

# Circuses

Code of Welfare

1 October 2018

## **TITLE**

Code of Welfare: Circuses

## **COMMENCEMENT**

This Code of Welfare comes into force on 1 October 2018.

## **REVOCATION**

This Code of Welfare revokes and replaces the Animal Welfare (Circuses) Code of Welfare 2004, dated 24 December 2004.

## **ISSUING AUTHORITY**

This Code of Welfare is issued by the Minister of Agriculture, by a notice published in the Gazette, under section 75 and 76 of the Animal Welfare Act 1999, after having complied with the matters specified in section 75(1) and 76(2).

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## Introduction

This introduction is not part of the Code of Welfare, but is intended to indicate its general effect.

## Purpose

The purpose of this Code is to provide information to the owners and persons in charge of animals used in circuses about the standards they must achieve in order to meet their obligations under the Animal Welfare Act 1999.

This Code of Welfare encourages all those responsible for animals used in circuses to adopt the highest standards of husbandry, care and handling, and to equal or exceed the minimum standards.

Adequately maintaining the welfare of circus animals requires experience, training and the observance of high standards.

## Background

The Animal Welfare Act 1999 provides for the welfare of animals in New Zealand. It puts obligations on people who own or are in charge of animals to provide for the welfare of their animals.

The Act establishes the fundamental obligations relating to the care of animals and provides for the development and issue of codes of welfare.

Codes of welfare expand on the basic obligations of the Act by setting minimum standards and recommending best practice for the care and management of animals.

This Code of Welfare also references regulations issued under the Animal Welfare Act 1999. Regulations are prescribed under the Animal Welfare Act and impose enforceable requirements on owners and persons in charge of animals. For ease of reference, regulations relevant to this Code are set out in an appendix to this Code. Penalties for failure to comply with the regulations are specified in the relevant regulations. The appendix to this Code is not intended to provide an exhaustive list of all obligations under the Act or regulatory requirements. Owners and persons in charge of animals are responsible for ensuring that they are aware of and understand all Act and regulatory requirements that are relevant to them.

## Who should read this Code of Welfare?

This Code of Welfare is intended for all persons responsible for the welfare of animals used in circuses.

Under the Act the “owner” and every “person in charge” of an animal are responsible for meeting the legal obligations for the welfare of animals under their care.

For animals used in circuses, the owner of the animals may place them in the care of others who become the persons in charge, but this does not derogate from their responsibility to ensure that the requirements of the Act are met.

## Why is this important?

Failure to meet a minimum standard in this Code may be used as evidence to support a prosecution for an offence under the Act. A person who is charged with an offence against the Act can defend him or herself by showing that he or she has equalled or exceeded the minimum standards in this Code.

Some codes of welfare include information and example indicators for each minimum standard. The list of indicators is not exhaustive but is given to provide guidance on ways in which a minimum standard may be met.

Owners and persons in charge of animals are not required to comply with the recommendations for best practice in this Code, but are encouraged to do so to provide higher standards of welfare.

## **Legislative background**

This Code does not provide an exhaustive list of the Act's requirements, and owners and those in charge of animals should note that they must comply with the minimum standards in this Code and in the general provisions of the Act. A copy of the Act is accessible at: [www.legislation.govt.nz](http://www.legislation.govt.nz).

## **Other information**

Other codes that are relevant include codes concerned with the transport of animals, zoos, and species-specific codes. Where relevant these other codes should be consulted (see [www.mpi.govt.nz](http://www.mpi.govt.nz)).

Codes of welfare must be accompanied by a report that sets out the deliberations that the National Animal Welfare Advisory Committee (NAWAC) undertook when developing the codes of welfare including the standards and recommendations for best practice, the nature of any significant differences of opinion during drafting and consultation, and any matters that should be dealt with by regulation. Code reports can be accessed online (see [www.mpi.govt.nz](http://www.mpi.govt.nz)).

Although efforts to include relevant regulations within this Code have been made, there may be other regulations which are relevant to you. The full list of all animal welfare regulations should be consulted where appropriate (see [www.legislation.govt.nz](http://www.legislation.govt.nz)).

## **Part 1: General Requirements**

### **1.1 Application**

This Code applies to all persons responsible for the welfare of animals used in circuses, including both New Zealand based circuses and visiting international circuses.

Minimum standards for exotic species provided in this Code are provided only for those species currently held in New Zealand circuses. Exotic species in visiting international circuses that are not covered in this Code will be subject to the provisions of the Act and any additional provisions that may be specified in the import health standard. When exotic circus animals are being held at permanent home or over-wintering bases, the provisions of the Code of Welfare: Zoos shall apply.

Minimum standards for domestic animals held such as dogs and horses can be found in species-specific codes of welfare.

This Code provides for the general principles of the care and use of circus animals. The incorporation of the code in quality assurance programmes will ensure compliance (see Part 10: Quality Assurance System).

### **1.2 Interpretation and Definitions**

Refer to Schedule I: Interpretation and Definitions.

## Part 2: Circus Operation

### Introduction

The health and welfare of animals in a circus is totally dependent on both the physical and social environment they are kept in and the standard of care they receive. The relationship between circus animals and their keepers is also vital in maintaining optimum health and welfare.

The circus operator is responsible for the welfare of the animals. While these duties are not necessarily performed directly by the circus operator, he or she needs to ensure that the circus staff are adequately performing their responsibilities. This implies that the circus operator should employ staff experienced with the species they are to handle or arrange sufficient training for staff to enable each animal's requirements to be recognised and met.

In endeavouring to provide entertainment to the public, circus operators should aim to highlight the natural capabilities of the animals. No performance should be allowed that places an animal under unacceptable stress levels, encourages physical activity beyond the animal's normal capability or puts its physical or mental condition at risk.

## 2.1 Acquisition, Holding, Transfer and Breeding of Animals

### Introduction

In taking in an animal, circus operators are making a commitment to that animal for its future management.

#### Minimum Standard No. 1 – Animal Acquisition and Holding

- (a) Where a circus animal is to be acquired, the circus operator must have the facilities necessary for and staff capable of providing for the needs of that species before the animal is transferred.
- (b) Individual exotic animals must not be transferred to a circus if it is likely that they will have to live in solitary conditions.
- (c) Circuses must hold a minimum of two or more compatible individuals of a particular exotic species, except when:
  - i) on the advice of a consulting veterinarian, it is in the best interests of that particular individual animal to remain with the circus; or
  - ii) a circus animal dies leaving a solitary member of its own species, and the circus operator has made all reasonable efforts to acquire additional compatible individuals or relocate the surviving individual to a population of compatible individuals.
- (d) Notwithstanding Minimum Standard 1(c), any circus exotic animal kept without companions of its own species must have one or more companions of another species, including humans, with which they are demonstrably compatible as verified by specialised behavioural or veterinary advice, which must be documented and available for scrutiny.
- (e) Animals displaying continuing signs of distress indicative of being unable to adapt to being held in a circus must not be held or used in circuses.
- (f) Where a circus has animals that are difficult or dangerous to handle, the circus operator must ensure that there are persons on site who are capable of handling those animals under all circumstances.
- (g) Each circus must have a written escape/recapture plan to protect the welfare of any exotic animal that may escape. The circus must review the plan annually and all staff must be aware of how to put it into operation.
- (h) Each circus must have written contingency plans for dealing with exotic animals that become unmanageable, old or infirm, or in the event of the circus not being able to continue operating.

### Recommended Best Practice

- a) Exotic species, such as lions, tigers, bears, elephants and large primates that require large living spaces and complex environments should not be held in a circus.
- b) Circus operators should keep exotic animals in social groups that are similar to those found in the wild.
- c) Circus operators should not acquire individual animals from existing social groups where there is a possibility that the animal will not be accepted by the group maintained by the circus.
- d) Circus animals should be acquired from captive populations to ensure they are able to more readily adapt to circus life. Individual animals more accustomed or habituated to a degree of confinement, contact with humans, travelling and training, should be acquired in preference to those less accustomed.
- e) Because circuses are performance oriented and generally travel from site to site, breeding animals and very young animals that are not performing should be held at a home or over-wintering base.
- f) To reduce problems associated with unplanned breeding, exotic animals should be placed in a breeding control programme. The circus's consulting veterinarians should oversee this programme. The breeding control programme should be documented in the quality assurance system.

### General Information

Subject to a veterinary report, old and infirm non-performing exotic animals may be kept in circuses where it can be shown that they have a clear attachment to their keepers or other animals. Non-performing domestic animals may be retained. In some cases it may be possible for non-performing animals to be relocated to a suitable new environment, such as a zoo or wildlife park.

## 2.2 Safety and Access to Animals

### Introduction

Circuses may hold species not normally accessible to the general public, such as exotic species. This lack of accessibility is part of the attraction of circuses. However the welfare of the animals should not be compromised in order to allow the public access to the animals.

The circus operator should provide all reasonable precautions necessary to safeguard the welfare of the animals. This may include the disposal or relocation of animals whose temperament and/or strength makes keeping them within the circus hazardous.

Animal security checks on-site should be part of the regular circus routine.

<b>Minimum Standard No. 2 – Public Access to Circus Animals</b>
<ol style="list-style-type: none"> <li>(a) Members of the public must not be allowed unsupervised access to any exotic animals.</li> <li>(b) All animals must be provided with access to an area to which they can retire away from public contact when not in performance.</li> </ol>



### Recommended Best Practice

Where distractions, loud or unforeseen noises or other such activities put the welfare of circus animals at risk, the circus owner should attempt to stop or limit the disturbance or remove the animals to a safer location.

Consideration should be given to how aggressive mature circus animals, especially elephants and primates, will be managed in a circus.

## General Information

Male elephants periodically undergo a condition known as “musth” in which they are more aggressive and sexually active. A musth bull elephant will attack anything that it perceives to be a rival and is therefore potentially very dangerous especially in captivity. Similarly, once male primates reach puberty they can become dangerous and unpredictable.

## 2.3 Staff and Staff Training

### Introduction

The care of circus animals requires both experience and the observance of high standards.

Staff should be familiar with the following:

- animal husbandry and care
- animal handling, restraint and transport
- biology of species under their care
- the normal range of behaviours of the animals with particular emphasis on seasonal and/or day-to-day variations in both individuals and groups
- an understanding of the changes in behaviour associated with ill-health
- indicators of disease, injury or distress
- an understanding of animal welfare generally
- methods to minimise distress experienced by animals
- methods for integrating animals into social groups
- methods of habituating animals to humans before exhibiting them
- the provision of adequate diets for the respective circus animals
- emergency drills for fire, flood, animals escaping, and animals attacking other animals or persons.

This Code establishes minimum standards of care for circus animals, and is intended to encourage all owners and persons in charge of them to adopt the highest standard of husbandry, care and handling, based on the recommended best practices. While this Code is based on current knowledge and technology available at the time of issue, it does not replace the need for experience and common sense in the handling of these animals.

The importance of good animal handling and training cannot be over-emphasised. Those responsible for the care of circus animals should be competent and well trained. Personnel should be appropriately instructed in the care and maintenance of animals and how their actions may affect their welfare. Knowledge of the normal appearance and behaviour of each species is essential for their health and welfare. It is important that those in charge of circus animals should be able to recognise early signs of distress or disease so that prompt action is taken or advice sought.

Owners or persons in charge of circus animals should ensure that their personnel have either the relevant knowledge and training or appropriate supervision to ensure that the health and welfare needs of the animals in their care are met. Personnel should undergo training either formally or on the job by experienced supervisors. Handling techniques should be included as written procedures in the quality assurance system, which should be easily accessible to all personnel.

Any contract or temporary staff should be trained and competent in the relevant activity.

Quality assurance programmes should emphasise the importance of training of personnel.

**Minimum Standard No. 3 – Staff and Staff Training**

- (a) Circus animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence so as to ensure that the health and welfare of the animals is maintained in accordance with the minimum standards listed in this Code.
- (b) Staff responsible for the care of circus animals must receive training on the normal range of behaviours of the species they care for and in recognising signs of poor animal health and welfare.
- (c) Staff must not be allowed unsupervised or unrestricted access to exotic animals unless they possess the required ability, knowledge and professional competence to ensure the health and welfare of the animals are maintained.

**Recommended Best Practice**

Staff should have significant and appropriate animal experience or complete a formal training programme, such as the National Certificate in Captive Wild Animals or its equivalent.

## Part 3: Food and Water

### Introduction

Circus animals should receive a daily diet in adequate quantities and containing adequate nutrients to meet their requirements for good health and welfare.

When considering the amount of food, nutrients and water animals require, a number of factors need to be taken into account:

- physiological state
- extensive or intensive management systems (where appropriate)
- nutritional composition of feed
- age
- sex
- size
- state of health
- quality of diet
- growth rate
- previous feeding levels
- feeding frequency
- genetic effects of strain or breed
- level of activity and exercise
- maximum periods of food deprivation (e.g. during transportation)
- introduction of new feeds
- climatic factors (e.g. inclement weather, droughts, temperature).

Due to the above factors and the considerable variation that occurs between individual animals, food, nutrient and water requirements vary from one individual to another. Animals at work will require more food than non-performing animals.

The appropriate level of feeding will be best determined by monitoring the body condition of the animals, and feeding accordingly, rather than feeding a pre-determined level of feed. Therefore it is not appropriate to specify a complete range of the quantities of food and nutrients required as minimum standards.

The provision of food and water at each location is a fundamental requirement for travelling circus animals. Arrangements should be made by the circus operator in advance to ensure that adequate supplies of suitable feed and water are available wherever the circus travels. To this end arrangements should be made for forward-purchase of feed in future locations.

All feed for circus animals should be stored and prepared in a hygienic manner to preserve its quality and areas where food is prepared should be cleaned daily and all utensils cleaned after use. Cleansing products should not be harmful to animals.

#### **Minimum Standard No. 4 – Food and Water**

- (a) Each circus animal must receive adequate quantities of food and nutrients to enable it to:
  - i) maintain good health;
  - ii) meet its physiological requirements; and
  - iii) avoid metabolic and nutritional disorders.
- (b) All circus animals must have access to water, when not performing, that is palatable and not harmful to health.

## Part 4: Shelter, Accommodation and Housing

### Introduction

In circuses four types of accommodation may be used:

- accommodation during transport (transport trailers)
- accommodation while at the performance site, which usually comprises:
  - smaller spaces or confined housing (sometimes the transport trailers which double as night quarters) and
  - larger spaces or exercise areas (which can include housing – sometimes detachable enclosures are annexed to the transport trailer)
- accommodation at an over-wintering or home base.

The circus operator should choose a performance site that maximises the exercise areas available to the circus animals.

Each animal of the species that is held and exhibited in a circus has special needs and requirements that should be taken into account when designing and constructing facilities to hold and transport them.

#### **Minimum Standard No. 5 – Shelter, Accommodation and Housing**

- (a) Confined housing or night quarters, where appropriate for the species, must provide enough space to enable the animals to -
  - i) stand up in a normal stance without their heads touching the roof; and
  - ii) turn around and lie down comfortably.
- (b) All accommodation (including fittings and, where used, arena caging) must be designed and constructed to properly confine and thereby protect the circus animals.
- (c) All accommodation must be maintained in good condition, with particular attention paid to eliminating sharp edges and broken wires or other projections, to minimise the risk of injury to circus animals.
- (d) All accommodation must be adequately ventilated to provide fresh air and to dissipate excessive heat and odours.
- (e) Sufficient shelter or warmth must be provided to allow circus animals protection from extremes of wind, rain, sun and temperature as is appropriate to the species.
- (f) Circus animals must have sufficient access to shade during the hot periods of the day, or where provision of shade is not practicable, other methods of cooling must be available (e.g. hosing with water).
- (g) Where circus animals are housed on a sealed surface such as concrete or bitumen, the surface must be covered by a suitable material that insulates against heat and cold.
- (h) Floor surfaces of indoor accommodation must be roughened or otherwise textured so that they do not become slippery and pose a risk of injury to the animals.
  - (i) Where bedding is used it must be kept clean and dry.
  - (j) Contaminated bedding or stale food or water must not be allowed to accumulate in an animal's accommodation.
- (k) Any loose objects in a circus animal's accommodation that may be potentially hazardous to that animal must be removed.
- (l) Paint and timber preservatives toxic to animals must not be used on accommodation surfaces to which the animals have access.
- (m) Facilities should be provided to allow for the isolation of individual animals, to enable veterinary examination and treatment and to allow for undisturbed convalescence and recuperation.

**General Information**

Effective drainage is essential for hygiene. Drainage systems should have the capacity to carry away all the effluent from the accommodation area.

Some animals, such as big cats and primates tend to defecate in one given area of their accommodation, therefore food presentation and sleeping areas should be set as far away as possible from these areas to prevent faecal contamination. Alternatively food containers and bedding could be raised above cage floor level.

## Part 5: Environmental and Behavioural Enrichment

### Introduction

Animals in circuses may have their behaviours restricted by their environment and/or their management. In such circumstances, provision for the animals to remain physically active and psychologically stimulated is crucial to their health and well-being. The intelligence of some animals, e.g. primates, also means that they need constant stimulation or sources of mental stimuli otherwise they become bored and frustrated and may display abnormal behaviour patterns or stereotypic behaviours. These may include excessive grooming, hair pulling, repetitive pacing, running, jumping or rocking, social withdrawal, or self-mutilation.

Environmental or behavioural enrichment can include addressing:

- The physical environment e.g. adding soil or plant litter, partitions to provide different areas for different activities, or adding objects such as toys, swings, climbing elements, grips and perches. These playthings should be regularly changed to provide a periodic change in stimuli. Facilities can be constructed so as to encourage animals to make maximum use of the area available e.g. placing perches to encourage animals to climb.
- The social environment e.g. contact with conspecifics (members of the same species), other species (mixed exhibits) and humans. Stimuli emanating from staff via training to perform helps to cater for the natural behavioural tendencies of some animals. Enrichment programmes can also provide opportunities for animals to engage in play and social interactions.
- Management of the animals e.g. altering the method of feeding so that animals have to manipulate objects or search or work in order to obtain food, or the provision of browse material.
- The provision of adequate opportunity for exercise, either self-regulated, where the animal fulfils its own needs, or controlled by staff.

#### Minimum Standard No. 6 – Exercise and Behavioural Enrichment

- (a) An appropriate behavioural and environmental enrichment programme must be developed and implemented for each species of animal held.
- (b) All animals must have the opportunity for full social interaction with their companions at least daily.
- (c) Exercise areas must be available to all exotic animals for a minimum of eight hours each day except when dismantling and erecting the circus, during transport, in severely adverse weather conditions likely to endanger the animals, or when the safety and welfare of the animals could be compromised.
- (d) Exercise areas must be equipped, in accordance with the needs of the animals, with enrichment materials sufficient to aid and encourage normal behaviour patterns and prevent abnormal or stereotypic behaviours.

### Recommended Best Practice

- a) Exercise areas should be available to all animals for as long as possible each day.
- b) Circus animals should have the opportunity for full social interaction with their companions for as long as possible each day.

### General Information

Provision for contact between circus animals and other species and humans should be encouraged where that contact further enriches the circus animal but does not compromise welfare.

Enrichment may include the provision of toys, furniture, and wood to scratch etc for lions, durable toys, swings, climbing elements, grips or perches for primates, and involving elephants in circus work. It is anticipated that enrichment materials would include bedding material, tree branches, nesting boxes, pools,

earth, straw or other materials, vegetation, pathways, shelves and perches above floor level, as appropriate to the species.

Circus operators should be familiar with the particular requirements (nutritional, behavioural, psychological etc.) for the exotic species they care for. A thorough knowledge of species in the wild will enable the optimum conditions to be provided in captivity.

## Part 6: Animal Training and Performances

### Introduction

Circus performances with animals rely on the training of the animals. Effective training can be achieved by developing a rapport with the animals and the use of positive reinforcement. Performances should be based on the exhibition of agility, balance, strength, climbing ability and intelligence of the animals, within the animals' normal capabilities.

Regular training and performing may provide some of the mental stimulation necessary for circus animals, provided the training is based on positive reinforcement only.

The level of training that an animal is able to cope with is very much dependent on the individual animal. Staff should be able to detect signs that the training sessions should be suspended or terminated.

See summary of regulations appended to this Code:

- Regulation 48 – Use of electric prodders
- Regulation 49 – Prodding animals in sensitive areas

#### **Minimum Standard No. 7 – Training and Performances**

- (a) Training and performing techniques must be appropriate for the species and the individual animal's physical and mental capabilities.
- (b) Training sessions must be a reasonable length of time determined by the animal's reaction and condition but without over-working the animal.
- (c) Food deprivation must not be used in training and performing.
- (d) Training methods and performances must be based on immediate positive reinforcement.
- (e) Training and command implements must be used in such a manner that does not cause unreasonable or unnecessary pain, injury or distress to an animal.

## Part 7: Species-specific Standards

### Introduction

Species-specific minimum standards are only provided in this Code for exotic species currently held in New Zealand circuses. Minimum standards for domestic animals such as dogs and horses can be found in the respective species-specific codes of welfare.

### 7.1 Lions

#### Introduction

Lions have requirements for large living spaces and social companions and are most active at night. Therefore holding them in circuses should be carefully considered.

In captivity the urge to hunt should be managed carefully otherwise boredom and the associated behavioural problems may set in. Training lions to perform behaviours on command may offset boredom. The natural instincts being utilised during training include—

- the instinct for lions to work as a team
- the expenditure of physical energy
- the performance of certain physical movements such as leaping, rearing, running, etc.
- the anticipation of reward.

#### Minimum Standard No. 8 - Lions

- (a) A minimum exercise area of 50 square metres for 1-4 lions must be provided, plus an extra 10 square metres for any additional lion.
- (b) At least part of the exercise area must be a minimum height of 3 metres and allow the lions access to a climbing facility with areas allowing the animals to rest above the ground.
- (c) Exercise areas must provide the lions with access to the ground, i.e. natural, well-drained earth, or an alternative substrate such as sawdust.
- (d) Housing must contain areas which are kept dry.
- (e) Except where they are being used as night-quarters, transport trailers must not provide the sole area for accommodation at the performance site.

#### General Information

Folding raised shelving can be used within the transport trailer to provide an elevated area.

Exercise areas can be provided by detachable enclosures annexed to the transport trailer.

### 7.2 Elephants

Elephants in the wild can have very large ranges depending on the availability of food and water. They spend a great deal of time feeding. Wild females form strong bonds with related females and offspring in matriarchal groups. Males congregate in bachelor groups, or remain solitary when not with females.

See summary of regulations appended to this Code:

- Regulation 47 – Collars and tethers

**Minimum Standard No. 9 - Elephants**

- (a) A minimum exercise area of 500 square metres for 1 or 2 elephants must be provided, plus an extra 200 square metres for any additional elephant.
- (b) The ground underfoot in elephant exercise areas must be non-abrasive and drained so as not to cause injury or compromise the health and welfare of the elephants.
- (c) Elephants must not be tethered with metal leg bands or chains except for safety reasons at night, during storms, in an emergency, or for treatment.
- (d) If used, a tether must be around one leg only.
- (e) If used, chains must be covered by polyester webbing or hosing where they go around the animal's legs and the covering must be well lubricated.
- (f) Elephants must have access to high-fibre food to reduce hunger and the motivation to forage and to allow normal digestive function.

**Recommended Best Practice**

- a) Elephants should be kept in social matriarchal groups.
- b) Elephants should be provided with as much exercise area complexity as possible, including the opportunity to wallow and bathe, and have tree trunks for rubbing.
- c) Elephants should be encouraged to manually work around the circus and used to lift equipment as part of their behavioural enrichment.
- d) A tether should be at least four metres in length for restraint outside, and two metres in length when an elephant is restrained indoors.
- e) Elephants should be provided with fresh non-toxic tree branches or browse material to keep them occupied and avoid undesirable behaviour patterns.
- f) Training of elephants should involve the introduction of new behaviours and the modification of existing routines.

## 7.3 Primates

### Introduction

Primates have large living space requirements, therefore, their accommodation size needs to be maximised. Primates are also very intelligent social animals, therefore, their care should include constant sources of mental stimulation. Providing a complex environment and training on an ongoing basis should be pursued to promote normal behaviour to reduce boredom, frustration, aggression and stereotypic behaviour.

See summary of regulations appended to this Code:

- Regulation 47 – Collars and tethers

**Minimum Standard No. 10 - Primates**

- (a) The following minimum exercise areas must be provided for any circus primates:
  - i) small primates – 20 square metres per one or two animals plus an extra 2.5 square metres for each additional animal.
  - ii) large primates – 50 square metres per one or two animals plus an extra 10 square metres for each additional animal.
- (b) The whole of the exercise area must be a minimum height of 2.4 metres and allow primates to access a climbing facility with areas allowing the animals to rest above the ground.
- (c) Where primates are tethered for exercise outside of a caged exercise area, the tether must be at least 5 metres long, and give the animals access to a climbing facility at least 2.4 metres high with areas allowing the animals to rest above the ground.

- (d) Where tethers are used, measures must be taken to prevent the tether becoming entangled where it could compromise the animal's safety and welfare.
- (e) Utilisation of space in primate housing must be maximised by fixing climbing elements, such as solid branches and mezzanine floors, to use the dimension of height.
- (f) Primates must have access to sheltered and dry places where they can sleep.
- (g) Primates must be provided, when not performing or training, with access to durable toys, swings, climbing elements, grips and perches, to prevent abnormal or stereotypic behaviours.
- (h) Foraging behaviour must be encouraged by the daily hiding of food such as nuts in different places in the primate's exercise area.

### **Recommended Best Practice**

Primates should be kept in social groups that approximate how they would live in natural or wild populations.

The whole of the exercise area should be a minimum height of 3 metres and allow primates to access a climbing facility with areas allowing the animals to rest above the ground.

Primates should not be routinely tethered unless it provides significant opportunities for exercise and behavioural enrichment which they would not otherwise have available in an exercise area.

### **General Information**

Where animals are temporarily separated for aggression, care needs to be taken not to keep the animal separated from the group for too long, otherwise there may be difficulties reintroducing the animal.

## Part 8: Disease and Injury Control

### Introduction

Unique problems may be associated with the handling and treatment of many circus animal species. Circuses should engage or contract specialist consulting veterinarians who can be contacted but will have to use local veterinarians to provide care in times of day-to-day illnesses or injuries.

#### Minimum Standard No. 11 – Disease and Injury Control

- (a) A minimum of a daily check for signs of ill health or injury must be made of all animals except where such inspection is likely to be detrimental to their health or welfare.
- (b) Those responsible for the care of circus animals must be competent at recognising the signs of ill health or injury in the animals and must consult a veterinarian as appropriate.
- (c) Where a circus holds exotic animals, the circus operator must make contractual arrangements for a consulting veterinarian or veterinarians experienced with each exotic species held in the circus to advise in all matters relating to the health, feeding, exercising, working and welfare of the animals in the circus.
- (d) Where an animal is under veterinary care it must not be trained or perform unless a veterinarian declares that the animal has recovered or is capable of training or performing.
- (e) Copies of all veterinary case notes must be held by the circus operator and made available to the consulting veterinarian(s) if required.

### Recommended Best Practice

- a) At locations remote from the consulting veterinarian(s), local veterinarians (if used) should consult with the circus's consulting veterinarian(s).
- b) Euthanasia should only be carried out by a veterinarian, unless it is an emergency.

### General Information

An animal in good physical health is active, moves freely, eats and drinks well, has clear eyes and nose, clean skin and coat and is in good bodily condition without being fat.

An animal suffering from ill health may show some of the following signs:

- lassitude and loss of condition
- separation from the group
- lack of co-ordination
- digestive upsets, appearing as loss of appetite, vomiting, diarrhoea (soiled tail and hind-legs) or constipation
- changes in appearance or consistency of urine or faeces
- pallor or discoloration of the skin
- lameness
- discharges from the eyes or discharges from the nostrils which may be a sign of respiratory disease and may also be associated with a cough, sneezing
- fever
- injuries and wounds.

For some species washing and grooming at regular intervals is essential.

When an animal is cleared by a local veterinarian to work, the clearance should be confirmed in the circus's animal records and a copy sent to the consulting veterinarian(s).

## Part 9: Transport

### Introduction

Transport is a fundamental part of the circus operation and special care needs to be taken in transporting circus animals. Transport must be in accordance with the Code of Welfare: Transport within New Zealand and relevant transport regulations. Where appropriate the conditions and facilities as required by the International Air Transport Association (IATA) for the transport of animals should be followed.

Transport accommodation should be specifically designed for the species being carried.

See summary of regulations appended to this Code:

- Regulation 30 – Prevention of injury
- Regulation 31 – Transport of animals with horns and antlers
- Regulation 32 – Prevention of back-rub
- Regulation 38 – Restrictions on transporting animals with ingrown horns
- Regulation 39 – Restrictions on transporting animals with injured horns or antlers
- Regulation 40 – Restrictions on transporting lame animals
- Regulation 41 – Restrictions on transporting animals in late pregnancy
- Regulation 42 – Restrictions on transporting animals with injured or diseased udders
- Regulation 43 – Restrictions on transporting animals with eye cancer

#### Minimum Standard No. 12 - Transport

- (a) During transportation animals must be able to stand and bear weight on all limbs and be fit enough to travel comfortably and withstand the journey without suffering unnecessary pain or distress.
- (b) Animals must be transported in enclosed vehicles which:
  - i) are strong enough to contain them;
  - ii) provide enough space to enable the circus animals to travel in a natural position without risk of injury; and
  - iii) provide adequate ventilation to prevent over-heating or over-chilling.
- (c) The floor surface of transport trailers must be constructed of a robust non-slip surface and its condition must be regularly checked and maintained.
- (d) Animals must be fed and watered at regular intervals commensurate with the requirements of their age, health and physiological state.
- (e) The duration of travel must be such that it does not compromise the animals' health and welfare.

### General information

Excess space in the transport trailer may increase risk of injury during transportation.

Special consideration should be given to the requirements of sick, injured, new-born, pregnant or nursing animals during transport.

## Part 10: Quality Assurance System

### Recommended Best Practice

- a) To ensure that standards of animal welfare and husbandry are maintained each circus should implement a documented quality assurance system.
- b) The elements of the quality assurance system should provide for the minimum standards and recommendations for best practice of this Code.
- c) The quality system should be based on the general principles of Standard AS/NZ 9002 or similar quality system, but it is not essential that the quality system be certified.
- d) A quality assurance system should provide for—
  - i) the means of evaluating animal welfare within a circus
  - ii) the provision of proper and sufficient food, water and shelter
  - iii) adequate facilities and equipment within each type of animal holding facility
  - iv) sufficient exercise and behavioural enrichment
  - v) holding, training and handling practices that are humane, safe for the animals and safe for the staff and public
  - vi) a health programme including, where appropriate to the species, preventative measures such as vaccination and parasite control
  - vii) detailed animal record keeping, including an accident and illness register
  - viii) a breeding control programme.

### 10.1 Records

#### General Information

The maintenance of good records is an integral part of a quality assurance system and good circus management.

The circus operator should keep records that provide evidence that the circus is conforming to the requirements of this Code.

The following records should be kept:

- animals held, numbers, species, sexes and ages
- dates of acquisition and source of all animals
- genealogy and breeding records of each animal and of the group
- health records of each animal and of the group
- number and cause of death of any animals in the circus
- details of dates of transfers in and out of the circus, including approvals for such transfers
- individual animal diet sheets and a record of all diets.

The circus operator should provide a plan for all the animals in the circus. This should include:

- a schedule of all animal health practices, e.g. worming, vaccinations, and animal husbandry, diet and feeding programmes
- a planned programme of reproductive control or mating as appropriate
- a schedule of routine animal enclosure servicing and maintenance.

The circus operator should also record injuries, ill-health and distress including:

- details of observed deviations from normal animal health or behaviour daily

- comprehensive veterinary case notes and records of preventative and clinical medicine, surgery and other treatments; pathological findings from ante-mortem testing; and results of post-mortem examination and testing
- the dates of the observation of illness, diagnosis, treatment and final outcome
- any laboratory diagnostic and radiographic tests and their results and interpretation
- the generic names, dosages, route and frequency of all medications used to treat the animal
- post-mortem results if applicable.

## Schedule I: Interpretation and Definitions

### Act

The Animal Welfare Act 1999.

### animal

As defined in the Act:

- a) Means any live member of the animal kingdom that is –
  - i) A mammal; or
  - ii) A bird; or
  - iii) A reptile; or
  - iv) An amphibian; or
  - v) A fish (bony or cartilaginous); or
  - vi) Any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
  - vii) Any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of this Act; and
- b) Includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development; and
- c) Includes any marsupial pouch young; but
- d) Does not include—
  - i) A human being; or
  - ii) Except as provided in paragraph (b) or paragraph (c), any animal in the pre-natal, pre-hatched, larval, or other such developmental stage.

### available technology

The Act does not define “available technology”. NAWAC takes “available technology” to represent, for example, existing chemicals, drugs, instruments, devices and facilities which are used practically to care for and manage animals.

### circus

A group of animals under the same ownership or control and that is usually a mobile entity, that primarily performs for public exhibition and may also be displayed for educational purposes.

### circus animal

Any domestic or non-domestic, including exotic, animal kept in a circus for the purpose of public exhibition or performance.

### circus operator

The person who is responsible for running the circus and as such is in overall charge of the animals. The circus operator is not necessarily the owner of the assets of the circus.

### compatible individuals

Animals that have compatible behavioural needs and as such obtain behavioural enrichment from each other.

**consulting veterinarian**

A veterinarian with specialist expertise in the health and care of circus species.

**enrichment**

To present captive animals with cognitive challenges, allow opportunities for appropriate social interaction and exploration, give animals some control over their environment, and to meet species-specific behavioural needs through the provision of shelter and opportunities for hiding, foraging and exercise.

**exotic animals**

Any species which are not domestic, companion or farm animals and that have not been approved for general release under the Hazardous Substances and New Organisms Act 1996 but must remain in permanent containment (these animals are also known as 'new organisms' under the Hazardous Substances and New Organisms Act).

**“food and feed”**

The words “food” and “feed” are used interchangeably.

**good practice**

The Act does not define “good practice”. NAWAC takes “good practice” to mean a standard of care that has a general level of acceptance among knowledgeable practitioners and experts in the field; is based on good sense and sound judgement; is practical and thorough; has robust experiential or scientific foundations; and prevents unreasonable or unnecessary harm to, or promotes the interests of, the animals to which it is applied. Good practice also takes account of the evolution of attitudes about animals and their care.

**home or over-wintering base**

A base where circus animals may be held during a non-performing period such as winter.

**minimum standards**

Minimum standards are identified in the text by a heading and use the word “must” or similar words. They are highlighted in boxes within the text.

**primates**

All non-human animals of the Primate order including lemurs, apes and monkeys, their size either small (e.g. capuchin and macaque) or large (chimpanzee and larger).

**recommended best practice**

The Act provides that codes of welfare may contain recommendations for best practice. Recommended best practice is taken to mean –

The best practice agreed at a particular time, following consideration of scientific information, accumulated experience and public submissions on the code. It is usually a higher standard of practice than the minimum standard, except where the minimum standard is best practice. It is a practice that can be varied as new information comes to light.

Recommendations for best practice will be particularly appropriate where it is desirable to promote or encourage better care for animals than is provided as a minimum standard.

Recommended best practices are identified by a heading and, generally, use the term “should”.

**social group**

A group of animals of a particular species living in a community, rather than alone, that is reflective of the way in which its members would normally form or congregate in the wild.

**scientific knowledge**

The Act does not define “scientific knowledge”. NAWAC takes “scientific knowledge”, relevant to its areas of responsibility, to mean knowledge within animal-based scientific disciplines, especially those that deal with nutritional, environmental, health, behavioural and cognitive/neural functions, which are relevant to understanding the physical, health and behavioural needs of animals. Such knowledge is not haphazard or anecdotal; it is generated by rigorous and systematic application of the scientific method and the results are objectively and critically reviewed before acceptance.

**stereotypic behaviour**

A sequence of movements that is repeated several times with little or no variation and which has no obvious purpose.

## Appendix of extracts from the Animal Welfare (Care and Procedures) Regulations 2018

Although efforts to include relevant regulations within this Code have been made, there may be other regulations which are relevant to you. The full list of all animal welfare regulations should be consulted where appropriate (see [www.legislation.govt.nz](http://www.legislation.govt.nz)).

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**skin abrasion** means an injury where the skin has started to scrape or rub away, but does not include (by itself) hair loss

**tether** means any form of restraint that secures any part of an animal to the object or the ground

**transporter** means a person who is in charge of an animal only for the purpose of transport

### 30 Prevention of injury

- (1) A person must not transport a cattle beast, deer, sheep, goat, or pig in a manner that causes acute injury to the animal.
- (2) A person who transports a cattle beast, deer, sheep, goat, or pig must not load the animal onto a vehicle, or unload the animal from a vehicle, in a manner that causes acute injury to the animal.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - a) in the case of an individual, \$1,500; or
  - b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.
- (5) In this regulation, acute injury—
  - a) means an injury that is more than minor and is bleeding; but
  - b) does not include back-rub (as defined in regulation 32(4)); and
  - c) does not include an injury from horns or antlers to which regulation 31 applies.

### 31 Transport of animals with horns and antlers

- (1) The owner of, and every person in charge of, an animal with horns or antlers must not transport the animal, or allow the animal to be transported, in a manner that allows the animal to seriously injure itself or another animal.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.
- (4) In this regulation, seriously injure means to cause—
  - a) external bleeding or extensive internal bruising; or
  - b) bleeding or broken horns; or
  - c) bleeding, discharging, or broken velvet antlers or pedicles.

### 32 Prevention of back-rub

- (1) A person must not transport a cattle beast, deer, sheep, goat, or pig in a manner that causes back-rub.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - a) in the case of an individual, \$1,500; or
  - b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.
- (4) In this regulation, **back-rub** means a skin abrasion that—
  - a) is bleeding or discharging; and
  - b) is located on the head, hips, neck, spine, or high points on the back; and
  - c) covers a combined area of more than 50 cm<sup>2</sup>.

### 38 Restrictions on transporting animals with ingrown horns

- (1) This regulation applies in respect of an animal with an ingrown horn that involves part of the horn (other than the base of the horn) piercing or inflaming any part of the animal's body or causing a skin abrasion.
- (2) The owner of, and every person in charge of, an animal in respect of which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) However, the owner of, or person in charge of, an animal with an ingrown horn to which this subclause applies may, for the purpose of treatment, transport the animal—
  - a) within the property on which the animal resides; or
  - b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) Subclause (3) applies if the ingrown horn—
  - a) touches or breaks the surface of the skin, but does not touch any other tissue; or
  - b) touches the eyelid or surface of the eye, but does not touch any other tissue.
- (5) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (6) The offence in subclause (5) is an infringement offence with an infringement fee of \$500.

### 39 Restrictions on transporting animals with injured horns or antlers

- (1) This regulation—
  - a) applies in respect of an animal with a bleeding, discharging, or broken (and unhealed) velvet antler, horn, or pedicle; but
  - b) does not apply in respect of a deer if the bleeding or discharge is a result of the deer naturally casting its antlers.

- (2) The owner of, and every person in charge of, an animal in respect of which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions; or
  - c) the animal is a deer to which subclause (4) applies.
- (3) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - a) within the property on which the animal resides; or
  - b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) The owner of, or person in charge of, a deer to which this regulation applies may transport the deer, or allow the deer to be transported, to a slaughter premises if—
  - a) the deer is a yearling deer (that is, it is not over 12 months of age or has its first set of antlers); and
  - b) this regulation applies because the deer's first set of velvet antlers were removed; and
  - c) rubber rings designed for the purpose of inducing analgesia during velvet antler removal were used for pain relief and are still attached to the deer; and
  - d) the deer arrives at the slaughter premises no later than 72 hours after the velvet antlers were removed.
- (5) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (6) The offence in subclause (5) is an infringement offence with an infringement fee of \$500.

#### **40 Restrictions on transporting lame animals**

- (1) The owner of, and every person in charge of, a cattle beast, sheep, deer, pig, or goat that is lame must not transport the animal, or allow the animal to be transported, unless—
  - a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner or person in charge complies with all relevant conditions.
- (2) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - a) within the property on which the animal resides; or
  - b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - a) in the case of an individual, \$1,500; or
  - b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.

- (5) In this regulation,—
- a) a cattle beast, deer, or pig is **lame** if—
    - i) the animal is not weight bearing on 1 or more limbs when moving or standing; or
    - ii) the animal has a definite limp (shortened stride) that is clearly identifiable to a limb or limbs, with weight placed on the limb or limbs significantly reduced:
  - b) a cattle beast, deer, or pig is not **lame** if the cause of the limp is a nonpainful condition (such as a conformational fault, a gait abnormality, or a healed injury) and the animal is able to bear weight (although not necessarily evenly) on all 4 limbs:
  - c) a sheep or goat is lame if—
    - i) the animal is not weight bearing on 1 or more limbs when moving or standing; or
    - ii) the animal has difficulty walking and holds its head below its backline almost continuously.

#### **41 Restrictions on transporting animals in late pregnancy**

- (1) The owner of, and every person in charge of, a cattle beast, sheep, pig, or goat that is in late pregnancy must not transport the animal, or allow the animal to be transported, unless—
- a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (2) The owner of, and every person in charge of, a pregnant deer must not transport the deer if it is in late pregnancy or within 21 days before the estimated due date, unless—
- a) the deer is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the deer is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) The owner of, and every person in charge of, a pregnant deer must have a system in place that, if followed, will ensure compliance with subclause (2).
- (4) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding,—
- a) in the case of an individual, \$1,500;
  - b) or in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (5) The offence in subclause (4) is an infringement offence with an infringement fee of \$500.
- (6) For the purpose of section 162(1) of the Animal Welfare Act 1999, an inspector has reasonable cause to believe that a person has transported an animal that is in late pregnancy if the animal gives birth during transport or within 24 hours after arriving at a slaughter premises or sale yard.
- (7) An infringement notice may not be issued, and a charging document may not be filed, in relation to a failure to comply with subclause (1) unless the animal gives birth during transport or within 24 hours after arriving at a slaughter premises or sale yard.
- (8) An infringement notice may not be issued, and a charging document may not be filed, in relation to a failure to comply with subclause (2) involving a deer that is in late pregnancy (but not a deer that is within 21 days before the estimated due date) unless the deer gives birth during transport or within 24 hours after arriving at a slaughter premises or sale yard.

#### **42 Restrictions on transporting animals with injured or diseased udders**

- (1) This regulation applies in respect of a cattle beast, sheep, or goat that has—
  - a) a necrotic udder; or
  - b) an udder that has a discharge other than milk; or
  - c) an udder that shows signs of inflammation (such as being red, hot, or swollen); or
  - d) an udder with a lesion that is bleeding or discharging.
- (2) The owner of, and every person in charge of, an animal to which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - a) within the property on which the animal resides; or
  - b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - a) in the case of an individual, \$1,500; or
  - b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (5) The offence in subclause (4) is an infringement offence with an infringement fee of \$500.

#### **43 Restrictions on transporting animals with eye cancer**

- (1) This regulation applies in respect of a cattle beast, sheep, or goat that has an eye cancer that—
  - a) is bleeding or discharging; or
  - b) is not visibly confined to either the tissues of the eye or of the eyelid; or
  - c) is causing the eye to discharge; or
  - d) is more than 2 cm in diameter.
- (2) The owner of, and every person in charge of, an animal to which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - a) within the property on which the animal resides; or
  - b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.

- (4) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (5) The offence in subclause (4) is an infringement offence with an infringement fee of \$500.

#### **44 Certain regulations do not apply to transporters**

Regulations 33(1), 35(2), and 38 to 43 do not apply to transporters.

#### **45 Obligations of transporters in relation to animals to which regulations 38 to 43 apply**

- (1) A transporter who transports an animal to which any of regulations 38 to 43 apply and that is accompanied by a veterinary certificate must comply with any relevant conditions specified in the certificate.
- (2) A transporter who transports a yearling deer to which regulation 39(4) applies must ensure that the deer arrives at the slaughter premises no later than 72 hours after the deer's velvet antlers were removed.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.

#### **47 Collars and tethers**

- (1) The owner of, and every person in charge of, an animal must ensure that any collar or tether on the animal (whether on the neck or on any other part of the animal) does not—
  - a) cause a cut that bleeds or discharges; or
  - b) cause a skin abrasion that bleeds or discharges; or
  - c) cause a swelling; or
  - d) prevent the animal from breathing normally, panting, or drinking.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

#### **48 Use of electric prodders**

- (1) A person must not use an electric prodder on any animal, except—
  - a) on cattle that weigh over 150 kg; or
  - b) (during loading or unloading for transport, on pigs that weigh over 150 kg; or
  - c) during loading of a stunning pen at any slaughter premises, on pigs that weigh over 150 kg; or
  - d) during loading of a stunning pen at any slaughter premises, on deer of any weight.
- (2) If an electric prodder is used on an animal where permitted by subclause (1),—
  - a) the prodder may be used only on the muscled areas of the animal's hindquarters or forequarters; and
  - b) the animal must have sufficient room to move away from the prodder.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - a) in the case of an individual, \$1,500; or
  - b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.

- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.
- (5) In this regulation, **electric prod**—
  - a) means a device that is capable of delivering an electric shock to make an animal move; but
  - b) does not include electric stunners used to stun an animal immediately prior to slaughter.

#### **49 Prodding animals in sensitive areas**

- (1) A person must not strike or prod an animal with a goad in the udder, anus, genitals, or eyes.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.
- (4) In this regulation, **goad** means an object used to make an animal move, but does not include an electric prod as defined in regulation 48(5).