

Animal Welfare:

A toolkit for livestock veterinarians
in Victoria



Acknowledgements

This toolkit was developed by the former Department of Environment and Primary Industries, Biosecurity Division. It was adapted to a large extent from “The Veterinarians Animal Welfare Toolkit”, composed by the New Zealand Veterinary Association and Ministry of Agriculture and Forestry, 2011.

Special acknowledgement goes to these parties for the concept and content of this document. Acknowledgment is also owed to the Australian Veterinary Association, Victorian Division, the Veterinary Practitioners Registration Board of Victoria (VPRBV) and the Animal Health and Welfare division of the former Department of Environment and Primary Industries for the time and effort they put into the development of this toolkit.

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This toolkit has been designed to provide practical guidance for veterinarians involved in addressing animal welfare issues on farms within Victoria.

It does not intend to provide legal advice to veterinarians. If you are unsure about your legal position you should seek advice from the Veterinary Practitioners Registration Board of Victoria, The Australian Veterinary Association, or your own lawyer.

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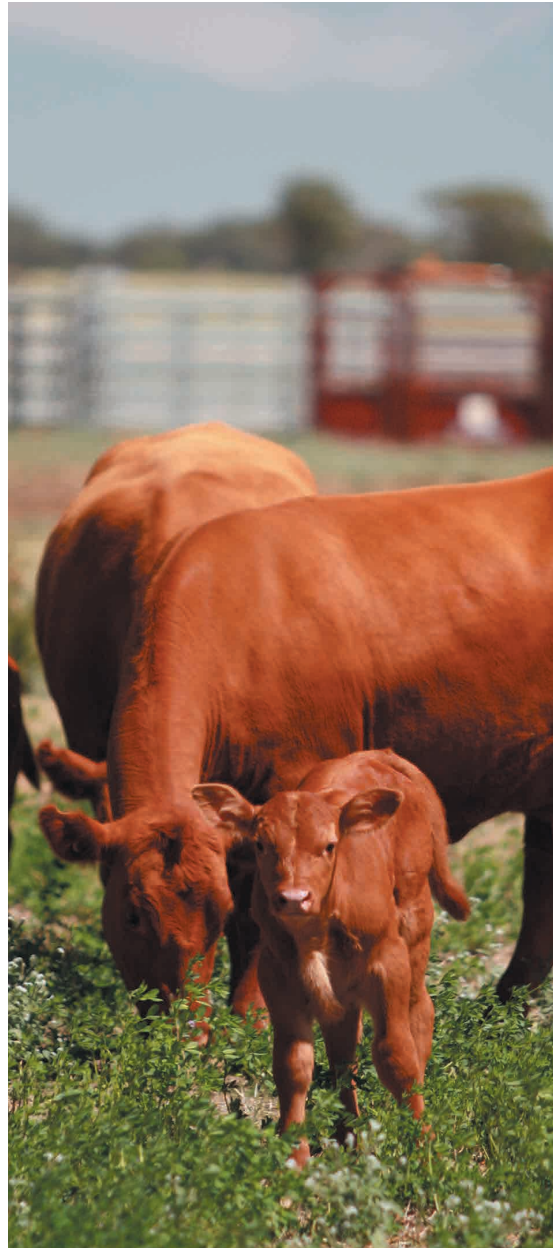
Dealing with animal welfare issues on farms:

A practical toolkit for livestock veterinarians

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Vision:

Veterinarians aim to prioritise animal wellbeing while recognising the needs of the client, which includes any contributing economic, social, and environmental factors. Progress may occur in stages; it is important to clearly identify desired results and timeframes and to monitor development until a sustainable solution is achieved that protects the welfare of the animals.



Preface

Animal welfare is the responsibility of all people involved with animals. Veterinarians play an important role in raising and addressing animal welfare issues with their clients. Ensuring the appropriate treatment of animals is an important role in the community, and can be integral to ensuring Australia's credibility in animal welfare matters.

Veterinarians, through their communications with owners, guide the ethical treatment of animals, their health, performance and productivity. The development of this practical toolkit demonstrates the profession's commitment to animal welfare and provides a sound guide for veterinary activity on farms.



Purpose of this toolkit

This toolkit has been designed to provide practical guidance for veterinarians involved in addressing animal welfare issues on farms.

This toolkit will:

- help you understand your obligations and options when you identify an animal welfare issue
- provide some guidance for instances where conversations with your clients about the welfare of their animals may become confrontational
- set out good practice guidelines in regard to assessment, data collection and record keeping
- provide references to useful technical resources and support for you and your clients.

The information provided in this toolkit can be used as the basis for practice policies for how animal welfare issues are managed. Such processes demonstrate to clients and the public a commitment to animal welfare. They also encourage veterinarians to be proactive in dealing with welfare-compromised animals and feel supported in their decision to raise welfare concerns with their clients.

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Defining animal welfare

‘Animal welfare’ can be described as how an animal is coping with the conditions in which it lives.

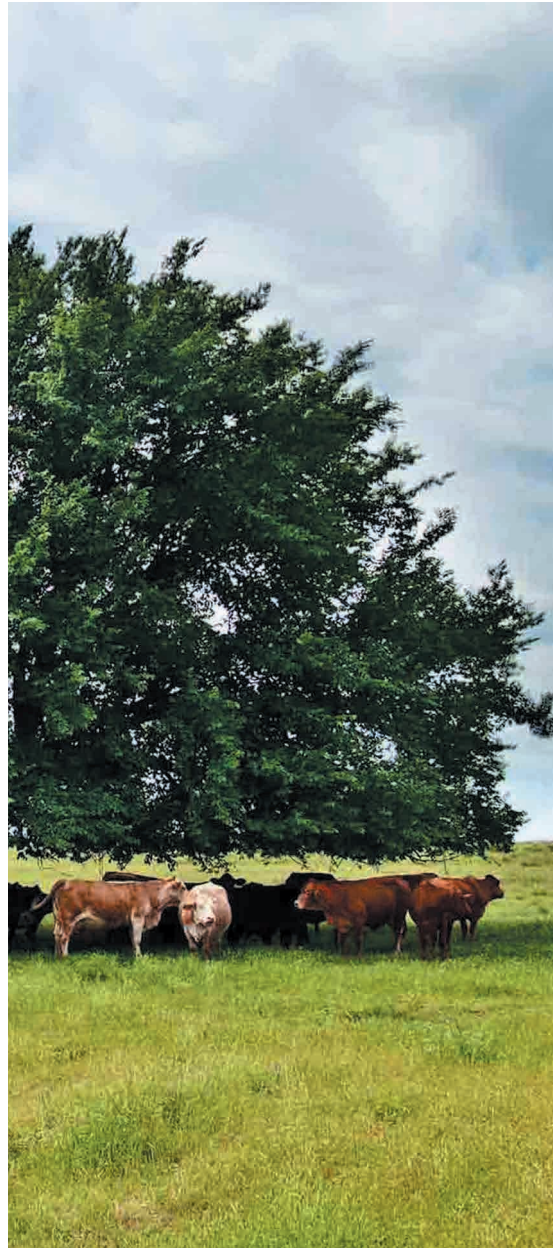
Good welfare can be achieved through:

- proper and sufficient food and water
- adequate shelter and comfort
- the ability to express innate behaviour and experience positive mental states
- protection from, and rapid diagnosis of, injury and disease
- handling, husbandry, and slaughter/killing techniques that minimise pain and distress
- protection from states of pain, fear, and distress.

All persons involved with animals, including veterinarians and members of the farming community, have a duty of care towards the animals with which they are involved. This means that they have an obligation to take reasonable measures to protect the welfare of these animals.

“Animal Welfare - it’s your duty to care”

Where your activities may affect animals you must take reasonable action to protect their welfare. This means allowing for ready access to fresh water and a suitable diet; maintaining an appropriate environment, minimising pain, injury and disease; allowing for expression of normal behaviour and minimising fear and distress.



Legal and professional obligations and powers

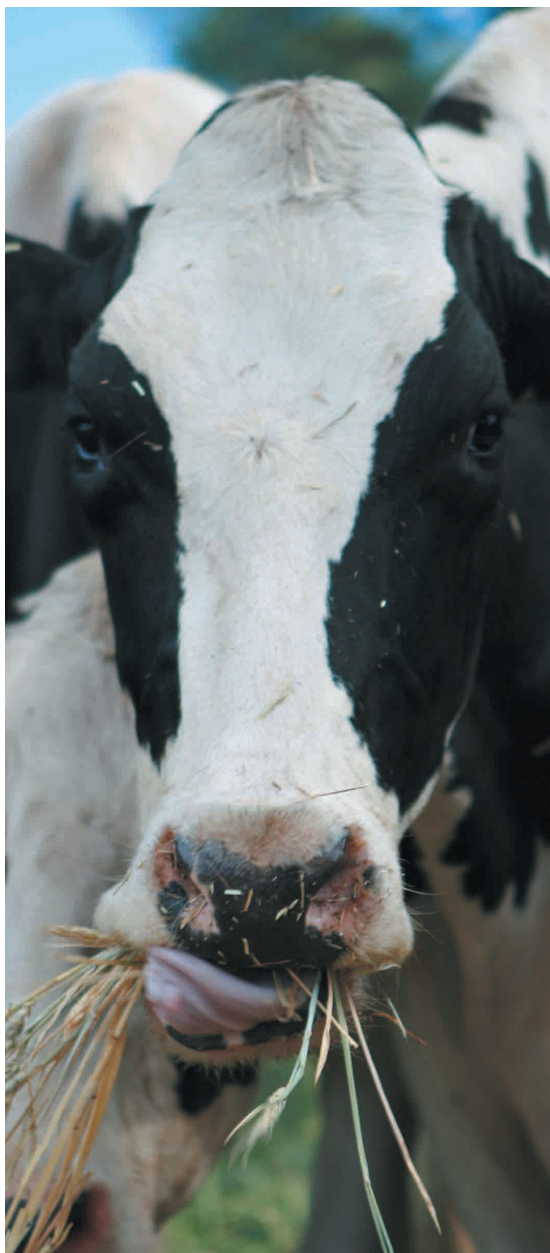
The *Prevention of Cruelty to Animals Act 1986* (POCTAA) provides animals with protection from cruelty and poor welfare.

It dictates responsibilities for meeting the physical, health and behavioural needs of animals, and alleviating pain or distress. While there is no specific legal obligation requiring veterinarians to provide treatment under all circumstances, these requirements mean that as a veterinarian, you are responsible for the animals in your care. You may also be employed by an owner or person in charge to help them to meet their obligations.

Under POCTAA, veterinarians are provided with the power to destroy an animal on humane grounds, such as if it is distressed or disabled and it is reasonably believed that the animal would continue to suffer if it remained alive.

This may be performed without permission from the owner, although:

- the owner should be consulted as soon as is possible
- the owner should be given the opportunity to seek the opinion of another veterinarian where possible.



If the owner cannot be found within a reasonable timeframe, or the owner does not agree to pursue appropriate treatment (for treatable conditions), obtain a second opinion, or approve euthanasia, you must euthanise the animal.

As a veterinarian, you also have a professional obligation to protect animal welfare and alleviate suffering as a priority.

This is reflected in the Guidelines provided by the VPRBV, which states that veterinarians:

- must provide emergency treatment
- should minimise or alleviate the pain, suffering or distress of any animal presented for treatment
- should ensure that an animal does not suffer unnecessary pain or distress because of a client's unwillingness to provide adequate or appropriate veterinary care.

The *Veterinary Practice Act 1997* also requires veterinarians to maintain professional conduct which is of a standard that could be reasonably expected, by the public and colleagues, of a registered veterinary practitioner.

Our current political and public climate demands accountability and transparency in relation to professionals and entrusts veterinarians to uphold high standards in relation to their duty of care towards animals.

The **Australian Veterinary Association's Code of Professional Conduct** states that veterinarians should not condone animal suffering, nor be party to it. Considering a client's commercial, financial, emotional or other circumstances should not affect the appropriate decision to be taken in relation to an animal's welfare.

While a veterinarian must uphold client confidentiality, the *Commonwealth's Privacy Amendment (Enhancing Privacy Protection) Act 2012* outlines certain provisions for veterinarians to provide personal information about an owner and their animals when:

- there is a serious and imminent threat to an individual's physical or mental health and safety
- there is reason to suspect that unlawful activity has been, is being or may be engaged in

- there is an obligation under other Commonwealth and State law, such as in cases of child abuse
- the information is necessary for an Inspector to prevent, detect, investigate, and prosecute offences under POCTAA.

Further, provisions under POCTAA dictate that as a veterinarian you must provide information or documents to Inspectors when requested, that may help them to determine whether an offence has been or is about to be committed.

Sometimes, situations both in the short and long-term, may prove too difficult to be remedied under veterinary supervision. These cases should be referred to an officer authorised under POCTAA as an Inspector. Relevant Inspectors include those from:

- the Department, who deal primarily with commercial livestock matters
- the Royal Society for the Prevention of Cruelty to Animals (RSPCA), who deal primarily with non-commercial livestock and companion animal matters, including horses

- all Police
- municipal council officers, if specifically authorised under POCTAA.

Reporting is largely an ethical requirement. However, if you have knowledge of an animal welfare issue and allow unnecessary or unreasonable pain or distress to continue, or if you undertake actions that exacerbate animal welfare issues, you may be investigated as party to an offence under POCTAA. That is, your omission may make you liable to litigation and/or review by the VPRBV.

If the issue you see is significant, consider advising the Department immediately by telephoning 136 186.

Appendix One provides a more complete list of your obligations and powers.

Protect and promote animal welfare, alleviate suffering

Relevant Victorian animal welfare legislation

- The *Prevention of Cruelty to Animals Act* 1986 (POCTAA)
- The Prevention of Cruelty to Animals Regulations 2008
- The Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2006
- The Prevention of Cruelty to Animals Codes of Practice
- The *Livestock Management Act* 2010 (LMA)
- The Livestock Management Regulations 2011
- The *Impounding of Livestock Act* 1994 (ILA)
- The Impounding of Livestock Regulations 2008
- The *Wildlife Act* 1975
- The *Meat Industries Act* 1993
- Australian Animal Welfare Standards and Guidelines and Codes of Practice.

These documents can be accessed at www.depi.vic.gov.au/animalwelfare

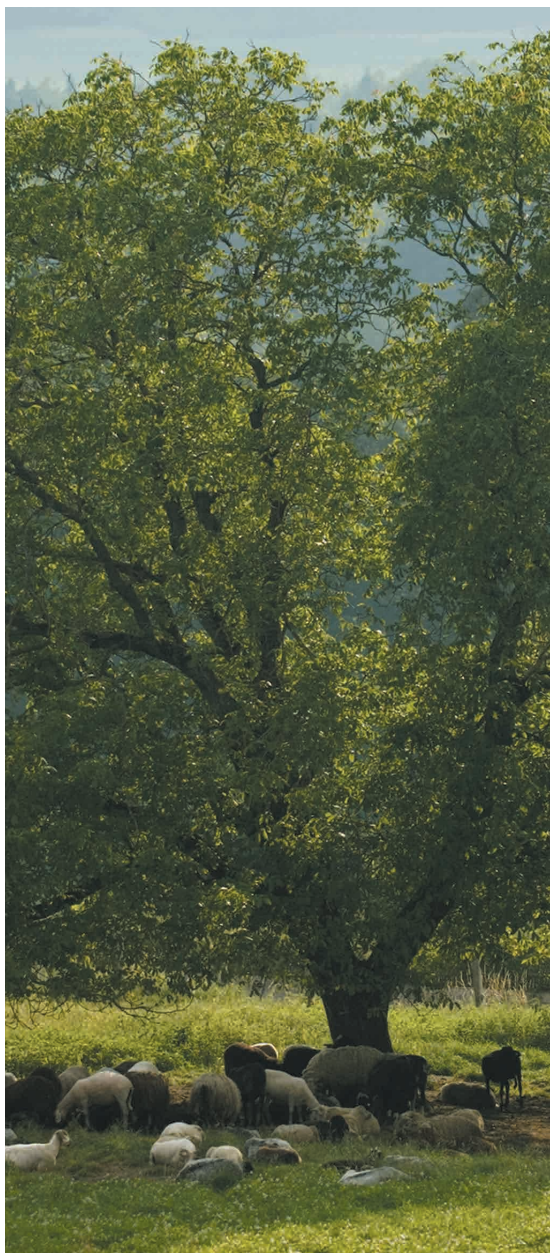
See Appendix One for more information including a list of relevant *Australian Animal Welfare Standards and Guidelines* and *Codes of Practice*



Getting involved

While the Department and the RSPCA play an important role in responding to animal welfare issues in the community, you may also find yourself involved in resolving an animal welfare issue on a farm. This may occur in a number of ways which includes:

1. Helping resolve an animal welfare situation at the request of a farmer or person in charge of the animals.
2. Identifying an issue yourself while visiting the farm.
3. A member of the community or an industry group notifies you of a potential issue. These should be referred to a department Inspector in most instances.
4. An Inspector requests your assistance to help resolve an animal welfare situation. This may extend to acting as an expert during the investigation and giving evidence in legal proceedings.



1. Helping resolve an animal welfare situation at the request of a farmer or person in charge of the animals

A farmer may seek your veterinary expertise to resolve animal welfare issues on their farm.

A farmer may also call you for help after an Inspector has examined their animal(s) and requires remedial action to be taken. In this instance you are employed by the farmer and your role is to advise and assist the farmer in working through a solution constructively with the Inspector. Your client records, history, clinical reports and photographs may be released to an Inspector. They may also be produced by the client in defence of any legal proceedings.



2. Identifying an issue yourself while visiting the farm

If you see an animal welfare issue on a client's property it is important to prioritise the matter and alleviate animal suffering. If you do not feel that the short or long-term solutions that you recommend are being appropriately followed, the matter should be referred to either the Department or RSPCA Inspectors for a second opinion, noting the *Commonwealth's Privacy Amendment (Enhancing Privacy Protection) Act 2012* allows you to provide personal information to an authorised officer where you believe illegal activity is being undertaken, this includes suspected breaches of the *Prevention of Cruelty to Animals Act 1986* (POCTAA), the *Livestock Management Act 2010* (LMA) and the *Impounding of Livestock Act 1994* (ILA)

When involved in helping a farmer to resolve an incident and the situation deteriorates, you should refer the issue as soon as possible.

Other options for general advice about welfare matters include:

- a senior colleague or practice principal
- industry bodies

3. A member of the community or an industry group notifies you of a potential issue. These should be referred to the Department in most instances

This role should be left to Inspectors, and cases are generally best handled via referral to the Department or the RSPCA. If someone from the community or an industry group notifies you of a potential animal welfare issue, obtain as much information about the situation as possible. This may include: the name of the farmer, farm location, type of animals, scale of operation, the veterinary consultant or practice involved and the complainant's details if possible.

For more information see Appendix Two.

4. An Inspector requests your assistance to help resolve an animal welfare situation. This may extend to acting as an expert during the investigation and giving evidence in legal proceedings

You may be contracted by an Inspector as an on-farm specialist adviser. In this instance you will be provided with further support and advice from the Inspector or their respective agency. Duties may include identifying animal welfare issues; assessing animal health and husbandry needs; body condition scoring; nutritional requirement advice; action planning; giving advice on mitigating suffering; following up and monitoring properties; euthanising animals; performing post-mortems; providing reports or statements and acting as an expert witness in any legal proceedings. If you are asked to be part of an animal welfare response and investigation, the Inspector will provide you with guidance.



Am I the right veterinarian?

When you have the basic information the next step is to consider whether you feel comfortable pursuing the case, and if so, whether you are the right veterinarian to do so.

While you have a professional obligation to address any immediate animal suffering, you may not always be the right person to be involved in resolving welfare issues. Your obligation is to ensure that such matters are appropriately addressed, such as referring an issue to the Department. Instances when you may not be the right person include when:

- you do not feel comfortable confronting the owner or handling potential conflict
- the scale or severity of the issue requires immediate involvement by the Department, the RSPCA, or the Police
- you are a new graduate
- you don't have the technical expertise required
- a conflict of interest exists
- you are a locum or in a temporary position.

You can discharge your obligation by referring the issue to a colleague, another practice, the Department, the RSPCA or the Police.



The Department's primary objective is to ensure good animal welfare practices, outcomes and implement a sustainable solution on a farm, through implementation of extension work and inspectorial duties. Notifying or engaging with the Department to resolve an animal welfare incident does not necessarily result in prosecution and other options such as advice and education are often more effective.

A variety of training opportunities in conflict resolution exist. These may be worth investigating through your continuing education service providers.

For referral options see page 7.

Keep a copy of any referral made. If you are concerned that the referral is not being treated appropriately, contact the AVA, VPRBV or the Department for support.

Remember: referral to the Department or the RSPCA can be made anonymously and occur in the same fashion as a referral from any member of the public.



Engaging with the farmer

Discussing animal welfare issues with clients can be difficult, often due to close professional relationships, business interests and sensitivity of the subject matter. Some helpful strategies include:

- discussing concerns with a peer or professional body
- prior planning as to how best approach the issue with a farmer in order to accommodate their demands, expectations, and coping strategies
- aiming to work cooperatively with the farmer
- use language and behaviour that does not antagonise a farmer.

Clearly state that you are concerned about the welfare of the animals and then ask the farmer whether they are also concerned. Deliver your opinions early in the conversation in a clear, respectfully and non-judgmental manner.

In dealing with clients, it may be helpful to consider the skills and behaviours promoted under the AVA's Code of Professional Conduct, which include:

- **respect**
- **professionalism and integrity**
- **good communication**
- **providing the best possible services.**



- **clarify any questions and concerns**
- **clearly identify current requirements**
- **offer information and support**
- **arrange debriefing and follow-up sessions**

It may be difficult for a farmer to confront the fact that they have an animal welfare issue. Two common responses are anger and denial but others may feel relief or acceptance. Reactions may be improved through:

- using non-judgmental language
- separating the person from the problem
- acknowledging when the farmer has tried to do something positive, even if it hasn't worked

- actively listening to the farmer's perspective. The more someone feels listened to and respected, the more quickly they will consider a rational solution
- providing choice, input and negotiation, even when faced with a necessary action
- having a support person present, such as a family member, neighbour, mental health expert, or industry representative
- being aware of the wider implications of the problem for the farmer, within the family and community.

Be aware of your own triggers and responses to emotionally-charged and high conflict situations so that you can manage these effectively. Remember, you are trying to get the farmer to understand your professional opinion and what is needed to meet their duty of care towards animals.

Education can be more effective

It is important that you are confident in your technical knowledge (which includes what is acceptable within the law and codes). Furthermore, emotional and physical safety is a priority for you, the client and affected people such as family members. Have a protocol for withdrawing when safety is at risk. This may include involving others such as the Police.

Where a farmer rejects your advice regarding an animal at risk, you must advise them of their responsibilities under POCTAA. If they continue to refuse to respond, report the matter to an Inspector as a matter of good professional conduct.

Legislation and Regulations provide a useful framework as to what constitutes acceptable husbandry and welfare practices. It should be used to avoid situations becoming a matter of your opinion against theirs. These documents can be accessed at <http://www.depi.vic.gov.au/agriculture-and-food/fanimal-health-and-welfare/animal-welfare>

- **engage the farmer on what needs to happen to resolve the issue**
- **be supportive**
- **emphasise that the welfare of their animals is their responsibility and he/she must take ownership of the necessary actions**



Assessment and action planning

It may be useful to have the following items in your vehicle, should you encounter an issue requiring immediate action:

- this toolkit
- a mobile phone/camera
- a notebook and pens
- relevant animal welfare standards and guidelines and/or codes of practice, and body condition scoring charts
- euthanasia tools
- necropsy equipment including specimen containers
- a list of key contacts and phone numbers - see Appendix Three.

Assess – Plan – Implement – Review

The Department

Online: <http://www.depi.vic.gov.au/about-us/contact-us>

Customer Service Contact: 136 186

Postal Address:

PO Box 500

Melbourne VIC 8002

RSPCA

Online: <http://rspcavic.org/services/inspectorate/report-cruelty>

Emergency telephone number:

03 9224 2222



1. Assess

Assessing Animal Welfare

Good farm management will reduce risk factors to animal welfare at all stages in the production process. Animal welfare does not sit in a vacuum – think about what may have occurred previously.

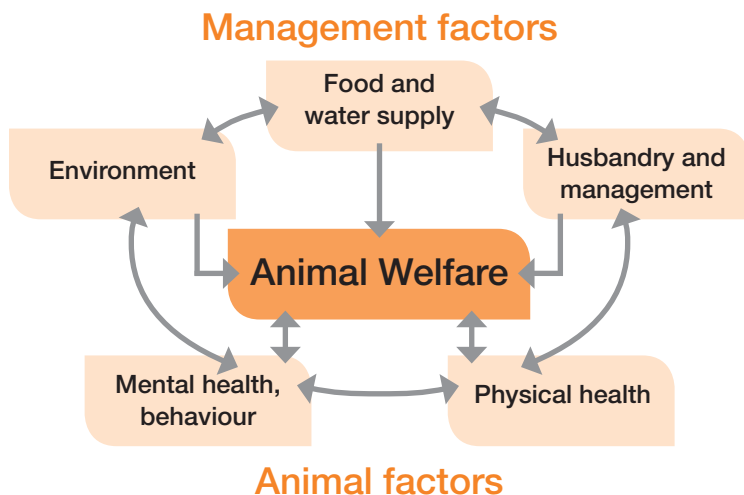
Figure 1 summarises a set of animal welfare risk categories that can guide farm assessments. Each factor, both individually and collectively, can contribute to an animal's welfare within a farming system. These risk factors will vary between farms, regions and seasons.

Know what is expected in assessments of welfare

Knowledge of relevant legislation, Australian Animal Welfare Standards and Guidelines and Codes of Practice will help you to judge whether a given farming practice or an animal's condition is acceptable or not. It is your ethical obligation as a veterinarian to prioritise animal welfare over other interests. Assessments should be made with this in mind, while being aware of contributing factors such as personal and financial concerns.

When an issue is first identified, decisions should be made about the scale and severity of the problem, and based on this, how to proceed. Assessment may involve the identification of relatively minor issue(s),

Figure 1 - Animal welfare risk categories



or specific breaches of POCTAA or Codes of Practice. You may also identify factors that pose a significant risk of future breaches or which affect the ability of the farmer to implement remedial action.

Poor animal welfare and overt cruelty to animals can be different things, although both cause pain or suffering. The fundamental principles behind POCTAA are to protect animals from cruelty, or unreasonable and unnecessary pain and suffering. Animal management and ancillary promotion of welfare are covered by POCTAA Codes of Practice, LMA, ILA, and Australian Animal Welfare Standards and Guidelines.

A simple triage system, such as a traffic light system, can be used to quickly and clearly indicate the scale and severity of issues. For example, red can identify breaches of POCTAA; orange, where there is a risk of future breaches or reduced ability to remedy; and green, where no risk exists.

Comprehensive and accurate records should be kept, both for your own clinical assessment purposes and in case the situation results in referral or prosecution.

Figure 2 - A simple triage system



A thorough and logical assessment of the animals and farming system will give you credibility with the farmer, the Department, the RSPCA, the Police or the Council and the courts. Refer to Appendix Two for a basic list of things to record.

Assess

Assess whether the situation is normal and acceptable under legislative provisions, Australian Animal Welfare Standards and Guidelines, Codes of Practice and your professional expectations. Priority should be given to acutely suffering animals. More chronic situations may need to be assessed over time to ensure that all contributing factors are identified. Assessment will help you to determine your management plan and identify when other professional services should be engaged. The higher the scale of severity and the greater the reluctance (or lower the capability) of farm management to intervene, the more likely that the Department inspector involvement will be needed.

It is important to keep detailed and accurate veterinary records of all farm visits.

a) Assessing physical health and behaviour

Look out for signs of disease, pain, distress, and injuries that may require treatment. Initial indicators of pain and distress that you might observe include:

- abnormal activity levels
- high respiratory rate
- demeanour
- low food intake
- wounds
- scouring
- shivering
- vocalisation
- lameness
- low body condition score.

Also consider an animal's suitability for transport (for example, to offsite grazing or abattoirs) against the Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock. Refer to <http://www.animalwelfarestandards.net.au/land-transport/> for more information.

b) Assessing the environment

The construction, maintenance and operation of farm facilities are important for animal housing, movement, and handling procedures. Consider the farm environment for things that may injure an animal or exacerbate a welfare problem. Is there an adequate water supply and access? Is there adequate shelter? What is the weather forecast or are there seasonal climatic conditions to consider? What are the facilities like?

c) Assessing feed and water supply

Take into account:

- feed availability, nutritional composition and quality
- climatic and seasonal factors

With reference to the physiological state of the animal, including:

- age, sex, breed, size, body condition
- current and future metabolic needs (e.g. pregnant or lactating animals, level of production).

d) Assessing animal husbandry and stockmanship

The knowledge, skills and attitude of the stockperson are integral to the standard of welfare an animal receives. Stockmanship is the ability to identify an animal's needs and ensure that action is taken to address those needs, along with an affinity and empathy towards animals. When a farmer is stressed or dealing with other issues, their ability to act as a good stockman may be compromised.

Animals of different ages, sexes and species should, in general, be kept separate. Newborn, young and old/cull stock are particularly vulnerable to adverse environmental conditions and poor management.

Information on Prohand - Stockperson Training Program packages developed by the Animal Welfare Science Centre can be accessed at <http://www.animalwelfare.net.au/article/training-programs>

e) Look at the broader context

i) Identify the decision maker

It is important to understand the decision-making authority on the farm; the person in charge of the animals may not always be the decision-maker. As well as their technical farming skills, the physical and mental health of the farmer, their staff and their level of support, may be important factors in understanding how a situation has occurred and how it may be addressed. A complex farm ownership/management situation may require more comprehensive planning and action to achieve a satisfactory outcome.

ii) Social health of the business

This may include the mental and physical health of the people involved in the farming operation. It may be advisable to encourage people to seek help, such as consulting with an industry representative, farm consultant, financial adviser, doctor, or mental health expert.

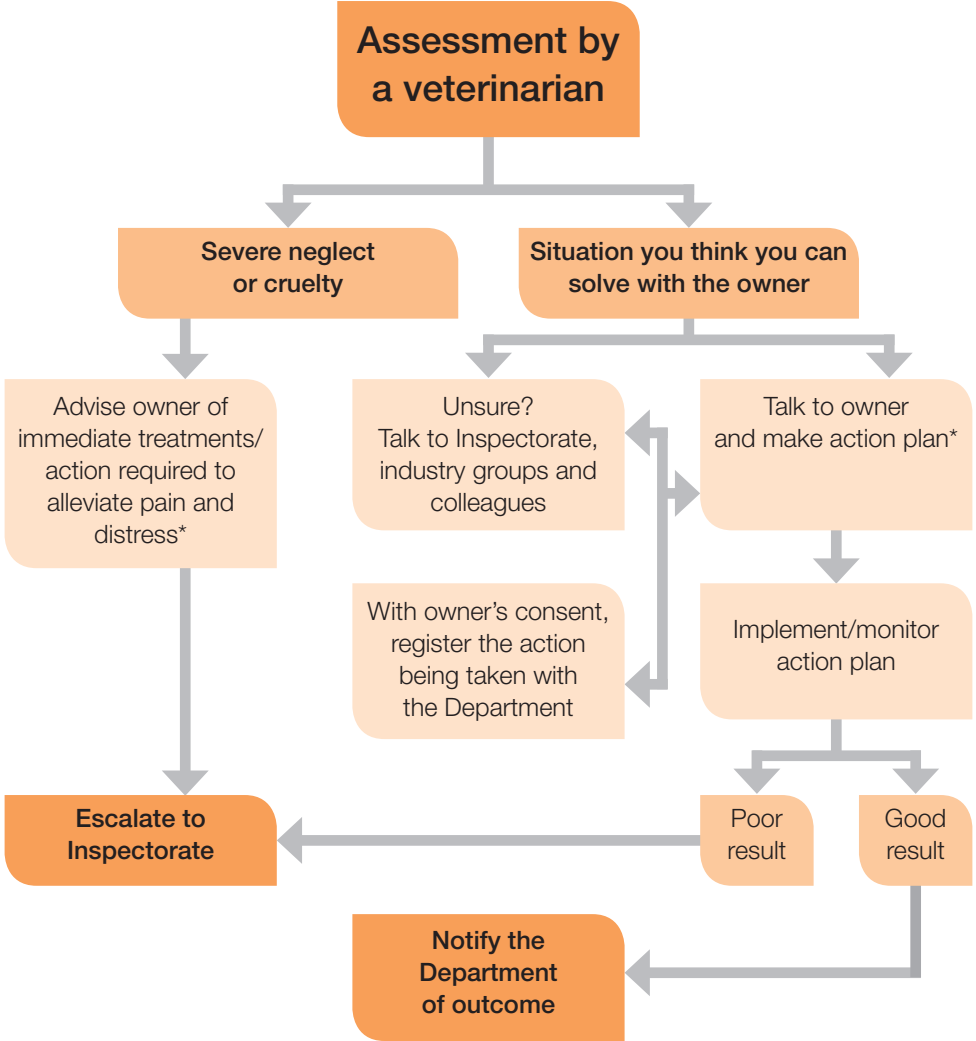
iii) Finance

Finance is a common factor in situations of poor animal welfare. Consider whether the farmer has access to sufficient funds when discussing remedial options.

Once you have this basic information, issues should be considered in relation to each other:

- How does the whole farm system rate compared to others in the district?
- Does the attitude and demeanour of the farmer make the situation riskier or more dangerous for you?
- What is your past experience with the farmer?
- Has this same, or similar issue presented in the past?
- Is the financial situation or farm management system likely to impact on the mental or physical health of the farmer?
- When you consider these elements together does it make the situation riskier or more dangerous?

Figure 3 - Assessing the situation



*Always ensure animal pain or suffering is being addressed

2. Plan

Responsibility for the welfare of animals lies with the owner, or person in charge, which may include you as a veterinarian. Once you have assessed the situation you should discuss with the farmer whether you believe the situation meets the minimum animal welfare standards for the species or enterprise. As a veterinarian, you have a professional duty to promote best practice and ensure minimum standards are met. You should start by providing an unbiased assessment of the situation and outline your professional concerns. Make sure you take notes throughout this process.

If the farmer recognises the need for improvement you can start to develop an action plan for resolution.

It may help to ask:

“What are the issues?”

“What are you currently doing about it?”

“What are you going to do about it?”

“What support do you need to carry this out?”

“What available resources, including financial, do you require?”

An action plan is an agreed course of action between the farmer and the veterinarian based on an on-farm assessment. The aim is a sustainable solution that meets acceptable animal welfare outcomes. A timeframe for each action is imperative. It is important to be flexible in how these defined outcomes may be met, while maintaining your technical and legal animal welfare “bottom lines”.



Action Plans

Record action plans **in writing**. Keep a copy for yourself and give one to the farmer.

An action plan may include:

- intended animal welfare outcomes
- how the farmer will address each of the risks identified in the assessment in order to meet these outcomes
- timeframes for doing this
- what external support is needed and how this will be accessed
- a timeframe to assess progress against the action plan (including dates of re-visits)
- any required reporting to an Inspector involved
- documentation of any agreement reached regarding payment for your services.

It is important that the farmer fully understands their legal and ethical obligations as well as your own. This includes the requirement for you to refer the issue to an Inspector if the situation is not resolved through this action plan or if you consider that the animals are still suffering unreasonable or unnecessary pain or distress. Decisions made and information given should be reviewed from both parties' perspectives. It is extremely important that you document such interactions, including elements of any discussions, advice given and decisions reached.

The best outcome is that the farmer accepts your professional opinion and advice on the need to mitigate animal suffering, including the reasons why this is necessary and acts accordingly. However, if your client refuses to take your advice as to the seriousness of the situation or to remedy it, then the matter should be referred to the Department or the RSPCA.

3. Implement

Animal welfare remains the responsibility of the owner or person in charge of the animals. In many cases the farmer will be able to implement the action plan and resolve any issues. In some cases however, the farmer will not have the resources or skill to do so. In these cases, advise the farmer to contact his/her industry support groups or with the farmer's consent, you may contact them directly. A list of support resources can be found in Appendix Three of this toolkit. These support resources are there to assist both you and your client.

4. Review

A revisit should be scheduled during the implementation process, to check that actions have been taken and the animal welfare situation is being resolved. If the issue still remains or if you are dealing with a difficult farmer, treat the farmer with the same respect as you did during the first visit. Try to use and build upon the relationship you have to identify what happened and why they were unable or unwilling to address the matters at hand. Consider the actions already taken, what still needs to be done and the ability of the farmer to enact the proposed actions. This will help you to determine whether the issue should be referred to an Inspector or industry group. If you identify any animal suffering requiring immediate action, you should attend to it as required by your professional obligations and remember that you have the power to destroy animals in more severe cases.

Remember to document all of your actions and communications

Being part of an investigation

If you are engaged by an Inspector to be part of an investigation you will be fully briefed as to the requirements of that engagement. While the primary objective of an investigation is to rectify the situation and implement a sustainable solution on the farm, Inspectors can also exercise enforcement powers under POCTAA. Veterinary opinion is often sought to provide evidence on the exact condition of animals and can be used in court.

A veterinarian may also be called on as a witness of fact, and/or an expert witness. A witness of fact is asked to testify solely on the facts as observed by them (what he/she saw, said or did). An expert witness works on behalf of the court and is asked to provide an opinion in respect to a particular set of factors or on a particular issue. Having accurate and comprehensive notes is necessary for a veterinarian to effectively perform either of these roles.

**Have clear,
accurate notes**



Media interest

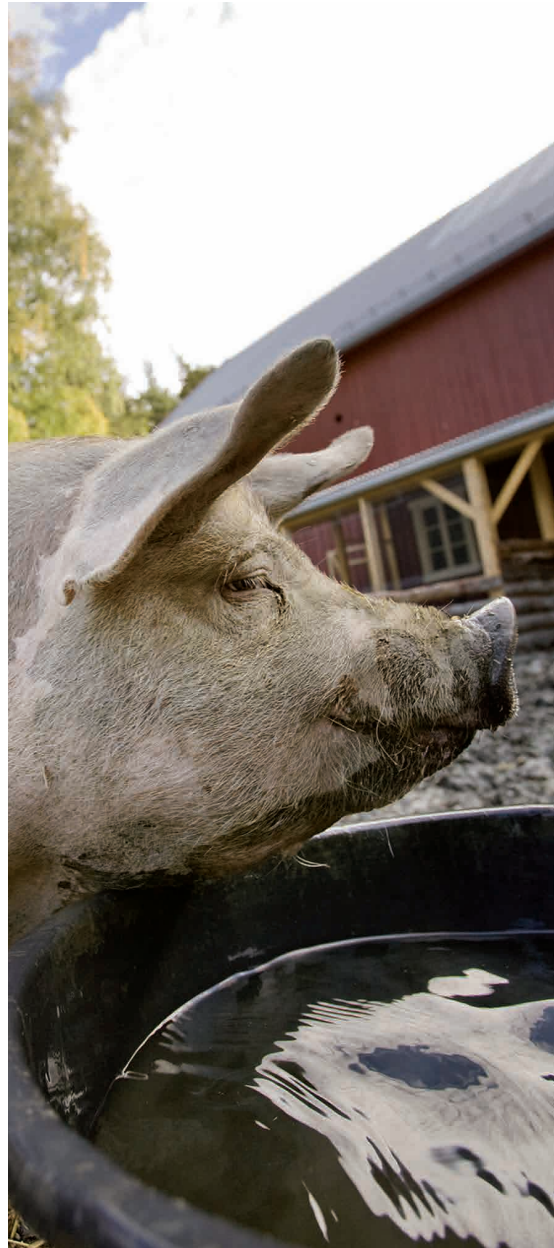
Media attention can occur in these situations and needs to be handled appropriately.

Some tips for how to handle such situations include:

- seek guidance and advice from the communications team of the Department, the AVA, or industry before making any comment
- if you are part of an investigation, always refer media enquiries to the Inspectors on the case
- when a representative from the media contacts you:
 - be polite and advise that you will get back to them within a specific period of time
 - ask what questions they would like answered
 - always call the media back, even if you are not going to give any comments.

Be aware:

- that nothing you say to the media is ever “off the record”
- that anything you do say to the media could be used in a court of law
- of the privacy rights of your client.



Check Sheet

1. Assess:

- ☐ animal's physical and mental health
- ☐ animal's environment
- ☐ feed and water supply
- ☐ animal husbandry and stockmanship

Look at the broader context:

- ☐ identify the decision maker
- ☐ the mental health of the decision maker
- ☐ social health of the business
- ☐ finance

2. Develop an action plan (see page 22)

3. Implement action plan (see page 23)

4. Review action plan (see page 23)

Remember the triage traffic light system:



Appendix One:

Veterinary obligations and powers

The Prevention of Cruelty to Animals Act 1986 (POCTAA)

Veterinarians should be familiar with the relevant sections of POCTAA, its regulations, and Codes of Practice.

POCTAA was written with the objective of preventing cruelty to animals, encouraging the considerate treatment of animals, and improving the level of community awareness about the prevention of cruelty to animals in our society.

POCTAA defines the owner or person in charge of the animal, as being a person who:

- has the animal in their possession or custody
- has the animal under their care, control, or supervision and
- any employee or agent of the owner if that person is bound to comply with the directions of that employee or agent in respect of the animal or thing.

Under POCTAA, such persons have an obligation to meet an animal's physical, health and behavioural needs and to alleviate pain or distress. The Act itself does not expand on the details of these physical and behavioural needs. Instead,

best practice and detailed minimum standards of care are set out in codes of practice, livestock management standards, and associated POCTA legislation. These can be downloaded from www.depi.vic.gov.au/animalwelfare.

The Act and Regulations also detail offences involving cases of cruelty, and aggravated cruelty towards animals as well as restrictions on specific activities or procedures.

As a veterinarian, you may on occasion become the person in charge of an animal (for example, while they are at your practice or being transported by you). In the case of negligence or unprofessional conduct (for example, performing a procedure that further compromises the animal's welfare) a veterinarian risks being a party to an offence.

POCTAA includes a defence for treatment of an animal for the purpose of promoting its health or welfare by or in accordance with the instructions of a veterinary practitioner. However, it is your responsibility to ensure that any treatment is appropriate and to the benefit of the animal if this defence is to apply.

You may also be subject to disciplinary action by the VPRBV. While a breach of a Code of Practice is not generally an automatic offence under POCTAA, non-compliance may be used as evidence to support a prosecution. Adherence to a Code of Practice can similarly be used as a defence against prosecution. It is therefore important that you and your clients are familiar with the animal welfare standards and guidelines and codes of practice, as well as the Act.

There are however some codes which are made mandatory by means of a specific provision in POCTAA or as a condition of a license issued under POCTAA or another related Act.

Penalties under POCTAA include fines, imprisonment and banning orders. These penalties can extend beyond the individual farmer, to employees, board of directors, and staff.

The Codes of Practice under POCTAA are recognised as important in establishing standards for the husbandry of livestock. The codes are a guide to producers, the

community and the courts as to what the community accepts as a reasonable standard, against which acts or omissions which influence the welfare of animals can be judged.

The main issues relevant to veterinary professionals include:

- all members of the community have legal obligations in relation to the welfare of sick and injured animals
- some procedures are prohibited and may only be performed by a veterinarian and only for therapeutic purposes
- veterinarians have special powers to destroy an animal on humane grounds.

Refer to <http://www.legislation.vic.gov.au>

Within the website click on the link to Vic Law Today and search the Acts under 'P' for the most up to date version of the *Prevention of Cruelty to Animals Act 1986*.

Relevant powers and obligations for veterinarians under POCTAA

Section	Power or Obligation
24D	Destroy an animal that is <ul style="list-style-type: none"> behaving in a manner and is under circumstances that it is likely to cause death or serious injury to any person abandoned, distressed or disabled and would continue to suffer if it remained alive
24ZQ	Requirement to give information to an Inspector that may help them to determine whether an offence has, or is about to, be committed.
24ZTA	Requirement to make documents available for inspection by an Inspector to help them to determine whether an offence has been committed.
9(1)L	Offence to conduct defined procedures except for a veterinarian for therapeutic reasons

Note: Saleyards superintendents also have the powers under 24D for destruction of animals in saleyards.

Relevant powers for inspectors under POCTAA – *for your reference*

Section	Power or Obligation	Applies to
23(1)	Enter premises (including a vehicle, vessel or aircraft, but not a person's dwelling), to inspect and attend to animals and facilities, without needing a search warrant	Inspectors, and any assistance* that they deem necessary
23(4)	Enter premises (as specified above) and contain or destroy an animal that is behaving in a manner and is under circumstances that it is likely to cause death or serious injury to any person or another animal, without needing a search warrant	Inspectors, and any assistance* that they deem necessary
24	Enter premises (that is not a person's dwelling) and <ul style="list-style-type: none"> destroy an animal, if it is likely that it would continue to suffer if it remained alive seize an animal, if its welfare is at risk; without needing a search warrant	Inspectors, and any assistance* that they deem necessary
24C	Arrange for a veterinarian to treat an animal	Inspector
24(E) – (F)	Seek authorisation from the Minister to serve notice, and seize, an animal that is likely to become distressed or disabled	Inspector

* Assistance may include that provided by a veterinarian

24G	Seek authorisation from the Minister for a search warrant of premises (including residential) if an animal is abandoned, diseased, distressed or disabled animal, and examine, attend or seize it	Inspector, any member of the police force or any other person or persons named or otherwise identified* in the warrant and with any necessary equipment
24U	Dispose of seized animal if the owner or person in charge does not seek contact within a specified time	Inspector
24Z	Power to destroy diseased or distressed seized animals if a veterinary practitioner has certified that the animal should be immediately destroyed on humane grounds	Inspector
24ZP	Issue a notice requiring the owner or person in charge of the animal to ensure that an offence is not committed or that the commission of the offence ceases if the inspector believes that an animal is in a situation where an offence under Part 2 or regulations under POCTAA is being or is about to be committed	Inspector
24ZQ	Requirement to give information to an Inspector that may help them to determine whether an offence has, or is about to, be committed.	Inspector
24ZTA	Requirement to make documents available for inspection by an Inspector to help them to determine whether an offence has, or is about to, be committed.	Inspector

* Assistance may be provided by anyone identified in the warrant, including a veterinarian

The *Livestock Management Act 2010* (LMA)

Animal husbandry and management is also regulated under the *Livestock Management Act (LMA) 2010* and its Regulations. As the various welfare Codes of Practice for livestock are revised into Australian Animal Welfare Standards and Guidelines, they will be prescribed into enforceable regulations under the LMA.

The standards in the Australian Animal Welfare Standards and Guidelines currently prescribed as regulations under the LMA are enforceable with infringements and penalty offences for non-compliance.

The purpose of the LMA is to regulate livestock management activities whilst the purpose of POCTAA is to prevent cruelty to animals. While the Animal Welfare Standards and Guidelines regulated under the LMA do not replace POCTAA, these Acts complement each other and may be applied together in a single case. In some circumstances POCTAA is limited,

as a case may not be brought against a person until there has been alleged animal cruelty. The Animal Welfare Standards and Guidelines may be used as an educational and/or enforcement tool for early intervention to mitigate animal cruelty.

As in POCTAA, a person in charge, in relation to livestock, can be a person who has the livestock in their possession, custody, care, control or supervision, which may include you as the veterinarian.

LMA does not affect the operation of other Acts, including POCTAA. That is compliance with any requirement, prescribed standard or applicable code under POCTAA is taken to constitute compliance with livestock management standards under LMA. Additionally, if a person has been undertaking a regulated livestock management activity and acting in compliance with a prescribed Livestock management standard under LMA, this can be used as a defence to an offence under POCTAA.

Key points in LMA offences include:

- A person who engages in a regulated livestock management activity must not knowingly, negligently or recklessly act or fail to act in a manner that results in serious risk to human health, animal welfare, biosecurity or spread of disease. Such actions are not considered an offence if the person was acting reasonably in good faith, or acting reasonably in the public interest.
- An Inspector may issue a Notice to Comply to a livestock operator deemed non-compliant with one or more regulated livestock management standards. Failure to comply with this notice is an offence and carries a significant penalty.
- The Livestock Management Regulations will have infringements and penalty offences for livestock operators found non-compliant with the standards.

Refer to http://www.austlii.edu.au/au/legis/vic/consol_act/lma2010211/ for more information



Relevant powers Inspectors under LMA – *for your reference*

Section	Power (Inspectors)
30(2)	An Inspector who is a general Inspector as defined by the <i>Prevention of Cruelty to Animals Act 1986</i> may exercise any powers of an Inspector granted under the <i>Prevention of Cruelty to Animals Act 1986</i> for the purpose of determining whether this Act, the regulations or a prescribed livestock management standard is being or has been complied with.
31	If an Inspector reasonably believes that any provision of this Act, the regulations or a prescribed livestock management standard has not been or is not being complied with, the Inspector may, at a reasonable time, enter and search the place with the consent of an occupier of the place.
32	If an Inspector believes on reasonable grounds that a person or persons in connection with a place may have contravened this Act, the regulations or a prescribed livestock management standard, and the Inspector has been, or is likely to be, refused entry to that place, an Inspector may apply for a search warrant from a magistrate.
36	If an Inspector reasonably believes that there has been a contravention of LMA or the regulations which has resulted or is likely to result in an emergency, they may enter any place and exercise powers without the consent of the occupier or a search warrant.
44	Inspector may use assistants in performing any function under LMA.
46	If an Inspector reasonably believes that a person has contravened, or failed to comply with a prescribed livestock management standard or compliance arrangement, an Inspector may issue a notice for a person to comply to certain conditions.

Relevant Australian Animal Welfare Standards and Guidelines, and Victorian POCTAA Codes of Practice

Livestock Codes of Practice under POCTAA

Code of accepted farming practice for the welfare of cattle

Code of practice for the welfare of goats

Code of accepted farming practice for the welfare of deer

Code of practice for the welfare of horses (Revision 1)

Code of practice for the welfare of horses competing at bush race meetings (Revision 1)

Code of practice for the welfare of horses at horse hire establishments

Code of accepted farming practice for the welfare of poultry

Code of accepted farming practice for the welfare of sheep (revision 2)

Code of practice for the husbandry of captive emus (Revision 1)

Code of practice for the intensive husbandry of rabbits

Code of practice for the tethering of animals (Revision 1)

Australian Animal Welfare Standards and Guidelines

Nationally consistent standards and guidelines for the welfare of livestock are being developed cooperatively by government and livestock industries, under the Australian Animal Welfare Strategy (AAWS). These are based on a revision of the current Model Codes of Practice for the Welfare of Animals. Once the new Standards are endorsed, states will integrate them into legislation. In Victoria, these will be incorporated under the LMA.

Current:

In 2013, the first Australian Animal Welfare Standards and Guidelines were developed for the Land Transport of Livestock.

The Model Code of Practice for the Welfare of Pigs has been adopted as the Victorian Standards and Guidelines for the Welfare of Pigs 2012.

Pending:

Australian Animal Welfare Standards and Guidelines - Cattle

Australian Animal Welfare Standards and Guidelines - Sheep

Australian Animal Welfare Standards and Guidelines - Livestock at Saleyards



The *Impounding of Livestock Act 1994* (ILA)

This Act provides for the impounding of livestock that have been abandoned or found trespassing on any land or roads, and disposal or destruction of impounded livestock.

It also provides for liens for horses in situations where a default occurs in an agistment arrangement.

Relevant powers of authorised persons

Section	Powers
5	<p>An authorised person may impound livestock found trespassing.</p> <p>Authorised persons can include:</p> <ul style="list-style-type: none">• an authorised officer of a council• an owner or occupier of any land if the livestock are trespassing on that land or on a road adjoining that land• an officer of the Roads Corporation if the livestock are trespassing on or near a freeway or an arterial road within the meaning of the <i>Road Management Act 2004</i>
5A	<p>An authorised officer of a council may seize livestock suspected to have been abandoned.</p>
5B	<p>An authorised officer of a council may enter any land or non-residential buildings to seize livestock that are not adequately confined such that their welfare, or that of other animals, is at risk or there would be a risk to public safety.</p>
16A	<p>If an authorised officer of a council reasonably believes that livestock have trespassed on any land or road, they may serve a notice on the owner of the livestock objecting to the trespass of the livestock.</p> <p>Power to serve notice on owner regarding confinement of livestock</p>
16B	<p>If an authorised officer of a council reasonably believes that livestock are not adequately confined on a property, he or she may serve a notice on the owner of the livestock directing the owner to take the measures set out in the notice to ensure the livestock are adequately confined.</p>

Veterinarians may be called upon to provide veterinary care or assessment by an authorised officer

Client Confidentiality: POCTAA provisions and The Privacy Amendment (*Enhancing Privacy Protection Act 2012* (Commonwealth))

Veterinarians must regard information concerning an animal that arises out of the treatment of that animal as confidential. Therefore, private veterinarians cannot, disclose personal information about the owners or agents of animals unless:

- The disclosure is requested by an Inspector or provided to an Inspector for the purposes of determining whether an offence has, or is about to, occur under POCTAA

Furthermore, the *Privacy Act 1998* has been recently amended and provides the Australian Privacy Principles (APP). Importantly, APP 6.2(e) and 6.3(c). allows for disclosure of information if required by law or an enforcement body. If you do not believe that you or the organisation

you work for meets the definition of an AAP entity, as described at Page 47, you should contact the Office of the Australian Information Commissioner: www.oaic.gov.au or telephone the helpline: 1300 363 992

This means that there are no specific legal obligations for veterinarians to report cases where an animal is suffering unreasonable or unnecessary pain or distress under POCTAA. However, in situations where the owner or the agent has not consented to the disclosure of information, a veterinarian can disclose personal information about the farmer or owner/agent to an inspector voluntarily or at the request of an Inspector for the purposes of determining whether offences have been committed. Registered veterinary practitioners have a duty to comply with such lawful requests promptly and efficiently. This also applies to officers authorised under other legislation such as police officers, Drugs and Poisons Regulation Group, or Department of Human Services.

Relevant provisions for veterinarians to provide personal information about an owner and their animal

Section	Provision
POCTAA Section 24ZQ	Requirement to give information to an Inspector that may help them to determine whether an offence has, or is about to, be committed.
POCTAA Section 24ZTA	Requirement to make documents available for inspection by an Inspector to help them to determine whether an offence has been committed.
<i>Privacy Act 1988</i> which incorporates the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i> Part 3 - dealing with personal information Australian Privacy Principle(APP) 6.2(b)(c) (e)	This subclause applies in relation to the use or disclosure of personal information about an individual if: (b) the use or disclosure of the information is required by or authorised by or under an Australian law, court or tribunal. (c) A permitted general situation exists in relation to the use or disclosure of the information by the entity (<i>defined at s. 16 -see table and definitions below</i>) (e) there is reason to believe that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by or on behalf, of an enforcement body (<i>i.e. information may be given to an Inspector if the information is necessary to prevent, detect, investigate, and prosecute offences under POCTAA or other relevant legislation</i>).
Section 16 Permitted General Situation	(1) A permitted general situation exists in relation to the collection, use or disclosure by an APP entity of personal information about an individual, or of a government related identifier of an individual, if: (a) the entity is an entity of a kind specified in an item in column 1 of the table; and (b) the item in column 2 of the table applies to the information or identifier; and (c) such conditions as are specified in the item in column 3 of the table are satisfied.

Section 16 Permitted General Situation continued	Permitted general situations			
	Item	Column 1	Column 2	Column 3
		Kind of entity	Item applies to	Condition(s)
	1	APP entity	(a) personal information; or (b) a government related identifier.	(a) it is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure; and (b) the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
	2	APP entity	(a) personal information; or (b) a government related identifier.	(a) the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in; and (b) the entity reasonably believes that the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.

Section 16 Permitted General Situation continued	3	APP entity	Personal information	(a) the entity reasonably believes that the collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing; and (b) the collection, use or disclosure complies with the rules made under subsection (2).
	4	APP entity	Personal information	The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim.
	5	APP entity	Personal information	The collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process.

For more detailed information you may seek independent legal advice or contact the Office of the Australian Information Commissioner: www.oaic.gov.au or telephone the helpline: 1300 363 992

Veterinary Guidelines

The VPRBV Guidelines provides minimum standards expected from a registered veterinary practitioner exercising reasonable skill and care in the course of providing treatment to animals. Veterinarians should be acquainted with these. Refer to <http://www.vetboard.vic.gov.au/guidvet.php> for more information.



The AVA also has a policy on veterinarians' obligations towards animal welfare. It states ***"Veterinarians have particular skills and a professional responsibility to see that animals owned by and/or controlled by humans receive adequate care. This responsibility should be exercised in all relationships of humans with animals, from animals in the wild making brief contact with humans to farmed flock and herd animals, companion animals, and animals used in sport, entertainment and education."*** See <http://www.ava.com.au/policy/11-philosophy-animal-welfare-and-veterinarian> for more details.

Appendix Two:

Veterinary record details

It is good practice to keep full and accurate records for both your own clinical assessment purposes and in case a situation results in future prosecution. When writing notes, it may be useful to consider “how would I describe the scene to portray the scale of the incident and the severity of pain and distress caused to the animals to a third party?”

Your notes should cover:

General

- who engaged you
- the date
- location
- names of other parties present
- time and duration of visit/s
- the number, class, tag number, status, species, breed, sex etc of the animal(s)

The assessment

- examinations
- descriptions of injuries
- disease process
- body condition

- observations of normal/abnormal behaviour
- discussion of levels of pain/distress etc
- other general observations relating to the risk indicators set out in Figure One.
- photographs
- details of markings and/or ID to identify specific animal/s

Diagnosis, treatment

- all steps that lead up to the actual diagnosis
- the processes or considerations adopted in ruling out all other possible contributing factors
- details of all advice given
- treatment administered
- outcome achieved for the animal/s
- details of any subsequent/follow up treatment, for example, weighing of underweight animals, subsequent stock assessments etc
- specific literature or any other material used or relied on in support of your opinions.

Keep good records

Appendix Three: Support

Support for veterinarians

Dealing with animal welfare issues and/or being part of an investigation can be stressful. The following is a list of support contacts that you may find useful:

- The Australian Veterinary Association, Victorian Office Website:
www.ava.com.au
Suite 1219, 401 Docklands Drive,
Docklands VIC 3008
Phone: 03 9600 2930
Facsimile: 03 9600 2940
- The Veterinary Practitioners Registration Board of Victoria (for Code of Professional Conduct information or complaints)
Website: www.vetboard.vic.gov.au
Level 11, 470 Collins Street,
Melbourne, VIC 3000
Email: enquiries@vetboard.vic.gov.au
Phone: 03 9620 7444
- Department of Environment and Primary Industries, Victoria (for advice or to refer an issue to an Inspector)
Website: www.depi.vic.gov.au/
Phone: 136 186
(Customer Service Centre)

- The animal welfare policy for your veterinary practice
- Veterinary colleagues
- Your own professional adviser, such as a lawyer or insurer
- Staff and rural professionals, such as stock or feed agents.

Support for clients

Centrelink Drought Assistance Line
132 316

Australian Government Department of Agriculture

Provides support for farmers and primary producers in managing periods of hardship and assistance in risk management, preparedness and future planning.

www.daff.gov.au/agriculture-food/drought/assistance/financial-support-for-farmers
02 6272 3933

Department of Health

1300 253 942
www.health.vic.gov.au/

The Department

136 186
www.depi.vic.gov.au/

**Australian Government Department of
Agriculture**

Rural Financial Counselling Service

Rural Financial Counsellors can provide free, independent financial assessment for farming families and small rural businesses

1800 686 175

www.daff.gov.au/agriculture-food/drought/rfcs

VFF

1300 882 833

www.vff.org.au/

Other support services

Beyondblue

Provide information about depression, anxiety and substance-use related disorders in the Australian community

1300 224 636

www.beyondblue.org.au/index.aspx

Department of Human Services

132 468

www.dhs.vic.gov.au/home

Family Relationship Service

Provide families with access to information about family relationship issues

1800 050 321

www.familyrelationships.gov.au/Pages/default.aspx

Kids Helpline

1800 551 800

Lifeline

13 11 14

www.lifeline.org.au/

Mensline

1300 78 99 78

www.mensline.org.au/Home.html

Rural Health Hotline

1800 020 787

Your important contacts

The Department:

RSPCA:

AVA:

VPRBV:

Glossary

Animal welfare: how an animal is coping with the conditions in which it lives

AVA: the Australian Veterinary Association

Conflict of Interest: any real or apparent conflict whereby that person could be influenced, or could be reasonably perceived to be influenced, by a private interest when performing their professional role

ILA: *Impounding of Livestock Act 1994*

Impound: in relation to livestock, means the seizing or taking possession of that livestock and includes the holding of that livestock

Inspector (POCTAA Inspector): a person who is a general inspector under section 18, or a specialist inspector under section 18A, of POCTAA

Inspectorate: includes police, the Department, the RSPCA and some Authorised Council Officers

Law: includes Commonwealth, State and Territory legislation, as well as the common law

LMA: *Livestock Management Act 2010*

Owner or person in charge of the animal: includes a person who has the animal in their possession or custody; has the animal under their care, control, or supervision; and, any employee or agent of the owner if that person is bound to comply with the directions of that employee or agent in respect of the animal or thing

Person: includes a partnership and an unincorporated body

POCTAA: *Prevention of Cruelty to Animals Act 1986*

Reasonable: a standard for what is fair and appropriate under usual and ordinary circumstances; the way a rational and just person would have acted

Veterinarian, veterinary practitioner: as registered under the *Veterinary Practice Act 1997*

VPRBV: the Veterinary Practitioners' Registration Board of Victoria

Definitions introduced under the *Privacy Amendment (Enhancing Privacy Protection) Act 2012:*

1. APP entity

Pursuant to s.6(1), an APP entity is defined to mean an agency or organisation.

- ‘Organisation’ is defined in s.6C to mean an individual, a body corporate, partnership or any other unincorporated association or a trust. It does not include a registered political party, a State or Territory authority or a prescribed instrumentality of a State or Territory.
- The definition excludes a small business operator (s. 6D), which means a business with an annual turnover of \$3million or less, unless an exception applies.
- “Agency” includes a Minister, Department or a body (whether incorporated or not) a tribunal established for a public purpose or under a Commonwealth enactment. It does not include an incorporated company or association.

2. Personal Information

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

3. Government Related Identifier

An identifier of the individual that has been assigned by:

- (a) an agency; or
- (b) a State or Territory authority; or
- (c) an agent of an agency, or a State or Territory authority, acting in its capacity as agent; or
- (d) a contracted service provider for a Commonwealth contract, or a State contract, acting in its capacity as contracted service provider for that contract.

(examples include Medicare numbers, driver's licence and passport numbers)

Customer Service Centre **136 186**