

Animal welfare investigations: General information and advice

1. Advice in relation to an animal welfare investigation

Ask for support. Typically, you will have no notice of an investigation arising from a complaint. If an animal welfare inspector arrives on site, consider contacting NZ Pork and/or your veterinarian as soon as you are aware they are coming, or when they are already present. If you do want a support person there, it may be that someone can be present during the visit, even if it is just for moral support. The support person is not expected to give advice, but depending on their background, their opinion may be sought during the visit. They can help farmers communicate with inspectors, take notes, clarify understanding and actions to be taken, and help identify and discuss workable solutions to any problems. You can also request that MPI contacts NZPork or any other organisation for support on your behalf.

Following the initial investigation, any follow up visits will normally be pre-arranged, and you can have support persons in attendance (e.g., veterinarian, industry support, animal welfare expertise, federated farmers representative, rural support trust, neighbour, family, friend). Proactive inspections are also pre-arranged, so you can organise for support persons to be there.

Take notes. If an animal welfare inspector visits, record what you saw (where they went on farm), what was discussed, advised, queried by the inspectors, explained to the inspectors etc. Note any supporting documents you provided or showed them.

Be prepared. Make sure you have up to date documentation and standard operating procedures such as animal health plans, fit to load guides, veterinary instructions, protocols for managing compromised pigs, and biosecurity. You should have a copy of the Code of Welfare, treatment records, and records of duration in mating stalls if relevant. All of these should be current and readily accessible. You may also want to mention your PigCare status and whether you are happy for NZPork to provide audit reports to the inspector.

Preparation includes your staff. If an inspector turned up and no senior staff were present, could less senior staff members refer to necessary information accurately? Do they know where the above documentation is kept? More generally, consider how your staff might explain things like treatment protocols, compromised pig protocols for certain conditions (e.g., hernias, abscesses, shoulder sores, rectal prolapses, ear haematomas, lameness).

2. Animal welfare inspectors have specific powers under the Act

MPI and the SPCA are authorised inspectors under the Animal Welfare Act. MPI deals with commercial farms and larger lifestyle blocks, whereas the SPCA deals with companion animals, horses and small scale lifestyle blocks (10 or less animals).

The Act grants powers to authorised inspectors. When an investigation begins, an inspector may enter any land, premises, or place without a warrant, at any reasonable time or times, to inspect any animal. No inspector may enter a dwelling without a search warrant. An inspector exercising power of entry must produce evidence of their appointment as an inspector, and of their identity if requested.

A *person in charge* (PIC) is defined as a person who has the animal under their possession or custody, or under their care, control or supervision. If the person in charge is not present when power of entry is exercised, inspectors can still enter and investigate. They must leave a written statement in a prominent place detailing the time and date of entry, purpose of entry, condition of any animals inspected, whether any were removed, and a name, address/ contact details for enquiries.

Upon entry, they may take any photos, recordings, drawings or other records (paper or electronic) of anything relevant to, or observed, during the inspection. They may also take carcasses or tissue or bodily samples from live or dead animals found during an inspection, and/or samples of feed, water, bedding etc. If they have reasonable grounds to believe an animal has been wilfully ill-treated, or that an animal requires treatment by a veterinarian, they can remove animals and take possession of them.

Inspectors have the power to mitigate suffering including destroying or arranging the destruction of animals. They must consult with the owner and seek a second opinion if requested by the owner upon requiring an animal's destruction. If the owner cannot be contacted (or refuses to agree) and an animal

is severely sick or injured, the inspector or veterinarian can euthanise. A person commits an offence if they fail to comply with any requirement of an inspector to prevent or mitigate suffering, including destroying or arranging for the destruction of an animal.

3. Animal welfare inspectors may bring additional persons to assist them

Typically, two inspectors will be present. They may also take any person(s) with them to assist, including police where there are safety or obstruction concerns, or where warrants are required. These additional persons may be other MPI staff, such as veterinarians, or external persons not employed by MPI e.g., private veterinarians, animal welfare experts, technical industry experts, or livestock transporters. Authorised persons brought in to assist are not appointed as inspectors under the Animal Welfare Act 1999. They do not have legal powers of entry, seizure, issuing directions, or evidence compulsion. They provide operational support and advice, and act under the direction of the inspector.

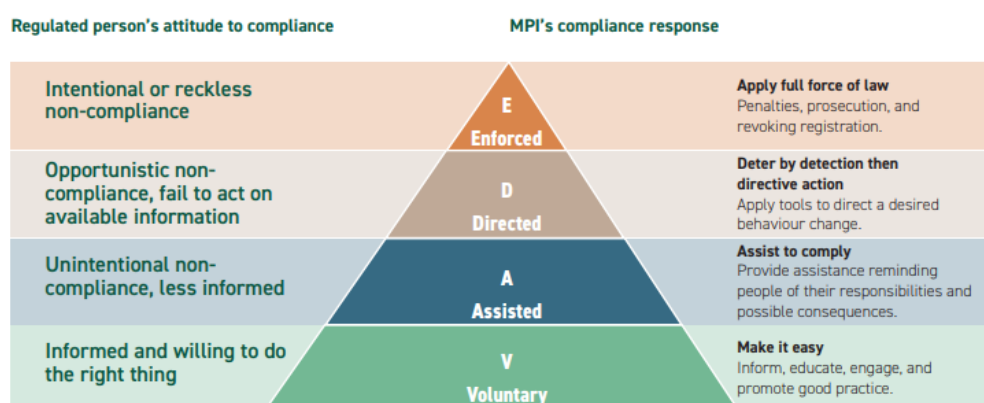
4. What might happen following an investigation

Following an investigation, inspectors can issue legally binding instructions (Directions under section 130 of the Act, or a Compliance Notice under section 156A of the Act) which must be complied with. Failure to comply is an offence. These are effectively corrective actions with deadlines. For example, requiring a change to feeding levels or diets, housing, stocking densities, requiring actions to be taken for specific individuals (e.g., seeking veterinary treatment, or ordering destruction of animals) or seeking general veterinary advice and assessment. They can require cessation/prohibition of certain practices (whether there is evidence of them or, in conversation, have determined that a non-compliant practice is occurring).

Compliance notices can be changed or cancelled, but an application to change or cancel a notice does not operate as a stay or invalidation of notice until written confirmation of cancellation or change is confirmed.

MPI uses the VADE (Voluntary, Assisted, Directed, Enforced) model of compliance. After the initial investigation they may choose to take an educational approach and could, for example, refer to an industry based programme such as PigCare. Where unintentional minor non-compliance is established, they may do formal or informal follow up visits to check progress against any action required. Where MPI sees a need for directed compliance, they may issue an official written warning or an infringement notice, which may include a fine. Enforcement action like prosecution will only be taken where there is clear evidence of serious offending against the Animal Welfare Act.

VADE model:



5. Can biosecurity requirements be used as a reason to prevent entry?

No. However, if you have biosecurity requirements for visitors, it is reasonable that you request that animal welfare inspectors follow these. This might include any disinfection or decontamination requirements for equipment or vehicles, entry protocols such as showering in, and requirements for wearing PPE. However, the inspectors have powers under the Animal Welfare Act that grant them the ability to enter land, premises or places for the purpose of their investigation. Biosecurity cannot be used as a barrier to entry.