

N. E. Wells & Associates

Incorporating NEW Quality Systems, NEW Health and Safety Systems,
NEW Publishing, NEW Animal Welfare Information Services

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Territorial Authority Animal Welfare Services

a division of N. E. Wells & Associates

Monday, 15 January, 1996

Manager - Animal Welfare Services
Waitakere City Council
DX CX 10250
AUCKLAND MAIL CENTRE

Attention Tom Didovich

Dear Tom

re: Territorial Animal Welfare Services

Now that the pilot programme is well and truly underway we need to look ahead to ensure that there is a seamless transition from the pilot programme to the full national programme.

You will be aware that there has been considerable interest amongst other territorial authorities in the Waitakere programme. I have written to all 74 territorial authorities and that has spawned a very high level of interest – much higher than I would have anticipated in the early stages.

Enclosed is a paper that has been provided to the territorial authorities that have asked for further information. This is for your information. I will be discussing the general terms with MAF and will keep you informed.

The next 6 months will pass quickly so we need to constantly review, not only the current pilot programme, but also the integration of the Waitakere programme into the national programme.

Sincerely

Neil Wells

Territorial Authority Animal Welfare Services

a division of N. E. Wells & Associates

REGISTRATION OF INTEREST IN ANIMAL WELFARE INSPECTOR PROGRAMME

We are interested in registering as a territorial authority approved to have officers warranted under the Animals Protection Act 1960 pursuant to a MAF approved programme due to commence 1 July 1996.

Name of Territorial Authority: _____

Address: _____

Phone: _____ Fax: _____

Contact: _____

Designation: _____

Number of dog control officers (including dog rangers)

Number of stock rangers (not included in the above)

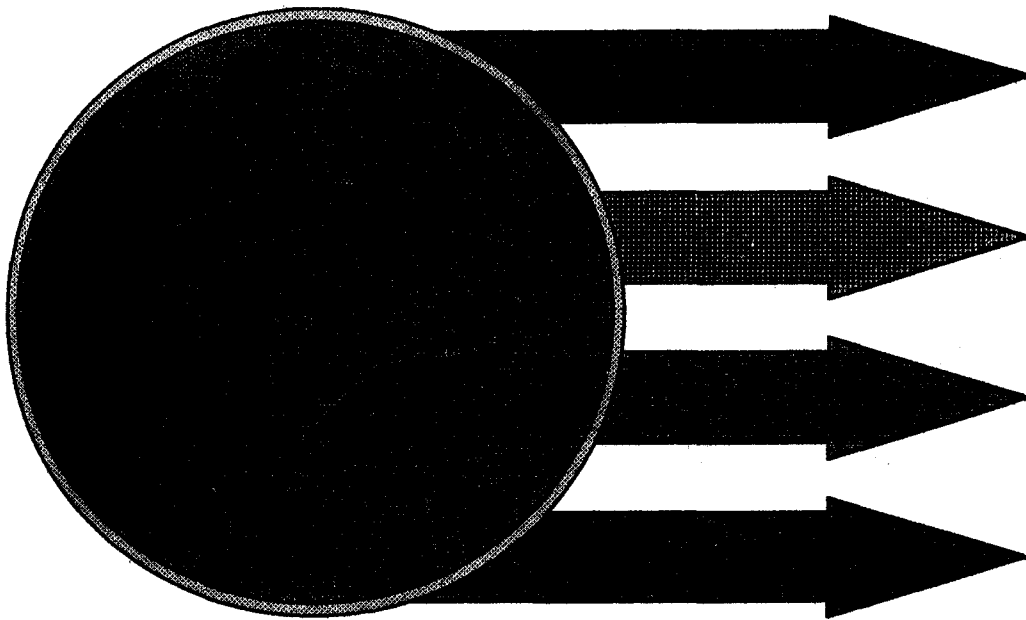
We are interested in having officers trained before 1 July 1996.

Please inform us of regional training course venues and dates.

Comments: _____

Signed: _____

Date: / /1996



**Territorial Authority
Animal Welfare Services**

***ENHANCING
ANIMAL CONTROL
SERVICES***

***N. E. WELLS & ASSOCIATES
P O Box 15-771 New Lynn Auckland
Tel: 09 827 8139, Fax: 09 827 0033***

Territorial Authority Animal Welfare Services

ENHANCING ANIMAL CONTROL SERVICES

1. Introduction

This paper sets out the criteria for territorial authorities to recommend the appointment of suitable animal control officers as Inspectors under the Animals Protection Act 1960. It should be read in conjunction with our letter of 27 December 1995.

2. N. E. Wells & Associates

N. E. Wells & Associates is an independent consultancy specialising in:

- animal welfare;
- legal training;
- quality systems management;
- quality management training;
- administration of accrediting and training bodies.

2.1 Neil Wells

Neil Wells is a practising barrister having been admitted in 1984. He holds an LLB(Hons) in which he majored in animal protection and conservation law, and a BA in which he majored in history and political studies.

He is a past President and National Director of the Royal New Zealand SPCA and was responsible for setting up the training programme for SPCA Inspectors in 1978.

He is qualified as a quality systems auditor having completed the ETRS-Stebbing Quality Management Systems training course in 1994 and has also completed formal training in quality system development.

He is a specialist legal and technical adviser on animal welfare and ethical issues, and is a foundation member of both the Animal Welfare Advisory Committee (AWAC) – having been re-appointed for a further 3 year term – and the National Animal Ethics Advisory Committee (NAEAC) until November 1995. He is Deputy Chairman of AWAC and convener of AWAC's sub-committees on Animal Transport, Traps and Trapping, and Animals in Entertainment.

He is a member of the Ministry of Agriculture project team that is reviewing the Animal Welfare Bill and played a lead role in preparing the drafting instructions for Parliament.

He was editor of *A Guide to Environmental Law in New Zealand* published for the Commission for the Environment in 1983 and author of a number of published articles on animal welfare, ethics and conservation.

He was a non-governmental organisation delegate to the International Whaling Commission from 1988 to 1993.

He was Head of the New Zealand Delegation to the International Organization for Standardization technical committee on traps (ISO/TC191) at Ottawa in February 1994 and at Denver in September 1995.

3. Benefits of Integrating Animal Welfare and Animal Control

Currently animal control services operate under the provisions of the Dog Control and Hydatids Act 1982 and the Impounding Act 1955.

The proposed provisions of the Local Government Law Reform Bill will extend the powers of dog control officers beyond those currently contained in the Dog Control and Hydatids Act 1982. Of significance are the powers to:

- remove a barking dog causing distress (clause 84);
- enter land or premises to feed and water a dog (clause 45).

While these powers will be welcome additions to the powers of dog control officers they do not go as far as the powers of the Animals Protection Act 1960 which include the power to seize animals and the power to mitigate suffering of animals.

Animal control inevitably involves animal welfare issues but council officers are constrained in that SPCA Inspectors need to be called in when animal neglect and cruelty issues are detected.

Inspectors warranted under the Animals Protection Act 1960 have the power to:

- enter premises, buildings or vehicles without warrant where there are reasonable grounds for believing that an offence of cruelty or neglect is occurring or has occurred (a warrant is required to enter a dwellinghouse) and seize any animal that the Inspector believes has been the subject of an offence;
- enter premises, buildings or vehicles without warrant to feed and water an animal that has not had food or water in the previous 24 hours (a warrant is required to enter a dwellinghouse);
- order an owner to take steps to prevent or mitigate suffering;
- destroy an animal that is in such a condition that it is cruel to keep it alive (subject to a veterinary opinion if the owner objects);
- recover expenses through fines or as a debt.

Until now these powers have been available only to MAF officers, SPCA Inspectors and the Police. The additional powers will enable territorial authorities to provide services to ratepayers on all aspects of animal welfare.

Having extended powers will enhance the effectiveness and credibility of animal control officers. Animal control officers will be able to deal with issues speedily without having to refer cases to the SPCA. This will increase the effectiveness of animal control officers as they will be able to complete a job effectively and be available for further work sooner.

This programme does not in any way compete with the services of the SPCA. It is complimentary to those services already existing.

4. Appointment of Inspectors

Inspectors are appointed under the Animals Protection Act 1960 in a number of ways:

- The Ministry of Agriculture (under delegated authority) appoints its own Inspectors. These appointments are made chiefly in the MAF Quality Management division and are full-time;
- All constables are Inspectors by virtue of their office;
- The Minister may appoint "any suitable person to be an Inspector in an honorary capacity."

This last means of appointment has been the basis for the appointment of SPCA Inspectors under an arrangement that has existed for 35 years.

There is an additional provision in section 9(2)(a) that has not been used until now which authorises the Minister to appoint Inspectors on a part-time basis. Recognising that animal welfare work will be complimentary to animal control work, and therefore part-time, it is this provision that is being used for the appointment of territorial authority animal control officers.

The means of appointment of Inspectors was an issue which was discussed in two MAF public discussion papers (PDP 103 and 112) on the proposed Animal Welfare Bill. The Animal Welfare Bill will be introduced to Parliament this year.

Policy has been approved by Cabinet for organisations other than the RNZSPCA to be approved to recommend the appointment of Inspectors.

It is from this policy that the pilot programme currently running with Waitakere City was approved.

5. The Training and Accrediting Body

5.1 Planning

While MAF-RA supports the principle of territorial authorities having animal welfare inspectors (subject to the success of the Waitakere City pilot programme) MAF does not wish to deal with 74 different territorial authorities with the inevitable variety of systems.

It is essential that there is a national system administered by an approved training and accrediting body. N. E. Wells & Associates is approved by MAF to administer the Waitakere City pilot programme.

To expand this to a national system a national training and accrediting body is being set up under the generic name *Territorial Authority Animal Welfare Services (TAAWS)* which will be administered as a division of N. E. Wells & Associates.

5.2 The responsibility of TAAWS

TAAWS will be responsible to the Chief Veterinary Officer for the following:

- establishing and maintaining training to a standard that meets the national qualifications framework;
- maintaining records for training and document issue;
- maintaining a system for the issue of training manuals and standard procedures;

- establishing and maintaining a quality assurance system that meets ISO 9002 specifications;
- ensuring that national procedures as they relate to animal welfare service delivery are adopted by each territorial authority that subscribes to TAAWS;
- Carrying out random quality audits of territorial authorities.

The Chief Veterinary officer will carry out quality audits of TAAWS which may include random quality audits of subscribing territorial authorities.

6. Qualification and Training

6.1 Qualifications

The Act requires persons nominated for appointment as part-time or honorary Inspectors to be "suitable persons."

The Ministry of Agriculture Regulatory Authority (MAF-RA) has determined that "suitability" will be assessed on the following criteria:

- the character and fitness of the applicant;
- the training of the applicant to a standard approved by MAF-RA which can be regularly audited by MAF-RA;
- the accountability of the Inspector through an approved training and accrediting body.

N. E. Wells & Associates has negotiated with the Chief Veterinary Officer a national qualifications framework that is the basis of this programme.

6.2 Pre-selection procedures

There is a high investment cost in the education of an Inspector. The training course should not be used as a means of screening the suitability of candidates. That will be done before the cost of training is incurred.

The programme will include pre-screening procedures including a Police approval check on each applicant with the applicant's consent.

6.3 Training

The primary training course will consist of a 5 day training course conducted in workshop mode. The topics include the following modules.

1. Introduction;
2. The origins of animal protection law;
3. The basics of criminal law;
4. Definitions in the Animals Protection Act 1960;
5. Offences of cruelty;
6. Aggravated cruelty;
7. Transport of Animals;
8. Parties to offences and attempts;
9. Exemptions;

10. Appointment of inspectors;
11. Powers of Inspectors;
12. Destruction of animals;
13. Miscellaneous provisions;
14. Court powers;
15. Investigation of complaints;
16. Prosecution of offenders;
17. AWAC Codes of Minimum Standards;
18. First aid treatment of sick and injured animals;
19. Destruction of sick and injured animals;
20. The future of legislation;
21. Interaction with other legislation;
22. The Privacy Act 1993, the New Zealand Bill of Rights Act 1990, and the Local Government Official Information and Meetings Act 1987;
23. Public relations;
24. Quality assurance;
25. Coping with stress.

These training modules form the basis of the national qualifications framework that has been approved by the Chief Veterinary Officer.

An examination will be held at the end of the course and certification to this standard will be a requirement for the issue of a warrant under the Animals Protection Act 1960.

Training courses will be kept to between 12 and 20 participants and will be held at regional venues throughout the country.

6.4 Continuing Education

Continuing education will consist of a 4 hour workshop each 6 months which will include:

- recent legislation changes;
- review of procedures;
- case studies.

6.5 Transition

It is planned that there will be a seamless transition from the pilot programme to the full national territorial authority animal welfare services programme.

To accommodate this it is planned that some animal control officers will be able to complete training prior to the end of June so that the national qualifications framework has been met and warrants can be processed for a 1 July 1996 start, subject to MAF approval of the overall programme.

7. Costs

7.1 Registration of a territorial authority

Includes setting up a registration system for the territorial authority including training records and documentation control, liaising with the nominated officer of the authority, costs of random audits of system compliance, reporting to the territorial authority on compliance, review of procedures, liaison with MAF on all aspects of the programme including regular reviews of the national qualifications framework, and access to AWIC.

\$1250 + GST p.a.

Excluded is the MAF processing fee (if any), legal advice on individual cases, and installation of quality assurance systems to the individual requirement of the territorial authority beyond the standard national procedures.

The registration of a territorial authority will be based on a year 1 July to 30 June.

7.2 Registration of each Inspector

For the first year:

Includes providing initial training for the Inspector which includes attendance at a block training course over 5 days (including cost of the venue, lunches and coffee breaks but excluding travel, accommodation and other meals for the trainees), including a 2 hour examination and marking papers; attending 2 x ½ day continuing education training modules each year (including cost of the venue, lunches and coffee breaks but excluding travel, accommodation and other meals for the trainees); training manuals, national procedure manuals, documentation update service, access to an Inspectors' Hot Line, and access to AWIC.

\$2500 + GST

This will be renewable on the anniversary of the acceptance of each individual registration.

For each subsequent year:

Includes attending 2 x ½ day continuing education training modules each year, (including cost of the venue, lunches and coffee breaks but excluding travel, accommodation and other meals for the trainees), training manuals, national procedure manuals, documentation update service, access to an Inspectors' Hot Line.

\$1250 + GST p.a.

8. Access to AWIC

N. E. Wells & Associates has access to the United States Department of Agriculture Animal Welfare Information Centre in Beltsville, USA, through an agreement between the US Department of Agriculture and the Ministry of Agriculture.

AWIC has over 2½ million texts and articles on animal welfare, animal control and related topics.

Access to this service will be provided to territorial authorities as part of the registration.

N. E. Wells & Associates receives information from around the world on animal welfare and animal control including information on animal control equipment. A digest of this information will be circulated to registered territorial authorities.

9. Prosecution Service

A prosecution service is available to registered territorial authorities. This can range from a desk top review of the file prior to recommending legal action to conducting the prosecution itself.

Costs have not been included in this paper as this is an individual service.

10. Conclusion

By adopting this programme the result will be a journey of continuing improvement in animal welfare services to ratepayers and residents that will increasingly reflect a growing awareness and acceptance of responsible animal ownership.

N. E. Wells & Associates

11 January, 1996