



Performance and Technical Standards
for
Inspectors
of the
**Royal New Zealand Society for the Prevention
of Cruelty to Animals**
Including Selection, Training and Appointment

2012

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Definitions

These definitions are for the purposes of the Royal New Zealand SPCA Performance and Technical Standards for Inspectors. The Animal Welfare Act 1999 (section 2) provides a detailed list of additional definitions that Inspectors may need to be aware of.

Act means the Animal Welfare Act 1999.

Approved organisation means an organisation declared by the Minister, under section 121(1) of the Animal Welfare Act 1999, to be an approved organisation for the purposes of the Act.

Auxiliary Officer means a person belonging to, in the employment of, or otherwise associated with the SPCA or an SPCA Centre, who is appointed as an Auxiliary Officer under section 125(1) of the Animal Welfare Act 1999 on the recommendation of the SPCA.

Certificate of Appointment means the identity card issued by the Ministry for Primary Industries and used by an Inspector in the course of his/her duties for identification purposes.

Deputy Director-General Standards means the Deputy Director-General who is responsible for the Standards Branch within MPI.

Director-General means the Director-General of MPI.

Inspector means a person belonging to, in the employment of, or otherwise associated with the SPCA or an SPCA Centre, who is appointed as an Inspector under section 124(2) of the Animal Welfare Act 1999 on the recommendation of the SPCA.

Instrument of Appointment means the signed letter of appointment issued by MPI appointing an Inspector under section 124(2) of the Animal Welfare Act 1999.

Minister means the Minister for Primary Industries (formerly the Minister of Agriculture and Forestry).

MoU means a document recording the relationship, including expectations and obligations, between the SPCA and MPI.

MPI means the Ministry for Primary Industries.

MPI Compliance Directorate means the directorate within MPI responsible for responding to, and investigating, complaints under the Animal Welfare Act 1999.

MPI Standards Branch means the branch within MPI responsible for the appointment process within MPI.

NIAC means the SPCA National Inspectorate Advisory Committee, a committee made up of experienced SPCA Inspectors from throughout New Zealand with the purpose of making recommendations to the SPCA National Council on matters affecting the Inspectorate.

Production animal means an animal on farms in New Zealand farmed typically but not exclusively for commercial purposes.

PTS means the performance and technical standards established by the SPCA National Council and approved by the Director-General of MPI.¹

SPCA means the Royal New Zealand Society for the Prevention of Cruelty to Animals Incorporated, an approved organisation for the purposes of the Animal Welfare Act 1999; and includes its Branches and Member Societies (SPCA Centres).

SPCA Centre means a Branch or Member Society of the SPCA.

SPCA National Council means a body of elected members from the SPCA Centres that is constitutionally responsible for the workings of the SPCA.

SPCA National Executive Committee means the subcommittee of the SPCA National Council responsible for the Inspectorate. The SPCA National Executive Committee has the authority to delegate a suitable person or persons at any time to undertake its role in the processing of Inspector selection and appointment.

SPCA National Inspectorate and Centre Support Team means the administrative team at SPCA National Support Office responsible for overseeing the Inspectorate and SPCA Centres.

SPCA National Investigations Committee means the subcommittee of the SPCA National Council responsible for investigating serious complaints against the SPCA and its personnel.

SPCA National Support Office means the administrative body of the SPCA whose purpose is to provide support to SPCA Centres and the Inspectorate and is responsible for issuing Inspector appointments.

Veterinarian means a veterinarian or specialist who is a registered person and who holds a current practising certificate (as defined in section 4 of the Veterinarians Act 2005).

Young person means a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union (as defined in the Children, Young Persons, and their Families Act 1989).

¹ Note that the Director-General can delegate this power and has currently done so to the Manager Animal Welfare Standards.

Introduction

1. These PTS supersede those signed on 22 June 2007 and any earlier versions.
2. Section 126 of the Act states:
126. Inspectors and auxiliary officers to act under direction of Director-General
 - (1) All inspectors and auxiliary officers must act under the direction of the Director-General in the exercise and performance of the powers, duties, and functions conferred or imposed on them under this Act.
 - (2) In the event of any conflict arising between the powers, duties, and functions conferred or imposed on an inspector or auxiliary officer, as the case may be, as an employee or member of an approved organisation and the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act, the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act prevail.
3. These PTS define the standards for Inspectors. They cover:
 - (a) the selection, training and appointment of Inspectors appointed by the Minister under the Act on the recommendation of the SPCA;
 - (b) the conduct of Inspectors in exercising their powers, duties and functions under the Act;
 - (c) the enforcement of the provisions of the Act; and
 - (d) expectations around accountability arrangements between the SPCA, the Inspector and the SPCA Centre.

Review of PTS

4. The provisions of these PTS shall not be altered in any way without the written agreement of both parties.
5. Any modifications or alterations must first be approved by both the SPCA (via the SPCA National Council) and MPI, in writing, before they are implemented.
6. These PTS shall be reviewed no later than 2 years from the date they were signed.
7. The following documents are either in force or being prepared:
 - (a) MoU between MPI and the SPCA;
 - (b) PTS for Auxiliary Officers; and
 - (c) PTS for Inspectors (this document).

Role of the Minister, MPI and SPCA

Minister

8. The Minister is the person accountable for the administration of the Act.

MPI

9. MPI administers the Act.
10. The Director-General is accountable to the Minister for the effective delivery of animal welfare enforcement services.
11. The Minister, under section 124(2) of the Act, may, on the recommendation of an approved organisation, appoint persons to be Inspectors under the Act for the purposes of administering the provisions of the Act.
12. The Minister, under section 124(6)(b) of the Act, may remove an Inspector from office.
13. The Minister has currently delegated the powers of appointment and removal of Inspectors to the Director-General, who has sub-delegated these powers to the Deputy Director-General Standards, who in turn has sub-delegated these powers to the Manager Animal Welfare Standards.

SPCA

14. Under section 189 of the Act, the SPCA is an approved organisation for the purposes of the Act.
15. The SPCA National Council and MPI have established these PTS.
16. The SPCA National Council, through the SPCA National Inspectorate and Centre Support Team, shall ensure that all SPCA Centres, Inspectors and Auxiliary Officers comply with the provisions of the Act, the MoU and any PTS.
17. All SPCA Centres, Inspectors and Auxiliary Officers shall be accountable to the SPCA for such compliance.
18. The SPCA shall also maintain adequate and effective governance arrangements, financial management arrangements and management accountabilities, in terms of the criteria under section 122 of the Act.
19. The provisions of the Act that impact on these PTS are:

122. Criteria

- (1) The Minister must, before declaring an organisation to be an approved organisation for the purposes of this Act, be satisfied, by the production to the Minister of suitable evidence, that –
 - (a) the principal purpose of the organisation is to promote the welfare of animals; and
 - (b) the accountability arrangements, financial arrangements, and management of the organisation are such that, having regard to the

- (c) the functions and powers of the organisation are not such that the organisation could face a conflict of interest if it were to have both those functions and powers and the functions and powers of an approved organisation; and
- (d) the employment contracts or arrangements between the organisation and the organisation's inspectors and auxiliary officers are such that, having regard to the interests of the public, the organisation is suitable to be declared to be an approved organisation; and
- (e) the persons who may be recommended for appointment as inspectors or auxiliary officers –
 - (i) will have the relevant technical expertise and experience to be able to exercise competently the powers, duties, and functions conferred or imposed on inspectors and auxiliary officers under this Act; and
 - (ii) subject to section 126, will be properly answerable to the organisation.

124. Appointment of inspectors

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- (5) Every constable is, by virtue of his or her office, deemed to be an inspector appointed to act generally throughout New Zealand for the general purposes of this Act.
- (6) Every inspector appointed under subsection (2) –
- (a) is appointed for such term, not exceeding 3 years, as the Minister thinks fit, and is eligible for reappointment from time to time;
 - (b) may at any time be removed from office by the Minister for incapacity affecting performance of duty, neglect of duty, or misconduct proved to the satisfaction of the Minister;
 - (c) may resign his or her office by giving written notice to that effect to the Minister;
 - (d) must on the expiration of the term of his or her appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Minister his or her instrument of appointment.
- (7) Without limiting subsection (6)(b), it is declared that where an approved organisation informs the Minister in writing that an inspector who was appointed on the recommendation of that approved organisation is no longer acting for that approved organisation or for an incorporated society that is a branch or member of that approved organisation in that capacity or in the particular district or part or parts of New Zealand for which the inspector was appointed, the Minister may, by written notice to that inspector, invite that inspector to both resign his or her office in accordance with subsection (6)(c) and surrender his or her instrument of appointment in accordance with subsection (6)(d) by a date specified in the notice, and, if that inspector fails to do so by that date, the Minister may revoke that inspector's appointment.
- (8) No person appointed by the Minister under subsection (2) to be an inspector is by virtue of that appointment employed in the Public Service for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.
- (9) The Director-General may from time to time establish performance standards and technical standards for inspectors appointed under subsection (1).
- (10) Every inspector appointed under subsection (1) or subsection (2) must, when performing his or her functions or duties under this Act or exercising his or her powers under this Act, use his or her best endeavours to comply with, and give effect to, the relevant performance standards or technical standards.

126. Inspectors and auxiliary officers to act under direction of Director-General

- (1) All inspectors and auxiliary officers must act under the direction of the Director-General in the exercise and performance of the powers, duties, and functions conferred or imposed on them under this Act.

- (2) In the event of any conflict arising between the powers, duties, and functions conferred or imposed on an inspector or auxiliary officer, as the case may be, as an employee or member of an approved organisation and the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act, the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act prevail.

Selection, Training and Appointment

20. SPCA Centres have various mechanisms for employing an Inspector depending on the nature of the employment relationship.

Criteria for Applicants

21. The criteria are flexible enough so that applicants with minimal formal educational qualifications or animal skills, but with potential, are not necessarily excluded on those grounds alone. The ability of the applicant to learn and attain the necessary knowledge and skills is taken into consideration.
22. In larger districts where Inspectors are employed on a full-time salary or wage basis, the selection is based on the appropriate criteria for selecting full-time employees and the skill set required for the role of Inspector.
23. In smaller districts where personnel may not receive tangible remuneration, Inspectors are often employed on a voluntary or part-time/casual contract basis.
24. Any applicant who is employed must have an employment agreement with the SPCA Centre to which he/she is affiliated, and is expected to comply with the policies and procedures under which that SPCA Centre operates.
25. Any applicant who has agreed to donate his/her services without tangible remuneration as a voluntary Inspector must have a written agreement with the SPCA Centre to which he/she is affiliated, and is expected to comply with the policies and procedures under which that SPCA Centre operates and with SPCA National Support Office requirements in relation to his/her appointment as an Inspector.
26. If an applicant is a new employee and the intent is to appoint him/her as an Inspector, the applicant's employment agreement must include a provision stating that eligibility for, and timely completion of, the prescribed Inspector training is a condition of the applicant's appointment.
27. If the applicant is an existing employee, the applicant's appointment is conditional on timely completion of the prescribed Inspector training.
28. Where Inspectors are employed on a voluntary or part-time/casual contract basis, the applicant must be sufficiently known to enable the SPCA Centre making the request (and SPCA National Support Office making the recommendation) to satisfactorily evaluate him/her.
29. In the event that little is known of the applicant, the SPCA Centre is encouraged to include a 3-month probationary arrangement as per employment law within the applicant's employment agreement.
30. The probationary arrangement must be disclosed to the applicant in the letter offering him/her employment. The probationary arrangement must also be discussed with the applicant, whose performance must be closely and constructively monitored by the SPCA Centre during the probationary period.
31. In order for an applicant to be selected to train as an Inspector, he/she must:
- (a) be of sound mind;

- (b) have a clear criminal record, although specific circumstances may be considered (see "Criminal Convictions");
 - (c) hold New Zealand citizenship or residency, or a valid work permit;
 - (d) have no affiliations or involvement which may adversely affect the SPCA brand or compromise the welfare of animals;
 - (e) be computer literate and have access to a computer on a regular basis; and
 - (f) have the ability to learn and attain the necessary knowledge and skills.
32. In general, applicants who have previously failed to complete Inspector training will not be reconsidered.

Selection of Applicants for Inspector Training

33. An SPCA Centre Committee will select suitable candidates who meet the above criteria to be recommended to SPCA National Support Office for training as an Inspector. This affirmation must be recorded in the minutes of a Committee meeting.
34. SPCA National Support Office recommends that applicants new to the industry who do not have any previous experience in animal husbandry and welfare or investigations first apply for, and satisfactorily complete, the Auxiliary Officer training, spending time gaining experience in this field before committing to Inspector training.
35. The SPCA Centre must, before any application is forwarded to SPCA National Support Office, ensure that any applicant for Inspector training is eligible for full student subsidy funding by MPI (i.e. is a New Zealand resident).
36. Before an applicant is nominated by the SPCA Centre for training, he/she must be made aware that, once he/she is appointed as an Inspector:
- (a) He/she will be required to comply with all obligations pertaining to the appointment of Inspector as set out in the Act, any MoU and the PTS (including any amendments or modifications).
 - (b) He/she acknowledges that the SPCA intends to fulfil the requirements of any MoU and PTS (including any amendments or modifications).
 - (c) He/she will be accountable to the SPCA for his/her compliance with all requirements of this PTS including his/her performance standards and procedural correctness.
 - (d) He/she authorises the SPCA, MPI and all other relevant persons to collect, use and disclose relevant personal information about himself/herself in accordance with the MoU and PTS (including any amendments or modifications).
 - (e) He/she shall take all such steps as the SPCA reasonably considers necessary and requires of him/her in order for the SPCA to fulfil these requirements.
37. Application forms for training are then requested from the SPCA National Inspectorate and Centre Support Team for the SPCA Centre Committee or selection panel and applicant to complete.
38. Applications will include requests for relevant information to ensure the applicant has the technical expertise and experience to be able to exercise competently the powers, duties and functions conferred or imposed on Inspectors under the Act. This includes

- consents to disclosure of information from previous employers and the New Zealand Police or Ministry of Justice.
39. Any changes to these forms or their content must be approved by both SPCA National Support Office and MPI prior to implementation.
 40. When returning the completed application forms, the SPCA Centre Committee makes a recommendation to the SPCA National Inspectorate and Centre Support Team based on the applicant's suitability.
 41. Applicants for Inspector training who have completed all or part of the required training as private students should include records of learning with their application.
 42. SPCA National Support Office undertakes New Zealand Police or Ministry of Justice checks of all applicants.
 43. Should the New Zealand Police or Ministry of Justice check return details of any criminal conviction, the SPCA National Inspectorate and Centre Support Team will advise the applicant.
 44. After the New Zealand Police or Ministry of Justice check returns with no conviction history attached, the suitability of the applicant for training will then be further assessed during an interview.
 45. This interview will be conducted:
 - (a) by a member of the SPCA National Inspectorate and Centre Support Team; or
 - (b) where the applicant is currently in the employ of an SPCA Centre and his/her employer is a member of NIAC, a person delegated by SPCA National Support Office.
 46. Upon a successful interview, a recommendation will be made to the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) for the applicant to begin training.
 47. The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) reserves the right to further interview any applicant and his/her referees or other person/s it thinks may assist in its decision.
 48. The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) will generally accept an applicant for training as an Inspector if all relevant criteria have been met.
 49. The SPCA Centre and the applicant will be informed of the decision.

Criminal Convictions

50. The general policy of the SPCA is that applicants with a criminal history are unsuitable for appointment as Inspectors. The SPCA may therefore consider that applicants with a criminal history are unsuitable for recommendation.
51. The results of the criminal history check are supplied to MPI in order to determine suitability.
52. SPCA National Support Office, in consultation with MPI, may give consideration, on a case by case basis, to applicants who have convictions for aged and/or minor matters. Such considerations shall not be considered as precedent setting.

53. Inspectors who receive any criminal convictions during the term of their appointment must disclose these to SPCA National Support Office immediately.
54. Upon receipt of notification of any criminal conviction incurred by an Inspector during his/her term of appointment, SPCA National Support Office and the SPCA Centre shall review the continuance of that appointment, and notify and consult with MPI.

Inspector Training Programme

55. All initial training of Inspectors is carried out by a Training Provider under contract to MPI, and can be entered into once the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) has approved an applicant as suitable and MPI has granted approval.
56. Once SPCA National Support Office has approved an applicant as suitable it will request, in writing, approval from MPI for the applicant to undertake Inspector training.
57. MPI will confirm in writing a training authorisation number within 5 working days of receipt of the written request.
58. Applicants should be aware that, by signing the Training Provider Authorisation to Disclose Consent Form, all results and feedback from the training course are available to both SPCA National Support Office and MPI.
59. Once the applicant is approved for training, MPI (via the Manager Animal Welfare Standards) undertakes to make payment for the full costs of the initial training of Inspectors. This includes, but is not limited to:
 - (a) course fees;
 - (b) airfares;
 - (c) mileage;
 - (d) accommodation;
 - (e) meals; and
 - (f) other reasonable expenses as agreed, in advance, by MPI.
60. Applicants must comply with the Training Provider's instructions in regard to attendance at courses and the specified time limits set for assignments.
61. Applicants must successfully complete all training required, unless MPI has granted a dispensation.
62. Applicants are invited to provide written feedback to SPCA National Support Office on the quality of their Inspector training and suggestions for improvement in the training curriculum.
63. The applicant must successfully complete training within 12 months of commencing the course, unless otherwise agreed with MPI.
64. In general, on receipt of written advice from the Training Provider that the applicant has been assessed as "competent" in all aspects of the Animal Welfare Law module, the SPCA Centre may apply to SPCA National Support Office for an initial 12-month appointment for that Inspector.

65. It is MPI's general policy that applicants who have commenced, but failed to complete (including being removed from), the MPI-approved Inspector training course will not be reconsidered for MPI funding to undertake the course again, unless there are exceptional circumstances.
66. In certain circumstances (e.g. where training has not been completed due to illness), a second 12-month appointment may be sought, at SPCA National Support Office discretion, to allow the completion of training.
67. MPI must give approval for a second 12-month appointment period.
68. If an applicant has obtained his/her initial 12-month appointment and failed to complete the course satisfactorily or decided not to continue training, or is removed from the course, he/she must immediately return his/her certified copy of the Instrument of Appointment and original Certificate of Appointment to SPCA National Support Office.

Application for First Appointment as Inspector

69. After successful completion of the Animal Welfare Law module, application forms for first appointment as an Inspector are sent from the SPCA National Inspectorate and Centre Support Team for the SPCA Centre Committee or selection panel to complete.
70. Applications will include requests for relevant information to ensure the applicant has the technical expertise and experience to be able to exercise competently the powers, duties and functions conferred or imposed on Inspectors under the Act.
71. Any changes to these forms or their content must be approved by both SPCA National Support Office and MPI prior to implementation.
72. When returning the completed application forms, the SPCA Centre Committee makes a recommendation to the SPCA National Inspectorate and Centre Support Team and the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) for the applicant to be appointed as an Inspector.
73. Successful applications will be forwarded from SPCA National Support Office to MPI for approval, providing evidence of suitability and completion of appropriate training.
74. SPCA National Support Office will provide MPI with the required documentation for all applications for first appointment (see Appendix). Any changes to this documentation must be approved by MPI in consultation with SPCA National Support Office.
75. Where uncertainty exists as to the suitability of an applicant, MPI may, at its own discretion and expense, request an applicant to make himself or herself available to be interviewed.
76. SPCA National Support Office may ask MPI to interview an applicant on the SPCA's behalf. In this case, the SPCA will bear the interview costs.
77. MPI reserves the right to request additional information or to interview the applicant or any other person regarding the applicant as may be required. In this case, MPI will bear the interview costs.
78. MPI reserves the right to apply conditions to any first or renewed appointment.

79. In general, MPI will process appointment applications within 7 working days of receipt, subject to all information being in order.
80. The initial appointment is for a 12-month term while the applicant is completing the training course. During this term, the SPCA Centre must monitor the applicant's performance closely in order to determine suitability for further appointment.
81. In certain circumstances (e.g. where Inspector training has not been completed due to illness), a second 12-month appointment may be sought, at SPCA National Support Office discretion, to allow the completion of training.
82. MPI must give approval for a second 12-month appointment period.
83. If an applicant has obtained his/her initial 12-month appointment and failed to complete the course satisfactorily or decided not to continue training, or is removed from the course, he/she must immediately return his/her certified copy of the Instrument of Appointment and original Certificate of Appointment to SPCA National Support Office.

Appointment Agreement

84. Prior to receiving a Certificate of Appointment and an Instrument of Appointment, every Inspector must sign the Terms of Appointment, which is a binding agreement between that Inspector and the SPCA.
85. The agreement authorises the SPCA, MPI and all other relevant persons to collect, use and disclose personal information about that person in accordance with the MoU (including any modifications).
86. The agreement sets conditions of appointment as an Inspector, and in signing it the Inspector agrees, for the tenure of his/her appointment, to:
- (a) serve without favour or prejudice;
 - (b) discharge his/her duties to the best of his/her knowledge and skill;
 - (c) discharge his/her duties according to the law;
 - (d) use his/her best endeavours to comply with, and give effect to, these PTS when exercising his/her functions, duties or powers under the Act;
 - (e) accept lawful direction; and
 - (f) undertake training.
87. A copy of the agreement is to be held at SPCA National Support Office.
88. The Inspector also agrees to return his/her Certificate of Appointment and certified copy of the Instrument of Appointment to SPCA National Support Office immediately

specified in the Instrument of Appointment, will be subject to review by MPI. This may affect the eligibility of that person for reappointment.

91. SPCA Centres are responsible for ensuring that all Inspectors under their management hold a valid Instrument of Appointment at all times in the course of performing their duties.

Application for Renewed Appointment as Inspector

Prior to Completion of Training

92. Inspectors must satisfactorily complete the Inspector training in order to be eligible to receive a renewed appointment.
93. In certain circumstances (e.g. where Inspector training has not been completed due to illness), a second 12-month appointment may be sought, at SPCA National Support Office discretion, to allow the completion of training.
94. MPI must give approval for a second 12-month appointment period.
95. If an applicant has obtained his/her initial 12-month appointment and failed to complete the course satisfactorily or decided not to continue training, or is removed from the course, he/she must immediately return his/her certified copy of the Instrument of Appointment and original Certificate of Appointment to SPCA National Support Office.

Following Completion of Training

96. SPCA National Support Office undertakes New Zealand Police or Ministry of Justice checks of all applicants to confirm that the applicant has not had any criminal charges or any pending criminal charges since his/her last appointment.
97. Should the New Zealand Police or Ministry of Justice check return details of any criminal conviction, the SPCA National Inspectorate and Centre Support Team will advise the applicant.
98. Prior to expiration of the Inspector's appointment, renewal reminders and application forms will be sent from SPCA National Support Office to the SPCA Centre. It is the responsibility of the SPCA Centre Secretary or Manager to ensure that applications are received and completed at least 2 months before the expiry date of the Inspector's appointment to enable a renewed appointment to be processed in time.
99. Applications will include requests for relevant information to ensure the applicant has the technical expertise and experience to be able to exercise competently the powers, duties and functions conferred or imposed on Inspectors under the Act. This includes consent to disclosure of information from the New Zealand Police or Ministry of Justice.
100. Any changes to these forms or their content must be approved by both SPCA National Support Office and MPI prior to implementation.
101. If the SPCA Centre Committee is satisfied with the performance of the Inspector, a recommendation is made for a further 3-year appointment by returning the completed forms to SPCA National Support Office.

102. A renewal interview of the applicant will be carried out to assess the Inspector's ongoing suitability. This interview will be conducted by a member of the SPCA National Inspectorate and Centre Support Team (or delegated person).
103. Upon a successful interview, a recommendation will be made to the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) for the applicant's appointment to be renewed.
104. Successful applications will be forwarded from SPCA National Support Office to MPI for approval, providing evidence of continued suitability.
105. SPCA National Support Office will provide MPI with the required documentation for all applications for renewed appointment (see Appendix). Any changes to this documentation must be approved by MPI in consultation with SPCA National Support Office.
106. Where uncertainty exists as to the continued suitability of an applicant, MPI may, at its own discretion and expense, request an applicant to make himself or herself available to be interviewed.
107. SPCA National Support Office may ask MPI to interview an applicant on the SPCA's behalf. In this case, the SPCA will bear the interview costs.
108. MPI reserves the right to request additional information or to interview the applicant or any other person regarding the applicant as may be required. In this case, MPI will bear the interview costs.
109. MPI and SPCA National Support Office reserve the right to apply conditions to any first or renewed appointment.
110. In general, MPI will process appointment applications within 7 working days of receipt, subject to all information being in order.
111. Applications for renewal must be with MPI at least 15 working days prior to the expiry of the appointment.
112. MPI will not backdate any renewal appointments.

Right of Review

113. A right of review is available to an Inspector applicant in the event of one of the following circumstances occurring:
- (a) The SPCA National Inspectorate and Centre Support Team member declines to recommend training.
 - (b) The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) declines to forward an application for appointment to MPI for approval.
 - (c) The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) declines to recommend to MPI the renewal of an Inspector's appointment.
 - (d) The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) recommends to MPI the revocation of an Inspector's appointment.

114. Upon advising the applicant of any of the circumstances set out above, SPCA National Support Office must also advise the applicant in writing:
- (a) that he/she has the right to request a review of the decision;
 - (b) that a request for review must be made in writing within 20 working days of being notified of the decision;
 - (c) what information a request for review should include;
 - (d) that a request for review must be sent to SPCA National Support Office; and
 - (e) how a review will be carried out.
115. If a request for review is received in writing by SPCA National Support Office from the applicant within the prescribed time period, then:
- (a) A review hearing will be carried out by the SPCA National Council.
 - (b) A majority decision of the SPCA National Council is required to overturn the event in question.
 - (c) The applicant and/or his/her representative may be involved in part of the review to speak to his/her case and to answer any questions the SPCA National Council may have.
 - (d) The applicant and/or his/her representative must pay his/her own expenses in relation to any physical meeting.
 - (e) The decision of the SPCA National Council will be mailed to the applicant no later than 10 working days after the date of the review.
 - (f) The final decision must be notified to the Manager Animal Welfare Standards at the same time that the applicant is informed.

Appointing Officer

116. The Appointing Officer is currently MPI, which is delegated to appoint Inspectors under section 124(2) of the Act.
117. Subject to suitability, the general policy of both MPI and the SPCA is that a first appointment will be for a period of 12 months and any renewal will be for a period of 3 years.
118. Inspectors are to be aware that MPI reserves the right to place conditions on the appointment of any Inspector. These may include, but are not limited to, reduced appointment periods from the normal 12 months or 3 years and/or conditions for supervision or ongoing training.

Ongoing Training and Evaluation

119. Inspectors must attend and satisfactorily complete all training workshops and professional development opportunities recommended and provided by the SPCA Centre and/or SPCA National Support Office. Failure to attend could affect appointment renewal.

120. The minimum requirement is that all Inspectors must attend 1 Inspectors' Refresher Training Workshop or other refresher training workshop each year for the tenure of their current appointment.
121. This training and evaluation is a compulsory requirement. The assessment of continued suitability covers:
- (a) the nature of the Inspector's work;
 - (b) suitability in terms of both temperament and physical ability;
 - (c) any particular problems encountered and not previously reported to SPCA National Support Office;
 - (d) SPCA National Support Office evaluations and attendance at courses or workshops; and
 - (e) disclosure of any new criminal conviction.

Documentation/Records

122. The SPCA will hold copies of all documentation relating to the application, training and performance of Inspectors.
123. This information includes:
- (a) current Inspectors;
 - (b) applicants in training;
 - (c) past Inspectors;
 - (d) Inspectors' training records;
 - (e) applicants who have failed to complete their training; and
 - (f) applicants who have withdrawn, or have been declined or removed from office.
124. Correspondence relating to Inspectors will be retained on either individual Inspector files or SPCA Centre files, as appropriate.
125. MPI will hold all original application details for both first and renewed appointments.
126. All information provided to MPI is official information and is subject to the Official Information Act 1982.
127. If a request is made under the Official Information Act 1982 for information provided in the application for appointment as an Inspector, MPI will generally withhold such information under the withholding provisions of that Act. However, MPI must consider any such request on an individual basis taking into account its obligations under the Official Information Act 1982 and any other applicable legislation such as the Privacy Act 1993.
128. The original Instrument of Appointment will be held by MPI in a secure place.
129. MPI will issue the SPCA with a certified copy of the Instrument of Appointment and an original Certificate of Appointment.
130. The certified copy of the Instrument of Appointment and the original Certificate of Appointment will be forwarded by SPCA National Support Office to the Inspector.

131. The Inspector will retain the certified copy of the Instrument of Appointment and the original Certificate of Appointment in a secure place.

Jurisdiction of Appointment

132. The Instrument of Appointment will indicate where the Inspector is allowed to operate in accordance with section 124(3)(b)(i) of the Act.
133. For those Inspectors holding an SPCA Instrument of Appointment, this means that their appointment is valid anywhere within New Zealand in accordance with section 124(3)(b)(ii) of the Act.
134. Inspectors will not operate outside the district under the jurisdiction of the SPCA Centre to which they are affiliated, unless there is an emergency or they have obtained the approval of SPCA National Support Office or they have been given approval from the SPCA Centre where the incident has occurred.
135. Where an emergency situation has arisen and an Inspector has operated in a district outside the jurisdiction of the SPCA Centre to which he/she is affiliated, the Inspector will notify that district and SPCA National Support Office as soon as practicable of actions taken.
136. Inspectors will not use their appointment for any other form of employment without the express written permission of SPCA National Support Office.

Supervision

137. General daily supervision of Inspectors will continue to be under the control of the SPCA Centre Secretary or Manager, or a person delegated by the SPCA Centre Committee for the task.
138. SPCA National Support Office must have contact details of any person delegated.
139. Any problems encountered should be dealt with on a local basis as far as possible. This includes compliance with the Terms of Appointment, or with policies and procedures that have been agreed between the Inspector and the SPCA Centre.
140. If the Inspector fails to comply with the employment agreement, the Terms of Appointment, these PTS, or SPCA policies and procedures, the SPCA Centre must follow advice as outlined in "Removal from Office". SPCA National Support Office must receive written notification detailing the breach of compliance and action taken.
141. In cases that are serious in nature or are not resolved at the local level, SPCA Centres shall escalate the concern to SPCA National Support Office.
142. Problems or complaints received by SPCA National Support Office shall be communicated to the relevant SPCA Centre.
143. Any complaint regarding the actions of an Inspector must be immediately passed on to SPCA National Support Office, unless such complaint is trivial, obviously malicious or frivolous and is able to be disposed of simply and quickly. See "Complaints against Inspectors".
144. In the case of any SPCA Centre that has been placed by the SPCA National Council under management or supervision, the Inspector will comply with all instructions given by the manager or his/her representative.

Transferring to Another SPCA Centre

145. When an application is received from an SPCA Centre requesting the appointment of an Inspector who has transferred from another SPCA Centre, SPCA National Support Office will forward a recommendation to MPI if the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) approves the transfer.
146. MPI will issue a replacement Instrument of Appointment and Certificate of Appointment within 7 working days of receipt.
147. The new appointment period will be for the balance of the term specified in the Inspector's previous Instrument of Appointment.
148. The new Instrument of Appointment and Certificate of Appointment will be forwarded to the applicant's new SPCA Centre through SPCA National Support Office.
149. The final decision as to whether any conditions are to be put on the appointment is made by MPI.

Lapsed Appointments

150. Where an Inspector's appointment has lapsed for a period of less than 12 months, the applicant may not necessarily be required to undertake refresher training upon an application for reappointment.
151. MPI will make the final decision on the requirement for refresher training where an Inspector's appointment has lapsed for a period of less than 12 months.
152. All other applications are considered by the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) and a recommendation made to MPI. Again, the final decision is made by MPI.
153. SPCA Centre Secretaries are responsible for obtaining renewal applications from SPCA National Support Office at least 2 months before the expiry date of the Inspector's appointment to enable a renewed appointment to be processed in time.

Return of Certificate of Appointment and Instrument of Appointment

154. If a student has obtained his/her initial 12-month appointment and failed to complete the Inspector training course satisfactorily or decided not to continue training, or is removed from the course, he/she must immediately return his/her certified copy of the Instrument of Appointment and original Certificate of Appointment to SPCA National Support Office.
155. Inspectors must comply with section 124(6)(d) of the Act, which states that an Inspector "must on the expiration of the term of his or her appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Minister his or her instrument of appointment".
156. If an Inspector resigns or is removed from office, both his/her Certificate of Appointment and any certified copy of the Instrument of Appointment must be returned to the SPCA Centre Secretary within 7 working days.

157. The SPCA Centre Secretary will then in turn surrender these to SPCA National Support Office.
158. The SPCA, as the approved organisation that recommended the Inspector, will then return the Certificate of Appointment and Instrument of Appointment to MPI Standards Branch.
159. If the Inspector refuses to surrender his/her Certificate of Appointment, the SPCA will advise the Manager Animal Welfare Standards immediately.
160. MPI will then take all further steps to recover the Certificate of Appointment.

Lost Certificates of Appointment

161. If the Inspector has lost his/her Certificate of Appointment, he/she will:
- (a) immediately report the Certificate of Appointment as lost to his/her local Police Station; and
 - (b) inform SPCA National Support Office in writing of the circumstances in which the loss occurred and confirm that the loss has been reported to his/her local Police Station.
162. SPCA National Support Office will promptly notify MPI of any lost Certificates of Appointment.
163. On receipt of the above information, MPI Standards Branch will reissue a Certificate of Appointment for the same appointment period as detailed on the original appointment.
164. A replacement Certificate of Appointment will be issued within 7 working days of receipt of the request at MPI.
165. MPI will forward the replacement Certificate of Appointment to SPCA National Support Office, which will then forward it to the Inspector.

Resignation

166. Any Inspector resigning from office must comply with section 124(6)(c) of the Act, which states that he/she "may resign his or her office by giving written notice to that effect to the Minister".
167. This written notification should be sent to SPCA National Support Office, which in turn will forward it to MPI.
168. When the Inspector resigns from the position of Inspector, both his/her Certificate of Appointment and any certified copy of the Instrument of Appointment must be returned to SPCA National Support Office immediately upon cessation of duties.
169. SPCA National Support Office will then forward these documents to MPI within 5 working days of receipt.

Removal from Office

170. The removal of Inspectors from office by reason of incapacity, neglect of duty or misconduct may be undertaken by the Minister in accordance with section 124(6)(b) of the Act.

171. In the event that the employee's performance as an Inspector is demonstrably unsatisfactory and cannot be improved, or the employee elects not to continue with the SPCA Centre, or the employee does not complete the prescribed training in a timely fashion, it is recommended that advice be sought from the SPCA Centre legal adviser, or from SPCA National Support Office, as to the correct process that the SPCA Centre must follow in order to terminate the Inspector relationship lawfully and in accordance with due process. This may or may not include the employment relationship in its entirety.
172. The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) may recommend to the Manager Animal Welfare Standards that an Inspector be removed from office by reason of incapacity, neglect of duty or misconduct.
173. If an Inspector is removed from office, both his/her Certificate of Appointment and any certified copy of the Instrument of Appointment must be returned to SPCA National Support Office within 7 working days of confirmation of removal.
174. SPCA National Support Office will then forward those documents to MPI within 5 working days of receipt.

Exercise of Powers Outside Term of Appointment

175. It is an offence under the Act (section 160) to impersonate an Inspector or Auxiliary Officer.
176. SPCA National Support Office will advise the Manager Animal Welfare Standards immediately if it becomes aware that any Inspector or other person in the service of SPCA National Support Office or an SPCA Centre has allegedly exercised powers which he/she does not have.
177. A person who knowingly exercises the powers of an Inspector or Auxiliary Officer outside the term of his/her appointment, as specified in the Instrument of Appointment, shall be subject to review by MPI.
178. This review may affect the eligibility of that person for appointment or reappointment.

Complaints Against Inspectors

179. Inspectors are appointed by the Minister following a recommendation from the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee).
180. The Minister may remove an Inspector from office at any time. Accordingly, all Inspectors have a special and valuable relationship with the Minister, which the SPCA safeguards and administers through SPCA National Support Office.
181. Because of that relationship, any complaint received by an SPCA Centre regarding the actions of an Inspector must be immediately passed on to SPCA National Support Office for the attention of the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee), unless such complaint is trivial or obviously malicious and is able to be disposed of simply and quickly.
182. Should an SPCA Centre and/or SPCA National Support Office receive a serious complaint concerning an Inspector, or have serious concerns about the conduct or behaviour of an Inspector in the performance of his/her duties, all details should be fully recorded, including full contact details of any complainant.
183. The SPCA Centre will:
 - (a) Immediately take any urgent action required to safeguard the welfare of animals.
 - (b) Immediately advise SPCA National Support Office of the complaint.
 - (c) As soon as possible, advise the Inspector of the details of the complaint.
 - (d) Allow the Inspector to provide the background and an explanation of the allegation. Time must be allowed for the Inspector to make any arrangements for representation and support required throughout this process.
 - (e) As soon as possible after any urgent action has been commenced, make an initial report to SPCA National Support Office. The initial report can be by telephone, and must be followed as soon as possible by a full written report.
184. The SPCA National Executive Committee or SPCA National Support Office will:
 - (a) Direct an investigation and make any enquiries it thinks necessary, or request any appropriate person to make enquiries or prepare reports on its behalf. This may include appointing an SPCA National Investigations Committee that will carry out duties under the control and direction of the SPCA National Executive Committee. In the interests of fairness, the SPCA National Executive Committee will invite the Inspector to meet with it (or person/s delegated by it) to provide his/her view of the allegations or to provide this in writing within 10 working days. Time must be allowed for the Inspector to make any arrangements for representation and support required throughout this process.
 - (b) Advise MPI immediately, in writing, of the complaint and any current action being taken to investigate and resolve the situation.
 - (c) Recommend to MPI the suspension of the Inspector, if it is deemed necessary, during the course of the investigation.

- (d) Keep the SPCA National Council and MPI informed of the investigation and its resolution.
 - (e) Notify the Inspector and the SPCA Centre of its findings within 5 working days of its report being finalised.
185. Where MPI wishes to follow up a complaint itself in addition to the SPCA investigation, it will do so only after consulting with the SPCA National Inspectorate and Centre Support Team, who in turn will also consult with the SPCA Centre involved.
186. MPI will report its findings to the SPCA National Inspectorate and Centre Support Team within 5 working days of completing the investigation, and will comply with the provisions of the Privacy Act 1993 in respect of all information supplied to or gathered by MPI in relation to the complaint.
187. The SPCA National Inspectorate and Centre Support Team will convey the findings of MPI to the SPCA Centre within 5 working days of receiving them.

Animal Welfare Complaints

Limitations

188. Inspectors must contact SPCA National Support Office for guidance before commencing any investigation or inspection, in order to ensure compliance with the agreed SPCA/MPI policy, with regard to:
 - (a) an animal being exported from New Zealand;
 - (b) animals in zoos; or
 - (c) the use of animals in research, testing or teaching.
189. Once SPCA National Support Office has received advice from an Inspector regarding the above, it will notify MPI immediately before any SPCA investigation or inspection is commenced.
190. No prosecution or legal proceedings affecting any issue where a question of law of first impression, government policy or a government department is involved shall be instituted by an SPCA Centre without the prior approval of the SPCA National Council (see Rule 15 of the SPCA Constitution).

Receipt of Complaint

191. When an Inspector receives a complaint about the welfare of an animal, whether received directly from a member of the public or from another approved organisation, the Inspector must document all relevant information pertaining to the complaint, including sufficient details to enable a trace-back of the complaint should further information or clarification be required.
192. The Inspector must allocate a file number for the complaint within 3 working days of receipt of the complaint.
193. The Inspector or dispatcher fielding complaints for the SPCA Centre should confirm receipt of the complaint verbally with the member of the public who laid the complaint (if known) to enable verification of facts reported.
194. If the complaint has been received from another approved organisation passing on the information, acknowledgement in writing confirming receipt of the file must be made to the organisation passing on the information within 10 working days of such receipt.
195. If the complaint is to be transferred from one SPCA Centre to another, the Inspector transferring the complaint must supply all relevant information pertaining to the complaint to the Inspector accepting the transfer, who will enter the transferred complaint into his/her SPCA Centre's database.

Complaint Response

196. An Inspector must grade all animal welfare complaints received into a response category reflecting the level of urgency required for any response. The Inspector should take into account, when categorising a response, the urgency required to mitigate the animal's pain or distress, based on the information on hand at the time.

197. An Inspector must use the following grading as a minimum guide when assessing the appropriate response for an animal welfare complaint:
- (a) **Grade 1 – Immediate** response required. Examples – dog beating in progress, dog in hot car, risk of serious harm to an animal, police assistance required.
 - (b) **Grade 2 – Priority** urgent response required but less urgent than immediate. As soon as possible and within 24 hours. Examples – serious complaint allegation of acute risk of harm, large-scale serious allegation.
 - (c) **Grade 3 – Routine** response required as soon as possible and within 7 days. Examples – unshorn sheep, dogs no exercise etc.
- (An Inspector must, at all times, act in accordance with the powers of Inspectors under the Act when responding to a complaint.)
198. Prior to commencing any response or initiating any enforcement activity, an Inspector should, where possible, check any database in operation to ascertain whether any previous history relating to a complaint exists. This will assist in determining the most appropriate response to the complaint. Where appropriate, the Inspector should confer with SPCA National Support Office.
199. Where an Inspector believes that an MPI Animal Welfare Investigator may already have received or be working on the same complaint, contact with that person must be made to avoid duplication or interference.
200. Should this belief be confirmed, the Inspector must follow the procedure set out in the "Supersession Policy" of these PTS.
201. An Inspector must ensure, when responding to an animal welfare complaint, that, where practicable, the Inspector is in possession of equipment that is appropriate to resolve the complaint.
202. Minimum equipment requirements are:
- (a) Certificate of Appointment;
 - (b) a copy of the Act, including amendments;
 - (c) a notebook suitable for recording the action taken;
 - (d) appropriate forms for animal surrender, instruction to prevent or mitigate suffering, notice of entry and search warrants;
 - (e) list of emergency telephone numbers;
 - (f) appropriate clothing to deal with the complaint;
 - (g) animal care equipment with the ability to euthanase an animal if necessary, or quick access to such equipment (unless the Inspector is accompanied by a veterinarian);
 - (h) a camera;
 - (i) a tape measure;
 - (j) a torch; and
 - (k) relevant Codes of Welfare.

Welfare Priorities

203. An Inspector must have as a priority at all times the alleviation of any unreasonable or unnecessary pain or distress being suffered by an animal.
204. An Inspector may take action to prevent and/or mitigate the suffering of an animal and to assemble evidence in accordance with the Act where, in the opinion of the Inspector, based on the facts as presented, any breach of the Act has or may have occurred.
205. In any case where the requirements of the Act are not being met, an Inspector must ensure that the owner or person in charge of the animal is made aware of his/her obligations of care for the animal and, where necessary, identify where and to what extent that owner or person in charge of the animal has failed to meet the legal requirements.
206. Any sustainable and enforceable instructions given by an Inspector to an owner or person in charge of an animal to prevent or mitigate the suffering of that animal must be by notice in writing and signed as an Inspector under the Act. The notice must set out clearly what is required and within what time frame those requirements must be met.
207. When issuing any written instructions, or taking steps to prevent or mitigate animal suffering, the Inspector must have reasonable grounds to believe that the animal is suffering or is likely to suffer unreasonable or unnecessary pain or distress.
208. Where an Inspector has issued a written instruction for remedial action to be taken, it is the responsibility of that Inspector to ensure, within a reasonable time frame, that the remedial action has been taken in compliance with the written notice.
209. Inspectors should seek to ascertain whether there might be any other related or potential animal welfare problems concerning other animals and/or properties under the control of the owner or person in charge of the animal to which a complaint relates.
210. Where an Inspector seizes an animal, the animal will be kept at a place chosen by the Inspector as follows:
 - (a) If the Inspector suspects that unauthorised information regarding the location of the seized animal has placed the animal's safety in jeopardy, the Inspector has the right to remove that animal to another place of safety.
 - (b) If that place is in the district of another SPCA Centre, that SPCA Centre and the New Zealand Police are to be informed as soon as possible and given contact details of the Inspector involved.
 - (c) Costs involved in keeping the animal shall remain the responsibility of the SPCA Centre to which the Inspector is affiliated, unless an alternative prior arrangement to meet the costs has been agreed with the SPCA Centre concerned or SPCA National Support Office.
211. The animal must be cared for in accordance with any relevant Code of Welfare issued pursuant to the Act or, if no such Code of Welfare exists, in accordance with any applicable Code of Recommendations and Minimum Standards. However, there is no

expectation that seized production animals will continue to be managed in line with commercial imperatives.

212. Overall, the investigating or prosecuting Inspector retains responsibility for the welfare of the animal.

Resources

213. Inspectors must keep themselves informed of resources available to them where the seizure or transfer of an animal is necessary in order to prevent or mitigate pain or distress suffered by the animal and, where appropriate, must seek guidance.
214. Should seizure be required in order to prevent or mitigate pain or distress suffered by an animal, the Inspector retains responsibility for care of the seized animal.
215. The Inspector must be satisfied that any such action taken will assist in preventing or mitigating the pain or distress suffered by the animal.
216. Where an Inspector is required to make an assessment concerning an area of animal husbandry that is outside his/her training or experience, the Inspector must obtain an objective assessment of the animal and its condition from a person with recognised expertise in that area of animal husbandry. This may include another Inspector, a veterinarian or a farm consultant.
217. Where there is disagreement between the Inspector leading the response or investigation and the owner or person in charge of the animal as to the remedial action necessary, the Inspector should obtain expert advice from a recognised professional (e.g. a veterinarian).
218. Where an Inspector encounters a situation where there is a need to euthanase an animal under the provisions of section 130, section 133(4) or section 138 of the Act, the Inspector must, where reasonable and within a reasonable time, consult with the owner or person in charge of the animal in relation to the decision to euthanase the animal. Where the owner requests a second opinion in relation to the animal, the Inspector must allow this to occur within a reasonable time.
219. If the owner of the animal cannot be found within a reasonable time, does not agree to the euthanasia of the animal, or does not obtain a second opinion from a veterinarian within a reasonable time, the animal must be euthanased without delay.
220. Where it is necessary for an Inspector to euthanase an animal, the Inspector must be competent in the manner of euthanasia and appropriate equipment used so as to be able to euthanase the animal humanely.
221. An Inspector must comply with all relevant sections of the Arms Act 1983 where a firearm or other device that is subject to the Arms Act is used.

Euthanasia

222. Every SPCA Centre must have its own policy regarding the euthanasia of animals and must follow the SPCA National Euthanasia Policy.
223. Inspectors must follow their SPCA Centre policy and SPCA National Euthanasia Policy regarding the acceptable methods of euthanasia.

224. It is sometimes necessary for an Inspector to destroy an animal that has been found severely sick or injured.
225. The powers of an Inspector as stipulated under the Act must be complied with. The Inspector must ensure that the destruction of any animal is lawful, necessary and humane. Sections 130, 133(4), 138, 139 and 141 of the Act apply.
226. It should be understood that the term "destroy" also means "cause to be destroyed". It does not necessarily mean that the Inspector has to personally destroy the animal.
227. If the Inspector is not personally destroying the animal, he/she may provide the authority for a competent person (such as a veterinarian, experienced farmer or firearms licence holder with experience in humane euthanasia by firearm) to carry out the destruction.²
228. It is sometimes necessary to euthanase animals that have been handed in to SPCA Centres by members of the public. In these situations, the duties of an Inspector as outlined in the Act must be complied with.
229. Territorial authority animal pounds may also enlist the services of an Inspector under the Act to certify in writing the need for destruction of impounded diseased, sick or injured animals.
230. Whereas the advice of a veterinarian should be sought, this is not always possible or practicable. Inspectors should be fully conversant with sections 130, 133(4), 138, 139 and 141 of the Act.
231. The procedure for euthanasia is clearly laid down in sections 130, 133(4), 138, 139 and 141 of the Act.
232. The reason/s for euthanasia must be documented for each animal and made available on request.
233. Inspectors are to ensure that any euthanasia of animals is lawful, humane and carried out by appropriately trained and equipped staff only.
234. Pentobarbitone must not be used by anyone other than a veterinarian. It must also not be stored at any SPCA Centre unless under the express control of a veterinarian.

The Response and Investigation Process

235. An Inspector must document, at the time of the response or as soon as possible after the event, all instructions, actions, observations and interviews carried out by the Inspector as part of the response to a complaint.
236. An Inspector must consider, and at all times comply with, the requirements of the New Zealand Bill of Rights Act 1990 when responding to and investigating a complaint.
237. An Inspector must at all times comply with the requirements of the Privacy Act 1993.
238. Any report of alleged breaches of the Privacy Act or the New Zealand Bill of Rights Act by an Inspector will result in an investigation as per the procedures in the section on "Complaints Against Inspectors".

² An Inspector must comply with all relevant sections of the Arms Act 1983 where a firearm or other device that is subject to the Arms Act is used.

239. An Inspector must comply with any statutory or common law requirements when undertaking any search and seizure actions under the Animal Welfare Act 1999.
240. An Inspector must follow the relevant requirements of the Children, Young Persons, and Their Families Act 1989 when it is necessary to interview a young person who is suspected of breaching the Animal Welfare Act 1999 or who is intended to be a witness.

Search Warrants

241. Search warrants must be obtained in certain situations – see sections 127 and 131 of the Act. An Inspector must comply with relevant processes and rules, as detailed in sections 131 and 133 of the Act, when applying for and executing a search warrant. The relevant sections of the Search and Surveillance Act 2012 also apply.
242. An Inspector must ensure that he/she is equipped with the appropriate forms for search warrants and applications for search warrants, which can be sourced from SPCA National Support Office.
243. Advice must be sought from SPCA National Support Office before applying for and executing a search warrant.
244. An Inspector must seek relevant database information (details of previous applications to search land, premises, places, vehicles, aircraft or ships, and the results of each application) through SPCA National Support Office, which will confer with MPI, prior to an application for a search warrant being sought, in order to demonstrate that "reasonable inquiries" have been made in accordance with section 98(4) of the Search and Surveillance Act 2012.
245. Written confirmation of this should be included as part of the application.
246. All search warrants applied for must be copied to SPCA National Support Office for inclusion on a national database.
247. Any search warrant applied for under the terms of the MPI funding agreement must first be approved by a member of the SPCA National Inspectorate and Centre Support Team.

Prosecution Procedure

248. Where an Inspector believes that criminal liability has been established and a prosecution should be initiated in accordance with the Crown Law Prosecution Guidelines (i.e. there is evidential sufficiency and a prosecution is required in the public interest), the Inspector should seek a further assessment from a suitably qualified person or from a member of the SPCA National Inspectorate and Centre Support Team.
249. Inspectors must be aware that no prosecution or legal proceedings affecting any issue where a question of law of first impression, government policy or a government department is involved shall be instituted by an SPCA Centre without the prior approval of the SPCA National Council (see Rule 15 of the SPCA Constitution) and advice to MPI.

250. After completion of the further assessment, the Inspector may recommend to his/her SPCA Centre Committee that informations be laid.
251. If the SPCA Centre Committee declines approval to proceed with prosecution, the Inspector is to advise SPCA National Support Office of the decision.
252. Where an Inspector believes that criminal liability has been established but believes that a formal warning rather than prosecution is appropriate, the Inspector may deal with the matter by way of a written warning on the appropriate form, which can be accessed through SPCA National Support Office.

Supersession Policy

253. In the event that both MPI and the SPCA suspect that they have been advised separately of the same animal welfare complaint, there should be liaison between the two agencies to avoid a duplication of effort.
254. Generally, the agency that should investigate the complaint is the agency that was first notified of the complaint or the most appropriate agency to deal with that complaint.
255. If both agencies wish to pursue the same complaint, the matter is to be advised as soon as possible to SPCA National Support Office in the case of the SPCA and to MPI Compliance Directorate in the case of MPI, for resolution by the Manager Animal Welfare Standards, in consultation with the SPCA National President or his/her nominee, the relevant SPCA Centre and local MPI staff.

Records

Information Files

256. An Inspector must ensure that all records pertaining to a complaint and/or an investigation are legible.
257. An Inspector must ensure that records of a complaint include:
- (a) date reference;
 - (b) file number;
 - (c) the name, address and telephone number of the complainant if these have been supplied;
 - (d) sufficient details to identify and locate the alleged offender;
 - (e) the date the complaint was received;
 - (f) the location of the complaint;
 - (g) the nature of the complaint, including species, number and age of animals; and
 - (h) the name of the Inspector/s handling the complaint.
258. An Inspector must ensure that records of an investigation include, as applicable:
- (a) relevant details relating to the initial response, including animal identification and examination record;
 - (b) interview notes;
 - (c) copies of any directions given;
 - (d) details of any organisation involved (e.g. other approved organisations, MPI, New Zealand Police, territorial authority);
 - (e) details of whether the complaint was received from or transferred to another agency or approved organisation; and
 - (f) copies of any educational or warning letters.
259. An Inspector must ensure that prosecution records include:
- (a) information/s laid;
 - (b) prosecution file;
 - (c) court dates;
 - (d) decisions;
 - (e) sentencing data; and
 - (f) copies of infringement notices.
260. An Inspector must store all records and evidence in a manner that will respect the confidentiality of the information and the privacy of the individuals involved.
261. An Inspector must retain all investigation records for a period of 5 years in a secure place on the premises of his/her SPCA Centre.

262. The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) shall provide to MPI, on written request, details of any animal welfare complaint investigation carried out by SPCA National Support Office or an SPCA Centre. Such a request by MPI must stipulate the reason/s this information is required.
263. MPI shall report to the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) on the outcome of any action it takes arising from such a request being fulfilled.
264. Notification of any outcome to an SPCA Centre will be the responsibility of the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee).

Animal Register

265. In accordance with section 142 of the Act, a register must be kept of all animals handled. The register must record the numbers and types of animals sold, rehomed, destroyed or otherwise disposed of under section 141, including, in relation to each animal:
- (a) particulars of the date when custody of the animal was obtained and of the date when the animal was disposed of; and
 - (b) a record of whether the animal was sold, rehomed, destroyed or otherwise disposed of.
266. If an animal is destroyed during the mandatory 7 days' holding period, an Inspector or Auxiliary Officer must sign approval for this and it must be noted in the register.
267. The register is to be carefully maintained, and the records in relation to each animal must be kept for at least 1 year after the date on which custody of the animal was obtained.
268. An Inspector must supply the SPCA Centre Secretary with annual statistics. These statistics must include, but are not limited to:
- (a) number of complaints received by species;
 - (b) number of cases investigated and cases referred to another agency or SPCA Centre;
 - (c) number of prosecutions;
 - (d) number of prosecutions that have resulting convictions; and
 - (e) number of persons charged with offences, or otherwise proceeded against (e.g. by obtaining enforcement orders) under the Act.
269. The annual reporting period shall be 1 January to 31 December of each year.
270. The annual statistics must be returned to SPCA National Support Office by 31 January each year.
271. SPCA National Support Office will then collate all statistics and forward them to the Manager Animal Welfare Standards by 1 March each year.

On-Farm Inspections

Protocols

272. Matters relating to the provision of government funding to support the SPCA in its animal welfare activities are covered by the terms of relevant funding agreements.
273. Protocols have been put in place by SPCA National Support Office to align with the terms of agreement relating to government funding to assist with production animal welfare complaints received by the SPCA.
274. An SPCA National Inspectorate and Centre Support Team has been appointed by SPCA National Support Office to assist SPCA Centres with production animal welfare complaints.
275. Initial reports are forwarded by the SPCA Centre directly to the SPCA National Inspectorate and Centre Support Team. SPCA Centres should record any production animal welfare complaints on the forms supplied by SPCA National Support Office for entry onto the national database in order to access funding.
276. SPCA National Support Office is responsible for the accounting of this funding.
277. SPCA Centres must forward all relevant documentation and a report to SPCA National Support Office to enable reimbursement of expense claims related to production animal welfare inspections and investigations.
278. In the event that the situation can be handled by the SPCA Centre receiving the complaint and adequately dealt with by the Inspector in initial attendance, that Inspector should do so.
279. In the event that the situation is serious, or cannot be adequately dealt with by the initial attending Inspector, that Inspector must take whatever emergency action that is considered necessary and then contact the SPCA National Inspectorate and Centre Support Team to fully report the situation.
280. In the event that the SPCA Centre does not have an Inspector or Auxiliary Officer, the SPCA National Inspectorate and Centre Support Team will contact the nearest or most appropriate Inspector and request that Inspector to make a preliminary assessment of the situation and report back to the SPCA National Inspectorate and Centre Support Team.

Transfer of Complaint to MPI

281. Complaints to be transferred to MPI must be done through the SPCA National Inspectorate and Centre Support Team. Each SPCA Centre must keep a record of all complaints transferred via the SPCA National Inspectorate and Centre Support Team to MPI.

282. If however, the above terms of agreement relating to government funding to assist with production animal welfare complaints received by the SPCA are negated, the following procedures apply:
- (a) Any transfer of complaints from one agency to another for investigation must be recorded in writing and signed by the transferring party and the receiving party. Copies of all documentation must be kept by both parties.
 - (b) The agency accepting the transfer will assume full responsibility for the investigation, including costs, thereafter.
 - (c) The transferring agency will accept the decision made on any action taken in an investigation subsequent to the transfer.
 - (d) The agency accepting the transfer of a complaint will provide written feedback on request to the transferring agency on the outcome and/or progress of the investigation of the complaint.

Assistance Policy

283. In the event that the assistance of MPI is requested by the SPCA in an investigation, or vice versa, the SPCA Inspector and/or the MPI Animal Welfare Investigator initiating the request must advise his/her counterpart of the exact nature of the assistance required at the time of the request.
284. The agency that was first dealing with the complaint shall retain full responsibility for any investigation in which it has requested assistance.
285. If an Inspector is available to assist in a request by MPI to investigate a complaint, the Inspector must log the details with SPCA National Support Office Farm Complaints database to enable reimbursement for his/her costs.
286. Both SPCA and MPI staff must respect any decision made by the agency that was first dealing with the complaint, in any investigation that requires assistance.
287. From time to time MPI may contract individual Inspectors to assist with MPI-related operations.
288. If MPI contracts individual Inspectors, reimbursement arrangements will be with the Inspector's employer.
289. SPCA National Support Office and the SPCA Centre that employs the Inspector must be advised prior to the contract taking effect. During the tenure of the contract, the Inspector is accountable to MPI and its directions.

Policies

Policy and Procedure Manual

290. All SPCA Centres must have up-to-date Policy and Procedure Manuals kept at their premises. These documents must be available for reference at all times and must be complied with by all staff/volunteers.

Media

291. Inspectors shall refrain from making any public comment on any specific animal welfare investigation that may jeopardise any legal proceedings, pending or current. Inspectors must speak with their Manager or contact SPCA National Support Office for advice on any current national animal welfare matter.

Impartiality

292. Inspectors must be careful not to publicly participate in any activity that could be seen to jeopardise their impartiality when carrying out their duties.

Health and Safety

293. Each SPCA Centre has an obligation to provide for the safety of its Inspectors, whether employees or volunteers, under the provisions of the Health and Safety in Employment Act 1992.

Privacy

294. Inspectors must follow the requirements of the Privacy Act 1993 and be cautious when disclosing personal information to or about any individual.

MPI/SPCA Liaison

National and SPCA Centre Level

295. Formal discussions between the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) and MPI will be held on policy issues of national importance on a regular basis.
296. Liaison between individual SPCA Centre representatives and local MPI Animal Welfare Investigators should be held as and when required.
297. Unresolved issues should be passed on without delay to a more senior level of each respective organisation.
298. The SPCA and MPI agree to exchange, where practical, advance copies of draft press releases relating to the enforcement provisions of the Act, to allow appropriate comment from either organisation before publication.

Application of the Official Information Act 1982

299. Inspectors need to be aware of the following:
 - (a) MPI is bound by the requirements of the Official Information Act 1982.
 - (b) The SPCA is not bound by the requirements of the Official Information Act 1982.
 - (c) MPI will consult with the SPCA (via the National President, the National Chief Executive and/or the National Manager Inspectorate and Centre Support) in responding to requests under the Official Information Act 1982 that concern information about the SPCA and its Inspectors and Auxiliary Officers.

Annual Audit of SPCA Enforcement Activities

300. MPI will conduct an annual audit of selected SPCA Centres and/or SPCA National Support Office in relation to:
 - (a) selection of Inspectors and Auxiliary Officers;
 - (b) recommendation processes for appointment of, or appointment renewal of, Inspectors and Auxiliary Officers;
 - (c) compliance with the Act;
 - (d) documentation relating to animal welfare complaint investigations; and
 - (e) any other area to which SPCA National Support Office and MPI agree.
301. MPI will give reasonable notice of its intention to audit selected SPCA Centres.
302. Any SPCA Centre wishing to have an SPCA National Councillor or other SPCA representative present during the audit may do so by request to SPCA National Support Office as soon as the SPCA Centre has received notification of the audit from MPI.
303. MPI will provide the opportunity for SPCA National Support Office and the SPCA Centre to respond to the initial audit findings.

304. MPI will supply to the SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) a written draft audit report within 2 months of the audit being carried out.
305. The SPCA National Executive Committee (or person/s delegated by the SPCA National Executive Committee) will forward copies of audit reports to those SPCA Centres involved.
306. SPCA National Support Office shall be responsible for ensuring that any major non-compliance in the final audit report is addressed.
307. Each SPCA Centre involved in the audit will provide SPCA National Support Office with a report on progress in resolving any major non-compliance in the audit report, within 3 months of the final audit report being supplied.
308. The SPCA Inspectorate and Centre Support Team will report in writing within 4 months to the Manager Animal Welfare Standards on progress in resolving the key issues addressed in the audit report.
309. SPCA National Support Office and SPCA Centres shall, at their own cost, make available staff to provide reasonable assistance with the audit.
310. All other costs and expenses of auditors engaged by MPI will be the responsibility of MPI.

Relevant Acts

311. The following Acts (including any amendments) are directly relevant to the role of Inspectors:

- (a) Animal Welfare Act 1999
- (b) Children, Young Persons, and Their Families Act 1989
- (c) Criminal Disclosure Act 2008
- (d) Dog Control Act 1996
- (e) Evidence Act 2006
- (f) Marine Mammals Protection Act 1978
- (g) New Zealand Bill of Rights Act 1990
- (h) Privacy Act 1993
- (i) Search and Surveillance Act 2012
- (j) Summary Proceedings Act 1957.

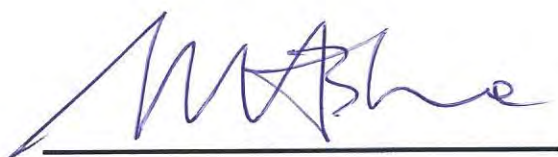
312. The following Acts (including any amendments) are relevant for additional information:

- (a) Agricultural Compounds and Veterinary Medicines Act 1997
- (b) Arms Act 1983
- (c) Biosecurity Act 1993
- (d) Crimes Act 1961
- (e) Impounding Act 1955
- (f) Official Information Act 1982
- (g) State Sector Act 1988
- (h) Trade in Endangered Species Act 1989
- (i) Veterinarians Act 2005
- (j) Wild Animal Control Act 1977
- (k) Wildlife Act 1953.

Signatures

Dated this 15th day of February 2013

At: Auckland



Signed by:

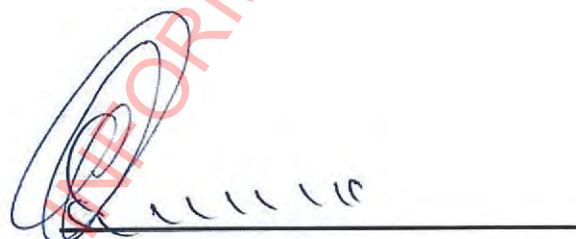
Dr Matthew Stone

Director Animal and Animal Products

Standards Branch

Ministry for Primary Industries

Pursuant to authority delegated by the
Director-General of the Ministry for
Primary Industries



Signed by:

Bob Kerridge, JP MNZM

National President

Royal New Zealand Society for the
Prevention of Cruelty to Animals (Inc)

Appendix: Documentation to be Supplied to MPI upon Application for Appointment

Application for First Appointment

- (a) Recommendation for First Appointment Form – completed by SPCA (Form C)
- (b) MPI Application for Appointment Form
- (c) Identification Card Form
- (d) A passport-size colour photograph or digital image of the applicant
- (e) Consent to Disclosure of Information Forms:
 - Previous Employers
 - SPCA Inspector Training Provider Authorisation
 - New Zealand Police or Ministry of Justice Check
- (f) Results of New Zealand Police or Ministry of Justice Check
- (g) Record of Learning (private students)
- (h) Details of training completed

Application for Renewed Appointment

- (a) Recommendation for Renewed Appointment Form – completed by SPCA (Form E)
- (b) MPI Application for Appointment Form
- (c) Consent to Disclosure of Information Form:
 - New Zealand Police or Ministry of Justice Check
- (d) Results of New Zealand Police or Ministry of Justice Check
- (e) Details of training completed