ANIMAL WELFARE INVESTIGATIONS

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RTI Act 2009

ANIMAL CARE AND PROTECTION ACT 2001

Operational Procedures and Guidelines

RSPCA
For all creatures great and small.

April 2015

Table of Contents

SECTION A - INTRODUCTION 5

A.1 PURPOSE…… 5

A.2 SCOPE…… 5

A.3 BACKGROUND…… 6

SECTION B - ADMINISTRATION 7

B.1 ROLES AND RESPONSIBILITIES 8

B.1.1 Inspectors' roles 10
B.1.2 Role of Agency Veterinarians 10
B.1.3 Role of Principal Biosecurity Officer (), Chief Inspector (RSPCA) 10
B.1.4 Role of Authorised Officers 11
B.1.5 Role of "Coordinators" 11
B.1.6 Role of the Investigations Unit (DAF only) 11

B.2 COMPLIANCE PRINCIPLES 12

B.3 APPOINTMENT OF INSPECTORS 14

B.4 TRAINING…….. 14

B.5 DELEGATIONS……. 14

B.6 PROVISION AND USE OF ID CARDS.....15

B.7 REVIEW AND APPEAL PROVISIONS UNDER THE ACPA 15

B.8 ANIMAL ETHICS……..16

B.9 APPROVED FORMS…… 16

B.10 REPORTING…… 16

B.11 COMPLAINTS ABOUT INSPECTORS.....17

B.12 POLICY ON THE PROVISION OF FEEDBACK TO COMPLAINANTS ..17

B.13 CONFIDENTIALITY OF COMPLAINANTS DETAILS 18

B.14 MEDIA RELEASES AND MEDIA INVOLVEMENT IN ANIMAL WELFARE INCIDENTS…….18

B.15 ACCESSIBILITY…….18

SECTION C - PROCEDURES 19

C.1 RECEIVING AND RECORDING INFORMATION….20

C.1.1 Registering and assigning the response for an incident 20
C.1.2 Transfer of complaints between DAF and RSPCA 23

C.2 ASSESSING THE INFORMATION 23

C.2.1 Response guidelines 25
C.2.2 Flow chart of an animal welfare investigation process 28
C.2.3 Summary checklist: recognising and assessing an animal welfare incident29

C.3 PREPARING THE APPROPRIATE RESPONSE 30

C.3.1 Risk analysis in regard to potential aggression 31
C.3.2 C.3.2 Handling threatening behaviour 31
C.3.3 Investigation equipment checklist..... 32
C.3.4 Guidelines for the use of expert witnesses 33
C.3.5 Large-scale livestock incidents..... 34

Published on DAF Disclosure Log
RTI Act 2009

C.4 INVESTIGATING THE INCIDENT....35
C.4.1 General considerations 35
C.4.2 Powers of entry to a place other than a vehicle 36
C.4.2.1 Entry under the Act when inspectors have already entered a place for other purposes . 37
C.4.3 Procedures for entry to a place other than a vehicle.... 38
C.4.3.1 Entering with consent 38
C.4.3.2 Entering a public place 40
C.4.3.3 Entering with a warrant (s129). 41
C.4.3.4 Entering to check compliance with an animal welfare direction 45
C.4.3.5 Entering for severe injury 47
C.4.3.6 Entering for imminent risk or death or injury 48
C.4.3.7 Entering for concealment, death or destruction 49
C.4.3.8 Entering to provide relief to animals 50
C.4.3.9 Staying at a place after consent to enter has been withdrawn 51
C.4.4 Power of entry to a vehicle 52
C.4.5 Procedures for entry to a vehicle.... 53
C.4.5.1 Entering with consent 53
C.4.5.2 Entering without consent (s131) 54
C.4.5.3 Requiring reasonable help to enter a vehicle 55
C.4.6 Procedures for general powers after entry to a place or vehicle.... 56
C.4.6.1 Requiring reasonable help 56
C.4.6.2 Requiring a person in control of vehicle to take action 57
C.4.7 Procedures for seizure (ss142 - 153) 57
C.4.7.1 Giving a receipt and information notice for seized property (s150) 59
C.4.7.2 Giving a "seizure direction" (s146) 60
C.4.7.3 Returning seized property 61
C.4.8 Animal welfare directions (ss158- 161) 64
C.4.8.1 Procedures for issuing an animal welfare direction 66
C.4.8.2 Procedure for entry to check compliance with an animal welfare direction (s125). 68
C.4.8.3 Procedures where a person fails to comply with an animal welfare direction 69
C.4.8.4 Destroying an animal (s162) 70
C.4.8.5 Requiring name and address (s163) 71
C.4.8.6 Requiring information (ss165 - 166) 72
C.4.8.7 Production of documents (ss168 - 169) 73
C.4.8.8 Damage caused because of exercise of powers (ss171- 173) 73
C.4.9 Animal examinations 74
C.4.9.1 Condition scoring of livestock 75
C.4.10 Pain and suffering 75
C.4.10.1 General signs of pain 76
C.4.10.2 Species-specific signs 77
C.4.11 Alleviating pain and suffering 79

C.5 FURTHER ACTION…….....80
C.5.1 Procedures following the initial investigation.... 80
C.5.1.1 Critical cases and major cases 80
C.5.1.2 Action on secondary cases and minor cases 81
C.5.1.3 Large scale animal welfare incidents 81
C.5.1.4 Action on frivolous, vexatious or unsubstantiated cases 82
C.5.2 Evidence 83
C.5.2.1 Collection of evidence 83
C.5.2.2 Collection of samples 84
C.5.2.3 Photographic evidence 85
C.5.2.4 Continuity of evidence 86
C.5.2.5 Interviews 86
C.5.3 Preparation and submission of case material 87

SECTION D – APPENDICES……..89

D.1 GLOSSARY OF TERMS……. 89

D.2 ANIMAL EXAMINATION CHECKLIST 90

D.3 BODY CONDITION SCORING SHEETS (HORSES, SHEEP, CATTLE & DOGS)……91

D.4 RECORDING SHEETS (CATTLE & HORSES)……..…….....……142

Published on DAFF Disclosure Log RTI Act 2009

D.5 GUIDELINES FOR NUTRITIONALLY-RELATED INVESTIGATIONS ON LIVESTOCK AND DOMESTIC ANIMALS.....148

D.6 DIAGNOSTIC SAMPLES NEEDED TO CONFIRM FAILURE TO PROVIDE FEED AND WATER OFFENCES.....174

D.7 BIOSECURITY CONSIDERATIONS FOR INTENSIVE LIVESTOCK ESTABLISHMENTS…….. 175

D.8 DEFINITION OF PUBLIC PLACE 177

D.9 SERVING OF DOCUMENTS 178

D.10 THE PROTOCOLS ON THE USE OF ELECTRONIC RECORDING DEVICES…….. 179

D.11 GUIDELINES FOR PROVIDING VETERINARY OPINIONS IN ANIMAL WELFARE INVESTIGATIONS……180

D.12 OTHER AGENCIES RESPONSIBLE FOR ANIMAL RELATED COMPLAINTS…….. ….181

D.13 EXAMPLE OF COMPLETED FORMS……...…...184

D.14 REGULATORY POLICY (BQ)……..…….186

VERSION INFORMATION……...201

Published on DAF Disclosure Log
RTI Act 2009

ANIMAL CARE AND PROTECTION ACT 2001
OPERATIONAL PROCEDURES AND GUIDELINES

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SECTION A - INTRODUCTION

A.1 PURPOSE

- To establish procedures and guidelines for the appropriate and effective administration of the *Animal Care and Protection Act 2001* (ACPA).

- To assist inspectors appointed under the ACPA to respond appropriately to animal welfare incidents, and to conduct animal welfare investigations to the required standard.

- To establish a framework to provide accountability for all actions in administering ACPA.

A.2 SCOPE

This manual outlines the administrative principles and operating procedures for the ACPA. These should be followed in all animal welfare investigation and enforcement activities. The manual clearly identifies areas where compliance with these procedures is mandatory, while other areas are identified as guidelines to allow some flexibility of application.

Reference to the ACPA includes reference to all subordinate legislation.

The manual contains procedures and guidelines for:

- all departmental officers appointed as inspectors under the legislation;

- all RSPCA inspectors and other non-government inspectors appointed under the ACPA;

- other decision makers under the ACPA;

- all persons who are responsible for managing, directing or otherwise influencing those officers who hold ACPA appointments or authorities.

This manual does not apply to monitoring programs for codes of practice made compulsory under the ACPA. There are separate procedures for the monitoring of such programs by “authorised officers”.

This manual is also relevant to people affected by the ACPA in that they can be familiar with what they can expect and experience in their dealings with the ACPA and its inspectors and other decision makers.

A.3 BACKGROUND

In recent years, there have been major advances in knowledge and understanding of animal biology. In parallel, there have been changes in community attitudes and expectations of how animals should be treated.

The current animal welfare legislation is the *Animal Care and Protection Act 2001.* The ACPA adopts a proactive approach to animal care and protection, and reflects current community expectations and technical knowledge on animal welfare.

The ACPA covers all living non-human vertebrates (i.e. mammals, birds, reptiles, amphibians and fish). It also includes pre-hatched or pre-natal creatures in the last half of gestation, live marsupial young and may include, by regulation, specific classes of non-vertebrates (Cephalopod).

The ACPA covers all types of animal use, including animals used for research and teaching, the production of food and fibre, entertainment or exhibition, recreation and sport, companionship, work and also the control of feral and pest animals.

The ACPA promotes the responsible treatment of animals by requiring a **duty of care** on all persons or organisations in charge of, or having custody of animals, to take all reasonable measures to ensure the proper care and protection of those animals.

Through the adoption of **codes of practice** for the welfare of animals, the ACPA helps to define acceptable standards of animal care and protection.

In some areas of animal use, the perceived risk to animal welfare is significant enough to require compulsory compliance with codes of practice.

The ACPA has powers to require compliance with either an entire code of practice or just a stated part of a code of practice.

Voluntary codes are named (or 'made') in schedule 3 of the Animal Care and Protection Regulation 2012. They are not compulsory under the *Animal Care and Protection Act 2001*. These codes contain guidelines and information on the minimum acceptable animal welfare outcomes for a particular type of animal or animal use.

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SECTION B - ADMINISTRATION

The purposes of the ACPA are to:

- promote the responsible care and use of animals;
- provide standards for the care and use of animals that:
  - achieve a balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals;
  - allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals;
- protect animals from unjustifiable, unnecessary or unreasonable pain;
- ensure the use of animals for scientific purposes is accountable open and responsible.

The Queensland Government is committed to promoting high standards of animal welfare for all types of animal use. In administering the ACPA, the Department of Agriculture, Fisheries and Forestry (the Department / DAF) aims to ensure that Queensland's animals have high standards of animal welfare that:

- meet community acceptance
- meet market requirements
- incorporate scientific soundness.

The Department also intends to appropriately deal with people who fail to give duty of care to animals or who commit acts of cruelty.

The legislation is administered through the appointment of inspectors from Biosecurity Queensland and RSPCA. There is also scope to appoint individual inspectors from other agencies with approval of the Chief Executive. The police also have powers to investigate animal welfare incidents under the *Police Powers and Responsibilities Act 2000.*

The legislation also allows for the appointment of authorised officers to monitor compliance with certain compulsory codes of practice, and promote standards of animal care, as are outlined in those codes.

The principal roles of those responsible for the administration of the ACPA are outlined below.

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B.1 ROLES AND RESPONSIBILITIES

As the primary administering agencies, DAF and RSPCA have broad responsibilities in educating and promoting agreed animal welfare standards, and in enforcing the legislation. SFPQ have a role in the welfare of animals in meat processing facilities.

Areas of jurisdiction

The Department has formal agreements with the RSPCA and SFPQ that outline the major areas of responsibility of each agency

The agreements describe the agreed working relationship for administering the *Animal Care and Protection Act 2001*. The agreements cover areas of jurisdiction, transfer and assistance policies for complaints, training and appointment requirements, and accountability and reporting mechanisms.

RSPCA

RSPCA inspectors will have primary responsibility for enforcing the ACPA in relation to animals within urban, semi-rural and rural areas. The agreed geographical boundaries have been documented. [Within this jurisdiction the RSPCA will cover all animal welfare complaints except for those outlined below under DAF's area of responsibility]. This includes wildlife, zoos (except for exotic animals), greyhound racing, riding schools, pet shops, and rodeos, but not feral or commercial livestock. (As stated in s13 of the Activity Agreement between DAF and RSCPA).

DAF

Within this jurisdiction DAF inspectors will have primary responsibility for enforcing the ACPA in relation to animals used in commercial livestock production [see definition of commercial livestock below] i.e. where the keeping of such livestock is a significant or primary business of the person or organisation involved, and for feral livestock animals and exhibited animals. DAF will also manage matters dealing with animals involved in standard bred and thoroughbred racing in consultation with the Office of Racing Regulation. (As stated in s13 of the Activity Agreement between DAF and RSCPA).

"Commercial Livestock" means more than ten livestock animals of the one species or more than 500 poultry and where the keeping of such is a significant or primary business of the person or organisation but does not include wildlife, or animals kept in zoos, riding schools, pet shops or rodeos.

The Department will have primary responsibility for the handling of complaints involving the use of animals for scientific purposes, exotic animals, including those in zoos and feral livestock animals, as well as all animal welfare complaints made against veterinarians.

Where the RSPCA is not represented then DAF and/or Police will be responsible for enforcing the ACPA in accordance with the MOU (The

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Protocol for dealing with animal welfare incidents between Queensland Police, DAF and RSPCA).

Regardless of the above, all inspectors appointed under the ACPA will be required to act upon animal welfare incidents outside their primary areas of responsibility if:

- the welfare of the animal is severely compromised and there is an immediate need to alleviate pain and suffering;
- directed by their organisation.

Transfer of cases

There will be instances when it will be appropriate to transfer a case in process from one agency to the other, in accordance with the Agreement. This must be done through the respective coordinators.

The agency accepting the transfer will assume full responsibility for the investigation *after* the formal transfer has taken place. In an investigation subsequent to the transfer, the transferring agency will accept the decision made on any action taken.

The transfer of cases between agencies *must* be initiated through the agency's coordinators — not directly between individual inspectors. Once the coordinator has accepted transfer of a complaint, all information relating to the case will be provided to the coordinator. The case should then be assigned and actioned by the relevant inspector and not submitted for re-transfer.

The transfer of cases outside normal agreement arrangements (e.g. arrangements for relieving inspectors on leave) shall only be negotiated through agency management. For DAF, this will include negotiation with the Principal Biosecurity Officer in the region to ensure the zone has adequate staff to provide such relief.

For further detail on transfer of complaints, refer to section C.1.2.

Assistance policy

There will be instances where one agency will need the assistance of the other agency. Where the assistance is of a minor nature (i.e. low time and resource commitment and is not controversial) this should be requested at the local level. Where more substantial assistance is required, help should be requested through the coordinators and if requiring extensive resource through the Chief Inspector of the RSPCA. Such requests should be given proper consideration, taking into account the urgency of the matter and the resourcing implications.

The requesting agency will retain full responsibility for any investigation in which it has requested assistance.

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Unless negotiated otherwise, where assistance is sought, the agencies will be responsible for their own costs.

B1.1 Inspectors' roles

The functions of inspectors are to investigate and ensure compliance with the ACPA. Inspectors must ensure the investigation is conducted professionally, lawfully, ethically and in a timely manner.

The primary responsibilities of inspectors are:

- **Investigation of animal welfare incidents.** Inspectors will investigate complaints of alleged breaches of the ACPA. All investigations must be performed in accordance with the ACPA and to the standards outlined in this manual.
- **Observations.** Inspectors have a clear role in checking animal welfare standards when observing or working with animals.
- **Education.** Inspectors play a key role in promoting the ACPA and other agreed standards of animal welfare.
- **Reporting.** Inspectors need to report on animal welfare incidents and activities in the required format and within established timeframes.
- **Training.** Inspectors have a responsibility to know and understand the ACPA and the procedures outlined in this manual, and to maintain the technical skills required for the administration of the ACPA.

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B1.2 Role of Agency Veterinarians

Veterinarians may be appointed as inspectors under the ACPA and undertake investigations. However their primary role in administering the ACPA is to provide veterinary advice and to act as expert witnesses. In critical and major cases (see section C.2.1) a veterinarian who is investigating as an inspector (under the direction of the Principal Veterinarian Officer (DAF) or Chief Inspector Operations (RSPCA) will, if necessary, call in another independent veterinarian to provide expert evidence.

B.1.3 Role of Principal Biosecurity Officer (DAF), Chief Inspector (RSPCA)

- Oversee the operational management of inspectors
- Coordinate the assignment of incidents
- Provide routine quality control on investigations and prosecutions
- Mentor staff on compliance issues
- Monitor WH&S considerations
- Liaise with the Investigations Unit on investigative practices
- Liaise with management on resourcing requirements
- Additional roles as identified by individual agencies.
- Monitor quality control of administration of the ACPA for respective agencies

- Ensure integrity and quality of data and investigation information

B.1.4 Role of Authorised Officers

The ACPA allows specially trained authorised officers to monitor compliance with the scientific use code or codes of practice that are compulsory under the Animal Care and Protection Regulation 2012.

The ACPA provides for structured monitoring programs to be developed in consultation with the relevant animal user groups, and gives authorised officers specific powers to undertake their monitoring role. They must have successfully completed approved training prior to their appointment. The roles and powers of authorised officers and inspectors are clearly differentiated under the ACPA.

B.1.5 Role of "Coordinators"

The roles of the CENT Coordinator (DAF) and Complaints Coordinator (RSPCA), although similar, vary between agencies. Joint areas of responsibility are outlined below:

- Register calls received centrally through the call centre.
- Assess calls and assign investigations to the relevant Principal Biosecurity Officer (DAF) Inspector (RSPCA).
- Liaise with other agencies and transfer complaints to appropriate agencies where applicable.
- Generate reports on investigation data for management.
- Provide basic advice on general animal welfare issues.
- The following additional roles are coordinated by the Senior Inspector - Compliance (RSPCA) and the CENT Coordinator (DAF) which may include but are not limited to;

  ✓ Develop and implement a compliance quality assurance program for DAF and RSPCA.
  ✓ Review and update of the ACPA Operational Procedures & Guidelines with a view to improving regulatory performance.
  ✓ Monitor quality control processes for respective agencies to ensure both agencies achieve legislative compliance and provide reports to management.
  ✓ Provide input into the development of policies and procedures affecting the administration/enforcement of the ACPA.
  ✓ Provide assistance and feedback to inspectors on compliance related issues.
  ✓ Assess training and equipment needs for inspectors.

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B.1.6 Role of the Investigations Unit (DAF only)

The Investigations Unit is responsible for providing advice to all staff in relation to investigative procedures and management; provide support in complex investigations negotiated with the Principal Biosecurity Officer's

compliance strategies, and training as well as managing court proceedings and enforcement action with the assistance of the DAF Legal Unit.

B.2 COMPLIANCE PRINCIPLES

A primary focus of the ACPA is to take a proactive approach to animal welfare by providing for a "duty of care" for all persons in charge of animals, and by recognising agreed standards of animal welfare — as laid down in codes of practice and other available standards.

Improvement of animal welfare standards is best achieved through education with the appropriate balance of regulation.

Wherever appropriate inspectors should seek to educate and promote recognised animal welfare standards when responding to animal welfare incidents.

However, where incidents are encountered which indicate there has been an unacceptable departure from these standards, and then the offence provisions in the ACPA will be applied.

In any welfare incident, the first priority of the investigation should be to address the immediate welfare needs of the animal.

All animal welfare investigations should aim to achieve the most appropriate outcome for the welfare of the animals, measured against the impacts on all affected parties and the needs of the community.

Specific areas of outcome to be considered are:

- the immediate and longer-term welfare of the animals;
- the best outcome for the persons involved; (This may include that they have been treated fairly, that they learn from the episode and change future behaviour, that they have not suffered undue financial loss.)
- the best interests of the industry involved;
- the public interest (Community expectations need to be met on the treatment of animals, with an understanding that serious offences will be appropriately punished, and that government has acted appropriately.)

In achieving the above outcomes, inspectors should, at all times, maintain the highest professional standards. In particular, inspectors will comply with the regulatory best practice procedures as outlined in Biosecurity Policy (DAF) Document 1.001: **Regulatory Policy Version 3 – October 2010,** and this manual.

The most important part of regulatory best practice is that inspectors exercise their statutory powers appropriately. Exercising a statutory power is making a regulatory decision about someone. People are always affected, and therefore have the right to know what is happening and how it affects them, and their right of redress.

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Inspectors should routinely follow the Queensland Ombudsman - Good Decision-Making Guide (Good decisions make good sense) when exercising statutory powers

1. Preparing for the decision
    - Start and maintain a document trail
    - Read and understand your legislation
    - Check you have legal authority to make the decision
    - Identify and understand your agency's policies and practices
    - Identify and understand the procedure you will follow
    - Establish a decision – making timeframe

2. Developing the decision
    - Follow procedures
    - Gather and record all relevant information
    - Observe Natural Justice

3. Making the decision
    - Find and record the facts
    - Apply the law to the fact
    - Reasonably exercise your discretion

4. Communicating the decision
    - Give meaningful and accurate reasons

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B.3 APPOINTMENT OF INSPECTORS

The chief executive of DAF (the Director-General) has the sole power to appoint inspectors under the ACPA.

Individuals may only be appointed as inspectors if they are:

- a public service officer or employee; or
- employed by the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated: or
- included in a class of individuals declared, under a specific regulation, to be an approved class of persons that can be appointed;

and

The chief executive is satisfied that the individual has the necessary expertise or experience to be an inspector, or has received satisfactory training approved by the chief executive.

As comprehensive training in the ACPA is essential to its proper administration, the satisfactory completion of the approved DAF/RSPCA training program is the prerequisite on which the Director-General will consider routine applications for appointment. The Director-General may also require other core competencies for appointment.

The procedure for appointment of inspectors from external agencies is that selected officers be nominated to the General Manager, Animal Biosecurity and Welfare, Biosecurity Queensland, DAF.

All applications for appointment of inspectors must be made on the *Application for Appointment as Inspector* form.

The relevant Biosecurity Officer (Biosecurity Queensland) and Senior Inspector Compliance (RSPCA) will take responsibility of the process for quality control of appointment of inspectors.

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B.4 TRAINING

Inspectors will receive on-going training and skills development in key competency areas (legislative and technical) as essential components of their ongoing roles as inspectors.

B.5 DELEGATIONS

The Director-General may delegate the Director-General's powers under the ACPA to an authorised officer or inspector, an officer or employee of the public service, local authority officers, to RSPCA or another prescribed entity. (Appropriately qualified includes having qualifications, experience or standing appropriate to the exercise of the power).

B.6 PROVISION AND USE OF ID CARDS

All inspectors will be provided with an authorised ID card under the ACPA and will produce or display this card when exercising a power under the ACPA.

This card must:

- contain a recent photograph of the inspector; and
- contain a copy of the inspector's signature; and
- identify the person as an inspector under this ACPA; and
- state an expiry date for the card.

The Strategy and Legislation Unit (Biosecurity Queensland) will take responsibility of the process for quality control of the supply of ID cards.

Inspectors must immediately notify the Strategy and Legislation Unit if their ID card is lost, damaged, destroyed or stolen.

The ACPA requires the return of ID cards to the Director-General within 21 days after a person ceases to be an inspector. Inspectors who resign or are retrenched must therefore return their ID cards within the required timeframe.

B.7 REVIEW AND APPEAL PROVISIONS UNDER THE ACPA

The ACPA defines the rights of affected parties to seek review of, or to appeal against, decisions made under the ACPA.

Refer to Reviews and appeals Part 4, division 1 of the *Animal Care & Protection Act 2001*.

Procedure

Official notices ("information notices") issued under the ACPA document the review and appeal provisions.

When issuing information notices, inspectors should refer people to the review and appeal information on these forms.

Where a review application is received by the Director-General, the DAF coordinator will advise the relevant officers (for example, in DAF the Principal Biosecurity Officer and inspector, in RSPCA the chief inspector and/or Senior Inspector - Compliance (who advise the inspector)) in writing and specifying any documents and other material and information that must be supplied to the review decision maker, and the timing for the supply.

When the review decision is made, the inspector and their supervisor/management will be supplied with feedback in the form of copies of the correspondence on the review decision to the applicant. Where the ACPA

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does not require the applicant to be given reasons for the decision (where the review decision is the one the applicant was seeking), then feedback on the reasons for the decision will be provided separately to the inspector and their supervisor/management.

B.8 ANIMAL ETHICS

Departmental policy and procedures for the administration of the ACPA in relation to the use of animals for scientific purposes are outlined in a separate document.

B.9 APPROVED FORMS

The use of approved forms is an essential in-built accountability mechanism of the ACPA. Inspectors must only use approved forms where required under the ACPA. Duplicates of all forms used must be retained as per the investigating agencies procedures.

Only the Director-General of DAF can approve forms or notices for use under the ACPA.

B.10 REPORTING

The ACPA provides that the Director-General may require an inspector to provide information or a report to the Director-General about the performance of the inspector's functions, or the exercise of the inspector's powers.

The RSPCA will ensure that its inspectors provide to the Director-General, within 7 days of being so requested, the following information in relation to matters with which they have been involved:

- any information necessary to enable the Director-General to decide whether to forfeit an animal or a thing to the State:
- all relevant information where a complaint has been made against an RSPCA inspector;
- all relevant information (including a signed statement) in relation to a matter that is being investigated by DAF or that may be the subject of court proceedings;
- any information necessary to enable the Director-General to make a review decision in accordance with documented review procedures for the ACPA: and
- any other information requested which relates to proper enforcement of the ACPA;

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B.11 COMPLAINTS ABOUT INSPECTORS

- Complaints received in either DAF or RSPCA about RSPCA inspectors' enforcement of the ACPA must be referred initially to the RSPCA Executive Officer for internal investigation.
- Complaints received in either DAF or RSPCA about DAF inspectors must be referred to the General Manager, Animal Biosecurity & Welfare (DAF).
- Complaints about enforcement of the ACPA by Police Officers must be referred to the senior regional Police Officer.
- The RSPCA will immediately advise the General Manager, Animal Biosecurity & Welfare (DAF) of any serious complaints against RSPCA inspectors in their enforcement of the ACPA.
- The General Manager, Animal Biosecurity & Welfare (DAF) will advise the Chief Executive Officer (RSPCA), of any serious complaints against RSPCA inspectors received by DAF.
- Where the allegations are initially assessed to be serious, an officer of DAF will be part of the investigating team.

B.12 POLICY ON THE PROVISION OF FEEDBACK TO COMPLAINANTS

As a matter of policy, feedback to complainants will only be provided when requested. For DAF if the request for feedback has been requested by the complainant via the RSPCA, the request is sent to the CENT co-ordinator who then forwards the request to the investigating inspector and the Principal Biosecurity Officer for that area. For the RSPCA requests for feedback come via Customer Service and are forwarded to the investigating inspector following RSPCA procedures.

In certain cases inspectors may choose to provide direct feedback to complainants to increase the efficiency of administering the ACPA. For example, a complainant who continually reports incidents in good faith, but the investigation reveals the ACPA has not been contravened. The Inspector may choose to contact the complainant to advise what are acceptable standards in relation to the particular type of animal use.

The only type of information that can be supplied, when providing feedback to complainants may include:

- that the complaint has been investigated on a given date.
- whether an animal welfare problem was identified, but don't discuss the nature of the problem.
- whether the problem has been, or is being addressed, but don't discuss how it is being addressed.

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Privacy standards do not allow complainants to be provided with information in relation to the outcome of the investigation. Refer also to section C.5.1.4 on action on frivolous, vexatious, or unsubstantiated cases.

B.13 CONFIDENTIALITY OF COMPLAINANTS DETAILS

It is normal for people who are the subject of an animal welfare complaint, to ask who made the complaint about them. Inspectors **must** keep these details confidential and advise the person they are not at liberty to divulge such information.

B.14 MEDIA RELEASES AND MEDIA INVOLVEMENT IN ANIMAL WELFARE INCIDENTS

Inspectors will not make any public comment on any investigations that they are involved in, other than to say the matter is “under investigation”. To make comment may jeopardise any legal proceedings, pending or current and may compromise a person’s rights under law.

Where appropriate the primary investigating agency may make public comment on the investigation of a complaint preferably through a single source. The primary agency should advise the other agency of the comment prior to making it and provide a copy of any press release. The other agency should not make public comment on the investigation. Where an investigation has a high level of public interest the Chief Executive Officer of the RSPCA or designated representative and the General Manager, Animal Biosecurity and Welfare will liaise to provide a consistent message and approach.

Inspectors and agencies will at all times make every endeavour to ensure that a person’s rights under natural justice and common law are not compromised and that due process of law associated with the complaint is not compromised.

It is not acceptable to invite or facilitate entry of the media onto a property under investigation.

Inspectors and agencies will not make public comment on decisions made by the Director-General under the ACPA nor will RSPCA inspectors comment on the administration or interpretation of the ACPA without DAF approval.

B.15 ACCESSIBILITY

This document is public information. A copy should be located in all centres where an inspector is located, and be made available to any member of the public on request.

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SECTION C – PROCEDURES

This section details the expected procedures and provides guidelines for all officers responding to animal welfare incidents under the *Animal Care and Protection Act 2001*.

Inspectors must be thoroughly familiar with their powers and responsibilities under the ACPA, and all actions should be administered with the purposes of the ACPA in mind: i.e.

- to promote the responsible care and use of animals;
- to provide standards for the care and use of animals that:
  - achieve a balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals;
  - allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations that relate to practices involving animals;
- to protect animals from unjustifiable, unnecessary or unreasonable pain.
- ensure that the use of animals for scientific purposes is accountable, open and responsible.

In responding to an incident, inspectors should apply the compliance principles and attempt to achieve the compliance outcomes (as outlined in section B.2) when administering the ACPA.

Responding to an animal welfare incident involves six phases which sometimes overlap:

1. **Receiving and recording information**
2. **Assessing the information**
3. **Preparing the appropriate response**
4. **Investigating the incident**
5. **Further action** [as necessary]
6. **Reporting**

The procedures that follow are based on these six response phases.

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C.1 RECEIVING AND RECORDING INFORMATION

Information about animal welfare incidents usually originate from three main areas:

- members of the public (e.g. complaints, reports of animal welfare incidents or inquiries);
- reports or transfers from other agencies (Police, RSPCA, DAF, SFPQ, local governments, other state and federal government departments);
- observations by an inspector.

Regardless of the source of the information all animal welfare incidents **must** be registered.

C1.1 Registering and assigning the response for an incident

Information about animal welfare incidents may be received locally by an inspector or centrally, through the DAF Customer Service Centre or RSPCA Customer Service. Regardless of how they are received, all animal welfare incidents and complaints **must** be:

- registered
- assigned to an inspector
- reported through to the conclusion of the investigation.

Registering the incident

(a) If any complaint / incident report is received locally, the complaint should be transferred immediately to an inspector. The inspector registers[1] information about all animal welfare incidents that come to their attention by completing the Animal Welfare Incident Report (Complaint Record Sheet/RSPCA) (referred to as the "Incident Report").

(b) If an inspector is not available at the time the complaint is received, the complaint should be transferred to the agency's coordinator. The coordinator will register the incident by completing the incident report/complaint record.

(c) All complaints should be validated by obtaining the name and address or telephone number of the complainant. Complainants should be advised that, wherever possible, this information will remain confidential. However, in some circumstances it may be necessary to advise complainants that their identity may be exposed in investigating an incident.

[1] Register means completion of the Incident Report and forwarding a copy of the report to the coordinator according to the agency process.

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(d) The incident report should contain enough detail to enable an informed preliminary assessment of the incident. Specific questions need to be asked to:

- ensure that the inspector has sufficient information to assess the response priority for the complaint;
- assist inspectors to determine powers of entry for investigation.

(e) For incidents which are clearly outside the agency's area of responsibility,[2] or if the matter is outside the inspector's normal district operational area, the details of the incident must be registered and referred to the coordinator for reassignment. The referral details should be endorsed on the Incident Report.

(f) If, after registering an incident that the inspector would be expected to action, the inspector cannot action the incident within the required or a reasonable timeframe, the inspector should liaise with the coordinator and the Principal Biosecurity Officer/Chief Inspector to have the complaint reassigned. (See section C.2.1 Response Time Guidelines.)

(g) Inspectors observing animal welfare incidents as part of other duties should register and respond to the incident in the same way other complaints are processed.

(h) Complaints received about animals being used for scientific purposes (eg research and teaching) should not be actioned by inspectors, but should be registered and referred to the coordinator for initial handling by the relevant animal ethics coordinator within DAF. Similarly if an inspector is investigating a complaint and finds that the animals involved are used for scientific purposes, then the inspector should notify the coordinator.

The Animal Ethic Coordinator will confer with the Chairperson of the relevant Animal Ethics Committee before deciding on action to be taken. If the matter cannot be or should not be resolved by the Animal Ethics Committee it will be referred to The CENT Coordinator or Biosecurity Investigations Unit.

(i) All animal welfare incidents must be registered as soon as possible to meet accountability requirements and avoid duplication of investigations.

(j) All complainants are warned that it is an offence to provide false and misleading information to an inspector and vexatious, unsubstantiated and frivolous complaints will not be actioned.

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[2] See B1 AGENCY ROLES AND RESPONSIBILITIES - note all inspectors may be required to respond to urgent incidents that are outside the normal areas of jurisdiction.

Handling anonymous complaints

- The complainant should be advised that accountability requirements of the ACPA require reasonable grounds for entry to a place to investigate the complaint, and that this would include credible details on the source of the complaint.

- As a general policy, anonymous complaints will not be actioned on the basis that the authenticity of the complaint cannot be verified. However, the complaint may be forwarded to an inspector to assess the need for any investigatory action. Further action will only be considered if, in the opinion of the inspector, there is a strong enough case to do so.

- Anonymous complainants should be advised:

    - that their complaint will be logged;

    - but, as a general policy, anonymous complaints will not be actioned.

If asked for a reason, advise that the authenticity of their complaint cannot be verified.

Where an incident is not actioned the inspector is still required to complete the incident report if the incident is received locally, or provide the coordinator with information as to why the matter was not actioned, if the complaint was forwarded through the coordinator. This will ensure that accountability mechanisms are maintained.

Assigning registered animal welfare incidents by CENT Officer (DAF), Complaints Coordinator (RSPCA) (Incidents within agency jurisdiction)

(a) Animal welfare incidents registered by the Complaints Coordinator, or transferred to the Complaints Coordinator that are within the agency's jurisdiction, will be assigned to an inspector in the respective district.

(b) For DAF the CENT Officer assigns the incident through the Principal Biosecurity Officer. In critical incidents, the CENT Officer may also make direct contact with the nominated inspector to ensure the inspector is aware of the incident.

(c) The PBO is responsible for ensuring the incident is actioned and reported on at the local level.

(d) Referral details must be endorsed on the Incident Report.

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C.1.2 Transfer of complaints between DAF and RSPCA

(a) The process for complaint transfer between agencies on the basis of areas of jurisdiction will only be processed through the agency's coordinators. Inspectors must not themselves directly transfer cases to the alternative agency.

(b) Where joint investigations occur, liaison between the agencies is vital. It is also important that the lead agency is identified early in the investigation. The coordinators of both agencies have a key role in ensuring effective communication between agencies on operational matters. (See also section B.1 of this manual for assistance and transfer policies between agencies.)

(c) It is necessary to share confidential information between agencies investigating alleged offences under the ACPA, it is therefore acceptable that the sharing of information between agencies takes place.

(d) Privacy principles must be complied with in transferring information between agencies.

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C.2 ASSESSING THE INFORMATION

On receiving a complaint or information about an animal welfare incident, the inspector or coordinator needs to make a preliminary assessment of the information to enable a timely and appropriate response. Note: these priorities relate to the response times required to alleviate pain and suffering of the animal and do not reflect the level of investigation required. There are four basic categories for assessment of incidents:

1. Critical
2. Major
3. Secondary
4. Minor

The following section outlines the criteria for these categories. Although these criteria simplify complex issues, they cannot possibly describe every situation. For these reasons they are guidelines only.

1. Critical [*]

Critical cases are where the welfare of the animal is severely compromised, and there is an **urgent need** to alleviate pain and suffering.

Examples of critical incidents:

- Where failure to take the action may lead to death or acute pain and suffering (e.g. severely injured or perishing animals, dogs overheating in locked vehicles).

[*] *Where cases are of a critical or major nature and involve large numbers of dead or dying animals or have immediate implications for industry, the Principal Biosecurity Officer or Chief Inspector RSPCA should be advised as soon as possible. However this must not delay the response.*

- Where there is deliberate and serious contravention of the legislation, with the specific intention to inflict or cause animal pain and suffering (e.g. intentional and unjustifiable mutilation of animals).

- Where incidents are specifically identified as critical. (these include blooding of greyhounds, organised dog fights, organised cock fights, deliberate perishing of animals).

2. Major *

These are cases where the welfare of the animal has been or may be severely compromised, and where there is a need to take **timely action** to alleviate or avoid the pain and suffering. The incident is of a less urgent nature than in critical cases, and so action needed is not so immediate.

Examples of major incidents:

- Chronic starvation of animals.

- Where incidents are specifically identified as major. (these include reports from DAF (Federal) vets or other individuals or organisations with recognised expertise in animal welfare, or repeated or multiple secondary incidents that are on record).

3. Secondary

Indications for secondary cases are when the welfare of the animal is only marginally compromised, or when the incident is of a less serious nature.

Examples of secondary incidents:

- One that has the potential to cause unacceptable pain and suffering, or an adverse welfare outcome (e.g. overloading of livestock in transport vehicles without resulting in pain, and suffering or tethering of animals for unreasonable periods).

- Involving non-compliance with animal welfare standards or codes, but where the welfare of the animal does not appear to have been seriously compromised (e.g. carrying out husbandry practices outside the code recommendations).

- Where incidents are specifically identified as secondary. (these include breach of duty of care where the impact on the welfare of the animal/s is not significant).

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4. Minor

Cases where indications are that the welfare of the animal is not compromised, and where the **incident is of a lesser nature.**

Examples of minor incidents:

- Involving minor non-compliance with animal welfare standards or codes, where the welfare of the animal is not compromised.

C.2.1 Response guidelines

A timely and appropriate response to an animal welfare incident is critical to both the welfare of animals and the effective administration of the ACPA.

The appropriate response time will depend on the degree of the animal's pain and suffering, the authenticity of the complaint and the seriousness of any suspected breach of the legislation. The response time needs to reflect the urgency to relieve animal suffering and the need to capture evidence available at the time. The response time will not need to reflex the desires of the complainant.

Response time guidelines, together with appropriate action levels for each category of incident, are listed in the following table:

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Grade	Description	Inspector's action	Response time
Critical	Cases where the welfare of the animal is severely compromised, and there is an **urgent need** to alleviate pain and suffering (e.g. severely injured animals or perishing animals).	**Urgent action is necessary to alleviate pain and suffering.** The inspector is to take urgent action to address the welfare needs of the animal. **Conduct an investigation.** The investigation must be comprehensive and conducted in the event the matter may proceed to prosecution. Some urgent incidents may be solely of an animal rescue nature, and have no investigation implications.	As soon as possible Critical animal welfare incidents may take priority over other duties.
Major	Cases where the welfare of the animal has been or may be severely compromised, and there is a need to take **timely action** to alleviate or avoid the pain and suffering. The incident is of a less urgent nature than in critical cases, and so action to alleviate animal pain and suffering is not so immediate.	**Timely action is necessary to alleviate animal suffering.** The inspector is to act with appropriate urgency to alleviate suffering and address the welfare needs of the animal. **Conduct an investigation.** The investigation must be comprehensive and conducted in the event the matter may proceed to prosecution. Some urgent incidents may be solely of an animal rescue nature, and have no investigation implications.	As soon as practicable or within 72 hours. Major animal welfare incidents may normally take priority over other duties.

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Grade	Description	Inspector's action	Response time
Secondary	Cases where indications are that the welfare of the animal is only marginally compromised, or where the incident is of a **less serious nature** (e.g. non-compliance with a livestock code, not resulting in pain and suffering).	**Action may be directed to prevent potential suffering, but this is usually easy to address and of a less serious nature.** The inspector should alleviate suffering where necessary and monitor the situation to ensure compliance. **Conduct an investigation.** The investigation must be comprehensive and conducted in the event the matter may proceed to prosecution.	As soon as is practicable or within **7 working days.**
Minor	Cases where indications are that the welfare of the animal is not compromised, and where the **incident is of a lesser nature.**	**Usually no action to alleviate pain and suffering is necessary.** **Conducted an investigation.** The investigation must be comprehensive and conducted in the event the matter may proceed to prosecution. Some incidents may only be educational, and have no investigation implications The inspector needs to collect enough information to be confident that the case does not warrant detailed investigation or monitoring. Further action may be indicated if previous advice has been ignored.	Action may involve local knowledge, a visit when in the area; telephone contact only or no action at all.

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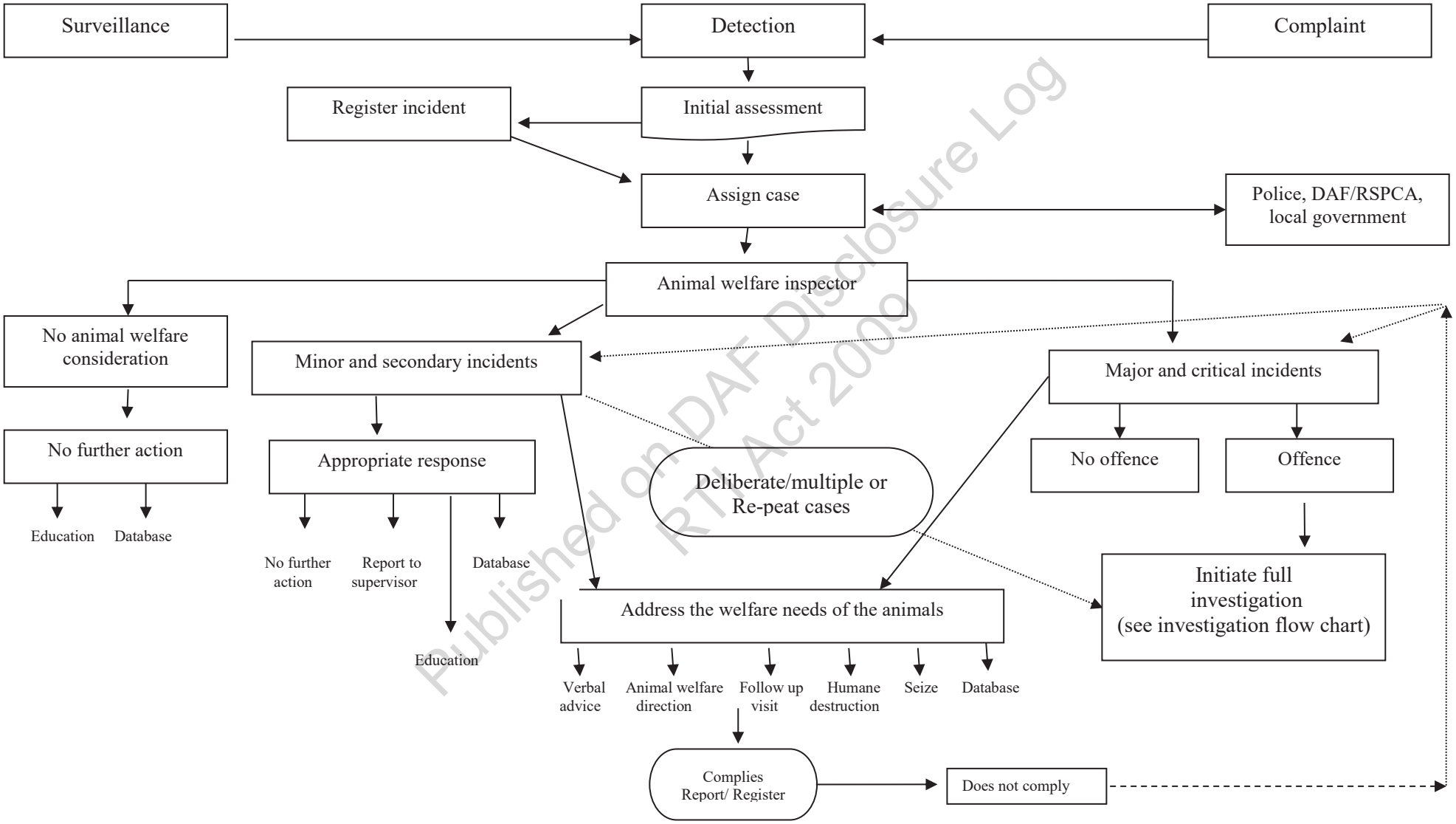
C.2.2 Flow chart of an animal welfare investigation process



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C.2.3 Summary checklist: recognising and assessing an animal welfare incident

Consider these questions, based on the information first given to you by way of a complaint, or based on your first detection of the incident.

1. Are there welfare implications, or is this incident best addressed by other agencies?
2. If there are welfare implications, what are the broad concerns or issues for the animal's welfare?
3. On the strength of the information available, could the situation require a response under the ACPA? If a response is necessary should there be any urgency about the response?

Finding a fit for the incident (Form an initial assessment.)

4. What, if any, offence/s could arise from this incident?
5. Have you determined the meaning of key terms within the offence provisions?
6. What may assist you in deciding if there could be an offence?

Responding to the incident (Select a possible course of action.)

7. What other information would be useful at this stage to make a preliminary assessment?
8. What category of response priority does this incident fit into?
9. What must I do before I exercise a power?
10. What are my possible "power/s of entry" in relation to this incident? (What avenues of entry are available? Consider the types of place to which an entry is being proposed.)
11. Do I understand the implications of the use of a particular power?
12. What factors influence my choice of action?
13. What powers may I need to support entry in relation to this incident?

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C.3 PREPARING THE APPROPRIATE RESPONSE

The appropriate response to an animal welfare incident will vary according to the initial assessment and the circumstances.

In responding to an incident, the inspector needs to consider both the action likely to be needed to address the welfare of the animal, and the action needed to conduct an appropriate investigation.

- If the complaint has already been registered, check the information on the Incident Report and where applicable contact the complainant for further details. Inspectors should obtain as much credible information as possible, both to assess the authenticity of the complaint as well as to establish grounds for power of entry. (See section C.4.2 Powers of Entry.) Phone contact with complainants often also increases operational efficiency by identifying times when owners are likely to be on the premises.

- In some instances it may be appropriate to contact the owner of the animals prior to visiting a property. This will depend on the nature of the complaint and the resources needed to action the complaint.

- Access the database and check any prior investigation history.

- Where there are any indications that another agency may be involved, liaise with the other agency to seek information on their involvement and to avoid possible duplication of investigations.

- The preliminary assessment of the incident will dictate the appropriate response. (See section C2.1.) If a response cannot be initiated within the response time guidelines, the coordinator should be contacted (for DAF, through the Principal Biosecurity Officer). Inspectors may at times reassess an incident report with the benefit of local knowledge or past investigation history. Where an inspector changes the response priority rating, the Principal Biosecurity Officer (DAF)/ Complaints Coordinator (RSPCA) should be notified and the change justified in the investigation report.

- In situations where the preliminary assessment indicates a possible offence may have occurred, recall the relevant section of the ACPA, and record the elements needed to establish proof of the offence.

- Assemble the necessary field investigation equipment. (See section C3.3 investigation equipment checklist)

- Consult any codes of practice or standards which may be applicable to the incident.

- Assess the need for an expert witness or technical specialist assistance. (See section C.3.4 on expert witnesses)

- The Incident Report will include information about any potential workplace health and safety issues. Inspectors should routinely assess complaints and consider the need for police or other assistance. Where a property or person poses a risk, the details should be noted on both the incident and investigation reports for future reference.

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- Phone contact with the complainant prior to actioning the complaint may also help clarify any WH&S issues identified in the incident report.

C.3.1 Risk analysis in regard to potential aggression

All DAF inspectors should be aware of and comply with the following summary of SOP:002 in relation to dealing with potentially abusive and threatening clients. It is also recommended that RSPCA inspectors comply with the principles outlined below.

Before attending a premise, all officers are required to assess the risks to the health and safety of inspectors associated with the regulatory intervention.

In relation to the risk of abusive or threatening behaviour from persons the following checks should be undertaken:

- When possible, officers taking complaints and officers conducting the response should make sufficient inquiry of complainants about the character of the alleged offenders to enable an assessment of risks of abusive or threatening behaviour to be made.

- Assess any WH&S issues identified in the incident report and complete a search of the POI to determine if there is any history of confrontational behaviour.

- Officers responsible for task allocation should ensure that any details of known abusive or threatening behaviour are recorded on the animal welfare incident report.

- At the local level inspectors may make discreet inquiries with other government agencies, including Queensland Police Service to seek information about the character of the person.

The inspector responding to the animal welfare complaint is responsible for making an informal risk assessment based on the information available at this time. Where an unacceptable risk of abuse or threatening behaviour is assessed the following action should be taken.

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C.3.2 Handling threatening behaviour

Officers undertaking any activity away from their normal office location should routinely ensure that administration staff or supervisors are made aware of where they are going and when they expect to return to the office.

If there is a moderate risk of excessive verbal abuse, the inspector's Principal Biosecurity Officer should be contacted to discuss options before proceeding with the regulatory response. Where possible, conflict resolution techniques should be used to resolve any adverse situation.

If a substantial risk of intimidating verbal abuse or a moderate risk of threatening behaviour has been identified prior to attending the investigation two people should always attend. If a second person is not available to assist the inspector the response should be rescheduled to a more suitable time.

If a substantial risk of threatening behaviour has been identified prior to attending the investigation, seek assistance from the Police in attending the incident. Where requesting assistance of a police officer the inspector is obliged to explain to the police officer the powers the inspector has under the *Animal Care & Protection Act 2001* being enforced.

If the Police are unable to attend the incident contact your Principal Inspector and alert them to the situation. The Principal Inspector is responsible for considering further options for responding to the incident

If during an investigation the inspector is subjected to threatening behaviour that suggests a dangerous confrontation is possible, the inspector should use conflict resolution techniques to de-escalate the situation. However, if the threat continues, unless accompanied by a police officer, the inspector is to cease the regulatory activity and if necessary leave the premises. If a police officer is present, that police officer will determine further action.

Inspectors should immediately report incidents of obstruction, abuse or threatening behaviour to their Principal Inspector and seek further instructions.

If an inspector has been assaulted while undertaking duties, the incident should be immediately reported to the police.

Any verbal abuse or threatening behaviour must be recorded in a factual manner as part of the investigation report covering the incident.

The ACPA requires that an inspector who has been obstructed and who decides to proceed with the exercise of a power must warn the person it is an offence to obstruct an inspector unless they have a reasonable excuse and that you consider their actions an obstruction.

Where the obstruction or intimidation has prevented the inspector from the exercise of their duties the inspector should consider submitting a formal investigation brief recommending prosecution under the obstruction provisions.

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C.3.3 Investigation equipment checklist

The following equipment is essential for all animal welfare investigations:

- Identity card
- Copy of the current ACPA & Regulations and appropriate forms
- Copy of this manual
- Generic ACPA Duty of Care educational material.
- Official notebook and a tape recorder
- Camera and/or a video camera
- Batteries
- Relevant codes of practice or other animal welfare standards.
- Any necessary animal restraint equipment
- Necessary safety equipment
- Communication equipment [phone/2-way radio]

The following equipment may be required, depending on the information received and the preliminary assessment of the incident:

- Captive bolt or firearm (subject to licence)
- Drugs for sedation or euthanasia (subject to licence)
- Post-mortem and sampling equipment (exhibit tags and specimen jars, etc.)
- A warrant to enter the premises
- Disinfectant equipment to meet biosecurity requirements

C.3.4 Guidelines for the use of expert witnesses

Veterinarians

In situations where an essential component of a possible offence is proof of pain or suffering, an inspector should always attempt to obtain the opinion of a veterinarian as an expert witness.

Video footage of an animal or its accommodation or living conditions will assist and could be acceptable as evidence.

Inspectors should use departmental or RSPCA veterinarians where possible. However private veterinarians may need to be engaged if DAF or RSPCA vets are not available, or if specialist expertise is required. For RSPCA prior approval may be required.

Where possible, inspectors should routinely seek approval from supervisors before engaging private veterinarians in accordance with individual agency guidelines.

Where a veterinary statement is to be obtained as part of evidence, refer to Appendix 11 "*Guidelines for providing veterinary opinions for animal welfare investigations ".*

Other technical experts

An inspector should engage other technical experts when necessary to provide a professional opinion on the essential ingredients of a possible offence, e.g. farm consultants, recognised authorities on particular species.

Recognised technical expertise usually infers formal qualifications in the area. However, in some areas not covered by a particular qualification, extensive experience in the particular area may be acceptable.

Expert opinion may also be required as part of the initial field investigation. Depending on the scale of the incident and the species of animal involved, specialist technical expertise may be required to assess compliance with the ACPA or other recognised animal welfare standards, e.g. assessing whether ventilation systems meet industry standards in an intensive poultry establishment.

Where possible, this technical expertise should be sourced from within the inspector's agency, and inspectors should consult with management before engaging external consultants.

Where an incident has considerable industry-wide implications, inspectors should consult with the Program (DAF) and consider using an industry representative. The role of the representative is to:

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- provide an industry perspective;
- act as a mediator between the investigating agency and the owner; and, where applicable,
- provide assistance in addressing the welfare of the animals.

It should be noted that the industry representative must, in no way, influence the investigation process, and that confidential information gained during the investigation should not be discussed without the owner's authority.

C.3.5 Large-scale livestock incidents

An animal welfare incident is considered to be large scale when one or more of the following criteria apply, or have a strong likelihood of applying and the incident could have significant repercussions for the industry, the community or the government. :

- significant numbers of animals involved; or
- significant impacts on the animals' welfare if no action is taken; and
- there is a belief that there will be significant difficulties in dealing with the situation.

Examples of major animal welfare incidents are:

- animals are dying during a dry period on a poorly managed property;
- animals are in poor condition on a property, the market for the animals has collapsed and the owner is experiencing financial difficulties and can't afford the appropriate feed;
- animals affected by a natural disaster eg flood, drought or fire.

Where an assessment is made that a large scale animal welfare incident is likely then consideration should be given to any assistance required for the investigation, for example a veterinarian, a specialist compliance officer.

The Manager Operations, AB&W, Principal Biosecurity Officer, Principal Investigations Officer and the Coordinator should be informed that a large scale animal welfare incident is a possibility. (see C5.1.3)

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C.4 INVESTIGATING THE INCIDENT

C.4.1 General Considerations

To successfully resolve most animal welfare incidents, the best process is by educating and/or negotiating with people responsible for the welfare of the animal. However, inspectors must always conduct an appropriate investigation to establish the facts and to assess the need for further action. Where incidents are encountered which indicate there has been an unacceptable departure from the ACPA and associated standards, then the regulatory tools within the ACPA should be considered in accordance with Biosecurity **Regulatory Policy**.

The first priority should be to address the immediate welfare needs of the animal.

An appropriate investigation also needs to be conducted. The depth of the investigation will depend on the seriousness of the incident, the circumstances and the history of the case. However, all investigations should be conducted with the knowledge that they could be subject to the various forms of legal scrutiny and should be conducted strictly in accordance with the requirements of the ACPA and using these procedures and guidelines.

Powers are given to inspectors to investigate and regulate the ACPA.

All inspectors are issued with ID cards. Inspectors can exercise a power under this ACPA in relation to a person, only if the inspectors produce or clearly display their ID card.

ID cards should always be carried, produced or displayed when entering a property, or while undertaking an investigation.

Inspectors should be aware that an investigation can be distressing to some people, and it is easy to create situations of confrontation in some circumstances. Inspectors should maintain a professional manner and be courteous and tactful at all times. While use of conflict resolution techniques will resolve many situations, inspectors should be prepared to suspend an investigation if there is a real threat to personal safety.

Where technical specialists are taken onto a property as part of an investigation, the inspector should introduce the people, outline their areas of expertise, their role in the investigation, your right to take them onto the property and indicate that these people will be acting under the inspector's direction. These persons must act only as directed by the inspector.

Inspectors should comply with all reasonable **biosecurity standards** in place at livestock enterprises, but should ensure that the owner is not using these arrangements to hinder or obstruct inspectors undertaking an appropriate investigation. (See appendix D5 Biosecurity considerations for intensive livestock establishments.)

Inspectors should comply with **workplace health and safety requirements** at building construction and other similar sites, and wear appropriate personal protective equipment.

Examine the animals or things subject to the investigation to establish if unreasonable pain or suffering, or any other offence, has occurred. (See section C.4.9 Animal examinations.)

If there are signs of pain and suffering, act to address the immediate welfare needs of the animals. (See section C.4.11 Alleviating pain and suffering.) Any verbal advice or

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recommendations in relation to compliance with the duty of care and/or the codes of practice should be documented.

In light of observations and information gained as part of the preliminary investigation, reassess the seriousness of the incident in relation to compliance with the ACPA and relevant codes of practice.

If the initial field investigation reveals the incident is of a **critical or major** nature, and indications are that a possible offence has occurred, conduct an investigation to a standard capable of proceeding to prosecution. Investigate those details and gather the evidence that is immediately available and which may not be readily available in the future.

Recommended processes

- Recall the elements of the offence and gather appropriate evidence. (See section C.5.2 Evidence.)
- Use an electronic recording device when talking to the Person of Interest (POI). Start the recording before making entry and record the context for the investigation – the date, time, place, reason for attendance etc.
- Conduct interviews and record accurate notes. (See section C.5.2.5 Interviews.)
- Where possible obtain formal statements.
- Maintain a chronological investigation log, entering details of all significant actions, conversations, powers exercised and their grounds, and evidence collected.
- Ensure warnings are given where appropriate.
- Collect Evidence (Photos, video footage, paperwork relating to veterinarian advice and feed receipts)

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C.4.2 Powers of entry to a place other than a vehicle

The following are situations where an inspector may enter a place (other than a vehicle) for the purposes of ascertaining whether there is compliance with the ACPA.

(a) Entry with the consent of the occupier (s122 (1)(a))

If an inspector intends to enter a place to ask the occupier for consent, the inspector may enter the land around the premises to the extent that it is reasonable to contact the occupier, or to enter the part of the place the inspector reasonably considers that members of the public are allowed to enter (s122(2)).

An inspector entering to seek consent is **not** authorised to use other powers under s137 of the ACPA until consent is given. However, if during the attempt to contact the occupier, the inspector observes something at the place that would allow inspectors to lawfully enter the place under s 122(1)(e) to (g), they are then authorised to enter the place without consent.

(b) Entry when it is a public place[#] and the entry is made when it is open to the public (s122(1)(b))

(c) Entry is authorised by a warrant (s122(1)(c))

(d) The occupier is the subject of an animal welfare written direction, and entry is made to check compliance with the direction at a time or interval stated on the direction (s122(1)(d))

(e) The inspector reasonably suspects that an animal has just sustained a severe injury, and it is likely to remain untreated or untreated for an unreasonable period *(*e.g. where a dog has been hit by a vehicle, runs onto private property and the occupants are known to be away) (s 122(1)(e))

(f) The inspector reasonably suspects there is imminent risk of death or injury to an animal at the place because of an accident or from an animal welfare offence *(e.g. organised dog fights, torture of an animal, or from an accident.)* (s122(1)(f))

(g) The inspector reasonably suspects any delay in entering the place would result in concealment, death or destruction of evidence of an animal welfare offence, or the commission or repeat of an offence (s122(1)(g))

(h) Limited entry where the inspector reasonably suspects an animal is suffering from lack of food or water or is entangled, and where the person in charge is not present and it does not involve entry to a part of the place where a person resides (s123).

C.4.2.1 Entry under the ACPA when inspectors have already entered a place for other purposes

DAF inspectors may encounter situations where they have already entered a place for a purpose other than an animal welfare investigation (for example a disease investigation or entry under the *Stock Act 1915*) and they observe an animal welfare matter that requires immediate action under the *Animal Care and Protection Act 2001.*

In such instances it is essential that the inspector is certain of what power of entry is available under the ACPA to investigate the matter and explain to the person why they now need to investigate the new matter and follow the required entry procedures (without physically making a new entry onto the property).

Where the need to investigate the matter is less urgent, the matter should still be explained to the person. The inspector may elect to either:

(a) investigate the problem themselves at the time or a later time; or

(b) refer the matter to an independent inspector for investigation.

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[#] See Appendix D6 (extended definition of public place)

C.4.3 Procedures for entry to a place other than a vehicle

C.4.3.1 Entering with consent
Entry Power (s122(1)(a))
Entry Procedure (s124)

- Locate person/s on property. Proceed to front door or enter land around the premises to an extent reasonable to contact the occupier. Note: if no-one is present then the inspector must leave unless entry can be gained through other means eg s123).

- Introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.

- Verify person is occupier.
  e.g. Can I speak to the owner of the house?
  e.g. Are you the occupier of this place?
  e.g. Can I speak to the person in charge of this business?
  If you find that the person whom you originally introduced yourself to, and showed your ID card to, is not the occupier, then you will have to repeat this process for the actual occupier.

- Introduce any other person accompanying you.
  e.g. This is (name).She is a veterinarian from the RSPCA.

- Outline the purpose of the visit.
  e.g. We've had a report of a dog at this address suffering a skin disorder. I need to investigate that report and check on the condition of the dog.

- Verify person's relationship to the animal/s subject to the purpose of the visit.
  - *e.g. Do you own a dog?*
  - *e.g. Is the dog on these premises?*

  Consider asking further questions about the animal.

- Tell the person you are going to seek consent
  e.g. I'd like to examine the dog, and I'm going to ask your permission to be on the property so that I can do that.

- Tell the occupier that he/she is not required to give consent.
  e.g. You don't have to give me permission.

- Seek consent.
  e.g. Is it all right for me to stay and examine the animal?

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Comments

1. It is essential that you can later prove that you had the occupier's consent to entry. This can be done in three ways:

   - By asking the occupier to sign an "*Acknowledgment of consent to enter"* form, following the process at s124. Note that the form states that the occupier is giving consent to enter AND to exercise powers. If the occupier does sign the acknowledgement, the inspector must promptly give the occupier the original copy (s124(5)).

- By recording the conversation with the occupier using an electronic recording device. (The protocols on digitally recording conversations, including covert recording, are outlined in appendix D9.)

- By having a corroborator as in this example, ensuring details of the consent conversation are later recorded and signed as accurate by the corroborator.

2. If consent is not given, then you have to leave.

3. Inspectors should also note that consent to entry can be revoked at any time. It can be revoked by the party who gave consent, or by a party who is present and who possesses an equal right to give (and therefore revoke) consent.

4. If consent is withdrawn the inspector must leave immediately and consider other entry options (consider a warrant). If the issue is not resolved the inspector must not exercise any further powers and leave straightaway except that an inspector may :

   a) if an inspector observes something which would allow entry under s122(1)(d) to (g) of the ACPA (*Entry without consent or a warrant*), the inspector may stay on the place, but must inform the occupier of the new grounds and relevant power of entry. The procedure for entry at s125 must be followed.

      e.g. I acknowledge that you have withdrawn your consent and you are asking me to leave. However this dog which I have now observed is I suspect, in imminent risk of death from an animal welfare offence. These are grounds for me to remain here to investigate that without the need for your consent or a warrant. Do you understand that I now have the power to stay on the property?

   b) issue an Animal Welfare Direction if grounds to issue the direction have been established

   c) lawfully seize all evidence found prior to the revocation.

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C.4.3.2 Entering a public place

Entry Power (s122(1)(b))

- First ascertain that the place is a public place. (See definition of “public place” and also see the extended definitions of public places in appendix D6.)

- Ensure entry is made only when it is open to the public.

- If parts of a place are not open to the public, the other available powers of entry would have to be used if it is necessary to enter these parts of the place, e.g. at a business open to the public, behind the counter is normally not part of the public place.

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C.4.3.3 Entering with a warrant (s129)

Biosecurity Officers are to liaise first with their Principal Biosecurity Officer and then with the Principal Investigations Officer (DAF)

Power of entry under warrant (ss126 - 128)

The ACPA provides for the application for and issue of a warrant to enter a place, if it is established there are reasonable grounds to do so.

There are only two grounds for entry under warrant (s127). A warrant will only be granted if the inspector can satisfy the magistrate or the justice of the peace (qualified) that there is reasonable grounds for suspecting there is:

- a need to enter the place for which the warrant is sought to relieve an animal in pain at the place; or

- a particular animal or other thing or activity [the "evidence"] that may provide evidence of an offence against the ACPA, and the evidence is at the place, or within the next 7 days may be at the place.

Application for warrant (For DAF s126)

An inspector may apply to a magistrate or a justice of the peace (qualified) for a warrant for a place. Commissioners for Declarations cannot issue warrants under the ACPA, and an application cannot be made to a justice if the justice is employed by the same organisation as the inspector. The Investigations Unit (DAF) will oversee obtaining warrants.

An application must be sworn and state the grounds on which the warrant is sought.

An application may be refused until the inspector provides all the information required by the magistrate or the justice, e.g. the magistrate or justice may require additional information supporting the application to be given by statutory declaration.

Locating a magistrate or justice of the peace (qualified)

Magistrates can be found at Magistrates Courts Offices located in larger towns and cities. To contact the magistrate, it may be necessary to telephone the clerk of the court and arrange an appointment.

Justices of the peace (qualified) may also be found in Magistrates Courts Offices and, in most cases, the clerk of the court will be a justice of the peace (qualified). If not, the Clerk of the Court will advise you where you can locate a justice in your area. Alternatively, inspectors can ask local police for a list of local justices or contact the Department of Justice and Attorney-General.

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Completion of documentation

The following forms are required to be completed by an inspector, when seeking a warrant.

- Application for Warrant to be completed in duplicate, the original goes to the magistrate or justice, a copy is retained by the inspector.

- Warrant to Enter to be completed in triplicate, the original is kept by the inspector for entry, a copy goes to the magistrate or justice, a copy is for service on the occupier.

The attitudes of magistrates or justices vary in relation to the content of the *Application for the Warrant to Enter*. Some are very formal and require information in the application to be in great detail, whilst others may only desire basic details. In both cases, the magistrate or justice may seek further information — such as the production of a complainant's or witnesses statement, possibly in statutory declaration format or declared under the Oaths Act and ask the inspector questions whilst under oath.

Additional documentation

If the magistrate or justice is presented with a statutory declaration or a written statement in support of the warrant application, only a copy should be provided for them to keep, and the original retained by the inspector for any court proceedings.

Application for Warrant to Enter to be sworn

The Application for the Warrant to Enter must be sworn before the magistrate or justice. The inspector will have to take an oath or affirmation, and swear or affirm the accuracy of the document. Additionally, any statement (written or verbal) that the inspector makes to the magistrate or justice is also under oath and must be accurate.

It is highly likely that anything told to the magistrate or justice verbally will be noted by them, either during or after the application is made. . Should the issue of the warrant later be contested in court, the magistrate or justice may produce any notes they made at the time of the application. Any presiding magistrate is likely to take the word of the other magistrate or justice over that of the inspector with respect to what was said.

Note: In all cases, the inspector will need to establish a link between the animal in pain or an offence, and the place to be entered – to the satisfaction of the magistrate or justice.

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Refusal to issue Warrant to Enter

If a magistrate or justice refuses to issue a Warrant to Enter, it is likely that they will write "refused" across the application and bring such refusal to the attention of the inspector's supervisor. That is the procedure that justices of the peace (qualified) are advised to follow when rejecting an application.

Should an application for a warrant to enter be refused, it is not ethical to simply go and try another justice. If further information is obtained by the inspector about the animal in pain or about an offence, it should be brought to the attention of the same justice to strengthen the case for the issue of a warrant in a fresh application.

Execution of warrant

A warrant can only be executed by the inspector[s] named in the warrant.

The warrant will state the address of the place and either the type of animal that is suffering (s127(1)(a)), or the offence for which the warrant is sought (s127(1)(b)).

The warrant will also state the evidence that may be seized under the warrant, and the times of day it may be executed and the expiry date.

Special warrants (s128)

Under special conditions (e.g. urgent welfare situations or remote locations), an application for a "special warrant" by telephone, fax, radio or other form of electronic communication may be made.

The inspector will still need to satisfy grounds for the issue of a warrant, and these will only be granted subject to the conditions outlined in s128 "Special warrants".

Inspectors in remote areas should be aware of contact telephone or facsimile numbers of local Magistrates Courts Offices and other places where a magistrate or justice of the peace (qualified) may be located.
Inspectors must comply with s129 *Warrants-procedure for entry.*

Warrants – Procedure for entry (s129)

This section applies where an inspector is entering a place under warrant, and the occupier of the place is present.

Before entering the inspector must make a reasonable attempt to:

- produce or display his/her identity card for the occupier's inspection;
- show the occupier the original warrant and give the occupier a copy of the warrant (never give the original copy, it may be required for court proceedings);
- tell the occupier the inspector is permitted by the warrant to enter the place;
- give the occupier an opportunity to allow the inspector immediate entry to the place without using force.

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However, an inspector need not comply with the above, if the inspector reasonably believes that he/she must enter the place immediately to ensure the effective execution of the warrant.

A warrant should never be defaced, and should be kept in a safe and secure place in case of future court proceedings or investigations conducted on a later official complaint.

After the warrant has been executed, it should be endorsed on the rear of the original document to say it has been executed. *(I have executed the warrant at [time] on [date], name and signature of inspector.)*

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C4.3.4 Entering to check compliance with an animal welfare direction

Entry Power (s122(1)(d)
Entry Procedure (s125)

- Confirm that there are grounds for entry, namely, that:
    - the animal welfare direction did state a time or interval at which an inspector would re-enter the place to check compliance with the direction;
    - the time you intend to enter is consistent with the time or interval stated on the direction.
- As a general rule, the inspector should have made arrangements at the time of issuing the animal welfare direction for the person or a representative to be present when checking compliance. However If the occupier is not present you have the power to enter.
- Confirm if anyone present at the place is the occupier.
- If occupier is present, introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.
- Tell the occupier the purpose of the entry.
  e.g. I am here to check the compliance with this animal welfare direction (show copy of direction) *that I issued to you on (date). I said in the direction that I would be back on this date to check on whether you have complied with the direction.*
- Tell the occupier you can enter without their consent or a warrant.
  e.g. Under the Animal Care and Protection Act I am allowed to come back and enter your place to check compliance without your consent or a warrant. Do you understand that?

COMMENTS

1. If you intend to enter using this power, you must follow this procedure in all circumstances when a person is present regardless of any prior agreement by the person.
2. Do not first ask for consent to enter, advise the occupier of the purpose of the entry, following the above procedure.
3. If the occupier is not present, you don't have to follow this procedure. You have the power to enter.
4. If other people are present who do not claim to be the occupiers, they should be advised of the purpose of your visit, following the above procedure.
5. The inspector who issued the original animal welfare direction may be different from the inspector who is re-entering to check compliance. In this case, the latter inspector needs to have a copy of the original direction and, following the above procedure, clarify who he/she is and what the purpose is.

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6. If you are taking a vet or other assistant, you must introduce them and explain their capacity and your right to take them on to the property, at the same time when you are introducing yourself.

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C.4.3.5 Entering for severe injury

(i) an animal at the place has just sustained a severe injury; and
(ii) the injury is likely to remain untreated, or untreated for an unreasonable period

Entry Power (s122)(1)(e)
Entry Procedure (s125)

- Confirm if anyone present at the place is the occupier.

- If no occupier is present, you can enter the place without any further procedure. You should later document your grounds for entry.

- If occupier is present introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an Inspector appointed under the Animal Care and Protection Act. This is my identification card.

- Tell the occupier the purpose of the entry.
  e.g. I have a report that a dog at this place has just been beaten badly and is severely injured and is tied up in your back yard, without any sign of it getting treated for its injury. I intend to investigate this incident.

- Tell the occupier you can enter without their consent or a warrant.
  e.g. Under the Animal Care and Protection Act I am allowed to enter and investigate this report without your consent or a warrant.

Comment

1. If you intend to enter using this power, do not first ask for consent to enter, knowing you can use this power if consent is refused. Use this power from the beginning.

2. The grounds for entry under this provision require that **all** aspects are satisfied, i.e. you must have reasonable suspicion that the injury has just happened, that it is a severe injury **AND** that it is likely to remain untreated for an unreasonable period.

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C.4.3.6 Entering for imminent risk or death or injury
Entry Power (s122)(1)(f)
Entry Procedure (s125)

- Confirm if anyone present at the place is the occupier.

- If no occupier is present, you can enter the place without any further procedure. You should later document your grounds for entry.

- If occupier is present, introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.

- Tell the occupier the purpose of the entry.
  e.g. I have information that there are a number of cattle bogged in a dam on this place, and that they have been bogged at least 2 days and they are likely to die unless something is done about it very soon. I intend to investigate this.

- Tell the occupier you can enter without their consent or a warrant.
  e.g. Under the Animal Care and Protection Act, I am allowed to enter and investigate this without your consent or a warrant.

Comment

1. If you intend to enter using this power, do not first ask for consent to enter, knowing you can use this power if consent is refused. Use this power from the beginning.

2. The grounds for entry under this provision require that **all** aspects are satisfied, i.e. you must have reasonable suspicion that there is risk of death or injury **AND** that death or injury is imminent and that it resulted from an accident or an animal welfare offence.

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C.4.3.7 Entering for concealment, death or destruction

Procedure for entry where an inspector reasonably suspects that any delay in entering the place will result in the concealment, death, or destruction of anything at the place that is:

(i) evidence of an animal welfare offence against the ACPA; or
(ii) being used to commit, continue or repeat, an offence .

Entry Power (s122)(1)(g)
Entry Procedure (s125)

- Confirm if anyone present at the place is the occupier.

- If no occupier is present, you can enter the place without any further procedure. You should later document your grounds for entry.

- If occupier is present introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.

- Tell the occupier the purpose of the entry.
  e.g. I have information that a litter of kittens has just been drowned at this property and these kittens are now in a bag in the boot of a green Falcon sedan. I believe the drowning of kittens is an offence under the Animal Care and Protection Act. I suspect the kittens are about to be disposed of. I intend to investigate this immediately to prevent this evidence of the offence being destroyed.

- Tell the occupier you can enter without their consent or a warrant.
  e.g. Under the Animal Care and Protection Act I am allowed to enter and investigate this without your consent or a warrant.

Comment

1. If you intend to enter using this power, do not first ask for consent to enter, knowing you can use this power if consent is refused. Use this power from the beginning.

2. The key aspects of the grounds for entry under this provision are the “reasonable suspicion” and the “delay” elements. That is, the inspector must have credible information to establish reasonable suspicion — both for the offence and the potential for delay to result in the concealment, death or destruction of evidence of the offence, or something used in the offence.

   e.g. in the above scenario, the inspector must have reliable information that the kittens were drowned and were also in the boot of the car, and that there was a real possibility that they were about to be disposed of. The provision has tight standards, e.g. “**any** delay”.

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C.4.3.8 Entering to provide relief to animals

Entry Power & Procedures (s123)

- Confirm that there is no-one at home at the place, or that if there is someone there, that this person is not the person in charge of the animal (see definition “person in charge”).
- Confirm the animal is not in the residential part of the place.
- Enter the place and do what is necessary to be done in relation to the lack of food, water or entanglement.
- Do not stay any longer than necessary to do the above.
- Before leaving, complete a Notice of Entry form and leave the original copy in a conspicuous and secure place.

Comments

1. If it was found upon entry that the animal had food, water and was not entangled, the Notice of Entry form should reflect that no action was necessary.
2. Entry under this provision only allows action to be taken in relation to providing relief to the food, water or entanglement problem. It does not allow the inspector to use general powers for entry (s137). However, an inspector can seize an animal under s142 and s144, or destroy the animal under s162, if there are adequate grounds for these actions.
3. If, while providing relief under this provision, an inspector observes evidence which would allow lawful entry under s122(d) to (g) (entry without consent or a warrant), then the inspector may remain on the property and investigate the incident using the general powers for entry under s137. It is essential to clearly document evidence that changes the inspector’s response from providing relief to an investigatory mode.

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C.4.3.9 Staying at a place after consent to enter has been withdrawn

Entry Power (s122)(1)(e) to (g)
Entry Procedure (s125)

- Produce or display your ID card.

- If the person withdrawing consent is not the same person who gave consent, introduce yourself.

- e.g. *My name is (name). I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.*

- Confirm that the different person revoking consent is an occupier and therefore has the capacity to withdraw consent. If not an occupier, explain your powers to stay on the place (because of the original consent given by the occupier).

- In all instances where consent has been legitimately revoked, tell the person your new power to enter and stay at the place, following the requirements from s125, that is, you must tell the occupier:

  - your new purpose of entry
  - that you are permitted to enter without the occupier's consent or a warrant.

  e.g. *I acknowledge that you are telling me to leave. However since I have been here, I have seen these cattle bogged in your dam which have been there so long that, in my opinion, they are close to death. Under the Animal Care and Protection Act, this is grounds for me to enter and stay here without the need for your consent or a warrant. I intend to stay here now and deal with the welfare of these cattle and to investigate any possible animal welfare offence.*

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C4.4 Power of entry to a vehicle

Entry Power (s130)

Inspectors have the power to enter a vehicle:

- with the consent of the person in control of the vehicle;
- if the person in control has been given an animal welfare direction, and entry is made at a stated time to check compliance with the direction;
- if the inspector reasonably suspects that the vehicle is being, or has been, or is about to be, used in the commission of an animal welfare offence;
- if the inspector reasonably suspects that the vehicle, or an animal, or something in it, may provide evidence of an offence;
- if the inspector reasonably suspects that there is imminent risk of death or injury of an animal in or from the vehicle because of an animal welfare offence;
- if the inspector reasonably suspects that it is necessary to relieve an animal in pain or prevent an animal suffering pain, in the vehicle.

Note that the powers of entry to a vehicle and to a place are clearly differentiated under the ACPA. Therefore, even if an inspector has lawfully entered a place, he/she must make separate lawful entry to a vehicle on that place, if entry to the vehicle is required.

In order to facilitate entry to vehicles, inspectors may direct the person in control to stop the vehicle (other than a train or an aircraft) if it is moving, or about to move, by signalling a “stop signal” (s132 “Power to stop vehicle that may be entered").

The power to stop a vehicle can only be used after the grounds for entry to that particular vehicle have been established. That is there is **no** power to require a vehicle to stop on a random basis.

Similarly, if an inspector requires assistance in entering the vehicle from the person in control, the inspector can require that person to give reasonable assistance (an “entry requirement”) (s134 “Power to require help to enter from person in control”). In giving an entry requirement, the inspector must give the person an offence warning, i.e. that it is an offence not to comply with the requirement unless they have a reasonable excuse.

- e.g. Identify yourself: *My name is (name). I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.*
- Outline the reason of why you want to enter the vehicle e.g. *We’ve had a report that there is a dog in this car. Would you please unlock the car so that I can enter it to inspect the animal?*
- Driver: *No, I’m not going to.*
- Inspector: *I need you to unlock this vehicle so I can enter to examine the animal. I am now requiring you to unlock it immediately. You should know that it is an offence not to comply with this requirement, unless you have a reasonable excuse.*

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C.4.5 Procedures for entry to a vehicle

C.4.5.1 Entering with consent

Entry Power (s130)(a)
Entry Procedure - There is no specified procedure in the ACPA. Below is a suggested entry procedure.

- Locate the person/s in control of the vehicle.
- Confirm by questioning that they are in control of the vehicle.
- Introduce yourself and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.
- Introduce any other person accompanying you.
  e.g. This is (name), she is a veterinarian from the RSPCA.
- Outline the reason of why you want to enter the vehicle
  e.g. We've had a report that these cattle were not fit for transport and taken to the saleyard. I would like to check your waybill book.
- Seek consent
  e.g. Is it all right for me to open your truck to check for the waybill book?

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C.4.5.2 Entering without consent (s131)

There are two situations:

(a) Where a person in control of a vehicle or someone else associated with the vehicle is present.
(b) Where no-one is present at the vehicle.

Where someone is present

- Confirm the capacity of the person.
  e.g. are they the person in control or an occupier of the vehicle?

- Introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.

- Introduce any other person accompanying you.
  e.g. This is (name), she is a veterinarian from DAF/RSPCA.

- Outline the reason of why you want to enter the vehicle
  e.g. We've had a report that this van has a dog in the back.

- Seek consent to enter the vehicle, but tell the person that, under the ACPA, you are permitted to enter the vehicle without their consent.
  e.g. I'm asking for your agreement so that I can open this van, but I have to tell you that under the Animal Care and Protection Act, I am able to do this without your consent.

- If the person has refused consent, just reinforce to them that you have the authority to do so without their consent, and go ahead and make entry.

When someone is not present

- Confirm that nobody associated with the vehicle is present.

- Make inquiries as to the whereabouts of the person in control of the vehicle, or the registered operator of the vehicle, and advise these people of your intention to enter the vehicle. However if the attempts to locate these people would unreasonably frustrate or hinder the investigation, then there is no need to do so.

- If the grounds for entry under s130(b) and (c) are satisfied, simply enter the vehicle and exercise the necessary powers.

Comment

The registered operator can be ascertained through the Police or Queensland Transport.

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C.4.5.3 Requiring reasonable help to enter a vehicle

Entry Requirement Power & Procedures (s134)

- Locate the person/s in control of the vehicle.
  Confirm by questioning that they are in control of the vehicle.

- Introduce yourself and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector appointed under the Animal Care and Protection Act. This is my identification card.

- Outline the reason of why you want to enter the vehicle
  e.g. I have observed a dog in the car which is panting and appears to be heat stressed. The vehicle is locked and I require you to unlock the vehicle so I can assess the welfare of the dog.

- Inspectors should always explain the help they need and try the approach of requesting the help before making a help requirement

- When making a help requirement, the inspector must give the person an offence warning.
  e.g. *"I now require you to unlock the vehicle. I have to warn you that it is an offence for you not to comply with this requirement, unless you have a reasonable excuse."*

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C.4.6 Procedures for general powers after entry to a place or vehicle

The ACPA provides general powers in (s137) to help make entry and to undertake an appropriate investigation, but does not specify any procedures.

C.4.6.1 Requiring reasonable help

Power and procedure (ss138 - 139)
e.g. to produce a document or give information. The help requirement must only be in relation to excising a power and must be reasonable.

The preferred[3] approach is a 3 step process:

Step 1:

Inspectors should always explain the help they need and try the approach of requesting the help before making a help requirement.

If there appears to be any doubt, ask the person if they understand what is being requested of them.

If the person is still uncooperative after requesting their help, the suggested approach is to ask them why they will not help and see if their reasons are reasonable.

Step 2:

If you think their reasons are not reasonable, explain this to them and also explain to them your powers to require their help and the consequences of not complying.

e.g. *"So far I have been **asking** you. Under the Animal Care and Protection Act I can **require** you to (… the help required …) if I do, it is an offence if you refuse, unless you have a reasonable excuse. The reasons you have given me so far are not reasonable. Do you understand that if you refuse to (… the help required) …) I will no longer be **asking**, I will be **requiring** – you can commit an offence if you still refuse? Do you understand what I am saying?"*

(N.B. You should be aware that the approach above is only an explanation of the law on help requirements – it is not actually making a help requirement. That is the next step if the person still refuses the help).

Step 3:

If the person still refuses the help and you believe any reason given is clearly not a reasonable excuse, then make a help requirement. This power requires the issue of an offence warning. **Without this step you have not given the help requirement.**

e.g. *"I now require you to (… the help required …). I have to warn you that it is an offence for you not to comply with this requirement, unless you have a reasonable excuse."*
If the person still refuses the help requirement, always ask them the reason. The extent to which you will attempt to resolve the reasonableness of their reason will then depend on the circumstances.

[3] As stated, this is the preferred approach. However there may be circumstances in which it is necessary to more directly make a help requirement without following the full and more cooperative approach here.

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C.4.6.2 Requiring a person in control of vehicle to take action

Power and Procedure (ss140 - 141)

e.g. to take a vehicle and/or an animal in the vehicle to a specific place.

Inspectors should always explain the help or action they need, and try the approach of requesting the action before making a help requirement.

This power requires the issue of an offence warning for failure to comply. Inspectors should use the following standard warning.

I have to warn you that it is an offence for you not to comply with this requirement, to take this truck load of cattle to the trucking yards unless you have a reasonable excuse.

C.4.7 Procedures for seizure (ss142 - 153)

General considerations

The ACPA provides the authority for the seizure of animals and other things, as evidence or to alleviate animal suffering.

Seizure raises a number of problematic issues, and as a general principle, the seizure of an animal should be a last resort action. Wherever possible, the inspector should attempt to have the owner address the welfare of the animal(s).

The seizure of animals, whether for evidence or to alleviate pain and suffering, can also create management and resource problems for the enforcement agency. Once animals are seized, the agency has primary responsibility for providing food, shelter, treatment, etc. (unless delegated by way of an animal welfare direction). Inspectors should consider the resource implications and confer with management where large numbers of animals are involved.

The costs associated with seizure of animals and property, are recoverable regardless of whether the case proceeds to prosecution. Inspectors should routinely detail all costs associated with seizure in investigation file records. Inspectors should also minimise the period of any seizure to in turn minimise any cost liability on the owner of the animal.

Inspectors should note that things/animals seized remain the legal property of the original owner until otherwise determined.

Individuals are able to seek compensation for the inappropriate seizure of things or animals.

Because of the above considerations strict quality control is necessary for seizure decisions. All DAF inspectors must within 7 days after a seizure and for RSPCA the same day or as soon as practicable forward a copy of the seizure receipt and information notice for quality control purposes as per the agencies internal procedures.

Where animals die or are euthanased, (other than where seizure was for the purpose of euthanasia under s162), or incur significant injury while under seizure, all inspectors (DAF and RSPCA) must at their earliest opportunity notify their agency's Complaints Coordinator (RSPCA) and Principal Biosecurity Officer for (DAF). The agency's Senior Inspector

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Compliance (RSPCA) or Principal Biosecurity Officer (DAF) will then decide what [if any] notification needs to be provided to the owner of the animals.

Establish the correct grounds to seize

Seizure for evidence (s142)

The appropriate grounds are that the inspector must:

- reasonably suspect that the animal or thing is evidence of an offence against the ACPA; or

- reasonably believe the seizure is necessary to prevent it being:

  —destroyed, hidden or lost; or
  —used to commit, continue, or repeat, an offence; or

- reasonably believe the animal or thing has just been used in committing, or is the subject of, an animal welfare offence; or

- have the written consent of the person in charge of an animal or the owner or person in possession of another thing.

Despite the above provisions, if entry to the place is by consent, the power to seize a thing as evidence at the place is only lawful if the seizure is consistent with the purpose of entry, as told to the person when seeking consent. However, the general power to seize evidence does not limit the power to seize for the welfare of an animal, as described below.

Where an inspector enters a place with a warrant, the inspector may only seize the evidence that is consistent with the evidence details outlined in the warrant application.

The need to seize and hold an animal as evidence until the proceeding will be extremely rare. Usually, by the time offence proceedings are undertaken, the animal is likely to have received treatment and recovered, and evidence of the offence can be provided instead through inspector's and experts' reports and photographs, etc. Therefore inspectors need to be careful in identifying the correct grounds for seizure. Inspectors **must not seize an animal for evidence unless** there is a genuine need to gather evidence through further assessment of the animal or there is a genuine intention to keep the animal to produce it for evidence in court, which, as stated above, would be extremely unlikely.

Seizure for the welfare of the animal (s144)

The appropriate grounds are that the inspector must reasonably believe that the animal;

- is under imminent risk of death or injury; or

- requires veterinary treatment; or

- is experiencing undue pain;

and

- the interests of the welfare of the animal require its immediate seizure.

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This means other avenues for addressing the welfare needs of the animal must be considered before resorting to seizure.

Other grounds are if a welfare direction or a court order about an animal has been or is being contravened.

C.4.7.1 Giving a receipt and information notice for seized property (s150)

An inspector must, as soon as practical after seizing an animal or thing, provide the person, from whom the animal or thing was seized, with a receipt and information notice for the seized property.

The receipt must:

- describe the animal or thing seized;
- describe the condition of the animal or thing seized;
- be accompanied by an information notice about the decision to make the seizure.

In situations where the reasons for seizure may be complex, it may be prudent to tell the person you will be providing a receipt and information notice as soon as possible. This may allow you to complete the information notice properly under less pressure for example to go out to your car for privacy and to make a discreet phone call to obtain legal advice if necessary. However the ACPA requires that you stay in the vicinity of the place.

Seizure receipts and information notices are not required where the:

- owner provides written consent for the seizure;
- inspector believes there is no-one in possession of the thing or it has been abandoned; Even though the ACPA specifies that this is not necessary, it is prudent to leave an information notice and seizure receipt.
- seized thing is not an animal, and it is unreasonable to expect the inspector to account for the thing, given its nature, condition and value.

If the person in charge of the animal or in possession of the thing is not present at the time of seizure, the receipt should be left in a conspicuous and secure position.

Inspectors should routinely refer people to the process for seeking review of the decision to seize, as detailed on the bottom of the form
e.g. *"Your review rights in relation to this seizure are explained here at the bottom of this form".*
If requested, the inspector should inform individuals of their rights in relation to access to seized property, and the possible outcomes in relation to the return of seized animals and property.

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RTI Act 2009

C.4.7.2 Giving a "seizure direction" (s146)

An inspector may issue a seizure direction to enable an animal or thing to be seized. The seizure direction is not the legal means of seizing. It is only an additional mechanism to help the inspector to physically effect the seizure.

The direction may require the person in charge of the animal or thing to:

- take it to a stated reasonable place by a stated reasonable time;
- remain in control of it, at the stated place for a reasonable time.

A direction must be issued on the approved *Seizure Direction* form, or if given verbally, must be confirmed in writing as soon as practicable.

Wherever the circumstances allow, inspectors should first ask the person to carry out whatever needs to be done to effect seizure on a cooperative basis.

If a seizure direction is necessary, inspectors should routinely provide an offence warning (although this is not specifically required by the ACPA) for failure to comply with the direction, *e.g. I wish to warn you that it is an offence for you not to comply with this direction, unless you have a reasonable excuse.*

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RTI Act 2009

What can be done with seized animals or things (s148)

Having seized an animal or thing an inspector may do one or more of the following (s148):

- move it from the place from where it was seized;
- leave it at the place of seizure but restrict access;
- for equipment, make it inoperable;
- for an animal:
  - take it to an appropriate place;
  - provide appropriate accommodation, food, water, etc;
  - provide veterinary treatment;
  - if an animal welfare direction has been issued, take action to ensure the direction is complied with.
- An inspector may also destroy seized animals, if they reasonable believe that the animal is in pain to the extent that it is cruel to keep it alive (See Section C.4.8.4).

Allowing access to seized animals or things (s151)

The ACPA provides specific requirements for access to seized property until the animal/thing is forfeited or returned to the person from whom it was seized. Inspectors should be aware of the obligations for access to seized property and comply with any lawful requests (s151).

C.4.7.3 Returning seized property

There are specific requirements for the return of seized animals and other things, which must be strictly adhered to.

Return of seized animals (s152)

A seized animal must be returned to the person entitled to possession of the animal within 28 days, unless:

- the animals are voluntarily surrendered;
- the animal has been forfeited to the State;
- there is an application to the court for a disposal or prohibition order;
- continued retention of the animal is needed as evidence for a proceeding for an offence involving the animal;
- an animal welfare direction, given in relation to the animal, has not been complied with and the inspector is taking action to ensure the direction is complied with;
- the inspector reasonably believes the animal's condition may require its destruction.

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It is most unlikely that an animal will have to be retained for evidence in court, so as soon as the animal is no longer needed for the gaining of evidence, it must be promptly returned.

An inspector can return a seized animal, subject to the conditions of an animal welfare direction.

Before any seized animal is returned to its owner, Inspectors should arrange for it to be examined by a veterinarian to confirm its health status. Inspectors should advise the vet of the purpose of the examination and request the vet to keep appropriate records.

Return of seized things other than animals (s153)

A thing other than an animal that has been seized must **generally** be returned within 6 months unless:

- the thing has no intrinsic value;
- the ownership of the thing has been surrendered;
- the thing has been forfeited;
- a disposal order has been made in relation to the thing;
- a prosecution proceeding has been commenced within 6 months and the thing is needed for evidence (in which case it must be returned at the end of the proceeding and appeal, unless the court has ordered its disposal).

If the thing was seized for evidence, but is no longer needed as evidence, it must be promptly returned unless the inspector is satisfied:

- its retention is necessary to prevent the thing being used to continue or repeat the offence; or
- it is not lawful for the person to possess the thing.

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RTI Act 2009

Acknowledging return of seized property

Whenever an inspector returns a seized animal/thing, the inspector should attempt to get the person, to whom the property is being returned, to sign an *Acknowledgment of Return of Seized Animals* form.

Written consent to seizure – procedure for agreeing to transfer of ownership (s142(2)(b), s142(3) and s156(2)).

Where the owner of an animal or a thing has given written consent to the seizure and also agreed to transfer ownership, the transfer of ownership only occurs after someone from the relevant agency has agreed in writing to the transfer.

- The RSPCA procedure for this is for an inspector to sign to this agreement for the RSPCA on form "Written consent to seizure".

- The DAF procedure is

  - The Manager Operations, Manager (Investigations) or a Principal Biosecurity Officer are able to sign to this agreement for the State for values (total of the estimated value of the animal/thing and the estimated cost of its transporting, caring and eventual disposition) up to $5,000.

  - for values from $5,000 to $30,000 the Director (Animal Biosecurity and Welfare) Manager (Strategy and Legislation) or the General Manager (Animal Biosecurity and Welfare) must sign

The option of transfer of ownership should only be considered in situations where it is essential to the resolution of the welfare incident. Inspectors should consider the need to consult management before exercising this option.

The disposition of animals whose ownership has been transferred to either the state or RSPCA should be handled in accordance with agency guidelines.

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RTI Act 2009

Voluntary Surrender of Animals

- If during an investigation a client decides their best option is to surrender the animal, usually the only way this can be done, where it involves the inspector is through the written Consent to seizure/transfer of ownership process under s142 and s156. Section 214A can be used where an inspector has entered a place under chapter 6, part 2 and the owner of an animal agrees to transfer ownership of the animal to the State and that it is to ensure the animal's welfare. The animal then becomes the property of the State when the chief executive or entity agrees in writing to the transfer. For DAF this must be approved by the Principal Biosecurity Officer or Manager Operations and for RSPCA this must be approved by a Senior Inspector.

.
The surrender process normally applying at a shelter is **not appropriate** as part of a complaint investigation.

However for RSPCA, where the initial investigation shows that there were no grounds for seizure under the ACPA and there is no intention of exercising further powers in relation to the matter, but the person wants to surrender the animals anyway, than the normal RSPCA surrender process may be applicable.

C.4.8 Animal welfare directions (ss158- 161)

General Considerations

Animal welfare directions are designed for the timely resolution of significant animal welfare issues. The requirements of a direction should be reasonable, realistic, specific, understandable and attainable.

Generally, an inspector should always return to check that the direction has been complied with. As a general principle then, if the inspector feels there is no need to check compliance, then the issuing of a direction is probably not necessary in the first place.

Given the need to check compliance, it follows that to the extent possible, animal welfare directions should be of a nature that allows for objective assessment of the extent of compliance.

Factors for inspectors to consider prior to issuing a direction:

- Is the direction you are issuing both **necessary and reasonable for the welfare of the animal**? (that is the matter can't be addressed with confidence without the need for an animal welfare direction.)
- Can the matter be handled by education or negotiation? If it is a significant incident and it is one that can't be addressed through education then issue an animal welfare direction.
- Is the matter serious enough to require a direction?
- What is the intention and/or ability of the person to comply with the direction?
- The need to build in reasonable timeframes to achieve compliance with requirements.
- The obligation of the inspector to check compliance with all directions issued.
- What are the resource implications for the agency if the direction is not complied with?
- The cost implications to the individual in complying with the direction. Where cost implications are significant, confer with management prior to issuing the direction.

Where the requirements of a direction are of a technical nature, the inspector issuing the direction should have or source the required technical expertise.

In particular where detailed feeding regimes are to be required in a direction inspectors should source recognised technical reference material or consult with an appropriate specialist.

Inspectors have the power to re-enter properties at a stated time or intervals to monitor compliance with the direction. Direction conditions should have the flexibility to ensure adequate monitoring. The date(s)/intervals for returning to check compliance should be

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negotiated with the person to the greatest extent possible. In particular, arrangements should be made for the person or a representative to be present when checking compliance, whenever possible.

Situations have occurred in the past where animals under a direction have been moved from the place where the direction was originally issued to a new place.

Because entry to a place to check compliance with a direction refers to the place nominated on the direction and is dependent on the person being an occupier of the place. Inspectors should routinely insert the following condition in the requirements section of the direction schedule.

"**The animals to which this direction applies must not be moved from the above address without the authority of an inspector**."

The above condition will ensure animals cannot be moved without first notifying an inspector. A person who moves animals without an inspector's authority will fail to comply with the direction and so will commit an offence under s161 of the ACPA.

Where animals are moved with authority an inspector should amend the existing direction to apply to the new place or if circumstances have changed, review the situation and issue a new direction if necessary.

Where animals are moved without authority, and the inspector can locate the animals, either seek consent of the occupier to verify the condition of the animals and either amend or issue a new direction as above.

In some instances it may be necessary to obtain a warrant to inspect the animals at the new address. The reasons for obtaining a warrant will relate to moving the animals without authority and therefore failure to comply with the animal welfare direction.

Inspectors should always explain the provisions of the direction, and warn the person that it is an offence to fail to comply with the direction, unless the person has a reasonable excuse.

The inspector should, where possible, negotiate a commitment from the person in charge and be confident of their ability to comply with the direction.

Where an inspector issues a direction requiring ongoing compliance checks at regular periods, the direction should be issued for a specified period. [For example "*compliance checks to be undertaken fortnightly until June 2005"*.]

This provides the inspector with a definite date to determine the level of compliance and the need for any further regulatory action and provides the client with a specified timeframe for compliance monitoring.

When compliance monitoring ceases, the client should be provided with written confirmation that the direction is no longer in force and that monitoring will no longer be undertaken.

Where Directions are issued in areas where codes of practice are available, inspectors should always supply the relevant codes of practice to the person. Although animal welfare

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RTI Act 2009

directions aim to address potential animal welfare incidents before they progress to cruelty, the issue of a written direction does not preclude further legal action under the ACPA.

C.4.8.1 Procedures for issuing an animal welfare direction

(a) Establish the correct grounds (s158).

An inspector may issue a direction where the inspector reasonably believes:

- a person has committed, is committing, or is about to commit an animal welfare offence under the ACPA, or

- an animal
  - is not being cared for properly; or
  - is experiencing undue pain and suffering; or
  - requires veterinary treatment; or
  - should not be used for work.

Directions can also be issued if an animal has been seized under the ACPA.

(b) Decide the content of the direction (s159(1) and (3)).

The direction may require (but is not limited to):

- caring for or treatment of the animal in a stated way;

- providing the animal with certain food, water, rest, accommodation or other living conditions;

- seeking veterinary attention before a stated time;

- moving the animal to a stated place, for a purpose mentioned above;

- not to move the animal from a stated place.

An over-riding consideration is that action can only be required under a direction if the inspector considers it to be **necessary** and **reasonable** in the interests of the animal's welfare (s159(4)). This implies that other means of resolution should be first considered and ruled out.

The direction may also state how the person given the direction may show that they have complied with the direction, e.g. by requiring the person to produce a veterinary certificate, confirming there has been consultation with a veterinarian. Remember to try to frame the requirements in the direction to allow for objective assessment later as to whether the direction has been complied with. For example where a veterinary consultation is required, word the direction to require the person to carry out the recommendations of the veterinarian who was consulted.

In developing the direction, discuss the requirements with the person involved and attempt to gain their agreement that the requirements are reasonable and that they are able to and will comply with them. Similarly, negotiate on other key aspect – e.g.

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dates for checking compliance. While every attempt should be made to negotiate and obtain agreement, inspectors should not allow a lack of cooperation to frustrate their issuing of a direction.

The financial cost of complying with a direction in large scale incidents can be substantial for the parties involved; Inspectors considering issuing a direction in these circumstances must first confer with management through their Principal Biosecurity Officer /Chief Inspector.

(c) Follow the requirements for giving an animal welfare direction (s160).

An animal welfare direction must:

- be on an approved form;
- describe the animal in a way that allows the person being given the direction to identify it; or
- if the direction is being given because the inspector reasonably believes a person has committed, is committing, or is about to commit an animal welfare offence — document the type of offence involved; and
- state each requirement and a time for the person to comply with each requirement; [Note that a person has up to midnight on the compliance date to comply with the direction. Therefore the date of any compliance check must be at a later date]. And
- include an Information Notice about the decision to give the direction.

The approved form is designed to capture all the above information. The form will not be lawfully completed unless the above information is documented.

(d) Giving oral directions (s160(2)).

If an inspector considers it is in the interests of the animal's welfare to give a direction immediately ,and it is not practical to issue a written direction, the direction may be given orally and confirmed in writing as soon as practicable. If a direction is issued orally the inspector must give the person an offence warning.

Note the date of issue documented on the animal welfare direction must reflect the date the direction was issued orally.

The warning should be:

I have to warn you that it is an offence for you not to comply with my direction, unless you have a reasonable excuse.

(e) Serving animal welfare directions (s159(2)).
The direction may be issued to:

- a person in charge of the animal;
- a person whom the inspector reasonably believes is in charge of the animal;

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RTI Act 2009

- a person who was immediately in charge of the animal before seizure;

- a person whom the inspector reasonably believes was in charge of the animal before seizure.

The mode of serving animal welfare directions should be consistent with the requirements of the *Acts Interpretation Act 1954,* as outlined in Appendix D 8.

When serving animal welfare directions (other than by post), inspectors should routinely:

– Explain each requirement in the direction and get acknowledgement from the person that they understand it, and attempt to get their agreement that it is necessary and reasonable and that they are able to and will, comply with it (note that gaining agreement to comply does not remove the need to check compliance).

– Explain the details of dates for checking compliance.

– Point out their review rights (e.g. "*your review rights in relation to this direction are explained here at the bottom of the form*")

– Explain that it is an offence for them to fail to comply with the direction, unless they have a reasonable excuse. Also consider explaining other possible consequences of non-compliance, e.g. seizure.

– Ask the person if there is anything they are not clear about.

– Ask the person do they have any other questions.

– Where animal welfare directions refer to condition scoring of animals, Inspectors should explain the condition scoring system which was used and give the client a copy of condition scoring sheets.

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C.4.8.2 Procedure for entry to check compliance with an animal welfare direction (s125).

Entry Power (s122(1)(d)
Entry Procedure (s125)

- Confirm that there are grounds for entry, namely, that:
  - the animal welfare direction did state a time or interval at which an inspector would re-enter the place to check compliance with the direction;
  - when you intend to enter is consistent with the time or interval stated on the direction.

- As a general rule, the inspector should have made arrangements at the time of issuing the animal welfare direction for the person or a representative to be present when checking compliance.

- Confirm if anyone present at the place is the occupier.

- If occupier is present, introduce self and produce/display ID.
  e.g. My name is (name), I am from the RSPCA/DAF. I am an inspector under the Animal Care and Protection Act. This is my identification card.

- Tell the occupier the purpose of the entry.
  e.g. I am here to check the compliance with this animal welfare direction (show copy of direction) *that I issued to you on (date). I said in the direction that I would be back on this date to check on whether you have complied with the direction.*

- Tell the occupier you can enter without their consent or a warrant.
  e.g. Under the Animal Care and Protection Act I am allowed to come back and enter your place to check compliance without your consent or a warrant. Do you understand that?

COMMENTS

1. If you intend to enter using this power, you must follow this procedure in all circumstances when a person is present regardless of any prior agreement by the person.
2. Do not first ask for consent to enter, use this power and procedure from the beginning.
3. If the occupier is not present, you don't have to follow this procedure. You have the power to enter.
4. If other people are present who do not claim to be the occupiers, they should be advised of the purpose of your visit, more or less following the above procedure.
5. The inspector who issued the original animal welfare direction may be different from the inspector who is re-entering to check compliance. In this case, the latter inspector needs to have a copy of the original direction and, following the above procedure, clarify who he/she is and what the purpose is.
6. If you are taking a vet or other assistant, you must introduce them and explain their capacity and your right to take them on to the property, at the same time when you are introducing yourself.

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C.4.8.3 Procedures where a person fails to comply with an animal welfare direction

Where a person fails to comply with a direction, the inspector should first ask the person their reason for non-compliance. The inspector then needs to decide what further action needs to be taken.

Factors to consider include:

- the level of compliance with the direction;
- reasons for non-compliance;
- plans in place to achieve compliance;
- any change in the welfare status of the animals since the direction was issued.

On the basis of the above information, the inspector has to consider:

- the animal welfare implications for the animals; and

- the non-compliance with the ACPA.

Where the animal welfare situation has not been resolved, the inspector must consider other options under the ACPA, including:

- the issue of a further animal welfare direction;

- the exercise of powers under s137(d) — to take reasonable measures to relieve the pain of an animal at the place;

- seizure of the animal/s;

- seizure and application for forfeiture;

- destruction of the animal/s.

The decision should take into account the urgency of the situation and the practical options available. Where the cost is substantial, or where there are other significant implications of possible alternative action (e.g. where large numbers of animals are involved), management should be consulted.

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RTI Act 2009

C.4.8.4 Destroying an animal (s162)

This section of the ACPA provides inspectors with authority to destroy or cause an animal to be destroyed if:

- an inspector has seized the animal; or

- the person in charge of the animal has given written consent to the destruction;

and

- the inspector reasonably believes that the animal is in pain, to the extent that it is cruel to keep it alive.

To exercise this power, the inspector must have a reasonable knowledge of the disease or injury and its ability to cause pain, whether the condition is treatable, and the commercial realities of the species and the circumstances. (As a general principle where the condition is treatable, the government will not be providing treatment for animals that should be treated by their owners. For DAF, this and the commercial realities need to be part of the decision-making. If there is no prospect of the owner treating the animal, this will influence the decision on whether the animal is in pain to the extent it is cruel to keep it alive. For RSPCA, internal policy on treating animals must be considered in the decision-making).

The inspector should also, where possible, first seek veterinary opinion.

Where possible, inspectors should seek the agreement and the written consent of the owner/person in charge to put the animal down. If indicated and feasible, the inspector should consider seeking agreement with the person as to the value of the animal.

The owner should be given the option of seeking **immediate** veterinary opinion or humanely destroying the animal.

If the inspector reasonably believes that the time taken to receive a veterinary opinion would unduly prolong suffering, and that it would be cruel to keep the animal alive, the inspector should humanely destroy the animal.

Where animals have to be destroyed on absentee land-owners properties (where the owner can't be found or identified), the inspector should wherever possible seek a veterinary opinion and always take photographic evidence of the condition of the animal to support their decision.

The inspector must also leave a *Receipt and information notice for seized property* (not required where the person in charge has given written consent to destruction). The form should include information, that the animal has been destroyed under s162 of the ACPA, because the inspector reasonably believed that the animal was in pain to the extent that it was cruel to keep it alive. Where a veterinary opinion was sought a veterinary report should also be attached or provided as soon as practicable.

In most cases, animals that have been deprived of food, but are still ambulatory, will respond to the provision of appropriate food/water and so should not be destroyed without the consent of the owner. In destroying animals, inspectors should comply with the codes of practice for the relevant species, and the euthanasia guidelines documented by the respective agencies.

The definition of destroy under the ACPA includes disposal of the body, meaning that the inspector has initial responsibility for disposal. Where disposal will incur significant costs, these costs can be routinely recovered under s189 of the ACPA. All significant costs of destruction and disposal should be documented and receipts kept. In order for owners to minimise costs, they should be given the option to make their own arrangements for disposal. If the owner does elect to undertake the disposal, the inspector should ensure that the method is appropriate (Deep burial, not near a water course and/or according to Local Council Regulations.)

Where an animal has been euthanased by lethal injection, inspectors must ensure the appropriate disposal of the carcass as per the label directions and according to Local Council Regulations, to prevent the accidental poisoning of other animals.

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C.4.8.5 Requiring name and address (s163)

This section allows an inspector to require a person to state their name and residential or business address and to produce evidence of the correctness of these details, if the inspector:

- finds the person committing or about to commit an offence, or
- reasonably suspects the person has just committed an offence, or
- believes the person is in charge of an animal and wishes to give that person an animal welfare direction.

Inspectors should first **ask** for the details to be supplied on a voluntary basis, and give the reason/grounds for which the details are required.

If the person is uncooperative, the inspector can then resort to a "personal details requirement". In doing so, the inspector should give the grounds for requiring the information **and** must warn the person it is an offence not to provide their name and address, unless the person has a reasonable excuse.

The inspector is also able to require the person to give evidence of the correctness of the details supplied, if it is reasonable in the circumstances. The inspector is not empowered to demand a particular form of proof, e.g. a driver's licence, but can suggest various documents that will be sufficient.

e.g. *As I have already said, I intend to give you an animal welfare direction to get this dog treated by a vet. I need you to supply your full name and address for the direction. Under the Animal care and Protection Act I am able to* ***require*** *you to give me your name and address, and provide proof of these details.*

Do you understand that I'm no longer asking, I am requiring? It is an offence if you don't give me these details. I now require you to give me your full name and residential address and provide proof of your personal details. I must warn you that it is an offence not to provide your name and address unless you have a reasonable excuse.

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C.4.8.6 Requiring information (ss165 - 166)

e.g. to ask a person to give information about a welfare contravention, or to ask a veterinary surgeon about whether an animal welfare direction has been complied with.

The preferred[4] approach is a 2 step process:

Step 1:

Inspectors should always explain the information they need and try the approach of requesting the information before making an information requirement.

If there appears to be any doubt, ask the person if they understand what is being requested of them.

If the person is still uncooperative after the request, the suggested approach is to ask them why they will not provide the information and see if their reasons are reasonable.

Step 2:

If the person still refuses, then make the information requirement. This power requires the issue of an offence warning. E.g. *"I now require you to (… the information required …). I have to warn you that it is an offence for you not to comply with this requirement, unless you have a reasonable excuse."*

[4] As stated, this is the preferred approach. However there may be circumstances in which it is necessary to more directly make an information requirement without following the full and more cooperative approach here.

If the person still refuses the information requirement, always ask them the reason. The extent to which you will attempt to resolve the reasonableness of their reason will then depend on the circumstances.

Formal information requirements should only be made where the information needed is critical to the enforcement of the ACPA.

C.4.8.7 Production of documents (ss168 - 169)

e.g. to make available a document at a given time and date.

Inspectors need to be conversant with the conditions under which this power may be exercised, and should read each section carefully to determine the appropriateness or otherwise of exercising the power.

When exercising this power, the inspector should warn the person to whom the requirement is being given that it is an offence not to comply with the requirement, unless the person has a reasonable excuse not to. A reasonable excuse could be that the action requested could incriminate the person.

C.4.8.8 Damage caused because of exercise of powers (ss171- 173)

If damage is caused by an inspector or a person assisting an inspector in exercising a power under the ACPA, the inspector is required to give written notice to the owner of the place or, if impractical, leave the notice in a conspicuous and secure position at the place where the damage occurred. Use form E12 *"Notice of Damage"*.

The notice must state particulars of the damage, and that the person who suffered the damage may claim compensation.

This section does not apply where an inspector reasonably thinks the damage is trivial, that the thing has been abandoned or where there is no-one apparently in possession of the thing. Inspectors should record this belief, if applicable at the time.

Where damage is caused, inspectors should routinely photograph and take notes to record the extent of the damage. Where the inspector does not have the power to photograph (for example entry was made under (s123)), detailed notes must be taken.

If a claimant for compensation for damages enquires about the procedure for claiming, they should be advised to make claim in writing to the Director General of the DAF.

In animal rescue scenarios, inspectors should be aware of the difference in situations, between where an owner voluntarily damages a structure to release an animal and where an inspector uses a power to require a person to damage property.

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C.4.9 Animal examinations

Examination procedures

The principles of examining animals as part of an animal welfare investigation are similar to those of a disease investigation and are outlined in Part 5 of the *Animal health & disease investigation manual 2nd edition.* It is important to clearly identify which animal is being examined. Listing the sex, age, colour, brand, registration tag, NLIS tag and other identifying features of the animal. This can be recorded by using a stock record sheet (refer to Appendix D.4)

The examination of animals involves three distinct phases:

- Inspection of the animal from a distance
- A gross physical examination of the animal from several metres, and
- A detailed physical and clinical examination of the animal.

Inspectors should routinely record the history of the animals and environmental conditions on the property as part of an animal welfare investigation. This is especially important where livestock species are involved.

In the first phase, when inspecting animals from a distance, the behavioural characteristics of the animal should be observed and recorded. (See Appendix D.2 - Animal Examination Checklist).

During the second phase, examination of the animal from close proximity, further behavioural abnormalities and the animal's external appearance should be noted. During this phase the body condition of the animals should be assessed. (See Appendix D.2 - Animal Examination Checklist and Appendix D.3 - Body Score Condition Sheets).

During the final phase of the examination, abnormal external appearances, abnormal discharges, mucous membranes and where relevant, vital signs should be identified and recorded. Rectal temperatures should be taken routinely to discount acute disease conditions. (See Appendix D.2 -Animal Examination Checklist).

When investigating nutritionally related incidents, on extensive livestock properties, inspectors must (in addition to the above animal examination information), also consider other pertinent information. This will include climatic conditions, stocking rates, feed availability and quality, supplementary feeding regimes, drought-management strategies, and husbandry practices etc. Refer to appendix D.5 - Guidelines for nutritionally-related investigations on livestock and domestic animals.

When the purpose of the inspection is to establish the presence of pain, refer to Section C.4.10 Pain and suffering. If the inspector believes unjustifiable pain and suffering is evident a veterinary opinion should be sought where possible.

All appropriate hygiene, safety and animal restraint measures should be undertaken.

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C.4.9.1 Condition scoring of livestock

Inspectors should routinely note the body condition of animals as part of any animal welfare investigation.

This is especially important if a possible offence involves failure to provide adequate food and water.

When assessing the body condition of livestock, refer to the condition score sheets in the *Animal Health & Disease Investigation 2nd edition* manual or from Appendix D.3 If another condition score sheet is used be sure to note it's source. Score a representative sample of the herd and take photographic evidence to support your assessment.

The condition score is not a replacement for recording observations on the condition of the animal. It acts as supporting evidence to back up any decisions that are made. A description of what is seen by the inspector must be provided e.g. back bone prominent, hips and shoulder bones prominent, ribs clearly visible, tail-head area recessed. This description must also reflect the body score provided. For example if using the body score sheet for cattle taken from the *Animal Health & Disease Investigation 2nd edition* manual. If a condition score of 3 has been given to a cow, use the descriptors of "hip bones visible faintly, ribs generally not visible, tail-head area not recessed and body outline almost smooth".

As well as condition scoring animals, inspectors must also record observations in relation to their strength, (for example as demonstrated by their alertness, willingness to move and their steadiness of gait).

Where possible, a representative sample of animals should also be weighed to determine the amount of variability from expected weights for the particular species and class of animal.

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C.4.10 Pain and suffering

The assessment of an animal's welfare will include an assessment of an animal's health, productivity, physiology, biochemistry and behaviour.

None of the above should be assessed in isolation, and the welfare of an animal should be considered in relation to the principles outlined in the five freedoms.

- Freedom from hunger and thirst
- Freedom from pain and injury
- Freedom for fear and distress
- Freedom from discomfort, and
- Freedom to express normal behaviour

The above principles form the basis of most animal welfare laws and standards, and are reflected in codes of practice or standards and guidelines for a number of types of animal use.

The codes of practice describe acceptable animal welfare standards for specific species, and should be used where possible to determine whether practices are justifiable in relation to causing pain and suffering.

Compliance with a code of practice does not, on its own, ensure exemption from offences under the ACPA. Inspectors need also consider whether people in charge of an animal are meeting their "Duty of Care" towards the animal, as outlined in s17 of the ACPA.

A veterinary opinion should always be sought if proof of pain and suffering is a key element of an offence.

C.4.10.1 General signs of pain

An animal in pain, regardless of species, usually displays one or more of the following signs:

- attraction to the area of pain
- increased muscle tone (e.g. spasms)
- dilated pupils
- increased heart rate
- change in the respiratory pattern
- conscious avoidance responses
- urination/defecation
- salivation
- defensive or redirected aggression
- change in demeanour
- attempts to escape.

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Signs of acute pain

- protection of the painful part
- vocalisation (especially on movement or palpation of painful area)
- licking
- biting
- scratching or shaking of affected area
- restlessness
- pacing
- sweating
- increased respiratory rate

Signs of chronic pain

- licking of affected area
- loss of appetite
- change in personality
- limping (if painful part is an appendage)
- reluctance to move
- changes in eye brightness
- trembling

- weight loss
- failure to carry out normal activities (e.g. grooming)
- dehydration
- self-mutilation

C.4.10.2 Species-specific signs

There are species-specific signs of pain that should be taken into account when conducting animal examinations. These signs are often associated with what is believed to be a painful condition. However, no sign can by itself be regarded as diagnostic of pain, as the sign may also occur in conditions in which pain is unlikely to be a feature.

Although not a comprehensive description of species-specific signs, the notes and comments below may be helpful when examining the specific species:

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Horses

The following signs are often associated with pain in horses:

- periods of restlessness;
- interrupted feeding with food held in the mouth uneaten;
- anxious appearance with dilated pupils and glassy eyes;
- increased respiration and heart rate with flared nostrils;
- profuse sweating and a rigid stance;
- prolonged pain may alter behavioural characteristics from restlessness to depression with head lowered;
- pain associated with skeletal damage may result in limbs being held in unusual positions and a reluctance to move, with the head and neck “fixed”;
- abdominal pain may result in looking at, biting or kicking at the abdomen. The horse may rise and lie down frequently and walk in circles. This state may progress and can last for several hours. When near collapse, the horse may stand very quietly rigid and unmoving. Horses in pain generally show a reluctance to be handled.

Cattle

The following signs are often associated with pain in cattle:

- can often appear dull and depressed, with little interest in their surroundings;
- loss of appetite, weight loss and, in milking cows, a sudden drop in milk production;
- severe pain often results in rapid shallow respirations;
- on handling, may react violently or adopt a rigid posture designed to immobilise the painful region;
- grunting and grinding of teeth;
- generally, signs of abdominal pain are similar to those seen in the horse.

Sheep and goats

- In general, signs of pain in sheep and goats are similar to those in cattle. Changes in posture and movement are often apparent, as is a change in facial expression.

- The animals often have a rough coat and an un-kept appearance.

Pigs

- Pigs in pain may show changes in gait and posture.
- Pigs normally squeal and attempt to escape when handled but these reactions may be accentuated when they are in pain.
- They may also often be unwilling to move and may attempt hide in bedding.
- A change in normal social behaviour is often observed

Dogs

- Dogs in pain generally appear quieter and less alert, with stiff body movements and an unwillingness to move.
- A dog in severe pain may lie still and adopt a crouching attitude. In less severe states, it may appear restless.
- There may be loss of appetite and shivering, and increased respiration with panting.
- Spontaneous barking is unlikely. The dog is more likely to whimper or howl, especially if unattended, and may growl without apparent provocation.
- A dog may bite or scratch at painful regions and may become more vicious when handled.
- Previously placid or friendly dogs may suddenly bite when handled.

Cats

- It is difficult to distinguish between illness and the presence of pain.
- A positive response to the administration of analgesia confirms the presence of pain.
- Cats are usually silent even when in pain, but there may be excessive vocalisation if disturbed.
- The presence of purring is not necessarily an indication that there is no pain present.
- They may have a hunched appearance and may try to hide.
- There may be continuous licking, or the cat may have a dirty ungroomed coat.
- Panting is a common sign.
- Cats may respond violently, biting and scratching, when handled.

Birds

- A bird subjected to acute pain stimuli may vocalise, exhibit excessive movement and try to escape. At the same time, there will be an increase in heart rate and respiratory rate.
- When the bird is distressed, it may it may show a freezing behaviour.
- If the bird is in chronic pain, there will be inactivity, in-appetence and decreased preening, and the bird will generally appear droopy and miserable.
- Two key indicators of a sick or distressed bird are:
- fluffed feathers. Birds have a very high metabolic rate and when in a state of stress, they will fluff their feathers in order to increase insulation and maintain body temperature.
- excessive sleepiness, especially during the day. If a bird is sleeping when it is normally active or feeding, this is usually an indication that it is unwell.

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C.4.11 Alleviating pain and suffering

If there is evidence of unjustifiable pain and suffering, the first priority of the inspector should be to address the immediate welfare needs of the animal. This may involve:

- providing food, water or shelter
- veterinary treatment
- humane destruction of animal(s).
- remove from circumstance causing pain and suffering (e.g. disentangle)

It is the responsibility of the owner to remedy the situation, unless the animal is wild or feral. The initial approach, in most situations, should be to achieve the required outcome through education/negotiation with the persons responsible for the animal's welfare.

Inspector's **powers** to alleviate pain and suffering under the ACPA, include the power to:

- **gain limited entry to provide relief to animals** (s123). The ACPA provides the power to enter a place to provide food or water, or disentangle an animal, where the person in charge of the animal is not present at the place.

- **take reasonable steps to relieve the pain of an animal** (s137(d)). After gaining lawful entry, an inspector may take reasonable steps to alleviate animal pain and suffering.

- **issue of an animal welfare direction (**s159). An inspector has the power to give a written direction about an animal's welfare to the owner or person in charge of the animal. (See section C.4.8.)

- **seize animals.** (s144). An inspector may seize an animal to alleviate pain and suffering if: the animal is in imminent risk of death or injury; requires veterinary treatment or is experiencing undue pain, and the interests of the animal require its immediate seizure, and also; if an animal welfare direction or court order is not being complied with. (See section C.4.7.)

- **destroy animals** (s162). The ACPA provides inspectors with the power to destroy animals in extreme circumstances. (See section C.4.8.4)

- **transferring ownership** (214a). An inspector has entered a place under chapter 6, part 2 and the owner of an animal agrees to transfer ownership of the animal to the State and that it is to ensure the animal's welfare. The animal then becomes the property of the State when the chief executive or entity agrees in writing to the transfer.

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C.5 FURTHER ACTION

C.5.1 Procedures following the initial investigation

The inspector now reassesses the incident with the knowledge gained in the initial field investigation. An informed decision on the seriousness of the incident can now be made, based on the facts of the case established to this stage.

The Principal Biosecurity Officer (DAF) makes an initial evaluation of reports and prosecution briefs and forwards them to the Biosecurity Queensland Investigations Unit for quality assurance, along with a written recommendation (DAF) . If necessary, the Principal Biosecurity Officer may require the investigating inspector to provide further information or evidence.

If it is believed the matter requires further investigation which would impact on other Departments or involve significant resources, the Inspector should contact a Senior Inspector for advice before proceeding. Where necessary the Senior Inspector will consult with the Chief inspector. In any incident where a prima facie case is identified, the Inspector should complete an application for prosecution which is forwarded to the RSPCA Prosecution Committee for decision. On approval, the Inspector will obtain all relevant materials as per RSPCA's prosecution policy and process.

Inspectors should revisit the assessment criteria (See section C.2.1) to determine the appropriate further action. Remember that the priority (critical, major, secondary or minor) that is initially given to a case doesn't necessarily reflect the need for a full investigation. It relates to the response time needed to alleviate pain and suffering of an animal. Some cases are prioritised as minors as the animal is now deceased however the incident itself requires a full investigation. An example of this is when a cow arrives at an abattoir with its horns growing into its eyes. The Plant Veterinarian authorised the animal to be euthanased to alleviate pain and suffering. The investigating inspector then needs to carry out a full investigation.

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C.5.1.1 Critical cases and major cases

The investigating inspector **must** maintain a chronological log with all details of all investigation actions and findings entered routinely and promptly, and referenced to the initial incident report. For ongoing welfare episodes and investigations, the inspector must maintain interim case notes on all relevant activities, discussions etc.

Where an investigation is ongoing and an animal welfare direction has been issued which requires compliance checking on a regular basis, interim reports should be submitted following each inspection.

When the investigation is completed, the investigating inspector should submit a full investigation report as soon as possible.

The report must either:

- make a recommendation on what action the inspector considers appropriate, given the quality of the evidence obtained, the seriousness of the offence, relevant circumstances and any antecedents; or

- state what action the investigating inspector has taken to close the matter off without the need for further action. (Some critical incidents will be animal rescues and have no investigation implications.)

The Principal Biosecurity Officer (DAF)/ Chief Inspector (RSPCA) will ensure all major or critical incidents are appropriately actioned and reported within a reasonable timeframe.

C.5.1.2 Action on secondary cases and minor cases

The inspector has discretion to decide what action is required in secondary and minor incidents.

However, it is vital that consistency in both response and outcomes achieved can be demonstrated between different agencies and inspectors administering the legislation. Consistency in approach builds public confidence in just and equitable administration of the law.

The decision must include consideration of the potential costs and resource commitment in pursuing the matter to full investigation, relative to its gravity and the circumstances and antecedents (e.g. if the action, while relatively insignificant, has been done blatantly and/or previous written directions have been ignored.)

Regardless of the outcome of the investigation, the inspector must submit the completed investigation report. This will ensure accountability mechanisms are maintained and all incidents are closed on the database. Where possible, investigations categorised as minor or secondary should be closed out and reported on **within 2 weeks** of the investigation.

The coordinators will monitor all logged incidents to ensure they are actioned and closed.

C.5.1.3 Large scale animal welfare incidents

If the inspector assesses that the incident is large scale or has a strong possibility of being large scale (see C3.4) and the owner is unable and/or unwilling to rectify the situation without significant resource input from the RSPCA or DAF the inspector should notify the Principal Biosecurity Officer (DAF) and the Senior or Chief Inspector (RSPCA) outlining the situation. The Principal Biosecurity Officer should notify the Manager Operations, and Principal Investigations Officer. If the Principal Biosecurity Officer is not available the inspector should notify the Principal Investigations Officer directly. The Manager Operations in consultation with the Principal Biosecurity Officer, will appoint a Case Manager to assume overall responsibility for managing the animal welfare incident.

The Case Manager should engage the services of an incident response team to develop management plans, for the immediate response and for the longer term outlining how the situation will be rectified. To ensure this does not impact on any ongoing investigations it is important that the response team is independent of the investigating team. This plan should be documented and a copy given to the owner and the Manager Operations.

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These cases need close monitoring to ensure that appropriate action is taken; this usually involves the issuing of an animal welfare direction. This will ensure the person in charge is clear on his/her responsibilities and will ensure continued access for monitoring purposes. In giving the animal welfare direction the inspector should be aware that close and regular monitoring of the welfare of the animals will be needed to ensure that the incident is properly dealt with.

An independent response team is vital in ensuring that extension activities do not hamper the investigating team's actions. In instances where the owner is unwilling to rectify the situation or needs significant input from DAF or RSPCA then the inspector should gather as much evidence and information as necessary to define the problem and do what is immediately available to him/her to lawfully deal with some of the issues (e.g. some animals may require immediate seizure and destruction). The inspector should notify the agency's coordinator of the situation, through the Principal Biosecurity Officer or in the case of the RSPCA the Chief Inspector.

It is rare for these incidents, by their nature, to have a "quick fix". There is usually a need to plan your response and consider what you are trying to achieve. This is the role of the Case Manager and the incident response team. This time also provides an opportunity for the owner to get over any initial reaction and take stock of his/her situation.

Where RSPCA undertakes the initial investigation then it may wish to negotiate with DAF to assume the responsibility for the case in accordance with the Activity Agreement (see C1.2). In such cases the RSPCA should not seize the animals or issue an animal welfare direction unless discussed with and agreed to by DAF.

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C.5.1.4 Action on frivolous, vexatious or unsubstantiated cases

If an inspector finds a complaint is frivolous, vexatious or otherwise unsubstantiated, the basic complaint details must be recorded on the investigation report and entered on the database, including findings and reasons why no action was required.

Recording these details is essential to meet accountability requirements, and provides valuable background information in assessing future complaints.

In order to minimise the incidence of unsubstantiated or vexatious complaints, it is suggested that feedback be provided in certain instances.

It is important that evidence to support a decision to treat a case as frivolous, vexatious or otherwise unsubstantiated is recorded on the investigation report.

Where inspectors respond to incidents which are unsubstantiated because of the complainant's lack of knowledge:

- Without divulging confidential information (for example personal details of parties involved), advise the complainant that the incident was for example, within accepted animal welfare standards.

Where a complaint is unsubstantiated and where the inspector suspects the complaint was malicious, again without divulging any confidential information, tell the complainant that the complaint has no foundation to warrant investigation. If you believe that the

complaint was deliberately vexatious, and if you feel it is warranted inform the complainant that it is an offence to provide false and misleading information to an inspector.

- Where the particular case warrants it, inspectors should consider s167 of the ACPA (for example where the costs were considerable to the investigating agency or a third party). The inspector should complete a written report and provide it to the Principal Biosecurity Officer (DAF) and Senior Inspector (RSPCA) outlining the events. The Principal Biosecurity Officer can then consider the 'impact' and in turn obtain a firm recommendation from the program and possible a referral to the Investigations Unit.

C.5.2 Evidence

Any material lawfully obtained during an investigation may be used as evidence, should the case proceed to prosecution. This material may include statements, photographs/videos, post-mortem observations, laboratory analysis results, notes and observations. It may also include physical evidence such as animals, ropes, chains, collars, cockfighting spurs, etc.

All evidence, including originals of documents, should be retained by the investigating inspector. Only copies of documents, etc. should be forwarded with investigation reports.

C.5.2.1 Collection of evidence

Inspectors should make contemporaneous notes on all animal welfare-related incidents, regardless of how trivial the incident may appear at the time.

Once it becomes apparent that a significant breach of the ACPA may have occurred, an investigation file should be opened. Details of evidence collected should be entered into the chronological investigation log.

All evidence (notes, records of interview, reports, exhibits, photos, analyses results etc.) should be labelled and dated at the time of collection and securely maintained in the investigation file.

Exhibit labels should be attached to all physical evidence. The items should be bagged and tagged and entered in the exhibit register, which should be maintained by the senior officer at the centre.

Any notes made by an inspector during the course of the investigation may be useful as evidence in a prosecution. All notes or reports should be signed and dated at the time they are made.

Photographs and video recordings are an important tool in investigating most animal welfare investigations.

Where prosecution is recommended, particularly relating to breaches of duty of care/cruelty, a veterinary opinion should always be sought. Inspectors should also refer to section C.4.10 Pain and suffering.

The presence of a disease condition does not automatically infer animal suffering. If potential offences involve failure to provide treatment, then a key element of the offence

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involves proof of pain and suffering. Inspectors need to also establish that the animal is not under veterinary treatment or other appropriate treatment at the time of the investigation.

In some instances, pain and suffering are justifiable, reasonable and necessary, e.g. in disease control, scientific research and the production of food and fibre. The parameters of what is acceptable practice in these areas are outlined on the relevant codes of practice. In most instances, a breach of a code is not in itself an offence, and proof of pain and/or suffering is usually required.

Where an offence involves failure to provide adequate feed and or water, it is essential to rule out any underlying disease related conditions as the cause of animal suffering or death.

Evidence in such cases will include a clinical examination of the animal and, where possible, post-mortem findings and pathological results.

The *Animal Health & Disease Investigation 2nd edition* manual is also an excellent reference to assist inspectors investigating disease-related incidents. It provides valuable information on the normal physiological parameters, as well as the basic nutritional requirements of livestock.
Where a veterinary opinion is not available, inspectors should never assume anything. Inspectors need to collect detailed information of the history, refer to section C.4.9.

The body condition of a representative sample of animals should be documented as part of the investigation process. Where practical, a reasonable number of animals should also be weighed.

It is most important for inspectors to record their actual observations as to the physical condition of the animal.

Appendix D4 details the diagnostic samples to collect where an offence involves failure to provide adequate feed and/or water.

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C.5.2.2 Collection of samples

All containers and other equipment used for sampling must be new and uncontaminated.

Inspectors should keep notes of sampling procedures and take photographs and or video footage where applicable.

It is advisable to write the sampling information on a sticky label, and place the label on the sample container before sampling.

The owner should be advised that the sample may be analysed and may be used in evidence.

Samples should be taken and stored appropriately to prevent spoilage and contamination.

C.5.2.3 Photographic evidence

Photographic/video evidence is an essential ingredient of most investigations, and should be used to record as many parts of the investigation as possible.

Photo/video evidence is extremely valuable in showing the body condition of animals, and can present a clear picture of the nature and extent of injuries/disease-related conditions.

Photographs where possible should contain a record of the date/time and identify the property and the alleged offender. (Include brands, tags and earmarks, etc.) If still photos are used, this can be achieved by placing a card with the relevant details in the picture.

It is often useful to use a known object (a pen) to highlight the size of objects being photographed (e.g. the size of a lesion or the height of pasture).

Where digital video footage is used, recordings should be transferred as soon as possible after the footage is taken. Inspector's notes should record that video/photographic evidence was taken at the time.

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C.5.2.4 Continuity of evidence

An inspector is responsible for the care of evidence/exhibits from when they are first collected until they are presented in court.

Sample security and continuity (chain of custody) are essential in later identifying the sample, and ensuring that it remains admissible evidence.

All exhibits should be clearly and securely labelled at the time of collection. The label should uniquely identify the sample, and the label number should be recorded in the inspector's notes at the time of collection.

All samples should be held in a secure location. If possession of samples is transferred, the names of all persons having custody, and the time and date of transfer, should be recorded and statements obtained.

It is essential that the complete chain of possession be maintained so that the evidence can be produced with continuity from the scene to the court.

All samples submitted to laboratories for analysis should be labelled.

Receipts for delivery should be obtained from laboratories when samples are submitted for analysis. Notes should be made of the delivery in an official notebook, and receipt information should be entered in the investigation file.

Failure to maintain continuity of evidence will result in the evidence being declared inadmissible as evidence in court by the magistrate. This could result in losing a case.

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C.5.2.5 Interviews

An interview may be part of the investigation to discover the relevant facts of an incident, including establishing the elements of a possible offence.

The alleged offender should be interviewed at some stage during the investigation. The interview should aim to establish the elements of the offence and negate any possible defences.

When questioning a person of interest regarding a potential offence, a warning should always be given.

Where a formal caution is issued, the following caution should be used:

"Before answering any questions I must warn you that you are not obliged to answer any questions or make any statement as anything you say or any statement you make will be recorded by means of this electronic recording device and may later be used as evidence."

"Do you understand?"

"Do you understand that just because I am an inspector you don't have to answer my questions?"
Effectively the caution operates as advice to the suspect of "the right to silence" and fairness to suspect.

Interviews should be conducted in the following ways:

- Electronic record of interview

The interviewee should always be provided with a copy of the formal interview if requested, and no alterations of any kind can be made to a record of interview.

The protocols on the use of electronic recording devices are outlined in Appendix D.10.

C.5.3 Preparation and submission of case material

All evidence collected as part of an investigation will form part of the investigation file, and will be used in the evidence brief, should the case proceed to court.

An offence against the ACPA is a summary offence and proceedings must start within the later of the following periods to end:

- 1 year after the commission of the offence; or
- 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

Biosecurity prosecution briefs should be prepared in line with departmental standards and RSPCA briefs prepared according to agency specifications.

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DAF briefs

All original material should be retained in the officer's investigation file. Where there is a recommendation for prosecution, the inspector will submit the brief through the Principal Biosecurity Officer to the Biosecurity Queensland Investigations Unit.

The Biosecurity Queensland Investigations Unit will make an assessment to determine if there is *prima facie* evidence of an offence and provide quality control according to DAF Prosecution Policy.

The Biosecurity Queensland Investigations Unit will make appropriate recommendations and refer the case to DAF's Legal unit for assessment.

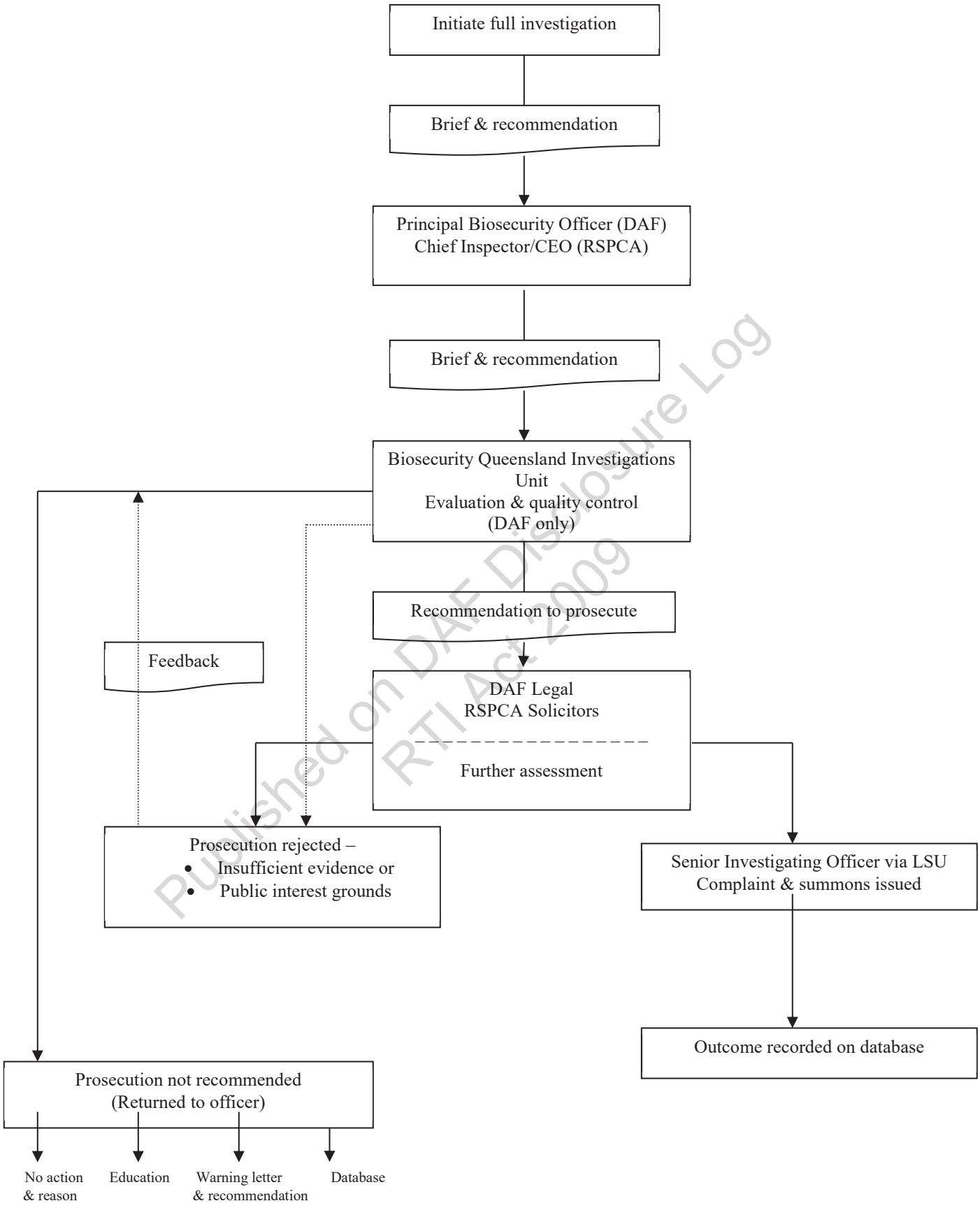
The inspector's covering memo should contain recommendations for charges, and an outline of how the elements of the offence are proven by the evidence.

Investigations into offences should normally be concluded within two months of the incident being reported. Briefs should be submitted within two weeks of the conclusion of the investigation. For DAF any extension of this time must be approved by the Principal Biosecurity Officer.

RSPCA briefs

RSPCA briefs are forwarded to the Prosecutions Committee,

Investigation Flow Chart



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SECTION D – APPENDICES

D.1 GLOSSARY OF TERMS

ACPA	*Animal Care and Protection Act 2001*
Agency	Either the DAF or the RSPCA,
Animal welfare incident	Is an incident where the welfare of an animal (as defined in the ACPA) is or may be affected. This includes animal welfare complaints and observations, animals that may be the victims of accidents or natural disasters, or any other incident where an animal may be in need of rescue or care.
Animal Welfare Unit	The DAF unit responsible for the administration of animal welfare and exhibited animals in Queensland.
Biosecurity Queensland	Biosecurity – the business group in DAF responsible for administering animal welfare.
Chief Executive	The Chief Executive means the Director-General of the Department of Agriculture, Fisheries and Forestry
Coordinator	For RSPCA, this means the Complaints Coordinator and for DAF means the Compliance Coordinator.
Director-General	The Director-General of the Department of Agriculture, Fisheries and Forestry.
DAF	Department of Agriculture and Fisheries
Inspector	A person who holds an instrument of appointment as an inspector under the ACPA.
Strategy and Legislation Unit	Oversees all Biosecurity Queensland legislation including the ACPA.
Activity Agreement	An agreement between the Royal Society for the Prevention of Cruelty to Animals, Queensland, Incorporated (RSPCA) and the Department of Agriculture and Fisheries (DAF), defining the relative requirements of the RSPCA and DAF in the area of enforcement of the provisions of the *ACPA*
RSPCA	Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated.
Scientific Use Code	The Australian code of practice for the care and use of animals for scientific purposes (7th Edition 2004).

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D.2 ANIMAL EXAMINATION CHECKLIST

Owners Name: _____

Address: _____

_____

Contact Number: _____

Date: _____ Inspector: _____

Species: _____ Breed: _____ Sex: _____

Age: _____ Colour: _____

Animal Identification: (Tag No / Brand) _____

Body weight (kg): _____ Condition score: _____ Temperature: ____°C

Pulse/Heart rate: _____/min Respiratory rate: _____/min

Colour of the mucus membranes (gums/conjunctiva):_____
(Mucus membrane should be pink. Blue/grey indicates shock and white indicates anaemia.)

Capillary refill rate:_____
(Pressure on the gum should cause temporary blanching which should return to normal pink colour in less than 2 seconds.)

General appearance	
Skin and coat	
Alimentary system (Eating, drinking, defecating?)	
Respiratory system	
Cardiovascular system	
Urogenital (genitals & urinary system, urinating normally?)	
Nervous system	
Locomotors (feet & legs)	

Samples taken from the live animal

Skin scraping	
Swabs taken	
Whole blood / sera	
Faecal sample	
Urine	
Milk	
Slides (Blood film or impression smears)	
Others	

*** Note the animal should be examined from a distance followed by gross physical examination and a detailed physical and clinical examination of the animal

*** Note this form should be completed for each individual animal examined.

*** Animals must by individually identifiable to allow re-examination of the animal in the future.

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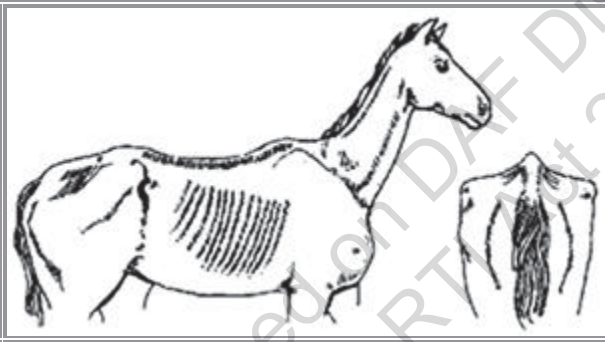
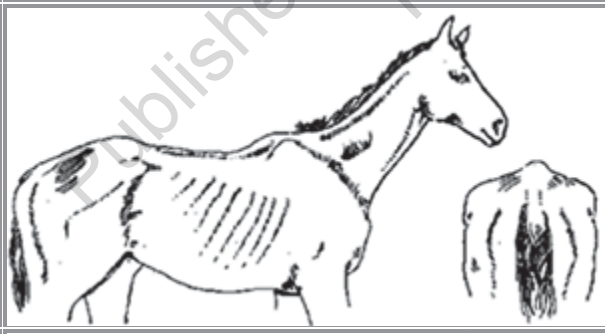
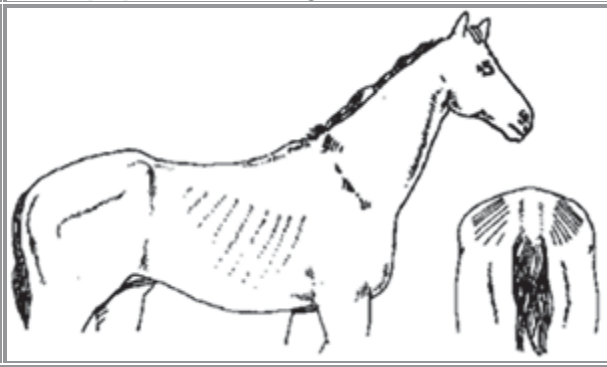
D.3 BODY CONDITION SCORING SHEETS (HORSES, SHEEP, CATTLE & DOGS)

Carroll & Huntington Horse Body Condition Scoring System

Score	Neck	Back and ribs	Pelvis
0 Very poor	Marked ewe neck. Narrow and slack at base.	Skin tight over ribs. Spinous processes sharp and easily seen.	Angular pelvis – skin tight. Deep cavity under tail and either side of croup.
1 Poor	Ewe neck. Narrow and slack at base.	Ribs easily visible. Skin sunken either side of Backbone. Spinous processes well defined	Rump sunken, but skin supple. Pelvis and croup well defined Deep depression under tail.
2 Moderate	Narrow but firm	Ribs just visible Backbone well covered Spinous processes felt	Rump flat either side of backbone. Croup well defined, some fat. Slight cavity under tail
3 Good	No crest (except stallions) Firm neck	Ribs just covered No gutter along the back. Spinous processes covered but can be felt	Covered by fat and rounded. No gutter. Pelvis easily felt
4 Fat	Slight crest	Ribs well covered - need firm pressure to feel Gutter along backbone.	Gutter to root of tail. Pelvis covered by soft fat - felt only with firm pressure
5 Very fat	Marked crest Very wide and firm. Folds of fat.	Ribs buried - cannot feel. Deep gutter Back broad and flat.	Deep gutter to root of tail. Skin distended. Pelvis buried - cannot feel

0 Very poor		• Very sunken rump • Deep cavity under tail • Skin tight over bones • Very prominent backbone and pelvis • Marked ewe neck
1 Poor		• Sunken rump • Cavity under tail • Ribs easily visible • Prominent backbone and croup • Ewe neck - narrow and slack
2 Moderate		• Flat rump either side of backbone • Ribs just visible • Narrow but firm neck • Backbone well covered

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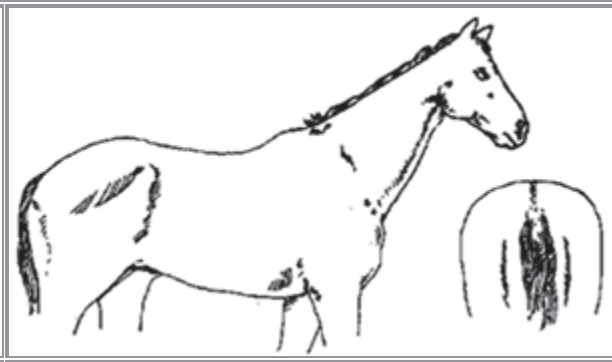
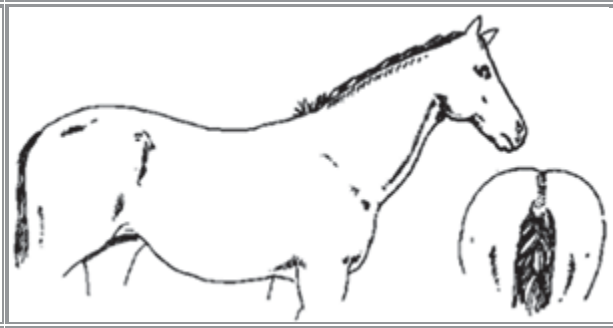
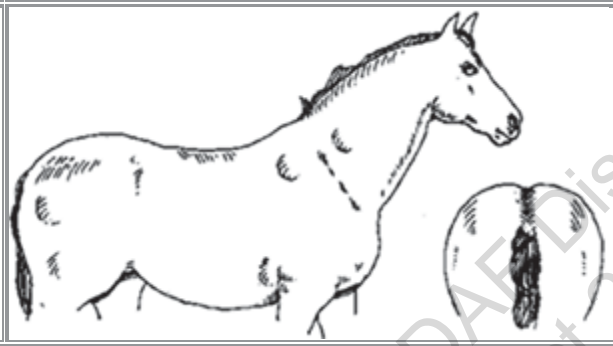
3 Good		• Rounded rump • Ribs just covered but easily felt • No crest, firm neck·
4 Fat		• Rump well rounded • Gutter along back • Ribs and pelvis hard to feel • Slight crest
5 Very fat		• Very bulging rump • Deep gutter along back • Ribs buried • Marked crest • Fold and lumps of fat

After: Carroll CL & Huntington PJ (1988) *Body condition scoring and weight estimation of horses*, Equine Veterinary Journal 20: 41-45

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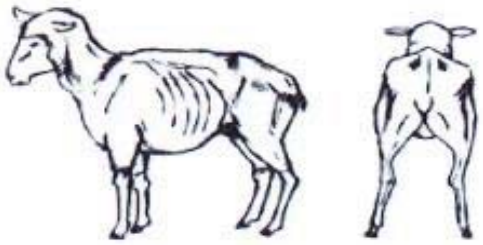
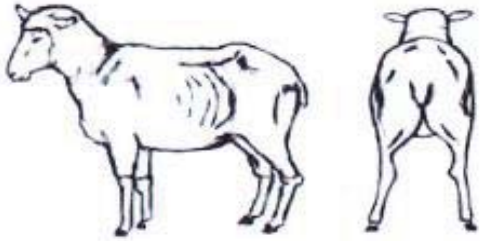
Sheep body condition scoring



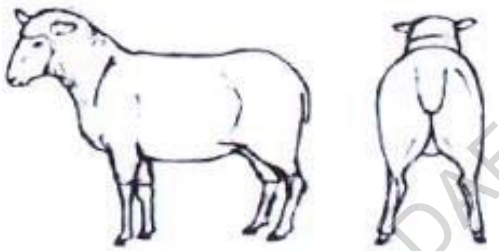
Condition score 1

Appearance angular and narrow
Backbone raised and sharp
Hollow behind ribs
Tail feels bony
Neck bones prominent



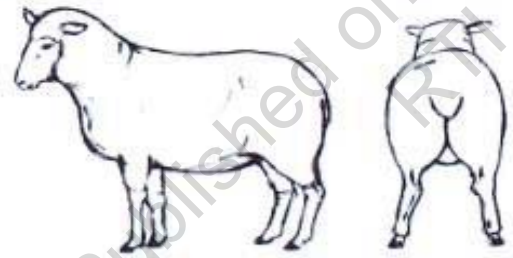
Condition score 2

Backbone raised but smooth
Ribs are easily felt
Tail bone easily detectable
Thin neck



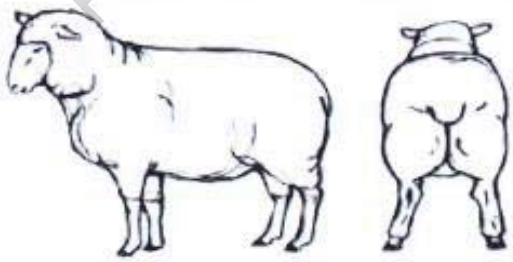
Condition score 3

Backbone slightly raised
Ribs smooth, can just be felt
Tail bones barely detectable



Condition score 4

Appearance well rounded
Backbone can just be felt
Ribs are covered
Tail firm and rounded



Condition score 5

Appearance very well rounded
Backbone barely detectable
Ribs cannot be felt
Tail fat and broad

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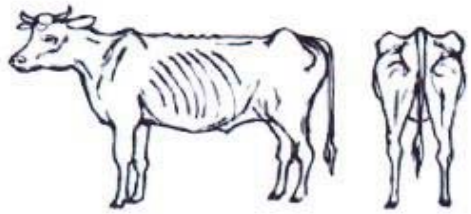
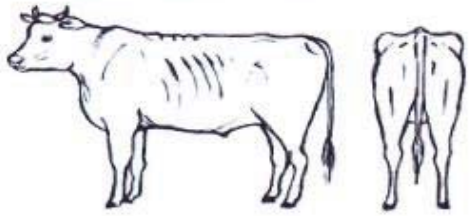
Cottam B. and Berry J. (2009) *Animal Health and disease investigation*, 2nd edn. Queensland Government

Cattle body condition scoring



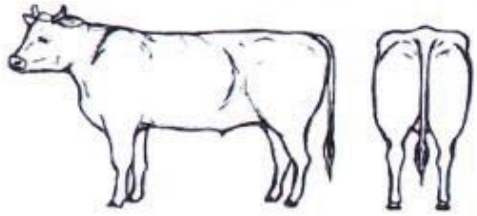
Condition score 1

Backbone prominent
Hips and shoulder bones prominent
Ribs clearly visible
Tail-head area recessed
Skeletal body outline



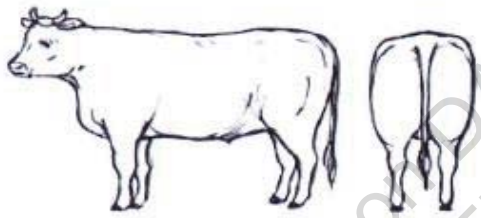
Condition score 2

Backbone visible
Hips and shoulder bones visible
Ribs visible faintly
Tail-head area slightly recessed
Body outline bony



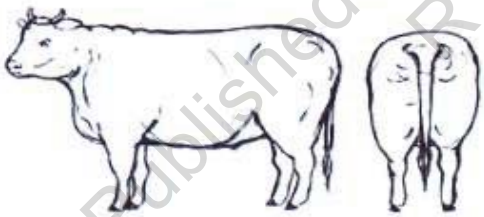
Condition score 3

Hip bones visible faintly
Ribs generally not visible
Tail-head area not recessed
Body outline almost smooth



Condition score 4

Hip bones not visible
Ribs well covered
Tail-head area slightly lumpy
Body outline rounded



Condition score 5

Hip bones showing fat deposit
Ribs very well covered
Tail-head area very lumpy
Body outline bulging due to fat

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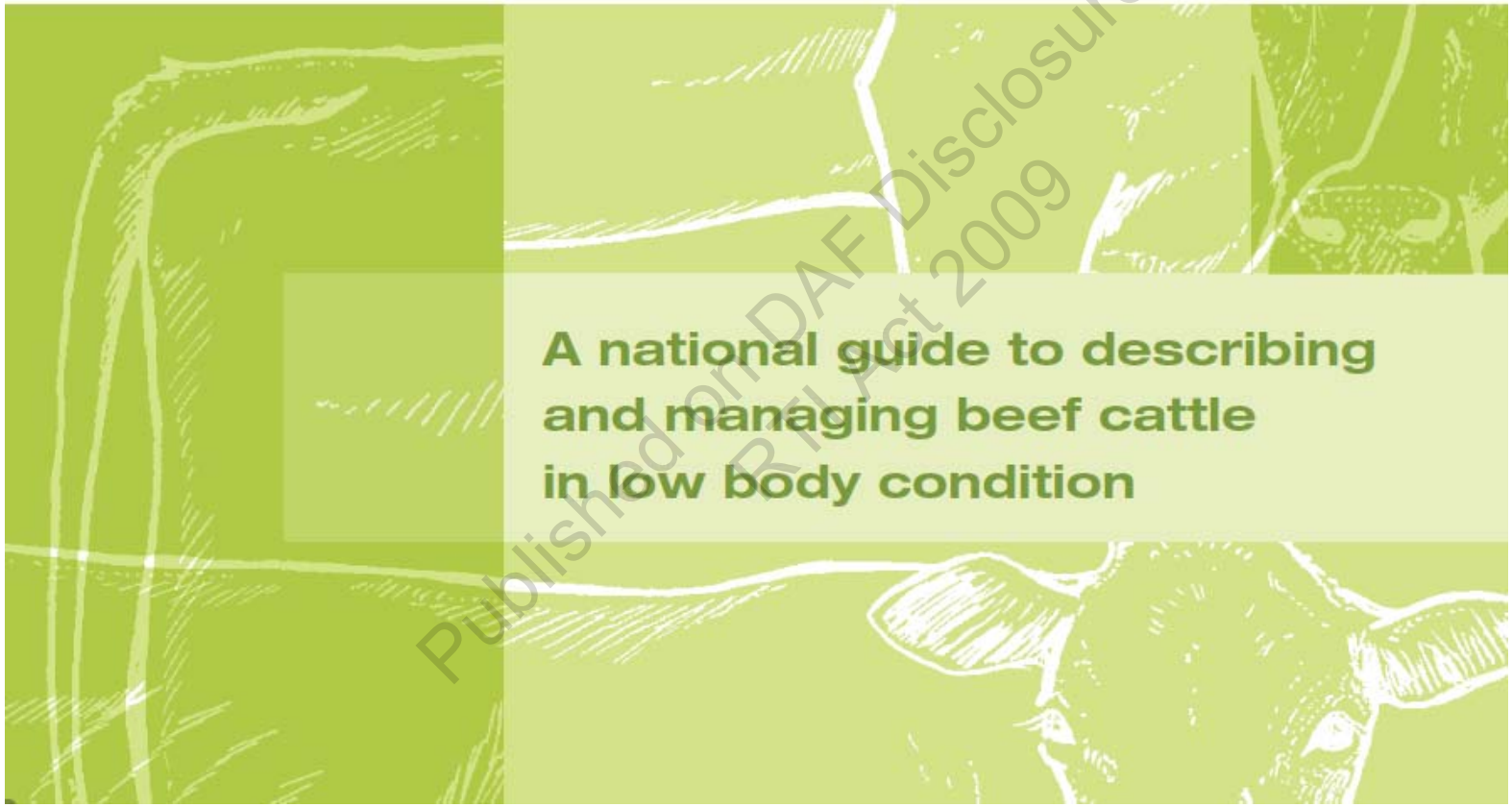
Beef Cattle body condition scoring



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CONTENTS

Describing beef cattle in low body condition 4

Using physical reference sites 5

Assessing low body condition breeds and crossbreeds 6

Assessing strength in beef cattle 14

Assessing fatigue in beef cattle 15

Managing fatigue in beef cattle 16

Body condition cattle welfare and management 17

Feed requirements of low body condition cows 18

Transporting low body condition cattle 21

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Describing beef cattle in low body condition

This national guide provides an objective description system to assess beef cattle in low body condition, usually because of prevailing below normal nutritional conditions.

Traditional descriptions such as poor, backward and weak have not been well defined and are subjective, and their use is now discouraged.

Producers across Australia will be able to use either the new Body Condition Score (BCS) system to describe beef cattle in low body condition, or the existing National Livestock Language – Cattle system (referred to as 'Muscle Score Fat Score' or 'MS FS').

BCS and MS FS are two independent description systems, however each classification has an equivalent in the other system (see Table 1).

Table 1: Equivalent classifications for beef cattle body condition in the National Livestock Language – Cattle (MS FS) system and the Body Condition Score (BCS) system

National Livestock Language – Cattle (MS-FS)		Body condition score (BCS)
Muscle score	Fat score	
E	0	0
D	0	1
B–E	1	2
A–E	2	3
A–E	3	4
A–E	4	5
A–E	5	5
A–E	6	5

N.B. A new BCS of 0 is incorporated into the old BCS which ranged from 1 to 5.

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Using physical reference sites

This guide provides clear practical guidelines to assess the status of cows in low body condition.

The following sections of this guide frequently refer to the skeletal points illustrated in Figure 1.

Figure 1: Skeletal points for assessment of body condition

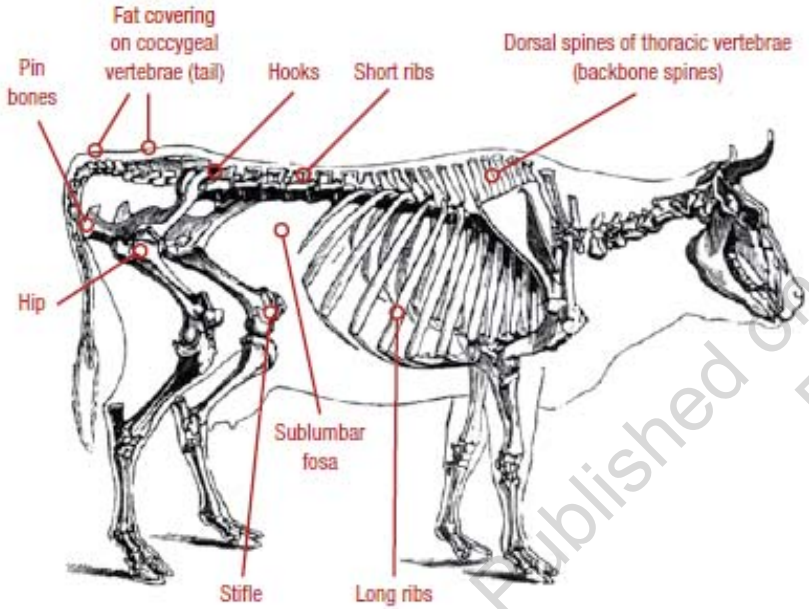
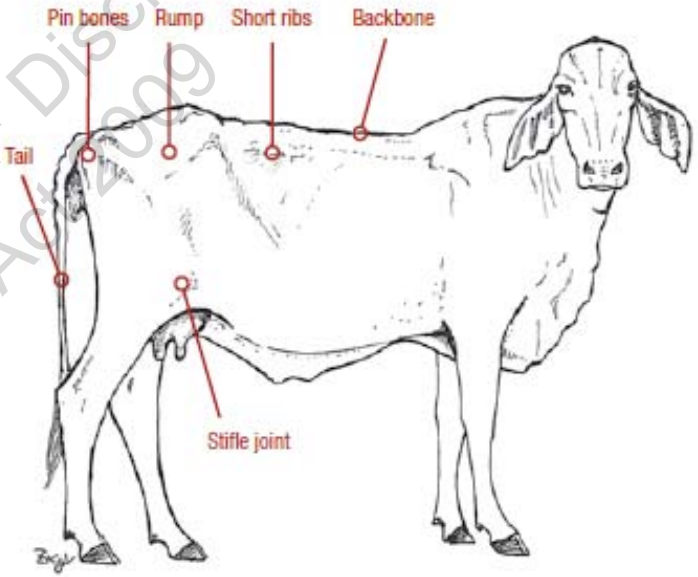


Figure 2: Location of key assessment sites



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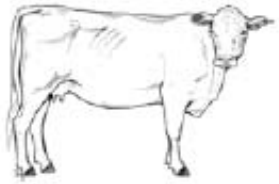
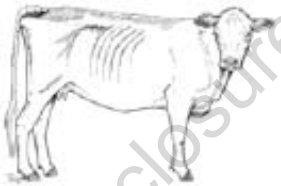
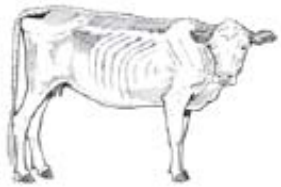
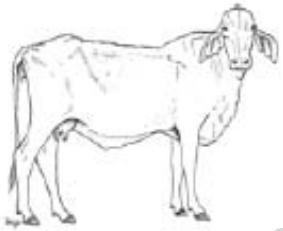
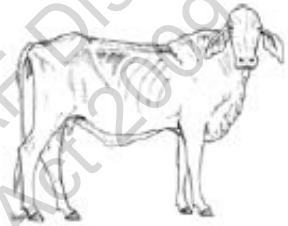
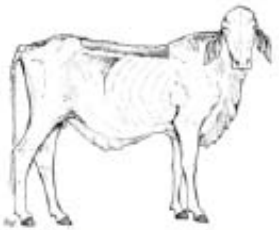
Assessing low body condition breeds and crossbreeds

Level of low body condition	B–E 1/BCS 2	D 0/BCS 1	E 0/BCS 0
***Bos taurus* or cross bred animals**			
***Bos indicus* animals**			
Brief description	• Lean but strong and healthy with evident muscle wastage	• Healthy but with significant muscle wastage • Able to recover for transport if adequately fed	• Weak, with no body reserves. At risk of death from cold, wet weather or other stressors • Recovery for transport dependent on high quality care but will be slow
Backbone	• Easily seen	• Spines of backbone identifiable	• Spines of backbone individually identifiable

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Assessing low body condition breeds and crossbreeds

Level of low body condition	B–E 1/BCS 2	D 0/BCS 1	E 0/BCS 0
Short ribs	• Visible but not individually • Fairly sharp to touch	• Prominent and very sharp to touch	• Very prominent and easy to see individually
Inside pin bones	• Slightly sunken	• Sunken	• Deeply sunken to the bone
Muscle wastage	• Rump muscle concave (between hooks and pins) and leg muscle is beginning to waste	• Rump muscle concave • Muscle wastage in loin and leg muscle evident	• Muscle wastage obvious over whole body • Rump and leg muscles deeply concave
Stifle joint	• Stifle joint not identifiable	• Stifle joint not identifiable	• Stifle joint identifiable
Tail bones	• Individual bones not identifiable	• Individual bones just able to be felt	• Individual bones easily felt
Skin	• Pliable	• Less pliable	• Tight
Hump *(Bos indicus)*	• Firm with no slack skin	• Slack skin over hump	• Slack skin over hump
Dewlap	• Has some fat	• Has no fat	• Is a skinfold
Appearance	• Bright, alert	• Alert	• Lacking energy and unresponsive
Mobility	• Normal gait	• Mobile, able to lie down/rise with ease	• Unsteady gait, may drag hind feet or plait hind legs • Difficulty lying down/standing up • Difficult to maintain balance

Adapted from NSW DPI (2010), Welfare decisions for beef cows. Primefact 619, May 2010, NSW Department of Primary Industries.

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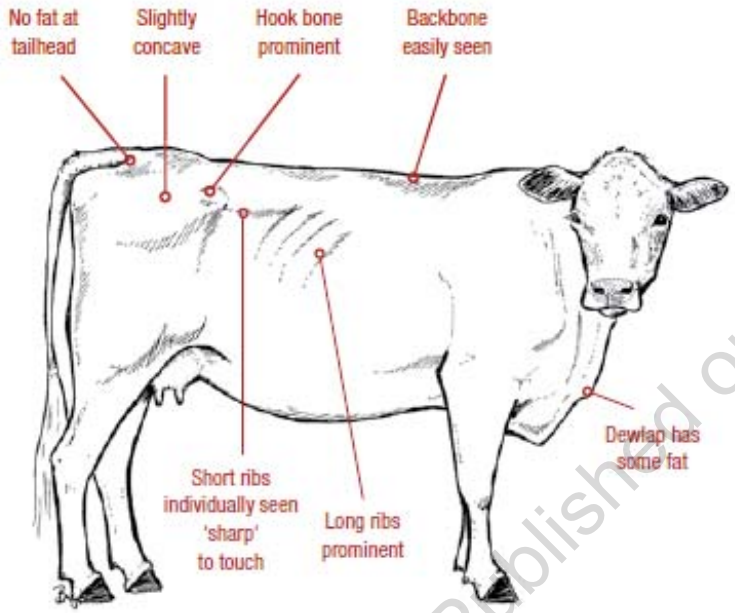
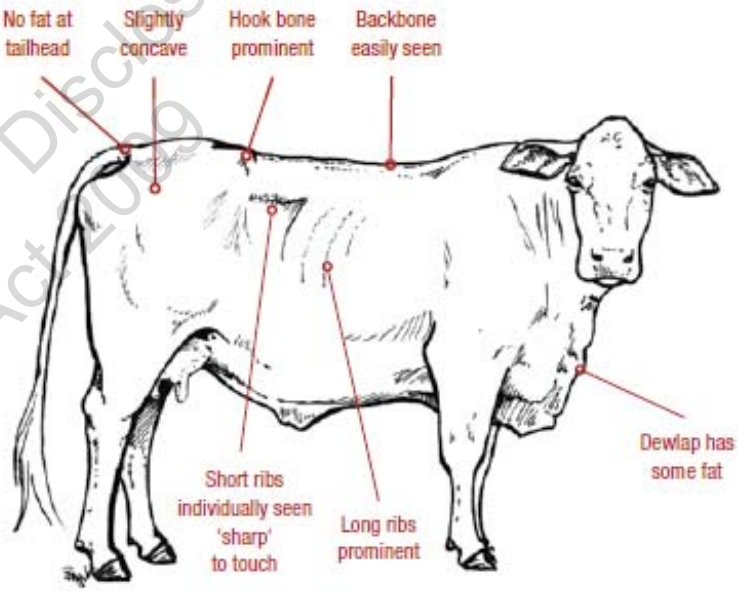
B-E 1 or BCS 2 animals and clinical descriptors

(a) B–E 1 or BCS 2 *Bos taurus* breeds and cross breeds



(b) B–E 1 or BCS 2 tropical composites



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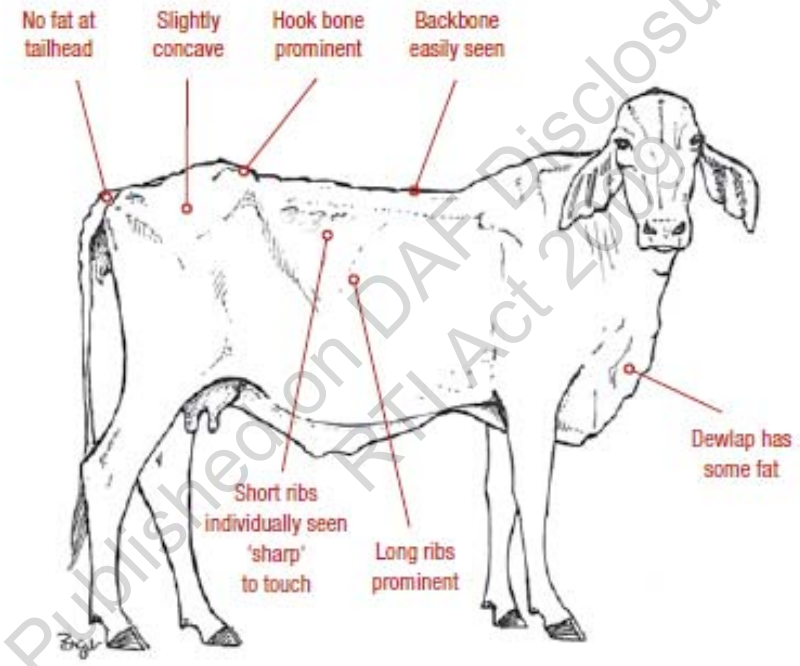
B-E 1 or BCS 2 animals and clinical descriptors

(c) B-E 1 or BCS 2 high grade *Bos indicus* breeds



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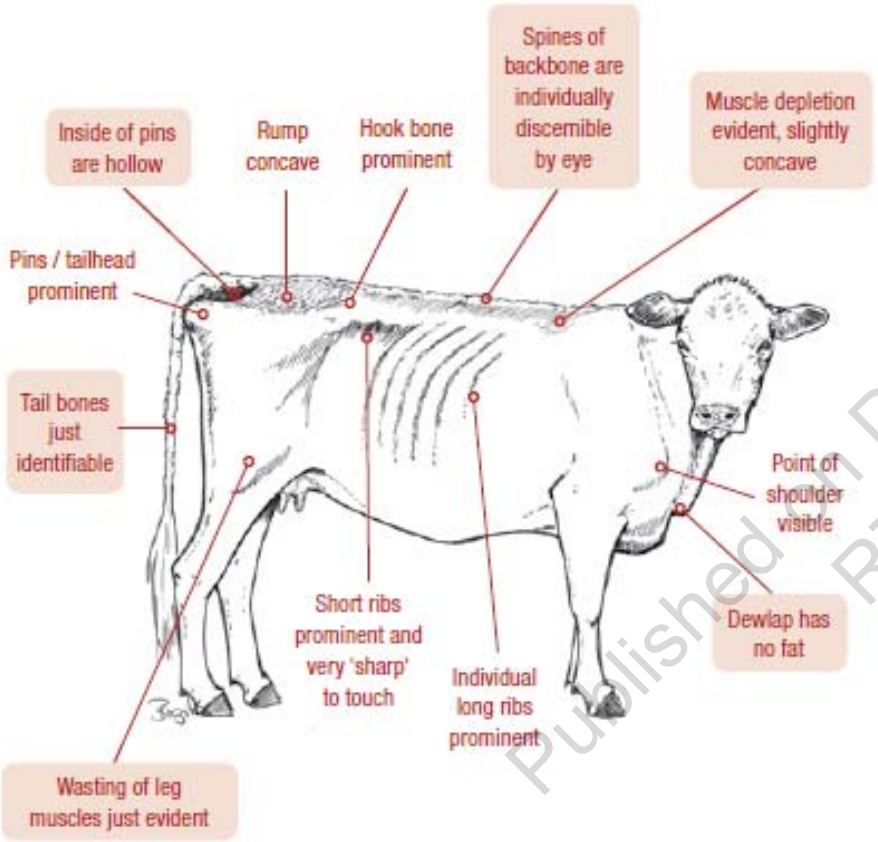
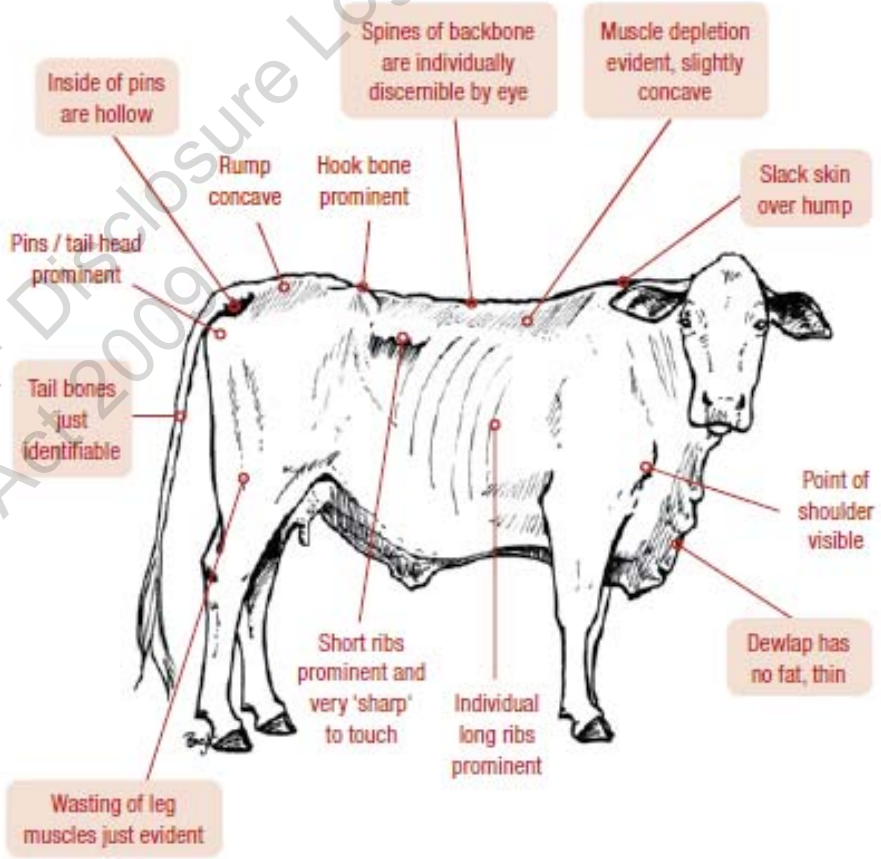
D 0 or BCS 1 animals and clinical descriptors

(a) D 0 or BCS 1 *Bos taurus* breeds and crossbreeds



(b) D 0 or BCS 1 tropical composites



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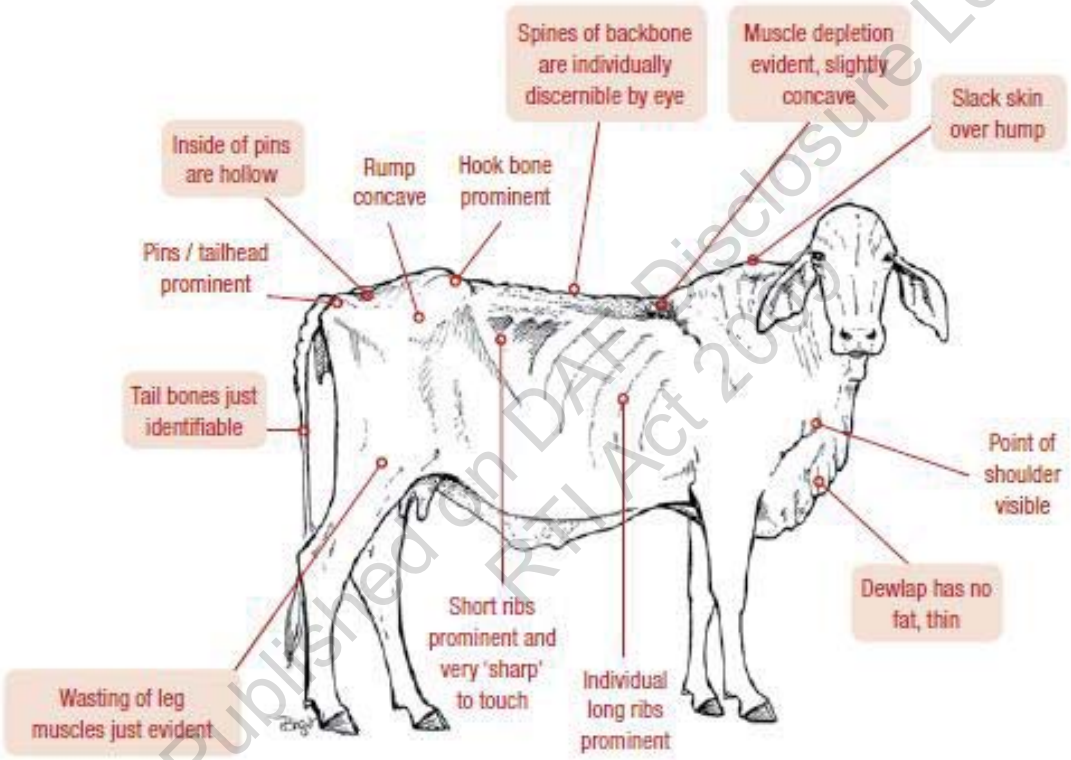
D 0 or BCS 1 animals and clinical descriptors

(c) D 0 or BCS 1 high grade *Bos indicus* breeds



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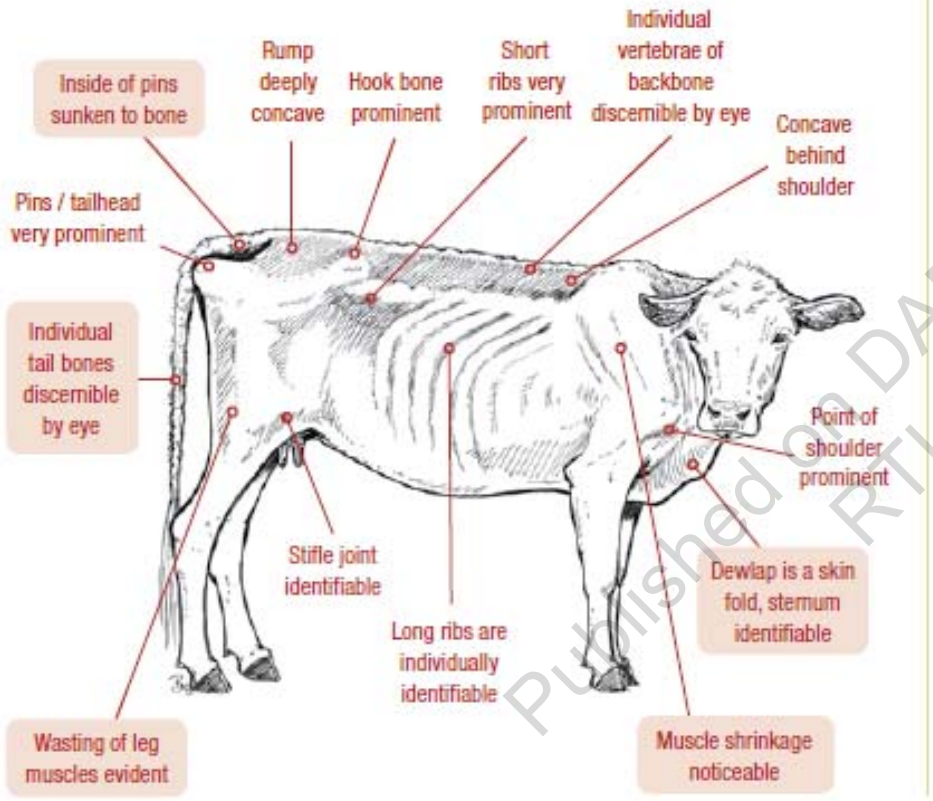
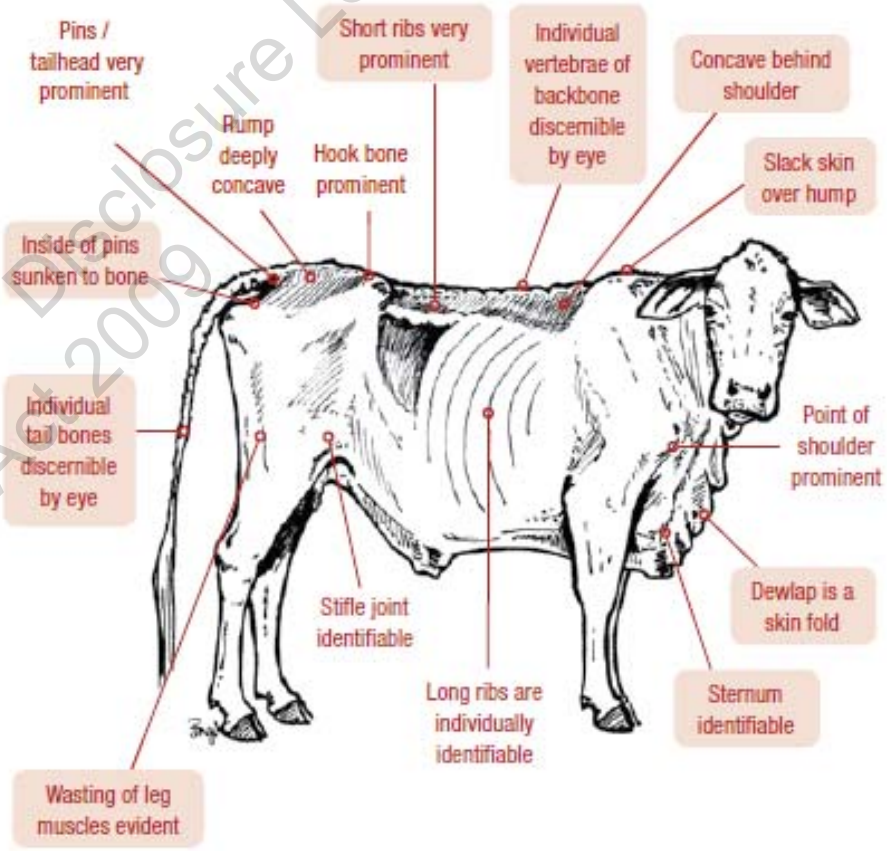
E 0 or BCS 0 animals and clinical descriptors

(a) E 0 or BCS 0 *Bos taurus* breeds and crossbreeds



(b) E 0 or BCS 0 tropical composites



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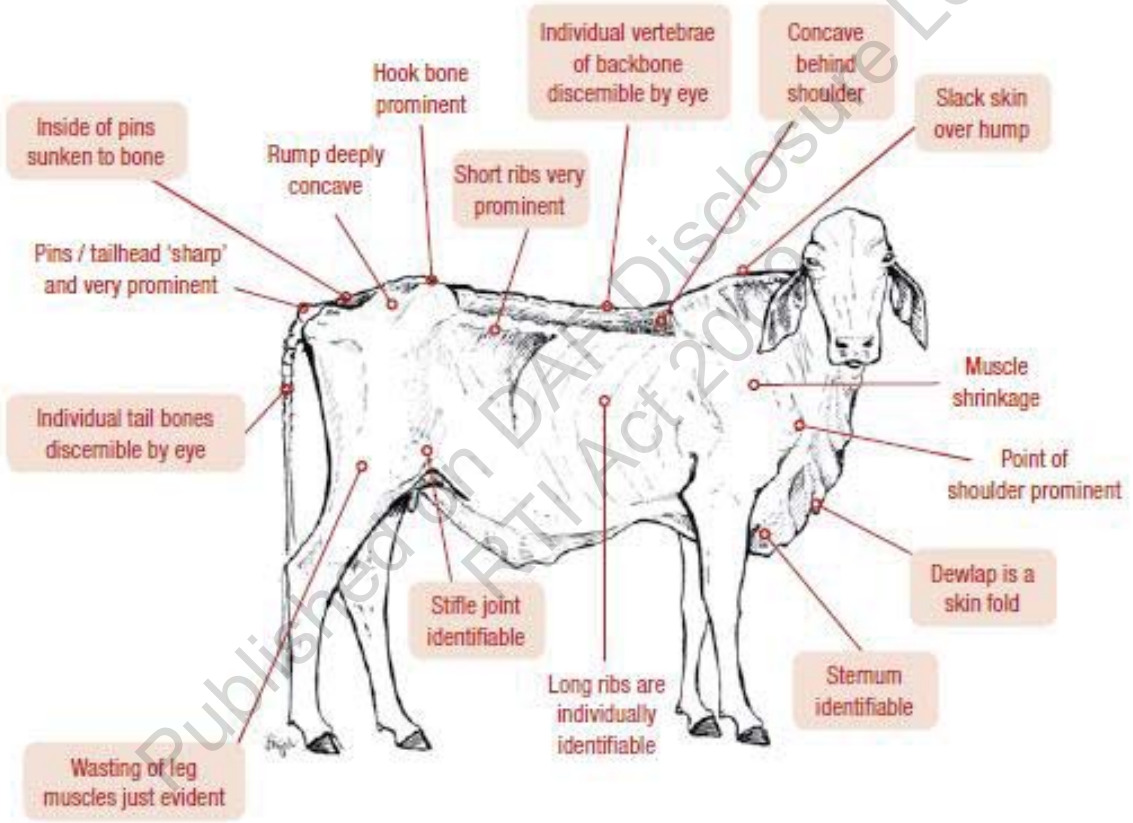
E 0 or BCS 0 animals and clinical descriptors

(c) E 0 or BCS 0 high grade *Bos indicus* breeds



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Assessing strength in beef cattle

Animals that can perform a normal range of behaviours have sufficient strength for handling and transport.

The behaviours and appearances described in Table 3 are normal for beef cattle. Animals that cannot easily perform these behaviours, or exhibit these appearances, should be assessed for malnutrition, disease, stress and fatigue.

Animals must meet the Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock.

Table 3: Normal behaviours and appearances of beef cattle

Behavioural indicators	Observations
Movement and locomotion	• Co-ordinated gait when walking • Lies down from standing position • Stands up from lying position • Able to stand without muscle tremors • Head held above a horizontal line from the point of the shoulder
Grooming	• Animals seen to self-lick/scratch/rub or lick others
Herd instinct	• Following behaviour with other cattle (not always seen in yarded cattle) • Establishes flight zone distance when approached • Alert and will react to potential threats
Inquisitive	• Approach and then consume feed and water on offer
Cud chewing	• Chews cud while resting

Physical indicators	Observations
Coat condition	• Coat shows some shine • Coat is not rough and is not harsh to touch • Skin is flexible with minimal skin flaking
Eyes	• Not sunken into the eye socket • Are not dull visually • Move in response to stimuli and their surroundings

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Assessing fatigue in beef cattle

Fatigue means extreme physical and/or mental tiredness.

Fatigue in beef cattle is not well understood, and can only be assessed by observing physical and clinical signs. Sometimes fatigue can be confused with a lack of physical strength in cattle where muscle depletion is extreme.

Fatigue is a temporary state and can be caused by a variety of stressors including long periods of standing or extreme temperatures. Reducing mobility from muscle loss is not necessarily fatigue but is due to lack of strength.

Cattle with muscle loss show fatigue-like symptoms and show them earlier than cattle not experiencing muscle loss. Grossly fat cattle also show fatigue when exposed to stressors such as periods of exertion or high temperatures.

Descriptors of fatigue are:

- open mouthed panting and salivation
- head and neck drop as muscles are deprived of energy
- muscle tremors visible in hind legs and shoulders
- unsteady gait
- no flight zone response or no avoidance behaviour
- little or no response to stimuli or surroundings
- does not remain with other cattle, particularly when lying
- no cud chewing
- bright yellow urine indicating dehydration
- breathing rate more than 40 breaths per minute.

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Managing fatigue in beef cattle

What to do with fatigued cattle in the yards

- Do not work cattle showing symptoms of fatigue. Fatigued cattle are high transport risks.
- Allow cattle time (overnight is recommended) to recover, with access to water for rehydration and feed.
- Do not work freshly recovered cattle during the heat of the next day.
- Use low stress handling principles.
- Do not load cattle with symptoms of fatigue as they will not cope with travel and are almost certain to fall down during transport.
- Cattle still showing signs of fatigue should be fed and watered until showing signs of normal behaviour.
- Supply clean water, as cool as practically possible, and make water continually available.
- Shade should be provided.
- Cattle failing the strength assessment (see Table 3) are those most likely to show symptoms of fatigue when exertion/exercise is given, extremes of temperature/humidity are experienced or they are on a transport journey.

Fatigued calves

- Calves, especially those younger than three months of age or below 80kg liveweight, are susceptible to fatigue from mustering and temperature extremes. Calves younger than one month of age are the most susceptible.
- Calves have a strong instinct to follow their mother. When fatigued, calves may not keep up and may lie down from exhaustion and lose their mother.
- Take extra time and care when mustering and handling young calves to avoid fatigue.

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Body condition cattle welfare and management

National livestock language		Body condition score	Welfare	Management
Muscle	Fat			
E	0	0	• High risk • Weak, with no body reserves	• At risk of death from cold, wet weather or other stressors • Recovery dependent on high quality care and will be slow • Unable to be transported without prolonged intensive management
D	0	1	• At risk • Significant muscle utilisation and may be weak	• Able to recover for transport with adequate care • High level of management required • Unlikely can be transported without feeding and rest
B-E	1	2	• Of concern • Lean but strong with evident muscle utilisation	• Management intervention required • May be able to be transported if strong and dependent on journey and prevailing conditions
A-E	2	3	• No concern	• Minimum target for females at calving
A-E	3	4	• No concern	• Optimal for breeding
A-E	4	5	• No concern	• Optimal for breeding
A-E	5	5	• At risk if travelling long distances	• May be too fat for joining heifers and some cows. Can be transported if heat load is not excessive
A-E	6	5	• At risk if travelling long distances	• May be too fat for breeding. Can be transported if heat load is not excessive

- Management needs to recognise an animal may have muscle strength but can still be fatigued without adequate rest.
- Management priorities include: weaning, adjusting stocking rates, energy supplementation, protein supplementation, segregation, protection from elements and rest.
- Management intervention should consider the welfare state and strength of individual animals not just the mob.
- Management intervention should only occur after careful planning to consider current and forecast seasonal and environmental conditions as well as all nutritional and relocation options.
- All management decisions should meet the guidelines contained in the publication, *Is it fit to load? A national guide the selection of animals fit to transport (2012).*
- All management decisions involving the transport of cattle must comply with the standards contained in the publication, *Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock (2012).*

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Feed requirements of low body condition cows

Where the feeding of low body condition cows is physically possible, breeding cows can be held at pre-determined liveweights to minimise welfare situations. Knowing how much to feed means that cows can be fed to maintain liveweight, muscle mass and strength.

You need to know:

- an estimate of the liveweight of your cows, disregarding the bottom 25% of any mob
- whether they are lactating
- if their calves are old enough to be weaned (i.e. older than 6 weeks of age)
- whether they are more than 8 weeks pregnant.

In pastoral areas and when cows are strong enough, if there is adequate energy in the available dry matter of grass, these cows can be supplemented with non-protein nitrogen sources such as urea so that they maintain condition. If there is not sufficient energy in the available grass, then handfeeding with both energy and protein may be the next option.

Identify feed availability and quality

Energy is needed by animals for all bodily functions. Energy is measured in megajoules (MJ). Animal requirements are assessed as megajoules of metabolisable energy/day (MJ ME/day). Energy in feed is assessed as megajoules of metabolisable energy per kilogram of dry matter (MJ.ME/kg dry matter or simply M/D).

Use feed tables to estimate feed quality for energy, or buy feeds with a tested quality result. Feed quality is about energy first and foremost. Protein content is not the first criterion. Feeds high in energy (9M/D or more) will be high in protein (8% crude protein or more).

Manufactured feeds will come with an energy (and crude protein) test or minimum figure on the label or invoice.

Try to avoid handfeeding diets that comprise more than two or three components, unless you have mixing equipment.

Use commonly available feeds.

Drought feeding cows is expensive, reducing numbers progressively may be the best option.

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Feed requirements of low body condition cows

Calculate feed requirements

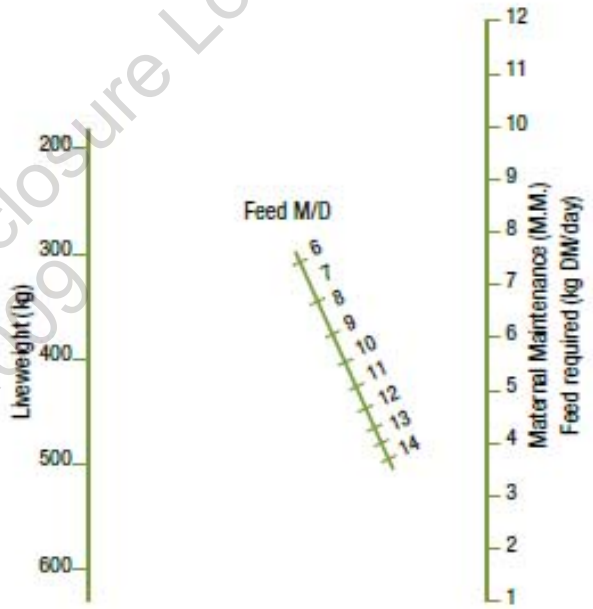
Use Figure 6 to calculate how much feed to offer per head per day.

Follow these steps:

1. Locate your estimated animal liveweight on the left-hand vertical line [liveweight (kg)].
2. Locate the feed quality [feed M/D] on the centre line.
3. Use a ruler to draw a straight line between these two points, and extend the line to the right-hand vertical line.
4. Read the value where the drawn line intersects the right-hand vertical line. This is the feed required for maternal (cow) maintenance in kg/head/day. At this feeding rate, the liveweight will be maintained.

The bottom 25% of cows should be offered slightly more feed because the calculation is for an average estimated weight. If they eat the feed on offer, their liveweight will increase. If practical, draft off and feed these animals separately until their liveweight increases.

Figure 6: Feed requirement of cattle during drought using the metabolise energy system



Source: Oddy VH (1983), Feed requirements of sheep and cattle during drought using the metabolisable energy system, Agbulletin 3, Department of Agriculture New South Wales.
N.B. This diagram is not to scale and should only be used as a guide.

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Feed requirements of low body condition cows

Adjust diet for pregnancy and lactation

Step 1: Pregnancy and lactation

Determine the daily amount to be fed to pregnant and lactating cows by using the following multipliers for the maternal maintenance:

- × 1.0 if dry and empty
- × 1.2 if dry and more than 2 months pregnant
- × 1.4 if dry and 8 months pregnant
- × 1.6 if lactating.

Step 2: Dry matter content

All feeds contain water (eg hay/grains/protein meals contain approximately 10% water, molasses contains 23% water), so calculate the amount to actually feed (called 'as fed') using the following formula:

$$\text{As fed} = \frac{\text{Amount at Step 1 (pregnancy and lactation)}}{\text{Dry matter \%}}$$

For example:

$$\text{As fed} = \frac{6\text{kg}}{0.9\ (90\%\ \text{DM})} = 6.7\text{kg/head/day}$$

To feed the mob, multiply the as fed value (kg/head/day) by the number of animals to be fed, and then add 10% for wastage.

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Transporting low body condition cattle

Low body condition cattle must be prepared for road transport to minimise risks to animal welfare. The amount of preparation required will be determined by the current condition of the cattle and the intended journey.

Cattle should be rested and provided with cool, clean water and dry feed until transported.

The transport company should be informed of how cattle are prepared as they are responsible for the cattle during transit. The people in charge of the cattle must meet the state or territory legal obligations of providing suitable water, food, handling facilities, yards and transport, bearing in mind the low condition of cattle to be transported.

When you talk to your transport company at the time of booking:

- describe the cattle objectively
- ask if calves will be separated from cows
- describe the pre-transport preparation
- discuss loading densities and pen size
- describe the intended journey (from/to) and the condition of loading and unloading facilities at each end of the journey
- ask if the cattle can be loaded at dusk or in the evening, to be transported in the cool of the night.

Saleyards

Cattle assessed as E 0/BCS 0 should not be consigned to saleyards. These cattle will have welfare risks and no commercial value. There is no economic benefit from putting such cattle through a saleyard process.

Low body condition cattle must be assessed as being 'fit to load' and subject to the guideline: 'If in doubt – leave it out'.

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Transporting low body condition cattle

Pre-transport

Cattle assessed as D 0/BCS 1 should be rested after any yard work or mustering. Ensure continual access to water and palatable hay. Cattle should be fed a diet that provides sufficient energy (at least 8MJ ME/kg DM) to start build-up of glucose blood levels for muscle strength.

If the diet is mixed, it should contain a palatable roughage of at least 8MJ ME/kg DM to help maintain rumen function. Molasses–protein meal–white, or whole, cottonseed–cereal grain mixes are also a suitable feed for this purpose, but will need an added low quality roughage of 8MJ ME/kg DM.

TIPS

- Use the visual body description system and the strength checklist to identify cattle that may not be strong enough to travel to the intended destination
- Discuss the feed and water curfew on the cattle with the transporter and the consignee prior to loading. Continuous access to dry feed and clean, cool water until loading is preferable for the welfare of the cattle. A maximum 4 hour feed curfew is suggested.

Urea should not be considered because there will be insufficient time to safely introduce it before transport.

For cattle assessed as D 0/BCS 1, provide feed and water for at least 48 hours to build-up energy (glucose) levels, and to allow cattle to recover from dehydration and fatigue.

For cattle assessed as E 0/BCS 0, feed for 4–6 weeks before reassessing for transport. Consider if this is an economical option compared to euthanasia.

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Transporting low body condition cattle

How much to feed

For cattle assessed as D 0/BCS 1, provide as much roughage feed as they can eat.

For cattle assessed as E 0/BCS 0, introduce feed in daily or twice daily amounts to maximise palatability and intake. Feed palatable roughage for 7 days before any other feed source is introduced.

1.	Roughages (hay)	allow 5–6 kg/head/day as fed
	(silage)	allow 12–18 kg/head/day as fed
2.	Molasses	allow 3–4kg/head/day, plus roughage of at least 0.5kg/head/day

Add protein meal at 500–750g/head/day.

This will be sufficient for dry, empty breeding cows of 350–400kg liveweight.

TIPS

- After mustering or yard work, rest cattle in holding yards or in small paddocks if practical and always with easy access to palatable water and feed.
- Work out a feeding budget.
- Non-feeders should be drafted off into a hospital paddock for specialised feeding or euthanised. Animals assessed as not 'fit to load' should continue to be fed to build-up strength or be considered for euthanasia.
- Feeding in hay/silage racks or bunkers will reduce feed wastage by 30% and help maximise feed intake. Ensure sufficient trough space to feed all animals at the same time.
- Ask for help. Seek the best available advice.

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Transporting low body condition cattle

Pre-transport planning

Plan around the following factors in an assessment for transport:

- length of journey and road conditions (flat/hilly/rough)
- destination (saleyard, agistment, abattoir)
- time of year and seasonal climate (hot, cold, wind chill)
- assessment of cattle as 'fit to load'
- available loading and unloading facilities (eg single-deck or double-deck loading ramps)
- resting of cattle in transit, and supervision of the welfare of the cattle
- provision of feed and water during rest periods, and who is responsible for provisions and costs
- how to treat animals deemed unfit to travel after an in transit rest period.

TIPS FOR IMPROVING WELFARE

- Decide how cows and calves are to be transported.
  - Ask the transport company about its practices for trucking cows with calves at foot. In the extensive pastoral industry where long distance transport is normal, calf welfare is maximised when cows and calves are not separated.
- Discuss with the driver where segregated calves will be penned on each trailer.
  - Calves younger than 1 month old need room to lie down and must be protected from wind chill.
  - Talk with the transport company about transporting young calves, as truck floors are designed for waste removal and prevention of slipping.
- Discuss with the driver the order of loading cattle onto the trailer, and note any reasons given by the driver.
- If the driver is unfamiliar with the road journey, tell them what you know about road conditions and terrain.
- Cattle assessed as D 0/BCS 1 should have access to water and dry feed until loading. A maximum 4 hour feed curfew is suggested.
- Do not use excessive force to load cattle (eg dogs, electric prodders).
- Do not jump these cattle off the transport at the end of their journey.
- Discuss pen and deck densities with the transporter when the load is booked.
- Where possible, avoid mixing horned animals with those that are polled or dehorned.
- Where possible, avoid mixing cattle belonging to different owners.

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Transporting low body condition cattle

Suitable pre-transport feeds

Feeding drought-affected cattle to prepare them for transport aims to provide an energy source that will be easily digested to release glucose for absorption into the blood stream, to assist muscle strength.

As a product of digestion, glucose is available to the muscles within several hours of a feed being eaten. The higher the feed energy level, the higher the glucose available from digestion. However, the highest energy feeds may not be the most appropriate for pre-transport feeding of low body condition cattle.

Table 4 lists potential feed sources and use as a pre-transport feed.

A pre-transport feed is one offered to cattle to provide a planned nutritional balance (energy and protein) for a period of several days to six weeks so as to improve the body condition and strength of cattle.

A high energy feed has 9 M/D (MJ ME/kg DM) and above.

A low energy feed has 7 M/D (MJ ME/kg DM) and below.

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Transporting low body condition cattle

Table 4: Pre-transport rating of feed for low body condition beef cattle (assessed as D 0/BCS 1 or below)

Feed source	Nutritional factors	Rating
Silage	• Energy value depends on basal feed ME at cutting/ensiling • Tropical plants peak at 60% digestibility* (range 40–60% digestibility) • Temperate plants peak at 70% digestibility (range 50–70% digestibility) • Poorly fermented silage will be less palatable	★★★ ★★★★
Molasses	• Highly digestible energy source • High palatability • Must be fed with sufficient roughage to assist rumen function and reduce risk of toxicity • Feed molasses with protein meal/white, or whole, cottonseed/cereal grain. Ask your beef cattle advisor for recipe rates • Manufactured molasses mixtures that limit intake to 1.0–1.5kg/day for cattle will not provide sufficient energy intake. Talk to your supplier about customising the mix to increase intake to 3.0-4.0kg/head/day	★★★
Hays	• Energy value depends on basal feed quality at cutting/baling, and whether tropical or temperate forage is being cut (see 'Silage', above) • Legume–grass pasture hays are ideal • Cereal–legume crop hays cut after flowering, and summer forage crop hays cut at 1m, are suitable	★★★
Cereal grains and palm kernel meal	• Seek advice before adopting grain-based feeding • Palatability and energy values are consistent • Rumen needs time to be trained to consume the starch carbohydrate of grains (14–21 days). This is a major limitation for nutritionally deprived cattle	★

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Transporting low body condition cattle

Feed source	Nutritional factors	Rating
Protein meals	• The best source of energy-derived glucose • Energy values can vary depending on residual oil content • Palatable with low acidosis risks • Price can be high • Include with white, or whole, cottonseed or molasses at up to 1.0kg/head/day • Allow sufficient feeding space/troughs to maximise feeding opportunity	★★★
White, or whole, cottonseed	• Energy values can vary but exceed cereal grain • Can be fed at 2–3kg/head/day if roughage is available. Add protein meal at a per head rate • Can be fed in a mix with grains or molasses at up to 2–3kg/head/day • Can be unpalatable when fed to cattle with no experience of eating it • Cattle must have rumen function to process the gossypol present in white, or whole, cottonseed	★★
Grain legumes	• Energy values are consistent and protein values vary between types • Acidosis risk varies between the grain legumes, but is greatest when legume grains are milled (rolled or cracked) and then fed as the sole feed • Best fed with cereal grains to boost diet protein content	★½
Dried distillers solubles	• Energy value consistent, but moisture content may vary, impacting on cost/kg DM • Palatable • Treat as a grain and include in a ration mix with molasses or protein meal or cereal grain • Seek feeding advice	★

N.B. Head is assumed to be a dry, empty, cross-bred cow 350–400kg.

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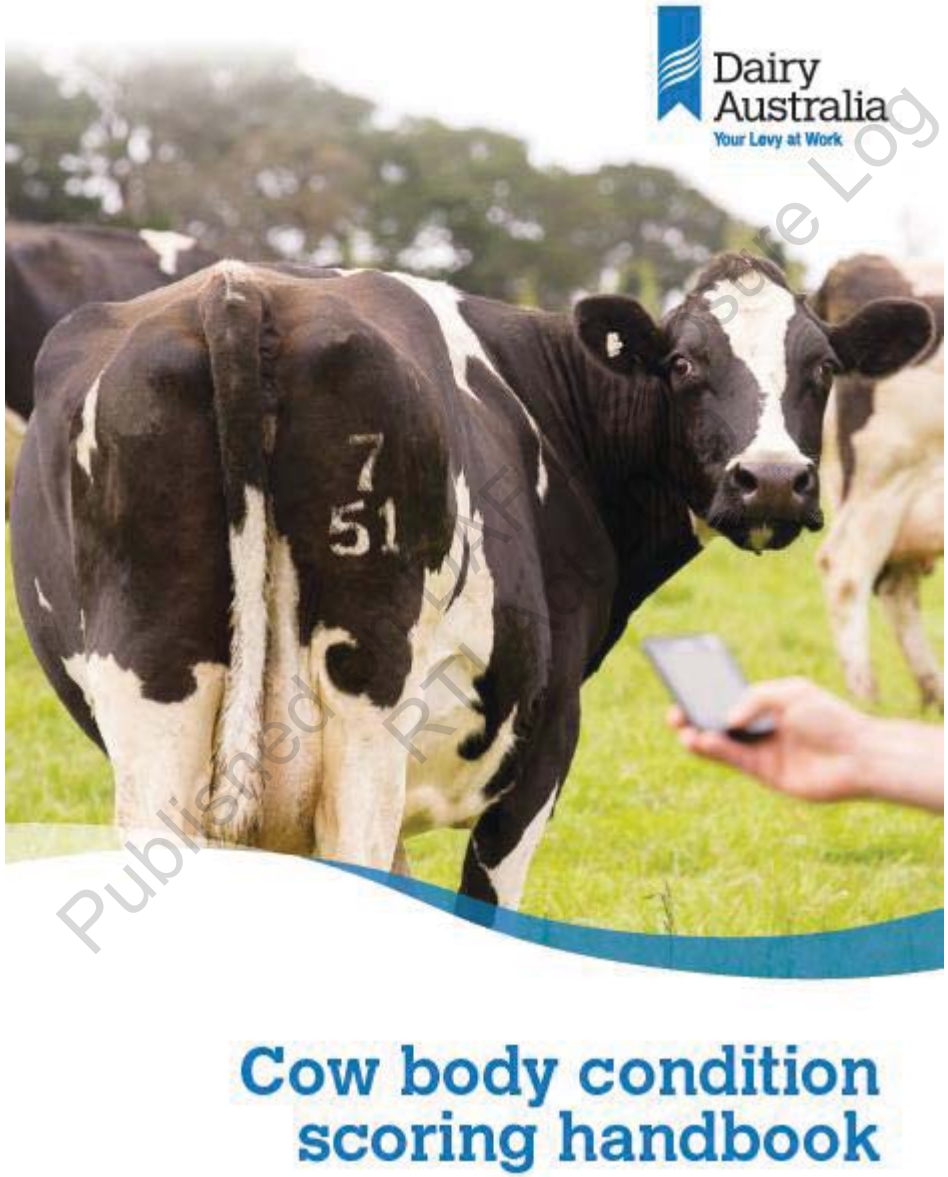
Dairy Cattle body condition scoring



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Why body condition score your herd?

Assessing a cow's BCS using a 1 to 8 scale provides a standardised measure of a cow's energy (and protein) reserves, and tells a lot about:

- previous level of feeding,
- likely future productivity, and
- future feed requirements.

Effective management of body condition and nutrition improves herd reproductive performance, milk production, feed conversion efficiency, and enhances cow health and welfare.

Cows that are too thin at calving are less fertile and produce less milk

- They take longer to recommence cycling, reducing submission rates and conception rates.
- They partition more feed energy to body condition gain versus milk production. This means cows fail to achieve their genetic peak milk yield and have lower lactation persistency.

Cows that are too fat at calving often have health problems

- They are more likely to have calving problems, metabolic disorders and other health problems, and have poorer appetites after calving than thinner cows.

Cows that lose excessive condition in early lactation are also less fertile

- They take longer to recommence cycling, reducing submission rates and conception rates. Poor expression of heat signs can also occur.

Measuring and managing body condition is all about managing your herd's nutrition program. Condition scoring your cows at critical times during their lactation cycle lets you know if you need to consider changing herd nutrition.

What is body condition scoring?

Body condition scoring is a visual assessment of the amount of fat and muscle covering the bones of a cow, regardless of body size. It is not affected by gut fill or pregnancy as liveweight is. It involves assessing specific locations on the cow to determine how thin or fat the cow is.

The 1 to 8 body condition scale

Different systems are used to body condition score dairy cattle and beef cattle. In Australia, an 8 point scale is most commonly used for dairy cattle:

- A cow with a BCS of 1 is considered extremely thin, the result either of severe under-feeding or disease.
- A cow with a BCS of 8 is considered extremely fat and is at risk of several metabolic diseases after calving.

Body condition scoring using this 8 point scale provides a quick, easy, consistent way to assess body condition in dairy cattle. Only cows with a BCS of 3 to 6 are shown in this booklet as healthy, productive cows in commercial dairy herds should always be within this range.

The scoring method is the same for all dairy breeds despite their differences.

Holstein-Friesians	Angular body shape, appear thinner, carry more body fat over ribs
Cross-breds	More even distribution of fat over body
Jerseys	Narrow body with prominent hip bones and higher set tail

Note: Other dairy body condition scoring systems use different scales eg. 5 point (US and Ireland), 10 point (New Zealand).

Body condition targets

A herd's range in body condition score (BCS) is as important as its average BCS. We need to know what proportion of cows are too thin and too fat, as these cows are likely to have reduced reproductive performance and milk production, and increased risk to their health and welfare.

Targets

At calving:

- No more than 15% of cows below BCS 4.5.
- No more than 15% of cows above BCS 5.5.

At mating:

- The decrease in average BCS of the herd since calving is no more than 0.6.
- No more than 15% of cows lose more than one BCS since calving.
- Cows maintain or gain body condition from commencement of mating.
(see page 36 for benefits from achieving BCS targets)

At drying-off:

- Cows in desired condition score at calving.
- Cows maintain or gain body condition during the dry period.

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How to body condition score a cow

2-step "hands-off" scoring method only takes seconds

Using the scoring method described in this booklet is simple and it only takes seconds to score each cow. You only need to make two observations to determine the BCS of any cow to the nearest half score.

- The first observation is made from the back of the cow, focusing on a location where it is easiest to see that she is starting to lay down fat.
- The first observation determines which part of the cow's body to focus on next. The second observation may be the area between the tail and pins, the backbone or the depression between the hip and pin.

This method is "hands off". It can be done from a distance. However, to get your eye in, it is a good idea to score some cows "hands on" (see page 17).

Don't agonise over each cow's BCS. Make a quick assessment and move on to the next cow. If you score the recommended number of cows (see page 20), the cows you scored a little generously or harshly will balance each other and you will get a good indication of the herd's average BCS and the range of scores within the herd.

Key points to look at

1st Observation

Look closely at area between tail and pins:

Is it deeply sunken, sunken, slightly sunken or filled in?

2nd Observation

If area between tail and pins is deeply sunken:

Look at insides of pins. Are they hollow?

If area between tail and pins is sunken:

Look at backbone. Is it flat or a bumpy sharp ridge?

If area between tail and pins is slightly sunken or filled in:

Look at depression between hip and pin. Is it U-shaped, shallow or flat?

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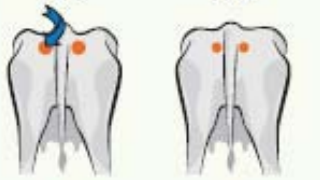
How to body condition score a cow

1st Observation

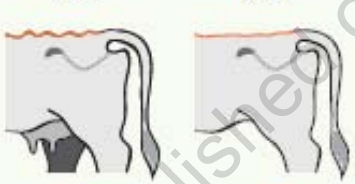
How sunken is the area between the tail and pins?

2nd Observation

Are the insides of the pins hollow?



Is the backbone a bumpy sharp ridge?



The depression between the hip and pin is:

Condition Score 3 | Condition Score 3.5 | Condition Score 4 | Condition Score 4.5 | Condition Score 5 | Condition Score 5.5 | Condition Score 6

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3

Condition Score 3 All breeds

1st observation

Area between tail and pins is deeply sunken

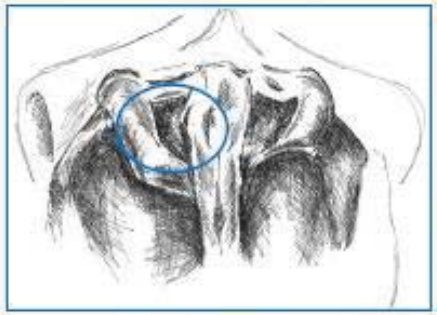

Image courtesy of DEPI (Vic.)

Image courtesy of DairyNZ

2nd observation

Insides of pins are hollow

Image courtesy of DEPI (Vic.)

Cows in this score also have:

- Very prominent hips
- A backbone that is a very bumpy ridge

3.5

Condition Score 3.5 All breeds

1st observation

Area between tail and pins is deeply sunken

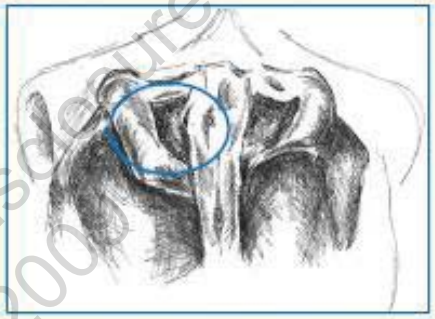

Image courtesy of DEPI (Vic.)

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2nd observation

Insides of pins are not hollow

Image courtesy of DEPI (Vic.)

Cows in this score also have:

- Prominent hips
- A backbone that is a bumpy ridge

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Condition Score 4 All breeds

1st observation

Area between tail and pins is sunken

Image courtesy of DEPI (Vic.)

Image courtesy of DairyNZ

2nd observation

Backbone is a bumpy, sharp ridge

Image courtesy of DEPI (Vic.)

Image courtesy of DairyNZ

12

4.5

Condition Score 4.5 All breeds

1st observation

Area between tail and pins is sunken

Image courtesy of DEPI (Vic.)

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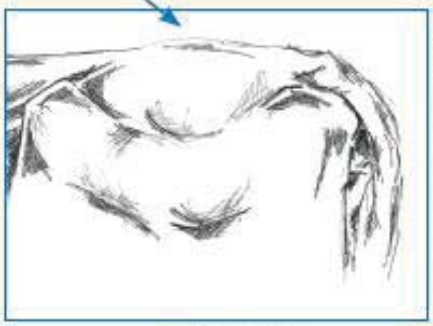
2nd observation

Backbone is not a bumpy, sharp ridge



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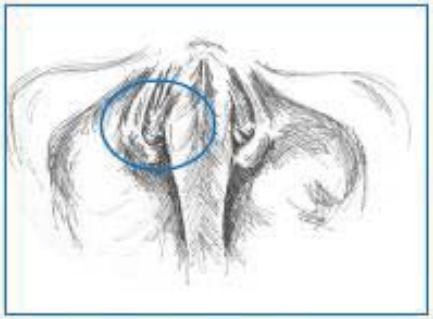
Condition Score 5 All breeds

1st observation

Area between tail and pins is slightly sunken



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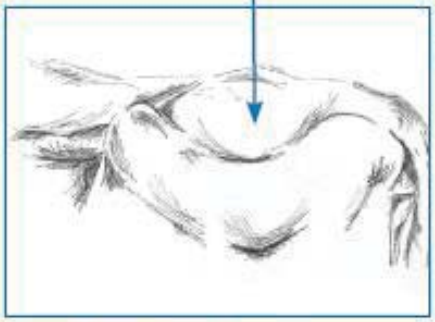
2nd observation

Depression between hip and pin is U-shaped



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5.5

Condition Score 5.5 All breeds

1st observation

Area between tail and pins is slightly sunken to filled in

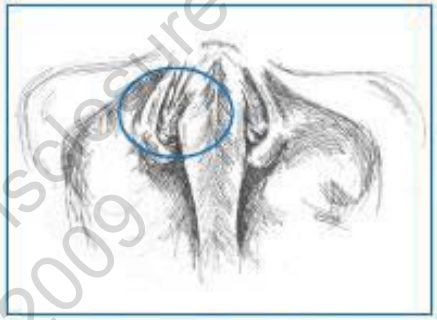

Image courtesy of DEPI (Vic.)

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2nd observation

Depression between hip and pin is shallow

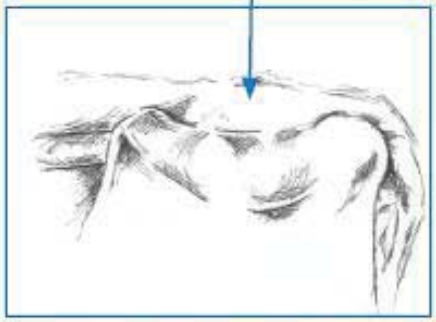

Image courtesy of DEPI (Vic.)

Image courtesy of DairyNZ

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6

Condition Score 6 All breeds

1st observation

Area between tail and pins is filled in

Image courtesy of DEPI (Vic.)

Image courtesy of DairyNZ

2nd observation

Depression between hip and pin is flat

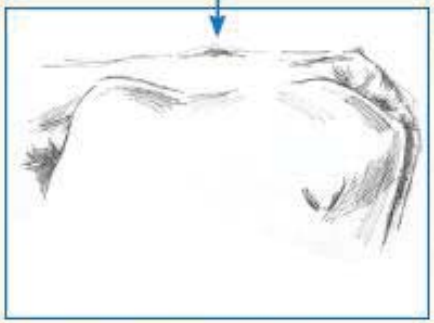

Image courtesy of DEPI (Vic.)

Image courtesy of DairyNZ

Get your eye in first

Body condition scoring is easy. However, if you are not very experienced or are a little out of practice, it is a good idea to calibrate your eye first by condition scoring some cows 'hands on'. The ideal place to do this is an AI race.

- Line up 10 cows with a range of body condition.
- Put your hands on the key points of each cow—the area between the tail and pins, the backbone and the depression between hip and pin.
- Feel the amount of fat cover over these body points and the differences between the cows.
- Score each cow using the method described on pages 8 and 9.

Now you are ready to condition score your herd using the 'hands off' method in the paddock or the dairy.

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Body condition scoring your herd

When and why

Seasonal/split calving herds

When	Why
1. At 8–10 weeks before drying-off*	– To decide if the diet should be adjusted to increase BCS before cows dry off.
2. At drying-off	– To check if cows have achieved BCS profile desired at calving or not. – To decide if intended dry cow diet needs adjusting.
3. Just before calving*	– To check if cows have held their body condition through the dry period. – To decide if intended fresh cow / early lactation diet needs adjusting.
4. Two weeks before mating start date*	– To check if cows have lost excessive condition since calving. – To decide if intended diet during mating period needs adjusting.
5. Three weeks after mating start date	– To check if cows are gaining body condition. – To decide if diet being fed during mating period needs adjusting.

1, 3 and 4 are the most important times to body condition score cows in each calving group.

Year-round calving herds

When	Why
1. At drying-off	– To check if cows have achieved BCS profile desired at calving or not. – To decide if intended dry cow diet needs adjusting.
2. Just before calving	– To check if cows have held their body condition through the dry period. – To decide if intended fresh cow / early lactation diet needs adjusting.
3. 40–60 days after calving (when eligible for insemination)	– To check if cows have lost excessive condition since calving. – To decide if intended diet during mating needs adjusting.

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Body condition scoring your herd (cont)

How many cows to score?

It is very important to score a representative selection of cows in your herd

Seasonal/split calving herds

- Score 70 cows each time.
- Even in large herds, 70 cows is sufficient each time.
- It is not necessary to score the same cows each time.
- Record each score separately; record cow identity if you wish.
- With practice, scoring 70 cows should take no more than 30 minutes.

Year-round calving herds

- If you are milking fewer than 300 cows, you will need to score all cows at drying-off, just before calving and when they become eligible for insemination.
- At 450 cows, scoring two out of every three cows should be sufficient.
- At 600 cows, scoring every second cow should be sufficient.

Where to score cows?

Cows are most easily scored in the paddock or in the dairy at milking.

In the paddock:

- Walk through the herd, scoring cows as you go.
- Position yourself within 20–30 metres of the cows.
- Score cows when they are standing with their tail, rump and back clearly visible.

In the dairy at milking:

Rotary:

- Look at cows from a position above and to the rear of them using a raised platform close to the cows.
- Ensure lighting is adequate.
- Select cows based strictly on where they are milked. For example: mark every 8th bail on the platform.
- Don't score the first or last 70 cows to be milked.

Herringbone:

- It is not possible to score cows accurately from the pit.
- Step up to view selected cows from above and to the rear.
- Select cows based strictly on where they are milked. For example: mark every 4th set of cups and score cows in those positions only.
- Don't just score the first or last 70 cows to be milked, or the first or last cow in on each side to be milked.
- Alternatively, score cows in the exit race as they leave the dairy.

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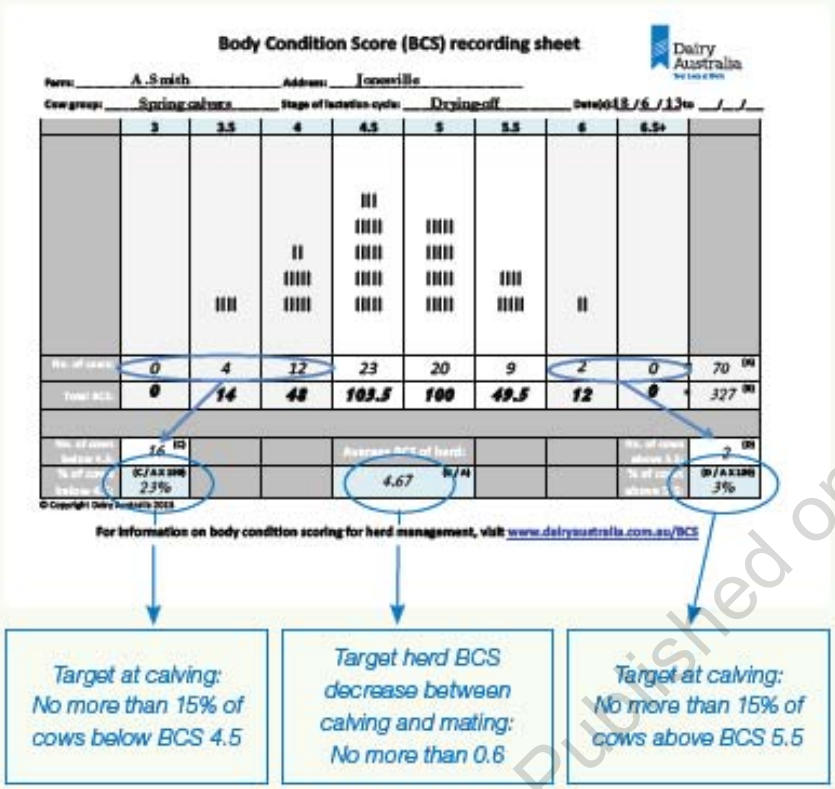
Recording body condition scores

Using recording sheets

Here is an example of a BCS recording sheet which enables you to calculate the average BCS of your herd and the all important percentages of thin and fat cows (i.e. those below 4.5 and above 5.5).



To download blank copies of recording sheets, go to www.dairyaustralia.com.au/BCS

Using smartphone app

Alternatively, if you have an iPhone or Android smartphone, you can download Dairy Australia's free BCS app and use it to condition score your herd and compare results to the BCS targets.

To download the app, go to: www.dairyaustralia.com.au/BCS

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What if results are off target?

Seasonal/split calving herds

1. At 8–10 weeks before drying-off

	ACTIONS TO CONSIDER	
BCS results	**Immediately**	**To prevent it happening again**
More than 15% of cows are **below BCS 4.5**	If possible, increase feed inputs to increase body condition in late lactation. Target all cows or just cows below score 4.5 if you can preferentially feed. Do a cost:benefit analysis before considering these options: – Early dry-off for cows below score 4.5 in late lactation. – Once-a-day milking in mid-late lactation. Then, feed to maintain or increase condition during dry period.	Seek help from an adviser to: – Examine the costs and benefits of increasing feed inputs during mid-late lactation. – Determine if reducing stocking rate is appropriate. Check that all cows have equal access to feed. If most thin cows are first calvers, then review management of heifers.
More than 15% of cows are **above BCS 5.5**	Feed to maintain condition during dry period. Don't allow over-conditioned cows to lose condition when dry.	Seek help from an adviser to: – Check diet fed throughout lactation if most fat cows have been calved less than 10–12 months. – Determine if cows are being overfed in mid-late lactation. If most fat cows are carryover cows, then improvements to herd reproductive performance will reduce this problem in the future.

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What if results are off target?

Seasonal/split calving herds

2. At drying-off

	ACTIONS TO CONSIDER	
BCS results	**Immediately**	**To prevent it happening again**
More than 15% of cows are **below BCS 4.5**	If possible increase feed inputs during the dry period. Target all cows or just cows below score 4.5 if you can preferentially feed.	Seek help from an adviser to: – Examine the costs and benefits of increasing feed inputs during late lactation. – Determine if reducing stocking rate is appropriate. Check that all cows have equal access to feed. If most thin cows are first calvers, then review management of heifers.
More than 15% of cows are **above BCS 5.5**	Feed to maintain condition during dry period. Don't allow over-conditioned cows to lose condition when dry.	Seek help from an adviser to: – Check diet fed throughout lactation if most fat cows have been calved less than 10–12 months. – Determine if cows are being overfed in late lactation. If most fat cows are carryover cows, then improvements to herd reproductive performance will reduce this problem in the future.

3. Just before calving

BCS results	**Immediately**	**To prevent it happening again**
More than 15% of cows are **below BCS 4.5**	If possible, separate thin cows into a group before and for several weeks after calving and preferentially feed.	Increase body condition in late lactation. Maintain condition during dry period. See actions above for when there are too many thin cows at drying-off.
More than 15% of cows are **above BSC 5.5**	Monitor fat cows closely for health problems, especially in first week after calving. If possible, separate fat cows into a group for several weeks after calving and preferentially feed to reduce the risk of excessive body condition loss in early lactation due to reduced appetite.	If less than 15% of cows were above BCS 5.5 at drying-off, then cows have been overfed during the dry period. Reduce the amount fed to dry cows in the future. If most fat cows are carryover cows, then improvements to herd reproductive performance will reduce this problem in the future.

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What if results are off target?

Seasonal/split calving herds

4. Two weeks before mating start date

	ACTIONS TO CONSIDER	
BCS results	**Immediately**	**To prevent it happening again**
Average herd BCS has decreased by **more than 0.6** since calving	Seek help from an adviser to examine the costs and benefits of increasing feed inputs to prevent any further losses in body condition.	Review pre-calving transition feeding program with help from an adviser. Consider increasing feed intakes to minimise body condition loss in early lactation.

5. Three weeks after mating start date

BCS results	Immediately	To prevent it happening again
Average herd BCS has **decreased further** since recorded at two weeks before mating start date	Seek help from an adviser to examine the costs and benefits of increasing feed inputs to prevent any further losses in body condition.	Review pre-calving transition feeding program with help from an adviser. Consider increasing feed intakes to minimise body condition loss in early lactation.

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For more details on strategies to achieve BCS targets, go to www.dairyaustralia.com.au/BCS

What if results are off target?

Year-round calving herds

1. At drying-off

	ACTIONS TO CONSIDER	
BCS results	**Immediately**	**To prevent it happening again**
More than 15% of cows are **below BCS 4.5**	If possible, increase feed inputs during the dry period. Target all cows or just cows below score 4.5 if you can preferentially feed.	Seek help from an adviser to: – Examine the costs and benefits of increasing feed inputs during late lactation. – Determine if reducing stocking rate is appropriate. Check that all cows have equal access to feed. If most thin cows are first calvers, then review management of heifers.
More than 15% of cows are **above BCS 5.5**	Feed to maintain condition during dry period. Don't allow over-conditioned cows to lose condition when dry.	Seek help from an adviser to: – Check diet fed throughout lactation if most fat cows have been calved less than 10–12 months. – Determine if cows are being overfed in late lactation.

2. Just before calving

BCS results	Immediately	To prevent it happening again
More than 15% of cows are **below BCS 4.5**	If possible, separate thin cows into a group before and for several weeks after calving and preferentially feed.	Increase body condition in late lactation. Maintain condition during dry period. See actions above for when there are too many thin cows at drying-off.
More than 15% of cows are **above 5.5 BCS**	Monitor fat cows closely for health problems, especially in first week after calving. If possible, separate fat cows into a group for several weeks after calving and preferentially feed to reduce the risk of excessive body condition loss in early lactation due to reduced appetite.	If less than 15% of cows were above BCS 5.5 at drying-off, then cows have been overfed during the dry period. Reduce the amount fed to dry cows in the future.

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What if results are off target?

Year-round calving herds

3. 40–60 days after calving (when eligible for insemination)

	ACTIONS TO CONSIDER	
BCS results	**Immediately**	**To prevent it happening again**
Average herd BCS has decreased by **more than 0.6** since calving	Seek help from an adviser to examine the costs and benefits of increasing feed inputs to prevent any further losses in body condition.	Review pre-calving transition feeding program with help from an adviser. Consider increasing feed intakes to minimise body condition loss in early lactation.

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For more details on strategies to achieve BCS targets, go to www.dairyaustralia.com.au/BCS

Additional energy inputs needed for BCS gains

It takes more feed energy inputs to put on a condition score when a cow is dry than when she is lactating because energy is used less efficiently during the dry period. Every kg of body weight gain requires about 42 Megajoules Metabolisable Energy (MJ ME) in a lactating cow and 58 MJ ME in a dry cow.

Bigger cows need more MJ ME to put on a condition score, and this energy input increases as BCS increases.

Cow's liveweight	Additional MJ ME per day to increase BCS from 4 to 5					
	in 30 days		in 45 days		in 60 days	
	Lactating cow	Dry cow	Lactating cow	Dry cow	Lactating cow	Dry cow
400 kg (Jersey)	49	67	33	45	25	34
475 kg (Friesian X Jersey)	58	80	39	53	29	40
550 kg (Friesian)	68	94	45	63	34	47
650 kg (Holstein-Friesian)	80	110	53	74	40	55
750 kg (Large framed Holstein-Friesian	91	127	60	85	45	64

(Source: CSIRO (2007). Nutrient requirements of domesticated ruminants)

Example:

If you wanted to put half a condition score on your 550kg Holstein-Friesian lactating cows in the last 45 days before drying-off, you would need to feed each of them an additional 23 megajoules of metabolisable energy per day.

If feeding a concentrate with an energy density of 11.5 MJ ME / kg DM, you would therefore need to feed each cow an extra 2 kg DM extra (or 2.2kg as fed of extra concentrate @90%DM).

Use energy/protein dense supplements to provide the extra energy within the cow's daily food intake limits.

Seek help from an adviser to design a balanced diet for the desired BCS gain.

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Benefits from achieving BCS targets

Reproductive performance

Cows that calve in the BCS range 4.5–5.5 have 6-week or 100-day in-calf rates at least 12% higher than if they had calved at a BCS below 4.5.

- If you actually had 35% of cows in your herd below BCS 4.5 and 20% above BCS 5.5, the impact on 6-week/100-day in-calf rate would be about 5%. If you achieved a more desirable profile with 10% of cows in the herd below BCS 4.5 and 5% above BCS 5.5, the herd's potential improvement in 6-week/100-day in-calf rate would be 4%.
- Cows that lose less than one condition score between calving and mating have higher in-calf rates compared to cows with greater losses.
- A reduction from a 0.75–1.0 to a 0.45–0.6 average herd BCS change in early lactation is likely to have the following beneficial effects:
  - 3% higher 6-week/100-day in-calf rate
  - 2% lower Not-in-calf rate

Milk production

Cows that calve in higher body condition score have more body fat (and protein) reserves which they can mobilise in early lactation to support milk yield. However they tend to have reduced appetites, and take longer following peak milk yield to reach maximum feed intake than thinner cows.

Research studies indicate that when a herd is offered ad lib feed of high quality, thinner cows can take advantage of their increased appetites in early lactation, and produce as much or even more milk as their fatter herd mates. However, if feed quality is sub-optimal and / or access to feed is restricted (as it often is in pasture-based systems) then thinner cows will produce less milk than their fatter herd mates.

If you still have questions about measuring and managing your herd's body condition, here's where to go for further information and support:

www.dairyaustralia.com.au/BCS

This webpage contains a number of resources related to herd body condition and nutrition, including:

- BCS recording sheets.
- BCS smartphone app.
- More information on aspects of managing body condition and nutrition.

An adviser can assist you with evaluating your herd's performance and help develop strategies for your situation.

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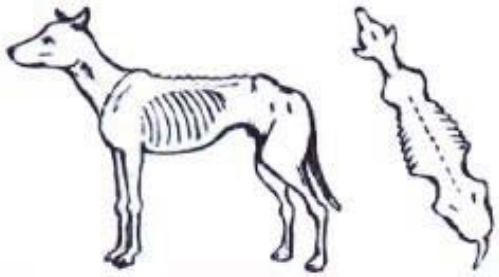
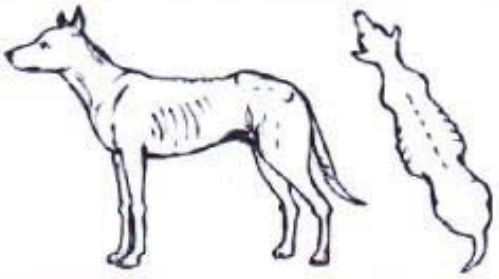
Dog body condition scoring



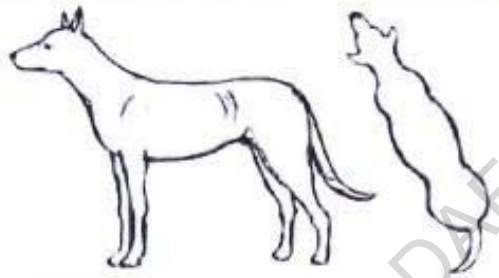
Condition score 1

Ribs, spine and pelvis prominent
Hollow rump
Prominent waist when viewed from above
Severely tucked up abdomen
Neck thin and bony
Sunken eyes



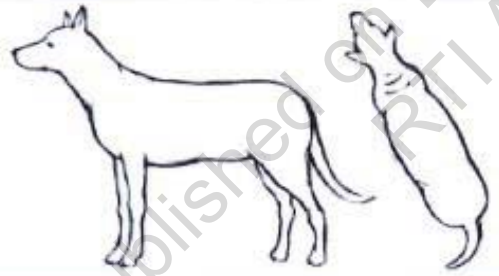
Condition score 2

Ribs, spine and pelvis visible
Abdomen tucked up
Obvious waist when viewed from above
Neck thin



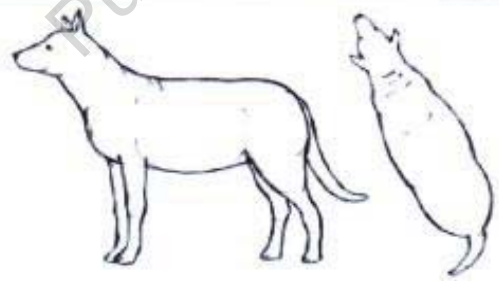
Condition score 3

Ribs and spine can be felt
Rounded rump
Dog should have a waist when viewed from above
Good muscle mass



Condition score 4

Ribs and spine not visible but can be felt
Fat deposit on tail
Little or no waist when viewed from above
Abdomen appears slightly rounded



Condition score 5

Ribs and spine not visible and difficult to feel
Tail has obvious fat deposit
No waist and back broadened
Abdomen rounded and possibly distended
Obvious fat deposits

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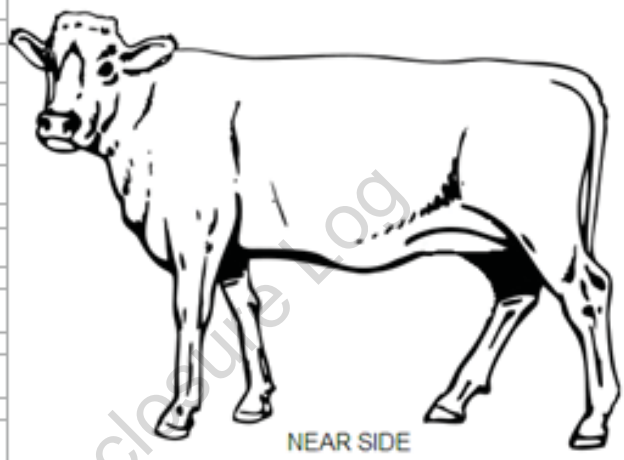
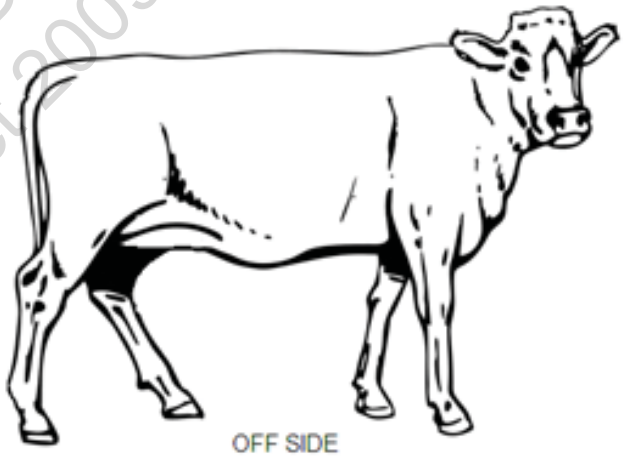
Cottam B. and Berry J. (2009) *Animal Health and disease investigation*, 2nd edn. Queensland Government

D.4 RECORDING SHEETS (CATTLE & HORSES)

STOCK RECORDING SHEET

Visual Tag NO: _____	BRANDS & MARKINGS (Optional)
DATE: ___/___/2013	 NEAR SIDE
PROPERTY:	
DESCRIPTION OF ANIMAL	
BREED: _____	
COLOUR: _____	
☐ BULL ☐ COW	
☐ BULLOCK ☐ HEIFER	
☐ STEER ☐ CALF	
APPROX AGE OR DENTITION: _____	 OFF SIDE
Last 4 Digits of NLIS tag: ☐☐☐☐	
SAMPLES OBTAINED ☐ Faecal Sample (if over 2yrs age) ☐ Photographs ☐ NLIS tag scanned	
ADDITIONAL INFORMATION: (Horned or polled, unique colouration, features, or defects, NLIS tag missing, re-tagged with Orange NLIS post breeder tag, tagged with White home bred NLIS tag.)	EARMARKS
_____ _____ _____ _____ _____ _____ _____	OFF SIDE NEAR SIDE
RECORDED BY:	
Initial: _____	

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Body Condition Score (BCS) recording sheet

Dairy Australia
Your Levy at Work

Farm: _____ Address: _____

Cow group: _____ Stage of lactation cycle: _____ Date(s): ___/___/___ to ___/___/___

	Date	3	3.5	4	4.5	5	5.5	6	6.5+	Cow ID
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
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25										
26										
27										
28										
29										
30										
31										
32										
33										
34										
35										
	No. of cows:									(A)
	Total BCS:									(B)

No. of cows below 4.5:	(C)			Average BCS of herd:			No. of cows above 5.5:	(D)
% of cows below 4.5:	(C / A X 100)			(B / A)			% of cows above 5.5:	(D / A X 100)

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For information on body condition scoring for herd management, visit www.dairyaustralia.com.au/BCS

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Animal Welfare - HORSE IDENTIFICATION

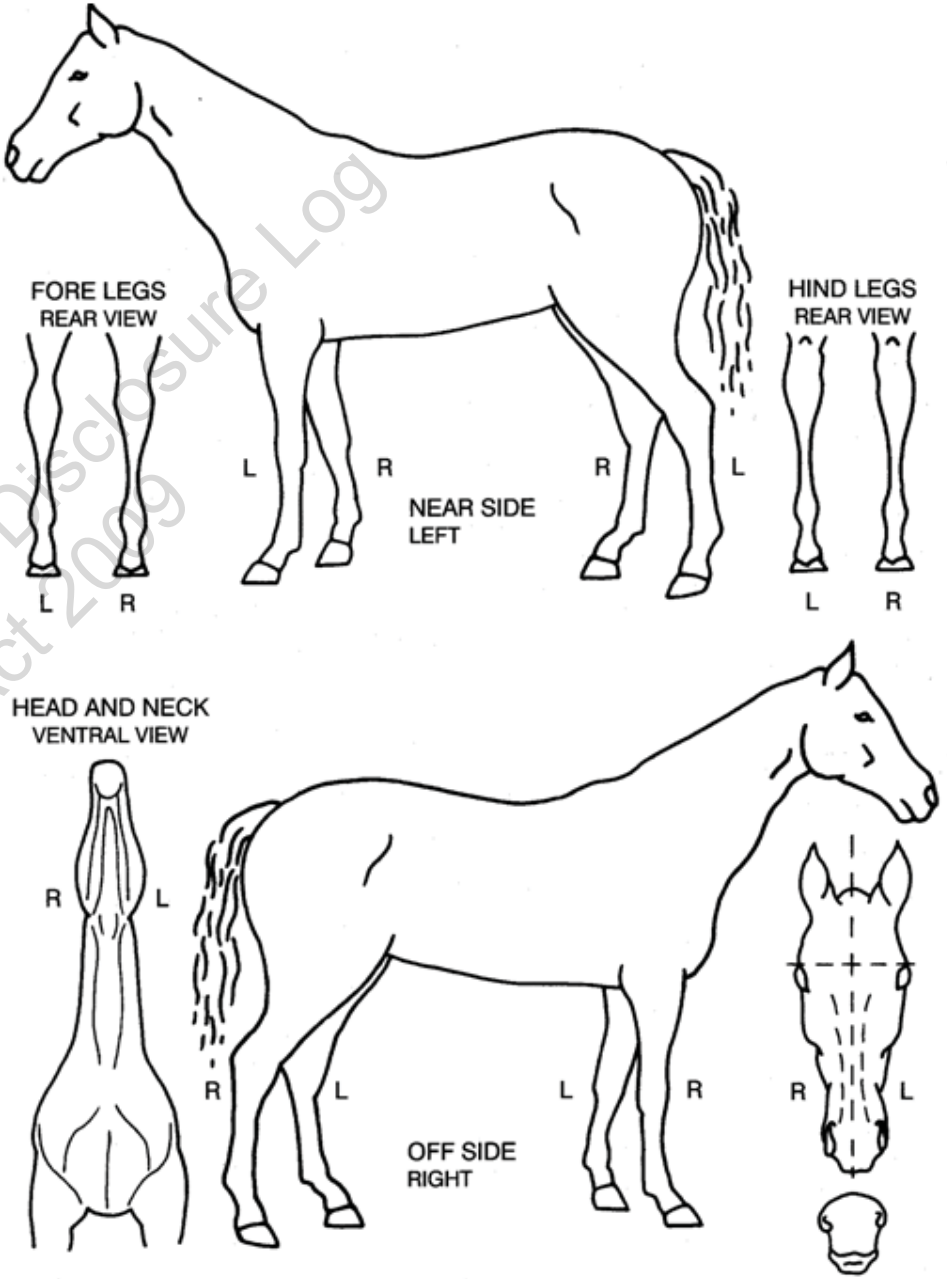
Queensland Government
Department of Primary Industries and Fisheries

Registered NAME (if any)			
Horse Known Name		YEAR OF BIRTH	
Owner		COLOUR	
Owner Address		SEX	
MICROCHIP NUMBER			
BRANDS	**Near Side**	**Off Side**	
Body Score Condition & Reason for body score (refer to Carroll & Huntington Horse Body Condition Scoring System)			
OTHER INFORMATION (Healthy/Sick/Injury etc)			

Signature Date / /

Name of Inspector/Vet-

Place of examination-



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Release

FIELD INTAKE FORM

OPERATION: DATE:

BT#			**Pup**	**Bitch**	**Microchip#**
AID#					
Linked Bitch BT#:		**No of Pups:**			**Linked Puppies BT#:**
Location:					**Located By:**
Located Date and Time:					**Assigned Inspector:**
Photographer:					**Photo No:**
Species: *(Vet use only)*					**Breed:** *(Vet use only)*
Sex: *(Vet use only)*	**Male**	**Fem**	**Reproductive Status**		**Colour / Identifying Marks:** *(Vet use only)*
Triage Vet Name:					**Triage Nurse Name:**
Transported By:					**Vehicle Rego Number:**
Trailer & Berth No:					**ShelterBuddy Data Entry:**
Special Comments / Instructions:					
Shelter Name & Location:					**Date & Time Received at Shelter:**
Comments on arrival:					
Inspector Name & Signature:					**Shelter Admissions Name & Signature:**

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Inspectorate use		
Black Tag No:	**Job No:**	**Microchip:**

Inspector:[1]		**Date:**
Species:		**Breed:**
Sex:	**Age:**	**Colour:**
Possible Charge:		
Medical History:		

Veterinary use				
Examining Veterinarian – Name:			**Signature:**	
Exam	**Temp**	**Pulse**	**Resp**	**Wt (kg)**
Behavior - Assess strength, activity and interaction with people and animals				
Sensorium N Abn	**Integ.** N Abn	**Ears** N Abn	**Heart** N Abn	**MuscSkel** N Abn
Pain Yes No	**L. nodes** N Abn	**Nose** N Abn	**Lungs** N Abn	**Neurol.** N Abn
Hydration N Abn	**Eyes** N Abn	**Mouth** N Abn	**Abdomen** N Abn	**Urogen.** N Abn
Body Condition: Ideal **(1)** Underweight/Lean **(2)** Thin **(3)** Very Underweight **(4)** Emaciated **(5)**				
Physical Care Condition: Adequate **(1)** Lapsed **(2)** Borderline **(3)** Poor **(4)** Terrible **(5)**				
Attach skin/haircoat/environment etc forms if appropriate Please list:				
Flea Burden: No fleas **(1)** Few Fleas **(2)** Moderate Flea Burden **(3)** Severe Flea Burden **(4)**				
Dental Disease: Ideal **(1)** Mild Dental Disease **(2)** Moderate Dental Disease **(3)** Severe Dental Disease **(4)**				
Record abnormal findings below:				
Physical Findings:				

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[1] * *For DAF use, nomination of who did fill the form.*

Black Tag No:	Job No:	Microchip:

Continuation of physical findings:
Faecal Float ☐ Result

Treatments	
Vaccination Nobivac DHP ☐ Nobivac KC ☐	Flea treatment Capstar ☐ Product used
FIV/Heartworm Test	Worm Product used
Heartworm prevention Product used	Suprelorin ☐

Plan:

Feed Plan:

Additional Treatments and Diagnostics:

Veterinarian Signature:

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D.5 GUIDELINES FOR NUTRITIONALLY-RELATED INVESTIGATIONS ON LIVESTOCK AND DOMESTIC ANIMALS.

Possible ways to approach this issue with POI when filling out animal welfare directions

- State on the animal welfare direction for POI to have a vet recommend a feeding regime which will improve the body condition of the animal/s to an acceptable healthy weight (BS3) and follow the vets recommendation.

Or

- Establish a feeding regime according to the provided guidelines.

Nutritional Guidelines

Introduction – basic nutritional information relevant to all species.

Basic nutrients required are:

- Water
- Energy
- Protein
- Minerals
- Vitamins

These nutrients must be supplied in the correct balance for the class and condition of the animals.

Energy and protein levels, and digestibility determine the quality of the feed. Low quality diets will only allow for low intake of the feed:

- It is important to compare the various nutrient values in feeds on a **dry matter** (DM) basis, to minimise the impact varying moisture levels have when comparing across feeds (e.g. 7MJ ME/kg DM vs. 10MJ ME/kg DM, see Appendix D.5.1)
- Most information on intake levels is given on a DM basis, not 'as fed'.
- Some producers may need requirements given to them on an as fed basis.

1. Water

- The water provided must be clean, cool, with salinity of acceptable levels.
  i. <5000ppm is generally safe, but >3000ppm may still cause mild diarrhoea initially.
  ii. Higher salinity may decrease intake
  iii. Goats may be more tolerant to higher levels of salinity.

2. Energy

- The energy content of the feed and the digestibility must be considered. (Digestibility affects the amount of energy required by the animal – higher digestibility means less effort goes into extracting the energy from the feed, hence the different values for feeds at different ME levels)

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- DE= digestible energy - the amount of energy available for digestion of the animal
- ME= metabolisable energy - the energy left after the process of digestion has taken place. I.e. the amount of energy available for metabolism by the animal
- As pastures/forages mature, energy levels decline rapidly (see table 1.2, Appendix D.5.1)
- Energy comes from carbohydrates and fats, and can be generated from protein
- Young animals lay down muscle first, (which takes relatively less energy than laying down fat on a mature animal)

3. Protein

- Is very important for growth and repair of muscle and also milk production:
  - ***i.*** Young and growing animals, and lactating animals will have the highest protein requirements
- When carbohydrates and fat in the diet are limited, protein will be used to generate energy.

4. Vitamins and Minerals

i. **Vitamins**: Vitamins A and E are the most limited where animals have been under restricted feeding conditions.
   1. Symptoms of deficiency:
      a. A: night blindness, eye discharges and ill thrift
      b. E: stillbirths, juveniles with stiff gait, lameness and ill thrift

ii. **Minerals**: Some areas are known to be deficient in certain minerals. Some circumstances may predispose to mineral deficiencies. E.g. Calcium deficiency may occur when pasture is very limited and grain supplements are in high use. (In this circumstance, lactating females and suckling young will start showing symptoms)
   1. Deficiencies: Trace mineral deficiencies may present with a range of symptoms, or as part of a syndrome:
      a. Immune deficiencies: Selenium, Zinc or Copper
      b. Developmental abnormalities: Copper, Manganese, Iodine
      c. Abortions: Selenium, Copper, Iodine
      d. Retained placenta: Selenium, Copper, Iodine
      e. Metabolic disturbances: Cobalt, Iron, Zinc, Iodine

5. Remember!

*One of the key principles to understand in animal nutrition is the principle of the primary limiting nutrient…Animal Performance is primarily limited by the most limiting nutrient i.e the primary limiting nutrient. The supply of nutrients other than the primary limiting nutrient will have no affect on performance until the primary limiting nutrient deficiency is corrected. Eg cattle on low phosphorus soils will respond to phosphorus supplementation in the wet season but not in the dry season. This is because in the dry season protein and energy, not phosphorus, are the primary limiting nutrients. Another example is cattle benefiting from protein supplementation during winter when protein may be more limiting than energy.[1]

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Specific considerations for different species

1. ***Ruminants***

Feed quality and intake considerations for:

1. Cattle, and
2. Sheep:

- Stock on dry winter feed will have 1.5% of body weight intake compared with an intake of 2.2-2.5% of body weight when fed high quality feed.
    - This decline in winter is due to the decreased digestibility of the feed and subsequent suppressed microbe activity
    - Suppressed microbe activity leads to a slower rate of passage of feed through the rumen
    - Supplementary protein is often required in winter, and is cheaper and safer (less risk of acidosis) than supplementing energy (i.e. grain)
- Microbes in the rumen use protein from the feed to build their own bodies (known as microbial crude protein or MCP)
    - MCP is washed from the rumen with the flow of digesta and are ultimately digested by the animal. **This is what actually gives the animal its protein**.
    - When protein is limiting, urea can be utilised as a non-protein source of nitrogen for use by the rumen microbes to synthesise MCP, however, an adequate level of energy to drive this process will also be required.
    - If protein in the diet is limiting (i.e. low enough to be affecting intake), providing a protein supplement may allow an increase in feed intake by up to 30% (by improving the rate of passage of feed with increased microbe activity)
    - For some animals, protein from MCP and non-protein sources is not enough to meet their needs:
        - These animals require protein that can 'by-pass' digestion in the rumen and be digested in the small intestine – rumen undegradable protein (UDP)
        - Young ruminants require higher levels protein for growth and development
        - Lactating females will also require higher levels of protein for milk production.
- Introduction of supplementary feeding should be done gradually.
    - Roughage should be introduced first, with any grain based supplementation to follow incrementally after 2 weeks (the ruminal microbes will need time to adjust and particularly to increase in numbers after surviving on limited nutrition)
    - Cattle that have been starved, should continue to have 50% of the diet made up of roughage
    - Adequate trough space/access to hand-feed should be ensured
- Early weaning for beef calves: Under conditions of lower available nutrition, calves should be weaned early. This will reduce the nutritional demand on the cow by *half*, as she will be able to stop producing milk. The calves will probably require some supplementation, but this will be cheaper than supplementing a cow-calf unit.

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- Calves can be weaned by 12 weeks of age as they require less protein and are grazing by this age. (Calves can be weaned at an earlier age, but will require milk replacer)
- Prior to weaning:
  - Calves should be fed supplement for 2 weeks prior to weaning (as rumen microbes require 14 days to adapt to a new diet)
  - High quality feed should be supplied. E.g. lucerne hay
  - Clostridial vaccination should be done
- Feed requirements: 11 MJ ME/kg DM, 16-18% CP (due to small rumen size, feed quality must be high) (See table 2.4, Appendix 2)
  - Any grains must be introduced slowly: start with 300g/head/day, then increase by 100g/head/day
  - Inadequate protein will not allow normal growth
  - Fibre is important for rumen health – cud chewing is a sign of good rumen health (50% of animals should be chewing cud at any one time)
- Example of diets:
  - Lucerne hay, 30% grain, plus soy protein

3. **Goats:**

- Goats will utilise more of the paddock feed
- Roughage is required at a minimum of 10% in the diet (energy and protein needs may be met through other supplementation, e.g. barley and lupins)
- Water
  - Salinity: goats appear to handle water with high salinity than sheep and cattle: <9500mg/L before symptoms relating to salinity are seen
- Energy:
  - An extra 36.7kJ of energy is required for every gram of weight gain. (I.e. 7.35 MJ/200g of weight gain) For maximum kid growth, feed with 10MJ ME/kg
  - For pregnancy and lactation:
    - Up to day 85 of pregnancy, does can be fed at a maintenance rate
    - Energy provisions should probably start increasing gradually after day 66 of pregnancy (E.g. 50g a day every second day), and ad lib feeding should be provided from around day 120.
    - For the last 8 weeks of pregnancy, the provision must be twice maintenance rates (and if the doe is carrying twins, increased another 20%)
    - 2.5 times maintenance energy rates will be required during lactation
  - severe weather conditions may increase energy requirements up to 2-3 time maintenance rates
- Protein:
  - See table 4.2 (Appendix D.5.4) for daily requirements for maintenance of confined goats

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- If crude protein availability falls below 7%, rumen digestion starts to decrease.
    - Urea may be used as a nitrogen source to aid microbial protein synthesis in the gut under conditions where the pasture is of poor quality (i.e. will prevent rumen digestion from decreasing).
- Diets higher in protein are required particularly for growth and for lactation. At least 16% is recommended

- Alternative feed sources:
    - Browse can also be supplied to goats. (See Table 4.3, Appendix 4)
    - Some introduced weeds can be fed to goats (See Table 4.4, Appendix 4)
        - Weeds toxic to goats – see [6]

2. ***New world camelids (alpaca, llama)***

Longer digestion times mean feed consumption as a percentage of body weight is less than that of true ruminants. i.e.1.2 - 1.5 %.

Coats disguise body condition scores therefore manual condition scoring should be done monthly.

1. Fibre and energy in the diet:
    1. As *pseudo-ruminants*
        - a good percentage of fibre is required in the diet, at least 20%
        - they are less susceptible to lactic acidosis and bloat and can therefore tolerate relatively higher amounts of grain in the diet.
            i. should only be supplied in moderate amounts where more energy is required e.g. at the end of gestation, early lactation and growth
            ii. Small amounts daily may be used as a carrier for mineral supplements
    2. Energy should be increased by 10-12% during breeding
2. Protein: Protein should be 10-12%. Feeding principles are closer to that of sheep and goats than that of cattle
3. Mineral and vitamin supplements:
    1. The mineral supplements required will depend on the locality
    2. Alpacas are not likely to use lick blocks.
    3. Females in areas of low sunlight exposure may require Vitamin D supplementation in the last 3-4 months of gestation

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3. ***Horses***

- As *hind-gut* fermenters, horses have limited ability to digest the protein synthesised by the microbial population in the caecum and colon
- As such, 50% of the total feed intake should be roughage. (1% of the horses body

weight)

- Horses can consume up to 3% of body weight daily
- Teeth in poor condition can contribute to loss of condition

    - Energy:
        - Cold and windy conditions will require 20% more energy to be provided
        - Once under a condition score of 2, for every 1kg of weight gain, the horse will need to consume twice the maintenance requirement.
    - Protein: Protein is generally not limiting, but higher protein levels are of course required for growth, pregnancy and lactation.
        - Poor quality grass hay may contain as little as 7% protein - if low protein feeds are consumed for an extended period of time, appetite will become depressed due to slowing of the digestion.
    - Minerals: Calcium and sodium tend to be deficient under conditions of poor quality and restricted feeding.

4. ***Pigs***
    - Commercially mixed feeds have been specifically prepared and all the ingredients analysed to assess their nutrient values. (Unless a good understanding of pig nutritional requirements can be demonstrated, commercially prepared diets should be strongly recommended.
    - Stocking rate for free range pigs: 5-8 pigs/acre
    - Free range pigs will not be able to digest adequate amounts of pasture to meet their nutritional requirements. Less the 10% of the diet should be pasture
    - Grain fed should be processed - cracked/rolled/soaked to allow for effective digestion. (Whole grains will be passed out in the faeces.
    - Because cereals contain limited amounts of protein, protein supplements (particularly soymeal, lupines, fish meal/meat and bone meal) should make up 40-50% of the diet
    - Pigs have very specific requirements for essential amino acids (which make up proteins). Without these primary essential amino acids, particularly lysine, growth will be poor.
    - Young pigs require more nutrient dense feed

    1. Water requirements: 2-3kg of water is required for every kg of dry feed:
    2. Common feed sources in meal diets:
        - energy: corn, barley, wheat, fat
        - protein: meat and bone meal, dried blood meal, soya meal, fish meal, milk powder, peas, lupins
        - fibre: bran/pollard - not necessary in weaner diets (bulks up the feed unnecessarily) and not necessary in free-range situations
        - other feedstuff used:
            - whey, and other milk by-products
            - bread, biscuits, root crops, crop residues

5. ***Chickens***
    - Chickens should have access to feed at all times
    - 110-170g/layer type bird with 100mm of trough space per bird to negate

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competition over feed

- Feed sources:
    - carbohydrates: grains
    - protein: meat/fish meal, oil seeds (soya/sunflower meal), peas, lupins
    - vitamins and mineral: premix
    - kitchen scraps (excepting meat and bones, meat byproducts etc) are a good adjunct to a commercially prepared ration.
        - Check scraps for evidence of mould

6. ***Dogs***

- Dogs are omnivores and their diet must contain a balance of protein, carbohydrates, fats, vitamins, minerals and water
    - The daily diet should contain:
        i. 50% carbohydrates by weight (2.5-4.5% from fibre
        ii. Minimum of 5.5% fat
        iii. Minimum of 10% protein
- Commercial diets which are nutritionally balanced are ideal
    - Food must be selected for the dog's growth phase, activity level/metabolism, and environment. E.g. puppies and nursing bitches should be fed puppy food as it contains more concentrated nutrients.
    - Dry food is more economical to feed (the main difference between dry and moist/canned foods is the water content and therefore the percent of DM)
- Energy:
    - Carbohydrates provide energy in the forms of sugar, starch and fibre which come from plants and vegetables
        - Sugars are readily digestible
        - Some starches require cooking before they are digestible, some are fermented in the large intestine
        - Fibre is required for intestinal functionality
    - If no carbohydrates are supplied, the body converts protein into glucose, instead of using the protein for lean tissue maintenance
    - Fats also provide energy, and fatty acids are required for skin and coat health, vision and learning ability
        - Fatty acids transport the fat soluable vitamins (A,D,E and K) – rancid fat will destroy some of these vitamins (commercial diets contain antioxidants which decrease this)
    - Stage of life considerations:
        - Growing puppies require twice the amount of energy per kg compared with adult dogs of the same breed
        - Older dogs require 20% less than an adult dog of the same breed
        - Lactating bitches will feed pups for approximately 6 weeks
    - External influences on energy requirements:
        - Severe illness/trauma will significantly increase energy requirements
        - Cool environments will increase energy needs: outside

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dogs in cool environments will have energy requirements at least 10% above maintenance.

- Protein:
    - Out of the 23 amino acids required, the dog can synthesise 13, leaving 10 to be acquired specifically in the diet
    - Animal proteins (i.e. meat) have a higher biological value than plant proteins
    - Total protein requirements for growth:
        - 25% of DM for puppies newly weaned up to 14 weeks
        - 20% for puppies older than 14 weeks
- Toxic food: grapes, raisins, onion, garlic, chocolate, coffee and tea
- Vitamins and minerals:
    - Calcium is required at a rate of 1% for large and giant breed dogs until 6 months of age (maximum of 1.6%)
    - For symptoms of vitamins and mineral deficiency, see Appendix 12

7. ***Cats***

- General considerations:
    - Cats are obligate carnivores and their diet must be:
        - High in animal protein
        - Contain moderate levels of fat, and
        - Minimal carbohydrates
- Water:
    - generally requirements are 2mL of water for every gram of food
    - cats have weaker thirst drive than dogs, e.g. will take 24 hours to consume 6% of their body weight
- Energy:
    - Fats and fatty acids are required for energy and to carry fat soluble vitamins.
        - Minimum fat in the diet should be ~9% DM
        - Essential fatty acids are required for healthy coat, skin and neural function (vision and learning)
    - Cats don't require carbohydrates in their diet but they are used as an energy source.
        - The short length of the intestines limits the ability to ferment starch and fibre.
        - The diet should contain a maximum of 10% fibre
    - Start supplementing kittens from 2.5-4 weeks of age
        - 84-105 KJ for every 100g of body weight
        - Kittens will feed from their mother for up to 7-9 weeks
    - A nursing cat will require 2-2.5 times maintenance energy and must be given ad lib access to energy dense, highly palatable food
- Protein:
    - Essential amino acids are required
        - Taurine is found in fish, birds and mammalian tissue in high levels, but in very low levels in plant material. It is essential and is required for eyesight, hearing, heart and immunity function, reproduction and growth

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- Vitamins and minerals:
  For symptoms of deficiency/excess, see Appendix 12

8. ***Guinea pigs***
   - grass is a Guinea pig's natural diet
   - providing hay will maintain dental and digestive health
   - relatively high calcium levels in lucerne hay can cause urinary tract problems
     - can be used where higher calcium requirements exist, e.g. during growth, pregnancy and lactation
   - vitamin C must be available in the diet:
     - fresh raw fruit and vegetables:
       - kale, parsley, romaine lettuce, dandelion greens, clover
       - green and red capsicum, broccoli, cauliflower, brussels sprouts, cabbage
       - citrus, strawberries, raspberries, blueberries, tomatoes. Papaya, mango, watermelon
     - NB. Iceberg lettuce may cause diarrhoea
   - A mix of commercial pellets, ½ a handful of fresh vegetable, a slice of fruit and some grass/hay for fibre would be fair example of a balanced diet.

9. ***Working out feeding requirements***
   Worksheet for formulating feeding plan for horses (a similar approach can be used for other species)

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	Digestible Energy (MJ)	Crude Protein (g)
1. Daily Energy & Protein Requirements (from Table 6.2, Appendix D.5.6)		
1a. Category of horse		
1b. Current weight of horse (kg)		
1c. Energy Requirement		
1d. Protein Requirement		
To improve the body condition score of a cachectic horse, energy and protein requirements are increased by 10-15%.		
1e. Energy Requirement for cachexia (= 1c x 115%)		
1f. Protein Requirement for cachexia (= 1d x 115%)		

2. Daily Energy & Protein Supply - Forage (from Table 1.2, Appendix D.5.1)		
2a. Description of forage		
2b. DE per kg of forage		
2c. Protein per kg of forage		
2d. Amount of forage to be supplied daily (from Table 6.1, Appendix D.5.6)		
2e. DE in forage supplied (= 2b x 2d)		
2f. Protein in forage supplied (= 2c x 2d)		

3. Deficit in Energy & Protein Supplied by Forage

3a. DE deficit (= [1c or 1e] – 2e)		
3b. Protein deficit (= [1d or 1f] – 2f)		

4. Energy & Protein Supplement - Concentrate (from Table 1.2)		
4a. Description of concentrate		
4b. DE per kg of concentrate		
4c. Protein per kg of concentrate		
4d. Kg of concentrate required to supply DE deficit (= 3a / 4b)		
4e. Kg of concentrate required to supply protein deficit (= 3b / 4c)		

Amount of concentrate to be supplied daily (= greater of 4d or 4e)
Amount of forage to be supplied daily (= 2d)

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APPENDICES

Appendix D.5.1

Feed values

Table 1.1. ***The metabolisable energy content of some feeds***[1]

Feed	Description	DM	Digestibility (%)	ME (MJ/kg DM)
Grain		90%	90	13
Molasses		75%	90	13
Tropical grasses				
Phase 1	Early, rapid growth	Low (<30%DM)	70	10
Phase 2	Beginning to grow stem, mostly green	Medium (30-50%DM)	60	8.5
Phase 3	Flowering and seed set, growth slows, 10-30% green	Medium/high (50-70%)	55	7.5
Phase 4	Senescence, no growth, no green	High (>80%)	50	6.5

* figures for pasture are an estimate of the diet quality selected by grazing animals on pasture at various stages of maturity

Table 1.2. ***Nutritive values of common feeds (as fed basis)***[6,8]

Feed type	Metabolisable Energy (MJ/kg)	ME MJ/kg as fed	Crude Protein (%)	Crude protein (%)
	Average	Common range	Average	Common range
Wheat	12	11.5-12.5	11	9-15
Triticale	12	11.5-12.5	11	9-15
Maize	12	11.5-12.5	11	9-15
Barley	12	11.5-12.5	10	8-14
Lupins	12	11.5-12.5	32	28-36
Peas	12	11.5-12.5	24	20-27
Oats	10	9-11	8	6-12
Horse pellets	10	9-11	12	8-20
Lurcerne hay	8.5	7-9	20	16-25
(highest energy and protein is in the pre-bloom stage (i.e. bud to first flower), and lowest is late bloom stage (i.e. where >75% is in bloom)				
Clover hay	8.5	7-9.5	18	15-20
Pasture hay	7	6-7	11	8-16
Oaten hay	7	6-8	8	5-10
Grass hay	6	5-7	8	5-10
Cereal straw	5	4-6	4	3-5
Perennial ryegrass (summer)	9	8-10	10	7-13
Perennial ryegrass (winter)	12	11-13	22	20-25
Phalaris (summer)	9	8-12	10	7-13
Phalaris (winter)	12	11-13	25	22-27
Annual pasture (summer)	5	4-6	7	6-10
Annual pasture (winter)	10	9-11	15	12-16

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Appendix D.5.2

Tables for Cattle requirements

Table 2.1 Daily water requirements of cattle[1]

Liveweight (kg)	Water requirement (L) (32˚)
Growing heifers, steers and bulls	
200	36
350	57
Finishing	
300	54
450	78
Lactating cows	
400	60
Mature bulls	
730	78

* Nutrient requirements of Beef Cattle, Sixth Edition (1984)

Table 2.2 Nutrient requirements for dry animals[3]

Liveweight Kg	Maintenance		Daily weight gain 0.25kg/h/d	
	Energy MJME/h/d	Protein g/h/d	Energy MJME/h/d	Protein g/h/d
100	18	140	23	180
200	29	225	36	285
300	38	295	48	375
400	46	360	58	450
500	54	420	67	525
600	61	475	76	595

Table 2.3 Nutrient requirements for breeding cows[3]

Live weight kg	**Daily Gain kg/h/d**	**Energy MJ ME/d**	**Protein g/h/d**
Last third of Pregnancy			
350	0.0	50	475
350	0.4	61	609
400	0.0	59	525
400	0.4	67	657
Lactating Cow /calf to 4 months old			
350	0.0	69	814
400	0.0	75	864

*if the cow needs to gain weight, requirements will be up to double maintenance.

Table 2.4 Nutrient requirements of 0.7kg/day growth rate in calves – use for early weaning[2]

Age (m)	3-6	6-12	>12
Energy (MJ/kg DM)	10.9	10.3	9.5
Crude protein (%)	16	12	12
Calcium (%)	0.52	0.41	0.29
Phosphorus (5)	0.31	0.30	0.23

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Table 2.5 Maintenance requirements (as fed) for full feeding of cattle

Feed options: minimum weight (kg) per day 'as fed'[4]

Class of stock and bodyweight	Grain (12ME) OR	Hay (8.5 ME) OR	50:50 grain:hay mix OR	80:20 grain:hay mix OR	Silage (30% DM and (ME)	Expected weight gain/day
Weaners (200kg)	2.5	3.5	3.0	2.5	12.0	0.25kg[(b)]
Yearlings (250kg)	3.0	4.0	3.5	3.0	15.0	0.1kg[(b)]
Adult dry stock (400kg)	4.0	6.0	5.0	4.5	20.0	Nil
Breeders, late pregnancy (425kg)	5.0	8.5	7.0	6.5	27.0	Nil
Breeders, lactating (425kg)	-	10.5	9.0	8.0[(c)]	30.0	Nil

* during periods of cold weather, these levels should be increased by 20% using hay if possible (3kg of hay is equivalent to 2kg of grain)

[(b)] for young stock, protein levels should be at least 9% for them to continue growing.

[(c)] high levels of grain cause cows to milk poorly. Feed at least 1.5kg hay/hd/day with 6.5kg grain/hd/day.

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Appendix D.5.3

Table for Sheep requirements

Table 3.1 Daily water requirements of sheep[1]

Liveweight (kg)	Water requirement (L) (35-43˚)
Weaners	
20-30	3-5
Late-pregnant ewes	
45-55	4-7
Lactating ewes	
40-55	6-9
Adult wethers and dry ewes	
50-60	3-5

*Australian Sheep and Wool Handbook, Ed. Cattle, D.J. Inkarta Press (1991)

Table 3.2 Energy (ME) and protein requirements of sheep[4]

	Dry sheep maintence			Ewe		weaner		
	40kg	50kg	60kg	50kg (Mid gestat^{n})	50kg (Early lactat^{n})	<20kg	20-25kg	>25kg
MJ ME/hd/day (confined)	6.4	7.0	8.0	10.0	15.0	3-4	4-5	5-6
MJ ME/hd/day (grazing)	7.6	8.5	9.7	11.5	17.0	3.4-4.5	4.5-5.7	5.7-6.8
Protein min %	6-8	6-8	6-8	8-10	12-14	14-16	12-14	10-12

* Ewes carrying twins in late pregnancy and in lactation will have a 15% higher energy requirement than single bearing ewes

Source: Ruminant Standards of Australia and GrazFeed[4]

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Appendix D.5.4

Tables for Goat requirements

Table 4.1 Physiological requirements for water[6]

Physiological state	Water requirement (L)
Dry/early pregnant doe (80kg)	2.8
Mid pregnant doe (80kg)	3.7
Late pregnant – mid lactation (80kg)	4.4

Table 4.2 Daily nutrient requirements for maintenance of goats during a drought (NRC 1981[6])

Liveweight (kg)	Energy requirement (MJ ME)	Total crude protein (g)	Calcium (g)	Phosphorus (g)
Maintenance during drought feeding in intensive feedlot type management				
10	2.27	33	1	0.7
50	7.60	110	4	2.8
80	10.81	156	6	4.2
100	12.78	184	7	4.9
Requirement for does in last 8 weeks of pregnancy				
80	16.75	238	8	5.6
Additional requirement above maintenance for milk production during lactation (for a 12 week lactation averaging 1.5kg milk at 9.5% fat)				
	9.0	180	7.5	5.3
Additional requirement above maintenance for growth at 200g/day				
	7.34	56	2	1.4

(This table was generated for drought feeding where goats are confined: if animals are grazing, the requirements for energy will be increases by at least 25%.)

Table 4.3 Nutritive values for some plants grazed by goats in Australia (Everist and Young 1967, McLeod 1973, Wilson 1977, Anon. 1987, McGregor 1992b)[6].

Feed Type	Plant part	Energy (MJ ME/kg DM)	Crude protein (%)
Bastard sandalwood or Budda *Eremophila mitchelli*	Leaves	10.7	10.7
Bauhinia *Bauhinia carronii*	Leaves	11.2	13.7
Beefwood *Grevillea striata*	Leaves	10.0	2.6
Belah *Casuarina cristata*	Leaves	8.0	9.4
Bendee *Acicia catenulate*	Leaves	10.3	13.9
Berrigan *Eremophilia longifolia*	Leaves	11.2	14.7
Blackwood *Acacia melanoxylon*	Leaves	8.7	19.1
Boree *Acacia cana*	Leaves	8.4	11.3
Bottlebrush *Callistemon micropunctatus*	Leaves	6.2	7.0
Brigalow *Acacia harpophylla*	Suckers >30cm Suckers 15-30cm Suckers <15cm	9.5 9.8 11.9	16.2 18.6 26.7
Buloke *Casuarina luehmannii*	Leaves	9.0	8.4
Coolibah *Eucalyptus microtheca*	Leaves	10.3	6.4
Currant bush *Apophyllum anomalum*	Leaves	8.4	12
Currawong *Acacia sparsiflora*	Leaves	9.5	17.8
Dead finish *Acacia tetragonophylla*	Leaves	9.3	16.6
Gigyea *Acacia cambagei*	Leaves	10.0	13.3
Golden wattle *Acacia pycnantha*	Leaves	7.8	15.8
Golddust wattle *Acacia acinacea*	Leaves	7.2	14.7
Holly grevillea *Gevillea ilicifolia*	Leaves	6.0	6.1
Ironwood wattle *Acacia excelsa*	Leaves	9.5	11.8
Kurrajong *Brachychiton rupestre*	Leaves	7.0	15
Leopardwood *Flindersia maculosa*	Leaves	9.5	14.4

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Limewood *Eremocitrus glauca*	Leaves	8.9	13.4
Manuka *Leptospermum juniperinum*	Leaves	8.6	6.4
Mimosa bush *Acacia farnesiana*	Leaves	7.9	23
Mulga *Acacia aneura*	Leaves	6.5	12
Myall *Acacia pendula*	Leaves	8.3	13.2
Native olive *Notelaea macrocarpa*	Leaves	9.7	8.6
Needlewood *Hakea leucoptera*	Leaves	6.7	6.7
Old man saltbush *Atriplex nummularia*	Leaves	9.5	21.6
Plumwood *Santalum lanceolatum*	Leaves	10.5	14
Poplar box *Eucalyptus populnea*	Leaves	10.7	10
Rosewood/Boonery *Heterodendrum oleifolium*	Leaves	6.7	9.6
Sheoak *Casuarina glauca*	Leaves	8.5	15.4
Silver wattle *Acacia dealbata*	Leaves	8.3	14.8
Sugar gum *Eucalyptus cladocalyx*	Leaves Dead leaves Bark	8.9 7.4 6.8	9.3 4.9 1.8
Supplejack *Bentilago viminalis*	Leaves	10.7	12.6
Sweet bursaria *Bursaria spinosa*	Leaves	9.9	5.7
Teatree *Leptospermum sericatum*	Leaves	6.5	8.5
Whitewood *Atalaya hemiglauca*	Leaves	9.4	13.5
Wilga *Geijera parviflora*	Leaves	9.0	15

** Nutritive values of some plants can vary significantly, values presented here are averages*

Table 4.4 Nutritive values for some introduced weeds grazed by goats in Australia (Everist and Young 1967, Anon. 1987, McGregor 1992b)[6].

Feed type	Plant part	Energy MJ ME/kg DM	Crude protein %
Artichoke thistle *Cynara cardunculus*	Leaves	11.5	14.8
Blackberry *Rubus fruticosus*	Leaves and young stems Old stems Dead stems	10.6 7.4 6.4	21.0 6.1 7.9
Boxthorn *Lycium ferocissimum*	Leaves Stem	12.4 9.2	28.3 11.6
Carob bean *Ceratonia siliqua*	Pods	11.8	9.3
Goat willow *Silix caprea*	Leaves	9.1	11.1
Honey locust *Gleditsia triacanthos*	Pods	11.0	14.3
Horehound *Marrubium vulgare*	Leaves	10.9	23.3
Mulberry *Morus alba*	Leaves	9.9	15.1
Peppercorn tree *Schinus molle*	Leaves	10.2	20.3
Pinetree *Pinus radiate*	Leaves	7.2	9.0
Saffron thistle *Carthamus lanatus*	Leaves	12.1	14.4
Spear thistle *Cirsium vulgare*	Leaves Young stem Old stem	11.3 9.4 8.1	20.2 3.9 4.6
Sweat briar *Rosa rubiginosa*	Leaves	10.5	20.7
Tamarisk *Tamarisk parviflora*	Leaves	9.0	20.2
Tree lucerne (Tagasaste) *Cytisus proligerus*	Leaves	8.0	13
Weeping willow *Silix babylonica*	Leaves	10.0	15.9

**Nutritive values of some plants can vary significantly, values presented here are averages.*

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Appendix D.5.5

Tables for Alpaca Requirements

Table 5.1 Energy requirements for alpacas[9]

Liveweight (kg)	Energy requirement MJ ME/day
15	3.0
70	8.5
70 breeding female (up to 8 months pregnant)	9.3
70 breeding female (9-11 months)/nursing dam with cria	10.2
85	9.9

*table generated using formula from Reference 10. (I.e. energy requirement is a function of body weight, and then adjusted for physiological state.)

Table 5.2 Suggested feeding groups based on physiological state and nutrient requirements

Group	Physiological State	Feeding Plan	Dietary guidelines
Nursing dams with crias	Lactation	Highest nutrient requirements, feed best quality forages, with energy and protein supplements	12-14% CP
Weanlings up to 1½ years	Growth	Highest nutrient requirements, feed best quality forages, with energy and protein supplements	14-16%CP
Males > 1year	Maintenance	Low requirements unless working, then adjust accordingly; low-to-moderate quality forage	8-10% CP
Pregnant females 1-8 months	Maintenance	Low requirements; ensure no loss of body condition, adequate protein, minerals and vitamins	8-10% CP
Pregnant females 9-11 months	Pregnancy	Moderate-to-high forage quality with supplement for additions mineral and vitamin needs	10-12% CP (may require further additional energy and CP if DM intake drops below 1.5% of body weight)
Breeding females	Maintenance	Low-to-moderate requirements; ensure no overweight or loss of body condtion	8-10% CP
Obese females	Submaintenance	Low requirements; low-quality forages with mineral/vitamin supplement unless pregnant	8-9% CP

From Van Saun RJ. Feeding the alpaca. In: Hoffman E, editor. The complete alpaca book, 2nd edition. Santa Cruz (CA): Bonny Doon Press; 2003. p 179-232, with permission[12]

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Appendix D.5.6

Tables for Horse requirements

Table 6.1 Expected feed consumption of horses (% body weight) of air-dry feed (~90%DM)[8]

Class	Forage	Concentrate	Total
Mature horse			
Maintenance	1.5-2.	0-0.5	1.5-2.0
Mare: late gestation	1.0-1.5	0.5-1.0	1.5-2.0
Mare: early lactation	1.0-2.0	1.0-2.0	2.0-3.0
Mare: late lactatation	1.0-2.0	0.5-1.5	2.0-2.5
Working horse			
Light work	1.0-2.0	0.5-1.0	1.5-2.5
Moderate work	1.0-2.0	0.75-1.5	1.75-2.5
Intense work	0.75-1.5	1.0-2.0	2.0-3.0
Young horse			
Nursing foal: 3 months	0	1.0-2.0	2.5-3.5
Weanling foal: 6 months	0.5-1.0	1.5-3.0	2.0-3.5
Yearling foal: 12 months	1.0-1.5	1.0-2.0	2.0-3.0
Long yearling: 18 months	1.0-1.5	1.0-1.5	2.0-2.5
Two year old: 24 months	1.0-1.5	1.0-1.5	1.75-2.5

(National Research Council. (1989). Nutrient Requirements for Horses (5th Ed), National Academy Press, Washington DC, USA

Table 6.2 Daily energy and protein requirements for different categories of horses. (Summarised from National Research Council chart)[8]

Type of horse	Mature weight	Daily gain liveweight (kg/day)	Digestible energy (DE, MJ)	Crude protein (g)
Weanling (4 months)	400 500 600	0.85 0.85 1.00	56.5 60.2 69.0	675 720 825
Weanling (6 months, moderate growth)	400 500 600	0.55 0.65 0.75	54.0 62.8 71.1	643 750 850
Weaning (6 months, rapid growth)	400 500 600	0.70 0.85 0.95	60.7 72.0 80.3	725 860 960
Yearling (12 months, moderate growth)	400 500 600	0.40 0.50 0.65	56.3 71.9 95.0	700 851 1023
Yearling (12 months, rapid growth)	400 500 600	0.50 0.65 0.80	71.5 89.1 105.0	770 956 1127
18 months old	400 500 600	0.25 0.35 0.45	66.5 82.8 100.0	716 893 1077
2 years old	400 500 600	0.15 0.20 0.30	64.0 78.7 98.3	650 800 998
Maintenance	400 500 600		56.1 68.6 81.2	563 656 766
Pregnant (9 months)	400 500 600		62.3 76.1 90.0	654 801 947
Pregnant (10 months)	400 500 600		63.2 77.4 91.6	666 815 965
Pregnant (11 months)	400 500 600		67.4 82.4 97.5	708 866 1024

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Lactating (foaling to 3 months)	400 500 600	95.8 118.4 141.0	1141 1427 1711
Lactating (3 months to weaning)	400 500 600	82.4 101.7 120.9	839 1048 1258

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Appendix D.5.7

Tables for Pig requirements

Table 7.1 Water requirements[14]

Pig liveweight (kg)	Amount of water (L)
<10	1.2-1.5
11-25	2.3-2.5
26-50	3-5
51-120	6-8
Boars, dry sow/gilt and pregnant females	5-10
Lactating sows	15-50

Table 7.2 An approximate meal feeding scale using cereal based balanced diet[14]

Class of pig	Age (days)	Liveweight (kg)	Meal feeding requirement (kg/pig/day_
Weaners	25-35	7-12	0.5-0.5
Weaners	35-49	12-17	0.6
Weaners	49-63	17-25	10
Growers	63-84	25-40	1.3
Growers	84-108	40-60	1.85
Growers	108-129	60-80	2.4
Finishers	129-149	80-90	2.8-3.0
Gilts			2.5-3.5
Sows			3.5
Pregnant sows and boars			2.5-3.0
Lactating sows with piglets			3.5 plus 0.5/piglet

Table 7.3 Protein requirements for pigs[14]

Class of pig	Crude protein (%)
Piglets	22
Weaners	18-20
Growers	16-18
Lactating gilts and sows	16
Dry females and boars	14

Table 7.4 Equivalency to 1kg of barley meal of Odd feedstuffs[14]

Feedstuff	Equivalency (kg)
Potatoes (cooked)	4
Carrots	7-9
Apples	10-14
Pumpkins	10-12
Bread	1-3
Cheese	1
Biscuits	0.8

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Appendix D.5.8

Tables for Chicken requirements

Table 8.1 Daily water requirements

Age (wks)	mL/bird
1	20
5	100
15	230
20	260
25	400
30	500

Table 8.2 Energy requirements for layer-type birds (at 100g per day intake level)[17]

Age (weeks)	Energy (ME MJ/kg)
1-32	12
32-44	12 (peak lay)
44-55	12
>55	11-12

* adapted from cited reference

Table 8.3 Protein requirements[16]

Class of chicken	Age (weeks)	Crude protein (%)
Starter	0-6	20
Grower	6-18	15-16
Layer	18+	16-17

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Appendix D.5.9

Tables for Dog requirements

Table 9.1 Average daily energy needs[19]

	Kilojoules per day				
Type of dog	4.5kg	13.5	22.5	31.5	40.5
Puppies (4.5kg puppy growing to 15kg at maturity	4142	-	-	-	-
Inactive dogs (dogs with little stimulus or opportunity to exercise	1238	2820	4138	5322	6443
Adult active dogs – dogs with strong stimulus and ample opportunity to exercise, such as dogs in households with more than one dog, in the country or with a large yard	1690	4150	5661	7280	8786
Pregnant dogs – from 4 weeks after mating until delivery	2167	5330	8117	10753	13263
Young adult active dogs	1824	4155	6071	7849	9473
Older active dogs	1367	3117	4573	5887	7113

Table 9.2 Energy requirements during lactation[19]

	Energy needs in kilojoules for a 15kg dog			
	Weeks into lactation			
Number of puppies	1	2	3 (peak)	4
2	6883	7485	7937	8238
4	9142	10347	11251	11853
6	10272	11778	12903	13661
8	11401	13209	14564	15468

Table 9.3 Daily recommended allowances for protein and fat[19]

	Puppies (5kg,15kg at maturity)	Adult (15kg)	Pregnant/nursing bitch with 6 puppies
CP (g)	56	25	69/158
Total fat (g)	21	14	29/67

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Appendix D.5.10

Tables for Cat requirements

Table 10.1 Average Daily Energy needs[21]

	Kilojoules per day			
	2.25 kg	4.5kg	6.75kg	9kg
Kittens (after weaning)	837	-	-	-
Lean domestic cat	711	1172	1506	1841
Overweight domestic cat	753	1004	1172	1297
Exotic (wild) cats	418-2008	711-3389	962-4602	837-5690
Pregnant/nursing cat (4 kittens/4 kittens at peak lactation)	1406	2523	3561	4561

Table 10.2 Daily recommended allowances for protein and fat[21]

	Kittens (800g)	Adult cat (4kg, consuming ~1000kJ)	Nursing cat (4kg with 4 kittens)
CP (g)	10	12.5	41
Total fat (g)	4	5.5	12

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Appendix D.5.11

Assessing hay quality

Table 11.1 Sensory evaluation for assessing forage (pasture and hay) quality[9]

Testing Method	Description/Comments
Visual	
Stage of maturity	Look for the presence of seed heads (grass forages) or flowers or seed pods (legumes), indicating more mature forages
Leaf to stem ratio	Look at forage and determine whether the stems or leaves are more obvious; good quality legumes forages will have a high proportion of leaves, and stems will be less obvious and fine
Colour	Colour is not a good indicator of nutrient content, but bright green colour suggests minimal oxidation; yellow hay indicates oxidation and bleaching from the sun, and hay will have lower Vitamins A and E content
Foreign objects	Look for the presence and amount of inanimate objects (twine, wire, etc.), weeds mould or poisonous plants
Touch	Feel stiffness and coarseness of leaves and stems; see if lucerne stems wrap around your finger without breaking; good quality hay will feel soft and have fine, pliable stems
Smell	Good quality hay will have a fresh mowed grass odour; no musty or mouldy odours

Estimating weight of hay

Average weight of different types of hay bales
Round bales: 250-400kg depending on moisture content and density
Small bales: 20-30 kg
Biscuits: 2-3kg/biscuit

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Appendix D.5.12

Functions of Vitamins and Minerals

Table 12.1 Functions of vitamins[10]

Vitamins A	Vision, growth, immune function, foetal development, cellular differentiation
Vitamin D	maintenance of mineral status, skeletal structure, phosphorous balance
Vitamin E	Defence against oxidative damage
Vitamin K	Activation of clotting factors, bone proteins, and other protein
Vitamin B1 (thiamine)	Energy and carbohydrate metabolism and mineral
Riboflavin	enzyme functions
Vitamin B6	Glucose generation, red blood cell function, niacin synthesis, nervous system function, immune response, hormone regulation, gene activation
Niacin	enzyme functions
Pantothenic acid	energy metabolism
Vitamin B12	enzyme functions
Folic acid	amino acid and nucleotide metabolism, mitochondrial protein synthesis

- Vitamin A should be adequately available from fresh or properly stored forage.
- Vitamin D should be adequately acquired from sun-cured hay or from direct sunlight exposure. D may be restricted under conditions of low UV light exposure (is more commonly a potential issue with alpacas)

Table 12.2 Symptoms of Vitamin/Mineral excess and deficiencies[20]

Symptoms of vitamin deficiency/excess may include:	Symptoms of mineral deficiency/excess may include:
eye problems	
weight loss/failure to grow	decreased growth
reduced feed intake/anorexia	depressed food intake
muscle weakness/twitching	laxity in the joints muscle twitches
	Lethargy/ general weakness
developmental disorders	
Abnormalities in skeletal development	Pathological fractures/skeletal abnormalities
learning deficits, neurological impairments	neurological disorders and muscle weakness
Convulsions	irritability and convulsions
flaking dermatitis	skin lesions/ loss of hair pigmentation
	Metabolic disturbances
Anaemia	Anaemia
blood clotting disorders and haemorrhaging	
vomiting and diarrhoea/bloody diarrhoea	vomiting and diarrhoea
	urinary stones
	excessive drinking and urination
	reproductive issues
	thyroid problems
	Excessive salivation
	nasal discharge

*Collated from cited reference

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D.6 DIAGNOSTIC SAMPLES NEEDED TO CONFIRM FAILURE TO PROVIDE FEED AND WATER OFFENCES.

Evidence of malnutrition can be determined through the differential diagnosis process by exclusion of other pest & disease agents. In addition to the clinical examination and collection of epidemiological data, inspectors should consider submitting the following samples for laboratory examination. Remember too many samples are better than too few.

- Fresh blood samples in EDTA tubes (purple tops) & thin blood smears for full blood count
- Sera for biochemistry serum enzymes & blood protein levels (collected into red tops)
- Look for absence of gross lesions on post-mortem
- Take photos during the post-mortem [absence of abdominal and kidney fat]
- Look for evidence of rumen contents/gut fill, intestinal blockage
- Faecal samples [parasitic egg counts]
- Liver - fresh and preserved samples [histopathology, and differential diagnosis poisoning]
- Heart - fresh and preserved samples
- Kidney - fresh and preserved samples
- Spleen - fresh and preserved samples
- Lung - fresh and preserved samples
- Large and small intestine fresh and preserved samples
- Formalised samples for histopathological examination.
- Urine dip stick test

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D.7 BIOSECURITY CONSIDERATIONS FOR INTENSIVE LIVESTOCK ESTABLISHMENTS

In addition to the generic powers and procedures outlined in the Act and this document, it is important that inspectors are aware of the biosecurity issues associated with intensive livestock production.

It is essential that inspectors comply with owners' biosecurity standards and do not spread disease to or from intensive livestock establishments.

ENTERING POULTRY FARMS

Some points to consider:

- If possible, inform the owner (of the farm and the birds) in advance of your visit, discuss the biosecurity requirements of the farm.
- Where possible, do not visit more than one poultry farm per day. Some owners require a longer interval than one day since the last visit to a poultry establishment. In addition, breeder farms also require that no avian species be kept at the residence of visitors, and that they have not been on another poultry farm in the preceding 48 hours.
- Wear newly washed overalls or disposable overalls – a fresh or new pair for each farm.
- Clean boots in disinfectant solution before entering farm, and again prior to leaving.
- If it is essential to visit more than one farm on one day, wear separate pairs of boots, and clean and disinfect boots away from the site.
- Disposable boot covers help to make cleaning easier. They also enhance the appearance of hygiene. Disposable gloves and masks may be worthwhile.
- Use the owner's foot troughs where provided, both onto the farm and between sheds.
- Materials taken onto the farm should be clean (eg buckets, sampling equipment). If they have had previous contact with poultry they should be disinfected before bringing onto the property.
- Any rubbish eg disposable overalls, boot covers, masks and gloves, should be packed in a large plastic garbage bag and either left with the owner (preferably) or taken off for disposal.
- Where possible, park your vehicle away from the poultry sheds, and contact the farmer, before entering the sheds or farm area.
- If there is an outbreak of a serious poultry disease in the area, take strict precautions and be sensitive to the owner's requirements. The use of a plastic ground sheet with dirty and clean divisions and full cleaning and disinfection procedures might be required in this situation.
- Personal hygiene - at the end of the day, shower (including washing your hair), change clothes and wash overalls (if applicable) at home. Additionally, breeder farms may have a shower/on, shower/off protocol at the time of the farm visit.

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ENTERING PIGGERIES

Some points to consider:

- Contact owner or manager in advance and discuss the owner's biosecurity requirements for entry.
- Where possible, do not visit more than one piggery per day. Some owners require 48 hours or more since the last pig contact.
- Wear newly washed overalls or disposable overalls - a fresh or new pair for each farm. Some owners of piggeries will insist that only clean overalls and boots supplied by them can be worn into their piggery.
- Clean rubber boots in disinfectant before entering the piggery and again prior to leaving, or use the boots provided by the piggery.
- Be sure to respect the visitor register, where it exists and fill out declarations such as "no contact with pigs, pig transports, saleyards or abattoirs for past 48 hours" in an honest manner.
- Where shower-in facilities exist, your street clothes are left in an area outside the piggery and you put on farm supplied clothing and boots provided on the piggery side of the shower.
- Use owner-provided footbaths wherever provided.
- Materials such as buckets and sampling equipment taken onto the farm should be clean and have been disinfected if previous contact with pigs or other animals.
- Any rubbish eg. disposable overalls, gloves, should be packed in a large plastic garbage bag and either left with the owner or taken off for disposal.
- Where possible, park your vehicle away from the piggery shed or in the designated area for visitor parking.
- Where there is a serious emergency disease outbreak, observe strict disease control precautions. This entails use of a plastic ground sheet and full cleaning and disinfection procedures specified in Biosecurity emergency response instructions.
- Observe good personal hygiene – at the end of the day, shower, wash your hair, change clothes and launder your overalls.

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D.8 DEFINITION OF PUBLIC PLACE

Extract- *Animal Care and Protection Act 2001*

"Public place" means—

(a) a place, or part of the place—

(i) the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or

Examples of a place that may be a public place under subparagraph (i)—

1. A beach 2. A park 3. A road.

(ii) the occupier of which allows, whether or not on payment of money, members of the public to enter; or

Examples of a place that may be a public place under subparagraph (ii)—

1. A saleyard 2. A showground.

(b) a place that is a public place under another Act *

* See, for example, the *Police Powers and Responsibilities Act 200*0, schedule 4, definition "public place" and the *Vagrants, Gaming and Other Offences Act 193*1, section 2, definition "public place".

Extract:- *Police Powers and Responsibilities Act 2000,* Schedule 4.

"**public place**" means –

(a) a place to which members of the public have access as of right, whether or not on payment of a fee and whether or not access to the place may be restricted pt particular times or for particular purposes; or

(b) a place declared under another Act to be a public place for any law conferring powers or imposing functions on police officers; or

(c) a part of a place that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public; or

(d) a place that is a public place under another Act.

Examples for paragraph (a) –

1. A road. 2. A park. 3. A beach.
4. A road that is closed to general use by vehicles for a public procession or parade.

Examples for paragraph (b) –

Under the *Sanctuary Cove Resort Act 1985*, section 54A primary and secondary thoroughfares are public places for the purposes of any law conferring powers or imposing functions on a police officer.

Examples for paragraph (c) –

1. A cinema complex. 2. A shop. 3. A restaurant. 4. A racecourse.

Extract:- *Vagrants, Gaming and Other Offences Act 1931,* s2.

"**public place**" includes every road and also every place of public resort open to or used by the public as of right, and also includes –

(a) any vessel, vehicle, building, room, licensed premises, field, ground, park, reserve, garden, wharf, pier, jetty, platform, market, passage, or other place for the time being used for a public purpose or open to access by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner, and whether the same is or is not at all times so open; and

(b) a place declared, by regulation, to be a public place.

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D.9 SERVING OF DOCUMENTS

Serving documents

Whenever the ACPA requires to ”give” a document (such as an information notice, animal welfare direction, receipt) to a person, it must be given or served consistent with the ***Acts Interpretation Act 1954***, as follows:

(a) Giving/serving a document on an individual

— delivering it to the person personally; or

— by leaving it at, or sending it by certified post to, the address of the place of residence or business of the person last known to the person serving the document.

The only exceptions are where the *ACPA* specifies a particular way of giving the document.

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D.10 THE PROTOCOLS ON THE USE OF ELECTRONIC RECORDING DEVICES

During the course of investigations, inspectors may need to record conversations with other parties such as complainants, suspects and defendants. The recordings may take place in private conversations or from telephone conversations.

There is no requirement to tell the other person the conversation is being recorded, however it is best practice to advise the other person the conversation is being recorded. This allows the other person to exercise their right of silence if they so wish.

PRIVATE CONVERSATIONS

The use of electronic device recordings of private conversations is regulated by the *Invasion of Privacy Act 1971* (Qld). (ss41 - 46)

The ACPA provides that a person can use a listening device, such as an electronic recording device, to record a private conversation where the person is a party to the private conversation.

RECORDING CONVERSATIONS OVER THE TELECOMMUNICATIONS SYSTEM

The *Telecommunications (Interception) Act 1979* (Cwlth) provides the law for the regulation of communications transmitted over the telecommunications system. (ss6-7)

Transmissions over the telecommunications system do not include the sound of the speaker's voice after it has left the telephone[2].

The recording of telephone conversations can therefore be conducted where the person making the recording is a party to the conversation, providing that no devices, equipment or apparatus are connected to the telephone system. This means that if you are the party to a private conversation on the telephone, you can record the conversations heard over a speakerphone or on a hands free mobile telephone.

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[2] Leaver, Alan, (1997), Investigating Crime, p 99 Intercepting communications, LBC Information Services, Sydney, Australia.

D.11 GUIDELINES FOR PROVIDING VETERINARY OPINIONS IN ANIMAL WELFARE INVESTIGATIONS

Statements of Veterinary opinion are a vital part of most animal welfare investigations and legal briefs. It is important that these statements are able to address the needs of the *ACPA*.

The following guidelines have been developed to assist veterinarians when preparing statements of veterinary opinion to assist investigations under the ACPA.

Personal Details

1. Date veterinary opinion was provided (in writing).
2. Name, address, telephone number.
3. Qualifications: when and where they were achieved, membership of professional bodies, relevant papers published,
4. Current employment, past relevant employment (in both cases, how long).
5. Fields and duration of experience (include experience with particular species involved).

Evidence

6. Who presented the animal and why
7. What date the animal was examined. For multiple examinations or when animal is under veterinary care, this could be between the dates xx/xx/xx and xx/xx/xx.
8. Full description of the animal: Age (estimated from dentition when not know), breed, sex and animal tag number.
9. The true and accurate record of findings: summary and detailed report (including observations). Observations must be objective and not speculative.
10. Details of tests performed, treatments provided and response/results (say where and by whom tests etc were conducted, attach documents).
11. Effort should be made to exclude underlying conditions for which there is no reasonable cure, e.g. cancer, old age, beak and feather disease in birds.

Findings

12. Estimate of duration of illness and prognosis for cure.
13. Objective assessments of pain and suffering ie animal's demeanour, response to manipulation and handling etc.
14. A final summary of professional opinion of the likely possible causes of the condition of the animal and the impact on the welfare of the animal .

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D.12 OTHER AGENCIES RESPONSIBLE FOR ANIMAL RELATED COMPLAINTS

Local governments

- Keeping and controlling animals
- Restrictions on the number of animals permitted to be kept, including space allowances
- Requirement to keep animals in proper enclosures and to provide fences
- Animal registrations (usually only dogs)
- Animal noise complaints, especially barking dog complaints
- Dangerous dogs
- Dog attacks on people
- Dog attacks on animals
  Complaints in relation to dog attacks on other dogs in designated dog off-leash areas should be referred to the relevant local government. While such attacks could involve an offence under s 37 of the ACPA (unlawfully allowing an animal to injure or kill another animal), people who take their dog to off-leash areas should anticipate and accept the risk of such dog attacks. The offence provisions for s 37 would be extremely hard to prove for the circumstances of off-leash areas. Therefore it is DAF and RSPCA policy not to commit resources to responding to such incidents. Complainants should be advised of this policy and the reasons for it, and that they may have some recourse through the local government authority.
- Straying animals
- Prohibited animals

Legislation: *Local Government Act 1993*, local laws (vary in each shire)
subordinate local laws (also known as Local Law Policy)

Queensland Police Service

- Unlawful killing, wounding or maiming of animals.
- Stock stealing
- Killing animals with intent to steal carcass
- Stealing of animals
- Fraudulent acquisition of animals

Legislation: *Criminal Code Act 1899*

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Department of Environment and Heritage Protection

- Protection of protected animals (native wildlife)
- Issue of permits to take or keep protected animals

Legislation: *Nature Conservation Act 1992*

- Management, control and prohibition of the keeping of certain declared animals (includes feral pigs, rabbits)
- Transportation of feral animals
- Keeping of exotic animals

Legislation: *Rural Lands Protection Act 1985*

Queensland Fisheries Service (DAF)

- Regulation of the taking of fish, both recreation and commercial
- Restrictions on bag numbers and fish sizes

Legislation: *Fisheries Act 1994*

Department of Agriculture (Federal)

- Quarantine of animals imported or to be exported
- Export of animals and animal products
  Note: Complaints involving animals destined for live export at export facilities (airports or seaports) should be referred to AQIS. Jurisdiction in these situations lies with the Commonwealth and not the State. However, information on the outcomes of the investigation should be requested and reported.
- Welfare of animals at export abattoirs

Legislation: *Quarantine Act 1908 (*Commonwealth*)*
*Export Control Act 1982 (*Commonwealth*)*

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Australian Customs Service

- Import / export of protected wildlife species

Department of National Parks, Recreation, Sport and Racing

- Queensland Racing controls the registration and racing of Thoroughbred horses, harness racing (trotting) horses.and greyhounds.

Legislation: *The Racing Act 2002.*

Biosecurity Queensland, Department of Agriculture, Fisheries and Forestry (State)

- Diseases in animals
- Stock movement restrictions
- Quality and labelling of stock food
- Misuse of veterinary chemicals and pesticides
- Environmental issues associated with feedlots (devolved from EPA)
- Complaints on adverse reactions to use of veterinary chemicals and pesticides

Veterinary Surgeons Board of Queensland

- Complaints about the competence of veterinarians
- Complaints about malpractice
- Complaints about lay-people performing acts of veterinary surgery

Legislation: *Veterinary Surgeons Act 1936*

Civil matters

For the following civil matters, the person should be advised to seek independent legal advice:

- Civil dispute over the ownership of animals
- Matters relating to contracts or agreements regarding agistment for greyhounds and racehorses and other animals
- Disputes over fees charged by veterinarians
- Disputes over cattery and boarding kennel fees and charges
- Other similar matters

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D.13 EXAMPLE OF COMPLETED FORMS

Queensland Government
Department of Primary Industries and Fisheries

Information Notice - Animal Welfare Direction

Animal Care and Protection Act 2001 Section 158 - 161

Note: This form **must** *be completed and issued together with FDU1169 'Schedule to Animal Welfare Direction' and FDU1165 'Animal Welfare Direction'.*

Animal Welfare Direction Number | Serial Number

Facts

Before making the decision the following facts and other material were considered: (For example: description of the accommodation, cleanliness, condition of animal, food, space etc. that is evidence of the specific grounds for the animal welfare direction).

Water not available in pen. Occupier admits supply pipe burst 2 days ago and that water has not been provided to the pigs in the previous 48 hours. The Model Code of Practice for the Welfare of Animals - Pigs (2nd Edition) indicates drinkable water should be made available in a quantity to meet physiological needs of pigs.

Section 17 of the Act imposes a duty of care to provide for an animal's needs for water.

Conclusions

Based on the facts and other material the following conclusions were made:

Pigs were not provided water appropriate for the animals' needs. No reasonable steps taken to provide water.

Failure to provide for the needs of the animals is a breach of the duty of care.

Reasons for **Decision to give an Animal Welfare Direction:**
I then decided to give an animal welfare direction as I reasonably believed:

- [x] a person had committed, was committing, or was about to commit, an animal welfare offence. The offence 17(2) or;
- [x] the animal was not being cared for properly; or
- [ ] the animal was experiencing undue pain; or
- [ ] the animal required veterinary treatment; or
- [ ] the animal should not be used for work.
- [ ] The animal was seized under Chapter 6 Part 2 Division 4, Subdivision 1 of the *Animal Care and Protection Act 2001*.

Review Rights

The person to whom this Notice is given may apply to the Chief Executive for a review of the above decision, within 14 days of receipt of this Notice. An application for review must be in the approved form and be supported by enough information to enable the Chief Executive to decide the application.

The application for review should be forwarded to the:

Director-General
Department of Primary Industries and Fisheries
GPO Box 46
BRISBANE QLD 4001

The application for review is available by contacting the DPI&F Business Information Centre on 13 25 23.

If a person has applied for a review of an original decision, any interested person for the decision may appeal against the decision of the Chief Executive to the Magistrates Court.

Inspector's name | Inspector's signature | Date / /

Original Copy: Person to whom the direction was given **Duplicate Copy:** Book copy **Triplicate Copy:** Book copy

Form FDU1429 01/07
Forms Management Unit

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Queensland Government
Department of Primary Industries and Fisheries

Information Notice - Seized Property

Animal Care and Protection Act 2001

Receipt for Seized Property Number | Serial Number

Facts

Before making the decision the following facts and other material was condsidered:

The animal is down, trapped in the mud and unable to stand. The animal has a large volume of dung behind it, indicating it has been bogged for some time. The animal has no access to water or feed.

It is in an extremely weak state and is unable to rise when encouraged to do so, body condition 1. (See attached condition score sheet).

Conclusions

Based on the facts and other material the following conclusions were made:

The animal's condition is extremely poor. Weak, bogged animals are unable to extract themselves from mud. The condition of the animal and the amount of dung present suggests that the animal has been bogged for a number of days and is in imminent risk of perishing from a lack of food and water. Animals in this condition suffer distress, mental and physical suffering.

Reason for Decision to Seize:

I then decided to seize the animal(s) or thing(s) under the *Animal Care and Protection Act 2001* for the following reason(s):

- [x] I reasonably believed that the animal(s):
  - [x] is under an imminent risk of death or injury; or
  - [ ] requires veterinary treatment; or
  - [ ] is experiencing undue pain;

  and, that the interests of the welfare of the animal(s) require its/their immediate seizure (s144(1)); or
- [ ] The person in charge of the animal(s) had contravened, or was contravening an animal welfare direction or a court order about the animals(s) (s144(2)); or
- [ ] The animal(s) or thing(s) was/were evidence for which a warrant was issued (s143).

I reasonably:

- [ ] suspected the animal(s) or other things(s) was/were evidence of an offence* against the Act (s142(1)(a)); or
- [ ] believed the seizure was necessary to prevent the animal(s) or other thing(s) being destroyed, hidden or lost or used to commit, continue or repeat an offence* (s142(1)(b)); or
- [ ] believed the animal(s) or other thing(s) had just been used in committing, or was/were the subject of, an animal welfare offence* (s142(2)(a)).

*The offence: _____

Review Rights

The person to whom this Notice is given may apply to the Chief Executive for a review of the above decision, within 14 days of receipt of this Notice. An application for review must be in the approved form and be supported by enough information to enable the Chief Executive to decide the application. The application for review should be forwarded to the:

Director-General
Department of Primary Industries and Fisheries
GPO Box 46
BRISBANE QLD 4001

The application for review is available by contacting the DPI&F Business Information Centre on 13 25 23.

If a person has applied for a review of an original decision, any interested person for the decision may appeal against the decision of the Chief Executive to the Magistrates Court.

Inspector's name | Inspector's signature | Date

/ /

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D.14 REGULATORY POLICY (BQ)

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Contents

Introduction & Scope 1
Glossary 2
Strategic Approach 3
Objectives 3
Guiding Principles 3
Achieving Compliance 5
Overview 5
Education and Awareness 5
Proactive Monitoring 5
Investigations & Enforcement 5
Communication 6
Roles & Responsibilities 8
All Biosecurity Queensland staff 8
The Investigating Officer 8
Zone Leaders 8
Operations Management 8
General Managers 8
Investigations Unit 8
Decision-making 10
Incident Response 10
Exercising Regulatory Powers 10
Enforcement Responses 10
Appendix A – Investigation Response Model 11
Incident Detection 11
Incident Assessment 11
Investigation 11
Investigation Review 12
Closure 12
Appendix B – Incident Priorities 13

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RTI Act 2009

Version Control

Version	Date	Comment
1	July 2010	Draft for discussion
2	September 2010	Draft for discussion
3	October 2010	Approved

Introduction & Scope

The purpose of this policy is to articulate Biosecurity Queensland's approach to regulatory compliance and provide a consistent framework for making decisions relating to regulatory compliance activities.

Regulatory compliance is the range of activities that ensure the effective administration of legislation. It may equally be applied to activities designed to raise awareness and achieve voluntary compliance as the use of measures to require compliance and deter non-compliance. Biosecurity Queensland is responsible for a diverse portfolio and undertakes regulatory compliance in the form of:

- Issuing statutory approvals to permit specific activities,
- Auditing statutory approvals to ensure ongoing compliance with the conditions of those approvals,
- Monitoring activities for compliance with legislation, Codes of Practice and sub-ordinate legislation,
- Providing advice & information to the community to raise awareness of legislation and the responsibilities and requirements that exist in that legislation, and
- Investigating suspected non-compliance & undertaking enforcement action.

Regulatory compliance, by its very nature, may result in the restriction of the activities of individuals for the benefit of the wider community. A key focus of Biosecurity Queensland's activities is to ensure the greatest 'public benefit' by focusing resources and activities on those areas that provide the most value to the general community.

All staff involved in regulatory compliance activities must be aware of, and apply, this policy. Staff authorised to undertake regulatory compliance activities on behalf of other agencies (e.g. staff appointed as Inspectors under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cth)) must also be aware of, and comply with, the relevant guidelines and other procedural documents published by the administrating authority.

Questions in relation to the content and application of this Policy should be directed to the Manager (Investigations). This policy is not justiciable and cannot limit the discretion of Biosecurity Queensland to take a particular course of action.

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Glossary

- ***AIMS*** – Biosecurity Queensland case management system
- ***Enforcement Response*** – any action to finalise an investigation including issuing a Statutory Notice or Direction, No Further Action, Penalty Infringement Notice, Caution, or commencing Court Proceedings
- ***Incident*** – any event, act or omission that may involve non-compliance with legislation administered by Biosecurity Queensland
- ***Investigating Officer (I/O)*** – the Biosecurity Queensland staff member responsible for leading the investigation of an incident
- ***Investigation*** – a series of enquiries and activities to identify if offences have been committed during an incident and to identify the person(s) responsible for those offences
- ***Person of Interest (POI)*** – any individual or entity that is the subject of an investigation of an incident
- ***Regulatory Compliance*** – any activity designed to encourage, require, or enforce compliance with legislation
- ***Regulatory Power*** – any authority provided to an Authorised Officer (or similar) under legislation to investigate and enforce that legislation. For example – the power to enter a place, seize evidence or other things, require information or the production of documents
- ***Statutory approval*** – a licence, permit, accreditation or other approval issued to permit an individual or entity to conduct an activity that might otherwise by restricted or illegal
- ***Statutory Notice or Direction*** – a notice, issued under the authority of a specific Act, requiring a person to complete or desist from a specified activity.
- ***Very High Public Interest*** – a level of public interest in an incident or Biosecurity Queensland's response to an incident as shown by significant public debate, coverage in the media or a large number of reports (e.g. more than five separate sources) in relation to the incident

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Strategic Approach

Objectives

In undertaking regulatory compliance, Biosecurity Queensland seeks to:

- Protect the Queensland community from diseases and pests that will adversely effect the State's economy, the community and the environment and to ensure high standards of animal welfare,
- Encourage an understanding of the need for shared responsibility in achieving biosecurity and animal welfare outcomes with stakeholders,
- Focus on preventative measures but retain the capacity to respond effectively to non-compliance, emergency situations and established pest and diseases,
- Use the appropriate enforcement response to address non-compliance,
- Ensure staff understand their roles and responsibilities and have the systems, skills and support to undertake regulatory compliance activities.

The Biosecurity Queensland Regulatory Policy supports the Queensland Biosecurity Strategy 2009-14 by:

- Articulating roles and responsibilities in managing biosecurity and animal welfare,
- Developing the capability to deliver on those roles and responsibilities,
- Ensuring advisory and governance arrangements are in place and supported by appropriate information systems, decision-making frameworks, and procedures,
- Encouraging a 'preventative' and 'proactive' approach to regulatory compliance with activities aimed at coordinated and efficient early detection, appropriate communication, awareness and information distribution with the community and partners and ultimately supported by effective reactive management and enforcement measures, and
- Identifying priority areas and ensuring effective risk-based prioritisation and management processes for regulatory compliance.

Guiding Principles

The following high-level principles are adopted by Biosecurity Queensland to guide regulatory compliance activities.

Responsiveness

Our regulatory activity will take neither a solely deterrent nor a solely passive approach. We will combine the principles and effects of 'voluntary compliance' and enforcement to motivate and influence the community to comply.

Proportionality

The level of our responses and any enforcement action will be proportionate to the level of risk, potential impact, and seriousness of any activity or offence and the past history of any identified offenders. More serious offences and higher risk activities will

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warrant more prompt response and the possibility of more severe enforcement responses.

Accountability

Decision-makers must be able to justify their actions and decisions and be able to satisfy judicial and public scrutiny. Staff will be accountable for their actions and decisions.

Consistency

Regulatory compliance activities and responses will be undertaken consistently across locations and across Programs. We will take a similar approach in similar circumstances to achieve similar outcomes. This will aim to ensure that incidents with similar circumstances lead to similar enforcement responses and that clients of Biosecurity Queensland receive consistent advice and service.

Targeting

Resources and activity will be directed to those priority areas that pose the greatest risk to industry, the community, the environment and animal welfare. Serious incidents will receive priority and less serious incidents will be managed or monitored with a view to prevent escalation or to resolve the issue effectively.

Transparency

Information will be provided to enable the community to understand:

- Biosecurity Queensland's expectations and legislative requirements,
- How Biosecurity Queensland operates,
- The consequences of non-compliance,
- The rights of individual's affected by decisions or subject to enforcement action and how they may request reviews or appeal those decisions

Legal Correctness

Biosecurity Queensland's activities will be undertaken in a manner that accounts for the principles of natural justice and legislative responsibilities. Staff with regulatory powers will exercise those powers in accordance with the legislation and these guiding principles.

Impartiality & Fairness

We will ensure that our decisions and actions will be undertaken without bias. Individuals will not receive preferential or adverse treatment on the basis of ethnic background, personal relationships with staff, nor position or status within a community.

Efficiency & Effectiveness

Biosecurity Queensland aims to be an efficient and effective regulatory agency by protecting Queensland's economy, community and environment whilst minimising unnecessary regulatory burdens. This means that at times Biosecurity Queensland will recognise that a lower-level response is appropriate as opposed to conducting a full investigation. The 'Response model' outlined in this Policy supports this approach.

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Achieving Compliance

Overview

Biosecurity Queensland believes that a holistic approach is required to achieve high levels of compliance. This means that a proactive use of education, monitoring and auditing activities is supported by effective reactive management and enforcement efforts. Biosecurity Queensland has adopted a Compliance Framework that consists of an interconnected suite of Policies, Strategies and Guidelines to support staff in regulatory compliance.

This Regulatory Policy outlines Biosecurity Queensland's broad approach to regulatory compliance.

Enforcement Guidelines are provided to assist decision-makers and staff to identify the most appropriate enforcement option to use at the conclusion of an investigation.

Compliance Strategies will be implemented for each program or, where necessary, specific issues to guide the practical implementation of the Regulatory Policy. These Compliance Strategies will identify priorities, required activities undertaken by Biosecurity Queensland to maximise compliance levels, and the process for measuring performance.

Staff will also be supported with:

- An Investigation Manual to guide how incident investigations are managed,
- A Case Management System to record the detail of all incidents and response activities and decisions, and
- Appropriate training in exercising regulatory powers & conducting investigations.

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Education and Awareness

The promotion of voluntary compliance through education and awareness activities is a fundamental base of Biosecurity Queensland's approach to regulation. The dissemination of information to assist the community and industry in achieving compliance can occur direct to the individual or through third parties including other government agencies, industry and representative groups, and other interested parties. This information will be delivered through electronic, media and face-to-face means.

Proactive Monitoring

Biosecurity Queensland conducts a number of scheduled activities to monitor compliance with legislation. This can include audits of statutory approvals and monitoring programs of specific industries or activities. These activities are proactive steps to monitor compliance levels as well as preventing related risk being realised or aggravated through continued non-compliance.

Investigations & Enforcement

Investigation Response Model

It is not possible for Biosecurity Queensland to investigate every possible offence and complaint received in relation to the legislation it administers. The effective and

efficient allocation of resources means that priorities must be clearly identified. The three Program areas of Biosecurity Queensland will develop Compliance Strategies to identify priority areas for regulatory compliance activity.

When responding to an incident with pest or disease control, animal welfare, or agricultural and veterinary chemical and contaminants issues, the first priority is to ensure the incident is controlled and those issues are managed effectively and take precedence. It is important however that, wherever preventable, action taken to control or manage an incident does not compromise any subsequent investigation or enforcement action.

A two-tiered Response Model is adopted to manage incidents and direct investigation efforts that considers the:

- Varying levels of seriousness of incidents,
- Need to ensure the efficient allocation of resources, and
- Range of enforcement options available to deal with non-compliance.

Appendix A explains the Investigation Response Model.

First Tier or 'Containment' Investigations

First tier responses or 'containment' investigations will be used for incidents where a satisfactory outcome can be limited to action to prevent the continuation of the offence or to rectify any impact or non-compliance. Generally, less serious offences will result in a containment investigation. These responses will often result in an outcome that will impact on an individual through the use of statutory notices or directions and must still occur at a standard that is defensible and consistent with the Guiding Principles outlined in this Policy.

A first tier response may be escalated to a 'full' investigation on the basis of new information or changes in circumstances.

'Full' Investigations

Second tier responses will involve 'full' investigations to support the use of a wider range of enforcement responses.

Communication

Media

Biosecurity Queensland recognises the value of publicising its regulatory compliance activity to the community to improve awareness of legislation, deter non-compliance, and reinforce Biosecurity Queensland's commitment to enforcing the law.

Consistent with the "Media Guidelines", Biosecurity Queensland will consider releasing media statements in relation to investigations and enforcement activity where:

- Details of the investigation are already in the 'public arena', a request for further information is received and it is deemed necessary to clarify or correct those details, or
- A court result is achieved or other enforcement action undertaken that provides the opportunity to raise awareness of the relevant legislation or issue, or

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- Assistance is to be sought from the public to gather information relevant to the investigation, and
- The release of the information is not expected to prejudice any subsequent court proceedings, enforcement action nor speculate on investigation outcomes.

The Manager (Investigations) must be advised of any intended media release or statement relating to an investigation or enforcement response before it is released.

Persons under Investigation

A POI in an investigation must be provided reasonable information as to the progress of the investigation once they become aware that they are subject of that investigation. The information provided must not however compromise the investigation or any decision-making processes.

At the conclusion of the investigation, all POI who were aware that they have been under investigation must be advised of the outcome in writing even if 'no further action' is proposed.

Witnesses and Informants

A person who has assisted Biosecurity Queensland in an investigation (e.g. the informant / complainant or a witness) should be provided reasonable information where possible as to the outcome of the investigation where such information does not breach the *Information Privacy Act 2009* or the investigation itself.

The identity of witnesses and informants should be protected and the requirements of the *Information Privacy Act 2009* considered in making any comment that may identify witnesses and informants.

Other Regulatory Agencies

Information requests from other regulatory agencies should be considered in consultation with the Investigations Unit. In principle, such requests will be granted where the purpose is for achieving or investigating compliance with an Act or otherwise authorised under law.

Staff acting under legislation administered by other agencies (e.g. *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cth) and the Australian Pesticides and Veterinary Medicines Authority) must be aware of the information sharing arrangements and procedures relating to that activity and other agency.

Right To Information Act 2009

The *Right To Information Act 2009* provides a right of access for members of the public to certain records.

Where a person has requested information relevant to an investigation, staff should consider this Policy or consult with the Investigations Unit before deciding to release that information. Where access is refused, the person should be advised that they may make a 'Right To Information' (RTI) application for that information and the location of the relevant RTI application forms.

The *Right To Information Act 2009* specifies a number of exemptions to access to public records and investigating officers should consult with the RTI Decision-maker where they believe access to a document in response to a RTI application should be exempt.

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Roles & Responsibilities

All Biosecurity Queensland staff are responsible for supporting Biosecurity Queensland's regulatory compliance role.

Any staff member who becomes aware of possible non-compliance with legislation administered by Biosecurity Queensland must ensure a record of the incident is made in accordance with the Biosecurity Queensland Investigation Procedures Manual.

Any regulatory compliance activity undertaken by a staff member must be in accordance with their appointment as an Authorised Officer/Person or Inspector under legislation and any relevant delegation, procedural documents or other work practice.

The Investigating Officer must ensure the investigation is conducted professionally, lawfully, ethically and in a timely manner.

The Investigating Officer is responsible for:

- Planning and conducting the investigation and escalating any issues affecting progress to their Zone Leader,
- Recording details of all actions and decisions undertaken as part of the investigation,
- Issuing Statutory Notices or Directions where required and where the officer has the appropriate appointments or delegations to issue that Notice or Direction, and
- Submitting a recommendation for an appropriate enforcement outcome to their Zone Leader consistent with the Enforcement Guidelines

Zone Leaders are responsible for the initial assessment of, and response to, incidents in their zones and program's area of responsibility.

This includes the decision to request the Investigations Unit to take responsibility for the response. Zone Leaders are responsible for monitoring progress of the response and the enforcement decision-making in accordance with the Enforcement Guidelines. Zone Leaders will also ensure that this assessment and response is in accordance with this Policy and any relevant Compliance Strategy or procedural document.

Operations Management is responsible for the state-wide overview of operational compliance activities and ensuring effective liaison between Operations and Policy staff.

General Managers (and their delegates) are responsible for setting strategic compliance priorities within their program area, including the development of Compliance Strategies, and providing feedback and advice in relation to legislative issues and direction.

Investigations Unit is responsible for providing advice and support to all staff in relation to investigative procedures and management, compliance strategies, and training as well as managing court proceedings and enforcement action with the assistance of the DEEDI Legal Unit and supporting the Case Management System used by Biosecurity Queensland.

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In accordance with the Enforcement Guidelines, the Manager Investigations or delegate is responsible for assessing enforcement actions endorsed by Zone Leaders and, where required, liaising with DEEDI Legal or delegates of the Chief Executive or other statutory positions to gain approval to undertake enforcement action and ensuring the completion of such enforcement action.

The Investigations Unit will investigate incidents referred to them where there is a:

- **Level of complexity** - *For example: The investigation requires interviews of a number of POI's and witnesses throughout the State*
- **Significant long-term impact** on the community, industry or the environment - *For example: The incident poses a significant risk to human health or ongoing market access for an industry or could cause significant environment harm*
- **'Very High' Public Interest** - *For example: The incident receives widespread media coverage throughout Queensland or nationally*
- **Need for whole-of-agency coordination** due to multiple jurisdictions - *For example: The incident involves likely breaches of a number of Acts administered by a number of different agencies*

Despite an incident meeting one or more of these criteria, a Zone Leader or the Principal Investigations Officer may decide that a local officer will lead the investigation.

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Decision-making

Biosecurity Queensland seeks to provide decision-makers with guidance to ensure appropriate resource allocation, exercise of powers, and enforcement decision making in response to an incident. Staff will exercise discretion at three points of any response as identified below.

Incident Response

The decision on the level and priority of response to suspected non-compliance is the responsibility of the Zone Leader for the relevant Program in the area where the incident occurred. These decisions must be guided by the relevant Compliance Strategy. All incident responses will be conducted at a standard that ensures any enforcement action, including prosecution, can be supported through a proper investigation.

Every incident or complaint will be assessed and assigned a priority in accordance with Appendix B. The priority assessment determines the promptness of the response relative to other incidents. The preferred timeframe for the commencement of the response is also identified.

Exercising Regulatory Powers

In the course of an audit or investigation, Biosecurity Queensland staff appointed under legislation may exercise regulatory powers to complete the audit or investigation. Staff who hold these appointments are issued with identity cards and will either produce them or have the cards visible prior to exercising regulatory powers on a person.

Generally, staff will seek the cooperation of a person being audited or investigated prior to relying on a regulatory power. However, to ensure efficient and effective audits and investigations, regulatory powers may be used at the staff member's discretion. This will occur in accordance with the requirements and limitations provided in the specific legislation and staff must ensure the use of any regulatory powers is correctly recorded.

Enforcement Responses

When an individual or entity fails to comply with legislation, Biosecurity Queensland will consider a range of enforcement responses including:

- Issuing a Caution
- Issuing a Statutory Notice or Direction
- Penalty Infringement Notice
- Seeking a Court Order
- Prosecution
- Taking No Further Action (including an 'Advisory Letter')
- Cancellation or Suspension of Licences, Permits or Other Approvals

Staff must consider the "Enforcement Guidelines" in identifying an appropriate enforcement response and determining the appropriate level of approval to carry out that action.

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Appendix A – Investigation Response Model

Biosecurity Queensland's response to an incident where non-compliance is suspected aims to:

- Control the potential or actual biosecurity risks or ensure improvements to animal welfare,
- Gather information and evidence that will support enforcement decision-making and will be admissible in any possible criminal or administrative proceedings,
- Identify any non-compliance with legislation and, if so, identify the person(s) responsible and an appropriate enforcement outcome,
- Deter future non-compliance, and
- Ensure public confidence in Biosecurity Queensland

Incident Detection

Biosecurity Queensland staff may become aware of possible non-compliance through monitoring, auditing or other activity, reports from the public or industry groups, or reports from other government agencies.

Where a Biosecurity Queensland staff member becomes aware of possible non-compliance they are responsible for ensuring the incident is recorded in the 'Auditing and Investigations Management System' (AIMS) accordance with the Biosecurity Queensland Investigation Procedures Manual.

Incident Assessment

Once an incident with possible non-compliance is detected, the incident must be assessed by the Zone Leader of the relevant Program where the incident is believed to have occurred.

The Zone Leader will ensure that the incident is within their jurisdiction and conduct an initial assessment to identify the type of response required and the priority of the incident. If the incident is not within the Zone Leader's jurisdiction, they will contact the correct Zone Leader or the relevant agency to refer the incident to them. These decisions will be recorded in AIMS.

A response may either be a 'Containment Investigation' or a 'Full Investigation' as defined in the Biosecurity Queensland Regulatory Policy. The Zone Leader will determine the appropriate level of response in accordance with the relevant Compliance Strategy.

The priority will be categorised by the Zone Leader as one of the priority levels specified in Appendix B.

If the incident meets the criteria for referral to the Investigations Unit, the Zone Leader will discuss passing responsibility for leading the response to the Principal Investigations Officer.

Investigation

The Zone Leader (or Principal Investigations Officer for responses by the Investigations Unit) is responsible for allocating the incident to the appropriate

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Biosecurity Queensland officer to conduct an investigation and then monitoring progress of that investigation.

The Investigating Officer is responsible for planning and conducting the investigation in accordance with the Investigation Procedures Manual. The officer is also responsible for identifying an appropriate enforcement outcome and submitting a recommendation to their Zone Leader (or Principal Investigations Officer for responses by the Investigations Unit). All investigation activity and decisions must be recorded in AIMS.

Investigation Review

The investigation and recommendations will be reviewed by the Zone Leader in the first instance (or Principal Investigations Officer for responses by the Investigations Unit) to ensure the sufficiency of the investigation. In the event of a 'Containment Investigation', the Zone Leader must ensure that limiting the investigation to 'containment' is still appropriate.

A decision, consistent with the Enforcement Guidelines, is made by the nominated decision-maker and referred to an officer to complete.

Closure

Once all required further action has been completed, including the monitoring of compliance with any Statutory Notice or Direction, the investigation file should be closed in AIMS.

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Appendix B – Incident Priorities

Category	General Incident Description	Expected Response Timeframe
Critical	Incident involves significant actual or potential threat to one or more industries, communities, or has likely widespread and long-term impact on the environment	Immediate or very prompt response (e.g. within 24-48 hours) with early containment measures
	Incident involves the need to urgently alleviate pain and suffering to an animal	Immediate (within 24 hours)
High	Incident involves: • high actual or potential threat to industry, community, or the environment, or • an offence that carries a significant maximum penalty that includes a term of imprisonment or exceeds 1000 penalty units, or • an offence that involves obstruction of an Authorised Officer / Authorised Person / Inspector, or • refusal to comply with a Statutory Notice or Direction, or • Pain and suffering to an animal and a need to take timely action to alleviate that pain and suffering, or • A very high degree of public interest	A prompt response (e.g. within 14 days) however a more immediate initial response may be required to 'contain' the potential threat or to alleviate pain and suffering to an animal
Medium	Incident involves a potential threat to an industry, community, or the environment Incident involves an animal welfare issue that does not result in pain or suffering to an animal	A response is commenced in the medium-term (1-6 months)
Low	Incident involves negligible risk to industry, community or the environment	Response is likely to undertaken if and when resources are available. Otherwise, the incident is recorded for future reference and monitoring
Very Low	Incident involves a 'technical breach' with no or minimal risk to industry, community or the environment	Response is unlikely and the incident is recorded for future reference and monitoring

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VERSION INFORMATION

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Revision history:	Version #	Approval date	Comments
27/08/2014	1.0	27/08/2014	Original Version
01/10/2014	1.1		✓ Inclusion of the following appendices: - A national guide to describing and managing beef cattle in low body condition (*Provided from MLA*) in Appendix D3; - Cow body condition scoring handbook *(Provided from Dairy Australia)* in Appendix D3; - Body Condition Score (BCS) recording sheet *(Provided from Dairy Australia)* in Appendix D4; - Regulatory Policy (Biosecurity Queensland) in Appendix D14. ✓ Updates from Principal Biosecurity Officer's feedback.
20/04/2015	1.2		✓ Standardised Terminologies: - DAFF to DAF - Principal Biosecurity Inspector /PBO to "Principal Biosecurity Officer" - Animal Care and Protection Act / the Act to "ACPA" ✓ Removal of references to appointment of SFPQ ✓ Removal of Forfeiture section ✓ Inclusion of Beef Cattle (BCS 1-5)