ABSTRACT
The New Zealand Society for Prevention of Cruelty to Animals is unique in New Zealand as they are a charitable organisation with an enforcement role under the Animal Welfare Act. Stakeholder analysis and classification was applied to the organisation and subsequent not-for-profit performance models applied. An exploratory questionnaire ascertained public opinion for a charity to be funding criminal prosecutions on behalf of the Crown. It was found that respondents did not support this model and an alternative model is proposed. Funding, resourcing, processes and structure are key elements where the NZSPCA is underperforming in their current role.

Wendy Olsen
MGT901
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Declaration of own work

I, Wendy Olsen, declare that the information contained in this research report is my own work and has not previously been submitted for academic examination towards any qualification. The ideas presented are my own opinions and not necessarily those of the Southern Institute of Technology.

Signature: [Signature] Date: 18/6/2020

For Sheba.
1.0 Introduction

Although New Zealander’s pride themselves as a nation of animal lovers, the reality is that there is a ‘shameful culture of neglect’ in our treatment of both companion animals and livestock (Ridout, 2018). Widely publicised animal welfare cases in New Zealand have garnered extensive media coverage in recent years, alongside ongoing public discussion of the shortcomings of the current system. The annual SPCA lists of shame alongside cases such as the seven years of complaints to the Ministry for Primary Industries (MPI) regarding a Canterbury horse stud (O’Callaghan & Sherwood, 2017), have highlighted the issues surrounding the implementation of the Animal Welfare Act 1999 in New Zealand. The issue has become a global one since the publication of a scathing advertisement in United Kingdom newspaper ‘The Guardian’ by animal rights group SAFE, which showed the “shocking treatment” of bobby calves by the New Zealand dairy industry (Mitchell, 2015). In an age where consumers have better awareness of animal welfare in food production, alongside a willingness to pay extra for free range, organic food (Pacelle, 2016) the issue may also damage New Zealand’s export markets.

Within the current research, accountability of the New Zealand Society for Prevention of Cruelty to Animals (NZSPCA) will be investigated, via application of stakeholder analysis, corporate social responsibility and performance management models. This research is timely, due to the downgrading of New Zealand’s animal protection ranking in March 2020 from an ‘A’ to a ‘C’ ranking, due to a lack of alignment of practice with legislation (World Animal Protection, 2020). The recent report cited key areas of concern, including conflicts of interest and the lack of implementation of welfare codes.

1.1 Background to the New Zealand Animal Welfare Industry

The implementation of animal welfare legislation is shared between a funded government agency (The Ministry of Primary Industries or MPI) who monitors farm and livestock, and a non-profit organisation (The New Zealand Society of Prevention of Cruelty to Animals – or SPCA), who receives funding only for inspector training. As well as providing an inspectorate division for companion and urban animals, the New Zealand SPCA provides animal shelters, education and advocacy for companion animals. The New Zealand Animal Welfare Act 1999 was subject to substantial amendment in 2015, with implementation of the new laws to be staggered from 2016 onwards (Ministry for Primary Industries, 2017b). Both MPI and the SPCA will be responsible for enforcing the new standards.
1.2 Animal Welfare Amendment 2015

In 2010, Simon Bridges (National MP for Tauranga) introduced a Private Members Bill to amend the Animal Welfare Act, demanding stronger penalties for wilful mistreatment for animals (Savage, 2010). The Bill was unanimously passed into law on the 1st of July 2010. It created a new category of reckless ill-treatment, alongside tougher penalties for wilful mistreatment (Bay of Plenty Times, 2010).

In 2013, the New Zealand Animal Welfare strategy (guided by the 2011 Animal Welfare Review) was approved by cabinet, to review the Animal Welfare Act 1999. The Welfare Strategy had two goals – to protect and care for animals within New Zealand, and to maintain New Zealand’s reputation for animal welfare in export markets (MPI, 2017b).

In 2015, a working group comprising the Ministry for Primary Industries (MPI), the SPCA, the Veterinary Council of New Zealand (VCNZ) and the The National Animal Welfare Advisory Committee (NAWAC) examined 1,200 proposed minimum standards and provided consultation as to which should be lifted into regulation (Guy, 2017). Public consultation ran for five weeks, with 1,400 submissions received. Although many groups strongly supported many of the proposals, only 46 were progressed into regulation from the 1,200 minimum standards (Guy, 2017).

The Animal Welfare Amendment Act (No 2) was passed in 2015 to enable new regulations to identify and enforce low to medium offending of cruelty to animals, leading to the 2016 Animal Welfare Regulations (Littin, 2017). The new regulations redefine the level of protection under the law of all animals, implement new infringement fines for non-compliance with the new standards (low to medium offending) and introduce two levels of criminal offending for serious offences (MPI, 2017b). Rules relating to the appointment, auditing and training of inspectors were also modified. Implementation of the new regulations was staggered from the 1st of October 2018.

The previous Animal Welfare Act (1999) relied upon assessment of owner’s actions to provide basic needs of care to avoid unacceptable levels of pain or distress (Robertson, 2015). This Act relied of minimum standards of welfare which were not directly enforceable (Guy, 2017). The amendment of the Act allows direct enforcement of prescribed regulations through offences and penalties. A summary of key changes to the Act in 2015 relevant to companion animals is contained in Appendix One and will be further discussed in the industry analysis.

1.3 The amalgamation of the New Zealand SPCA.

At the SPCA Annual General Meeting on the 17th of June 2017, delegates from SPCA branches voted to form one organisation, a single united national body (Guy, 2017). This new entity
would have one board of directors, alongside three regional sub-committees (Northern, Central and Southern regions), for the transition period of the first two years. A CEO of each regional sub-committee will be appointed to aid in decision making and to provide a first point of contact for local centre managers during this time (RNZSPCA, 2016).

The proposed structure is intended to develop efficient and effective operating procedures for centres throughout New Zealand through shared expertise and sharing of resources. A trend of struggling centres has developed (with two thirds struggling to break even or making a loss) and the pooling of financial resources and support for fundraising activities is intended to make all centres sustainable (RNZSPCA, 2016). Four branches have chosen not to amalgamate (Golden Bay, Turangi, Mid-Canterbury & Waiheke Island), with each membership voting to break away from the national organisation and form their own independent charity (Davis, 2017). Although each of the four branches would be allowed to keep their premises and existing funds, they would not be allowed to continue to use the name or to keep their licenses for animal inspectors.

A key change to the current focus will be on advocacy and education to the detriment of animal care and inspectorate. Currently the focus is on animal care (shelters – 70-90%) and animal welfare (inspectorate – 5-10%) with little focus on education and advocacy. Under the new structure this is expected to change to 40% animal care, 25% education, 25% advocacy and 10% welfare (RNZSPCA, 2016).

On the third of August 2017, Andrea Midgen was announced as the new CEO of the amalgamated organisation, which was described as a “structural, cultural and constitutional transformation”. She has previously served as the acting CEO since July 2016 and the SPCA Auckland CEO for more than two years (RNZSPCA, 2017b).

Animal Welfare for the SPCA is guided by international welfare standards known as the five freedoms (RNZSPCA, n.d). This entails providing fresh water and food (freedom from hunger and thirst); providing shelter and a comfortable resting area (freedom from discomfort); entitlement to medical care if needed (freedom from pain, injury and disease); adequate exercise, play and company of their own kind (freedom to express normal behaviour), and appropriate mental conditions (freedom from fear and distress).

The national body has announced they are supportive of the new Animal Welfare Regulations announced in June 2017 which are now directly enforceable. Andrea Midgen discussed the new regulations in the press release:
“Previously the only legislative sanction available under the Animal Welfare Act was prosecution which is often not appropriate, lengthy and expensive. The new regulations provide an ability to deal more quickly and effectively with medium and lower level offending” (RNZSPCA NZ, 2017a).

The current vision, purpose and values of the unified national organisation (NZSPCA), is shown in figure 1.1 below. A further discussion of the NZSPCA will be contained within the industry analysis.

![NZSPCA Vision, Purpose and Values](image_url)

**Figure 1.1 NZSPCA Vision, Purpose and Values (RNZSPCA, 2020a).**

1.4 Problem identification

From a preliminary review of the literature, two research opportunities were identified. Firstly, a gap in the research regarding accountability, responsiveness and best practise in non-profit organisations with non-human stakeholders was identified. Secondly, appropriate performance frameworks to measure non-profit performance with non-human stakeholders needed to be identified.

The simultaneous restructuring of the NZSPCA to one unified body in 2017, alongside the staggering of key Animal Welfare Law changes from 2018, created a unique opportunity to apply stakeholder analysis and classification frameworks, alongside not-for-profit performance management models to the emerging situation.

As will be discussed in the industry analysis, the NZSPCA is a non-profit organisation monitoring companion animal welfare and prosecuting charges of criminal law at their own expense. A similar analogy would be the requirement for the New Zealand Women’s Refuge to fund and
conduct prosecution of violent offenders, while also providing support services to the victims. Through identification of law changes, alongside issues of funding and structure of the SPCA, a central problem identified was: “Is the NZSPCA able to meet their minimum obligations to their stakeholders?”

To investigate this issue a number of core objectives have been identified. Firstly, an analysis of the key law changes must be conducted, to identify changes of importance in the implementation of animal welfare relevant to companion animals and the SPCA. Secondly, a thorough analysis of relevant literature will be conducted to identify research which is close to, and may apply in the case of sentient companion animals as stakeholders. Thirdly, current issues in performance management in the not-for-profit sector must be investigated.

The research used an inductive approach, but three overarching research objectives were identified at the beginning of the research process;

1. To investigate whether the SPCA is meeting their obligations to the companion animals of New Zealand. To achieve this aim, application of stakeholder theory to non-human stakeholders will be investigated via a literature review of current academic knowledge in the area, including performance management models which include accountability to stakeholders. Key changes in the Animal Welfare Act relevant to companion animals will also be investigated.

2. To investigate public perception of the current and proposed enforcement frameworks utilised by the SPCA. This was to be achieved via an online questionnaire (survey monkey) which surveyed respondent’s attitudes towards the SPCA issuing instant infringement notices (as proposed in the changes to the Animal Welfare Act) and the SPCA’s current requirement to fund the prosecution of companion animal welfare offenders.

3. To investigate current and proposed processes utilised by the SPCA to enforce the new regulations. This was to be achieved via interviews and analysis of existing secondary documents, such as the memorandum of understanding between the SPCA and MPI.

1.5 Importance of the current issue

Animal cruelty is important to society not only due to the ethical nature of the issue, but also due to the links between animal abuse and larger societal issues. Animal cruelty may occur unintentionally where mental illness is poorly managed (for example in animal hoarding) or intentionally where psychological problems exist which have not been identified or treated. Animal abuse is also a strong indicator of child or spousal abuse in the same family (Sherley, 2007). Research has documented the link between the keeping of pets by children and empathy as an adult
mental and emotional health benefits for the human owners (Headley & Grabka, 2011) and the positive companionship which the animals provide. According to the World Organisation for Animal Health (cited in Wilkins et al., 2005 p. 625);

“Animal welfare is a complex multi-faceted public policy issue that includes important scientific, ethical, economic and political dimensions.”

Alongside the larger societal issues which animal abuse foreshadows, changes in public perception have also brought issues of animal welfare into the spotlight. Although animal welfare was an election issue in 2017, there has been little progress since this time to progress minimum standards and enforcement. The government has demonstrated a lack of commitment to identified cases of cruelty and neglect (Clark, 2019), while acute breaches of welfare standards at the Gisborne SPCA due to overcrowding emerged during the summer of 2018-2019 (The Gisborne Herald, 2019). Both the SPCA and the Ministry for Primary Industries (MPI) animal inspectorate are under resourced (SAFE, 2020), while required to enforce further, more stringent animal welfare laws since 2017.

1.6 Delimitations and limitations.
The research is designed to be exploratory only, with data collection conducted in November 2017. A second round of data collection is to begin in July 2020. Using a grounded theory approach, primary data collection was conducted concurrently to the examination of the literature. No individuals involved in the animal welfare industry were available to be interviewed on the Animal Welfare Amendments which were contemporary to this study.

The current study will be limited to an examination of animal welfare within the companion animal welfare sector (that enforced by the SPCA). Farm animal, rodeo or animals used for research will be outside of the context of the current study.

1.7 Layout of the current study
Chapter one - Introduction – Overview of the animal welfare industry, introduction to the NZSPCA and MPI’s enforcement role. Background to the importance of the current issue. Research objectives outlined.

Chapter two - Industry analysis – examination of the New Zealand animal welfare industry. PESTLE analysis of current trends which impact on the animal welfare lobby industry within New Zealand.

Chapter three – Literature review – Stakeholder theory and classification, application of stakeholder theory to non-human stakeholders. Stakeholder prioritisation and corporate social responsibility. Performance management of not-for profit organisations.

Chapter four – Methodology – Grounded theory approach, design of the questionnaire, email interview and sampling. Pilot testing of the questionnaire. Validity and reliability of qualitative research.
Chapter five – Findings and analysis – Presentation of key findings from the questionnaire. Presentation of key findings from the interview. Analysis of archival documents.

Chapter six – Recommendations and conclusions – Is the SPCA meeting their obligations to stakeholders? Respondent’s opinion on the current and proposed regime. Evaluation of current SPCA processes.

Appendices - Summary of key changes to the Animal Welfare Act relevant to companion animals and the SPCA. Reflection on research process.

2. Industry Analysis

2.1 Introduction

Within the industry analysis a brief overview of the animal welfare lobby sector in New Zealand will be provided, alongside a PESTLE analysis of key changes within New Zealand which directly impact the New Zealand SPCA and their operations.

2.2 Animal welfare history in New Zealand

Animal welfare in New Zealand is based upon the English animal welfare movement dating from the mid eighteenth century. The belief in animal welfare at the time had a strong Christian component, with a duty of care to look after the animals which were seen as a “gift from God” (Starbrick, 2013). In 1789, Jeremy Bentham argued for the ability of animals to suffer and promoted intrinsic concern for animal welfare and suffering in public decision making (Johansson-Stenman, 2018). The first British Act designed to protect cattle, sheep and horses was passed in 1822, followed by the incorporation of the Society for the Protection of Animals (SPCA) in London in 1824 to enforce the law. In 1835 the then Duchess of Kent (Princess Victoria) became the patroness of the society, which became the “Royal” SPCA in 1840 upon her coronation as Queen Victoria (Starbrick, 2013). Upon the signing of the Treaty of Waitangi in 1840, New Zealand adopted English law as a
guideline for the treatment of animals. In 1861 the Otago Provincial Council passed a prevention of cruelty to animals’ ordinance which was followed by Nelson province in 1874. Mistreatment of horses was a topical issue and the maximum penalty became a fine of twenty pounds or six months imprisonment. Between 1878 and 1880 two national Cruelty to Animals Acts were enacted, with the police granted powers to arrest offenders. The first New Zealand SPCA was established June 1882, although financial issues were ongoing and many branches collapsed. From the turn of the century onwards, the SPCA was increasingly linked with the temperance and child prevention movements, due to the linkages between animal abuse, domestic violence and child abuse.

Post world war two, companion (or pet) animals assumed priority for the SPCA. Wandering dogs and a stray animal problem reached crisis point in the 1970’s. Unwanted breeding was compounded by a lack of urban vets. Abandonment or drowning of unwanted animals was commonplace, although the government had enacted the 1960 Animals Protection Act which made it an offence to abandon unwanted animals. This Act had transferred the appointment of inspectors to enforce the Act to the Department of Agriculture, but after petitioning the Minister, SPCA inspectors assumed their former status and reinforced the SPCA’s role as the leading animal welfare group. The Department of Agriculture took upon the role of the welfare of farm animals, while the SPCA promoted responsible pet ownership (Swarbrick, 2013).

In 1996, an alliance of animal welfare rights organisations resulted in the formation of the New Zealand Companion Animal Council, while SAFE (Save Animals from Exploitation) evolved out of the Auckland branch of the Abolition of Vivisection in the 1970’s (Swarbrick, 2013). Later, in 1999, the Animal Welfare Act provided a focus on prevention of cruelty and neglect of animals.

Within the following section the key influences on the animal welfare industry will be outlined via the utilisation of a PESTEL analysis.

2.3 Political factors - The National Animal Welfare Advisory Committee

The National Animal Welfare Advisory Committee (NAWAC) is composed of eleven members, all representing expertise in varying areas ranging from animal welfare science to conservation (MPI, 2020). Although the committee operates independently of government involvement, it reports to the Ministry for Primary Industries. The committee’s advisory work is prioritised by NAWAC guideline twelve (prioritisation framework), which due to limited resources prioritises issues which “affects many animals and has a high animal welfare score” (NAWAC, 2016a). When welfare issues come to NAWAC’s attention, the level of intervention is ascertained (NAWAC, 2016b) and regulatory and non-regulatory approaches are recommended.
2.4 Political factors – enforcement of the Act

The Ministry of Primary Industries and the New Zealand Society for the Prevention of Cruelty to Animals (SPCA) currently jointly enforce the provisions of the Act. Although the police also have powers under the Act, they are rarely used, instead referring cases to the SPCA or MPI (Wells, 2011). The Ministry of Primary Industry (MPI) enforces codes of welfare in large scale production (for example farms), while the SPCA investigates and prosecutes incidents related to wild animals, companion animals and animals in an urban setting (Guy, 2017). A Memorandum of Understanding was signed in 2004 between the two parties to that effect, which was revised in 2010 and 2019. Some crossover of responsibility exists in cases such as small scale farms, or lifestyles blocks. Of the 15,000 complaints received per year (for the years 2014 through to 2017), less than one hundred cases were prosecuted by either agency (Guy, 2017). Although an enforcement framework exists for severe animal cruelty cases, a lack of resources and direct enforceability of codes of welfare exists in low to medium offending. One issue identified is the minimal funding the SPCA receives from MPI to fund the inspectorate and subsequent prosecutions. MPI provides a small amount of funding to provide training of inspectors and operational costs ($450,000 per annum in 2017), while the SPCA estimates the true cost of enforcement is currently $8-$9 million a year (Guy, 2017). This figure dropped to $400,000 in 2018, according to the SPCA annual report (Sinclair, 2019).

The Ministry of Primary Industries (MPI) has twenty six registered welfare inspectors, while New Zealand wide there are 160 million farmed animals. Due to this under resourcing and conflict of interest (core role to promote New Zealand agriculture), only 1% of all complaints lead to prosecution (SAFE, 2020). In 2018/19, MPI brought 284 cases before the courts involving fisheries and animal welfare offending and breaches under the Biosecurity, Food and Wine Acts (Ministry of Primary Industries Annual Report, 2019).

2.5 Oversight by Animal Welfare Minister

The Animal Welfare Act is overseen by the Animal Welfare Minister. The position was previously administered by Associate Agriculture Minister Meka Whaitiri, who stood down in August 2018 after allegations of bullying of staff (SAFE, 2019). Before the 2017 election, Labour, the Greens and New Zealand First all promised to appoint a Minister responsible for animal welfare. In June 2018, Meka Whaitiri introduced a Framework for Action on Animal Welfare after a Hui held in Auckland on June the 8th, however no action has been taken since the position has become vacant (Walters, 2019). The Framework intended to provide an independent commissioner for animals, establish cross-party working groups, increase transparency, strengthen welfare codes and ensure animal welfare groups have the skills and capacity to extend enforcement capacity (MPI, 2019). No
action on these items have been taken since 2018. In the June 2019 cabinet reshuffle the position remained vacant, with Agriculture Minister Damien O’Connor taking responsibility, which is seen as a conflict of interest as overseer for the Ministry of Primary Industries (Walters, 2019). The Green Party’s animal welfare spokesperson Gareth Hughes, has stated that the current laws are “failing animals” (Sinclair, 2019) and the conflict of interest had been raised with Prime Minister Jacinda Ardern (Walters, 2019).

2.6 The rise of lobby groups in New Zealand

The perceived lack of oversight of the Animal Welfare Act has led to the rise of further independent animal charity lobby groups within New Zealand. Chief among these is SAFE (Save Animals from Exploitation), which promotes itself as “New Zealand’s leading animal rights charity” (SAFE, 2020). According to SAFE Head of Campaigns Marianne Macdonald; “The Labour Party promised to ban the cruelest parts of rodeo and end the use of colony cages for hens and farrowing crates for mother pigs, as well as appoint a Minister responsible for animal welfare. This is the latest in a string of promises for animals that they’ve failed to uphold.” (SAFE, 2019).

Carolyn Press-Mackenzie, from HUHANZ (Helping You Help Animals New Zealand), states; “If we’re all this busy and so overwhelmed, and there doesn’t seem to be an end to it, then there must be something fundamentally wrong with the systems in New Zealand” (Sinclair, 2019). Another relative newcomer to the animal charity scene in New Zealand, Paw Justice was founded in 2007, creating their own campaign for harsher penalties for animal cruelty in New Zealand. According to Paw Justice (n.d.);

“Paw Justice has a goal. We want Paw Justice to be New Zealand’s leading organisation for Animal Welfare. But we face a challenge: how do we cut through the clutter of bureaucratic old-school charities, self-serving politics, outdated regulations and profit-driven corporates to make meaningful change?"

The Companion Animal Trust primarily provides education to the public to “provide a good life for companion animals,” alongside accreditation of animal trainers (Companion Animals New Zealand, n.d.), but does not publicly lobby for change to legislation. In contrast to this, the World Animal Protection Organisation actively lobbies for the current Act to be replaced due to loopholes and exceptions and argues for an independent commissioner with adequate resources to monitor and enforce animal welfare (World Animal Protection, n.d.).
2.7 Economic Factors – government funding

The New Zealand government increased funding to the New Zealand SPCA in 2019. From January to July 2019, MPI provided $220,000 plus GST, which totalled $253,000. Previously the SPCA was provided:

- $300,000 plus GST per annum to operate animal welfare enforcement activities;
- $25,000 plus GST per annum for inspectorate workshops;
- $115,000 plus GST per annum for training new inspectorate officers (RNZSPCA & Her Majesty the Queen, 2011).

Although the 2019 Wellbeing budget allocated $40.7 million (from 2020 to 2024) to compliance and enforcement for food safety, animal welfare and fisheries (Rural News Group, 2019), full details of new funding agreements for animal welfare enforcement by the SPCA have yet to be finalised and signed as of May 2020 (Orr, 2020b). The full cost of running the inspectorate is estimated to be $8 to $9 million a year, while the total cost to run the SPCA in 2018 to 2019 was $43 million (Guy, 2017). Of the $991 million budget allocated to MPI in 2017/2018, only $4 million of that amount was spent on animal welfare (Clark, 2019).

2.8 Economic Factors – economic recession

Economic indicators post Covid-19 predict global GDP to fall by 5.2pc, alongside rising unemployment and low consumer confidence (Wallace, 2020). This has far reaching implications for charitable organisations who are reliant on corporate and individual philanthropy. A strong relationship exists between charitable donations and after-tax income, alongside a correlation between positive stock market performance and likelihood to give to charity (Rooney & Bergdoll, 2020). As economic downturn leads to higher unemployment and lower disposable income, charitable giving will fall, alongside greater demand on social services charities (Dye, 2020). Funding and fundraising were identified as key issues for 76% of respondents from charitable organisations surveyed in 2013, while meeting increasing demand with diminishing resources (Grant Thornton, 2013).

2.9 Socio-cultural factors – view of animals by society

The animal welfare movement is primarily guided by societal changes of the view of animals, their role as companion animals, entertainment (such as rodeos) and the increasing role of intensive livestock rearing, or factory farming. Increasing public scrutiny of farm animal welfare in intensive production systems has led to an increased willingness by consumers to pay more for animal products which are derived in an ethical manner (Clark et al, 2017; Clark et al., 2016). Public concern
for animals has led to consumers willing to pay more for animal friendly milk (de Graaf et al., 2016), egg and pork production (Grunert et al., 2018; Ortega & Wolf, 2018) and increased scrutiny of animal welfare within zoos and aquariums (Powell & Vatters, 2017).

Human attitudes towards animals is linked to personal beliefs as to the ability of the animal to experience pain, cognition (mental processes) and sentience (ability to experience a range of feelings, from pleasure and joy to sadness and pain) (Cornish et al., 2018). A systematic review of two decades of scientific literature by Proctor et al. (2013), found “overwhelming evidence of animal sentience” (p. 639). Attitudes towards animals tend to differ according to the role animals play in society (such as for farming or research) and similarities to the human species (Broom, 2014). An example of this is the tendency to rate primates and companion animals as having greater mental capabilities than other species (Herzog & Galvin, 1997).

Attitudes towards animal welfare vary according to the demographics of the individual. Younger age groups and females show more concern for animals compared to older age groups and males (Driscoll, 1992; Herzog, 2007; Jameson et al., 2015; Knight et al., 2004). Animals are often still viewed by society as disposable, and when life circumstances change (such as a new addition to the family, or a relocation), animals are surrendered to the local animal shelter or dumped by rivers or isolated areas. This can be particularly traumatic for animals such as dogs, who form strong social attachment to their owners. Abandonment (even to a shelter such as the SPCA) causes ‘traumatic bond disruption’ (Previde & Vaksecchi, 2014). The overbreeding of companion animals and the rising numbers in shelters also results in a culture of institutionalised killing (euthanasia) that is viewed by the public as compassionate control of the burgeoning animal population. The most common argument for this “compassionate killing” is the better-off-dead argument – it is said to be a “blessing to animals who are of no comfort to themselves or the world because they are unwanted” (Wright, cited by Pierce, 2016).

2.10 The link between animal abuse and criminal offending

Ashley Fruno (PETA Australia associate director), describes animals as ‘practise victims’ as they cannot report abuse or fight back. Perpetrators may later commit acts of violence against fellow humans – a University of Sydney study used New South Wales Police data to demonstrate that 61.5% of convicted animal abuse offenders had also committed an assault, and 17% had committed sexual abuse (Wood, 2017). Well known violent personas such as Albert DeSalvo (the Boston Strangler), serial killer Jeffrey Dahmer, Dennis Rader (the BTK killer) and convicted sniper Lee Boyd Malvo all displayed violent tendencies which were first directed at animals (Peta, n.d.). Dr Harold Koplewicz of the Child Study Centre at New York University has identified children with
aggression towards peers, cruelty to animals, an interest in fire and social isolation as early warning signs for later psychological illness (Bronner, 1999). Cruelty to animals by children may be due to being the victims of abuse themselves or by witnessing animal abuse (Tapia, 1971). Children may also display sexualised behaviour towards animals which is linked to later abuse of humans (Ascione, 1993).

A link also exists between domestic violence, child neglect and the ill-treatment of animals (Urbina, 2001). DeViney et al. (1983) found that in households where serious animal abuse has occurred, there is an increased probability of family violence also occurring. An Australian programme (RSPCA funded), which cares for the pets of domestic violence victims cannot keep up with the rising demand – women will often delay leaving violent relationships due to concern over what will happen to their pets if left behind (Mamamia, 2017). More than half of domestic violence victims studied reported that the perpetrator threatened or injured their companion animals (Peta, n.d.), and this may be used to intimidate or control women and children to stay silent and continue to be in their violent situation (Animal Legal Defence Fund, n.d.). A 2004 Australian study found that 46% of abused women reported threats of abuse against their pets, 53% reported physical harm to their pets and 17.3% reported that their pets were killed (Volant et al., cited in Sherley, 2007). New Zealand has the highest rate of domestic violence in the OECD (Keogh, 2019).

2.11 Socio-cultural – the rise and rise of companion animals

In 1965, 37% of homes in New Zealand had a cat and 11% had a dog (as a companion rather than a working dog). In 2007 that had risen to 52% of homes owning a cat and 30% owning a dog (Swarbrick, 2013), with 66% of all New Zealand households owning a pet in 2017 (MPI, 2017b). Pet services and products remain a growth category, including items such as dog clothes, diamante collars and professional groomers. Expensive vet care has become normalised, alongside alternative medical treatments such as homeopathy and reflexology. Pet funerals are now available, complete with a celebrant. The naming of pets within New Zealand could be seen to demonstrate their change in status – in the late 19th Century names such as ‘dog’ or ‘puss’ were the norm, alongside working dog names such as ‘Lad,’ ‘Girl’ and ‘Fly’ (Swarbrick, 2013). Today, pet names are similar to those given to children, such as ‘Bella,’ ‘Max’ and ‘Poppy,’ which were the top three most popular dog names in Rotorua District in 2019 (Desmarais, 2020). This reflects the attribution of human characteristics to companion animals in modern society (anthropomorphism). The number of companion animals continues to rise as the number of children per household declines and the baby boomer demographic become empty nesters (Stregowski, 2020).
2.12 Technological factors – social media

The rise of social media in the early 21st century has had dramatic impacts on charitable organisations and lobby groups. Electronic word of mouth (e-wom) is viewed as more credible and trustworthy than information shared via the marketing department of organisations (Wu et al., 2017). Consumers can view information and reviews about their chosen charities, and charities can interact directly with interested parties via ‘likes’ and ‘follows.’ Donations may even be solicited online, with a link to ‘donate now’ as befits the move to an online world to purchase goods and services. Traditionally, marketing messages were a one-way communication, but the advent of social media has meant that consumers now have a stake in the control of information. Negative reviews on charitable social media sites now must be managed. News can also spread quickly (going ‘viral’), such as when the killing of Harambe at the Cincinnati zoo or of Cecil the lion by an American trophy hunter quickly spread globally.

2.13 Environmental factors

Many cats are now kept indoors only and do not have the chance to roam outside. This may be for their ‘own protection’ or to protect wildlife (such as the example of native birds in New Zealand). In 2017, the Opportunities Party leader created controversy after labelling cats as ‘pests’ and contended that New Zealand should be controlling their ‘predator activities’ (Gattney, 2017). Feral cats have also existed in New Zealand since the early 19th century and impact levels of both native and non-native species (Department of Conservation, n.d.).

Subsequently, cats kept indoors may suffer from boredom as their attention, exploration and play needs (known as ‘attentional flow’) are not met. These needs have been identified in all species of the animal kingdom. Animals may develop abnormal behaviours (such as those demonstrated by zoo animals) such as pacing, circling and rocking which demonstrates psychological and physiological degeneration (Wemelsfelder, 2005). Alongside prolonged confinement, animals may be subject to physical and emotional abuse such as harsh training methods, intentional cruelty and sexual abuse. Emotional neglect can occur when an owner does not provide an environment with social companionship, mental stimulation, a sense of control, safety, protection from danger and predictability and stability to life (McMillan, 2015).

For canine companion animals, increased regulation became popular in the 1980’s and 1990’s due to increased publicity due to dog attacks and the labelling of certain breeds as ‘dangerous.” In the 1980’s local councils in New Zealand tightened regulation around on dog waste (excrement) in public places and dog noise (Swarbrick, 2013). Larger pets such as dogs also contribute to global warming via their carbon footprint (ecological paw print - EPP), due to their
primarily meat based diet, although research is inconclusive as to the extent of the impact (McMahon, 2017). Companion cats and dogs also contribute up to 30% as much excrement as their human owners (Potenza, 2017). Alongside food, companion animals also consume water, living space and healthcare resources (Martens et al., 2019)

2.14 Legal Factors

In May 2015 the Animal Welfare Act (1999) was amended to strengthen the law around welfare for companion animals, livestock and animals used in research and testing. The amendments also allow directly enforceable legislation for low to moderate offending through instant infringements. The amendments were based on the 2013 New Zealand Animal Welfare Strategy which had two objectives: care for animals and care for New Zealand’s reputation in export markets (Guy, 2017). The regulations will continue to be enforced both by the Society for the Prevention of Cruelty to Animals (SPCA) and the Ministry for Primary Industry. Of key note are the changes to the long title of the Act which recognises “that animals are sentient” and that requires “owners of animals and persons in charge of animals to attend properly to the welfare of those animals” (Animal Welfare Amendment Act (No 2), 2015).

2.15 Legal factors – infringement fees

The majority of the 2017 regulations related to companion animals reflect existing minimum standards and practice, but a key change now allows welfare inspectors to directly enforce the standards through an infringement fee or ‘instant fine.’ These new regulations will be enforced from the 1st of October 2018 (MPI, 2017d). Section 156 of the Animal Welfare Amendment Act (No 2) (2015) allows for instant infringement fees, not exceeding $1000. Standard $300 infringement fees include such items such as collars, tethers and muzzles not causing injury or distress, access to water, dry and shaded shelter, toilet areas for dogs and the requirement not to leave dogs in a hot vehicle or unsecured on a moving vehicle (Guy, 2017).

Animal Welfare Inspectors (for both agencies) will not be able to issue infringement notices. These notices will be issued through the SPCA national office or by one of three of the Ministry’s Regional Animal Welfare Compliance Managers based on recommendations by animal welfare inspectors. An example of a dog being left in a hot car would necessitate the filing of a recommendation to head office by a SPCA inspector, who only then would be able to issue the $300 fine. All revenue collected from fees and fines will be paid into the Government’s Consolidated Fund (Guy, 2017).
2.16 Legal Factors – Auditing and Accountability

Section 122 of the Animal Welfare Act (Animal Welfare Amendment Act (No 2), 2015), contains amendments which may allow other animal welfare agencies to be approved to conduct welfare inspections, while section 123 allows the Minister for Primary Industry to revoke a memorandum of understanding. According to section 121 (1b) of the Act “the accountability arrangements, financial arrangements, and management of the organisation are such that, having regard to the interests of the public, the organisation is suitable to be declared to be an approved organisation.” A new section to the Act (section 123A) allows the Director General to appoint auditors which may be (but need not be) persons employed under the State Sector Act 1988. This allows for the possibility of independent auditing outside of the Ministry. This is one of the key sections of the Act, which now includes specific and technical requirements that any approved organisation (such as the SPCA) must meet. The SPCA is now legally bound by their memorandum of understanding, must comply with animal welfare law and meet minimum annual auditing requirements. This includes all employees, inspectors, systems, processes and records. Sections 124 and 125 also gives greater power to MPI regarding the appointment, suspension or permanent suspension of inspectors and auxiliary officers by the Director General.

2.17 Conclusion

As shown within the preceding chapter, the animal welfare lobby industry within New Zealand has been subject to dramatic change in the past decade. The convergence of the new animal welfare regulations and laws, political failure to act and the under-resourcing of a charity empowered to enforce New Zealand law has led to a complex situation where it may be argued that the minimum rights and welfare of animals are not enforced. Within the next chapter, a brief overview of stakeholder classification will be presented, alongside performance management models relevant to not-for-profits.
3 Literature Review

Can animals be stakeholders? A research gap was identified to investigate the role of non-human stakeholders in not-for-profit organisations. An examination of stakeholder literature will be presented within the chapter, linking to the acknowledgement of non-humans as legitimate stakeholders. The role of corporate social responsibility and performance management (accountability) of not-for-profit organisations will also introduced.

3.1 Key words
Stakeholder classification, stakeholder prioritisation, non-human stakeholders, corporate social responsibility, not-for profit performance management

3.2 Stakeholder Theory and Classification

The stakeholder approach emerged as a dominant paradigm primarily due to the work of Freeman (1984) and his work *Strategic Management: A stakeholder approach*. The concept was based on a 1930’s scholarly debate, where it was argued that non shareholders with an interest in an organisation (stakeholders) were absentee owners and could hold boards legally accountable for their interests (Jennings, 1997). The term was revisited in 1963 by the Stanford Research Institute during discussion of sensitivities to groups beyond stockholders (Mainardes et al., 2011). In the early 21st century, it can be seen as a genre of management theory which has a wide range of applications, from law to healthcare, public administration and ethics (Parmar et al., 2010).

Increased importance has been placed on the stakeholder concept in recent years due to corporate governance issues, public scrutiny of corporations and public policy generation (Mainardes et al., 2011).

Two types of stakeholder can be distinguished within organisations – the “narrow definition” includes groups which are vital to the survival and success of the corporation, while the “wide definition” includes any group or individual which can affect or be affected by the corporation (Freeman and Reed, 1983 cited in Freeman, 1984). The narrow view can encompass such groups as owners, suppliers, management, employees, local community and customers, as well as to be extended to competitors and government (Miles, 2017). These are all ‘actors’ which may impact firm behaviour outside of stockholders which the economic model suggests are key in guiding decision making (Key, 1999). Primary stakeholders are those who have formal or contractual relationships with the firm, while secondary stakeholders are not directly involved in the firm’s activities but may exert influence or be affected by the organisations decisions (Savage et al., 1991).
From the manager’s perspective, a stakeholder approach involves a three step process: identification of stakeholders, developing processes which recognises their interests, then evaluating results. All three steps should meet the strategic objectives of the organisation (Soriano et al., 2012). The requirement to meet all continually evolving stakeholder needs is not possible (Fassin, 2008), therefore organisations are required to prioritise differing stakeholder groups and identify which groups deserve or require management attention. According to Clarkson et al. (1994, p.91), to prioritise stakeholders, criteria can be selected to “measure the relative criticalness of an organisations stakeholders.”

According to Mitchell et al. (1997, p.869) in their widely cited model of stakeholder salience, power is defined as “a relationship among social actors in which one social actor, A, can get another social actor, B, to do something that B would not otherwise have done.” Kivits (2011), further explain that power may be gained or lost and include both economic and legal forms of power via application of resource dependency theory and institutional theory (Eden & Ackermann, 1998; Mendelow, 1991, as cited in Kivits, 2011). Legitimacy is “A generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, definitions,” while urgency is “The degree to which stakeholder claims call for immediate attention” (Kivits, 2011).

A distinction may be borne here in relation to normative and derivative legitimacy. In 2003, Phillips further contributed to the discussion of legitimacy in regards to stakeholder fairness and moral obligations. Normative stakeholders are those to whom the organisation has a moral obligation, while derivative stakeholders are those who may have actions or claims which must be accounted for by managers (Phillips, 2003). As opposed to derivative stakeholders, managers have ethical obligations to normative stakeholders, based on the model of stakeholder fairness (Phillips, 2003). Urgency is the degree of importance stakeholders attach to the issues, being divided into two components; the degree to which delay is unacceptable to a stakeholder, and the importance of a claim to a stakeholder (Jones, 1993 as cited in Kivits, 2011). Depending on whether one, two or three attributes (power, legitimacy and urgency) are present, Mitchell et al. (1997 p.874) then ascribe one of eight typologies as shown in figure 3.1:
In 2011, Myllykangas et al. contributed to the discussion of these three variables by positing than when an organisation is in a period of change, then further examination of value creation must be explored, particularly in regard to long-term sustainability. Their analysis contributed six key characteristics of stakeholder relationships. Marinardes et al. (2012), also further elaborated on Mitchell et al. (1997), to produce six further categories of stakeholder. These contemporary stakeholder frameworks are shown in the table below:

**Table 1 – Contemporary stakeholder classification**

<table>
<thead>
<tr>
<th>Key characteristics of stakeholder relationships (Myllykangas et al., 2011 p.70)</th>
<th>Stakeholder salience model Marinardes et al. (2012 p. 1866)</th>
</tr>
</thead>
<tbody>
<tr>
<td>History of the relationship</td>
<td>Latent stakeholders (one attribute (either power, legitimacy or urgency))</td>
</tr>
<tr>
<td>Objectives of the stakeholders</td>
<td>Discretionary stakeholder – legitimacy but lack power or urgency</td>
</tr>
</tbody>
</table>

**Figure 3.1 Stakeholder typology: one two or three attributes present (Mitchell et al., 1997)**
Interaction in the relationship

| Demanding stakeholder – urgency, but without power or legitimacy |
|-------------------|-----------------------------|
| Information sharing | Expectant stakeholders: two or more attributes |
| Dominant stakeholder – influence gained by power and legitimacy |
| Trust               | Dangerous stakeholder – power and urgency, lack legitimacy. |
| Potential of a stakeholder to learn | Dependent stakeholder – urgency and legitimacy, yet rely on representation by another stakeholder |

A further range of classifications is offered by Miles (2017), who via thematic analysis of existing stakeholder literature identified four determinant factors and perceptions of stakeholder analysis as shown in figure 3.2. Four classes of stakeholders (claimants, influencers, recipients and collaborators) were identified through the review of the literature. This model will be further applied to the New Zealand context in the following section.

Figure 3.2 Determinant factors and attributes of stakeholder definitions (Miles, 2017 p. 443)

3.3 Animals as Stakeholders

Starik (1995) proposed the idea that non-human entities such as nature could be considered a managerial stakeholder. Taking the “wide view” that organisations can be affect or be affected by anyone (Mitchell et al., 1997), legitimacy can be “established through the existence of an exchange relationship” (Hill & Jones, 1992 p.133). Carroll (1993 as cited in Clarkson et al., 1994 p.90) defines stakeholders as “individuals or groups with which business interacts who have a ‘stake’ or vested interest in the firm.” As such, non-human nature (such as animals) although voiceless, needs to be
“heard,” and an organisation is morally obligated to consider these entities as stakeholders (Starick, 1995; Wels, 2014). Mitchell et al. (1997) agree with this position and posit that any entity can be considered a stakeholder including persons, groups, neighbourhoods, organisations, institutions, societies and the natural environment. Phillips & Reichart (2000) examine the natural environment as a stakeholder via a fairness based approach and conclude that the natural environment requires moral consideration.

Schwatz (2006) includes God as a managerial stakeholder, while Norton (2007) argues for the position of the natural environment as a salient stakeholder. Trygggestad et al. (2013) focus on the role of frogs as stakeholders within project management, while Starick (1995) advances the managerial standing of trees. Philosopher Peter Singer (1985) has written of his desire for a regime in which “…the interests of the dog get the same consideration as those of the human, and the loss to the dog is not discounted because the dog is not a member of our species.” Jennings (1997, p1) stated that “in the academic literature, the definition of stakeholders has expanded to include all of God’s creatures.” More recently, Molavi & Meijboom (2018), applied Freeman’s Rawlsian approach to come to the conclusion that;

“Animals are stakeholders and businesses that affect them have a moral duty to treat them as such.” (Molavi & Meijboom, 2018 p. 416).

Freeman’s approach to stakeholder management (1984) which includes four generic steps (stakeholder identification, planning for stakeholders, interacting with stakeholders and evaluation of the process) has successfully been used when managing processes for non-human stakeholders (Starik, 1995). The only exclusion from stakeholder analysis is those who cannot affect the firm (have no power) and are not affected by it (Mitchell et al., 1997).

When managing stakeholders, two dimensions – potential for threat and the potential for co-operation – have been used to classify stakeholders. These dimensions are used to classify stakeholders into groups according to their potential for threat or co-operation and their support or lack of support for the organisation (Savage et al., 1991). This is limited in the present context due to the lack of interaction with the organisation from the primary stakeholders – the theory assumes the presence of power and lobbying from the stakeholders involved. Unlike Animal Farm, animals are unlikely to overthrow human domination to live without human control (Orwell, 1945).

Three further implications related to stakeholders, (power, legitimacy and urgency) have also been identified by Mitchell et al. (1997) as previously discussed. Although companion animals have lobby groups who act on their behalf, direct political power is non-existent. As non-human
nature does not have the ability to flex power, organise fines or file lawsuits, only humans have been considered stakeholders either as individuals or in groups (Starick, 1995). The issue of power is problematic in this instance, although non-human stakeholders may be characterised as dependent stakeholders who have legitimate and urgent claims (Mitchel et al. 1997). Driscoll & Starick (2004) argue however that the natural environment (including wildlife and animals) can demonstrate power over organisations, as demonstrated by the powerful impact of natural disaster events, disease, plague or drought. An example of this is the effect of Hurricane Katrina upon US industry, which was caused by climate change (Haigh, & Griffiths, 2009).

Driscoll & Starick (2004) contend that legitimacy includes legal, moral or strategic bases. Written in 2004, this article predates the Treaty of Lisbon (2009), which recognised animal’s sentience, alongside the current New Zealand legislation (2015). Previously the argument towards the legal rights of animal has fallen short, due to the lack of recognition by the law. According to Stinchcombe (1968, as cited in Driscoll & Starick, 2004), legitimacy is defined by those with social power, in this case the human actors required to act on behalf of animals. In the early 21st century, public reaction to images or reports of animal cruelty also legitimises the moral rights of animals as stakeholders.

Mitchell et al. (1997) defined the principle of urgency as “the degree to which managerial delay in attending to the claim or relationship is unacceptable to the stakeholder” and the “importance of the claim to the stakeholder” (p. 867).

Driscoll & Starick (2004) have added a fourth criteria, that of proximity. The greater the spatial proximity, the stronger the likelihood of development of stakeholder relationships. In the case of companion animals, the close proximity to humans strengthens their claim as a key stakeholder. “Affinity” and “intimacy” are also discussed in regard to non-human stakeholders – a claim that companion animals can confidently stake, due to their elevated regard and relationships with their owners. In turn, Clarkson et al. (1994 p.91), add the probability of a stakeholder interacting with an organisation, alongside impact (those stakeholders who have the greatest impact from an organisations actions). As companion animals enter our workplaces, whether by sharing office space, as participants in the care industry (animal assisted therapy or support dogs) or prison rehabilitation ‘workers’ advocating for their rights will become increasingly important (Wels, 2014).

3.4 Application of stakeholder classification to companion animals in New Zealand

Miles (2017) categories of stakeholder classification (figure 3.2) were applied to companion animals within the New Zealand context. These categories were coded from 205 categories of definitions via thematic analysis of existing stakeholder literature. A summary of this is illustrated
below in table two (below). Only one aspect is required to be present for a group to be considered a stakeholder. Fifteen of the nineteen determinant factors have been identified for companion animals in New Zealand.

<table>
<thead>
<tr>
<th>Determinant factors</th>
<th>Factors present in companion animals in New Zealand (positively identified as stakeholders)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Managerial perceived determinants:</strong></td>
<td>Five of six factors present to companion animals in New Zealand (SPCA)</td>
</tr>
<tr>
<td>Form of claim</td>
<td>✓ - A stake, right or interest is present (both legal and moral)</td>
</tr>
<tr>
<td>Nature of relationship</td>
<td>✓ - Official</td>
</tr>
<tr>
<td>Basis of legitimacy</td>
<td>✓ - Legitimate</td>
</tr>
<tr>
<td>Nature of obligation</td>
<td>✓ - A duty and responsibility exists</td>
</tr>
<tr>
<td>Nature of risk</td>
<td>✓ - Involuntary risk borne by stakeholder</td>
</tr>
<tr>
<td>Nature of power</td>
<td>✗ - Lack of power (companion animals)</td>
</tr>
<tr>
<td><strong>Managerial perceived relationship attributes:</strong></td>
<td>Nine of ten factors present to companion animals in New Zealand (SPCA)</td>
</tr>
<tr>
<td>Strategic focus</td>
<td>✓ - Legal and institutional responsibilities</td>
</tr>
<tr>
<td>Form of interaction</td>
<td>✓ - Impacted by interaction</td>
</tr>
<tr>
<td>Centrality of the organisation</td>
<td>✓ - Animals dependent upon relationship</td>
</tr>
<tr>
<td>Frequency of contact</td>
<td>✓ - High frequency of contact with companion animals</td>
</tr>
<tr>
<td>Proximity of relationship</td>
<td>✓ - High physical closeness</td>
</tr>
<tr>
<td>Density of networks</td>
<td>✓ - Interconnected with animals (clients)</td>
</tr>
<tr>
<td>Dependency of organisation on stakeholder</td>
<td>✓ - Organisation is reliant on stakeholder for purpose</td>
</tr>
<tr>
<td>Reciprocity of relationship</td>
<td>✓ - Interdependencies present</td>
</tr>
<tr>
<td>Propensity to co-operate</td>
<td>✓ - Co-operation from animals in best interest</td>
</tr>
<tr>
<td>Propensity to harm</td>
<td>- Lack of power (companion animals)</td>
</tr>
<tr>
<td><strong>Stakeholder perceived determinants:</strong></td>
<td>One of one factors present to companion animals in New Zealand (SPCA)</td>
</tr>
<tr>
<td>Urgency of stakeholder issue</td>
<td>✓ - Animal welfare crisis in New Zealand</td>
</tr>
<tr>
<td><strong>Stakeholder perceived relationship attributes:</strong></td>
<td>Zero of two factors present to companion animals in New Zealand (SPCA)</td>
</tr>
<tr>
<td>Influencing strategy</td>
<td>✗ - Companion animals are passive</td>
</tr>
<tr>
<td>Pathway</td>
<td>✗ - Companion animals cannot manipulate resources</td>
</tr>
</tbody>
</table>

(Summarised from Miles, 2017 p. 443-457)
3.5 Stakeholders and Corporate Social Responsibility

According to Carroll (2004 p.116) “the social responsibility of business encompasses the economic, legal, ethical and discretionary (philanthropic) expectations that society has of organizations at a given point in time.” To illustrate, Carroll’s pyramid of corporate social responsibility is shown in figure 3.3:

![Pyramid of Corporate Social Responsibility](image)

**Figure 3.3 – The pyramid of corporate social responsibility (Carroll, 1991).**

Meeting economic and legal responsibilities are required by society. Carroll prioritises these four responsibilities in order from lowest to highest. Only by exceeding financial and legal responsibilities may an organisation become ethical as expected by society. The government has acted to create further legislation and requirements due to the pressing social issue of animal abuse in New Zealand. Only by exceeding the minimum legal requirements of the Animal Welfare Act (2015) may animal welfare lobby groups be viewed as ethical. In the case of the Animal Welfare Act amendment in 2015, the increased regulation identifies the industry as having the status of a social issue, not just a stakeholder issue. Social issues are defined as those which have required the
enactment of regulation and policy by the state (Clarkson, 1995). As an enterprise addressing social issues (a social enterprise), organisations may be viewed as having a “double bottom line,” where they not only need to create social value, but also remain financially self-sustainable (Costa & Pesci, 2016).

Further requirements are identified via communications from organisations, in that they perceive responsibilities and obligations towards stakeholder groups (Clarkson, 1995). This therefore requires stakeholders to evaluate the performance of the organisation according to their vision and mission statements (Nardo & Siboni, 2018). To analyse whether an organisation is sustainable, the mission and vision statements are crucial in ascertaining performance requirements. For an organisation to become ethical and sustainable, the mission and vision must be met or exceeded due to a moral and legal responsibility to fulfil their promises. For not-for-profits, mission statements provide a focal point around which internal accountability can be developed (Lord, n.d.).

3.7 Stakeholders in the not-for-profit sector

A stakeholder approach (from the profit sector) has been applied with success to non-profit organisations utilising theories of corporate social responsibility and stakeholder responsiveness (Soriano et al, 2012). Although traditionally been applied to for-profit organisations and stockholders, it has been shown to be flexible (Abzug & Webb, 1999) and can be useful as not for profits often display a greater quantity of stakeholders (Soriano et al, 2012). There is an increasing trend both in New Zealand and internationally for non-profits to not only address social problems, but to partner with government for social service provision (Barrett, 2001; Herzlinger, 1994). Although non-profits are accountable to boards of directors and government funders, they are also accountable to clients and benefactors. Herzlinger (1994) explores the accountability of non-profit organisations from a financial perspective, with the tenets of financial disclosure, transparency, dissemination of performance information and the threat of external sanctions. Barrett (2001) has examined the responsiveness and accountability of non-profit organisations in New Zealand which provide social services, and concluded that relationships exist (“partner agencies”) that are unique (and often imperative) to non-profit organisations to form a coalition to meet mutually desired outcomes. Unfortunately, it was concluded that accountability systems used in the for-profit sector are unsuitable for use in non-profit organisations due to the multitude of stakeholders identified and the influence they hold over the organisation (Barrett, 2001).

The role of stakeholders in company decision making has also been examined from the perspective of the for-profit sector. Green & Hunton-Clarke (2003) examine a typology of stakeholder participation for company environmental decision making which summarises three
levels of participation for companies: informative (the sharing of information to the external environment), consultative participation (external stakeholders are asked for their views and perspective), and decisional participation (where stakeholders participate in the decision-making process). Again, the analysis is limited to those who are able to voice their input into the decision-making process and a lack of a systematic model for identifying stakeholders, listening to their concerns and using this information for decision making (Green & Hunton-Clarke, 2003).

The role of stakeholders have been examined in human and social non-profit organisations, such as hospitals, nursing homes and day care industries (Young & Steinberg, 1995, as cited in Abzug & Webb, 1999), where profits and not for profits occupy different market segments within the same industry. The relationship between government agencies and non-profit agencies has also been examined in the literature, where a non-profit’s size and power dictates the negotiation between the two organisations (Abzug & Webb, 1999). Much of the existing literature refers to stakeholder approaches in the provision of social services to human groups (Barrett, 2001), increased contracting of social welfare services by government (Considine, 2000), disillusionment with New Zealand government provision of welfare services due to size (Caragata, 1998) and the increasing perception of social services provided by the non-profit sector as being superior to those delivered by the government (Smith, 1994).

Issues of accountability, responsiveness and effectiveness are also limited to human service provision by non-profit organisations (Barrett, 2001). Recent research has addressed the impact of stakeholder’s roles within the livestock industry (Sinclair et al., 2017), but this is limited to human stakeholders involved in the transport and slaughter process. Again, the question of “how can we assess the responsiveness of the non-profit organisation?” in the context of meeting the needs of non-human stakeholders is not addressed.

3.8 Performance management in the not-for-profit sector

Not-for profits (NFP’s) in the 21st century are expected not only be financially sustainable, but also effective and efficient (Argandoña, 2007). Governments internationally increasingly subcontract service provision to NFP organisations which raises issues of accountability and effectiveness, namely who not-for-profits should be accountable to and the issue of accountability for what (Andreas & Costa, 2014). The current threat of recession creating increased demand for services will create will create pressure on NFP’s to show effective performance. Four approaches for evaluating effectiveness in organisations include; attainment of goals, acquisition of needed resources, internal processes and resources and participant/stakeholder satisfaction (Cameron, 1980). Transparency on effectiveness may be seen as the “ultimate expression of performance in
Lee and Nowell (2014) demonstrate a similar perspective, with their identification of the following key perspectives of non-profits performance:

- **Inputs**, include the ability to obtain resources and generate value.
- **Organisational capacity**, including internal processes and structures, capacity for learning and growth, management and future capacity.
- **Outputs**, goods or services provided and clear achievement of the mission of the organisation.
- **Outcomes – behavioural and environmental changes**, via ascertaining the impact of their activities on the external environment.
- **Outcomes – Client or customer satisfaction**, via value created for the beneficiary of the service or the customer.
- **Public value accomplishment** – value created for society, may be described as social ambition or the ideal changes outlined in the organisational mission.
- **Network/Institutional legitimacy**, how an organisation has managed relationships with stakeholders, with a reputation for excellence and trustworthiness. This includes relationships with funders and volunteers (Lee and Nowell, 2014)

If a not-for-profit claims to represent stakeholders, it is most accountable to these stakeholders alongside enabling the voice of these stakeholders which need to be heard (Brown & Moore, 2001). A risk exists for organisations to become most accountable to the most powerful stakeholders (such as funders) and short-term functional accountability criteria, rather than long-term strategic accountability, such as the impact of the organisation within society (Costa & Pesci, 2016). Image and reputation must be maintained not only in meeting existing goals, but also to become agents of change within society to promote their stakeholders interests (Krashinsky, 1997).

Traditional performance management models from the profit sector focused on the maximisation of profit, however in the 1990’s the introduction of the balanced scorecard model by Kaplan & Norton (1992) linked strategy and vision to a set of four perspectives which moved beyond purely financial variables (financial, customer focus, processes, learning). The focus remained on a finite group of stakeholders however, alongside short-term quantitative measures (Zheng et al., 2019).
Contemporary models assessing accountability in not-for-profit organisations look beyond short term financial measures. The Integrated Accountability Model (IAM) considers three dimensions of accountability, namely:

1. Economic and financial sustainability;
2. Accountability to the mission of the NFP;
3. Impact of the organisation’s activities on key stakeholders (Andreaus & Costa, 2014).

Although some NFP’s include reporting in their annual reports for non-financial measures such as goals, objectives, areas of need and concern, most models are only used internally (by managers) rather than as reporting to stakeholders (Lord, n.d.). It has been shown that individual funders (donors) are more interested in qualitative reporting, such as reporting on missions and goals rather than financial information (Balser & McClusky, 2005; Hyndman, & McConvil, 2018).

3.9 The balanced stakeholder model

Performance management in the public or not-for-profit sector can be characterised by a variety of stakeholder groups whose needs may be in conflict with one another. Beyond improving efficiency and effectiveness, not-for-profits must also promote the value of programmes to promote a need in society and balance varying stakeholder needs due to their legitimate or ethical claims (Wang et al., 2015 as cited in Zhang et al., 2019).

As shown in figure 3.4, the balanced stakeholder model allows the ability to identify and balance stakeholder interests, then assign goals and objectives to meet organisational strategies. The first step is to identify and analyse categories of stakeholders. Five key categories may be identified:

- Owners, who have the power to create and change the system.
- Customers or the recipients of the organisation.
- Actors who are involved in the activities of the system.
- Necessary partners to complete the activities of the system.
- External groups who may be directly or indirectly affected by the organisations activities.
Figure 3.4 – The four perspectives of the balanced stakeholder model (Zhang et al., 2019).

Once stakeholders have been identified, needs and interests of the stakeholders are balanced. These are implemented into strategic visions, missions and objectives (the heart of the model), goals (KPI’s), resources and capabilities to achieve the vision (Zhang et al., 2019).

3.10 The multi-constituency approach towards performance management

The multi-constituency approach (Costa & Pesci, 2016), argues against assigning performance metrics to assess organisational effectiveness due to the incongruent preferences amongst organisational stakeholders to assess outcomes. The four varying perspectives which place demands on an organisation are detailed below;

1. The relativistic approach argues that multiple judgements as to organisational effectiveness arise from the judgements of stakeholders.
2. The power approach satisfies the needs of the most powerful stakeholder.
3. The social justice approach rejects the disadvantage of less powerful stakeholders for the benefit of many.
4. The evolutionary perspective approach acknowledges the changing nature of expectations when evaluating organisational effectiveness (Costa & Pesci, 2016).

3.11 Not-for-profit reporting on effectiveness

Many not-for-profits choose to disclose a minimal level of information beyond minimal financial reporting. This may be due to widely publicised scandals related to charities and the fear of voluntarily providing information which may be misunderstood or taken out of context. This may be particularly true for media outlets, who may alter reporting for maximum impact (Hyndman & McConville, 2018). Donors and the general public identify themselves as stakeholders and demand accountability for charitable spending.

3.12 Conclusion

As shown within this chapter, animals may be dependent stakeholders of organisations with urgent and legitimate claims. Due to their lack of power, they must be represented by other stakeholders however. By applying Carroll’s model of corporate social responsibility, we can recognise that organisations must exceed their financial and legal obligations to their stakeholders (including animals) in order to be viewed as ethical and sustainable. For both corporate social responsibility and performance management of the not-for-profit sector, mission statements have been shown as key for guiding internal accountability, alongside providing external reporting of effectiveness.
4. Research Methodology

The motivation for the present study was rooted in the convergence of two key events in 2017. In July of that year, branches of the New Zealand SPCA voted to become one national body with a unified national office, whereas previously all branches were financially and operationally independent under a national constitution. The charity is unique New Zealand in that it undertakes criminal prosecution and regulation of the Animal Welfare Act (urban and/or companion animals) under the jurisdiction of the Ministry for Primary Industry (MPI). Secondly, during that time period the rollout of welfare regulations created by the amendment of the Animal Welfare Act (2015), created new resource pressures upon animal welfare organisations including the SPCA. Infringement penalties for low to moderate offending were introduced. The change also includes the use of the word ‘sentient’ in the long title, which may have ramifications for animal welfare rights, although the word currently does not have a definition in the Act.

Initially an approach investigating organisational structure and redesign was considered (structure following strategy), but the realisation that primary data collection was not possible within the organisation (on the topic of the restructure), necessitated re-scoping the proposed research.

A preliminary review of news articles and internal documents showed a level of public concern as to the feasibility of the new system alongside accountability concerns of an amalgamated national body rather than regional and responsive local SPCA branches. From this point a grounded theory method was taken to investigate the situation in real time as the changes progressed. Grounded theory is typically an extended process (for example during a doctoral programme) and the current study represents the first stage of data collection in an iterative process. Glaser and Strauss (1967) in their work *the Discovery of Grounded Theory*, advocated interacting with the existing literature as a constraint, therefore the literature was not examined until after initial data collection (Chun Tie et al., 2019).

4.1 Grounded theory – methodology and sampling

Grounded theory is a flexible methodology, suitable when little is known in a research area (Chun Tie et al., 2019). It uses an inductive approach, where theory is generated from data collection. The current study details the exploratory phase of the research, utilising an interpretivist approach, where acceptance of the researcher’s prior knowledge, history and experience are acknowledged and appreciated (Mills et al., 2014). The present study utilises an evolved grounded theory approach, founded on symbolic interactionism, where reality is socially constructed and
subjective (Chun Tie et al., 2019). The aim of the research is not to discovery theory, rather that the researcher constructs theory via their own particular world view. Grounded theory approaches tend to use purposive (or judgement) sampling which is then initially coded and analysed. This then guides further data collection, using theoretical sampling to identify and pursue clues that arise during initial data analysis. The research process does not move in one direction – it is iterative and evolving (Chun Tie et al., 2019). Initial primary research objectives were surmised to examine the context and the subsequent implications for animal welfare for the SPCA:

1. Is a charity and volunteer based organisation able to administer and implement the new regulations which are based on “ticketing” low to moderate offending?
2. Are minimum standards of animal rights under the new Act being met?
3. Should the SPCA continue to self-fund prosecution of mid to high level offending through the New Zealand court system?

Figure 4.1 Young - Modified Creswell's Research Onion (2019)

As shown in figure 4.1 above, an objective deductive approach was rejected, and instead a subjective, interpretivist epistemology was utilised. This then drilled down into an inductive inquiry strategy. A qualitative/grounded theory research design led to the use of interviews and an exploratory survey as data collection methods.
4.2 Data collection method - interviews

The first part of the project was intended to consist of email interviews with three key viewpoints pertinent to the issues;

- Interview one: New Zealand animal law expert.
- Interview two: Ministry for Primary Industry animal welfare manager.
- Interview three: SPCA committee member.

These interviews were chosen using purposive (or judgement) sampling to select cases and individuals to best meet the research questions (Bryman & Bell, 2015). These structured interviews were intended to be conducted via email. The interview process may suggest further interview participants and revision of the interview questions as suggested by Glauser and Strauss (1967), where theory is tested and revised until informational redundancy and theoretical saturation is reached (Chun Tie et al., 2019). For this reason a number of diverse cases for preliminary interview were suggested to enable as many differing viewpoints in the industry as possible.

Unfortunately, interview respondents either declined to participate due to organisational constraints, or were unresponsive upon approach. As an alternative, one interview with a front line SPCA inspector was obtained. Interview questions were redrafted to focus on the front line issues which the inspector may face in the course of their work. These included questions on the possibility of independent welfare inspectors and the limitations of only the head office of the SPCA being able to issue infringement offences (not the inspectors giving an instant fine, like a parking ticket). As may happen during the research process, the researcher was misdirected to an individual who did not have the required background to achieve the interview goal. The researcher accepted this interview as a “dead end” in terms of data collection and moved onto the questionnaire data collection process (Remenyi, 2011).

The lack of acceptance of interviews was a key limitation of the initial research process. For the second round of data collection (to be completed in July 2020), interviews with individuals internationally have been obtained, who do not have organisational limitations imposed upon them. This includes Kendra Coulter, who has extensively investigated the reformation of the animal welfare inspectorate in Ontario, Canada, albeit via the lens of labour relations.
4.3 Data collection method – questionnaire

The second component of the research consisted of a short qualitative questionnaire distributed via convenience (self-selection) sampling on animal related Facebook groups. The purpose of the questionnaire was to ascertain public knowledge and opinion on the key issues around companion animal welfare relevant to the SPCA. The sample consisted of New Zealand residents over the age of eighteen. Animal related Facebook groups were selected using purposive sampling as the respondents may have a greater knowledge of companion animal issues and would be more likely to participate due to interest in the topic. Although a sample size of fifty was initially planned, only twenty-three responses were obtained, with only nineteen completing the full questionnaire. A key issue with the distribution of surveys online is the low response rate, which has been found to be lower than other forms of distribution (Bryman & Bell, 2015). The use of companion animal Facebook groups was chosen to increase the response rate of the electronic survey composed through Survey Monkey.

Facebook groups chosen included the New Zealand Siberian Husky owners group, Nelson and Motueka pets’ page and the Central Territories Siberian Husky Club. All three groups require an application to join and are closed groups. To further increase participation and possible response rate, an appealing post was used to draw attention to the Facebook post requesting responses. The same image (the researcher’s dog) was used on the informed consent page (as shown in figure 4.2). The questionnaire was posted on Monday the 6th of November 2017 and was closed on Friday the 17th November 2017.
Animal Welfare regulations and the SPCA

Welcome to a short questionnaire on the role of the SPCA under the new animal welfare regulations. My research is conducted as a student only; it is the culmination of my Master of Applied Management and is not affiliated to the SPCA or to any other governing body.

I have chosen this topic as I am an animal lover and the issue of animal welfare is close to my heart. I am concerned about the practical dimensions of the SPCA continuing their inspectorate role under the animal welfare changes and wish to gauge public opinion as part of my research.

The questionnaire is purely voluntary, but I would like to get as many responses as possible from throughout New Zealand. No personally identifiable information will be recorded as part of the questionnaire.

Age, gender and New Zealand region are recorded to assist in analysis of the information provided across responses. I wish to survey New Zealanders over the age of eighteen.

All responses will be kept private and confidential and destroyed at the end of my study programme.

This questionnaire has been reviewed and approved by the Southern Institute of Technology Ethical Committee. If you require further information on the information gathered by the questionnaire my supervisor is contactable on Colin.Brand@sit.ac.nz.

**Figure 4.2 – informed consent for the questionnaire**

The questionnaire consisted of demographic questions, with a filter (yes/no) question examining whether respondents were aware of the New Zealand SPCA’s work. Although all 100% of the respondents indicated they were aware of their work, an answer of ‘no’ would have automatically filtered respondents through to the final ‘thank you’ page. Likert scales were utilised, to measure attitudes and opinions of the respondents. A five point scale was created, with respondents required to indicate the strength of their attitude or opinion (Hair et al., 2016). These statements ranged from ‘do not support’ or ‘strongly support’ when discussing the SPCA’s work, through to ‘strongly disagree’ to ‘strongly agree’ when ascertaining an opinion on animal welfare enforcement.

Responses to Likert scales were scored, with the scores averaged across the number of respondents (Veal, 2005). Descriptive statistics were used to analyse and convey the data from the questionnaire visually. Please see the findings and analysis chapter for a full summary of the questionnaire.

**4.4 Pilot testing of the questionnaire**

The questionnaire was pilot tested on the researcher’s supervisor, alongside submission of the questions as part of the research ethics application. Suggested changes included rephrasing of questions from “do you own a pet” to “do you care for a pet” which includes animals which respondents may care for on a short to medium term basis. Any yes/no questions were changed into attitude (Likert) scales to give more useful information, with the exception of the filter question ascertaining the respondents’ knowledge of the SPCA. The questionnaire was also pilot tested with
three work colleagues who are involved in research supervision with undergraduate students. No issues with ambiguous wording, emotive language or bias (leading questions) were identified after preliminary pilot testing with the researcher’s supervisor.

4.5 Validity and reliability

As both the email interview and the questionnaire used self-reported data, the researcher assumed that respondents would be honest and accurate in their responses. Unfortunately, the validity of questionnaire based data cannot be guaranteed. Respondents may give little thought to their answers, may exaggerate or give socially acceptable responses. This is particularly true for questionnaires distributed through platforms such as Facebook, where the anonymous nature and low involvement may lead to inaccurate or spurious answers. Care must be taken to adequately pilot test the questionnaire and carefully conduct the data collection process, which can prevent issues of reliability and validity (Veal, 2005) although reliability and validity are problematic concepts when applied to qualitative research (Bryman & Bell, 2015). External reliability may not be applicable to qualitative research as it is difficult to replicate research when measuring attitudes and opinions is a social arena. Likewise, internal reliability is not possible when there is only one researcher engaged in the data collection process (Bryman & Bell, 2015).

4.6 Conclusion

Although the primary data collection process was unsuccessful in obtaining quality information via interviews, the data obtained via the questionnaire was treated as an exploratory data collection process as part of the larger grounded theory approach. Interviews internationally will be used during the next stage of the data collection process in July 2020 to obtain rich, high quality data until theoretical saturation is reached.
5. Findings and Analysis

The exploratory questionnaire provided descriptive statistics to ascertain future research directions. The use of a grounded theory methodology ensured that no preconceived responses were expected. A brief summary of key findings will be presented, alongside the information gained via the SPCA inspector interview.

5.1 Questionnaire – demographics – respondent’s age and gender

The first section of the questionnaire investigated the key demographic information of the respondents. As the questionnaire used self-selection sampling, a risk existed of only respondents particularly interested in the topic would respond. Due to the small sample size the attitudes conveyed in the questionnaire were not expected to be generalizable to the New Zealand population.

The age group of respondents was fairly well spread, with the largest group of respondents in the 36 to 45 year age group (31%) and only one respondent over the age of 56.
Twenty one of the twenty three respondents were female, with only two being male. No respondents identified within the ‘other’ category. As has been shown in previous studies, younger age groups and females show greater concern for animals compared to older age groups and males (Driscoll, 1992). This may account for the self-selection bias exhibited by the targeted respondents on Facebook.
5.3 Respondents region

**Figure 5.3. New Zealand region of respondents**

The next question investigated the New Zealand region where the respondent currently lives. Auckland and Marlborough were well represented with four respondents from each region, alongside five respondents who live in the Manawatu/Whanganui region. No respondents resided in Southland, West Coast, Gisborne or the Bay of Plenty.

5.4 Highest level of education

**Figure 5.4. Educational level of respondents**

- 35% Secondary School
- 31% Undergraduate (Bachelor’s) degree
- 17% Postgraduate Diploma
- 17% Level 2 - 6
Question four investigated the educational level of respondents. This question was intended to investigate if there was any bias in educational levels which may affect the respondent’s knowledge of the animal welfare industry. Thirty five percent had obtained an undergraduate degree, followed by 31% achieving a secondary education. Level 2-6 and postgraduate education were both equal on 17% No respondents replied that they had obtained a master’s degree, doctorate or ‘other’ form of educational level.

5.5 Ownership and type of companion animals

After preliminary investigation of the respondent’s demographics, a second questionnaire section examined respondent’s degree of ‘care’ or ‘involvement’ with companion animals. The wording of ‘currently care’ rather than ‘own’ a companion animal was chosen to not only reflect the societal change of animals not being viewed as property, but also to include temporary care arrangements, such as looking after an animal for a child who may be overseas. All respondents replied that they currently cared for a companion animal, bar one respondent who indicated they did not know. Perhaps this may have been an example of a temporary care arrangement, as discussed above.

Figure 5.5 Respondents who currently care for companion animals

The subsequent section permitted respondents to indicate what type of companion animal they favoured via ownership. Multiple responses on this question were permitted as many respondents cared for multiple animals. All twenty three respondents owned a dog, nine owned a cat, three a bird, three a fish, three a small farm animal, one a fish and one ‘other.’ The use of canine
related Facebook groups to distribute the questionnaire explained the high level of dog ownership within the respondents (figure on next page);

![Figure 5.6. Type of companion animal cared for](image)

**Figure 5.6. Type of companion animal cared for**

5.7. Awareness of work of SPCA

Question seven introduced the work of the SPCA. This question was a filter question to ensure respondents had an awareness of the NZSPCA’s work. All respondents were aware of the SPCA’s work within New Zealand as shown in figure 5.7 below;

![Are you aware of the work that the SPCA does within New Zealand?](image)
Figure 5.7 Awareness of work of the SPCA
5.8 Respondents view of the SPCA

To ascertain the respondent’s view of the NZSPCA, a Likert scale was used to measure the level of support for the SPCA. Nineteen respondents completed the question, with four skipping the question. Respondents veered towards supporting the SPCA, with 42.11% strongly supporting the SPCA, 21.05% agreeing that they support the SPCA and 36.84% being neutral. No respondents did not support the SPCA. This provided a weighted average of 4.05, which fell into the agreement category (3.14 to 4.2).

![Respondents support of the SPCA](image)

**Figure 5.8. Respondents view of the SPCA**

5.9 Unification of SPCA into a national body

In the next question, the respondent’s awareness of the SPCA amalgamation (as of November 2017) was established. Only 11% of respondents were aware of this key change, while 84% were not aware. One respondent replied they did not know. Again, nineteen respondents completed the question, with four skipping the question.

![Respondent awareness of SPCA amalgamation](image)
5.10 Respondents support for the SPCA amalgamation

The next question investigated: “The purpose of the amalgamation is to allow the New Zealand SPCA to provide higher quality care and welfare to companion animals. Do you think joining together as a national body will support this?” 47.37% of respondents were neutral, 31.58% agreed, while 15.79% strongly agreed. 5.26% disagreed that the amalgamation will provide higher quality care to companion animals. The weighted average was lightly skewed towards supporting the change (3.58), by falling within the category of 3.14 to 4.2 (agreement).
5.11 Funding of criminal prosecution of animal welfare offenders - government

The next section investigated the funding of animal welfare prosecutions. Respondents were asked: “Do you think the criminal prosecution of animal welfare offenders should be funded by the New Zealand government?” Although 57.89% of respondents strongly agreed that the government should fund animal welfare prosecutions and 26.32 % agreed, 15.79% disagreed. The weighted average was 4.26 however, which falls into the category (4.21 to 5) of strongly agree.

![Figure 5.11](image)

Figure 5.11 Respondents who supported government funding for the prosecution of animal welfare offenders.

5.12 Funding of criminal prosecution of companion animal welfare offenders – SPCA

Following up on the question on government funding of prosecution, the next question investigated: “The SPCA is a charitable organisation. Should the SPCA fund the criminal prosecution of companion animal welfare cases through the court system?” Nineteen respondents completed this question, with again four skipping the question. In contrast to the question on government funding, the respondents veered towards disagreeing with the SPCA funding the criminal prosecution of animal welfare cases. Of the nineteen respondents, 31.58% strongly disagreed with the SPCA funding animal welfare prosecutions, 36.84% disagreed, while 15.79% were neutral. A number of respondents (10.53% and 5.26% respectively) agreed or strongly agreed that the SPCA should fund criminal prosecutions of animal welfare prosecutions. The weighted average was 2.21 representing the category of ‘do not agree’ (1.81 until 2.60). Please see figure 5.12 on the following page;
5.13 Infringement offences

Question thirteen investigated the use of infringement notices under the new welfare regulations. The question began with a statement then gauged respondents level of agreement or disagreement; “Under the new regulations the SPCA will be able to hand out "tickets" for minor offences (for example having a dog in a parked car on a hot day). Do you agree or disagree with this?” Again, nineteen respondents answered the question, while four skipped the question. Of the nineteen who responded 47.37% strongly agreed that the SPCA should be able to hand out ‘tickets’, while 21.05% agreed. 15.79% were neutral, while 15.79% strongly disagreed. The weighted average was 3.84, which fell into the category of agreement (3.14 to 4.)
5.14 Should an independent body be responsible for ticketing these minor offences instead?

The final question investigated the use of an independent body ticketing these offences: “Should an independent body be responsible for ticketing these minor offenses instead?” Of the nineteen respondents who answered (four skipped) a majority (57.89%) were neutral. The weighted average was 2.89 which fell into the category of ‘neutral.’

![Figure 5.13. Respondent agreement with ticketing for minor infringement offences.](image)

5.15 Analysis of questionnaire responses

Although there was variation in the age and educational level of respondents, they were primarily female dog owners from throughout New Zealand. This is due to the use of Facebook groups to post the questionnaire link which revolve around dogs and companion animals. The use of self-selection sampling by the respondents necessitated an approach where interested parties were more likely to take part in the voluntary questionnaire without reward or inducement.

Once the filter question had been completed (awareness of the SPCA’s work), many of the respondents agreed with their work (weighted average of 4.05). Most respondents were not aware (at the time of the questionnaire in November 2017) of the amalgamation of the SPCA in 2017. Many respondents were neutral as to whether this would provide a greater quality of care for companion animals, although the final weighted average did demonstrate a propensity towards ‘agreement’ at 3.58.
Many of the respondents strongly supported the government prosecuting animal welfare offenders (4.26), while overwhelmingly respondents did not agree with the SPCA funding animal welfare prosecutions (2.21). Unfortunately, this questionnaire did not investigate respondent’s awareness that the SPCA has always taken on the role of prosecuting welfare offenders in the realm of companion animals. This is worth investigating further in greater depth.

Although many of the respondents ‘agreed’ with the SPCA handing out infringement notices, the questionnaire did not state that the SPCA does not keep the money, but alternatively it is paid into a fund at the Ministry for Primary Industries. Further investigation is required in this area.

5.16 Interview with SPCA Inspector

Although the SPCA was unable to discuss the amalgamation, a short interview was conducted with a front line SPCA inspector located in Christchurch via email. A summary of responses is shown below:

Question one Do you think that with the changes to the regulation around inspectors (state service employees) that government funded SPCA inspectors are possible?

The Animal Welfare Act 1999 S 124(8) specifically excludes SPCA inspectors from being regarded as employees in the public service for the purposes of the State Sector Act 1988. As you may be aware the SPCA inspectorate currently does receive some limited funding from MPI, we are always hopeful that we will be able to increase this so as to cover more of the significant costs involved in maintaining the inspectorate each year.

Question two: Some of the SPCA inspectors are volunteers. What issues do you see with accountability of the inspectorate under the amendments?

The SPCA now has only 1 fully voluntary inspector, we have two others who also have other roles outside of the organisation. With our 1 November this year move to “One SPCA” we will be better able to ensure support, standards, consistency and accountability.

Question three: Do you believe that instant infringement notices could be issued by SPCA inspectors (rather than head office)?

This may be possible over time. However, in the first instance to ensure that systems are working well and consistently this will be managed centrally. Once this is working well the first step may be to devolve this to a regional ability as MPI do.

Question four: Do you think there is an alternative to the proposed system?

There are alternatives and we are regularly looking as to the best option. At the moment this, in our view, remains the preferred.

Question five: Do you think the proposed framework of only the SPCA national office issuing infringement notices is feasible (for example around the issue of dogs in hot cars?)

Yes, it relates to the decision to issue the infringement or proceedings for the regulatory offence and the management of the processes involved, it will not delay inspector’s actions and we are hopeful that the infringement regime will assist in the deterrence of this type of incident along with a number of others.
Question six: What are the current challenges to the SPCA inspectorate due to the amalgamation?
The initial challenge is ensuring that we have a resource plan to ensure cover, support and safety for our inspectors across the country.

5.17 Key findings from interview

Although the interview source produced limited information, it did raise some interesting points. The first question was meant to convey the changes to the legislation around the appointment of inspectors. Inspectors may be funded by the state but only on a contractual (for example yearly) basis. Therefore they could be funded by the state, but not be considered employees under the State Sector Act 1988 or the Government Superannuation Fund Act 1956. The issue of inspectors not being able to issue instant infringement offences was also not properly addressed by the interview respondent. A system where the inspector must obtain the correct name and address of the offender then obtain an infringement offence to be sent from head office (Auckland) is an example of excessive delay and unlikely to provide a deterrent.

5.18 Analysis of secondary documents

As minimal information was obtained via the interview secondary documents were obtained via the Official Information Act. Although the researcher obtained a copy of the 2017 audit of the SPCA by MPI, the 2018 audit was not conducted “due to operational demands” (Orr, 2020a). Yearly audits are required by the Animal Welfare Act. Within the 2017 audit a number of key concerns were highlighted:

- Although the national office had reviewed the complaints process against inspectors and auxiliary offices, the process still required improvement.
- A lack of communication from MPI communicating with the SPCA as to complaints transferred to MPI.
- The inspector’s knowledge of animal welfare and welfare priorities was only deemed ‘acceptable.’
- Review of the performance and technical standards for inspectors was required to be reviewed.
- A lack of on-the job training and mentoring for inspectors in small centres. No opportunity to work alongside experienced inspectors.
- Grading of welfare complaints is often completed by administrative staff, not the inspectors.
- A lack of policies and procedures. Up to date policy and procedure manuals need to be maintained at each centre.
- Three yearly ongoing training for Auxiliary officers was not completed.
• Selection, training, appointment and monitoring of inspectors/auxiliary officers require improvement.
• Internal auditing programme of the SPCA had yet to be implemented. The MPI audit recommended MPI providing assistance to the SPCA in training of internal auditors.
• The memorandum of understanding between SPCA and MPI refers to a minimum of two formal meetings a year between the two parties, which is not achieved (MPI, 2017)

5.19 Conclusion

In the following chapter key conclusions will be refined from application of the literature review, exploratory data analysis and analysis of secondary documents. From here, recommendations will be made to benefit the animal welfare industry within New Zealand.

6. Recommendations and Conclusions

Within this chapter the three research objectives of the present study will be evaluated, based on the literature and the primary data collection. Recommendations for the animal welfare industry within New Zealand will then be suggested.

6.1 Is the SPCA meeting their obligations to the companion animals of New Zealand?

Although the amendment to the Animal Welfare Act gives greater protection to the animals of New Zealand, the lack of funding and resourcing of SPCA (and the animal welfare division of MPI) while requiring greater accountability has led to a situation where many rival animal welfare organisations are openly attacking the RNZSPCA’s accountability and effectiveness. An example of this is the quote from Paw Justice, where the RNZSPCA is called ‘bureaucratic’ and ‘self-serving’ (Paw Justice, n.d.);

“Paw Justice has a goal. We want Paw Justice to be New Zealand’s leading organisation for Animal Welfare. But we face a challenge: how do we cut through the clutter of bureaucratic old-school charities, self-serving politics, outdated regulations and profit-driven corporates to make meaningful change?”

Via application of stakeholder classification models, it can be demonstrated that companion animals can and should, be considered a stakeholder of the RNZSPCA. Companion animals can be viewed as normative stakeholders, to whom which the SPCA has a moral and ethical obligation (Philips, 2003). Companion animals are legitimate stakeholders of the SPCA as the SPCA operates within “some socially constructed system of norms, values, beliefs, definitions,” while the needs of companion animals could also be defined at urgent (“The degree to which stakeholder claims call for
immediate attention”) due to the animal welfare crisis within New Zealand (Eden & Ackermann, 1998; Mendelow, 1991, as cited in Kivits, 2011). Delay in acting is unacceptable to companion animal stakeholders due to their current pain and suffering under the current regime. Using the broad definition of stakeholder identification, companion animals have contractual relationships with the SPCA under the Animal Welfare Act (Savage et al., 1991), and they must develop processes which recognise their interests then evaluate the results (Soriano et al., 2012). As identified within the 2017 MPI audit of the SPCA, a lack of policies and procedures exists, and as shown in the 2017 MPI audit the organisation is unable to enact either internal or external auditing (MPI, 2017). Companion animals may be viewed as dependent stakeholders for the SPCA, as they are endowed with urgency and legitimacy, yet are reliant on the SPCA for representation (lack of political power). Companion animals close proximity to humans (dogs being “man’s best friend”), also strengthens their claim to being a key stakeholder.

Using Mile’s (2017) categories of stakeholder classification, companion animals identified as stakeholders in fifteen of the nineteen categories (pg. 28). Only one category is required to be identified as a legitimate stakeholder. Once again, their lack of power, manipulation of resources and influence prevented them as identifying as stakeholders in all nineteen categories.

As identified stakeholders, it is important that the SPCA exceeds financial and legal responsibilities for the organisation to be regarded as sustainable and ethical. To be ethical would require the SPCA to exceed the requirements of the Animal Welfare Act amendments (2015). Animal welfare can be regarded as not just a stakeholder issue, but a social issue, which requires enactment of policy and regulation by the state (Clarkson, 1995).

Not-for profit organisations are increasingly partnering with government agencies to provide solutions for social issues (Andreas & Costa, 2014; Barrett, 2001; Herzlinger, 1994). Transparency on effectiveness is increasingly important, with it being seen as the “ultimate expression of performance in charities…. With the potential to improve accountability and legitimacy” (Hyndman & McConville, 2018 p. 11-12).

A key factor identified within the literature is the need to have a strong mission statement to provide internal and external accountability (Lord, n.d.). This perspective is echoed by Lee and Nowell (2014) in their identification of key perspectives of non-profit performance and by Andreas & Costa (2014) which consider economic and financial sustainability, accountability to the mission of the NFP and impact of the organisations activities on stakeholders to be the three key dimensions of accountability in their Integrated Accountability Model. It has been shown that individual funders
(donors) are more interested in qualitative reporting, such as reporting on missions and goals rather than financial information (Balser & McClusky, 2005; Hyndman, & McConville, 2018). According to Zhang et al (2019) in their balanced stakeholder model, once stakeholder needs have been identified and balanced it is key to transfer this analysis into the strategic mission and vision of the organisation. Finally, the multi-constituency model includes the changing nature of (societal) expectations when evaluating organisational effectiveness (Costa & Pesci, 2016).

As identified in the figure below, SPCA’s vision is “All animal lives matter in our communities” and their purpose is “to advance animal welfare and prevent cruelty.” To demonstrate accountability to their stakeholders (such as companion animals) the SPCA needs to demonstrate alignment to these core values. For example, as identified by the 2017 MPI audit, more cases could have been referred for prosecution, however the SPCA chooses not to due to limited time and resources for processing each case. This does not align with their stated vision and purpose. Another key change is the new focus on advocacy and education to the detriment of animal care and inspectorate. Currently the focus is on animal care (shelters – 70-90%) and animal welfare (inspectorate – 5-10%) with little focus on education and advocacy. Under the new structure this is expected to change to 40% animal care, 25% education, 25% advocacy and 10% welfare (RNZSPCA, 2016). This change in resourcing could further undermine the effectiveness of the SPCA against their stated vision and purpose.

![SPCA Vision, Purpose, and Values](image)

**Figure 6.1 SPCA New Zealand’s vision, purpose and values RNZSPCA (2020a).**

6.2 Public perception of the current and proposed enforcement frameworks.

As investigated in the questionnaire, respondents attitudes towards either the government or the SPCA funding the criminal prosecution of animal welfare offenders was established. When asked whether the government should fund the prosecutions, the weighted average fell into the
category of “strongly agree,” while when asked if the SPCA should fund the prosecutions the weighted average was 2.21, representing the category of “do not agree.” Unfortunately the question was not asked whether respondents were aware that the SPCA currently funds the prosecutions.

On the topic of instant infringement notices, respondents agreed that the SPCA should be able to hand out infringement notices (weighted average of 3.84), but were neutral when questioned as to an independent body should conduct the infringements (2.89).

Overall, the respondents did not agree that the SPCA should fund prosecutions as part of their activities. In the final section, alternative options for this factor will be included as part of the recommendations.

6.3 To investigate current and proposed processes utilised by the SPCA.
Analysis of secondary documents showed that many of the processes utilised by the SPCA needed revision, or new systems to be put in place. As shown in section 5.8, eleven key areas of improvement were recommended by the MPI 2017 report, ranging from lack of training for inspectors and auxiliary officers, lack of internal auditing capability and in the case of 2018 the lack of capability to engage in the mandated external auditing.

6.4 Recommendations for the animal welfare industry in New Zealand
A current conflict of interest exists for MPI in the field of animal welfare due to their primary duty to promote and increase exports (including animal products). Although in June 2018 a framework for action for animal welfare was produced, after the resignation of the previous Animal Welfare Minister the position has remained vacant for nearly two years.

To improve animal welfare conditions within New Zealand, a Minister for animal welfare must be appointed, with an independent animal welfare commission that is appropriately funded. Although the employees and volunteers of the SPCA are passionate about the care of companion animals, the lack of formal systems, resources and funding has led to the lack of implementation of the amended animal welfare regulations. It has also been noted that the National Animal Welfare Advisory Committee is slow to produce regulations.

An alternative to the current system was recently introduced in Ontario, Canada. Although the animal welfare inspectorate was previously administered by the Canadian SPCA for over a century (Coulter & Fitzgerald, 2019), as of 2020, the province will enact publicly funded animal welfare inspections with a dedicated animal protection force. A change in legislation enabled this change, with full support from the Ontario SPCA who are able to concentrate on their roles of advocacy for animals, education and rehoming of unwanted animals.
It is recommended that New Zealand adopts a publicly funded inspectorate and prosecutions model (using the proceeds from the infringement notices towards funding), which is backed by an independent animal welfare commission and Minister for animal welfare. A collaborative model is suggested – publicly funded inspectors enforce and prosecute animal welfare offenders, while the SPCA plays a subsidiary role in providing veterinary care and housing for uplifted animals. A centralised call centre could also be used to streamline the welfare complaint triage process, then facilitate appropriate documentation to the local areas. Public register to enable links between animal welfare offending and more serious crimes. As discussed in the methodology chapter, this is the first round of data collection in a grounded theory approach. The second round of data collection will consist of interviews with animal welfare inspectors, campaigners and lobbyists in Ontario, Canada. These interviews are to be completed in July 2020.

In the words of Abraham Lincoln:

“Law without enforcement is simply good advice”

Appendix One – Key changes to the Animal Welfare Act relevant to the SPCA

<table>
<thead>
<tr>
<th>SECTION AND KEY CHANGE</th>
<th>IMPLICATION</th>
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<tbody>
<tr>
<td>“Long title of the Act (i) to recognise that animals are sentient: (ia) to require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals.”</td>
<td>Animals are Sentient (capable of positive and negative feeling/affect) Owners and persons in charge of animals must attend properly to their welfare.</td>
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<td>2(1) “infringement offence means— (a) an offence against section 36(3): (b) any other offence created by or under this Act that is declared by regulations made under this Act to be an infringement offence for the purposes of this Act.”</td>
<td>Provides for “ticketing” of infringement offences by the SPCA</td>
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<tr>
<td>Section 3 1(B) “The term defined by subsection (1) also includes the breeding or production of an animal using any breeding technique (including genetic modification) that may result in the birth or production of an animal that is more susceptible to, or at</td>
<td>Selective breeding techniques (such as in pedigree dogs) which cause known issues (such as respiratory or joint issues) are classed under the definition of manipulation (contrary to the spirit of the Act).</td>
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<tr>
<td>Section</td>
<td>New Regulations</td>
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<tr>
<td>4 (a)</td>
<td>Added to the definition of physical, health and behavioural needs.</td>
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<td>6</td>
<td>PART ONE – CARE OF ANIMALS</td>
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<tr>
<td>9 (d)</td>
<td>Previously acceptable surgical procedures (such as tail docking in canine breeds such as Jack Russell’s or Boxers) are no longer legally acceptable.</td>
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<td>11 (1)</td>
<td>Strengthening of this section – the section now reads: “The owner of an animal that is ill or injured, and every person in charge of such an animal, must ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.”</td>
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<td>73 (3)</td>
<td>Minimum animal welfare standards under the Act may not be upheld if the NAWAC deem them to be not practicable or to have an economic impact.</td>
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<tr>
<td>78 (1)</td>
<td>Codes of welfare (for better or worse) may be changed at any time by the NAWAC.</td>
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<tr>
<td>123 (1)</td>
<td>If the SPCA fails to meet performance standards, lacks technical expertise or does not have accountability, financial or management arrangements in place they will no longer be an approved organisation and can no longer administer animal welfare.</td>
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</table>
section 122(2); or
(c) the organisation has failed to comply with any condition imposed under section 122(5).”

121 (1b) “the accountability arrangements, financial arrangements, and management of the organisation are such that, having regard to the interests of the public, the organisation is suitable to be declared to be an approved organisation.”

123A Appointment of auditors
(1) “The Director-General may appoint auditors to carry out audits of approved organisations for the purposes of this Act.
(2) The Director-General may appoint as auditors only those persons who have appropriate experience, technical competence, and qualifications relevant to the audits.
(3) Auditors may, but need not, be persons who are employed under the State Sector Act 1988.”

123B Audits
(1) “The Director-General must set terms of reference for audits of approved organisations.
(2) Audits include examinations, investigations, and reviews.
(3) Auditors conduct audits as to the previous and current positions, and as to the likely future position, of—
(a) an organisation’s ability to meet the criteria set out in section 122(1):
(b) compliance by an organisation and its inspectors and auxiliary officers with any relevant performance and technical standards for inspectors and auxiliary officers:
(c) an organisation’s compliance with any memorandum of understanding established between the organisation and the Ministry:
(d) the exercise of any power, and the carrying out of any functions or duties, by any inspector or auxiliary officer of an organisation:
(e) an organisation’s compliance with animal welfare law:

This is one of the key sections of the Act, which now includes specific and technical requirements that any approved organisation (such as the SPCA) must meet. The SPCA is now legally bound by their memorandum of understanding, must comply with animal welfare law and meet minimum annual auditing requirements. This includes all employees, inspectors, systems, processes and records.
(f) compliance by an organisation and its inspectors and auxiliary officers with any direction issued by the Director-General under section 126:

(g) any other class or description of audit necessary to audit an organisation’s work or status as an approved organisation under this Act.

(4) Any inspector, auxiliary officer, or employee of an organisation, and any other inspector or auxiliary officer, may be the subject of an audit.

123C Auditors’ general duties

(1) An auditor must use his or her best endeavours to comply with and give effect to relevant performance or technical standards when exercising powers or carrying out functions or duties for the purposes of this Act.

(2) An auditor must give the approved organisation that is to be audited a written notice of the audit and the terms of reference a reasonable time before the audit starts, unless giving notice would defeat the purpose of the audit.

(3) The auditor must conduct the audit within the terms of reference.

123D Auditors’ powers

(1) An auditor may exercise the powers in this section for the purposes of an audit.

(2) The Director-General may give the approved organisation that is to be audited a written notice to appear before an auditor at a time and place specified in the notice.

(3) If the Director-General acts under subsection (2), the auditor may require the approved organisation to answer all questions relating to the audit put to the organisation.

(4) An auditor may examine the systems, processes, and records of the approved organisation.

(5) The approved organisation must ensure that the auditor—

(a) has full access to all books and records in the possession or under the control of the organisation and to any place where any such books or records are kept; and
(b) is able to examine or audit any books or records, and take copies or extracts from them; and
(c) has full access to facilities (for example, animal shelters) that are maintained so that the organisation can fulfil its duties under this Act, and is able to take samples and records from facilities and animals kept there as provided in section 127; and
(d) has full access to any other thing that relates to the organisation’s performance of duties under this Act and the organisation’s ability to meet the criteria set out in section 122(1).”

**Section 124 – Appointment of inspectors.**

(1) The Director-General may from time to time appoint persons employed in the State sector to be inspectors for the purposes of this Act.

Inspectors may now be employed by the state.

**Section 124 (6aa) (inspectors) “may at any time be suspended from office by the Minister if he or she considers it desirable to do so pending the investigation of a complaint relating to—**

(i) the inspector’s performance of his or her functions or duties; or

(ii) any suspected neglect of duty or misconduct of the inspector.”

Greater powers of investigation when a complaint is laid against an inspector.

**Section 125 Appointment of auxiliary officers (2A) “The Director-General may at any time suspend a person’s appointment as an auxiliary officer.”**

Auxiliary officers may also be suspended “at any time” and/or the appointment revoked.

**Section 127 Power to inspect land, premises, and places and stationary vehicles, aircraft, and ships**

(4A) “If an inspector exercises a power of entry under subsection (1), the inspector may take any photographs, sound or video recordings, drawings, or other records (whether paper-based or electronic) of anything relevant to, and observed during, an inspection.

(4B) If an inspector exercises a power of entry under subsection (1), the inspector may take—

(a) the carcass of or tissue or other bodily samples (for example, blood samples) from any dead animal found during an inspection:

Although inspectors previously had powers of entry similar to the police, the changes to section 27 give stronger powers to remove or take evidence from a private property or dwelling.
(b) tissue or other bodily samples (for example, blood samples) from any live animal found during the inspection.”

Section 130 – power to prevent or mitigate suffering.
Section 133 (4a) “If an inspector proposes to destroy, or require the destruction of, an animal under subsection (4), the inspector must ensure that the process in section 138 is followed before the animal is destroyed (as if that section applied).”

These sections gives inspectors stronger powers to destroy or required the destruction of an animal.

Section 141 Duties of approved organisation

This section allows organisations to sell, dispose of or rehome the animal after reasonable steps to contact the owner have been made.

COMPLIANCE NOTICES

156A Scope
(1) An inspector may issue a compliance notice to a person.
(2) A compliance notice may—
(a) require the person to cease doing something that the inspector has good cause to suspect contravenes or is likely to contravene this Act or any regulations made under it; or
(b) prohibit the person from starting something that the inspector has good cause to suspect contravenes or is likely to contravene this Act or any regulations made under it; or
(c) prohibit the person from doing something again that the inspector has good cause to suspect contravenes or is likely to contravene this Act or any regulations made under it; or
(d) prohibit the person from having something done on the person’s behalf that the inspector has good cause to suspect contravenes or is likely to contravene this Act or any regulations made under it; or

Instant fines
This is a new section which allows for infringement notices. As shown in sections 156E to 156F below, the compliance notice can only be amended by the Director General of the Ministry of Agriculture or the court system.

156I – penalties for non-compliance
Failure to give name and address
(e) prohibit the person from having something done on the person’s behalf again that the inspector has good cause to suspect contravenes or is likely to contravene this Act or any regulations made under it; or
(f) require the person to do something that the inspector reasonably believes is necessary to ensure that the person complies with this Act or any regulations made under it.

156B Content
A compliance notice must state—
(a) the name of the person to whom it is issued; and
(b) the reasons why the inspector issued it; and
(c) the requirement or prohibition in section 156A(2) imposed by the inspector; and
(d) one of the following:
   (i) for a requirement, the period, if any, within which the requirement must be achieved, which must start on the day on which the notice is served and end after a time that is reasonable for the achievement of the requirement; or
   (ii) for a prohibition, the time and date, if any, from which the prohibition is to take effect; and
(e) the conditions, if any, imposed by the inspector; and
(f) the consequences of not complying with the notice; and
(g) the rights of appeal in section 156F; and
(h) the name and address of the agency whose inspector issued the notice.

156C Service
(1) An inspector who issues a compliance notice must ensure that it is served on the person to whom it is issued.
(2) Without limiting section 185, a compliance notice may be served by—
(a) delivering it personally to the person:
(b) delivering it to the person at the person’s usual or last-known place of residence or business:
(c) sending it by fax or email to the person’s fax number or email address:
(d) posting it in a letter addressed to the person at the person’s usual or last known place of residence or business.
(3) The following provisions apply to service as described in subsection (2):
(a) service on an officer of a body, or on the body’s registered office, is deemed to be service on the body:
(b) service on any of the partners in a partnership is deemed to be service on the partnership:
(c) service by post is deemed to occur at the time at which the notice would have been delivered in the ordinary course of the post.

156D Compliance
The person to whom a compliance notice is issued must—
(a) comply with the notice; and
(b) do so within the period stated in the notice, if a period is stated; and
(c) pay all the costs and expenses of complying with the notice, unless the order states otherwise.

156E Change or cancellation

156F Appeal to District Court

156G Appeal to High Court, Court of Appeal or Supreme Court

156H Effect of Appeal

156I Penalties for non-compliance with compliance notice
(1) A person commits an offence who, without reasonable excuse, fails to comply with any requirement made or prohibition imposed under section 156A.
(2) A person who commits an offence against this section is liable on conviction,—
(a) in the case of an individual, to a fine not exceeding $5,000; or
(b) in the case of a body corporate, to a fine not exceeding $25,000.

157 Offenders to give name and address

(1) An inspector may request any person to give his or her full name, address, and date of birth—
(a) if that person has been found offending against this Act or any regulations made under this Act; or
(b) if the inspector has reasonable grounds to believe that that person has committed an offence against this Act or any regulations made under this Act.

(2) If the inspector believes on reasonable grounds that any details given to the inspector under subsection (1) are false or misleading, the inspector may request the person to give to the inspector such verification of those details as it is reasonable in the circumstances to require the person to provide.

(3) If any person, without reasonable excuse, refuses or fails to comply with a request made under subsection (1) or subsection (2) and persists in the refusal or failure after being warned by the inspector of the provisions of this subsection, any inspector who is a constable may arrest that person without warrant.

(4) A person commits an offence who, without reasonable excuse,—
(a) fails to comply with a request made under subsection (1) or (2); or
(b) gives to an inspector, in response to a request made under subsection (1) or (2), particulars that are false in a material respect.

(5) A person who commits an offence against subsection (4) is liable on conviction,—
(a) in the case of an individual, to a fine not exceeding $5,000; or
(b) in the case of a body corporate, to a fine not exceeding $25,000.
| Section 162 Infringement notices (4b) the amount of the infringement fee (being an amount not exceeding $1,000 prescribed by regulations made under this Act); | Instant infringement notices must not exceed $1000. |
Appendix Two – reflection

The current work began during the winter of 2017. As I had already completed the research proposal paper during my post graduate diploma, I was required to submit a voice over PowerPoint outlining my possible research idea instead of a research proposal. I had identified that a major change was underway at the New Zealand SPCA (where I volunteered one morning a week), but I lacked clarity as to what particular aspect I wished to investigate.

Initially I thought the organisational restructure would be a good topic to apply and I began a preliminary literature review. Unfortunately, I soon realised that I would be unable to collect primary data from the SPCA since the amalgamation was quite contentious amongst their donors and stakeholders. Although the (Nelson) manager provided me with an internal document outlining the key proposed changes to the structure, I was informed that I would be unable to conduct interviews with any staff.

This impediment required me to reassess the context of the research. I next reviewed the key changes to the Animal Welfare Act (a hefty piece of legislation) and identified key changes which I thought were interesting. To help me scope my idea, I attended a number of online webinars covering animal welfare and the law – this enabled me to get the background to the situation that I required.

I identified a gap between what was being achieved by animal welfare organisations (such as the SPCA or the MPI) and what was included in the new amendment in the legislation. The idea of examining the issue via the lens of corporate social responsibility was appealing, thus I refined my direction to examine stakeholder management for the SPCA (concentrating on the animals themselves being a stakeholder).

After talking to work colleagues – let’s just say some of them believed me to be half crazy. Animals as a stakeholder! I did find the topic interesting and original however, and something which could have value to society. Within the limited time period (15 weeks) I did not think I would have the resources to collect substantial primary data, so initially I concentrated on the literature review, attempting to find enough evidence that animals could be a stakeholder.

The important next step was to develop my research ethics application as I knew this could be a possible bottleneck in the research process to gain approval via the committee. I completed a draft of my introduction at this time, which upon review in 2020 was far too long! Significant editing was later to occur. I found it difficult to explain the key changes succinctly in a way that the reader would understand the key points quickly and easily. Some information was later moved to the industry analysis and I completed an appendix of key changes to the Animal Welfare Act, which not only helped my understanding, but significantly shortened the introduction. The discussion of sentience needed to be removed however, which I found disappointing. This has been reincorporated to some degree within the recommendations and conclusions section, but prioritisation of other information in the industry and theory analysis needed to be conducted.

The research ethics application went smoothly, with one resubmission as I had called the research ethics committee under the wrong name. My interview and draft questionnaire questions needed to be included with the application, which was a process I was not familiar with. I have incorporated this into my own work however – my level seven students are required to submit an REA (category B - lower level research) and I now require them to include their questions within their REA.).
Although I had originally approached a number of non-SPCA possible interview subjects, they did not return my initial approaches when I was approved to approach them for an interview. One was an individual active in the animal welfare lobby industry, while the other specialised in animal welfare law. I was able to obtain one email interview from an SPCA inspector, however this was low quality. I obtained a low number of responses in November 2017 via circulating my questionnaire on animal related Facebook groups I was a member of, which sufficed for primary data collection. Although the data was of low value I hoped to have spent a bit more space examining theoretical constructs within my report.

Unfortunately I had to withdraw from the 2017 MGT901 cohort due to ill health and applied for a leave of absence. My primary data sat within a box for two years, until the time I felt comfortable completing the write up of the project. Finally, I applied to finish the paper in February 2020. Little did I know that things were about to get very strange....

One of the limitations once I returned to finish off my project was the quality of my original data. After doing more reading and reflecting on the questions I had created, I would have liked to modify the original questionnaire and recollect. As the questions were submitted with the research ethics application however, this would have necessitated resubmitting the original research ethics application.

One pitfall in the report process was the replacement of the correct report outline on Blackboard at the end of April 2020. The original outline was out of date and the 2019 version was posted instead. This version had a strict word count (which the previous version did not), which required my introduction, industry analysis and literature review to be rewritten (I had unknowingly far exceeded the word count).

I took a ‘slash and burn’ approach to trying to cut out as much superfluous information from these sections. Within my industry analysis, much of the information on the SPCA was cut to a minimum, alongside my stakeholder analysis (I only had room for the PESTLE analysis which gave an overview of the key issues within the animal welfare lobby industry). Corporate social responsibility within my literature review became a shell of its former self, while the section on ethics was completely eliminated.

Time management during this period became particularly crucial. After the announcement of level three and level four restrictions for Covid-19, my work week soon ramped up to over fifty hours a week. Running zoom lectures from home, alongside fielding emails from over a hundred panicky undergraduate students soon meant the work/home balance became non-existent. Burnout soon ensued, alongside my health.

After writing a draft of my final research report I have found many of the sections quite disjointed due to the need to shorten each section. Although my primary data collection for this project is exploratory, I hope to revisit this topic at a later date and examine it in depth. Amalgamation of business ethics would sit nicely with the stakeholder analysis and the literature review section streamlined. Interviewing Kendra Coulter (from Canada) has been confirmed, but I will need to create a new ethics application via my home institution. Application to New Zealand of some of the steps that they have implemented in Ontario (independent animal welfare inspectors operating independently) could be used in New Zealand alongside an independent (from MPI) animal welfare minister or commissioner. SPCA could then concentrate on their functions of advocacy for animals and education and MPI on the export market.
I found the methodology section the most difficult to complete – not that I did not have plenty of resources, but it was difficult to concisely outline what I had completed over two years earlier! Luckily I had kept an exercise book full of scribbled notes when I was drafting my questionnaire which I was able to piece together. Items such as discussing my assumptions at the beginning of the research were hard to complete however. Our work Survey Monkey account had also been closed in the interim, and I also only had the pdf downloads of my questionnaire to work with when reporting the results.

The results (findings and analysis) section was also tedious as I did not find much value in the responses due to the small sample size and my reassessment of the work I had previously completed once I had reviewed it (hindsight bias). Although the questionnaire has value in terms of grounded theory (exploratory research), writing up such poor quality results felt uncomfortable and embarrassing. In an attempt to find some further information on auditing and processes within the SPCA I applied for four Official Information Act requests. Two concerned the MoU between SPCA and MPI, while the others concerned the auditing arrangements, which are required yearly. The 2017 audit conducted by MPI was possibly of more use to my research (ongoing) than my primary data collection! This will be of great use when I am interviewing my potential respondents from Ontario as I will have a baseline to compare their auditing and accountability processes to.

Due to the low value of the responses from my questionnaire, there were few recommendations which could have been found from the primary data collection. Looking back on the research process, it may have been more helpful to complete a thorough literature review (secondary data only) for the chosen topic.

Being positive I am going to look forward – although I did not include many of the resources I read within the current work (due to the limited word count), I now have a large library of resources from which to work from for my second round of data collection.
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