

[Redacted]

**From:** Kirstie Knowles  
**Sent:** Wednesday, 21 July 2021 11:35 am  
**To:** [Redacted]; Meg Rutledge; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Confidential Orca and AEC

Thanks All,  
This request is in addition to the tag application. I would like the committee to review the scenarios table we have and provide written advice on each scenario.  
When could a meeting be held Meg? Same one for reviewing the satellite tag application?

**Kirstie Knowles** (she/her)  
Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*  
Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*  
Department of Conservation – *Te Papa Atawhai*  
Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society  
📞 + [Redacted]

Mon	Tues	Wed	Thurs	Fri
✓	🏠	✓	✓	🏠

✓ = In the office; 🏠 = Working remotely; X = Not at work



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**From:** [Redacted]  
**Sent:** Wednesday, 21 July 2021 9:16 am  
**To:** [Redacted]; Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]  
**Cc:** Kirstie Knowles <kknowles@doc.govt.nz>  
**Subject:** RE: Confidential Orca and AEC

Morning [Redacted]

Meg is all over this with [Redacted] on annual leave. We are aware of the application and Meg is anticipating it to come in this morning.

Thanks for the heads up,  
[Redacted]

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**From:** [Redacted]  
**Sent:** Wednesday, 21 July 2021 9:12 am  
**To:** Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]  
**Cc:** Kirstie Knowles <kknowles@doc.govt.nz>; [Redacted]

**Subject:** Confidential Orca and AEC

**Importance:** High

Morning,

Kirsty Knowles has just popped by to check who to liaise with re the orca. There will be an AEC application, but she wants you to be aware that a scenario paper will likely be sent though today for AEC feedback asap. In my opinion, the feedback can be received via email given the timeframes.

Meg, I see [REDACTED] is out of the office till the 23<sup>rd</sup> which is still 2 days away in this fast moving scenario.


Sing out if you need anything from me,



[REDACTED]


[Redacted]

**From:** Kirstie Knowles  
**Sent:** Wednesday, 21 July 2021 3:11 pm  
**To:** Elizabeth Heeg  
**Subject:** FW: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

FYI.  
Animal ethics committee people on the case. Hadn't realised they were external.

**Kirstie Knowles** (she/her)  
Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*  
Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*  
Department of Conservation – *Te Papa Atawhai*  
Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society  
 [Redacted]


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**From:** Kirstie Knowles  
**Sent:** Wednesday, 21 July 2021 3:10 pm  
**To:** [Redacted] Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Thanks [Redacted]. We really need this now. We are very concerned about the welfare of the orca and would like to make a decision today if possible.

**Kirstie Knowles** (she/her)  
Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*  
Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*  
Department of Conservation – *Te Papa Atawhai*  
Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society  
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# Papatūānuku Thrives

Te ora o Papatūānuku  
Te ora o te Hāpori  
Te hunga Atawhai



Healthy nature  
Thriving communities  
People who care

From: [REDACTED] >

Sent: Wednesday, 21 July 2021 3:00 pm

To: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED] >

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Hi Meg, Kristie, and [REDACTED]

I am happy to help with feedback. Do you have a preferred time for when to send the feedback? I can try to prioritise today, but may not be able to send this until later tomorrow.

Cheers

[REDACTED]



[REDACTED]

[REDACTED]

P: [REDACTED]

From: Kirstie Knowles [<mailto:kknowles@doc.govt.nz>]

Sent: Wednesday, 21 July 2021 12:41 pm

To: Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED] >

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Importance: High

Please use this latest version attached – I'm working on the checked in version.

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*

Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*

Department of Conservation – *Te Papa Atawhai*

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society

+ [REDACTED]

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# Papatūānuku Thrives

Te ora o Papatūānuku  
Te ora o te Hapori  
Te hunga Atawhai



Healthy nature  
Thriving communities  
People who care

---

**From:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Sent:** Wednesday, 21 July 2021 12:30 pm

**To:** [REDACTED]; [REDACTED]

**Cc:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

**Subject:** CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

**Importance:** High

Kia ora [REDACTED] and [REDACTED],

Care of the orca calf is covered under the Animal Welfare Act and Conservation Act and thus does not require an AEC approval. However, the committee has been asked to provide some collegial/independent advice on some of the management scenarios faced. An objective perspective on the ethical and welfare implications of the scenarios would be helpful to the Marine team. The scenarios are difficult as you can imagine and challenge us homo sapiens to consider animal welfare versus our own emotive reactions to wanting a best-case scenario outcome.

[REDACTED] has indicated that a sub-group of feedback would be a good approach. [REDACTED], your perspective would be greatly appreciated. Perhaps each person could provide comments on the table individually and share with Kirstie. I have copied Kirstie in, she is a manager on the marine science team and supporting Ian Angus, the lead manager, to work through all the management scenarios. I think time to collate a single response may be a bit beyond us all with various other commitments this week.

This table is confidential, please do not circulate further.

Regards,

Meg (Acting in Deputy Chair capacity in Animal Ethics Committee)

---

**From:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

**Sent:** Wednesday, 21 July 2021 11:50 am

**To:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Subject:** Kapiti Orca Calf - Best Available Information Paper - DOC-6724019

CONFIDENTIAL

Welfare column of scenario table on appendix please

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[REDACTED]

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**From:** Meg Rutledge  
**Sent:** Wednesday, 21 July 2021 3:34 pm  
**To:** Kirstie Knowles; [REDACTED]; Craig Gillies  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Sorry one correction below in red

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**From:** Meg Rutledge  
**Sent:** Wednesday, 21 July 2021 3:31 pm  
**To:** Kirstie Knowles <kknowles@doc.govt.nz>; [REDACTED]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Kia ora Kirstie,

I have attached my comments. I have made them based on my qualifications on the Animal Ethics Committee, as having 10 years of experience working with captive animal management and wildlife rehabilitation with a range of taxa on three continents including on an international board that set accreditation standards for captive animal positive animal welfare in Australasia, and as having 5 years experience researching and working with a programme that included reintroduction of apes to endemic forest habitats (ie repatriation of highly intelligent, social species, both captive reared, wildlife rehabilitation, and wild born that were recovered from pet trade and released).

In summary, I strongly support euthanasia. I believe the expert advice from **international** cetacean biologists **with relevant and applicable experience** is incontrovertible. In addition, best practice for reintroduction would be based upon confidence that the released animal has a positive chance at successful re-integration and survival for greater than 12 months, and ideally to age of ability to reproduce and contribute to species population. Second international best practice would be confidence that monitoring the animal would be possible to the degree that intervention was able to be guaranteed before any irreversible damage/suffering occurs.

While it a very difficult decision, it must be made upon the likely welfare of the individual animal, rather than the emotional distress of the humans who have invested their personal feelings onto the animal. Ethically the decision should consider that on balance, the evidence suggests the animal will have more eustress than distress, or at least maintain stable natural stressors. Any animal may experience eustress, stress, and distress in its life. Simply preventing distress, as is the current situation at best, is not a condition for acceptable animal welfare to continue in that state. For highly intelligent and social animals the 5 freedoms are a minimum for existence, not for a measure of quality of life. The ability to keep an animal medically alive is not the same as being able to manage its environmental, nutritional, behavioural, mental, and physical health.

I am able to expand on this in more detail if required but on quick turnaround these are my contributions, please excuse grammar and typos.

Noho ora mai,  
Meg

---

**From:** Kirstie Knowles <kknowles@doc.govt.nz>  
**Sent:** Wednesday, 21 July 2021 3:10 pm  
**To:** [REDACTED] Meg Rutledge <merutledge@doc.govt.nz>; [REDACTED]



[Redacted]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Thanks [Redacted]. We really need this now. We are very concerned about the welfare of the orca and would like to make a decision today if possible.

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*

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Department of Conservation – *Te Papa Atawhai*

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society

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Sent: Wednesday, 21 July 2021 3:00 pm

To: Kirstie Knowles <kknowles@doc.govt.nz>; Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]

<[Redacted]>

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Hi Meg, Kristie, and [Redacted]

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Cheers

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E: [Redacted]

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[Redacted]

**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]  
**Importance:** High

Please use this latest version attached – I’m working on the checked in version.

**Kirstie Knowles** (she/her)

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**Subject:** CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

**Importance:** High

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[REDACTED] has indicated that a sub-group of feedback would be a good approach. [REDACTED] your perspective would be greatly appreciated. Perhaps each person could provide comments on the table individually and share with Kirstie. I have copied Kirstie in, she is a manager on the marine science team and supporting Ian Angus, the lead manager, to work through all the management scenarios. I think time to collate a single response may be a bit beyond us all with various other commitments this week.

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Regards,

Meg (Acting in Deputy Chair capacity in Animal Ethics Committee)



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**Sent:** Wednesday, 21 July 2021 11:50 am

**To:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Subject:** Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

CONFIDENTIAL

Welfare column of scenario table on appendix please

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Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Likelihood of success*	Comments Meg Rutledge
1	Release calf (no pod)	Could happen at any time	<ul style="list-style-type: none"> <li>• Significant welfare concerns about releasing an unweaned calf as it will almost certainly die slowly from starvation.</li> <li>• TAG considered this was not an option for cultural/ethical/animal welfare reasons</li> </ul>		LOW No further risks	HIGH. Extreme stress of isolation and lack of food	HIGH. Calf not yet weaned and will almost certainly die slowly from starvation.	HIGH	HIGH	Nil Option should not be considered except as part of scenario 1A or 1B below	Agree. Not an option in and of itself
1A	Reunite with natal pod	Whenever natal pod is located	<ul style="list-style-type: none"> <li>• Might take a significant length of time to locate the natal pod</li> <li>• May be difficult to transport to the pod, if identified</li> <li>• Requires post-release monitoring to confirm whether reunification has been successful. Failure may occur for a range of reasons: <ul style="list-style-type: none"> <li>○ Reuniting might fail if mother is not able to feed the calf upon return. Female likely to stop lactating after 30 days, however could be shorter. Some spontaneous lactation has been recorded in 2 different Beluga whales. Chance of this happening in wild orca is unknown.</li> <li>○ Photos of natal pod include two adult females and not sure which is the mother.</li> <li>○ Pod may not accept calf for social reasons</li> <li>○ Calf may be in poor health for reasons not already diagnosed and reuniting will not fix this.</li> </ul> </li> </ul>		<p><i>MODERATE</i></p> <p>Injury risk sustained during transport.</p> <p>Starvation risk if mother has stopped lactating.</p>	<p><i>MODERATE</i></p> <p>Stress of handling/transportation.</p> <p>While calf may benefit from being with natal pod, rejection would cause significant stress.</p>	<p>HIGH.</p> <p>Stress during transportation and possible rejection/lack of food availability.</p>			<p><i>MODERATE</i></p> <p>Relies upon a long chain of successes, but is considered</p> <p>Lack of ability to monitor the stress level of the animal upon release, only life/death/location and limited ability to determine if feeding versus slow emaciation.</p>	<p>No historical evidence of a case where such an activity demonstrated an outcome that was in the best interest of the calf. Survival for a longer duration of time is not in and of itself an acceptable animal welfare outcome. The quality of life during that time, and prevention of significant DIS-stress rather than stress or eustress is required.</p>
1B	Release into a different pod with lactating female	Whenever a pod with a female and calf present is found	<ul style="list-style-type: none"> <li>• As above, with potentially lower likelihood that pod will accept calf.</li> <li>• TAG agreed this was less desirable option</li> </ul>		<p>HIGH</p> <p>Injury risk sustained during transport.</p> <p>Starvation risk if lactating mother rejected</p>	<p>HIGH</p> <p>Stress of handling/transportation.</p> <p>While calf may benefit from being with a pod, there is a high chance of rejection,</p>	<p>HIGH.</p> <p>Stress during transportation and likelihood of rejection/lack of food availability.</p>			Low	<p>Likely duration to secure this outside reasonable welfare of holding the calf to determine. Welfare risks are significant. All of the above apply, AND In comparable examples with other species where this sort of reintroduction attempt has been made, it has been made with the provisions that human intervention can quickly recover the individual</p>

						<p>which would cause significant stress.</p> <p>Extreme stress of isolation and lack of food</p>					<p>animal and create a new plan for its welfare before any failure to integrate can result in serious injury, trauma, starvation, or disease. While some tolerance for stress or injury may be tolerated, it is under the scenario of being monitored that other positive signals are also present, such as feeding, partial inclusion at fringe by some members or protection by some members, sharing of food, etc. Prolonged isolation, aggression, abandonment, or prevention from accessing food is able to witnessed and an intervention prepared. This provision is not a likely scenario once the animal is returned to sea</p> <p>As above, no historical evidence this is a reasonable outcome to expect as successful. Taking such risk with a wild animal, even assuming that wild animals face significant stress in their lifetimes, decisions in the calf's best interest while under DOC control should be made when the preponderance of evidence of a positive outcome outweighs the negative. There is no such evidence for a positive welfare outcome.</p>
1C	Release into a different pod with no lactating female	Whenever a pod with a female is found	<ul style="list-style-type: none"> <li>As above, with much lower likelihood that pod will accept calf.</li> <li>TAG did not discuss this option</li> </ul>		<p><b>HIGH</b></p> <p>Injury risk sustained during transport.</p> <p>Starvation risk unless female spontaneously lactates.</p>	<p><b>HIGH</b></p> <p>Stress of handling/transportation.</p> <p>While calf may benefit from being with a pod, there is unknown chance of a female lactating, which would cause significant stress.</p>	<p><b>HIGH.</b></p> <p>Stress during transportation and likelihood of rejection/lack of food availability.</p>			<b>Low</b>	<p>Welfare risks are significant. All of the above apply, AND In comparable examples with other species where this sort of adoption attempt has been made, it has been made with the provisions that human intervention can quickly recover the individual animal and create a new plan for its welfare before any failure to integrate can result in serious injury, trauma, starvation, or disease. While some tolerance for stress or injury may be tolerated, it is under the scenario of being monitored that other positive signals are also present, such as feeding, partial inclusion at fringe by some</p>

						Extreme stress of isolation and lack of food					members or protection by some members, sharing of food, etc. Prolonged isolation, aggression, abandonment, or prevention from accessing food is able to witnessed and an intervention prepared. This provision is not a likely scenario once the animal is returned to sea.
1D	Recapture		<ul style="list-style-type: none"> <li></li> </ul>		<p><b>HIGH</b> Injury risk sustained during recapture.</p>	<p><b>HIGH</b> Additional stress of further handling/ transportation.</p> <p>While calf may benefit from being with a pod, there is unknown chance of a female lactating, which would cause significant stress.</p> <p>Extreme stress of isolation and lack of food</p>	<p><b>HIGH.</b> Stress during transportation and likelihood of rejection/lack of food availability.</p>			<b>Low</b>	A recapture plan should be established as a minimum BEFORE any potential release, including any potential legal challenges if recapture then includes captive housing. Likely legal challenges based on international cases of similar examples (female orca calf and Loro Parque case)
2	Extended holding time	Status quo, but questions about how long this can be maintained.	<ul style="list-style-type: none"> <li>Dependent upon success of veterinary interventions.</li> <li>Likelihood of calf health issues increases with longer duration of separation from mother.</li> <li>Likelihood of habituation to humans increases as interactions continue, which may inhibit ability to successfully integrate back into a wild pod.</li> <li>There are no care facilities in NZ appropriate to hold an orca.</li> <li>Significant issues with any attempt to hold the animal</li> </ul>							Low, decreasing over time	Poor welfare outcome for the animal. There is little reason to believe that other than life support the animal is in a positive behavioural welfare state in this scenario and current timeline is already stretching beyond expert advice recommendations. Negative welfare states are being eliminated by quality veterinary care but this is not sufficient for positive animal welfare of a highly social, highly intelligent creature to be across the 5 welfare domains.





			<ul style="list-style-type: none"> <li>Requires vessel and other equipment suitable to carry the calf</li> <li>Needs clear protocol on how to reintroduce the calf and whether (and how) to recapture calf if initial introduction is unsuccessful.</li> </ul>								
3B	Transport to alternative holding site	Dependent on scenario above	<ul style="list-style-type: none"> <li>Potential for increased health/welfare impacts on calf if greater distance of transport requires holding and restraining it for longer</li> </ul>							Low	No, as above longer duration of captivity decreases quality of life, eustress, or positive behavioural elements. Longer duration in isolation with conspecifics is not recommended.
3C	Transporting to another country	N/A	<ul style="list-style-type: none"> <li>TAG considered this was not an option for cultural/ethical/animal welfare reasons.</li> <li>Many welfare, legal and political issues.</li> </ul>	N/A	V.HIGH		V. HIGH	V. HIGH		Nil Option should not be considered	Agreed.
4	Tagging and monitoring	Dependent on scenario above	<ul style="list-style-type: none"> <li>Will allow tracking of animals remotely and ability to locate the tagged animal on the water to assess well-being.</li> <li>Tags are invasive and require a surgical procedure to bolt them through the dorsal fin.</li> <li>Animal ethics approval will be required, with appropriate procedures to ensure the safety of the tagged animal</li> <li>A satellite tag appropriate for this purpose is on its way to DOC from IFAW in the US</li> <li>A secondary VHF tag to allow fine-scale locating at sea is still being sought</li> </ul>							Medium (it will likely allow the animal to be re-encountered)	Mandatory for any release. However, this does not guarantee a positive outcome once released. Ability to locate animal is not the same as ability to monitor its health and social acceptance regularly enough to ensure animal is not suffering. See above comments on risks to introduction.
4A	Tagging calf	Associated with release of calf	<ul style="list-style-type: none"> <li>Tagging creates some additional risk to the calf, both via the surgical procedure and via effects of wearing the device.</li> <li>However, this is offset by the ability to find the calf repeatedly to assess welfare</li> </ul>							Medium	Same as above and earlier comments that recapture plans should be mandatory before release.

			<ul style="list-style-type: none"> <li>• Would facilitate confirmation that release was successful and the option for recapture if unsuccessful and calf in declining health</li> <li>• Clear rules needed for recapture, likely as specified in a permit issued under the MMPA.</li> <li>• An unsuccessful attempt, particularly with the natal pod, will almost certainly require recapture and euthanasia; protocols for decision-making should be specified in advance</li> </ul>								
4B	Tagging natal pod member	Only if natal pod sighted	<ul style="list-style-type: none"> <li>• Tagging a member of the natal pod would allow us to track the pod without constantly following it in a vessel and/or keeping a lookout on land</li> <li>• Would require animal ethics approval and MMPA permit to capture an adult and apply the tag, as this cannot be done remotely except with short-duration suction-cup tags</li> <li>• Significant welfare concerns associated with such a capture make this option impractical.</li> <li>• Also would require an additional satellite tag, not currently in NZ</li> </ul>							N/A	No permit given for this, and does not assure welfare of calf.
5	Training and weaning	If calf is held for an extended time	<ul style="list-style-type: none"> <li>• Weaning the animal would increase options for release</li> <li>• Age of calf is uncertain (2-6 months), but weaning is generally not advised before 9 months</li> <li>• Open water training could be needed, i.e. gradually remove calf from pen as weaned with aim to reunite into a pod.</li> <li>• Some training to be able to recall the calf on command is already occurring, per</li> </ul>							Low	<p>No. This is not an acceptable outcome for a wild animal aiming to be repatriated at sea and re-integrated successfully.</p> <p>International best practice standard for reintroductions to the wild measure success on an animal surviving and reproducing successfully, ie contributing to the species population, not simply extending temporary duration of the individual animal. International best practice also requires ability to</p>

			<p>comments from Ingrid Visser</p> <ul style="list-style-type: none"> <li>Any training significantly increases the likelihood of this animal becoming a public nuisance after release.</li> <li>Ethics, logistics, media and public backlash, precedent.</li> <li>Legal risks</li> </ul>								intervene in a timely manner if welfare is compromised.
6	Euthanasia	When deemed the most appropriate option for calf welfare	<ul style="list-style-type: none"> <li>Public backlash is likely if all other options have not been exhausted</li> <li>Ongoing discussion about method to be used: <ul style="list-style-type: none"> <li>Ballistics are the only method in the DOC SOP</li> <li>Others are pushing for chemical methods</li> </ul> </li> <li>TAG advice is there are alternatives but that a sub-group should be convened to discuss further.</li> </ul>							N/A (or high; it will succeed in achieving the aim)	I support this. Decisions on animal welfare and ethics should not be made based upon public decision. Making a decision should be based upon the calf's welfare not human's emotions.
6A	Deteriorating orca leading to decision to euthanise	Based on health protocols	<ul style="list-style-type: none"> <li>Health assessment is in place but no clear thresholds identified when this option should take place</li> <li>Method used will require different personnel and different handling of carcass</li> <li></li> </ul>							N/A	This is a necessary fail safe but best practice would allow euthanasia before irreversible suffering has occurred.
6B	Stable orca but euthanasia on ethical grounds	Operational decision	<ul style="list-style-type: none"> <li>As above.</li> <li>TAG discussion was that this was an operations/animal health/welfare consideration</li> </ul>							N/A	This is preferable, though yes it is a difficult decision for the human emotions.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, 21 July 2021 4:36 pm  
**To:** Meg Rutledge; Kirstie Knowles; [REDACTED]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]  
**Attachments:** Kapiti Orca Calf - Best Available Information Paper - [REDACTED] comments in table.docx

Hi Kirstie,

I have been reading through the information provided (I've attached some brief comments into Appendix 1 if you are interested). I think Meg has summed it all-up very well in her message below – I agree with her assessment. For my part, if the DOC marine team decide that euthanasia is the best option for this orca calf - I will support that decision. Obviously, it would be great if the calf could be reunited with the natal pod and then monitored, but I get the clear impression based on what I could read from the international advice that the chances of this being successful now are very slim indeed.

Cheers

[REDACTED]  
Principal Scientist - Threats  
Department of Conservation—*Te Papa Atawhai*  
DDI: + [REDACTED]

**Biodiversity Group—*Kāhui Kanorau Koiora***  
Private Bag 3072, Hamilton 3240  
Level 4, Monckton Trust Building  
73 Rostrevor Street, Hamilton 3204

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**From:** Meg Rutledge <merutledge@doc.govt.nz>

**Sent:** Wednesday, 21 July 2021 3:31 p.m.

**To:** Kirstie Knowles <kknowles@doc.govt.nz>; [REDACTED]

**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Kia ora Kirstie,

I have attached my comments. I have made them based on my qualifications on the Animal Ethics Committee, as having 10 years of experience working with captive animal management and wildlife rehabilitation with a range of taxa on three continents including on an international board that set accreditation standards for captive animal positive animal welfare in Australasia, and as having 5 years experience researching and working with a programme that included reintroduction of apes to endemic forest habitats (ie repatriation of highly intelligent, social species, both captive reared, wildlife rehabilitation, and wild born that were recovered from pet trade and released).

In summary, I strongly support euthanasia. I believe the expert advice from cetacean biologists is incontrovertible. In addition, best practice for reintroduction would be based upon confidence that the released animal has a positive chance at successful re-integration and survival for greater than 12 months, and ideally to age of ability to reproduce and contribute to species population. Second international best practice would be confidence that monitoring the animal would be possible to the degree that intervention was able to be guaranteed before any irreversible damage/suffering occurs.

While it a very difficult decision, it must be made upon the likely welfare of the individual animal, rather than the emotional distress of the humans who have invested their personal feelings onto the animal. Ethically the decision

should consider that on balance, the evidence suggests the animal will have more eustress than distress, or at least maintain stable natural stressors. Any animal may experience eustress, stress, and distress in its life. Simply preventing distress, as is the current situation at best, is not a condition for acceptable animal welfare to continue in that state. For highly intelligent and social animals the 5 freedoms are a minimum for existence, not for a measure of quality of life. The ability to keep an animal medically alive is not the same as being able to manage its environmental, nutritional, behavioural, mental, and physical health.


I am able to expand on this in more detail if required but on quick turnaround these are my contributions, please excuse grammar and typos.



Noho ora mai,  
Meg

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**From:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>  
**Sent:** Wednesday, 21 July 2021 3:10 pm  
**To:** [REDACTED] Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Thanks [REDACTED]. We really need this now. We are very concerned about the welfare of the orca and would like to make a decision today if possible.

**Kirstie Knowles** (she/her)  
Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*  
Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*  
Department of Conservation – *Te Papa Atawhai*  
Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society  
 [REDACTED]

Mon	Tues	Wed	Thurs	Fri
✓		✓	✓	

✓ = In the office;  = Working remotely; X = Not at work



---

**From:** [REDACTED]  
**Sent:** Wednesday, 21 July 2021 3:00 pm  
**To:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; [REDACTED]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Hi Meg, Kristie, and [REDACTED]  
I am happy to help with feedback. Do you have a preferred time for when to send the feedback? I can try to prioritise today, but may not be able to send this until later tomorrow.

Cheers

[Redacted]



[Redacted]

[Redacted]

P: + [Redacted]  
E: [Redacted] | [Redacted]

From: Kirstie Knowles [<mailto:kknowles@doc.govt.nz>]

Sent: Wednesday, 21 July 2021 12:41 pm

To: Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [Redacted]  
<[Redacted]>

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Importance: High

Please use this latest version attached – I’m working on the checked in version.

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – Kaimātanga Mātai Ahu Moana

Aquatic Unit, Biodiversity Group – Kāhui Kanorau Koiora

Department of Conservation – Te Papa Atawhai

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society

[Redacted]

Mon	Tues	Wed	Thurs	Fri
✓		✓	✓	

✓ = In the office; = Working remotely; X = Not at work



From: Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

Sent: Wednesday, 21 July 2021 12:30 pm

To: [Redacted]

Cc: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

Subject: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Importance: High

Kia ora [Redacted],

Care of the orca calf is covered under the Animal Welfare Act and Conservation Act and thus does not require an AEC approval. However, the committee has been asked to provide some collegial/independent advice on some of the management scenarios faced. An objective perspective on the ethical and welfare implications of the scenarios

would be helpful to the Marine team. The scenarios are difficult as you can imagine and challenge us homo sapiens to consider animal welfare versus our own emotive reactions to wanting a best-case scenario outcome.

██████ has indicated that a sub-group of feedback would be a good approach. ████████ your perspective would be greatly appreciated. Perhaps each person could provide comments on the table individually and share with Kirstie. I have copied Kirstie in, she is a manager on the marine science team and supporting Ian Angus, the lead manager, to work through all the management scenarios. I think time to collate a single response may be a bit beyond us all with various other commitments this week.

This table is confidential, please do not circulate further.

Regards,  
Meg (Acting in Deputy Chair capacity in Animal Ethics Committee)

---

**From:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

**Sent:** Wednesday, 21 July 2021 11:50 am

**To:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Subject:** Kapiti Orca Calf - Best Available Information Paper - ████████

CONFIDENTIAL

Welfare column of scenario table on appendix please

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APPENDIX I – Scenarios

\* Success = orca calf successfully reintegrated into a pod of wild orca and no longer dependent on human care and not seeking out human interactions.

General points (legally privileged)



Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
1	Release calf (no pod)	Could happen at any time	<ul style="list-style-type: none"> <li>Significant welfare concerns about releasing an unweaned calf as it will almost certainly die slowly from starvation.</li> <li>TAG considered this was not an option for cultural/ethical/animal welfare reasons</li> </ul>		<p>LOW No further risks</p>	<p>HIGH. Extreme stress of isolation and lack of food</p>	<p>HIGH. Calf not yet weaned and will almost certainly die slowly from starvation.</p>	HIGH	HIGH	<ul style="list-style-type: none"> <li>See sub-options</li> </ul>	<p>LOW Easiest scenario operationally</p>	<p>Nil Option should not be considered except as part of scenario 1A or 1B below</p>	<p>Do not support</p>
1A	Reunite with natal pod	Whenever natal pod is located	<ul style="list-style-type: none"> <li>Might take a significant length of time to locate the natal pod</li> <li>May be difficult to transport to the pod, if identified</li> <li>Requires post-release monitoring to confirm whether reunification has been successful. Failure may occur for a range of reasons:                             <ul style="list-style-type: none"> <li>Reuniting might fail if mother is not able to feed the calf upon return. Female likely to stop lactating after 30 days, however could be shorter. Some spontaneous lactation has been recorded in 2</li> </ul> </li> </ul>		<p>MODERATE Injury risk sustained during transport.  Starvation risk if mother has stopped lactating.</p>	<p>MODERATE Stress of handling/transportation.  While calf may benefit from being with natal pod, rejection would cause significant stress.</p>	<p>HIGH. Stress during transportation and possible rejection/lack of food availability.</p>			<ul style="list-style-type: none"> <li>Scenario 2 – Extended holding time</li> <li>Scenario 3 – Transport</li> <li>Scenario 4 – Tagging and monitoring</li> </ul>	<p>MODERATE</p> <ul style="list-style-type: none"> <li>Locating and confirming the natal pod.</li> <li>Appropriate boat to transfer calf to water.</li> <li>Safe and effective means of transferring calf to water.</li> <li>Staff H&amp;S during operation</li> <li>Scenario 1C if calf rejected.</li> </ul>	<p>MODERATE Relies upon a long chain of successes, but is considered</p>	<p>I support this in principle, but I note that the expert advice is not to hold the animal for longer than a week maximum. Would need clear protocols about how success or failure would be defined. How long would we wait before deciding the animal had not 'reunited' and how would the calf be euthanised?</p>

Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
			<p>different Beluga whales. Chance of this happening in wild orca is unknown.</p> <ul style="list-style-type: none"> <li>○Photos of natal pod include two adult females and not sure which is the mother.</li> <li>○Pod may not accept calf for social reasons</li> <li>○Calf may be in poor health for reasons not already diagnosed and reuniting will not fix this.</li> </ul>	[REDACTED]									
1B	Release into a different pod with lactating female	Whenever a pod with a female and calf present is found	<ul style="list-style-type: none"> <li>• As above, with potentially lower likelihood that pod will accept calf.</li> <li>• TAG agreed this was less desirable option</li> </ul>	[REDACTED]	<p><b>HIGH</b> Injury risk sustained during transport.</p> <p>Starvation risk if lactating mother rejected</p>	<p><b>HIGH</b> Stress of handling/transportation.</p> <p>While calf may benefit from being with a pod, there is a high chance of rejection, which would cause significant stress.</p>	<p><b>HIGH.</b> Stress during transportation and likelihood of rejection/lack of food availability.</p>			<ul style="list-style-type: none"> <li>• Scenario 2 – Extended holding time</li> <li>• Scenario 3 – Transport</li> <li>• Scenario 4 – Tagging and monitoring</li> </ul>	<p><b>HIGH.</b></p> <ul style="list-style-type: none"> <li>• Locating and confirming a lactating female in a pod.</li> <li>• Appropriate boat to transfer calf to water.</li> <li>• Safe and effective means of transferring calf to water.</li> <li>• Staff H&amp;S during operation</li> </ul>	Low	Less comfortable with this, but my questions are as for 1A



Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
						Extreme stress of isolation and lack of food					• Scenario 1D if calf rejected.		
1C	Release into a different pod with no lactating female	Whenever a pod with a female is found	<ul style="list-style-type: none"> <li>As above, with much lower likelihood that pod will accept calf.</li> <li>TAG did not discuss this option</li> </ul>		<p><b>HIGH</b> Injury risk sustained during transport.</p> <p>Starvation risk unless female spontaneously lactates.</p>	<p><b>HIGH</b> Stress of handling/transportation.</p> <p>While calf may benefit from being with a pod, there is unknown chance of a female lactating, which would cause significant stress.</p> <p>Extreme stress of isolation and lack of food</p>	<p><b>HIGH.</b> Stress during transportation and likelihood of rejection/lack of food availability.</p>			<ul style="list-style-type: none"> <li>Scenario 2 – Extended holding time</li> <li>Scenario 3 – Transport</li> <li>Scenario 4 – Tagging and monitoring</li> </ul>	<p><b>HIGH.</b></p> <ul style="list-style-type: none"> <li>Locating and confirming a pod with a female.</li> <li>Appropriate boat to transfer calf to water.</li> <li>Safe and effective means of transferring calf to water.</li> <li>Staff H&amp;S during operation</li> <li>Scenario 1D if calf rejected.</li> </ul>	Low	Do not support

Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
1D	Recapture		•		<p><b>HIGH</b> Injury risk sustained during recapture.</p>	<p><b>HIGH</b> Additional stress of further handling/transportation.</p> <p>While calf may benefit from being with a pod, there is unknown chance of a female lactating, which would cause significant stress.</p> <p>Extreme stress of isolation and lack of food</p>	<p><b>HIGH.</b> Stress during transportation and likelihood of rejection/lack of food availability.</p>				<p><b>HIGH</b></p> <ul style="list-style-type: none"> <li>• Permit to recapture calf</li> <li>• Locating calf.</li> <li>• Appropriate boat to enable recapture.</li> <li>• Safe and effective means of transferring calf from water.</li> <li>• Staff H&amp;S during operation</li> </ul>	<p><b>Low</b></p>	<p>Makes me think that euthanasia at sea might be very difficult – failure to reunite etc. might mean additional long term suffering for animal.</p>



Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
				[REDACTED]									
2	Extended holding time	Status quo, but questions about how long this can be maintained	<ul style="list-style-type: none"> <li>• Dependent upon success of veterinary interventions.</li> <li>• Likelihood of calf health issues increases with longer duration of separation from mother.</li> <li>• Likelihood of habituation to humans increases as interactions continue, which may inhibit ability to successfully integrate back into a wild pod.</li> <li>• There are no care facilities in NZ appropriate to hold an orca.</li> <li>• Significant issues with any attempt to hold the animal long enough for it to be</li> </ul>	[REDACTED]						<ul style="list-style-type: none"> <li>• Scenario 5 – Training and weaning</li> </ul>		Low, decreasing over time	Do not support. I note that the expert advice is not to hold the animal for longer than a week maximum.

Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
			weaned and independent • Ethical and Legal risks around holding a calf in captivity										
2A	Hold calf in existing Plimmerton sea pen and/or pool	Status quo, but questions about how long this can be maintained	• Current sea pen at Plimmerton is very small. 3.5m depth at high tide and only 1.5m at low tide. • Current site cannot be used indefinitely as it is not well-sheltered and requires moving the calf between pen and pool.									Low, decreasing over time	I note that the expert advice is not to hold the animal for longer than a week maximum. I too am concerned about how long could this be maintained.
2B	Relocate calf to alternative sea pen	Dependent upon locating a suitable sea pen and other logistics	• Iwi may not approve of moving calf out of their rohe • There are no alternative purpose-built facilities in New Zealand. • Site investigation would be required by experts in orca care in order to determine suitability of alternatives • Significant logistics associated with moving calf, plus unknown cost implications • Potential health/welfare issues for calf during moving • Needs clear expectations of how care, etc. will be handled at new site.				MODERATE: Iwi's strong preference is for calf to remain in their rohe, however the calf's health and welfare would take priority.			• Scenario 3 - Transport		Low, decreasing over time	Do not support given the time the animal has already been held. I note that the expert advice is not to hold the animal for longer than a week maximum.

Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
3	Transport	Dependent on scenario above	<ul style="list-style-type: none"> <li>Transport of the calf requires significant logistical and veterinary support</li> <li>Clear instructions needed on what to do in a variety of circumstances</li> <li>Welfare and health concerns for calf as transport likely to be distressing</li> </ul>									Low	
3A	Transport to pod	Dependent on scenario above	<ul style="list-style-type: none"> <li>Finding a pod and staying with them will be difficult, especially if the health of the calf must be assessed, tags applied, and so forth prior to release.</li> <li>Requires vessel and other equipment suitable to carry the calf</li> <li>Needs clear protocol on how to reintroduce the calf and whether (and how) to recapture calf if initial introduction is unsuccessful.</li> </ul>							<ul style="list-style-type: none"> <li>Scenario 4 – Tagging and monitoring</li> </ul>		Low	
3B	Transport to alternative holding site	Dependent on scenario above	<ul style="list-style-type: none"> <li>Potential for increased health/welfare impacts on calf if greater distance of transport requires holding and restraining it for longer</li> </ul>									Low	
3C	Transporting to another country	N/A	<ul style="list-style-type: none"> <li>TAG considered this was not an option for cultural/ethical/animal welfare reasons.</li> </ul>	N/A	V.HIGH		V. HIGH	V. HIGH				Nil Option should not	Agree



Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
			<ul style="list-style-type: none"> <li>Many welfare, legal and political issues.</li> </ul>									be considered	
4	Tagging and monitoring	Dependent on scenario above	<ul style="list-style-type: none"> <li>Will allow tracking of animals remotely and ability to locate the tagged animal on the water to assess well-being.</li> <li>Tags are invasive and require a surgical procedure to bolt them through the dorsal fin.</li> <li>Animal ethics approval will be required, with appropriate procedures to ensure the safety of the tagged animal</li> <li>A satellite tag appropriate for this purpose is on its way to DOC from IFAW in the US</li> <li>A secondary VHF tag to allow fine-scale locating at sea is still being sought</li> </ul>									Medium (it will likely allow the animal to be re-encountered)	See my comments on 1A
4A	Tagging calf	Associated with release of calf	<ul style="list-style-type: none"> <li>Tagging creates some additional risk to the calf, both via the surgical procedure and via effects of wearing the device.</li> <li>However, this is offset by the ability to find the calf repeatedly to assess welfare</li> <li>Would facilitate confirmation that release was successful and the option for recapture if unsuccessful and</li> </ul>							<ul style="list-style-type: none"> <li>Scenario 6 - Euthanasia</li> </ul>		Medium	See my comments on 1A



Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
			calf in declining health <ul style="list-style-type: none"> <li>• Clear rules needed for recapture, likely as specified in a permit issued under the MMPA.</li> <li>• An unsuccessful attempt, particularly with the natal pod, will almost certainly require recapture and euthanasia; protocols for decision-making should be specified in advance</li> </ul>										
4B	Tagging natal pod member	Only if natal pod sighted	<ul style="list-style-type: none"> <li>• Tagging a member of the natal pod would allow us to track the pod without constantly following it in a vessel and/or keeping a lookout on land</li> <li>• Would require animal ethics approval and MMPA permit to capture an adult and apply the tag, as this cannot be done remotely except with short-duration suction-cup tags</li> <li>• Significant welfare concerns associated with such a capture make this option impractical.</li> <li>• Also would require an additional satellite tag, not currently in NZ</li> </ul>									N/A	Agree – sounds impractical
5	Training and weaning	If calf is held for an	<ul style="list-style-type: none"> <li>• Weaning the animal would increase options for release</li> </ul>									Low	Given the assessment that this would have

Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
		extended time	<ul style="list-style-type: none"> <li>Age of calf is uncertain (2-6 months), but weaning is generally not advised before 9 months</li> <li>Open water training could be needed, i.e. gradually remove calf from pen as weaned with aim to reunite into a pod.</li> <li>Some training to be able to recall the calf on command is already occurring, per comments from Ingrid Visser</li> <li>Any training significantly increases the likelihood of this animal becoming a public nuisance after release.</li> <li>Ethics, logistics, media and public backlash, precedent.</li> <li>Legal risks</li> </ul>										a low likelihood of success I would not support this idea. Given the time the animal has already been held.
6	Euthanasia	When deemed the most appropriate option for calf welfare	<ul style="list-style-type: none"> <li>Public backlash is likely if all other options have not been exhausted</li> <li>Ongoing discussion about method to be used:                             <ul style="list-style-type: none"> <li>Ballistics are the only method in the DOC SOP</li> <li>Others are pushing for chemical methods</li> </ul> </li> <li>TAG advice is there are alternatives but that a sub-group</li> </ul>									N/A (or high; it will succeed in achieving the aim)	I would suggest alternatives to ballistics should be chased-up ASAP if that is not already the case. As unpalatable as shooting/ballistics is, if it is the only approved method, I support DOC using it.

Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Dependencies	Difficulty of implementation	Likelihood of success*	thoughts
			should be convened to discuss further.										
6A	Deteriorating orca leading to decision to euthanise	Based on health protocols	<ul style="list-style-type: none"> <li>Health assessment is in place but no clear thresholds identified when this option should take place</li> <li>Method used will require different personnel and different handling of carcass</li> </ul>	[REDACTED]								N/A	
6B	Stable orca but euthanasia on ethical grounds	Operational decision	<ul style="list-style-type: none"> <li>As above.</li> <li>TAG discussion was that this was an operations/animal health/welfare consideration</li> </ul>	[REDACTED]								N/A	

CONFIDENTIAL

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 21 July 2021 5:06 pm  
**To:** Kirstie Knowles; Meg Rutledge; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - DOC-6724019  
**Attachments:** Comments on kapiti orca calf best available information pape [Redacted].docx

Comments attached this time.



[Redacted]

[Redacted]

**P:** [Redacted]  
**E:** [Redacted]

---

**From:** [Redacted]  
**Sent:** Wednesday, 21 July 2021 4:44 pm  
**To:** Kirstie Knowles <kknowles@doc.govt.nz>; Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

[Large redacted area]



**From:** Kirstie Knowles [<mailto:kknowles@doc.govt.nz>]

**Sent:** Wednesday, 21 July 2021 3:44 pm

**To:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED]

<[REDACTED]>

**Cc:** [REDACTED]

**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Hi all,

I've attached the latest vet report but seemed to be having computer issues accessing the others. [REDACTED] – can you please forward the team here a copy of all the veterinary reports?

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*

Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*

Department of Conservation – *Te Papa Atawhai*

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society



Mon	Tues	Wed	Thurs	Fri
✓	🏠	✓	✓	🏠

✓ = In the office; 🏠 = Working remotely; X = Not at work



**From:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Sent:** Wednesday, 21 July 2021 3:34 pm

**To:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; [REDACTED]

[REDACTED] >

**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - DOC-6724019

Sorry one correction below in red

---

From: Meg Rutledge

Sent: Wednesday, 21 July 2021 3:31 pm

To: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; [REDACTED]

<[REDACTED]>

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Kia ora Kirstie,

I have attached my comments. I have made them based on my qualifications on the Animal Ethics Committee, as having 10 years of experience working with captive animal management and wildlife rehabilitation with a range of taxa on three continents including on an international board that set accreditation standards for captive animal positive animal welfare in Australasia, and as having 5 years experience researching and working with a programme that included reintroduction of apes to endemic forest habitats (ie repatriation of highly intelligent, social species, both captive reared, wildlife rehabilitation, and wild born that were recovered from pet trade and released).

In summary, I strongly support euthanasia. I believe the expert advice from **international** cetacean biologists **with relevant and applicable experience** is incontrovertible. In addition, best practice for reintroduction would be based upon confidence that the released animal has a positive chance at successful re-integration and survival for greater than 12 months, and ideally to age of ability to reproduce and contribute to species population. Second international best practice would be confidence that monitoring the animal would be possible to the degree that intervention was able to be guaranteed before any irreversible damage/suffering occurs.

While it a very difficult decision, it must be made upon the likely welfare of the individual animal, rather than the emotional distress of the humans who have invested their personal feelings onto the animal. Ethically the decision should consider that on balance, the evidence suggests the animal will have more eustress than distress, or at least maintain stable natural stressors. Any animal may experience eustress, stress, and distress in its life. Simply preventing distress, as is the current situation at best, is not a condition for acceptable animal welfare to continue in that state. For highly intelligent and social animals the 5 freedoms are a minimum for existence, not for a measure of quality of life. The ability to keep an animal medically alive is not the same as being able to manage its environmental, nutritional, behavioural, mental, and physical health.

I am able to expand on this in more detail if required but on quick turnaround these are my contributions, please excuse grammar and typos.

Noho ora mai,  
Meg

---

From: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

Sent: Wednesday, 21 July 2021 3:10 pm

To: [REDACTED] Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED]

[REDACTED]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Thanks [REDACTED]. We really need this now. We are very concerned about the welfare of the orca and would like to make a decision today if possible.

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*

Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*

Department of Conservation – *Te Papa Atawhai*

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society





[Redacted]

Mon	Tues	Wed	Thurs	Fri
✓	🏠	✓	✓	🏠

✓ = In the office; 🏠 = Working remotely; X = Not at work



**From:** [Redacted]  
**Sent:** Wednesday, 21 July 2021 3:00 pm  
**To:** Kirstie Knowles <kknowles@doc.govt.nz>; Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Hi Meg, Kristie, and [Redacted]  
 I am happy to help with feedback. Do you have a preferred time for when to send the feedback? I can try to prioritise today, but may not be able to send this until later tomorrow.  
 Cheers  
 [Redacted]



[Redacted]  
 [Redacted]  
 P: + [Redacted]  
 E: [Redacted]

**From:** Kirstie Knowles [mailto:kknowles@doc.govt.nz]  
**Sent:** Wednesday, 21 July 2021 12:41 pm  
**To:** Meg Rutledge <merutledge@doc.govt.nz>; [Redacted]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]  
**Importance:** High

Please use this latest version attached – I'm working on the checked in version.

**Kirstie Knowles** (she/her)  
 Manager Marine Ecosystems – Kaimātanga Mātai Ahu Moana  
 Aquatic Unit, Biodiversity Group – Kāhui Kanorau Koiora  
 Department of Conservation – Te Papa Atawhai  
 Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society



[Redacted]

Mon	Tues	Wed	Thurs	Fri



**From:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>  
**Sent:** Wednesday, 21 July 2021 12:30 pm  
**To:** [REDACTED]  
**Cc:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>  
**Subject:** CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - DOC-6724019  
**Importance:** High

Kia ora [REDACTED],

Care of the orca calf is covered under the Animal Welfare Act and Conservation Act and thus does not require an AEC approval. However, the committee has been asked to provide some collegial/independent advice on some of the management scenarios faced. An objective perspective on the ethical and welfare implications of the scenarios would be helpful to the Marine team. The scenarios are difficult as you can imagine and challenge us homo sapiens to consider animal welfare versus our own emotive reactions to wanting a best-case scenario outcome.

[REDACTED] Perhaps each person could provide comments on the table individually and share with Kirstie. I have copied Kirstie in, she is a manager on the marine science team and supporting Ian Angus, the lead manager, to work through all the management scenarios. I think time to collate a single response may be a bit beyond us all with various other commitments this week.

This table is confidential, please do not circulate further.

Regards,  
Meg (Acting in Deputy Chair capacity in Animal Ethics Committee)

---

**From:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>  
**Sent:** Wednesday, 21 July 2021 11:50 am  
**To:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>  
**Subject:** Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

CONFIDENTIAL  
Welfare column of scenario table on appendix please

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.



Option	Scenario	Timing	Risks/Concerns	Legal Advice PRIVILEGED DO NOT SHARE OUTSIDE DOC	Physical Health Risks	Mental Health Risks	Welfare/ethics risks	Cultural risks	Public Perception risks	Likelihood of success*	Comments Meg Rutledge
1	Release calf (no pod)	Could happen at any time	<ul style="list-style-type: none"> <li>• Significant welfare concerns about releasing an unweaned calf as it will almost certainly die slowly from starvation.</li> <li>• TAG considered this was not an option for cultural/ethical/animal welfare reasons</li> </ul>		LOW No further risks	HIGH. Extreme stress of isolation and lack of food	HIGH. Calf not yet weaned and will almost certainly die slowly from starvation.	HIGH	HIGH	Nil Option should not be considered except as part of scenario 1A or 1B below	Agree. Not an option in and of itself - Agree.
1A	Reunite with natal pod	Whenever natal pod is located	<ul style="list-style-type: none"> <li>• Might take a significant length of time to locate the natal pod</li> <li>• May be difficult to transport to the pod, if identified</li> <li>• Requires post-release monitoring to confirm whether reunification has been successful. Failure may occur for a range of reasons: <ul style="list-style-type: none"> <li>○ Reuniting might fail if mother is not able to feed the calf upon return. Female likely to stop lactating after 30 days, however could be shorter. Some spontaneous lactation has been recorded in 2 different Beluga whales. Chance of this happening in wild orca is unknown.</li> <li>○ Photos of natal pod include two adult females and not sure which is the mother.</li> <li>○ Pod may not accept calf for social reasons</li> <li>○ Calf may be in poor health for reasons not already diagnosed and reuniting will not fix this.</li> </ul> </li> </ul>		<p><i>MODERATE</i></p> <p>Injury risk sustained during transport.</p> <p>Starvation risk if mother has stopped lactating.</p>	<p><i>MODERATE</i></p> <p>Stress of handling/transportation.</p> <p>While calf may benefit from being with natal pod, rejection would cause significant stress.</p>	<p>HIGH.</p> <p>Stress during transportation and possible rejection/lack of food availability.</p>			<p><i>MODERATE</i></p> <p>Relies upon a long chain of successes, but is considered</p> <p>Lack of ability to monitor the stress level of the animal upon release, only life/death/location and limited ability to determine if feeding versus slow emaciation.</p> <p>I am concerned with the significant welfare risks associated with moving the calf, then the additive risks of rejection and starvation. This does not seem to set the calf up for success, as it is already quite vulnerable and then would experiences these significant stressors. I also find it problematic there would be limited options with monitoring the calf. Importantly, what would the plan be if the calf is rejected or cannot nurse?</p>	
1B	Release into a different pod with lactating female	Whenever a pod with a female and calf present is found	<ul style="list-style-type: none"> <li>• As above, with potentially lower likelihood that pod will accept calf.</li> <li>• TAG agreed this was less desirable option</li> </ul>		<p>HIGH</p> <p>Injury risk sustained during transport.</p>	<p>HIGH</p> <p>Stress of handling/transportation.</p> <p>While calf may benefit from</p>	<p>HIGH.</p> <p>Stress during transportation and likelihood of rejection/lack</p>			<p>Low</p> <p>Likely duration to secure this outside reasonable welfare of holding the calf to determine. Welfare risks are significant. All of the above apply, AND In comparable examples with other species where this sort of</p>	





				<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Starvation risk unless female spontaneously lactates.</p>	<p>While calf may benefit from being with a pod, there is unknown chance of a female lactating, which would cause significant stress.</p> <p>Extreme stress of isolation and lack of food</p>	<p>rejection/lack of food availability.</p>			<p>been made with the provisions that human intervention can quickly recover the individual animal and create a new plan for its welfare before any failure to integrate can result in serious injury, trauma, starvation, or disease. While some tolerance for stress or injury may be tolerated, it is under the scenario of being monitored that other positive signals are also present, such as feeding, partial inclusion at fringe by some members or protection by some members, sharing of food, etc. Prolonged isolation, aggression, abandonment, or prevention from accessing food is able to witnessed and an intervention prepared. This provision is not a likely scenario once the animal is returned to sea.</p> <p>[REDACTED] - my comments are the same as above.</p>
1D	Recapture		•	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p><b>HIGH</b> Injury risk sustained during recapture.</p>	<p><b>HIGH</b> Additional stress of further handling/ transportation.</p> <p>While calf may benefit from being with a pod, there is unknown chance of a female lactating, which would cause significant stress.</p> <p>Extreme stress of isolation and lack of food</p>	<p><b>HIGH.</b> Stress during transportation and likelihood of rejection/lack of food availability.</p>			<p><b>Low</b></p> <p>A recapture plan should be established as a minimum BEFORE any potential release, including any potential legal challenges if recapture then includes captive housing. Likely legal challenges based on international cases of similar examples (female orca calf and Loro Parque case)</p> <p>[REDACTED] Would this not place the calf in the same position we are in now, with the added stress of the release not working? What is the plan if the calf was to be recaptured? Without adequate facilities and care, then I do not see this being in the best interest of the calf.</p>





			<ul style="list-style-type: none"> <li>Needs clear expectations of how care, etc. will be handled at new site.</li> </ul>								
3	Transport	Dependent on scenario above	<ul style="list-style-type: none"> <li>Transport of the calf requires significant logistical and veterinary support</li> <li>Clear instructions needed on what to do in a variety of circumstances</li> <li>Welfare and health concerns for calf as transport likely to be distressing</li> </ul>							Low	<p>International experts have demonstrated ability to achieve this process but it will create some additional distress for the animal.</p> <p>█ Transport of animals can negatively impact an animal's welfare, especially if they are already compromised. Moving the calf, even according to the best of plans will be stressful.</p>
3A	Transport to pod	Dependent on scenario above	<ul style="list-style-type: none"> <li>Finding a pod and staying with them will be difficult, especially if the health of the calf must be assessed, tags applied, and so forth prior to release.</li> <li>Requires vessel and other equipment suitable to carry the calf</li> <li>Needs clear protocol on how to reintroduce the calf and whether (and how) to recapture calf if initial introduction is unsuccessful.</li> </ul>							Low	<p>█ Same as above. Additionally, the stress to the other pod members should be considered as well, including the impact this may have on successful release.</p>
3B	Transport to alternative holding site	Dependent on scenario above	<ul style="list-style-type: none"> <li>Potential for increased health/welfare impacts on calf if greater distance of transport requires holding and restraining it for longer</li> </ul>							Low	<p>No, as above longer duration of captivity decreases quality of life, eustress, or positive behavioural elements. Longer duration in isolation with conspecifics is not recommended.</p> <p>█ - Transport of animals can negatively impact an animal's welfare, especially if they are already compromised. Moving the calf, even according to the best of plans will be stressful.</p>
3C	Transporting to another country	N/A	<ul style="list-style-type: none"> <li>TAG considered this was not an option for cultural/ethical/animal welfare reasons.</li> <li>Many welfare, legal and political issues.</li> </ul>	N/A	V.HIGH		V. HIGH	V. HIGH		Nil Option should not be considered	<p>Agreed.</p> <p>█ Agreed.</p>
4	Tagging and monitoring	Dependent on scenario above	<ul style="list-style-type: none"> <li>Will allow tracking of animals remotely and ability to locate the tagged</li> </ul>							Medium (it will likely allow the	<p>Mandatory for any release. However, this does not guarantee a positive outcome once released.</p>

			<p>animal on the water to assess well-being.</p> <ul style="list-style-type: none"> <li>• Tags are invasive and require a surgical procedure to bolt them through the dorsal fin.</li> <li>• Animal ethics approval will be required, with appropriate procedures to ensure the safety of the tagged animal</li> <li>• A satellite tag appropriate for this purpose is on its way to DOC from IFAW in the US</li> <li>• A secondary VHF tag to allow fine-scale locating at sea is still being sought</li> </ul>							<p>animal to be re-encountered)</p> <p>Ability to locate animal is not the same as ability to monitor its health and social acceptance regularly enough to ensure animal is not suffering. See above comments on risks to introduction.</p> <p>■ This should be required for any release and only if the calf will be released. This is contingent on AEC approval.</p>
4A	Tagging calf	Associated with release of calf	<ul style="list-style-type: none"> <li>• Tagging creates some additional risk to the calf, both via the surgical procedure and via effects of wearing the device.</li> <li>• However, this is offset by the ability to find the calf repeatedly to assess welfare</li> <li>• Would facilitate confirmation that release was successful and the option for recapture if unsuccessful and calf in declining health</li> <li>• Clear rules needed for recapture, likely as specified in a permit issued under the MMPA.</li> <li>• An unsuccessful attempt, particularly with the natal pod, will almost certainly require recapture and euthanasia; protocols for decision-making should be specified in advance</li> </ul>							<p>Medium</p> <p>Same as above and earlier comments that recapture plans should be mandatory before release.</p> <p>■ Agree with Meg's comment.</p>
4B	Tagging natal pod member	Only if natal pod sighted	<ul style="list-style-type: none"> <li>• Tagging a member of the natal pod would allow us to track the pod without constantly following it in a vessel and/or keeping a lookout on land</li> </ul>							<p>N/A</p> <p>No permit given for this, and does not assure welfare of calf.</p> <p>■ I think this places stress on the pod member that does not justify its use, and agree with Meg, this</p>

			<ul style="list-style-type: none"> <li>• Would require animal ethics approval and MMPA permit to capture an adult and apply the tag, as this cannot be done remotely except with short-duration suction-cup tags</li> <li>• Significant welfare concerns associated with such a capture make this option impractical.</li> <li>• Also would require an additional satellite tag, not currently in NZ</li> </ul>								provides little to no assurance on the welfare of the calf.
5	Training and weaning	If calf is held for an extended time	<ul style="list-style-type: none"> <li>• Weaning the animal would increase options for release</li> <li>• Age of calf is uncertain (2-6 months), but weaning is generally not advised before 9 months</li> <li>• Open water training could be needed, i.e. gradually remove calf from pen as weaned with aim to reunite into a pod.</li> <li>• Some training to be able to recall the calf on command is already occurring, per comments from Ingrid Visser</li> <li>• Any training significantly increases the likelihood of this animal becoming a public nuisance after release.</li> <li>• Ethics, logistics, media and public backlash, precedent.</li> <li>• Legal risks</li> </ul>							Low	<p>No. This is not an acceptable outcome for a wild animal aiming to be repatriated at sea and re-integrated successfully.</p> <p>International best practice standard for reintroductions to the wild measure success on an animal surviving and reproducing successfully, ie contributing to the species population, not simply extending temporary duration of the individual animal. International best practice also requires ability to intervene in a timely manner if welfare is compromised.</p> <p>■ Based on the feedback from international experts, this does not appear feasible for the calf, and the risks to welfare harm with not having a suitable facility with where to do this make this option unfeasible. I am concerned about the welfare of this calf when released, including their ability to socialise with members of its species, ability to find food, and risk of being too desensitised to humans.</p>
6	Euthanasia	When deemed the most appropriate option for calf welfare	<ul style="list-style-type: none"> <li>• Public backlash is likely if all other options have not been exhausted</li> <li>• Ongoing discussion about method to be used:</li> </ul>							N/A (or high; it will succeed in achieving the aim)	I support this. Decisions on animal welfare and ethics should not be made based upon public decision. Making a decision should be based upon the calf's welfare not human's emotions.

			<ul style="list-style-type: none"> <li>○ Ballistics are the only method in the DOC SOP</li> <li>○ Others are pushing for chemical methods</li> <li>• TAG advice is there are alternatives but that a sub-group should be convened to discuss further.</li> </ul>								<p>█ In consideration of the opinion of international experts, the extended time the calf has been in captivity, the inability to locate its pod, there being no feasible alternative housing for the calf, and the likelihood of welfare harms increasing with longer time spent in captivity, in my opinion, I think this is the only humane option at this point.</p>
6A	Deteriorating orca leading to decision to euthanise	Based on health protocols	<ul style="list-style-type: none"> <li>• Health assessment is in place but no clear thresholds identified when this option should take place</li> <li>• Method used will require different personnel and different handling of carcass</li> <li>•</li> </ul>	█						N/A	<p>This is a necessary fail safe but best practice would allow euthanasia before irreversible suffering has occurred.</p> <p>█ - I do not think it is prudent to allow the calf to deteriorate before euthanasia. There are so many factors leading up to the euthanasia being the most humane option, that waiting for the calf to deteriorate is not a humane endpoint.</p>
6B	Stable orca but euthanasia on ethical grounds	Operational decision	<ul style="list-style-type: none"> <li>• As above.</li> <li>• TAG discussion was that this was an operations/animal health/welfare consideration</li> </ul>	█						N/A	<p>This is preferable, though yes it is a difficult decision for the human emotions.</p> <p>█ See answer above. This is preferred, and the recommendation to euthanase is based on numerous conditions.</p>



[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, 21 July 2021 6:40 pm  
**To:** [REDACTED]; Kirstie Knowles; Meg Rutledge; [REDACTED]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Hi Team,

Just having a good read over this – clearly a lot of time and thought has gone into preparing this document and I greatly appreciate the comments made by Meg and [REDACTED] from an ethics point of view. I fully concur with the conclusions reached and the advice given from an ethics/welfare point of view with the exception that in my opinion I believe the likelihood of success with regards to reuniting with the natal pod is also low at this point in time.

Also what to further highlight the comment that the only way release should be considered is if an appropriate tag has been applied to allow for post release monitoring and there is a clear plan in place as to what the interventions would be should this individual fail to re-integrate into the pod.

Thanks you so much everyone for your work and thoughts in regards to this incredibly challenging situation.

[REDACTED]

[REDACTED]

Veterinary Advisor Kākāpō - *Kaitohutohu Rata Kararahe Kākāpō*

Department of Conservation - *Te Papa Atawhai*

Postal address: Department of Conservation, PO Box 743, Invercargill 9840, New Zealand

Physical address: Department of Conservation, Level 7, 33 Don Street, Invercargill 9480, New Zealand

<http://kakaporecovery.org.nz/>



---

**From:** [REDACTED]  
**Sent:** Wednesday, 21 July 2021 5:06 PM  
**To:** Kirstie Knowles <kknowles@doc.govt.nz>; Meg Rutledge <merutledge@doc.govt.nz>; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Comments attached this time.



[Redacted text]

[Redacted text]

P: [Redacted text]

E: [Redacted text]

---

**From:** [Redacted text]

**Sent:** Wednesday, 21 July 2021 4:44 pm

**To:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [Redacted text]

**Cc:** [Redacted text]

**Subject:** RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted text]





[Redacted]

[Redacted]

P: [Redacted]  
E: [Redacted]

From: Kirstie Knowles [<mailto:kknowles@doc.govt.nz>]

Sent: Wednesday, 21 July 2021 3:44 pm

To: Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [Redacted]

Cc: [Redacted]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Hi all,

I've attached the latest vet report but seemed to be having computer issues accessing the others. [Redacted] – can you please forward the team here a copy of all the veterinary reports?

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – *Kaimātanga Mātai Ahu Moana*

Aquatic Unit, Biodiversity Group – *Kāhui Kanorau Koiora*

Department of Conservation – *Te Papa Atawhai*

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society

[Redacted]

Mon	Tues	Wed	Thurs	Fri
✓		✓	✓	

✓ = In the office; = Working remotely; X = Not at work



From: Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

Sent: Wednesday, 21 July 2021 3:34 pm

To: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; [Redacted]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [Redacted]

Sorry one correction below in red

From: Meg Rutledge

Sent: Wednesday, 21 July 2021 3:31 pm

To: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; [Redacted]



Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Kia ora Kirstie,

I have attached my comments. I have made them based on my qualifications on the Animal Ethics Committee, as having 10 years of experience working with captive animal management and wildlife rehabilitation with a range of taxa on three continents including on an international board that set accreditation standards for captive animal positive animal welfare in Australasia, and as having 5 years experience researching and working with a programme that included reintroduction of apes to endemic forest habitats (ie repatriation of highly intelligent, social species, both captive reared, wildlife rehabilitation, and wild born that were recovered from pet trade and released).

In summary, I strongly support euthanasia. I believe the expert advice from **international** cetacean biologists **with relevant and applicable experience** is incontrovertible. In addition, best practice for reintroduction would be based upon confidence that the released animal has a positive chance at successful re-integration and survival for greater than 12 months, and ideally to age of ability to reproduce and contribute to species population. Second international best practice would be confidence that monitoring the animal would be possible to the degree that intervention was able to be guaranteed before any irreversible damage/suffering occurs.

While it a very difficult decision, it must be made upon the likely welfare of the individual animal, rather than the emotional distress of the humans who have invested their personal feelings onto the animal. Ethically the decision should consider that on balance, the evidence suggests the animal will have more eustress than distress, or at least maintain stable natural stressors. Any animal may experience eustress, stress, and distress in its life. Simply preventing distress, as is the current situation at best, is not a condition for acceptable animal welfare to continue in that state. For highly intelligent and social animals the 5 freedoms are a minimum for existence, not for a measure of quality of life. The ability to keep an animal medically alive is not the same as being able to manage its environmental, nutritional, behavioural, mental, and physical health.

I am able to expand on this in more detail if required but on quick turnaround these are my contributions, please excuse grammar and typos.

Noho ora mai,  
Meg

---

From: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

Sent: Wednesday, 21 July 2021 3:10 pm

To: [REDACTED] Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Thanks [REDACTED]. We really need this now. We are very concerned about the welfare of the orca and would like to make a decision today if possible.

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – Kaimātanga Mātai Ahu Moana

Aquatic Unit, Biodiversity Group – Kāhui Kanorau Koiora

Department of Conservation – Te Papa Atawhai

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society



Mon	Tues	Wed	Thurs	Fri
✓	🏠	✓	✓	🏠

✓ = In the office; 🏠 = Working remotely; X = Not at work



# Papatūānuku Thrives

Te ora o Papatūānuku  
Te ora o te Hapori  
Te hunga Atawhai



Healthy nature  
Thriving communities  
People who care

From: [REDACTED]

Sent: Wednesday, 21 July 2021 3:00 pm

To: Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>; Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Hi Meg, Kristie, and [REDACTED]

I am happy to help with feedback. Do you have a preferred time for when to send the feedback? I can try to prioritise today, but may not be able to send this until later tomorrow.

Cheers

[REDACTED]



[REDACTED]

[REDACTED]

P: [REDACTED]  
E: [REDACTED]

From: Kirstie Knowles [<mailto:kknowles@doc.govt.nz>]

Sent: Wednesday, 21 July 2021 12:41 pm

To: Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>; [REDACTED]

Subject: RE: CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

Importance: High

Please use this latest version attached – I'm working on the checked in version.

**Kirstie Knowles** (she/her)

Manager Marine Ecosystems – Kaimātanga Mātai Ahu Moana

Aquatic Unit, Biodiversity Group – Kāhui Kanorau Koiora

Department of Conservation – Te Papa Atawhai

Focal point for: IUCN-WCPA, Local Gov Coastal-SIG, Sustainable Seas Challenge, NZ Marine Sciences Society



[REDACTED]

Mon	Tues	Wed	Thurs	Fri
✓	🏠	✓	✓	🏠

✓ = In the office; 🏠 = Working remotely; X = Not at work

# Papatūānuku Thrives

Te ora o Papatūānuku  
Te ora o te Hapori  
Te hunga Atawhai



Healthy nature  
Thriving communities  
People who care

**From:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Sent:** Wednesday, 21 July 2021 12:30 pm

**To:** [REDACTED]

**Cc:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

**Subject:** CONFIDENTIAL: Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

**Importance:** High

Kia ora [REDACTED],

Care of the orca calf is covered under the Animal Welfare Act and Conservation Act and thus does not require an AEC approval. However, the committee has been asked to provide some collegial/independent advice on some of the management scenarios faced. An objective perspective on the ethical and welfare implications of the scenarios would be helpful to the Marine team. The scenarios are difficult as you can imagine and challenge us homo sapiens to consider animal welfare versus our own emotive reactions to wanting a best-case scenario outcome.

[REDACTED]. Perhaps each person could provide comments on the table individually and share with Kirstie. I have copied Kirstie in, she is a manager on the marine science team and supporting Ian Angus, the lead manager, to work through all the management scenarios. I think time to collate a single response may be a bit beyond us all with various other commitments this week.

This table is confidential, please do not circulate further.

Regards,

Meg (Acting in Deputy Chair capacity in Animal Ethics Committee)

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**From:** Kirstie Knowles <[kknowles@doc.govt.nz](mailto:kknowles@doc.govt.nz)>

**Sent:** Wednesday, 21 July 2021 11:50 am

**To:** Meg Rutledge <[merutledge@doc.govt.nz](mailto:merutledge@doc.govt.nz)>

**Subject:** Kapiti Orca Calf - Best Available Information Paper - [REDACTED]

CONFIDENTIAL

Welfare column of scenario table on appendix please

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**From:** Meg Rutledge  
**Sent:** Friday, 23 July 2021 12:28 pm  
**To:** Elizabeth Heeg; Kevin OConnor; Sarah Owen; Jack Mace; Reg Kemper; Kirsty Prior  
**Subject:** RE: AEC advice re: orca calf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Apologies forgot to mention that AEC operates confidentiality and the below views should not be shared publicly nor any individuals and their roles be referenced. This statement has been shared upon request for advice internally and may be shared with judgment and discretion as required upon this understanding.

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**From:** Meg Rutledge  
**Sent:** Friday, 23 July 2021 9:53 am  
**To:** Elizabeth Heeg <eheeg@doc.govt.nz>; Kevin OConnor <koconnor@doc.govt.nz>; Sarah Owen <sarahowen@doc.govt.nz>; Jack Mace <jmace@doc.govt.nz>; Reg Kemper <rkemper@doc.govt.nz>; Kirsty Prior <kprior@doc.govt.nz>  
**Subject:** AEC advice re: orca calf  
**Importance:** High

Kia ora koutou,

This week a subcommittee of the Animal Ethics Committee including the chair, deputy chair, and one external [REDACTED] member (bound by confidentiality and authorised by DOC to comment in AEC capacity under the national standards to have an [REDACTED] representative on the AEC) reviewed the veterinary reports and the scenarios of outcomes reports up to and including 22 July 2021. I am sharing our advice on the outcomes for the orca as a member of that sub-committee.

The three committee members each reviewed the documentation independently, and each reached the same conclusion that the best ethical and welfare outcome for the calf is euthanasia *prior to further deterioration in health and further increase of risk of harm to its welfare* for the following reasons:

- The expert advice from international cetacean biologists with relevant and applicable experience is incontrovertible: chance of reintroduction is very slim, and ethical duration of holding the calf in captivity is already beyond recommended reasonable timeline.
- **Given that a successful reintroduction has never been achieved globally, and is not standard or routine practice internationally, and expert advice has clear reasons for advising against an attempt given low margin of a positive outcome, the committee views any attempts of this nature to be experimenting with a baby endangered species animal's life and welfare.**
- Such an experiment to reintroduce the animal may be outside routine management covered by the Animal Welfare Act and Conservation Act and may require Animal Ethics Approval.
- Best practice standards for reintroduction should be based upon confidence that the released animal has a positive chance at successful social re-integration and survival for greater than 12 months, and ideally to age of ability to reproduce and contribute to species population.
- All decisions should be based on the interests of the welfare of the animal, not upon the admittedly powerful and difficult emotional desire of humans to 'save' the animal and those who are understandably invested in the animal's life.

- The intensity of exposure to human interaction with the animal, and duration of its isolation from the pod, negatively impact on chances of resuming normal social interactions with the pod.
- Second international best practice would be confidence that monitoring the animal would be possible to the degree that intervention was able to be guaranteed **before** any irreversible damage/suffering occurs.
- For highly intelligent and social animals the 5 freedoms are a minimum for existence, not for a measure of quality of life. The ability to keep an animal medically alive is not the same as being able to manage its environmental, nutritional, behavioural, mental, and physical health. For a highly social, highly intelligent animal extended durations in isolation from conspecifics is not ethical.
- The length of time the calf is kept in substandard conditions (water quality, dimensions of the area, and exposure to inclement weather that interrupts care and requires repeated transport), and indications of abdominal discomfort, potential skin and eye problems, and exposure to multiple humans and associated harms of desensitisation; and
- Inability to locate the calf's pod at this time: lactation of the mother is likely waning or no longer sufficient, even if accepted into pod.

The committee finds there are few options for a humane outcome for the calf's current and future state. The calf is at increased risk of negative welfare while in holding, and at increased risk of not experiencing positive welfare. Specifically, the ability to socialise with its pod, nurse from its mum, learn to find food, and swim about as she/he would if in the wild.

Any animal may experience eustress, stress, and distress in its life. Simply preventing distress, as is the current situation at best, is not a condition for acceptable animal welfare to continue in that state. For highly intelligent and social animals the 5 freedoms are a minimum for existence, not for a measure of quality of life. The ability to keep an animal medically alive is not the same as being able to manage its environmental, nutritional, behavioural, mental, and physical health. We commend the veterinarians for the quality of care they have provided the calf while these challenging scenarios have been considered. We also commend the DOC team who have invested tremendous time and energy into evaluating and exploring all options and working continuously throughout this challenging situation.

Ngā mihi,

**Meg Rutledge, PhD**

Kaiwhakahaere Kanorau Koiora, Whakatū | Biodiversity Threats Director

Te Papa Atawhai | Department of Conservation

M: [REDACTED]





[REDACTED]

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**From:** Meg Rutledge  
**Sent:** Friday, 23 July 2021 2:24 pm  
**To:** Kirstie Knowles  
**Cc:** Kevin OConnor; Elizabeth Heeg  
**Subject:** AEC advice: legal authority to provide advice and approvals regarding Animal Welfare over wild animals held in facilities even in emergencies  
**Attachments:** DOC AEC Code of Ethical Conduct Dec 2019 Dec 2024 - DOC-6130638.pdf  
**Importance:** High

Kia ora Kirsty,

As per section 99 of the Animal Welfare Act 1999, the key functions and powers of the AEC are :

- “to ensure that the highest welfare and ethical standards are observed by all people associated with the AEC **and** the Department of Conservation in relation to the manipulation and use of animals”
- The AEC will provide and advise on matters relating to animals to ensure the highest welfare and ethical standards are required for the manipulation and use of animals by the Department of Conservation.
- The AEC does not require applications and approvals for routine activities, but does not view this incident with the orca calf to meet routine standards of management or manipulation.
- All information submitted to AEC is confidential, and Members of the AEC are protected under section 104 of the Animal Welfare Act. The AEC has the authority to suspend, vary the conditions of approvals, or revoke approvals as a result of concern for animal welfare.
- The AEC stipulates that sick or injured animals may not be manipulated, even if an approval for handling that animal has been given. Any animals found to be sick or injured may not be manipulated, and veterinary advice on welfare options should be attained.
- In rare instances wild animals may be contained. Should an animal be in a facility, all practices will be in accordance with best practice and scientific knowledge and the relevant codes of welfare issued under section 75 of the Animal Welfare Act. The Code Holder, or delegated authority, shall ensure that systems and procedure have been put in place to manage any impacts on welfare of animals in facilities, including those caused by emergency events.
- The AEC has the power to inspect any animal facility where approval has been granted in order to be satisfied the animals are being cared for appropriately as per AEC approval AND any relevant codes of welfare issued under section 75 of the Animal Welfare Act.
- The AEC has the power to inspect animals, their facilities, and related experimental records at any time to satisfy itself that approved procedures are being properly carried out. In between meetings this power is vested in the Chairperson and the deputy chairperson on behalf of the AEC.

It is my interpretation that the AEC has the authority to provide advice and approval over the welfare of the orca, and that the information provided to the committee members is legally confidential.

Ngā mihi,  
Meg

**Meg Rutledge, PhD**  
Kaiwhakahaere Kanorau Koiora, Whakatū | Biodiversity Threats Director  
Te Papa Atawhai | Department of Conservation  
M: [REDACTED]



Ref: 12.NAE.05

7 November 2019

[REDACTED]  
AEC Chair  
Department of Conservation  
PO Box 10420  
The Terrace  
WELLINGTON 6143

Dear [REDACTED]

#### APPROVAL OF CODE OF ETHICAL CONDUCT

I am pleased to advise that, acting under delegated authority, the Manager Animal Welfare has approved your code of ethical conduct for a five-year period from 17 December 2019 to 16 December 2024. To avoid confusion with various drafts of your code, I enclose a copy of your approved code.

For legal reasons, the Gazette notice will not be published until 17 December. I will send you a copy of the notice in due course.

Yours sincerely

[REDACTED]  
Senior Adviser, Animal Welfare



**Department of Conservation**

**CODE OF ETHICAL CONDUCT  
For the Use of  
Animals for Research, Testing and Teaching**

**V0.2 1 October 2019**

**17 December 2019 - 16 December 2024**

**CODE OF ETHICAL  
CONDUCT  
APPROVED**



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# 1. Introduction / Background on the Activities of the Organisation

## 1.1. Organisational Activities

The Department of Conservation (DOC) is the government agency responsible for the conservation of New Zealand's natural biodiversity and historic heritage. DOC seeks to improve the state of biodiversity by preventing threats (including fire, weeds and invasive species) to biodiversity, and by undertaking work to support the ecological integrity of public conservation lands and waters.

To achieve this goal, DOC undertakes many operational activities involving the protection and husbandry of animals as well as undertaking animal pest control. It also undertakes research, testing and teaching (RTT) to contribute to the understanding of ecosystems, biodiversity and species conservation.

The department recognises that the use of animals in RTT has a cost that must be weighed against the potential benefit obtained.

This Code of Ethical Conduct (CEC) is designed to comply with all the requirements of the Animal Welfare Act (AWA) 1999. Of particular relevance in the Animal Welfare Act (AWA) 1999 is Part 6: "Use of Animals in RTT", enabling the consideration of the use of specified animals in RTT by the Department of Conservation.

## 1.2. RTT and the Three Rs

As a part of the CEC and Animal Ethics Committee (AEC) processes, researchers wishing to manipulate animals for research, testing or teaching are required to submit an application to the AEC that demonstrates why there is no alternative to the use of the animal(s) and what will be done to minimise the number of animals manipulated and any distress that may result from the manipulation.

The principles of the 3Rs will be applied and described in the application process:

- **Replace** the use of animals with alternative techniques or avoid the use of animals.
- **Reduce** the number of animals to a minimum required to achieve the scientific requirements.
- **Refine** the way experiments are carried out to reduce animal suffering and enhance animal welfare.

## 1.3. Responsible Persons

The Department of Conservation (the 'Code Holder') must meet its legal responsibilities as defined by the Animal Welfare Act 1999. The Director-General retains the institutional responsibility to ensure the department is compliant with the CEC through the following delegated responsibilities for ensuring the code requirements are met:

- Deputy Director-General Biodiversity
- Chair of the department's Animal Ethics Committee
- Members of the AEC
- All individuals named on approved AEC approvals and associated documents
- All staff responsible for any aspect of care and welfare of animals used in RTT.

#### **1.4. Persons/Organisations under the CEC**

This CEC applies to all Department of Conservation staff and contractors, and all animals used for RTT within New Zealand by those staff and contractors.

The department's AEC does not parent (i.e., consider applications on behalf of) other organisations or individuals.

For research that occurs in collaboration with other New Zealand CEC holders, only one AEC will approve the research and only the CEC under which the approving AEC is appointed will apply.

## **2. Establishment, Functions, Powers and Membership of the Animal Ethics Committee**

### **2.1. Functions, duties and powers of the Committee**

The key functions and powers of the AEC are listed under Section 99 of the Animal Welfare Act 1999. The AEC also seeks:

- to ensure that the highest welfare and ethical standards are observed by all people associated with the AEC and the Department of Conservation in relation to the manipulation and use of animals
- to ensure compliance with the Animal Welfare Act 1999, including the Animal Welfare Amendment Act No. 2 (2015), by all people named on approved AEC approvals and associated documents.

### **2.2. Membership of the AEC**

The AEC comprises statutory members and departmental staff members. The department's AEC will consist of a minimum of six members.

### **2.3. Statutory members**

- a chairperson who is member of the department appointed by the Code Holder
- If the chairperson is a statutory member then they need to be a senior member of staff who is capable of evaluating the scientific value of the projects.
- a person appointed by the Code Holder on the nomination of an approved animal welfare organisation, such as the Society for the Prevention of Cruelty to Animals (SPCA), who is not employed by, or associated with, the department or involved in the use of animals for RTT
- a person appointed by the Code Holder on the nomination of a territorial authority or regional council who is not employed by, or associated with, the the department, or associated with the scientific community or an animal welfare agency
- a veterinarian appointed by the Code Holder on the nomination of the New

Zealand Veterinary Association (NZVA) who is not employed by, or associated with, the department

- up to four additional departmental staff appointed by the Code Holder.

#### **2.4. Departmental members**

Departmental members of the AEC are selected based on experience with animal research or operational experience to provide a range of knowledge on topics covered by the AEC.

At least one senior statutory member must be appointed based on the capability to evaluate the scientific validity of projects.

All members are appointed and approved by the chairperson and Code Holder.

#### **2.5. External members**

Upon receipt of a claims form, external members appointed under section 2.3 will be remunerated by the Department of Conservation as per Cabinet office Circular CO(19) 1 *Revised Fees Framework for members appointed to bodies in which the Crown has an interest 17 June 2019*.

#### **2.6. Additional members**

The AEC has the power to co-opt additional expertise where additional skills or knowledge gaps are identified. This may be in relation to the science involved in applications, the species of animal or similar situations. Co-opted advisors do not have voting rights.

If the co-opted additional expertise is from the department, this will occur as part of their role so no additional remuneration will apply.

If the co-opted additional expertise is external to the department, they will be remunerated on an hourly rate commensurate with their skills and the complexity of the advice sought.

#### **2.7. Appointment Procedures**

The Code Holder will appoint the chairperson, and the AEC will elect the deputy chairperson.

Reappointment of statutory external members at the expiry of their term must be through a formal nomination by the relevant body as outlined in section 2.3.

Reappointment of Institutional members at the expiry of their term must be through the formal appointment process as outlined in section 2.3.

The secretariat of the AEC should be an employee of the department and approved by the Code Holder or delegate. The secretariat is 'in attendance', is not a member and does not form part of the consensus decision-making processes of the AEC.



## **2.8. Vacancies**

Vacancies in the membership of the committee will not invalidate its actions, as long as a quorum of members (as outlined in section 3.4) is still available for committee meetings. Vacancies must be filled as promptly as possible in accordance with section 2 of this CEC.

If a member has an unexplained absence from the committee for three consecutive meetings, this member will have been deemed to have resigned their position on the AEC and the vacancy filled in accordance with section 2 of this CEC.

## **2.9. Induction and Training of New Members**

The Chair will provide new AEC members with the NAEAC induction pack and additional departmental information as deemed necessary, including this Code. Members may also be required to attend NAEAC workshops, conferences and/or training courses during their term on the AEC.

## **2.10 Term of Appointment**

Appointments shall be for an initial period of three years. Reappointment for a further two years is subject to the appointment process as outlined in section 2.3 of the CEC.

The Chairperson's appointment may be extended beyond the five years, if agreed to by the Code Holder.

## **2.11 Members Responsibility to Perform**

If a member of the AEC has been negligent in the discharge or performance of their duties and this has materially and adversely affected the performance of the AEC in undertaking its functions and responsibilities, the ongoing involvement of that member in the AEC will be reviewed by the Chair, and the Code Holder, and the member's nominating body will be advised.

# **3 AEC Processes**

## **3.1. AEC Meetings**

The primary function of the AEC meeting is to review applications for animal manipulations submitted by staff members and contracted researchers for assessment and to monitor approvals. The AEC will provide and advise on matters relating to animals used in RTT, to ensure the highest welfare and ethical standards are required for the manipulation and use of animals by the Department of Conservation.

In accordance with the Animal Welfare Act 1999, including the Animal Welfare Amendment Act No. 2 (2015), applications must be submitted for the following:

- the manipulation of live animals in RTT
- the killing of animals for RTT
- the breeding or production of animals for RTT that may result in the birth or production of animals that are more susceptible to, or at greater risk of, pain or distress during its life.

The AEC is responsible for the review of monitoring of animal welfare during manipulation procedures, and end of project reports.

The AEC reviews and comments on other business related to animal use for RTT at the department.

### **3.2. Frequency of Meetings**

The department's AEC will meet at least four times a year as organised by the chairperson. It has the potential to meet every month, except in January.

The upcoming year's meeting schedule is confirmed at the last meeting of the current year.

Meetings may be face to face or by video conferencing, teleconferencing, or skype. Face to face meetings will occur at a minimum four times a year.

### **3.3. Timing for Circulation of Agenda Items**

The chairperson will ensure that meeting minutes are kept, that information is stored safely, and that the agenda, AEC applications and all other appropriate information is forwarded to the AEC members at least one week prior to the meeting.

### **3.4. Quorum**

A quorum is 50% +1 of membership, including two external statutory members appointed as per section 2 of the CEC.

### **3.5. Decision Process**

All decisions made by the AEC will be by consensus.

### **3.6. Conflict of Interest**

Committee members must declare any actual or potential conflict of interest to the chairperson for consideration, prior to the matter concerned being discussed by the AEC.

When a conflict of interest is declared, it will be recorded, and the member will recuse themselves from all AEC deliberations and decision making, although they may be asked to brief the committee on the project as per section 3.12.

### **3.7. Effective Input of Committee Members**

To ensure effective input from external members, all members will have equal opportunities to contribute to the business of the meeting. Decisions will be made after all committee members present have had the opportunity to express their views. All members will have the opportunity to ask for further information or clarification so that they can obtain information and answers to questions they have regarding applications made to the AEC.

### **3.8 Confidentiality**

When inducted, committee members are advised of the need for confidentiality and must treat all information submitted to the AEC as confidential.

### **3.9 Consideration between Meetings**

All AEC applications are considered in a meeting and if required, deliberations may be completed after the meeting should further information be requested. This is to avoid delays which may impact on the planned project.

There are certain occasions when an AEC decision (including the consideration of interim approval) may be required between meetings without having had the benefit of discussion at a previous meeting.

There are two situations where consideration of an interim approval between meetings may apply:

- modifications to existing approvals
- consideration for new proposals in urgent situations

#### **3.9.1 Minor modifications to existing approvals**

For modifications/alterations to existing approvals to be considered and approved by the chairperson the following criteria must be met:

- The changes do not involve a major departure from the approved study design.
- There is no increase to the impact grading.
- Additional staff and students are required to be added to an existing approval.
- Any change to numbers is the minimum necessary to retain the statistical validity of the original approval. Any increase over 10% of the original number requested must be agreed by a quorum of the committee.
- Any extension in time for the project does not exceed a three-year timeframe for the total duration of the project.

Any other modifications need to be considered by the whole committee.

#### **3.9.2 Interim approvals**

An interim approval for a new project may be issued on a well-justified case-by-case basis, where there are reasonable grounds for the urgency of the approval.

The requirements for considering an interim approval are:

- There is a legitimate requirement for urgency.
- The manipulation is graded A and/or B.
- The application is brought to the next meeting of the AEC, which may endorse, endorse with conditions, or not endorse the decision.

A subcommittee of the AEC shall consider these proposals. Subcommittee membership must include as a minimum the chairperson (or deputy chairperson), two of the statutorily appointed external members and a departmental AEC member.

The interim approval shall be considered for ratification at the next AEC meeting and the approval subsequently confirmed in writing by the AEC.

### **3.10 Public Presence at Meetings**

Meetings will not be open to the public.

### **3.11 Applicant Presence at Meetings**

The AEC may invite applicants to be present at the meeting in support of their application and to answer any questions the AEC may have.

Applicants may also apply to the chairperson requesting attendance at the AEC meeting to present on their application and answer questions from the AEC, which will be at the discretion of the chairperson.

### **3.12 Secretariat Support**

Secretariat support will be supplied by the department. The secretariat will have the following skills:

- Organisational aptitude
- Accurate minute taking
- Attention to detail.

### **3.13 Record keeping and Information Management**

AEC documentation is maintained in order to meet the requirements of the Animal Welfare Act. All information is retained in the Department's electronic filing system.

### **3.14 Reporting of Animal Use Statistics to MPI**

The Chair will ensure that the AEC will report annually on the statistics on animal use and impact of use on approvals as per the MPI Guideline.

### **3.15 Process to amend the CEC**

Should the situation arise whereby a minor amendment is necessary to the Code, this will be raised through the Chair, who will then arrange and recommend amendments to the Code-holder and facilitate the notification process to MPI. Approval from MPI will be sought for amendments that are not minor.

## **4 Consideration of Projects by the AEC**

### **4.1 Criteria for Consideration**

When considering submitted applications, the AEC shall ensure that the application meets the criteria set out in section 100 of the Animal Welfare Act.



## 4.2 Outcomes for Consideration

The AEC may:

- **Approve**

Work on the research may commence as per the approval, with standard or specific conditions.

- **Require revision**

No work is to commence, as the application requires revision.

Provisional approval may be granted pending the applicant providing further minor details or clarification and agreed to out of session by the members. In this instance, approval will not be issued until all members agree to the approval in writing as a result of receiving the further information.

- **Decline**

No work is to commence in any capacity in relation to the application.

All decisions will be recorded in the minutes and the applicant advised of the outcome in writing.

## 4.3 Conditions of Approval

Conditions of an approval and manipulation gradings will be determined by the members during deliberations and recorded in the approval. Conditions will be managed by means such as manipulation reports, manipulation statistics, the supply of video recordings and, when possible, site visits.

## 4.4 Maximum Approval Period

The maximum approval period for an application is three years. At this time all animal manipulations must stop. Where there is sufficient justification, an extension of up to two years may be granted by the AEC upon application.

## 4.5 Power to Suspend, Revoke and Vary Approvals

The AEC has the authority to suspend or revoke approvals or vary conditions of approvals temporarily or permanently. This may be a result of non-compliance with the conditions of approval, concern for animal welfare, or concern that the project is not being undertaken as authorised.

Non-compliance that result in suspensions, revocations or variations to approvals will be communicated in writing to the project leader and their manager.

## 4.6 Changes to Approved Applications

There may be the requirement for modifications to the approved manipulation procedures or other aspects. Such requests (for items other than those specified in section 3.10.1 – minor modifications between AEC meetings) should be submitted to the AEC with supporting documentation.

#### **4.7 Protection of AEC Members**

Members of the AEC are protected under section 104 of the Animal Welfare Act and are not personally liable for any act done or omitted by the member or the committee in good faith in the course of the operations of the committee.

## **5 Responsibilities under AEC Approved Projects**

### **5.1 Compliance**

To ensure that any RTT involving the manipulation of a live animal is carried out in accordance with this Code, the application form explicitly requests information on the three Rs, the justification for the manipulation, and the welfare measures to be undertaken for the animals. The project lead's manager is also a signatory on the application form and any approvals issued.

The Code Holder is responsible for monitoring compliance of approvals with all Acts of Parliament, regulations or bylaws pertaining to the care and treatment of animals. Particular attention will be given to sections 80 and 100 of the Animal Welfare Act.

### **5.2 Appropriate Qualifications**

All staff or contractors approved to manipulate animals must have the appropriate skills to perform the manipulations they are authorised to perform under an approval. The AEC will specify any required training and the timeframes for completion of training, evidence of which must be provided to the AEC.

Use of sedatives in predator research by non-veterinarians is managed under section 28 of the Agricultural Compounds & Veterinary Medicines Act (ACVM Act) 1997 and allows Research, Teaching and Testing Organisations (RTTO's) to use veterinary medicines under certain circumstances as described in an Operating Plan approved by MPI and the use of Controlled Drugs is under Ministry of Health approval. Key documents include the MPI approved Operating Plan DM-3190578 and MoH audited Controlled Drug Standard Operating Procedure DM-3170683.

A factsheet describing the requirements for staff when animal remedies are proposed to be used as part of a manipulation is available on DM-5381099, including the requirements set out in the Section Z: *Application for the Use of Prescription Registered Veterinary Medicines* which must be submitted to the AEC with the project application form.

If the manipulation is approved, an Institutional Drug Administration Order is issued by the DOC veterinarian and endorses a drug regime which is specific to that AEC approval. In gaining approval, key requirements stipulated in the ACVM Act and the DOC Operational Plan (MPI approved) must be met.

### **5.3 Transportation of Animals**

All transportation of animals will be humane and hygienic and in accordance with regulatory requirements. This will be achieved through any conditions included in the approval.

## **5.4 Housing of Animals**

Animal facilities and practices shall be in accordance with good practice and scientific knowledge (for example, as recommended by NAEAC in its Good Practice Guide for the Use of Animals in Research, Testing and Teaching (March 2019)) and to the relevant codes of welfare issued under section 75 of the Animal Welfare Act. This is to ensure that the animals' health is safeguarded, and that undue stress is avoided. All requirements of the Animal Welfare Act must be met.

## **5.5 Sick and Injured Animals**

Sick or injured animals will not be manipulated.

Any animals found to be sick or injured during a project will be notified to the DOC veterinarian for expert wildlife advice. In such cases, the manipulation to a sick or injured animal will not occur. Where veterinary care is not possible (e.g., a large wild animal on an inaccessible island or at sea), a vet will also be contacted for advice on welfare options.

## **5.6 Standard Operating Procedures and Best Practice Documents**

Departmental staff may develop SOPs or best practice documents for animal husbandry practices or routine procedures that relate to the manipulation of animals in RTT. These documents will be developed in consultation with experts, and peer reviewed. They will then be submitted to the AEC for consideration, review and feedback.

Any SOPs or best practice documents that include significant surgical procedures will include a competency component to ensure the welfare of animals and compliance with legislation. SOPs or best practice documents that include the use of significant surgical procedures do require approval by the AEC.

## **5.7 Adverse Events**

Any animal welfare adverse events that occur during a manipulation or as a direct consequence of the manipulation shall be dealt with promptly, and the Chair and the department's vet notified immediately. An adverse event report must be completed and submitted to the AEC for discussion. If appropriate, the adverse event will be logged on the Lessons Learnt Register (DM- 2626553) if the AEC believes similar events are preventable in the future.

## **5.8 Grading**

All applications submitted to the AEC will be assessed for the appropriate manipulation grading as per the Animal Manipulation Grading Guide. (DM-870472).

All projects will have their grading reviewed by both the approval holder and the AEC when the final project report is submitted.

## **6 Animal Facilities**

### **6.1 Management of Animal Facilities**

Although most manipulations that occur under this Code by departmental staff and contractors involve wild animals that are not contained within a facility, in rare instances animals may be contained.

Should an animal be in a facility, all practices will be in accordance with best practice and scientific knowledge (as recommended by NAEAC in its Good Practice Guide for the Use of Animals in Research, Teaching and Testing (March 2019)) and the relevant codes of welfare issued under section 75 of the Animal Welfare Act.

The Code Holder, or delegated authority, shall ensure that systems and procedures have been put in place to manage any impacts on welfare of animals in facilities, including those caused by emergency events.

The AEC has the power to inspect any animal facility where approval has been granted for a manipulation in order to be satisfied that animals are being cared for appropriately and in accordance with the AEC approval and any relevant codes of welfare issued under section 75 of the Animal Welfare Act.

## **7 Monitoring**

All individuals involved with approvals are required to comply with the conditions of the AEC approval and this code.

The AEC is responsible for the monitoring of all approved projects. Where a delegated authority is nominated by the AEC to provide this monitoring function, this must be recorded in writing. All monitoring events, such as site visits, will be documented and reports received by the AEC.

Where corrective actions are identified, these must be time framed with specific responsibilities allocated. Compliance with corrective actions will be monitored by the AEC, and where non-compliance is significant or ongoing, the AEC will escalate the matter to the Code Holder or their delegated authority.

Where appropriate, matters may be referred to external compliance agencies.

### **7.1 Powers of the AEC**

The AEC has the power to inspect animals, their facilities and related experimental records at any time to satisfy itself that approved procedures are being properly carried out.

Between meetings, this power is vested in the chairperson and (in the absence of the chairperson), the deputy chairperson on behalf of the AEC.



## **7.2 Monitoring during the approval period**

At a minimum, interim manipulation reports will occur annually, and the final manipulation report will be due within two months of the completion of the project.

Site visits and/or post approval monitoring will be conducted on at least 10% of grade A – C approved projects, and all grade D and E projects. For some approvals, video recordings will be a necessary monitoring tool due to site accessibility, with the majority of the department's animal manipulations occurring in the field or at sea.

Monitoring during an approval period will at the minimum comprise interim manipulation reports and often a request for video footage of a manipulation, given the locations where most departmental AEC projects occur.

Where practical, to achieve independent monitoring, site visits or video footage are to be provided. These monitoring events are recorded on the AEC Applications and Approvals master record on DM 456787.

Visits to sites are desirable, but not always possible.

## **7.3 Monitoring by Proxy**

When applicable, monitoring of manipulations by a representative of the AEC may occur. The attributes of a person and their qualifications will be discussed as part of the application deliberations and the role of the monitor will be described in the AEC approval.

The monitor will provide a short report to the Chair for inclusion in the next agenda.

## **7.4 End of Approval Reporting**

The AEC will be provided with an end of project report submitted by the project lead. The report must include the outcome of the research, any approved modifications made to the project or approval and all reports of inspections, site visits, sick animal reports or similar. The end of approval report will include the initial grading of the approved project, and an assessment from the project lead on the manipulation grade during the approval.

Timing of the submission of interim and final manipulation reports is listed on the AEC Approval.

## **7.5 End of Approval Grading**

The final manipulation report will include the project lead's assessment of the manipulation grading and the rationale if it has changed from the original grading determined by the AEC. The AEC has the power to change the final grading if it believes this is required.

## **7.6 End of Approval Statistics**

The timing for submitting manipulations statistics is recorded on the AEC approval when issued. In addition, in November of each year, a reminder request will be sent to all approval holders who are due to submit manipulation statistics by February of the following year.

## **8 Complaints Procedures**

### **8.1 Reporting of Complaints**

All complaints regarding animal welfare must be reported to the chairperson, discussed in a meeting, and recorded in the minutes. All complaints will be investigated by the Chair or a delegate.

### **8.2 Procedural Complaints**

Complaints may be written to the chairperson of the AEC. The chairperson may consult with other personnel as needed to complete any required investigation. If the matter cannot be resolved by the AEC, or to the satisfaction of the complainant, it shall be referred to the Deputy Director-General, Biodiversity.

In accordance with section 103 of the Animal Welfare Act, any member of the AEC who believes that the committee or the Department of Conservation is failing to comply with the CEC may report such non-compliance to the Director-General of MPI.

An AEC member who makes such a report in good faith shall not be liable to any discipline or civil proceedings from the Department of Conservation because of having made the report.

### **8.3 Animal Welfare Complaints**

#### **8.3.1 Animal welfare complaints made by members of the public**

Complaints made by members of the public shall be referred to the AEC chairperson who will correspond/liaise directly with those concerned to inform them of the department's position and/or to advise them that further correspondence may be addressed to MPI.

If the committee agrees that there is evidence of a potential non-compliance, the chairperson shall arrange an investigation by AEC member(s), with a formal report provided to the next AEC meeting. Where non-compliance with the CEC or Animal Welfare Act is identified, corrective actions shall be recorded and monitored by the AEC. The Code Holder will be notified.

#### **8.3.2 Animal welfare complaints made by departmental staff**

Complaints made by departmental staff or AEC members shall be directed to the AEC chairperson. If there is evidence of a potential non-compliance, the chairperson shall arrange an investigation by AEC member(s). A report of the investigation will be provided to the next AEC meeting and the Code Holder. Corrective actions will be identified and monitored by the AEC.

Where the Code Holder believes the complaint justifies escalation, the MPI shall be notified.

### **8.3.3 Complaints made about the Chairperson**

Complaints made members of the public regarding the chairperson shall be directed to the Code Holder or delegate, who will correspond/liaise directly with the chairperson to resolve the issue.

Where the Code Holder believes the complaint justifies escalation, the MPI shall be notified.

## **9 Process to Amend, Suspend or Revoke the CEC**

Should circumstances arise whereby this Code of Ethical Conduct requires an amendment, suspension or revocation, the chairperson shall notify the Code Holder, in writing, and contact MPI to complete the process.