

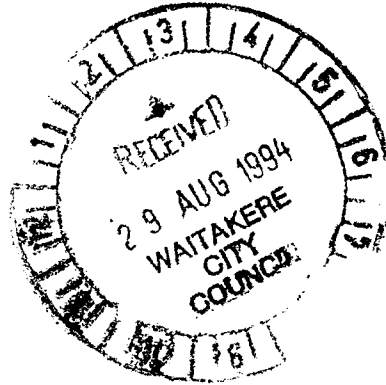
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WAITAKERE CITY



30 AUG 1994
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Friday, 26 August 1994

Dear Clive

ANIMAL CONTROL AND ANIMAL WELFARE

I refer to my letter of 27 July.

Attached are two reports.

- ◆ A report on the effect of linking the Dog Control and Hydatids Act 1984 to the Animals Protection Act 1960. This can be used as a basis for a Council submission to the Local Government Association.
- ◆ A submission for the City to commission a feasibility study on enhancing animal welfare services.

You will realise that there are matters in this second submission that are commercially sensitive. It is essential that there be no premature public disclosure of the proposals that could arise from the report and I would ask that you use your discretion as to what information is disclosed in any committee agenda.

I have worded the recommendation in loose terms for the same reason. However, you will be expert on how to handle this.

If there is any further information you require please contact me.

Sincerely

Neil Wells

cc Mayor Bob Harvey
Cr Paul Lowe

Chief Executive Officer	
Finance and Admin.	
Community Services	
Environment	CPT ✓
Strategy	
HR & Personnel	
Engineering & Works	
Property	

ENHANCING ANIMAL WELFARE SERVICES

A proposal

1. Introduction

Dog control is more than just dog catching and revenue collecting – it is a synergistic relationship between dog ownership and animal welfare. Waitakere City has led the way in territorial government through its moves to bring about a focus on responsible animal control.

Waitakere City Animal Welfare Division is inhibited in that animal welfare officers are often faced with situations, such as abandoned animals or barking dogs, where the root cause of the problem is neglect – in other words it is an animal welfare problem. In these cases Waitakere City officers have no other alternative than to call in the SPCA whose officers are warranted under the Animals Protection Act 1960. This creates an unnecessary doubling up of services and a denigration in the eyes of the public of the Council officers' ability to deal with a situation.

It has not been possible in the past for territorial authorities to obtain warrants for its officers as there has been an exclusive arrangement existing for 30 years that all honorary Inspector appointments are made on the recommendation of the Royal New Zealand SPCA.

With the lead up to a new Animal Welfare Act this is now changing and it is now feasible for Waitakere City to set up a pilot programme for its officers to be warranted under the Animals Protection Act 1960. This would enable Animal Welfare Officers to deal with all matters relating to animal control and animal welfare without having to call in outside agencies. In turn this would result in Waitakere City improving its animal welfare services, there would be greater satisfaction from ratepayers and animal owners, and potential animal control problems could be prevented.

2. Appointment of Inspectors

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

- ◆ The Ministry of Agriculture and Fisheries (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.”

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It is under this last means of appointment that SPCA Inspectors are appointed and it is this provision that can be used to enhance the work of the Waitakere City Animal Welfare Division.

3. Training and Qualification

The Act requires persons nominated for appointment as honorary Inspectors to be "suitable persons."

The Ministry of Agriculture and Fisheries Regulatory Authority (MAF-RA) now determines this to mean 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 day-to-day control of the Inspector by an accredited agency.

The writer set up the Inspectors' training course for the Royal New Zealand SPCA and has 22 years experience in this field. He is able to install a training scheme for the pilot programme, establish character and fitness criteria and put in place a quality assurance system which will meet MAF's criteria.

4. Powers of Animal Welfare Inspectors

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);
- ◆ 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 alleviate 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.

5. Feasibility

A feasibility study can be carried out by N.E. Wells and Associates for a fee of \$2000 (plus GST). The feasibility study would cover the following:

- ◆ Establishing the broad parameters of the pilot programme including a timetable for
 - implementation,
 - review, and

- conclusion;
- Reviewing the overall benefits and disadvantages of dog control officers also being appointed animal welfare Inspectors;
- Establishing the benefits to the Animal Welfare Division as a business unit;
- Confirming the acceptability of the pilot programme to the Ministry of Agriculture and Fisheries Regulatory Authority;
- Establishing the costs of establishing the pilot programme, training Inspectors and assuring quality performance;
- Establishing an approximate budget for the extended operation;
- Integrating the pilot programme into a business unit plan for the Animal Welfare Division by liaising with the City Review Team;
- Investigating improvements to the service delivery of animal welfare to the City;
- Exploring potential funding sources –
 - Government,
 - Public support,
 - Supporters' society;
- Exploring the feasibility of an SPCA type operation being an adjunct of Waitakere City.

6. Objective

The overall objective is to create facilities for animal welfare services that will make the Waitakere City Animal Welfare Division the most effective and professional in the country and which will be a model that other territorial authorities will strive to emulate.

7. Recommendation

That Waitakere City commissions a report for a fee of \$2,000 (plus GST) on the feasibility of enhancing the powers and effectiveness of Waitakere City Animal Welfare Officers.

*Neil Wells
N.E. Wells & Associates
26-Aug-94*

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Linking the Dog Control and Hydatids Act 1984 to the Animals Protection Act 1960

Introduction

Impending legislation could reduce the effectiveness of the Dog Control and Hydatids Act 1984.

While at present the Courts and Inspectors under the Animals Protection Act 1960 have the power to enforce a provision of the Dog Control and Hydatids Act 1984 which requires proper care and exercise for dogs, the repeal of the Animals Protection Act 1960 when the proposed Animal Welfare Act comes into force may see these powers lost.

Background

Prior to the enactment of the Dog Control and Hydatids Act 1984, offences related to cruelty to dogs were found in the Animals Protection Act 1960 and offences related to dog control were found in the Dog Registration Act 1955.

When the Dog Control and Hydatids Act came into force in 1984 offences which related specifically to dogs were taken out the Animals Protection Act 1960. These related to failing to exercise dogs daily, and failing to terminate the suffering of a dog which was injured while attempting to destroy it under the powers of the old Dog Registration Act 1955.

A new provision was made in the Dog Control and Hydatids Act 1984 (section 53) that provided that the owner of a dog has the responsibility for ensuring that the dog receives proper care and attention and adequate exercise.

The Animals Protection Act 1960 provides for wide ranging powers – both for the Courts and for Inspectors.

These include –

- the power for Inspectors to enter any vehicle, aircraft, or vessel, or any land or premises to inspect any animal where he or she is satisfied on reasonable grounds that an offence is being or has been committed;
- the power for Inspectors to enter vehicles and property to feed and water an animal;
- the power for the Police to detain a vehicle where an offender is arrested for an offence against the Animals Protection Act 1960;
- the power to destroy an animals that is suffering;

- the Court may order reparation for damage;
- an offender may be disqualified by the Court from owning an animal;
- the Court may order the forfeiture of an animal that is the subject of a charge.

By moving specific offences relating to dogs from the Animals Protection Act 1960 to the Dog Control and Hydatids Act 1984 those powers would have been lost in relation to offences involving dogs. To rectify this the Animals Protection Act 1960 (section 8A) was amended so that section 53 of the Dog Control and Hydatids Act 1984 is deemed to be part of the Animals Protection Act 1960 for the purposes of those powers.

This means, for instance, that the owner of a dog can be disqualified from owning a dog where he or she is convicted of an offence of failing to exercise the dog and has a previous conviction for that or any other offence of neglect or ill-treatment.

The Animals Protection Act 1960 is due to be replaced by a new Act – the Animal Welfare Act. Policy for the Bill has been approved by Cabinet but it has not been afforded priority this Parliamentary Session. The Bill may be introduced in 1995.

It is understood that the Local Government Association has advised the Ministry of Agriculture and Fisheries that in their opinion there is no need to continue to link the new Animal Welfare Act with the Dog Control and Hydatids Act 1984.

Unless this policy is reversed the omission of the cross-reference from the proposed Animal Welfare Bill will mean that all the powers currently applying to section 53 of the Dog Control and Hydatids Act 1984 will be lost.

Recommendation

That Waitakere City asks the Local Government Association to make representations to the Ministry of Agriculture and Fisheries that the powers currently applied to the Dog Control and Hydatids Act 1984 through section 8A of the Animals Protection Act 1960 be continued when the Animal Welfare Act is being drafted.