



VETPAK

Information pack for
veterinarians involved in an
animal welfare investigation

Ministry for Primary Industries
Manatū Ahu Matua



A female veterinarian with short brown hair, wearing a light blue lab coat over a dark shirt, stands in a field. A stethoscope is around her neck. In the background, there are several dark-colored animals, possibly horses or cattle, grazing in a grassy field. The entire image is overlaid with a semi-transparent green filter.

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- 1 The role of the veterinarian in an animal welfare investigation
- 2 Concepts and assessment of pain and distress
- 3 Being a witness
- 4 Legal standards, powers and protection
- 5 Technical information

PUBLISHER

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ISBN 978-0-478-40081-6 (print)

ISBN 978-0-478-40436-4 (online)

This document was developed and published as part of the Safeguarding our Animals, Safeguarding our Reputation programme. If you have any queries please contact the Animal Welfare Team, Standards Branch, Ministry for Primary Industries.

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Section 1

The Role of the Veterinarian in an animal welfare investigation

- Am I the right veterinarian?
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- On-farm role and record keeping
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- Formal veterinary report
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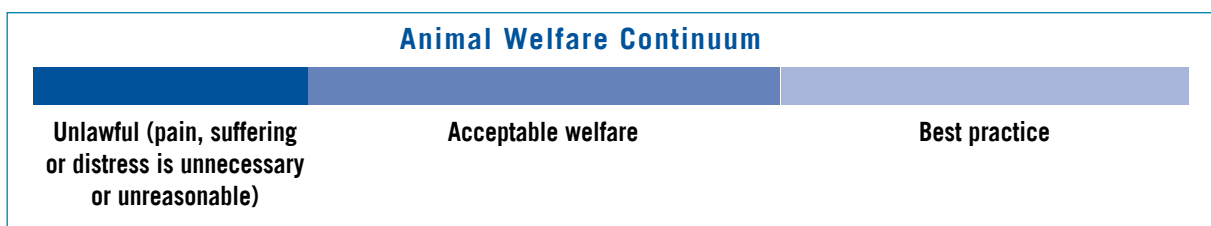


THE ROLE OF THE VETERINARIAN IN AN ANIMAL WELFARE INVESTIGATION

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.

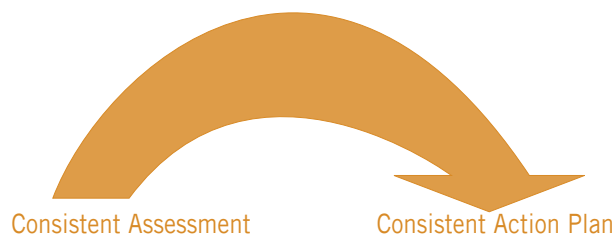
The reasons for using benchmarks in animal welfare are to set objectives and action programs so you know where you are and what you are moving toward. Benchmarks are measurable and comparable. Success and failure can be clearly evaluated.

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

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

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 or check out 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
- 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
- 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 vet@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
- Federated Farmers: 0800 FARMING (0800 327 646) for members or (07) 838 2589 for non-members: www.fedfarm.org.nz
- DairyNZ: 0800 4 DAIRYNZ (0800 4 324 7969) or email info@dairynz.co.nz
- NZPork: 0800 NZPORK (0800 697 675) or email info@pork.co.nz
- Beef + Lamb New Zealand: 0800 BEEFLAMB (0800 233 352) or email enquiries@beeflambnz.com
- Deer Industry New Zealand: (04) 473 4500 or email info@deernz.org
- Egg Producers Federation of New Zealand: (09) 520 4300 or www.eggfarmers.org.nz
- Poultry Industry Association of New Zealand: (09) 520 4300 or email info@pianz.org.nz
- Family and Community Services website has a database of different support organisations for families: www.familyservices.govt.nz
- Dairy Women's Network provides professional and personal support for woman involved in dairy farming: www.womenindairying.org.nz. Call (07) 838 5238 or email info@dwn.co.nz
- Rural Women of New Zealand is an organisation that supports people in rural communities through personal connections, advocacy and education. Call (04) 4735524 or 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.

Section 2

Concepts and assessment of pain and distress

- Stress, distress and suffering
- Pain assessment



STRESS, DISTRESS AND SUFFERING

Within a prosecution it is evidentially sufficient to demonstrate or show that pain or distress existed and that it was unreasonable or unnecessary. The evidence of suffering pain and distress must be provable “beyond reasonable doubt” from facts and objectively sustainable inferences taken from those facts.

Moberg (2000) defines “stress” and “distress” in biological terms:

Stress is the biological response elicited when an animal perceives a threat to its homeostasis. The nature of this response varies between individuals and is influenced by previous experience, genetics, age, physiological status, environment and season. The result is an alteration of the animal’s normal biological functioning as it attempts to adapt or to cope with the stressor. This will include one or more of the following:

1. A behavioural response, e.g. the animal may move away from the perceived threat if possible.
2. An autonomic nervous system response, e.g. changes in heart rate, blood pressure, gastrointestinal activity.
3. A neuroendocrine response which may result in, for example, failed reproduction, altered metabolism.
4. An immune response which may result in increased incidence of disease. In most cases this altered biological functioning has minimal effect on the animals well being – the stress is brief or eliminated.

Distress: occurs when the magnitude and/or duration of the stress response is such that significant changes in biological functioning must occur for the animal to survive. At this stage, the animal’s resources are taken up with dealing with its response, resulting in impairment of other biological functions such as immune competence, growth and reproduction.

Other definitions include:

Pain: “As applied to any animal, pain means any procedure that would reasonably be expected to cause more than slight or momentary pain or distress in a human being to which that procedure was applied, that is, pain in excess of that caused by injections or other minor procedures” (*Definition of Painful Procedures, Animal Welfare Act*)

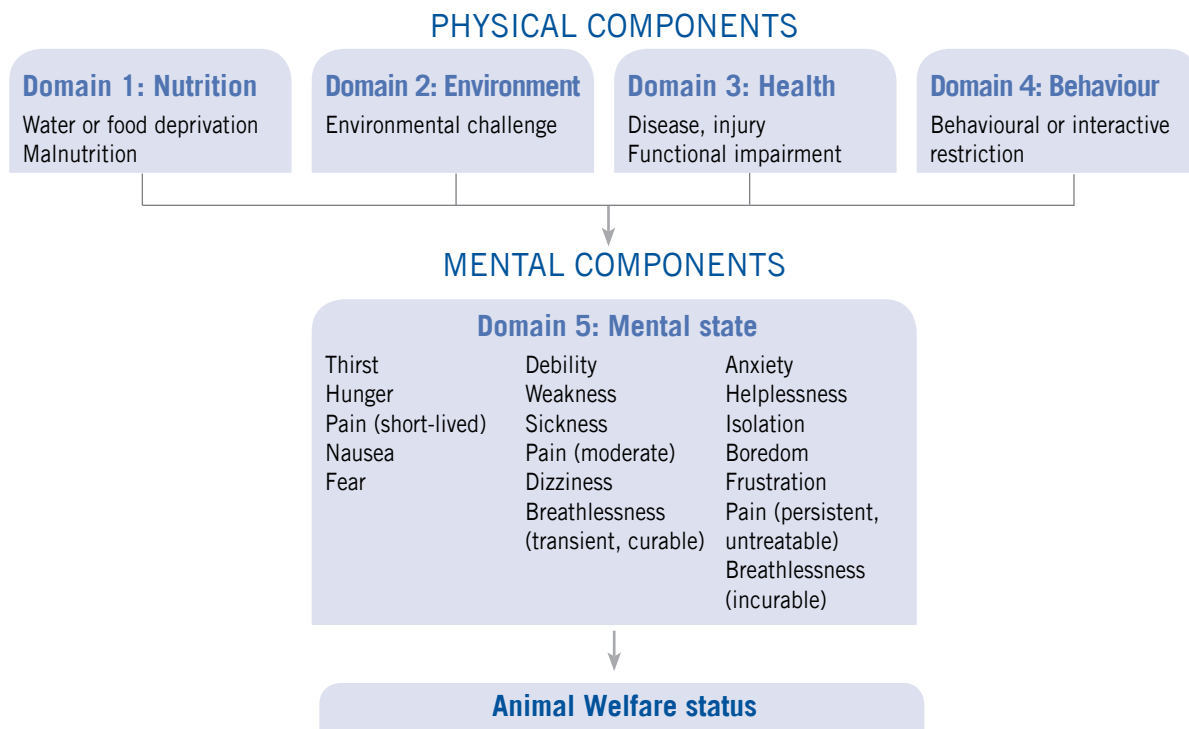
Pain: “is an unpleasant sensory and emotional experience associated with actual or potential damage or described in terms of such damage.” (*Webster’s dictionary*)

Distress: “Acute or chronic response of an animal caused by stimuli that produce biological stress which produces observable, abnormal physiological or behavioural responses.” (*Australian code of practice for the care and use of animals*)

Distress: “A state associated with invasive procedures conducted on an animal, or with restrictive or other conditions which significantly compromise the welfare of an animal; it may or may not be associated with pain, and is present when the animal must devote substantial effort or resources to the adaptive response to challenges emanating from the environmental situation.” (*Canadian Council in Animal Care*).

However, there is now increasingly secure scientific understanding of the neurological foundations of affective states and the motivational drives that energise and direct associated behaviours (Mellor, 2012). What Moberg’s approach lacks, particularly when we are looking to enable veterinarians to recognise and articulate the concept of distress, is that it ignores the mental or emotional content of the associated experiences. So another approach is to consider the different “domains” of potential animal welfare compromise (Mellor, 2012a and 2012b). This approach, originally derived from the concept





of the “five freedoms”, sees “distress” as a catch-all phrase for a range of negative affective states or feelings that an animal may experience as a result of welfare compromise. These negative effects are seen as occurring in one or more of five “domains” in which welfare compromise may occur:

- Nutrition.
- Environment.
- Health.
- Behaviour.
- Mental state.

The first four domains are physical/functional and give rise to sensory inputs that may lead to subjective experiences in the mental domain. The latter represents the overall welfare status of the animal as in the above diagram from Mellor (2012).

What the animal experiences as a result of welfare compromise is found in Domain 5. As an example, if an animal has a respiratory complaint with symptoms of dyspnoea and cyanosis, what it would be experiencing – and what represents its welfare status in this case – is the distress of breathlessness. This gives both a context and a more definitive explanation of that particular animal’s distress.

Suffering means an unpleasant, undesired state of being which is the outcome of the impact on an animal of a variety of noxious stimuli and/or the absence of important positive stimuli. It is the opposite of good welfare and may be associated with elevated levels of thirst, hunger, breathlessness, nausea, pain, fear, anxiety, boredom and other negative experiences. It can manifest as physical, mental and/or emotional pain, including unpleasant feelings, sensations or perceptions, cognitively processed and interpreted by the animal according to its species-specific and individual nature, and past experience. (Mellor, 2011)

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PAIN ASSESSMENT

The International Association for the Study of Pain¹ defines pain as “an unpleasant sensory and emotional experience associated with actual or potential tissue damage, or described in terms of such damage.”

Acute pain results from a traumatic, surgical or infectious event that is abrupt in onset and relatively short in duration. It is generally alleviated by analgesics.

Chronic pain results from a long-standing physical disorder or emotional distress that is usually slow in onset and has a long duration. It is seldom alleviated by analgesics but frequently responds to tranquillisers combined with environmental manipulation and behavioural conditioning.

As prey animals, our livestock species are likely to mask pain so that assessment is not always easy and signs may be subtle. Behaviour may also be affected by the environment. There are three general approaches:

- Body functioning, e.g. food/water intake, weight gain/loss.
- Physiological measures, e.g. heart rate, plasma cortisol.
- Behaviour, e.g. lameness, guarding the painful area, vocalisations.

In the context we are discussing here, the latter is the most useful.

An animal in pain, regardless of species, displays one or more of the following signs:

- An absence of normal behaviour.
- Attraction to the area of pain.
- Increased skeletal muscle tone.
- Altered electroencephalogram (EEG) response.
- Increased blood pressure and heart rate.
- Pupillary dilation.
- Change in the respiratory system.

Signs of ACUTE pain	Signs of CHRONIC pain
protection of the painful part e.g. back arching	limping (if painful part is an appendage)
vocalisation (especially on movement or palpation of painful area)	licking of the affected area
licking	licking of other areas if the painful part cannot be reached
biting	reluctance to move
scratching or shaking of affected area	loss of appetite
restlessness	change in personality
sweating	change in eye brightness
increased rate of respiration	
unusual mobility or reduction in mobility	
isolation from conspecifics	

1 <http://www.iasp-pain.org//AM/Template.cfm?Section=Home>

SPECIES SPECIFIC SIGNS

Horses

- periods of restlessness;
- interrupted feeding with food held in the mouth uneaten;
- anxious appearance with dilated pupils and glassy eyes;
- increased respiration and pulse rate with flared nostrils;
- profuse sweating;
- rigid stance;
- reluctance to be handled;
- in prolonged pain, behaviour may change from restlessness to depression with head lowered;
- in pain associated with skeletal damage, limbs may be held in unusual positions and there is a reluctance to move with head and neck “fixed”;
- in abdominal pain, a horse may look at, bite or kick its abdomen; it may get up and lie down frequently; walk in circles; roll and injure itself as a result of these activities. This state may progress and can last for several hours.

Cattle

- often appear dull and depressed with little interest in their surroundings;
- rapid shallow respiration in severe pain;
- may react violently on handling or adopt a rigid posture designed to immobilise the painful region;
- rumination and rumen activity may be absent;
- grunting and grinding of teeth may be heard;
- generally signs of abdominal pain are similar to those seen in the horse but are less marked;
- rigid posture may lead to a lack of grooming because of an unwillingness to turn the neck;
- loss of appetite, weight loss and, in milking cows, a sudden drop in milk yield.

Sheep and Goats

- in general, signs of pain in sheep and goats are similar to those in cattle, although particularly with sheep, there may be no overt signs;
- changes in posture and movement are apparent;
- lack of rumen activity and rumination;
- a change in facial expression may be indicative of pain;
- grinding of teeth, grunting and head pressing;
- goats in particular are more likely than cattle to vocalise in response to pain;
- goats may appear agitated and show foot stamping behaviour.

Pigs

- changes in gait and posture;
- normal squealing and escape attempts when handled may be accentuated;
- unwillingness to move;
- may hide in bedding if possible.

While the behavioural signs of pain in other species have not been well researched, it is clear from their neurological anatomy and physiology that they have the capacity to feel pain. How that is manifested will vary between species and individuals, with the overriding factor that, as prey animals, overt signs will be minimised.

SUFFERING AND DISTRESS

Bryan McKay, Director of Dairy Production Systems

Many judgments made of suffering and distress would be anthropomorphic that is, translating expected human feelings, experiences and responses to the animals. There are no reports which clearly characterise the changes in temperament of ruminants during chronic under/malnutrition. However, there are inferred similarities, during the early and final stages, to “Kwashiorkor” in humans.

Early symptoms of any type of malnutrition are very general and include fatigue, irritability, and lethargy. As protein deprivation continues, one sees growth failure, loss of muscle mass, generalised swelling (edema), and decreased immunity (lowered white cell count). A large, protuberant belly is common in some species. Skin conditions such as dermatitis, changes in pigmentation (pale), thinning of hair, are seen frequently. Shock and coma precede death. In Kwashiorkor, there are four psychological changes as the disorder progresses. Initially there is frustration, which is followed by irritability. Then there is a stage of anger and aggression, and finally apathy. During apathy, the individual wants to be left alone to die, and resents being disturbed. These moods are quickly reversed during recovery, and loss of apathy is a good indicator of recovery.

In cattle it is easy to recognise the frustration stage (stage I) from the bellowing of hungry stock. The recumbent cattle, where the animals did not get up, are presumably in stage IV. It is implicit that an animal that reaches stage IV must have suffered stages of chronic hunger and/or sickness during the earlier stages. In other words, the suffering may not be evident at the time of stage IV, but it is implicit from what must have gone before. In either case (hunger or sickness), one could ask whether the stock owner failed to rectify the situation from ignorance, inexperience, incompetence or inconsideration.

The behaviour of calves, lambs, piglets and cockerels has been examined during chronic under-nutrition. The calf is relatively resilient, and has survived for over 10 days without either food or water, provided it had acquired passive immunity once it was born. This is thought to be due to the calf's more mature renal function at birth. During the first four days of starvation the calves are robust and jump to their feet when approached, but thereafter they become less interested in sucking or other activities. This loss of activity and responsiveness is common to many species.

In laboratory rats it sets in two or three days before death, and they remain curled up in a ball before becoming comatose. Newborn lambs become comatose in about 8 days, when the air temperature is about 21°C. What does chronic hunger feels like? The sensations associated with mild hunger in humans are initially an enthusiasm for food which develops into a gnawing sensation and then a dull ache in the lower thoracic and epigastric regions. This grows into an uncomfortable pang that is less localised and more intense.

The sensations during long-term starvation are hunger pangs, a feeling of being “sick-in-the-stomach”, hot flashes, headache, weakness, difficulty in sleeping, and a general disinclination to perform physical or mental work. In monogastrics, (single stomach animals) the faeces are replaced by a semi-liquid bile-stained mucus. Initially the pangs of hunger coincide with gastric hunger contractions, but during advanced starvation they involve almost the entire abdomen. The hunger contractions disturb the normal sleeping pattern. If there is a fever at the same time as starvation, hunger and gut contractions are reduced or absent. When a monogastric dies from starvation, the stomach is often in a state of strong tonic contraction.



The physiological satiety signals that exist in ruminants are reasonably well understood, but the hunger signals are less clear. It would be helpful if we knew whether forestomach contractions in ruminants are analogous to the hunger contractions that we experience, and whether the severely underfed beast has comparable whole-abdomen contractions.

A cow starved to the extent that it is no longer ruminating, in my opinion, would be lethargic from sleep deprivation as well as depletion of energy reserves. In the event of extreme hunger, animals would be weak. They would have difficulty finding the energy to remain standing and in my opinion would have felt severe distress, lethargy, exhaustion. Inability to stand is likely to mean inability to drink, causing thirst and dehydration as well as hunger.

When combined with lack of feed, animals will feel the cold more especially when there is lack of shelter. In that situation, cattle will not have the rumen (first stomach) full of food, and will not be able to generate sufficient heat to maintain body temperature at normal levels. A significant amount of the heat produced by a ruminant animal comes from micro-organism activity in the fore stomach. In my opinion, therefore, lack of feed, combined with lack of shelter and poor ground conditions, would produce significant stress, distress and suffering to the cattle. Those conditions are exacerbated by poor body condition, lack of energy reserves and lack of 'insulation'. Shivering may occur, even at temperatures normally well tolerated by better fed, better conditioned animals. Shivering is stressful.

In cattle, signs of frustration related to reduced feed availability (i.e. bellowing, restlessness) may not be seen where the underfeeding is chronic. Low dry matter intake often results in poor rumen capacity. Satiety may be signalled and the animal actually stops eating when energy demands have not been met because the small rumen is full. Protein energy malnutrition to the point of recumbancy because of poor muscle mass and muscle weakness can occur without prior signs of obvious hunger. The degree and rate of condition loss due to under feeding or hunger will influence the behavioural, metabolic and clinical signs seen, influenced by the starting body condition score and energy demand.

Survival for prey animals depends on "alertness" to the presence of potential predators, and maintenance of normal behaviour and posture. Alertness and the will to survive are often lost in ruminants in negative energy balance – this is life threatening. Delay in feeding or feeding a smaller feed may constitute a stressor which may become stressful causing restlessness and vocalisation. If feed is provided, the stressor is removed. If not, frustration will follow. If provision of inadequate feed becomes routine the stress response evoked becomes distress, causing responses that are abnormal and ultimately harmful.



Section 3

Being a Witness

- Evidence
- Types of witnesses
- Giving evidence
- Attending at Court
- Controlling nerves
- Addressing persons in Court
- Legal jargon explained
- Courtroom layout
- Code of Conduct for expert witnesses



EVIDENCE

There are many definitions of evidence. In general terms it is anything which establishes a fact or provides a reason for believing something. With this in mind, words and things are usually considered “evidence”.

Words: The words of witnesses spoken in the witness box (or given by a sworn affidavit) are evidence.

Things: Any thing is capable of being evidence. The thing may be a limb, a knife, a document, a photograph, a computer, an audio recording etc. Things that are relied upon as evidence are produced in court as exhibits.

There are various types of evidence. They may be summarised as:

- real evidence – physical objects;
- documentary evidence – written statements and documents;
- personal evidence – what the parties or other witnesses say;
- expert evidence – specialist evidence based on opinion and views.

Every item of evidence must pass through five qualifying steps, namely:

- it must be evidence;
- the evidence must be directed to a relevant fact;
- the evidence must make that fact more likely or less likely;
- there must not be a special reason for excluding the evidence despite its relevance; and
- the evidence must be dealt with appropriately in Court.

Witnesses, like lawyers, judges, bailiffs, registrars, plaintiffs, defendants and members of the public, are part of the judicial process. The process relies on witnesses to produce evidence, which is assessed on the basis of its accuracy, credibility and truthfulness. The evidence informs a legal decision that takes into account the law, facts and relevant circumstances.

TYPES OF WITNESSES

A veterinarian may be called on as a witness of fact, and/or an expert witness. A key distinction between fact witnesses and expert witnesses is that an expert witness may provide an opinion. Fact witnesses must limit their testimonial to facts.

Witness of fact

A witness of fact is a person who gives evidence about facts that they have personally seen or heard.

Witnesses giving personal evidence are required to confine themselves to the facts. They must not express opinions on factual matters or surmise on hypothetical situations.

Expert witness

It is the responsibility of an expert witness to provide a skilled commentary on factual matters to allow the judge to better assess the probability that one or other of the various available inferences or conclusions is correct.

While assisting the court with its understanding of the facts, the expert witness does not make the judgement on behalf of the court. Despite the provisions of expert opinion, the court (the judge) remains the ultimate determiner of fact and applier of the law. The judge can accept or reject any expert's opinion and invariably prefers the evidence of one expert to another in a trial where both sides have engaged experts. Even if the expert evidence of a witness is not contradicted, a judge can



reject it if he or she thinks it is wrong. Whilst the expert opinion must be taken into account and considered, the judge is not required to adopt it.

Qualifications of experts

An expert witness must first “qualify himself or herself” by demonstrating to the Court that he or she is an expert.

Whether a person has the qualifications and competency to give expert opinion evidence is primarily a matter for the judge and is at his or her discretion. In practice, a judge must be satisfied that the expert is skilled and has adequate knowledge.

For example, a person may demonstrate they are an expert by explaining that they have undertaken a recognised course of special study and/or that he or she is so experienced in a particular area as to render him or her an expert in that matter.

As part of assessing the suitability of a person to function as an expert witness, lawyers may consider the individual's:

- willingness to get into the witness box;
- formal qualifications in the area of expertise;
- relevant and recent experience in the area;
- membership of relevant associations;
- reputation and standing;
- publications;
- independence and credibility;
- lack of conflicts or any personal interest, which might cause credibility problems;
- common sense and sound judgement;
- ability to express themselves simply and clearly and to think on their feet;
- experience in giving evidence;
- robustness and readiness to criticise the views of other experts – often their professional colleagues.

The credentials of a veterinarian giving evidence as an expert witness may be subject to challenge by the defence counsel during cross-examination.

An expert witness's duty is to the court rather than to the client who has engaged them and is paying their fee. Experts must resist the temptation to act as an advocate for their client; rather the expert should give the same evidence in the same way whichever party had engaged them. If experts advocate, argue and defend a position, they come across as a hired gun and their views will at best be ignored and at worst be criticised.

GIVING EVIDENCE

Usually evidence will be presented chronologically unless there is a more logical way of doing it. Judges are best able to understand a series of events or other information if those events are presented in the same chronological order as they actually occurred.

To support the prosecution, your notes/records must be clearly organised and indexed. All the material in the notes must be legible and easily interpreted. Further, every page must be dated and the timing of any meetings/events must be recorded on the page. Your records should support and document all calculations and statements made. It is particularly important that you document all of the steps that lead you to any diagnosis of suffering, pain or distress. Evidence of the process or considerations adopted in ruling out all other possible contributing factors (for example testing for intestinal parasites when establishing the cause of animal emaciation) before making or drawing any final conclusions, will assist the Court in assessing your credibility as a witness and therefore the force of your argument.

Any analysis or conclusions drawn in either correspondence or reports must also be supported by work papers. This is particularly important where, due to lack of information or lack of cooperation from an offender, assumptions have had to be made in order to arrive at conclusions in reports or correspondence.

Your brief of evidence

The format of your brief will depend on whether your evidence is to be given orally or read from a witness statement. If it is to be given orally you will not have your brief in front of you when giving evidence but the Crown Solicitor/Prosecutor will use it as a prompt in asking you questions and you will attempt to cover the content of your brief by way of your answers. These days it is more usual for written briefs to be exchanged prior to trial and witnesses to have them in the witness box to read from when giving evidence.

What do you give evidence about?

You should only express opinions on matters that are within your own field of expertise. Expressing opinions on things that you are not certain of may be exposed in cross-examination and may be ruled inadmissible. Doing so may also taint your good evidence. If someone else has done the legwork for you, you must have checked it to an extent which allows you to say that the facts upon which your opinion is based are within your own knowledge. Your credibility will be lessened if the cross-examination reveals that you are unfamiliar with the facts and are relying on information another veterinarian has provided.

While you must limit yourself to opinions or comments relating to your particular field of expertise, this may also include the giving of opinion evidence partly based on the writings and research of others. Where such material is intended to be relied upon, copies of this material must also be provided to the prosecution counsel and judge.

Within your role to assist the court it is useful to try and anticipate what questions the court (or potentially prosecution/ defence counsel) may have and address these in your evidence.

If possible (and having checked with the prosecutor) it may be helpful to have a professional colleague proof read your brief of evidence for consistency and clarity.

Are you happy with what you are saying?

You are ultimately responsible for your own evidence however much assistance you have received from the lawyer. It is you who will be cross-examined and it is your reputation that will be at issue.

When reading your brief from the witness box, as far as possible you should follow your brief exactly. This is because not only will it have been exchanged amongst the parties, but the Judge will not have his associate (typist) ready to transcribe your evidence as he would if you were giving it orally without your brief.

If you do have to add something orally, do not add it unless you have discussed it with the Crown Solicitor/ Prosecutor and he/she agrees it is appropriate. If you do need to add something orally, how you do this will be discussed between you and the lawyer.

Your written brief

Your written brief of evidence can be divided into two parts: first, establishing that you are qualified and competent to express your opinion; and, second, setting out your opinion, and the meaning of the relevant facts.

The first part of your brief of evidence will usually contain all or most of the following:

- your name, city of residence, personal background and the nature of your occupation, including an outline of your career;
- your education and degrees, diplomas, certificates or license held;
- any special training that you have in addition to your academic background;
- the professional associations to which you belong or have been admitted including offices held and honours obtained;
- other background such as any teaching positions or training functions you have been involved in;
- your experience as a witness; and
- an indication of the depth or breadth of your experience in the specialty subject of relevance to the particular trial, for example, the number of similar investigations conducted or the number and nature of investigations you have been involved in.

The second part of your brief will contain your main evidence. This may include all or most of the following:

- your involvement in the case, who instructed you and what matters you were asked to address;
- an outline of the context of the investigation;
- the purpose of your evidence and give a brief outline of the areas that you will cover;
- the factual basis for your conclusions, e.g.:
 - the nature of your research;
 - any other facts you rely on;
 - your methodology;
 - your assumptions;
 - your results.
- your opinion and your reasons for it (this is the most important part of your brief and the reasons why you are being called to give evidence);
- your conclusion. Especially in a lengthy brief, a conclusion pulling all the threads together is very useful and can be an executive summary of your opinions at the end of your written brief.

Express yourself as simply as you can and do not lose the judge with technical jargon and explanations. While the investigation may be complex, by the time you give evidence you should have reduced it to language and concepts that an average lay person can understand.

Here are some tips:

- Everyday conversation is made up of sentences which are 8–12 words long.
- Use simple, common words. If unfamiliar or technical words must be used, translate them into everyday language without talking down to the reader.
- Rephrase for clarity.
- Simple clear words do not have to be dull. Look for vivid and persuasive language that holds the attention and informs the mind of the reader.
- The important points of your evidence need to be prominent and not concealed in a mass of detail.
- Consider the use of visual aids. Illustrations, examples, analogies and comparisons may assist the court in understanding relevant facts.

Preparation of witnesses

A key element of putting a prosecution together is the preparation of witnesses (including expert witnesses). In the main, “preparation” is achieved by a lawyer producing a written statement of a witness’s evidence for them to refer to. If you are appearing as a witness for a MPI prosecution, you will be properly prepared by MPI solicitors in terms of the content of what you are to say in the witness box and how to say it. During preparation for court you can expect your initial brief of evidence to be redrafted many times, often as the landscape of the trial and the lead up changes.

The lawyers may also take you to the courtroom before the trial so that you are familiar with the surroundings. Most witnesses, whether expert or otherwise, are nervous at the prospect of giving evidence – it is natural, but can be managed.



ATTENDING AT COURT

Timings

The Crown Solicitor or Prosecutor will tell you what day and time you are likely to be called to give evidence. On a day that it is expected that you will give evidence you should be available for the whole day in order to be at court and give evidence when required. As a rule of thumb, you should plan to be at court at least half an hour before the time the Crown Solicitor/Prosecutor expects you to give evidence. This will give you time to attend to personal grooming, relax and briefly scan through your evidence before you are expected in court.

The court breaks at specific times for morning, lunch and afternoon tea (these are known as adjournments). The length of time provided is usually set by the judge, although 15 minutes for morning (11am–11.15am) and afternoon tea (3.30pm–3.45pm) and an hour and fifteen minutes for lunch (12pm–1.15pm) are considered to be normal.

It is quite possible that during the course of you giving evidence in chief or being cross-examined the court will have an adjournment. The judge will signal when an adjournment is to take place, the registrar will ask all persons in the court to rise, and the judge will retire from the court. You are then able to leave the witness box and get a cup of coffee, get some fresh air or simply stretch your legs. If someone does not assist you, simply leave the witness box and go and have a break. However make sure you check before leaving the courtroom how long the adjournment is to be for. It is your responsibility to be back in court by the time court is scheduled to be resumed.

At the end of the adjournment, all counsel and persons involved in the proceedings are expected to be back in court. You should take your place in the witness box and wait for the judge to enter. The Registrar will ask all persons to rise and judge will enter the court.

In order for the proceedings to recommence after an adjournment, the legal counsel who was addressing you prior to the adjournment will stand at the invitation of the judge and continue to lead you either through your evidence in chief or continue with cross examination. Even if there is an adjournment, witnesses are considered to still be under oath. The Registrar or the judge may remind you of this point.

If you are being cross examined at the time of the adjournment, the rules of the court prohibit counsel from either side speaking with you during the break. The normal procedure to follow is to leave the witness box when the judge has left the court and take a break on your own (separate from your counsel).

While the court normally finishes at 5.00pm, the judge may extend a court sitting in order to conclude a witness' evidence if it is likely to finish within half an hour. This is particularly the case where witnesses travel from out of town to attend in court.

Independence of your evidence

Avoid discussing the case or your evidence with other witnesses. It is important that when you give your evidence you are able to say that the evidence is yours and not the view of somebody else or subject to the influence of some other person.

At all times it is advisable when discussing the case either with a colleague, your counsel or other parties, whether before or after you've given evidence, that you are sure that you can not be overheard and that your evidence is treated in a strictly confidential manner.

Cross-examination

Cross-examination can be a laborious process of probing and testing the basis of evidence that has been presented to the court and the accuracy, credibility and truthfulness of the witnesses.

Lawyers have a number of strategies that are customarily used when cross-examining. These include:

- subjecting the basis of opinion and the logic behind it to rigorous scrutiny;
- suggesting that the views expressed are the result of a lack of partiality and objectivity;
- impeaching the quality of the work conducted by the witness;

- confining or widening the witness' testimony to suit their own theory of the case;
- eliciting important concessions from the witness to reduce the harmful impact of the examination in chief; and
- propelling the witness into confusion so as to diminish the likelihood of the evidence being relied on by the Judge.

Due to the fact that the prosecution shares the brief of evidence with the defence before the trial you can expect cross-examination to be more surgical than shotgun. You can assume that the other side has had an expert take your brief apart and put it back together in order to formulate the approach to and questions in cross-examination.

Things to remember under cross-examination

- When you are asked a question, think about it and take your time when you answer. If you do not understand it, then say so. Ask for it to be repeated. A hurried response is never wise and if it is a question that is really two questions, or is ambiguous, or contains an unstated assumption, say so. For instance, you might respond saying:
 - “The answer to the question as you put it is yes but only if you assume.....”
 - “In answer to the first part of your question, I consider.....As for the second part of the question of accepted practice, my view is....”
- If documents are referred to in cross-examination, you should ask to see them before you answer.
- Do not enter into a debate with the lawyer or judge. Be courteous.
- Always try and answer the question directly. It is better to answer “yes” or “no” and then qualify your answer.
- Sometimes a lawyer may press you to answer a question by directing you to answer “yes” or “no” (without further qualification of the answer). It is often difficult and stressful to repeatedly say that such a simple answer does not exist. In situations such as this, all you need to do is turn to the judge and explain that such an answer would mislead the Court. The judge will then give you permission to give a fuller and more adequate answer allowing you to explain the qualifications that you wish to put on a bald assertion of yes or no.
- Admit mistakes – mathematical errors can be acknowledged and a correct calculation can be given when you are in the witness box. If a line of questioning leads to a particular conclusion which is different from your own, acknowledge the point. Do not attempt to defend or deny an obvious inconsistency or mistake - you may be able to admit the mistake or inconsistency but go on to demonstrate that it has no impact on your final analysis. On the other hand, do not back-down merely to avoid confrontation. You may be able to acknowledge the validity of another expert's opinion without sacrificing your own but in the end you must stand by your opinion.
- Don't get emotionally involved. Avoid anger, defensiveness or arrogance. If you are defensive, it shows and you will be less effective. You must give the impression of professional impartiality. Body language is important. Do not slouch, fidget, click your pen, touch your hair or indulge in whatever habit you have when sitting at your desk. Establish eye contact with the judge and with the lawyer. Watch to see whether the judge understands your answers and pause or slow down if it appears he or she is not keeping up with you. If you are in the middle of a long answer and the court is looking interested, make the most of it and build on it. Throughout your cross-examination, try to face the judge when you respond.
- Don't be put off by the defence lawyers' antics. Rustling of papers, wiping of glasses and other agitated behaviour is best ignored, as it is likely to mean that he/she is not getting the desired answers.
- If the Crown Solicitor/Prosecutor rise to his/her feet during cross-examination they will be objecting on some legal basis to a particular question which he or she may not wish you to answer. Pause and allow the lawyers and judge to complete their exchange.

Re-examination

After cross-examination there will be what is called re-examination where your lawyer may ask you questions. Re-examination allows your lawyer to address matters that have arisen in cross-examination and to seek clarification or amplification of your responses. Normally a question in re-examination will signal to you that perhaps you did not give a complete answer or you said something that is contrary to your own written evidence so you must think to yourself what the Prosecutor/Crown Solicitor is trying to get you to say.

Only those matters raised in cross-examination can be dealt with in re-examination and it is usually short.

A typical question in re-examination from your own lawyer/prosecutor is:

- “Could you explain what you meant by.....” Or “you say that..... could you further explain what you mean...”

You may also get questions from a judge after re-examination. If the questions show a lack of understanding about a particular point, try to briefly clarify that point. Often questions from the judge will give you a very good idea where he or she is in his or her thinking. Again, make the most of a direct exchange with him or her to re-emphasise and have him or her understand your message.

Order of Business

The usual order of a proceeding is as follows:

1. **The Crown Solicitor/Prosecutor delivers an opening address**

This may be anything from a short introduction to a lengthy written statement. It outlines MPI's case, identifies that the counsel proposes to call witnesses and sets the scene for the proceeding.

2. **MPIs witnesses are then called and asked to give evidence**

Usually, witnesses appear in a logical order setting the scene for the court so that the events that unfold through the witnesses' evidence are logical and consistent.

As a witness you give your evidence in chief and then may be cross-examined by the defence counsel. Following cross-examination, the Crown Solicitor/Prosecutor may ask some further questions of you to clarify any part of your evidence that might be confusing or that left an unfavourable impression due to the way that a particular question was asked of you. Questions given in re-examination can only be in relation to the evidence that has been given in response to matters arising out of cross examination.

3. **Counsel for the defence present their opening address**

Once the Crown's/MPI's witnesses have all been heard and cross-examined, counsel for the defendant presents their opening address. This address signals the rebuttal arguments that the defence team will raise on their client's behalf.

4. **Defence witnesses are then called and asked to give evidence**

The defendant's witnesses follow the same evidential process as the witness for the plaintiff.

5. **Closing Address Prosecution**

At the conclusion of the cross-examination of the defendant's witnesses, counsel for the Crown/MPI gives their closing address. This summarises the case from the Crown/MPI position and highlights the key points in evidence that the Crown/MPI has raised rebutting the arguments put forward by the defence. The closing address also refers to specific case law where it is applicable and points the court to references supporting the position put forward by the Crown/MPI.

6. **Closing Address Defence**

Following the Crown's/MPI's closing address, counsel for the defence presents a similar address. This is linked to the arguments that the defence made at the beginning of the trial and sets out to present in summary form to the court the arguments that the defence has made in regard to their case.

7. Judge's Decision

In most cases, a judge will reserve his/her decision rather than give an oral decision at a trial. This allows a judge to research any particular issues of law that he/she may consider pertinent. In addition, the judge will wish to reflect upon the quality of the evidence presented before the court and in particular which argument is to be preferred (that of MPI or that of the defendant). The judge will deliver a written opinion some time after the conclusion of the trial. In the case of the High Court or District Court these become a matter of public record.

CONTROLLING NERVES

Some nervous tension is both natural and good for you: it will add vitality to your delivery and your body and mind will be alert. A too casual approach results in slapdash delivery and muddled thinking. However, you should still be confident in the evidence you are presenting. It is YOUR evidence and you are doing this because you were good enough to be appointed to the position.

Here are some tips to gain your confidence:

- Concentrate on presenting the facts of the case.
- Know your case thoroughly and have clearly prepared notes (and visual aids).

Preparing to speak

- Breathe deeply and slowly.
- Relax the muscles in your hands, arms, neck, shoulders and face.
- Organise yourself and your notes.
- Pause before speaking.
- Look at the judge before speaking.

While talking

- Look at, and talk to, the judge.
- At the end pause slightly.
- Look confident, maintain your composure.

ADDRESSING PERSONS IN COURT

There are rules that require persons in court to be addressed in a particular manner:

- The Judge is referred to as “Your Honour”, “Sir/Ma’am” (pronounced Marm)
- The Associate Judge is referred to as “Associate Judge, Sir, Ma’am”.
- Justices of the Peace are referred to as “Your Worships”.
- The Police Prosecutor is referred to as “The Prosecutor”.
- The Defendant is referred to as “The Defendant or Mr/Mrs/Miss/Ms”.
- The Registrar is referred to as “Mr. Registrar or Madam Registrar”.
- Other Counsel are referred to simply as “Mr/Mrs/Miss/Ms”
- The person taking down evidence in the trial or defended hearing is “His/Her Honour’s Associate” in the High Court, and “Stenographer” in the District Court.
- The place from which evidence is given is called the “Witness Box”.
- The written transcript of evidence is referred to as “His/Her Honour’s notes”.

Never call a Judge ‘you’. If you wish to address a Judge directly about something he/she has said you cannot say “as you said a moment ago”. The correct expression is “as Your Honour said” or “Your Honour said”. This preserves the impersonal impartiality of the court. In the same way, if you want to direct the Judge’s attention to a particular document, you do not say “would you look at page 5 of Mr Smith’s letter...”. The correct way of making that request is something along the lines of, “if I can direct Your Honour’s attention to page 5 of Mr Smith’s letter, there Your Honour will see...”

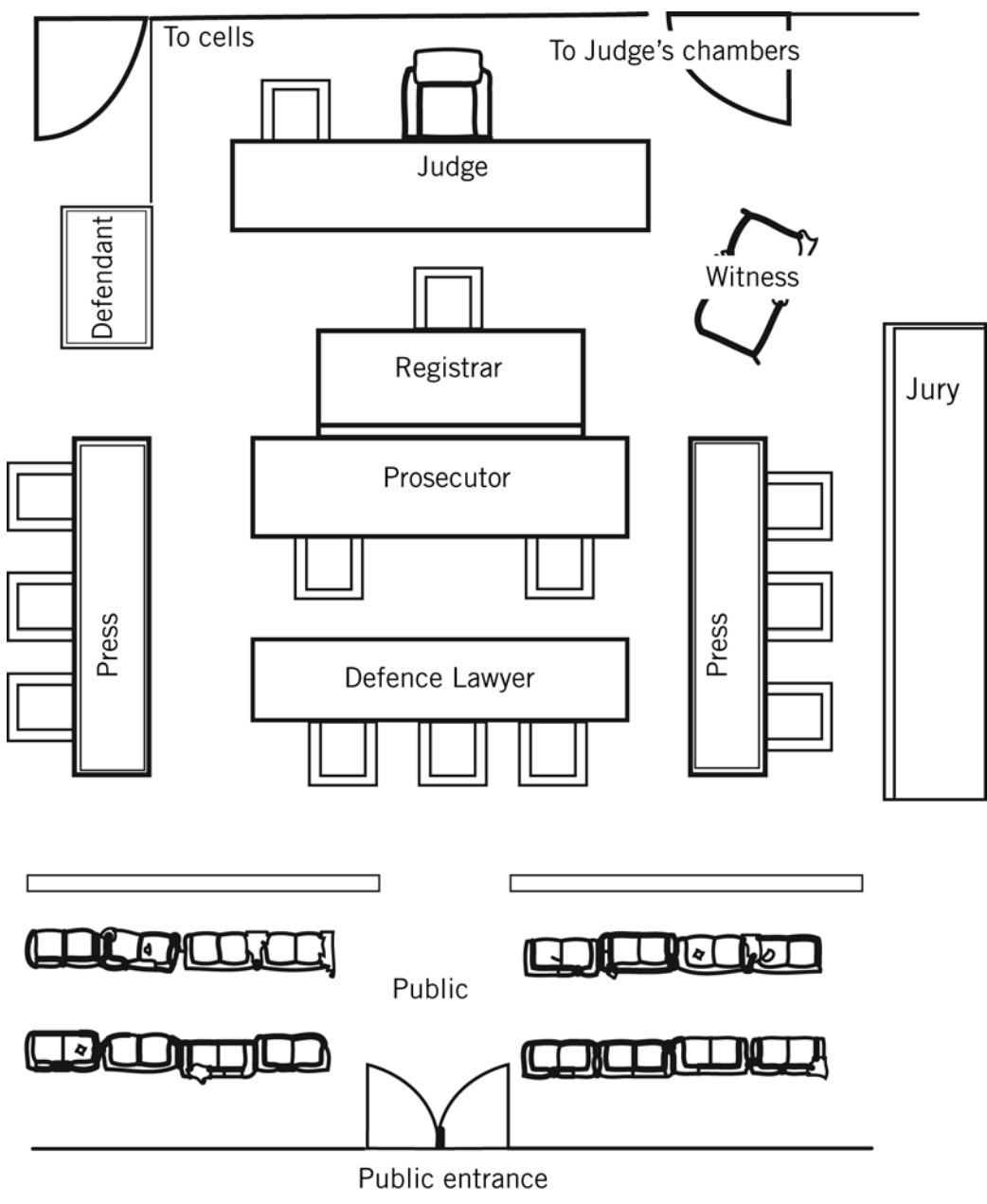


LEGAL JARGON EXPLAINED

<i>Affidavit</i>	<p>An affidavit is a signed written statement sworn on oath (or taken by affirmation) before a Justice of the Peace, Solicitor of the High Court, or a Registrar of the Court.</p> <p>Affidavits are factual in nature and do not contain hearsay or opinion, unless the person signing the affidavit is an expert who has been called upon to give an opinion. Persons who give evidence by way of affidavit are subject to cross-examination on the content of their affidavit.</p> <p>If a person knowingly makes a statement that is untrue in an affidavit, a court may hold that the person has perjured him/herself.</p>
<i>Brief of evidence</i>	<p>This is a term that is applied to evidence that may be presented to the court. In a criminal proceeding the Crown (the prosecution) is required to disclose its brief of evidence to the other side (the defence). The defence does not have to disclose its rebuttal evidence until the case goes to trial.</p> <p>Witnesses should not “hold back” information to attempt to release that information in court, when the release of the information earlier may have assisted in an early resolution of the trial or dispute.</p>
<i>Cross-examination</i>	<p>Cross-examination is when the opposing legal counsel asks questions regarding evidence in chief that has been presented by a witness.</p> <p>The purpose of cross-examination is to test the truth or veracity of the evidence given by a witness. It also allows the court to determine whether all of the evidence possible has been presented or whether a witness has chosen to present only selective evidence in their evidence in chief. A further purpose of cross-examination is throw doubt upon the evidence submitted by a witness. This is often achieved by the cross-examiner asking questions in such a way that the witness either contradicts or introduces qualifications with regard to their earlier evidence, which may throw doubt upon the witness's reliability. Opposing counsel may decide not to cross-examine a witness (when evidence is presented in a written format, or evidence is of a purely administrative nature) and in such cases the court will assume that the evidence given by the witness is taken as being correct and reliable by opposing counsel.</p>
<i>Court Bailiff</i>	<p>The court bailiff is in charge of calling witnesses, swearing them in and distributing copies of printed evidence prepared by the judge's associate, to both counsels. Neither the defence or prosecution counsel is permitted to approach a witness in court. Should counsel wish a witness to review a particular document, they pass the document to the bailiff who will then pass it to the witness.</p>
<i>Deposition</i>	<p>A deposition is a written statement of evidence submitted at a preliminary hearing of an indictable offence. This is a statement made under oath (or by affirmation) and, while it may be presented in written form at a proceeding, it is often read by the person giving (or deposing) the evidence. A depositions hearing may be heard in front of a judge, a Registrar of the Court or two or more Justices of the Peace.</p> <p>Evidence given at a depositions hearing will form part of the substantive evidence considered at a full trial and persons giving evidence in a depositions hearing may be cross-examined.</p>
<i>Evidence in Chief</i>	<p>Evidence in chief is the evidence prepared or presented by a witness as their evidence. In the High Court and District Court evidence in chief may be presented in either a written or oral form (or in both forms, with oral evidence supplementing a written brief). It is usual to have a written brief of evidence which a witness can then read in court.</p> <p>At a deposition hearing, evidence in chief consists of the reading of a written brief of evidence and any additional oral evidence that may be given. Witnesses are then asked to sign their brief of evidence and this forms part of the written record.</p>
<i>Exhibit</i>	<p>An exhibit is an item produced as evidence in court; it may be a document, an inanimate object or an animate object.</p> <p>The recording of exhibits presented in court is the responsibility of the Court Registrar who, once an exhibit has been submitted, takes charge of and secures the exhibit until the conclusion of the proceeding and subject to the ruling of the judge.</p>

Hearsay	Hearsay is when a witness repeats comments made to him/her which are not able to be verified by an independent third party or by some other form of corroborative evidence. While hearsay may form part of personal evidence, due to the lack of ability of the court to assess the circumstances and context in which hearsay evidence was received or interpreted by the witness, it may carry little weight with the court.
Indictable offence	Indictable offences are of a more serious nature and which may be tried before a judge and jury in the High Court.
Injunction	An injunction is an order of a court requiring a person or persons to carry out an action or alternatively cease and desist from carrying out an action.
Jurisdiction	The extent of the authority of a court or tribunal is referred to as jurisdiction (usually determined by statute or regulation). From time to time references made be made to "other jurisdictions", which refers to other bodies who have authority and control beyond the immediate authority and control of the court dealing with a proceeding at the time.
Jury	A jury is a group of persons selected by ballot from a larger number of citizens called to hear evidence given in a trial. Jurors are selected at random from the electoral rolls and are subject to challenge by both counsel for the prosecution and the defence, before a final jury is selected. A jury usually consists of 12 persons who have no relationship with the plaintiff, defendant, any witnesses or any persons associated with any part of the proceedings before the court. The jury will elect one person to be their spokesperson, who is referred to as the Foreman of the Jury.
Perjury	Perjury is a criminal offence and related to knowingly making a false statement under oath (either written or oral). If a person makes a statement that is false but believes it to be true at the time, this is not an act of perjury. It only becomes perjury when a person makes a statement knowing it is false or seriously doubting its truth.
Registrar	The registrar's responsibility is to administer records and documents throughout the trial. This includes allocating exhibit numbers to exhibits and ensuring that all exhibits produced in evidence are properly recorded and noted for the particular trial. The registrar will also pass all copies of exhibits (if the judge does not already hold a separate file) to the judge to look at during the presentation of evidence. Registrars also manage the judge's diary, scheduling dates for future court appearances, appeals and the like. The registrar's bench sits in front of and below the judge's bench and may be slightly higher than floor level.
Summary proceedings	This is a term applied to criminal actions of a less serious nature which are often heard in the District Court.
Summons	A summons is a document issued by the office of a court ordering a party to appear in court on a specified date. Failure to adhere to a summons could attract severe consequences.
Witness box	The witness box is where a witness stands (or sits) to give their evidence, as is positioned so that the judge is able to hear the witness' answer to questions put to the witness. The witness box may or may not contain a chair. Under court protocol, witnesses should stand when giving their evidence, unless invited to sit by the judge or registrar. Where a long period of giving evidence is expected a witness may sit even if the judge forgets to invite the witness to do so. Usually if a witness has been standing for 30 or more minutes it would not be considered unreasonable for a witness to sit.

COURTROOM LAYOUT



CODE OF CONDUCT FOR EXPERT WITNESSES

Schedule 4, High Court Rules CODE OF CONDUCT FOR EXPERT WITNESSES

Duty to the Court

1. An expert witness has an overriding duty to assist the Court impartially on relevant matters within the expert's area of expertise.
2. An expert witness is not an advocate for the party who engages the witness.

Evidence of expert witness

3. In any evidence given by an expert witness, the expert witness must –
 - (a) acknowledge that the expert witness has read this Code of Conduct and agrees to comply with it;
 - (b) state the expert witness' qualifications as an expert;
 - (c) state the issues the evidence of the expert witness addresses and that the evidence is within the expert's area of expertise;
 - (d) state the facts and assumptions on which the opinions of the expert witness are based;
 - (e) state the reasons for the opinions given by the expert witness;
 - (f) specify any literature or other material used or relied on in support of the opinions expressed by the expert witness;
 - (g) describe any examinations, tests, or other investigations on which the expert witness has relied and identify and give details of the qualifications of, any person who carried them out.
4. If an expert witness believes that his or her evidence or any part of it may be incomplete or inaccurate without some qualification, that qualification must be stated in his or her evidence.
5. If an expert witness believes that his or her opinion is not a concluded opinion because of insufficient research or data or for any other reason, this must be stated in his or her evidence.

Duty to confer

6. An expert witness must comply with any direction of the Court to –
 - (a) confer with another expert witness;
 - (b) try to reach agreement with the other expert witness on matters within the field of expertise of the expert witness;
 - (c) prepare and sign a joint witness statement stating the matters on which the expert witnesses agree and the matters on which they do not agree, including the reasons for their disagreement.
7. In conferring with another expert witness, the expert witness must exercise independent and professional judgement and must not act on the instructions or directions of any person to withhold or avoid agreement.

Section 4

Legal standards, powers and protection

- The Animal Welfare Act 1999
- Codes of Welfare
- Complaints and investigations
- Involvement in criminal proceedings – the veterinarian's risk
- Appendix:
 - Relevant clauses of the Code of Professional Conduct
 - Extracts from the Animal Welfare Act 1999
 - Minimum Standards from relevant Codes of Welfare



THE ANIMAL WELFARE ACT 1999

New Zealand has had balanced and comprehensive legislation covering the protection of animals since last century.

The Animal Welfare Act 1999 has a wide definition of animal – including most animals capable of feeling pain whether domesticated or in a wild state. It excludes animals such as shellfish and insects.

While the Act carries over many of the cruelty offences from the Animals Protection Act 1960 (mainly in Part 2 which prohibits certain types of conduct towards animals), the primary focus has moved from the “ambulance at the bottom of the cliff” to prevention of ill-treatment and inadequate care. Part 1 of the Act sets out the duty of care of people who own or are in charge of animals to meet an animal’s physical, health and behavioural needs and to alleviate pain or distress.

The Act does not expand on these obligations; for example, it does not detail what constitutes an appropriate amount of food or water for any particular species. To do so would result in lengthy and unwieldy legislation. It would also reduce the flexibility to make amendments as knowledge improves or society’s expectations change. The detailed minimum standards of care can therefore be found in Codes of Welfare.

CODES OF WELFARE

Part 5 of the Animal Welfare Act is concerned with the development of Codes of Welfare.

Codes of Welfare are developed by the National Animal Welfare Advisory Committee and issued by the Minister for Primary Industries under the Animal Welfare Act. Codes set minimum standards and also promote best practice for the care and management of animals. Codes promote the objectives of the Animal Welfare Act by:

- providing greater detail on animal management and care than is contained in the Act, including minimum standards and recommended best practice;
- offering flexibility to modify and improve animal welfare standards in line with changing community expectations, scientific knowledge and technological change;
- providing balanced representation of community expectations and views through community involvement in the development of codes; and
- improving community awareness of animal needs.

While it is not a legal offence, the failure to meet minimum standards in codes of welfare can support a prosecution under the Act. Similarly, evidence of meeting or exceeding a minimum standard can be used as a defence.

See the Appendix to this Section for minimum standards of some codes of welfare. A full list of codes of welfare can be found on the MPI biosecurity website: www.biosecurity.govt.nz/regs/animal-welfare/codes/alphabetically



COMPLAINTS AND INVESTIGATIONS

Animal Welfare Inspectors

Animal welfare investigations under the Animal Welfare Act are carried out by Inspectors who are appointed by the Minister (or under delegation) on the recommendation of an approved organisation. Currently warranted Animal Welfare Inspectors belong to:

- MPI, including the Verification Services Branch veterinarians;
- the RNZSPCA; and
- the Police.

It is important to note that veterinarians do not have the powers of an Animal Welfare Inspector unless they have undergone the specific training required and have been warranted as such.

Complaints

The majority of complaints about perceived animal welfare problems are received via the MPI 0800 number. On receipt, they are graded as:

- Grade 1, which requires immediate attention/alleviation of pain or distress;
- Grade 2, requires a response within 7 days; and
- Grade 3, which requires a response via telephone or visit when the Animal Welfare Inspector is next in the area.

The complaint is then allocated to the appropriate Animal Welfare Inspector who makes an initial assessment with the aim of:

- mitigating pain, suffering and distress; and
- investigating breaches of the Animal Welfare Act 1999.

Enforcement

While education and mediation may be all that is required to get a situation back on track, sometimes further action is necessary. There are a number of avenues open to the Animal Welfare Inspector:

By virtue of section 130 of the Animal Welfare Act 1999 an Inspector may, where he/she has reasonable grounds to believe “an animal is suffering or is likely to suffer unreasonable or unnecessary pain or distress” issue a notice in writing requiring a person in charge of an animal or an owner “to take all such steps as the Inspector considers necessary or desirable to prevent or mitigate the suffering of the animal”.

Failure to implement the requirements of a section 130 notice “without reasonable excuse” can result in a fine of up to \$5000 for an individual or up to \$25 000 for a company.

Given the nature of the section 130 notice and the quite severe offence provisions of the Act, a veterinary opinion is often sought both to ascertain the condition of the animal(s) and to assist in the framing of the actual notice. Given that a prosecution may ensue it is extremely important that all aspects of the observations and considerations of the veterinarian are accurately recorded.

The Enforcement Order Process is a step up from the use of a section 130 notice and is a statutory tool to prevent an animal suffering ongoing pain or distress and to ensure that any other continuing breaches of the Animal Welfare Act 1999 cease, particularly where speed and time are of the essence. It does not replace a subsequent prosecution but it is an offence not to comply.

Enforcement orders can be “final” or “temporary”. A final enforcement order is used when an ongoing or anticipated breach of the legislation is identified but where urgency or a requirement for immediate action is not necessary. Because the offending party can oppose the application, the process can be quite drawn out and extensively argued.

Where immediate risk of harm to an animal is present however, an application for a temporary enforcement order may be progressed at very short notice by way of a hearing “without notice” to the offending party. Once the

enforcement order has been granted by the Court and the offending party has been personally served with the order, he or she must comply with the requirements of the order within the specified timeframe.

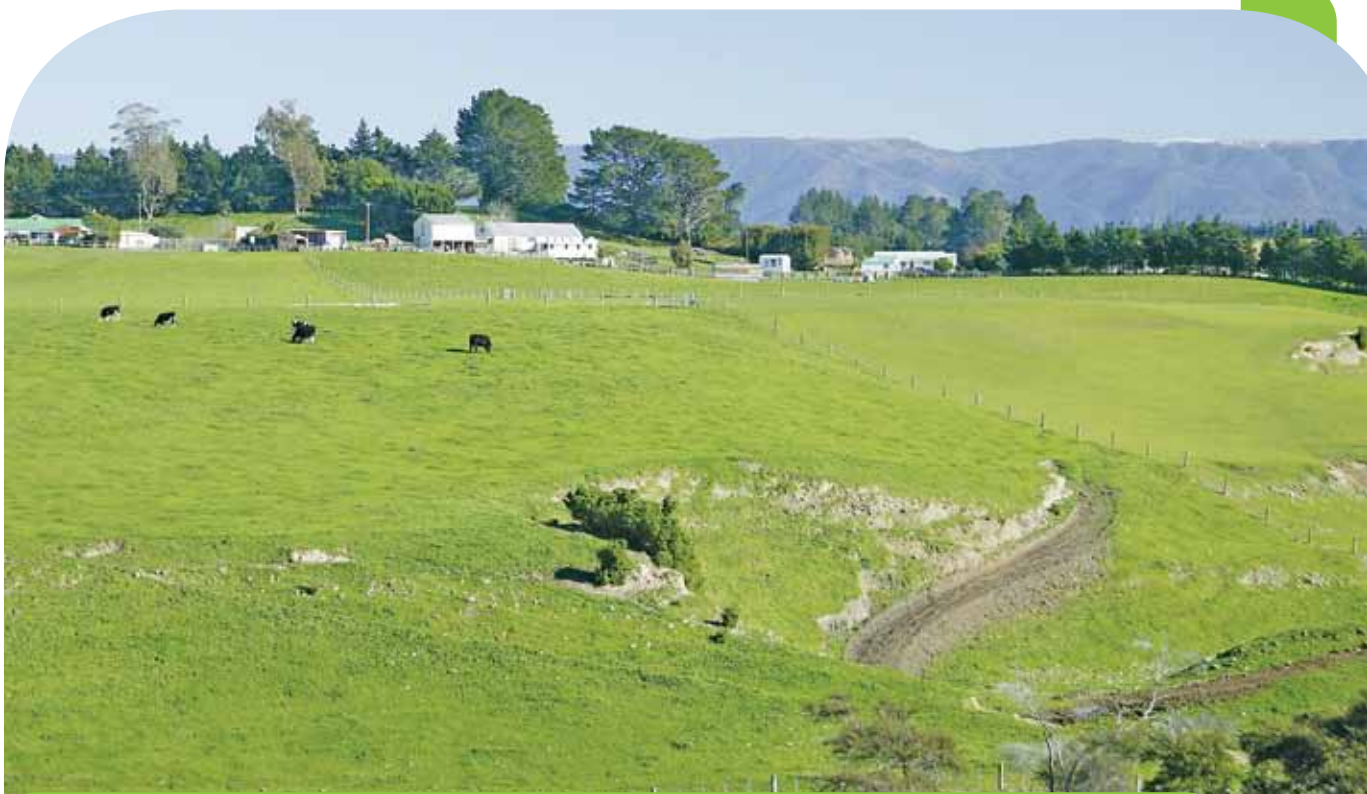
The standard of proof to be satisfied in either application is that of the civil standard, i.e. “on the balance of probability” as opposed to the higher criminal standard of “beyond reasonable doubt”.

The evidence in support of the application is by way of affidavits sworn by the applicant and various witnesses, including veterinarians, who may be required to be heard in support of the application at the discretion of the judge.

Failure to implement the requirements of an enforcement order can result in a fine of up to \$25 000 or six months imprisonment or up to \$125 000 for a company. The failure to comply with an enforcement order also provides one of the grounds on which an application for the disqualification of the offending party from being an owner or person in charge of an animal may be based.

Euthanasia

If, in the opinion of the Inspector (which may be on the advice of a veterinarian) the animal should be destroyed to end its suffering, the Animal Welfare Act requires the Inspector and veterinarian to consult with the owner of the animals and allow the owner the opportunity to seek a second opinion (section 138).



INVOLVEMENT IN CRIMINAL PROCEEDINGS – THE VETERINARIAN’S RISK

As a veterinarian getting involved in a MPI investigation you may be concerned about the risk of possible litigation arising from your involvement. However, veterinarians participating in a MPI investigation have a legal immunity provided that they comply with certain conditions.

Veterinary practitioners have always been at risk of civil legal proceedings taken by disgruntled clients for a perceived lack of appropriate professional conduct, irrespective of any association with a MPI investigation.

There is clearly a professional obligation imposed on all veterinary practitioners to act ethically and in accordance with the animal welfare legislation enacted by parliament. To this end parliament has ensured that a practitioner’s civil liability is limited where they have acted “*in good faith*” whilst assisting an Inspector. In other words the practitioner has acted professionally.

Section 158. Protection of persons acting under authority of Act

- (1) No inspector, auxiliary officer, accredited reviewer, or person assisting an inspector or constable is personally liable for any act done or omitted in good faith by the inspector, auxiliary officer, accredited reviewer or person in pursuance or intended pursuance of any of the functions, duties or powers conferred by this Act on the Inspector, auxiliary officer, accredited reviewer or person.
- (2) Any liability that would but for this section lie against an inspector or auxiliary officer, or a person assisting an inspector or constable, lies against the Crown.

The key message of this section can be summarised as follows:

No....person assisting an Inspector... is personally liable for any act done or omitted in good faith by the....person

The veterinarian falls under the description of ‘person assisting the inspector’. It is important to remember that a condition of the legislative immunity is that the veterinarian works to the instructions of the Inspector (who has overall responsibility and is the officially appointed authority) at all times.

The words “**in good faith**” have been considered by the Courts at various times. “In good faith” has been determined as an act or omission carried out with propriety and honesty, and without fraud or deceit. Where it is alleged otherwise, the onus is on the aggrieved offender to demonstrate to the Court that the actions of the veterinarian were not “in good faith”.



In the event that the “in good faith” threshold is surmounted by the applicant, various potential legal issues could arise. These may include one or some of the following, each of which would be required to be evaluated by the Court on the individual facts which existed at the time of the veterinary practitioner’s actions:

- **Breach of Fiduciary Duty:** A fiduciary is a person who holds a special relationship with another party for example between partners, trustees and beneficiaries or between directors and a company. Where such a relationship is found to exist, the fiduciary is under a duty not to act against the interests of the other party.
- **Breach of Contract:** Where an enforceable contract (usually but not always written), exists between the practitioner and another party to that contract and the practitioner has breached one or more of the express (or implied) contractual terms of the agreement.
- **Conflict of Interest:** Where the practitioner is acting on behalf of two or more parties each with differing interests and objectives. If a primary duty was established to one party over another, a possible legal action could arise.
- **Negligence:** Where a duty of care is owed by the practitioner to a party and the practitioner has failed to perform the duty to the required professional standard with resulting foreseeable damage.
- **Deceit:** Where the practitioner has knowingly or recklessly made false representations causing damage to the other party; usually representations to the party complaining who must have relied on the representations.
- **Conspiracy to Injure:** Where the practitioner has, in agreement with others, conspired to damage another party’s property or interests.
- **Trespass:** An unlawful act, negligence or omission by the practitioner resulting in indirect or consequential damage to the other party or party’s property.

In order to mitigate the possibility (however remote) of litigation arising as part of your involvement in a MPI investigation:

- your actions must always be transparent, objective and above suspicion;
- you must remain at all times impartial, honest, fair and objective notwithstanding any personal feelings or those of others involved in the investigation or operation; and
- you must make it patently clear who is regarded as the client at the time of your actions. This clarity of role and practitioner obligation is of particular importance at all times, but more especially so where the practitioner’s role changes (for example, when you turn up at a property at the request of a client, are faced with an unacceptable animal welfare situation, and MPI involvement is required in order to remedy the situation).

To avoid an allegation of unacceptable and potentially unlawful actions, a veterinarian should clearly and objectively review the situation, the solutions, the possible outcomes, and establish and clarify the obligations of the client and their obligations as a veterinarian. All considerations should be documented for later recollection if necessary. All decisions made and information given should be reviewed from both parties’ perspectives.

The partnership between MPI’s Inspectors and private practitioners is highly valued by MPI; it is essential to animal welfare enhancement and the enforcement of the various legislative provisions. Where a civil action is found to have arisen as a direct result of a practitioner’s involvement on behalf of a MPI investigation, MPI will provide appropriate robust support and assistance in resolving the situation.

DO:

- **Act with propriety, honesty and without fraud or deceit.**
- **Discuss any queries with the Inspector.**

Relevant clauses of the Code of Professional Conduct



APPENDIX:

THE CODE OF PROFESSIONAL CONDUCT FOR VETERINARIANS

The Code of Professional Conduct for Veterinarians sets out the standards the public, the profession and the Veterinary Council of New Zealand expect veterinarians to meet and to be measured against. The Veterinarians Act 2005 requires veterinarians wishing to practice in New Zealand to be appropriately qualified, registered with the Veterinary Council of New Zealand and to hold a current practising certificate. The rights conferred by veterinary registration go hand in hand with legal and professional responsibilities.

The Code is structured around seven fundamental principles that form the basis of the professional behaviour expected of veterinarians:

1. Protecting animal welfare and alleviating animal suffering.
2. Practising in a way that promotes effective communication, trust, meets confidentiality and consent requirements and recognises clients "right to choose".
3. Interacting with colleagues honestly and with respect and in a way that fosters good relationships and communication.
4. Acting in a manner that promotes the public's trust and confidence in the profession.
5. Striving to provide a high standard of veterinary practice.
6. Exercising sound professional judgement when authorising, dispensing, recommending, selling and using veterinary medicines.
7. Practising in accordance with relevant legislation and other applicable standards.

The Code identifies minimum standards of behaviour for veterinarians by the use of the word 'must'. The principles and responsibilities specified in the Code have been prescribed, by notice in the New Zealand Gazette, as minimum standards for practicing as a veterinarian under section 88 of the Veterinarians Act 2005. All veterinarians must comply with the Code.

RELEVANT CLAUSES OF THE CODE

Animal Welfare

Veterinarians must be familiar with and comply with the Animal Welfare Act 1999 and the relevant Codes of Welfare. In the course of their work, veterinarians must consider and take all reasonable steps to protect the needs of animals in relation to the five basic requirements of:

- a. Proper and sufficient food and water;
- b. Adequate shelter;
- 1 c. The opportunity to display normal patterns of behaviour;
- d. Appropriate physical handling; and
- e. Protection from, and rapid diagnosis of, injury and disease.

This obligation is qualified however, as to the needs in each individual case are assessed according to what is appropriate to the species, environment and circumstances of the affected animal(s).

- 2 In the course of their work veterinarians must not ignore circumstances where they have reasonable grounds to suspect non compliance with the requirements of the Animal Welfare Act 1999 and Codes of Welfare. Veterinarians must be satisfied that their co-workers and their clients are informed of and comply with the relevant provisions of the Animal Welfare Act 1999 and Codes of Welfare that relate to work they are undertaking.

- 3 Veterinarians must act immediately to remedy situations where they have cause to suspect unreasonable or unnecessary pain or distress in an animal(s), or possible breaches of animal welfare legislation.

- 4 When euthanasia is necessary it must be carried out humanely. In situations where an animal's owner is not known or cannot be contacted, veterinarians must exercise their duty under section 138 of the Animal Welfare Act 1999 to euthanise severely sick or injured animals responsibly.

Client relationships

Veterinarians must interact with clients in a way that promotes effective communication and trust. This includes:

- a. Listening to clients, respecting their view, responding to their concerns and preferences and treating them with courtesy;
- b. Treating all client information and information related to the provision of veterinary services as the private information of the client except in circumstances where:
 - i) The client's consent has been given; or
 - ii) Disclosure of the information is made in accordance with the principles set out under the Privacy Act 1993; or
 - iii) There is a requirement for disclosure of information made under the Veterinarians Act 2005.
- c. Not exploiting a client's lack of veterinary knowledge.

Veterinarians must obtain appropriate consent before proceeding with a proposed treatment/course of action. Veterinarians must provide clients with the information that they need, in a way that enables the client to understand and give consent to the proposed treatment/course of action. Veterinarians must be satisfied that clients are authorised to provide that consent. Depending on the circumstances the information provided to clients may include:

- a. The condition of their animal(s);
- b. Treatment options, including likely outcomes, risks, side effects, complications, costs and benefits;
- c. Referral options where appropriate and how to access;
- d. The veterinarian's skills and experience in providing the proposed treatment (where appropriate);
- e. Post treatment requirements and costs.

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

Veterinarians must respect clients' rights to:

- a. Use the services of more than one veterinarian;
- b. Seek a second opinion or referral;
- c. Choose an alternate course of action to the one recommended by the veterinarian provided this does not conflict with the animal's welfare.

Veterinary Services


Veterinarians must maintain clear and accurate clinical records. The records must:

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



Extracts from the Animal Welfare Act 1999

**Reprint
as at 7 July 2010**



Animal Welfare Act 1999

Public Act 1999 No 142
Date of assent 14 October 1999
Commencement see section 1(2)

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Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.
A general notice of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.
This Act is administered by the Ministry of Agriculture and Forestry.

1

EXTRACTS FROM THE ANIMAL WELFARE ACT 1999

Section 2. Interpretation

Animal

- (a) Means any live member of the animal kingdom that is –
 - (i) a mammal; or
 - (ii) a bird; or
 - (iii) a reptile; or
 - (iv) an amphibian; or
 - (v) a fish (bony or cartilaginous); or
 - (vi) any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
 - (vii) any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of this Act; and
- (b) includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development; and
- (c) includes any marsupial pouch young; but
- (d) does not include –
 - (i) a human being; or
 - (ii) except as provided in paragraph (b) or paragraph (c), any animal in the pre-natal, pre-hatched, larval, or other such developmental stage.

Code of welfare means a code of welfare issued under section 75.

Controlled surgical procedure means –

- (a) the de velvetting of a deer; or
- (b) any other surgical procedure which is performed on an animal and which is, under section 16, declared to be a controlled surgical procedure.

Ill-treat, in relation to an animal, means causing the animal to suffer, by any act or omission, pain or distress that in its kind or degree, or in its object, or in the circumstances in which it is inflicted, is unreasonable or unnecessary.

Inspector means an inspector appointed under section 124(1) of section 124(2); and includes every constable.

Owner, in relation to an animal, includes the parent or guardian of a person under the age of 16 years who –

- (a) owns the animal; and
- (b) is a member of the parent's or guardian's household living with and dependent on the parent or guardian.

Person includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

Person in charge, in relation to an animal, includes a person who has the animal in that person's possession or custody, or under that person's care, control, or supervision.

Physical, health, and behavioural needs, in relation to an animal, has the meaning given to it by section 4.

Restricted surgical procedures means –

- (a) the debarking of a dog (the performance on the vocal chords of a dog of a surgical procedure intended to reduce the noise the dog is capable of emitting); or
- (b) the declawing of a cat (the removal from the foot of a cat by a surgical procedure of the whole or part of 1 or more of the claws of the cat); or
- (c) the docking of the tail of a horse; or
- (d) any surgical procedure which is performed on an animal and which is, under section 16 declared to be a restricted surgical procedure.

Veterinarian means a veterinarian or a specialist within the meaning of section 4 of the Veterinarians Act 2005.

Section 4. Definition of "physical, health, and behavioural needs"

In this Act, unless the context otherwise requires, the term **physical, health, and behavioural needs**, in relation to an animal, includes –

- (a) proper and sufficient food and water:
- (b) adequate shelter:
- (c) opportunity to display normal patterns of behaviour:
- (d) physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress:
- (e) protection from, and rapid diagnosis of, any significant injury or disease, – being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.

PART 1 – CARE OF ANIMALS

Section 9. Purpose –

- (1) The purpose of this Part is to ensure that owners of animals and persons in charge of animals attend properly to the welfare of those animals.
- (2) This Part accordingly –
 - (a) requires owners of animals, and persons in charge of animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with both –
 - (i) Good practice; and
 - (ii) Scientific knowledge; and
 - (b) requires owners of ill or injured animals, and persons in charge of such animals, to ensure that the animals receive, where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering; and
 - (c) imposes restrictions on the carrying out of surgical procedures on animals; and
 - (d) provides for the classification of the types of surgical procedures that may be performed on animals; and
 - (e) specifies the persons or classes of persons who may perform each class of such surgical procedures; and
 - (f) specifies certain minimum conditions that must be observed in relation to the transportation of animals.

Section 10. Obligation in relation to physical, health, and behavioural needs of animals

The owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both –

- (a) good practice; and
- (b) scientific knowledge.

Section 11. Obligation to alleviate pain or distress of ill or injured animals

- (1) The owner of an animal that is ill or injured, and every person in charge of such an animal, must, where practicable, ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.
- (2) This section does not –
 - (a) limit section 10; or
 - (b) require a person to keep an animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress.

Section 12. Animal welfare offences –

A person commits an offence who, being the owner of, or a person in charge of, an animal, –

- (a) fails to comply, in relation to the animal, with section 10; or
- (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11; or
- (c) kills the animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.

Section 13. Strict liability –

- (1) In a prosecution for an offence against section 12, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.

- (1A) In a prosecution for an offence against section 12 committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the provision of this Act to which the offence relates.
- (2) Subject to subsection (3), it is a defence in any prosecution for an offence against section 12 if the defendant proves –
 - (a) that, in relation to the animal to which the prosecution relates, the defendant took, –
 - (i) in the case of an offence against section 12(a), all reasonable steps to comply with section 10; or
 - (ii) in the case of an offence against section 12(b), all reasonable steps to comply with section 11; or
 - (iii) in the case of an offence against section 12(c), all reasonable steps not to commit a breach of section 12(c); or
 - (b) that the act or omission constituting the offence took place in circumstances of stress or emergency, and was necessary for the preservation, protection, or maintenance of human life; or
 - (c) that there was in existence at the time of the alleged offence a relevant code of welfare and that the minimum standards established by the code of welfare were in all respects equalled or exceeded.
- (3) Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons, or within such further time as the court may allow, the defendant has delivered to the prosecutor a written notice –
 - (a) stating that the defendant intends to rely on subsection (2); and
 - (b) specifying –
 - (i) where the defendant intends to rely on subsection (2)(a), the reasonable steps that the defendant will claim to have taken; or
 - (ii) where the defendant intends to rely on subsection (2)(b), the circumstances of stress or emergency, and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of human life; or
 - (iii) where the defendant intends to rely on subsection (2)(c), the relevant code of welfare that was in existence at the time of the alleged offence, and the facts that show that the minimum standards established by that code of welfare were in all respects equalled or exceeded.

Section 14. Further animal welfare offences

- (1) A person commits an offence who, being the owner of, or a person in charge of, an animal, without reasonable excuse, –
 - (a) Keeps the animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress; or
 - (b) Sells, attempts to sell, or offers for sale, otherwise than for the express purpose of being killed, the animal when it is suffering unreasonable or unnecessary pain or distress.
- (2) A person commits an offence who, being the owner of, or person in charge of, an animal, without reasonable excuse, deserts the animal in circumstances in which no provision is made to meet its physical, health, and behavioural needs.

Section 17 Performance of restricted surgical procedures

- (1) A restricted surgical procedure may be performed on an animal only by –
 - (a) a veterinarian; or
 - (b) a person who is acting under the direct supervision of a veterinarian and who is being taught veterinary science at undergraduate level.
- (2) Where a restricted surgical procedure is to be performed on an animal, the veterinarian who is to perform that procedure, or who is to supervise the performance of that procedure by a person who is being taught veterinary science, must, before performing or supervising the performance of that surgical procedure, first satisfy himself or herself that the performance of that procedure is in the interests of the animal.

- (3) A veterinarian who –
 - (a) performs a restricted surgical procedure on an animal; or
 - (b) for the purpose of teaching veterinary science, supervises the performance of a restricted surgical procedure on an animal, –
 must ensure that the animal is, throughout the performance of the surgical procedure, under the influence of a general or local anaesthetic or an analgesic that is sufficient to prevent the animal from feeling pain.
- (4) A veterinarian who, for the purpose of teaching veterinary science, supervises the performance of a restricted surgical procedure, must be present throughout the performance of the surgical procedure.

Section 18. Performance of controlled surgical procedures

- (1) A controlled surgical procedure may be performed on an animal only by –
 - (a) a veterinarian; or
 - (b) a person who is acting under the direct supervision of the veterinarian and who is being taught veterinary science at undergraduate level; or
 - (c) a person who is both the owner of the animal and a person who has veterinary approval to perform a surgical procedure on that type on that species of animal; or
 - (d) a person who is both an employee of the owner of the animal and a person who has veterinary approval to perform a surgical procedure of that type on that species of animal.
- (2) A veterinarian who, for the purpose of teaching veterinary science, supervises the performance of a controlled surgical procedure, must be present throughout the performance of that surgical procedure.
- (3) A person, being an owner of an animal or an employee of an owner of an animal, has, for the purposes of subsection (1), veterinary approval to perform a controlled surgical procedure on the animal only if a veterinarian certifies in writing, before the procedure is performed on the animal, that the veterinarian is satisfied that the person has the relevant expertise, practical experience, drugs, equipment, and accommodation to perform that type of surgical procedure competently on that species of animal.

Section 19. Veterinary approval

- (1) Where a veterinarian issues, under section 18(3), a certificate of veterinary approval, that certification must state –
 - (a) the full name and address of the person to whom it is issued;
 - (b) if it is issued to a person in that person's capacity as an employee of the owner of an animal, the full name and address of the owner;
 - (c) the type of surgical procedure to which the certificate relates and the species of animal on which the person to whom it is issued may perform that surgical procedure;
 - (d) the duration of the approval given by the certificate.
- (2) The veterinarian who issues the certificate may specify that the approval given by the certificate is to have effect –
 - (a) indefinitely; or
 - (b) for a stated period; or
 - (c) until a stated date.
- (3) Every certificate issued under section 18(3) –
 - (a) comes into force on the date specified in the certificate; and
 - (b) continues in force until –
 - (i) it is revoked under section 20(1); or
 - (ii) it is surrendered under section 20(3); or
 - (iii) in the case of a certificate granted for a stated period or until a stated date, the expiry of that period or the passing of that date.

Section 22. Transport of animals

- (1) Every person in charge of a vehicle or an aircraft, and the master of or, if there is no master, the person in charge of, a ship, being a vehicle, aircraft, or ship in or on which an animal is being transported, must ensure –
 - (a) That the welfare of the animal is properly attended to; and
 - (b) That, in particular, the animal –
 - (i) Is provided with reasonably comfortable and secure accommodation; and
 - (ii) Is supplied with proper and sufficient food and water.

- (2) A person commits an offence who fails, without reasonable excuse, to comply with any provision of subsection (1).

Section 23. Other offences in relation to transport of animals, etc –

- (1) A person commits an offence who, without reasonable excuse, confines or transports an animal in a manner or position that causes the animal unreasonable or unnecessary pain or distress.
- (2) A person commits an offence who, being the owner of, or the person in charge of, an animal, permits that animal, without reasonable excuse, –
- (a) to be driven or led on a road; or
 - (b) to be ridden; or
 - (c) to be transported in or on a vehicle, an aircraft, or a ship, –
- while the condition or health of that animal is such as to render it unfit to be so driven, led, ridden, or transported.

Section 24. Defence and rebuttable evidence

- (1) In a prosecution for an offence against section 21(1)(b) of section 22(2) or section 23 committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the provision of this Act to which the offence relates.
- (2) It is a defence in any prosecution for an offence against section 21(1)(b) or section 22(2) or section 23(1) or section 23(1) or section 23(2) if the defendant proves –
- (a) that there was in existence at the time of the alleged offence a relevant code of welfare; and
 - (b) that the minimum standards established by the code of welfare were in all respects equalled or exceeded.

Section 25. Penalties

A person who commits an offence against section 12 or section 14(1) or section 14(2) or section 21(1) or section 21(2) or section 22(2) or section 23(1) or section 23(2) is liable on summary conviction, –

- (a) In the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50 000 or to both; or
- (b) In the case of a body corporate to a fine not exceeding \$250 000.

PART 2 – CONDUCT TOWARDS ANIMALS

Section 28. Wilful ill-treatment of animals

- (1) A person commits an offence who wilfully ill-treats an animal in such a way that –
- (a) the animal is permanently disabled; or
 - (b) the animal dies; or
 - (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or
 - (d) the animal is seriously injured or impaired.
- (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment –
- (a) involves –
 - (i) prolonged pain and suffering; or
 - (ii) a substantial risk of death; or
 - (iii) loss of a body part; or
 - (iv) permanent or prolonged loss of a bodily function: and
 - (b) requires treatment by or under the supervision of a veterinarian.
- (3) A person who commits an offence against this section is liable on conviction on indictment, –
- (a) in the case of an individual, to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$100 000 or to both; or
 - (b) in the case of a body corporate, to a fine not exceeding \$500 000.

Section 28A Reckless ill-treatment of animals

- (1) A person commits an offence who recklessly ill-treats an animal with the result that –
- (a) the animal is permanently disabled; or
 - (b) the animal dies; or
 - (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or
 - (d) the animal is seriously injured or impaired.
- (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment –
- (a) involves –
 - (i) prolonged pain and suffering; or
 - (ii) a substantial risk of death; or
 - (iii) loss of a body part; or
 - (iv) permanent or prolonged loss of a bodily function; and
 - (b) requires treatment by or under the supervision of a veterinarian.
- (3) A person who commits an offence against this section is liable on conviction on indictment,–
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$75 000 or to both; or
 - (b) in the case of a body corporate, to a fine not exceeding \$350 000.

Section 29. Further offences

A person commits an offence who –

- (a) ill-treats an animal; or
- (b) pierces the tongue or tongue phrenum of an animal with a pig ring or similar thing or with any wire; or
- (c) keeps or uses a place for the purpose of causing an animal to fight, or for the purpose of baiting or otherwise ill-treating an animal, or manages or assists in the management of, any such place; or
- (d) is present, for the purpose of witnessing the fighting or baiting of an animal, at a place used or kept for the purpose; or
- (e) in any manner encourages, aids, or assists in the fighting or baiting of an animal; or
- (f) brands any animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress; or
- (g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress; or
- (h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.

Section 30. Strict liability

- (1) In a prosecution for an offence against section 29(a), it is not necessary for the prosecution to prove that the defendant intended to commit an offence.
- (1A) In a prosecution for the offence against section 29(a) committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence contravened section 29(a).
- (2) Subject to subsection (3), it is a defence in any prosecution for an offence against section 29(a) if the defendant proves –
- (a) that, in relation to the animal to which the prosecution relates, the defendant took all reasonable steps not to commit a breach of section 29(a); or
 - (b) that the act or omission constituting the offence took place in circumstances of stress or emergency, and was necessary for the preservation, protection, or maintenance of human life; or
 - (c) that there was in existence at the time of the alleged offence a relevant code of welfare and that the minimum standards established by the code of welfare were in all respects equalled or exceeded.

- (3) Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons, or within such further time as the court may allow, the defendant has delivered to the prosecutor a written notice –
- (a) stating that the defendant intends to rely on subsection (2); and
 - (b) specifying –
 - (i) where the defendant intends to rely on subsection (2)(a), the reasonable steps that the defendant will claim to have taken; and
 - (ii) where the defendant intends to rely on subsection (2)(b), the circumstances of stress or emergency, and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of human life; or
 - (iii) where the defendant intends to rely on subsection (2)(c), the relevant code of welfare that was in existence at the time of the alleged offence, and the facts that show that the minimum standards established by that code of welfare were in all respects equalled or exceeded.

Section 37. Penalties

A person who commits an offence against section 29 or section 31(1) or section 34 or section 35(1) or section 35(2) is liable on summary conviction –

- (a) in the case of the individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50 000 or to both; and
- (b) in the case of a body corporate, to a fine not exceeding \$250 000.

PART 5 – CODES OF WELFARE

Section 68. Purpose

The purpose of this Part is to establish procedures for the development, issue, amendment, review, and revocation of codes of welfare that –

- (a) relate to animals that are owned by any person or are in the charge of any person; and
- (b) establish minimum standards with regard to the way in which persons care for such animals and conduct themselves towards such animals; and
- (c) include recommendations on the best practice to be observed by persons in caring for such animals and in conducting themselves towards such animals.

PART 7 – PROVISIONS RELATING TO ADMINISTRATION

Section 127. Power to inspect land, premises, and places and stationary vehicles, aircraft, and ships

- (1) Subject to subsections (3) and (4), an inspector may –
- (a) In the case of any land, premises, or place, at any reasonable time or times; and
 - (b) In the case of any vehicle, aircraft, or ship, at any reasonable time or times at which the vehicle, aircraft, or ship is stationary, –
- enter, without warrant, that land or those premises or that place or any such vehicle, aircraft, or ship for the purposes of inspecting any animal on or in that land or those premises or that place or in or on any such vehicle, aircraft, or ship.
- (2) A member of the police may, for the purpose of exercising the powers conferred by this section or of enabling an inspector to exercise any of the powers conferred by this section, stop any vehicle if the member of the police has reasonable grounds to believe that an animal on or in that vehicle is suffering or is likely to suffer unreasonable or unnecessary pain or distress.
- (3) No inspector may, under subsection (1), enter in or on any dwelling or marae unless he or she is authorised to do so by a search warrant issued under section 131.
- (4) In the case of a ship that is neither a ship registered under the Ship Registration Act 1992 nor a ship entitled under any provision of that Act (other than section 8(1)(b)) to be registered as a New Zealand ship, the power that an inspector has, under subsection (1), may be exercised only if the ship –
- (a) is in a port, harbour, roadstead, or anchorage in New Zealand; or
 - (b) is otherwise within the internal waters of New Zealand as defined by section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

- (5) Where an inspector who exercises a power of entry under subsection (1) has reasonable grounds to believe, in respect of any animal found on or in the land, premises, or place or in or on the vehicle, aircraft, or ship, that –
 - (a) the animal has been wilfully ill-treated contrary to section 28; or
 - (b) the physical, health, and behavioural needs of the animal or the need for the animal to receive treatment from a veterinarian make it necessary or desirable to remove the animal from the land, premises, or place or the vehicle, aircraft, or ship, –
 the inspector may take and maintain possession of the animal, by force if necessary, and convey the animal to another place.
- (6) The inspector may keep the animal at a place chosen by the inspector until –
 - (a) the animal is, under section 172, forfeited to the Crown or to an approved organisation; or
 - (b) a District Court Judge orders that the animal be delivered to the owner of the animal or to the person charged with the offence against this Act.
- (7) An inspector may take any person in or on any land, premises, or place or in or on an aircraft, ship, or vehicle to assist the inspector with an inspection under subsection (1).

Section 128. Production of evidence of appointment

An inspector exercising a power of entry under section 127 must, at the time of initial entry and, if requested at any subsequent time, produce –

- (a) evidence of his or her appointment as an inspector; and
- (b) evidence of his or her identity.

Section 129. Notice of entry

If the person in charge of the land, premises, or place or the vehicle, aircraft, or ship, as the case may be, is not present at the time of which a power of entry is exercised, without warrant, under section 127, the inspector must leave in a prominent place on the land, premises, or place or in or on the vehicle, aircraft, or ship a written statement of –

- (a) the time and date of the entry; and
- (b) the purpose of the entry; and
- (c) the condition of any animals inspected; and
- (d) the animals (if any) that have been removed from the premises in accordance with section 127(5); and
- (e) the name of that inspector; and
- (f) the address of the Police station or other office to which inquiries should be made.

Section 130. Power to prevent or mitigate suffering

- (1) Where an inspector, either in the course of the exercise of a power of entry under section 127 or at any other time, has reasonable grounds to believe that an animal is suffering or is likely to suffer unreasonable or unnecessary pain or distress, the inspector –
 - (a) may take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal; and
 - (b) may, by notice in writing given by the inspector to the owner or the person in charge of the animal or any person appearing to be in charge of the animal, require the person to whom the notice is given to take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal.
- (2) A person commits an offence who, without reasonable excuse, refuses or fails to comply with any requirement of an inspector under subsection (1)(b).
- (3) A person who commits an offence against subsection (2) is liable on summary conviction, –
 - (a) In the case of an individual, to a fine not exceeding \$5000; or
 - (b) In the case of a body corporate, to a fine not exceeding \$25 000.

Section 138. Destruction of injured or sick animals (other than marine mammals)

- (1) If an inspector, auxiliary officer, or a veterinarian finds a severely injured or sick animal (other than a marine mammal), and in his or her opinion, the animal should be destroyed because reasonable treatment will not be sufficient to make the animal respond and the animal will suffer unreasonable or unnecessary pain or distress if it continues to live, he or she must, as soon as possible, –

- (a) consult with the owner of that animal, if that owner can be found within a reasonable time; and
 - (b) if the owner asks for a second opinion from a veterinarian as to whether the animal should be destroyed, allow the owner to obtain that second opinion.
- (2) If –
- (a) the owner of a severely injured or sick animal cannot be found within a reasonable time ; or
 - (b) the owner of a severely injured or sick animal –
 - (i) does not, on being found, agree to the destruction of the animal; and
 - (ii) does not obtain within a reasonable time a second opinion from a veterinarian as to whether the animal should be destroyed –
- the inspector, or auxiliary officer, or veterinarian, as the case may be, must, without delay, destroy that animal or cause it to be destroyed.
- (3) If the owner of a severely injured or sick animal is found and consulted under subsection (1), and agrees that the animal should be destroyed, –
- (a) the inspector, auxiliary officer, or veterinarian, as the case may be, must without delay, destroy that animal or cause it to be destroyed; or
 - (b) the owner of that animal must, without delay, destroy that animal or cause it to be destroyed.
- (4) If the owner obtains a second opinion under subsection (1)(b), and the other veterinarian agrees that the animal should be destroyed, –
- (a) the inspector, auxiliary officer, or veterinarian, as the case may be, must without delay, destroy that animal or cause it to be destroyed; or
 - (b) the owner of that animal must, without delay, destroy that animal or cause it to be destroyed.
- (5) Where, under this section, an inspector, auxiliary officer, or veterinarian destroys an animal or causes it to be destroyed, he or she may dispose of the carcass in such manner as he she thinks fit.

Section 143. Application for enforcement order

- (1) An inspector may apply to a District Court for an enforcement order requiring any person to comply with the provisions of –
- (a) this Act; or
 - (b) any regulations made under this Act; or
 - (c) a code of ethical conduct or conditions imposed by an animal ethics committee in giving its approval of a project.

Section 145. Compliance with an enforcement order

- (1) Where an enforcement order is made against a person, and that enforcement order is served on that person, that person must –
- (a) comply with the order; and
 - (b) unless the order directs otherwise, pay all the costs and expenses of complying with the order.
- (2) If a person against whom an enforcement order is made fails to comply with the order, any person may, with the consent of the District Court, –
- (a) comply with the order on behalf of the person who fails to comply with the order and, for that purpose –
 - (i) enter, without warrant but with a constable, a marae or dwellinghouse; and
 - (ii) enter, without warrant or a constable, any other land or structure; and
 - (b) exercise, in relation to any animal found upon that land or structure, any of the powers that a person executing a search warrant under section 131 would have in relation to that animal; and
 - (c) after allowing for any money received under paragraph (a) or paragraph (b) from the sale of any animal, recover the costs and expenses of complying with the order and of selling or otherwise disposing of the animal as if those costs and expenses were a debt due from the person against whom the enforcement order was made.
- (3) If the animal is sold under the powers given by subsection (2), –
- (a) the person exercising those powers may retain the proceeds of the sale to the extent necessary to offset the costs and expenses to the person of complying with the order and of selling the animal; and
 - (b) any remaining balance of the sale proceeds must be returned to the owner of the animal, if the owner can be found; and

- (c) if the owner cannot be found, the remaining balance must be paid into a Crown Bank Account.

Section 152. Offence to contravene enforcement order

- (1) A person commits an offence who contravenes an enforcement order.
- (2) A person who commits an offence against subsection (1) is liable on summary conviction, –
 - (a) in the case of an individual, to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$25 000 or to both; or
 - (b) in the case of a body corporate, to a fine not exceeding \$125 000.

Section 158. Protection of persons acting under authority of Act

- (1) No inspector, auxiliary officer, accredited reviewer, or person assisting an inspector or member of the police is personally liable for any act done or omitted in good faith by the inspector, auxiliary officer, accredited reviewer, or person in pursuance or intended pursuance of any of the functions, duties, or powers conferred by this Act on the inspector, auxiliary officer, accredited reviewer, or person.
- (2) Any liability that would but for this section lie against an inspector or auxiliary officer, or a person assisting an inspector or member of the police, lies against the Crown.

PART 8 – OFFENCES

Section 169. Court may disqualify persons from owning or exercising authority in respect of animals

- (1) A court may (in addition to or in substitution for any other penalty) disqualify a person for any period that it thinks fit from being the owner of, or exercising authority in respect of, an animal or animals of a particular kind or description where the court convicts that person of an offence against –
 - (a) section 28 or 28A; or
 - (b) any section in Part 1 or 2 and the person has previously been convicted of an offence against –
 - (i) any section in Part 1 or 2; or
 - (ii) any of sections 3, 4, and 16(3) of the Animals Protection Act 1960; or
 - (c) any section in Part 1 or 2 and the court considers that by reason of the serious nature of the offence that person should be disqualified under this section; or
 - (d) section 152(1); or
 - (e) section 169B(1).
- (2) In making an order under subsection (1), the court may also specify a minimum disqualification period.

Section 169B. Offence of contravening disqualification order

- (1) A person commits an offence who, in contravention of an order made under section 169(1), becomes the owner of, or exercises authority in respect of, an animal or animals of a particular kind or description to which the order relates.
- (2) A person who commits an offence against subsection (1) is liable on summary conviction, –
 - (a) in the case of an individual, to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$75 000 or to both;
 - (b) in the case of a body corporate, to a fine not exceeding \$350 000.
- (3) In subsection (1), order includes an order varied under section 169A.

Section 172. Power of court to order that certain animals be forfeited to the Crown or approved organisation

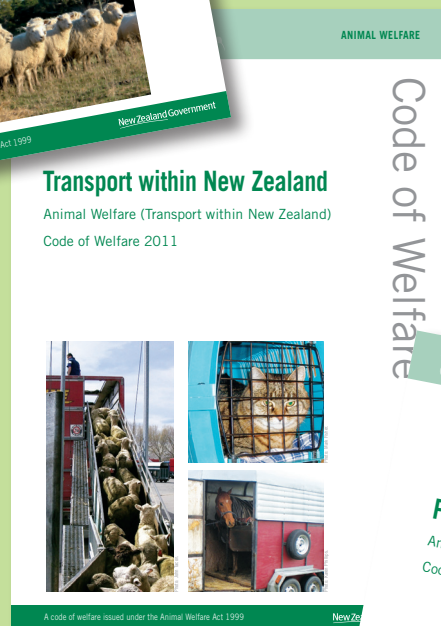
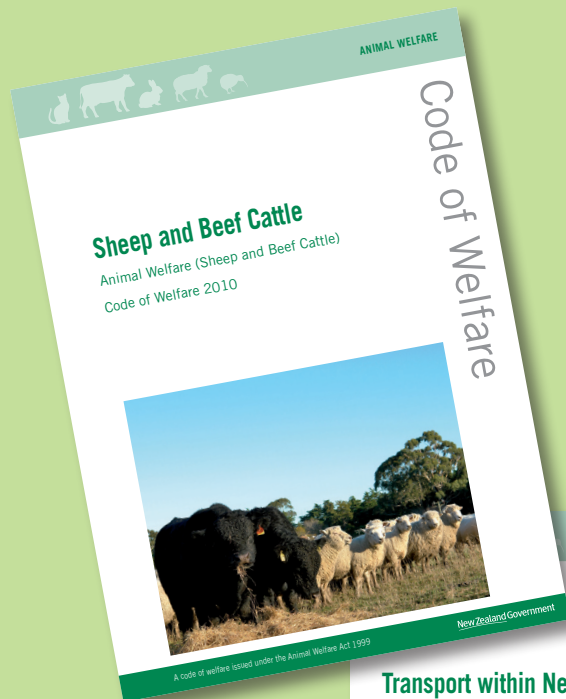
- (1) The court convicting a person (the offender) of an offence against this Act in respect of an animal or animals may (in addition to or in substitution for any other penalty) order that any or all of the following animals be forfeited to the Crown or to an approved organisation:
 - (a) the animal or animals to which the charge relates and of which the offender is the owner;
 - (b) any other animals at the date of conviction owned by the offender.
- (1A) The court may make an order for forfeiture only if it thinks that it is desirable for the protection of the animal or animals in question.
- (2) An animal forfeited under this section may be sold or otherwise disposed of as the Minister or the approved organisation, as the case may be, thinks fit.

Section 173. Expenses incurred by inspectors and territorial authorities

- (1) All expenses reasonably incurred by any person as a result of the exercise of any of the powers conferred by section 53 or section 127(5) to (7) or section 131 or section 133(2) to (4) or section 137 of section 138 or by any person called upon under section 133(5), including in each case the costs of any veterinary treatment reasonably required in respect of an animal and the costs of destroying an animal, are recoverable from the owner or person in charge or appearing to be in charge of the animal.
- (2) All expenses reasonable incurred by a territorial authority in destroying an animal under section 139 are recoverable from the owner or person in charge or appearing to be in charge of the animal.
- (3) Those expenses are recoverable as a debt or, where the person from whom they are recoverable is convicted of an offence against this Act in respect of the animal, may be assessed by the court and be recovered from the defendant in the same manner as a fine.



Minimum Standards of relevant Codes of Welfare



MINIMUM STANDARDS FROM CODES OF WELFARE

Animal Welfare (Deer) Code of Welfare 2007

Minimum Standard No1. – Training

The owner or person in charge must ensure that all stock handlers gain experience, either formally or informally, to a level of competency that ensure that animal welfare is maintained in accordance with this code.

Minimum Standard No2. – Food

- (a) Deer must receive adequate daily quantities of food and nutrients to enable each deer to:
 - (i) maintain good health; and
 - (ii) meet its physiological demands; and
 - (iii) prevent metabolic and nutritional disorders
- (b) If any deer shows signs of emaciation, or if the Body Condition Score (BCS) of any individual deer, other than fawns or weaners, falls below 2, immediate remedial action through veterinary attention, improved nutrition or husbandry practice must be taken to both remedy and prevent further deterioration and any risk to animal health or welfare.
- (c) Any signs of ill-thrift or emaciation in fawns/weaners must be promptly investigated and remedial action taken.

Minimum Standard No3. – Water

- (a) All deer must have access to an adequate daily supply of drinking water that is not harmful to health.
- (b) The water delivery system must be reliable and maintained to meet daily demand.
- (c) In the event of a water delivery system failure, remedial action must ensure that the daily water requirements are met.
- (d) Any deer retained in yards or within holding facilities for longer than 12 hours must have access to drinking water.
- (e) The water delivery system must be at a height that is appropriate for the size of the deer being supplied.

Minimum Standard No4. – Shelter

- (a) All deer, including fawns, must have access to shelter to reduce the risk to health and welfare caused by exposure to cold.
- (b) Where conditions are likely to lead to fatal hypothermia remedial action must be taken.
- (c) At calving/fawning time fawns must have access to sufficient ground cover for at least the first 2 weeks following birth, to allow them to express their natural hiding behaviour.
- (d) All classes of deer must be provided with means to minimise the effects of heat stress.

Minimum Standard No5. – Handling Facilities

- (a) Facilities must be designed, constructed and maintained to prevent injury to animals during routine husbandry procedures.
- (b) All protrusions, gaps and edges, including damaged flooring, likely to cause injury to deer must be removed, repaired or covered.
- (c) The storage of all health remedies, toxic materials and associated equipment must be secure and inaccessible to deer.
- (d) Ventilation must be sufficient to prevent a build-up of excessive heat, humidity and noxious gases.
- (e) All deer facilities must have light at a minimum of 20 lux available at all times to enable safe inspection and handling of animals.
- (f) All power cables and associated fittings must be inaccessible to deer.
- (g) Floors must be constructed of non-slip material.

Minimum Standard No6. – Holding Facilities

- (a) Facilities must be designed, constructed and maintained to:
 - (i) allow ready access to handling and inspection of deer; and



- (ii) enable segregation and treatment of any deer; and
- (iii) enable ready evacuation in the case of emergencies.
- (b) Where deer are held in facilities for periods of more than 24 hours, a sufficient area of dry bedding within the holding facilities must be available to allow all deer to rest by lying down.
- (c) Ventilation must be sufficient to prevent a build-up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (d) If ammonia levels of 25ppm or more are detected within the holding facility, immediate and appropriate action must be taken to reduce the ammonia levels.
- (e) Where deer do not have access to natural daylight, a minimum of 8 hours and a maximum of 16 hours of continual artificial daylight (minimum 50 lux) must be provided.
- (f) During inspection periods, natural or artificial light of at least 20 lux must be available at the level of resting deer in all holding facilities.
- (g) Water supply systems must be well protected to ensure that the risk of flooding, loss of supply or fouling is minimised.
- (h) All sharp objects, protrusions and edges, including damaged flooring likely to cause injury to deer, must be removed, repaired or covered.
- (i) Any electrical fittings and attachments to mains voltage must be out of the reach of the deer, or protected from interference or damage by the deer.
- (j) To minimise aggression and injuries, additional care must be taken when male deer with hard antlers are held in holding facilities.
- (k) Deer must not be released from a prolonged period indoors without ready access to shelter and shade in adverse weather to avoid temperature stress.
- (l) All deer must have enough space to be able to lie down, rise and stand comfortably without undue risk of stress or injury to themselves or other animals.
- (m) Ceiling heights must be at least 2.4 metres.

Minimum Standard No7. – Restraint and Handling Practices

- (a) Chemical (drug) immobilisation techniques must only be used by registered veterinarians (excluding velvet antler removal where the individual is a certified velvetter).
- (b) Electrical prodders or goads must not be used.
- (c) Handling aids, such as stock canes or lengths of plastic piping, are permissible to assist the movement of deer but must only be used in a manner which causes minimal stress and avoids injury.

Minimum Standard No8. – Restraint Equipment

- (a) Restraint equipment must be maintained in good working order.
- (b) Restraint equipment must be used appropriately in order to minimise the risk of injury or unnecessary pain or distress to deer.
- (c) Restraint equipment used must be suitable for the class, age and type of deer being handled.
- (d) Operators must be fully conversant with the safe operating procedures of the restraint equipment.
- (e) Deer must not be held in a restraint for more than the time required to carry out the procedures for which they are being restrained.
- (f) Deer must be able to be rapidly released from restraint equipment.

Minimum Standard No9. – Mixing of Deer

Where two or more groups of deer are to be mixed they must be observed on mixing, and then daily until settled, for signs of injury or continued aggression likely to lead to injury so that remedial action can be taken if necessary.

Minimum Standards No10. – Hard Antler

- (a) Male deer with hard antler must be separated from male deer without hard antler, especially during the rut, to avoid risk of injury and to allow easy access to feed and water.
- (b) Farmers must develop management practices to cater for the welfare needs of male deer farmed with hard antler.

Minimum Standard No11. – Hand Reared Fawns

- (a) Hand reared fawns must receive colostrum or an equivalent substitute as soon as possible after birth.
- (b) Hand reared fawns must have daily access to feed, fresh roughage and clean fresh water.

Minimum Standard No12. – Weaning

- (a) Weaning must be managed in a way that avoids excessive stress on the dam and fawn and minimises negative impact on their health and welfare.
- (b) Newly weaned fawns must be provided with ample high quality, familiar feed, water and shelter.
- (c) Weaned deer must be inspected frequently to check for signs of ill-thrift, injury or stress, and where appropriate remedial action must be taken to ensure the welfare of the deer.

Minimum Standard No13. – Health

- (a) Those responsible for the welfare of deer must be competent at recognising the signs of ill health or injury, and take remedial action as appropriate.
- (b) Medication must only be used in accordance with registration conditions, manufacturers' instructions or professional advice.

Minimum Standard No14. – Inspections

- (a) The owner or person in charge must inspect the deer at such frequency as is appropriate to the circumstances and class of deer, for signs of ill health, injuries and general well-being, and take action as required.
- (b) Deer held in holding facilities must be inspected at least daily.

Minimum Standard No15. – Pre-transport selection

- (a) The person in charge must examine the selected deer prior to transport to ensure that all animals are fit and healthy for transportation.
- (b) Pregnant deer expected to give birth within 21 days must not be transported.
- (c) Unweaned deer (dams or fawns) and deer that have been weaned for less than 10 days (dams or fawns) must not be transported.
- (d) All deer must be able to stand and bear weight on all 4 limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.



Animal Welfare (Pigs) Code of Welfare 2010

Minimum Standard No1. – Stockmanship

Pigs must be cared for by a sufficient number of personnel, who collectively possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

Minimum Standard No2. – Feed

- (a) All pigs must receive adequate quantities of food and nutrients each day to enable each pig to:
 - (i) maintain good health;
 - (ii) meet its physiological demands; and
 - (iii) avoid metabolic and nutritional disorders.
- (b) Feed must be provided in such a way as to prevent undue competition and injury.
- (c) When the body condition of any pig falls to 2 or below (on a scale of 1-5) immediate remedial action must be taken to resolve the issue.

Minimum Standard No3. – Feed: New-born Piglets

- (a) All piglets must receive colostrum or an appropriate substitute as soon as possible after birth, and within 24 hours.
- (b) If piglets are not being fed adequately by the sow, they must be fostered, hand-reared or killed humanely.
- (c) Fostering must be carefully managed to ensure that the nurse sow accepts and is able to feed all of the piglets.

Minimum Standard No4. – Water

- (a) An adequate daily supply of water that is palatable, not harmful to health and at a temperature that does not inhibit drinking must be accessible to all pigs, at all times.

Minimum Standard No5. – Shelter for Pigs Outdoors

- (a) Pigs must be provided with dry and draught-free but adequately ventilated shelter.
- (b) Pigs must be provided with the means to minimise the effects of adverse weather, including the effects of heat and cold stress.

Minimum Standard No6. – Housing and Equipment

- (a) Housing systems must be designed, constructed and maintained in a manner that provides suitable (comfortable) temperatures, fresh air, and hygienic conditions.
- (b) All group housed pigs must be able to stand, move about and lie down without undue interference with each other in a space that provides for separation of dunging, lying and eating areas.
- (c) The minimum lying space allowance for growing pigs must be in accordance with the following formula: $\text{Area (m}^2\text{) per pig} = 0.03 \times \text{liveweight}^{0.67}\text{(kg)}$.
- (d) Inspection of all pigs must be possible.
- (e) The risk of injury, disease or stress for pigs must be minimised by appropriate design, construction and maintenance of housing and equipment.
- (f) Pigs must be provided with natural or artificial light of appropriate intensity for a minimum of nine hours each day.
- (g) All mechanical equipment used in pig production must be maintained in good working order.
- (h) Alternative means of temperature regulation, ventilation, feeding and watering of stock must be available in case of power or computer failure or mechanical breakdown.
- (i) Systems must be designed to minimise the impact of flooding in the event that water pipes or fittings burst.
- (j) Appropriate fire prevention measures and a fire emergency plan that includes feed milling areas adjacent to pig housing, must be in place.

Minimum Standard No7. – Temperature

- (a) Newborn piglets must be housed at temperatures that will assist them to reach and maintain normal body temperatures.



- (b) Heating devices (e.g. infrared lamps, heat pads) must be securely fixed and protected from interference by the sow and piglets.
- (c) Ventilation control or other measures must ensure housed pigs do not become overheated or cold stressed.

Minimum Standard No8. – Air Quality

- (a) Adequate ventilation must be provided in order to prevent the build-up of dust, and gases such as ammonia, to levels that are harmful to pigs.
- (b) Immediate and appropriate action must be taken to reduce ammonia levels if they exceed 25 ppm at pig level.

Minimum Standard No9. – Behaviour

- (a) Pigs must be maintained in a manner that provides them sufficient opportunities to express and satisfy their normal behaviours. These include, but are not limited to, feeding, drinking, sleeping, dunging and urination, vocalisation, thermoregulation, and social contact.

Minimum Standard No10. – Managing Interactions between Sows and Piglets

- (a) Accommodation for farrowing and lactating sows must be of suitable design and sufficient size to allow the sow to lie down at full length and without leg restriction.
- (b) Support, such as barriers or sloping walls to lean against, must be provided for the sow as she lies down, and she must be able to rise and stand comfortably without undue risk of injury to her litter.
- (c) When standing in a farrowing crate the sow must not touch both sides of the crate simultaneously, and her back must not touch any bars along the top.
- (d) The farrowing system must provide an area to which the piglets can retreat when the sow moves.
- (e) If sows are to be confined in farrowing crates before farrowing, it must be for no more than five days.
- (f) If sows are to be confined in farrowing crates for lactation, it must be for no more than four weeks after farrowing.
- (g) Notwithstanding (f), nurse sows may be retained in a farrowing crate for a further week for fostering purposes. This is conditional on no more than 5% of sows in any herd at any one time being retained as nurse sows.
- (h) Sows, in a farrowing system constructed after 3 December 2010, must be provided with material that can be manipulated until farrowing.

Minimum Standard No11. – Managing Dry Sows

- (a) Sows may only be confined in mating stalls for service for no longer than one week.
- (b) Where sows and mated gilts are group housed, they must be managed to minimise the effects of aggression.
- (c) Where sows and mated gilts are housed in dry sow stalls, they must be able to stand in their natural stance without contact with any side of the stall and be able to lie comfortably on their sides without disturbing neighbouring sows.
- (d) Sows in stalls must be a dry, smooth, non-slip sleeping area.
- (e) Between 3 December 2012 and 3 December 2015 mated sows and gilts must not be confined in dry sow stalls for more than four weeks after mating.
- (f) After 3 December 2015 mated sows and gilts must not be confined in dry sow stalls after mating. If individually confined in a pen, sows must have sufficient space so that they can stand up, turn around without touching the walls, and lie comfortably in a natural position, and be provided with separate dunging, lying and eating areas.
- (g) Individual pigs that are not coping well must be provided with alternative management.
- (h) Pigs must not be restrained by tethering.

Minimum Standard No12. – Managing Boars

- (a) Boars must be provided with sufficient space so that they can stand up, turn around and lie comfortably in a natural position, and that provides for separation of dunging, lying and eating areas.
- (b) Boars must not be tethered or kept in stalls.

Minimum Standard No13. – Handling

- (a) Pigs must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.

- (b) Pigs, including piglets, must not be picked up or suspended by one front leg, ears or tail.
- (c) Handling facilities must be available to deal with all pigs and piglets undergoing routine procedures and for animals that are sick and requiring treatment.
- (d) Stress of handling must be minimised by appropriate design of the facilities, especially entrances and raceways.

Minimum Standard No14. – Moving Pigs

- (a) Only the minimal force required must be used when moving pigs.
- (b) Pigs must not be prodded in sensitive areas, including the eyes, nose, anus, vulva or testicles.
- (c) Electric prodders and whipping must not be used.

Minimum Standard No15. – Weaning

Weaning must be managed in a way that avoids undue stress on the sow and piglets and minimises negative impacts on their health and welfare.

Minimum Standard No16. – Elective Husbandry Procedures

- (a) Elective husbandry procedures must only be carried out where they are justifiable to prevent undesirable consequences that could subsequently result in animal suffering.
- (b) Tail docking of pigs over seven days of age or surgical castration at any age must be carried out by a veterinarian.
- (c) Clipping or grinding of needle teeth must be carried out before five days of age.
- (d) If nose rings, clips or wires are used, they must be placed through the cartilage at the top of the snout or in the tissue separating the nostrils.

Minimum Standard No17. – Pre-Transport Selection

- (a) Pigs must be inspected prior to transport to ensure all are fit to be transported.
- (b) All pigs must be able to stand and bear weight on all four limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.
- (c) Sows likely to give birth during the journey must not be selected for transport.

Minimum Standard No18. – Management of Health and Injury

- (a) The owner or person in charge must check pigs at least once each days for signs of ill-health or injury and must undertake timely preventive or remedial action as appropriate.
- (b) Those responsible for the care of pigs must be competent at recognising the signs of good health, ill health, or injury and must consult a veterinarian as appropriate.
- (c) Medication must only be used in accordance with registration conditions, and the manufacturer's instructions or professional advice.
- (d) Piglets must receive sufficient iron to prevent anaemia.
- (e) Contaminated bedding, faeces and urine must not accumulate to the extent that they pose a threat to the health and welfare of pigs.

Minimum Standard No19. – Emergency Humane Destruction

- (a) When pigs have to be killed it must be done by persons competent in the handling and killing of pigs and death must be confirmed by inspection of the animal.
- (b) When a pig needs to be killed it must be handled, restrained and killed in such a manner as to minimise unnecessary pain and distress prior to death.
- (c) Pigs must be rapidly rendered insensible and remain in that state, until death.
- (d) Animals rendered insensible by a blow or shot to the brain must be bled out immediately to ensure death occurs before recovery from stunning.

Animal Welfare (Sheep and Beef Cattle) Code of Welfare 2010

Minimum Standard No1. – Stockmanship

Sheep and beef cattle must be cared for by a sufficient number of personnel, who, collectively, possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

Minimum Standard No2. – Animal Handling

- (a) Sheep and beef cattle must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.
- (b) Sheep and beef cattle must not be prodded in the most sensitive areas, including the udder, eyes, nose, anus, vulva or testicles.
- (c) Only the minimum force required must be used when moving sheep or beef cattle.
- (d) Electric prodders must not be used to drive sheep or calves.

Minimum Standard No3. – Mustering and Drovers

Sheep and beef cattle being moved on foot must not be forced to proceed at a pace that will cause exhaustion, heat stress or injury.

Minimum Standard No4. – Restraint and Facilities

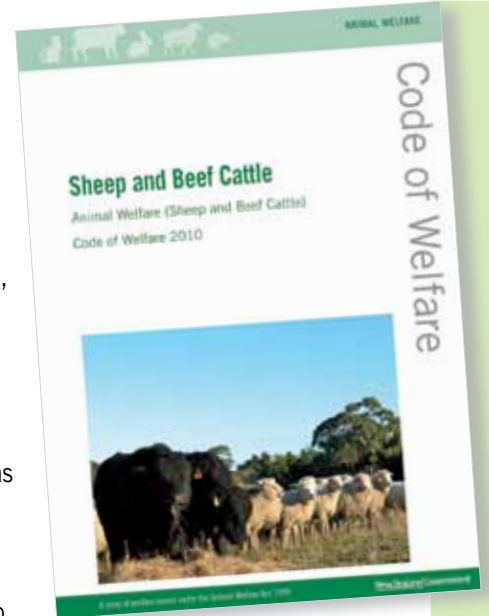
- (a) All facilities, including fences, yards, sheds, and housing, must be constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.
- (b) Methods of restraining animals must only be used:
 - (i) when they are suitable for those animals being handled;
 - (ii) where the operators are fully conversant with their safe operation;
 - (iii) if they are in good working order so as to minimise the risk of injury or unnecessary pain or distress;
 - (iv) only for as long as necessary to perform particular husbandry practices; and
 - (v) where they allow the animal to be released immediately if required.
- (c) Animals that are physically restrained must be kept under supervision.
- (d) Electroimmobilisation devices must be used only in a manner that allows animals to breathe normally, demonstrate normal responses to pain and must not be used in place of pain relief when undertaking painful husbandry procedures.
- (e) Sheep or beef cattle to be restrained by tether (e.g. pets or show animals) must have been habituated to being handled in that way.

Minimum Standard No5. – Food and Water

- (a) All animals must receive sufficient quantities of food and nutrients to enable them to:
 - (i) maintain good health;
 - (ii) meet their physiological requirements; and
 - (iii) minimise metabolic and nutritional disorders.
- (b) All sheep and beef cattle must have access to water, sufficient for their daily needs and that is not harmful to their health.
- (c) If any beef animal shows signs of being very thin, or if the body condition score of an individual beef animal falls to 1 (on a scale of 0-5), urgent remedial action must be taken to improve condition or the animal must be destroyed humanely.
- (d) If any sheep shows signs of being very thin, or if the body condition score of any sheep falls to 1 (on a scale of 0-5), urgent remedial action must be taken to improve condition or the animal must be destroyed humanely.

Minimum Standard No6. – Shelter

- (a) All sheep and beef cattle must have access to shelter to reduce the risk to their health and welfare caused by exposure to cold.



- (b) Sheep and beef cattle giving birth must be provided with an environment affording the newborn protection from any reasonably expected climatic conditions likely to compromise their welfare and survival.
- (c) Sheep and beef cattle must be provided with means to minimise the effects of heat stress.
- (d) Where animals develop health problems associated with exposure to adverse weather conditions, priority must be given to remedial action that will minimise the consequences of such exposure.

Minimum Standard No7. – Injury and Disease

- (a) Signs of ill-health or injury must result in timely preventative or remedial action, as appropriate.
- (b) Medication must only be used in accordance with registration conditions and manufacturer's instructions or professional advice.

Minimum Standard No8. – Selection and Breeding Tests

- (a) Tests for animal performance which have the potential to compromise animal welfare must only be used:
 - (i) where they are necessary (i.e. the outcomes cannot be derived in other, less-harmful ways);
 - (ii) where the tests are likely to result in information appropriate to the selection and breeding objectives; and
 - (iii) where any harm is minimised.
- (b) Identifying animals resistant to disease by dosing or exposing them to the disease-causing organism or conditions must be carried out only in the immediate care of a veterinarian.
- (c) Testing bulls for reproductive soundness by allowing mounting and servicing of a cow must only be conducted:
 - (i) in the immediate care of a veterinarian; and
 - (ii) where mount animals showing signs of distress or trauma are immediately withdrawn from testing and treated appropriately.

Minimum Standard No9. – Reproductive Technologies

- (a) Electroejaculation, and laparoscopic artificial insemination must be carried out only by veterinarians, or by trained and competent operators under veterinary supervision, using appropriate pain relief, sedatives or anaesthesia.
- (b) Cervical artificial insemination and pregnancy diagnosis must only be carried out by persons trained and competent with the techniques.

Minimum Standards No10. – Lambing or Calving

- (a) Mechanical devices to assist in lambing or calving must only be used if necessary and then by a trained and experienced operator.
- (b) A moving vehicle must not be used to provide traction to assist lambing or calving.

Minimum Standard No11. – Colostrum

Artificially reared lambs and calves must receive sufficient colostrum or good quality commercial colostrum substitute to ensure their welfare.

Minimum Standard No12. – Fostering and Artificial Rearing

- (a) Where restraint is used to help a ewe or cow to adopt a foster lamb or calf, the animals must be inspected frequently to ensure the dam is not becoming distressed and the lamb or calf is sucking.
- (b) Where young are rejected by the foster dam the lamb or calf must be removed and provided with adequate nourishment, or killed humanely.
- (c) Artificially reared animals must be given suitable liquid feeds until the rumen has developed sufficiently to allow it to utilise pasture and other solids as the sole feed sources.

Minimum Standard No13. – Identification

- (a) All identification procedures must be applied by a competent operator.
- (b) Hot branding must only be used with pain relief.

Minimum Standard No14. – Shearing, Dagging and Crutching

- (a) Sheep must have access to food and water as soon as possible after shearing.
- (b) All severe cuts or injuries must be treated immediately.

Minimum Standard No15. – Managing Flystrike

- (a) All reasonable steps must be taken to prevent, or identify and manage the risk of flystrike in sheep.
- (b) Affected sheep must receive appropriate treatment at the earliest opportunity.

Minimum Standard No16. – Feeding Pads

- (a) All animals must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs.
- (b) Sufficient space must be provided to prevent undue competition for feed and water.

Minimum Standard No17. – Feedlots

- (a) All animals must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs.
- (b) Stock must be inspected by experienced stock handlers at least once daily for signs of ill-health or failure to adapt to either the feed or the environment.
- (c) Animals failing to adapt must be immediately removed from the situation and provided with alternative feed.
- (d) Sufficient space must be provided to prevent undue competition for feed and water.
- (e) Horned cattle and animals known to be aggressive must be penned separately if there is insufficient space for pen-mates to escape injury.

Minimum Standard No18. – Housing

- (a) All animals must be able to lie down and rest comfortably for sufficient periods each day to meet their behavioural needs.
- (b) When housed, sheep and beef cattle must be penned in groups, with individual confinement restricted to those under treatment for ill-health, injury or disease for the minimum period possible.
- (c) Notwithstanding (b), horned cattle and animals known to be aggressive must be penned separately if there is insufficient space for pen-mates to escape injury.
- (d) All fittings and internal surfaces, including entry races and adjoining yards that may be used by the housed animals, must be constructed and maintained to ensure there are no hazards likely to cause injury to the animals.
- (e) Building design, or ventilation must be sufficient to prevent the build-up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (f) If ammonia levels of 25 ppm or more are detected at animal level within the housing, immediate action must be taken to reduce the ammonia levels.
- (g) Natural or comparable artificial lighting must be available during daylight hours.

Minimum Standard No19. – Pre-transport Selection and Management

- (a) The person in charge must examine the selected sheep or beef cattle prior to transport, to ensure that all animals are fit and healthy for transportation.
- (b) Animals must be able to stand and be able to bear weight on all four limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.
- (c) Animals likely to give birth during the journey must not be selected for transport.

Minimum Standard No20. – Humane Destruction

- (a) Sheep and beef cattle must be handled, restrained and killed in such a manner as to minimise unnecessary pain and distress prior to death.
- (b) Persons undertaking destruction must be competent in the handling and killing of sheep and/or beef cattle.
- (c) Beef cattle must be rapidly rendered insensible and remain in that state, until death.
- (d) The spinal cord must not be severed or broken in any animal, until after death.
- (e) Animals rendered insensible by a blow or shot to the brain must be bled out immediately to ensure death occurs before recovery from stunning.

Animal Welfare (Dairy Cattle) Code of Welfare 2010

Minimum Standard No1. – Stockmanship

Dairy cattle must be cared for by a sufficient number of personnel, who collectively, possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

Minimum Standard No2. – Food

- (a) Dairy cattle of all ages must receive sufficient quantities of food and nutrients to enable each animal to:
 - (i) maintain good health;
 - (ii) meet their physiological requirements; and
 - (iii) minimise metabolic and nutritional disorders.
- (b) When the body condition score of any animal falls below 3 (on a scale of 1–10) urgent remedial action must be taken to improve condition.
- (c) Automated feeding systems must be monitored at least once every 24 hours to ensure they are in working order and any problems rectified promptly.
- (d) Feeding must be managed so that any injury and/or conditions resulting in ill-health, as a consequence of the food or feeding methods, are minimised.

Minimum Standard No3. – Feeding Newborn Calves

To ensure their welfare newborn calves must receive sufficient colostrum or good quality commercial colostrum substitute.

Minimum Standard No4. – Hand Rearing Calves

A calf must be given suitable liquid feeds until the rumen has developed sufficiently to allow it to utilise solids as the sole feed source.

Minimum Standard No5. – Water

- (a) All dairy cattle must have access to a daily supply of drinking water sufficient for their needs and that is not harmful to their health.
- (b) The water delivery system must be reliable and maintained to meet daily demand.
- (c) In the event of a water delivery system failure, remedial action must be taken to ensure that daily water requirements are met.

Minimum Standard No6. – Shelter

- (a) All classes of dairy cattle must be provided with the means to minimise the effects of adverse weather.
- (b) Newborn calves that have been removed from their mothers must be provided with shelter from conditions that are likely to affect their welfare adversely.
- (c) Sick animals and calves that are not suckling their mother must have access to shelter from adverse weather.
- (d) Where animals develop health problems associated with exposure to adverse weather conditions, priority must be given to remedial action that will minimise the consequences of such exposure.

Minimum Standard No7. – Farm Facilities

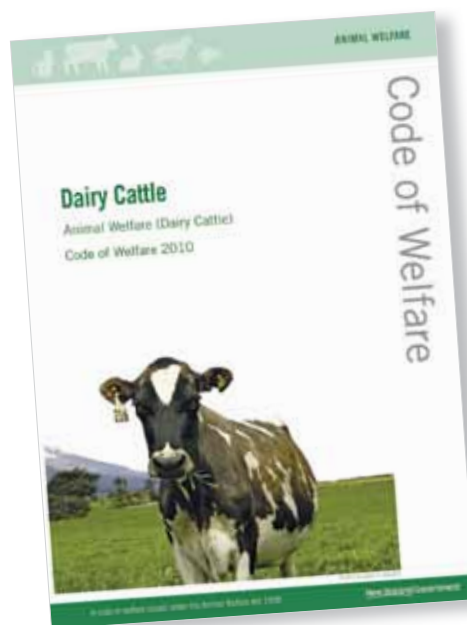
Farm facilities must be constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.

Minimum Standard No8. – Stand-off areas and Feed pads

Dairy cattle must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs.

Minimum Standard No9. – Housing Cows and Calves

- (a) Dairy cattle must be able to lie down and rest comfortably for sufficient periods each day to meet their behavioural needs.
- (b) All fittings and internal surfaces, including entry races and adjoining yards that may be used by the



housed animals, must be constructed and maintained to ensure there are no hazards likely to cause injury to the animals.

- (c) Ventilation must be sufficient to prevent a build-up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (d) If ammonia levels of 25 ppm or more are detected within the housing, immediate action must be taken to reduce the ammonia levels.
- (e) All sharp objects, protrusions and edges, including damaged flooring likely to cause injury to dairy cattle, must be removed, repaired or covered.

Minimum Standard No10. – Stock Handling

- (a) Dairy cattle must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.
- (b) Dairy cattle must not be prodded in sensitive areas, including the udder, eyes, nose, anus, vulva or testicles.
- (c) Only the minimum force required must be used when moving dairy cattle.

Minimum Standard No11. – Droving

- (a) Care must be taken at all times to minimise injury or distress to the animals.
- (b) Droving distance and speed must take account of the conditions and the fitness of the animals.
- (c) Animals which become injured or distressed must be rested and remedial action taken.

Minimum Standard No12. – Restraint

- (a) Restraint must be applied in such a way as to minimise stress and risk of injury to the animal.
- (b) Nose rings and equipment used for dairy cattle restraint must be fit for purpose and used in a manner that does not inflict unnecessary pain or distress.
- (c) Dairy cattle restrained for routine procedures must be kept under close supervision.
- (d) Methods of physical restraint must allow for the animal to be easily released.
- (e) Animals that are tethered must be inspected at least once every 12 hours.
- (f) Electroimmobilisation devices must be used only in a manner that allows animals to breathe normally, demonstrate normal responses to pain and must not be used in place of pain relief when undertaking painful husbandry procedures.

Minimum Standard No13. – Identification

Hot branding must not be used without pain relief.

Minimum Standard No14. – Milking

- (a) All cows must be milked, or suckle calves, frequently enough during lactation to minimise discomfort and maintain udder health.
- (b) Milking equipment must be well maintained to minimise the risk of damage to, and infection of, the teats and udder.
- (c) Milk letdown must not be stimulated by the insertion of water or air into the vagina.

Minimum Standard No15. – Calving in Dairy Cattle

- (a) Dairy cows close to calving must be inspected at least twice every 24 hours.
- (b) If during inspection of a cow or heifer calving is not proceeding normally, e.g. she is experiencing vigorous and regular abdominal straining without progress, remedial action must be taken.
- (c) A moving vehicle must not be used to provide traction to assist calving.
- (d) All inductions must be conducted under the direct supervision of a veterinarian.

Minimum Standard No16. – Caring for Recumbent Cows

- (a) If hip clamps are used they must be removed if the cow cannot promptly support her own weight.
- (b) Cows must not be transported, so that all her weight is carried by the hip clamps and vehicle.
- (c) Cows suspended in a sling must be able to breathe freely, not suffer unnecessary discomfort, and be lowered from the sling if they are unable to support their own weight after one hour.

Minimum Standard No17. – Calf Management

- (a) Premature calves that are unlikely to survive, or calves that have debilitating congenital defects, must be humanely destroyed at the earliest opportunity.
- (b) Calves must be handled and moved in a manner which minimises distress and avoids pain, injury or suffering.

Minimum Standard No18. – Pre-transport Selection

- (a) The person in charge must examine the selected dairy cattle prior to transport, to ensure that all animals are fit and healthy for transportation.
- (b) All dairy cattle, including calves, must be able to stand and bear weight on all four limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.
- (c) Any animal likely to give birth during transport must not be selected.
- (d) Every unweaned calf to be transported off the farm must have been fed at least half of that day's ration of colostrum or milk, not more than 2 hours before transportation.
- (e) Electric prodders must not be used to drive calves.

Minimum Standard No19. – Health

- (a) Those responsible for the welfare of the dairy cattle must be competent at recognising ill-health or injury and take remedial action as appropriate.
- (b) Veterinary medicines must only be used in accordance with registration conditions, manufacturer's instructions or professional advice.
- (c) Professional advice must be sought where there is any significant injury or disease, or if a problem persists.

Minimum Standard No20. – Emergency Humane Destruction

- (a) Dairy cattle must be rapidly rendered insensible and remain in that state, until death.
- (b) Persons undertaking emergency humane destruction must be competent in the handling and killing of dairy cattle.



Animal Welfare (Meat Chickens) Code of Welfare 2012

Minimum Standard No1. – Stockmanship

Meat chickens must be cared for by personnel who collectively possess the ability, knowledge and competence necessary to maintain the health and welfare of the chickens in accordance with this code.

Minimum Standard No2. – Food and Water

- (a) All meat chickens must receive adequate quantities of food and nutrients each day to enable each chicken to:
 - (i) maintain good health;
 - (ii) meet its physiological demands; and
 - (iii) minimise metabolic and nutritional disorders.
- (b) All meat chickens must have continuous access to water that is palatable and not harmful to health.
- (c) Feed and water must be provided in such a way as to prevent undue competition and injury.
- (d) Any meat chicken that cannot access food and water adequately must be removed during daily inspections and raised separately or humanely destroyed immediately.

Minimum Standard No3. – Shelter for Meat Chickens Outdoors

- (a) All meat chickens must have access to shelter from adverse weather that is likely to cause heat or cold stress, and to reduce the risk of predation.
- (b) Openings provided for chickens to access an outside area must be wide enough to enable chickens to freely move to and from the outdoors at all times without the risk of smothering or injury.
- (c) Where access to outside areas is provided it must be managed to prevent the development around the housing of muddy, dusty or contaminated conditions to an extent that could be harmful to the chickens' health.
- (d) Pre-cautions must be taken to protect chickens from pests, including predators.

Minimum Standard No4. – Housing and Equipment

- (a) Precautions must be taken to secure the site and buildings at all times in order to protect the health and welfare of meat chickens.
- (b) Meat chicken sheds must be designed, constructed and maintained to:
 - (i) provide insulation, ventilation, heating, lighting, sanitation and hygiene requirements (see Section 4.4. Management of Internal Environment); and
 - (ii) allow ready access for handling and inspection of meat chickens; and
 - (iii) have sufficient height, width and space and entrance size to allow for catching methods that minimise stress on meat chickens; and
 - (iv) allow the distribution of chickens over the floor to be controlled so as to keep chicks within the heated area and prevent crowding of older chickens.
- (c) All surfaces in meat chicken sheds and enclosures must be designed, constructed and maintained to:
 - (i) minimise the risk of injury and disease to meat chickens; and
 - (ii) facilitate cleaning and disinfection of the shed surfaces.
- (d) All equipment used for rearing meat chickens must be inspected regularly throughout the day to ensure correct operational functions, and if required appropriate remedial action undertaken.
- (e) Meat chicken sheds must be subject to a pest (e.g. wild birds, mustelids, rodents) control plan.
- (f) All meat chicken sheds must be sited to minimise risks of natural and environmental hazards such as storm water drainage, extreme winds and to allow for appropriate management of dust.
- (g) Controlled environment housing must have alarms that warn of power failure and/or significant temperature variance.



Minimum Standard No5. – Contingency Planning

- (a) Persons in charge of chickens must have contingency plans to address events such as delays in transport and plant breakdown. Drivers of conveyances must be properly briefed on any contingency plan in place.
- (b) Alternative means of maintaining ongoing environmental control and provision of food and water must be available in case of emergencies, including power or computer failure or mechanical breakdown.
- (c) Appropriate fire prevention measures and a fire emergency plan must be in place.

Minimum Standard No6. – Lighting

- (a) Lighting intensity for the first four days after placement of the chicks in the brooding area must be sufficient to enable the chicks to learn the locations of food and water. This four day training period must include at least one hour of continuous darkness each day, to accustom the meat chickens to blackout conditions and to prevent panic should lighting fail.
- (b) After the training period described in (a) above, lighting patterns must encourage activity and provide a minimum period of darkness each day to ensure adequate rest in chickens, such that:
 - (i) if only four hours of darkness is provided it must be continuous;
 - (ii) if more than four hours of darkness is provided, each dark period must be a minimum of three continuous hours.
- (c) Lighting levels during the lights-on period must allow the chickens to see one another and to visually inspect their surroundings.
- (d) Lighting levels during inspections must be sufficient to stimulate activity of the chickens and allow chickens and equipment to be inspected.

Minimum Standard No7. – Ventilation

- (a) Adequate ventilation must be provided in order to prevent the build-up of heat, humidity, dust and noxious gases to levels that are harmful to chicken health or that cause pain or distress to chickens.
- (b) Immediate and appropriate action must be taken to reduce ammonia levels if they exceed 20 ppm at chicken head height.

Minimum Standard No8. – Temperature

- (a) Temperature in sheds must be maintained within a range that ensures good health and welfare of chickens.
- (b) Where evidence of temperature- induced distress is observed, remedial action must be taken immediately to rectify ambient temperature and mitigate effects on chickens.
- (c) The brooder areas must be pre-heated before placement of chicks and the temperature maintained at a level that promotes good chick health and welfare.

Minimum Standard No9. – Litter Management

- (a) Litter must be of good quality material, friable, and with minimal risk of toxic agent contamination.
- (b) Meat chicken shed floors must be completely covered with litter.
- (c) Litter must be managed to avoid levels of dustiness or dampness sufficient to cause leg, respiratory or other health problems.

Minimum Standard No10. – Stocking Densities

- (a) Chickens must be managed at a stocking density that takes account of growth rate, competition for space, access to feeders and water, air temperature and quality, humidity, litter quality and activity levels, so as to maintain good health and welfare.
- (b) Notwithstanding (a), stocking density in sheds must not exceed 38kg of live weight per square metre of floor space.
- (c) Outdoor stocking density must not exceed the capacity of the outside area or cause overcrowding.

Minimum Standard No11. – Providing for Behavioural Needs

- (a) Chickens must have the opportunity to express their normal behaviours. These include, but are not limited to, feeding, drinking, sleeping, preening, walking, scratching, ground pecking, leg stretching, and vocalisation.

Minimum Standard No12. – Physical Handling

- (a) Chickens, including chicks in hatching trays, must be moved and handled at all times in a manner that minimises the risk of falls, pain and distress and avoids injury.
- (b) Chickens, excluding day-old chicks, must not be carried by the wings or neck.
- (c) Stress of handling must be minimised by appropriate design of facilities and training or personnel.

Minimum Standard No13. – Catching, Loading and Transport

- (a) All members of the catching and transporting crews must be supervised and correctly trained in the handling of chickens.
- (b) A nominated member of the catching team must be responsible for supervising, monitoring and maintaining high welfare standards throughout the catching process and loading of chickens onto the transport vehicle.
- (c) Food must not be withheld from chickens for more than 12 hours prior to arrival at the processing plant.
- (d) Chickens must have access to water until the time of catching.
- (e) A catcher must carry no more than four chickens in each hand at any one time.
- (f) Crates and containers must be constructed and maintained to ensure there are no hazards likely to cause injury to the chickens.
- (g) Maximum densities in crates used to transport chickens must not exceed 65 kg per square metre.
- (h) Chickens must be placed into crates in such a way that they can rapidly obtain and maintain an upright position.
- (i) Crates and containers containing chickens must be placed directly, and not thrown or dropped.
- (j) Chickens that are injured during the catching and loading procedures must be humanely destroyed immediately.
- (k) Conveyances and containers must have adequate ventilation to allow the free flow of air to all chickens, even when stationary, to prevent the build-up of harmful concentrations of gases or water vapour or temperature.
- (l) Day-old chicks must be held and transported in conditions of controlled temperature and airflow.

Minimum Standard No14. – Management of Health and Injury

- (a) Those responsible for the care of meat chickens must be competent at recognising the signs of good health, and injury and must consult a veterinarian as appropriate.
- (b) Meat chickens must be inspected at least once daily for evidence of ill-health or injury, including any obvious gait deficient and any ill, injured or severely lame chickens must be treated or humanely destroyed immediately.
- (c) Medication must only be used in accordance with registration conditions, and the manufacturer's instructions of professional advice.
- (d) When early signs of a disease outbreak are detected, or mortality level within a shed exceeds 1% in a 24 hours period, or the number of culls for lameness is higher than expected for the age and strain of chickens, the cause must be investigated and remedial action taken promptly.

Minimum Standard No15. – Emergency Humane Destruction

- (a) The method(s) used for the humane destruction of meat chickens, including unhatched eggs in the last half of incubation and day-old chicks, must ensure rapid death, which is confirmed by inspection.
- (b) People undertaking humane destruction must be appropriately trained and must ensure that chickens are handled gently and calmly at all stages of the process.
- (c) Any equipment used to undertake humane destruction must be well maintained and not overloaded, so that it operates effectively and efficiently.
- (d) Maceration equipment used for humane destruction must be designed to cause very rapid and complete fragmentation of the material into small particles.
- (e) When using gas, the procedure must ensure the collapse of every chicken within 25 seconds of exposure to the gas. Chickens must remain in the gas for at least a further two minutes following collapse and be inspected to ensure that they are dead upon removal from the gas.



Animal Welfare (Goats) Codes of Welfare 2012

Minimum Standard No1. – Stockmanship

Goats must be cared for by a sufficient number of personnel, who collectively possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

Minimum Standard No2. – Animal Handling

- (a) Goats must be handled at all times in such a way as to minimise the risk of pain, injury or distress.
- (b) Goats must not be prodded in sensitive areas, including the udder, eyes, nose, anus, vulva or testicles.
- (c) Only the minimum force required must be used when moving goats.
- (d) Electronic goads must not be used on goats.

Minimum Standard No3. – Restraint and Tethering

- (a) Equipment used for restraining goats must be fit for purpose and applied in such a manner that stress and risk of injury to the goat are avoided.
- (b) Methods of mechanical restraint must allow for the animal to be released quickly.
- (c) Goats that are restrained by tethering must be:
 - (i) placid and trained to the conditions;
 - (ii) provided with constant access to palatable water, sufficient food and effective shelter;
 - (iii) able to walk and move around without undue hindrance; and
 - (iv) inspected at least once every 12 hours.
- (d) Kids, sick goats, pregnant or nursing does, or goats physiologically compromised in any other way must not be tethered.
- (e) Tethers used on goats on roadside verges must prevent goats from getting into the path of vehicles.

Minimum Standard No4. – Mustering and Drovers

Goats being moved on foot must not be forced to proceed at a pace likely to cause exhaustion, heat stress or injury.

Minimum Standard No5. – Mixing Goats

Where goats are mixed, they must be managed to minimise the effects of aggression.

Minimum Standard No6. – Food

- (a) Goats of all ages must receive sufficient quantities of food and nutrients to enable each animal to:
 - (i) maintain good health;
 - (ii) meet their physiological requirements; and
 - (iii) minimise metabolic and nutritional disorders.
- (b) If any goat shows signs of emaciation, or if the body condition score of any individual goat (other than kids or yearlings) falls below 2 (on a scale of 0-5), urgent remedial action must be taken to improve condition or the animal must be destroyed humanely.
- (c) Automated feeding systems must be checked at least once every 24 hours to ensure they are in working order and any problems rectified promptly.

Minimum Standard No7. – Water

- (a) All goats must have access daily to a reliable supply of drinking water that is palatable, sufficient for their needs, and not harmful to their health.
- (b) In the event of a water delivery system failure, remedial action must be taken to ensure that daily water requirements are met.
- (c) Any goats retained in yards or barns for longer than 12 hours must have access to drinking water.
- (d) The water delivery system must be at a height that is accessible to all goats being supplied.

Minimum Standard No8. – Shelter

- (a) All goats must have access to shelter to reduce the risks to health and welfare caused by exposure to cold or heat.
- (b) Goats close to kidding must be provided with effective shelter to shield the dam and newborn kid from weather conditions.



- (c) Very young kids that have been removed from their mothers for hand rearing must be provided with shelter at all times.
- (d) Newly shorn goats must be provided with extra feed and effective shelter until their fleece has regrown sufficiently to provide some protection.
- (e) Where animals develop problems associated with exposure to adverse weather conditions (including adverse heat or cold), priority must be given to remedial action that will minimise the consequences of such exposure.

Minimum Standard No9. – Farm Facilities

- (a) All facilities must be designed, constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.
- (b) All electronic fittings and attachments to mains voltage must be out of reach of goats, or protected from interference or damage by goats.
- (c) Floors must be constructed of a non-slip material.

Minimum Standard No10. – Housing for Goats

- (a) Goats must be able to lie down and rest comfortably for a sufficient time each day to meet their behavioural needs.
- (b) Group housed goats must be able to stand, move about and lie down without undue interference from each other.
- (c) Bedding must be of good quality material, friable, and with minimal risk of toxic agent contamination.
- (d) Goats must be inspected at least once a day in the housing area for signs or discomfort or distress.
- (e) Ventilation control or other measures must ensure that housed goats do not become overheated or cold stressed and prevent a build up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (f) Immediate and appropriate action must be taken to reduce ammonia levels if they exceed 25ppm at goat level.
- (g) Goats must be managed in groups of suitable size and age and with regard to whether they have horns, to minimise injuries resulting from aggressive behaviour.
- (h) Goats must not be released from prolonged periods indoors without ready access to shelter and shade.
- (i) Goats must be provided with natural or artificial light of appropriate intensity for a minimum of nine hours each day.

Minimum Standard No11. – Kidding Does

- (a) Intensively farmed goats must be inspected frequently before and after kidding to ensure that they are not experiencing difficulties.
- (b) If any doe is having difficulty kidding and the stock handler is unable to resolve the problem, expert advice must be sought as soon as possible, or the animal humanely destroyed.
- (c) Excessive traction must not be used to kid any doe.

Minimum Standard No12. – Hand Rearing and Fostering Kids

- (a) Premature kids that are unlikely to survive, and kids that have debilitating congenital defects, must be humanely destroyed immediately.
- (b) Kids must be handled and moved in a manner that minimises distress and avoids injury or suffering.
- (c) Newborn kids must receive sufficient colostrum or a good quality commercial colostrum substitute.
- (d) Hand-reared kids must be given suitable liquid feeds until the rumen has developed sufficiently to allow it to use solids as the sole feed source.

Minimum Standard No13. – Milking

- (a) All does must be milked or suckle kids frequently enough during lactation to minimise discomfort and maintain udder health.
- (b) Milking equipment must be well maintained to minimise the risk of damage and infection of the teats and udder.

Minimum Standard No14. – Shearing and Dagging Fibre Goats

- (a) Fibre goats must be shorn as frequently as is necessary to mitigate animal health and welfare concerns from long fleeces.
- (b) In winter and in districts subject to cold or wet weather, fibre goats must be shorn in a way that ensures that they retain an insulating layer of fibre e.g. patch shearing or by using snow or cover combs, lifters or blade shears.

- (c) Goats must not be shorn if the forecast is for cold wet weather, unless the animals are provided with adequate shelter to minimise the risk of hypothermia.
- (d) Goats must be provided with sufficient shelter and additional feed, (especially hay or other suitable fibre) after shearing to minimise the risk of hypothermia.
- (e) All severe cuts or injuries must be treated immediately.

Minimum Standard No15. – Reproductive Technologies

- (a) Electroejaculation and laparoscopic artificial insemination must be carried out only by veterinarians, or by trained and competent operators under veterinary supervision, using appropriate pain relief, sedatives or anaesthesia.
- (b) Cervical artificial insemination and pregnancy diagnosis must only be carried out by persons trained and competent with the techniques.

Minimum Standard No16. – Identification

- (a) All identification procedures must be applied by a competent operator.
- (b) Pain relief must be used with hot or freeze branding.

Minimum Standard No17. – Pre-transport Selection

- (a) All goats selected for transport must be examined by the person in charge prior to loading to ensure that they are fit for transport and are able to withstand the journey without suffering unreasonable or unnecessary pain or distress.
- (b) Any animal likely to give birth during transport must not be selected.
- (c) Every unweaned kid to be transported off the farm must have been fed at least half of that day's ration of colostrum or milk, not more than two hours before transportation.

Minimum Standard No18. – Health

- (a) Those responsible for the welfare of goats must be competent at recognising ill-health or injury and take prompt remedial action as appropriate.
- (b) Any injured or ailing goat must be immediately treated by a knowledgeable and competent stock handler or be destroyed humanely.
- (c) A veterinarian must be consulted if there is any significant disease or injury or if an animal health problem persists in spite of treatment.

Minimum Standard No19. – Emergency Humane Destruction

- (a) Goats must be rapidly rendered insensible and remain in that state, until death.
- (b) Persons undertaking emergency destruction must be competent in the handling and killing of goats.
- (c) The spinal cord must not be severed or broken in any goat, until after death.



Animal Welfare (Painful Husbandry Procedures) Code of Welfare 2005

Minimum Standard No1. – Justification for Painful Procedures

Painful husbandry procedures must only be performed where there are no other practical, economically viable, effective, less noxious alternatives to the procedure; and they

- (i) result in an overall enhancement of the animals' welfare though reduced susceptibility to ill-health, injury or compromised welfare; or
- (ii) facilitate advantageous farm management systems; or
- (iii) result in an enhanced animal product; or
- (iv) result in reduced safety risk to humans.

Minimum Standard No2. – Minimising Harmful Consequences

- (a) Painful husbandry procedures must not be performed on newborn animals less than 12 hours old, where handling, pain and post-operative complications are likely to compromise survival through impaired maternal bonding and/or colostrum intake.
- (b) If painful husbandry procedures that have animal health and welfare benefits are not used, care must be taken to manage any consequential risks to animal health and welfare of not using them.

Minimum Standard No3. – Castration and Shortening of the Scrotum (cryptorchid)

- (a) The method of castration, or shortening of the scrotum, must be chosen, and applied, so as to minimise the acute as well as chronic consequences of the health and welfare of the animal.
- (b) While complying with Minimum Standard 2(a), castration, or shortening of the scrotum, without pain relief must be performed when the animals are as young as possible, but not greater than six months of age.
- (c) When castrating or shortening the scrotum of any animal over the age of six months, pain relief must be used.
- (d) When using rubber rings to castrate, they must be placed above the testes and below the teats, and must be of a tension and size appropriate to the animal in order to ensure that blood supply to the testes and scrotum is stopped immediately.
- (e) When shortening the scrotum with rubber rings, they must be placed below the testes taking care not to include the testes within the ring, and they must be of a tension and size appropriate to the animal in order to ensure that blood supply to the scrotum is stopped immediately.
- (f) If high tension bands are used to castrate an animal:
 - (i) local anaesthetic must be used (at any age) to provide pain relief; and
 - (ii) the band must be positioned on the scrotal neck as close to the testes and far away from the abdomen as possible.

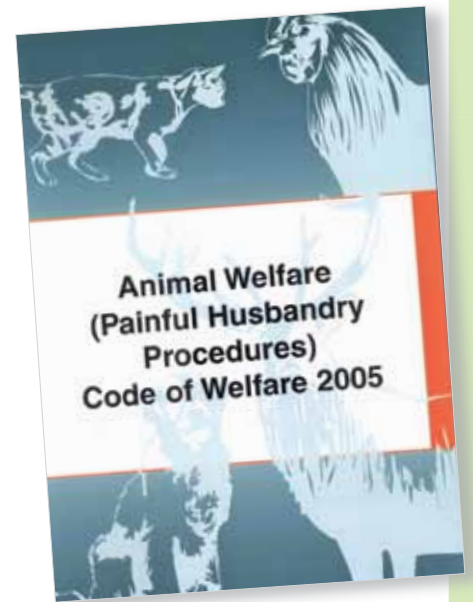
Minimum Standard No4. – Tail Docking

Sheep

- (a) Tail docking of sheep must only be undertaken where there is significant risk of faecal and urine contamination, and/or flystrike, that leads to poor hygiene, health and welfare and/or failing to do so adds a significant cost to the farm system.
- (b) While complying with Minimum Standard 2(a), tail docking without pain relief must be performed when the sheep are as young as possible, and not greater than six months of age.
- (c) When tail docking a sheep over the age of six months, pain relief must be used.

Cattle

- (d) If tail shortening is undertaken it must be limited only to removal of the last (terminal) two to three vertebrae of the tail, using a rubber ring applied between the joints and either:
 - be left to drop off on its own accord, or
 - not less than seven days after the application of the rubber ring, be severed by the use of a sharp instrument at a point below where the rubber ring has been applied and in such a manner as not to cause discomfort to the animal.



Minimum Standard No5. – Disbudding and Dehorning

- (a) Animals with intact or 'tipped' horns must be managed to minimise the risk of injury to other animals.

Disbudding

- (b) When disbudding is performed, the following must apply:
- (i) The method must be chosen and undertaken so as to minimise the pain and distress and other negative health consequences (e.g. infection) for the animal; and
 - (ii) If used, thermal cauterising equipment must be used in such a way as to minimise the risk of thermal injury to tissues other than the horn bud and adjacent skin; and
 - (iii) If used, caustic or chemical techniques of disbudding must only be used by personnel skilled with the procedure, and only used when injury to the animal beyond the horn bud, or to other animals, is minimised.

Dehorning

- (c) When dehorning is performed, the following must apply:
- (i) The method must be chosen and undertaken so as to minimise the pain and distress and other negative health consequences (e.g. infection) for the animal, and
 - (ii) Dehorning without pain relief must be performed when animals are as young as possible, and not greater than nine months of age,
 - (iii) When dehorning any animal over the age of nine months, pain relief must be used.

Minimum Standard No6. – Operator Training, Stockmanship and Facilities

- (a) Owners or persons in charge of animals upon which painful husbandry procedures are to be undertaken, must ensure that they or their personnel have either the relevant knowledge and training or appropriate supervision, and suitable equipment, to ensure that the health and welfare needs of the animals in their care are met.
- (b) Persons undertaking painful husbandry procedures must be –
- (i) experienced, or have received training, with the correct use of the particular technique and its variations; and
 - (ii) to be able to recognise early signs of significant distress, injury or ill-health so that prompt remedial action can be taken or advice sought.
- (c) All equipment must be maintained in full working order.
- (d) Appropriate standards of cleanliness and hygiene must be observed at all times.
- (e) Where used, handling facilities must allow the procedure to be undertaken with minimal compromise to the health and welfare of the animals.
- (f) Handling facilities must be sited, constructed, maintained and operated so as to minimise the risk of injury and avoid unnecessary distress to the animals.



Animal Welfare (Transport within New Zealand) Code of Welfare 2011

Minimum Standard No1. – Competency and Stockmanship

At every stage of transport, animals must be cared for by a sufficient number of personnel, who collectively possess the appropriate ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

Minimum Standard No2. – Conveyancing and Container Design and Maintenance

- (a) Conveyances and containers used for the transport of animals must be designed and maintained so that they are suitable for carrying the species, size and weight of the animals to be transported over the terrain or seas under the conditions in which they are expected to function.
- (b) Conveyances must be designed so that the faeces or urine from animals on upper levels do not soil any animals, feed or water on lower levels.
- (c) Containers must be constructed and maintained to ensure they present no hazards that are likely to cause injury to the animals.
- (d) Containers must be designed to ensure enough room to enable animals to travel in a natural posture.
- (e) Conveyances and containers must be designed to ensure adequate ventilation or oxygenation to allow the free flow of air or oxygen to all animals, even when stationary, to prevent the build-up of harmful concentrations of gases or impurities, water vapour or temperature.
- (f) Conveyances and containers must be designed to provide protection from adverse weather that may be a risk to the animal's health and welfare.
- (g) Containers must be secured so that they do not move when underway.

Minimum Standard No3. – Loading and Unloading Facilities

- (a) Loading and unloading facilities must be constructed and maintained so that they allow unhindered passage of the animals, do not present a hazard to animal welfare and are appropriate for the condition, species and number of animals.
- (b) Loading and unloading facilities must allow close alignment between the conveyance and the loading ramp.
- (c) While waiting to be loaded and following unloading, animals must be provided with protection from adverse environmental conditions that is appropriate to the animals and the circumstances, to reduce the risk to their health and welfare caused by exposure to heat or cold.

Minimum Standard No4. – Journey Planning and Documentation

- (a) Transport must be planned to minimise the risk of injury, fatigue or metabolic and nutritional disorders.
- (b) Operators of conveyances, or their agents, must hold details of the number, type and any special requirements of animals that they transport.
- (c) All required documentation must be completed and accessible to the relevant personnel prior to embarking and during travel, so that incomplete or inaccessible documentation does not cause any delay in animals reaching the destination or being unloaded at the destination.
- (d) There must be a contingency plan in place that allows the needs of animals to be met in the event of any delays arising during the part of the journey for which the transport operator is responsible.
- (e) Operators of commercial conveyances must be briefed on the contingency plan in advance of journeys.
- (f) Any deaths occurring during travel must be recorded.



Minimum Standard No5. – Preparation of Animals for Transport

- (a) Animals must be appropriately prepared for transport, including through the provision of sufficient food and water, as appropriate to the species, age, condition and expected length and conditions of the journey, so that pain, injury or distress to themselves or other animals is avoided.
- (b) Before undertaking a journey during which the animals will be fed and watered, animals must be familiarised with the feed to be offered and the methods by which the feed and water are given.

Minimum Standard No6. – Selecting and Accepting Animals for Transport

- (a) Proper care must be taken when deciding whether it is appropriate to transport young, old, pregnant or otherwise physiologically or behaviourally compromised animals.
- (b) Animals must not be transported if they are likely to give birth during the journey or be affected by metabolic complications of late pregnancy as a result of the journey.
- (c) Animals must not be transported unless they are fit enough to withstand the entire journey without suffering unreasonable or unnecessary pain or distress.
- (d) Animals to be transported must be able to stand and to bear weight evenly on all limbs.
- (e) Animals with horns or antlers of a length that may cause injury or be damaged must not be transported, except where special provision is made for such animals to be transported so that they do not cause injury and are not injured themselves.
- (f) Animals must not be transported with bleeding antler or horn stumps, or within seven days of being disbudded, dehorned, castrated, tail docked or having velvet antler removed, except yearling deer where approved rings have been used.
- (g) Animals must not be transported if they display any injuries, signs of disease, abnormal behaviour or physical abnormalities that could compromise their welfare during the journey, unless a veterinary declaration of fitness for transport has been completed.

Minimum Standards No7. – Loading and Unloading

- (a) Animals must be loaded and unloaded in a way that minimises the risk of pain, injury or distress to the animals.
- (b) Only the minimum force required must be used when moving animals.
- (c) Goads, including electric prodders, must only be used where there is sufficient room for the animals to move away from the goad, and where –
 - (i) the safety of the handler or another person is at risk; or
 - (ii) they are essential to move difficult animals.
- (d) Goads must not be used on the most sensitive areas of animals, including eyes, nose, anus, vulva, udder and testicles.
- (e) Electric prodders must not be used on animals other than adult cattle.
- (f) Animals that are likely to cause injury or distress to other animals must be kept separate prior to and during loading, and when loaded into transport containers, unless there is sufficient space for the other animals to escape injury. This includes animals with horns, tusks or antlers, and animals known to be aggressive.
- (g) Animals in pens or yards must not be overcrowded to the extent that it prevents them from being able to move from handlers or other animals where this is likely to contribute to distress and injury.
- (h) Animals must not be thrown or dropped, or be lifted or dragged by their tail, head, horns, ears, limbs, wool, hair or feathers.
- (i) Animals must not be secured to conveyances or containers by a nose ring.
- (j) Stocking density must be sufficient to allow animals to adopt a natural posture during the journey without injuring their heads or backs if they stand, and to allow animals to rest, if this is necessary during the journey.
- (k) Animals of different species must not be transported in the same container, except where individual animals are known to be compatible.

Minimum Standard No8. – Ventilation

- (a) Ventilation or oxygenation must be sufficient to prevent the build-up of noxious gases or impurities to an extent that causes pain or harm to the animals' health during travel and rest.
- (b) Ventilation during travel and rest must be appropriate to maintain the body temperature within the normal range for the species.

- (c) Where animals show signs of heat or cold stress or distress from exposure to noxious gases, immediate corrective action must be taken.

Minimum Standard No9. – Monitoring Animals

- (a) Animals must be inspected for injury or signs of pain or distress at regular intervals during the journey, including at rest breaks taken by the operator of the conveyance and at refuelling stops.
- (b) Animals found to have fallen down, to be injured, distressed or with a limb protruding from the container or conveyance, must be assisted, treated or euthanased as soon as practicable.
- (c) The time and place of inspection, and any details and incidents causing pain or distress to animals, must be recorded.

Minimum Standard No10. – Food, Water and Rest

- (a) The provision of food and water must be appropriate to the species, age, physical state and condition of the animals to allow them to regulate body temperature and meet their health needs.
- (b) If animals are to be fed during the journey, they must either be offered the feed they are accustomed to during the journey; or, if the food to be offered during transport differs from that which the animals are accustomed, a period of pre-conditioning to the new feed must be undertaken prior to transport.
- (c) Animals must be rested as required for the species, age, physical state and condition of the animal. If animals are not able to rest during travel, they must be unloaded and rested as frequently and for as long as required to meet their needs.
- (d) Unweaned animals must be fed within a maximum of 28 hours after loading for transport, if not slaughtered beforehand.

Minimum Standard No11. – Transport by Road

Vehicles carrying animals must be operated in a manner that does not cause animals to fall or be injured during travel.

Minimum Standard No12. – Transport within New Zealand Waters

- (a) For a journey longer than 24 hours (including any travel on land), the following requirements relating to the provision of food and water must be met:
 - (i) ruminants must be held off pasture, with water and dry feed provided, for a minimum of 12 hours before travel; and
 - (ii) animals must be loaded in such a manner that they can be provided with food and water on board, unless they are to be unloaded for feeding and watering; and
 - (iii) food and water must be available to all animals on board after departure, or at resting points if animals are to be unloaded for feeding and watering; and
 - (iv) food and water consumption must be monitored and recorded daily; and
 - (v) animals must be loaded to a density that allows them to rise unassisted and move freely within the pen to access food and water.
- (b) The driver and/or stock attendant must be available during the voyage to provide care during transit. The master must allow these people access to the animals for inspections and appropriate treatment, if circumstances allow.
- (c) Drivers of vehicles on a roll-on roll-off vessel must carry out an inspection of animals before leaving the vehicle deck at the start of the sea journey and before driving the vehicle off or within 15 minutes after leaving the vessel.
- (d) Ventilation or oxygenation, including ventilation in enclosed vehicles and the vehicle deck on ships, must be sufficient to maintain air or water quality and air or water temperature at levels that avoid pain, distress or lasting harm.
- (e) If animals are shipped on unmanned barges, there must be adequate provision for regular monitoring and any remedial action that is required, to ensure welfare is not compromised.

Minimum Standard No13. – Emergency Humane Destruction

- (a) Equipment kept for emergency humane destruction must be well maintained in order to operate efficiently.

- (b) Animals to be killed must be handled, restrained and killed in a manner that minimises unnecessary pain and distress prior to death.
- (c) Animals being killed must be rapidly rendered insensible and remain in that state, until death has occurred.
- (d) The spinal cord must not be severed or broken in any hoofed animal, until death has occurred.
- (e) Animals rendered insensible by a blow to the head or a shot to the brain from a firearm must be bled out immediately to ensure death occurs before recovery from stunning.



Section 5

Technical information

- Assessment templates
 - On-Farm Assessment
 - Farm Assessment for Stock
- Post Mortem and tissue sampling techniques
- How to remove a brain
- Sampling aqueous and vitreous humour
- Humane Euthanasia
- Body Condition Scoring



ON-FARM ASSESSMENT

Date:	Address:
Farm Name:	
Owner:	
Sharemilker:	Runoff:
Manager:	Ph Nos:
Employees:	
HEALTH (incl deaths):	
FEED & BCS:	
INFRASTRUCTURE:	
ANIMAL HUSBANDRY:	
CLIMATE:	

YOUNG STOCK:

RECORDS:

PEOPLE:

FINANCE:

OTHER NOTES:

FARM ASSESSMENT FOR STOCK

Date:	_____	Address:	_____
Farm Name:	_____		_____
Owner:	_____		_____
Sharemilker:	_____	Runoff:	_____
Manager:	_____	Ph No's:	_____
Employee(s):	_____		_____
	_____		_____
	_____		_____

Farm and Stock Reconciliation

PSM:	PSC:	Farm Map	Y	N
Breed Cows:	Breed Sheep:	YS Grazing	ON	OFF

	June	October	Sales	Deaths	Now	
M/A Cows						No's Milked
R2 heifers						No's In Pennos
R1 Heifers						RFM
Bulls						Lame
MA Ewes						Mastitis
Two teeth						Colostrums
Hoggets						Springers
Lambs						No's Dry
Rams						
Others						
Others						

MS Total	_____	MS/Cow	_____	MS/ha	_____
Lambs Sold	_____	Finished	_____	Store	_____
Stock Sold	_____	Weaners	_____	Store	_____

Comments/Observations:	

Farm Area (eff. Ha)	
Block 1	
Block 2	
Block 3	
Runoff 1	
Runoff 2	

Feed Management Parameters

	1	2	3	4	5	6	7
Block/Mob							
Average Pasture covers							
Pre grazing covers							
Post grazing residuals							
Growth rate							
Wedge	+ / -	+ / -	+ / -	+ / -	+ / -	+ / -	+ / -
Area/day & Round length							
Intakes/cow/day							

Supplements on hand	Supplements fed KgDM/cow/day		
	1	2	3
Hay			
Silage			
PKE			
Crop			
Nitrogen (rate/area)			

Farm Consultant	Feed Budget:	Y	N
Feed Comments & Observations:			

Weights and BCS

Young stock	Weights kg	BCS %	Mob 1					
			<3.0	<3.5	<4.0	<4.5	<5.0	5.0>
Weaning								
6 Months								
9 Months								
12 Months								
15 Months								
18 Months								
21 Months								
24 Months								

Weight/BCS Comments:	Mob 2					
	<3.0	<3.5	<4.0	<4.5	<5.0	5.0>

Time in the farming cycle:	BCS %	Mob 3					
		<3.0	<3.5	<4.0	<4.5	<5.0	5.0>

Animal Health Parameters

Calving

RFMs
Down cows
Paralysis
Inductions
No's calved
No's mated

Observations:

Lameness

1
2
3
4
5

Observations:

Mastitis

Incidence
Single/Multi 1/4
Repeats

Observations:

MT

Rate

Calving records
AI mating records
Natural Mating records
Animal Health records
Certificates

+ / -
+ / -
+ / -
+ / -
+ / -

Magnesium

Calcium

Minerals

Zinc

Teat spray

+ / -
+ / -
+ / -
+ / -
+ / -

Painful Husbandry Procedures

Calf dehorning
Dehorning > 9mths
Castration > 6mths
Tail docking

+ / -
+ / -
+ / -
+ / -

Animal Health Comments:

Climate

Features:

Winter

Spring

Summer

Autumn

--	--	--	--	--

During assessment:

Infrastructure

Cowshed:

Water:

Feed Pad (size, area, troughs):

Races:

Calf rearing:

Housing:

Bobby Calves:

Fences:

Machinery:

Management/Comments

Observed animal husbandry skills of labour:

Financial:

Attitude of management:

Other compliance issues (e.g. effluent, tagging):

Assistance required:

Notes

Summary

	No Risk	Low Risk	High Risk		Scale	Severity	Capability
Feed					1 2 3	1 2 3	1 2 3
BCS					1 2 3	1 2 3	1 2 3
Youngstock					1 2 3	1 2 3	1 2 3
Health					1 2 3	1 2 3	1 2 3
Climate					1 2 3	1 2 3	1 2 3
Infrastructure					1 2 3	1 2 3	1 2 3
People					1 2 3	1 2 3	1 2 3
Finance					1 2 3	1 2 3	1 2 3

Post Mortem guidance

POST MORTEM AND TISSUE SAMPLING TECHNIQUES FOR INVESTIGATING EMACIATION AND ILLTHRIFT IN RUMINANTS WHERE NEGLECT IS SUSPECTED

Notes prepared by Fraser Hill, BVSc, FACVSc, Veterinary Pathologist, Gribbles Veterinary Pathology, Palmerston North

INTRODUCTION

When requested to investigate neglected, starving or diseased animals it is important to perform thorough investigations and collect appropriate samples in a methodical way.

These procedures detail samples to collect for laboratory investigation and presume clinical examinations, animal identification, condition scoring, bodyweight, description of lesions, and photographs of animals have been carried out.

All samples collected need to be clearly identified so a chain of evidence can be established.

The most important details to establish in cases of starvation or emaciation are the levels of adipose tissue reserves remaining. Serous atrophy of fat occurs when lipid mobilisation from body fat reserves is excessive and extended over long periods of time. It is commonly seen in the coronary groove of the heart and the bone marrow of chronically ill and starving animals.

Atrophic fat reserves become watery and translucent (gelatinous), as a result of lipid depletion and an increase in the glycosaminoglycan content of the interstitium secreted by proliferating mesenchymal cells.

Fat mobilisation is a reflection of dietary energy deficit in animals with adequate fat reserves that are starved (inadequate caloric intake) or suffering from diseases that produce malabsorption or protein loss.

Fat reserves are found on the heart, in the mesentery around the kidneys, in the deep layers of the skin, and in the bone marrow, where on average 50% of the tissue is fat.

With regard to chronic malnutrition; if the diet does not contain sufficient amounts of energy or protein to meet requirements, animals will metabolise stored fat and protein to meet demands for normal biological body functions. Therefore the fat depots, depending on requirements, will gradually become depleted and eventually show the characteristic signs of serous atrophy.

The body's fat depots are affected by chronic malnutrition. The subcutaneous fat disappears first; whereas fat stores associated with vital organs such as heart, liver and kidney are relatively stable and only become depleted after prolonged malnutrition.

Fat depots behind the eyes and in bone marrow are very stable and only become depleted after severe malnutrition.

Initially the animal's metabolism will adapt to cope with malnutrition by lowering physical activity and reducing protein turnover. In the long run the homeostatic mechanisms cannot compensate entirely for the imposed deficiencies of protein and energy, and body fat reserves from the stable depots behind the eyes and in bone marrow are also utilised.

The time frame of events varies according to the animal's condition at the onset of the nutrient deficient period, requirements during the period, e.g. young, growing and adult pregnant animals require a relatively high protein-energy intake and to the quality and quantity of feed which is available.

The development of serous atrophy may take weeks, or even months rather than days depending on these factors.

Parasitism, including liver parasitism (liver fluke) is likely to exacerbate the effects of malnutrition to an extent that will depend on the degree of infestation.

Other chronic diseases including tuberculosis, paratuberculosis, actinobacillosis, and actinomycosis may result in inappetence, ill-thrift and emaciation and hence lead to the development of serous atrophy. Therefore, a thorough necropsy to rule out disease is required before making a diagnosis of starvation.

Photographs should be taken of any gross pathology found during the necropsy.

SAMPLES TO COLLECT IN THE LIVE ANIMAL

If animals are still alive, collect serum and whole blood samples into plain and EDTA tubes. Affected animals and other animals to a minimum of 10 should be sampled. Trace element, serology (BVD, liver fluke, Johnes), haematology and biochemistry testing can be carried out on these samples.

Faecal samples should be collected from 10 animals so faecal egg counts for nematode parasites can be undertaken. All samples should be individually labelled with the animal's tag number or identifying features.

SAMPLES TO COLLECT FROM THE ENVIRONMENT

The paddocks and surrounding environment animals could have access to should be searched and examined. Any potential toxic materials, or plants the animals could have accessed should be sampled. Powders, residues, suspicious metals eg lead or zinc, should be sampled into a labelled screw top container. Any unidentified plants animals could have been grazing should be sampled and representative sections of leaves, stems and flowers collected into labelled paper bags for identification, or dried for later identification. Consider seasonal toxic plants such as acorns from oak trees and note their presence or absence.

MORIBUND LIVE ANIMALS

EUTHANASIA METHODS

Techniques for euthanasia include the appropriate dose of pentobarbitone, xylazine anaesthesia followed by rapid infusion of a saturated solution of MgSO_4 or KCl 100ml/45kg (1 litre/450kg cow) or shooting. If pentobarbitone is administered the carcass must be disposed of so scavenging or feeding cannot occur. If MgSO_4 or KCl are administered the carcass can be used for pet food but not human consumption as xylazine has been used. A small study using a .22 calibre rifle aimed into the frontal cortex only has proved successfully at killing cattle and sheep without damage to the critical mid and hindbrain sites examined for transmissible spongiform encephalopathy exclusion. The angle of shooting is critical so the bullet is not aimed towards the foramen magnum.

DEAD ANIMALS

If the animal has been dead less than 24 hours, and the conditions are favourable, proceed to necropsy. If the time of death is unknown or the animal is obviously autolysed consider a modified examination possibly collecting only vitreous humour or bone marrow fat. Rumen content could be inspected for obvious toxic agents. Tissues for histopathology or microbiology are probably unsuitable, but it is probably better to collect and store them, even if they ultimately can't be used.

Appendix 1: CHECK LIST OF SAMPLES TO COLLECT

Live animals

Sample	Collection container	Number	Tests
Serum	Plain (red) vacutainer	All sick animals or sick animals + others to a minimum of 10	Serology Biochemistry Trace elements
Whole Blood	EDTA (purple)	All sick animals or sick animals + others to a minimum of 10	Haematology
Faeces	Pottle	10	Parasitology

Environment

Sample	Collection container	Number	Tests
Plants	Paper bags	Any suspicious or grazed plants	Identification
Potential toxins	Labelled screw top pottles	Any found	Visual or chemical identification
Supplementary feed	Sealed bag	Samples from various sites within storage shed	Visual or chemical identification

Dead animals

Sample	Collection container	Number	Tests
Fixed liver, kidney, heart, spleen, lung, jejunum, ileum, colon, lymph node, bone marrow, brain. Any lesion	Labelled screw top pottle containing 10% buffered formalin	1 of each	Histopathology
Fresh liver	Labelled screw top pottle	1	Microbiology, trace elements, toxicology
Fresh lung	Labelled screw top pottle	1	Microbiology
Rumen contents	Labelled screw top pottle	1	Toxicology
Plants or debris in rumen	Labelled screw top pottle	1	Identification

Appendix 2:

NECROPSY TECHNIQUE

- All animals are placed on their left side with the dissector facing the animal's abdomen.
- Use at least ten times the volume of 10 percent buffered formalin to the volume of tissue taken for histopathology.
- After fixation it may now be sent with minimal fluid or just formalin soaked cotton to keep it moist.
- Routinely take tissue samples of liver, kidney, lung, heart, bone marrow, spleen, rumen, abomasum, small intestine (duodenum, jejunum and terminal ileum), large intestine and all lesions.
- Sections should be no more than 1 cm thick.
- Do not scrape or squeeze section to be taken for histological examination.
- Always take sections with a sharp knife, never with a pair of scissors.
- When taking sections from paired organs, make the left side pieces longer or larger (not thicker).
- Brain should be collected from animals with a history of neurological disease or when no cause of death is found at necropsy.
- Use of the carcass itself as a cutting board is recommended to prevent dulling the knife.
- To prevent cutting hair and thereby dulling the knife, a stab wound in the axilla is the only time the knife cuts hair.

EXTERNAL EXAMINATION

Following external examination including natural orifices, eyes, and limb and joint palpation, the lymph nodes, nerves, and most vessels are examined when exposed.

NECROPSY

- After an initial stab incision into right axilla, extend skin incision cranially to chin and caudally to perineum.
- Reflect skin on right side and completely abduct right limbs by cutting muscular attachments of scapula and freeing femoral head.
- Reflect mammae or free each testicle separately.
- Incise along costal arch and dorsal flank down and across pelvic rim.
- Reflect this flap and examine abdominal cavity.
- Stab diaphragm near sternum and note inrush or absence thereof of air as lungs collapse. Remove ribs by cutting with rib cutters or saw, first close to sternum, then several cm from vertebrae.
- Check presence and position of all organs.
- Before any visceral organs are removed from the peritoneal cavity, abnormal vessels (shunts) to or from the liver or intestine and especially leading to the caudal vena cava are looked for.
- Free a central rib by cutting off adjacent soft tissue close to bone.
- Check costochondral junction of young animals by cutting along the thin edge cranially or caudally and not the flat medial (pleural) or flat lateral surface.
- Break or attempt to break rib against curvature for test of general bone strength.

ABDOMINAL CAVITY EXAMINATION

- Make several inspection slices into spleen.
- Remove liver leaving diaphragm in place. Incise and inspect gall bladder in appropriate species. Make multiple inspection slices into liver and incise major vessels.
- Remove kidneys separately after examination of adrenals.
- The adrenal glands are usually to be found in most species just in front of the kidneys or just medially to the cranial poles of each kidney.
- Do not hold adrenal itself. Incise adrenal. Note cortex:medulla:cortex (CMC) ratio. Roughly 1:2:1.

- Cut each kidney longitudinally to pelvis. Peel away capsule. Take tissue cross section to include cortex, medulla, and pelvis epithelium.

PELVIS EXAMINATION

- Open bladder to the urethra.
- Cut ovaries longitudinally then transversely.
- Open both horns of uterus, then cervix and vagina.

GASTROINTESTINAL TRACT

- Lay G.I. tract in relative order to be opened as last major procedure of necropsy to prevent faecal contamination of tissues and instruments, unless investigating calf diarrhoea.
- To check G.I. tract, cut along greater curvature of stomach, forestomach, and representative lengths of duodenum, jejunum, and ileum. Open ileocecal orifice and cecum, large and small colon and rectum. Incise major vessels when exposed.

ORAL CAVITY

- To remove the tongue, cervical and thoracic viscera en masse, cut on medial side of both mandibles close to bone and split the symphysis with cutters.
- Pull tongue down and back. Cut through prominent joint of hyoid bones on both sides. Continue down the neck removing trachea and oesophagus, and examining the jugular veins.

THORAX

- Transect aorta and vena cava at the diaphragm after cutting the pluck and aorta away from the vertebral bodies.
- Examine tongue by transverse sections. Observe and incise thyroids. Observe parathyroids. Cut down full length of oesophagus.
- Check major vessels then cut heart free from pluck at the base.
- Palpate lungs softly. Cut down trachea and major bronchi and observe cut ends of pulmonary arteries for emboli, bronchi for parasites.

LUNG

- If it is not firm, it is probably not pneumonia.
- There is no such thing as pulmonary congestion and oedema without a cause, i.e. – if you can't find a good reason for it, then it is probably just terminal artifact.
- The key is palpation.

HEART

- To examine the heart cut in the same direction of blood flow.
- Open right atrium.
- Check right atrioventricular valve, orifices of cranial vena cava, caudal vena cava, ovalis, and coronary sinus.
- Open right ventricle. Extend incision up pulmonary artery, open pulmonary trunk past bifurcation. Check semilunar valves.
- Open left atrium and ventricle with straight incision. Incise through parietal cusp of left atrioventricular valve.
- Check left atrioventricular valve and openings to pulmonary veins.
- To open aorta, insert knife under septal cusp of left atrioventricular valve. Incise through wall of atrium, out and down aorta.
- Check semilunar valves or aorta, orifices and right and left coronary arteries, orifice of brachiocephalic trunk.

JOINTS

A quick check of joints is recommended. Hip has already been opened and checked. Then, stifle, shoulder, atlanto-occipital (when head removed).

EYE AND BRAIN

- Move head to locate joint. Obtain CSF at this time if required from dorsal or ventral approach. Cut all soft tissues around joint. Insert knife into joint and transect spinal cord and ligaments of joint and transect spinal cord and ligaments of joint dorsally and ventrally. Remove head. Skin rest of head.
- To remove eye: Grasp, with minimum traction, the skin around eye. With belly of knife, cut soft but tough tissues around orbit.
- Cut deeply around orbit, staying close to the bone. Transect optic nerve.
- Remove eye leaving the optic nerve longer on the left eye for easy identification.
- If aqueous or vitreous humour because hypomagnesaemia or nitrate poisoning is suspected, collect now. If the time since death is known and likely to be less than 24 hours collect aqueous humour. Using a 18G, 25 mm needle on a 5 ml syringe, gently insert the point of the needle through the cornea and aspirate 0.5-1ml of fluid. If the time since death is not known then collect vitreous humour. Insert the needle through the sclera, and uvea into the vitreous behind the eye. Aspirate gently to obtain 0.5-1 ml of fluid. If the sample is contaminated with blood, discard it and collect from the other eye.
- For proper fixation, fix the globe, free of surrounding tissue, in toto.
- Remove major muscle masses. Look into foramen magnum to note the normal absence of the cerebellar vermis. Suspect a brain lesion if it is seen (prolapsed).
- Hold head with thumb in eye socket, index finger on top of blade of saw. One cut is transverse through the frontal bone caudal to zygomatic process of frontal bone.
- Place head on right side. Another cut is sagittal, just medial to left occipital condyle.
- Place head on left side for next cut. Cranial part of head is toward you, thumb in eye socket, fingers around mandible. Link cuts with 2 more longitudinal cuts.
- Pry up skull cap. Best to use a screw driver to avoid damaging knife.
- With head in upright position, tap it lightly on table to loosen brain.
- Cut olfactory peduncles, internal carotid arteries, and cranial nerves as brain is removed. Tilt head so that the brain will rest on table.
- To remove pituitary: Pick up dura from basilar part of occipital bone between the sawn condyles after cutting the dura on both sides of the gland back to the foramen. Peel it forward to include pituitary.
- Cut pituitary transversely.

BONE MARROW

To make a bone marrow impression smear or obtain a section of marrow, crack open almost any large bone of young animals or the ends of long bone in mature animals by using the rib cutters to obliquely crack the bone. Cores can be put in formalin for fixation.

THE DESCRIPTION

Gross post mortem descriptions have their own vocabulary. If the 7 broad categories listed are used with each lesion an accurate description can be derived. Examples of adjectives and ways of describing are included.

LOCATION:

Where on the skin, what part of the lung, etc? The anatomical position, and its relationship to other organs and tissues (cranial, caudal, dorsal, ventral, left side, stomach, right adrenal). A quick sketch may be of value here.

COLOUR:

Use of the primary colours is best with shades and degrees as needed. Dark, brilliant, light, mottled, streaked, or stippled may apply.

SIZE:

Only metric units should be used. Your necropsy knife handle could be marked every cm so you have an instantly available measuring device.

SHAPE:

Use descriptive terms such as ovoid, round, conical, flat, nodular, lobular, tortuous, discoid, punctuate, bulbous, wedge-shaped, fusiform, laminated, clustered, lace-like, straight-edged, etc.

CONSISTENCY AND TEXTURE:

A most important feature of lungs; palpation is the key. Sometimes even physical manipulation, such as actual bone breaking at the necropsy table, is helpful. Soft (lips), firm (nose), and hard (forehead) as well as fluctuant, gas filled, friable, viscous, mucoid, gelatinous, stringy, turgid, dry, inspissated, caseous, crepitant, adhesive, gritty, granular, pliable, homogenous, etc. may be used.

NUMBER AND EXTENT (%):

Give a count whenever possible. Use dozens or hundreds in cases that apply. In cases of pneumonia, liver disease, or where portions of a large organ are affected, the extent of involvement is given in percent.

CONTENT:

Quantity and nature of content in any cavity, natural or pathological, is described in volumetric terms as well as the colour, odour, consistency and shape of the content itself. Stricture or collapse of the gut or uterus may require such terms as patent, dilated, partially obstructed, obliterated, narrowed (including degree of narrowing), branched, communicating, tortuous, etc. with respect to their lumen.

ADDITIONAL DESCRIPTORS

In addition to the above standard set of features noted about each lesion, the necropsy report could also include comments on.

ODOUR:

This is one of the hardest features to evaluate, but it is often quite diagnostic and by necessity is described in relation to well-known odours. For example, similar to rancid butter, cider, onions, etc.

DISTRIBUTION AND SURFACE APPEARANCE:

Focal or multi focal, locally extensive, or diffuse covers many conditions while total, scattered, streaked, and laminated are useful. Ulcerated, hairy, smooth, depressed, irregular, eroded, pitted, elevated, glistening, dull, scaly, membranous are of much value for surface descriptions.

NEOPLASIA:

Certain tumours can be presumptively diagnosed grossly, because of the animal's history or experience, but a mass by itself could be one of several conditions. Lymphosarcoma can mimic almost any condition, grossly and can occur in any age animal (even aborted fetuses) and tissues (eg heart, lung) instead of the expected lymphoid areas. Without evidence of prior damage in an organ, such as the liver or thyroid, multiple lumps probably represent neoplasia and not compensatory hyperplasia or regeneration.

THE TIME OF DEATH:

Death is the culmination of dying, but to establish the exact time is often difficult. A few generalities can be used.

Rigour mortis, the stiffening of death, is the best related to the body temperature and the metabolic activity at the time of death. Rigour mortis occurs rapidly in animals that are excited or severely stressed just before death. The opposite is true for animals that are moribund or cachectic for a long period before death. In these latter cases, rigour may not occur for hours, if it occurs at all, and when it does, it may not be complete or easily noticeable. The length of time a body is in rigour is directly related to the onset, as is

the post rigour relaxation time. An animal that takes minutes to go into rigour will only have a short period of rigour. The jaw muscles of dogs and most animals are the first to set up in rigour followed by the eyelids, tail, digits, distal limb muscles, and finally the larger limb muscles. They relax in a similar sequence. Once rigour has been broken by moving the body or limb, the rigour will not return.

Algor mortis, the cooling of the carcass with death, is another useful but not absolute parameter to be noted. Rectal, oral, axillary, or even deep muscle, abdominal, or heart blood temperature are at best only suggestive as they vary so widely after death. Ambient temperature is important in its interpretation. When a heavily-wooled sheep is put in the necropsy refrigerator or left out in freezing weather, its body temperature will increase for hours because of insulation afforded by the wool and the heat produced by continued fermentation in the gastrointestinal tract.

Clouding of the lens of most species is quite variable and the most apropos comment to make here is that the lens clouds easily when cold. Such cloudiness is often mistaken for cataracts. To differentiate from true cataracts, one has only to warm the head and eyes, and these "cold cataracts" will disappear.

Rumen mucosal sloughing is a difficult evaluation as it can begin within twenty minutes in the "normal cow." This usually takes several hours however.

Blood glucose drops rapidly about 20 minutes after death while some other biochemical values, such as calcium or other blood minerals, may not decrease over much longer periods. Comparison with C.S.F. values may be helpful for some. On the other hand, the continued plateau of glucose levels may indicate a poisoning by sodium fluoroacetate which prevents glucose's enzymatic breakdown. Blood urea nitrogen (BUN) does not increase after death as many believe, but instead plateaus for up to 3-4 hours before gradually decreasing.

Food digestion: Animals removed from their normal habitat just after eating may not have any appreciable digestion noted of their stomach contents if they are severely stressed for 24 to 48 hours or more after being moved.

Developmental stages of identifiable eggs or maggots on a flyblown carcass may indicate when the wound or carcass became flyblown and may thus be an indication of time of death.

Although not related to time of death, one rather unique way to slow down decomposition is to bury the carcass in the cool earth. This will often delay autolysis, considerably, if other means of preservation is available.

DECOMPOSITION:

Fat animals or fully fleeced animals actually increase in body temperature when placed in a refrigerator after death. A blanket, like wool or long hair, is a great insulator, keeping cold out and heat in.

Acknowledgements: These notes are taken fully or in part from *The Necropsy Book* by John M King and advice of Keith McSporran, Gribbles Veterinary Pathology, Auckland.

“HOW TO” REMOVE A BRAIN

These instructions apply to removal of brains from all species of animals. They have been provided by Gribbles Veterinary.

Supplies required:

- reciprocating saw or good quality meat saw
- screwdriver
- knife or scissors
- formalin
- bucket
- sample containers

Method:

1. Euthanase the animal using Pentobarbitone or Xylazine sedation (followed by rapid infusion of saturated solution of MgSO₄ or KCl 100mL/45kg) or by shooting with a .22 calibre rifle aimed into the frontal cortex only, vertical not towards foramen magnum.
2. Remove the head, skin the caudal portion and remove the ears.
3. Collect spinal cord from the carcass by grasping the spinal cord with forceps. Pull cord cranially, cut 2 cm of cord free with knife or scissors, then place in a sample container and keep fresh (this can also be frozen).
4. Make saw cuts in skull –
 - a. transverse cut behind eyes to below the centre line of the eye
 - b. intersect the middle of transverse cut with the lateral aspect of the poll on both sides
 - c. sagittal cut medial to occipital condyle, from foramen deep into nuchal eminence.



2. Remove skin and ears from head



4a. Transverse saw cut



4b. Intersecting cut



4c. Sagittal cut

Tips – if an assistant is available, get them to hold the head whilst sawing and/or put the nose into a bucket to stabilise. Using a reciprocal saw is much easier and quicker.



5a. Level cut bone free



5b. Tap head to dislodge brain



5c. Remove brain



5d. Include the obex (at knife point)



6. Place brain in formalin to fix

5. Remove the brain –

- a. Lever the cut bone free using a screwdriver rather than a knife
- b. Tap head (condyles) firmly on a hard surface so the brain slumps free
- c. Cut away the meninges, roll brain out starting at olfactory lobes, sever internal carotid arteries and cranial nerves as brain is removed
- d. The obex must be included as it is a critical area to examine histologically.

6. Place the brain in formalin (10 times the brain's volume) to fix.

7. Submit fixed brain and fresh spinal cord for testing.

Tip – fix the brain in a bucket of formalin (10 times volume of brain) and then transfer to a smaller container or plastic bag to submit.

Note: the heads shown in the above diagrams are fully skinned (as were sourced from a meat processing plant) – this isn't necessary for routine brain removal.

SAMPLING AQUEOUS AND VITREOUS HUMOUR

Fraser Hill BVSc, FACVs, Veterinary Pathologist, Gribbles Veterinary Pathology, Palmerston North

A useful sample to collect when investigating sudden death in cattle or sheep is ocular fluid. Rather than using a syringe and needle, use a vacutainer to aspirate the fluid (figure 1).

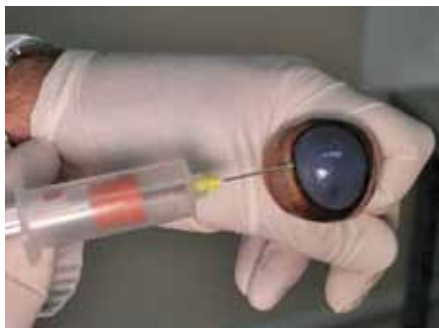


Figure 1

Insert vacutainer needle through the limbus.

If the time since death is known and likely to be less than 24 hours collect aqueous humour. Insert the needle through the limbus and angle towards the cornea keeping the point in front of the lens (figure 2). Once the tip is free in the aqueous push the vacutainer onto the needle. Aspirate 0.5–1 ml of fluid.

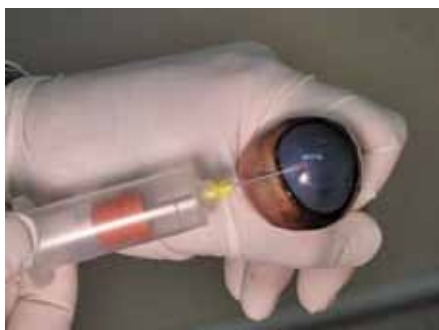


Figure 2

To collect aqueous humour aim the tip of the needle into the aqueous in front of the lens

If the time since death is not known then collect vitreous humour. Insert the needle through the limbus and uvea into the vitreous behind the lens (figure 3).



Figure 3

To collect vitreous humour aim the tip of the needle into the vitreous behind the lens

As vitreous humour is thicker, a syringe and needle may be required to successfully retrieve a sample (figure 4).

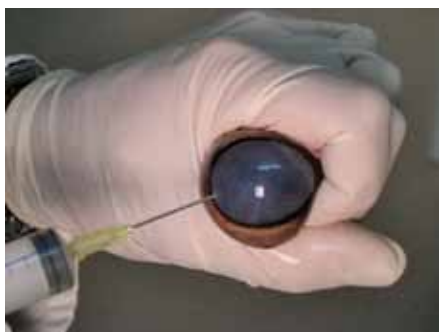


Figure 4

Use a syringe and needle to collect vitreous humour if the vacutainer technique is unsuccessful

If the sample is contaminated with blood, discard it and collect from the other eye.

This technique can be carried out while the eyeball is still in the carcass.

Euthanasia

HUMANE EUTHANASIA

The overriding consideration during emergency slaughter is to prevent the animal from suffering further pain or distress. Humane slaughter depends on rapidly inducing failure of brain function. This can be achieved by causing sufficient brain damage to render the animal insensible and then cutting the major blood vessels of the neck to cause death.

Devices for emergency slaughter should be in good condition (e.g. knives should be sharp) and appropriate for the animal (e.g. captive bolt device cartridge strength or firearm calibre).

Captive bolt firearms, of a suitable design and calibre, should be used to render animals insensible. There are two types of captive bolt firearm – penetrating and non-penetrating. A penetrating captive bolt enters the skull and comes into contact with the brain tissue; a non-penetrating captive bolt employs a ‘mushroom’ percussive head. Both methods provide a concussive blow to the skull, resulting in insensibility because of brain tissue damage, although the damage caused by the penetrating captive bolt will result in less chance of the animal regaining sensibility.

Whenever a firearm is used, it is very important that the operator is competent to use it and takes care to ensure their safety and that of other people and animals.

Free bullet firearms should never be used at point blank range. Instead shotguns and rifles should be used between 5–25 cm from the head.

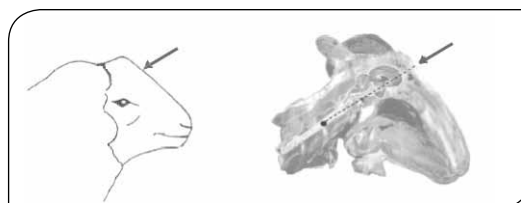
Bleeding an animal should be carried out using a sharp knife with the incision cutting both carotid arteries and jugular veins in one swift stroke. Breaking the neck or severing the spinal cord immediately after cutting the throat only produces paralysis, does not affect the time it takes for the animal to become unconscious, and adds to the potential pain and distress of the procedure.

Sheep

Sheep should be rapidly rendered insensible and remain in that state, until death.

The captive bolt firearm must be applied directly against the head of the animal at the position shown below.

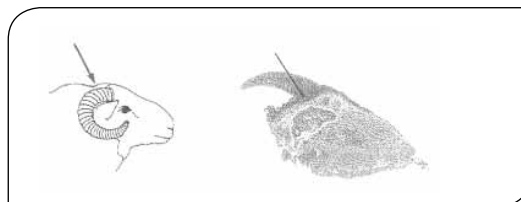
The optimal free-bullet firearm position for hornless sheep is on the midline.



The optimum position for captive bolt stunning of hornless sheep is on the highest point of the head, and on the midline, aiming straight down.



The optimum position for heavily horned sheep is behind the poll, aiming towards the angle of the jaw (both free bullet and captive bolt).

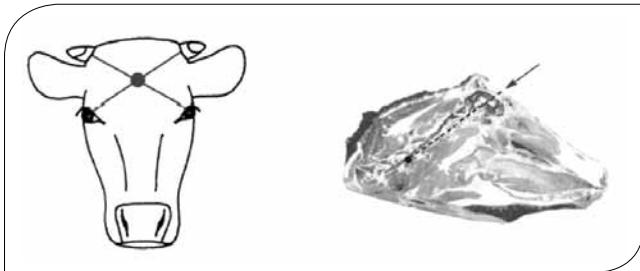


Beef and Dairy Cattle

Shotguns should not be used to destroy adult beef cattle, only calves.

The captive bolt firearm must be applied directly against the head of the animal at the position shown below. The optimum position for beef cattle is at the intersection of two imaginary lines drawn from the rear of the eyes to the opposite horn buds (both free bullet and captive bolt).

Blood supply to the brain in cattle is markedly different from other livestock and this difference can result in prolonged consciousness when only the carotid arteries and jugular veins are severed (the throat cut). Therefore, killing any cattle by cutting the throat may not produce rapid death and therefore is not humane, unless the animal has first been rendered insensible.



Pigs

Pigs up to weaning: a blow to the frontal region of the skull, sufficient to fracture the skull, followed by bleeding out.

Grower, finisher and adult pigs:

- use of a captive bolt pistol, held against the head at the point of intersection of a line between each eye and the opposite ear; or
- shooting with a rifle directed at the same site, but held several centimetres away from the head; or
- shooting with a 12-gauge shotgun, loaded with buckshot, directed behind the ear from a distance of 20 centimetres towards the opposite eye.

Large pigs: the skulls of large pigs are very dense so a captive bolt may not penetrate the skull. A shotgun or rifle is the preferred method.

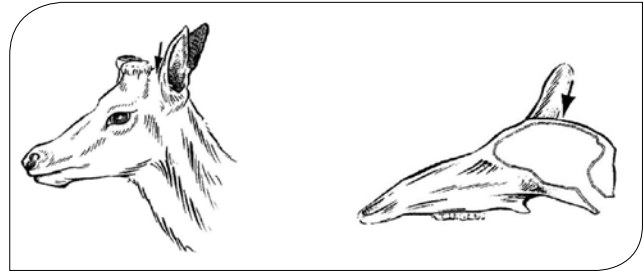
The correct position of the blow or shot is critical for humane and effective killing. The optimum position for pigs is on the midline just above the eye level, with the shot directed down the line of the spinal cord.



Deer

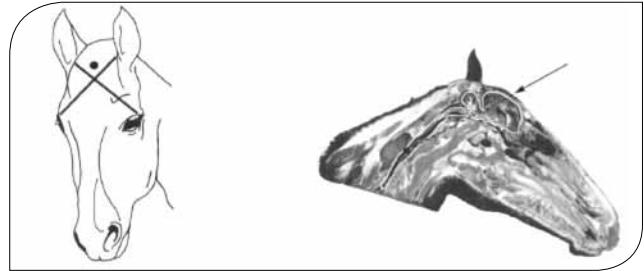
Antlers do not equate to the horns of cattle. The ideal site for bolt or bullet penetrations is in the middle of the forehead, at the crossing point of two imaginary lines drawn from the eyes to the tops of the opposite ears.

In stags this site is found between, sometimes just behind, the antlers.



Equines

The ideal site is slightly above (1cm) the intersection of two imaginary lines drawn from the eye to the opposite ear.

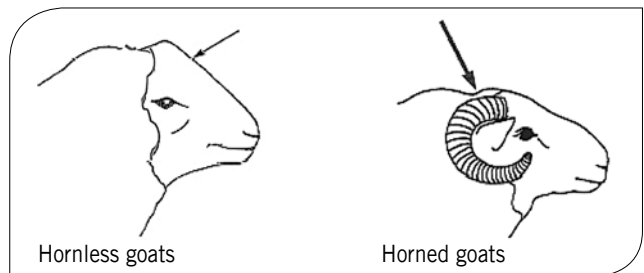


Goats

The correct position and direction of aim are critical for the humane and effective killing of goats and kids.

Hornless goats: The optimum position for hornless goats is on the midline.

Horned goats: The optimum position for horned goats is behind the poll, aiming towards the angle of the jaw.



Body Condition Scoring

BODY CONDITION SCORING

Deer

This chart can be used broadly for all species of New Zealand farmed deer. The use of body condition scoring (BCS) is less accurate for assessing weaner deer.

BCS is based on palpation of the ribs, spine, pelvis and rump of live animals. The simple scoring system varies from score 1 (emaciated) to 5 (excessive condition).

Visual assessment of the body condition of live deer is difficult, particularly during cool months when coat hair is long. A long coat can disguise the actual appearance of the pelvis, ribs and spine, while a short coat can make an animal's appearance irregular and highlight these areas. The only reliable method of assessing live animal body condition is by palpation of the ribs, spine, pelvis and rump.



Condition score

Description

1 Emaciated

No fat cover
Pelvis, ribs and spine are prominent
Concave rump area



2 Lean

Minimal fat cover
Pelvis, ribs and spine prominent but appear rounded rather than sharp



3 Good condition

Ideal fat cover
Pelvis, ribs and spine not readily distinguished
Rump area is flat



4 Forward condition

Fat
Pelvis and rump rounded
Spine covered by fat



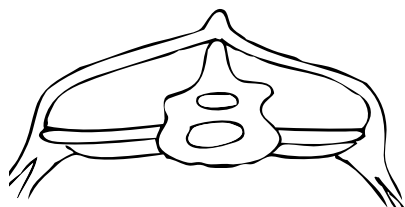
5 Excessive condition

Over fat
Pelvis concealed by fat cover
Rump very convex
Spine hard to palpate

Sheep

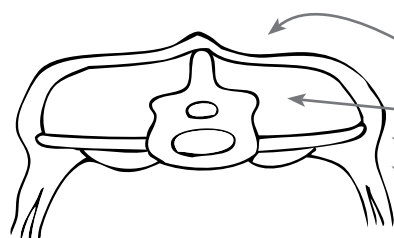
Condition scoring assesses the amount of muscle and fat on the sheep. If there is too much wool on the sheep it is difficult to score body condition accurately by eye. Place the palm of your hand on the lumbar spine (loin) and use fingers on one side and thumb on the other side to feel transverse processes.

Use 0–5 scale to score sheep using the following descriptors:



Emaciated and on the point of death

Condition score = 0



Spine prominent and sharp

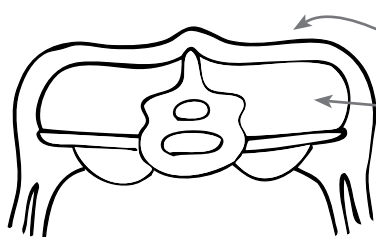
No fat cover

Muscles thin

Horizontal process sharp

Fingers easily pass under

Condition score = 1



Spine prominent and smooth

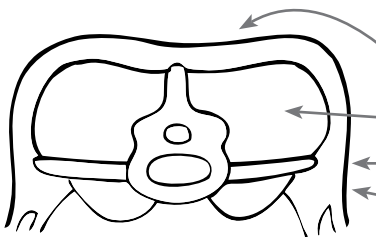
Thin fat cover

Muscles medium depth

Horizontal process rounded

Fingers go under with pressure

Condition score = 2



Spine smooth, rounded

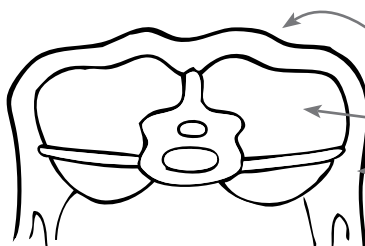
Moderate fat cover

Muscles full

Horizontal process smooth, rounded

Fingers need hard pressure to find ends

Condition score = 3



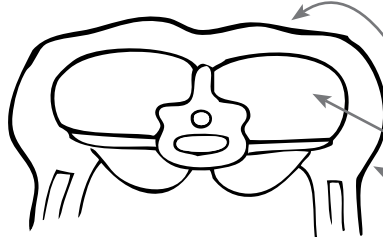
Spine only detected as a line

Fat cover thick

Muscles full

Horizontal process cannot be felt

Condition score = 4



Spine not detectable, fat dimpled over spine

Fat cover dense

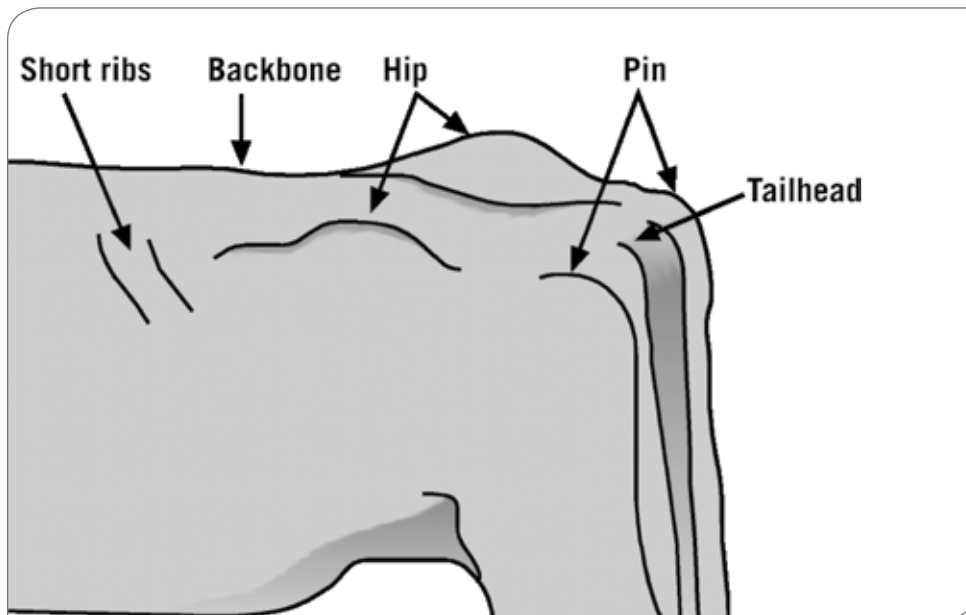
Muscles very full

Horizontal process not detectable

Condition score = 5


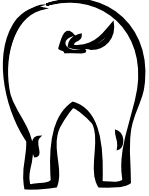
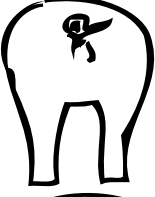
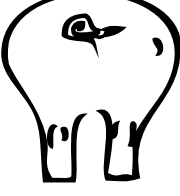
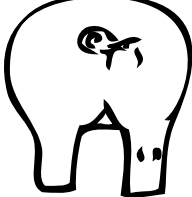
Beef Cattle

The table below provides a guide on how to assess body condition score in beef cows. The condition scoring system is simply based on the amount of fat cover over an animal's bones. Note the focus on observing the rear half of the animal.



Condition Score	Description
0	Emaciated, and on the point of death
1	Very thin with no fat detectable over spine, hips, or ribs. Tailhead and ribs project prominently.
2	Borderline condition, ribs still identifiable but not as sharp to the touch. The spine is still prominent but feels round rather than sharp. Some fat over the hip bones and tailhead.
3	Good overall appearance. Firm pressure must be applied to feel the spine. Fat cover over the ribs feels spongy and areas on either side of the tailhead have fat cover.
4	Good, beef cattle appears fleshy and carries some fat. Spongy fat cover over the ribs and around the tailhead. Fat patches are becoming obvious.
5	Fat. Spine almost impossible to palpate. Large fat deposits over ribs, around tailhead, and below vulva. Bone structure no longer visible.

Pigs

	Condition Score	Pelvic bones, tailhead	Loin	Vertebrae	Ribs
	1	Pelvic bones very prominent. Deep cavity around the tail head.	Loin very narrow. Sharp edges on transverse spinal process. Flank very hollow.	Prominent and sharp throughout the length of the backbone.	Individual ribs very prominent.
	2	Pelvic bones obvious but some slight cover. Cavity around tail head.	Loin narrow. Only very slight cover to edge of transverse spinal process. Flank rather hollow.	Prominent.	Rib cage less apparent. Difficult to see individual ribs.
	3	Pelvic bones covered.	Edge of transverse spinal process covered and rounded.	Visible over the shoulder. Some cover further back.	Covered but can be felt.
	4	Pelvic bones only felt with firm pressure. No cavity around tail.	Edge of transverse spinal processes felt only with firm pressure.	Felt only with firm pressure.	Rib cage not visible. Very difficult to feel any ribs.
	5	Pelvic bones impossible to feel. Root of tail set deep in surrounding fat.	Impossible to feel bones. Flank full and rounded.	Impossible to feel vertebrae.	Not possible to feel ribs.

Dairy Cattle

The table below provides a guide on how to assess body condition score in dairy cattle. Body condition scoring of dairy cows is based on palpation as looks alone can be deceiving. At lower condition scores the weight of assessment is more on the back bone, ribs and short ribs (loin), pin bones and tail head, while at higher scores the assessment also includes the rump and thigh. In assessing body condition score, each point should be assessed individually and then an average score arrived at because different breeds carry their weight on different parts of the body.

When assessing the various parts consider:

- Back bone – is it flat or a ridge, and are the joints easily seen or felt between?
- Ribs and short ribs (loin) – can you see and feel them easily?
- Hip bones – are they flat or pointed?
- Pin bones – are they rounded or pointed and have a tap-like appearance?
- Rump area – is it flat?
- Thigh area – is it depressed or rounded?

For additional guidance see the DairyNZ Body Condition Scoring Reference Guide:

<http://www.dairynz.co.nz/page/pageid/2145864561/Health>

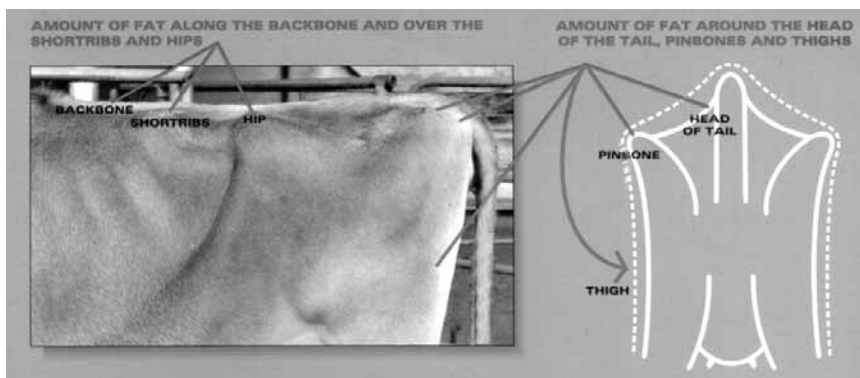


Table of characteristics of points at each score (for each score)

BCS 1		No internal or external fat reserves
BCS 2	Back bone Ribs Short ribs Pins Hip bones Tail-head Rump	Notches distinct, easy to count All easily counted from a distance Very sharp edges Three-pronged tap formation very evident Deep depressions on side of hooks Very prominent, angular and sunken Severe depression
BCS 3	Back bone Ribs Short ribs Pins Hip bones Tail-head Rump Thigh	Prominent and notches distinct Easily seen, no discernable cover Deep indentation and sharp ends Three-prongs discernable but no sharp edges Sharp edges; depression on sides appearing Prominent with a deep V shape Slight depression Indented – no visible fat
BCS 4	Back bone Ribs Short ribs Pins Hip bones Tail-head Rump Thigh	Slightly risen and tops of notches visible Rounded but easily felt Rounded at ends Triangle shape with no sharp edges Depressions in side appearing, no sharp edges Sunken with shallow 'U' shape Slight depression Slight depression
BCS 5	Back bone Ribs Short ribs Pins Hip bones Tail-head Rump Thigh	Smooth Rounded to touch and not individually visible Rounded edges Slightly rounded Rounded Even cover, no sharp edges Flat even cover Smooth and flat
BCS 6	Back bone Ribs Short ribs Tail-head Pins Rump Thigh	Rounded across the loin Rounded and fat cover felt Smooth edges to ends and starting to round Fat cover appearing Fat cover bulging Flat Starting to round
BCS 7	Back bone Tail-head Pins Hip bones Rump Thigh	Flattened out across loin Fat folds appearing either side Not discernable Well rounded and buried in fat Well rounded Rounded outwards with rolls of fat
BCS 8	Ribs Short ribs Hip bones Pins Thigh	Very flat Flat without indentation Flat edges to hooks Large folds of fat on either side Rolls of fat easily felt
BCS 9	Back bone Rump	Buried in fat Fat protruding
BCS 10		Excessive internal and external fat

Locomotion Scoring of Dairy Cattle*



www.nz.availa4.com

Research shows that production suffers with increasing Locomotion scores:

Locomotion Score	Milk Loss
2	1%
3	8%
4	11%
5	34%

*NZ Research on the Link to Milk Production Impact of Locomotion Score. Dr Robert Tremain, University of Waikato. 11/04/04. Published in: The Journal of Dairy Science, 2005.

LOCOMOTION SCORE

1

Clinical Description:

NORMAL

Description: Stands and walks normally with a level back. Makes long confident strides.



Back Posture Standing: Flat



Back Posture Walking: Flat

LOCOMOTION SCORE

2

Clinical Description:

MILDLY LAME

Description: Stands with flat back, but arches when walks. Gait is slightly abnormal.



Back Posture Standing: Flat



Back Posture Walking: Arched

LOCOMOTION SCORE

3

Clinical Description:

MODERATELY LAME

Description: Stands and walks with an arched back and short strides with one or more legs. Slight sinking of dew-claws in limb opposite to the affected limb may be evident.



Back Posture Standing: Arched



Back Posture Walking: Arched

LOCOMOTION SCORE

4

Clinical Description:

LAME

Description: Arched back standing and walking. Favouring one or more limbs but can still bear some weight on them. Sinking of the dew-claws is evident in the limb opposite to the affected limb.



Back Posture Standing: Arched



Back Posture Walking: Arched

LOCOMOTION SCORE

5

Clinical Description:

SEVERELY LAME

Description: Pronounced arching of back. Reluctant to move, with almost complete weight transfer off the affected limb.



Back Posture Standing: Arched



Back Posture Walking: Arched






*Adapted from Sprecher, D.J.; Hostetler, D.E.; Krawenz, J.B. 1987. Theriogenology 47:1179-1187 and contribution from Cook, N.B, University of Wisconsin.

DairyNZ also have lameness scoring guidance for cattle on their website:

http://www.dairynz.co.nz/page/pageid/2145876673/Lameness_Scoring

Goats

This chart can be used broadly for all breeds of goats farmed in New Zealand, although it is useful to note that dairy goats in general tend to be leaner than meat goats. The use of body condition scores (BCS) is less accurate for assessing kids and growing goats. Body condition scoring is based on palpation of the spine, pelvis and rump of live animals. The simple scoring system varies from score 0 (emaciated) to 5 (obese). Visual assessment of body condition of goats can be difficult where the coat is long e.g. in Angoras in full fleece. A long fleece can disguise the actual appearance of the pelvis, ribs and spine, while a short coat can make the animal's appearance more irregular and highlight these areas. The only reliable method of assessing animal body condition is by palpation of the ribs, spine, pelvis and rump.

Condition Score		Description
0 (Emaciated)		No internal or external fat reserves
1 (Poor)		Loin No muscle on edges of transverse process, bones very sharp, thin skin. Vertebral angle has little muscle and is very concave. Spinous processes very prominent with no muscle in between.
	Rump	Sharp outline visible; no muscle between skin and bones
	Pins	Very sharp, no padding
2 (Thin)		Loin Muscle extends to the edges of transverse process, spacing can be felt between the vertebral processes, thin skin
	Rump	Outline slightly contoured; light padding but bones still somewhat prominent and very easy to feel
	Pins	Sharp, little padding
3 (Good)		Loin Muscle and subcutaneous fat covers edges of vertebral process; individual bones are somewhat distinct
	Rump	Smooth, without signs of fat; pelvic bones and spine are distinct
	Pins	Slight pressure needed to feel the pin bones
4 (Fat)		Loin Vertebral processes indistinct and firm pressure needed to feel them. Vertebral angle rounded but not yet bulging over spinous processes. Spinous process spacing difficult to detect; spine felt as a hard line
	Rump	Heavily padded with fat; bones can only be felt with firm pressure
	Pins	Heavily padded with fat and firm pressure needed to feel them
5 (Obese)		Loin Edge of vertebral processes and spacing between too fat to feel bones. Vertebral angle bulges over the level of the spinous processes.
	Rump	Spine lies in the centre of a groove of fat
	Pins	Buried in fat, bones very indistinct Buried in fat, hard to locate