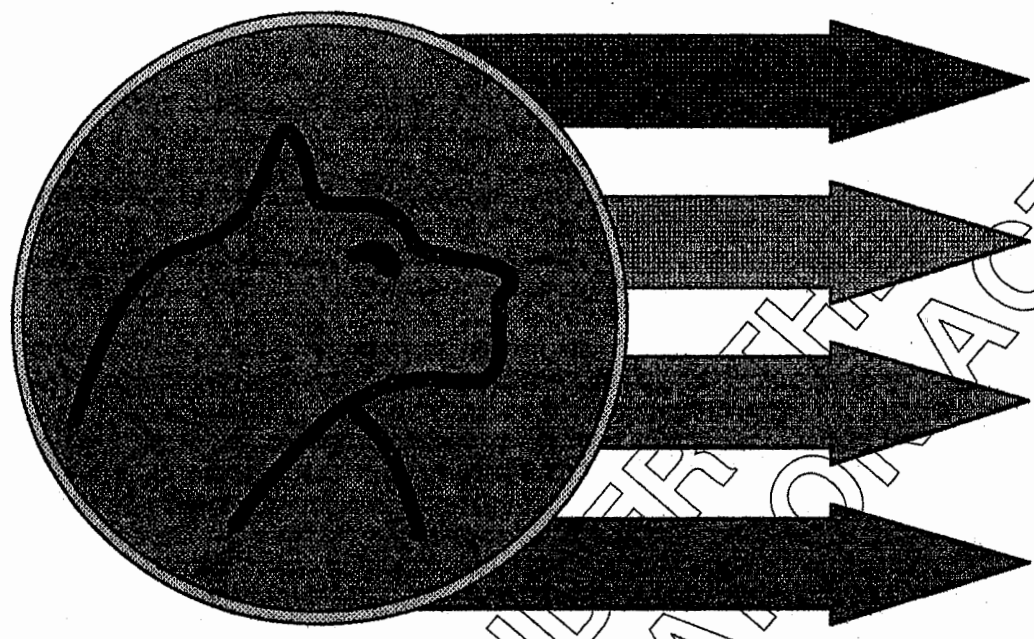


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**Criteria for Territorial  
Authority Animal  
Welfare Services and  
National Qualification  
Framework**

OFFICIAL DOCUMENT DRAFT

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# Criteria for Territorial Authority Animal Welfare Services and National Qualification Framework

## 1. Introduction

This paper sets out the criteria for territorial authorities to be able to recommend the appointment of suitable animal control officers as Inspectors under the Animals Protection Act 1960. The criteria are to be approved by the Chief Veterinary Officer and are subject to amendment by him.

It is intended that this paper will form the basis of a Memorandum of Understanding between MAF-RA and Territorial Authority Animal Welfare Services (TAAWS).

## 2. Purpose Statement

In July 1995 a pilot programme commenced with Waitakere City Council. Animal control officers were issued warrants under section 9(2)(a) of the Animals Protection Act 1960 in December 1995 for a 6 month period.

The pilot programme will run to June 1996 and will be audited by MAF-RA around March/April 1996.

The purpose of the pilot programme is to test systems and benefits with the objective of expanding territorial animal welfare services nationally. There are benefits in providing for a seamless transition from the pilot programme.

## 3. Benefits of Integrating Animal Welfare and Animal Control

There are 74 territorial authorities employing about 320 animal control officers.

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

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

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

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

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

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

- enter premises, buildings or vehicles without warrant where there are reasonable grounds for believing that an offence of cruelty or neglect is

As I didn't see it that way.

occurring or has occurred (a warrant is required to enter a dwellinghouse) and seize any animal that the Inspector believes has been the subject of an offence;

- enter premises, buildings or vehicles without warrant to feed and water an animal that has not had food or water in the previous 24 hours (a warrant is required to enter a dwellinghouse);
- order an owner to take steps to prevent or mitigate suffering;
- destroy an animal that is in such a condition that it is cruel to keep it alive (subject to a veterinary opinion if the owner objects);
- recover expenses through fines or as a debt.

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

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

This programme does not in any way compete with the services of the SPCA. It is complementary to those services already existing. Because territorial authority animal control officers move within the community they are in a position to carry out preventive animal control work.

## 4. The Training and Accrediting Body

### 4.1 Planning

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

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

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

### 4.2 The responsibility of TAAWS

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

- establishing and maintaining training to a standard that meets the national qualifications framework approved by the CVO;
- maintaining records for training and document issue;
- maintaining a system for the issue of training manuals and standard procedures;
- establishing and maintaining a quality assurance system that meets ISO 9002 specifications;

Subject to the  
outcome of  
final assessment

- ensuring that national procedures as they relate to animal welfare service delivery are adopted by each territorial authority that subscribes to TAAWS;
- Carrying out random quality audits of territorial authorities.

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

In carrying out the administration of TAAWS it is proposed that all paperwork required for the issue of warrants is prepared by TAAWS for MAF-RA final checking rather than MAF-RA having to take on the responsibility of extra paperwork.

## 5. Qualification and Training

### 5.1 Qualifications

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

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

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

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

### 5.2 Pre-selection procedures

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

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

### 5.3 Training Criteria

The basic training will consist of a series of training modules totalling 38 hours in a block training course. The courses will be held on a regional basis with between 12 and 20 trainees at each.

Trainees will be expected to demonstrate a level of understanding of all training modules and be able to implement them in practice.

A major component of the training course will be working in workshops.

A maximum of 50 marks will be awarded as an on-course assessment.

A 2 hour examination will be taken one week after the conclusion of the course. Copies of relevant legislation will be supplied for the examination.

The examination will be in four parts –

Part A:	30 multiple choice questions (answer all)	30 marks
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Part B:	10 short answer questions (answer all)	30 marks
Part C:	3 essay answer questions from a choice of 9 questions based on case studies	40 marks
Part D:	An oral practical examination of each individual candidate (30 minutes)	50 marks

A candidate will be required to achieve an aggregate of 75% or more over the course assessment, the written examination and the oral examination.

#### 5.4 Training Modules

Module Subject	Content	Hours
1. Introduction	<ul style="list-style-type: none"> <li>Course structure and performance criteria</li> <li>the Animals Protection Act in general</li> <li>Ministerial responsibility</li> <li>the role of MAF Regulatory Authority</li> <li>Introduction to ISO9000 and quality audits</li> </ul>	.5
2. The origins of animal protection law	<ul style="list-style-type: none"> <li>Richard "Humanity Dick" Martin</li> <li>English laws</li> <li>New Zealand laws</li> </ul>	.5
3. The basics of criminal law	<ul style="list-style-type: none"> <li>Crimes Act 1960; mens rea, actus reus</li> <li>Summary Proceedings Act 1957</li> <li>Court precedents</li> </ul>	1.5
4. Definitions	<ul style="list-style-type: none"> <li>s.2 APA</li> </ul>	1
5. Offences of cruelty	<ul style="list-style-type: none"> <li>General offences</li> <li>s.3 APA – cruelty/ill-treatment</li> <li>Farm practices</li> <li>Entertainment</li> <li>Veterinarians</li> <li>Poisons</li> </ul>	4
6. Aggravated cruelty	<ul style="list-style-type: none"> <li>s.4 APA</li> </ul>	.5
7. Transport of Animals	<ul style="list-style-type: none"> <li>s.7 APA</li> </ul>	.5
8. Parties to offences and attempts	<ul style="list-style-type: none"> <li>s.5 APA</li> <li>s.66 Crimes Act 1961</li> </ul>	.5

	<ul style="list-style-type: none"> <li>• s.311 Crimes Act 1961</li> </ul>	
<b>9. Exemptions</b>	<ul style="list-style-type: none"> <li>• s.19 APA</li> </ul>	.25
<b>10. Appointment of inspectors</b>	<ul style="list-style-type: none"> <li>• Appointment</li> <li>• Removal from office</li> </ul>	.75
<b>11. Powers of Inspectors</b>	<ul style="list-style-type: none"> <li>• Entry without warrant</li> <li>• Dwellinghouse</li> <li>• Procedure for obtaining a search warrant under the Animals Protection Act 1960</li> <li>• Procedure for obtaining a search warrant under the Summary Proceedings Act 1957</li> <li>• Animals tied up or confined – mitigating suffering</li> <li>• Obstruction</li> </ul>	3
<b>12. Destruction of animals</b>	<ul style="list-style-type: none"> <li>• s.12 APA</li> </ul>	1
<b>13. Miscellaneous provisions</b>	<ul style="list-style-type: none"> <li>• s.11 APA – Police powers</li> <li>• s.13 APA – Expenses Incurred</li> <li>• s.14 APA – Protection of persons acting</li> <li>• s.15 APA – Liability for damage</li> </ul>	.75
<b>14. Court powers</b>	<ul style="list-style-type: none"> <li>• Order for destruction</li> <li>• Forfeiture</li> <li>• Disqualification</li> </ul>	.25
<b>15. Investigation of complaints</b>	<ul style="list-style-type: none"> <li>• Attitudes</li> <li>• Relationships with the Police, SPCAs and MAF QM</li> <li>• Investigation equipment</li> <li>• Dealing with complaints</li> <li>• Frivolous and malicious complaints</li> <li>• Investigating complaints</li> <li>• Veterinary examinations</li> <li>• Reports</li> <li>• Interviewing witnesses</li> <li>• Taking statements</li> <li>• Children</li> </ul>	4

	<ul style="list-style-type: none"> <li>• Interrogation</li> <li>• Judges Rules</li> <li>• New Zealand Bill of Rights Act 1990</li> </ul>	
<b>16. Prosecution of offenders</b>	<ul style="list-style-type: none"> <li>• Decision to prosecute</li> <li>• Alternatives to prosecution</li> <li>• Informations</li> <li>• Caption sheet</li> <li>• Summary of Facts</li> <li>• Briefing witnesses</li> <li>• Court procedure</li> <li>• Giving evidence</li> </ul>	4
<b>17. AWAC Codes of Minimum Standards</b>	<ul style="list-style-type: none"> <li>• Principles of codes</li> <li>• Five freedoms</li> <li>• Selected codes for case study</li> </ul>	1
<b>18. First aid treatment of sick and injured animals</b>	<p><i>This module will be taken by a veterinarian</i></p> <ul style="list-style-type: none"> <li>• First aid treatment</li> <li>• Restraining injured animals</li> <li>• Transporting injured animals</li> </ul>	1.5
<b>19. Destruction of sick and injured animals</b>	<p><i>This module will be taken by a veterinarian</i></p> <ul style="list-style-type: none"> <li>• basic physiology of animals</li> <li>• Humane destruction</li> <li>• Emergency destruction</li> </ul>	1.5
<b>20. The future of legislation</b>	<ul style="list-style-type: none"> <li>• Animal Welfare Bill</li> <li>• Concepts of duty of care</li> </ul>	.5
<b>21. Interaction with other legislation</b>	<ul style="list-style-type: none"> <li>• Ministry of Agriculture and Fisheries Act 1953</li> <li>• Dog Control &amp; Hydatids Act 1982</li> <li>• Marine Mammals Protection Act 1978</li> <li>• Conservation Act 1987</li> <li>• Privacy Act 1993</li> <li>• New Zealand Bill of Rights Act 1990</li> </ul>	4

	<ul style="list-style-type: none"> <li>Local Government Official Information and Meetings Act 1987</li> </ul>	
<b>22. Public relations</b>	<p><i>This module will be taken by a quality consultant</i></p> <ul style="list-style-type: none"> <li>Quality systems and ISO 9000</li> <li>The customer</li> <li>Dealing with complainants</li> <li>Dealing with offenders</li> </ul>	4
		38 hours

### 5.5 Continuing Education

Continuing education will consist of a 4 hour training workshop each 6 months that will include –

- Recent legislation changes,
- Review of Inspectors procedures,
- Workshops – case studies.

### 5.6 Transition

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

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

## 6. Appointment of Inspectors

### 6.1 Requirements

Suitable persons may be appointed by the Minister of Agriculture as Inspectors under s.9(2). This power has been delegated to the National Manager, Animal Welfare and Environment, MAF Regulatory Authority, Ministry of Agriculture.

Before being considered for appointment the applicant needs to have fulfilled the following criteria –

- The applicant must be a person of good character.

Testimonials from the applicant's employer and two other persons of repute are required.

- The applicant must be free of serious convictions.

The applicant will be required to list any conviction and consent to the Ministry of Agriculture seeking a Police report which will include a search of the Wanganui Computer.

- The applicant must provide evidence of having completed an approved course of training.



- An interview of the applicant may be required in addition to the oral examination.

A pass in the approved course in this NQF will be considered as having completed this criterion.

- The employer must confirm in writing that the territorial authority accepts responsibility for the performance of the Inspector.

A decision by MAF Regulatory Authority as to the suitability of the applicant will be final.

## **6.2 Appointment**

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

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

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

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

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

Policy has been approved by Cabinet for organisations other than the RNZSPCA to be approved to recommend the appointment of Inspectors and this will be reflected in the Animal Welfare Bill.

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

## **6.3 Application Procedure**

Applications for appointment will be made by TAAWS on behalf of each territorial authority to MAF-RA on the prescribed forms.

## **6.4 Period of Appointment**

An appointment will be made for a probationary period of 12 months and may be renewed for a period of up to 3 years at the discretion of MAF Regulatory Authority provided the Inspector remains in the employ of the territorial authority and has completed the continuing education modules.

The Inspector will execute a contract of appointment with TAAWS. The terms of contract will include *inter alia* –

- The Inspector will accept directions as to the performance of his or her warrant under the terms of the Ministry of Agriculture and Fisheries Act 1953.
- The Inspector will resign his or her appointment as an Inspector and return his or her warrant to MAF Regulatory Authority on cessation of any term of employment with the territorial authority.

Transfer from one territorial authority to another will be possible subject to MAF approval.

## 7. Conclusion

This programme has the potential of trebling the number of animal welfare Inspectors at virtually no cost to the Government.

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

*N. E. Wells & Associates*

12 January, 1996

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