



# Proposed Animal Welfare Regulations

(Care & Conduct and Surgical & Painful Procedures)

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# 1.0 Purpose of this Consultation Document

The Ministry for Primary Industries (MPI) is seeking submissions from interested parties, both individuals and organisations, on proposed regulations under the Animal Welfare Act 1999 (the Act). This document sets out proposals for making regulations that would apply to a range of different animals and situations.

Specifically, submissions are sought on proposed regulations for the care of, and conduct towards, animals (care and conduct) and surgical and painful procedures under sections 183A and 183B of the Act, respectively. It is proposed that the regulations would have infringement offences or prosecutable offences<sup>1</sup> attached to them under section 183 of the Act.

In addition, regulations are also proposed that would set an infringement fee for offences related to non-compliance with a Compliance Notice and for failing to inspect a set trap within 12 hours.

## 1.1 HOW TO HAVE YOUR SAY

### **Deadline for making submissions on this discussion document is 19 May 2016**

Comments can be provided by e-mail to [Animal.WelfareSubmissions@mpi.govt.nz](mailto:Animal.WelfareSubmissions@mpi.govt.nz), or by post to:

Animal Welfare Policy  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140

Please include the term “Submission on Animal Welfare Regulations” clearly in the e-mail subject line or on the front of the envelope.

All received submissions will be acknowledged.

Please make sure you include the following information in your submission:

- the title of the consultation document;
- your name;
- your organisation’s name (if you are submitting on behalf of an organisation); and
- your contact details (e.g. phone number, address and email).

MPI will hold a number of meetings throughout New Zealand to discuss the regulatory proposals. Information on these meetings is available on MPI’s website <http://www.mpi.govt.nz/>

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<sup>1</sup> A ‘prosecutable offence’ refers to an offence that can lead to a criminal conviction.

*Submissions are public information.*

Submissions provided to MPI on the regulatory proposals will be subject to the provisions of the Official Information Act 1982 (OIA). The OIA requires that information be made available on request unless there is good reason, pursuant to the OIA, to withhold the information. If you do not wish any material in your submission to be released, or if you are submitting as an individual and do not wish your identity to be disclosed, please specify the material that you wish to be withheld and the grounds (as set out in the OIA) for withholding it.

The decision on whether to release information under the terms of the OIA rests with the Director-General of MPI. Any decision to withhold information is subject to appeal to the Office of the Ombudsmen.

## 1.2 WHAT TO EXPECT IN THIS DOCUMENT

This consultation document is divided into two parts.

- Part A – Overview of the proposed regulatory package.
- Part B – Specific regulatory proposals.

Part A provides an overview of New Zealand's animal welfare system, discusses how new regulations will complement the existing system, and describes the issues to be considered before regulations are made. Part A also discusses the penalties associated with any new regulations, how any regulations will be implemented, and the process following consultation.

Part B contains three sections that set out regulatory proposals relating to the care and conduct of animals; the management of young calves (a specific subset of the care and conduct proposals); and surgical and painful procedures. General information relevant to the proposals is provided at the start of each section.

### *Questions*

Questions are included throughout this document to prompt discussion that will help inform the development of any final regulatory package. All questions are highlighted with blue background shading, for example:

Question X: Are there any minimum standards or additional matters you think should become regulation immediately, that are not included in the regulatory proposals in Part B?

A list of the questions asked in Part A is included in section 8 of this document. A glossary is included as Appendix 1.

## 1.3 THE IMPACT OF THE REGULATORY PROPOSALS

A regulatory impact statement was published during development of amendments to the Animal Welfare Act 1999<sup>2</sup>. It assessed the impact of different options for improving the

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<sup>2</sup> Options to Amend the Animal Welfare Act 1999: Regulatory Impact Statement (2013).  
<http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-mpi-oawa-may13.pdf>.

operation of the Act, including providing for new regulation making powers. It did not include analysis of specific regulatory proposals as these have only now been developed.

This consultation document provides information about the impact of the proposals relating to the care and conduct of animals, and surgical and painful procedures. It covers the substantive elements of a regulatory impact statement, therefore, no separate regulatory impact statement has been provided.

The proposals may result in some increased costs for people who own or are in charge of animals. However, additional costs are likely to be limited as many of the proposals are based on existing minimum standards in codes of welfare, so they should already be current practice. Some proposals go beyond existing minimum standards and the consultation process will help to accurately identify the full costs of these proposals.



# Part A – Overview of the Proposed Regulatory Package

## 2.0 Overview

Animals are important to the people of New Zealand and vital to our country's economy.<sup>3</sup>

We are a nation of animal lovers – more than two thirds of households own a companion animal, among the highest level of pet ownership in the world. At the same time, exports of meat, wool and dairy products contributed around \$23 billion to New Zealand's export revenue in the year ended June 2015.

Our global reputation as safe food producers depends on us continuing to produce animal products within strong animal welfare standards. Even isolated cases of poor animal welfare could have a negative effect on our reputation as a responsible producer of animals and animal products.

Our animal welfare system has been ranked first equal alongside the United Kingdom, Austria and Switzerland in the Animal Protection Index, produced by the global charity World Animal Protection. Most New Zealanders care for their animals very well and ensure they do not suffer unnecessarily.

Our system has been built on a long tradition of working with animals that has, over time, informed the current 18 codes of welfare. The codes of welfare set out a range of minimum standards together with examples of recommended best practice.<sup>4</sup> However, we need to make sure that the safeguards we have in place keep pace with changes in good practice and scientific knowledge.

In Budget 2015, the Government approved a \$10 million package over four years to further strengthen New Zealand's animal welfare systems. This funding will cover a range of activities including improving our compliance and enforcement capability.

Last year the Animal Welfare Amendment Act (No 2) 2015 (the Amendment Act) made changes to the Animal Welfare Act 1999. These changes improve the clarity and transparency of New Zealand's animal welfare system and will make it easier to enforce.

Most of the benefits of the Amendment Act will be realised through regulations and this consultation document sets out a number of specific proposals to that effect. In the majority of cases, the proposed regulations reflect the minimum standards that are currently specified in the codes and place them into law so that enforcement action can be taken if they are breached. The offences set out in the regulations will complement the codes of welfare and the more general and serious offences that will continue to be dealt with primarily through the Act itself.

This is the first time a substantial suite of animal welfare regulations will have been made in New Zealand. MPI recognises the importance of ensuring that the regulations make sense and are practical in everyday situations for those people that live and work with animals. That is why it is important that you tell us what you think of these proposals. As well as the specific questions that are asked for each proposal, we are also keen to know the impact that

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<sup>3</sup> The New Zealand Welfare Act 1999 defines animal broadly to include a mammal, bird, reptile, amphibian, fish, octopus, squid, crab, lobster, or a crayfish.

<sup>4</sup> The Animal Welfare Act 1999 establishes the fundamental obligations relating to the care of animals. These obligations are written in general terms. The detail is found in codes of welfare. Codes set out minimum standards and recommendations relating to all aspects of the care of animals.

the proposals could potentially have on more general issues such as the costs they might generate, business processes that may need to be adapted and any unintended consequences that could arise (see the general questions in sections 9.1, 10.1 and 12.1).

## 2.1 REVIEW OF ANIMAL WELFARE ACT 1999

The Act was reviewed during 2011/12 to ensure that New Zealand's animal welfare system was fit for purpose.

As a result of the review, the Amendment Act was developed and passed into law on 9 May 2015. The fundamental principles of the Act have not changed. There is still an obligation on all New Zealanders to provide for the welfare of animals in their care by attending to their physical, health and behavioural needs.

The Amendment Act made changes to the Act to improve the enforceability, clarity and transparency of New Zealand's animal welfare system. Some changes to the Act came into force immediately (see section 2.2). Some changes have a delayed commencement date as they will only work well once regulations are implemented (see section 2.3). It is proposed that these changes will come into force with the proposed regulations in this document.

## 2.2 CURRENT REGIME

This section describes the current regime, including all the provisions of the Amendment Act that have been brought into force.

Parts 1 and 2 of the Act set out obligations for the care of, and conduct towards, animals. For example, the Act obliges the owner, or the person in charge, of an animal to ensure that the physical, health and behavioural needs of the animal are met in accordance with good practice and scientific knowledge. What constitutes a physical, health or behavioural need is determined by, in each case, what is appropriate to the species, environment, and circumstances of the animal.

The definition of 'physical, health and behavioural needs' is based on what is referred to internationally as the 'five freedoms'. These freedoms provide for:

- proper and sufficient food and water;
- adequate shelter;
- the opportunity to display normal patterns of behaviour;
- appropriate physical handling; and
- protection from, and rapid diagnosis of, injury and disease.

The Act also obliges the owner or the person in charge of an ill or injured animal to ensure that the animal receives treatment to alleviate any unreasonable or unnecessary pain or distress. A person commits an offence if they fail to comply with these obligations or kill an animal in a manner that causes it to suffer unreasonable or unnecessary pain or distress.

The Act provides for the care of animals during surgical and painful procedures by placing restrictions on the procedures that may be performed on them. Only veterinarians, or veterinary students working under supervision, can perform significant surgical procedures on animals unless exceptions are provided for in regulations.

The Act does not expand on the care and conduct obligations set out in Parts 1 and 2. The detailed requirements and specific actions that need to be taken to meet these obligations are set out as minimum standards in codes of welfare.

Currently 18 codes of welfare are in force<sup>5</sup>. The codes of welfare are made by the Minister for Primary Industries on the recommendation of the National Animal Welfare Advisory Committee (NAWAC).

The Act is primarily enforced by MPI and the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA)<sup>6</sup>. MPI primarily focuses on production (farm) animal welfare issues while the RNZSPCA focuses on urban areas and on companion (pet) animal welfare issues. There is degree of crossover, particularly in animal welfare issues on 'lifestyle' properties. The RNZSPCA investigates around 13,000 complaints a year mainly relating to companion animals. MPI investigates around 1,300 complaints per year mainly relating to production animals.

The New Zealand Police (the Police) also have the power to enforce the Act. The Police prosecute a couple of hundred cases per year that have an animal welfare element. However, in most cases they will refer animal welfare issues to the RNZSPCA or MPI.

### 2.2.1 New powers to make regulations

The Act now has powers to make regulations in relation to:

- standards for the care of, and conduct towards, an animal (section 183A of the Act); and
- surgical and painful procedures (section 183B of the Act).

The proposed regulations will complement codes of welfare by specifying directly enforceable animal welfare standards and providing clarity around the performance of surgical and painful procedures. The proposed regulations will also set lower-level penalties for breaches of these standards and requirements. Penalties can either be a fine and criminal conviction as a result of a prosecution under the regulations or an infringement fee without conviction.

Before recommending that surgical and painful procedures regulations be made, the Minister must have regard to whether the procedure fits the criteria for determining whether it is a significant surgical procedure (set out in Box 1 on page 8) and also:

- the purpose of the procedure;
- the extent (if any) to which the procedure is established in New Zealand;
- good practice in relation to the use of the procedure for animal management purposes or in relation to the production of animal products or commercial products;
- the likelihood of the procedure being managed adequately by codes of welfare or other instruments under this Act; and
- any other matter the Minister considers relevant.

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<sup>5</sup> The 18 codes of welfare are listed in Appendix 2. The full codes of welfare can be read on the MPI website <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

<sup>6</sup> RNZSPCA is the only approved organisation under section 121 of the Act. This allows them to have animal welfare inspectors who can enforce the Act.

## 2.2.2 Introduction of Compliance Notices

The Act now allows animal welfare inspectors to issue Compliance Notices, which are designed to be an early intervention tool. For example, under Part 7 of the Act an inspector may issue a Compliance Notice to a person to stop doing something, or prohibit them from doing something, if they have good cause to suspect that something the person is doing contravenes or is likely to contravene the Act or any regulations made under it. A Compliance Notice may also be issued to require a person to do something that the inspector reasonably believes is necessary to ensure that the person complies with the Act or any regulations made under it. Section 2.3.2 discusses the proposed infringement fee for Compliance Notices.

## 2.2.3 New powers to make transitional regulations

The Act enables the Minister to make transitional standards and requirements under regulations. Transitional standards or requirements allow a particular practice, which does not fully meet the obligations of the Act, to continue for a limited time to enable a transition from current practice to a new practice that is compliant with the Act.

Previously, minimum standards in codes of welfare managed transitional practices. The power to create transitional minimum standards has been revoked. Section 183A of the Act now sets out more transparent and explicit considerations for creating transitional regulations. The Act also differentiates between:

- transitions (where there is a requirement to change practice within a specific time period); and
- exemptions (where a practice is expected to continue indefinitely although these are still subject to periodic review).

The Act sets a maximum time period for transitions so that they cannot last indefinitely. The transition period is limited to a period that does not exceed 10 years, with an additional period of up to five years in very limited circumstances. Exemptions can only be provided for religious or cultural practices.

The use of regulations will make transitional standards and requirements more enforceable if they are breached. The regulatory proposals relating to the transition away from using conventional layer hen cages is an example of a transitional regulation.

## 2.3 CHANGES TO THE ACT NOT YET IN FORCE

It is proposed that some changes to the Act be brought into force, by Order in Council, with the proposed regulations in this document. Unless otherwise provided for these changes will come into force in 2020.

These changes primarily relate to revising the existing regulatory regime for managing surgical and painful procedures (see section 2.3.1) or attaching an infringement fee for breaching a Compliance Notice (see section 2.3.2). Detail of the technical changes to be brought into force can be found in Appendix 3.

### 2.3.1 Changes to the regime for surgical and painful procedures

The Amendment Act repeals the existing regime for surgical and painful procedures. The existing regime consists of a tiered classification system for different procedures and some

specific prohibitions and offences<sup>7</sup>. It is proposed that the provisions in the Act, relating to the existing system, be removed by Order in Council with the proposed regulations in late 2016.

Requirements that significant surgical procedures can only be undertaken by a veterinarian, or a veterinary student acting under the direct supervision of a veterinarian, will remain (section 15 of the Act) although exceptions will be able to be provided in the regulations. In addition, it is proposed that the Amendment Act's criteria for determining whether a procedure is a significant surgical procedure be brought into force as part of this regulatory package (see Box 1 below).

***Box 1: Section 16 of the Act—Criteria to determine whether a procedure is a significant surgical procedure (not yet in force)***

If any person has to determine whether a procedure carried out on an animal is a significant surgical procedure under this Act, the person must determine the question by considering the following criteria:

- (a) whether the procedure has the potential to—
  - (i) cause significant pain or distress; or
  - (ii) cause serious or lasting harm, or loss of function, if not carried out by a veterinarian in accordance with recognised professional standards; and
- (b) the nature of the procedure, including whether this involves—
  - (i) a surgical or operative procedure below the surface of the skin, mucous membranes, or teeth or below the gingival margin; or
  - (ii) physical interference with sensitive soft tissue or bone structure; or
  - (iii) significant loss of tissue or loss of significant tissue.

### 2.3.2 Compliance Notice infringements

The amendments associated with section 2 and section 156I of the Act relate to attaching infringement offences and penalties to Compliance Notices to enhance their effectiveness.

It is proposed that the fee for the infringement offence associated with non-compliance with a Compliance Notice (section 156I (1)) be set at \$500. The level of the proposed infringement fee reflects the fact that by the time an infringement offence occurs the owner or person in charge of the animal has:

- already been informed that their practice does not comply with Act or regulatory requirements (i.e. they have been issued with a Compliance Notice);
- been provided with time to rectify the situation; and
- failed to do so.

If an animal is suffering as a result of the non-compliance with a Compliance Notice, offences under the Act or regulation offences could also be available in addition to an infringement fee.

<sup>7</sup> The existing regime for surgical and painful procedures includes:

- a tiered classification system for surgical procedures— significant, restricted and controlled procedures (sections 15 to 21 of the Act); and
- prohibiting the cropping of the ear of a dog and blistering, firing or nicking a horse (section 21(2) of the Act); and
- specifying that piercing the tongue of an animal and branding an animal in such a manner that the animal suffers unreasonable and unnecessary pain or distress are both ill-treatment offences (section 29 (b) and (f)).

### 2.3.3 Other changes

Section 36(3) of the Act specifies an infringement offence for failing to inspect a set trap within 12 hours. However, no infringement fee is set for this offence. It is proposed to set the infringement fee at \$300 via a regulation made under section 183 of the Act.

Question 1: Is there any reason why changes to the Act not yet in force, should not be brought into force at the same time as the regulations (rather than waiting for them to automatically commence in 2020)?

Question 2: Are the infringement fees proposed for sections 156I and 36(3) appropriate?

## 3.0 The Proposed Regulatory Package

### 3.1 WHY ARE REGULATIONS NEEDED?

The review of the Act identified problems that could best be addressed by regulation. Regulations are also needed to update standards for some existing practices to reflect scientific knowledge and good practice.

MPI has developed this package of proposed regulations because they are the first substantial suit of regulations ever made under the Act. It is envisaged that NAWAC will play a key role in recommending future regulations, for example, as part of its ongoing role in developing and revising codes of welfare.

#### 3.1.1 To respond to problems identified with the operation of the Act

The 2011/12 review of the Act identified problems with the enforceability, clarity and transparency of the Act<sup>8</sup>. Analysis of different options during the development of the Amendment Act determined that regulations would best address many of the problems related to enforceability or clarity. The Amendment Act provided new powers for regulations that could made to complement the Act and the minimum standards within codes of welfare.

#### *Enforceability*

The Act review identified two enforceability problems best addressed by regulations:

- codes of welfare are not directly enforceable; and
- there are limited enforcement tools for dealing with low to medium offending.

Codes of welfare contain minimum standards for the care of animals, however they do not have the status of primary or secondary legislation. They are ‘deemed’ regulations and have no offences attached to them. A breach of a minimum standard in a code of welfare is not an offence in itself. However, breaching a minimum standard can be put forward as evidence in a prosecution and adherence to a minimum standard can be relied on as a defence for an offence against some provisions of the Act.

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<sup>8</sup> For further information see “Options to Amend the Animal Welfare Act 1999: Regulatory Impact Statement”. (2013). <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-mpi-oawa-may13.pdf>.

A lack of enforceability is a particular problem where codes of welfare prohibit an activity or provide for a period to transition away from practices that do not meet the obligations of the Act.

To enforce a breach of a minimum standard in a code of welfare a prosecution under the Act is required. Prosecutions are resource intensive and generally only appropriate for serious offending. As regulations are intended to be more specific, prosecution under regulations should be more straightforward and potentially less resource intensive.

The majority of animal welfare offending is of a low to medium level of seriousness. Most offending at this level is dealt with through the provision of verbal advice, educational information or by issuing a warning. These types of enforcement tools are not always effective when dealing with frequent or repetitive low to medium level offending as there are limited consequences for the offender.

The Act now provides the ability to make directly enforcement regulations that have appropriate penalties for low to medium offending which are efficient and effective to administer. For further information on the penalty regime attached to regulations see section 4.1.

### *Clarity*

The Act review identified that the existing tiered classification system for regulating surgical and painful procedures (see 2.3.1) was difficult to understand and apply. The difficulty relates to uncertainty and contention about:

- whether a procedure is a significant surgical procedure and therefore must only be undertaken by a veterinarian, or veterinary student acting under the direct supervision of a veterinarian;
- the circumstances in which a procedure can be undertaken; and
- the appropriate method or equipment for carrying out the procedure.

The regulations will improve clarity by:

- prohibiting any surgical or painful procedure; or
- prescribing requirements for any surgical or painful procedure, in particular relating to such things as:
  - the skills, qualifications and experience of the person undertaking the procedure;
  - the types of pain relief or medication used for the procedure;
  - the forms of restraint and equipment used for specified procedures;
  - whether the procedure may only be performed when in the best interests of the animal; and
- declaring that any specified surgical procedure is not a significant surgical procedure for the purposes of this Act.

The new criteria for determining whether something is a significant surgical procedure (see Box 1 on page 8) could capture some routine husbandry procedures (e.g. dehorning cattle), meaning that only a veterinarian or veterinary student could perform the procedure. To avoid doubt, the proposed regulations will make it clear where it is appropriate for a non-veterinarian to perform these types of procedures.

### 3.1.2 To update current practice

Most of the proposed regulations outlined in this document are based on the existing minimum standards within codes of welfare and do not represent a significant change in requirements although, of course, some changes are involved. However, during the development of the proposed regulations the question of whether the standards for particular practices needed to be updated was considered.

The minimum standards within codes of welfare reflect good practice, scientific knowledge, and available technology at the time when they were developed.

The proposals that update practice, beyond minor changes, primarily relate to the performance of surgical and painful procedures and the management of young calves. For a more thorough explanation of the changes refer to the specific proposals outlined in section 11.4 and 12.4 of this document.

## 3.2 OBJECTIVES

The Amendment Act enables regulations to be made that will address identified problems related to enforceability and clarity. The overarching objective of the regulatory proposals in this document is to make regulations that will deal effectively with these problems.

We will know that the regulations have been successful when:

- there is a higher level of compliance with animal welfare standards;
- there are fewer instances where an animal's physical, health and behavioural needs are not met;
- transitional standards are clear and able to be enforced;
- the requirements for surgical and painful procedures reflect good practice, therefore, there is a reduction of unreasonable and unnecessary pain and distress to animals in the performance of surgical and painful procedures;
- there is greater clarity about who is able to undertake certain procedures and those people know what they are allowed or not allowed to do in the performance of a procedure; and
- the world leading reputation of New Zealand's animal welfare regulatory system is maintained and enhanced.

## 3.3 THE PROCESS

The following criteria were used to determine which of the minimum standards and additional matters would be appropriate to consider developing into regulations.

- Effective – is there an identified problem? Is it likely that regulations will achieve the desired change in outcomes and/or update practice where necessary?
- Efficient – if the regulations set a higher standard than the current minimum standards they should be the minimum necessary to ensure that the purpose of the Act will be met, be practical and economically viable.
- Equitable – the level of the offence is proportionate to the lower level penalties that are available under regulation.
- Clear – the actions or omissions are specific and measurable. Regulations need to be clear and precise so there is no doubt when an offence is committed. This is especially



so for infringement offences as they are intended to quickly and efficiently deal with minor offending. This value is lost if they are too open to challenge.

Around 1200 minimum standards or requirements were considered against the criteria above, and the options discussed in section 3.4. The vast majority were judged to not require, or, not be suitable for, regulation at this time. For reasons of brevity these are not presented in this document, although examples are given below and in section 3.4.

The regulatory proposals in Part B are those that met the criteria above. A number of questions about suitability, or information gaps still exist around some proposals. MPI is consulting in the expectation that people affected by the proposals will provide further information to help determine if a proposed regulation is likely to be efficient, effective, equitable, clear, and achieve its objective.

In developing these proposals MPI drew on the knowledge and experience of a joint working group<sup>9</sup> and targeted stakeholder workshops. The purpose of this approach was to provide expertise and practical knowledge about specific animal husbandry practices, and to incorporate aspects of the usual code of welfare development process that stakeholders and the public are familiar with and expect.

The joint working group reviewed the minimum standards in all of the codes of welfare<sup>10</sup> (and draft codes). In addition some matters were identified that were not covered, or not adequately covered, by minimum standards and were included within the review.

In late 2015 and early 2016 the Chair of NAWAC and MPI undertook a series of targeted workshops and meetings with stakeholders to test the areas being considered for potential regulation. Issues considered included whether problems exist in the area, the magnitude of any problems, and the practicality and feasibility of the proposals.

MPI analysed the information collected and identified the areas, set out in Part B of this document, where regulation is considered the most appropriate mechanism to address the issues raised by the Act review. Some other matters may need to be considered for regulation in future but further work is necessary to understand the full implications of progressing regulations for these areas. Examples include:

- *Animals with low body condition.* Condition can be a subjective measure and, in addition, different levels of condition are acceptable between species, situations, and seasons; and
- *Selective breeding.* Selecting for inherited traits that are seen as desirable, whether that be for increased production, efficiency of feed conversion or the way an animal looks, may result in unintended or undesirable consequences. Examples include: negative fertility traits associated with some dairy cow positive milk production traits; or congenital airway obstruction found in brachycephalic breeds of dog.

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<sup>9</sup> The joint working group consisted of representatives from NAWAC, MPI, RNZSPCA and the Veterinary Council of New Zealand.

<sup>10</sup> <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

## 3.4 OPTIONS

Each minimum standard or additional matter was assessed to determine whether it should be retained in its current form (Option 1), regulated (Option 2) or addressed through non-regulatory mechanisms (Option 3).

### 3.4.1 Option 1: Retaining the status quo

This option recognises that it is neither necessary nor appropriate to put regulations in place for all areas covered by the existing minimum standards or the additional areas considered. Regulations should only be considered if they are the appropriate mechanism to address a specific problem and the regulatory penalties available are proportionate to the level of offending. More severe omissions or actions will, and should, continue to be addressed via the offence provisions under the Act and associated higher penalties. For further information on the regulatory penalties available refer to Table 2.

Two examples where a code of welfare or the Act are considered more appropriate than regulations are:

#### 1. *Animal cruelty*

Ill-treatment of an animal is sufficiently severe to warrant prosecution under the Act which carries maximum penalties, including up to five years imprisonment for wilful ill-treatment. The penalties available under regulation are not proportionate to the offending. It would not be equitable to downgrade this offending from Act level to regulation. Examples of this kind of ill-treatment could include breaking a cow's tail or torturing a cat.

#### 2. *Stockmanship*

Most codes of welfare contain minimum standards stipulating that animals must be cared for by a sufficient number of knowledgeable and competent personnel. These work well as minimum standards but present difficulties for regulations as they can be met in many ways. This makes it difficult to clearly prescribe the specific act or omission in regulation.

In considering the proposals set out in Part B:

Question 3: Are there any minimum standards or additional matters you think should become regulations immediately, which are not included in the regulatory proposals in Part B?

Questions 4: Are there any minimum standards or additional matters that you think should be considered for regulation in the future, once the implications of regulating these areas are better understood?

### 3.4.2 Option 2: Developing regulations

MPI consider that the proposed regulations, set out in Part B of this document, meet the criteria identified in section 3.3.

In general the regulations are closely based on the existing minimum standards. However, there are some areas where practice needs to be clarified or updated to reflect good practice and scientific knowledge.

In developing the regulatory proposals for surgical and painful procedures the matters that the Minister must have regard to when making regulations were also taken into consideration.

These matters include, among other things:

- whether the procedure fits the criteria for determining whether it is a significant surgical procedure;
- the purpose of the procedure;
- the extent (if any) to which the procedure is established in New Zealand; and
- good practice in relation to the use of the procedure for animal management purposes or in relation to the production of animal products or commercial products.

The proposed regulations were also tested with a targeted group of stakeholders to determine the need for, and feasibility of, any regulatory proposals.

For all of the proposals in Part B it is considered that regulatory intervention is warranted, that is, they meet the criteria discussed in section 3.3.

For example, proposal 35 prohibits transporting an animal with an ingrown horn. This is due to the risk of exacerbating the injury during transport. The proposal includes the caveat that a veterinarian may examine the animal and where reasonable certify that the animal may be transported. There are on average 90 investigations per year about the transport of animals with ingrown horns.

When this proposal is assessed against the criteria it is:

- effective – as it addresses an identified problem and the proposed infringement fee should provide a deterrent;
- efficient – regulation is the minimum necessary. The current minimum standards are ineffective as they are not directly enforceable;
- equitable – the proposed penalty is proportionate to the failure of the person in charge to meet their obligations not to transport an animal where it will cause unreasonable pain and distress;
- clear – the proposal defines the offence in such a way that the person in charge knows what they need to do to comply with the law.

Question 5: Are there any proposed regulations, set out in Part B, that should not be regulated?

Question 6: If so, how should these matters be managed?

### 3.4.3 Option 3: Non-regulatory mechanisms

Under this option non-regulatory mechanisms would be used to address problems identified through the Act review process. Mechanisms could be delivered by a government, stakeholder or joint initiative. Initiatives could include education and/or training programmes or the

development of industry standards. Initiatives could expand on existing programmes or be developed in response to a particular issue.

An example of a non-regulatory initiative is calving inductions in the dairy industry. Prior to 2010, calving inductions were routinely performed on some New Zealand dairy farms. Inductions are used as a management tool to align calving and milking. However, the practice has negative impacts on both the cow and the calf, including calves being born that are not viable.

In 2010, the dairy industry<sup>11</sup> and the New Zealand Veterinary Association signed a Memorandum of Understanding to gradually reduce the number of routine inductions performed. From 1 June 2015 no routine inductions were permitted except in very limited situations and under veterinary supervision.

This non-regulatory initiative has been effective at reducing the level of inductions. In 2015 inductions occurred in less than 0.5 percent of the dairy herds in New Zealand. Industry expect that over the next 2-3 years the use of inductions will disappear altogether as farmers focus on other aspects of reproductive management.

Question 7: Do you think there should be a wider use of non-regulatory mechanisms? If so, in what situation?

### 3.5 WHO IS GOING TO BE AFFECTED?

The proposed regulations will directly affect almost everyone who either owns or is in charge of animals and those that care for animals as part of their work, such as veterinarians or those working on farms. However, because many of the regulations reflect existing minimum standards, the majority will not require people who already look after animals well to change their current practice.

Some of the proposed regulations are different, either in being more specific than the current minimum standard or updating current requirements to a higher standard. In these situations the owner or person in charge of an animal may be affected, depending on their current practice.

For example, some proposals such as disbudding<sup>12</sup> will require wider use of pain relief than is currently required. Some operators already use pain relief when disbudding—the proposed disbudding regulation is unlikely to affect these operators. For those operators not currently using pain relief the proposed regulations will require a change in practice.

Question 8: Will the proposed regulations, set out in Part B, change the way you or others currently operate, if so, in what ways? What implications would these have for you?

<sup>11</sup> Dairy Companies Association of NZ (DCANZ), Federated Farmers and DairyNZ

<sup>12</sup> Disbudding is the destruction, by any method, of the free-floating immature horn tissue (horn 'buds' growing from the skin) from which the horns of an animal subsequently develop.

## 4.0 The Compliance and Enforcement Regime

The animal welfare compliance approach encourages and facilitates voluntary compliance before escalating to directive and enforcement actions. Currently there are limited tools to address offending (see discussion of current limitations in section 3.1.1).

An animal welfare inspector can issue a Compliance Notice to a person to require them to stop or start doing something to comply with the Act or regulations. It is proposed to bring into force section 56 of the Amendment Act which creates an infringement offence for non-compliance with a Compliance Notice (see section 2.3).

### 4.1 WHAT ARE THE PROPOSED PENALTIES FOR OFFENDING?

Under section 183 of the Act, a regulation can have either an infringement offence or a prosecutable offence<sup>13</sup> attached. Two levels of infringement fee are proposed (\$300, and \$500) see Table 2.

**Table 2: Penalties under the proposed regulations and existing penalties under the Act**

Offence	Penalty	Criminal conviction	Other penalties
Potential penalties under the regulatory proposals.			
<i>Infringement</i>	\$300 fee, or \$500 fee depending on the severity of the offence <sup>14</sup> .  <i>The Act allows infringement fees to be set up to a maximum of \$1000 but none have been proposed at this level.</i>	None	None
<i>Prosecutable offence under regulation</i>	Fine up to \$5,000 individual and \$25,000 body corporate.	Criminal conviction	None
The existing offences in the Act will not change.			
<i>Prosecutable offence under the Act</i>	Penalties range depending on the offence.  The majority of offences have a penalty of up to: \$50,000, or up to 12 months imprisonment, for individuals, a fine up to \$250,000 for a body corporate.  The most serious wilful ill-treatment offence is up to: \$100,000, or up to 5 years imprisonment, for an individual, or a fine up to \$500,000 for a body corporate.	Criminal conviction	Disqualification Forfeiture (depends on offence)

<sup>13</sup>A “prosecutable offence” refers to an offence that can lead to a criminal conviction.

<sup>14</sup> If proceedings for infringement offences are commenced by filing a charging document the proposed maximum penalty is \$5,000 for an individual and \$25,000 for a body corporate.

The specific penalties for each proposed regulation are outlined in Part B of this document.

#### 4.1.1 Infringement

An infringement offence<sup>15</sup> results in a fee but no criminal conviction—similar to a parking ticket. Infringements are suitable for minor offences. Although there are options to challenge infringement offences, it is envisaged that most will not be challenged.

For the infringement system to be efficient, effective, and avoid challenges, the offence for which an infringement notice is issued needs to be specific and clear. A person needs to know when they have breached a regulation and an animal welfare inspector needs to be certain the offence has been committed when they issue the infringement notice.

The Act allows infringement fees to be set up to a maximum of \$1,000 but no infringements have been proposed at this maximum level. When determining possible fees the following points were considered:

- the level of harm to the animal involved in the offending;
- the affordability and appropriateness of the penalty for the target group – for example, is the fee likely to act as a sufficient deterrent against offending; and
- the proportionality of the proposed fee relative to the infringement fees for other comparable infringement offences.

Whether an offence is most likely to occur in a commercial context was considered relevant to affordability. The infringement fees proposed in the regulations for each offence are similar to those in other New Zealand legislation, for example the Dog Control Act 1996.

A lower and higher-level infringement fee have been proposed for different regulatory proposals depending on the relative level of harm. The following criteria are proposed:

- a fee of \$300 – where an activity has the potential to cause low-level harm to an individual animal or small number of animals; or
- a fee of \$500 – where an activity has the potential to cause moderate harm to an individual animal or small number of animals.

Question 9: Are the infringement offences and respective fees proposed for breaches of the proposed regulations, outlined in Part B, appropriate? Should any of the proposals attract higher or lower fees or penalties?

#### 4.1.2 Prosecutable offences under the regulations

A prosecutable offence under regulation is more serious than an infringement offence and may result in criminal conviction. A fine can be imposed by the court up to the maximum stated in the regulations. The Act limits the fine that is able to be imposed for prosecutable offences under regulations to \$5,000 for an individual or \$25,000 for a body corporate.

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<sup>15</sup> See Legislation Design Advisory Committee Infringement guidelines 2014 <http://www.ldac.org.nz/guidelines/lac-revised-guidelines/chapter-22/>; and Ministry of Justice Infringement guidelines 2008 <http://www.justice.govt.nz/publications/publications-archived/2008/infringement-guidelines>

MPI considers that it is appropriate to allow fines up to the maximum level for all the proposed prosecutable offences under regulation. This is due to the variable nature of animal welfare offending and allows the court to respond appropriately to a wider range offending. In the regulatory proposals prosecutable offences are proposed where:

- a. an activity has caused moderate harm to an animal or a group of animals. In this respect they differ from the proposed infringements, where the principal consideration is the level of potential harm an activity could cause, rather than the extent to which harm has actually occurred in any given case; and
- b. more complex circumstances need to be taken into account than is possible with infringement offences. For example, for the proposed regulations this may include if the offence:
  - would usually involve many animals; or
  - involves actions or omissions that are not straightforward issues of fact.

Prosecutable offences under regulation are not designed to address the most serious animal welfare offending, such as that which results in severe harm to an animal or animals. In these cases, prosecution under the offences in the Act itself is likely to be the most appropriate course of action.

Question 10: Are the prosecutable offences proposed in the regulations appropriate? If not, why not?

#### 4.1.3 Strict liability

The default position in criminal law is that an offence has a physical element (e.g. the prohibited conduct) and a mental element (intention, knowledge or recklessness) both of which need to be proven by the prosecution. However, in strict liability offences, there is only a physical element that must be proven by the prosecution. It is then up to the defendant to prove a specified defence (such as proving an absence of fault) in order to avoid liability

Strict liability offences are appropriate for minor and straightforward matters. There are existing offences under the Act, in relation to failing to comply with sections 12 and 29(a) that are already strict liability.

It is proposed that the offences for contravention of the regulations (infringements and prosecutable offences) will all be strict liability offences. However, it may be appropriate to incorporate a mental element into some of the proposed offences.

Question 11: Should any of the proposed regulations, set out in Part B, include a mental element (e.g. intention, knowledge or recklessness)? If so are the penalties for a prosecutable offence under regulation (see Table 2) appropriate for the regulated activity?

#### 4.1.4 Enforcement discretion

A range of enforcement options are available under the Act and regulations other than prosecuting an animal welfare offender (see section 3.1.1). Although the proposed regulations would introduce new offences, the decision to prosecute or infringe is always a carefully considered decision and a prosecution or infringement may not be appropriate in all cases. For example educational material may be more appropriate for a first offence where there was a genuine lack of knowledge.

#### 4.1.5 Defences

The ability of the defendant to raise a defence is important to mitigate any possible injustice that may result in strict liability offences.

It is proposed that the following defences be made available to a defendant to prove on the balance of probabilities:

- the defendant took all reasonable steps to comply with the relevant provision; or
- the act or omission constituting the offence took place in circumstances of stress or emergency and was necessary for the preservation, protection, or maintenance of human life.

Question 12: What defences do you think should be available if the proposed regulations are breached and why?

Question 13: Would it be appropriate to expand the second defence above to include “...*necessary for the preservation, protection, or maintenance of human or animal life.*”? If so, in what circumstances, and which regulatory proposals would this apply to?

## 5.0 Implementation

### 5.1 WHEN DO THE REGULATIONS COME INTO FORCE?

It is anticipated that most regulations will come be made by 2016. However, we will be considering the extent to which any regulatory proposals for young calves can be implemented by late July 2016 (the spring bobby calf season).

Across all of the regulatory proposals, we will also consider whether, in order to provide people with a reasonable period of time to change their practice, some proposals would benefit from an extended lead-in time before coming into force.

Question 14: Do any of the proposed regulations, set out in Part B, require a lead-in period? If so what period is reasonable? Are there any other challenges relating to the timing of regulations coming into force?

### 5.2 WHAT HAPPENS TO THE EXISTING MINIMUM STANDARDS/ REQUIREMENTS?

It is important to ensure that the proposed regulations, the codes of welfare, and the Act continue to work together to regulate animal welfare effectively. The Act sets the high level animal welfare obligations, and sets offences for the most severe offending. Codes of welfare remain important for setting minimum standards and for their evidential role in the prosecution of Act level offences. Adherence to, or breaching, a minimum standard can be used as evidence to support or defend a prosecution against an Act offence. However it is not



intended that adhering to a code be allowed as a defence for the strict liability offences in the regulations (see section 4.1.5).

Many of the proposed regulations are based on the codes of welfare. Amendments to the codes of welfare can be made by regulation under section 183A of the Act. It is intended that the proposed regulations will include some amendments to the codes of welfare. However, until the final proposals have been determined, following consultation, the extent of any required amendments to minimum standards within codes is unknown.

Where existing minimum standards overlap with proposed regulations, or where other changes are necessary to make them work effectively in the legislative scheme, the minimum standards may need to be amended. For matters dealt within transitional standards under regulations it is proposed that minimum standards dealing with these matters are revoked to allow section 183A(11) of the Act to have effect.

For other matters there are two different approaches possible. The first approach is that the codes of welfare will be amended in one, or a combination, of the following ways:

- where a minimum standard is lifted into regulation without extensive alteration, the minimum standard will be revoked to avoid duplication; and/or
- where a regulation contains a higher standard than a minimum standard the minimum standard will be revoked or amended to avoid contradiction; and/or
- where a regulation is more specific than a minimum standard then the minimum standard may remain in place in order to capture the wider intent.

The second approach is that the codes of welfare would be amended only where the regulations provide a higher standard in order to align the minimum standards in the codes with this higher standard. This would mean that the codes of welfare would continue to operate to a fuller extent in their evidential and defence functions in prosecutions for Act offences.

Question 15: How should the codes of welfare be amended by the proposed regulations to ensure the codes continue to work effectively within the legislative scheme?

Question 16: Which of the approaches as outlined above, or combination of approaches do you support?

Question 17: What other options to amend the codes are there?

### 5.3 HOW ARE THE REGULATIONS GOING TO BE ENFORCED?

MPI shares responsibility for animal welfare enforcement with the RNZSPCA. The RNZSPCA is the only “approved organisation” under the Animal Welfare Act, and has its own MPI-appointed animal welfare inspectors. The New Zealand Police are also deemed to be animal welfare inspectors although typically their involvement is limited to where animal welfare offending is connected to other crimes. Farm animal complaints are predominantly handled by MPI, while companion animal complaints are predominantly handled by the RNZSPCA.

### *Changes specific to regulations*

The regulations create a new ability to issue infringements for animal welfare offences. MPI already issues and administers infringements in other areas such as fisheries and biosecurity. MPI is adapting its infringements system to incorporate animal welfare and is coordinating with the RNZSPCA in this area.

Procedures and guidelines for the use of the new powers are being developed. This will include guidance on the use of the range of compliance responses (from verbal advice and warning, through compliance notices and infringements, up to prosecution). Animal welfare inspectors will receive training before the new powers are implemented. The use of the new powers will be monitored to ensure consistency of application. MPI and RNZSPCA are working together to ensure consistency across all animal welfare inspectors.

## 6.0 Monitoring and Review

MPI and the RNZSPCA coordinate animal welfare monitoring and analysis. Current monitoring is being adapted to capture additional information relevant to the impact of any new regulations.

MPI is also considering how best to engage with stakeholders about the ongoing impact of the regulations. Options include public and targeted workshops, as well as attitude surveys and research.

MPI will review the performance of the regulations once the regulations have become embedded in the animal welfare compliance system. The review will look at whether the regulatory changes have performed as expected.

Through the review, MPI will seek answers to the following evaluation questions.

- Are the regulations achieving their objectives?
- Could the objectives be better achieved by another option (such as primary legislation, code of welfare, self-regulation, or no regulation)?
- How could the regulations or their implementation better meet their objectives?
- What lessons can be learned for the development of future animal welfare regulation?

To inform the evaluation, MPI will look at:

- any barriers to the regulations meeting their objectives;
- the expected and actual impacts of the regulations;
- stakeholder perception of the regulations' impact and effectiveness;
- implementation processes and communications; and
- any identifiable changes in compliance rates and complaints received.

Question 18: How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations?

## 7.0 Next Steps

After consultation the next steps in the process will be for MPI to analyse the submissions, produce a summary of submissions, and make the summary of submissions available on its website [www.mpi.govt.nz](http://www.mpi.govt.nz)

All submissions received will inform the final proposals to Government.

We will then implement the Government's decision as a result of this process. It is anticipated most of the regulations will be made by the end of 2016. We will be considering the extent to which regulations relating to young calves can be implemented earlier to have effect during the main calving season in spring 2016.

## 8.0 A List of the Questions included in Part A

### *2.3 Changes to the Act not yet in force*

Question 1: Is there any reason why changes to the Act not yet in force, should not be brought into force at the same time as the regulations (rather than waiting for them to automatically commence in 2020)?

#### *2.1.1 Other changes*

Question 2: Are the infringement fees proposed for sections 156I and 36(3) appropriate?

#### *3.4.1 Option 1: Retaining the status quo*

In considering the proposals set out in Part B:

Question 3: Are there any minimum standards or additional matters you think should become regulations immediately, which are not included in the regulatory proposals in Part B?

Questions 4: Are there any minimum standards or additional matters that you think should be considered for regulation in the future, once the implications of regulating these areas are better understood?

#### *3.4.2 Option 2: Developing regulations*

Question 5: Are there any proposed regulations, set out in Part B that should not be regulated?

Question 6: If so, how should these matters be managed?

#### *3.4.3 Option 3: Non-regulatory mechanisms*

Question 7: Do you think there should be a wider use of non-regulatory mechanisms? If so, in what situation?

### *3.5 Who is going to be affected?*

Question 8: Will the proposed regulations, set out in Part B, change the way you or others currently operate, if so, in what ways? What implications would these have for you?

#### *4.1.1 Infringement*

Question 9: Are the infringement offences and respective fees proposed for breaches of the proposed regulations, outlined in Part B, appropriate? Should any of the proposals attract higher or lower fees or penalties?

#### *4.1.2 Prosecutable offences under the regulations*

Question 10: Are the prosecutable offences proposed in the regulations appropriate? If not, why not?

#### *4.1.4 Strict liability*

Question 11: Should any of the proposed regulations, set out in Part B, include a mental element (e.g. intention, knowledge or recklessness)? If so are the penalties for a prosecutable offence under regulation (see Table 2) appropriate for the regulated activity?

#### *4.1.5 Defences*

Question 12: What defences do you think should be available if the proposed regulations are breached and why?

Question 13: Would it be appropriate to expand the second defence above to include “...necessary for the preservation, protection, or maintenance of human or animal life.”? If so, in what circumstances, and which regulatory proposals would this apply to?

#### *5.1 When do the regulations come into force?*

Question 14: Do any of the proposed regulations, set out in Part B, require a lead-in period? If so, what period is reasonable? Are there any other challenges relating to the timing of regulations coming into force?

#### *5.2 What happens to the existing minimum standards/requirements?*

Question 15: How should the codes of welfare be amended by the proposed regulations to ensure the codes continue to work effectively within the legislative scheme?

Question 16: Which of the approaches as outlined above, or combination of approaches do you support?

Question 17: What other options to amend the codes are there?

#### *6 Monitoring and Review*

Question 18: How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations?

## Part B – Specific Regulatory proposals

### 9.0 Overview

This part of the document sets out specific regulatory proposals, which are divided into three sections for ease of reference.

1. *Care and conduct proposals*

These proposals relate to the care of and conduct towards animals, and are generally stand-alone proposals. While there are some closely related matters each proposal can be considered on its own merits.

2. *Young calf management proposals*

These proposals are a subset of the care and conduct proposals, relating to the care of young calves. They have been grouped together as the proposals should be considered as a package of options to improve the care of young calves. Implementing some proposals may make other proposals more effective or reduce the need for another proposal.

3. *Surgical and painful procedure proposals*

These proposals relate to the performance of surgical and painful procedures. While each proposal covers a distinct procedure, the package as a whole should provide a consistent framework for governing surgical and painful procedures.

Each matter is included within a table, like the example in Table 3, and covers the same information.

**Table 3: Example of how the regulatory proposals are presented within this document**

Proposal Number and Title	
<b>Proposal</b>	The proposal describes the intent of the regulation. The exact wording in any final regulation may differ.
<b>Current state</b>	Outlines existing standards or requirements, if any, under the Animal Welfare Act 1999 or within a code of welfare developed under the Act. Section 5.2 sets out how it is proposed any regulations will align with the current state.
<b>What is the problem?</b>	Provides a brief description of why regulations are proposed for a particular matter.
<b>How will regulations help?</b>	Provides a brief description of how it is expected the regulations will help.
<b>Penalty</b>	Sets out the proposed penalty for breaching the regulation, that is, whether it is proposed to be a prosecutable offence under regulation or an infringement offence where a fee is issued.
<b>Additional questions and information</b>	Outlines any questions or additional information specific to the particular proposal.

### 9.1 KEY QUESTIONS TO ASK OF EACH PROPOSAL

Generally, good regulations should address the following questions. We are seeking feedback on these questions for each proposal.

- Should this area be regulated?
- What would be the positive impacts of this regulation?
- What would be the negative impacts of the regulation, including costs of complying?

- Would a transitional or phase in period be required to manage these impacts? If so, how long would be appropriate?
- Are there any unintended consequences?
- Do you think the regulation will achieve its aim?
- Is the current issue being managed adequately by codes of welfare or other instruments under this Act?
- Are there any non-regulatory options that would be more effective?
- Has the right conduct been targeted?
- Is the right person being held responsible?
- Are there any exemptions or defences that should apply?
- Are the penalties appropriate to the severity of the offence?
- Is the right type of offence (regulatory or infringement) proposed?
- It is important that the regulatory proposals will not place an unjustifiable limitation on a person's religious or cultural practices. Are there any religious or cultural practices that would be impacted by the proposals?

## 10.0 Care and Conduct Regulatory Proposals

The regulatory proposals relating to the care of, and conduct towards, animals are intended to provide directly enforceable standards and appropriate tools for low to medium offending (see section 3.1.1).

### 10.1 KEY QUESTIONS

As well as the generic questions, set out in section 9.1, there are some questions that are common or more relevant to the care and conduct proposals that should also be considered:

- The care of animals is often a question of degrees, for example an animal can be well fed, hungry, or starving. A regulation needs to draw a clear line between acceptable and unacceptable. Do the proposals set out below clearly define this line?
- If so, is the line drawn in the appropriate place?
- In order to make them more enforceable a number of proposals have been made more specific than the minimum standard they are based on. For example 'injury and distress' may be changed to 'cuts and abrasions'. Where this has occurred:
  - Have any key impacts or behaviours been omitted that should be covered?
  - Does the changed language capture a wider set of behaviours or impacts?
  - If so, are there any that shouldn't be covered?
- The Act places responsibility for care of animals on both the owner and/or the person in charge of the animal.
  - Should the same principle apply to the care and conduct regulatory proposals?
  - Are there any proposals where it may be appropriate to hold only one of these parties responsible or to hold another party responsible?

Questions related to specific proposals are included with each proposal.

## 10.2 THE PROPOSALS

1. All animals – Electric prodders	
<b>Proposal</b>	<p>Electric prodders may only be used on:</p> <ul style="list-style-type: none"> <li>a) cattle over 100kg;</li> <li>b) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or</li> <li>c) cattle over 100kg, and other animals, in a commercial slaughter premises: <ul style="list-style-type: none"> <li>i. where the safety of the handler is at risk; or</li> <li>ii. when loading a stunning pen.</li> </ul> </li> </ul>
<b>Current state</b>	<p>Thirteen codes of welfare prohibit use of electric prodders on a species, restrict the use to adult cattle, or provide specific situations where they can be used. Only the minimum standards relevant to the exceptions are listed here.</p> <p><i>Commercial slaughter code of welfare 2010</i></p> <p><b>Minimum Standard 4 – Handling of Large Mammals</b></p> <ul style="list-style-type: none"> <li>(t) Goads must not be used to move animals, except: <ul style="list-style-type: none"> <li>(i) where the safety of the handler is at risk; or</li> <li>(ii) when loading a stunning pen; or</li> <li>(iii) for very stubborn cattle (but not calves).</li> </ul> </li> </ul> <p><i>Transport code of welfare 2011 definition of goad – an object, including an electric prod, used to stimulate or prod an animal to make it move.</i></p> <p><i>Circuses code of welfare 2005</i></p> <p><b>Minimum Standard 7 – Training and Performances</b></p> <ul style="list-style-type: none"> <li>(f) Electric prods must be used with restraint and only in situations where the animal handler is at risk and must not be used: <ul style="list-style-type: none"> <li>(i) on sensitive areas of the animal, including eyes, nose, anus, vulva and testicles;</li> <li>(ii) by casual or inexperienced animal handlers;</li> <li>(iii) in a manner that causes unreasonable or unnecessary pain or distress to the animal.</li> </ul> </li> </ul>
<b>What is the problem?</b>	<p>If misused, electric prodders can cause pain and distress.</p> <p>The proposal is a strong restriction amounting to a general prohibition of the use of electric prodders on most animals except adult cattle.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p> <p>Provides clarity by having the rules for electric prodders in one place and uses weight as an objective measure.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are the exceptions at a commercial slaughter premises justified?</p> <p>Are the exceptions for a circus justified?</p>

	<p>Are there other situations/species where exceptions may be justified?</p> <p>Is the judgement '<i>where the handler is at risk</i>' too subjective for an infringement offence (see section 3.1.1)?</p> <p>If so, could those situations be adequately covered by proposed defence "<i>The action was necessary for the preservation, protection, or maintenance of human life</i>" (see section 4.1.5)?</p> <p>Electric prodders are a health and safety tool. Does this regulation unduly limit the ability to use an electric prod to protect human health and safety e.g. for stock transporters?</p> <p>Should there be further restrictions on the use of electric prodders on cattle over 100kg? For example the Rodeo code of welfare minimum standard 4 stipulates:</p> <p><i>(h) Goads, including electric prodders, must only be used where there is sufficient room for the animals to move away from the goad and where:</i></p> <ul style="list-style-type: none"> <li><i>i) the safety of the handler or another person is at risk; or</i></li> <li><i>ii) their use is essential to move difficult animals</i></li> </ul> <p>Is weight a practical measure?</p> <p>Is 100kg correct?</p> <p>Note that extreme and repeated use of an electric prod, such that it causes unnecessary or unreasonable pain and distress, would still be able to be prosecuted as ill-treatment under the Act (including for use on adult cattle).</p>
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## 2. All Animals – Use of goads

<b>Proposal</b>	<p><b>Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes</b></p> <p><i>Transport code of welfare 2011 definition of goad – an object, including an electric prod, used to stimulate or prod an animal to make it move.</i></p>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 7 – Loading and Unloading</b></p> <p>(d) Goads must not be used on the most sensitive areas of animals, including eyes, nose, anus, vulva, udder and testicles.</p> <p>Similar minimum standards are also in the pigs, goats, sheep and beef, dairy cattle, rodeos, and commercial slaughter codes of welfare.</p>
<b>What is the problem?</b>	<p>If misused, goads can cause pain and distress.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p>
<b>Penalty</b>	<p>Proposed infringement offence with a fee of \$300. No criminal conviction.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p>



	<p>Are there any situations where using a goad in these sensitive areas is justified?</p> <p>Restricting the proposal to the use of goads means other prodding, such as, veterinary examination will not be unintentionally caught, but does it allow other unjustified prodding?</p> <p>If so, how could the proposal be worded to include this?</p>
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### 3. All Animals – Twisting an animal's tail

<b>Proposal</b>	<b>Prohibit twisting the tail of an animal in a manner that causes the animal pain.</b>
<b>Current state</b>	<p><i>Sheep and Beef code of welfare 2010</i></p> <p><b>Minimum Standard 2 – Animal Handling</b></p> <p><b>Recommended Best Practice</b></p> <p>(i) Tails should not be lifted or twisted.</p>
<b>What is the problem?</b>	<p>Tail twisting behaviour runs a risk of leading to tail breaking which causes pain and distress. There are no enforceable standards to prevent tail twisting.</p> <p>Tail breaking is an identified area of non-compliance, mainly in cattle. This regulation is aimed at behaviour that may lead to tail breaking. Tail breaking would remain a prosecutable offence.</p>
<b>How will regulation help?</b>	Regulation is intended to provide an enforceable deterrent to tail twisting.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Is it possible to identify and regulate a level of unnecessary and risky twisting, below tail-breaking (still a prosecutable offence), but above normal handling?</p> <p>Will the possibility of a fee provide an effective deterrent to reduce risky tail handling behaviour?</p> <p>We are unsure if we should regulate in this area. The tail is used, and bent, in some acceptable methods of restraining and moving animals e.g. tail-jacking in cattle. Fine distinctions in the degree of tail twisting could make enforcement and feasibility difficult. If the regulation is not enforceable then it loses its deterrent value.</p>

### 4. Dogs – Pinch and prong collars

<b>Proposal</b>	<p><b>Prohibit the use of pinch and prong collars.</b></p> <p><i>Proposed change to definition: A collar with prongs positioned against the neck, or any other protrusion intended to cause pain or discomfort when tightened.</i></p>
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<b>Current state</b>	<p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 19 – Aids for Behavioural Modification</b></p> <p>(b) Pinch or prong collars must not be used</p> <p><b>Code definition</b> of ‘Pinch or prong collar’ – “A chain made of metal or hardened plastic links with prongs positioned against the neck on each link.”</p>
<b>What is the problem?</b>	<p>If misused, pinch and prong collars can cause pain and distress. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p> <p>Despite prohibition in the Dogs code of welfare, New Zealand businesses still sell pinch and prong collars.</p>
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there legitimate uses for pinch and prong collars where the risk of harm/misuse is outweighed and could be managed?</p> <p>Dogs used in law enforcement or the defence forces are chosen for their particular temperamental qualities and require highly specialised training. Dog training in these forces is based on positive reinforcement; however, on occasion a particular dog’s temperament may require additional tools. Would it be appropriate to allow skilled trainers in the law enforcement and defence forces to have access to pinch and prong collars?</p> <p>Is the definition sufficient to capture all types of pinch and prong collars while not capturing other collars or devices?</p> <p>Should the sale of pinch and prong collars also be prohibited?</p> <p>If so, one mechanism to do so would be to declare it a prohibited device under section 32 of the Act. The associated penalties in the Act are up to 12 months imprisonment or a fine of up to \$50,000 for an individual or a fine of up to \$250,000 for a body corporate. Would these penalties be proportionate?</p> <p>The use of pinch and prong collars does not necessarily cause pain and distress, but the risk that they do is high. If unnecessary or unreasonable pain and distress were caused this would still be able to be prosecuted as ill-treatment under the Act.</p>

## 5. Dogs – Injuries from collars or tethers

<b>Proposal</b>	<p><b>Use of a collar, and/or a tether, must not cause cuts, abrasions, swelling, restrict breathing or panting.</b></p> <p>Links to goat and horse tethering, links to dog muzzling, access to shade and dry sleeping quarters, and heat stress in vehicles.</p>
<b>Current state</b>	<p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 4 – Containment and Tethering</b></p> <p>(a) Dogs must not be contained or tethered in a way that causes them injury or distress.</p>

	(b) Collars must fit comfortably without damaging the skin or restricting breathing.
<b>What is the problem?</b>	If misused, a collar or tether can cause pain and distress. An identified area of frequent non-compliance. On average 95 tethered dog complaints are investigated per year. Current enforcement responses are inappropriate for frequent offending. Injury and distress has to be severe before prosecution under the Act.
<b>How will regulation help?</b>	Will provide an enforcement response proportionate to the offence. Will clarify that injuries or distress caused by inappropriate collars and tethering is unacceptable.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Are the restrictions (must not cause cuts, abrasions, swelling, restrict breathing or panting) at the right level?  Should there be other restrictions such as ‘must not prevent drinking’, or fewer restrictions?  Would it be appropriate for this regulation to cover all species restrained by a collar or tether?

## 6. Dogs – Muzzling a dog

<b>Proposal</b>	<b>Muzzling a dog must not cause cuts, abrasions, swelling, or restrict breathing and must allow panting.</b>
<b>Current state</b>	<i>Dogs code of welfare 2010</i>  <b>Minimum Standard 19 – Aids for Behavioural Modification</b> (c) Muzzles must fit comfortably without chafing the skin or impeding breathing and must allow the dog to open its mouth sufficiently to enable panting or drinking.
<b>What is the problem?</b>	If misused, a muzzle can cause pain and distress. An identified area of non-compliance. It is estimated from available data that there are around 10-20 complaints per year relating to dog injuries from muzzles. Current enforcement responses are inappropriate for offending. Injury and distress has to be severe before prosecution under the Act.
<b>How will regulation help?</b>	Regulation will provide an appropriate and enforceable tool for addressing low-level non-compliance.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Should the regulation also specify that the dog must be able to drink?  Are there legitimate times when a dog should be muzzled in such a way it cannot pant or drink?

	<p>If more restrictive muzzles are allowed should there be a stipulation that these cannot be used if the dog is exercising or otherwise at risk of overheating?</p> <p>Is the regulation clear about what is allowable and what isn't?</p> <p>Are the restrictions (must not cause cuts, abrasions, swelling, restrict breathing or panting) at the right level?</p> <p>Is the penalty likely to be effective in changing muzzling behaviour?</p>
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## 7. Dogs – Dry and shaded shelter

<b>Proposal</b>	<b>Dogs confined to an area where they are habitually kept must have access at all times to a fully shaded and dry area for resting and sleeping.</b>
<b>Current state</b>	<p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 5 – Kennelling, Shelter and Ventilation</b></p> <p>(a) Dogs must be provided with sheltered and dry sleeping quarters.</p> <p>(e) Ventilation and shade must be provided in situations where dogs are likely to experience heat distress.</p>
<b>What is the problem?</b>	<p>Failure to provide adequate shelter can cause pain and distress.</p> <p>An identified area of frequent non-compliance. On average of 30-40 complaints per year are investigated about dogs with inadequate shelter.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending. Injury and distress has to be severe before prosecution under the Act.</p>
<b>How will regulation help?</b>	<p>Will clarify that dogs must be provided with appropriate shelter when confined.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are the protections for confined dogs adequate or too onerous?</p> <p>Are there legitimate situations where dogs are regularly confined for long periods where access to a dry and shady area is not feasible?</p>

## 8. Dogs – Dogs left in vehicles

<b>Proposal</b>	<p><b>A person leaving a dog in a vehicle must ensure the dog does not display symptoms consistent with heat stress such as any or a combination of:</b></p> <ul style="list-style-type: none"> <li>- hyperventilation;</li> <li>- excessive panting;</li> <li>- excessive drooling;</li> <li>- lethargy, weakness, or collapse; and</li> <li>- non-responsive to attempts to check a dog's alertness</li> </ul>
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<b>Current state</b>	<p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 20 - Transportation</b></p> <p>(e) Dogs must not be left unattended in a vehicle in conditions where the dog is likely to suffer from heat stress.</p>
<b>What is the problem?</b>	<p>Dogs suffering from heat stress can suffer pain and distress and ultimately die.</p> <p>An identified area of frequent non-compliance. It is estimated from available data that there are around 300 complaints per year relating to dogs locked in vehicles.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending. Injury and distress has to be severe, in this case the death of a dog, before prosecution under the Act.</p>
<b>How will regulation help?</b>	<p>Will provide clarity that leaving a dog in a vehicle at risk of heat stress is unacceptable.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent.</p> <p>Actions that breach this proposal are unlikely to be deliberate. Education may be more appropriate but that needs to be balanced by the high risk to a dog's welfare.</p>
<b>Penalty</b>	<p>The penalty attached to this regulation could be either</p> <p>An infringement offence with a fee of \$500. No criminal conviction; or,</p> <p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Does the offence deal with sufficiently straight forward issues of fact to be an infringement offence (see section 4.1.1)?</p> <p>If not, what could be changed to make it clearer?</p> <p>If it cannot be made clearer, would a prosecutable regulation offence be appropriate?</p> <p>Is the risk of an infringement going to be a stronger deterrent factor than the risk of harm to the dog?</p> <p>Is an infringement appropriate in this situation?</p>

## 9. Dogs – Secured on moving vehicles

<b>Proposal</b>	<b>Dogs on moving vehicles on public roads must be secured in a way that prevents them from falling off, except for working dogs which may be unsecured on a vehicle while working.</b>
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<b>Current state</b>	<p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 20 - Transportation</b></p> <p>(d) Except for working dogs at work, dogs must not be carried on the open rear of a moving vehicle unless they are secured or enclosed in a crate.</p>
<b>What is the problem?</b>	If a dog falls from a moving vehicle it is likely to suffer serious injuries, if not death. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p> <p>Will provide clarity that having an improperly secured dog on a moving vehicle is unacceptable.</p> <p>Will prevent injuries to dogs.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following question:</p> <p>Is the conduct in this proposal sufficiently risky to warrant regulation?</p> <p>This proposals may prove difficult to enforce as animal welfare inspectors have no power to stop vehicles. However, photographic evidence could be used if the offender can be traced.</p>

## 10. Dogs & Cats – Drowning dogs & cats

<b>Proposal</b>	<b>Prohibit the killing of a cat or dog, of any age, by drowning.</b>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p><b>Section 12</b> A person commits an offence who, being the owner of, or a person in charge of, an animal, (a)... (b)...</p> <p>(c) kills the animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress <i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 21 - Euthanasia</b></p> <p>(b) Dogs of any age must not be killed by drowning.</p> <p><i>Cats code of welfare 2007</i></p> <p><b>Minimum Standard 11 – Euthanasia</b></p> <p>(b) Cats (including kittens) must not be killed by drowning</p>
<b>What is the problem?</b>	<p>It is inhumane to kill mammals, including dogs and cats, by drowning. If killed by drowning they will experience a prolonged period of distress before death. This is especially so for new-born kittens and puppies as they have a diving reflex which prolongs the time they can survive without breathing.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p> <p>Will clarify that drowning cats and dogs is unacceptable.</p>
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following question:</p> <p>Is it appropriate that drowning cats and dogs becomes a regulation offence, or should it be dealt with under the broader offence 12(c) of the Act?</p> <p>Anecdotally there is a low awareness of the existing prohibition on drowning cats and dogs.</p> <p>There is a need to be conscious that greater clarity is being traded for potential downgrading of section 12(c) of the Act. At least one person has been convicted for drowning dogs but that was a charge of animal cruelty under the previous Animals Protection Act 1960.</p>
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## 11. Eels – Insensible for desliming

<b>Proposal</b>	<b>Eels must be insensible for the duration of desliming, or killed before they are deslimed.</b>
<b>Current state</b>	<p><i>Commercial slaughter code of welfare 2010</i></p> <p><b>Minimum Standard 21 – Farmed and Wild-captured Finfish (including Eels)</b></p> <p>(i) From 1 January 2015 eels must be rendered insensible for the duration of the desliming process or killed before they are deslimed.</p>
<b>What is the problem?</b>	<p>Desliming is a painful process that is usually carried out on a large number of eels at one time.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p> <p>Will provide a level playing field for all eel processors.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there effective electric stunning options for large and small processors?</p> <p>If drugs are used to render eels insensible can residue issues be adequately managed?</p>

## 12. Crabs, rock lobster, and crayfish - Insensible before being killed

<b>Proposal</b>	<b>Crabs, rock lobsters, and crayfish that are captured but not imminently destroyed, must be chilled to 4°C or less, or be electrically stunned, or be otherwise rendered insensible before being killed.</b>
<b>Current state</b>	<p><i>Commercial slaughter code of welfare 2010</i></p> <p><b>Minimum Standard 22 – Crabs, Rock Lobsters (Crayfish) and Freshwater Crayfish (koura)</b></p> <p>(e) Crabs, rock lobsters and crayfish must either:</p> <ul style="list-style-type: none"> <li>(i) have been chilled to 4°C or less at the time they are killed; or</li> <li>(ii) have been electrically stunned before they are killed; or</li> <li>(iii) be otherwise insensible before they are killed.</li> </ul>

	<p><i>Animal Welfare Act 1999</i></p> <p><b>Section 12</b> A person commits an offence who, being the owner of, or a person in charge of, an animal, (a)... (b)...</p> <p>(c) kills the animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress</p> <p><b>Section 30D Captured animals</b></p> <p>(1) If a person has in captivity an animal captured in a wild state (not being an animal that has been captured for the purpose of facilitating its imminent destruction), this Act applies in relation to that person as the person in charge of that animal.</p> <p>(2) If a person has in captivity an animal captured in a wild state (not being an animal caught by fishing) for the purpose of facilitating its imminent destruction, section 12(c) applies in relation to the killing of that animal.</p>
<b>What is the problem?</b>	<p>Crabs, rock lobsters, and crayfish are sentient animals under the Act. Some of the pain and distress associated with killing sentient animals can be mitigated by rendering them insensible before being killed.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable. Will provide an enforcement response proportionate to the offence.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there practical methods available to restaurants to render crayfish insensible before killing?</p> <p>There is a need to be conscious that greater clarity is being traded for potential downgrading of section 12(c) of the Act.</p> <p>Is it appropriate that killing crabs, rock lobsters, and crayfish that were not immediately killed while they are still sensible becomes a regulation offence, or should it be dealt with under the broader offence 12(c) of the Act?</p>

### 13. Goats – Tethering requirements

<b>Proposal</b>	<p><b>Tethered goats must have constant access to food, water, and shelter.</b></p> <p><i>Links to horse and dog tethering.</i></p>
<b>Current state</b>	<p><i>Goats code of welfare 2012</i></p> <p><b>Minimum Standard 3 – Restraint and Tethering</b></p> <p>(c) Goats that are restrained by tethering must be: ...</p> <p>(ii) provided with constant access to palatable water, sufficient food and effective shelter.</p>
<b>What is the problem?</b>	<p>Tethered animals are restricted in their ability to seek out food, water, and dry shelter sufficient to meet their needs. Goats are more susceptible to hypothermia than sheep due to differences in the distribution of their fat and the consistency of their coat. This is especially so when wet.<sup>16</sup></p>

<sup>16</sup> Report on the Goats code of welfare <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>



	<p>An identified area of frequent non-compliance. On average 50 complaints a year are investigated relating to tethered goats, making up 25% of all goat complaints.</p> <p>There were many submissions during the development of the goats code of welfare 2012 around concerns for tethered goats. A petition signed by 7024 people was delivered to Parliament in 2015 requesting the prohibition of roadside tethering of goats.</p> <p>Current responses appear ineffective at deterring frequent offending.</p>
<b>How will regulation help?</b>	<p>Will clarify that tethered goats require constant access to food, water, and shelter.</p> <p>Will provide a proportionate response for low-level instances of not providing for a tethered animal's needs.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there situations where it is required to tether a goat but these standards cannot be met?</p> <p>Are these standards sufficient to protect the welfare of the goat?</p> <p>Are the proposed standards practical?</p> <p>Are these standards sufficient to protect the welfare of the goat?</p> <p>Does 'shelter' need to be more clearly defined so that people know when they have met the requirements?</p> <p>If so, what would be an appropriate definition?</p>

#### 14. Horses – Use of a whip, lead or any other object

<b>Proposal</b>	<p><b>Prohibit striking a horse around the head with a whip, lead or any other object.</b></p> <p><i>Links to use of goads.</i></p>
<b>Current state</b>	<p><i>Horses and Donkeys code of welfare 2016</i></p> <p><b>Minimum Standard 8 – Equine Handling and Training</b></p> <p>(d) Horses must not be struck around the head or genitals with a whip, lead or any other object.</p>
<b>What is the problem?</b>	<p>Striking a horse's head can cause unreasonable pain and distress. It is an outdated practice that is no longer acceptable.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p>
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following question:</p> <p>Are there any situations where a striking a horse around the head with a whip, lead, or any other object is justified? If so, with what?</p>

## 15. Horses – Injuries from equipment such as halter, head ropes, and saddles

<b>Proposal</b>	<b>The use of halters, head ropes, saddles and other equipment must not cause cuts, abrasions, or swelling.</b> <i>Links to llama &amp; alpaca equipment, dog tethering and muzzling</i>
<b>Current state</b>	<i>Horses &amp; donkeys code of welfare 2016</i>  <b>Minimum Standard 9 – Saddlery and Equipment</b> (b) Equipment must not be used in a way that causes pain, injury or distress to the horse.
<b>What is the problem?</b>	If misused, this type of equipment can cause pain and distress. An identified area of frequent non-compliance. On average 30 complaints per year investigated. Halters and other equipment are sometimes left on horses for extended periods and cause injuries. Current enforcement responses are inappropriate for offending. Injury and distress has to be severe before prosecution under the Act.
<b>How will regulation help?</b>	Will provide a proportionate response for injuries from inappropriate use of equipment.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Is an infringement an appropriate response to injuries from equipment?  Equipment is probably too broad and needs to be defined. What types of other equipment should be included?  Is the level of severity e.g. cuts, abrasions, swelling, right?

## 16. Horses & donkeys – Tethering requirements

<b>Proposal</b>	<b>Tethered horses and donkeys must have constant access to water, food, and shelter.</b> <i>Links to goat and dog tethering.</i>
<b>Current state</b>	<i>Horses &amp; donkeys code of welfare 2016</i>  <b>Minimum Standard 6 – Restraint and Containment</b> (d) Horses that are restrained by tethering must be: (ii) provided with constant access to palatable water, sufficient food and effective shelter  In the code ‘tethering’ refers to securing a horse for the purpose of grazing. This is different from ‘tying up’ a horse for management purposes such as grooming or attention by a farrier
<b>What is the problem?</b>	Tethered animals are restricted in their ability to seek out food, water and shelter sufficient to meet their needs. An identified area of frequent non-compliance. On average 30 complaints per year investigated. Current enforcement responses are inappropriate for offending. Injury and distress has to be severe before prosecution under the Act.
<b>How will regulation help?</b>	Will clarify that tethered horse and donkeys require constant access to water, food, and shelter. Will provide a proportionate response for instances of not providing for tethered animals’ needs.

<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there situations where it is required to tether a horse but these standards cannot be met?</p> <p>Are these standards sufficient to protect the welfare of the horse?</p> <p>Should more species be covered?</p>

## 17. Layer hens – Opportunity to express normal behaviours in housing systems

<b>Proposal</b>	<p>(a) Hens must have the opportunity to express a range of normal behaviours. These include, but are not limited to nesting, perching, scratching, ground pecking, and dustbathing.</p> <p>(b) Any cage installed prior to 31 December 1999 must be replaced with a housing system that meets the requirements specified in (a) by 31 December 2018.</p> <p>(c) Any cage installed prior to 31 December 2001 must be replaced with a housing system that meets the requirements specified in (a) by 31 December 2020.</p> <p>(d) All cages must be replaced with a housing system that meets the requirements specified in (a) by 31 December 2022.</p> <p>(e) Any housing system installed from 7 December 2012 must meet the requirements specified in (a).</p> <p><i>Note: Colony cages are considered a housing system that meets the requirements specified in (a).</i></p> <p><i>Links to layer hens stocking densities, and housing design</i></p>
<b>Current state</b>	<p><a href="#">Layer hens code of welfare 2012</a></p> <p><b>Minimum Standard 12 - Behaviour</b></p> <p>(a) to (e) as above [reference to ‘requirements of Minimum Standard 12(a)’ changed to ‘requirements specified in (a)’].</p>
<b>What is the problem?</b>	<p>Conventional cages do not provide hens with an opportunity to express their normal behaviours.</p> <p>Minimum standards in the layer hens code of welfare currently govern the transition from conventional cages to alternative systems. Transitional provisions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p> <p>Non-compliance, even of a minor nature, would be likely to compromise the welfare of thousands of birds.</p>
<b>How will regulation help?</b>	<p>Placing the transition in regulation means it will be directly enforceable.</p> <p>Will provide a level playing field for all egg producers.</p> <p>Will provide stronger assurances about how New Zealand’s layer hens are treated.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1. In addition, please also consider the following question:</p> <p>Does a regulation offence provide an appropriate deterrent?</p>

## 18. Layer hens – Stocking densities

<b>Proposal</b>	<p><b>(a) Stocking densities or space per pullet (7–18 weeks of age):</b></p> <p>(i) must be a minimum of 370 cm<sup>2</sup> per pullet for those reared in cages or colony cages.</p> <p>(ii) must not exceed 14 pullets per m<sup>2</sup> for those reared in barns.</p> <p><b>(b) Stocking densities or space per layer hen (19 weeks of age or older):</b></p> <p>Cages</p> <p>(iii) must be a minimum of 550 cm<sup>2</sup> per hen for all cages</p> <p>Colony cages</p> <p>(i) must be a minimum of 750 cm<sup>2</sup> per hen or 13 hens per m<sup>2</sup>.</p> <p>Barns</p> <p>(i) must not exceed 7 hens per m<sup>2</sup> for barns with no access to an outdoor ranging area.</p> <p>(ii) must not exceed 9 hens per m<sup>2</sup> for within barns with access to an outdoor ranging area.</p> <p><b>(c) Stocking of the outdoor ranging area must not exceed 2,500 hens per hectare.</b></p> <p><i>Links to layer hens behaviour, and housing design.</i></p>
<b>Current state</b>	<p><a href="#">Layer hens code of welfare 2012</a></p> <p><b>Minimum Standard 6 – Stocking Densities</b></p> <p>(a) to (c) as above [clauses (b) cages (i) and (ii) have been removed as they have passed their cessation date].</p>
<b>What is the problem?</b>	<p>Layer hens in overstocked systems cannot adequately express normal behaviours. Overstocking may also contribute to the expression of undesirable behaviours e.g. aggression and smothering.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p> <p>Non-compliance, even of a minor nature, would be likely to compromise the welfare of thousands of birds.</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p> <p>Will provide a level playing field for all egg producers.</p> <p>Will provide stronger assurances about how New Zealand's layer hens are treated.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following question:</p> <p>Does a regulation offence provide an appropriate deterrent?</p>

## 19. Layer hens – Housing and equipment design

<b>Proposal</b>	<p><b>Housing and equipment design (lift the minimum standards below into regulation)</b></p> <p><i>Links to layer hens behaviour, and stocking densities.</i></p>
<b>Current state</b>	<p><a href="#">Layer hens code of welfare 2012</a></p> <p><b>Minimum Standard 4 – Housing and Equipment Design, Construction and Maintenance</b></p>

	<p>(i) The following specific design requirements apply, according to the housing system:</p> <p>Cages:</p> <p>(i) Multi-deck cages must be arranged so that the layer hens in the lower tiers are protected from excreta from above.</p> <p>(ii) Manure must be removed from under a cage before it accumulates sufficiently to touch the cage floor.</p> <p>(iii) All cages for layer hens must have:  A floor slope not exceeding 8 degrees which supports the forward facing claws.  A cage height of at least 40cm over 65% of the cage floor area and not less than 35cm at any point.  Access for each layer hen to at least two drinking points.  Suitable claw shortening devices fitted, if any modifications are made to the cages.</p> <p>Colony Cages:</p> <p>(i) A secluded nest area must be provided and the floor of the nest area must be covered with a suitable substrate that prevents direct contact of hens with the wire mesh floor.</p> <p>(ii) Floor slope must not exceed 8 degrees which supports the forward facing claws.</p> <p>(iii) A colony cage height must be at least 45 cm other than in the nest area.</p> <p>(iv) Perches must be provided and designed to allow the hen to grip without risk of trapping its claws and must provide at least 15cm of space per hen to allow all birds to perch at the same time.</p> <p>(v) A scratching area must be provided.</p> <p>(vi) Suitable claw shortening devices must be fitted.</p> <p>Barns:</p> <p>(i) Secluded nest areas must be provided and must be of adequate size and number to meet the laying needs of all hens, and ensure hens can lay without undue competition.</p> <p>(ii) The floor of the nest area must be covered with a suitable substrate that prevents direct contact of hens with a wire mesh floor.</p> <p>(iii) Perching areas must be provided and designed to allow the hen to grip without risk of trapping its claws and must allow all birds to perch at the same time.</p> <p>(iv) Perches must be placed to prevent the fouling of hens or their food on lower levels and of a height that allows hens to use them easily and without risk of injury.</p> <p>(v) Any slatted, wire or perforated floors must be constructed to support the forward facing claws.</p> <p>(vi) In multi-tier systems the distance between the levels must be at least 45cm and the levels must be arranged so that the layer hens in the lower tiers are protected from excreta from above.</p> <p>(vii) All hens must have access to good quality friable litter at all times to allow them to scratch and forage.</p> <p>(viii) If openings to the outdoor area or winter garden are provided, they must be at least 35cm high and 40cm wide, and evenly distributed along the building, to allow hens free access without risk of smothering or injury.</p>
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	(ix) If openings to the outdoor area or winter garden are provided, they must be designed to minimise the adverse effects of the weather on the hens and on the quality of the litter.
<b>What is the problem?</b>	Housing that does not meet these requirements (above) do not allow layer hens to adequately express their behavioural needs and may result in injury to the birds. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1). Non-compliance, even of a minor nature, would be likely to compromise the welfare of thousands of birds.
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable. Will provide a level playing field for all egg producers. Will provide stronger assurances about how New Zealand's layer hens are treated.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Do all of these requirements need to be regulated?  If not, what would be the minimum to protect layer hen welfare?  Does a regulation offence provide an appropriate deterrent?

## 20. Layer hens – Induced moulting

<b>Proposal</b>	<b>Prohibit induced moulting of layer hens</b>
<b>Current state</b>	<i>Layer hens code of welfare 2012</i>  <b>Minimum Standard 15 – Management of Health and Injury</b> (e) Hens must not be subject to induced moulting.
<b>What is the problem?</b>	Induced moulting can cause unnecessary distress. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1). Non-compliance would be likely to compromise the welfare of thousands of birds.
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable. Will provide a level playing field for all egg producers. Will provide stronger assurances about how New Zealand's layer hens are treated.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Are you aware of this practice still occurring?  Are there any situations where moulting may be inadvertently induced?

21. Llama & Alpaca – Injuries from equipment such as halters, head ropes, and packs	
<b>Proposal</b>	<b>The use of halters, head ropes, packs and other equipment on llama and alpaca must not cause cuts, abrasions, or swelling.</b> <i>Links to horses equipment, dog tethering and muzzling regulation proposals</i>
<b>Current state</b>	<i>Llama &amp; Alpaca code of welfare 2013</i>  <b>Minimum Standard 9 - Restraint</b> (e) Halters must be specifically designed for use with camelids, and where used, must be properly fitted to each animal.
<b>What is the problem?</b>	If misused, this type of equipment can lead to injury, pain and distress. Halters and other equipment are sometimes left on llama or alpaca for extended periods. Current enforcement responses are inappropriate for offending. Injury and distress has to be severe before prosecution under the Act.
<b>How will regulation help?</b>	Will provide proportionate response for injuries from inappropriate use of equipment. Will provide a more effective deterrent.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Is an infringement an appropriate response to injuries from equipment?  Equipment is probably too broad and needs to be defined. What types of other equipment should be included?  Is the level of severity e.g. cuts, abrasions, swelling correct?

22. Llama & alpaca – Companion animals	
<b>Proposal</b>	<b>Camelids must be provided with a companion animal such as another camelid, sheep, or goat.</b>
<b>Current state</b>	<i>Llama &amp; alpaca code of welfare 2013</i>  <b>Minimum Standard 16 - Behaviour</b> (a) Camelids are herd animals and must always live with a companion animal.
<b>What is the problem?</b>	Llama and alpaca are highly social animals and isolation can distress them. Llama and alpaca are frequently bought as pets. The specific welfare needs of llama and alpaca are not always well known. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable. Will provide an enforcement response proportionate to the offence. Will provide a more effective deterrent.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:

	Are there instances when a camelid may be kept without a companion? If so what are they, and for how long?
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### 23. Llama & Alpaca – Offspring (Cria) camelid companions

<b>Proposal</b>	<b>Prohibit raising Cria without the company of other camelids.</b>
<b>Current state</b>	<i>Llama &amp; alpaca code of welfare 2013</i>  <b>Minimum Standard 16 - Behaviour</b> (b) Cria must be raised in the company of other camelids.
<b>What is the problem?</b>	The effects of isolation on Cria raised can be particularly pronounced, and can result in them becoming extremely aggressive. Llama and Alpaca are frequently bought as pets. The specific welfare needs of Llama and Alpaca are not always well known. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable. Will provide an enforcement response proportionate to the offence. Will provide a more effective deterrent.
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Are there instances when a Cria may be raised without another camelid?  If so what are they, and for how long?  At what age is it acceptable for a Cria to be kept with only non-camelid companions (see proposal 22)?

### 24. Pigs – Dry sleeping area

<b>Proposal</b>	<b>Pigs must have access to a dry sleeping area.</b> <i>Links to dog shade and dry sleeping area.</i>
<b>Current state</b>	<i>Pigs code of welfare 2010</i>  <b>Minimum Standard 5 – Shelter for Pigs Outdoors</b> (a) Pigs must be provided with dry and draught-free but adequately ventilated shelter.  <b>Minimum Standard 6 – Housing and Equipment</b> (b) All group housed pigs must be able to stand, move about and lie down without undue interference with each other in a space that provides for separation of dunging, lying and eating areas.
<b>What is the problem?</b>	Failure to provide a dry sleeping area can cause distress and ill-health. An identified area of frequent non-compliance. On average 30 complaints per year investigated relating to muddy conditions and a lack of shelter. More than half of these are for small scale or lifestyle owners. Current enforcement responses are inappropriate for offending. Injury and distress has to be severe before prosecution under the Act.



<b>How will regulation help?</b>	Will clarify that pigs require access to dry sleeping areas. Will provide a proportionate response for instances of not providing for a pig's needs.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following question:  Are there any legitimate situations where a pig would not have access to a dry sleeping area?

## 25. Pigs – Lying space for grower pigs

<b>Proposal</b>	<b>Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m<sup>2</sup>) per pig = 0.03 x liveweight 0.67(kg)</b>
<b>Current state</b>	<i>Pigs code of welfare 2010</i>  <b>Minimum Standard 6 – Housing and Equipment</b> (c) The minimum lying space allowance for growing pigs must be in accordance with the following formula: Area (m <sup>2</sup> ) per pig = 0.03 x liveweight 0.67 (kg).
<b>What is the problem?</b>	Grower pigs in overstocked systems cannot adequately express normal behaviours. Overstocking may also contribute to the expression of undesirable behaviours such as aggression.  High risk of poor welfare outcomes, as a 'single instance' is likely to affect many animals. There is an average of 120 pig related complaints per year. Around a quarter relate to unhygienic conditions including overcrowding. Current enforcement responses are inappropriate for offending.
<b>How will regulation help?</b>	Will provide a proportionate response for low-level outcomes from overcrowding.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Does the proposal adequately define the appropriate systems?  Are there other systems that need to be considered?

## 26. Pigs – Dry sow stalls

<b>Proposal</b>	<b>Dry sow stalls must not be used.</b>
<b>Current state</b>	<i>Pigs code of welfare 2010</i>  <b>Minimum Standard 11 – Managing Dry Sows</b> (a) Sows may only be confined in mating stalls for service for no longer than one week. (f) After 3 December 2015 mated sows and gilts must not be confined in dry sow stalls after mating. If individually confined in a pen, sows

	<p><i>must have sufficient space so that they can stand up, turn around without touching the walls, and lie comfortably in a natural position, and be provided with separate dunging, lying and eating areas</i></p> <p>Mating stall - An enclosure in which gilts and sows are kept individually for the purpose of mating.</p> <p>Dry sow stall - An enclosure in which gilts and sows are kept individually. Dry sow stalls are normally joined together in rows and used for total confinement of the animal.</p>
<b>What is the problem?</b>	<p>Dry sows in stalls cannot express their normal behaviours and are not considered good practice.</p> <p>Prohibitions in codes of welfare are not directly enforceable.</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable. Increased enforceability ensure a level playing field for the industry.</p> <p>Provides stronger assurance that New Zealand does not use sows stalls. Allows a prosecution to be taken based on use of dry sow stalls.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Does the use of mating stalls need to be a clearer exception?</p> <p>If so, would a suitable definition be '<i>An enclosure in which gilts and sows are kept individually which is of a size that the pig cannot turn around</i>'?</p> <p>Is the definition of sow stalls adequate?</p>

## 27. Pigs – Size of farrowing crates

<b>Proposal</b>	<b>Prohibit keeping a sow in a farrowing crate where the sow cannot avoid touching the top of the crate, or touching both sides of the crate simultaneously, or touching the front and the back of the crate simultaneously.</b>
<b>Current state</b>	<p><i>Pigs code of welfare 2010</i></p> <p><b>Minimum Standard 10 – Managing Interactions between Sows and Piglets</b></p> <p>(a) <i>When standing in a farrowing crate the sow must not touch both sides of the crate simultaneously, and her back must not touch any bars along the top.</i></p>
<b>What is the problem?</b>	<p>Modern sows have been bred to be larger than their predecessors. Some older farrowing crates may no longer be large enough to cater for modern sows and need to clarify that crates should be longer than the sows.</p> <p>Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).</p> <p>Non-compliance would be likely to compromise the welfare of many pigs.</p>
<b>How will regulation help?</b>	<p>Placing the prohibition in regulation means it will be directly enforceable.</p> <p>Will provide a level playing field for all pork producers.</p> <p>Will provide stronger assurances about how New Zealand's pigs are treated.</p>

<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.

## 28. Pigs – Provision of nesting material

<b>Proposal</b>	<b>Sows, in any farrowing system constructed after 3 December 2010, must be provided with material that can be manipulated until farrowing.</b>
<b>Current state</b>	<i>Pigs code of welfare 2010</i>  <b>Minimum Standard 10- Managing the Interactions between Sows and Piglets</b> (h) Sows, in any farrowing system constructed after 3 December 2010, must be provided with material that can be manipulated until farrowing.
<b>What is the problem?</b>	Sows have a strong behavioural instinct to build a nest prior to farrowing. Not providing materials that the sow can manipulate prevents the sow from expressing natural behaviours. An identified area of frequent non-compliance. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable. Will provide a level playing field for all New Zealand pork producers. Will provide stronger assurances about how New Zealand's pigs are treated.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Manipulable material is very broad and could be met by in many ways that do not necessarily greatly improve the sow's welfare. For example by providing a short length of chain. Should a regulation be more specific?  If so, should it include concepts such as 'malleable' – materials the sow can chew?  Should it include 'material at ground level' so that the sow can manipulate it with a rooting action e.g. with her head and snout pointed downwards?

## 29. Rodeos – Fireworks

<b>Proposal</b>	<b>Fireworks, pyrotechnics, and gas fired explosions of any type must not be used at rodeos.</b>
<b>Current state</b>	<i>Rodeos code of welfare 2014</i>  <b>Minimum Standard 5 - Arena</b> (e) Fireworks, pyrotechnics and gas fired explosions of any type must not be used at rodeos.

<b>What is the problem?</b>	Fireworks and loud explosions can cause fear and distress. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following question:  Is an infringement likely to be a sufficient deterrent?

### 30. Exotic animals – Used in circuses

<b>Proposal</b>	<b>Place restrictions on the use of exotic animals in circuses to adequately provide for their physical, health, and behavioural needs.</b>
<b>Current state</b>	<i>The Circuses code of welfare 2005</i> Sets out the general requirements for animals used in circuses as well as specific requirements for lions, elephants, and primates relating to exercise, tethering, and feed.
<b>What is the problem?</b>	Currently there are no circuses in New Zealand that use exotic animals. It is unlikely that the needs of some exotic animals can be adequately met by a circus, given the frequent travelling and small size of enclosures associated with circuses. For example lions have requirements for large living spaces.
<b>How will regulation help?</b>	By placing general or species specific requirements into regulation this proposal would strengthen existing controls on any circus based in, or visiting, New Zealand and be more enforceable than the code of welfare.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Are the existing controls inadequate?  Should all circuses have restrictions on the use of specific exotic animals?  If so, which species should be restricted?  Should the restrictions relate to species specific needs i.e. is life in a circus necessarily going to lead to poor welfare for all exotic species, or, are particular species most at risk, or, is it individual animal dependent rather than species?  If there are instances when an exotic animal may have its needs met within a circus and how might this best be managed?  Are there circumstances when a life within a circus may offer better welfare to an animal, than alternatives, i.e. their lives may be more enriched?  Are the problems faced by exotic animals in circuses different from those faced by domestic species?

31. Cattle – Milk stimulation	
<b>Proposal</b>	<b>Prohibit stimulating milk let-down by inserting water or air into a cow's vagina.</b>
<b>Current state</b>	<p><i>Dairy cattle code of welfare 2014</i></p> <p><b>Minimum Standard 14 - Milking</b></p> <p>(c) Milk let-down must not be stimulated by the insertion of water or air into the vagina.</p>
<b>What is the problem?</b>	This practice is considered outdated and unnecessary as alternatives, such as oxytocin injections, are available to stimulate milk let-down. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable. Will clarify that this is an unacceptable method of stimulating milk let-down.
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are you aware of this practice still occurring?</p> <p>If not, does it warrant regulation so that effective action could be taken if it was to occur?</p>

32. Cattle and sheep – Vehicular traction in calving or lambing.	
<b>Proposal</b>	<b>Prohibit using a moving vehicle to provide traction in calving or lambing.</b>
<b>Current state</b>	<p><i>Sheep and Beef code of welfare 2010</i></p> <p><b>Minimum Standard 10 – Lambing and Calving</b></p> <p>(b) A moving vehicle must not be used to provide traction to assist lambing or calving.</p>
<b>What is the problem?</b>	This technique for calving or lambing has a high risk of causing injuries, pain and distress to both the young and the mother. Prohibitions in codes of welfare are not directly enforceable (see discussion in section 3.1.1).
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are you aware of this practice still occurring?</p> <p>Does the proposed offence happen frequently enough to warrant regulation?</p>

### 33. Cattle and sheep – Ingrown horns

<b>Proposal</b>	<b>Failure to treat an ingrown horn that is touching skin or eye.</b>
<b>Current state</b>	<p><i>Sheep and Beef Cattle code of welfare 2011</i></p> <p><b>Minimum Standard 7 – Injury and disease</b></p> <p>(g) Signs of ill-health or injury must result in timely preventative or remedial action, as appropriate.</p>
<b>What is the problem?</b>	<p>An ingrown horn can cause pain and distress and should be treated.</p> <p>An identified area of frequent non-compliance. On average 57 cases a year are recorded relating to ingrown horns. Three quarters of these are in beef cattle where ingrown horns make up 20% of all beef cattle animal welfare complaints.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending.</p>
<b>How will regulation help?</b>	<p>Will clarify that ingrown horns must receive treatment.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent. The likelihood of detection when sending stock to slaughter remains high. If you expect to be detected the level of the fine should make it uneconomic to send animals to slaughter with untreated ingrown horns.</p> <p>Severe ingrown horns penetrating the eye or skull are a likely symptom of neglect and would still be able to be prosecuted under the Act.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Is an infringement likely to be effective in changing behaviour? Are there barriers to treating ingrown horns that need to be considered?</p> <p>At what point is it reasonable to assume an ingrown horn should have been noticed and treatment provided?</p> <p>Does the definition ‘touching skin or eye’ leave open the possibility for more severe ingrown horns e.g. ‘penetrating eye or skull’ to be prosecuted as currently?</p> <p>At what point does horn shortening (removing dead horn) become dehorning? Can you tell beforehand with confidence?</p> <p>Will the wound from ingrown horns require a period to heal before transport?</p>

### 34. Stock transport – Cuts and abrasions

<b>Proposal</b>	<b>Transport of cattle, deer, sheep, goats, and pigs must not result in cuts or abrasions.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 7 – Loading and Unloading</b></p> <p>(j) Stocking density must be sufficient to allow animals to adopt a natural posture during the journey without injuring their heads or</p>

	backs if they stand, and to allow animals to rest, if this is necessary during the journey.
<b>What is the problem?</b>	<p>Injuries as a result of the conditions during transport can cause pain and distress.</p> <p>An identified area of frequent non-compliance. On average 30 complaints relating to significant cuts and abrasions from transport (often called back-rub) are investigated per year. Most involve multiple animals.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending. Injury and distress has to be severe before prosecution under the Act.</p>
<b>How will regulation help?</b>	<p>Will clarify that transporting animals in a manner that causes back rub is unacceptable.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent. The likelihood of detection when sending stock to slaughter remains high. If detection is expected the level of the fine should make it uneconomic to transport animals in such a manner that causes back rub.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Does 'cuts and abrasions' define an appropriate level of severity for back rub?</p> <p>Does an upper level of severity need to be defined to ensure a prosecution for severe back rub can still be taken against an Act offence?</p> <p>If so, how would you define that upper level of severity?</p> <p>Is the penalty likely to deter inappropriate transport of animals?</p> <p>How can we be clear that responsibility is allocated appropriately across the supply chain?</p>

### 35. Stock transport – Animals with ingrown horns

<b>Proposal</b>	<b>An animal with an ingrown horn that is touching the skin or eye must not be transported, except when certified fit for transport by a veterinarian.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b> (g) Animals must not be transported if they display any injuries, signs of disease, abnormal behaviour or physical abnormalities that could compromise their welfare during the journey, unless a veterinary declaration of fitness for transport has been completed.</p> <p><i>Transport within New Zealand code of welfare 2011</i> A veterinary certificate means: Following a veterinary examination of an animal destined for transport, the veterinarian certifies in writing that he/she considers that the animal is fit to travel to the destination without unnecessary pain or suffering. The certificate may state specific actions that need to be complied with to transport the animal. A special form is available from the New Zealand Veterinary Association for use in these circumstances.</p>



<b>What is the problem?</b>	<p>Transporting an injured animal risks exacerbating the effect of the injury. In most cases it is unnecessary and unreasonable to transport an injured animal. In circumstances where it is necessary to transport an injured animal a veterinarian can examine the animal, and impose conditions, to certify that transport is reasonable.</p> <p>An identified area of frequent non-compliance. An average of 90 complaints are investigated per year relating to ingrown horns. Three quarters of these are in beef cattle where ingrown horns make up 20% of all beef cattle animal welfare complaints.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending.</p>
<b>How will regulation help?</b>	<p>Will clarify that transporting animals with ingrown horns is unacceptable, unless certified by a veterinarian.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent. The likelihood of detection when sending stock to slaughter remains high. If you expect to be detected the level of the fine should make it uneconomic to transport animals with ingrown horns.</p> <p>Severe and untreated ingrown horns penetrating the eye or skull are significant animal welfare offences and should continue to be prosecuted under the Act.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Is the severity of ingrown horn defined appropriately?</p> <p>Is it appropriate to infringe less severe ingrown horns while prosecuting more severe ingrown horns?</p> <p>Are there any circumstances where an animal with an ingrown horn needs to be transported and it is impractical to treat the horn or obtain a veterinary certificate?</p> <p>Does this regulation complement or duplicate the regulation proposal about 'failure to treat an ingrown horn'?</p>

### 36. Stock transport – Animals with bleeding horns or antlers

<b>Proposal</b>	<b>An animal with a bleeding or broken horn or antler must not be transported, except when certified fit for transport by a veterinarian.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b></p> <p>(e) Animals with horns or antlers of a length that may cause injury or be damaged must not be transported, except where special provision is made for such animals to be transported so that they do not cause injury and are not injured themselves.</p> <p>(f) Animals must not be transported with bleeding antler or horn stumps, or within seven days of being disbudded, dehorned, castrated, tail docked or having velvet antlers removed, except yearling deer where approved rings have been used.</p>



<b>What is the problem?</b>	<p>Transporting an injured animal risks exacerbating the effect of the injury. In most cases it is unnecessary and unreasonable to transport an injured animal. In circumstances where it is necessary to transport an injured animal a veterinarian can examine the animal, and impose conditions, to certify that transport is reasonable.</p> <p>An identified area of frequent non-compliance. On average there are 15 complaints per year relating to the transport of animals with bleeding or broken horns or antlers. Around a quarter of deer complaints relate to antler damage.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending.</p> <p>This regulation may also complement the proposed regulation preventing transport of animals with ingrown horns and the regulation to prevent injuries from over-length antlers and horns.</p>
<b>How will regulation help?</b>	<p>Will clarify that transporting animals with bleeding or broken horns is unacceptable, unless certified by a veterinarian.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>There may be some broken horns e.g. old breaks or minor damage that are okay to transport – can these be defined clearly enough to make a veterinarian certificate unnecessary?</p> <p>Are there situations where an animal with damaged horns or antlers needs to be transported and obtaining a veterinary certificate would not be appropriate or practical?</p>

### 37. Stock transport – Animals with long horns or antlers

<b>Proposal</b>	<b>Transport of animals with horns or antlers greater than 110mm must not cause injury to themselves or other animals.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b></p> <p>(e) Animals with horns or antlers of a length that may cause injury or be damaged must not be transported, except where special provision is made for such animals transported so that they do not cause injury or are injured themselves.</p> <p>Example indicator – “Hard or velvet antler of deer is no longer than 110 mm (with the exception of trophy stags), measured from the skull to the antler tip.”</p> <p><b>Minimum Standard 5</b></p> <p>Example indicators - “Antler is less than 110mm in length, unless deer are being otherwise managed to avoid injury.”</p>
<b>What is the problem?</b>	<p>Transporting an animal with long horns or antlers poses a high risk of injury to themselves or other animals.</p> <p>An identified area of frequent non-compliance. On average there are 20-25 complaints per year about injuries from transporting animals with over-</p>

	length horns, often relating to multiple animals. Mainly deer as well as some cattle. Current enforcement responses appear ineffective at deterring frequent offending.
<b>How will regulation help?</b>	Will clarify that transporting animals with long horns or antlers in such a way that injuries occur is unacceptable. Will provide an enforcement response proportionate to the offence. Will provide a more effective deterrent.
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Some injuries are unavoidable. How can this proposal be worded to allow enforcement action to be taken where insufficient care has been taken to avoid injuries from transporting animals with horns or antlers?  Is ensuring that animals have antler or horns less than 110mm the only preventative measure that should be recognised?  What unintended consequences might arise from this regulation? For example, would it be a negative outcome if this meant a large number of deer with regrowth antler just over 110mm were devalvetted before transport?

### 38. Stock transport – Lamé cattle, deer, pigs, and goats

<b>Proposal</b>	<b>A cattle beast, deer, pig, or goat that has a lameness score of two must not be transported, except when certified fit for transport by a veterinarian.</b>  <b>A cattle beast, deer, pig, or goat that has a lameness score of three must not be transported.</b>
<b>Current state</b>	A lameness scoring system of 0-3 is used by MPI:  0 = Walking evenly, the animal is not lame.  1 = Hard to identify a change in walking speed as the animal keeps up with the rest of the herd. The stride may be shortened with the rear foot missing the front foot placement. Steps might be uneven, but close or repeated attention is required to identify which leg is affected. The animal's back may be slightly arched and the head may be lowered if a back leg is lame.  2 = The walking rhythm is irregular. The animal has a definite shortened stride where the rear foot falls short of the front foot placement. The animal has uneven weight bearing on a leg that is immediately identifiable. The animal's back is arched and the head may be lowered or bobbing.  3 = Walks slowly, stops often, and can't keep up with the herd. The animal's stride is obviously shortened and uneven. The lame leg or legs are obvious and the animal is reluctant to bear weight on them. The animal's back is arched and the head bobs or is held down.
<b>What is the problem?</b>	Transporting an injured animal risks exacerbating the effect of the injury. An identified area of frequent non-compliance. More than 100 complaints per year relating to transportation of lame cattle, deer, pigs, and goats often relating to multiple animals. Cattle make up 80% of these complaints.

	Current enforcement responses appear ineffective at deterring frequent offending.
<b>How will regulation help?</b>	Will clarify that transporting lame cattle, deer, pigs, and goats is unacceptable, unless certified by a veterinarian. Will provide an enforcement response proportionate to the offence. Will provide a more effective deterrent.
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 10.1.  In addition, please also consider the following questions:  Should sheep be excluded from this regulation? There is a systemic sheep lameness problem and as yet no agreed solution to manage lameness in sheep.  Transport can exacerbate lameness. Can the situation be adequately managed where animals may not be noticeably lame when loaded but become lame during transport?  Who should ultimately be liable for transporting a lame animal – the owner, or the transporter?  Are there any ways this proposal could be made clearer or more enforceable?

### 39. Stock transport – Animals that cannot bear weight evenly due to injury

<b>Proposal</b>	<b>A cattle beast, sheep, deer, pig, or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian.</b>  <i>Note this proposal relates to lameness due to an injury rather than disease.</i>
<b>Current state</b>	<i>Transport within New Zealand code of welfare 2011</i>  <b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b> (d) Animals to be transported must be able to stand and bear weight evenly on all limbs.
<b>What is the problem?</b>	Transporting an injured animal risks exacerbating the effect of the injury. In most cases it is unnecessary and unreasonable to transport a lame animal. In circumstances where it is necessary to transport a lame animal a veterinarian can examine the animal, and impose conditions, to certify that transport is reasonable. An identified area of frequent non-compliance. On average there are 15-20 complaints per year relating to transportation of injured lame cattle, sheep, deer, pigs, and goats often relating to multiple animals. Current enforcement responses appear ineffective at deterring frequent offending.
<b>How will regulation help?</b>	Will clarify that transporting animals lame due to injury is unacceptable, unless certified by a veterinarian. Will provide an enforcement response proportionate to the offence. Will provide a more effective deterrent.
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.

<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Does this regulation provide a clear and appropriate description of the legal standard that must be met?</p> <p>Are there situations where an animal that is lame due to injury needs to be transported but it is impractical to obtain a veterinary certificate?</p>
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#### 40. Stock transport – Pregnant animals

<b>Proposal</b>	<b>Prohibit transporting a cattle beast, sheep, deer, pig, or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a veterinarian.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b></p> <p>(a) Proper care must be taken when deciding whether it is appropriate to transport young, old, pregnant or otherwise physiologically or behaviourally compromised animals.</p> <p>(b) Animals must not be transported if they are likely to give birth during the journey or be affected by metabolic complications of late pregnancy as a result of the journey.</p>
<b>What is the problem?</b>	<p>Transporting an animal that is likely to give birth poses a high risk of injury and distress to both the mother and the young. In most cases it is unnecessary and unreasonable to transport an animal in extremely late pregnancy. In cases where it is necessary a veterinarian can examine the animal, and impose conditions, to certify that transport is reasonable. An identified area of frequent non-compliance. On average there are 40 complaints per year about transportation of animals in late pregnancy or giving birth in the yards of slaughter premises, sometimes relating to several animals.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending.</p>
<b>How will regulation help?</b>	<p>Will clarify that transporting animals in very late stages of pregnancy is unacceptable, unless certified by a veterinarian.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>This could probably only be enforced when an animal does give birth during transport or within 24 hours of arrival. Would this provide a sufficient deterrent?</p> <p>If not, is there a better way to clearly restrict the transport of late-term pregnant animals?</p> <p>Would the alternative proposal “<i>Pregnant animals must not be transported if they are over 90% of the expected gestation period, without a veterinarian certificate</i>” be clearer and more enforceable?</p>

	<p>If the above proposal is preferable, what percentage of expected gestation would be appropriate? Would this differ between the species covered by this proposal?</p> <p>Should the regulation only relate to 'full-term young'? Can this be clearly identified for each of cattle, sheep, deer, pigs, and goats?</p> <p>Is the time period after transport appropriate? Should birth after arrival be broadened to include destinations other than slaughter premises? How would this be monitored?</p> <p>Are there any situations where this regulation would be difficult to meet?</p>
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#### 41. Stock transport – Animals with injured or diseased udders

<b>Proposal</b>	<b>An animal with a burst, distended, or necrotic udder or an animal with mastitis where there are signs of fever or the udder is hot, red, swollen, discharging, or necrotic must not be transported, except when certified fit for transport by a veterinarian.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b> (g) Animals must not be transported if they display any injuries, signs of disease, abnormal behaviour or physical abnormalities that could compromise their welfare during the journey, unless a veterinary declaration of fitness for transport has been completed.</p>
<b>What is the problem?</b>	<p>Transporting an injured or ill animal risks exacerbating the effect of the injury or illness. In most cases it is unnecessary and unreasonable to transport an animal with a diseased or injured udder. In circumstances where it is necessary a veterinarian can examine the animal, and impose conditions, to certify that transport is reasonable.</p> <p>An identified area of frequent non-compliance. On average there are 33 complaints per year about transporting animals with injured and infected udders, sometimes relating to several animals. Mostly cattle, but also sheep and goats.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending.</p>
<b>How will regulation help?</b>	<p>Will clarify that transporting animals with injured or infected udders is unacceptable, unless certified by a veterinarian.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there situations where animals with injured or infected udders need to be transported and obtaining a veterinary certificate is impractical?</p> <p>Does the definition clearly let persons in charge know when they can or can't transport an animal?</p> <p>Is the penalty sufficient to alter behaviour and attitudes towards transporting animals with injured or infected udders?</p>

## 42. Stock transport – Cattle or sheep with cancer eye

<b>Proposal</b>	<b>A cattle beast or sheep with a cancer eye greater than 2cm in diameter and not confined to the eye or eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b>            (g) Animals must not be transported if they display any injuries, signs of disease, abnormal behaviour or physical abnormalities that could compromise their welfare during the journey, unless a veterinary declaration of fitness for transport has been completed.</p> <p><b>MPI Verification Services protocols (for bovine):</b>            “An animal can only be transported to slaughter provided the cancer is confined to the eye and eyelid... an eye cancer that is larger than 2cm, involves the whole eye, has extended to surrounding tissues, the orbit, and lymph nodes, or is discharging pus, is flyblown or is likely to haemorrhage should not be certified for transport.”</p>
<b>What is the problem?</b>	<p>Transporting an animal with advanced cancer eye risks exacerbating the effect of the condition. In most cases it is unnecessary and unreasonable to transport an animal with advanced cancer eye. In circumstances where it is necessary a veterinarian can examine the animal, and impose conditions, to certify that transport is reasonable.</p> <p>An identified area of frequent non-compliance. On average there are 40 complaints per year relating to cattle and sheep transported when affected by advanced cancer eye.</p> <p>Current enforcement responses appear ineffective at deterring frequent offending.</p>
<b>How will regulation help?</b>	<p>Will clarify that transporting animals with advanced cancer eye is unacceptable, unless certified by a veterinarian.</p> <p>Will provide an enforcement response proportionate to the offence.</p> <p>Will provide a more effective deterrent.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 10.1.</p> <p>In addition, please also consider the following questions:</p> <p>Does this regulation provide a clear and appropriate level of severity?</p> <p>Are there situations where an animal with advanced cancer eye needs to be transported but it is impractical to obtain a veterinary certificate?</p> <p>Should an upper level of severity be defined to make it clear when prosecution under the Act is more appropriate? If so what would this look like?</p>

## 11.0 Young Calf Management Regulatory Proposals

### 11.1 INTRODUCTION

This section sets out regulatory proposals around the welfare of calves up to two weeks old that have been separated from their mothers. On dairy farms these are often referred to as bobby calves, however, the term “young calves” is used throughout this section. Any new standards or regulations would apply to all calves, whether from dairy or beef farms. As it is unusual to separate young beef calves from their mothers, the direct impacts on the beef industry are expected to be minor.

The regulatory proposals set out below draw on suggestions that were made by stakeholders during workshops that MPI held in February 2016. We have asked a series of specific questions about these proposals but we would also welcome general feedback or any other observations that you believe may be useful, especially in relation to possible costs, impacts on business practices and any unintended consequences that could be generated. The general questions set out in section 9.1 may be a helpful reference.

Most of the regulatory proposals in this consultation paper are intended to be made by late 2016. However, we will be considering whether any regulatory proposals for young calves could come into effect sooner, by late July (the spring bobby calf season). We will also consider whether some of the proposals should, if adopted, include an extended lead-in time before coming into force.

### 11.2 QUESTIONS ABOUT NON-REGULATORY OPTIONS RELATING TO YOUNG CALF MANAGEMENT

As well as responses on the specific proposals detailed in the following tables, MPI would also welcome feedback on the following additional issues.

#### 11.2.1 Communication and notification regarding unsatisfactory practice and outcomes

A major theme of the workshops that MPI ran with stakeholders was the importance of timely communication between all parts of the supply chain. For example, the value of early notice from transport companies to farmers about changes to pick-up times, which could enable plans for feeding calves to be adjusted accordingly. Similarly, quicker and more detailed feedback to farmers from transporters and meat processors about situations where calves have been found to be in poor condition assists farmers to ensure that every possible step is taken to select only animals that are fully fit for transport.

Are there aspects of the current communications between all participants in the management, transportation and slaughter of young calves that would benefit from clear regulatory requirements, or are these issues best addressed by the industry sectors without regulation?

#### 11.2.2 Declaration of adherence to minimum standards

The February workshops discussed the potential for a process where each person and/or organisation in charge of young calves from their birth through to their eventual slaughter signs a declaration affirming that they have complied or will comply with specified minimum standards of care. It was suggested that these declarations might share some characteristics with the Animal Status Declarations (ASDs) that farmers complete for bobby calves as part of the contractual and registration arrangements they enter into with processors each season. In these declarations, farmers commit to adhering to the Code of Welfare for Dairy Cattle as



well as to certain other supplier requirements. There are also separate statutory (as opposed to contractual) requirements in order to manage risks such as disease transfer for specific ASDs administered by MPI to accompany consignments of animals (other than bobby calves) that are moved off farm.

It could be that adopting this approach would minimise the number of additional regulations that might be needed otherwise. It was suggested that this could create a more streamlined, flexible process. However, the requirement to sign a declaration and to abide by its terms would still need to be enforceable e.g. through the issuing of fines for breaches that fall below the threshold for prosecution under the Animal Welfare Act 1999 itself. This would not, therefore, be a “legislation free” option.

More work needs to be done to consider whether this sort of approach would be effective in practice.

- What would be the benefit of using a declaration approach, of the type described above, versus putting in place a set of regulations covering some or all of the proposals below?
- Is this something that should be addressed by industry-led action rather than intervention by Government? For example, would it be possible to establish throughout the meat processing sector as a whole a system similar to the supply contracts that are commonplace between dairy companies and their suppliers?
- Would an approach like this be effective in driving behaviour change across the supply chain?
- Are there any specific aspects of the potential design and operation of a declaration system that industry operators and MPI should consider?
- Would it be sufficient for farmers, transport companies and meat processors to sign a single declaration each season that would cover the entirety of their operations or is it necessary for individual declarations to be signed for each consignment of animals? In essence, this is the difference between signatories affirming in advance that they will abide by the terms of the declaration for all relevant animals versus them certifying at the point of handover or slaughter that they have done so in practice for specific groups of animals.

### 11.3 CREATING INFRINGEMENTS OR PROSECUTABLE OFFENCES

For several of the young calf proposals below, MPI is considering the practicability and desirability of regulating to frame non-compliance as an infringement offence or as a prosecutable offence under regulation.

An infringement offence must deal with straightforward issues of fact (see discussion in section 4.1.1 and 4.1.2). If this matter is too complex for an infringement offence to be suitable, it may be more appropriate to create a prosecutable offence under regulation. A prosecution allows more complex matters to be debated in court. Conviction would result in a criminal record and a fine imposed by the court up to the maximum set under regulations (limited in section 183 of the Act to \$5,000 for individuals or \$25,000 for bodies corporate).

Where both infringements and prosecutable offences are presented as options, would an infringement be a sufficient response to deal appropriately with the variety of circumstances that might arise?



## 11.4 THE PROPOSALS

43. Young Calves – Loading and Unloading Facilities	
Proposal	Facilities must be provided to enable young calves to walk onto and off transportation by their own action.
Current state	<p><i>Animal Welfare Act 1999</i></p> <p>Section 10 of the Act requires an owner or person in charge to take all reasonable steps to ensure the physical, health and behavioural needs of an animal are met. These needs are defined in section 4 to include: physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress being a need which is appropriate to the species, environment and circumstances.<sup>17</sup></p> <p><i>Dairy Cattle code of welfare 2014</i></p> <p><b>Minimum Standard 7 – Farm Facilities</b></p> <p>Farm facilities must be constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.</p> <p><b>Recommended Best Practice for Minimum Standard 7</b></p> <ul style="list-style-type: none"> <li>(c) Floors should have non-slip surfaces.</li> <li>(d) Fences, gates and loading ramps should be designed to allow good animal flow and to prevent injury. Loading ramps should be carefully constructed with non-slip footing and with side boards or rails to prevent animals falling off or getting their legs trapped.<sup>18</sup></li> </ul> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum standard 3 – Loading and Unloading Facilities</b></p> <ul style="list-style-type: none"> <li>(a) Loading and unloading facilities must be constructed and maintained so that they allow unhindered passage of the animals, do not present a hazard to animal welfare and are appropriate for the condition, species and number of animals.</li> <li>(b) Loading and unloading facilities must allow close alignment between the conveyance and the loading ramp.</li> <li>(c) While waiting to be loaded and following unloading, animals must be provided with protection from adverse environmental conditions that is appropriate to the animals and the circumstances, to reduce the risk to their health and welfare caused by exposure to heat or cold.</li> </ul> <p><b>Minimum standard 7 – Loading and Unloading</b></p> <ul style="list-style-type: none"> <li>(a) Animals must be loaded and unloaded in a way that minimises the risk of pain, injury or distress to the animals.</li> <li>(b) Only the minimum force required must be used when moving animals.</li> <li>(h) Animals must not be thrown or dropped, or be lifted or dragged by their tail, head, horns, ears, limbs, wool, hair or feathers.</li> </ul>
What is the problem?	<p>Loading and unloading can be a stressful event for young calves during transport. Currently, there is no minimum standard that there must be a loading and unloading facility, only minimum standards concerning facilities if they are provided. This has resulted in a wide variety of conditions across the country. In situations where loading or unloading facilities are absent, the requirement to handle the animals – lifting and placing them – is significantly</p>

<sup>17</sup> See section 4(d) of the Act.

<sup>18</sup> Dairy Cattle Code of Welfare, 13 June 2014, p. 14.

	greater than it would be otherwise. The more that young calves are handled, the greater the risk that they could be mishandled, even unintentionally.
<b>How will regulation help?</b>	<p>Requiring the provision of better and more consistent loading and unloading facilities would reduce the need for calves to be lifted onto and off vehicles. This has both animal welfare and health and safety benefits.</p> <p>Regulating for loading and unloading facilities would be consistent with a requirement that calves must be able to walk before they may be transported, which is included in proposals for Fitness for Transport regulations.</p> <p>It is recognised that young calves that are physically capable of walking may not always choose to do so. These regulatory proposals will not prohibit persons responsible for young calves from lifting and placing them if necessary, providing they comply with the relevant minimum standards (e.g. the animals must not be thrown, dropped etc.).</p> <p>MPI recognises that some farmers and other businesses will need time to make the arrangements necessary to put suitable loading and/ or unloading facilities in place. For that reason, we propose that there be a period of between 12 and 24 months before this requirement comes in to full effect.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p> <p>If regulations are made, should they specify acceptable methods, e.g. ramps and raised pens?</p> <p>Should the regulations allow flexibility for other methods that would enable calves to walk onto and off vehicles, providing that certain minimum standards are met?</p> <p>Does a period of between 12 and 24 months provide sufficient time for farmers and other businesses to make the arrangements necessary to put suitable loading and/ or unloading facilities in place?</p>

#### 44. Young Calves – Shelter on-farm, before and during transportation and at processing plants

<b>Proposal</b>	<b>All young calves must, when they are waiting on-farm or elsewhere for collection for transportation, during transportation and at processing plants prior to slaughter, have access to shelter that is clean, dry, suitably ventilated and provides protection from stress due to the effects of both hot and cold temperatures.</b>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>Sections 4 and 10 of the Act require an owner or person in charge to take all reasonable steps to ensure the physical, health and behavioural needs of an animal are met. These needs are defined under the Act to include: adequate shelter, being a need which, in each case, is appropriate to the species, environment and circumstances.<sup>19</sup></p>

<sup>19</sup> See section 4(b) of the Act.

	<p><i>Dairy Cattle code of welfare 2014</i></p> <p><b>Minimum Standard 6 - Shelter</b></p> <ul style="list-style-type: none"> <li>(a) All classes of dairy cattle must be provided with the means to minimise the effects of adverse weather.</li> <li>(b) New-born calves that have been removed from their mothers must be provided with shelter from conditions that are likely to affect their welfare adversely.</li> <li>(c) Sick animals and calves that are not suckling their mother must have access to shelter from adverse weather.</li> <li>(d) Where animals develop health problems associated with exposure to adverse weather conditions, priority must be given to remedial action that will minimise the consequences of such exposure.</li> </ul> <p><b>Recommended Best Practice:</b></p> <ul style="list-style-type: none"> <li>(a) Dairy cattle should undergo suitable preparation for transport including pre-transport conditioning before long haul journeys.</li> <li>(b) Collection areas should provide adequate shelter and comfort for all animals, particularly calves, easy access for the person collecting them and facilitate efficient handling of the animals.</li> <li>(c) In the absence of ramps, calves should be lifted to support their whole body.</li> <li>(d) Every effort should be made to ensure calves are transported for the shortest possible time.<sup>20</sup></li> </ul> <p><i>Commercial Slaughter code of welfare 2010</i></p> <p><b>Minimum Standard 3 – Facilities for Large Mammals</b></p> <ul style="list-style-type: none"> <li>(a) The lairage must provide adequate shelter from adverse weather conditions and ventilation to protect the welfare of the animals being held for slaughter.<sup>21</sup></li> </ul> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 2 – Conveyance and Container Design and Maintenance</b></p> <ul style="list-style-type: none"> <li>(a) Conveyances and containers used for the transport of animals must be designed and maintained so that they are suitable for carrying the species, size and weight of the animals to be transported over the terrain or seas and under the conditions in which they are expected to function.</li> <li>(b) Conveyances must be designed so that the faeces or urine from animals on upper levels do not soil any animals, feed or water on lower levels.</li> <li>(c) Containers must be constructed and maintained to ensure they present no hazards that are likely to cause injury to the animals.</li> <li>(d) Containers must be designed to ensure enough room to enable animals to travel in a natural posture.</li> <li>(e) Conveyances and containers must be designed to ensure adequate ventilation or oxygenation to allow the free flow of air oxygen to all animals, even when stationary, to prevent the build-up of harmful concentrations of gases or impurities, water vapour or temperature.</li> <li>(f) Conveyances and containers must be designed to provide protection from adverse weather that may be a risk to the animal's health and welfare.</li> <li>(g) Containers must be secured so that they do not move when underway.</li> </ul>
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	<p><b>Minimum Standard 3 – Loading and Unloading Facilities</b></p> <p>(a) Loading and unloading facilities must be constructed and maintained so that they allow unhindered passage of the animals, do not present a hazard to animal welfare and are appropriate for the condition, species and number of animals.</p> <p>(b) Loading and unloading facilities must allow close alignment between the conveyance and the loading ramp.</p> <p>(c) While waiting to be loaded and following unloading, animals must be provided with protection from adverse environmental conditions that is appropriate to the animals and the circumstances, to reduce the risk to their health and welfare caused by exposure to heat or cold.</p> <p><b>Minimum Standard 7 – Loading and Unloading</b></p> <p>(j) Stocking density must be sufficient to allow animals to adopt a natural posture during the journey without injuring their heads or backs if they stand, and to allow animals to rest, if this is necessary during the journey.</p> <p><b>Minimum Standard 8 - Ventilation</b></p> <p>(a) Ventilation or oxygenation must be sufficient to prevent the build-up of noxious gases or impurities to an extent that causes pain or harm to the animals' health during travel and rest</p> <p>(b) Ventilation during travel and rest must be appropriate to maintain the body temperature within the normal range for the species.</p>
<b>What is the problem?</b>	Young calves less than 14 days of age that have been separated from their mothers are immature animals with a known inability to adequately thermo-regulate on their own. They are more vulnerable to extremes of weather and temperature than older livestock. Lack of adequate shelter, especially in circumstances where calves may be left unattended for extended periods of time, such as awaiting transportation, places them at risk of suffering hyper or hypo-thermic heat stress.
<b>How will regulation help?</b>	Regulating in this area will ensure that clear, mandatory standards are put in place for the minimum level of shelter that must be provided for young calves in order to protect them from extremes of weather and temperature and from any other unnecessary discomfort from their physical environment. Putting these minimum standards into regulations would enable them to be enforced more effectively than is currently the case.
<b>Penalty</b>	Either, an infringement offence with a fee of \$500. No criminal conviction; or, A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there any other things that shelter should provide beyond the requirements that are set out in the current minimum standards?</p> <p>Should any regulation about shelter also cover the stocking density of animals within pens etc.? If so, what level of detail is necessary? For example, would it be sufficient to specify that collection pens etc. must provide enough room for all calves to lie down?</p>

<sup>20</sup> See Minimum Standard no. 18 (Pre-transport selection) and the recommended best practice, Dairy Cattle Code, p. 26.

<sup>21</sup> Commercial Slaughter Code of Welfare, minimum standard no. 3(c), p. 9.

## 45. Young Calves – Fitness for Transport – Age

<b>Proposal</b>	<b>Young calves must not be transported for processing and slaughter until they are at least four full days of age.</b>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>Section 23(2)(c) of the Act makes it an offence for the owner of, or the person in charge of, an animal to permit, without reasonable excuse, that animal to be transported in or on a vehicle, an aircraft, or a ship while the condition or health of that animal is such as to render it unfit to be so transported.</p> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p>No specified Minimum Standard. However the general information section of the Transport Code (p. 17) refers to a check-list item that a calf must be “at least 4 days old”.</p>
<b>What is the problem?</b>	<p>Within New Zealand, four days old is generally considered to be the minimum age by which a calf can be expected to have reached sufficient physical maturity to tolerate transportation. This benchmark is contingent on other factors such as the health (nutrition, illness and injury) of the animal. For comparison, in the European Union it is illegal to transport calves less than 10 days old, rising to 14 days old for journeys over eight hours.</p> <p>Sometimes calves are presented for slaughter in unacceptable or marginal physical condition. This may indicate that these calves have been selected on the basis of their size (high birthweight) rather than their age and other physical factors (e.g. dry navels).</p> <p>The purpose of this proposal is to reduce the risk of calves being presented that are barely older than three days. If a regulation is taken forward, it will be important that it is worded in a way that avoids inadvertently extending the minimum age beyond four full days.</p>
<b>How will regulation help?</b>	<p>Placing what is currently generally accepted as the norm (four days) into regulations would enable the age for transportation to be enforced as a requirement. It would also provide an opportunity to reduce the ambiguity that surrounds what constitutes “four days old.”</p> <p>It has been suggested that the four day period should begin when a calf is separated from its mother and be measured until the point at which it is secured in a pen (or equivalent accommodation) prior to transportation. This would reduce the risk of calves being presented that, although technically in their fourth calendar day of life are only over three days.</p> <p>The four day minimum age is not a guarantee that individual calves will be in suitable physical condition for transportation. It is important to consider this proposed regulation together with those for the physical condition of young calves and also the feeding window prior to transportation.</p>
<b>Penalty</b>	<p>Either, an infringement offence with a fee of \$500. No criminal conviction; or,</p> <p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p>

	<p>If regulating in this area, is four full days an acceptable age, based on experience and current practice in New Zealand, together with requirements regarding a range of minimum physical characteristics?</p> <p>Should any age requirement be expressed in terms of days following birth or days following separation from the mother?</p> <p>How should the age of calves be recorded for the purposes of this requirement?</p>
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#### 46. Young Calves – Fitness for Transport – Physical Characteristics

<b>Proposal</b>	<p><b>Immediately prior to transport, young calves must:</b></p> <ul style="list-style-type: none"> <li>• be free of disease, deformity, blindness or any disability;</li> <li>• be alert and able to rise from a lying position and, once up, capable of moving freely, are not listless and are able to protect themselves from trampling and being injured by other calves;</li> <li>• have hooves that are firm and worn flat and not bulbous with soft unworn tissue; and</li> <li>• have a navel cord which is wrinkled, withered and shrivelled and not pink or red coloured, raw or fleshy.</li> </ul>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>Section 23(2)(c) of the Act makes it an offence for the owner of, or the person in charge of, an animal to permit, without reasonable excuse, that animal to be transported in or on a vehicle, an aircraft, or a ship while the condition or health of that animal is such as to render it unfit to be so transported.</p> <p><i>Dairy Cattle code of welfare 2014</i></p> <p><b>Minimum Standard 18 – Pre-transport Selection</b></p> <p>(a) The person in charge must examine the selected dairy cattle prior to transport, to ensure that all animals are fit and healthy for transportation.</p> <p>(b) All dairy cattle, including calves, must be able to stand and bear weight on all four limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.</p> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 6 – Selecting and Accepting Animals for Transport</b></p> <p>(a) Proper care must be taken when deciding whether it is appropriate to transport young, old, pregnant or otherwise physiologically or behaviourally compromised animals.</p> <p>(c) Animals must not be transported unless they are fit enough to withstand the entire journey without suffering unreasonable or unnecessary pain or distress.</p> <p><b>General information checklist.</b></p> <p>The following checklist has been developed to ensure that calves presented for transport will be acceptable for slaughter. Calves:</p> <ul style="list-style-type: none"> <li>• are strong enough to withstand the stress of travel;</li> <li>• are healthy and free of disease, deformity, blindness or any disability;</li> <li>• have been adequately fed on milk or colostrum;</li> <li>• are alert and able to rise from a lying position and, once up, capable of moving freely and not listless and unable to protect themselves from trampling and being injured by other calves;</li> </ul>

	<ul style="list-style-type: none"> <li>• have hooves that are firm and worn flat and not bulbous with soft unworn tissue;</li> <li>• have a navel cord which is wrinkled, withered and shrivelled and not pink or red coloured, raw or fleshy; and</li> <li>• are at least four days old.<sup>22</sup></li> </ul>
<b>What is the problem?</b>	Calves are sometimes presented for slaughter in unacceptable or marginal physical condition, displaying some or all of the unacceptable indicators set out above.
<b>How will regulation help?</b>	<p>Together with the proposed regulation about the age of young calves, regulating to ensure that each calf displays the listed physical characteristics prior to transportation will help to ensure that these animals are able to suitably tolerate transportation.</p> <p>Placing minimum standards into regulations would enable them to be enforced more effectively than is currently the case.</p>
<b>Penalty</b>	<p>Proposed infringement offence with a fee of \$500. No criminal conviction. or,</p> <p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are the criteria suggested the most appropriate physical characteristics to take into account in this context? If not, what else should be taken into account?</p> <p>Are the proposed characteristics described clearly enough?</p> <p>Is there a significant risk, in practical situations, of any of these characteristics being missed or misdiagnosed?</p>

#### 47. Young Calves – Maximum time off feed

<b>Proposal</b>	<b>Young calves up to 14 days old that have been collected for transport to slaughter or are awaiting slaughter must be fed or slaughtered within 24 hours of their last feed.</b>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>Sections 4 and 10 of the Act require an owner or person in charge to take all reasonable steps to ensure the physical, health and behavioural needs of an animal are met in accordance with good practice and current scientific knowledge. These needs are defined under the Act to include: proper and sufficient food and water (appropriate to the species, environment and circumstances).<sup>23</sup></p> <p>See also the Agricultural Compounds and Veterinary Medicines Act 1997 (ACVM) and related regulations.</p> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 5 – Preparation of Animals for Transport</b></p> <p>(a) Animals must be appropriately prepared for transport, including through the provision of sufficient food and water, as appropriate to</p>

<sup>22</sup> Transport Code, p. 17.

<sup>23</sup> See section 4(a) and 4(ab) of the Animal Welfare Act 1999.



	<p>the species, age, condition and expected length and conditions of the journey, so that pain, injury or distress to themselves or other animals is avoided.</p> <p>(b) Before undertaking a journey during which the animals will be fed and watered, animals must be familiarised with the feed to be offered and the methods by which the feed and water are given.</p> <p><b>Example indicators for Minimum Standard 5 include:</b></p> <ul style="list-style-type: none"> <li>Calves less than one week of age are fed within two hours prior to travel. <b>[NOTE - This consultation seeks views on extending this period and imposing it as a regulatory requirement.]</b></li> <li>Food and water is supplied to avoid metabolic complications, or significant loss of condition leading to emaciation, morbidity or mortality.</li> </ul> <p><b>Minimum Standard 10 – Food, Water and Rest</b></p> <p>(a) The provision of food and water must be appropriate to the species, age, physical state and condition of the animals to allow them to regulate body temperature and meet their health needs.</p> <p>(b) If animals are to be fed during the journey, they must either be offered the feed they are accustomed to during the journey; or, if the food to be offered during transport differs from that to which the animals are accustomed, a period of pre-conditioning to the new feed must be undertaken prior to transport.</p> <p>(d) Unweaned animals must be fed within a maximum of 28 hours after loading for transport, if not slaughtered beforehand. <b>[NOTE - This consultation seeks views on reducing this period.]</b></p> <p><i>Commercial Slaughter code of welfare 2010</i></p> <p><b>Minimum Standard 3 – Facilities for Large Mammals</b></p> <p>(g) All animals must have access to water that is palatable and not harmful to health in a quantity sufficient to satisfy their thirst.</p> <p><b>Minimum Standard 4 – Handling of Large Mammals</b></p> <p>(e) All animals must be assessed for the presence of distress or suffering caused by physiological state, injury, disease or other abnormality, as soon as possible, but within 8 hours of arrival at the slaughter premises. Injured, diseased or abnormal animals must be treated appropriately to ensure their welfare is protected.</p> <p>(j) Bobby calves must be slaughtered as soon as possible but within 28 hours of being loaded for transport unless fed.</p> <p>(l) If animals are held in lairage for longer than the periods stated, they must then be fed at least maintenance rations:</p> <p>(i) bobby calves - 20 hours.</p>
<b>What is the problem?</b>	<p><b>Maximum time off feed</b></p> <p>The current codes specify that the maximum time between last feed and slaughter is 30 hours (feeding within two hours prior to collection, then feed or slaughter 28 hours from collection).</p> <p>Current scientific research has suggests that up to 30 hours off feed (the current limit in New Zealand) does not produce physiological harm on healthy calves. However, these calves must have been subject to good practice in the other aspects of their management and transport. The same research suggests that best practice management would involve time off feed not longer than around 24 hours.</p>



	<p>The longer calves go unfed, the more their levels of nutrition reduce and they become less able to withstand physical duress. They can also experience significant hunger, which is a welfare issue in itself.</p> <p><b>Feed before transportation</b></p> <p>Reviewing the maximum time off feed also provides an opportunity to consider the period during which calves must be fed immediately prior to transport. Currently, the example indicator given in the Transport Code of Welfare is two hours. However, feedback from MPI's stakeholder workshops indicates that this is often very difficult to achieve in practice because transport schedules can change in response to various events or delays on any given day and farmers are not always able to respond at short notice.</p> <p>The most important consideration for the welfare of young calves is that they are fed appropriately according to the length of time that they are expected to subsequently be without feed, i.e. journey time plus the length of time that they spend at a processing facility (lairage etc.) until they are slaughtered.</p> <p>Providing for a maximum period of 24 hours between last feed and slaughter, but without setting other requirements about pre-transport feed times, would enable operators in the supply chain to be innovative about how the 24 hour requirement is met.</p>
<b>How will regulation help?</b>	<p>Limiting total time off feed to 24 hours would reduce the risk of hunger in young calves and would also ensure that they are more robust throughout the process of supply and transport.</p> <p>Placing this requirement into regulations would enable it to be enforced more effectively than is currently the case.</p> <p>Regulation also has the potential to drive up the levels of service that the meat processing industry expects from its suppliers. The meat processors would usually bear the ultimate responsibility for ensuring slaughter within the proposed 24 hour period. This being the case, there would be an incentive for them to place even greater emphasis on their suppliers taking all steps necessary to ensure that calves reach them on time and in satisfactory condition.</p>
<b>Penalty</b>	<p>Proposed infringement offence with a fee of \$500. No criminal conviction. or, A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p> <p>Is 24 hours a reasonable maximum period to permit young calves to be off food when being transported prior to slaughter? If not, why not?</p> <p>Feedback is also sought on the balance between allowing a longer window for pre-transport feeding vs. the total time between collection from farm and eventual slaughter (or additional feed). In circumstances where the maximum time off feed were reduced to 24 hours, would it be helpful to set out a maximum pre-collection feed window (for example, four or six hours) or would it be better simply to set the 24 hour maximum time off feed and require farmers, transporters and processors to operate together within that timeframe?</p>

	If farmers, transporters and processors are to operate successfully within flexible feeding regulations, they will need to have access to reliable information about when calves have been fed. Should there be a regulation requiring that feed types, quantities, times etc. are recorded wherever they occur across the supply chain?
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#### 48. Young Calves – Duration of Transport

<b>Proposal</b>	<b>The maximum journey time for young calves from farm to slaughter premises should be no more than eight hours.</b>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>There are no express requirements in the Act regarding the duration of transport. Sections 22 and 23 of the Act cover transport and establish an overall duty that the welfare of transported animals is properly attended. They also set out offences in relation to transporting in a manner that causes the animals unreasonable or unnecessary pain or distress and the act of transporting animals that are not in a condition fit for such transportation.</p> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 4 – Journey Planning and Documentation</b></p> <p>(a) Transport must be planned to minimise the risk of injury, fatigue or metabolic and nutritional disorders.</p> <p>(d) There must be a contingency plan in place that allows the needs of animals to be met in the event of any delays arising during the part of the journey for which the transport operator is responsible.</p> <p><b>Example indicators for Minimum Standard 4 include:</b></p> <ul style="list-style-type: none"> <li>Loading density and travel duration are planned according to the type, class and condition of animals and the travel conditions.</li> </ul> <p><b>Recommended Best Practice</b></p> <p>(a) All animals should be transported for the shortest possible time, especially animals which are young ...</p> <p>(b) The duration of travel for young animals should not be longer than 12 hours.</p> <p>Unnecessary transport should be avoided and if animals are to be killed, they should, if possible, be killed at the nearest facility.</p>
<b>What is the problem?</b>	Many factors impact upon the welfare of calves during transportation, including their health at loading and the physical and environmental conditions during the journey. However, shorter journey times reduce the risk of exacerbating existing stress factors causing injury or exhaustion during the journey.
<b>How will regulation help?</b>	<p>Limiting journey times to eight hours will prohibit the longer journeys that place young calves under increased physical stress.</p> <p>Placing requirements for transport time in regulations would enable them to be enforced.</p>
<b>Penalty</b>	Proposed infringement offence with a fee of \$300. No criminal conviction.
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p>

	<p>Why do some journeys currently exceed eight hours, in particular why do some exceed this time significantly? (e.g. 10 to 12+ hours);</p> <p>What exceptional circumstances might occur that would risk extending journeys beyond eight hours?</p> <p>The current recommended best practice in New Zealand is that the duration of travel for young animals should not be longer than 12 hours. In practice, most journeys are shorter than this. For comparison, in the European Union it is illegal to transport calves less than 14 days old for journeys over eight hours. During a set of workshops run by MPI in February 2016 (including representatives from farming, transportation, meat processing, vets, animal protection and advocacy groups) the suggestion that journey times for young calves be limited to a maximum of eight hours was considered to have merit as good practice.</p>
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#### 49. Young Calves – Blunt force trauma

<b>Proposal</b>	Prohibit the use of blunt force trauma for killing calves.
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>Section 12(c) specifies an offence where an owner or person in charge kills an animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.</p> <p><i>Dairy Cattle code of welfare 2014</i></p> <p><b>Minimum Standard 17 – Calf Management</b></p> <p>(a) Calves must be handled and moved in a manner which minimises distress and avoids pain, injury or suffering.</p> <p>(c) When calves are killed on farm, the following apply:</p> <p>(ii) Calves must be rendered insensible and remain in that state until death is confirmed.</p> <p>(iii) Persons undertaking humane destruction must be suitably trained and competent in the procedures for handling and killing of calves.</p> <p>(iv) Calves must not be killed by the use of blunt force trauma caused by a blow to the head, except in unforeseeable or unexpected situations requiring emergency humane destruction.</p> <p><b>Minimum Standard 20 – Emergency Humane Destruction</b></p> <p>(a) Dairy cattle must be rendered immediately insensible and remain in that state, until death is confirmed</p> <p>(b) Persons undertaking emergency humane destruction must be suitably trained and competent in the procedures for handling and killing of dairy cattle.</p> <p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 9 – Monitoring Animals</b></p> <p>(b) Animals found to have fallen down, to be injured, distressed or with a limb protruding from the container or conveyance, must be assisted, treated or euthanized as soon as practicable</p> <p>(c) The time and place of inspection, and any deaths and incidents causing pain or distress to animals, must be recorded.</p>

<b>What is the problem?</b>	<p>Breaches of the minimum standard are a known but infrequent compliance issue, generating a small number of complaints each year. There is also increasing discomfort within New Zealand society about the practice of killing young calves using blunt force trauma. In addition, the use of blunt force trauma presents a significant risk to our reputation as a responsible producer of animals and animal products.</p> <p>Shooting or the use of a captive bolt are recommended in the Dairy Cattle code of welfare as methods to routinely kill unwanted calves where lethal injection by a veterinarian is not an option. Killing a calf using blunt force trauma can be done quickly and efficiently without causing pain and distress. However, it is considered that using a firearm or a captive bolt is more certain to achieve the accuracy of targeting and application of sufficient and consistent force that are necessary to achieve rapid, humane death.</p>
<b>How will regulation help?</b>	<p>Prohibiting the use of blunt force trauma for killing calves will limit the practical and reputational risks that are presented by this method of killing.</p> <p>Placing the prohibition in regulations would enable it to be enforced.</p>
<b>Penalty</b>	<p>Proposed infringement offence with a fee of \$500. No criminal conviction. or, A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following questions:</p> <p>Is prohibition by regulation necessary given the progress that has been made in recent years, particularly following the 2014 revision to the Dairy Cattle code of welfare?</p> <p>If regulations are made, will it be necessary to retain an exemption to cover emergency situations? If so, how might these emergency situations be defined in order to make the language as precise as possible?</p> <p>The use of blunt force trauma is declining in New Zealand, particularly following the 2014 revision to the Dairy Cattle code of welfare. For example, a recent survey by MPI of slink skin operations found that the incidence of calves showing blunt force trauma to the head had decreased from 11% in 2013 to 2% in 2015.</p> <p>Placing the prohibition into regulations, with an associated offence provision, would create a directly enforceable standard. However, feedback from stakeholders is that any such regulation should include an exception for emergency situations.</p> <p>The current code defines these as “unforeseeable or unexpected situations requiring emergency humane destruction.” Emergency humane destruction is described in Section 6.4 of the Code as “Unexpected or unforeseeable emergencies ... where animals experience severe pain or suffering that will become worse if they are not immediately treated or humanely destroyed.” However, this is subjective. Debate could surround whether a particular situation – e.g. a young animal falling and being trampled - was genuinely unforeseeable or unexpected to the extent that the person in charge could not have been able or equipped to respond in any other way than to administer a fatal blow to the animal’s head.</p>

## 50. Young Calves – Transport by sea across Cook Strait prohibited

<b>Proposal</b>	<b>Prohibit the transportation by sea of young calves across the Cook Strait.</b>
<b>Current state</b>	<p><i>Transport within New Zealand code of welfare 2011</i></p> <p><b>Minimum Standard 4 – Journey Planning and Documentation</b></p> <p>(b) Transport must be planned to minimise the risk of injury, fatigue or metabolic and nutritional disorders.</p> <p>(e) There must be a contingency plan in place that allows the needs of animals to be met in the event of any delays arising during the part of the journey for which the transport operator is responsible.</p> <p><b>Example indicators for Minimum Standard 4 include:</b></p> <ul style="list-style-type: none"> <li>Loading density and travel duration are planned according to the type, class and condition of animals and the travel conditions.</li> </ul> <p><b>Recommended Best Practice</b></p> <p>(c) All animals should be transported for the shortest possible time, especially animals which are young ...</p> <p>(d) The duration of travel for young animals should not be longer than 12 hours.</p> <p>Unnecessary transport should be avoided and if animals are to be killed, they should, if possible, be killed at the nearest facility.</p> <p>For comparison, in Australia, it is prohibited to transport bobby calves across the Bass Strait, however, this is primarily due to the length of the journey (in excess of 10 hours) rather than weather or sea conditions.</p>
<b>What is the problem?</b>	Young calves may struggle to tolerate a Cook Strait sea crossing, which includes waiting times both pre and post voyage, sometimes lengthy sea crossings and the potential for rough weather to cause injury and distress.
<b>How will regulation help?</b>	<p>Although this journey is no longer common, prohibiting it would ensure that the practice does not become so again.</p> <p>Placing this prohibition in regulations would enable it to be enforced.</p>
<b>Penalty</b>	<p>Proposed infringement offence with a fee of \$500. No criminal conviction.</p> <p>or,</p> <p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions</b>	<p>Refer to the general questions set out in section 9.1.</p> <p>In addition, please also consider the following question:</p> <p>If the transport of young calves by ship across the Cook Strait is prohibited, would an infringement offence with a fee of \$500 be a suitable penalty?</p> <p>The proposal to set the fee at \$500 rather than \$300 reflects the fact that a deliberate decision would be necessary before sending calves on this journey.</p>

## 12.0 Surgical and Painful Procedures Regulatory Proposals

### 12.1 KEY QUESTIONS FOR SURGICAL AND PAINFUL PROCEDURES PROPOSALS

As well as the generic questions in section 9.1, there are some questions that are common or more relevant to the proposals related to surgical and painful procedures that should be considered. These include:

- What is the purpose of the procedure?
- What does good practice look like? Good practice can be thought about in relation to the use of the procedure for animal management purposes, or, in relation to the production of animal or commercial products;
- How widespread is the procedure in New Zealand? In what situation(s) does it occur?
- Who currently performs this procedure and under what circumstances?
  - Should the procedure only be performed by a veterinarian, if so, why?
  - Should a non-veterinarian be able to perform this procedure, if so, under what circumstances?
- Where there is a new requirement for a veterinarian to be involved or additional pain relief requirements, are there any additional implications (including cost) associated with these new requirements?
- Are there alternatives to the current practice that are less harmful?
  - Are there any reasons why alternatives can't be used?
  - Are there any additional implications (including cost) associated with the alternative approach?
- Do you know of any procedures, not covered in the following tables, which would fit the criteria for a significant surgical procedure (see Box 1 on page 8), that are currently not being undertaken by a veterinarian or veterinary student?

Questions related to specific proposals are included with each proposal.

### 12.2 INTRODUCTION

Animals are subjected to surgical and painful procedures for a variety of reasons, including animal or farm management (e.g. castration), animal and human safety (e.g. disbudding or dehorning), animal health (e.g. dentistry), identification (e.g. branding), breeding (e.g. rectal pregnancy examinations in horses), to harvest products (e.g. deer velvet antler removal) and aesthetics (e.g. cropping the pinnae of a dog's ear to make it stand upright). These procedures can cause significant anxiety, fear, discomfort, pain and/or distress to the animal<sup>24</sup>.

It is important that when undertaking these types of procedures they can be justified, and any harmful consequences are minimised. The Painful Husbandry Procedure (PHP) code of welfare encompasses these general principles within two minimum standards (see Appendix 4). These general principles have been applied to the development of all the surgical and painful procedures proposals outlined in this document to help inform what constitutes good practice.

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<sup>24</sup> Painful Husbandry Procedures (PHP) code of welfare - <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

Regulatory proposals relating to surgical and painful procedures are intended to primarily provide greater clarity and update standards to reflect good practice and scientific knowledge (see section 3.1.1).

## 12.3 UPDATING CURRENT PRACTICE

The PHP code of welfare governs the majority of surgical and painful procedures. In 2005 when the code was issued, NAWAC acknowledged that there was a need to continue efforts to minimise pain and distress associated with the husbandry procedures described in the code<sup>25</sup>, including wider use of pain relief. It encouraged operators and industries to further develop management systems and breeding programmes which removed the need to routinely perform these types of procedures<sup>26</sup>.

Consideration of whether the obligations relating to surgical and painful procedures need to be updated reflects the fact that the PHP code of welfare is now over 10 years old. It also reflects the fact that the PHP code of welfare was made under a statutory regime that has now been amended (see section 2.3.1).

When making regulations relating to surgical and painful procedures the Minister must have regard to factors that were not necessarily considered in the making of the PHP code of welfare. These include:

- whether the procedure fits the criteria for determining whether it is a significant surgical procedure (see Box 1 on page 8);
- the purpose of the procedure;
- the extent (if any) to which the procedure is established in New Zealand;
- good practice in relation to the use of the procedure for animal management purposes or in relation to the production of animal products or commercial products;

In light of the points above, consideration was given to:

- whether it was appropriate to consider the wider use of pain relief at this time;
- how and why a procedure is currently performed and whether it reflects good practice, for example, is it necessary or reasonable given changes in scientific knowledge; and
- the wider involvement of veterinarians.

Considering the factors above greater use of pain relief or veterinarian oversight has been proposed for some procedures. However, for some routine husbandry procedures current practice is considered appropriate given the balance between animal management and the pain experienced by the animal. Pain relief and veterinarian oversight is not proposed for docking of sheep, and castration of sheep and cattle, under 6 months when using approved methods.

### *Pain relief at the time of the procedure*

There is a growing understanding worldwide of the nature of pain caused by routine procedures, and of the nature of pain in different animals of different ages.

During the development of the PHP code of welfare, NAWAC noted its intention to consider making pain relief, within defined periods, a requirement for a wider range of procedures in any review of the code<sup>27</sup>.

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<sup>25</sup> PHP code of welfare - <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

<sup>26</sup> Report on the PHP code of welfare - <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

<sup>27</sup> Report on the PHP code of welfare <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>



NAWAC held a workshop in 2006 to identify barriers to the wider use of pain relief. A number of criteria, including simplicity of use, were recognised as preventing wider use of pain relief at the time. Other barriers noted were:

- the availability, safety and efficacy of pain relieving drugs;
- practical and economic aspects determining the use of pain relieving drugs;
- attitudes and expectations towards minimising pain associated with painful husbandry procedures, and the equitable distribution of the costs and benefits of doing so; and
- the regulatory environment required to support the use of restricted drugs.

Since the issue of the PHP code of welfare and the outcomes of the 2006 workshop on pain relief, scientific knowledge and good practice have moved on. There is research showing that effective pain relief can be provided during many routine husbandry procedures, and the means to provide pain relief are available to farmers and animal owners (see Box 2 below).

### ***Box 2: Pain relief***

#### *What is pain relief?*

For the regulatory proposals in this document the proposed definition of pain relief is:

- *throughout the performance of the surgical procedure, an animal must be under the influence of a general or local anaesthetic that is sufficient to prevent the animal from feeling pain.*

While it is only proposed that pain at the time of the procedure be regulated, ongoing pain mitigation after the procedure has been conducted is also important. Consideration should be given to means to alleviate or minimise any ongoing discomfort, pain or distress caused to the animal as a result of the procedure.

In most cases, pain relief will be a restricted veterinary medicine (RVM) under the Agricultural Compounds and Veterinarian Medicines Act 1997 (ACVM Act), which requires veterinary authorisation.

RVMs can pose significant risks, particularly to the welfare of the animals treated and residues that could jeopardise trade. As such the use of RVMs requires oversight to ensure that the risks are kept at an acceptable level.

#### *How can I access pain relief?*

Under the ACVM Act, only veterinarians are able to authorise the purchase and use of RVMs<sup>28</sup>.

The ACVM Act does allow veterinarians to authorise non-veterinarians to hold RVMs in anticipation of use, and administer these medicines without a veterinarian being present. The authorising veterinarian, in certain situations after assessing whether direct veterinary oversight is needed for the use of RVMs, can decide to issue Veterinary Operating Instructions (VOI) to allow this. VOIs are a set of instructions from the veterinarian to the non-veterinarian that authorise RVMs to be held in anticipation of their use, and provide detailed instructions on when and how the RVMs can be used.

<sup>28</sup> [http://www.foodsafety.govt.nz/elibrary/industry/Veterinarians\\_Recognised-Sets\\_Expectations.pdf](http://www.foodsafety.govt.nz/elibrary/industry/Veterinarians_Recognised-Sets_Expectations.pdf)



VOIs address all matters requiring consideration by the veterinarian, and can include situations where the non-veterinarian has been trained by the veterinarian to perform a repeatable procedure or treatment involving RVMs. Use of RVMs under a VOI means veterinary discretion, oversight and guidance is not required for each individual animal on which the procedure or treatment is undertaken e.g. deer de velvetting, or disbudding calves, lambs or kids.

Before a veterinarian can authorise the use of the RVM, they must first assess the need for an RVM and determine which RVM will be most appropriate in each case. When considering authorisation for a non-veterinarian to hold RVMs in anticipation of use, the veterinarian must also:

- establish that the purchase, holding for use, and use of the RVM is appropriate and justified under the circumstances; and
- confirm that any person who will administer the RVM understands and is able to competently carry out the authorising veterinarian's instructions for use; and
- provide direction (or make arrangements) to address anticipated adverse events that are likely to arise from the use of the RVM.

Further information on VOIs is available in MPI's guidance material on VOIs<sup>29</sup>.

### *Pain relief questions*

Some of the regulatory proposals include a requirement for pain relief to be used at the time of the procedure. We are interested in the feasibility and practicality of accessing and administering pain relief in these situations. In particular:

- Are there any instances where the proposed definition of pain relief at the time of the procedure, outlined in Box 2 on pages 75-76, would be problematic?
- In the proposals some procedures can be performed by a non-veterinarian with pain relief - in most cases the pain relief will need to be authorised by a veterinarian (see Box 2).
  - Is it appropriate for a veterinarian to authorise a non-veterinarian to hold and use pain relief for all the procedures discussed in the following tables?
  - Are there any factors, other than the nature of the procedure, which could limit access to pain relief under the VOI framework discussed in Box 2?
- In addition, the regulatory proposals address pain relief at the time of the procedure. What, if anything, is used to mitigate post-operative pain? How frequently, and in what circumstances is post-operative pain mitigated?

### *Good practice*

Whether a procedure is good practice needs be determined, in each case, by what is appropriate to the species, environment and circumstances of the animal.

In looking at whether a procedure reflects good practice, consideration was given to whether it was necessary or reasonable, including, the benefits and harms of the procedure to the

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<sup>29</sup> [http://www.foodsafety.govt.nz/elibrary/industry/Veterinary\\_Operating-Guidelines\\_Issuing.pdf](http://www.foodsafety.govt.nz/elibrary/industry/Veterinary_Operating-Guidelines_Issuing.pdf)

animal and management and production systems related to the animal and whether there are any less harmful alternatives<sup>30</sup>.

For example, the proposed regulations consider tail docking standards for five different species of animal—horses, dogs, cattle, pigs and sheep. The proposals for each species differ and reflect a balance between the benefits of undertaking the procedure, the harms caused by the procedure itself, and whether there are alternatives to achieving the benefits or reducing the harms. The specific detail for each proposal is outlined in the following tables.

#### *Involvement of veterinarians*

Under section 15 of the Act, a significant surgical procedure must only be undertaken by a veterinarian or veterinary student acting under the direct supervision of a veterinarian. Although exceptions will be able to be provided in the regulations where appropriate, the criteria for determining whether a procedure is a significant surgical procedure, which will be included within the Act, reduces the ambiguity about when a veterinarian needs to be involved.

Regulations are also able to be made that prescribe requirements in relation to the performance of specified surgical or painful procedures. This may include requiring that only veterinarians carry out some of the specified procedures.

## 12.4 THE PROPOSALS

51. All animals – Hot branding	
<b>Proposal</b>	<b>Prohibit hot branding</b>  <i>Hot branding is used on some types of animals for identification. Hot-iron branding involves the use of a hot iron that burns the skin, creating a permanent mark on which no hair will grow.</i>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i>  Section 29(f) of the Animal Welfare Act – a person commits an offence who brands any animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress</p> <p><i>Horses and Donkeys code of welfare 2016</i>  (the code notes that regulations are being developed and, as such, some of the minimum standards in the code may need to be reviewed following consultation as part of the regulation developing process).</p> <p><b>Minimum Standard 12 – Identification</b>  (b) Pain relief must be used with hot branding</p> <p><b>Recommended Best Practice</b>  (d) Hot branding should not be used</p>

<sup>30</sup> NAWAC took a similar approach when it developed the requirements set out in the PHP code of welfare 2005 (see the report on the PHP code of welfare <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>).

	<p><i>Dairy Cattle code of welfare 2014</i></p> <p><b>Minimum Standard 13 – Identification</b> Hot branding must not be used without pain relief</p> <p><i>Sheep and Beef code of welfare 2010</i></p> <p><b>Minimum Standard 13 – Identification</b> (b) Hot branding must only be used with pain relief</p> <p><i>Llamas and alpacas code of welfare 2013</i></p> <p><b>Minimum Standard 14 – Animal Identification</b> (b) pain relief must be used with any hot or freeze branding</p> <p><i>Goats code of welfare 2012</i></p> <p><b>Minimum Standard 16 – Identification</b> (b) pain relief must be used with hot or freeze branding</p> <p><b>Recommended Best Practice</b> Goats and camelids should not be branded</p> <p><i>Painful Husbandry Procedure code of welfare 2005</i> The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>Hot branding is performed for aesthetic or management purposes and has no benefits to the animal. Hot branding has been shown to be more painful than other forms of identification.</p> <p>Alternative methods to hot branding are available for management purposes and are less painful<sup>31, 32</sup>. Alternatives include freeze branding and microchipping. Cattle and deer are generally required to have identification tags under the National Animal Identification and Tracing (NAIT) regulations.</p>
<b>How will regulation help?</b>	<p>Provides clarity that hot branding is an unnecessary and unreasonable procedure given that alternatives are available.</p> <p>Placing the prohibition in regulations means that it is directly enforceable.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p>

<sup>31</sup> Lindegaard C., Vaabengard D, Christophersen M.T., Ekstøm C.T. and Fjeldbord J. (2009). Evaluation of pain and inflammation associated with hot iron branding and microchip transponder injection in horses. American Journal of Veterinary Research 70, 840-847.

<sup>32</sup> Erber R., Wulf M., Becker-Birk M., Kaps S., Aurich J.E., M  
young horses to hot iron branding and microchip implantation. The Veterinary Journal 191, 171-175.

östl E. and Aurich C. (2011)

## 52. All animals – Embryo collection via exteriorised uterus (surgical embryo transfer)

<b>Proposal</b>	<p><b>May be performed by any person.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>This is a technique to assist breeding where the uterus is pulled out through an incision in the side of an animal so that the embryo can be washed and collected.</i></p>
<b>Current state</b>	<p>There are no specific minimum standards or Act requirements related to surgical embryo collection. NAWAC has previously indicated in the Sheep and Beef Cattle code of welfare 2010 that surgical embryo transfer should be listed as a significant surgical procedure as defined by section 6 of the Act.</p> <p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>This procedure is currently performed by non-veterinarians. These non-veterinarians are a significant supplier of this procedure to the industry in terms of the total numbers of procedures undertaken industry-wide; especially in the sheep and goats.</p> <p>This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Allows non-veterinarians to undertake a procedure, within appropriate constraints (i.e. pain relief), that is likely to meet the criteria for a significant surgical procedure.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p>

### 53. All animals – Laparoscopic artificial insemination (Laparoscopic A.I.)

<b>Proposal</b>	<p><b>May be performed by any person.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>This is a technique to assist breeding where semen is directly deposited into each of the uterine horns.</i></p>
<b>Current state</b>	<p><a href="#">Horses and Donkeys code of welfare 2016</a></p> <p>(the code notes that regulations are being developed and, as such, some of the minimum standards in the code may need to be reviewed following consultation as part of the regulation developing process).</p> <p><b>Minimum Standard 10 – Breeding and Foaling</b></p> <p>(b) Laparoscopic artificial insemination must only be carried out by veterinarians or trained and competent operators under veterinary supervision</p>
<b>What is the problem?</b>	<p>This procedure is currently performed by both veterinarians and non-veterinarians.</p> <p>This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Allows non-veterinarians to undertake a procedure, within appropriate constraints (i.e. pain relief), that is likely to meet the criteria for a significant surgical procedure.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p>

### 54. All animals – Liver biopsy

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>This is a surgical procedure where a needle is inserted into the body of an animal to take a sample directly from the liver for nutritional and health assessments.</i></p>
<b>Current state</b>	<p>There are no specific minimum standards or Act requirements related to conducting liver biopsies. Comment on this procedure was sought through public consultation on the discussion document 'Animal Welfare Matters 2012'.</p> <p><a href="#">Painful Husbandry Procedure code of welfare 2005</a></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when</p>

	they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Submissions on this procedure as part of Animal Welfare Matters 2012 discussion document <sup>33</sup> indicated that at a minimum it should be undertaken by a veterinarian, or veterinary student under supervision. Alternatives to liver biopsies are available in some situations.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 55. All animals – Dental work

<b>Proposal</b>	<b>Any power tool used on an animal for dental work must be designed for the purpose of dentistry.</b>  <i>Power tools are used in some dentistry procedures, for example, grinding float teeth in horses.</i>
<b>Current state</b>	<i>Pigs code of welfare 2010</i> <b>Minimum Standards 16 – Elective husbandry procedures</b> (c) Clipping or grinding of needle teeth must be carried out before five days of age.  <b>Recommended Best Practice</b> (e) Needle teeth should be ground down rather than clipped  <i>Llamas and Alpacas code of welfare 2013</i> <b>Minimum Standard 18 – Elective Husbandry Procedures</b> (a) Elective husbandry procedures must only be carried out where they are justifiable to prevent undesirable consequences that could subsequently result in animal suffering.  <b>Recommended Best Practice</b> (c) Removal or blunting of fighting teeth should be performed by a veterinarian using pain relief  <i>Horses and Donkeys code of welfare 2016</i> <b>Minimum Standard 14 – Health, injury and disease</b> (d) Teeth must be maintained as required to permit normal grazing and chewing

<sup>33</sup> Animal welfare matters. Proposals for a New Zealand Animal Welfare Strategy and amendments to the Animal Welfare 1999. MPI Discussion Paper No: 2012/07.

	<b><i>Recommended Best Practice</i></b> (d) Equine teeth should be examined and treated as necessary, but at least annually for dental conditions that may cause pain or interfere with normal feeding, digestion, or work.
<b>What is the problem?</b>	Power tools generate heat. This heat can damage the pulp of a tooth and may result in the death of a tooth. These damaged teeth may then become infected and result in abscesses which if untreated can lead to further complications <sup>34</sup> . Power tools, specifically designed for dentistry, reduce the risk of damage by using water to cool the area while the power tool is being used.
<b>How will regulation help?</b>	Clarifies the types of tools that can be used to minimise the welfare risks of this procedure.
<b>Penalty</b>	Proposed infringement offence with a fee of \$500. No criminal conviction.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 12.1. What proportion of power tools used would have an in-built coolant associated with them?

## 56. Cats – Declawing

<b>Proposal</b>	<b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b> <b>Must only be performed in the best interests of the animal.</b> <b>Pain relief must be used at the time of the procedure.</b>  <i>For the purposes of this regulatory proposal it is proposed that the term ‘best interests of the animal’ will mean that this procedure should only be contemplated after other suitable means of treating inappropriate behaviour have been attempted and have failed and euthanasia is the only alternative.</i>  <i>Restricting a procedure to ‘in the best interest of the animals’ does not preclude a vet from undertaking the procedure for therapeutic reasons as a result of disease or injury.</i>
<b>Current state</b>	<a href="#"><i>Animal Welfare Act 1999</i></a> Cat declawing is currently a restricted surgical procedure under section 2(1) of the Act and may only be undertaken by a veterinarian or veterinary student under supervision who must first satisfy themselves that the procedure is in the interests of the animal of the Act and that appropriate pain relief is used (section 17).
<b>What is the problem?</b>	Declawing a cat restricts its ability to express its natural behaviours. There will be no specific restrictions on declawing cats once the classification system for significant surgical procedures, currently in the Act, is revoked when the regulations come into force. This could cause ambiguity and be interpreted to mean that this procedure no longer needs to be limited to situations where it is in the interests of the animal.
<b>How will regulation help?</b>	Ensures that specific restrictions on the declawing of cats remain once the regulations come into force. Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (see Box 1 on page 8). These

<sup>34</sup> Wilson G. J.; Walsh L.J. (2005) Temperature changes in dental pulp associated with use of power grinding equipment in equine teeth. Aust. Vet. J. Jan-Feb 83 (1-2) 75-77.



	criteria that will be included within the Act once the regulations come into force.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 12.1.</p> <p>In addition, please also consider the following question:</p> <p>For the purposes of this regulatory proposal it is proposed that the term 'best interests of the animal' will mean that this procedure should only be contemplated after other suitable means of treating inappropriate behaviour have been attempted and have failed and euthanasia is the only alternative.</p> <p>Is it clear from the above definition when the procedure would be in the best interests of the animal? If not, why not?</p>

## 57. Companion animals – Desexing (including stray/feral cats, dogs, and other species)

<b>Proposal</b>	<b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b> <b>Pain relief must be used at the time of the procedure.</b>
<b>Current state</b>	<p><i>Dogs code of welfare 2010</i> The general information section states that desexing is a significant surgical procedure.</p> <p><i>Companion cats code of welfare 2007</i> In the introduction to the section on breeding (section 6) it states that cats should be desexed to prevent unplanned breeding.</p> <p><b>Recommended Best Practice</b> (a) Cats, other than those kept by a registered breeder for breeding purposes, should be desexed at or before puberty.</p>
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>Are there any situations where a non-veterinarian, for example a veterinary nurse, is desexing a companion animal e.g. desexing male kittens?</p>

## 58. Dogs – Freeze branding

<b>Proposal</b>	<b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b> <b>Pain relief must be used at the time of the procedure.</b>
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	<i>Freeze-branding is a method of identification where a coolant is applied to the branding iron, rather than heat. This works at the site to destroy the pigment-producing hair cells, causing the hair to grow white where the brand has been applied.</i>
<b>Current state</b>	<i>Animal Welfare Act 1999</i> Section 29(f) of the Animal Welfare Act – a person commits an offence who brands any animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.
<b>What is the problem?</b>	Freeze-branding causes pain, although to a lesser degree than hot-branding <sup>35</sup> . It is considered that freeze branding may be especially painful for hunting dogs due to their muscular and lean body condition. However, freeze branding or other forms of permanent identification are required for dogs to enter some hunting blocks <sup>36</sup> . Identification is used, among other things, to manage the risk of dogs to native species by identifying those dogs that have been certified as ‘Bird Safe’.
<b>How will regulation help?</b>	Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (See Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 59. Dogs – Dog debarking (and devoicing of other species)

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</b></p> <p><b>Must only be performed in the best interests of the animal</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>The purpose of debarking is to remove the sound made when a dog barks.</i></p> <p><i>For the purposes of this regulatory proposal it is proposed that the term ‘best interests of the animal’ will mean that this procedure should only be contemplated after other suitable means of treating inappropriate barking have been attempted and have failed and euthanasia is the only alternative.</i></p> <p><i>Restricting a procedure to ‘in the best interest of the animals’ does not preclude a vet from undertaking the procedure for therapeutic reasons as a result of disease or injury.</i></p>
<b>Current state</b>	<i>Animal Welfare Act 1999</i> Debarking is currently a restricted surgical procedure under section 2(1) of the Act and may only be undertaken by a veterinarian or veterinary student under supervision who must first satisfy themselves that the procedure is in

<sup>35</sup> Schwartzkopf-Genswein K.S., Stookey J.M., Crowe T.G. and Genswein B.M. (1998). Comparison of image analysis, exertion force, and behavior measurements for use in the assessment of beef cattle responses to hot-iron and freeze branding. *Journal of Animal Science* 76, 972-979.

<sup>36</sup> <http://www.doc.govt.nz/parks-and-recreation/things-to-do/hunting/permits-and-licences/dog-permit/>

	<p>the interests of the animal of the Act and that appropriate pain relief is used (section 17).</p> <p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 15</b></p> <p>Dogs must only be taken to a veterinarian for debarking after other suitable means of treating inappropriate barking have been attempted and have failed.</p>
<b>What is the problem?</b>	<p>Debarking a dog restricts its ability to express natural behaviours. There will be no specific restrictions on debarking a dog once the classification system for significant surgical procedures, currently in the Act, is revoked when the regulations come into force.</p> <p>This could cause ambiguity and be interpreted to mean that this procedure no longer needs to be limited to situations where it is in the interests of the animal.</p>
<b>How will regulation help?</b>	<p>Ensures that specific restriction on the debarking of dogs remain once the regulations come into force.</p> <p>Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (See Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>For the purposes of this regulatory proposal it is proposed that the term 'best interests of the animal' will mean that this procedure should only be contemplated after other suitable means of treating inappropriate barking have been attempted and have failed and euthanasia is the only alternative.</p> <p>Is it clear from the above definition when the procedure would be in the best interests of the animal? If not, why not?</p>

## 60. Dogs – Cropping the ears

<b>Proposal</b>	<p><b>Prohibit the cropping of a dogs ears</b></p> <p><i>In relation to this proposal, cropping means performing, on the pinnae of the ears of the dog, a surgical procedure that is designed to make the ears of the dog stand upright.</i></p>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>It is currently an offence to crop, or causes to be cropped, the ears of a dog ear under section 21(2)(a) of the Act.</p>
<b>What is the problem?</b>	<p>This is an unnecessary procedure that provides no benefit to the animal or animal management practices.</p> <p>The restrictions on cropping a dog's ear will be revoked once the regulations come into force.</p> <p>This could cause ambiguity and be interpreted to mean cropping a dog's ear is no longer a concern from an animal welfare perspective.</p>

<b>How will regulation help?</b>	Provides clarity that the cropping of a dog's ear, for the purpose of making it stand upright, will continue to be an offence. Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 61. Dogs – Dew claws

<b>Proposal</b>	<p><b>Front limb dew claw removal and articulated (jointed) hind limb dew claw removal:</b></p> <ul style="list-style-type: none"> <li>- <b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian;</b></li> <li>- <b>Must only be performed for therapeutic reasons; and</b></li> <li>- <b>Pain relief must be used at the time of the procedure.</b></li> </ul> <p><b>Hind limb dew claws: non-articulated (greater than or equal to four days of age):</b></p> <ul style="list-style-type: none"> <li>- <b>Must be performed by a veterinarian or veterinary student under supervision; and</b></li> <li>- <b>Pain relief must be used at the time of the procedure.</b></li> </ul> <p><i>For the purposes of this regulatory proposal 'performed for therapeutic reasons' will mean to undertake a procedure to respond to disease or injury.</i></p> <p><i>Note: there is no proposal to regulate the removal of non-articulated hind limb dew claws in puppies under four days old.</i></p>
<b>Current state</b>	<p><i>Dogs code of welfare 2010</i></p> <p><b>Minimum Standard 16 – Dew Claws</b></p> <p>(a) Where dew claws are to be removed from puppies by a person other than a veterinarian, it must be done before the eyes have started to open or before four days old, whichever comes first.</p> <p>(b) Where dew claws are removed by a person other than a veterinarian, that person must possess the knowledge, training and competence, in relation to that procedure, that is necessary to maintain the health and welfare of the pup.</p> <p>(c) Dew claws on dogs after their eyes have begun to open or after four days of age, must only be removed by a veterinarian.</p> <p>(d) If dew claw removal is not performed, care must be taken to manage any consequential risks to animal health and welfare.</p> <p><b>Recommended Best Practice</b></p> <p>(a) Jointed dew claws should not be routinely removed.</p> <p>(b) Dew claw removal, when conducted, should be carried out by a veterinarian.</p>
<b>What is the problem?</b>	Articulated dew claws are firmly attached to the leg. Most front limb dew claws are articulated. Articulated claws may also be found on a dog's hind limbs.

	<p>The removal of articulated dew often requires the bone to be cut through. This can result in complications including pain, haemorrhage, infection and scarring if not performed correctly.</p> <p>In addition, articulated dew claws may function to prevent foot injury by providing support when running<sup>37</sup> and to keep objects steady while a dog is chewing them.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Minimises the level of pain and distress caused by:</p> <ul style="list-style-type: none"> <li>• requiring pain relief at the time of the procedure; and</li> <li>• in the case of front limb dew claws and articulated hind limb dew claws, limiting the procedure to situations where it is being undertaken to respond to injury or disease.</li> </ul>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>For the purposes of this regulatory proposal it is proposed that the term ‘performed for therapeutic reasons’ will mean to undertake a procedure to respond to disease or injury.</p> <p>Is it clear from the above definition when the procedure would be performed for therapeutic reasons? If not, why not?</p> <p>Should this procedure be limited to therapeutic purposes only, if not, why?</p>

## 62. Dogs – Tail docking

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</b></p> <p><b>Must only be performed for therapeutic reasons</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>Docking in the context of this proposal means the shortening or removal of the tail by any means. This relates to docking that may occur either directly after application of the method (e.g. surgery), or at any stage afterwards (e.g. banding).</i></p> <p><i>For the purposes of this regulatory proposal it is proposed that the term ‘performed for therapeutic reasons’ will mean to undertake a procedure to respond to disease or injury.</i></p>
<b>Current state</b>	<p><i><a href="#">Dogs code of welfare 2010</a></i></p> <p><b>Minimum Standard 17 – Tail docking</b></p> <p>(a) Tails may only be shortened or removed by using a tail band—</p> <p>(i) in puppies that are less than four days old in which the eyes have not started to open; and</p> <p>(ii) by a person who possesses the appropriate knowledge, training and competency necessary to do so effectively, and who is acting under a documented quality assurance scheme that assures compliance with this minimum standard; and</p>

<sup>37</sup> Zink M. Christine (2013). What is a canine athlete?, in “Canine Sports Medicine and Rehabilitation”, eds. M. C. Zink and J. B. van Dyke, pp1-18.

	<p>(iii) the remaining length of the tail must be sufficient to avoid compromising health and welfare when the dog is mature.</p> <p>(b) Tails that need to be shortened or removed to manage existing injury or disease, must only be shortened or removed by a veterinarian using appropriate pain relief.</p> <p><b>Recommended Best Practice</b></p> <p>(a) Tail docking should not be performed at all unless it is required for treatment of an existing injury or disease.</p>
<b>What is the problem?</b>	<p>Dogs' tails have a function in terms of balance and a means of communication with other dogs and humans. Research has shown that a longer tail is more effective at conveying different cues such as those provided by tail motion<sup>38</sup>.</p> <p>The primary reasons that dogs' tails are docked are aesthetic (e.g. breed standards), convenience, to allow for physical adaptation and prevent injury. Much of the debate supporting tail docking is centred on whether the animal feels pain at the time of the procedure. The science on this issue is complex and both sides can cite research that supports their respective positions<sup>39</sup>.</p> <p>Given that dogs' tails have a function, factors in addition to whether or not docking causes pain need to be considered, including whether the procedure is necessary or reasonable.</p> <p>Injury prevention is the other main reason cited for supporting tail docking in dogs. Overall, recent research suggests that tail docking to prevent injury is unnecessary. Far more dogs generally need to have their tails docked than would suffer an injury if they were not docked. In addition, tail injuries represent only a small percentage of why dogs are presented to a veterinary clinic—most research studies report that the prevalence of tail injuries represents less than 1 percent of all veterinary clinic visits. Studies do differ as to whether working dogs have a higher incidence of tail injury. For example, while a Scottish study found that certain working dog breeds were at a higher risk of injury, a New Zealand based study found that causes of injury varied but that farming or work related injuries were not overly represented as a cause of tail injury<sup>40, 41, 42, 43</sup>.</p> <p>Internationally tail docking is either banned or restricted in over 30 countries worldwide. Australia, Scotland, parts of Canada and Switzerland are among the jurisdictions that have banned the practice outright. Countries such as England, Germany and Wales have restricted the practice to certain working dogs. In these countries tail docking can only be performed by a veterinarian.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure and limiting the procedure to situations where it is being undertaken to respond to injury or disease.</p>

<sup>38</sup> Leaver, SDA, Reimchen TE. (2008). Behavioural responses of Canis Familiaris to different tail lengths of a remotely-controlled life-size dog replica. Behaviour 145:377-390.

<sup>39</sup> See the report supporting the development of the Dogs code of welfare 2010 - <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

<sup>40</sup> Cameron, N., Lederer, R., Bennett, D. and Parkins, T. (2014). The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland. <http://veterinaryrecord.bmj.com/content/early/2014/03/27/vr.102042>

<sup>41</sup> Wells, A. (2013). Canine tail injuries in New Zealand: causes, treatments and risk factors and the prophylactic justification for canine tail docking. <http://mro.massey.ac.nz/handle/10179/4782>

<sup>42</sup> Diesel, G. Pfeiffers, D., Crispin, S. and Brodbelt, D. (2010). Risk factors for tail injuries in dogs in Great Britain <http://www.cdb.org/News/Veterinary%20Record%20tail%20damage%20report%202010.pdf>

<sup>43</sup> Lederer, R., Bennett, D., and Parkins, T. (2014). Survey of tail injuries sustained by working gundogs and terriers in Scotland <http://veterinaryrecord.bmj.com/content/early/2014/03/27/vr.102041>

<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>For the purposes of this regulatory proposal it is proposed that the term ‘performed for therapeutic reasons’ will mean to undertake a procedure to respond to disease or injury.</p> <p>Is it clear from the above definition when the procedure would be performed for therapeutic reasons? If not, why not?</p> <p>Should this procedure be limited to therapeutic purposes only, if not, why?</p>

### 63. Cattle – Teats

<b>Proposal</b>	<p><b>Supernumerary teat removal (up to 6 weeks of age)—when not performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian:</b></p> <ul style="list-style-type: none"> <li>- <b>May be performed by any person.</b></li> <li>- <b>Must create a clear cut and not tear or crush the tissue. Clean scissors, free of visible contamination, must be used for the procedure.</b></li> </ul> <p><b>Teat removal (of one of the main 4 teats) or supernumerary teat removal (over 6 weeks of age):</b></p> <ul style="list-style-type: none"> <li>- <b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></li> <li>- <b>Pain relief must be used at the time of the procedure.</b></li> </ul> <p><i>A supernumerary teat is a small teat on a cow’s udder, in addition to the four main teats, which can sometimes have teat canals, gland tissue and produce milk. During milking, they can interfere with the placement of milking cups and be a source of discomfort to the cow, and are occasionally at risk of mastitis.</i></p>
<b>Current state</b>	<p>There are no specific minimum standards or Act requirements related to teat or supernumerary teat removal.</p> <p><i><a href="#">Painful Husbandry Procedure code of welfare 2005</a></i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>The removal of supernumerary teats may, depending on size of the teat and the age of the animal, meet the criteria for a significant surgical procedure that will be included within the Act once the regulations come into force. As such, there is likely to be ambiguity around who is able to undertake this procedure in the future.</p> <p>As the supernumerary teat gets larger, removal is associated with a greater level of pain and risk of bleeding, and may require wound closure. In contrast, supernumerary teats under 6 weeks of age tends to be tiny layers of skin with</p>

	<p>no associated glandular tissue. Their removal prior to 6 weeks of age with clean scissors is likely to result in no bleeding with minimal reaction from the animal<sup>44</sup>.</p> <p>In addition, there is the risk that an inexperienced operator might inadvertently remove one of the four main teats thinking that it is a supernumerary teat.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for a procedure that may, depending on size of the teat and the age of the animal, meet the criteria for a significant surgical procedure (see Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time when removing a teat or supernumerary teat (over 6 weeks of age).</p>
<b>Penalty</b>	<p>Teat removal or supernumerary teat removal (over 6 weeks of age):</p> <ul style="list-style-type: none"> <li>– A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</li> </ul> <p>Supernumerary teat removal (up to 6 weeks age):</p> <ul style="list-style-type: none"> <li>– Must create a clear cut and not tear or crush the tissue - Proposed infringement offence with a fee of \$300. No criminal conviction.</li> <li>– Must use clean scissors, free of visible contamination - Proposed infringement offence with a fee of \$300. No criminal conviction.</li> </ul>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>How easy is to determine if the removal of a supernumerary teat breaches the proposed regulation?</p>

## 64. Cattle – Claw removal

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>The purpose of this procedure is to remove problems in the deep tissues of a cattle's claw that can cause lameness.</i></p>
<b>Current state</b>	<p>There are no specific minimum standards or Act requirements related to claw removal.</p> <p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Given the nature of the procedure it will be painful and good practice would indicate that pain</p>

<sup>44</sup> Anonymous, 2010. Painful Husbandry Procedures (2010) Commentary on additional procedures. Unpublished Report for NAWAC. MAF, Wellington.



	relief should be used at the time of the procedure. There is anecdotal evidence that pain relief is not always used when performing the procedure.
<b>How will regulation help?</b>	Provides clear mandatory standards for a procedure. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 65. Cattle – Teat occlusion

<b>Proposal</b>	<b>Teat occlusion is prohibited other than with a teat sealant registered under the Agricultural Compounds and Veterinary Medicines Act 1997.</b>  <i>This prohibition does not relate to any treatment, under the supervision of a veterinarian, for therapeutic purposes even if that may result in the eventual occlusion of the teat canal.</i>
<b>Current state</b>	There are no specific minimum standards or Act requirements related to teat occlusion.  <i>Painful Husbandry Procedure code of welfare 2005</i> The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.
<b>What is the problem?</b>	Any physical process that leads to the permanent blocking of the teat canal can result in significant pain. The New Zealand Veterinarian Association considers this practice to be a gross act of cruelty <sup>45</sup> . Even when only temporarily occluding a teat, if an inappropriate sealant is used it can cause the animal pain and distress when it is removed. Anecdotal evidence indicates that a range of methods (e.g. glue and rubber rings) are used to temporarily or permanently occlude teats.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.  In addition, please also consider the following question:  How frequently, and in what situations, would teats be occluded other than with a registered teat sealant?

<sup>45</sup> New Zealand Veterinarian Association: Policy on Occlusion of Teats: <http://www.nzva.org.nz/sites/default/files/policies/5f%20-%20Occlusion%20of%20Teats%20-%20Aug09.pdf>



## 66. Cattle – Tail docking

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>May only be performed for therapeutic reasons.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>In the context of this regulation, docking means the shortening or removal of the tail by any means. This relates to docking that may occur either directly after application of the method (e.g. surgery), or at any stage afterwards (e.g. banding).</i></p> <p><i>For the purposes of this regulatory proposal it is proposed that the term ‘performed for therapeutic reasons’ will mean to undertake a procedure to respond to disease or injury.</i></p>
<b>Current state</b>	<p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards).</p> <p><b>Minimum Standard 4 – Tail docking</b></p> <p>(d) If tail shortening is undertaken it must be limited only to removal of the last (terminal) two to three vertebrae of the tail, using a rubber ring applied between the joints, and either</p> <ul style="list-style-type: none"> <li>– be left to drop off of its own accord; or</li> <li>– not less than seven days after the application of the rubber ring, be severed by the use of a sharp instrument at a point below where the rubber ring has been applied and in such a manner as not to cause discomfort to the animal.</li> </ul> <p><b>Recommended Best Practice</b></p> <p>Switch removal in cattle should only be considered for those animals with persistently compromised hygiene, and only after alternative solutions, including regular trimming of the switch hair, have been attempted and have failed.</p> <p>Should practical and economic methods of providing pain relief for tail docking become available, they should be used.</p>
<b>What is the problem?</b>	<p>Currently, the code permits the last (terminal) two to three vertebrae of a cow’s tail to be removed (switch removal). The primary rationale supporting this procedure is that it improves comfort and health for milking personnel and enhances udder and milk hygiene (reducing the risk of transmitting leptospirosis to milkers).</p> <p>A recent study <sup>46</sup> found that tail docking did not improve cow hygiene. This supports existing evidence, outlined in the report supporting the Painful Husbandry Procedure code of welfare, that docking does not improve cleanliness.<sup>47</sup></p> <p>In addition, switch trimming<sup>48</sup> provides an alternative to switch removal where necessary. Since the Painful Husbandry Procedure code of welfare was</p>

<sup>46</sup> Morabito, E.A., Nolan D. T., and Bewley J. M. (2014). Evaluation of cow cleanliness and fly avoidance behaviour among cows with docked, switch-trimmed and switch intact tails. <https://asas.confex.com/asas/jam2014/webprogram/Paper8007.html>

<sup>47</sup> <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

<sup>48</sup> Clipping the hair of the lower (distal) part of the tail of cattle

	<p>issued automated tail trimmers have become available that are more efficient than previous methods.</p> <p>Internationally, docking is banned in Germany, Denmark, the United Kingdom and California. Some states in Australia also ban docking if not undertaken by a veterinarian. In addition, not tail docking is becoming a requirement to access some overseas markets and as such failure to take steps to constrain tail docking in New Zealand could have international reputational risks.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure and limiting the procedure to situations where it is being undertaken to respond to injury or disease.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>Is it clear from the above definition when the procedure would be performed for therapeutic reasons? If not, why not?</p> <p>Should this procedure be limited to therapeutic purposes only, if not, why?</p> <p>For the purposes of this regulatory proposal it is proposed that the term 'performed for therapeutic reasons' will mean to undertake a procedure to respond to disease or injury.</p> <p>Are there any costs associated with restricting this procedure to therapeutic purposes only?</p>

## 67. Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)

<b>Proposal</b>	<p><b>Castration<sup>49</sup> and shortening of the scrotum (under 6 months of age):</b></p> <ul style="list-style-type: none"> <li>– May be undertaken by any person.</li> <li>– Conventional rubber rings must only be used for this procedure.</li> </ul> <p><b>Castration and shortening of the scrotum (over 6 months of age):</b></p> <ul style="list-style-type: none"> <li>– Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</li> <li>– Pain relief must be used at the time of the procedure.</li> </ul> <p><b>Surgical castration (at any age):</b></p> <ul style="list-style-type: none"> <li>– Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</li> <li>– Pain relief must be used at the time of the procedure.</li> </ul> <p><i>These procedures are undertaken for a number of reasons, including: reducing aggression and facilitating management, restricting breeding and achieving desirable meat and carcass quality.</i></p>
<b>Current state</b>	<p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when</p>

<sup>49</sup> Castration when not surgical castration.

	<p>they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards).</p> <p><b>Minimum Standard 3 – Castration and Shortening of the Scrotum (Cryptorchid)</b></p> <ul style="list-style-type: none"> <li>(b) The method of castration, or shortening of the scrotum, must be chosen, and applied, so as to minimise the acute as well as chronic consequences for the health and welfare of the animal.</li> <li>(b) While complying with Minimum Standard 2(a), castration, or shortening of the scrotum, without pain relief must be performed when the animals are as young as possible, but not greater than six months of age.</li> <li>(c) When castrating or shortening the scrotum of any animal over the age of six months, pain relief must be used.</li> <li>(d) When using rubber rings to castrate, they must be placed above the testes and below the teats, and must be of a tension and size appropriate to the animal in order to ensure that blood supply to the testes and scrotum is stopped immediately.</li> <li>(e) When shortening the scrotum with rubber rings, they must be placed below the testes taking care not to include the testes within the ring, and they must be of a tension and size appropriate to the animal in order to ensure that blood supply to the scrotum is stopped immediately.</li> <li>(f) If high tension bands are used to castrate an animal: <ul style="list-style-type: none"> <li>(i) local anaesthetic must be used (at any age) to provide pain relief; and</li> <li>(ii) the band must be positioned on the scrotal neck as close to the testes and as far from the abdomen as possible.</li> </ul> </li> </ul> <p><b>Recommended Best Practice</b></p> <p>Pain relief should be provided when animals are castrated, or have their scrotums shortened, at any age.</p> <p>Conventional rubber rings should be used on younger animals in preference to the use of high tension bands at any age, since the former procedure is less noxious.</p>
<b>What is the problem?</b>	<p>These procedures are likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Regardless of the animals' age, without regulations specifying otherwise this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p> <p>The current practice where sheep and cattle, under 6 months of age, are routinely castrated by non-veterinarians is generally considered appropriate given the balance between the benefits to animal management/production and the pain experienced by the animal.</p> <p>However, some methods result in the animal experiencing more pain and distress than others<sup>50</sup>. This is reflected in the current minimum standards by the fact that pain relief is required when high tension bands are used. Restricting castration to conventional rubber rings when the procedure is</p>

<sup>50</sup> Painful Husbandry Procedures (PHP) code of welfare and report supporting the development of the PHP code of welfare - <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>  
Report on the PHP code of welfare - <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

	being undertaken by a non-veterinarian will help minimise the level of pain and distress an animal experiences during the procedure.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Allows non-veterinarians to undertake a procedure, within appropriate constraints, that is likely to meet the criteria for a significant surgical procedure that will be included within the Act once the regulations come into force.
<b>Penalty</b>	Castration and shortening of the scrotum (under 6 months of age) <ul style="list-style-type: none"> <li>Proposed infringement offence with a fee of \$500. No criminal conviction.</li> </ul> Castration and shortening of the scrotum (Cryptorchid) (over 6 months age) <ul style="list-style-type: none"> <li>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</li> </ul> Surgical castration (at any age) <ul style="list-style-type: none"> <li>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</li> </ul>
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.  In addition, please also consider the following questions:  What is the normal age of castrating sheep and cattle in New Zealand?  Is the 6 months of age differentiation outlined in the proposal appropriate, if not, why not?  How frequently are high tension bands used and in what types of situations—can alternatives be used in these situations, if not, why not?

## 68. Cattle, sheep, & goats – Disbudding

<b>Proposal</b>	<p><b>May be performed by any person.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>Disbudding is the destruction, by any method, of the free-floating immature horn tissue (horn ‘buds’ growing from the skin) from which the horns of an animal subsequently develop.</i></p> <p><i>Animals are disbudded to reduce the significant risk that horns pose to the health and welfare of other animals and humans.</i></p>
<b>Current state</b>	<p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards).</p> <p><b>Minimum Standard 5 – Disbudding and Dehorning</b></p> <p>(b) When disbudding is performed, the following must apply:</p> <ul style="list-style-type: none"> <li>(i) the method must be chosen and undertaken so as to minimise the pain and distress and other negative health consequences (e.g. infection) for the animal;</li> <li>(ii) if used, thermal cauterising equipment must be used in such a way as to minimise the risk of thermal injury to tissues other than the horn bud and adjacent skin; and</li> </ul>

	<p>(iii) if used, caustic or chemical techniques of disbudding must only be used by personnel skilled with the procedure, and only used when injury to the animal beyond the horn bud, or to other animals, is minimised.</p> <p><b>Recommended Best Practice</b>  Pain relief should be provided when animals are disbudded or dehorned. Animals should be disbudded in preference to being dehorned. To facilitate the humane and effective management of the animals, and to minimise tissue damage and pain, horns should be prevented from developing, or be removed, at the youngest age compatible with minimising associated negative health and welfare consequences for the animal.</p>
<b>What is the problem?</b>	<p>This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian</p> <p>The current practice where animals are routinely disbudded by non-veterinarians is generally considered appropriate given the balance between the practicalities of undertaking the procedure and the significant risk that horns pose to the health and welfare of other animals and humans. In addition, disbudding while painful is preferable to dehorning as it results in markedly less pain than dehorning at a later age<sup>51</sup>.</p> <p>In 2005 when the Painful Husbandry Code of welfare was developed, NAWAC signalled that continued effort was required to minimise pain and distress associated with procedures like disbudding, including the wider use of pain relief.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Allows a non-veterinarian to undertake a procedure, within appropriate constraints, that is likely to meet the criteria for a significant surgical procedure that will be included within the Act once the regulations come into force.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p> <p>MPI recognises that some farmers and other businesses will need time to make the arrangements necessary to provide pain relief at the time of the procedure. For that reason, we propose that there be a period of between 12 and 24 months before this requirement comes in to full effect.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>Should the requirements outlined in this proposal apply to all methods of disbudding?</p>

<sup>51</sup> PHP code of welfare code report <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

	<p>What is the point where disbudding is distinct from dehorning— is it based on age, method or other factor?</p> <p>Does a period of between 12 and 24 months provide sufficient time for farmers and other businesses to make the arrangements necessary to provide pain relief at the time of the procedure?</p>
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## 69. Cattle, sheep, & goats – Dehorning

<b>Proposal</b>	<p><b>May be undertaken by any person</b></p> <p><b>Pain relief must be used at the time of the procedure</b></p> <p><i>Dehorning is the removal of whole horns (including any regrowth after disbudding) from an animal by amputation.</i></p> <p><i>Animals are dehorned to reduce the significant risk that they pose to the health and welfare of other animals and humans.</i></p>
<b>Current state</b>	<p><a href="#"><i>Painful Husbandry Procedure code of welfare 2005</i></a></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards).</p> <p><b>Minimum Standard 5 – Disbudding and Dehorning</b></p> <p>(c) When dehorning is performed, the following must apply</p> <ul style="list-style-type: none"> <li>(i) the method must be chosen and undertaken so as to minimise the pain and distress and other negative health consequences (e.g. infection) for the animal;</li> <li>(ii) dehorning without pain relief must be performed when animals are as young as possible, and not greater than nine months of age; and</li> <li>(iii) when dehorning any animal over the age of nine months, pain relief must be used.</li> </ul> <p><b>Recommended Best Practice</b></p> <p>Pain relief should be provided when animals are disbudded or dehorned.</p> <p>Animals should be disbudded in preference to being dehorned.</p> <p>To facilitate the humane and effective management of the animals, and to minimise tissue damage and pain, horns should be prevented from developing, or be removed, at the youngest age compatible with minimising associated negative health and welfare consequences for the animal.</p> <p>When dehorning, effective means of preventing excessive blood loss should be used. Likewise, a wound dressing or medication should be applied and if flies are likely to be a problem the animals should be treated with insecticide.</p> <p>Where dehorning has exposed the frontal sinuses of the skull, animals should be inspected regularly during the healing period, and any infected wounds treated.</p> <p>Precautions, such as vaccination, should be taken to minimise the risk of clostridial infections.</p>
<b>What is the problem?</b>	<p>This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Without regulations</p>

	<p>specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p> <p>The current practice where animals are routinely dehorned by non-veterinarians is generally considered appropriate given the balance between the practicalities of undertaking the procedure and the significant risk that horns pose to the health and welfare of other animals and humans.</p> <p>However, this procedure causes significant pain to an animal when it is performed without pain relief [use PHP code report as reference]. Disbudding is preferable to dehorning as it results in markedly less pain than dehorning. In 2005 when the painful husbandry code of welfare was developed, NAWAC signalled that continued effort was required to minimise pain and distress associated with procedures like dehorning, including the wider use of pain relief.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Allows a non-veterinarian to undertake a procedure, within appropriate constraints, that is likely to meet the criteria for a significant surgical procedure that will be included within the Act once the regulations come into force.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following question:</p> <p>What is the point where dehorning is distinct from disbudding— is it based on age, method or other factor?</p>

## 70. Sheep – Tail docking

<b>Proposal</b>	<p><b>Tail docking (under 6 months of age):</b></p> <ul style="list-style-type: none"> <li>- <b>May be performed by any person.</b></li> <li>- <b>Must use hot iron or rubber rings only.</b></li> <li>- <b>Tail must not be flush.</b></li> </ul> <p><b>Tail docking (over 6 months of age):</b></p> <ul style="list-style-type: none"> <li>- <b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></li> <li>- <b>Pain relief must be used at the time of the procedure.</b></li> </ul>
<b>Current state</b>	<p><i><a href="#">Painful Husbandry Procedure code of welfare 2005</a></i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards).</p> <p><b>Minimum Standard 4 – Tail docking</b></p> <p>(a) Tail docking of sheep must only be undertaken where there is significant risk of faecal and urine contamination, and/or flystrike, that leads to poor hygiene, health and welfare and/or failing to do so adds a significant cost to the farm system.</p>

	<p>(b) While complying with Minimum Standard 2(a), castration, or shortening of the scrotum, without pain relief must be performed when the animals are as young as possible, but not greater than six months of age.</p> <p>(c) When tail docking a sheep over the age of six months, pain relief must be used.</p> <p><b>Recommended Best Practice</b>  Operators should seek up-to-date advice from competent sources, including veterinarians and industry advisory bodies, on the best method of tail docking or shortening, and use it, so as to minimise the acute and any chronic consequences for the health and welfare of the animal.  When sheep are tail docked, their tails (excluding any wool) should be left long enough to cover the vulva in females and at a similar length in males. Tail docking of sheep should be undertaken before six weeks of age. Should practical and economic methods of providing pain relief for tail docking become available, they should be used.</p>
<b>What is the problem?</b>	<p>This procedure could meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Regardless of age, without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p> <p>The current requirements for tail docking in sheep are generally considered appropriate given the balance between the benefits of tail docking reducing problems such as fly strike and the pain associated with the procedure.</p> <p>However, some methods and/or practices are more painful and/or cause more problems than others. Restricting methods and practices to those that result in the least pain helps to further reduce the impact of this procedure.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Allows a non-veterinarian to undertake a procedure, within appropriate constraints on method and practice that could meet the criteria for a significant surgical procedure that will be included within the Act once the regulations come into force.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	<p>Tail docking (under 6 months of age):</p> <ul style="list-style-type: none"> <li>– Methods other than hot iron or rubber rings are used - Proposed infringement offence with a fee of \$500. No criminal conviction.</li> <li>– Tail must not be cut flush - Proposed infringement offence with a fee of \$500. No criminal conviction.</li> </ul> <p>Tail docking (over 6 months of age):</p> <ul style="list-style-type: none"> <li>– A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</li> </ul>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>How should the tail length be specified? Is it clear what is meant by 'must not be cut flush'</p> <p>What is the normal age of docking a sheep's tail in New Zealand?</p>



	How frequently (and in what situations) are methods, other than hot irons and rubber rings, used to dock a sheep's tail?
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71. Sheep – Mulesing	
<b>Proposal</b>	<p><b>Prohibit mulesing</b></p> <p><i>For the purposes of this regulatory proposal mulesing will mean the surgical removal of the breech and/or tail skin folds or wrinkles of merino or merino-dominant sheep to reduce the risk of flystrike.</i></p> <p><i>This prohibition does not preclude a vet from undertaking the procedure for therapeutic reasons as a result of disease or injury.</i></p>
<b>Current state</b>	<p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p> <p><i>Sheep and beef cattle code of welfare 2010</i></p> <p><b>Minimum Standard 15 – Managing Flystrike</b></p> <p>No specific minimum standards. The general information section for this minimum standard notes that the New Zealand Merino Industry has decided that surgical mulesing (the surgical removal of the breech and /or tail skin folds of merino or merino-dominant sheep) will cease by December 2010 and that many growers have already ceased surgical mulesing.</p>
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. In addition, there are significant reputational risks associated with this procedure that could damage overseas markets.
<b>How will regulation help?</b>	Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>For the purposes of this regulatory proposal mulesing will mean the surgical removal of the breech and/or tail skin folds or wrinkles of merino or merino-dominant sheep to reduce the risk of flystrike.</p> <p>Are non-surgical forms of mulesing in use in New Zealand, if so:</p> <ul style="list-style-type: none"> <li>- What are they?</li> <li>- How prevalent are they?</li> <li>- Should they be included within the definition s of 'mulesing'?</li> </ul>

## 72. Deer – Develvetting

<b>Proposal</b>	<p>The person undertaking the procedure must be either:</p> <ul style="list-style-type: none"> <li>• a veterinarian or veterinary student under direct veterinarian supervision; or</li> <li>• have veterinary approval.</li> </ul> <p>Veterinary approval must be in writing before the procedure occurs. Before veterinary approval can be issued, the veterinarian must be satisfied that the person has the relevant expertise, practical experience, drugs, equipment and accommodation to perform the surgical procedure competently.</p> <p>Pain relief must be used at the time of the procedure.</p>
<b>Current state</b>	<p><i>Animal Welfare Act 1999</i></p> <p>Currently a controlled surgical procedure as defined under section 2(1) of the Act. The requirements on who can undertake these procedure and under what circumstances are outlined in section 18 of the Act:</p> <ul style="list-style-type: none"> <li>– a veterinarian or a veterinary student under the direct supervision of a veterinarian;</li> <li>– the owner of the animal, with veterinary approval to perform the procedure; or</li> <li>– an employee of the owner of the animal, with veterinary approval to perform the procedure.</li> </ul> <p>Sections 19 and 20 of the Act specify what is meant by veterinary approval and how veterinary approval is revoked.</p> <p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>There will be no specific restrictions on develvetting once the classification system for significant surgical procedures, currently in the Act, is revoked with the regulations come into force.</p> <p>This could cause ambiguity and be interpreted to mean that constraints on the performance of this procedure are no longer necessary.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (see Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force. Without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>What are the impacts, if any, of the proposed regulations on the existing develvetting programme administered by the National Velveting Standards Body?</p>

### 73. Horses – Blistering, firing or nicking

<b>Proposal</b>	<p><b>Prohibit blistering, firing or nicking</b></p> <p><i>In relation to horses:</i></p> <ul style="list-style-type: none"> <li>– <i>Blistering and firing, mean a procedure which involves the application of chemical cautery to the legs of the horse and which creates tissue damage to, or an inflammatory reaction in, the legs of the horse.</i></li> <li>– <i>Nicking means the cutting of the skin or ligaments of the tail of the horse, being a cutting that is designed to make the horse carry its tail in a raised position.</i></li> </ul>
<b>Current state</b>	<p><a href="#"><i>Animal Welfare Act 1999</i></a></p> <p>It is currently an offence to perform, or cause to be performed, blistering or firing or nicking on a horse under section 21(2)(b) of the Act.</p>
<b>What is the problem?</b>	<p>These are unnecessary procedures that provides no benefit to the animal or animal management practices.</p> <p>The restrictions on performing, or causing to be performed, blistering or firing or nicking on a horse will be revoked once the regulations come into force.</p> <p>This could cause ambiguity and be interpreted to mean that blistering, firing or nicking on a horse is no longer a concern from an animal welfare perspective.</p>
<b>How will regulation help?</b>	<p>Regulations will provide clarity that performing, or causing to be performed, blistering or firing or nicking on a horse will continue to be an offence.</p> <p>Placing a prohibition in regulation means that it is directly enforceable.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction.</p> <p>Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

### 74. Horses – Tail docking

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Must only be performed for therapeutic purposes.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>For the purposes of this regulatory proposal it is proposed that the term ‘performed for therapeutic reasons’ will mean to undertake a procedure to respond to disease or injury.</i></p>
<b>Current state</b>	<p><a href="#"><i>Animal Welfare Act 1999</i></a></p> <p>Docking the tail of a horse is currently a restricted surgical procedure under section 2(1) of the Act and may only be undertaken by a veterinarian or veterinary student under supervision who must first satisfy themselves that the procedure is in the interests of the animal of the Act and that appropriate pain relief is used (section 17).</p>
<b>What is the problem?</b>	<p>There will be no specific restrictions on horse tail docking once the classification system for significant surgical procedures, currently in the Act, is revoked with the regulations come into force. This could cause ambiguity</p>

	<p>and be interpreted to mean that this procedure no longer needs to be limited to situations where it is in the interests of the animal.</p> <p>In addition, current restrictions allow tail docking when in the interests of an animal. This is wider than the current proposal which is to limit the procedure to therapeutic purposes only. Allowing horse tail docking for anything other than therapeutic purposes may not be appropriate given that:</p> <ul style="list-style-type: none"> <li>• alternatives are available (e.g. braiding and bandaging) to reduce any risks associated with an intact tail; and</li> <li>• an intact tail provides benefits to the individual animal; and</li> <li>• the main advantage of docking a horse's tail is for the benefit of humans.</li> </ul> <p>The presence of a full tail when away from the show ring or when not being used for work is important to enable the horse to repel insects, to communicate with other horses and for handlers to determine a horses' state of mind. Not docking the tail will also avoid the potential acute and chronic pain and other long lasting effects that may result from performance of the procedure.</p> <p>Tail docking in horses is now prohibited in a large number of countries, including Austria, Denmark, Finland, Germany, Ireland, Portugal, Norway, Sweden and the UK. Horses can continue to be driven in these countries either by making modifications to tack, or by bandaging or cutting the hair of the tail very short. These simple management strategies allow horses to be driven with no risks to themselves or their handlers arising from the presence of a non-docked tail.</p>
<b>How will regulation help?</b>	Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (see Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure and limiting the procedure to situations where it is being undertaken to respond to injury or disease.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>For the purposes of this regulatory proposal it is proposed that the term 'performed for therapeutic reasons' will mean to undertake a procedure to respond to disease or injury.</p> <p>Is it clear from the above definition when the procedure would be in the performed for therapeutic reasons? If not, why not?</p> <p>Should this procedure be limited to therapeutic purposes only, if not, why?</p> <p>Are there any costs associated with restricting this procedure to therapeutic purposes only?</p>

## 75. Horses – Rectal pregnancy diagnosis of horses

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><i>This procedure involves an ultrasound probe inserted into the rectum of the animal. Rectally guided ultrasounds are routinely used for checking the stage of cycle of a mare about to be bred and for subsequent pregnancy diagnosis.</i></p>
<b>Current state</b>	<p><a href="#"><i>Horses and Donkeys code of welfare 2016</i></a> (the code notes that regulations are being developed and, as such, some of the minimum standards in the code may need to be reviewed following consultation as part of the regulation developing process).</p> <p><b>Minimum standard 10 – Breeding and Foaling</b> (g) Rectal pregnancy diagnosis must only be carried out by persons trained and competent in the techniques.</p>
<b>What is the problem?</b>	<p>A mare's rectum is more prone to injury or trauma than other animals. An ultrasound probe can perforate a mare's rectum which can lead to peritonitis and death.</p> <p>Veterinary experience is needed to ensure that any problems that do arise can be responded to appropriately and efficiently.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (see Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>
<b>Additional questions and information</b>	<p>Refer to the general questions set out in sections 9.1 and 12.1.</p>

## 76. Horses – Rectal examination of horses

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</b></p> <p><i>Rectal examination is a diagnostic tool and may be used as part of a clinical examination for conditions such as colic. For this procedure an operator inserts their hand and arm into the rectum as far as necessary.</i></p>
<b>Current state</b>	<p>No specific requirements on rectal examination of horses.</p>
<b>What is the problem?</b>	<p>A horse's rectum is more prone to injury or trauma than other animals. An examination can perforate a horse's rectum which can lead to peritonitis and death.</p> <p>Veterinary experience is needed to ensure that any problems that do arise can be responded to appropriately and efficiently.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (see Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force.</p>
<b>Penalty</b>	<p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>

<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.
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## 77. Horses – Caslick’s procedure

<b>Proposal</b>	<p><b>Creating, opening and repairing a Caslick must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><i>The Caslick’s procedure is the surgical closing of the upper part of the vulva. It is undertaken to avoid faecal contamination and consequent infection and inflammation, in order to maintain a horse’s reproduction.</i></p>
<b>Current state</b>	No specific requirements Caslick’s procedure.
<b>What is the problem?</b>	<p>This procedure is carried out repeatedly on some mares because of how their vulva/anal area is structured or on older mares to extend their breeding life.</p> <p>If not undertaken correctly it can result in damage to more vulva tissue than necessary making it difficult to repair and/or reduce the breeding life of the mare.</p>
<b>How will regulation help?</b>	Provides clear mandatory standards for a procedure that is likely to meet the criteria for a significant surgical procedure (see Box 1 on page 8). These criteria that will be included within the Act once the regulations come into force. Minimises the level of pain and distress by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 78. Horses – Castration

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p>
<b>Current state</b>	No specific minimum standards or requirements related to horse castration.
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 79. Llama and alpaca – Castration

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p> <p><b>Alpaca must not be castrated prior to eight months of age.</b></p> <p><b>Llama and guanaco must not be castrated prior to 15 months of age.</b></p> <p><i>Note – Early castration may affect camelids’ skeletal and muscle development. Castration is performed in camelids to reduce undesirable behaviour such as aggression and mounting behaviour and make male camelids easier to handle. While in other animals castration is performed when the animal is as young as possible, in camelids, while the pain and distress in performing this procedure needs to be minimised, the animal needs to be allowed to mature sufficiently prior to castration to prevent abnormal development of the musculoskeletal system. In general, llama and guanacos are slower to reach developmental maturity than alpaca.</i></p>
<b>Current state</b>	<p><a href="#"><i>Llamas and alpacas code of welfare 2013</i></a></p> <p><b>Minimum Standard 18 – Elective Husbandry Procedures</b></p> <ul style="list-style-type: none"> <li>(a) Elective husbandry procedures must only be carried out where they are justifiable to prevent undesirable consequences that could subsequently result in animal suffering.</li> <li>(b) The musculoskeletal system of camelids must be sufficiently developed prior to castration to ensure health and welfare.</li> <li>(c) Castration must be carried out by a veterinarian.</li> </ul> <p><b>Recommended Best Practice</b></p> <ul style="list-style-type: none"> <li>(a) Castration of alpaca should be performed when they are aged eight months or older to allow for correct musculoskeletal development.</li> <li>(b) Castration of llama and guanaco should be performed when they are aged 15 months or older to allow for correct musculoskeletal development.</li> </ul> <p><a href="#"><i>Painful Husbandry Procedure code of welfare 2005</i></a></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>The castration of llama and alpaca is a surgical procedure that is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	<p>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</p> <ul style="list-style-type: none"> <li>– A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</li> </ul> <p>Pain relief must be used at the time of the procedure</p>



	<ul style="list-style-type: none"> <li>– A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</li> </ul> <p>Alpaca must not be castrated prior to eight months of age</p> <ul style="list-style-type: none"> <li>– Proposed infringement offence with a fee of \$300. No criminal conviction.</li> </ul> <p>Llama and guanaco must not be castrated prior to 15 months of age</p> <ul style="list-style-type: none"> <li>– Proposed infringement offence with a fee of \$300. No criminal conviction.</li> </ul>
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 80. Pigs – Castration

<b>Proposal</b>	<b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b> <b>Pain relief must be used at the time of the procedure.</b>
<b>Current state</b>	<p><i>Pigs code of welfare 2010</i></p> <p><b>Minimum standard 16 – Elective Husbandry Procedures</b></p> <p>(a) Elective husbandry procedures must only be carried out where they are justifiable to prevent undesirable consequences that could subsequently result in animal suffering.</p> <p>(b) Tail docking of pigs over seven days of age or surgical castration at any age must be carried out by a veterinarian.</p> <p><b>Recommended Best Practice</b></p> <p>(a) Pain relief should be given when any elective husbandry procedure is carried out.</p> <p>(c) Other measures to control tail biting should be considered before tail docking is undertaken.</p> <p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force.
<b>How will regulation help?</b>	While not known to occur in New Zealand current practices could change. Internationally there is demand for meat from castrated animals. The regulation therefore will: <ul style="list-style-type: none"> <li>• provide clear mandatory standards for the procedure if undertaken in the future; and</li> <li>• minimise the level of pain and distress that the procedure could cause.</li> </ul>
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.



<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.
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## 81. Pigs – Tail docking

<b>Proposal</b>	<p><b>Tail docking (under 7 days):</b></p> <ul style="list-style-type: none"> <li>– May be undertaken by anyone.</li> <li>– The procedure must create a clear cut and not tear or crush the tissue.</li> </ul> <p><b>Tail docking (over 7 days):</b></p> <ul style="list-style-type: none"> <li>– Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</li> <li>– Pain relief must be used at the time of the procedure.</li> </ul> <p><i>Tail docking is performed to reduce the incidence of tail biting.</i></p>
<b>Current state</b>	<p><i>Pigs code of welfare 2010</i></p> <p><b>Minimum standard 16 – Elective husbandry procedures</b></p> <ul style="list-style-type: none"> <li>(a) Elective husbandry procedures must only be carried out where they are justifiable to prevent undesirable consequences that could subsequently result in animal suffering.</li> <li>(b) Tail docking of pigs over seven days of age or surgical castration at any age must be carried out by a veterinarian.</li> </ul> <p><b>Recommended Best Practice</b></p> <ul style="list-style-type: none"> <li>(a) Pain relief should be given when any elective husbandry procedure is carried out.</li> <li>(c) Other measures to control tail biting should be considered before tail docking is undertaken.</li> <li>(d) Where tail docking is undertaken as a preventative measure for tail biting, it should be carried out on the piglets within 72 hours of birth. Only one-third to one-half of the tail should be removed.</li> </ul> <p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	<p>This procedure could meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Regardless of the age of the animal, without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p> <p>The current requirements, which are reflected in this regulatory proposal for pig tail docking, are generally considered appropriate given the balance between the benefits of tail docking reducing problems such as tail biting and the pain associated with the procedure.</p>
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure.

	Allows non-veterinarians to undertake a procedure, within appropriate constraints, that is likely to meet the criteria for a significant surgical procedure. Minimises pain and distress by requiring pain relief at the time of the procedure when undertaken over 7 days of age.
<b>Penalty</b>	Tail docking (under 7 days) – Proposed infringement offence with a fee of \$500. No criminal conviction. Tail docking (over 7 days) – A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.  In addition, please also consider the following questions:  Is the 7 day differentiation appropriate for all pig farming arrangements, if not, why not?

## 82. Birds – Pinioning or otherwise deflighting a bird

<b>Proposal</b>	<b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b> <b>Must only be performed in the best interests of the animals.</b> <b>Pain relief must be used at the time of the procedure.</b>  <i>Pinioning is the surgical pinioning i.e. permanent deflighting.</i> <i>For the purposes of this proposal the term ‘best interests of the animal’ means: this procedure should only be contemplated after other suitable means of confining the bird have been attempted and have failed and euthanasia is the only alternative.</i>  <i>Restricting a procedure to ‘in the best interest of the animals’ does not preclude a vet from undertaking the procedure for therapeutic reasons as a result of disease or injury.</i>
<b>Current state</b>	<i>Zoos code of welfare 2005</i>  <b>Minimum Standard 11– Normal Patterns of Behaviour</b> (e) Pinioning involving significant muscle, tendon, or bone damage to the wing must only be undertaken by a veterinarian and with appropriate pain relief for the bird.
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.  In addition, please also consider the following questions:

	<p>For the purposes of this regulatory proposal it is proposed that the term ‘best interests of the animal’ will mean that this procedure should only be contemplated after other suitable means of confining a bird have been attempted and have failed and euthanasia is the only alternative.</p> <p>Is it clear from the above definition when the procedure would be in the best interests of the animal? If not, why not?</p>
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### 83. Poultry – Dubbing

<b>Proposal</b>	<p><b>Pain relief must be used at the time of the procedure.</b></p> <p><b>Dubbing to be constrained to existing ‘dubbed’ breeds.</b></p>
<b>Current state</b>	There are no specific minimum standards or Act requirements related to dubbing.
<b>What is the problem?</b>	<p>This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p> <p>NAWAC has worked with the poultry fancy sector and identified an approach, involving topical pain relief, which appears to be reducing pain and distress at the time of the procedure.</p>
<b>How will regulation help?</b>	<p>Provides clear mandatory standards for the procedure.</p> <p>Allows non-veterinarians to undertake a procedure, within appropriate constraints, that is likely to meet the criteria for a significant surgical procedure.</p> <p>Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.</p>
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	<p>Refer to the general questions set out in section 9.1 and 12.1.</p> <p>In addition, please also consider the following questions:</p> <p>Which breeds are currently being dubbed?</p>

### 84. Ostriches & Emus – Declawing

<b>Proposal</b>	<p><b>Prohibit radical declawing of emu chicks.</b></p> <p><i>Declawing is undertaken to reduce skin damage and injuries.</i></p> <p><i>This prohibition does not preclude a vet from undertaking the procedure for therapeutic reasons as a result of disease or injury.</i></p>
<b>Current state</b>	<p><i>Code of Recommendations and Minimum Standards for the Welfare of Ostrich and Emu 1998</i></p> <p><b>Minimum Standard 6.5 – De-clawing</b></p> <p>Radical de-clawing of emu chicks must not be carried out.</p>

	<p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. Prohibitions within codes of welfare are not directly enforceable.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Placing the prohibition in regulation means it will be directly enforceable.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in sections 9.1 and 12.1.

## 85. Roosters – Caponising (rooster castration)

<b>Proposal</b>	<p><b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></p> <p><b>Pain relief must be used at the time of the procedure.</b></p>
<b>Current state</b>	<p>There are no specific minimum standards or Act requirements related to caponising.</p> <p><i>Painful Husbandry Procedure code of welfare 2005</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards). The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p>
<b>What is the problem?</b>	This procedure is likely to meet the criteria (see Box 1 on page 8) for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force.
<b>How will regulation help?</b>	Provides clear mandatory standards for the procedure. Minimises the level of pain and distress caused by requiring pain relief at the time of the procedure.
<b>Penalty</b>	A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.
<b>Additional questions and information</b>	Refer to the general questions set out in section 9.1 and 12.1

## Appendix 1: Glossary

**Blistering and firing a horse** – a procedure which involves the application of chemical cautery to the legs of the horse and which creates tissue damage to, or inflammatory reaction in, the legs of the horse

**Cancer eye** – is a skin cancer occurring on the eye or eyelids. It is the most common form of cancer in cattle. It also occurs in sheep but is less common.

**Caponising** – castration of a rooster

**Castration** – the removal of an animal's testicles

**Companion Animal** – an animal that is primarily kept for companionship and enjoyment rather than commercial benefit

**Cropping of a dog's ear** – performing, on the pinnae of the ears of a dog, a surgical procedure that is designed to make the ears of the dog stand upright

**Dehorning** – the removal of whole horns (including any regrowth after disbudding) from an animal by amputation

**Desliming** – The removal of the protective layer of slime from an eel through a lengthy abrasive process using either sand or salt

**Develvetting** – Removing the velvet antler from deer

**Dew claw - articulated** – a digit on the foot of a dog that is attached firmly to the leg. Front limb dew claws are generally articulated, although articulated dew claws can also be found on the hind legs.

**Dew claw – non-articulated** – a digit on the foot of a dog that does not have a joint where it is attached to the leg and has little bone or muscle structure. Non-articulated dew claws are usually found on the hind legs.

**Disbudding** – the destruction, by any method, of the free-floating immature horn tissue (horn buds growing from the skin) from which the horns of an animal subsequently develop

**Docking** – the shortening or removal of the tail by any means

**Dog debarking** – a surgical procedure to remove the sound a dog makes when it barks

**Dry sow stalls** – an enclosure in which gilts and sows are kept individually for the purpose of mating

**Dubbing** – the procedure of removing the comb, wattles and sometimes earlobes of poultry

**Embryo collection via exteriorised uterus** – This is a technique to assist breeding where the uterus is pulled out through an incision in the side of an animal so that the embryo can be washed and collected.

**Farrowing crate** – an enclosure in which pregnant sows are kept individually during and after farrowing. Most crates prevent sows from turning around

**Freeze branding** – a method of identification where a coolant is applied to the branding iron, rather than heat. This works at the site to destroy the pigment-producing hair cells, causing the hair to grow white where the brand has been applied

**Goad** – an object, including an electric prod, used to stimulate or prod an animal to make it move

**Grower pig** – a weaned pig being grown to finishing weight

**Hot branding** – hot branding is used in some types of animals for identification. Hot-iron branding involves the use of a hot iron that burns the skin, creating a permanent mark on which no hair will grow.

**Husbandry procedure** – care and management practices

**Induced moulting** – The deliberate practice of making hens in a group cease egg production simultaneously and then lose and replace feathers and restore bone integrity to bring them into another laying cycle.

**Laparoscopic artificial insemination** – a technique to assist breeding where semen is directly deposited into each of the uterine horns

**Liver biopsy** – A surgical procedure where a needle is inserted into the body of an animal to take a sample directly from the liver for nutritional and health assessments.

**Mastitis** – persistent, inflammatory reaction the mammary gland and udder tissue

**MPI** – Ministry for Primary Industries

**NAWAC** – National Animal Welfare Advisory Committee

**Nicking a horse** – the cutting of the skin or ligaments of the tail of the horse, being a cutting that is designed to make the horse carry its tail in a raised position

**Pinch and prong collar** – A collar with prongs positioned against the neck, or any other protrusion intended to cause pain or discomfort when tightened

**Pinioning** – surgically removing a bird's pinion joint to prevent the growth of flight feathers.

**Rectal examination** – rectal examination is a diagnostic tool and may be used as a part of a clinical examination for conditions such as colic. For this procedure an operator inserts their hand and arm into the rectum as far as necessary

**Rectal pregnancy diagnosis** – this procedure involves an ultrasound probe inserted into the rectum of the animal, and is routinely used for checking the stage of cycle of a mare about to be bred and for subsequent pregnancy diagnosis

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

**Supernumerary teat** – a small teat on a cow's udder, in addition to the four main teats, which can sometimes have teat canals, gland tissue and produce milk

**Tail-jack** – a technique used to restrain cattle or move cattle forward. The tail is lifted vertically and may be bent forwards over the animal's back. The tail is usually held at its base.

**Teat occlusion** – is defined as any physical process which leads to a permanent blocking of the teat canal. This includes the application of any rubber ring or other device which might lead to physical occlusion of the canal

**Transitional regulation** – allows a particular practice, which does not fully meet the obligations of the Act, to continue for a limited time to enable a transition from current practice to a new practice that is compliant with the Act

**Young calf** – calves up to two weeks old that have been separated from their mothers

## Appendix 2: Codes of Welfare

Please refer to the following list for animal specific codes of welfare:

Animal Welfare (Circuses) Code of Welfare 2005

Animal Welfare (Commercial Slaughter) Code of Welfare 2010

Animal Welfare (Companion Cats) Code of Welfare 2007

Animal Welfare (Deer) Code of Welfare 2007

Animal Welfare (Dogs) Code of Welfare 2010

Animal Welfare (Goats) Code of Welfare 2012

Animal Welfare (Layer Hens) Code of Welfare 2012

Animal Welfare (Llamas and Alpacas) Code of Welfare 2013

Animal Welfare (Meat Chickens) Code of Welfare 2012

Animal Welfare (Painful Husbandry Procedures) Code of Welfare 2005

Animal Welfare (Pigs) Code of Welfare 2010

Animal Welfare (Sheep & Beef Cattle) Code of Welfare 2010

Animal Welfare (Transport within New Zealand) Code of Welfare 2011

Animal Welfare (Zoos) Code of Welfare 2005

Code of Recommendations and Minimum Standards for the Welfare of Ostrich and Emu 1997

Code of Welfare: Dairy Cattle 2014

Code of Welfare: Horses and Donkeys 2016

Code of Welfare: Rodeos 2014

## Appendix 3: Changes to the Act to be brought into force

<b>Provisions in the Animal Welfare Act 1999</b>	<b>Changes made by the Animal Welfare Amendment (No 2) Act 2015</b>
Section 2 amended (Interpretation)	The definition of “controlled surgical procedure”, “restricted surgical procedure” and “significant surgical procedure” are to be repealed. The definition of “infringement offence” is replaced.
Sections 6 and 7 repealed	Sections 6 and 7 of the Act are to be repealed, which relate to the meaning of the term significant surgical procedure.
Section 9 amended (Purpose)	Section 9 of the Act, which relates to the purpose of Part 1 of the Act (care of animals), is amended to align the statement of purpose with changes to the surgical procedures provisions.
Section 15 amended (Restriction on performance of surgical procedures)	Section 15(1) of the Act is amended to replace a cross reference (the new reference is to section 183B). The amendment allows the regulations to create exceptions to the requirements of section 15(1) that relate to significant surgical procedures.
Section 16 replaced (Criteria to determine whether procedure is significant surgical procedure)	Section 16 will be replaced by section 13 of the Amendment Act which provides a new criteria to determine whether a procedure is a significant surgical procedure.
Sections 17 to 20 repealed	Section 17 to 20 are to be repealed, which relate to the performance of restricted surgical procedures, performance of controlled surgical procedures, veterinary approval, and the revocation and surrender of certificate of veterinary approval.
Section 21 replaced (Surgical procedure offences)	This section is to be amended to remove reference to offences committed by contravening sections being repealed by section 15 of the Amendment Act and to remove from the Act two specific procedures that will instead be covered in regulations (i.e. cropping ears of a dog and blistering, firing or nicking on a horse).
Section 24 amended (Defence and rebuttable evidence)	Section 24 is to be amended to alter a cross reference in section 24 to align it with the new section 21.
Section 25 amended (Penalties)	Section 25 is to be amended to alter a cross reference in section 25 to align it with the new section 21.
Section 29 amended (Further offences)	Two offences in section 29 of the Act are to be repealed. The offences concerned are: <ul style="list-style-type: none"> <li>• piercing the tongue or tongue phrenum of an animal with a pig ring or similar thing or with any wire; and</li> <li>• branding any animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.</li> </ul> The intention is that these practices will be prohibited by regulations.
Section 57 amended (Functions)	Section 57 is amended to remove the reference to sections 6 to 16 of the Act and replaced with the power to make regulations under section 183B. These changes update NAWAC’s functions to include the making of



<b>Provisions in the Animal Welfare Act 1999</b>	<b>Changes made by the Animal Welfare Amendment (No 2) Act 2015</b>
	recommendations to the Minister relating to the making of regulations under section 183B.
Section 156I amended (Penalties for non-compliance with compliance notice)	Section 156I is amended to make the offence created by section 156I an infringement offence.
Section 184 amended (Consultation)	Section 184, which relates to the Minister's consultation requirements when making regulations and Orders in Council, is amended to bring it into line with the Amendment Act.

## Appendix 4: Minimum standards within the Painful Husbandry Procedures code of welfare 2005 that apply to all painful husbandry procedures

### *Painful Husbandry Procedures code of welfare 2005*

#### **Minimum Standard 1 – Justification for Painful Procedures**

Painful husbandry procedures must only be performed where there are no other practical, economically viable, effective, less noxious alternatives to the procedure; and they:

- (i) result in an overall enhancement of the animals' welfare through reduced susceptibility to ill-health, injury or compromised welfare; or
- (ii) facilitate advantageous farm management systems; or
- (ii) result in an enhanced animal product; or
- (iv) result in reduced safety risks to humans.

#### **Recommended Best Practice**

- Careful consideration should be given to the need to perform routine, painful husbandry procedures on any animal. The benefits to the animal, to farm management, to product harvest or attributes, or to human safety from treating the animal in that way should outweigh any discomfort, pain or distress caused to the animal.
- Operators should seek-up-to-date advice from competent sources, including veterinarians and industry advisory bodies, on the need to undertake husbandry procedures resulting in pain in animals. This should include
  - o whether it is necessary to perform the procedure;
  - o whether the procedure causes pain;
  - o if it does cause pain, can the issue it addresses be resolved or managed in other less invasive ways;
  - o if it cannot be managed in other ways, what is the best method, the optimal age for the animal for undertaking the procedure; and
  - o can any discomfort, pain or distress associated with the procedure be minimised or relieved, including through the use of pain relief or using a veterinarian to undertake the procedure?
- Economically viable and practicable farming systems and practices not requiring the routine use of painful husbandry procedures should be adopted in preference.

### *Painful Husbandry Procedures code of welfare 2005*

#### **Minimum Standard 2 – Minimising Harmful Consequences**

- (a) Painful husbandry procedures must not be performed on new-born animals less than 12 hours old, where handling, pain and post-operative complications are likely to compromise survival through impairing maternal bonding and/or colostrum intake.
- (b) If painful husbandry procedures that have animal health and welfare benefits are not used, care must be taken to manage any consequential risks to animal health and welfare of not using them.

***Recommended Best Practice***

- Consideration should be given to means of minimising any discomfort, pain or distress caused to the animal as a result of the husbandry procedure.
- If painful husbandry procedures are used, the methods and techniques likely to cause the least discomfort, pain or distress within particular practical and economic constraints should be used.
- Pain relief should be used if it is economically and practically viable to do so.
- Animals should be checked for signs of post-operative complications, including significant pain and distress, and appropriate remedial action taken as required.