

# Section 4

## Legal standards, powers and protection

- The Animal Welfare Act 1999
- Codes of Welfare
- Complaints and investigations
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# THE ANIMAL WELFARE ACT 1999

New Zealand has had balanced and comprehensive legislation covering the protection of animals since last century.

The Animal Welfare Act 1999 has a wide definition of animal – including most animals capable of feeling pain whether domesticated or in a wild state. It excludes animals such as shellfish and insects.

While the Act carries over many of the cruelty offences from the Animals Protection Act 1960 (mainly in Part 2 which prohibits certain types of conduct towards animals), the primary focus has moved from the “ambulance at the bottom of the cliff” to prevention of ill-treatment and inadequate care. Part 1 of the Act sets out the duty of care of people who own or are in charge of animals to meet an animal’s physical, health and behavioural needs and to alleviate pain or distress.

The Act does not expand on these obligations; for example, it does not detail what constitutes an appropriate amount of food or water for any particular species. To do so would result in lengthy and unwieldy legislation. It would also reduce the flexibility to make amendments as knowledge improves or society’s expectations change. The detailed minimum standards of care can therefore be found in Codes of Welfare.

## CODES OF WELFARE

Part 5 of the Animal Welfare Act is concerned with the development of Codes of Welfare.

Codes of Welfare are developed by the National Animal Welfare Advisory Committee and issued by the Minister for Primary Industries under the Animal Welfare Act. Codes set minimum standards and also promote best practice for the care and management of animals. Codes promote the objectives of the Animal Welfare Act by:

- providing greater detail on animal management and care than is contained in the Act, including minimum standards and recommended best practice;
- offering flexibility to modify and improve animal welfare standards in line with changing community expectations, scientific knowledge and technological change;
- providing balanced representation of community expectations and views through community involvement in the development of codes; and
- improving community awareness of animal needs.

While it is not a legal offence, the failure to meet minimum standards in codes of welfare can support a prosecution under the Act. Similarly, evidence of meeting or exceeding a minimum standard can be used as a defence.

See the Appendix to this Section for minimum standards of some codes of welfare. A full list of codes of welfare can be found on the MPI biosecurity website: [www.biosecurity.govt.nz/regs/animal-welfare/codes/alphabetically](http://www.biosecurity.govt.nz/regs/animal-welfare/codes/alphabetically)



# COMPLAINTS AND INVESTIGATIONS

## Animal Welfare Inspectors

Animal welfare investigations under the Animal Welfare Act are carried out by Inspectors who are appointed by the Minister (or under delegation) on the recommendation of an approved organisation. Currently warranted Animal Welfare Inspectors belong to:

- MPI, including the Verification Services Branch veterinarians;
- the RNZSPCA; and
- the Police.

It is important to note that veterinarians do not have the powers of an Animal Welfare Inspector unless they have undergone the specific training required and have been warranted as such.

## Complaints

The majority of complaints about perceived animal welfare problems are received via the MPI 0800 number. On receipt, they are graded as:

- Grade 1, which requires immediate attention/alleviation of pain or distress;
- Grade 2, requires a response within 7 days; and
- Grade 3, which requires a response via telephone or visit when the Animal Welfare Inspector is next in the area.

The complaint is then allocated to the appropriate Animal Welfare Inspector who makes an initial assessment with the aim of:

- mitigating pain, suffering and distress; and
- investigating breaches of the Animal Welfare Act 1999.

## Enforcement

While education and mediation may be all that is required to get a situation back on track, sometimes further action is necessary. There are a number of avenues open to the Animal Welfare Inspector:

By virtue of section 130 of the Animal Welfare Act 1999 an Inspector may, where he/she has reasonable grounds to believe “an animal is suffering or is likely to suffer unreasonable or unnecessary pain or distress” issue a notice in writing requiring a person in charge of an animal or an owner “to take all such steps as the Inspector considers necessary or desirable to prevent or mitigate the suffering of the animal”.

Failure to implement the requirements of a section 130 notice “without reasonable excuse” can result in a fine of up to \$5000 for an individual or up to \$25 000 for a company.

Given the nature of the section 130 notice and the quite severe offence provisions of the Act, a veterinary opinion is often sought both to ascertain the condition of the animal(s) and to assist in the framing of the actual notice. Given that a prosecution may ensue it is extremely important that all aspects of the observations and considerations of the veterinarian are accurately recorded.

The Enforcement Order Process is a step up from the use of a section 130 notice and is a statutory tool to prevent an animal suffering ongoing pain or distress and to ensure that any other continuing breaches of the Animal Welfare Act 1999 cease, particularly where speed and time are of the essence. It does not replace a subsequent prosecution but it is an offence not to comply.

Enforcement orders can be “final” or “temporary”. A final enforcement order is used when an ongoing or anticipated breach of the legislation is identified but where urgency or a requirement for immediate action is not necessary. Because the offending party can oppose the application, the process can be quite drawn out and extensively argued.

Where immediate risk of harm to an animal is present however, an application for a temporary enforcement order may be progressed at very short notice by way of a hearing “without notice” to the offending party. Once the



enforcement order has been granted by the Court and the offending party has been personally served with the order, he or she must comply with the requirements of the order within the specified timeframe.

The standard of proof to be satisfied in either application is that of the civil standard, i.e. “on the balance of probability” as opposed to the higher criminal standard of “beyond reasonable doubt”.

The evidence in support of the application is by way of affidavits sworn by the applicant and various witnesses, including veterinarians, who may be required to be heard in support of the application at the discretion of the judge.

Failure to implement the requirements of an enforcement order can result in a fine of up to \$25 000 or six months imprisonment or up to \$125 000 for a company. The failure to comply with an enforcement order also provides one of the grounds on which an application for the disqualification of the offending party from being an owner or person in charge of an animal may be based.

### Euthanasia

If, in the opinion of the Inspector (which may be on the advice of a veterinarian) the animal should be destroyed to end its suffering, the Animal Welfare Act requires the Inspector and veterinarian to consult with the owner of the animals and allow the owner the opportunity to seek a second opinion (section 138).



# INVOLVEMENT IN CRIMINAL PROCEEDINGS – THE VETERINARIAN’S RISK

As a veterinarian getting involved in a MPI investigation you may be concerned about the risk of possible litigation arising from your involvement. However, veterinarians participating in a MPI investigation have a legal immunity provided that they comply with certain conditions.

Veterinary practitioners have always been at risk of civil legal proceedings taken by disgruntled clients for a perceived lack of appropriate professional conduct, irrespective of any association with a MPI investigation.

There is clearly a professional obligation imposed on all veterinary practitioners to act ethically and in accordance with the animal welfare legislation enacted by parliament. To this end parliament has ensured that a practitioner’s civil liability is limited where they have acted “*in good faith*” whilst assisting an Inspector. In other words the practitioner has acted professionally.

## **Section 158. Protection of persons acting under authority of Act**

- (1) No inspector, auxiliary officer, accredited reviewer, or person assisting an inspector or constable is personally liable for any act done or omitted in good faith by the inspector, auxiliary officer, accredited reviewer or person in pursuance or intended pursuance of any of the functions, duties or powers conferred by this Act on the Inspector, auxiliary officer, accredited reviewer or person.
- (2) Any liability that would but for this section lie against an inspector or auxiliary officer, or a person assisting an inspector or constable, lies against the Crown.

The key message of this section can be summarised as follows:

***No....person assisting an Inspector... is personally liable for any act done or omitted in good faith by the....person***

The veterinarian falls under the description of ‘person assisting the inspector’. It is important to remember that a condition of the legislative immunity is that the veterinarian works to the instructions of the Inspector (who has overall responsibility and is the officially appointed authority) at all times.

The words “**in good faith**” have been considered by the Courts at various times. “In good faith” has been determined as an act or omission carried out with propriety and honesty, and without fraud or deceit. Where it is alleged otherwise, the onus is on the aggrieved offender to demonstrate to the Court that the actions of the veterinarian were not “in good faith”.



In the event that the “in good faith” threshold is surmounted by the applicant, various potential legal issues could arise. These may include one or some of the following, each of which would be required to be evaluated by the Court on the individual facts which existed at the time of the veterinary practitioner’s actions:

- **Breach of Fiduciary Duty:** A fiduciary is a person who holds a special relationship with another party for example between partners, trustees and beneficiaries or between directors and a company. Where such a relationship is found to exist, the fiduciary is under a duty not to act against the interests of the other party.
- **Breach of Contract:** Where an enforceable contract (usually but not always written), exists between the practitioner and another party to that contract and the practitioner has breached one or more of the express (or implied) contractual terms of the agreement.
- **Conflict of Interest:** Where the practitioner is acting on behalf of two or more parties each with differing interests and objectives. If a primary duty was established to one party over another, a possible legal action could arise.
- **Negligence:** Where a duty of care is owed by the practitioner to a party and the practitioner has failed to perform the duty to the required professional standard with resulting foreseeable damage.
- **Deceit:** Where the practitioner has knowingly or recklessly made false representations causing damage to the other party; usually representations to the party complaining who must have relied on the representations.
- **Conspiracy to Injure:** Where the practitioner has, in agreement with others, conspired to damage another party’s property or interests.
- **Trespass:** An unlawful act, negligence or omission by the practitioner resulting in indirect or consequential damage to the other party or party’s property.

In order to mitigate the possibility (however remote) of litigation arising as part of your involvement in a MPI investigation:

- your actions must always be transparent, objective and above suspicion;
- you must remain at all times impartial, honest, fair and objective notwithstanding any personal feelings or those of others involved in the investigation or operation; and
- you must make it patently clear who is regarded as the client at the time of your actions. This clarity of role and practitioner obligation is of particular importance at all times, but more especially so where the practitioner’s role changes (for example, when you turn up at a property at the request of a client, are faced with an unacceptable animal welfare situation, and MPI involvement is required in order to remedy the situation).

To avoid an allegation of unacceptable and potentially unlawful actions, a veterinarian should clearly and objectively review the situation, the solutions, the possible outcomes, and establish and clarify the obligations of the client and their obligations as a veterinarian. All considerations should be documented for later recollection if necessary. All decisions made and information given should be reviewed from both parties’ perspectives.

The partnership between MPI’s Inspectors and private practitioners is highly valued by MPI; it is essential to animal welfare enhancement and the enforcement of the various legislative provisions. Where a civil action is found to have arisen as a direct result of a practitioner’s involvement on behalf of a MPI investigation, MPI will provide appropriate robust support and assistance in resolving the situation.

**DO:**

- **Act with propriety, honesty and without fraud or deceit.**
- **Discuss any queries with the Inspector.**





# Relevant clauses of the Code of Professional Conduct





## APPENDIX:

# THE CODE OF PROFESSIONAL CONDUCT FOR VETERINARIANS

The Code of Professional Conduct for Veterinarians sets out the standards the public, the profession and the Veterinary Council of New Zealand expect veterinarians to meet and to be measured against. The Veterinarians Act 2005 requires veterinarians wishing to practice in New Zealand to be appropriately qualified, registered with the Veterinary Council of New Zealand and to hold a current practising certificate. The rights conferred by veterinary registration go hand in hand with legal and professional responsibilities.

The Code is structured around seven fundamental principles that form the basis of the professional behaviour expected of veterinarians:

1. Protecting animal welfare and alleviating animal suffering.
2. Practising in a way that promotes effective communication, trust, meets confidentiality and consent requirements and recognises clients "right to choose".
3. Interacting with colleagues honestly and with respect and in a way that fosters good relationships and communication.
4. Acting in a manner that promotes the public's trust and confidence in the profession.
5. Striving to provide a high standard of veterinary practice.
6. Exercising sound professional judgement when authorising, dispensing, recommending, selling and using veterinary medicines.
7. Practising in accordance with relevant legislation and other applicable standards.

The Code identifies minimum standards of behaviour for veterinarians by the use of the word 'must'. The principles and responsibilities specified in the Code have been prescribed, by notice in the New Zealand Gazette, as minimum standards for practicing as a veterinarian under section 88 of the Veterinarians Act 2005. All veterinarians must comply with the Code.

## RELEVANT CLAUSES OF THE CODE

### Animal Welfare

Veterinarians must be familiar with and comply with the Animal Welfare Act 1999 and the relevant Codes of Welfare. In the course of their work, veterinarians must consider and take all reasonable steps to protect the needs of animals in relation to the five basic requirements of:

- a. Proper and sufficient food and water;
- b. Adequate shelter;
- 1 c. The opportunity to display normal patterns of behaviour;
- d. Appropriate physical handling; and
- e. Protection from, and rapid diagnosis of, injury and disease.

This obligation is qualified however, as to the needs in each individual case are assessed according to what is appropriate to the species, environment and circumstances of the affected animal(s).

- 2 In the course of their work veterinarians must not ignore circumstances where they have reasonable grounds to suspect non compliance with the requirements of the Animal Welfare Act 1999 and Codes of Welfare. Veterinarians must be satisfied that their co-workers and their clients are informed of and comply with the relevant provisions of the Animal Welfare Act 1999 and Codes of Welfare that relate to work they are undertaking.

- 3 Veterinarians must act immediately to remedy situations where they have cause to suspect unreasonable or unnecessary pain or distress in an animal(s), or possible breaches of animal welfare legislation.

- 4 When euthanasia is necessary it must be carried out humanely. In situations where an animal's owner is not known or cannot be contacted, veterinarians must exercise their duty under section 138 of the Animal Welfare Act 1999 to euthanise severely sick or injured animals responsibly.

## Client relationships

Veterinarians must interact with clients in a way that promotes effective communication and trust. This includes:

- a. Listening to clients, respecting their view, responding to their concerns and preferences and treating them with courtesy;
- b. Treating all client information and information related to the provision of veterinary services as the private information of the client except in circumstances where:
  - i) The client's consent has been given; or
  - ii) Disclosure of the information is made in accordance with the principles set out under the Privacy Act 1993; or
  - iii) There is a requirement for disclosure of information made under the Veterinarians Act 2005.
- c. Not exploiting a client's lack of veterinary knowledge.

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Veterinarians must obtain appropriate consent before proceeding with a proposed treatment/course of action. Veterinarians must provide clients with the information that they need, in a way that enables the client to understand and give consent to the proposed treatment/course of action. Veterinarians must be satisfied that clients are authorised to provide that consent. Depending on the circumstances the information provided to clients may include:

- a. The condition of their animal(s);
- b. Treatment options, including likely outcomes, risks, side effects, complications, costs and benefits;
- c. Referral options where appropriate and how to access;
- d. The veterinarian's skills and experience in providing the proposed treatment (where appropriate);
- e. Post treatment requirements and costs.

Note that the consent requirement may not apply in an animal welfare emergency where the client or owner is unable to be contacted and there is an immediate threat to the life of the animal, or there is an immediate need to relieve unreasonable or unnecessary pain (refer to the Animal Welfare requirements of this Code).

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Veterinarians must respect clients' rights to:

- a. Use the services of more than one veterinarian;
- b. Seek a second opinion or referral;
- c. Choose an alternate course of action to the one recommended by the veterinarian provided this does not conflict with the animal's welfare.

## Veterinary Services

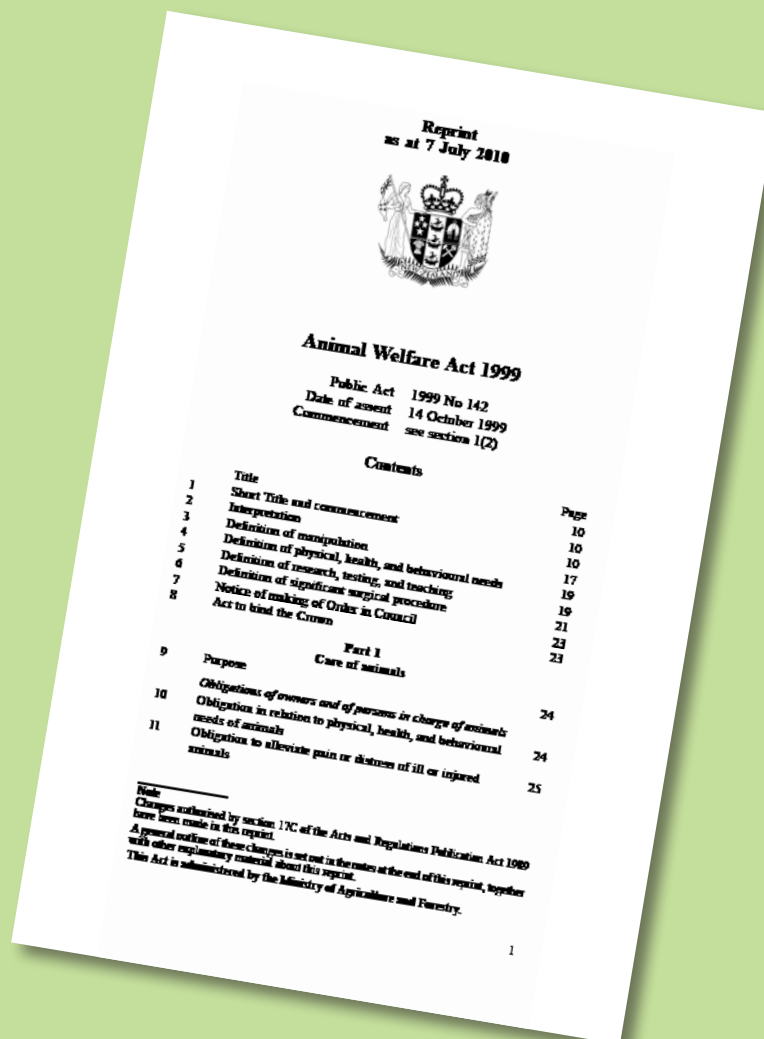
Veterinarians must maintain clear and accurate clinical records. The records must:

- a. Be of such detail that another veterinarian could take over management of the case at any time;
- b. Be retained for periods of time as required by statute or for the duration of time which they remain relevant to the purpose for which they were recorded;
- c. Not be altered retrospectively unless the changes are marked chronologically on the record, and the additions are dated and noted as being added retrospectively; and
- d. Be made accessible to clients on request, unless there are justifiable legal reasons to withhold.





# Extracts from the Animal Welfare Act 1999





# EXTRACTS FROM THE ANIMAL WELFARE ACT 1999

## Section 2. Interpretation

### Animal

- (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.

Code of welfare means a code of welfare issued under section 75.

Controlled surgical procedure means –

- (a) the de velvetting of a deer; or
- (b) any other surgical procedure which is performed on an animal and which is, under section 16, declared to be a controlled surgical procedure.

Ill-treat, in relation to an animal, means causing the animal to suffer, by any act or omission, pain or distress that in its kind or degree, or in its object, or in the circumstances in which it is inflicted, is unreasonable or unnecessary.

Inspector means an inspector appointed under section 124(1) of section 124(2); and includes every constable.

Owner, in relation to an animal, includes the parent or guardian of a person under the age of 16 years who –

- (a) owns the animal; and
- (b) is a member of the parent's or guardian's household living with and dependent on the parent or guardian.

Person includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

Person in charge, in relation to an animal, includes a person who has the animal in that person's possession or custody, or under that person's care, control, or supervision.

Physical, health, and behavioural needs, in relation to an animal, has the meaning given to it by section 4.

Restricted surgical procedures means –

- (a) the debarking of a dog (the performance on the vocal chords of a dog of a surgical procedure intended to reduce the noise the dog is capable of emitting); or
- (b) the declawing of a cat (the removal from the foot of a cat by a surgical procedure of the whole or part of 1 of more of the claws of the cat); or
- (c) the docking of the tail of a horse; or
- (d) any surgical procedure which is performed on an animal and which is, under section 16 declared to be a restricted surgical procedure.

Veterinarian means a veterinarian or a specialist within the meaning of section 4 of the Veterinarians Act 2005.

## Section 4. Definition of "physical, health, and behavioural needs"

In this Act, unless the context otherwise requires, the term **physical, health, and behavioural needs**, in relation to an animal, includes –

- (a) proper and sufficient food and water:
- (b) adequate shelter:
- (c) opportunity to display normal patterns of behaviour:
- (d) physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress:
- (e) protection from, and rapid diagnosis of, any significant injury or disease, – being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.

## **PART 1 – CARE OF ANIMALS**

### **Section 9. Purpose –**

- (1) The purpose of this Part is to ensure that owners of animals and persons in charge of animals attend properly to the welfare of those animals.
- (2) This Part accordingly –
  - (a) requires owners of animals, and persons in charge of animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with both –
    - (i) Good practice; and
    - (ii) Scientific knowledge; and
  - (b) requires owners of ill or injured animals, and persons in charge of such animals, to ensure that the animals receive, where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering; and
  - (c) imposes restrictions on the carrying out of surgical procedures on animals; and
  - (d) provides for the classification of the types of surgical procedures that may be performed on animals; and
  - (e) specifies the persons or classes of persons who may perform each class of such surgical procedures; and
  - (f) specifies certain minimum conditions that must be observed in relation to the transportation of animals.

### **Section 10. Obligation in relation to physical, health, and behavioural needs of animals**

The owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both –

- (a) good practice; and
- (b) scientific knowledge.

### **Section 11. Obligation to alleviate pain or distress of ill or injured animals**

- (1) The owner of an animal that is ill or injured, and every person in charge of such an animal, must, where practicable, ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.
- (2) This section does not –
  - (a) limit section 10; or
  - (b) require a person to keep an animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress.

### **Section 12. Animal welfare offences –**

A person commits an offence who, being the owner of, or a person in charge of, an animal, –

- (a) fails to comply, in relation to the animal, with section 10; or
- (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11; or
- (c) kills the animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.

### **Section 13. Strict liability –**

- (1) In a prosecution for an offence against section 12, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.



- (1A) In a prosecution for an offence against section 12 committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the provision of this Act to which the offence relates.
- (2) Subject to subsection (3), it is a defence in any prosecution for an offence against section 12 if the defendant proves –
  - (a) that, in relation to the animal to which the prosecution relates, the defendant took, –
    - (i) in the case of an offence against section 12(a), all reasonable steps to comply with section 10; or
    - (ii) in the case of an offence against section 12(b), all reasonable steps to comply with section 11; or
    - (iii) in the case of an offence against section 12(c), all reasonable steps not to commit a breach of section 12(c); or
  - (b) that 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; or
  - (c) that there was in existence at the time of the alleged offence a relevant code of welfare and that the minimum standards established by the code of welfare were in all respects equalled or exceeded.
- (3) Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons, or within such further time as the court may allow, the defendant has delivered to the prosecutor a written notice –
  - (a) stating that the defendant intends to rely on subsection (2); and
  - (b) specifying –
    - (i) where the defendant intends to rely on subsection (2)(a), the reasonable steps that the defendant will claim to have taken; or
    - (ii) where the defendant intends to rely on subsection (2)(b), the circumstances of stress or emergency, and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of human life; or
    - (iii) where the defendant intends to rely on subsection (2)(c), the relevant code of welfare that was in existence at the time of the alleged offence, and the facts that show that the minimum standards established by that code of welfare were in all respects equalled or exceeded.

#### **Section 14. Further animal welfare offences**

- (1) A person commits an offence who, being the owner of, or a person in charge of, an animal, without reasonable excuse, –
  - (a) Keeps the animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress; or
  - (b) Sells, attempts to sell, or offers for sale, otherwise than for the express purpose of being killed, the animal when it is suffering unreasonable or unnecessary pain or distress.
- (2) A person commits an offence who, being the owner of, or person in charge of, an animal, without reasonable excuse, deserts the animal in circumstances in which no provision is made to meet its physical, health, and behavioural needs.

#### **Section 17 Performance of restricted surgical procedures**

- (1) A restricted surgical procedure may be performed on an animal only by –
  - (a) a veterinarian; or
  - (b) a person who is acting under the direct supervision of a veterinarian and who is being taught veterinary science at undergraduate level.
- (2) Where a restricted surgical procedure is to be performed on an animal, the veterinarian who is to perform that procedure, or who is to supervise the performance of that procedure by a person who is being taught veterinary science, must, before performing or supervising the performance of that surgical procedure, first satisfy himself or herself that the performance of that procedure is in the interests of the animal.

- (3) A veterinarian who –
  - (a) performs a restricted surgical procedure on an animal; or
  - (b) for the purpose of teaching veterinary science, supervises the performance of a restricted surgical procedure on an animal, –
 must ensure that the animal is, throughout the performance of the surgical procedure, under the influence of a general or local anaesthetic or an analgesic that is sufficient to prevent the animal from feeling pain.
- (4) A veterinarian who, for the purpose of teaching veterinary science, supervises the performance of a restricted surgical procedure, must be present throughout the performance of the surgical procedure.

#### **Section 18. Performance of controlled surgical procedures**

- (1) A controlled surgical procedure may be performed on an animal only by –
  - (a) a veterinarian; or
  - (b) a person who is acting under the direct supervision of the veterinarian and who is being taught veterinary science at undergraduate level; or
  - (c) a person who is both the owner of the animal and a person who has veterinary approval to perform a surgical procedure on that type on that species of animal; or
  - (d) a person who is both an employee of the owner of the animal and a person who has veterinary approval to perform a surgical procedure of that type on that species of animal.
- (2) A veterinarian who, for the purpose of teaching veterinary science, supervises the performance of a controlled surgical procedure, must be present throughout the performance of that surgical procedure.
- (3) A person, being an owner of an animal or an employee of an owner of an animal, has, for the purposes of subsection (1), veterinary approval to perform a controlled surgical procedure on the animal only if a veterinarian certifies in writing, before the procedure is performed on the animal, that the veterinarian is satisfied that the person has the relevant expertise, practical experience, drugs, equipment, and accommodation to perform that type of surgical procedure competently on that species of animal.

#### **Section 19. Veterinary approval**

- (1) Where a veterinarian issues, under section 18(3), a certificate of veterinary approval, that certification must state –
  - (a) the full name and address of the person to whom it is issued;
  - (b) if it is issued to a person in that person's capacity as an employee of the owner of an animal, the full name and address of the owner;
  - (c) the type of surgical procedure to which the certificate relates and the species of animal on which the person to whom it is issued may perform that surgical procedure;
  - (d) the duration of the approval given by the certificate.
- (2) The veterinarian who issues the certificate may specify that the approval given by the certificate is to have effect –
  - (a) indefinitely; or
  - (b) for a stated period; or
  - (c) until a stated date.
- (3) Every certificate issued under section 18(3) –
  - (a) comes into force on the date specified in the certificate; and
  - (b) continues in force until –
    - (i) it is revoked under section 20(1); or
    - (ii) it is surrendered under section 20(3); or
    - (iii) in the case of a certificate granted for a stated period or until a stated date, the expiry of that period or the passing of that date.

#### **Section 22. Transport of animals**

- (1) Every person in charge of a vehicle or an aircraft, and the master of or, if there is no master, the person in charge of, a ship, being a vehicle, aircraft, or ship in or on which an animal is being transported, must ensure –
  - (a) That the welfare of the animal is properly attended to; and
  - (b) That, in particular, the animal –
    - (i) Is provided with reasonably comfortable and secure accommodation; and
    - (ii) Is supplied with proper and sufficient food and water.

- (2) A person commits an offence who fails, without reasonable excuse, to comply with any provision of subsection (1).

**Section 23. Other offences in relation to transport of animals, etc –**

- (1) A person commits an offence who, without reasonable excuse, confines or transports an animal in a manner or position that causes the animal unreasonable or unnecessary pain or distress.
- (2) A person commits an offence who, being the owner of, or the person in charge of, an animal, permits that animal, without reasonable excuse, –
- (a) to be driven or led on a road; or
  - (b) to be ridden; or
  - (c) 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 driven, led, ridden, or transported.

**Section 24. Defence and rebuttable evidence**

- (1) In a prosecution for an offence against section 21(1)(b) of section 22(2) or section 23 committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the provision of this Act to which the offence relates.
- (2) It is a defence in any prosecution for an offence against section 21(1)(b) or section 22(2) or section 23(1) or section 23(1) or section 23(2) if the defendant proves –
- (a) that there was in existence at the time of the alleged offence a relevant code of welfare; and
  - (b) that the minimum standards established by the code of welfare were in all respects equalled or exceeded.

**Section 25. Penalties**

A person who commits an offence against section 12 or section 14(1) or section 14(2) or section 21(1) or section 21(2) or section 22(2) or section 23(1) or section 23(2) is liable on summary conviction, –

- (a) In the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50 000 or to both; or
- (b) In the case of a body corporate to a fine not exceeding \$250 000.

**PART 2 – CONDUCT TOWARDS ANIMALS**

**Section 28. Wilful ill-treatment of animals**

- (1) A person commits an offence who wilfully ill-treats an animal in such a way that –
- (a) the animal is permanently disabled; or
  - (b) the animal dies; or
  - (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or
  - (d) the animal is seriously injured or impaired.
- (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment –
- (a) involves –
    - (i) prolonged pain and suffering; or
    - (ii) a substantial risk of death; or
    - (iii) loss of a body part; or
    - (iv) permanent or prolonged loss of a bodily function: and
  - (b) requires treatment by or under the supervision of a veterinarian.
- (3) A person who commits an offence against this section is liable on conviction on indictment, –
- (a) in the case of an individual, to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$100 000 or to both; or
  - (b) in the case of a body corporate, to a fine not exceeding \$500 000.

**Section 28A      Reckless ill-treatment of animals**

- (1) A person commits an offence who recklessly ill-treats an animal with the result that –
- (a) the animal is permanently disabled; or
  - (b) the animal dies; or
  - (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or
  - (d) the animal is seriously injured or impaired.
- (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment –
- (a) involves –
    - (i) prolonged pain and suffering; or
    - (ii) a substantial risk of death; or
    - (iii) loss of a body part; or
    - (iv) permanent or prolonged loss of a bodily function; and
  - (b) requires treatment by or under the supervision of a veterinarian.
- (3) A person who commits an offence against this section is liable on conviction on indictment,–
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$75 000 or to both; or
  - (b) in the case of a body corporate, to a fine not exceeding \$350 000.

**Section 29.      Further offences**

A person commits an offence who –

- (a) ill-treats an animal; or
- (b) pierces the tongue or tongue phrenum of an animal with a pig ring or similar thing or with any wire; or
- (c) keeps or uses a place for the purpose of causing an animal to fight, or for the purpose of baiting or otherwise ill-treating an animal, or manages or assists in the management of, any such place; or
- (d) is present, for the purpose of witnessing the fighting or baiting of an animal, at a place used or kept for the purpose; or
- (e) in any manner encourages, aids, or assists in the fighting or baiting of an animal; or
- (f) brands any animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress; or
- (g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress; or
- (h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.

**Section 30.      Strict liability**

- (1) In a prosecution for an offence against section 29(a), it is not necessary for the prosecution to prove that the defendant intended to commit an offence.
- (1A) In a prosecution for the offence against section 29(a) committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence contravened section 29(a).
- (2) Subject to subsection (3), it is a defence in any prosecution for an offence against section 29(a) if the defendant proves –
- (a) that, in relation to the animal to which the prosecution relates, the defendant took all reasonable steps not to commit a breach of section 29(a); or
  - (b) that 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; or
  - (c) that there was in existence at the time of the alleged offence a relevant code of welfare and that the minimum standards established by the code of welfare were in all respects equalled or exceeded.



- (3) Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons, or within such further time as the court may allow, the defendant has delivered to the prosecutor a written notice –
  - (a) stating that the defendant intends to rely on subsection (2); and
  - (b) specifying –
    - (i) where the defendant intends to rely on subsection (2)(a), the reasonable steps that the defendant will claim to have taken; and
    - (ii) where the defendant intends to rely on subsection (2)(b), the circumstances of stress or emergency, and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of human life; or
    - (iii) where the defendant intends to rely on subsection (2)(c), the relevant code of welfare that was in existence at the time of the alleged offence, and the facts that show that the minimum standards established by that code of welfare were in all respects equalled or exceeded.

#### **Section 37. Penalties**

A person who commits an offence against section 29 or section 31(1) or section 34 or section 35(1) or section 35(2) is liable on summary conviction –

- (a) in the case of the individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50 000 or to both; and
- (b) in the case of a body corporate, to a fine not exceeding \$250 000.

### **PART 5 – CODES OF WELFARE**

#### **Section 68. Purpose**

The purpose of this Part is to establish procedures for the development, issue, amendment, review, and revocation of codes of welfare that –

- (a) relate to animals that are owned by any person or are in the charge of any person; and
- (b) establish minimum standards with regard to the way in which persons care for such animals and conduct themselves towards such animals; and
- (c) include recommendations on the best practice to be observed by persons in caring for such animals and in conducting themselves towards such animals.

### **PART 7 – PROVISIONS RELATING TO ADMINISTRATION**

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

- (1) Subject to subsections (3) and (4), an inspector may –
  - (a) In the case of any land, premises, or place, at any reasonable time or times; and
  - (b) In the case of any vehicle, aircraft, or ship, at any reasonable time or times at which the vehicle, aircraft, or ship is stationary, –
 

enter, without warrant, that land or those premises or that place or any such vehicle, aircraft, or ship for the purposes of inspecting any animal on or in that land or those premises or that place or in or on any such vehicle, aircraft, or ship.
- (2) A member of the police may, for the purpose of exercising the powers conferred by this section or of enabling an inspector to exercise any of the powers conferred by this section, stop any vehicle if the member of the police has reasonable grounds to believe that an animal on or in that vehicle is suffering or is likely to suffer unreasonable or unnecessary pain or distress.
- (3) No inspector may, under subsection (1), enter in or on any dwelling or marae unless he or she is authorised to do so by a search warrant issued under section 131.
- (4) In the case of a ship that is neither a ship registered under the Ship Registration Act 1992 nor a ship entitled under any provision of that Act (other than section 8(1)(b)) to be registered as a New Zealand ship, the power that an inspector has, under subsection (1), may be exercised only if the ship –
  - (a) is in a port, harbour, roadstead, or anchorage in New Zealand; or
  - (b) is otherwise within the internal waters of New Zealand as defined by section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

- (5) Where an inspector who exercises a power of entry under subsection (1) has reasonable grounds to believe, in respect of any animal found on or in the land, premises, or place or in or on the vehicle, aircraft, or ship, that –
  - (a) the animal has been wilfully ill-treated contrary to section 28; or
  - (b) the physical, health, and behavioural needs of the animal or the need for the animal to receive treatment from a veterinarian make it necessary or desirable to remove the animal from the land, premises, or place or the vehicle, aircraft, or ship, –
 the inspector may take and maintain possession of the animal, by force if necessary, and convey the animal to another place.
- (6) The inspector may keep the animal at a place chosen by the inspector until –
  - (a) the animal is, under section 172, forfeited to the Crown or to an approved organisation; or
  - (b) a District Court Judge orders that the animal be delivered to the owner of the animal or to the person charged with the offence against this Act.
- (7) An inspector may take any person in or on any land, premises, or place or in or on an aircraft, ship, or vehicle to assist the inspector with an inspection under subsection (1).

**Section 128. Production of evidence of appointment**

An inspector exercising a power of entry under section 127 must, at the time of initial entry and, if requested at any subsequent time, produce –

- (a) evidence of his or her appointment as an inspector; and
- (b) evidence of his or her identity.

**Section 129. Notice of entry**

If the person in charge of the land, premises, or place or the vehicle, aircraft, or ship, as the case may be, is not present at the time of which a power of entry is exercised, without warrant, under section 127, the inspector must leave in a prominent place on the land, premises, or place or in or on the vehicle, aircraft, or ship a written statement of –

- (a) the time and date of the entry; and
- (b) the purpose of the entry; and
- (c) the condition of any animals inspected; and
- (d) the animals (if any) that have been removed from the premises in accordance with section 127(5); and
- (e) the name of that inspector; and
- (f) the address of the Police station or other office to which inquiries should be made.

**Section 130. Power to prevent or mitigate suffering**

- (1) Where an inspector, either in the course of the exercise of a power of entry under section 127 or at any other time, has reasonable grounds to believe that an animal is suffering or is likely to suffer unreasonable or unnecessary pain or distress, the inspector –
  - (a) may take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal; and
  - (b) may, by notice in writing given by the inspector to the owner or the person in charge of the animal or any person appearing to be in charge of the animal, require the person to whom the notice is given to take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal.
- (2) A person commits an offence who, without reasonable excuse, refuses or fails to comply with any requirement of an inspector under subsection (1)(b).
- (3) A person who commits an offence against subsection (2) is liable on summary conviction, –
  - (a) In the case of an individual, to a fine not exceeding \$5000; or
  - (b) In the case of a body corporate, to a fine not exceeding \$25 000.

**Section 138. Destruction of injured or sick animals (other than marine mammals)**

- (1) If an inspector, auxiliary officer, or a veterinarian finds a severely injured or sick animal (other than a marine mammal), and in his or her opinion, the animal should be destroyed because reasonable treatment will not be sufficient to make the animal respond and the animal will suffer unreasonable or unnecessary pain or distress if it continues to live, he or she must, as soon as possible, –

- (a) consult with the owner of that animal, if that owner can be found within a reasonable time; and
  - (b) if the owner asks for a second opinion from a veterinarian as to whether the animal should be destroyed, allow the owner to obtain that second opinion.
- (2) If –
- (a) the owner of a severely injured or sick animal cannot be found within a reasonable time ; or
  - (b) the owner of a severely injured or sick animal –
    - (i) does not, on being found, agree to the destruction of the animal; and
    - (ii) does not obtain within a reasonable time a second opinion from a veterinarian as to whether the animal should be destroyed –
- the inspector, or auxiliary officer, or veterinarian, as the case may be, must, without delay, destroy that animal or cause it to be destroyed.
- (3) If the owner of a severely injured or sick animal is found and consulted under subsection (1), and agrees that the animal should be destroyed, –
- (a) the inspector, auxiliary officer, or veterinarian, as the case may be, must without delay, destroy that animal or cause it to be destroyed; or
  - (b) the owner of that animal must, without delay, destroy that animal or cause it to be destroyed.
- (4) If the owner obtains a second opinion under subsection (1)(b), and the other veterinarian agrees that the animal should be destroyed, –
- (a) the inspector, auxiliary officer, or veterinarian, as the case may be, must without delay, destroy that animal or cause it to be destroyed; or
  - (b) the owner of that animal must, without delay, destroy that animal or cause it to be destroyed.
- (5) Where, under this section, an inspector, auxiliary officer, or veterinarian destroys an animal or causes it to be destroyed, he or she may dispose of the carcass in such manner as he she thinks fit.

#### **Section 143. Application for enforcement order**

- (1) An inspector may apply to a District Court for an enforcement order requiring any person to comply with the provisions of –
- (a) this Act; or
  - (b) any regulations made under this Act; or
  - (c) a code of ethical conduct or conditions imposed by an animal ethics committee in giving its approval of a project.

#### **Section 145. Compliance with an enforcement order**

- (1) Where an enforcement order is made against a person, and that enforcement order is served on that person, that person must –
- (a) comply with the order; and
  - (b) unless the order directs otherwise, pay all the costs and expenses of complying with the order.
- (2) If a person against whom an enforcement order is made fails to comply with the order, any person may, with the consent of the District Court, –
- (a) comply with the order on behalf of the person who fails to comply with the order and, for that purpose –
    - (i) enter, without warrant but with a constable, a marae or dwellinghouse; and
    - (ii) enter, without warrant or a constable, any other land or structure; and
  - (b) exercise, in relation to any animal found upon that land or structure, any of the powers that a person executing a search warrant under section 131 would have in relation to that animal; and
  - (c) after allowing for any money received under paragraph (a) or paragraph (b) from the sale of any animal, recover the costs and expenses of complying with the order and of selling or otherwise disposing of the animal as if those costs and expenses were a debt due from the person against whom the enforcement order was made.
- (3) If the animal is sold under the powers given by subsection (2), –
- (a) the person exercising those powers may retain the proceeds of the sale to the extent necessary to offset the costs and expenses to the person of complying with the order and of selling the animal; and
  - (b) any remaining balance of the sale proceeds must be returned to the owner of the animal, if the owner can be found; and

- (c) if the owner cannot be found, the remaining balance must be paid into a Crown Bank Account.

**Section 152. Offence to contravene enforcement order**

- (1) A person commits an offence who contravenes an enforcement order.
- (2) A person who commits an offence against subsection (1) is liable on summary conviction, –
  - (a) in the case of an individual, to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$25 000 or to both; or
  - (b) in the case of a body corporate, to a fine not exceeding \$125 000.

**Section 158. Protection of persons acting under authority of Act**

- (1) No inspector, auxiliary officer, accredited reviewer, or person assisting an inspector or member of the police is personally liable for any act done or omitted in good faith by the inspector, auxiliary officer, accredited reviewer, or person in pursuance or intended pursuance of any of the functions, duties, or powers conferred by this Act on the inspector, auxiliary officer, accredited reviewer, or person.
- (2) Any liability that would but for this section lie against an inspector or auxiliary officer, or a person assisting an inspector or member of the police, lies against the Crown.

**PART 8 – OFFENCES**

**Section 169. Court may disqualify persons from owning or exercising authority in respect of animals**

- (1) A court may (in addition to or in substitution for any other penalty) disqualify a person for any period that it thinks fit from being the owner of, or exercising authority in respect of, an animal or animals of a particular kind or description where the court convicts that person of an offence against –
  - (a) section 28 or 28A; or
  - (b) any section in Part 1 or 2 and the person has previously been convicted of an offence against –
    - (i) any section in Part 1 or 2; or
    - (ii) any of sections 3, 4, and 16(3) of the Animals Protection Act 1960; or
  - (c) any section in Part 1 or 2 and the court considers that by reason of the serious nature of the offence that person should be disqualified under this section; or
  - (d) section 152(1); or
  - (e) section 169B(1).
- (2) In making an order under subsection (1), the court may also specify a minimum disqualification period.

**Section 169B. Offence of contravening disqualification order**

- (1) A person commits an offence who, in contravention of an order made under section 169(1), becomes the owner of, or exercises authority in respect of, an animal or animals of a particular kind or description to which the order relates.
- (2) A person who commits an offence against subsection (1) is liable on summary conviction, –
  - (a) in the case of an individual, to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$75 000 or to both;
  - (b) in the case of a body corporate, to a fine not exceeding \$350 000.
- (3) In subsection (1), order includes an order varied under section 169A.

**Section 172. Power of court to order that certain animals be forfeited to the Crown or approved organisation**

- (1) The court convicting a person (the offender) of an offence against this Act in respect of an animal or animals may (in addition to or in substitution for any other penalty) order that any or all of the following animals be forfeited to the Crown or to an approved organisation:
  - (a) the animal or animals to which the charge relates and of which the offender is the owner;
  - (b) any other animals at the date of conviction owned by the offender.
- (1A) The court may make an order for forfeiture only if it thinks that it is desirable for the protection of the animal or animals in question.
- (2) An animal forfeited under this section may be sold or otherwise disposed of as the Minister or the approved organisation, as the case may be, thinks fit.

### **Section 173. Expenses incurred by inspectors and territorial authorities**

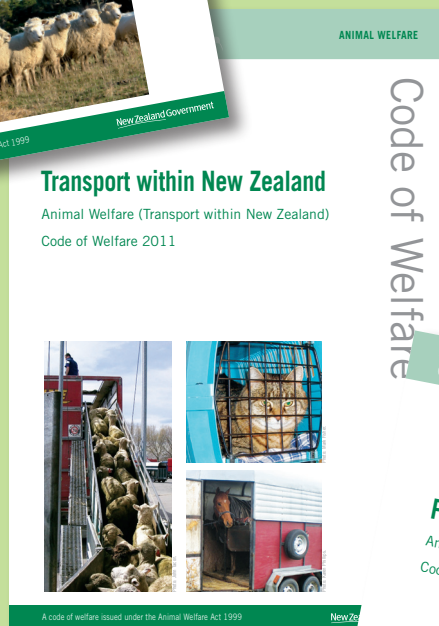
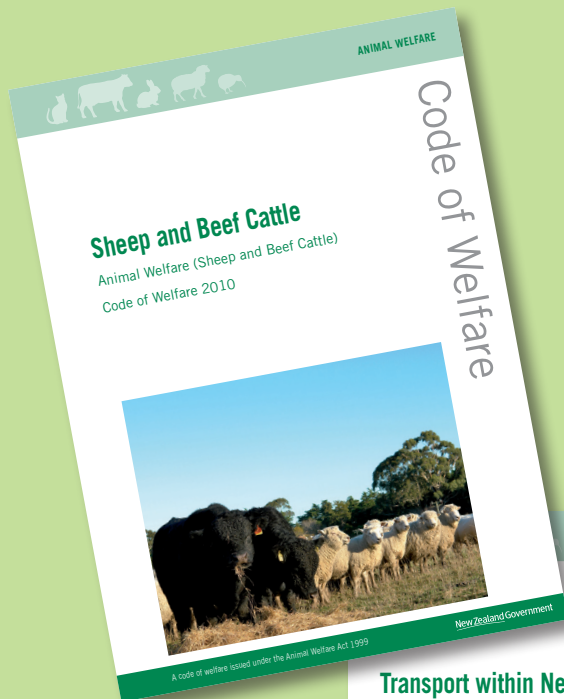
- (1) All expenses reasonably incurred by any person as a result of the exercise of any of the powers conferred by section 53 or section 127(5) to (7) or section 131 or section 133(2) to (4) or section 137 of section 138 or by any person called upon under section 133(5), including in each case the costs of any veterinary treatment reasonably required in respect of an animal and the costs of destroying an animal, are recoverable from the owner or person in charge or appearing to be in charge of the animal.
- (2) All expenses reasonable incurred by a territorial authority in destroying an animal under section 139 are recoverable from the owner or person in charge or appearing to be in charge of the animal.
- (3) Those expenses are recoverable as a debt or, where the person from whom they are recoverable is convicted of an offence against this Act in respect of the animal, may be assessed by the court and be recovered from the defendant in the same manner as a fine.







# Minimum Standards of relevant Codes of Welfare





# MINIMUM STANDARDS FROM CODES OF WELFARE

## Animal Welfare (Deer) Code of Welfare 2007

### Minimum Standard No1. – Training

The owner or person in charge must ensure that all stock handlers gain experience, either formally or informally, to a level of competency that ensure that animal welfare is maintained in accordance with this code.

### Minimum Standard No2. – Food

- (a) Deer must receive adequate daily quantities of food and nutrients to enable each deer to:
  - (i) maintain good health; and
  - (ii) meet its physiological demands; and
  - (iii) prevent metabolic and nutritional disorders
- (b) If any deer shows signs of emaciation, or if the Body Condition Score (BCS) of any individual deer, other than fawns or weaners, falls below 2, immediate remedial action through veterinary attention, improved nutrition or husbandry practice must be taken to both remedy and prevent further deterioration and any risk to animal health or welfare.
- (c) Any signs of ill-thrift or emaciation in fawns/weaners must be promptly investigated and remedial action taken.

### Minimum Standard No3. – Water

- (a) All deer must have access to an adequate daily supply of drinking water that is not harmful to health.
- (b) The water delivery system must be reliable and maintained to meet daily demand.
- (c) In the event of a water delivery system failure, remedial action must ensure that the daily water requirements are met.
- (d) Any deer retained in yards or within holding facilities for longer than 12 hours must have access to drinking water.
- (e) The water delivery system must be at a height that is appropriate for the size of the deer being supplied.

### Minimum Standard No4. – Shelter

- (a) All deer, including fawns, must have access to shelter to reduce the risk to health and welfare caused by exposure to cold.
- (b) Where conditions are likely to lead to fatal hypothermia remedial action must be taken.
- (c) At calving/fawning time fawns must have access to sufficient ground cover for at least the first 2 weeks following birth, to allow them to express their natural hiding behaviour.
- (d) All classes of deer must be provided with means to minimise the effects of heat stress.

### Minimum Standard No5. – Handling Facilities

- (a) Facilities must be designed, constructed and maintained to prevent injury to animals during routine husbandry procedures.
- (b) All protrusions, gaps and edges, including damaged flooring, likely to cause injury to deer must be removed, repaired or covered.
- (c) The storage of all health remedies, toxic materials and associated equipment must be secure and inaccessible to deer.
- (d) Ventilation must be sufficient to prevent a build-up of excessive heat, humidity and noxious gases.
- (e) All deer facilities must have light at a minimum of 20 lux available at all times to enable safe inspection and handling of animals.
- (f) All power cables and associated fittings must be inaccessible to deer.
- (g) Floors must be constructed of non-slip material.

### Minimum Standard No6. – Holding Facilities

- (a) Facilities must be designed, constructed and maintained to:
  - (i) allow ready access to handling and inspection of deer; and



- (ii) enable segregation and treatment of any deer; and
- (iii) enable ready evacuation in the case of emergencies.
- (b) Where deer are held in facilities for periods of more than 24 hours, a sufficient area of dry bedding within the holding facilities must be available to allow all deer to rest by lying down.
- (c) Ventilation must be sufficient to prevent a build-up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (d) If ammonia levels of 25ppm or more are detected within the holding facility, immediate and appropriate action must be taken to reduce the ammonia levels.
- (e) Where deer do not have access to natural daylight, a minimum of 8 hours and a maximum of 16 hours of continual artificial daylight (minimum 50 lux) must be provided.
- (f) During inspection periods, natural or artificial light of at least 20 lux must be available at the level of resting deer in all holding facilities.
- (g) Water supply systems must be well protected to ensure that the risk of flooding, loss of supply or fouling is minimised.
- (h) All sharp objects, protrusions and edges, including damaged flooring likely to cause injury to deer, must be removed, repaired or covered.
- (i) Any electrical fittings and attachments to mains voltage must be out of the reach of the deer, or protected from interference or damage by the deer.
- (j) To minimise aggression and injuries, additional care must be taken when male deer with hard antlers are held in holding facilities.
- (k) Deer must not be released from a prolonged period indoors without ready access to shelter and shade in adverse weather to avoid temperature stress.
- (l) All deer must have enough space to be able to lie down, rise and stand comfortably without undue risk of stress or injury to themselves or other animals.
- (m) Ceiling heights must be at least 2.4 metres.

#### **Minimum Standard No7. – Restraint and Handling Practices**

- (a) Chemical (drug) immobilisation techniques must only be used by registered veterinarians (excluding velvet antler removal where the individual is a certified velvetter).
- (b) Electrical prodders or goads must not be used.
- (c) Handling aids, such as stock canes or lengths of plastic piping, are permissible to assist the movement of deer but must only be used in a manner which causes minimal stress and avoids injury.

#### **Minimum Standard No8. – Restraint Equipment**

- (a) Restraint equipment must be maintained in good working order.
- (b) Restraint equipment must be used appropriately in order to minimise the risk of injury or unnecessary pain or distress to deer.
- (c) Restraint equipment used must be suitable for the class, age and type of deer being handled.
- (d) Operators must be fully conversant with the safe operating procedures of the restraint equipment.
- (e) Deer must not be held in a restraint for more than the time required to carry out the procedures for which they are being restrained.
- (f) Deer must be able to be rapidly released from restraint equipment.

#### **Minimum Standard No9. – Mixing of Deer**

Where two or more groups of deer are to be mixed they must be observed on mixing, and then daily until settled, for signs of injury or continued aggression likely to lead to injury so that remedial action can be taken if necessary.

#### **Minimum Standards No10. – Hard Antler**

- (a) Male deer with hard antler must be separated from male deer without hard antler, especially during the rut, to avoid risk of injury and to allow easy access to feed and water.
- (b) Farmers must develop management practices to cater for the welfare needs of male deer farmed with hard antler.

#### **Minimum Standard No11. – Hand Reared Fawns**

- (a) Hand reared fawns must receive colostrum or an equivalent substitute as soon as possible after birth.
- (b) Hand reared fawns must have daily access to feed, fresh roughage and clean fresh water.

**Minimum Standard No12. – Weaning**

- (a) Weaning must be managed in a way that avoids excessive stress on the dam and fawn and minimises negative impact on their health and welfare.
- (b) Newly weaned fawns must be provided with ample high quality, familiar feed, water and shelter.
- (c) Weaned deer must be inspected frequently to check for signs of ill-thrift, injury or stress, and where appropriate remedial action must be taken to ensure the welfare of the deer.

**Minimum Standard No13. – Health**

- (a) Those responsible for the welfare of deer must be competent at recognising the signs of ill health or injury, and take remedial action as appropriate.
- (b) Medication must only be used in accordance with registration conditions, manufacturers' instructions or professional advice.

**Minimum Standard No14. – Inspections**

- (a) The owner or person in charge must inspect the deer at such frequency as is appropriate to the circumstances and class of deer, for signs of ill health, injuries and general well-being, and take action as required.
- (b) Deer held in holding facilities must be inspected at least daily.

**Minimum Standard No15. – Pre-transport selection**

- (a) The person in charge must examine the selected deer prior to transport to ensure that all animals are fit and healthy for transportation.
- (b) Pregnant deer expected to give birth within 21 days must not be transported.
- (c) Unweaned deer (dams or fawns) and deer that have been weaned for less than 10 days (dams or fawns) must not be transported.
- (d) All deer must be able to stand and bear weight on all 4 limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.





## Animal Welfare (Pigs) Code of Welfare 2010

### Minimum Standard No1. – Stockmanship

Pigs must be cared for by a sufficient number of personnel, who collectively possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

### Minimum Standard No2. – Feed

- (a) All pigs must receive adequate quantities of food and nutrients each day to enable each pig to:
  - (i) maintain good health;
  - (ii) meet its physiological demands; and
  - (iii) avoid metabolic and nutritional disorders.
- (b) Feed must be provided in such a way as to prevent undue competition and injury.
- (c) When the body condition of any pig falls to 2 or below (on a scale of 1-5) immediate remedial action must be taken to resolve the issue.

### Minimum Standard No3. – Feed: New-born Piglets

- (a) All piglets must receive colostrum or an appropriate substitute as soon as possible after birth, and within 24 hours.
- (b) If piglets are not being fed adequately by the sow, they must be fostered, hand-reared or killed humanely.
- (c) Fostering must be carefully managed to ensure that the nurse sow accepts and is able to feed all of the piglets.

### Minimum Standard No4. – Water

- (a) An adequate daily supply of water that is palatable, not harmful to health and at a temperature that does not inhibit drinking must be accessible to all pigs, at all times.

### Minimum Standard No5. – Shelter for Pigs Outdoors

- (a) Pigs must be provided with dry and draught-free but adequately ventilated shelter.
- (b) Pigs must be provided with the means to minimise the effects of adverse weather, including the effects of heat and cold stress.

### Minimum Standard No6. – Housing and Equipment

- (a) Housing systems must be designed, constructed and maintained in a manner that provides suitable (comfortable) temperatures, fresh air, and hygienic conditions.
- (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.
- (c) The minimum lying space allowance for growing pigs must be in accordance with the following formula:  
 $\text{Area (m}^2\text{) per pig} = 0.03 \times \text{liveweight}^{0.67}(\text{kg})$ .
- (d) Inspection of all pigs must be possible.
- (e) The risk of injury, disease or stress for pigs must be minimised by appropriate design, construction and maintenance of housing and equipment.
- (f) Pigs must be provided with natural or artificial light of appropriate intensity for a minimum of nine hours each day.
- (g) All mechanical equipment used in pig production must be maintained in good working order.
- (h) Alternative means of temperature regulation, ventilation, feeding and watering of stock must be available in case of power or computer failure or mechanical breakdown.
- (i) Systems must be designed to minimise the impact of flooding in the event that water pipes or fittings burst.
- (j) Appropriate fire prevention measures and a fire emergency plan that includes feed milling areas adjacent to pig housing, must be in place.

### Minimum Standard No7. – Temperature

- (a) Newborn piglets must be housed at temperatures that will assist them to reach and maintain normal body temperatures.





- (b) Heating devices (e.g. infrared lamps, heat pads) must be securely fixed and protected from interference by the sow and piglets.
- (c) Ventilation control or other measures must ensure housed pigs do not become overheated or cold stressed.

**Minimum Standard No8. – Air Quality**

- (a) Adequate ventilation must be provided in order to prevent the build-up of dust, and gases such as ammonia, to levels that are harmful to pigs.
- (b) Immediate and appropriate action must be taken to reduce ammonia levels if they exceed 25 ppm at pig level.

**Minimum Standard No9. – Behaviour**

- (a) Pigs must be maintained in a manner that provides them sufficient opportunities to express and satisfy their normal behaviours. These include, but are not limited to, feeding, drinking, sleeping, dunging and urination, vocalisation, thermoregulation, and social contact.

**Minimum Standard No10. – Managing Interactions between Sows and Piglets**

- (a) Accommodation for farrowing and lactating sows must be of suitable design and sufficient size to allow the sow to lie down at full length and without leg restriction.
- (b) Support, such as barriers or sloping walls to lean against, must be provided for the sow as she lies down, and she must be able to rise and stand comfortably without undue risk of injury to her litter.
- (c) 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.
- (d) The farrowing system must provide an area to which the piglets can retreat when the sow moves.
- (e) If sows are to be confined in farrowing crates before farrowing, it must be for no more than five days.
- (f) If sows are to be confined in farrowing crates for lactation, it must be for no more than four weeks after farrowing.
- (g) Notwithstanding (f), nurse sows may be retained in a farrowing crate for a further week for fostering purposes. This is conditional on no more than 5% of sows in any herd at any one time being retained as nurse sows.
- (h) Sows, in a farrowing system constructed after 3 December 2010, must be provided with material that can be manipulated until farrowing.

**Minimum Standard No11. – Managing Dry Sows**

- (a) Sows may only be confined in mating stalls for service for no longer than one week.
- (b) Where sows and mated gilts are group housed, they must be managed to minimise the effects of aggression.
- (c) Where sows and mated gilts are housed in dry sow stalls, they must be able to stand in their natural stance without contact with any side of the stall and be able to lie comfortably on their sides without disturbing neighbouring sows.
- (d) Sows in stalls must be a dry, smooth, non-slip sleeping area.
- (e) Between 3 December 2012 and 3 December 2015 mated sows and gilts must not be confined in dry sow stalls for more than four weeks after mating.
- (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 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.
- (g) Individual pigs that are not coping well must be provided with alternative management.
- (h) Pigs must not be restrained by tethering.

**Minimum Standard No12. – Managing Boars**

- (a) Boars must be provided with sufficient space so that they can stand up, turn around and lie comfortably in a natural position, and that provides for separation of dunging, lying and eating areas.
- (b) Boars must not be tethered or kept in stalls.

**Minimum Standard No13. – Handling**

- (a) Pigs must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.

- (b) Pigs, including piglets, must not be picked up or suspended by one front leg, ears or tail.
- (c) Handling facilities must be available to deal with all pigs and piglets undergoing routine procedures and for animals that are sick and requiring treatment.
- (d) Stress of handling must be minimised by appropriate design of the facilities, especially entrances and raceways.

**Minimum Standard No14. – Moving Pigs**

- (a) Only the minimal force required must be used when moving pigs.
- (b) Pigs must not be prodded in sensitive areas, including the eyes, nose, anus, vulva or testicles.
- (c) Electric prodders and whipping must not be used.

**Minimum Standard No15. – Weaning**

Weaning must be managed in a way that avoids undue stress on the sow and piglets and minimises negative impacts on their health and welfare.

**Minimum Standard No16. – Elective Husbandry Procedures**

- (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) Tail docking of pigs over seven days of age or surgical castration at any age must be carried out by a veterinarian.
- (c) Clipping or grinding of needle teeth must be carried out before five days of age.
- (d) If nose rings, clips or wires are used, they must be placed through the cartilage at the top of the snout or in the tissue separating the nostrils.

**Minimum Standard No17. – Pre-Transport Selection**

- (a) Pigs must be inspected prior to transport to ensure all are fit to be transported.
- (b) All pigs 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.
- (c) Sows likely to give birth during the journey must not be selected for transport.

**Minimum Standard No18. – Management of Health and Injury**

- (a) The owner or person in charge must check pigs at least once each days for signs of ill-health or injury and must undertake timely preventive or remedial action as appropriate.
- (b) Those responsible for the care of pigs must be competent at recognising the signs of good health, ill health, or injury and must consult a veterinarian as appropriate.
- (c) Medication must only be used in accordance with registration conditions, and the manufacturer's instructions or professional advice.
- (d) Piglets must receive sufficient iron to prevent anaemia.
- (e) Contaminated bedding, faeces and urine must not accumulate to the extent that they pose a threat to the health and welfare of pigs.

**Minimum Standard No19. – Emergency Humane Destruction**

- (a) When pigs have to be killed it must be done by persons competent in the handling and killing of pigs and death must be confirmed by inspection of the animal.
- (b) When a pig needs to be killed it must be handled, restrained and killed in such a manner as to minimise unnecessary pain and distress prior to death.
- (c) Pigs must be rapidly rendered insensible and remain in that state, until death.
- (d) Animals rendered insensible by a blow or shot to the brain must be bled out immediately to ensure death occurs before recovery from stunning.

## Animal Welfare (Sheep and Beef Cattle) Code of Welfare 2010

### Minimum Standard No1. – Stockmanship

Sheep and beef cattle must be cared for by a sufficient number of personnel, who, collectively, possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

### Minimum Standard No2. – Animal Handling

- (a) Sheep and beef cattle must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.
- (b) Sheep and beef cattle must not be prodded in the most sensitive areas, including the udder, eyes, nose, anus, vulva or testicles.
- (c) Only the minimum force required must be used when moving sheep or beef cattle.
- (d) Electric prodders must not be used to drive sheep or calves.

### Minimum Standard No3. – Mustering and Drovers

Sheep and beef cattle being moved on foot must not be forced to proceed at a pace that will cause exhaustion, heat stress or injury.

### Minimum Standard No4. – Restraint and Facilities

- (a) All facilities, including fences, yards, sheds, and housing, must be constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.
- (b) Methods of restraining animals must only be used:
  - (i) when they are suitable for those animals being handled;
  - (ii) where the operators are fully conversant with their safe operation;
  - (iii) if they are in good working order so as to minimise the risk of injury or unnecessary pain or distress;
  - (iv) only for as long as necessary to perform particular husbandry practices; and
  - (v) where they allow the animal to be released immediately if required.
- (c) Animals that are physically restrained must be kept under supervision.
- (d) Electroimmobilisation devices must be used only in a manner that allows animals to breathe normally, demonstrate normal responses to pain and must not be used in place of pain relief when undertaking painful husbandry procedures.
- (e) Sheep or beef cattle to be restrained by tether (e.g. pets or show animals) must have been habituated to being handled in that way.

### Minimum Standard No5. – Food and Water

- (a) All animals must receive sufficient quantities of food and nutrients to enable them to:
  - (i) maintain good health;
  - (ii) meet their physiological requirements; and
  - (iii) minimise metabolic and nutritional disorders.
- (b) All sheep and beef cattle must have access to water, sufficient for their daily needs and that is not harmful to their health.
- (c) If any beef animal shows signs of being very thin, or if the body condition score of an individual beef animal falls to 1 (on a scale of 0-5), urgent remedial action must be taken to improve condition or the animal must be destroyed humanely.
- (d) If any sheep shows signs of being very thin, or if the body condition score of any sheep falls to 1 (on a scale of 0-5), urgent remedial action must be taken to improve condition or the animal must be destroyed humanely.

### Minimum Standard No6. – Shelter

- (a) All sheep and beef cattle must have access to shelter to reduce the risk to their health and welfare caused by exposure to cold.



- (b) Sheep and beef cattle giving birth must be provided with an environment affording the newborn protection from any reasonably expected climatic conditions likely to compromise their welfare and survival.
- (c) Sheep and beef cattle must be provided with means to minimise the effects of heat stress.
- (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.

**Minimum Standard No7. – Injury and Disease**

- (a) Signs of ill-health or injury must result in timely preventative or remedial action, as appropriate.
- (b) Medication must only be used in accordance with registration conditions and manufacturer's instructions or professional advice.

**Minimum Standard No8. – Selection and Breeding Tests**

- (a) Tests for animal performance which have the potential to compromise animal welfare must only be used:
  - (i) where they are necessary (i.e. the outcomes cannot be derived in other, less-harmful ways);
  - (ii) where the tests are likely to result in information appropriate to the selection and breeding objectives; and
  - (iii) where any harm is minimised.
- (b) Identifying animals resistant to disease by dosing or exposing them to the disease-causing organism or conditions must be carried out only in the immediate care of a veterinarian.
- (c) Testing bulls for reproductive soundness by allowing mounting and servicing of a cow must only be conducted:
  - (i) in the immediate care of a veterinarian; and
  - (ii) where mount animals showing signs of distress or trauma are immediately withdrawn from testing and treated appropriately.

**Minimum Standard No9. – Reproductive Technologies**

- (a) Electroejaculation, and laparoscopic artificial insemination must be carried out only by veterinarians, or by trained and competent operators under veterinary supervision, using appropriate pain relief, sedatives or anaesthesia.
- (b) Cervical artificial insemination and pregnancy diagnosis must only be carried out by persons trained and competent with the techniques.

**Minimum Standards No10. – Lambing or Calving**

- (a) Mechanical devices to assist in lambing or calving must only be used if necessary and then by a trained and experienced operator.
- (b) A moving vehicle must not be used to provide traction to assist lambing or calving.

**Minimum Standard No11. – Colostrum**

Artificially reared lambs and calves must receive sufficient colostrum or good quality commercial colostrum substitute to ensure their welfare.

**Minimum Standard No12. – Fostering and Artificial Rearing**

- (a) Where restraint is used to help a ewe or cow to adopt a foster lamb or calf, the animals must be inspected frequently to ensure the dam is not becoming distressed and the lamb or calf is sucking.
- (b) Where young are rejected by the foster dam the lamb or calf must be removed and provided with adequate nourishment, or killed humanely.
- (c) Artificially reared animals must be given suitable liquid feeds until the rumen has developed sufficiently to allow it to utilise pasture and other solids as the sole feed sources.

**Minimum Standard No13. – Identification**

- (a) All identification procedures must be applied by a competent operator.
- (b) Hot branding must only be used with pain relief.

**Minimum Standard No14. – Shearing, Dagging and Crutching**

- (a) Sheep must have access to food and water as soon as possible after shearing.
- (b) All severe cuts or injuries must be treated immediately.

**Minimum Standard No15. – Managing Flystrike**

- (a) All reasonable steps must be taken to prevent, or identify and manage the risk of flystrike in sheep.
- (b) Affected sheep must receive appropriate treatment at the earliest opportunity.

**Minimum Standard No16. – Feeding Pads**

- (a) All animals must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs.
- (b) Sufficient space must be provided to prevent undue competition for feed and water.

**Minimum Standard No17. – Feedlots**

- (a) All animals must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs.
- (b) Stock must be inspected by experienced stock handlers at least once daily for signs of ill-health or failure to adapt to either the feed or the environment.
- (c) Animals failing to adapt must be immediately removed from the situation and provided with alternative feed.
- (d) Sufficient space must be provided to prevent undue competition for feed and water.
- (e) Horned cattle and animals known to be aggressive must be penned separately if there is insufficient space for pen-mates to escape injury.

**Minimum Standard No18. – Housing**

- (a) All animals must be able to lie down and rest comfortably for sufficient periods each day to meet their behavioural needs.
- (b) When housed, sheep and beef cattle must be penned in groups, with individual confinement restricted to those under treatment for ill-health, injury or disease for the minimum period possible.
- (c) Notwithstanding (b), horned cattle and animals known to be aggressive must be penned separately if there is insufficient space for pen-mates to escape injury.
- (d) All fittings and internal surfaces, including entry races and adjoining yards that may be used by the housed animals, must be constructed and maintained to ensure there are no hazards likely to cause injury to the animals.
- (e) Building design, or ventilation must be sufficient to prevent the build-up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (f) If ammonia levels of 25 ppm or more are detected at animal level within the housing, immediate action must be taken to reduce the ammonia levels.
- (g) Natural or comparable artificial lighting must be available during daylight hours.

**Minimum Standard No19. – Pre-transport Selection and Management**

- (a) The person in charge must examine the selected sheep or beef cattle prior to transport, to ensure that all animals are fit and healthy for transportation.
- (b) Animals must be able to stand and be able to bear weight on all four limbs and be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress.
- (c) Animals likely to give birth during the journey must not be selected for transport.

**Minimum Standard No20. – Humane Destruction**

- (a) Sheep and beef cattle must be handled, restrained and killed in such a manner as to minimise unnecessary pain and distress prior to death.
- (b) Persons undertaking destruction must be competent in the handling and killing of sheep and/or beef cattle.
- (c) Beef cattle must be rapidly rendered insensible and remain in that state, until death.
- (d) The spinal cord must not be severed or broken in any animal, until after death.
- (e) Animals rendered insensible by a blow or shot to the brain must be bled out immediately to ensure death occurs before recovery from stunning.

## Animal Welfare (Dairy Cattle) Code of Welfare 2010

### Minimum Standard No1. – Stockmanship

Dairy cattle must be cared for by a sufficient number of personnel, who collectively, possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

### Minimum Standard No2. – Food

- (a) Dairy cattle of all ages must receive sufficient quantities of food and nutrients to enable each animal to:
  - (i) maintain good health;
  - (ii) meet their physiological requirements; and
  - (iii) minimise metabolic and nutritional disorders.
- (b) When the body condition score of any animal falls below 3 (on a scale of 1–10) urgent remedial action must be taken to improve condition.
- (c) Automated feeding systems must be monitored at least once every 24 hours to ensure they are in working order and any problems rectified promptly.
- (d) Feeding must be managed so that any injury and/or conditions resulting in ill-health, as a consequence of the food or feeding methods, are minimised.

### Minimum Standard No3. – Feeding Newborn Calves

To ensure their welfare newborn calves must receive sufficient colostrum or good quality commercial colostrum substitute.

### Minimum Standard No4. – Hand Rearing Calves

A calf must be given suitable liquid feeds until the rumen has developed sufficiently to allow it to utilise solids as the sole feed source.

### Minimum Standard No5. – Water

- (a) All dairy cattle must have access to a daily supply of drinking water sufficient for their needs and that is not harmful to their health.
- (b) The water delivery system must be reliable and maintained to meet daily demand.
- (c) In the event of a water delivery system failure, remedial action must be taken to ensure that daily water requirements are met.

### Minimum Standard No6. – Shelter

- (a) All classes of dairy cattle must be provided with the means to minimise the effects of adverse weather.
- (b) Newborn calves that have been removed from their mothers must be provided with shelter from conditions that are likely to affect their welfare adversely.
- (c) Sick animals and calves that are not suckling their mother must have access to shelter from adverse weather.
- (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.

### Minimum Standard No7. – Farm Facilities

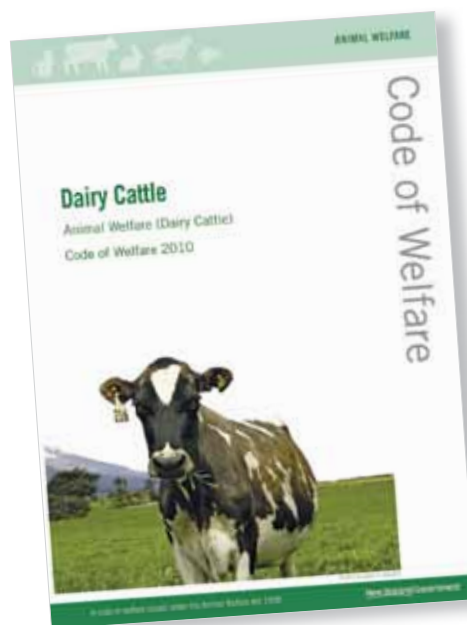
Farm facilities must be constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.

### Minimum Standard No8. – Stand-off areas and Feed pads

Dairy cattle must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs.

### Minimum Standard No9. – Housing Cows and Calves

- (a) Dairy cattle must be able to lie down and rest comfortably for sufficient periods each day to meet their behavioural needs.
- (b) All fittings and internal surfaces, including entry races and adjoining yards that may be used by the





housed animals, must be constructed and maintained to ensure there are no hazards likely to cause injury to the animals.

- (c) Ventilation must be sufficient to prevent a build-up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (d) If ammonia levels of 25 ppm or more are detected within the housing, immediate action must be taken to reduce the ammonia levels.
- (e) All sharp objects, protrusions and edges, including damaged flooring likely to cause injury to dairy cattle, must be removed, repaired or covered.

**Minimum Standard No10. – Stock Handling**

- (a) Dairy cattle must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.
- (b) Dairy cattle must not be prodded in sensitive areas, including the udder, eyes, nose, anus, vulva or testicles.
- (c) Only the minimum force required must be used when moving dairy cattle.

**Minimum Standard No11. – Droving**

- (a) Care must be taken at all times to minimise injury or distress to the animals.
- (b) Droving distance and speed must take account of the conditions and the fitness of the animals.
- (c) Animals which become injured or distressed must be rested and remedial action taken.

**Minimum Standard No12. – Restraint**

- (a) Restraint must be applied in such a way as to minimise stress and risk of injury to the animal.
- (b) Nose rings and equipment used for dairy cattle restraint must be fit for purpose and used in a manner that does not inflict unnecessary pain or distress.
- (c) Dairy cattle restrained for routine procedures must be kept under close supervision.
- (d) Methods of physical restraint must allow for the animal to be easily released.
- (e) Animals that are tethered must be inspected at least once every 12 hours.
- (f) Electroimmobilisation devices must be used only in a manner that allows animals to breathe normally, demonstrate normal responses to pain and must not be used in place of pain relief when undertaking painful husbandry procedures.

**Minimum Standard No13. – Identification**

Hot branding must not be used without pain relief.

**Minimum Standard No14. – Milking**

- (a) All cows must be milked, or suckle calves, frequently enough during lactation to minimise discomfort and maintain udder health.
- (b) Milking equipment must be well maintained to minimise the risk of damage to, and infection of, the teats and udder.
- (c) Milk letdown must not be stimulated by the insertion of water or air into the vagina.

**Minimum Standard No15. – Calving in Dairy Cattle**

- (a) Dairy cows close to calving must be inspected at least twice every 24 hours.
- (b) If during inspection of a cow or heifer calving is not proceeding normally, e.g. she is experiencing vigorous and regular abdominal straining without progress, remedial action must be taken.
- (c) A moving vehicle must not be used to provide traction to assist calving.
- (d) All inductions must be conducted under the direct supervision of a veterinarian.

**Minimum Standard No16. – Caring for Recumbent Cows**

- (a) If hip clamps are used they must be removed if the cow cannot promptly support her own weight.
- (b) Cows must not be transported, so that all her weight is carried by the hip clamps and vehicle.
- (c) Cows suspended in a sling must be able to breathe freely, not suffer unnecessary discomfort, and be lowered from the sling if they are unable to support their own weight after one hour.

**Minimum Standard No17. – Calf Management**

- (a) Premature calves that are unlikely to survive, or calves that have debilitating congenital defects, must be humanely destroyed at the earliest opportunity.
- (b) Calves must be handled and moved in a manner which minimises distress and avoids pain, injury or suffering.

**Minimum Standard No18. – Pre-transport Selection**

- (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.
- (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.
- (c) Any animal likely to give birth during transport must not be selected.
- (d) Every unweaned calf to be transported off the farm must have been fed at least half of that day's ration of colostrum or milk, not more than 2 hours before transportation.
- (e) Electric prodders must not be used to drive calves.

**Minimum Standard No19. – Health**

- (a) Those responsible for the welfare of the dairy cattle must be competent at recognising ill-health or injury and take remedial action as appropriate.
- (b) Veterinary medicines must only be used in accordance with registration conditions, manufacturer's instructions or professional advice.
- (c) Professional advice must be sought where there is any significant injury or disease, or if a problem persists.

**Minimum Standard No20. – Emergency Humane Destruction**

- (a) Dairy cattle must be rapidly rendered insensible and remain in that state, until death.
- (b) Persons undertaking emergency humane destruction must be competent in the handling and killing of dairy cattle.



## Animal Welfare (Meat Chickens) Code of Welfare 2012

### Minimum Standard No1. – Stockmanship

Meat chickens must be cared for by personnel who collectively possess the ability, knowledge and competence necessary to maintain the health and welfare of the chickens in accordance with this code.

### Minimum Standard No2. – Food and Water

- (a) All meat chickens must receive adequate quantities of food and nutrients each day to enable each chicken to:
  - (i) maintain good health;
  - (ii) meet its physiological demands; and
  - (iii) minimise metabolic and nutritional disorders.
- (b) All meat chickens must have continuous access to water that is palatable and not harmful to health.
- (c) Feed and water must be provided in such a way as to prevent undue competition and injury.
- (d) Any meat chicken that cannot access food and water adequately must be removed during daily inspections and raised separately or humanely destroyed immediately.

### Minimum Standard No3. – Shelter for Meat Chickens Outdoors

- (a) All meat chickens must have access to shelter from adverse weather that is likely to cause heat or cold stress, and to reduce the risk of predation.
- (b) Openings provided for chickens to access an outside area must be wide enough to enable chickens to freely move to and from the outdoors at all times without the risk of smothering or injury.
- (c) Where access to outside areas is provided it must be managed to prevent the development around the housing of muddy, dusty or contaminated conditions to an extent that could be harmful to the chickens' health.
- (d) Pre-cautions must be taken to protect chickens from pests, including predators.

### Minimum Standard No4. – Housing and Equipment

- (a) Precautions must be taken to secure the site and buildings at all times in order to protect the health and welfare of meat chickens.
- (b) Meat chicken sheds must be designed, constructed and maintained to:
  - (i) provide insulation, ventilation, heating, lighting, sanitation and hygiene requirements (see Section 4.4. Management of Internal Environment); and
  - (ii) allow ready access for handling and inspection of meat chickens; and
  - (iii) have sufficient height, width and space and entrance size to allow for catching methods that minimise stress on meat chickens; and
  - (iv) allow the distribution of chickens over the floor to be controlled so as to keep chicks within the heated area and prevent crowding of older chickens.
- (c) All surfaces in meat chicken sheds and enclosures must be designed, constructed and maintained to:
  - (i) minimise the risk of injury and disease to meat chickens; and
  - (ii) facilitate cleaning and disinfection of the shed surfaces.
- (d) All equipment used for rearing meat chickens must be inspected regularly throughout the day to ensure correct operational functions, and if required appropriate remedial action undertaken.
- (e) Meat chicken sheds must be subject to a pest (e.g. wild birds, mustelids, rodents) control plan.
- (f) All meat chicken sheds must be sited to minimise risks of natural and environmental hazards such as storm water drainage, extreme winds and to allow for appropriate management of dust.
- (g) Controlled environment housing must have alarms that warn of power failure and/or significant temperature variance.



**Minimum Standard No5. – Contingency Planning**

- (a) Persons in charge of chickens must have contingency plans to address events such as delays in transport and plant breakdown. Drivers of conveyances must be properly briefed on any contingency plan in place.
- (b) Alternative means of maintaining ongoing environmental control and provision of food and water must be available in case of emergencies, including power or computer failure or mechanical breakdown.
- (c) Appropriate fire prevention measures and a fire emergency plan must be in place.

**Minimum Standard No6. – Lighting**

- (a) Lighting intensity for the first four days after placement of the chicks in the brooding area must be sufficient to enable the chicks to learn the locations of food and water. This four day training period must include at least one hour of continuous darkness each day, to accustom the meat chickens to blackout conditions and to prevent panic should lighting fail.
- (b) After the training period described in (a) above, lighting patterns must encourage activity and provide a minimum period of darkness each day to ensure adequate rest in chickens, such that:
  - (i) if only four hours of darkness is provided it must be continuous;
  - (ii) if more than four hours of darkness is provided, each dark period must be a minimum of three continuous hours.
- (c) Lighting levels during the lights-on period must allow the chickens to see one another and to visually inspect their surroundings.
- (d) Lighting levels during inspections must be sufficient to stimulate activity of the chickens and allow chickens and equipment to be inspected.

**Minimum Standard No7. – Ventilation**

- (a) Adequate ventilation must be provided in order to prevent the build-up of heat, humidity, dust and noxious gases to levels that are harmful to chicken health or that cause pain or distress to chickens.
- (b) Immediate and appropriate action must be taken to reduce ammonia levels if they exceed 20 ppm at chicken head height.

**Minimum Standard No8. – Temperature**

- (a) Temperature in sheds must be maintained within a range that ensures good health and welfare of chickens.
- (b) Where evidence of temperature- induced distress is observed, remedial action must be taken immediately to rectify ambient temperature and mitigate effects on chickens.
- (c) The brooder areas must be pre-heated before placement of chicks and the temperature maintained at a level that promotes good chick health and welfare.

**Minimum Standard No9. – Litter Management**

- (a) Litter must be of good quality material, friable, and with minimal risk of toxic agent contamination.
- (b) Meat chicken shed floors must be completely covered with litter.
- (c) Litter must be managed to avoid levels of dustiness or dampness sufficient to cause leg, respiratory or other health problems.

**Minimum Standard No10. – Stocking Densities**

- (a) Chickens must be managed at a stocking density that takes account of growth rate, competition for space, access to feeders and water, air temperature and quality, humidity, litter quality and activity levels, so as to maintain good health and welfare.
- (b) Notwithstanding (a), stocking density in sheds must not exceed 38kg of live weight per square metre of floor space.
- (c) Outdoor stocking density must not exceed the capacity of the outside area or cause overcrowding.

**Minimum Standard No11. – Providing for Behavioural Needs**

- (a) Chickens must have the opportunity to express their normal behaviours. These include, but are not limited to, feeding, drinking, sleeping, preening, walking, scratching, ground pecking, leg stretching, and vocalisation.

**Minimum Standard No12. – Physical Handling**

- (a) Chickens, including chicks in hatching trays, must be moved and handled at all times in a manner that minimises the risk of falls, pain and distress and avoids injury.
- (b) Chickens, excluding day-old chicks, must not be carried by the wings or neck.
- (c) Stress of handling must be minimised by appropriate design of facilities and training of personnel.

**Minimum Standard No13. – Catching, Loading and Transport**

- (a) All members of the catching and transporting crews must be supervised and correctly trained in the handling of chickens.
- (b) A nominated member of the catching team must be responsible for supervising, monitoring and maintaining high welfare standards throughout the catching process and loading of chickens onto the transport vehicle.
- (c) Food must not be withheld from chickens for more than 12 hours prior to arrival at the processing plant.
- (d) Chickens must have access to water until the time of catching.
- (e) A catcher must carry no more than four chickens in each hand at any one time.
- (f) Crates and containers must be constructed and maintained to ensure there are no hazards likely to cause injury to the chickens.
- (g) Maximum densities in crates used to transport chickens must not exceed 65 kg per square metre.
- (h) Chickens must be placed into crates in such a way that they can rapidly obtain and maintain an upright position.
- (i) Crates and containers containing chickens must be placed directly, and not thrown or dropped.
- (j) Chickens that are injured during the catching and loading procedures must be humanely destroyed immediately.
- (k) Conveyances and containers must have adequate ventilation to allow the free flow of air to all chickens, even when stationary, to prevent the build-up of harmful concentrations of gases or water vapour or temperature.
- (l) Day-old chicks must be held and transported in conditions of controlled temperature and airflow.

**Minimum Standard No14. – Management of Health and Injury**

- (a) Those responsible for the care of meat chickens must be competent at recognising the signs of good health, and injury and must consult a veterinarian as appropriate.
- (b) Meat chickens must be inspected at least once daily for evidence of ill-health or injury, including any obvious gait deficient and any ill, injured or severely lame chickens must be treated or humanely destroyed immediately.
- (c) Medication must only be used in accordance with registration conditions, and the manufacturer's instructions of professional advice.
- (d) When early signs of a disease outbreak are detected, or mortality level within a shed exceeds 1% in a 24 hours period, or the number of culls for lameness is higher than expected for the age and strain of chickens, the cause must be investigated and remedial action taken promptly.

**Minimum Standard No15. – Emergency Humane Destruction**

- (a) The method(s) used for the humane destruction of meat chickens, including unhatched eggs in the last half of incubation and day-old chicks, must ensure rapid death, which is confirmed by inspection.
- (b) People undertaking humane destruction must be appropriately trained and must ensure that chickens are handled gently and calmly at all stages of the process.
- (c) Any equipment used to undertake humane destruction must be well maintained and not overloaded, so that it operates effectively and efficiently.
- (d) Maceration equipment used for humane destruction must be designed to cause very rapid and complete fragmentation of the material into small particles.
- (e) When using gas, the procedure must ensure the collapse of every chicken within 25 seconds of exposure to the gas. Chickens must remain in the gas for at least a further two minutes following collapse and be inspected to ensure that they are dead upon removal from the gas.





## Animal Welfare (Goats) Codes of Welfare 2012

### Minimum Standard No1. – Stockmanship

Goats must be cared for by a sufficient number of personnel, who collectively possess the ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

### Minimum Standard No2. – Animal Handling

- (a) Goats must be handled at all times in such a way as to minimise the risk of pain, injury or distress.
- (b) Goats must not be prodded in sensitive areas, including the udder, eyes, nose, anus, vulva or testicles.
- (c) Only the minimum force required must be used when moving goats.
- (d) Electronic goads must not be used on goats.

### Minimum Standard No3. – Restraint and Tethering

- (a) Equipment used for restraining goats must be fit for purpose and applied in such a manner that stress and risk of injury to the goat are avoided.
- (b) Methods of mechanical restraint must allow for the animal to be released quickly.
- (c) Goats that are restrained by tethering must be:
  - (i) placid and trained to the conditions;
  - (ii) provided with constant access to palatable water, sufficient food and effective shelter;
  - (iii) able to walk and move around without undue hindrance; and
  - (iv) inspected at least once every 12 hours.
- (d) Kids, sick goats, pregnant or nursing does, or goats physiologically compromised in any other way must not be tethered.
- (e) Tethers used on goats on roadside verges must prevent goats from getting into the path of vehicles.

### Minimum Standard No4. – Mustering and Drovers

Goats being moved on foot must not be forced to proceed at a pace likely to cause exhaustion, heat stress or injury.

### Minimum Standard No5. – Mixing Goats

Where goats are mixed, they must be managed to minimise the effects of aggression.

### Minimum Standard No6. – Food

- (a) Goats of all ages must receive sufficient quantities of food and nutrients to enable each animal to:
  - (i) maintain good health;
  - (ii) meet their physiological requirements; and
  - (iii) minimise metabolic and nutritional disorders.
- (b) If any goat shows signs of emaciation, or if the body condition score of any individual goat (other than kids or yearlings) falls below 2 (on a scale of 0-5), urgent remedial action must be taken to improve condition or the animal must be destroyed humanely.
- (c) Automated feeding systems must be checked at least once every 24 hours to ensure they are in working order and any problems rectified promptly.

### Minimum Standard No7. – Water

- (a) All goats must have access daily to a reliable supply of drinking water that is palatable, sufficient for their needs, and not harmful to their health.
- (b) In the event of a water delivery system failure, remedial action must be taken to ensure that daily water requirements are met.
- (c) Any goats retained in yards or barns for longer than 12 hours must have access to drinking water.
- (d) The water delivery system must be at a height that is accessible to all goats being supplied.

### Minimum Standard No8. – Shelter

- (a) All goats must have access to shelter to reduce the risks to health and welfare caused by exposure to cold or heat.
- (b) Goats close to kidding must be provided with effective shelter to shield the dam and newborn kid from weather conditions.





- (c) Very young kids that have been removed from their mothers for hand rearing must be provided with shelter at all times.
- (d) Newly shorn goats must be provided with extra feed and effective shelter until their fleece has regrown sufficiently to provide some protection.
- (e) Where animals develop problems associated with exposure to adverse weather conditions (including adverse heat or cold), priority must be given to remedial action that will minimise the consequences of such exposure.

**Minimum Standard No9. – Farm Facilities**

- (a) All facilities must be designed, constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.
- (b) All electronic fittings and attachments to mains voltage must be out of reach of goats, or protected from interference or damage by goats.
- (c) Floors must be constructed of a non-slip material.

**Minimum Standard No10. – Housing for Goats**

- (a) Goats must be able to lie down and rest comfortably for a sufficient time each day to meet their behavioural needs.
- (b) Group housed goats must be able to stand, move about and lie down without undue interference from each other.
- (c) Bedding must be of good quality material, friable, and with minimal risk of toxic agent contamination.
- (d) Goats must be inspected at least once a day in the housing area for signs or discomfort or distress.
- (e) Ventilation control or other measures must ensure that housed goats do not become overheated or cold stressed and prevent a build up of harmful concentrations of gases such as ammonia and carbon dioxide.
- (f) Immediate and appropriate action must be taken to reduce ammonia levels if they exceed 25ppm at goat level.
- (g) Goats must be managed in groups of suitable size and age and with regard to whether they have horns, to minimise injuries resulting from aggressive behaviour.
- (h) Goats must not be released from prolonged periods indoors without ready access to shelter and shade.
- (i) Goats must be provided with natural or artificial light of appropriate intensity for a minimum of nine hours each day.

**Minimum Standard No11. – Kidding Does**

- (a) Intensively farmed goats must be inspected frequently before and after kidding to ensure that they are not experiencing difficulties.
- (b) If any doe is having difficulty kidding and the stock handler is unable to resolve the problem, expert advice must be sought as soon as possible, or the animal humanely destroyed.
- (c) Excessive traction must not be used to kid any doe.

**Minimum Standard No12. – Hand Rearing and Fostering Kids**

- (a) Premature kids that are unlikely to survive, and kids that have debilitating congenital defects, must be humanely destroyed immediately.
- (b) Kids must be handled and moved in a manner that minimises distress and avoids injury or suffering.
- (c) Newborn kids must receive sufficient colostrum or a good quality commercial colostrum substitute.
- (d) Hand-reared kids must be given suitable liquid feeds until the rumen has developed sufficiently to allow it to use solids as the sole feed source.

**Minimum Standard No13. – Milking**

- (a) All does must be milked or suckle kids frequently enough during lactation to minimise discomfort and maintain udder health.
- (b) Milking equipment must be well maintained to minimise the risk of damage and infection of the teats and udder.

**Minimum Standard No14. – Shearing and Dagging Fibre Goats**

- (a) Fibre goats must be shorn as frequently as is necessary to mitigate animal health and welfare concerns from long fleeces.
- (b) In winter and in districts subject to cold or wet weather, fibre goats must be shorn in a way that ensures that they retain an insulating layer of fibre e.g. patch shearing or by using snow or cover combs, lifters or blade shears.

- (c) Goats must not be shorn if the forecast is for cold wet weather, unless the animals are provided with adequate shelter to minimise the risk of hypothermia.
- (d) Goats must be provided with sufficient shelter and additional feed, (especially hay or other suitable fibre) after shearing to minimise the risk of hypothermia.
- (e) All severe cuts or injuries must be treated immediately.

**Minimum Standard No15. – Reproductive Technologies**

- (a) Electroejaculation and laparoscopic artificial insemination must be carried out only by veterinarians, or by trained and competent operators under veterinary supervision, using appropriate pain relief, sedatives or anaesthesia.
- (b) Cervical artificial insemination and pregnancy diagnosis must only be carried out by persons trained and competent with the techniques.

**Minimum Standard No16. – Identification**

- (a) All identification procedures must be applied by a competent operator.
- (b) Pain relief must be used with hot or freeze branding.

**Minimum Standard No17. – Pre-transport Selection**

- (a) All goats selected for transport must be examined by the person in charge prior to loading to ensure that they are fit for transport and are able to withstand the journey without suffering unreasonable or unnecessary pain or distress.
- (b) Any animal likely to give birth during transport must not be selected.
- (c) Every unweaned kid to be transported off the farm must have been fed at least half of that day's ration of colostrum or milk, not more than two hours before transportation.

**Minimum Standard No18. – Health**

- (a) Those responsible for the welfare of goats must be competent at recognising ill-health or injury and take prompt remedial action as appropriate.
- (b) Any injured or ailing goat must be immediately treated by a knowledgeable and competent stock handler or be destroyed humanely.
- (c) A veterinarian must be consulted if there is any significant disease or injury or if an animal health problem persists in spite of treatment.

**Minimum Standard No19. – Emergency Humane Destruction**

- (a) Goats must be rapidly rendered insensible and remain in that state, until death.
- (b) Persons undertaking emergency destruction must be competent in the handling and killing of goats.
- (c) The spinal cord must not be severed or broken in any goat, until after death.



## Animal Welfare (Painful Husbandry Procedures) Code of Welfare 2005

### Minimum Standard No1. – 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 though reduced susceptibility to ill-health, injury or compromised welfare; or
- (ii) facilitate advantageous farm management systems; or
- (iii) result in an enhanced animal product; or
- (iv) result in reduced safety risk to humans.

### Minimum Standard No2. – Minimising Harmful Consequences

- (a) Painful husbandry procedures must not be performed on newborn animals less than 12 hours old, where handling, pain and post-operative complications are likely to compromise survival through impaired 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.

### Minimum Standard No3. – Castration and Shortening of the Scrotum (cryptorchid)

- (a) 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 of the health and welfare of the animal.
- (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.
- (c) When castrating or shortening the scrotum of any animal over the age of six months, pain relief must be used.
- (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.
- (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.
- (f) If high tension bands are used to castrate an animal:
  - (i) local anaesthetic must be used (at any age) to provide pain relief; and
  - (ii) the band must be positioned on the scrotal neck as close to the testes and far away from the abdomen as possible.

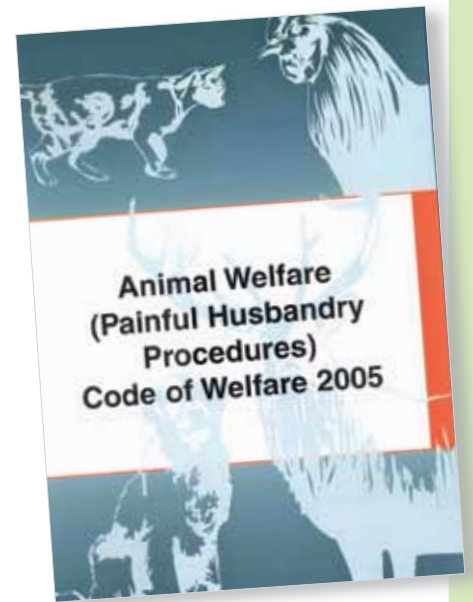
### Minimum Standard No4. – Tail Docking

#### Sheep

- (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.
- (b) While complying with Minimum Standard 2(a), tail docking without pain relief must be performed when the sheep are as young as possible, and not greater than six months of age.
- (c) When tail docking a sheep over the age of six months, pain relief must be used.

#### Cattle

- (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:
  - be left to drop off on its own accord, or
  - 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.



### **Minimum Standard No5. – Disbudding and Dehorning**

- (a) Animals with intact or ‘tipped’ horns must be managed to minimise the risk of injury to other animals.

#### **Disbudding**

- (b) When disbudding is performed, the following must apply:
- (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; and
  - (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
  - (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.

#### **Dehorning**

- (c) When dehorning is performed, the following must apply:
- (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, and
  - (ii) Dehorning without pain relief must be performed when animals are as young as possible, and not greater than nine months of age,
  - (iii) When dehorning any animal over the age of nine months, pain relief must be used.

### **Minimum Standard No6. – Operator Training, Stockmanship and Facilities**

- (a) Owners or persons in charge of animals upon which painful husbandry procedures are to be undertaken, must ensure that they or their personnel have either the relevant knowledge and training or appropriate supervision, and suitable equipment, to ensure that the health and welfare needs of the animals in their care are met.
- (b) Persons undertaking painful husbandry procedures must be –
- (i) experienced, or have received training, with the correct use of the particular technique and its variations; and
  - (ii) to be able to recognise early signs of significant distress, injury or ill-health so that prompt remedial action can be taken or advice sought.
- (c) All equipment must be maintained in full working order.
- (d) Appropriate standards of cleanliness and hygiene must be observed at all times.
- (e) Where used, handling facilities must allow the procedure to be undertaken with minimal compromise to the health and welfare of the animals.
- (f) Handling facilities must be sited, constructed, maintained and operated so as to minimise the risk of injury and avoid unnecessary distress to the animals.



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

### Minimum Standard No1. – Competency and Stockmanship

At every stage of transport, animals must be cared for by a sufficient number of personnel, who collectively possess the appropriate ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this code.

### Minimum Standard No2. – Conveyancing and Container Design and Maintenance

- (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 under the conditions in which they are expected to function.
- (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.
- (c) Containers must be constructed and maintained to ensure they present no hazards that are likely to cause injury to the animals.
- (d) Containers must be designed to ensure enough room to enable animals to travel in a natural posture.
- (e) Conveyances and containers must be designed to ensure adequate ventilation or oxygenation to allow the free flow of air or oxygen to all animals, even when stationary, to prevent the build-up of harmful concentrations of gases or impurities, water vapour or temperature.
- (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.
- (g) Containers must be secured so that they do not move when underway.

### Minimum Standard No3. – Loading and Unloading Facilities

- (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.
- (b) Loading and unloading facilities must allow close alignment between the conveyance and the loading ramp.
- (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.

### Minimum Standard No4. – Journey Planning and Documentation

- (a) Transport must be planned to minimise the risk of injury, fatigue or metabolic and nutritional disorders.
- (b) Operators of conveyances, or their agents, must hold details of the number, type and any special requirements of animals that they transport.
- (c) All required documentation must be completed and accessible to the relevant personnel prior to embarking and during travel, so that incomplete or inaccessible documentation does not cause any delay in animals reaching the destination or being unloaded at the destination.
- (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.
- (e) Operators of commercial conveyances must be briefed on the contingency plan in advance of journeys.
- (f) Any deaths occurring during travel must be recorded.





**Minimum Standard No5. – Preparation of Animals for Transport**

- (a) Animals must be appropriately prepared for transport, including through the provision of sufficient food and water, as appropriate to 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.
- (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.

**Minimum Standard No6. – Selecting and Accepting Animals for Transport**

- (a) Proper care must be taken when deciding whether it is appropriate to transport young, old, pregnant or otherwise physiologically or behaviourally compromised animals.
- (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.
- (c) Animals must not be transported unless they are fit enough to withstand the entire journey without suffering unreasonable or unnecessary pain or distress.
- (d) Animals to be transported must be able to stand and to bear weight evenly on all limbs.
- (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.
- (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 antler removed, except yearling deer where approved rings have been used.
- (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.

**Minimum Standards No7. – Loading and Unloading**

- (a) Animals must be loaded and unloaded in a way that minimises the risk of pain, injury or distress to the animals.
- (b) Only the minimum force required must be used when moving animals.
- (c) 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) the safety of the handler or another person is at risk; or
  - (ii) they are essential to move difficult animals.
- (d) Goads must not be used on the most sensitive areas of animals, including eyes, nose, anus, vulva, udder and testicles.
- (e) Electric prodders must not be used on animals other than adult cattle.
- (f) Animals that are likely to cause injury or distress to other animals must be kept separate prior to and during loading, and when loaded into transport containers, unless there is sufficient space for the other animals to escape injury. This includes animals with horns, tusks or antlers, and animals known to be aggressive.
- (g) Animals in pens or yards must not be overcrowded to the extent that it prevents them from being able to move from handlers or other animals where this is likely to contribute to distress and injury.
- (h) Animals must not be thrown or dropped, or be lifted or dragged by their tail, head, horns, ears, limbs, wool, hair or feathers.
- (i) Animals must not be secured to conveyances or containers by a nose ring.
- (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.
- (k) Animals of different species must not be transported in the same container, except where individual animals are known to be compatible.

**Minimum Standard No8. – Ventilation**

- (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.
- (b) Ventilation during travel and rest must be appropriate to maintain the body temperature within the normal range for the species.



- (c) Where animals show signs of heat or cold stress or distress from exposure to noxious gases, immediate corrective action must be taken.

**Minimum Standard No9. – Monitoring Animals**

- (a) Animals must be inspected for injury or signs of pain or distress at regular intervals during the journey, including at rest breaks taken by the operator of the conveyance and at refuelling stops.
- (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 euthanased as soon as practicable.
- (c) The time and place of inspection, and any details and incidents causing pain or distress to animals, must be recorded.

**Minimum Standard No10. – Food, Water and Rest**

- (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.
- (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 which the animals are accustomed, a period of pre-conditioning to the new feed must be undertaken prior to transport.
- (c) Animals must be rested as required for the species, age, physical state and condition of the animal. If animals are not able to rest during travel, they must be unloaded and rested as frequently and for as long as required to meet their needs.
- (d) Unweaned animals must be fed within a maximum of 28 hours after loading for transport, if not slaughtered beforehand.

**Minimum Standard No11. – Transport by Road**

Vehicles carrying animals must be operated in a manner that does not cause animals to fall or be injured during travel.

**Minimum Standard No12. – Transport within New Zealand Waters**

- (a) For a journey longer than 24 hours (including any travel on land), the following requirements relating to the provision of food and water must be met:
  - (i) ruminants must be held off pasture, with water and dry feed provided, for a minimum of 12 hours before travel; and
  - (ii) animals must be loaded in such a manner that they can be provided with food and water on board, unless they are to be unloaded for feeding and watering; and
  - (iii) food and water must be available to all animals on board after departure, or at resting points if animals are to be unloaded for feeding and watering; and
  - (iv) food and water consumption must be monitored and recorded daily; and
  - (v) animals must be loaded to a density that allows them to rise unassisted and move freely within the pen to access food and water.
- (b) The driver and/or stock attendant must be available during the voyage to provide care during transit. The master must allow these people access to the animals for inspections and appropriate treatment, if circumstances allow.
- (c) Drivers of vehicles on a roll-on roll-off vessel must carry out an inspection of animals before leaving the vehicle deck at the start of the sea journey and before driving the vehicle off or within 15 minutes after leaving the vessel.
- (d) Ventilation or oxygenation, including ventilation in enclosed vehicles and the vehicle deck on ships, must be sufficient to maintain air or water quality and air or water temperature at levels that avoid pain, distress or lasting harm.
- (e) If animals are shipped on unmanned barges, there must be adequate provision for regular monitoring and any remedial action that is required, to ensure welfare is not compromised.

**Minimum Standard No13. – Emergency Humane Destruction**

- (a) Equipment kept for emergency humane destruction must be well maintained in order to operate efficiently.

- (b) Animals to be killed must be handled, restrained and killed in a manner that minimises unnecessary pain and distress prior to death.
- (c) Animals being killed must be rapidly rendered insensible and remain in that state, until death has occurred.
- (d) The spinal cord must not be severed or broken in any hoofed animal, until death has occurred.
- (e) Animals rendered insensible by a blow to the head or a shot to the brain from a firearm must be bled out immediately to ensure death occurs before recovery from stunning.

