



Performance and Technical Standards

for

Auxiliary Officers

of the

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

Including Selection, Training and Appointment

2019

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Contents

DEFINITIONS	3
INTRODUCTION	4
Review of PTS	4
ROLE OF THE MINISTER, MPI AND SPCA	5
Minister	5
MPI	5
SPCA	5
SELECTION, TRAINING AND APPOINTMENT	6
General Criteria	6
Criminal Convictions	6
Agreement Between SPCA and Its Auxiliary Officers	7
Criteria and Selection of Applicants for Auxiliary Officer Training	7
Auxiliary Officer Training Programme	7
Application for First Appointment as Auxiliary Officer	8
Appointment Agreement	8
Application for Renewed Appointment as Auxiliary Officer	9
Ongoing Training and Evaluation	10
Documentation/Records	10
Jurisdiction of Appointment	10
Lapsed Appointments	11
Return of Certificate of Appointment and Instrument of Appointment	11
Lost Certificates of Appointment	11
Resignation	12
Exercise of Powers Outside Term of Appointment	12
Complaints Against Auxiliary Officers	12
ANIMAL WELFARE COMPLAINTS	12
Receipt of Complaint	12
Euthanasia	12
POLICIES	13
Policy and Procedure Manual	13
Impartiality	13
Privacy	13
MPI/SPCA LIAISON	13
Application of the Official Information Act 1982	13
Annual Audit of SPCA Enforcement Activities	13
RELEVANT ACTS	14
SIGNATURES	14

Definitions

These definitions are for the purposes of the Royal New Zealand SPCA Performance and Technical Standards for Auxiliary Officers. The Animal Welfare Act 1999 (section 2) provides a detailed list of additional definitions that Auxiliary Officers may need to be aware of.

Act means the Animal Welfare Act 1999.

Approved organisation means an organisation declared by the Minister, under section 121(1) of the Animal Welfare Act 1999, to be an approved organisation for the purposes of the Act.

Auxiliary Officer means a person belonging to, in the employment of, or otherwise associated with SPCA who is appointed as an Auxiliary Officer under section 125(1) of the Animal Welfare Act 1999 on the recommendation of SPCA.

Certificate of Appointment means the identity card issued by the Ministry for Primary Industries and used by an Auxiliary Officer in the course of his/her duties for identification purposes.

Director-General means the Director-General of MPI.

Inspector means a person belonging to, in the employment of, or otherwise associated with SPCA who is appointed as an Inspector under section 124(2) of the Animal Welfare Act 1999 on the recommendation of SPCA.

Instrument of Appointment means the signed letter of appointment issued by MPI appointing an Auxiliary Officer under section 125(1) of the Animal Welfare Act 1999.

Minister means the Minister for Primary Industries (formerly the Minister of Agriculture and Forestry).

MoU means a document recording the relationship, including expectations and obligations, between SPCA and MPI.

MPI means the Ministry for Primary Industries.

MPI Compliance Directorate means the directorate within MPI responsible for responding to, and investigating, complaints under the Animal Welfare Act 1999.

PTS means the performance and technical standards established by SPCA and approved by the Director-General of MPI.¹

SPCA means the Royal New Zealand Society for the Prevention of Cruelty to Animals Incorporated, an approved organisation for the purposes of the Animal Welfare Act 1999.

SPCA New Lynn Office means the administrative body of SPCA whose purpose is to provide support to SPCA Inspectorate and is responsible for issuing Auxiliary Officer appointments and other approved organisation functions.

Veterinarian means a veterinarian or specialist who is a registered person and who holds a current practising certificate (as defined in section 4 of the Veterinarians Act 2005).

¹ Note that the Director-General can delegate this power and has currently done so to the Manager Animal Welfare Standards.

Introduction

1. This PTS supersedes those signed on 15 February 2013 and any earlier versions.
2. Section 126 of the Act states:

126. Inspectors and auxiliary officers to act under direction of Director-General

- (1) All inspectors and auxiliary officers must act under the direction of the Director-General in the exercise and performance of the powers, duties, and functions conferred or imposed on them under this Act.
 - (2) In the event of any conflict arising between the powers, duties, and functions conferred or imposed on an inspector or auxiliary officer, as the case may be, as an employee or member of an approved organisation and the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act, the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act prevail.
3. These PTS define the standards for Auxiliary Officers. They cover:
 - (a) the selection, training and appointment of Auxiliary Officers appointed by the Director-General under the Act on the recommendation of SPCA;
 - (b) the conduct of Auxiliary Officers in exercising their powers, duties and functions under the Act;
 - (c) the enforcement of the provisions of the Act; and
 - (d) expectations around accountability arrangements between SPCA and the Auxiliary Officer.

Review of PTS

4. The provisions of these PTS shall not be altered in any way without the written agreement of both parties.
5. Any modifications or alterations must first be approved by both SPCA and MPI, in writing, before they are implemented.
6. These PTS shall be reviewed no later than 2 years from the date they were signed.
7. The following documents are either in force or being prepared:
 - (a) MoU between MPI and SPCA;
 - (b) PTS for Auxiliary Officers (this document); and
 - (c) PTS for Inspectors.

Role of the Minister, MPI and SPCA

Minister

8. The Minister is the person accountable for the administration of the Act.

MPI

9. MPI administers the Act.
10. The Director-General is accountable to the Minister for the effective delivery of animal welfare enforcement services.
11. The Director-General, under section 125(1) of the Act, may, on the recommendation of an approved organisation, appoint persons to be Auxiliary Officers under the Act for the purposes of administering the provisions of the Act.
12. The Director-General, under section 125(3) of the Act, may revoke the appointment of an Auxiliary Officer from office.
13. The Director-General has currently delegated the powers of appointment and revocation of appointment of Auxiliary Officers to the Manager Animal Welfare and NAIT Compliance.

SPCA

14. Under section 189 of the Act, SPCA is an approved organisation for the purposes of the Act.
15. SPCA and MPI have established these PTS.
16. SPCA, through SPCA National Inspectorate and Centre Support Team, shall ensure that all SPCA Centres, Inspectors and Auxiliary Officers comply with the provisions of the Act, the MoU and any PTS.
17. All SPCA Centres, Inspectors and Auxiliary Officers shall be accountable to SPCA CEO for such compliance.
18. SPCA shall also maintain adequate and effective governance arrangements, financial management arrangements and management accountabilities, in terms of the criteria under section 122 of the Act.

Selection, Training and Appointment

General Criteria

19. In this section, the following criteria apply to all applications at each step of the appointment process:
- (a) SPCA shall be responsible for ensuring that written authorisation has been obtained from every applicant for the collection, use and disclosure by MPI, SPCA, the New Zealand Police or other relevant persons, of personal information about the applicant for the purposes of considering applications for appointment and reappointment of Inspectors and Auxiliary Officers under the provisions of the MoU, the Act and the PTS.
 - (b) Applications will include requests for relevant information to ensure the applicant has the technical expertise and experience to be able to exercise competently the powers, duties and functions conferred or imposed on Auxiliary Officers under the Act. This includes consents to disclosure of information from previous employers and the New Zealand Police or Ministry of Justice.
 - (c) SPCA will undertake New Zealand Police or Ministry of Justice checks of all applicants at each appointment.
 - (d) Any changes to any forms or their content must be approved by both SPCA and MPI prior to implementation.
 - (e) MPI reserves the right to apply conditions to any first or renewed appointment, either upon recommendation from SPCA or through their own assessment
 - (f) The Appointing Officer is currently MPI, which is delegated to appoint Auxiliary Officers under section 125(1) of the Act.
 - (g) Subject to suitability, the general policy of both MPI and SPCA is that a first appointment will be for a period of 12 months and any renewal will be for a period of 3 years.

Criminal Convictions

20. The general policy of SPCA is that applicants who have been convicted of committing a criminal offence/s are unlikely to be suitable for appointment as an Auxiliary Officer. SPCA may therefore consider that applicants with a criminal history are unsuitable for recommendation.
21. The results of the criminal history check are supplied to MPI in order to determine suitability.
22. SPCA, in consultation with MPI, may give consideration, on a case by case basis, to applicants who have convictions for aged and/or minor matters. Such considerations shall not be considered as precedent setting.
23. Auxiliary Officers who receive any criminal convictions during the term of their appointment must disclose these to SPCA immediately.
24. Upon receipt of notification of any criminal conviction incurred by an Auxiliary Officer during his/her term of appointment, SPCA shall review the continuance of that appointment, and notify and consult with MPI.

Agreement Between SPCA and Its Auxiliary Officers

25. SPCA shall, with respect to each person who is to be appointed an Auxiliary Officer on the recommendation of SPCA, enter into an agreement with him or her before he or she is appointed. The agreement shall be to the following effect:
- (a) That person shall comply with all obligations pertaining to Auxiliary Officers set out in the MoU (including any modifications);
 - (b) That person acknowledges that SPCA intends to fulfil the requirements of the MoU (including any modifications);
 - (c) That person shall be accountable to SPCA for his or her compliance with all requirements of the PTS including his or her performance standards and procedural correctness;
 - (d) That person authorises SPCA, MPI and all other relevant persons to collect, use, and disclose relevant personal information about that person in accordance with the provisions of the MoU (including any modifications) for any purpose set out in the Act or the PTS; and
 - (e) That person shall take all such steps as SPCA reasonably considers necessary and requires of him or her in order for SPCA to fulfil these requirements.

Criteria and Selection of Applicants for Auxiliary Officer Training

26. In order for an applicant to be selected to train as an Auxiliary Officer, he/she must:
- (a) be of sound mind;
 - (b) have a clear criminal record, although specific circumstances may be considered (see "Criminal Convictions");
 - (c) hold New Zealand citizenship or residency, or a valid work permit;
 - (d) have no affiliations or involvement which may adversely affect SPCA brand or compromise the welfare of animals;
 - (e) be computer literate;
 - (f) have the ability to learn and attain the necessary knowledge and skills.
27. SPCA will select suitable candidates who meet the above criteria for training as an Auxiliary Officer.

Auxiliary Officer Training Programme

28. SPCA New Lynn Office has developed a training programme which was approved by MPI in 2010.
29. Before an applicant can be recommended for appointment as an Auxiliary Officer, the applicant must have been assessed as "competent" by successfully completing the Auxiliary Officer training programme.
30. There is a minimum of 1 intake per year for the Auxiliary Officer training programme.
31. The training programme consists of an online course with theory and assessments.
32. Applicants are to successfully complete the course within 2 months. If they do not complete the course within 2 months or do not successfully pass the training programme the application is voided, but if they wish to do so there is a resit option.

33. Applicants wishing to apply to resit the training programme must do so on the next intake after their initial course end date.
34. Applicants wishing to resit the training programme outside this time frame will be treated as new applications and will need to reapply by completing all relevant paperwork.

Application for First Appointment as Auxiliary Officer

35. SPCA shall supply to the Manager Animal Welfare and NAIT Compliance via the MPI Approvals & Statutory Approvals team the following information in relation to an application for appointment of an Auxiliary Officer:
 - (a) Auxiliary Officer application forms;
 - (b) an assessment of the applicant's ability to perform the role of an Auxiliary Officer;
 - (c) details of reference checks carried out;
 - (d) supporting evidence of the completion of a MPI approved training programme, in the form of written confirmation verifying that training was completed and that the candidate achieved a satisfactory level of performance in training; and
 - (e) MPI Application for Appointment form;
 - (f) Identification Card form;
 - (g) a passport-size colour photograph or digital image of the applicant;
 - (h) Consent to Disclosure of Information forms:
 - previous employers
 - New Zealand Police or Ministry of Justice Check;
 - (i) results of New Zealand Police or Ministry of Justice Check;
36. SPCA may ask MPI to interview an applicant on SPCA's behalf
37. MPI reserves the right to request additional information or to interview the applicant or any other person regarding the applicant as may be required. In this case, MPI will bear the interview costs.
38. In general, MPI will process appointment applications within 10 working days of receipt, subject to all information being in order.
39. The initial appointment is for a 12-month term while the applicant is completing the training course. During this term, SPCA must monitor the applicant's performance closely in order to determine suitability for further appointment.

Appointment Agreement

40. Prior to receiving a Certificate of Appointment and an Instrument of Appointment, every Auxiliary Officer must sign the Terms of Appointment which is a binding agreement between that Auxiliary Officer and SPCA.
41. The agreement sets conditions of appointment as an Auxiliary Officer, and in signing it the Auxiliary Officer agrees, for the tenure of his/her appointment, to:
 - (a) serve without favour or prejudice;
 - (b) discharge his/her duties to the best of his/her knowledge and skill;

- (c) discharge his/her duties according to the law;
 - (d) use his/her best endeavours to comply with, and give effect to, these PTS when exercising his/her functions, duties or powers under the Act;
 - (e) accept lawful direction; and
 - (f) undertake training.
42. A copy of the agreement is to be held at SPCA.
43. An original Instrument of Appointment will be retained in a secure place by MPI. Two certified copies and an original Certificate of Appointment will be issued by MPI to SPCA in respect of each Auxiliary Officer appointed under the Act.
44. No person who has been appointed by SPCA will exercise the powers or duties of an Auxiliary Officer without a valid Instrument of Appointment, or outside the term of his/her appointment as specified in the Instrument of Appointment.
45. Any person who knowingly exercises the powers or duties of an Auxiliary Officer without a valid Instrument of Appointment, or outside the term of his/her appointment as specified in the Instrument of Appointment, will be subject to review by MPI. This may affect the eligibility of that person for reappointment.
46. SPCA is responsible for ensuring that all Auxiliary Officers under their management hold a valid Instrument of Appointment at all times in the course of performing their duties.
47. MPI may withdraw the initial appointment of an Inspector or Auxiliary Officer under this clause at any time during the period of the appointment on the recommendation of SPCA or at MPI's own discretion, for incapacity affecting the performance of duty, neglect of duty, or misconduct proved to the satisfaction of MPI's Manager Animal Welfare and NAIT Compliance. For these purposes, failure to complete the approved training course, including being removed or leaving the course, may constitute such incapacity affecting the performance of duty.

Application for Renewed Appointment as Auxiliary Officer

48. Auxiliary Officers must satisfactorily complete any required training as set by SPCA, in order to be eligible to receive a renewed appointment.
49. Successful applications will be forwarded from SPCA New Lynn Office to MPI for approval at least 10 working days prior to the expiry of the appointment. Late applications should be advised promptly to the Manager Animal Welfare and NAIT Compliance via SPCA. MPI will not backdate renewals of appointments.
50. It is the general policy of MPI that a renewal appointment be issued to an Auxiliary Officer for three years, allowing the Auxiliary Officer to act for the general purposes of the Act generally throughout New Zealand.
51. Applications are subject to an assessment of the Auxiliary Officer's performance, functions and duties by SPCA and approval for appointment by the Manager Animal Welfare and NAIT Compliance.
52. Documentation to be supplied to MPI upon application for renewed appointment:
- (a) Recommendation for Renewed Appointment form — completed by SPCA (Form AO4);
 - (b) MPI Application for Appointment form;

- (c) Results of New Zealand Police or Ministry of Justice Check; and
 - (d) details of training completed.
53. SPCA may ask MPI to interview an applicant on SPCA's behalf.
54. MPI reserves the right to request additional information or to interview the applicant or any other person regarding the applicant as may be required. In this case, MPI will bear the interview costs.
55. In general, MPI will process appointment applications within 10 working days of receipt, subject to all information being in order.

Ongoing Training and Evaluation

56. Auxiliary Officers must, within the term of their appointment, complete refresher training as deemed mandatory by SPCA. Failure to complete required training could affect appointment renewal.

Documentation/Records

57. SPCA will retain copies of all documentation relating to the application, training and performance of Auxiliary Officers.
58. This information includes:
- (a) current Auxiliary Officers;
 - (b) applicants in training;
 - (c) past Auxiliary Officers;
 - (d) Auxiliary Officers' training records;
 - (e) applicants who have failed to complete their training; and
 - (f) applicants who have withdrawn, or have been declined or removed from office.
59. Correspondence relating to Auxiliary Officers will be retained on individual Auxiliary Officer files.
60. MPI will hold all original application details for both first and renewed appointments.
61. All information provided to MPI is official information and is subject to the Official Information Act 1982.
62. If a request is made under the Official Information Act 1982 for information provided in the application for appointment as an Auxiliary Officer, MPI will generally withhold such information under the withholding provisions of that Act. However, MPI must consider any such request on an individual basis taking into account its obligations under the Official Information Act 1982 and any other applicable legislation such as the Privacy Act 1993.

Jurisdiction of Appointment

63. The Instrument of Appointment will indicate where the Auxiliary Officer is allowed to operate in accordance with section 124(3)(b)(i) of the Act.

64. For those Auxiliary Officers holding an SPCA Instrument of Appointment, this means that their appointment is valid anywhere within New Zealand in accordance with section 124(3)(b)(ii) of the Act.
65. Auxiliary Officers will not use their appointment for any other form of employment including voluntary, without the express written permission of SPCA.

Lapsed Appointments

66. Where an Auxiliary Officer's appointment has lapsed for a period of less than 12 months, the applicant may not necessarily be required to undertake refresher training upon an application for reappointment.
67. MPI will make the final decision on the requirement for refresher training where an Auxiliary Officer's appointment has lapsed for a period of less than 12 months.
68. All other applications are considered by SPCA and a recommendation made to MPI. The final decision is made by MPI.

Return of Certificate of Appointment and Instrument of Appointment

69. If an Auxiliary Officer resigns or is removed from office, both his/her Certificate of Appointment and any copy of the Instrument of Appointment must be returned to SPCA within 7 working days.
70. SPCA, as the approved organisation that recommended the Auxiliary Officer, will return the Instrument of Appointment and Certificate of Appointment to MPI Manager Animal Welfare and NAIT Compliance.
71. If the Auxiliary Officer refuses to surrender his/her Certificate of Appointment, SPCA will advise the Manager Animal Welfare and NAIT Compliance immediately.
72. MPI will then take all further steps to recover the Certificate of Appointment.

Lost Certificates of Appointment

73. If the Auxiliary Officer has lost his/her Certificate of Appointment, he/she will:
 - (a) immediately report the Certificate of Appointment as lost to his/her local Police Station; and
 - (b) inform SPCA in writing of the circumstances in which the loss occurred and confirm that the loss has been reported to his/her local Police Station.
74. SPCA will promptly notify MPI of any lost Certificates of Appointment.
75. On receipt of the above information, MPI Approvals & Statutory Appointments team will reissue a Certificate of Appointment for the same appointment period as detailed on the original appointment.
76. A replacement Certificate of Appointment will be issued within 7 working days of receipt of the request at MPI.
77. MPI will forward the replacement Certificate of Appointment to SPCA New Lynn Office, who will in turn forward it to the Auxiliary Officer.

Resignation

78. Any Auxiliary Officer wishing to resign from office may do so by written notification to SPCA.
79. This written notification should be sent to SPCA New Lynn Office, which in turn will forward it to MPI.
80. When the Auxiliary Officer resigns from office, any certified copy of the Instrument of Appointment and the original Certificate of Appointment must be returned to SPCA New Lynn Office immediately upon cessation of duties.
81. SPCA New Lynn Office will then forward those documents to MPI within 5 working days of receipt.

Exercise of Powers Outside Term of Appointment

82. It is an offence under the Act (section 160) to impersonate an Inspector or Auxiliary Officer.
83. SPCA New Lynn Office will advise the Manager Animal Welfare and NAIT Compliance immediately if it becomes aware that any Auxiliary Officer or other person in the service of SPCA has allegedly exercised powers which he/she does not have.
84. A person who knowingly exercises the powers of an Auxiliary Officer outside the term of his/her appointment, as specified in the Instrument of Appointment, shall be subject to review by MPI. This review may affect the eligibility of that person for appointment or reappointment, and that person could be subject to SPCA disciplinary action.

Complaints Against Auxiliary Officers

85. The Director General may remove an auxiliary from office at any time.
86. If SPCA receive a serious complaint concerning an Auxiliary Officer, or have serious concerns about the conduct or behaviour of an Auxiliary Officer in the performance of his/her duties, all details should be fully recorded, including full contact details of any complainant.
87. SPCA must have in place a process to handle complaints regarding the actions/conduct of Auxiliary Officers. This process must be compliant with employment law, The Privacy Act 1993, and other associated legislation and principles of procedural fairness.

Animal Welfare Complaints

Receipt of Complaint

88. When an Auxiliary Officer receives a complaint about the welfare of an animal they must forward the complaint details through the appropriate channels for follow up by an Inspector. Auxiliary Officers must not attend animal welfare complaints unless assisting an Inspector.

Euthanasia

89. All SPCA staff must adhere to section 138 of the Act and the SPCA Animal Euthanasia Policy and procedure, and the Use of Firearms for Emergency Euthanasia Procedure. The reasons for euthanasia and the Inspector/Auxiliary Officer or Veterinarian authorising the euthanasia must be documented for each animal.

Policies

Policy and Procedure Manual

90. All SPCA Centres must have access to up-to-date online Policy and Procedure Document Suites. These documents must be available for reference at all times and must be complied with by all staff/volunteers.

Impartiality

91. Auxiliary Officers must be careful not to publicly participate in any activity that could be seen to jeopardise their impartiality when carrying out their duties.

Privacy

92. Auxiliary Officers must follow the requirements of the Privacy Act 1993.

MPI/SPCA Liaison

Application of the Official Information Act 1982

93. Auxiliary Officers need to be aware of the following:
- (a) MPI is bound by the requirements of the Official Information Act 1982.
 - (b) SPCA is not bound by the requirements of the Official Information Act 1982.
 - (c) MPI will consult with SPCA via the Privacy Officer, the General Manager – Inspectorate and/or the CEO, in responding to requests under the Official Information Act 1982 that concern information about SPCA and its Inspectors and Auxiliary Officers.

Annual Audit of SPCA Enforcement Activities

94. MPI shall conduct an annual audit of SPCA by agreement with SPCA, relating to:
- (a) selection and training of Auxiliary Officers;
 - (b) the process for appointment of, or renewal of the appointment of Auxiliary Officers;
 - (c) compliance with the Act, the PTS and the MOU;
 - (d) SPCA accountability arrangements, financial arrangements and management; and
 - (e) documentation relating to animal welfare complaint investigations;
 - (f) further details can be found in the Auditing of SPCA Guidelines.
95. MPI shall give reasonable notice of its intention to audit SPCA.
96. MPI shall provide the opportunity for SPCA to respond to the initial audit findings and comment on a draft audit report.
97. SPCA shall be responsible for ensuring that any major non-compliances in the final audit report are addressed.
98. MPI shall supply written audit reports for each audit within two months of the audit being carried out.

99. SPCA shall provide MPI with a progress report on resolving any major non-compliances in the audit findings, within four months of the final audit report being supplied. The report shall be directed to the Manager Animal Welfare and NAIT Compliance.
100. SPCA shall at its cost make available staff to provide reasonable assistance with the audit. All other costs and expenses of auditors engaged by MPI will be the responsibility of MPI.

Relevant Acts

101. The following Acts (including any amendments) are directly relevant to the role of Auxiliary Officers:
- (a) Animal Welfare Act 1999
 - (b) Dog Control Act 1996
 - (c) Marine Mammals Protection Act 1978
 - (d) New Zealand Bill of Rights Act 1990
 - (e) Privacy Act 1993.


Signatures



Signed by:

Signed on behalf of MPI by
Gary Orr, Acting Director Compliance,
pursuant to authority delegated by the
Director-General

Date 4.7.19



Signed by:

Signed on behalf of SPCA by
Andrea Midgen, Chief Executive Officer

Date 25 July 2019