with the Inspector.

The Inspector may ask for your help in developing an action plan which the farmer can use to fix the problem.

You may be asked to give:

- an evaluation of the overall management of the farm and the animals considering the local conditions;
- your view of potentially workable solutions to the problem;
- contacts of local rural professionals/financial managers/neighbours/family and others who could be of help.

You are not obligated to become involved in an investigation. If at any time you are uncomfortable or do not think you are the right person to be involved, tell the Inspector.

Note that if you are a witness to an incident, you may be asked to give a statement to the Inspector, whether you are officially part of the investigation or not.

Know who you are and know why you are there

Going to a farm in these situations is not easy.

One of the keys to a successful farm visit is to be clear about your role and the roles of others. Keep in mind the basis for each party's involvement in the incident and be respectful. Seek clarification of your role if you are unsure.

As you are on the farm as part of a MPI investigation, you may only remain on the farm while the MPI Inspector is also present.

The core obligations on people who own or are in charge of animals are to provide for the animal's physical health and behavioural needs and to alleviate pain, suffering or distress. It is not your job to solve all their problems for them.

Engage with the farmer

When you go and talk to the farmer you want to be able to establish a good personal relationship so you can work together and come up with a practical and workable solution that the farmer can successfully follow.

See Section 3 for guidance on engaging with farmers in what can sometimes be stressful situations.

Working with an Animal Welfare Inspector

An Animal Welfare Inspector will bring to the situation a particular perspective, one that is guided by the Animal Welfare Act 1999 and the codes of welfare.

If you are part of an investigation, you are under the power of an Inspector. You will be briefed beforehand about the incident and given instructions/guidelines to follow while you are on the farm. You are only allowed to be on the property when an Inspector is present.

You may be exposed to confidential MPI procedures, and it is important to respect this confidentiality. You may also be asked to serve as a non-expert (lay) witness in the event of a court case.

If you use or offer your own equipment for use during an investigation, with prior permission, you may be reimbursed. Discuss this with the Inspector.

The Inspector's role

The Inspector has the statutory obligation under the Animal Welfare Act 1999 to ensure that people care for their animals properly. Their role and the perspective they bring to an incident is also influenced by the codes of welfare and any regulations that may apply.

An Inspector's core responsibilities with respect to farming are to:

- Mitigate pain and distress of animals;
- Investigate breaches of the Animal Welfare Act 1999 including referring to codes of welfare and regulations;
- Assist the farmer to come up with practical and workable solutions to any welfare problems (that is, solutions that result in the problem not happening again);
- Educate farmers and people in charge of animals about their obligations regarding the care of animals;
- Uphold and adhere to the Bill of Rights and Privacy Act at all times; and
- Conduct any investigation in a fair and reasonable manner.

Animal Welfare Inspectors have a range of tools available. What tool they use depends on the circumstances. These tools are based on an escalating approach. For instance, an educational approach, including 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.

After the initial investigation, Inspectors have the following options:

- **to close the file because there is no animal welfare problem, or the desired result is achieved, and no further action is recommended; or**
- **to do formal or informal follow-up visits to check on progress towards putting in place the action plan; or**
- **write an education letter to the farmer as a way of reinforcing what the Inspector has discussed with the farmer, and as a reminder of what actions the farmer needs to undertake; or**
- **issue an official warning; or**
- **recommend the file for prosecution. The Inspector may choose to do this if:**
 - **there is clear evidence of serious offending against the Animal Welfare Act 1999; and/or**
 - **the farmer fails to put in place the suggestions/instructions of the Inspector.**

Animal Welfare Inspector operating procedures:

When an Inspector comes onto the farm they will:

- identify themselves as an Animal Welfare Inspector, and present evidence of their appointment as an Inspector;
- outline the nature of the concern, i.e. why the Inspector is there and how the Inspector would like the visit to go;
- advise the farmer of their rights and options;
- offer to help the farmer access support;
- be fair and reasonable throughout the investigation process;
- be clear about what is expected of the farmer, i.e. set clear and achievable outcomes; and
- advise the farmer about the outcome of the investigation following its conclusion (that is, no further action, education letter, warning etc.).

After you have helped out with an incident

Do not be afraid to seek support if you are struggling with the aftermath of helping out. Animal welfare incidents are stressful events, and it is important to look after your own mental health.

If you feel stressed, upset, or depressed do not bottle up your feelings. The inspector you worked with, the Rural Support Trust, your local church or community leader, doctor, counsellor and your friends and family may be important resources if you, or others, need support.

Media interest

In general, it is not a good idea to answer any questions from the media. Politely refer any media enquiries to MPI or your industry organisation (you can also contact these groups for advice).

Media attention is not desirable for animal welfare issues because it can detract from developing the on-farm solution, and it is very difficult to portray the complexity of the situation in the media. Releasing information may also result in 'trial by media' which affects the individual's right to a fair trial if one is subsequently necessary.

If you are formally involved in an investigation, refer all media enquiries to the lead Inspector on the case.

Make sure everybody involved knows what they should or should not do if the media calls.

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 MPI, your industry organisation or the police. The Harmful Digital Communications Act 2015 provides protection in these circumstances.



If there is a court case

In many cases the welfare of animals is greatly improved simply by making the farmer realise there is an issue and helping them to change their practices. Very few animal welfare incidents actually end up in court; most end with a workable solution that all parties can live with.

There are some cases that will go all the way through to prosecution. For example; when:

- there is clear evidence of serious offending against the Animal Welfare Act 1999; and/or
- the farmer fails to put in place the suggestions/instructions of the Inspector.

Whenever possible, the Inspector will tell you when the animal welfare incident you are helping with is likely to end up in court.

Take notes following your farm visit to record what you saw, heard and/or advised. If you do act as a witness in court, you will be allowed to refer to these notes. MPI will be able to provide more guidance on what to expect.

If you are asked to be a witness:

- Be prepared, so you have the facts clear in your head (you may be cross examined).
- Use language and definitions you are familiar with, and terms you can easily define during a cross examination.
- Talk about the incident in a chronological manner and try to cover the “who”, “what”, “why”, “when”, “how” and “where”.
- Be prepared to defend your credibility as a witness, as the defence may try to question you on that.

Appendix one: relevant legislation

Animal Welfare Act 1999

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

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 good practice or scientific knowledge, instead, Codes of Welfare dealing with specific animal types or activities contain minimum standards that must be met, along with example indicators, recommended best practices and some advice on care and management of animals. Codes of Welfare are freely available for download from the MPI website.

Not complying with the requirements of the Animal Welfare Act can lead to a prosecution and result in substantial fines or even imprisonment. Not complying with Code of Welfare minimum standards can be evidence to support a prosecution. Adherence to a Code of Welfare can likewise be used as a defence.

More recently some more specific requirements for the care and management of animals have been covered

by regulations. For example, the requirement to use pain relief for disbudding calves, tail docking length in sheep and various requirements for the transport of animals. A breach of a regulation may result in an infringement notice and fine, or depending on the regulation, may result in a prosecution.

Privacy Act 2020

Under this Act, if you are privy to confidential information about a farmer, you cannot disclose this information to anyone else without the farmer's consent. Therefore, if you are contacting other people to set up a support network you must have the farmer's permission to do so. The only exception is if you believe that requirements of the Animal Welfare Act have been breached you can report this to an Animal Welfare Inspector.

The Animal Welfare System



Codes of Welfare

Detailed minimum standards for specific species and situations

Reflect good practice and scientific knowledge

Not directly enforceable, no attached offences

Regulations

More specific than the Animal Welfare Act

More directly enforceable than the Codes of Welfare

Low to medium level penalties for lower level offending

E.g. A dog in a hot vehicle becomes heat stressed.

Animal Welfare Act 1999

High level obligations to provide for an animal's physical, health, and behavioural needs

High level offences and penalties for the most serious cases

E.g. A dog left in a hot vehicle is fatally, or near fatally, heat stressed.

Appendix two: things you may notice or ask

While you are on the property, you will notice a lot by just looking around the farm, letting the farmer talk freely, and carefully listening to what the farmer says. Sometimes, just being a friendly and objective sounding board will enable you to find out most of what you need to know.

The following examples are only a guide. Do not feel like you must ask every single question, or ‘interrogate’ the farmer. There may also be other things you see and want to ask about.

The animals

- Basic details:
 - Type, breed, sex, age, tag numbers (if only a small number of animals), stage of life cycle.
 - “How many pigs are you sending to slaughter each week?”
 - “How many cows are you milking at the moment?”
 - “When are these ewes due to lamb?”
- Accessibility and adequacy of:
 - Water
 - Feed
 - Shelter
 - Veterinary care
 - “Have you been able to get a vet out to your place recently to examine these lame cows?”

How do the animals appear to be suffering?

- Malnourished/dehydrated
- Do not have proper access to shelter
- Sick or injured
- Generally neglected

The property

Is there any evidence of dead stock on the property?

Are the yards, paddocks and housing suitable for the animals:

- Approximate size of the property
- State of fences
- “How about going for a walk/drive around the farm?”

Facilities:

- To feed/water/milk the animals
- To handle the animals properly
- “Where do you dock/tail your lambs?”
- “Where do you keep your new-born calves?”
- “Where do you load out your pigs?”
- Is cleanliness an issue?
- Overall order of the property
- Ownership of the land/buildings/animals
- “Are you in a share milking agreement?”

Managing the farm and its animals

Ability to properly check the animals. ‘Have you been able to get out to your sheep on a regular basis, considering the wetness of the tracks/your health/your busy schedule with your off-farm work?’

Ability to assess the animals’ well being and accessibility to the help of a veterinarian. “Do you have a vet who you normally deal with?”

Ability to manage feed and supplements. “Do you have a regular supplier of feed and minerals?”

Ability to manage the finances of the operation. “Do you have an accountant to help you manage the farm accounts, and finances in general?”

Ability to manage staff. “Have you had any issues with staff?”

The farmer and their family

What role do other family members play in the farming operation? “Does your partner work with you on the farm?”

Note that if the farmer works closely with a partner try to meet and talk to the partner as well.

What is the farmer’s general state

- Of mind?
- Of health?
- “How are you getting on with [.....] in your life?”
- “You seem to be coughing quite a bit, have you been able to see a doctor about that lately?”

How much time is available for taking care of the animals and the farm?

- Does the farmer have off-farm work?

- Are there any family related issues?
- “You mentioned the work you do in town, has that been stretching you?”
- Does the farmer live on the farm?

Possible hazards

The following types of hazards will also be of interest to anyone else coming onto the farm, for example, an Inspector.

- Loose dogs that may or may not be friendly.
- Aggressiveness of the farmer.
- The presence of firearms on the property.



- Risk related to:
 - careless storage of chemicals;
 - easily communicable animal diseases;
- Slipperiness of access tracks and paddocks.

Be prepared to give your judgement as to how the farmer has managed any adverse events with regard to maintaining a minimum standard of care of the animals.

Adverse events can include:

- Climatic conditions – storms, droughts, flooding, snow.
- Scarcity of feed available in the area.
- Personal matters – financial issues, emotional, health related.

Appendix three: further resources

Support services

Rural Support Trusts are based in rural communities throughout New Zealand. They are there to help people and families in the wider rural community who experience an adverse event – climatic, financial or personal – to more effectively meet and overcome these challenges. Services are free and confidential.

Telephone 0800 787 253 or contact

www.rural-support.org.nz/

to get in touch with your local Rural Support Trust.

In some large-scale recovery or stock welfare operations, central government may appoint a short-term Recovery Coordinator. Their main role is to coordinate the initial stages of large-scale recovery operations by central government. The role of the coordinator is to give short-term support to local initiatives, not to replace them.

The Family and Community Services website has a useful database of contact details for different support organisations for families

<http://www.familyservices.govt.nz/>

Industry groups can also provide support, advice and resources.

New Zealand Veterinary Association, Veterinarians Toolkit

Veterinarians have a special professional obligation to promote good animal welfare practices, report cases of non-compliance, and assist in resolving issues. *The Veterinarians Toolkit for dealing with animal welfare issues on farms and lifestyle blocks* has been developed

to support practice veterinarians working alongside farmers to resolve animal welfare issues.

It can be downloaded from the MPI website at:

www.mpi.govt.nz/dmsdocument/5758/direct

CONTACT DETAILS

Having a list of key contacts who are willing and able to help you obtain more information and/or work through an issue is very valuable. Ideally, your support network will include people who will either be able to join you on the farm, give you advice and support, and/or redirect you to others for advice. Use this section to fill in the contact details relevant to you.

MPI Animal Welfare Concerns: 0800 00 83 33

www.mpi.govt.nz/contact-us/report-animal-welfare-concern/

Local Animal Welfare Inspector

Federated Farmers: 0800 Farming (0800 327 646) for members or (07) 838 2589 for non-members or refer to the Federated Farmers Directory for direct numbers www.fedfarm.org.nz

Local Provincial President

NZPork: 0800 NZPORK (0800 697 675) or email info@pork.co.nz

Local Representative

Deer Industry New Zealand: (04) 473 4500 or
email info@deernz.org

Local Representative

DairyNZ: 0800 4 DAIRYNZ (0800 4 324 7969) or email
info@dairynz.co.nz

Local Consulting Officer

Beef + Lamb: 0800 BEEFLAMB (0800 233 352) or
email enquires@beeflambnz.com

Local Extension Officer

Egg Producers Federation of New Zealand:
(09) 520 4300

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

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 [www.farmlands.
co.nz/Productsandservices/Lifestylers/](http://www.farmlands.co.nz/Productsandservices/Lifestylers/)

Information about preparing an emergency plan for
major disasters that could affect animals and people on
farms and lifestyle blocks [https://www.mpi.govt.nz/
funding-rural-support/adverse-events/animals-
in-emergencies/](https://www.mpi.govt.nz/funding-rural-support/adverse-events/animals-in-emergencies/)

Dairy Women's Network: www.dwn.co.nz

Rural Women New Zealand: (0800 256 467)

Local SPCA _____

Local veterinarian _____

Agricultural contractor (local) _____

Trucking firm (local) _____

Shearing (local) _____

Fencing (local) _____

Bank/financial advisor (local) _____

Stock and station agent (local) _____

Feed supplier (local) _____

Farm consultant (local) _____

Rural advisor (local) _____



December 2023

Te Kāwanatanga o Aotearoa
New Zealand Government