



Safeguarding our Animals, Safeguarding our Reputation

Improving Animal Welfare Compliance in New Zealand

July 2010

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FOREWORD

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This Plan charts a course for improving the welfare of New Zealand's animals. Animal welfare is not just the Government's responsibility, not just the Ministry of Agriculture and Forestry's (MAF's¹) responsibility, but the responsibility of all New Zealanders. By working together and joining our efforts we can go a long way to achieving the Plan's vision of "*everyone taking responsibility for the welfare of animals*".

The issues around animal welfare are always topical and I believe we are the guardians of our own behaviour. Humanity is central to animal welfare, but what does the term actually mean?

To most people animal welfare means avoiding cruelty, preventing unnecessary suffering, and providing a reasonable standard of humane care. The public expects the animals we care for to be healthy, comfortable and properly fed. Treatment should be received when it is needed and, when required, animals should be killed humanely.

These are fair expectations, and New Zealand has a proud history and considerable international credibility in animal welfare matters. We don't always get it right, and we must continue to evolve our practices as society's expectations change, but I am confident that we have the animal welfare expertise and leadership to continue our forward progress.

This Plan is an important initiative and a priority for MAF. At its heart is a partnership involving all those with animal welfare roles coming together, firstly, to encourage voluntary compliance with animal welfare standards, and secondly, to enforce the law when needed. The Plan does not provide all the answers; rather it sets out a series of initiatives which will enhance this country's animal welfare performance over the medium term. We will know we've succeeded when everyone **is** taking responsibility for the welfare of animals – because they have the right information, adequate support and a desire to do so.

I would like to thank everyone who contributed comments or ideas to the development of this Plan and encourage them to remain involved as it is implemented.



M A Sherwin
Director-General

¹ From 1 July 2010 the New Zealand Food Safety Authority was disestablished as a government department and its functions and responsibilities transferred to the Ministry of Agriculture and Forestry.

EXECUTIVE SUMMARY

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This Plan focuses on improving compliance with the Animal Welfare Act 1999. MAF administers the Act, but improved animal welfare compliance cannot be achieved by MAF alone. It will require the co-ordinated efforts of all those involved in the animal welfare system.

Over recent decades awareness and expectations of animal welfare has been steadily increasing, both in New Zealand and internationally. Animal welfare is vitally important to New Zealand – as a nation we are enthusiastic owners of companion animals, and our economy is largely built on the utilisation of production animals. Society is seeking assurances that our animal welfare standards are both high and being met.

Against this background, MAF is receiving an increasing number of complaints about alleged breaches of the Animal Welfare Act, and the seriousness of those complaints also seems to be on the rise. In the production sector, people may fail to comply with their welfare obligations for a number of reasons, including a focus on short term economic returns, poor farm management, a shortage of competent stockmen, and personal pressures. Companion animals also suffer animal welfare breaches.

Improved animal welfare will best be achieved by encouraging and supporting voluntary compliance or deterring non-compliance before offending becomes serious. MAF and other organisations already use education, awareness and persuasion initiatives to drive desired behaviour change. However, resource limitations and the lack of a cohesive “whole-of-system” approach have limited the effectiveness of those efforts.

Over the next few years MAF will work in partnership with other organisations to support those who genuinely want to comply with their animal welfare obligations, and to encourage or compel those who do not want to change their attitudes. The vision behind this approach is:

Everyone taking responsibility for the welfare of animals

To achieve this vision MAF and its partners will work toward three specific outcomes:

- Outcome 1 – Integration:** The animal welfare compliance and enforcement system is fully integrated with participants having clear roles and responsibilities and undertaking complementary activities.
- Outcome 2 – Compliance:** Owners or people in charge of animals understand their animal welfare obligations and comply voluntarily, or receive timely intervention when they do not comply.
- Outcome 3 – Tools and resources:** The right tools and resources are available to encourage and compel animal welfare compliance.

ANIMAL WELFARE COMPLIANCE AND ENFORCEMENT 3

Introduction

This Plan focuses on improving compliance with the Animal Welfare Act 1999.

New Zealand's animal welfare system is highly regarded internationally. New Zealand has progressive and contemporary animal welfare legislation, a cohesive national animal welfare infrastructure, a commitment to consultation with all stakeholders, and a strong capability in animal welfare science and bioethical analysis. We also make an important international contribution through our involvement with the World Organisation for Animal Health (OIE) and other international linkages.

MAF administers the Animal Welfare Act and promotes policies for the welfare and humane treatment of animals. Its animal welfare mission is to:

- support society's expectations for the welfare and humane treatment of animals;
- administer the Animal Welfare Act in an effective, responsible and fair manner;
- support the development of animal welfare standards that address risks to animal welfare and promote improved welfare outcomes;
- contribute to New Zealand's reputation as a trusted and sustainable producer of animals and animal products;
- encourage voluntary compliance with animal welfare standards and, where necessary, to enforce the law.

Animal welfare compliance cannot be achieved by MAF alone, and MAF works closely with a range of other organisations to deliver on this mission. Its partnerships with the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA) and the New Zealand Food Safety Authority's (NZFSA) Verification Agency are particularly noteworthy and important.

Activities covered by this Plan range from education and support, through to prosecutions and large scale recovery operations. While the Plan focuses mainly on the welfare of animals in the production sector – production animals make up the vast majority of all animals in New Zealand – it also extends to the welfare of companion animals. The Plan does not cover compliance with animal research, testing and teaching requirements, as these are covered by a separate and comprehensive regulatory framework under the Animal Welfare Act.

Delivering the Plan will require a collaborative effort and ongoing commitment by all participants in the animal welfare system. The Plan, therefore, suggests roles and responsibilities for the main participants.

Historical context

The Animal Welfare Act 1999 replaced the Animals Protection Act 1960. The philosophy of the new Act reflected a change of focus away from preventing cruelty to animals, to establishing a duty of care for people in charge of animals.

Around the same time, MAF created a dedicated animal welfare enforcement function staffed by five full time equivalents. This replaced a model whereby about 145 MAF field staff with primary duties relating to bovine tuberculosis (TB) testing also had an animal welfare enforcement role. Although these changes increased MAF's animal welfare enforcement expertise, they significantly reduced MAF's on-farm animal welfare presence, meaning less advice to farmers and fewer 'eyes and ears' on farms.

More recently, MAF has been reviewing its overall approach to achieving animal welfare compliance. In particular, it has been revisiting the potential role of communications, including information provision and education, as a way to drive voluntary compliance.

Animal welfare expectations

Against this background, awareness of animal welfare issues has been steadily increasing, both in New Zealand and internationally. Society is demanding ever higher standards of animal welfare, and assurances that those standards are being met.

Animal welfare is vitally important to New Zealand – our economy is largely built on the utilisation of production animals and as a nation we are passionate and enthusiastic owners of companion animals.

Animal welfare issues have also assumed greater importance worldwide. Since 2001, the OIE has taken on an international leadership role in relation to the development of animal welfare guidelines and standards for use by its 176 member countries. In 1997, the Amsterdam Protocol recognised animals as sentient beings within the European Union. The World Society for the Protection of Animals (WSPA) is now seeking to achieve this recognition, at an international political level, via a proposed Universal Declaration on the Welfare of Animals. Such a Declaration would complement existing international treaties dealing with biodiversity and trade in endangered species.

International trade rules do not allow countries to discriminate against trade in products on the basis of animal welfare standards in the exporting country. However, because consumers are becoming increasingly concerned about animal welfare issues, there is mounting international pressure for stronger welfare standards. Some restaurant and supermarket chains in Europe and North America are emerging as drivers behind new and stronger animal welfare standards. If New Zealand fails to meet international market-place expectations, its reputation will be harmed. Conversely, high standards of animal welfare will contribute to New Zealand's reputation as a trusted and sustainable producer of animals and animal products in key overseas markets.

Animal welfare breaches

MAF is receiving an increasing number of complaints about alleged breaches of the Animal Welfare Act, and the seriousness and complexity of those complaints are also increasing. MAF received 677 complaints during 2007. In 2008 it received 948 complaints, of which 280 were designated “High” or “Very High” risk.

Complaints enter the enforcement system via MAF's 0800 number. They can come from the general public, or referrals from organisations such as the NZFSA Verification Agency or the RNZSPCA.

When responding to a complaint, it is becoming increasingly common for MAF animal welfare inspectors to visit a property more than once, and visits are generally taking longer than in the past. There is also a clear trend toward more complex cases, requiring MAF's animal welfare inspectors to spend more time on each complaint received.

Complaints, however, may not tell the whole the story. Animal welfare inspections are carried out only on those farms about which a complaint is received – some 2.5 percent of total farms. There is limited or no information available about animal welfare compliance on the 97.5 percent of farms for which no complaint is received. While it is expected that the vast majority of these farms will be maintaining adequate animal welfare standards, this cannot be verified.

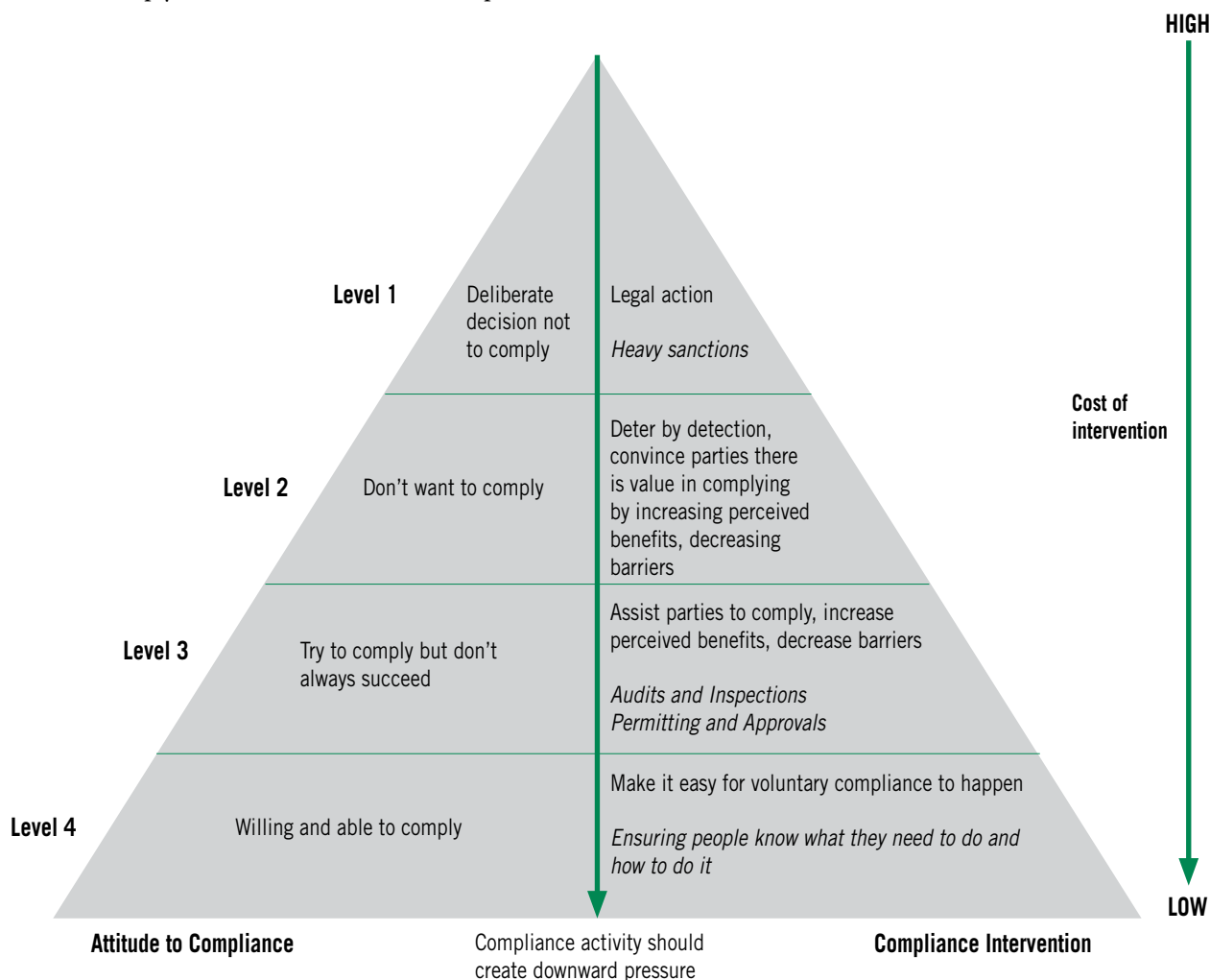
What is compliance and why is it important?

In simple terms, compliance means going along with what someone wants. This covers a range of economic and social situations from paying taxes, to obeying road rules, to complying with social norms such as how we treat each other.

From an animal welfare perspective, the Government sets formal rules – in the form of laws and regulations – to reduce and manage the risk that people will harm animals in their care. As well as protecting the welfare of animals, compliance with these rules plays an important part in satisfying the expectations of New Zealand society that animals are treated humanely, and in maintaining New Zealand's trading reputation overseas.

A new compliance approach

Designing a compliance programme starts with knowing and understanding the target audiences. Who and where they are, what their current behaviours are, why are they are compliant/non-compliant, and what would motivate them to change. The following compliance triangle provides a way to think about compliance by integrating the attitudes and behaviour of people and businesses with the measures that MAF can use to promote better compliance. It recognises that addressing the reasons why people do not comply will lead to better overall compliance.



The left side of the triangle looks at different attitudes to compliance while the right looks at the response and compliance actions that can be taken. Identifying where people fit on this triangle leads to the appropriate level of response.

The MAF Enforcement Directorate has been incorporating the principles of the compliance triangle into its animal welfare enforcement activities for the past few years. The compliance triangle now influences all day-to-day decision making. It guides how MAF responds to a complaint, informs decisions on what action to take, and indicates who to involve.

Animal Welfare inspectors now spend a portion of their time encouraging voluntary compliance i.e. operating at the base of the compliance triangle to educate farmers and assist them to comply. MAF is seeing some benefits from this approach, in particular reduced recidivism.

Implementation of the compliance framework has been held back, however, by a lack of resources. The Enforcement Directorate's small complement of animal welfare enforcement staff is oriented primarily toward statutory enforcement, and must maintain its focus on responding to the large number of serious complaints. At this point in time, MAF has no capacity to increase its focus on education, awareness and persuasion measures without compromising its ability to respond to complaints.

Compliance tools

MAF and other animal welfare organisations have available a continuum of tools to encourage or compel compliance, ranging from non-statutory to those with varying degrees of legal effect. Effective compliance tools discourage unwanted behaviour or encourage desired behaviour, and must be targeted at the correct audience, in the right way, at the right time.

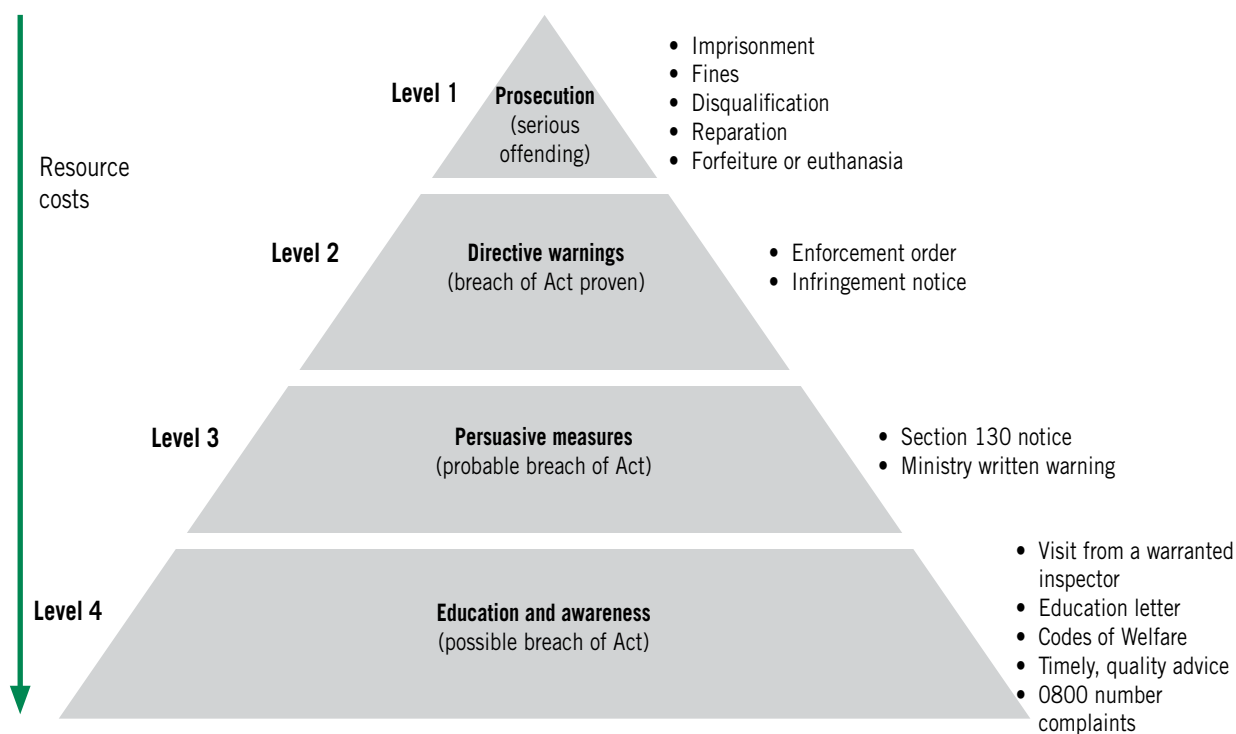
Non-statutory tools in use include:

- education, awareness and persuasion measures;
- 0800 number complaints and referrals;
- visit and advice from an animal welfare inspector;
- educational letters;
- Ministry written warnings.

Statutory tools include:

- **Codes of Welfare** – set minimum standards and promote best practice;
- **Infringement Notices** – only available for failure to provide name and address, and failure to inspect traps;
- **Section 130 Notice** – inspector-issued, requires a person to prevent or mitigate unreasonable or unnecessary pain and distress;
- **Search warrant** – Court-issued, enables inspector to search land, premises or other places, and seize evidence;
- **Enforcement Order** – Court-issued, requires a person to comply with the Animal Welfare Act, its regulations, or a code of ethical conduct;
- **Prosecution for various offences** – remedies available to the Court includes fines, orders requiring forfeiture of ownership, orders disqualifying future animal ownership, reparation orders and imprisonment.

The following diagram describes how these tools are applied in differing circumstances. The levels correspond to those in the compliance triangle on page 7.



Key contributors

MAF already works closely with other agencies and industry bodies to encourage compliance with animal welfare standards and, where necessary, to enforce the law. It has formal agreements with some parties and less formal arrangements with others. Other agencies and industry bodies have similar agreements and arrangements between themselves. However, there is no single plan in place to ensure consistency of approach between all organisations to make best use of system-wide resources.

The main participants in animal welfare compliance and enforcement are:

The Royal New Zealand Society for the Prevention of Cruelty to Animals

The RNZSPCA has traditionally focused on the welfare of urban and companion animals and straying or mistreated wildlife. Over recent times, it has assumed an increasing role in supporting MAF's activities in the rural and animal production sector. The Government provides funding to the RNZSPCA for initial training of RNZSPCA inspectors and reimburses its travel costs for MAF-referred investigations. MAF has also recently provided funding to support the RNZSPCA's increasing rural activities. The RNZSPCA has indicated that, if it is to continue supporting MAF's rural activities, it will require additional funding on an ongoing basis.

New Zealand Food Safety Authority

The NZFSA Verification Agency provides assurances to importing countries that animal welfare requirements have been met when animals are slaughtered. The Verification Agency assesses the welfare of production animals prior to processing, and also provides some on-farm assessment of animal welfare conditions. It refers situations of concern to the MAF Enforcement Directorate for further investigation.

New Zealand Police

All New Zealand Police officers are appointed inspectors under the Animal Welfare Act. They will prosecute gross breaches of animal welfare law, but do not generally become involved in day-to-day animal welfare enforcement. However, they do provide support or personal security to MAF and RNZSPCA inspectors if it is needed.

Federated Farmers

MAF has a formal Memorandum of Understanding with the national office of Federated Farmers covering its animal welfare role. This is complemented by understandings with regional Federated Farmers offices. MAF will, on occasion, refer situations to Federated Farmers where some local community assistance is needed. This assistance can include, for example, helping with clean-up operations and linking farmers into rural support networks.

Industry

Industry groups have the potential to be active partners with MAF in the promotion of animal welfare, and some are already doing so. Industry groups can influence farmers and encourage compliance through their own education efforts, although they have no formal enforcement role. It is likely that increasing pressure from international markets will influence industry groups' willingness to be more actively involved with animal welfare compliance.

New Zealand Veterinary Association (NZVA)

The veterinary profession has the knowledge, expertise and opportunity to make a major contribution to animal welfare compliance. Furthermore, veterinarians have a professional responsibility to promote animal welfare, and to prevent and relieve animal suffering. Their code of professional conduct requires them to promote a standard of care that ensures the needs of animals are met by themselves, and those in charge of the care of animals, in accordance with the Animal Welfare Act. To provide guidance to veterinarians, the NZVA has drafted an animal welfare strategy that encourages a stronger animal welfare stance by the profession.

To avoid conflicts of interest, veterinarians in clinical practice will most likely take a role in education rather than enforcement.

Local government

There are 85 councils in New Zealand made up of 12 regional councils and 73 territorial authorities (city and district councils). Council environmental health officers may be the first on the scene of an animal welfare incident, for example when investigating a waterway contaminated by a dead animal. Councils can play an important communication role by informing communities of their animal welfare responsibilities. Councils have specific legal responsibilities to enforce dog control and environmental health standards. They are also responsible for managing public nuisance issues, such as crowing roosters in urban areas. Councils can set bylaws to deal with public nuisance issues.

Non-government organisations

A number of non-government organisations have interests in animal welfare. These organisations advocate on behalf of animals, and can play a valuable role in raising awareness about, and educating the public on, animal welfare matters.

THE CHALLENGES AHEAD

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In the production sector, people may fail to comply with their Animal Welfare Act obligations for a number of reasons, including:

- a focus on short term economic returns at the expense of animal welfare;
- poor farm management such as over-stocking, lack of planning for feeding regimes, and neglecting livestock maintenance;
- a shortage in New Zealand of competent stockmen, and a resulting increase in unskilled migrant labour with cultural differences;
- adverse climatic events (e.g. drought, floods and snowstorms);
- economic or personal pressures.

MAF has recognised that prosecution cases are costly and time-consuming to bring before the courts, and that improved animal welfare outcomes will best be achieved by encouraging and supporting voluntary compliance. It has made a start toward reviewing its compliance approach by increasing its use of communications to drive desired changes in behaviour, and therefore fewer animal welfare breaches.

However, MAF's compliance activities are still reactive, with the limited resources available being used primarily for responding to complaints. There have been successes with encouraging voluntary compliance, but MAF has been unable to fully implement the new compliance approach. Until more effort is focused on education, awareness and persuasion initiatives, it is unlikely that the incidence of serious animal welfare breaches will be reduced. The intention is not, however, for enforcement agencies to bypass statutory interventions such as prosecution, in favour of education, when offending is serious.

The challenge is to develop a consistent, whole-of-system approach to animal welfare compliance that focuses on activities at the base of the compliance triangle. That is, with interventions that encourage voluntary compliance or deter non-compliance before offending becomes serious. Prosecutions policy should focus on serious offending and be used to reinforce the voluntary compliance message.

MAF cannot continue its shift toward encouraging voluntary compliance without the support of other participants in the animal welfare system. MAF's resources are limited, and it must continue balancing a desire to drive positive behaviour change with the need to respond to serious animal welfare failures. An improvement in New Zealand's animal welfare performance will best be achieved by all participants in the system committing to a single plan, with clear roles and responsibilities.

THE COMPLIANCE PLAN

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MAF will work in partnership with other agencies to support those who genuinely want to comply with their animal welfare obligations, and to encourage or compel those who don't to change their attitudes. We are looking for ongoing improvement in New Zealand's animal welfare compliance.

The Vision

Everyone taking responsibility for the welfare of animals

This vision derives from the Animal Welfare Act's obligations on owners and persons in charge of animals. The Act requires people to ensure that the physical, health and behavioural needs of their animals are met, and to ensure that their animals receive treatment that alleviates any unreasonable or unnecessary pain or distress. The vision will also benefit New Zealand's reputation as a responsible agricultural producer.

To achieve this vision MAF and its partners will work toward three specific outcomes:

Outcome 1 – Integration

The animal welfare compliance and enforcement system is fully integrated with participants having clear roles and responsibilities and undertaking complementary activities.

Outcome 2 – Compliance

Owners or people in charge of animals understand their animal welfare obligations and comply voluntarily, or receive timely intervention when they do not comply.

Outcome 3 – Tools and resources

The right tools and resources are available to encourage and compel compliance.

Outcome 1 – The animal welfare compliance system is fully integrated with participants having clear roles and responsibilities and undertaking complementary activities

Overview

There are a number of current and potential participants in the animal welfare compliance system. These participants can individually and collectively drive behavioural change and positively influence animal welfare compliance.

At present, although there is some co-ordination and collaborative effort amongst regulatory and industry groups, there is no single plan to ensure a “whole-of-New Zealand” approach and best use of system-wide resources. Furthermore, some industry participants prefer to minimise their animal welfare compliance role and/or leave it for MAF to manage on their behalf.

Looking forward: what should be done to create a fully integrated system?

Participants in the animal welfare system should commit to a single compliance approach, where high-risk behaviours are identified, compliance programmes developed, and clear roles and responsibilities established.

Six broad categories for grouping participants in the animal welfare system have been identified. Some organisations may belong to more than one grouping. Each category or grouping identified can drive behavioural change and positively influence animal welfare compliance in a different but complementary manner. Appendix One suggests the grouping(s) to which specific organisations might belong.

The groupings are:

- co-ordination;
- communication;
- commercial incentives;
- enforcement;
- operations;
- performance monitoring

Co-ordination

There are many parties involved in the animal welfare compliance system. Each has its own concerns and drivers. Achieving an effective “whole-of-system” approach will require leadership and co-ordination.

An Animal Welfare Compliance Reference Group (“Reference Group”), built around an existing animal welfare forum is an effective way of achieving this goal.

The Reference Group will meet one or two times each year and participating organisations will share their animal welfare priorities and plans with each other. This group could be tasked with:

- developing a collaborate approach to animal welfare;
- ensuring all parties understand their roles and responsibilities in the system;
- promoting a consistent and cohesive approach.

MAF will provide appropriate support to enable this process to happen, most likely through a co-ordinator.

Communication

This grouping involves organisations that can improve voluntary compliance with animal welfare standards by education, awareness raising and persuasion.

Several organisations are already working together to encourage voluntary compliance. Significant gains could be made, however, by adopting a properly constituted communications approach aimed at reinforcing good behaviours and changing poor behaviours. Research would be required to understand the motivators and barriers for particular audiences, and to inform the development of audience-specific messages. Any campaign would need to deliver these messages consistently and in a cost effective manner.

Under the Plan, agencies and industries will retain control over their own animal welfare messages and programmes. The Plan aims to improve co-ordination between organisations so that the messages sent to farmers and people responsible for animals are complementary and consistent.

Commercial incentives

This grouping involves organisations that can provide incentives or otherwise compel their members to comply voluntarily with animal welfare standards through non-statutory means.

Incentives to comply could be incorporated into industry policies or contractual arrangements. For example, industries could send out positive messages and, where appropriate, reward farmers who have a good animal welfare record. Some industries could also consider including financial penalties for animal welfare breaches within supply contracts.

Enforcement

This grouping involves those organisations that have inspectors with enforcement powers under the Animal Welfare Act.

The primary focus of this grouping is statutory enforcement. It investigates the cause of welfare issues, advises owners of their responsibilities, and ensures compliance under the Act to safeguard the welfare of their animals. Where appropriate, offenders are prosecuted. A variety of statutory and non-statutory tools are available, with the choice of tool being determined by the circumstances of the offending.

Operations

This grouping involves those organisations with on-farm operational capability that can help prevent animal welfare breaches or assist with recovery operations.

Organisations with a regular on-farm presence can assist with early identification of animal welfare issues or breaches, and provide practical on the ground support. This could include marshalling resources, assisting with labour, and providing community-based advice.

Performance monitoring

This grouping involves organisations that can assist in monitoring compliance with animal welfare requirements, and the performance of the system over time.

One low cost way of monitoring system performance might involve those organisations that already collect animal welfare compliance information, or have the opportunity to do so, agreeing to share that information for a wider benefit. For example, information on a producer may be collected separately by an industry group, veterinarians and MAF. Collectively this information may indicate a welfare failure is, or could be, occurring. It would be important to ensure that systems for the storage and access of shared data properly protect privacy and commercially sensitive information.

Beyond this, it will be necessary to determine what the information needs of a well functioning animal welfare compliance system are, and to carry out research to establish a baseline against which to measure performance.

Different system participants will have different performance monitoring needs. The information required by MAF in its role as the administrator of the Animal Welfare Act will be different from that required by producers to satisfy private quality standards set by supermarkets and other customers.

Options for more formal performance monitoring include systematic collection and sharing of information, individual industries or sectors reporting periodically against their own Animal Welfare Performance Monitoring Programmes, or formal independent auditing against specified animal welfare standards. Any performance monitoring framework will need to be affordable and deliver to the needs of the main system participants.

Outcome 1 Action Plan

Action	Who
1.1. The main participants in the animal welfare system should agree to use this Plan as the starting point for developing a whole-of-New Zealand approach to animal welfare compliance.	MAF lead, working with other main system participants
1.2. MAF should maintain this Plan and oversee its implementation.	MAF
1.3. A Reference Group, based around an existing forum, should be tasked with: <ul style="list-style-type: none"> • developing a collaborative approach to animal welfare; • ensuring all parties understand their roles and responsibilities in the system; • promoting a consistent and cohesive approach. 	Main system participants, supported by MAF
1.4. The Reference Group should complete an inventory of the animal welfare compliance initiatives currently being delivered by main participants in the animal welfare system	Reference Group and MAF Programme Manager
1.5. The Reference Group should then agree to coordinate their compliance initiatives wherever possible. Initiatives should be consistent, based on the compliance triangle, and have a focus on encouraging voluntary compliance or deterring non-compliance before offending becomes serious.	Reference Group and MAF Programme Manager
1.6. The Reference Group should promote the design and implementation of systems for monitoring and sharing animal welfare compliance information over time.	Reference Group and MAF Programme Manager
<p>Over the medium term the Reference Group should:</p> <ul style="list-style-type: none"> • determine the information needs of a well functioning animal welfare compliance system; • promote (and where possible, carry out) research to establish a baseline against which to measure performance; • promote a framework for monitoring and sharing animal welfare compliance information. The framework must be affordable and deliver to the needs of major participants. 	

Outcome 2 – Owners or people in charge of animals understand their animal welfare obligations and comply voluntarily, or receive timely intervention when they do not comply

Overview

In general, most people are inclined to comply with animal welfare law. They believe in the rule of law and that the rules made are worthwhile. They might be influenced by social and moral considerations, or by perceptions of long-term self-interest. They generally trust that animal welfare organisations are competent and consistent, and they observe that non-compliance is punished.

However, not everyone follows the rules. Some people might not know what the rules are. They might forget or misunderstand the rules, or they might not have the skills to comply. Others might not agree with the rules, or consider they can comply in another way. Still others make conscious decisions not to comply for financial gain, or because they distrust MAF or other animal welfare organisations for some reason.

The compliance triangle on page 9 recognises a hierarchy of four attitudes to compliance. Individuals and businesses may:

- be willing to do the right thing;
- try to comply but not always succeed;
- not want to comply;
- make a deliberate decision not to comply.

The community also has an important role in bringing to the attention of enforcement agencies any breaches of the Act that they become aware of.

Looking forward: what should be done to encourage voluntary compliance, and to enforce compliance where this is not occurring voluntarily?

The aim of a good compliance programme is to remove the barriers to, and enhance the benefits of, people complying voluntarily. This will first require us to understand those people: who and where they are, what their current behaviours are, why they might not comply, and what would motivate them to change. Research can inform this initial understanding, and assist in determining what interventions might be most effective.

Looking at each of the four attitudes in turn:

Those who are willing to do the right thing

Even if they are willing, people can not comply with animal welfare obligations unless they know what they must do and how they must do it. This is particularly important when standards change, for example when a new Code of Welfare is issued.

The key to increasing compliance amongst this group is providing highly quality and timely information – it must be accessible, understandable, and supported by people available to answer questions and provide advice.

Those who try to comply, but do not always succeed

This attitude represents those who do not actively set out to treat their animals badly, but through a lack of skills or for other reasons inadvertently get things wrong. Compliance in this group will be assisted by programmes to address motivations and barriers.

Some people may be motivated by the importance of treating animals well. Others will be motivated by societal pressure or by trade considerations. Still others will see reducing their interactions with animal welfare inspectors as a motivator. Barriers to overcome might include economic or personal pressures, or lack of access to skilled labour.

Those who do not want to comply

There will always be people who try to avoid meeting their animal welfare compliance obligations, for example because they put personal finances or economic returns ahead of the welfare of their animals.

Compliance in this group will be assisted by communications to convince people it is in their best interests to comply, and to highlight the consequences of non-compliance. These communications should be reinforced by incentives and sanctions. Incentives can include financial measures – making it cheaper for someone who complies or more expensive for someone who doesn't. The severity of sanctions used against this group should escalate according to a person's attitude.

Those who make a deliberate decision not to comply

The final attitude represents those who choose to ignore their animal welfare obligations, who do not care that they are doing the wrong thing, and will not take any steps to change the situation.

It is difficult to encourage voluntary compliance in this group, as it has already decided not to comply. This group responds best to deterrence, for example through prosecution. While it may be important to punish an offender, prosecutions policy should recognise that the greatest benefit from taking a prosecution is to deter future non-compliance and to reinforce the need for good behaviours amongst more compliant groups.

Outcome 2 Action plan

Action	Who
2.1. The Reference Group should share current research, and find opportunities for new research, that identifies priority audiences at all levels of the compliance triangle. This involves knowing who and where the audiences are, what their current behaviours are, why are they are compliant/non-compliant, and what would motivate them to change.	Reference Group and MAF Programme Manager
2.2. The Reference Group should promote the development of animal welfare education and awareness programmes, targeted at the right audiences, to encourage voluntary compliance.	Reference Group and MAF Programme Manager
2.3. The education and awareness programme should be delivered by those best placed to do so, in a cost effective and consistent manner. This involves using existing infrastructure and relationships wherever possible – for example, industry newsletters, magazines and websites.	To be determined
2.4. Animal welfare enforcement agencies should support the education and awareness programme using an escalating set of: <ul style="list-style-type: none"> • non-statutory interventions to encourage compliance; • statutory interventions that address offending and reinforce the voluntary compliance message. 	MAF, NZFSA Verification Agency, RNZSPCA, NZ Police

Outcome 3 – The right tools and resources are available to encourage and compel compliance

Overview

Tools

MAF and other participants in the animal welfare system require a variety of tools to encourage or compel compliance with animal welfare requirements. Interventions can range from low level preventative measures through to major investigations and prosecutions. The objective always is to use the lowest level of intervention to drive a desired change in behaviour.

There is a comprehensive set of tools already available within the Animal Welfare Act, and in non-statutory procedures used by a variety of animal welfare organisations. An initial analysis suggests that the statutory tools available within the Animal Welfare Act are generally fit for purpose.

However, given the proposals in this Plan to continue shifting from a prosecution-led approach to one of encouraging voluntary compliance, it is timely to review whether the current set of tools remains complete. In particular it is necessary to ensure industries have the tools available with which to drive compliance in their own sectors.

Resources

Although New Zealand's animal welfare system is highly regarded internationally, MAF and the RNZSPCA are inadequately resourced to address many of the most serious breaches of animal welfare requirements. MAF has five full time inspectors, and several casual inspectors, responding to on-farm complaints nationwide. This resource is complemented by 95 RNZSPCA inspectors, operating mainly in urban environments, but providing some support to MAF in rural areas.

MAF and RNZSPCA inspectors are oriented primarily toward enforcing the Animal Welfare Act, and overseeing recovery operations in situations where there has been an animal welfare failure. The sheer number of serious complaints in the rural and animal production sector leaves very little time for inspectors to promote voluntary compliance. MAF and the RNZSPCA have no capacity to reprioritise resources away from existing activities without compromising their obligation to respond to serious offending.

If we are to reduce serious offending, more interventions will be required at lower levels of the compliance triangle. A greater focus on voluntary compliance will require a whole-of-system approach, with all of the main participants in the animal welfare system contributing additional effort and resources.

Looking forward: what needs to be done to ensure the right tools and resources are available to do the job?

Tools

Analysis has shown there are two gaps in the suite of tools available within the compliance triangle:

- firstly, at the lower levels of the compliance triangle, there is no way of systematically monitoring whether standards are being met;
- secondly, at the upper levels of the compliance triangle, there is no statutory mechanism to compel immediate action, or impose immediate sanction, when a breach of the Act is detected.

Consequently Codes of Welfare, which sit in the middle of the triangle, are being pulled in both directions to cover gaps that they were never designed to fill.

Codes of Welfare are drafted by the National Animal Welfare Advisory Committee (NAWAC), and are issued by the Minister of Agriculture. They set minimum standards and promote best practice for the care and management of animals. NAWAC has made a conscious decision to structure Codes so that they encourage and assist producers to comply voluntarily with their legal obligations. Future Codes will be outcome based – they won't prescribe specific requirements, but will rather define welfare outcomes based on known needs. Industries will be able to use their own expertise, experience, technology and judgement to ensure the minimum standards are met.

The first gap identified above – a need to monitor that minimum standards are being met - could be overcome by industries establishing and reporting against their own animal welfare performance monitoring programmes. These industry monitoring programmes could be voluntary and be managed entirely by the industry, or mandatory with verification audits carried out by MAF.

Some rural sector industries already have programmes underway to measure whether animal welfare standards are being met, but these programmes do not deliver complete coverage or operate to consistent standards. Further work is required to assess what sort of industry monitoring model is appropriate, and how this might fit with existing practice. It will also be necessary to consider how compliance with Codes covering non-production animals such as cats and dogs should be monitored. Industries have told MAF that they are strongly opposed to the mandatory verification of their animal welfare performance. This opposition will need to be taken into account as performance monitoring options are assessed.

While performance monitoring programmes should be effective in improving voluntary compliance in the production sector, there will still be situations where breaches of the Animal Welfare Act occur. The second gap identified – a need for statutory tools to compel immediate action or impose immediate sanction where a breach occurs – could be addressed by creating enforceable animal welfare standards in regulations, and new immediate infringement offences. Again, further analysis is necessary to assess the feasibility of these and other statutory options.

Resources

Successful implementation of this Plan will require the ongoing commitment of all participants in the animal welfare system. This commitment must be matched by resources.

MAF has obtained, through the budget process, additional funding for Animal Welfare. MAF's priorities for additional resources would be to improve:

- voluntary compliance with animal welfare standards. This will require, amongst other things, investment in the design and delivery of a comprehensive education and awareness programme;
- capability to respond to serious animal welfare breaches. MAF and the RNZSPCA are already struggling to respond to many of the most serious breaches of animal welfare requirements, and require more dedicated frontline inspectors;
- the development of animal welfare policy and standards. This capability is necessary in particular to support legislative and regulatory reviews, the development of Codes of Welfare, and analysis of options for industry animal welfare performance monitoring.

MAF and other organisations will jointly explore the costs and benefits of all projects proposed under the Plan, but industry participants will need to commit resources to meet their own obligations. Many industries already contribute both cash and in-kind resources towards education and awareness material, verification and farm assurance programmes, training courses, participating in surveillance programmes, and so on.

Action	Who
3.1. MAF should prepare advice, initially for the Reference Group, and then for consultation with animal production industries, on how Industry Animal Welfare Performance Monitoring Programmes could be used to monitor compliance with animal welfare standards.	MAF and industry
3.2. MAF should prepare advice for the Government, in consultation with other animal welfare enforcement agencies, on whether new statutory tools are needed to enable an inspector to compel immediate action, or impose immediate sanction and, if so, what those tools should be.	MAF in consultation with other enforcement agencies
3.3. MAF should finalise its business case for the additional animal welfare resources necessary to meet its obligations under this Plan, and submit the business case to the Government at the earliest opportunity. The business case should address the need to improve: <ul style="list-style-type: none"> • voluntary compliance with animal welfare standards; • MAF's and the RNZSPCA's capability to respond to serious animal welfare breaches in the rural animal production sector; • the development of animal welfare policy and standards. 	MAF (completed)
3.4. Industry participants in the animal welfare compliance system should secure and commit the resources necessary to meet their own responsibilities and commitments under this Plan.	Industry participants

SUMMARY OF ACTIONS AND PRIORITIES

6

Action	Who	Starts
1.1. The main participants in the animal welfare system should agree to use this Plan as the starting point for developing a whole-of-New Zealand approach to animal welfare compliance.	MAF lead, working with other main system participants	December 2009
1.2. MAF should maintain this Plan and oversee its implementation.	MAF	December 2009
1.3. A Reference Group, based around an existing forum, should be tasked with: <ul style="list-style-type: none"> developing a collaborate approach to animal welfare; ensuring all parties understand their roles and responsibilities in the system; promoting a consistent and cohesive approach. 	Main system participants, supported by MAF	April 2010
1.4. The Reference Group should complete an inventory of the animal welfare compliance initiatives currently being delivered by main participants in the animal welfare system	Reference Group and MAF Programme Manager	September 2010
1.5. The Reference Group should then agree to coordinate their compliance initiatives wherever possible. Initiatives should be consistent, based on the compliance triangle, and have a focus on encouraging voluntary compliance or deterring non-compliance before offending becomes serious.	Reference Group and MAF Programme Manager	December 2010
1.6. The Reference Group should promote the design and implementation of systems for monitoring and sharing animal welfare compliance information over time. <p>Over the medium term the Reference Group should:</p> <ul style="list-style-type: none"> determine the information needs of a well functioning animal welfare compliance system promote (and where possible, carry out) research to establish a baseline against which to measure performance promote a framework for monitoring and sharing animal welfare compliance information. The framework must be affordable and deliver to the needs of major participants. 	Reference Group and MAF Programme Manager	December 2010
2.1. The Reference Group should share current research, and find opportunities for new research, that identifies priority audiences at all levels of the compliance triangle. <p>This involves knowing who and where the audiences are, what their current behaviours are, why are they are compliant/non-compliant, and what would motivate them to change.</p>	Reference Group and MAF Programme Manager	September 2010
2.2. The Reference Group should promote the development of animal welfare education and awareness programmes, targeted at the right audiences, to encourage voluntary compliance.	To be determined	October 2010

Action	Who	Starts
2.3. The education and awareness programme should be delivered by those best placed to do so, in a cost effective and consistent manner. This involves using existing infrastructure and relationships wherever possible – for example, industry newsletters, magazines and websites.	MAF, NZFSA Verification Agency, RNZSPCA, NZ Police	December 2010
2.4. Animal welfare enforcement agencies should support the education and awareness programme using an escalating set of: <ul style="list-style-type: none"> • non-statutory interventions to encourage compliance; • statutory interventions that address offending and reinforce the voluntary compliance message. 	MAF and industry	December 2010
3.1. MAF should prepare advice, initially for the Reference Group, and then for consultation with animal production industries, on how Industry Animal Welfare Performance Monitoring Programmes could be used to monitor compliance with animal welfare standards.	MAF	March 2011
3.2. MAF should prepare advice for the Government, in consultation with other animal welfare enforcement agencies, on whether new statutory tools are needed to enable an inspector to compel immediate action, or impose immediate sanction and, if so, what those tools should be.	MAF in consultation with other enforcement agencies	March 2011
3.3. MAF should finalise its business case for the additional animal welfare resources necessary to meet its obligations under this Plan, and submit the business case to the Government at the earliest opportunity. The business case should address the need to improve: <ul style="list-style-type: none"> • voluntary compliance with animal welfare standards; • MAF's and the SPCA's capability to respond to serious; • animal welfare breaches in the rural animal production sector; • the development of animal welfare policy and standards. 	MAF	December 2009 (completed)
3.4. Industry participants in the animal welfare compliance system should secure and commit the resources necessary to meet their own responsibilities and commitments under this Plan.	Industry participants	Ongoing

APPENDIX 1 – PROPOSED ROLES AND RESPONSIBILITIES MATRIX

Groupings correspond to those outlined under Outcome 1 (pages 12 to 15)

Organisation	Co-ordination	Communication	Commercial incentives	Enforcement	Operations	Performance monitoring
MAF	✓	✓		✓	✓	✓
NZFSA Verification Authority	✓	✓		✓	?	✓
NZ Police				✓		✓
RNZSPCA	✓	✓		✓	✓	✓
Animals in Schools Education Trust		✓				
AssureQuality		✓			?	?
Beef and Lamb New Zealand	?	✓	✓			?
Dairy Companies Association of NZ	?	✓	✓		✓	✓
Dairy NZ	?	✓	✓		?	✓
Deer Industry NZ	?	✓	✓		✓	✓
Egg Producers Assn	?	✓	✓		✓	✓
Federated Farmers	✓	✓	✓		✓	✓
Federation of Māori Authorities		✓				
Local government (including dog control)		✓		✓		✓
Meat Industry Association	?	✓	✓			✓
National Animal Welfare Advisory Committee	✓	✓				
National Animal Welfare Emergency Management Trusts					✓	?
Non-Government Organisations		✓				
NZ Companion Animal Council	✓	✓				
NZ Pork	?	✓	✓		✓	✓
NZ Veterinary Association	✓	✓			✓	✓
Pet Food Industry		✓	✓			
Poultry Industry Assn	?	✓	✓		✓	✓
Road Transport Forum		✓	✓			✓
Rural Support Trusts		✓			✓	?
Veterinary Council of New Zealand	✓	✓				✓

