

# Explanatory Notes Animal Welfare

## 1. Understanding the Guiding Statement

- (i) Animal welfare is more than protecting animals from cruelty. It also deals with the question of the health and wellbeing of animals. As well as the moral issues around the welfare of individual animals, when the welfare of production animals is compromised it is likely that their biological and economic output will be reduced. Because of their training veterinarians have expert knowledge on how to assess animal health and welfare, and how to optimise the care and management of animals. As a consequence, veterinarians have an ethical duty to protect animals in their care from deliberate and unnecessary suffering and to take steps to ensure that their welfare is not compromised.

## 2. Understanding Section 1

- (i) The Animal Welfare Act 1999 establishes the legal framework of obligations and responsibilities applying to people who are in charge of animals. These requirements equally apply to veterinarians when they assume responsibility for the care of animals whether in a professional or their own personal capacity.
- (ii) The Animal Welfare Act provides for specific duties and responsibilities applicable to veterinarians. Veterinarians are expected to have a working knowledge and understanding of how to apply those expectations in the course of their work. Relevant provisions of the Animal Welfare Act deal with:
  - a. The destruction of sick and injured animals.
  - b. Responsibilities associated with restricted, controlled and significant surgical procedures.
  - c. Roles of veterinarians on Animal Ethics Committees
- (iii) Codes of Welfare developed by the National Animal Welfare Advisory Council (NAWAC) specify minimum standards and recommendations for best practice. Veterinarians should be familiar with the published standards relevant to their area of practice.
- (iv) The five freedoms were developed in 1965 by the Farm Animal Welfare Council in the United Kingdom and are now recognised internationally as identifying the critical needs of all animals. They provide a framework for assessing the welfare of animals in varying situations.
- (v) Section 4 of the Animal Welfare Act identifies the five freedoms as the basis for defining the physical health and behavioural needs of animals. The Animal Welfare Act then uses that definition in section

10 to establish the obligation of owners and persons in charge of animals to meet those needs in accordance with good practice and scientific knowledge.

- (vi) In applying the principles of the five freedoms, veterinarians should recognise the differing needs of the various species and the particular circumstances they are assessing for those species. It is inappropriate to consider that the same solutions and standards necessarily apply to all species in all situations.

### **3. Understanding Section 2**

- (i) Veterinarians because of their training are considered to have expert knowledge of the principles of animal welfare. As such veterinarians are expected to be advocates for animal welfare. It follows that veterinarians must be satisfied that clients and co-workers (staff and veterinary colleagues) are aware of the relevant provisions of the Animal Welfare Act and Codes of Welfare.

### **4. Understanding Section 3**

- (i) The Animal Welfare Act does not identify a legal obligation for veterinarians to report suspected breaches of the Animal Welfare Act, or to report suspected cases of animal neglect or cruelty. However veterinarians do have an ethical obligation to take action to curtail such instances and are expected to exercise sound professional judgement when deciding how to act in these circumstances.
- (ii) The person ultimately responsible for an animal's welfare is the person considered to be in charge of the animal. In situations where veterinarians are aware that an animal's welfare is unreasonably or unnecessarily at risk veterinarians must take action to ensure the matter is remedied. Veterinarians should discuss the situation with the person in charge of the animal and provide appropriate advice to relieve the situation.
- (iii) Where a client rejects advice regarding an animal at risk, the veterinarian should advise on the client's responsibilities under the Animal Welfare Act and if the refusal to respond continues, should warn that he/she has an ethical responsibility to report the matter to an inspector under the Animal Welfare Act.
- (iv) Where a new client presents an animal which has clearly been suffering unreasonable or unnecessary pain or distress for some time, the veterinarian must enquire as to whether or not the animal has previously been seen by a veterinarian and if so confer with

that veterinarian to ensure consistency of advice relative to the animal's welfare.

- (v) Every situation where animal welfare is reasonably considered to be at risk and where a veterinarian suspects that the person in charge of an animal is not acting reasonably to relieve the situation must be reported to an inspector under the Animal Welfare Act.
- (vi) The decision to disclose client information and details when reporting suspected breaches of the Animal Welfare Act to the appropriate authorities should only be made when there are valid and justifiable reasons for doing so. Privacy Principle 11(e)(i) of the Privacy Act allows the disclosure of personal information where it is reasonably believed such disclosure is necessary to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences.
- (vii) Only the specific information necessary for the maintenance of the law should be disclosed, and only to inspectors appointed by the Minister under the Animal Welfare Act. This includes but is not limited to police officers and inspectors employed by MAF and the SPCA.

#### **5. Understanding Section 4**

- (i) Veterinarians have an ethical duty to take steps to relieve unreasonable or unnecessary pain or distress in animals under their care as soon as is practical when it has been brought to their attention. They are expected to exercise sound professional judgement when making decisions on treatment, recognising the need in some cases to balance what treatment might be necessary or appropriate against commercial considerations and the wishes of the owner.
- (ii) Section 138 of the Animal Welfare Act identifies the powers of veterinarians relating to the destruction of severely injured or sick animals (excluding marine mammals). This section deals both with situations when an owner of the animal is known and when the owner cannot be identified. Veterinarians must be familiar with this section and exercise sound professional judgement when using these powers.
- (iii) Section 140 of the Animal Welfare Act identifies the obligations applying to veterinarians when presented with a severely sick or injured marine mammal.

## **6. Understanding Section 5**

- (i) Cosmetic surgery is any medically unnecessary surgical procedure. Except where Codes of Welfare minimum standards specifically permit, those procedures having no science-based benefit which will not enhance the overall health and welfare of the animal must not be undertaken.
- (ii) A veterinarian has no obligation to perform cosmetic procedures which are permitted under animal welfare legislation or Codes of Welfare.
- (iii) Section 5 is not intended to restrict any particular surgical procedure where it is undertaken for justifiable medical reasons. Each case should be considered on its own merits in terms of whether it is justified depending on the circumstances. For example, the excisional biopsy of benign skin tumours from dogs may be justified because of the potential for malignant change.

## **7. Understanding Section 6**

- (i) Veterinarians are trained to diagnose health conditions in animals which have a genetic basis. Breeding programmes that select or allow for genetic defects in the offspring compromise those animals' welfare. Veterinarians are expected to provide sound advice to clients planning to breed animals about how to develop reproductive programmes that will reduce the incidence of hereditary diseases.

## **8. Understanding Section 7**

- (i) Euthanasia is the act of inducing humane death in an animal. In order to be humane euthanasia techniques should result in rapid loss of consciousness followed by cardiac or respiratory arrest and the ultimate loss of brain function. In addition, techniques should minimise distress and anxiety experienced by the animal prior to loss of consciousness. Selection of the most appropriate method of euthanasia in any given situation depends on the species of animal involved, available means of animal restraint, skill of personnel, number of animals, and other considerations. Veterinarians are expected to exercise sound professional judgment and use their knowledge of clinically acceptable and science-based techniques in selecting an appropriate euthanasia technique taking into account the above factors.

## **Animal Welfare Resources**

- Animal Welfare Act, 1999

[www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html?search=ts\\_act\\_Animal+Welfare+Act\\_rese&p=1&sr=1](http://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html?search=ts_act_Animal+Welfare+Act_rese&p=1&sr=1)

- MAF Guidance on the Animal Welfare Act  
<http://www.biosecurity.govt.nz/regs/animal-welfare>
- Codes of Welfare  
[www.biosecurity.govt.nz/regs/animal-welfare/stds/codes](http://www.biosecurity.govt.nz/regs/animal-welfare/stds/codes)
- OIE Guidelines for Killing of Animals for Disease Control Purposes  
[www.oie.int/eng/normes/mcode/en\\_chapitre\\_1.7.6.htm](http://www.oie.int/eng/normes/mcode/en_chapitre_1.7.6.htm)
- Massey Animal Welfare Science and Bioethics Centre  
[animalwelfare.massey.ac.nz/](http://animalwelfare.massey.ac.nz/)