

**DAIRY COMPANIES ASSOCIATION OF NEW ZEALAND SUBMISSION ON:**  
**ANIMAL WELFARE REGULATIONS**  
**19/05/2016**

### Introduction

The Dairy Companies Association of New Zealand (DCANZ) appreciates the opportunity to make a submission on MPI Discussion Paper No 2016/12 *Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)*, in light of the relevance and importance they have to our member companies. DCANZ member companies collectively account for over 98% of the milk processed in New Zealand and the vast majority of New Zealand's dairy exports.

The dairy industries commitment to good animal welfare outcomes is reflected in these outcomes being a dedicated theme within the Strategy for Sustainable Dairy Farming. This strategy, to which DCANZ is a partner alongside DairyNZ and Federated Farmers, has a stated objective for New Zealand dairy farmers to farm to high standards of animal health, welfare and wellbeing. It also sets a target for 100% compliance to New Zealand animal welfare standards.

DCANZ values New Zealand's reputation as a country with strong outcome focused animal welfare frameworks. We support the Government's intent to reinforce New Zealand's frameworks with a robust and well targeted compliance regime.

DCANZ comments on the consultation document are focused on areas of relevance to dairy animals. We note the importance of all of the proposed detail, but focus our comments on those areas where we have a particular perspective to add.

At a high level, we are supportive of the general thrust of the proposals. Our specific comments focus on areas of detail within the proposed package where we consider that changes are important to provide clarity, better achieve targeted outcomes, and/or avoid unintended consequences.

We acknowledge the significant work that MPI officials have put into this consultation process.

The contact for this submission is:

Kimberly Crewther

Executive Director

Dairy Companies Association of New Zealand

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## Changes to the Act not yet in force:

### *Question 1 – Timing for bringing changes to the Act, not yet in force, into force*

DCANZ sees no reason why the changes to the Act, which are not yet in force, should not be brought into force in at the same time as the regulations. We support the changes to update the functions of NWAC to include making recommendations to the Minister relating to the making of regulations under section 183B, and also support the change to provide that the Minister consults when making regulations and Orders in Council.

## PROPOSED REGULATORY PACKAGE

### *Questions 3 & 4 - Scope of matters for regulation*

DCANZ considers that MPI, in consultation with NWAC, have appropriately identified the main areas of the Codes which can be prescribed in regulation, without risking perverse and unintended consequences whilst still maintaining the overarching outcome focus within the New Zealand animal welfare frameworks.

We also suggest that at some point in the future body condition score could be given further consideration, for the practicality of regulatory prescription. Specifically, the potential benefits of infringement provisions to address body condition scores of less than 3 in cattle should be considered in future reviews of Animal Welfare Regulations.

### *Question 5 & 6 – Are there any proposed regulations set out in Part B that should not be regulated?*

DCANZ considers that Proposal 38, which specifies lameness scores for animals to be transported, should not be progressed further. The intent of this proposal is achieved by Proposal 39 by a more appropriate means. We support the technical explanations provided by DairyNZ in its submission on this point.

DCANZ's suggests that the proposal for Young Calves – Duration of Transport is not progressed at this time.

To reiterate; DCANZ strongly supports the **intent** of this proposal, to safeguard the welfare of young calves. However, we **note**, from the consultation discussions, that there is still significant uncertainty as the impact that an 8 hour limit on transport time for young calves could have on waiting times for calves at slaughter, or on bobby calf collection options for farmers who are located further away from the main bobby calf processing facilities.

Accordingly we suggest a staged approach for regulating young calf transport whereby:

- the 24 hour feeding limit is adopted as regulation now, with an appropriate transition timeframe; and
- further work is completed to ensure the proposed regulation of transport time can be practically implemented in a way that supports avoidance of unintended consequences in relevant areas of young calf welfare;

An alternative to the approach outlined above would be to adopt this proposal now, with an accompanying provision for companies to gain exemptions in specific circumstances.

We also suggest consolidation of proposals 43 and 44 into a single regulatory requirement.

#### *Question 7 – Use of non-regulatory mechanisms*

The dairy industry regularly uses non regulatory mechanisms to target the adoption of best practice for animal welfare within our sector. An example is the cow body condition scoring programme which DairyNZ currently has underway.

Best practice can, and does, evolve. Accordingly, we support the encouragement of the use of non-regulatory mechanisms being encouraged by regulators. Regulation should be targeted on breaches of minimum standards, where they are able to be prescribed without creating other unintended consequences.

### **COMPLIANCE AND ENFORCEMENT REGIME**

#### *Question 9 & 10– Infringement and offences*

DCANZ generally supports the proposed fees for breaches of the proposed regulations.

We understand that the proposals provide for the escalation within the compliance model in instances where there are significant numbers of animals involved, significant impacts on those animals involved, or patterns of recidivist behaviour.

#### *Question 11 – Strict Liability*

We suggest that both the intent and attitude of the person involved to the infringement or offence should be taken into account when considering escalation within the compliance model.

#### *Question 12 & 13 Enforcement discretion*

DCANZ agrees with the following defences:

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

In relation to ‘all reasonable steps’ we support the development of guidance material to accompany the regulations (perhaps in the Codes) that provides clarity for animal owners, and persons in charge of animals, of what could be considered “reasonable” from their individual perspectives.

We believe this is important in light of increasingly complex ownership structures within the farming industry, where farmers may not be involved in the day to day running of the operation, and to ensure fair and reasonable treatment for all parties under this joint liability regime.

DCANZ considers that it would be a second best outcome for the determination of ‘all reasonable steps’ to be left to case-law-precedent.

As a starter for consideration we suggest the following detail for guidance:

Considerations for determining if parties have 'taken all reasonable steps'	
Owner	Person in charge
<ul style="list-style-type: none"> <li>• <i>The owner had laid down clear expectations and standards for the treatment of the animals they owned and the person in charge of the animal was clearly notified of these as part of the contract through which they are engaged to be in charge of the animals; and</i></li> <li>• <i>The owner has provided sufficient investment into necessary procedures, inputs and infrastructure to support appropriate animal welfare outcomes. Depending on the circumstance to which the proceeding relates, factors to be considered include:</i> <ul style="list-style-type: none"> <li><i>i. Provision of animal feed and veterinary medicines or expertise.</i></li> <li><i>ii. Investment in water infrastructure and its maintenance.</i></li> <li><i>iii. Provision of shelter and shade as appropriate.</i></li> <li><i>iv. Provision of training for staff, including ensuring awareness of appropriate support mechanisms.</i></li> <li><i>v. Evidence that owners have mechanisms in place to monitor outcomes and inform any necessary remedial action.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <i>The person in charge has acted in accordance with the animal welfare codes, and relevant industry guidelines, in their handling of animals;</i></li> <li>• <i>The person in charge has reported to owners the potential for an issue to arise as a result of:</i> <ul style="list-style-type: none"> <li>○ <i>Facilities – including handling facilities and shade and shelter.</i></li> <li>○ <i>Insufficient supply of feed, water, and/or veterinary inputs.</i></li> </ul> </li> <li>• <i>The person in charge has sought assistance in instances where their knowledge or access to inputs is insufficient to ensure welfare outcomes.</i></li> </ul>

## Implementation

### Question 14 – lead-in periods?

DCANZ supports there being transition timeframes for implementation of the following proposals:

- **43 – Young Calves – Loading and Unloading Facilities** – we recommend a two year transition period to enable farmers to implement the most appropriate structures. This recognises that there will be better long-term outcomes if there is opportunity to allow design innovation. It also notes that farmers may need to apply for building permits before completing the necessary work and that there is capital expenditure involved.
- **47 – Young Calves – Maximum time off feed** – We suggest a 6 month lead-in period to enable contract adjustments to be made within the meat supply chain to enable and support implementation of this requirement.

- **68 – Cattle, Sheep & Goats – Disbudding** – We suggest a lead in period of 12 months. This will enable farmers to plan for changes to their systems.

*Question 15 & 16– What happens to the existing Codes?*

We support the Codes being amended in a combination of the following ways:

- Where a regulation contains a higher threshold than a minimum standard in the Code, the Code will be amended to indicate that this is the case, but will retain its existing minimum standard unless there is a science or evidence based reasoning for it to be changed.
- Where a regulation is more specific than a minimum standard then the minimum standard may remain in place in order to capture the wider intent.

We note that the first bullet point above suggests a slightly different approach that is set out in the consultation document. The reason for this is to ensure that the Codes continue to be a robust reference point for science and evidence based minimum standards. Regulations may need to go beyond the evidence based minimum standard for a variety of reasons, (noting that the regulatory proposal for a 24 hours maximum feeding time is explained in the consultation document as aligning with 'best practice' ) but this in itself should not change the evidence based minimum standard which is set out in the Codes.

We support the retention of the Codes as a science and evidence based point of reference for both minimum standards and best practice. Amendment could indicate specific minimum standards now included in regulation.

We note that some elements of the current consultation document refer to societal perception factors. DCANZ supports the Codes maintaining their strong evidence and science based underpinning. Reflection of commentary around perception issues should be avoided in the Codes, given they are themselves a factual information reference point which informs understanding.

**Monitoring and Review**

We support MPI convening relevant stakeholder workshops in a similar format to the workshops convened for this current consultation, to discuss and receive feedback on the regulations. We have found the workshop approach taken in this consultation to be valuable in identifying and teasing out issues and solution options.

**Care & Conduct regulatory proposals**

Proposal	DCANZ Position
<b>1 All Animals – Electric prodders</b>	<p>DCANZ <b>supports</b> the proposed regulation of use of electric prodders as an infringement offence with a fine of \$300.</p> <p>We defer to DairyNZ’s technical input with regard to the additional questions asked. But request that further consideration is given to the weight threshold for electric prodders to be used on cattle. Specifically we note that 100 kg is a relatively small cattle beast (usually around</p>

	weaning age).
<b>2 All Animals – use of goads</b>	<p>DCANZ <b>supports</b> the proposal to make the use of goad to prod an animal in the udder anus, vulva, scrotum or eyes, an infringement offence with a fine of \$300.</p> <p>The only circumstance in which we consider it would be justified to use a goad in a in sensitive areas is if there is serious and immediate risk to human or animal life.</p>
<b>31 Cattle Milk Stimulation</b>	<p>DCANZ <b>supports</b> the prohibition on stimulating milk let-down by inserting water or air into a cow’s vagina. We agree that there are other more appropriate means of stimulating milk let-down, such as the use of oxytocin. DCANZ agrees with the proposal to make this an infringement offence with a fine of \$300 and no criminal conviction.</p> <p>As the consultation document notes this is an outdated practice. We consider that regulation will provide additional clarity to the small minority of industry participants who may consider using it, that it is not acceptable.</p>
<b>32 Vehicular traction in calving or lambing</b>	<p>DCANZ <b>supports</b> the prohibition on use of vehicular traction on calving or lambing animals. We agree that this risks injury to both cow/sheep and calf/lamb. DCANZ agrees the proposal to make this an infringement offence with a fee of \$500.</p> <p>DCANZ has no information to suggest that this is a practice that is occurring in the dairy industry. Regardless of frequency we support its regulation to provide additional clarity to the very small minority of industry participants who may consider it, that it is not acceptable.</p>
<b>33 Ingrown Horns</b>	<p>DCANZ <b>supports</b> the proposal to make failure to treat an ingrown horn an infringement offence with a fee of \$500 and no criminal conviction.</p> <p>We defer to DairyNZ with respect to views on when it is reasonable to have noticed an ingrown horn, and support their proposed amendment to the wording of the proposal to clarify ‘an ingrown horn that has broken the skin or is touching the eye’.</p>
<b>34 Stock transport - Cuts and abrasions</b>	<p>DCANZ <b>supports</b> the regulatory proposal that transport must not result in cuts or abrasions. We support this being an infringement offence with a fine of \$500 and no criminal conviction.</p> <p>We are, however, concerned that there are instances where cuts and abrasions may occur with no fault to either the owner or the person in charge of the animals (who in this instance we consider to be the stock transporter). For example, an accident or near accident caused by another road user. We suggest that there is a need to define what is ‘reasonably practicable’ with respect to this offence or to provide a clear exemption to cover these circumstances.</p>
<b>35 Stock transport – Animals with ingrown</b>	<p>DCANZ <b>supports</b> the requirements for animals with an ingrown or bleeding horn to be certified as fit for transport by a veterinarian. We</p>

<p>horns &amp; 36 Stock transport – Animal with bleeding horns and antlers</p>	<p>support this being an infringement offence with a fee of \$500.</p>
<p>38 Stock transport – Lame cattle, deer, pigs and goats &amp; 39 Stock transport – Animals that cannot bear weight evenly due to injury</p>	<p>DCANZ suggests that the proposals 38 and 39 are combined into a single regulatory requirement that: <i>animals that cannot bear weight on all four limbs not be transported except when certified as fit for transport by a vet</i>.</p> <p>We support the technical reasoning provided by DairyNZ for removing the proposal to related to lameness scores and request that proposal 38 is not progressed further.</p> <p>We would support this consolidated regulation being an infringement offence with a fee of \$500.</p>
<p>40 Stock transport – Pregnant animals</p>	<p>DCANZ supports the proposed regulatory restriction on transporting a cattle beast, sheep, pig or goat that is likely to give birth during transport or within 24 hours of arrival at commercial slaughter premises, except when certified for transport by a vet.</p> <p>We suggest that this is extended to cover farm to sale yard, and farm to farm transport, with an exemption applying for farm to farm transport in instances of premature/unexpected calving or adverse weather events, and where the dam or calf welfare could be compromised if not moved.</p>
<p>41 Stock transport – Animals with injured or diseased animals.</p>	<p>DCANZ supports the proposed regulatory restriction on transporting animals with injured or diseased udders. We support this being an infringement offence with a \$500 fine.</p>

### Young Calf Management Regulatory Proposals

DCANZ notes that for some proposals the option for both infringements and prosecutions have been put forward. We consider there may be benefits to having both options available for these offences, but suggest clarity is needed of when an offence is likely to result in one or the other. We suggest this is set out in regulations with consideration based on the nature of offending: e.g. negligence vs. deliberate actions, number of animals affected, level of harm to animals, and repeat offending.

Proposal	DCANZ Position
<p>43 Young Calves Loading and Unloading Facilities</p>	<p>DCANZ notes that both proposal 43 and proposal 44 deal with facilities for calves awaiting collection for transportation, during transport and at points of sale or slaughter. We suggest these are combined as follows:</p> <p><i>In circumstances where a young calf is transported off-farm for the purposes of sale or slaughter, the collection, loading, transit and</i></p>

<p><b>&amp;</b></p> <p><b>44 Shelter before and during transportation and at points of sale or slaughter</b></p>	<p><i>unloading facilities must be such that a calf:</i></p> <ul style="list-style-type: none"> <li><i>i. Is able to walk safely onto an off transportation by its own action;</i></li> <li><i>ii. Is able to lie down and rest comfortably;</i></li> <li><i>iii. Can access shade and shelter;</i></li> <li><i>iv. Is able to avoid impact from flooding and or build-up of hazardous gases;</i></li> <li><i>v. Is able to safely move without impact from sharp or abrasive surfaces;</i></li> <li><i>vi. Is able to maintain its footing on the under hoof surface.</i></li> </ul> <p><b>DCANZ strongly supports this proposal being outcome based and not specifying acceptable methods.</b> Doing so would limit the potential for innovation in facilities design.</p> <p>We request a transition period of 24 months to enable farmers to upgrade existing facilities, and for the most suitable facilities to be implemented.</p> <p>We support this being an infringement offence with a maximum fine of \$500.</p>
<p><b>45 Young Calves – Fitness for Transport – Age</b></p>	<p><b>DCANZ supports</b> the proposed regulation that young calves must not be transported for processing and slaughter until four full days have lapsed since they were separated from their dam.</p> <p>We understand there is a sound evidence base to support the age for transport being retained at four full days in combination with the other fitness for transport criteria. We also note that there is a risk unintended consequences associated with increasing the age (i.e. pressure on farm systems which results in welfare compromise.)</p> <p>We support this being an infringement offence with a fee of \$500, with the potential for a prosecutable regulation offence, where there are significant numbers of animals involved and significant impacts for those animals.</p> <p>With regard to owners or persons in charge being able to demonstrate that they are meeting this requirement, we <b>do not support</b> a specified recording requirement. Instead <b>we support</b> the need for owners and persons in charge to be able to demonstrate that they have a system in place which is capable of ensuring this outcome is achieved. This recognises that young calves are generally not individually identified with date and time stamped tags, or other markers, and therefore records without a system are likely to have significant limitations from a verification perspective.</p> <p>We would be comfortable with amendment to the proposal to clarify that <i>animal owners must have a system in place that is capable of ensuring young calves are not transported before they are four full days of age</i>, if this better aligns with a systems focused verification approach in the compliance model.</p>



<p><b>46 Young Calves – Fitness for Transport – Physical Characteristics</b></p>	<p>DCANZ <b>supports</b> the proposed regulation that young calves must not be transported for processing and slaughter unless they meet the following physical criteria:</p> <ul style="list-style-type: none"> <li>a) be free of disease, deformity, blindness or any disability;</li> <li>b) be alert and able to rise from a lying position and, once up, capable of moving freely, is not listless and is able to protect itself from trampling and being injured by other calves;</li> <li>c) have hooves that are firm and worn flat and not bulbous with soft unworn tissue; and</li> <li>d) have a navel cord which is wrinkled, withered and shrivelled and not pink or red coloured, raw or fleshy.</li> </ul> <p>We support this being an infringement offence with a fee of \$500, with the potential for a prosecutable regulation offence, where there are significant numbers of animals involved and significant impacts for those animals.</p> <p>We agree that:</p> <ul style="list-style-type: none"> <li>• There should be farm level liability for presenting calves for collection which do not meet the fitness for transport criteria; and</li> <li>• There should be transporter level liability for accepting collection of calves which do not meet the fitness for transport criteria.</li> </ul>
<p><b>47 Maximum time off feed</b></p>	<p>DCANZ <b>supports</b> the regulatory proposal that calves up to 14 days of age that have been collected for transport to slaughter or are awaiting slaughter must be fed or slaughtered within 24 hours of their last feed. We agree that the responsibility for this requirement should sit with the meat processors, due to their ability to influence change across the supply chain via supply contracts and scheduling.</p> <p><b>However, we request a 6 month delay in the implementation of this proposal to enable meat companies to engage with their suppliers and make systems changes where necessary to achieve this outcome.</b></p> <p>We are supportive of this proposal not specifying a two hour time window for calves to be feed on farm prior to collection. This has proved generally impractical to achieve with the spread and variation in on farm collection timing, and noting that most calves are feed in the set timeframe to coincide with the end of milking and the supply of warm colostrum.</p> <p>Our view is that better overall systems outcomes will be achieved if processors have certainty of the time frame requirement between last feed and slaughter, and then have the scope to work with other supply chain participants regarding scheduling to achieve this. Such arrangements would need to be supported by terms and conditions of supply and there is no longer scope for this to occur in time for 2016</p>

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	<p>calving.</p> <p>While requesting a transition timeframe for this regulation, we recognise the importance of good welfare outcomes for calves this coming spring. Our view is that the regulatory signal will in itself provide a strong signal to industry to commence start adjusting systems to support the targeted outcome. For example, DairyNZ is promoting the need for calves to leave farm with the full tummy.</p>
<p><b>48 Eight hour maximum duration of transport</b></p>	<p><b>DCANZ does not support the proposal to regulate a maximum journey of eight hours at this time.</b></p> <p>Whilst agreeing with the intent of the proposal we are concerned that there is potential for unintended consequences associated with restricting transport times. We are aware that the Meat Industry Association has raised concerns that this transport time limitation could reduce processors flexibility manage overall timeframes from farm to slaughter. There are instances where a slightly longer journey will assist in matching supply to available slaughter facility capacity. They have also signalled that this provision could mean no bobby calf slaughter options for some farms at some times of the year.</p> <p><b>We support further evaluation of the linkages and flow-on impacts</b> between transport timeframes and the overall farm to slaughter timeframes before a final decision is made on adoption of this proposal. This evaluation should include consideration of what dispensation provisions should exist in order to manage overall welfare outcomes.</p>
<p><b>49. <u>Young Calves – Blunt force trauma</u></b></p>	<p>DCANZ <b>supports</b> the regulatory proposal that blunt force trauma be prohibited for killing calves, except in emergency situations.</p> <p><b>Our support is conditional upon</b> there being an exemption to enable the use of blunt force trauma for emergency slaughter. It is important to avoid situations where an animal is suffering badly as a result of a serious acute injury or illness and a significant delay would occur to obtain another means to humanely destroy the animal. We support this being the definition of an emergency situation, where last force trauma would be permissible as a last resort.</p> <p>We strongly support shooting or use of a captive bolt as the recommended methods for routine humane destruction of calves on farm, as specified in the Codes of Welfare. The Codes of Welfare should remain the reference point for acceptable methods for individual species.</p> <p>We support there being options available for either application of an infringement fee of \$500 or a graduation of this to prosecution.</p>
<p><b>50. <u>Young Calves – Transport by sea across Cook Strait prohibited</u></b></p>	<p>DCANZ is supportive of the intent of this proposal, but notes that no calves have been transported across Cook Strait since 2010.</p> <p>We question whether the intent of the proposal will be achieved by the proposal to set the timeframe from last feed to slaughter at 24 hours.</p>

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### Surgical and Painful Procedures Regulatory Proposals

Proposal	DCANZ Position
<b>63 Cattle – Teat removal</b>	DCANZ <b>supports</b> the regulatory proposal for removal of teats as drafted in the proposal. It is important that teat removal, and supernumerary teat removal in animals over 6 weeks of age, be performed with pain relief and by a veterinarian.
<b>64. Cattle – Claw removal</b>	DCANZ <b>supports</b> the proposal as drafted
<b>65. Cattle – Teat occlusion</b>	DCANZ <b>supports</b> the proposal as set out. It is important that teat removal, and supernumerary teat removal in animals over 6 of age, be performed with pain relief and by a veterinarian.
<b>66. Cattle – Tail Docking</b>	DCANZ <b>supports</b> the regulatory proposal for tail docking other than for therapeutic reasons to be performed by a veterinarian and with pain relief.  We <b>note and support</b> that this applies to both high tail docking and the shortening.  We would support an exception to this where a farmer needs to apply a rubber ring to an injured tail in order to stop bleeding.
<b>68. Cattle sheep &amp; goats – Disbudding</b>	DCANZ <b>supports</b> the regulatory proposal to require pain relief to be used at the time of disbudding.  In terms of the current methods set out in the minimum standard, we consider there is no longer justification for the continued use of caustic paste given that unintended pain can occur as a result of caustic paste coming into contact with other parts of the animal or other animals.  We consider this proposal should have a lead in time of 12 months.
<b>69. Cattle sheep and goats – Dehorning</b>	DCANZ <b>supports</b> this proposal

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**The New Zealand Animal Law Association**

**Submission on the Proposed Animal Welfare Regulations**

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**May 2016**

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### About the New Zealand Animal Law Association

The New Zealand Animal Law Association (NZALA) is a registered charity working to improve the welfare of animals through the law and to advance animal law education. It currently comprises over 200 lawyers spanning various practice areas, including practitioners for large commercial law firms, criminal and civil litigators, in-house counsel, crown counsel, and lawyers working for the judiciary. NZALA also has two honorary patrons, including Australia's longest-serving judge, the Honourable Michael Kirby AC CMG Australia.

More information about the charity can be found at [www.nzala.org](http://www.nzala.org).

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## PART A: The consultation process and response to broad legal questions

### 1 About the consultation process

- 1.1 NZALA appreciates the opportunity to participate in this consultation process. It considers that the promulgation of animal welfare regulations is likely to assist in ameliorating the enforcement difficulties currently experienced under the Animal Welfare Act 1999 ('the Act') and the Codes of Welfare.
- 1.2 However, NZALA has real concerns about the adequacy of the consultation process undertaken, and in particular the time frame given for interested parties to provide feedback on the regulatory proposals.
- 1.3 The *Cabinet Manual 2008* provides at [7.88] that:
- Care needs to be taken to ensure that sufficient time is allowed for meaningful consultation, and that proper consultation takes place.
- 1.4 NZALA considers that a period of just 25 working days to review and prepare meaningful submissions is inadequate relative to the large number of regulations being consulted on. It appreciates that the time frame may not be inconsistent with consultation periods given under other regulatory regimes. However, it is submitted that these regulations necessitated a significantly longer consultation period given that the preparation of a submission requires consideration of:
- a) a consultation document on the proposed Care and Conduct regulations that is 123 pages long;
  - b) a separate consultation document for live exports;
  - c) 18 distinct Codes of Welfare, which together involve consideration of hundreds of pages of relevant standards and information;
  - d) scientific publications relevant to the assessment of the suitability of the proposed standards; and
  - e) notes from consultation meetings with stakeholders and industry groups.
- 1.5 The allocated time frame may be sufficient for industry groups who wish only to comment on a handful of proposed regulations relevant to their particular industry. However, it is far too short to allow non-profit, volunteer-based organisations (such as NZALA) to give comprehensive comment on all of the proposed regulations.
- 1.6 This is disappointing as it has meant that NZALA has only been in a position to comment on some of the regulatory proposals, despite wishing to utilise its legal expertise to give substantive feedback on all of the proposed regulations. In particular, it has not been able to consider the proposed regulations relating to surgical procedures and young calves, despite the importance of these regulations.
- 1.7 Furthermore, NZALA considers that the short consultation period has made it extremely difficult for interested members of the public to provide feedback on the proposed regulations.

This is highly problematic given the wide applicability of many of the proposed regulations to New Zealand households, with more than 68% of New Zealand households owning a companion animal. Indeed, this factor further necessitated a longer consultation period.

- 1.8 Accordingly, NZALA is concerned that the balance of the submissions received is unlikely to accurately reflect the views held by the New Zealand public. It considers that, in the very least, an extra month to provide feedback is necessary in order to ensure that the consultation process is meaningful and proper. By enabling sufficient time for all interested parties to give feedback, an extended consultation period would also act to ensure that the regulations promulgated are robust and effective.

## 2 Changes to the Act not yet in force

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

(Q1)

- 2.1 It is submitted that there is no sensible reason why changes to the Animal Welfare Act 1999 ('Act') not yet in force should not be brought into force at the same time as the regulations. Waiting for the changes to automatically commence in 2020 would constitute an unnecessary delay and would only prolong the current enforcement difficulties. In particular, the availability of an infringement fine for a breach of a compliance notice under section 156I of the Act represents an important enforcement tool, and it is desirable that this be available as soon as the regulations are brought into force.

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

(Q14)

- 2.2 NZALA considers that it is appropriate that the regulations be implemented between the period of late 2016 to early 2017.
- 2.3 NZALA does not consider there to be any need for lead-in periods or delay for the implementation of any of the regulations. Most of the standards are already law, being extracted from the minimum standards in the Codes of Welfare, so parties should already be complying with them. As stated in the primary consultation document, "additional costs are likely to be limited as many of the proposals are based on existing minimum standards in codes of welfare, so they should already be current practice."<sup>1</sup>
- 2.4 It will, however, be important that the public is educated about the new regulations prior to their introduction. Once the regulations are finalised, MPI ought to hold public consultation meetings throughout New Zealand, and provide online information about the new regulations, in the months leading up to their introduction.

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<sup>1</sup> Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures), MPI Discussion Paper No: 2016/12, April



### 3 Other Changes

*Are the infringement fees proposed for sections 156I and 36(3) appropriate? (Q2)*

- 3.1 In keeping with the empowering provisions in the Act, the infringement fee proposed for a breach of section 156I of the Act of \$500 is appropriate for natural persons. This fee is sufficient to recognise the fact that the individual has already been informed that their practice does not comply with the Act or regulatory requirements (because they have been issued with a Compliance Notice), that they have had time to rectify the situation, and that they have failed to do so. However, for reasons set out below, it is submitted that a higher fee of \$1,000 ought to be given for body corporates in order for the infringement to provide a sufficient deterrent.
- 3.2 A fee of \$300 for a breach of section 36(3) of the Act is disproportionate to the level of harm that offending of this nature can cause. It is submitted that the fee ought to be increased to \$500 for natural persons, and \$1,000 for body corporates. As well as being more proportionate, this fee would better reflect the prevalence of the mischief this offence is aiming to address, namely that native birds and other protected wildlife will remain stuck in traps that aren't inspected, and will suffer significantly whilst trapped.

### 4 Proposed Defences

*What defences do you think should be available if the proposed regulations are breached and why? (Q12)*

- 4.1 It is submitted that the proposed defences are appropriate. These are:
- a) that the defendant took all reasonable steps to comply with the relevant provision; or
  - b) the Act or omission constituting the offence took place in circumstances of stress or emergency and was necessary for the preservation, protection, and maintenance of human life.
- 4.2 These two proposed defences replicate those contained in ss 13(2) and 30(2) of the Animal Welfare Act, which are available to the offences set out in ss 12 and 29 of that Act respectively. The first defence is ordinarily associated in legislation with strict liability offences. It is appropriate that these defences be available to the similar forms of offending prohibited in the proposed regulations.

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

- 4.3 It is submitted that the second proposed defence set out above should not be extended so that it applies to actions taken that were "...necessary for the preservation, protection, or maintenance of human or animal life."
- 4.4 First, because this defence is not contained within the Act itself, the expansion of this defence within the regulations would be anomalous. It would create an internal inconsistency whereby conduct that is dealt with by way of a regulatory offence would have a wider defence available

than similar but more serious offending prosecuted under ss 12 or 29 of the Act. Given that the offences in the Act prescribe greater penalties than those contained in the regulations, and therefore have more significant consequences for offenders, it is undesirable that the defences available under the Act be narrower than those provided in the regulations.

- 4.5 Secondly, there does not appear to be any need to expand the defence in this way. An animal welfare inspector already has discretion to decide whether to take no action, to issue a warning, compliance notice or infringement fine, or to prosecute, depending on the circumstances of the particular case. Where it is apparent that a regulation had been breached in order to preserve, protect, or maintain animal life, an inspector can (and should) use their discretion to choose not to issue an infringement notice in those circumstances.

#### **Amendments to the Codes of Welfare**

*How should the Codes of Welfare be amended by the proposed regulations to ensure the codes continue to work effectively within the legislative scheme? (Q15)*

- 4.6 It is submitted that Codes of Welfare should only be amended where the regulations provide a higher standard so as to align the minimum standards in the codes with this higher standard. Furthermore, the Codes of Welfare should be amended so that they contain any additional standards created by the regulations.
- 4.7 This option will ensure that the standards provided for in the Codes can be used to a fuller extent as evidence in prosecutions. If standards from the Codes that are transposed into the regulations are removed from the Codes, any breaches of these standards will still be able to be used as evidence in support of a prosecution under the Act. However, the standards would no longer have the evidential value in a prosecution that is provided for in sections 13, 24 and 30 of the Act. These sections provide that evidence of non-compliance with a minimum standard in the relevant Code 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.
- 4.8 Accordingly, if these standards are revoked from the Codes, enforcement agencies may be inclined to proceed with prosecutions under the regulations, even in circumstances where a prosecution under the Act would be more appropriate.
- 4.9 It would also be anomalous if minimum standards from the Codes that are not transposed into regulations have this evidential status as rebuttable evidence, but the standards that are converted into regulations do not.
- 4.10 From an educational perspective, there is also value in maintaining the standards that are converted into regulations in the Codes of Welfare. The importance of the standards will be entrenched if included in both the regulations and the Codes of Welfare.
- 4.11 Further, it is submitted that amending the Codes in the way proposed in the first approach will only cause confusion in an already complex scheme. Given the applicability of these standards to many New Zealand households who have companion animals, simplicity is desirable. By leaving the standards in place, the Codes will provide a more complete guide to the appropriate treatment of animals.

- 4.12 Finally, it is submitted that the standards in the Codes of Welfare that are converted into regulations ought to include a cross-reference to the relevant regulation and penalties. This will ensure that a reader of the Codes will appreciate that the standard is directly enforceable and will be alerted to what the relevant penalty for a breach is.

*Which of the approaches as outlined above, or combination of approaches do you support? (Q16)*

- 4.13 For the reasons set out above, NZALA supports the second approach whereby the Codes of Welfare are amended only where the regulations provide a higher standard in order to align the minimum standards in the Codes with this higher standard. This approach will ensure that the evidential and educational value of all the standards provided for in the Codes is preserved.

*How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations? (Q18)*

- 4.14 The MPI should continue to consult with both stakeholders (including animal welfare organisations) and the general public when monitoring and reviewing the impact of the proposed regulations. This consultation should take the form of meetings, and formal and informal feedback opportunities.
- 4.15 Regular meetings with the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA) will also be of critical importance, given its enforcement role. It is important that the RNZSPCA (and its inspectors) are provided with adequate support and resources in enforcing the new regulations.
- 4.16 The MPI must be proactive at acquiring feedback on the effectiveness of the regulations and in remedying any problems. In particular, it is important that the regulations be amended in a timely manner, as necessary, in response to such feedback.

## **5 The proposed level of infringement fines**

*Are the infringement offences and respective fees proposed for breaches of the proposed regulations, outlined in Part B, appropriate? Should any of the proposals attract higher or lower fees/penalties? (Q9)*

- 5.1 The consultation document proposes to introduce a lower and higher-level infringement fee for different regulatory proposals depending on the relative level of harm. The proposed criteria are:
- a) a fee of \$300 where an activity has the potential to cause low-level harm to an individual animal or a small number of animals; or
  - b) a fee of \$500 where an activity has the potential to cause moderate harm to an individual animal or a small number of animals.
- 5.2 Generally speaking, the proposed range of \$300 - \$500 for the infringement fees issued under the regulations appears appropriate where the defendant is a natural person. The proposed fees are comparable to infringement fees for offences under other legislative schemes that

involve comparable social harm.<sup>2</sup> For instance, the offences prescribed under the Dog Control Act 1996 are within the range of \$100 - \$750, and the offence of failing to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise is dealt with by a \$300 infringement fine.<sup>3</sup>

5.3 However, where the offender is a body corporate, it is submitted that the fees should be:

- a \$750 where an activity has the potential to cause low-level harm to an individual animal or a small number of animals; or
- a) \$1,000 where an activity has the potential to cause moderate harm to an individual animal or a small number of animals.

5.4 These higher fees are necessary to ensure that the regulations will deter body corporates from offending. Otherwise, there is a high risk that, in circumstances where there is a financial incentive to breach, breaches of the regulations will merely be "purchasable commodities". These higher fees are also consistent with infringement schemes contained in other statutory regimes, whereby it is the norm for higher fees to apply to body corporates compared with individuals.<sup>4</sup>

5.5 Analysis of the appropriateness of the proposed fees for specific regulatory proposals are set out in Part B below.

## 6 Recidivist Offending

6.1 One concern with the current scheme as proposed is how it deals with recidivist offending. Where a breach of a regulation causes a more than moderate level of harm to an individual animal or a small number of animals, or a low level of harm to a high number of animals, it is important that these offences be prosecuted under the Act rather than be dealt with by way of infringement notice. However, if an offender repeatedly breaches the infringement offences but the particular breaches are not of a high enough level or do not involve a high enough number of animals to justify a prosecution, it will be difficult to prosecute them under the Act.

6.2 It is therefore submitted that a separate offence with an increased fine (up to the \$1,000 maximum allowed) be created for recidivist offending against lower level infringement offences. This will create a hierarchy of enforcement and add a medium level sanction between the low level infringement offences under the regulations and the prosecutable offences under the Act, in order to ensure both specific and general deterrence.

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<sup>2</sup> See Ministry of Justice *Guidelines for New Infringement Schemes* <<http://www.justice.govt.nz/publications/publications-archived/2008/infringement-guidelines>> at 27 and Danielle Duffield "The enforcement of animal welfare offences and the viability of an infringement regime as a strategy for reform" (2013) 25 *New Zealand Universities Law Review* 897 at 42.

<sup>3</sup> Dog Control Act 1996, Schedule 1.

<sup>4</sup> See, for example, the Land Transport Act 1998 and the Land Transport (Offences and Penalties) Regulations 1999, and the Gas (Safety and Measurement) Regulations 2010.

## 7 Mens rea

*Should any of the proposed regulations, set out in Part B, include a mental element (e.g. intention, knowledge or recklessness)? If so are the penalties for a prosecutable offence under regulation (see Table 2) appropriate for the regulated activity? (Q11)*

- 7.1 It is submitted that none of the offences in Part B should include a mental element. It is appropriate that these offences, with their low level sanctions and generally restricted scope, remain strict liability offences. Offences that cause a more than moderate level of harm to animals and that involve clear elements of recklessness or wilfulness ought to be prosecuted under sections 28A and 28 respectively.
- 7.2 Incorporating mental elements within the proposed infringement fees would be inconsistent with the vast majority of infringement offences which are strict liability offences and not mens rea ones. It will also make them more open to challenge and will cut across the rationale of creating them as a simple alternative to prosecutions of offences listed under the Act. This may act to undermine the purpose of the regulatory regime, which is to provide an efficient method of addressing low to moderate forms of animal welfare offending.

## **PART B: Submission on the proposed Care and Conduct regulations**

### **Regulation 1. All animals – Electric prodders**

*Electric prodders may only be used on:*

- a) *cattle over 100kg;*
- b) *cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or*
- c) *cattle over 100kg, and other animals, in a commercial slaughter premises:*
  - i *i. where the safety of the handler is at risk; or*
  - ii *ii. when loading a stunning pen.*

- 8 This proposal is problematic as an infringement offence as it requires a difficult element of weight assessment. In particular, it is unlikely to be clear to an animal welfare inspector when a cow is over 100kg, and it is unlikely that weighing facilities will be available in all circumstances where potential offending may be detected.
- 9 A more clear and precise regulatory proposal would be to prohibit the use of electric prodders, with the defence available where it is necessary for the protection, preservation or maintenance of human life. This defence would capture the intent behind the limited permitted use set out in parts b and c(i), whereby prodders may be used in circuses and commercial slaughter premises where the safety of the handler is at risk.

## **Regulation 2. All animals – Use of Goads**

*Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes.*

10 It is submitted that more appropriate wording would be:

*Prohibit prodding an animal in the udder, anus, vulva, scrotum, or eyes, other than in circumstances in which it is reasonably necessary for the purposes of a veterinary examination.*

11 This wording would ensure that other forms of unjustified prodding (that do not involve goads) is captured, but prodding for the purposes of veterinary examinations will not be unintentionally caught.

12 This action causes at least moderate harm to animals. Accordingly, a \$500 infringement fine for natural persons, and a \$1,000 infringement fine for body corporates, would be more appropriate.

## **Regulation 3. All animals - Twisting an animal's tail.**

*Prohibit twisting the tail of an animal in a manner that causes the animal pain.*

13 It is appropriate that this conduct be regulated, as it is a prevalent practice in New Zealand and one that can cause significant suffering to animals.

14 Although this regulation may be difficult to enforce, the possibility of an infringement fine is likely to provide greater deterrence compared with the current regime, in which the proposal is merely a recommended best practice in the Sheep and Beef Code of Welfare that has no penalties or negative consequences associated with a breach.

## **Regulation 4. Dogs – pinch and prong collars**

*Prohibit the use of pinch and prong collars.*

15 It is appropriate that this practice be prohibited, given the availability of alternatives and the high risk to dogs that the use of these collars imposes.

16 It is highly appropriate that, in prohibiting the use of these collars, the sale of the collars is also prohibited. Declaring the collars to be a prohibited device under s 32 of the Act would be an appropriate means of doing so.

## **Regulation 5. Dogs – Injuries from Collars or Tethers**

*Use of a collar, and/or a tether, must not cause cuts, abrasions, swelling, restrict breathing or panting.*

17 Access to water is of critical importance to the health of dogs (as it is to all animals). That is particularly so when they are involved in prolonged activity. For companion dogs especially, it is at such times that they are most likely to be collared. A collar which is too tight may impede or prevent the dog from drinking, and thus interfere with its effective access to water. Accordingly Regulation 5 should be extended by adding the words "impede or prevent drinking".

- 18 Excessively tight collars and tethers may cause pain and distress to any animal; not just dogs. Accordingly this Regulation should not be confined to dogs. (It is noted that draft Regulations 13 and 16 would regulate the tethering of goats, horses, and donkeys. However the object of those Regulations is to ensure the access of those animals to water, food and shelter; not to protect them from the pain and suffering caused by tethers which are too tight).

#### **Regulation 6. Dogs — Muzzling a dog**

*Muzzling a dog must not cause cuts, abrasions, swelling, or restrict breathing and must allow panting.*

- 19 As previously noted, access to water is of critical importance to the health of dogs. Just as it is important that collars and tethers not be so tight as to impede or prevent a dog from drinking, so too is it important that muzzles not impair a dog's access to water. Accordingly, Regulation 6 should be amended to prohibit the muzzle from restricting access to water.

#### **Regulation 7. Dogs – Dry and Shaded Shelter**

*Dogs confined to an area where they are habitually kept must have access at all times to a fully shaded and dry area for resting and sleeping.*

- 20 Minimum Standard no. 5 of the Dogs Code of Welfare prescribes five standards under the heading "Kennelling, Shelter and Ventilation". Breach of any of these standards represents a significant risk of harm to the animal. For example, the failure to provide warm shelter in cold weather (in breach of standard 5 (b)) may expose a dog to harm no less significant than the failure to provide dry sleeping quarters (in breach of standard 5 (a)).
- 21 In substance the proposed Regulation would codify only the first of the standards prescribed by Minimum Standard 5. It is submitted that there is no principled rationale for excluding the other four standards. All five of the requirements of Minimum Standard 5 meet the stated criteria for developing them into Regulations, in that:
- a) Each one of them is clear and precise in its term.
  - b) Each addresses the same substantive problem as the draft Regulation, that is the avoidance of suffering and distress caused by inadequate shelter.
  - c) They each represent different facets of a practical, coherent response to that problem. Put another way, it makes no sense to regulate for a resting/sleeping area which is "fully shaded and dry", without requiring also that it be sufficiently warm.
  - d) The inclusion of all five requirements of Minimum Standard 5 is equitable. Again it makes no sense, for example, for a person to be liable to an infringement fee for failing to provide a "fully shaded and dry" area, but to have no liability (under the Regulations) for the equally pernicious failure to provide adequate warmth, or a place for the dog to urinate or defecate away from its sleeping area.
- 22 It is therefore submitted that the five requirements set out in Minimum Standard 5 be included in five separate enforceable regulations, with each being subject to an infringement fine of \$300.
- 23 As previously noted, access to water is of critical importance to the health of dogs. The risk of harm to a dog confined to an area without access to water is significant; no less so than if the

area of confinement is inadequately sheltered, shaded, or ventilated. Although the requirement to ensure access to water in such circumstances is not covered expressly by the Dogs Code of Welfare, it is submitted that Regulation 5 should do so. This would also be consistent with, and give greater effect to, the obligation imposed by section 5 of the Dog Control Act "to ensure that the dog... is supplied with proper and sufficient... water".

#### **Regulation 8. Dogs – Dogs Left in Vehicles**

*A person leaving a dog in a vehicle must ensure the dog does not display symptoms consistent with heat stress such as any or a combination of:*

- *Hyperventilation;*
- *Excessive panting;*
- *Excessive drooling;*
- *Lethargy, weakness, or collapse; and*
- *Non-responsive to attempts to check a dog's alertness.*

24 This kind of mistreatment is capable of causing low-level, moderate, or severe suffering, and in some cases death. Given this scale of harm, it is submitted that the most appropriate enforcement response is to make it an infringement offence, with the more serious cases to be prosecuted under the Animal Welfare Act.

25 It is submitted that the infringement fee should be set at \$500, having regard to:

- a) the potential seriousness of the harm which may be caused by this kind of offending;
- b) almost invariably, such offending is deliberate, or at least reckless;
- c) given the number of cases being reported annually, there is a demonstrable need for an effective deterrent; and
- d) the comparison with the \$300 fee set for relatively low-level offending.

26 The use of the adjective "excessive" does add an element of subjectivity to two of the stated criteria, thereby opening the door to challenge. However given that panting and drooling are natural states for many animals including dogs, the use of the adjective would seem unavoidable.

27 Although dogs make up the majority of animals harmed by such mistreatment, other companion animals including cats, are at risk also. There is no principled reason to exclude them from the scope of the Regulation. It is therefore submitted that the regulation be widened so that a person leaving any animal in a vehicle must ensure that the animal does not display symptoms consistent with heat stress. In the very least, the regulation ought to be extended to cats.

#### **Regulation 9. Dogs – Secured on Moving Vehicles**

*Dogs on moving vehicles on public roads must be secured in a way that prevents them from falling off, except for working dogs which may be unsecured on a vehicle while working.*



- 28 The gravity of the potential harm, not only to the animal itself but also to road users, caused by such conduct is a sufficient risk to warrant regulation, and to set the infringement fee at \$500.
- 29 It is submitted that the enforcement difficulty is an insufficient reason to refrain from regulating the conduct:
- a) The potential harm caused by such conduct is sufficiently grave to regulate it anyway.
  - b) The Regulation is likely to have a stronger educative and deterrent effect than would be the case if the conduct were to be regulated only by the Dogs Code of Welfare.
  - c) The Police are empowered to stop vehicles and to issue infringement notices for breach of the Regulations. It is to be expected then that in spite of the challenges in enforcing this Regulation, sufficient infringement notices will be issued to provide real and effective deterrence.
- 30 Although dogs make up the majority of animals carried on moving vehicles, other animals such as goats and pigs are transported in this way also. In principle there would seem no reason why the Regulation should not extend to all animals. It is therefore submitted that the wording of the offence be amended so that all animals on moving vehicles on public roads must be secured in a way that prevents them from falling off.

#### **Regulation 10. Dogs & Cats — Drowning dogs & cats**

*Prohibit the killing of a cat or dog, of any age, by drowning.*

- 31 It is submitted that the regulation ought to be extended to cover any harm caused to animals by drowning:

*Prohibit the killing or harming of a cat or dog, of any age, by drowning.*

- 32 A partially drowned animal may initially appear to recover, but death may still occur sometime after the attempt as a direct consequence of the period of deprivation of air and/or ingestion of water. Further, brain and other functions may be permanently damaged and the animal may be subjected to considerable distress. Extending the offence as proposed will prevent an offender avoiding liability by using partial drowning as a means of inflicting distress.
- 33 This regulation should also apply to the drowning of all animals, not just cats and dogs. Although new-born kittens and puppies may experience greater distress by drowning than other animals due to their diving reflexes, drowning any animal is a breach of section 12(c) of the Act. Indeed, given the potentially greater distress experienced by young cats and dogs when drowned, it would be anomalous for the drowning of these species to be prosecuted by way of regulatory offence, but the drowning of other animals to be prosecuted under section 12(c) of the Act, which prescribes much greater penalties.

#### **Regulation 11. Eels - Insensible for desliming**

*Eels must be insensible for the duration of desliming, or killed before they are deslimed.*

- 34 It is important that this practice be regulated. Desliming sensible eels has been recognised as inconsistent with the objects of the Act by the National Animal Welfare Advisory Committee (NAWAC).<sup>5</sup>
- 35 After consultation concerning commercially viable processes in 2010, the industry was permitted five years to adjust and the practice was prohibited by Minimum Standard 21 of the Commercial Slaughter Code of Welfare 2010, effective 1 January 2015.
- 36 Industry should have already resolved the issue of implementing humane processes given that the proposed regulation is based on Minimum Standard 21 of the Commercial Slaughter Code of Welfare, which has been in force for 17 months. Further, industry was on notice about this change for five years prior to the Code being issued, following consultation with MPI about commercially viable processes in 2010.<sup>6</sup>

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

*Crabs, rock lobsters, and crayfish that are captured but not imminently destroyed, must be chilled to 4°C or less, or be electrically stunned, or be otherwise rendered insensible before being killed.*

- 37 It is desirable that this be a prosecutable regulatory offence, given the commercial context in which the offending is likely to occur. More serious breaches can (and should) be prosecuted under section 12(c) of the Act.

#### **Regulation 13. Goats – tethering requirements**

*Tethered goats must have constant access to food, water, and shelter.*

- 38 The recommended best practice in the Goat Code of Welfare 2012 is that goats should not be tethered as they are social animals. It is submitted that it would be appropriate for this recommended best practice to be promulgated as a regulations because this would make the regulation:
- a) more consistent with the requirement in section 10 of the Act that the physical, health and behavioural needs of animals must be met, and the definition of this in section 4 of the Act, which includes the opportunity to express normal patterns of behaviour
  - b) more clear and precise in its terms, and less open to challenge, than the proposed regulation.
- 39 However, if the standard set out in the proposed regulation is adopted, it is submitted that the proposed definition be amended so that it reads:
- Tethered goats must have constant access to:*
- a) *proper and sufficient food*
  - b) *proper and sufficient water; and*
  - c) *a fully shaded and dry area that is large enough for the goat to stand, lie down and turn around.*

<sup>5</sup> Animal Welfare (Commercial Slaughter) Code of Welfare Report, page 18.

<sup>6</sup> Ibid at page 19.

40 It is submitted that the proposal above is more consistent with:

- a) the definition of physical, health and behavioural needs that is provided for in section 4 of the Act, which requires, inter alia, that animals have proper and sufficient food, proper and sufficient water, and adequate shelter;
- b) the infringement offence provided for in Schedule 1 of the Dog Control Act 1996, which provides for a \$300 infringement fine where there is a failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise, to a dog; and
- c) regulatory proposal 7, which relates to the provision of a fully shaded and dry area for dogs.

41 Although this amended wording would involve a greater level of judgment than the current proposal, it is submitted that this is necessary to give effect to the object of the regulation. The current proposal would only enable an infringement notice to be given in the most severe cases (where no food, water or shelter is provided). It would not impose any liability on owners or those in charge of animals who fail to provide for the animal's physical and behavioural needs due to insufficient or improper provision of food or water, or inadequate shelter.

42 Further, we note that the analogous infringement offence provided for in the Dog Control Act, set out above, involves a similar level of judgment as to the sufficiency of the food and water provided.

43 Finally, we note that there is an anomaly in the current proposals in that persons can be fined for failing to provide constant access to food, water, or shelter to tethered goats, but not for the same omissions in relation to goats that are not tethered. There appears to be no principled basis for this distinction. Indeed, it would be highly appropriate to create a regulation requiring that all animals be given proper and sufficient food, water, and shelter (as there seems to be no reason to limit a regulation of this nature only to goats).

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

*Prohibit striking a horse around the head with a whip, lead or any other object*

44 It is submitted that this regulation be extended to reflect Minimum Standard 8 of the Horses and Donkeys Code of Welfare by prohibiting striking horses around the genitals. It is unclear why the proposed regulation has been limited in this way.

45 We do not consider there to be any circumstances where striking a horse around the head or genitals with a whip, lead or other object would be justified. The equine head and genitals are sensitive areas with little protection for vital organs and this makes it virtually impossible to strike those areas in a manner that would minimise the likelihood of unreasonable or unnecessary pain and distress, as required by section 4(d) of the Act.

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

*The use of halters, head ropes, saddles and other equipment must not cause cuts, abrasions, or swelling*

- 46 The incorporation of this standard into a regulatory offence is appropriate given most reputable equine sports organisations provide training and guidance on the correct selection, fitting, and use of equine gear and equipment.
- 47 However, the regulation ought to be amended to extend beyond cuts, abrasions and swelling to include any other injury caused by equipment. For example, bruising and pinching can cause more intense pain and permanent damage than an abrasion, and can be readily identified by a basic physical inspection.
- 48 It is also appropriate to extend the regulation to cover the use of equipment in a way that causes the horse distress. For example, restraining a horse's head with tight draw reins or similar equipment while it is being ridden or exercised would not create any visible signs of injury, but would cause it considerable distress. Similarly, use of an overly tight nose band which constrains the horse's breathing during exercise would also cause great distress and harm to the horse, but would not be captured by the proposed infringement.
- 49 The suggested amendments noted above are necessary to capture the full intent of Minimum Standard 9 of the Horses and Donkeys Code of Welfare, which is to ensure that equipment does not cause pain, injury or distress of any kind.
- 50 Accordingly, it is submitted that the regulation be amended as follows:

*The use of halters, head ropes, saddles and other equipment must not cause cuts, abrasions, swelling, or other injury or distress to the horse.*

- 51 It is submitted that this wording would give fuller effect to the intention in Minimum Standard 9 without sacrificing clarity or precision.

#### **Regulation 16. Horses and donkeys – tethering requirements**

*Tethered horses and donkeys must have constant access to water, food, and shelter.*

- 52 We note that, similar to goat tethering in the Goat Code of Welfare, the recommended best practice in the Horses and Donkeys Code of Welfare is that horses should not be tethered. We submit that it would be appropriate for this recommended best practice to be implemented, alongside a prohibition on donkey tethering, because this would make the regulation:

- a) more consistent with the requirement in section 10 of the Act that the physical, health and behavioural needs of animals must be met, and the definition of this in section 4 of the Act, which includes the opportunity to express normal patterns of behaviour
- b) more clear and precise in its terms, and less open to challenge, than the proposed regulation.

- 53 Furthermore, as with Regulation 13 above, there is an anomaly in the current proposals in that persons can be fined for failing to provide constant access to food, water and shelter to tethered horses and donkeys, but not to horses and donkeys that are not tethered. Again, there appears to be no principled basis for this distinction. However, as noted above, this could be remedied by promulgating a regulation requiring that all animals be provided with proper and sufficient food, water, and shelter.

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

- (a) *Hens must have the opportunity to express a range of normal behaviours. These include, but are not limited to nesting, perching, scratching, ground pecking, and dustbathing.*
- (b) *Any cage installed prior to 31 December 1999 must be replaced with a housing system that meets the requirements specified in (a) by 31 December 2018.*
- (c) *Any cage installed prior to 31 December 2001 must be replaced with a housing system that meets the requirements specified in (a) by 31 December 2020.*
- (d) *All cages must be replaced with a housing system that meets the requirements specified in (a) by 31 December 2022.*
- (e) *Any housing system installed from 7 December 2012 must meet the requirements specified in (a).*

*Note: Colony cages are considered a housing system that meets the requirements specified in (a).*

- 54 While the intention behind the standard is obviously positive, the wording renders it unclear and therefore difficult to enforce.
- 55 As currently drafted, the use of the word “range” in the regulation is problematic. A number of examples are given of what constitutes normal behaviours but it is not clear how many of these behaviours hens must be able to exhibit to comply with the standard. We note that the Animal Welfare (Layer Hens) Code of Welfare report identifies the following behaviours as important for hens: feeding, drinking, perching, sleeping, preening, dustbathing, ground pecking, wing flapping, scratching, nesting, head shaking, tail wagging, feather ruffling, beak wiping, unilateral wing-leg stretching and avoiding predators.<sup>7</sup>
- 56 Further, it is submitted that colony cages do not comply with the proposed regulation 17(a), as hens are still unable to genuinely express many of the normal behaviours listed in the proposed standard. Thus, to the extent that the regulatory proposal permits the use of colony cages, it is inconsistent with sections 12 and 4 of the Act, which provide that animals must have the opportunity to display normal patterns of behaviour.
- 57 Finally, we note that repeat offenders should also face an increased penalty to ensure both specific and general deterrence.

### Regulation 18: Layer hens – Stocking densities

- a) *Stocking densities or space per pullet (7–18 weeks of age):*
  - (i) *must be a minimum of 370 cm<sup>2</sup> per pullet for those reared in cages or colony cages.*
  - (ii) *must not exceed 14 pullets per m<sup>2</sup> for those reared in barns.*

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<sup>7</sup> Doctor John Hellström *Animal Welfare (Layer Hens) Code of Welfare Report* (National Animal Welfare Advisory Committee, 29 June 2012) at 10 [Code of Welfare Report]. See also I Duncan “Behaviour and Behavioural Needs” (1998) 77 *Poult Sci* 1766. C.A Weeks and C.J. Nicol “Behavioural needs, priorities and preferences of laying hens” (2006) 62 *Worlds Poult Sci J* 296.

b) *Stocking densities or space per layer hen (19 weeks of age or older):*

*Cages*

*(iii) must be a minimum of 550 cm<sup>2</sup> per hen for all cages*

*Colony cages*

*(i) must be a minimum of 750 cm<sup>2</sup> per hen or 13 hens per m<sup>2</sup>.*

*Barns*

*(i) must not exceed 7 hens per m<sup>2</sup> for barns with no access to an outdoor ranging area.*

*(ii) must not exceed 9 hens per m<sup>2</sup> for within barns with access to an outdoor ranging area.*

c) *Stocking of the outdoor ranging area must not exceed 2,500 hens per hectare.*

58 Stocking density has a significant impact on the welfare of hens in any laying system. Accordingly, a regulatory offence is required to deter stockholders from having a high stock density. NZALA agrees that Minimum Standard 6 – Stocking Densities be uplifted into the regulations.

59 It is submitted that, as with standard 17, there needs to be an increased penalty for repeat offenders.

#### **Standard 19: Layer hens – Housing and equipment design**

*Lift minimum standard 4 into regulation.*

60 It is appropriate that all of the requirements set out in Minimum Standard No.4 (i) be regulated to ensure compliance with them and the proposed penalties are likely to provide an effective deterrent.

#### **Standard 20: Layer hens – Induced moulting**

*Prohibit induced moulting of layer hens*

61 Given that research suggests that induced moulting significantly compromises a laying hen's well-being and welfare and induces a large amount of stress on laying birds, NZALA agrees that it is appropriate that this practice be prohibited. The standard appears to be sufficiently clear and precise and the penalty appropriate.

#### **Regulation 21. Llama & Alpaca – Injuries from equipment such as halters, head ropes, and packs**

*The use of halters, head ropes, packs and other equipment on llama and alpaca must not cause cuts, abrasions, or swelling.*

62 It is submitted that this standard is appropriate for inclusion in the proposed regulation. However, the wording should be widened to include other injuries and distress caused by

equipment so as to give better effect to the objects of the regulation. The suggested wording should be:

*The use of halters, head ropes, packs and other equipment on llama and alpaca must not cause cuts, abrasions, swelling, or any other injury or distress.*

**Regulation 22. Llama & alpaca – Companion animals**

*Camelids must be provided with a companion animal such as another camelid, sheep, or goat.*

63 NZALA considers that this standard is appropriate for inclusion in a regulation.

**Regulation 23. Llama & Alpaca – Offspring (Cria) camelid companions**

*Prohibit raising Cria without the company of other camelids*

64 NZALA considers this standard appropriate for inclusion in a regulation.

**Regulation 24. Pigs – Dry Sleeping Area**

*Pigs must have access to a dry sleeping area.*

65 It is submitted that an infringement fine of \$500 (and \$1,000 for body corporates) is more appropriate given the level of harm to the pigs caused by inadequate shelter. It is submitted that the likelihood that pigs be used for profit or economic reasons (rather than companionship) raises the likelihood of a breach, and this also necessitates a higher infringement fine in order to achieve effective deterrence.

66 In substance the proposed Regulation would codify Minimum Standard 5 of the Pigs Code of Welfare 2010. It is submitted that there is no principled basis for excluding Minimum Standard 6(b) from new Regulations. This standard provides that 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. This standard meets the stated criteria for transposition into a Regulation, in that:

- a) It is clear and precise in its term.
- b) It addresses the same substantive problem as the draft Regulation, that is the avoidance of suffering and distress caused by an inadequate living environment.
- c) It represents an effective response to the problem of inadequate housing being provided for pigs.
- d) The inclusion of Minimum Standard 6 in the regulation is equitable. It makes no sense for a person to be liable to an infringement fee for failing to provide a dry sleeping area but to have no liability (under the Regulations) for the equally harmful failure to provide adequate space for housed pigs to stand, move about and lie down without undue interference.

67 Accordingly, it is submitted that Minimum Standard 6 be incorporated into a separate enforceable regulation, subject to an infringement fine of \$500.

### **Regulation 25. Pigs – Lying space for grower pigs**

*Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m<sup>2</sup>) per pig = 0.03 x liveweight 0.67(kg)*

- 68 Given the financial incentive to overcrowd, it is appropriate that this be a prosecutable, regulatory offence to offer a suitable deterrent.

### **Regulation 26. Pigs – Dry sow stalls**

*Dry sow stalls must not be used.*

- 69 It is submitted that the definition of 'dry sow stalls' should be included in this regulation.
- 70 A suitable definition is "an enclosure which keeps the sow physically isolated from other sows, and in which a sow cannot stand up, turn around or lie down naturally."
- 71 The exception relating to the use of mating stalls should be defined in the regulation as provided for in the Code. It should also state in the regulation that it is an offence to confine pigs in mating stalls for longer than one week.
- 72 Again, it is appropriate to have this as a prosecutable, regulatory offence given the suffering of pigs in long-term confinement.

### **Regulation 27. Pigs – Size of Farrowing crate**

*Prohibit keeping a sow in a farrowing crate where the sow cannot avoid touching the top of the crate, or touching both sides of the crate simultaneously, or touching the front and the back of the crate simultaneously.*

- 73 NAWAC considers that confining sows in farrowing crates for extended periods of time does not fully meet the obligations of the Act.<sup>8</sup> It is considered that a regulation disallowing the use of farrowing crates would be:
- a) more consistent with the requirement in section 10 of the Act the physical, health and behavioural needs of animals must be met, and the definition of this in section 4 of the Act which includes the opportunity to express normal patterns of behaviour; and
  - b) more clear and precise in its terms, and less open to challenge, than the proposed regulation.
- 74 Regardless of whether this standard is amended as proposed, it is appropriate that this regulation be a prosecutable, regulatory offence given the high level of harm to animals that a breach entails.

### **Regulation 28. Pigs – Provision of nesting material**

*Sows, in any farrowing system constructed after 3 December 2010, must be provided with material that can be manipulated until farrowing.*

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<sup>8</sup> Pigs Code of Welfare 2010, page 19.



75 It is submitted that if farrowing crates are permitted under the proposed regulations, this regulation should read:

*Sows in any farrowing system must be provided with appropriate material that can be manipulated at ground level for the purpose of nesting and chewing until farrowing.*

76 We recommend these amendments because:

- a) Although the term 'appropriate' introduces an element of subjectiveness, this is necessary to ensure that suitable material is provided, and therefore to give effect to the object of the regulation. We note that this element of subjectiveness could be mitigated by providing a list of suitable material in the regulation.
- b) The reference to ground level ensures that the sow can manipulate the material with a rooting action, which is necessary to ensure the sow's welfare is met.
- c) There is no reason why old farrowing systems constructed before 3 December 2010 should be permitted to **indefinitely** use systems that fail to meet the welfare requirements of sows and therefore the obligations of sections 12 and 4 of the Act. At the very least, there ought to be a sunset clause at which point the regulation applies to all farrowing systems.

#### **Regulation 29 – Rodeo – Fireworks**

*Fireworks, pyrotechnics, and gas fired explosions of any type must not be used at rodeos.*

77 It is appropriate that this be a prosecutable regulation offence, given the harm to animals involved. An infringement notice is unlikely to provide a sufficient deterrent, particularly given the commercial context in which rodeos occur.

#### **Regulation 30 – Exotic Animals – Use in circuses**

*Place restrictions on the use of exotic animals in circuses to adequately provide for their physical, health, and behavioural needs.*

78 It is submitted that it be most appropriate that this regulation prohibit the use of exotic animals in circuses. This prohibition would be:

- a) more consistent with the requirement in section 10 of the Act that the physical, health and behavioural needs of animals be met, and the definition of this in section 4 of the Act which includes the opportunity to express normal patterns of behaviour.
- b) more clear and precise in its terms, and less open to challenge, than the proposed regulation.

79 Further, as there are currently no circuses in New Zealand that use exotic animals, these improvements to animal welfare and to the effectiveness of the regulatory regime would not impose any costs on any persons. Thus, there appears to be no sound rationale for failing to implement this prohibition.

#### **Regulation 31. Cattle – Milk Stimulation**

*Prohibit stimulating milk let-down by inserting water or air into a cow's vagina.*

- 79.1 It is appropriate that this standard be regulated as proposed, as this practice is outdated and there are other alternatives to stimulate milk let-down (and this is accepted by the industry).

### **Regulation 32. Cattle and sheep – Vehicular traction in calving and lambing**

*Prohibit using a moving vehicle to provide traction in calving or lambing.*

- 80 Codification of this standard from the Sheep and Beef Code of Welfare 2010 is appropriate. Franklin Vets advise that "you should never need to apply more pressure than one person's strength for lambing, or two people at a maximum for calving".<sup>9</sup> Using the traction of a moving vehicle provides significantly more pressure than a person can exert, and (as stated in the regulatory proposal) has a high risk of causing injuries, pain and distress to both the young and the mother.
- 81 This regulation is important in ensuring that young and mothers are not injured or distressed unnecessarily in the process of birthing.
- 82 It is submitted that the \$500 penalty is proportionate for one-off offending, as it is an act that will cause significant harm and stress to the animal and its young. It would be a very intentional act that would require someone to have to actively prepare to undertake this activity.

### **Regulation 33. Cattle and sheep – ingrown horns**

*Failure to treat an ingrown horn that is touching skin or eye.*

- 83 It is appropriate that this penalty is higher than that imposed under Standard 31 given it is likely to cause long-term suffering to the animal. However, the costs associated with treating the ingrown horn should also be taken into account and weighed up against the fine imposed. In other words, the fine should be more expensive than the costs to remove an ingrown horn. This may necessitate a higher fine than that proposed.
- 84 It is likely that a person will be able to tell the difference when a horn is touching skin or eye, and when the horn has actually penetrated the eye or the skull. The penetration of an ingrown horn is a much more serious offence which should be prosecuted under section 12(b) of the Act.
- 85 To ensure compliance with this regulation, the MPI should provide guidance to farmers about the safe and humane removal of horns (particularly before they become ingrown) so that farmers are informed.

### **Regulation 34. Stock Transport – Cuts and abrasions**

*Transport of cattle, deer, sheep, goats, and pigs must not result in cuts or abrasions.*

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<sup>9</sup> See <http://www.franklinvets.co.nz/Lifestyle/Services/Calving.html>

86 The proposed fine is appropriate and the offence sufficiently clear and precise. However, it is not clear why the offence does not apply to all animals.

**Regulation 35. Stock Transport – Animals with horns**

*An animal with an ingrown horn that is touching the skin or eye must not be transported, except when certified fit for transport by a veterinarian.*

87 The proposed regulation is clear and unambiguous. The severity of the ingrown horn is well-defined ('touching the skin or eye') and therefore it should be apparent when an offence has been committed.

88 This regulation complements the regulation proposal about 'failure to treat an ingrown horn'. Where an animal has not been treated for an ingrown horn **and** is transported, two separate infringement fines should be imposed (i.e. under both regulations 33 and 35) as these are two distinct and separate acts of harm.

**Regulation 36. Stock transport – Animals with bleeding horns or antlers**

*An animal with a bleeding or broken horn or antler must not be transported, except when certified fit for transport by a veterinarian.*

89 The standard is sufficiently clear and precise, and the proposed penalty appropriate.

90 The regulation is likely to lessen the culture of people 'taking a chance' that no pain or injury results from the transport of animals with bleeding horns or antlers.

**Regulation 37. Stock transport – Animals with long horns or antlers**

*Transport of animals with horns or antlers greater than 110mm must not cause injury to themselves or other animals.*

91 It is submitted that more appropriate wording would be:

*Transport of animals with horns must not cause injury to themselves or other animals.*

92 Assuming the availability of the defence of taking all reasonable steps to comply with the regulation, it is submitted that this wording would not unfairly penalise a person whose animals were injured by horns despite reasonable efforts being taken to avoid injury.

**Regulation 38. Stock transport – Lameness in cattle, deer, pigs and goats**

*A cattle beast, deer, pig, or goat that has a lameness score of two must not be transported, except when certified fit for transport by a veterinarian.*

*A cattle beast, deer, pig, or goat that has a lameness score of three must not be transported.*

93 It is submitted that:

- a) It is appropriate that this standard be regulated.
- b) However, sheep should not be excluded from this regulation.

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

*A cattle beast, sheep, deer, pig, or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian.*

94 It is submitted that more appropriate wording would be:

*An animal that is transported must be able to stand and bear weight evenly on all limbs, except when certified fit for transport by a veterinarian.*

95 This wording better captures the intention of the standard in the Code, which applies to all animals, and is not limited to circumstances in which the inability to stand on all four legs is due to an injury or defect.

#### **40. Stock transport – Pregnant animals**

*Prohibit transporting a cattle beast, sheep, deer, pig, or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a veterinarian.*

96 We note that the regulation as currently worded provides for where birth is likely during or after transportation.

97 It is submitted that the proposal could be improved by including the recommended best practice (c) from the Transport Code of Welfare, 'the last third of pregnancy'. This is a sufficiently clear and precise threshold and gives better effect to the objects of the Act, given the welfare risks associated with transporting pregnant animals in their final stage of pregnancy.

98 Accordingly, it is submitted that the regulation be amended as follows:

*Prohibit transporting a cattle beast, sheep, deer, pig or goat that is in the last third of pregnancy, except when certified fit for transport by a veterinarian.*

#### **41. Stock transport – Animals with injured or diseased udders**

*An animal with a burst, distended, or necrotic udder or an animal with mastitis where there are signs of fever or the udder is hot, red, swollen, discharging, or necrotic must not be transported, except when certified fit for transport by a veterinarian.*

99 The proposed regulation is sufficiently precise to enable persons involved in the handling of animals to be able to determine whether the animal is exhibiting symptoms that would prevent transport from occurring.

100 It is difficult to see when obtaining a veterinarian's certificate (if required) prior to transport would be impractical. If a veterinarian, for whatever reason, is unable to inspect an animal which is exhibiting injured or diseased udders and certify its fitness for travel, then it is not appropriate that the animal be transported.

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

*A cattle beast or sheep with a cancer eye greater than 2cm in diameter and not confined to the eye or eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.*

101 The current wording of the regulation limits the prohibition to circumstances where the cancer is confined to the eye or eyelid, or is bleeding or discharging. However, there will be cases where the cancer eye is located on the eye or eyelid (or surrounding tissue) and the animal will not be fit for transport.

102 It is therefore submitted that the wording be amended as follows:

*A cattle beast or sheep with a cancer eye greater than 2cm in diameter on either the eye, eyelid or surrounding tissue, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.*

103 As above, it is difficult to see when obtaining a veterinarian's certificate (if required) prior to transport would be impractical. If a veterinarian, for whatever reason, is unable to inspect an animal which is exhibiting cancer eye and unable to certify its fitness for travel, then the animal should not be transported.

#### **Further regulatory proposals relating to the transportation of animals**

104 It is submitted that the following standards from Transport Code of Welfare are also appropriate for inclusion in further regulatory proposals and ought to be subject to \$500 infringement fines (or \$1,000 for a body corporate):

- a) Animals must not be thrown or dropped, or be lifted or dragged by their tail, head, horns, ears, limbs, wool, hair or feathers. (Minimum Standard 7)
- b) Animals must not be secured to conveyances or containers by a nose ring. (Minimum Standard 7)

We note that these breaches of the minimum standards in the Codes will cause harm to the animals but may not necessarily cause cuts or abrasions. Thus, they will not be captured by regulatory proposal 34 and require incorporation into further regulations.

- c) The time and place of inspection, and any deaths and incidents causing pain or distress to animals, must be recorded. (Minimum Standard 9)

105 It is further submitted that in order to capture the wider intent of Minimum Standard 6, it is necessary to ensure animals with other injuries (other than those provided for in regulatory proposals 41 and 42) cannot be transported without veterinarian approval.

106 It is also of fundamental importance that Minimum Standard 2, relating to Conveyance and Container Design and Maintenance, is incorporated into the Minimum Standards. As noted in the Transport Code of Welfare 2011, appropriate design and maintenance of conveyances and containers is essential for ensuring that animals are secure and well-ventilated during transport, and the risk of injury and distress is minimised. In the very least, the following standards (extracted and amended from Minimum Standard No. 2) ought to be regulated:

- a) Containers must be constructed and maintained so that they do not present hazards to animals.
- b) Conveyances and containers 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 designed to ensure enough room to enable animals to travel in natural posture.
  - d) Conveyances and containers must be designed to ensure adequate ventilation or oxygenation.
  - e) Conveyances must protect animals from adverse weather, including rain, wind, cold, and heat.
  - f) Containers must be secured so that they do not move when underway.
- 107 Finally, we note that the Regulations refer to the conveyance and containers but not the ramps and/or other loading and unloading facilities. Although regulatory proposal 43 requires that facilities must be provided to enable young calves to walk onto and off transportation by their own action, this only applies to calves, and in any event, there is no requirement to ensure that the loading facilities are fit-for purpose and are kept in good repair.
- 108 The ramp leading up to and away from the conveyance and container can be an area of hazard causing injury to the animals. For example, boards and planks with small gaps may be safe for cattle to walk on, but not for sheep with smaller hooves. MPI ought to develop a regulation addressing this issue in order to ensure the welfare of transported animals is adequately provided for.

### **PART C: Submission on proposed regulations for the live export of animals**

*Question 1: The conditional prohibition on the export of livestock for slaughter will be moved into regulations under the Animal Welfare Act 1999. Do you have any comment on this transition occurring in the second half of 2016?*

- 109 This timeframe is expedient, given the expiry date is 20 December 2016, of the Customs Export Prohibition (Livestock for Slaughter) Order 2013 ("CEPO").

*Question 2: Do you have any comment on the proposed regulatory offence and penalty for non-compliance with the conditional prohibition on the export of livestock for slaughter?*

- 110 The conduct described in the regulation seems to be already captured under the Act's section 40 offence. We understand the regulatory offence is designed to allow for greater prosecution options in light of the hurdle of the strong burden of proof required under section 40, due to the possibility of imprisonment. (Accordingly there is a mens rea element which must be satisfied, likely requiring knowing or intent rather than recklessness, equating to high threshold to prove beyond reasonable doubt.) MPI prosecutors will be able to prosecute under either the main act or under the proposed regulatory offence. Therefore we find the ability to take a prosecution is widened by the proposed regulatory offence, as the evidential burden is lower.
- 111 It is important context that although the statutory penalties available under the Animal Welfare Act 1999 are relatively high, actual sentences issued still remain very low. In the majority of cases judges are "treating animal cruelty as a purely regulatory offence" anyway.<sup>10</sup> A concern we have that availability of a new lower level of punishment for what is a serious breach of a

<sup>10</sup> A Markham "Animal Cruelty Sentencing in Australia and New Zealand" in Peter Sankoff and Steven White (ed) *Animal Law in Australasia* (The Federation Press, Sydney, 2009), at 303.

"prohibition" may reinforce the trend to lightly treat offenders. It is therefore critical that the range of prosecution options be fully utilised depending on the circumstances.

*Question 3: Do you have any comment on the proposal to repeal the legislative provision "Guidelines for issue of animal welfare export certificates" by late 2016? (Refer section 41).*

- 112 The repeal of these unenforceable guidelines in favour of enforceable regulation should improve clarity and guidance for exporters, and for the enforcement of animal welfare in live export. However our concern is if the current guidelines are not supplemented with clear regulations, rather instead a collection of non-specific, case-by-case discretionary powers. A greater level of transparency of the live animal export trade and oversight is hoped to flow from the amendments to the act.
- 113 It is crucial that the regulatory measures that supplement the guidelines contain transparent, robust and effective measures to ensure enforceable animal welfare standards, and protect New Zealand's reputation.
- 114 The ability to provide this increased clarity is available under new operative section 183C that allows for making stricter enforceable requirements on exporters relating to matters such as independent monitoring, preloading and transport facilities, condition of the animals and preconditions required to be satisfied before travel. Enforceable regulation coupled with actual oversight of these factors would go a long way to prevent animal welfare breaches rather than to attract the criticism laid on the Australian regulations that they are merely "reactive operating primarily to monitor and detect breaches, not to prevent them".<sup>11</sup>

*Question 4: Do you have any comment on the proposal to bring into force, by late 2016, the new provisions of the Act that expand the matters the Director-General of MPI must or may consider when assessing an application for export? (Refer section 43).*

- 115 We support the proposal to make operative this amendment in late 2016. The amendment allows for important inclusions that can be considered when assessing an application for live animal export.
- 116 It is important that, in applicable instances, the post-arrival conditions, and manner in which the welfare of any animals previously exported by the applicant was attended to, will be considered as a matter of course.
- 117 Whilst out of scope of the consultation, we wish to add that for a robust analysis to be undertaken of the above factors, independent, objective monitoring and reporting would be the most reliable measure, and would also act to encourage best practice.

*Question 5: Do you have any comment on the proposal to bring into force, by late 2016, the new provisions of the Act that allow the Director-General of MPI to impose conditions on an animal welfare export certificate? (Refer section 45).*

- 118 We support the proposal to make operative this amendment in late 2016. The additions to section 45 are welcome inclusions to strengthen the oversight of live animal export.
- 119 Whilst out of scope of the consultation, we add that for a robust analysis to be undertaken, independent, objective monitoring and reporting would be the most reliable measurement.

<sup>11</sup> RSPCA Australia "How is the live export trade regulated?" accessed 12 May 2016 <[www.kb.rspca.org.au](http://www.kb.rspca.org.au)>.

120 It is critical that MPI's oversight is focused on preventing animal welfare breaches rather than reviewing the aftereffects of them. New Zealand's legislative health and safety regime requires pre-emptive risk management plans and processes to be an integral part of preventing health and safety breaches. The analogy to the oversight of vulnerable animals' welfare for long export journeys, to health and safety oversight is relevant. It is not unreasonable to create a mandatory requirement on exporters to provide comprehensive risk management plans that identify the risks to animal welfare and New Zealand's reputation, and the measures they have put in place to prevent or mitigate them.

*Question 6. Do you have any comment on the proposal to bring into force, by late 2016, the new provision that allows the Director-General of MPI to refuse to issue an animal welfare export certificate, or revoke or amend a certificate? (Refer section 46).*

121 We support the proposal to make operative this amendment in late 2016. The additions to section 46 are welcome inclusions to the Director General's powers to refuse, revoke, or amend a certificate.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



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## Submission to the Proposed Animal Welfare Regulations 2016

Submission on behalf of:  
**Helping You Help Animals (HUHA) Charitable Trust**

**Contact person:**

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**Date of submission**

19th May 2016

### HUHA - BACKGROUND INFORMATION

Helping you help animals (HUHA) is a voluntary run charitable trust dedicated to teaching empathy to the community and providing shelter for those less fortunate animals that struggle to survive in today's disposable culture. HUHA is fun and interactive in many ways, designed to encourage our community to be proactive and take responsibility for the welfare of animals and the protection of our unique environment. HUHA actively works every day to find homes and foster care for a multitude of homeless, abandoned, seized and abused animals. We're here to help you help animals.

HUHA works tirelessly to problem solve and give support nationally. We operate two shelters in the lower North Island where surrendered or discarded animals are rehabilitated, valued and enriched while they wait for their forever home.

We are currently followed by more than 44,000 supporters on our HUHANS Facebook Page.

**Examples of accomplishments:**

- Rescued, rehabilitated and re-homed thousands of community animals in need, including companion and farm animals.
- Rehabilitated and released hundreds of native birds.
- Rescued three monkeys from the circus.
- Thousands of battery hens liberated from factory farms and rehomed as pets.
- The liberation of Piggy Sue for the Mike King Factory Farmed Pig Campaign on TV3's Sunday
- Rehabilitated 300 fairy Prions that were exhausted after a storm, rehabilitated and released 150 survivors
- Relocated 150 homeless animals from Christchurch during and after the Earthquakes
- Rescued 21 captive bred Kaimanawa horses from slaughter, rehabilitated and rehomed.
- Liberated 30 Beagles from an Animal Testing Facility, rehabilitated and rehomed
- Re-homed 15 elderly greyhounds from a closed racing facility, rehabilitated and rehomed
- Took in four monkeys with nowhere to go after a zoo closed (Franklin zoo)

- Took in eight wallabies with nowhere to go after a zoo closure
- Petitioned Parliament – Leave Animals Out of Legal High Testing (May 2013). HUHA arranged the nationwide march and in the end, won the battle
- Assisted the Wanganui District Council in disestablishing their euthanasia-by-gas facility and establishing a compassionate method via a contract with local veterinary surgeons. HUHA mediated and had round-the-table discussions (and brought some death row dogs back to the sanctuaries as well, of course).
- Engaged in a government initiative (“Community Max”), employing a group of unemployed young people working fulltime for HUHA for 6 months (people with a history of unsuccessfully looking for work, some recently out of prison, some with addictions). Eighteen of the 24 young people got jobs after working with HUHA.
- Called in by KiwiRail annually to help remove some seagull chicks from a dangerous part of the rail yards in Wellington. Also hospitals and other buildings.
- Team building groups and school groups visiting, donating, listening and walking the dogs happened this year as usual.

HUHA is run by volunteers, no one is paid; the work is both hard and satisfying. All of those volunteers put their time into HUHA because through HUHA they know they can make a difference.

With such a vast range of experience in a wide range of companion, farm, exotic (ex circus) and wild animals HUHA can provide unbiased advice towards amendments to the Animal Welfare Regulations, to provide the best outcomes for all the animals involved. For us the welfare of animals is the priority...because every animal matters!

### **HUHA’s Thoughts on Animal Welfare in NZ**

Any owner’s method of care or treatment of the animals in their charge is their choice, but the effect of poor choice can be devastating or even deadly to an animal. Whether this is brought about by a lack of education, ignorance or just a bad day, what is most concerning is our culture of turning a blind eye and allowing each animal to just accept its fate.

Animals in New Zealand are big business; racing and farming are both apparently important industries and even having animals as a pet is woven into the fabric of our society. Although if we open our eyes and see what is regularly excused within these industries and in many homes, we would too often be horrified by what is complacently accepted as normal. No shelter for stock; sows in crates and factory farming of pigs and chickens; tethering goats on road sides; chained-up dogs in backyards; cats and dogs being left undesexed to breed indiscriminately; caged birds with little enrichment; dogs, cats and rabbits being bred in poor and inhumane conditions and very young puppies, kittens and bunnies being taken from their parents for pet store stock. We strongly feel that the Animal Welfare Act in New Zealand offers little protection. It is perfectly acceptable to shoot your dog in the head if you feel it is not agreeable to your way of life. It is okay for anyone to breed their pet no matter what their situation and with no regard for the well-being of the animals or an overwhelmed community. It just goes on and on. Every animal deserves to know the love and safety of a responsible home, whether that is within a business or a suburban backyard, and yet in New Zealand this is sadly often not the case. Surprisingly, safe and sensible homes and businesses are the exception not the rule.

Of course the way forward has to be education. The cycle of suffering at the hands of ignorance and complacency needs to stop. At HUHA we have a saying which we use almost daily as animals with a reputation for being bad, untrainable or useless come into our care. We simply smile confidently and say “Change the environment and you’ll change the animal.” After reading through these proposals and seeing more compromise and complacency for the benefit of industry and the determinant of animals, maybe more to the point we should be chanting “change the laws and protect the animals”...we as a country are the only ones who can!

## Submission to the Proposed Animal Welfare Regulations 2016.

### Purpose of submission:

The purpose of this submission, from HUHA Charitable Trust, is to address the proposed animal welfare regulations, to ensure that all animals, whether they be companion, livestock animals, native or exotic, are provided with the five freedoms as an absolute bare minimum, in accordance with the Animal Welfare Act 1999.

### Notes to our submission:

HUHA has only recently been involved in the process of submitting after attending a public meeting on the 27th April after which we attended two workshops on the review of these regulations. We were not aware or involved in the start of the process in September 2015. The timeframe of 5 weeks has been extremely onerous given we are run entirely by volunteers and this has not allowed us to provide a complete and thorough submission on such a large number of regulations. We would like to have provided a more substantial submission and research/references but the timeframe has been a major constraint. HUHA has a wealth of experience with a broad array of animals (domestic, farm, native and exotic) and feel we have a wealth of hands on experience to contribute to the process of reviewing and regulating their welfare.

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### HUHA recommendations:

#### 1. All animals - Electric Prodders

HUHA do not support the proposal as it currently stands.

**Suggested change to proposal:** The use of electric prodders is prohibited on any animal. No exceptions at slaughter premises, or circuses.

**If prohibition is not implemented we would propose the following:**

May only be used on cattle only, over 250kg where the safety of the handler is at risk of severe injury.

Electric prodders must not be used on the most sensitive areas of any animal. This includes face, throat, eyes, nose, anus, vulva, udder, testicles, penis, mouth, and ears.

All handlers must receive good stockmanship training to ensure that animals are treated humanely at all times. Training covers humane handling, timing. The design of trucks and ramps etc also need to be reviewed to facilitate humane handling. This would provide handlers with a variety of techniques to ensure that electric prodders would not be required. No exceptions at slaughter premises, or circuses.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

#### 2. All Animals - Use of Goads

HUHA do not support the proposal as it currently stands.

**Suggested change to proposal:** The use of goads is prohibited on any animal.

**If prohibition is not implemented we would propose the following:**

Goads must not be used on the most sensitive areas of any animal. This includes face, throat, eyes, nose, anus, vulva, udder, testicles, penis, mouth, and ears.

All handlers must receive good stockmanship training to ensure that animals are treated humanely at all times. Training covers humane handling, timing. The design of trucks and ramps etc also need to be reviewed to facilitate humane handling. This would provide handlers with a variety of techniques to ensure that goads would not be required.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

### 3. All Animals - Twisting an animal's tail

HUHA does not support the proposal as it currently stands.

**Suggested change to proposal:** Twisting, or pulling the tail, ear or any other part of any animal is prohibited. Lifting the tail in a manner that causes the animal pain or suffering is also prohibited.

#### Comments:

Twisting, or pulling the tail, ear or other parts is a deliberate and intentional act on behalf of the handler to hurt the animal and achieve a quick and instant result. These acts do cause pain and suffering for the animal.

The tail of an animal is an extremely sensitive part of the body. It is an extension of the spine and so twisting it creates a great deal of pain and ultimately breaks the tail. The excruciating pain is one of the reasons why it gets used in rodeos as the pain is so severe, the animal will be blinded with pain, terror and anger and will tear out of the chute (there is plenty of video footage online to show this being done if you have the stomach for it – see <https://www.tvnz.co.nz/one-news/new-zealand/confronting-footage-sparks-fresh-claims-into-animal-welfare-handling-at-rodeos-6315117>).

Clearly the Ministry recognises the practice as unacceptable. It asks the question as to whether it is possible “to identify and regulate a level of unnecessary and risky twisting” and notes “[fine distinctions in the degree of tail twisting could make enforcement and feasibility difficult”. We agree and feel that any modification to a blanket prohibition would be difficult to discern and would weaken the Ministry's ability to monitor compliance. Tail twisting is used by poor stockmen to move cattle. It is inappropriate and unnecessary and that is why we suggest that the proposal is not modified with the words “in a manner that causes pain”, but that it is categorically, across the board, prohibited.

The Sheep and Beef Code of Welfare 2010 included as it's recommended best practice “(i) Tails should not be lifted or twisted”. Lifting of tails has not made it from the Code to this proposal and while it is possible to lift tails carefully to avoid pain, it is also possible to cause pain doing this and we would not like to see semantics enabling anyone to cut across the Ministry's intent with this proposal. Hence we suggest it is included, but with a modifier.

There is plenty of literature available, standard and tested good stockman practices, that will provide those working with stock with plenty of alternatives to cruel practices.

#### Penalty

We recommend that this activity fall under prosecutable regulation offence rather than infringement offence. The twisting of tails is more than providing the potential to cause low level or moderate harm – it does cause harm. Anyone who continues to twist tails cannot be unaware of what they are doing – it is a deliberate and intentional act to hurt the animal and achieve a quick and instant result.

If the Ministry decide to persevere with treating this as a mere infringement, then the penalty should be raised to the maximum of \$1,000 (rather than the suggested \$300) as in our view it is already in the wrong category and anything less (certainly at \$300) will not be perceived by people as a serious offence; they will consider the risk of being caught offending worth taking. We would also like to see a record made of incidents in an SPCA/MPI register. Prosecutable with repeat offending.

### 4. Dogs - pinch and prong collars

HUHA supports prohibiting the use of pinch and prong collars.

We further propose that it be extended through collaboration with relevant Ministries to also prohibit the import, or sale of these products through their prohibition under section 32 of the Act. This would also include any other similar devices or product having to prove they comply with the Animal welfare Act and

regulations to be able to import into New Zealand. This will future proof loopholes around the wording pinch and prong collars.

**Proposed infringement offence for use of the pinch and prong collars is \$500 with a record made of incidents in an SPCA/MPI register. Prosecutable with repeat offending.**

**Proposed penalties for sale/import of the pinch and prong collars is up to 12 months imprisonment, or a fine of up to \$50,000 for an individual, or up to \$250,000 for a body corporate.**

**5. Dogs - Injuries from collars and tethers**

**HUHA supports the proposal with the inclusions of;**

**" or be allowed to become embedded in the animal's neck"**

**We further propose** that it be extended to prohibit the tethering of dogs (differs to tying up of dog for limited time, linked to goat and horse tethering), and the use of electric collars, except for use by trained and qualified professionals.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

**6. Dogs - Muzzling a dog**

**HUHA supports the proposal with the following inclusions;**

To be extended to include the ability of the animal to drink water, open mouth and vomit without suffocating. The exception to this being short term muzzling to prevent injury to themselves and/or others, used with supervision e.g. during veterinary consultation, however the ability to vomit without suffocating would still apply.

To be extended to include the prohibition of barking muzzles.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

**7. Dogs - dry and shaded shelter**

**HUHA supports this proposal with the following additions/amendments:**

To be extended to include;

- shelter that protects the animal from the elements including protection from the sun, humidity, wet, damp, drafty and cold temperatures, with a raised sleeping area, elevated from ground level.
- The shelter must be kept clean (a manner conducive to maintenance of disease control and dog comfort), with faeces, urine, hair and waste food cleared and disposed of at least once a day, and more often if necessary.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

**8. Dogs - dogs left in vehicles**

HUHA supports this proposal with the following inclusions;

- must have access to sufficient ventilation, fresh water and a shaded area at all times.
- **exception:** Working dogs - if left in a vehicle or whilst travelling they must have sufficient ventilation (in addition to air flow when vehicle is moving), and access to fresh water and a shaded area at all times.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register.  
Prosecutable with repeat offending.**

**9. Dogs - secured on moving vehicles**

HUHA supports this proposal with the following inclusions;

- must on moving vehicles on public roads must be secured in a way that prevents them from falling off, except for working dogs which may be unsecured on a vehicle **ONLY** whilst working.
- Provision must be made to provide shade/shelter from the weather (ie, sun/rain)
- Extend to include dogs travelling;
  - in dog boxes on, under or attached to vehicles, or dogs contained under covered ute trays must not be overcrowded and must be provided with sufficient ventilation in addition to airflow whilst the vehicle is moving, as well as stationary. fresh water should be available at all times.

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

**10. Dogs and Cats - drowning dogs and cats**

HUHA supports this regulation but with the following amendments;

- That it is changed to "**any animal**" at "**any age**".
- We also propose that it be extended to also include prohibiting death by suffocation or freezing for any animal.

**Proposed penalty - a prosecutable regulation offence, with a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate AND a criminal conviction.**

**11. Eels - insensible for desliming**

HUHA supports this proposal but would prefer that they are killed before desliming..

**12. Crabs, rock lobsters and crayfish - insensible before being killed**

HUHA supports this regulation but would prefer that crabs, rock lobsters, and crayfish are killed as soon as they are captured.

**Proposed penalty - a prosecutable regulation offence, with a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate AND a criminal conviction.**

### 13. Goats - Tethering requirements

HUHA does not support the proposal as it currently stands.

**Suggested change to proposal: Tethering of goats is prohibited.**

Prohibit the tethering of goats, except in circumstances where a loose goat needs to be secured until animal control or the owner retrieves it. In such circumstances the goat must be out of harm's way, supervised and have constant access to food, water and shelter and be retrieved within 12 hours.

**Suggested Penalty:**

Prosecutable regulation offence including conviction.

**Comments:**

Goats are extremely sociable and in need of company; they are highly intelligent animals; they have thin skin and do not cope well in bad weather and need regular attention to feet. When tethered:

- they are usually without company;
- they get tangled up which includes problems with access to water and food and injury (sometimes fatal) for the goat;
- they are vulnerable to attack from animals and people;
- they are browsers not grazers, so quickly run out of food they can eat and can't receive the necessary nutrition required;
- they can knock their water over and no one will notice;
- they can get onto the road when tethered on berms;
- they need decent shelter that they can easily enter and it must provide indisputable shelter from the elements (ie not an old oil drum or an open A-framed structure);
- they are easily forgotten and no-one can see that they have no access to food and water, that they are emaciated, that they have dry scours; that their hooves are overgrown, that they have received no drenching; that they are dying.
- In the Ministry of Primary Industry's Welfare Pulse newsletter (Issue 11, June 2012), which followed the issuing of the Animal Welfare (Goats) Code of Welfare 2012 (2012 Code), it said:  
"We gave [tethering] very serious consideration because there are issues with goats that are tethered. But we concluded that the problems with tethering weren't about the tethering itself, but the conditions around that."
- And in the National Animal Welfare Advisory Committee's *Animal Welfare (Goats) Code of Welfare 2012 Report* (their report to the Minister that accompanied the 2012 Code, after all submissions had been considered) they said (p 6):  
"However, it is not usually the tethering and restraint of goats per se that is the main problem, but the issues that are commonly associated with tethering such as neglect, social isolation and increased vulnerability to attack or injury."
- We feel this was an odd conclusion – the conditions around tethering *are* the problems with tethering. Nothing about allowing tethering, including the proposal in this document we are submitting to, is going to address the "neglect, social isolation and increased vulnerability to attack or injury" mentioned by NAWAC.
- In the 2012 Code, under 2.3 Restraint and Tethering, under Recommended Best Practice (d) (on p 6) it says:  
"Goats should not be tethered as they are social animals."  
The need for goats, herd animals, to have company is undisputed by NAWAC (who even cite GC Miranda-de la Lama and S Mattiello "The importance of social behaviour for goat welfare in livestock farming" (2010) Small Ruminant Research 90(1–3) at 1–10 in their report to the Minister that accompanied the 2012 Code (National Animal Welfare Advisory Committee's *Animal Welfare (Goats) Code of Welfare 2012 Report* (NAWAC, 1 August 2011) at 6). It's hard to know why tethering of goats is not prohibited with a best practice recommendation like this. However, beyond this argument are all the ones on our list above, also not disputed by the NAWAC report. In looking at the items on the list, we can easily see that they do not pass the definition of physical, health and behavioural needs (section

4) in the Animal Welfare Act 1999:

"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:
  - (ab) proper and sufficient 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."

As well as not being disputed by NAWAC, they are not disputed by MPI, but feel they can be met by saying "Tethered goats must have constant access to food, water, and shelter". The problem is that these requirements (which are not nearly definitive enough to cover all the issues with tethering) are not going to be complied with. In the *Proposed Animal Welfare Regulations* document that we are submitting to now, it notes in the "What is the Problem?" section of the tethering item:

"An identified area of frequent non-compliance. On average 50 complaints a year are investigated relating to tethered goats, making up 25% of all goat complaints.

...

Current responses appear ineffective at deterring frequent offending."

At public meetings held by MPI to discuss these proposals, officials laboured the importance of having measurable definitions — proposals where it was very clear what was being asked and so equally clear if contravened. This does not apply with this proposal and it would be a lot easier to ensure compliance if the practice was simply and appropriately prohibited. The document itself questions whether it is possible to properly define what shelter is. Access to food would have to be the varied and an appropriate diet for a browser, the water would have to be there in a container and not knocked over. An ignorant person tethering a goat could easily suggest that they were covering these items with such a broad, non-specific, non-measurable statement like "Tethered goats must have constant access to food, water, and shelter". And, as discussed, it doesn't cover all the other issues associated with the activity.

Goats are not lawnmowers. Let's make this a measurable proposal — clear and straight-forward for monitoring compliance and that meets the definition of physical, health and behavioural needs in the Animal Welfare Act 1999. Let's do the right thing for goats once and for all.

#### Penalty

We are very sure that tethering of goats should be prohibited. Whether our recommendation is accepted or not, the penalty for this activity is a prosecutable regulation with all that this implies (maximum penalties and conviction). The minute you tether a goat, you are causing more than moderate harm — not the potential to cause it but actually causing it. A clear message needs to be sent — no tethering!

**If the tethering of goats is not prohibited then the minimum requirements would be as follows:**

- They must be provided with appropriate foraging and species food (not just grass), water, shade and shelter(see suitable shelter for dogs) from the elements at all times.
- Goats must be provided with a companion animal such as another goat, camelid, or sheep, and provided sufficient parasite control and sanitation such as to prevent infection and disease
- Tethered goats must be inspected at least twice in each 24 hours to ensure the food and water is available and that they haven't been entangled (this should be increased in very hot weather)
- Tethered goats must be provided with daily exercise off the tether in a safe environment



- Tethered goats must not be left in a situation where they are accessible by other animals that could endanger or attack them.
- Male goats that are to endure life on a tether must be castrated to lessen impact of learned aggression.
- Wild goats and or kids may not be tethered.

**14. Horses - use of a whip, lead or any other object**

HUHA supports this proposal with the following amendment;

- extend to include or sensitive areas

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

**15. Horses - injuries from equipment such as halter, head ropes, and saddles**

HUHA supports this proposal with the following amendment;

- extend to include or sensitive areas

**Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.**

HUHA would like to see an assessment carried out on horse equipment and devices to ensure they meet welfare standards and do not compromise animal welfare.

**16. Horses & donkeys - tethering requirements**

HUHA does not support this proposal as it stands.

**Suggested change to proposal: Tethering of horses and donkeys is prohibited (differs to tying up for limited time).**

**If prohibition is not implemented we would propose the following:**

- Tethered horses and donkeys must have constant access to water, food, shelter and shade.

**17. Layer Hens - opportunity to express normal behaviours in housing systems**

HUHA does not support the current proposal as it stands due to Colony Cages being acceptable under section (a) of the proposal.

Hens must have the opportunity to express a range of normal behaviours. These include, but are not limited to nesting, perching, scratching, ground pecking, wing flapping, and dustbathing. (Colony cages are not considered as meeting these requirements and should therefore not be recommended to replace current battery cages).

**HUHA's position is that all caging of hens should be prohibited.**

In 2005, NAWAC said it would "ideally like cages to be eventually phased out", We should be working towards a phase out of all caged systems as is already happening in countries such as Switzerland, Austria, Sweden and Germany.

**18. Layer hen stocking densities**

HUHA does not support proposals (a) or (b) regarding stocking densities as at these densities layer hens do not have the space to be able to express natural behaviours as outlined in section 17 (a)

"The cage system is widely criticised for the negative effects on the welfare of the hens (Baxter, 1994)[...] with very limited possibility for the birds to move or perform their normal behaviours. Cages do not allow birds to fulfil their normal patterns of behaviour. In addition, the spatial restriction imposed on the hens in

this type of system provides them with only very limited opportunity to move and prevents the birds from performing adequate exercise which has a negative effect on bone strength and density, resulting in breakage of parts of the skeleton" (Vits et al., 2005) Higher stocking densities have furthermore been associated with higher levels of injurious pecking and smothering (Nicol et al., 1999).

**As such HUHA would like to see pullets (up to 16 weeks of age, when many are considered fully grown) stocked at a density not exceeding 3 pullets per m2, and pullets over the age of 16 weeks stocked at a density not exceeding 2 hens per m2.**

HUHA believes stocking densities greater than this will be detrimental to the welfare of layer hens. We also note that NAWAC guidelines for barn raised hens require pullets (up to 18 weeks of age) be stocked at a density not exceeding 9 pullets per m2 and pullets over the age of 18 weeks be stocked at a density not exceeding 7 hens per m2. As an absolute minimum standard (and not recommended by HUHA) we believe providing these stocking densities for barn systems would provide much greater opportunities for hens to display natural behaviours than current guidelines allow for. Any sort of intensive farming or caged system would remain completely unacceptable to HUHA.

**HUHA supports proposal 18 (c) stocking of the outdoor ranging area must not exceed 2,500 hens per hectare.**

HUHA would like the proposals (including proposals 17, 18, 19, and 20) relating to Layer hens to apply to broiler chickens as well.

#### **19. Layer hen housing equipment**

**HUHA does not support the use of cages or Colony cages and proposes that they are phased out within 5 years.**

##### **Comment:**

Colony cages are only a very minor improvement (which is also debatable as some groups provide evidence that conditions are worse for hens in colony cages than those in traditional cages). Although they might be slightly bigger they still lack in providing an environment that is conducive to animal welfare and the opportunity to display natural behaviours.

The colony cage designs do not provide sufficient elevations of the perches for the hens to perch naturally, nor do they provide sufficient space for the hens generally. They do not provide litter which enables them to forage, scratch and dustbathe which are all natural behaviours for hens. This often results in the feather pecking of other hens and sometimes cannibalism.

**Barns: HUHA supports the housing equipment regulations for barns with the following change and additions:**

(v) wire floors should not be used

(vi) In multi-tier systems the distance between the levels must be 60cm and the levels must be arranged so that the layer hens in the lower tiers are protected from excreta from above.

**Barn Systems must include free access to appropriately sized outdoor areas that allow the hens to display normal behaviour.**

**Shade and Shelter must be provided in outdoor areas.** NAWAC currently identifies this as a best practice recommendation. Enforcing this standard would allow for hens to make full use of outdoor spaces, decreasing internal stocking densities and thus improving hen welfare.

**Adequate Ventilation must be provided so Ammonia concentrations do not exceed 10ppm. Ammonia**

levels above this have been shown to be aversive to hens, with higher concentrations of ammonia resulting in abnormalities and damage to the respiratory tract (Nimmermark et al., 2009)

**Lighting levels should be no less the 50 Lux during light phases.** NAWAC has identified that low light levels "impair welfare by restricting the movement of hens and preventing them from performing some behaviours." (NAWAC, 2012, Animal Welfare (Layer Hens) Code of Welfare Report)

**20. Layers Hens - induced moulting**

HUHA supports this proposal to prohibit induced moulting of layer hens.

We would also like to see the prohibition of debeaking. Research has shown that debeaking or beak tipping even by infra-red beak trimming (IRBT) "is still likely to cause some acute pain" (McKeegan and Philbey, 2012). Addressing issues of stocking densities would prevent the cannibalism and injurious pecking that debeaking aims to reduce.

**21. Llama & Alpaca - injuries from equipment such as halters, head ropes, and packs**

HUHA supports this proposal with the following inclusion;

- extend to include or any other distress.

Proposed infringement offence \$500 and record made of incident in an SPCA/MPI register. Prosecutable with repeat offending.

HUHA would like to see an assessment carried out on Llama and Alpaca equipment and devices to ensure they meet welfare standards and do not compromise animal welfare.

**22. Llama & Alpaca - companion animals**

HUHA supports this proposal

We would also like to see this implemented for all mammals (also refer to goat tethering)

**23. Llama & Alpaca - Offspring (Cria) camelid companions**

HUHA supports this proposal

We would also like to see this implemented for goats and other herd animals

**24. Pigs - Dry sleeping area**

HUHA supports this proposal with the following inclusion;

- extend to include protection from elements and draughts and appropriate sanitation. Free from faeces, urine and food waste, and with the provision of litter for bedding material.

**25. Pigs - lying space for grower pigs**

HUHA does not support this proposal as we consider this as intensive confinement of pigs which is unacceptable and detrimental to their welfare.

**Suggested change to proposal:**

- Grower pigs must not be confined in a manner that does not allow them free access to the outdoors.
- They must also be provided with adequate shelter from the elements (heat, cold, rain).
- They must be provided with an appropriate litter system.

**If prohibition of intensive confinement is not implemented we would propose the following:**

- Grower pigs must be provided with a litter system
- A further review to be done on the space allowed for each pig and the importance of enrichment in their area.

## 26. Dry sow stalls

HUHA supports the current proposal with the following changes/additions:

- \* the wording should change to “prohibited” rather than “must not be used”
- \* include that sows may only be confined in mating stalls for the duration it takes to mate, but no longer than 24 hours without a break to enable natural behaviours

## 27. Pigs - size of farrowing crates

Current proposal not supported.

### HUHA's proposal

Prohibit keeping a sow in a farrowing crate. Farrowing crate use to be completely phased out by 2021. Current farrowing crates not to be replaced after 2016.

Current crates are not sufficient to house modern, larger sows than the crates were originally designed to house. This means there is insufficient space for sows to exhibit natural nesting behaviours before birthing, and mothering behaviours post birthing.

Therefore farrowing crates must be phased out with farmers being required to replace them with a farrowing system that allows natural behaviours, that includes room for sow to turn around, and nest, a sloped wall or skirt, creep, hay, separate feeding, sleeping and defecating areas.

The welfare issues for piglets in farrowing crates are:

- Increased risk of stillbirth - although crushing risk is reduced in farrowing crates, there is evidence of increased risk of stillbirth.
- there is evidence of increased incidences of savaging behaviour
- Lack of enrichment opportunities - the crates are commonly built on fully or partially slatted floors which prevent provision of some enrichment materials.

In order to keep piglets safe there are successful alternative systems to farrowing crates in operation that have demonstrated the same production figures as farrowing crate systems. These systems not only help piglet survival through designs such as sloping walls, and creeps, but also promote good maternal behaviour whilst still allowing staff to provide good management and maximise piglet survival.

The welfare issues for sows in farrowing crates are:

- Physical restriction - the crate limits the sow's movements and prevents her from turning around
- Behavioural restriction - the crate prevents expression of natural behaviours including mother-young interactions and nest-building behaviour
- Behavioural restriction through inadequate provision of nest-building materials

Nest-building behaviour is one of the most important behaviours that an expectant sow needs to perform. A sow will start nest-building behaviour approximately 16-24h before farrowing, performing very specific patterns of behaviour. To do this she needs space to increase her activity levels seeking a separate nest-site. She needs to be able to turn around and create a nest in an isolated/protected area. To build her nest she requires nesting materials to manipulate and flooring that keeps the nesting materials in the nest.

**Proposed penalty - a prosecutable regulation offence, with a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate AND a criminal conviction.**

## 28. Pigs - provision of nesting material

We support the proposal with the following inclusion;

- All Sows must be provided with clean, dry and comfortable nesting material.

### Comment

Nest-building behaviour is a well researched and well documented behavioural pattern in pigs that remains unaltered by domestication. Nest building is a highly motivated behavioural need that can affect maternal hormones. Nest building prepares the sow for farrowing and can influence her maternal behaviour.

The more active and satisfying the nest-building phase the more calm and relaxed the farrowing phase. A calm farrowing phase is vital to promote piglet survival. The sow will start nest-building behaviour approximately 16-24h before farrowing, performing very specific patterns of behaviour (as above in 27.)

**Proposed penalty - a prosecutable regulation offence, with a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate AND a criminal conviction.**

## 29. Rodeos - Fireworks

Primarily HUHA supports a complete ban on Rodeos.

If this is not under consideration at this time then temporarily:

HUHA supports a ban on fireworks, explosions and pyrotechnics at rodeos with the following inclusion;

- extend to include all outdoor events where animals are present and part of the event.
- extend to include the prohibition of the use of goads, electric prodders, flank straps, spurs, bronc riding, bull and steer riding, rope and tie, team roping, steer wrestling and calf riding.

### COMMENT

- Internationally, rodeo is banned in the United Kingdom and the Netherlands. Many other countries prohibit certain events.
- Vancouver, Canada prohibits a number of rodeo activities central to a professional rodeo, including calf or goat roping or tie-down roping, horse tripping, steer busting, steer wrestling, the use of shocking devices such as electric prods, the use of bucking straps, and the use sticks, whips, spurs, and wire tie-downs. These prohibitions effectively ban rodeos from the city.
- We do not agree with NAWAC's findings regarding the use of spurs. Some state in defence of using spurs they are used to help enable the rider to stay on the animal and that they do not inflict harm. We dispute this - these excerpts were taken from a rodeo group's page "Timed event cowboys and cowgirls wear spurs to encourage their horses to run faster and to give them a little extra balance and control while in the saddle" and "Both bull and rider are only scored for the eight-second run, with high marks awarded to fluid and controlled actions on the part of the rider and athleticism and bucking ability on the part of the bull. If a rider can control the movement of the bull, he will receive extra points for style, especially if he is able to spur the bull into more action. The tougher the bull appears to be to ride, the higher the score he will earn for his rider." We do not believe there has been enough research done into the harm spurs cause and that the current data seems to be based on American findings.
- We also do not believe that using American reports and data on injuries in general is adequate to make a judgement for New Zealand's rodeos. In California a lawsuit was taken against a Rodeo group for hiding injuries to animals ... " Salinas, Calif. — The California Rodeo Salinas is scheduled to start on July 16, 2015 yet the rodeo refuses to change its illegal practice of hiding injuries to animals. In December 2014, the national nonprofit Animal Legal Defense Fund (ALDF) filed a lawsuit on behalf of the animal rights group Showing Animals Respect and Kindness (SHARK) against the rodeo for failing to report animal injuries to the state veterinary medical board, as required under California law. ALDF and SHARK accuse the

defendants of significantly underreporting the number of animals injured at the California Rodeo Salinas, the largest rodeo in the state and one of the largest in the country.”

- Video footage has repeatedly been given to MPI clearly showing breaches of the animal welfare act in regards to the use of electric prods, and the failure to adhere to the welfare codes.
- We also dispute the claim that prohibiting rodeos in New Zealand would impact on the rural community “social and community wellbeing” which has also been cited as a reason not to ban rodeo. Firstly rodeo is an entertainment base activity and therefore the abuse and suffering of animals cannot be justified purely for entertainment purposes. Secondly our rural community has plenty of other avenues for entertainment and social activities. To allow rodeos to continue in NZ for the entertainment of others is inherently cruel. Rodeo has no cultural significance in NZ, and even if it did there is no reason for it to continue. We are not the wild west.
- It is obvious that the use of goads, prods, flank straps and spurs incites the rodeo animals into performing. These animals would not been bucking, kicking and fleeing under normal animal behaviour without these devices. They are coerced and forced into a highly stressful, dangerous and sometime lethal situations. These events are far from providing anything in the best interests of the animals and are a shameful exhibition comprising animal welfare in every aspect.
- Rodeos do not promote a caring and responsible attitude towards animals. We believe also believe that rodeo sanctions animal abuse and sets a poor example to children.

HUHA strongly advocates for the prohibition of Rodeos in New Zealand.

### 30. Exotic Animals Used in Circuses

HUHA does not support the current proposal.

HUHA proposes that the use of all animals in circuses should be prohibited.

**If prohibition of all animals in circuses is not implemented we would propose the following:**

That the use of all exotic animals in circuses should be prohibited.

#### Comments

A number of other countries now ban the use of wild or exotic animals in circuses including Austria, Israel, Singapore, Costa Rica, and Croatia. Denmark, India, and Finland have banned some wild or exotic animals in circuses. But Bolivia is the first country to ban the use of all animals in circuses.

HUHA ran a poll through social media channels. The results showed that 99.% of the 1028 respondents voted that animal use in circuses should be banned. Only 12 respondents selected that animals may be used in circuses as long as the circus could keep the animals in appropriate conditions.

To highlight HUHA's first hand experience of animals in a New Zealand circus we have included excerpts from our founder's Biography Animal Magic - My Journey to save thousands of lives, published by Allen & Unwin 2015. . Although we realise that this is a peculiar addition to our submission, we feel it is important for decision makers to truly understand both the reality and consequences of allowing even a small opportunity for circuses to comply as per the proposed new regulation. Allowing Circuses to keep and exhibit animals including exotics, holding them captive and making them perform for entertainment purposes would be a huge step backwards for New Zealand and the animals in our care.

2004 “Stepping back in time and walking past the chained elephant, the tethered donkeys and the tied-up mutant dwarf pony, Jim and I both started to feel uncomfortable. As the ringmaster proudly introduced us to the lions in a makeshift enclosure, I thought inwardly that the male, supposedly the most majestic

creature in the word, had such sadness about him and literally no mane, just a scruffy effort that truly didn't count.

We approached the monkeys who, like most of the animals, were on chains and tethers. We met three of them: Laurie a 'badly behaved' capuchin and new up-and-coming stars, the pig-tailed macaque sisters Joanna and Rachel. Rachel and Joanna had ropes bolted around their necks and were also inside one of the portable chainlink enclosures. Apparently they were only young, just two years old, and the ringmaster was still working on breaking their spirits so they would work well for him and ride the pony. As we made our excuses to leave, the ringmaster pointed inside the tent. There was one more monkey to see. His old boy Charlie, a rhesus macaque, liked to hide out away from prying eyes, and as our eyes pried our hearts sank. Charlie was clearly very old; he was hunched and his limbs noticeably twisted with arthritis. He was sitting quietly on a bench seat under the dark red glow of the unlit tent. It was obvious he just wanted to be left alone, so we snuck out as quickly and quietly as we snuck in. We had had our first look at the reality of a cruel and antiquated part of New Zealand history. We sat in sombre silence all the way home."

This chapter explains HUHA taking possession of the circus Monkeys, in an unexpected hurry in 2007...

"Although the three monkeys were now safe, for us and for them, the journey to find them happiness had only just begun. There were so many questions to answer. It was too wet and muddy underfoot to build the monkey facility, so how were we going to exercise them and keep them enriched over the winter months – especially if they had to stay in that awful prison of a caravan. How were we going to keep Charlie's crippled body as pain free as possible? How were we going to handle tethering and walking monkeys on leads, which was so morally against every fibre of our beings? And how long was Laurie going to have to wear the soul-destroying chain that was bolted to his collar

'This is just going to have to be a sticking plaster period,' I said to Jim. 'We can't make it all perfect and undo all the damage with a magic wand. We will just have to suck it up and transition with them.' I grimaced at the idea of a monkey on a tether and I hated them being trapped in that god-awful caravan. But from that point on we had to do everything properly and carefully for their sanity and safety, as well as ours. We would stick to the routine they knew for now.

One huge concern was how Rachel was coping without her sister. The transfer of the monkeys had happened in such a hurry we hadn't stopped to fully process the awful news that Joanna had died. 'We were so close to helping her,' Jim said, kicking at a rock on the driveway

I could see the frustration on his face as he hung his head in grief and sorrow for a little monkey we barely knew. We had been told that while in the Hawke's Bay, Joanna had been tethered to a tree. The day was unprecedentedly hot, and when Joanna had knocked her water bowl over it hadn't taken long for the heat to consume her and she died of heatstroke in a matter of minutes. So just a month later, there we were, left with half of a duo. We couldn't even begin to understand what Rachel must be going through. So much change. So much devastation. Her life had been taken out of her control and now she had lost probably the only one who could truly comfort her."

"Jim had come up with a genius plan to build the three monkeys temporary bedrooms in one bay of our garage. MAF approved the idea as an interim containment facility and we set to work straight away. Winter was getting wild and woolly and the cramped caravan just wasn't going to cut it.

Each of the monkeys had to be housed separately. There was no getting around it with their varying ages and species, as well as a whole lot of dysfunction. They liked to see each other but didn't want contact. The monkey garage was great. As the winds howled outside the monkeys were toasty warm under a heat lamp, with hammocks and interesting knobby tree trunks to climb and fresh leafy branches and ponga ferns bought in daily. They were as content as could be until we could build them their new enclosure.

When there were breaks in the weather we would clip an extra-long dog lead to each of their collars and take them for a stroll around the property, to climb a tree or be tethered to something fun and enriching. Laurie was the trickiest to convince to come out of his room. He still had the awful piece of chain bolted to his collar and he protected it like his life depended on it. We soon learnt to read how he was feeling and whether he wanted to engage with us or not by how he handled the chain. It was the only way he knew to communicate with us. We hated the chain but were glad it gave him the power of choice – something we assumed he had had little of.

On calm or sunny days we would hold up the clip of a lead and Laurie would in turn react in one of two ways. He would either take the free end of the chain dangling from his neck and carefully pass the link through the mesh so we could attach the dog lead. We would then open his door and thread the lead right through. Laurie would jump up on a shoulder and we would head outside. He was just so nervous. Until he was safely up his favourite tree and making jungle noises, it was a matter of walking quietly and slowly so he wouldn't take fright and have a huge screaming meltdown.

The other reaction we would get was heartbreaking. He would hold the chain that dangled from his neck and cross both hands over it, shielding it against his chest. It was as if he was guarding it from us, protecting himself from his handler and whatever situation he was about to be forced into. He would scream and rock and chatter his teeth. In response, we would divert our eyes and just stand and breathe calmly until he settled, then offer him a positive experience, like passing him his favourite food, a grape.

Laurie's circus keepers had told us that he was no longer used in shows because he had become extremely unpredictable and would bite. Some of the acrobats in the circus had surreptitiously filmed footage of him being kept in a small dog crate away from the other animals. They were distressed by his level of care and leaked the sad footage to the media. So Jim continued to diligently sit with Laurie, and the more time they spent quietly and relaxed in each other's company the more familiar they became to each other. The two of them would spend hours just sitting with Laurie curled up on Jim's knee. "Together they were detoxing from the stresses of life."

"Just months before, we had finally managed to remove the collar and chain that was such a harsh reminder of Laurie's previous life. It was wonderful to get rid of them and it certainly made us feel better, but the odd thing was that in a very dysfunctional way it didn't make Laurie feel better . . . well, not in the beginning anyway. As part of his rite of passage in the circus, Laurie had had his canine teeth chopped or filed down. They were left blunt and the nerves exposed. He had clearly lived that way for years, maybe even more than a decade, but recently bilateral abscesses had developed under his chin and we needed to get him to the vets urgently to have all four canines removed. So while little Laurie was sleeping peacefully under anaesthetic we took the opportunity to remove his collar and chain.

When Laurie awoke, we expected him to feel confused and probably slightly violated that his teeth were gone, though we hoped that ultimately the relief from pain would make it worthwhile for him. What we hadn't expected was how completely shattered he was not to have his chain. He was a mess. He would sit away from us and scream, rocking back and forth and looking confused. He wanted to trust us but couldn't.

Laurie had grown so much confidence in his time with us, and part of that was because he felt like he had some control. If he wanted to interact he would pass us and in particular his favourite person, Jim, his chain. And if he didn't want to spend time with us he would guard his chain with crossed arms and chatter nervously, cueing us to respect his privacy. But to Laurie no chain meant no routine, no system, no control. He was a wreck. And to make matters worse, he blamed Jim. Before they'd had a bromance going on, but now he wouldn't let Jim near him. He clearly felt deeply betrayed."

In 2014 HUHA took in 4 more dysfunctional monkeys after a Zoo closed, one of those Monkeys was called Carol. Carol is a 30 year old ex circus Macaque - at some stage in her past life, both of her thumbs have been amputated.



31. **Cattle - milk stimulation**  
HUHA supports this proposal of prohibition
32. **Cattle and sheep - vehicular traction in calving or lambing**  
HUHA supports this proposal of prohibition
33. **Cattle and Sheep - ingrown horns**  
HUHA supports this proposal
34. **Stock transport - cuts and abrasions**  
HUHA supports this proposal with the following inclusion;
- extend to or any other animal and include neither should it cause undue stress or distress to the animal/s
35. **Stock transport - animals with ingrown horns**  
HUHA supports this proposal
36. **Stock transport - animals with bleeding horns or antlers**  
HUHA supports this proposal
37. **Stock transport - animals with long horns or antlers**  
HUHA supports this proposal
38. **Stock transport - Lamé cattle, deer, pigs and goats**  
HUHA supports this proposal with the following change;  
"except when certified fit for transport by a veterinarian and with supportive pain relief"
39. **Stock transport - animals that cannot bear weight evenly due to injury**  
HUHA supports this proposal with the following change;  
"except when certified fit for transport by a veterinarian and with supportive pain relief"
40. **Stock - Pregnant animals**  
HUHA does not support this proposal as it currently stands.
- HUHA's Proposal;
- that no pregnant animals destined for slaughter should be transported,
  - animals not destined for slaughter must not be transported when more than 80 per cent of the expected gestation period has passed, unless for veterinary treatment
  - females who have given birth during the previous seven days must not be transported
41. **Stock transport - animals with injured or diseased udders**  
HUHA supports this proposal with the following change;  
"except when certified fit for transport by a veterinarian and with supportive pain relief"
42. **Stock transport - cattle or sheep with cancer eye**  
HUHA supports this proposal with the following change;  
"except when certified fit for transport by a veterinarian and with supportive pain relief"
43. **Young Calves - loading and unloading**  
HUHA supports this proposal with the following inclusions;  
(a) Facilities must be provided to enable young calves to walk onto and off transportation by their own action;

- (b) a bespoke design for appropriate facilities on and off the truck should be set out in a schedule to the regulations;
- (c) inclusion of a specific clause prohibiting any use of dogs, sticks, electric prodders of any sort; no rough handling at all;
- (d) a system of monitoring and reporting to MPI using CCTV cameras *en route* and at the slaughterhouse should be established;
- (f) a veterinarian must be present at the slaughterhouse to check unloading; and
- (g) the farmer or suitably authorised person must meet the truck, hand over necessary paperwork (which will include confirmation of age and time of last meal) and be there to take any calves rejected for transportation by the transport company back to the farm.

**HUHA Penalty:**

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

**Proposal**

Regulation is necessary for this proposal. These young calves we are discussing are considered waste product by the industry, so there is no financial incentive for farmers to adhere to unregulated, unenforced, recommendations.

Appropriate loading and unloading facilities should be established on the farm and at the slaughterhouse to a design that will work for calves and that it be set out in the schedule of the regulations. The design must enable calves to walk on themselves so that minimum/no handling is required, rubber flooring, raised pens and ramps – whatever will make it possible for calves to walk on and off the transport by themselves. See DairyNZ's "Loading Facilities" guides for instance, which includes loading facility design specifications, ramp and holding pen specs and loading design options (see <http://www.dairynz.co.nz/animal/calves/bobby-calves/loading-facilities/>).

Calves at 4 days old (or even 14 days old) do not know about following. They tend to stand and not move (see K Stafford, D Mellor and S Todd "Bobby calf welfare" (2000) 27(4) Surveillance at p 6. and "What happens to bobby calves" RSPCA Australia [http://kb.rspca.org.au/what-happens-to-bobby-calves\\_87.html](http://kb.rspca.org.au/what-happens-to-bobby-calves_87.html)).

Absolutely no rough handling should be permitted nor use of dogs, prods, sticks or electric prodders of any sort – this should be specified in the regulations.

**Monitoring and follow-up**

The condition of the calves, their fearfulness of humans and the physical state that they are in at the works will indicate the kind of handling and management that they have endured at the farm; for the transport and for the yards, CCTV cameras should be installed.

There should be a veterinary report when the calves come off the trucks and are penned at the slaughterhouse. There should be MPI monitoring of trucks and yards and of camera footage. Twelve months is more than sufficient for a specified design of ramps and raised pens to be established by all involved (we have had a lot less than that to research and consider 85 significant and complex proposals). This cannot be allowed to drift so that it is never attended to. It would be appropriate and show good faith if the design being considered (including stocking density) be discussed with the public before implementing.

It is HUHA's view that the farmer or an authorised person should meet the truck at the pick-up point. This will enable them to hand over confirmation documents indicating age of the animals and their last meal (necessary for proposals 45 and 47 for instance) and they will know what calves have been rejected and why. They will be able to transport calves left behind, back to appropriate pens with food and water.

**Penalties**

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in

relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

There should also be a penalty for any obstruction of monitoring (refusal to install cameras or make that footage available, anything interfering with the inspector's job to monitor compliance)

**44. Young Calves - shelter on-farm, before and during transportation and at processing plants**  
**HUHA Support that calves must be provided with clean, dry shelter that provides protection from the elements and stress at all times, including on the farm, during transport and at processing plants**

***HUHA Proposal:***

All young calves must, when they are waiting on-farm or elsewhere for collection for transportation, during transportation and at processing plants prior to slaughter, have access to shelter that is clean, dry, suitably ventilated and provides protection from stress due to the effects of both hot and cold temperatures. There should be sufficient room for calves to lie down comfortably, with appropriate use of hay bales and sufficient bedding in the truck to protect the calves from harm if they fall *en route*.

Calves must have access to fresh water when waiting for transport.

***HUHA Penalty:***

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

**COMMENTS**

HUHA is happy with this proposal but would like to see numbers per pens or appropriate meterage specified in terms of calves being able to lie down comfortably. It would be desirable to agree on a design and describe a shelter and the exact, expected characteristics for inclusion in a schedule.

The shelter at the pick-up point must especially meet the requirements of this proposal as the calves may not necessarily be picked up if the transporter judges them unfit for travel (whereupon the transport company must immediately advise the farmer that the stock has not been taken so the calves don't stay there with no food and water).

There should be sufficient bedding and hay bales to protect calves from damage if they fall *en route* (ie, the stocking density should be related to the comfort of the calves and not as a means to hold the animals standing all the way to the works – cramming them in together is not a welfare-based solution).

Calves waiting for transport should have access to water. Even though they are going to be slaughtered, whilst they are still alive they are due all normal consideration. As it says on the DairyNZ's Calf Care website page (<http://www.dairynz.co.nz/animal/calves/calf-care/>): "Always ensure your calves have access to plenty of fresh water". In that the calves could be waiting for some hours to be picked up, it seems appropriate to expect fresh water to be available to them.

***Penalties***

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

#### 45. Young calves - fitness for transport - age

HUHA does not support this proposal as it currently stands.

**Suggested change to proposal:** Young calves must not be transported for processing and slaughter until they are at least ten full days of age as the minimum for non-induced calves and for induced calves, no less than 3 weeks. This would bring us in line with our developed countries standard of welfare.

**HUHA Penalty:**

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

**COMMENTS:**

Four days old is too young.

The Australian RSPCA say 10 days. From "What happens to bobby calves" RSPCA Australia [http://kb.rspca.org.au/what-happens-to-bobby-calves\\_87.html](http://kb.rspca.org.au/what-happens-to-bobby-calves_87.html);

"they cannot handle the stress, motion and length of transport ... they should be at least 10 days old before being transported off farm".

New Zealand SPCA has said 10 days (<http://www.rnzspca.org.nz/news/38-press-releases/306-bobby-calves-must-be-treated-humanely>).

The European Union prescribes 10–14 days for calves travelling (as noted in *Proposed Animal Welfare Regulations: Care & Conduct and Surgical & Painful Procedures* (MPI Discussion Paper No 2016/12, April 2016) at 64).

"Do not transport calves under one week of age." (*Caring for Compromised Cattle* (Ontario Farm Animal Council, 2011 at p 14).

In a report commissioned by Compassion in World Farming (Claire Weekes (BSc, PhD) *UK Calf Transport and Veal Rearing* (Compassion in World Farming, March 2007)) it notes:

"Further evidence that young calves cannot readily accommodate transportation stress or regulate their body temperature well is given by Schrama et al (1996) who found in experimental calorimetry work that calves which were transported at five days of age had increased heat production for three days post transport that was not correlated with activity levels. They also found that calves were not in a steady-state regarding their energy metabolism."

[The Schrama document is JW Schrama, MJW Heetkamp, MWA Verstegen, WGP Schouten, F van der Veen and FA Helmond "Responses of young calves, on two levels of feeding, to transportation" (1996) *Animal Science* 63 at pp 79–89.]

For induced calves, they should be no less than 3 weeks before travelling (as is the requirement for Tasmania for instance – see *Animal Welfare Guidelines – Trade and Transport of Calves, Including Bobby Calves* (Department of Primary Industries and Water, Tasmania) at s 5).

We were concerned to see in the MPI document under "What is the problem" the statement:

"if a regulation is taken forward, it will be important that it is worded in a way that avoids inadvertently extending the minimum age beyond four full days."

In a public consultation document, we'd like to assume that the matter hadn't already been decided ahead of the consultation.

At the Wellington public meeting it was said by MPI that if you raised the age beyond 4 days, farmers would not want to feed the calves for longer (the "by product") and would shoot them on the farm. In a herd of 419 dairy cows, say, this could be 168 calves (assuming all the 419 had one calf each – 40 per cent would probably be bobby calves).

All-in-all, there should be some discussion around what is most humane for the animals and how it can be proven that those doing the killing have the necessary training and expertise. At this stage it is probably best for the calves to go to the slaughterhouse where the killing is professionally done and there is a possibility of establishing a monitoring and inspection process.

#### *Penalties*

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

#### **46. Young calves - fitness for transport - physical characteristics**

HUHA supports this proposal as a minimum with the following inclusions;

Immediately prior to transport, young calves must:

- be free of disease, deformity, blindness or any disability;
- be alert and able to rise from a lying position and, once up, capable of moving freely, are not listless and are able to protect themselves from trampling and being injured by other calves;
- have hooves that are firm and worn flat and not bulbous with soft unworn tissue; and
- have a navel cord which is wrinkled, withered and shrivelled and not pink or red coloured, raw or fleshy.

The farmer or his/her authorised agent should hand to the transport company signed confirmation that he/she is satisfied that the calves are fit for transport.

Immediately after the calves have been loaded off the transport, a veterinarian must check, note on a form and confirm whether the young calves:

- are free of disease, deformity, blindness or any disability;
- are alert and able to rise from a lying position and, once up, capable of moving freely, are not listless and are able to protect themselves from trampling and being injured by other calves;
- have hooves that are firm and worn flat and not bulbous with soft unworn tissue;
- have a navel cord which is wrinkled, withered and shrivelled and not pink or red coloured, raw or fleshy;
- have all 8 incisor teeth visible;
- have flat or concave abdomens;
- are dehydrated; and
- are accompanied with the paperwork from the farmer indicating age of animals, fitness for travel and time of last meal and a log of how long each calf has been travelling for.

These matters are also pertinent to proposals 45 (Fitness for transport: age), 47 (Maximum time off feed) and 48 (Duration of transport).

#### ***HUHA Penalty:***

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

#### **COMMENTS**

HUHA is happy with the proposal and these seem to be clear things for the transport company to check before loading the calves onto the truck. However, HUHA would like to see these checks done again by a government-approved veterinarian on arrival at the abattoir with a couple of extra checks including whether all 8 incisor teeth are visible, flat or concave abdomens, dehydration levels, and any other checks that a veterinarian would expect to carry out that a transport company couldn't reasonably be asked to do (for the sort of checks undertaken when researching the condition of calves on arrival at the

slaughterhouse, see K Stafford, D Mellor and S Todd "Bobby calf welfare" (2000) 27(4) Surveillance at pp 6–7).

The veterinarian should also see a log of the time the calves have been travelling for and note that on his or her form. Depending on when pick-ups are undertaken, some calves will obviously have been travelling for longer than others. That should all be logged by the transport company. The check and what was checked should be signed off by the veterinarian. The farmer, transport company and MPI should be notified of any calves that are marginal or in an unacceptable state.

#### *Penalties*

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

#### **47. Young Calves - maximum time off feed**

**HUHA does not support this proposal as it currently stands.**

**Suggested change to proposal:** Young calves up to 14 days old that have been collected for transport to slaughter or are awaiting slaughter must be fed or slaughtered within 12 hours of their last feed; documentation must be signed off from the farmer and handed to the transport company indicating the time of the last feed.

#### *HUHA Penalty:*

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

#### *Proposal*

Farmers must fill in and sign documentation advising when the last feed was had (it can be part of documentation that will be necessary to declare the condition of the animals and their fitness for travel). A veterinarian check will have to be compulsory at the slaughterhouse, and their checks should include checking for whether they have been fed as indicated on the form.

A feed at approximately 2 hours before pick-up will therefore be necessary to meet the 12-hour window for slaughtering after feeding that HUHA considers an appropriate length of time for a young calf to be without food, unless the slaughterhouse feeds them as soon as they get off the truck. Transport companies should be obliged to text farmers with warning of delays and what alternative arrangements are being made and farmers will need to adjust their arrangements accordingly. Journeys should not be longer than 8 hours to the slaughterhouse (see Proposal 48). Slaughtering should occur on the day of arrival. If it is to be the next day – calves must be fed and watered at the slaughterhouse.

Leaving it at 24 hours before slaughter means that conceivably, 4-day-old calves will not be fed for a whole day and night and then get slaughtered. This is not in accordance with the spirit of the Animal Welfare Act 1999 nor the definition of s 4 in the Act of physical, health and behavioural needs. Calves are fed twice a day and that should not change just because these calves are unwanted from the moment they are born. They are living beings, there is a duty of care required for all living beings.

RSPCA Australia – "What happens to bobby calves?" [http://kb.rspca.org.au/what-happens-to-bobby-calves\\_87.html](http://kb.rspca.org.au/what-happens-to-bobby-calves_87.html):

"[bobby calves] are too young to be without milk for extended times ... they should be at least 10 days old before being transported off farm and then slaughtered within 12 hours of last feed." [Emphasis added.]

Council Directive 2008/119/EEC, Annex, para 12 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:010:0007:0013:EN:PDF>:

"All calves must be fed at least twice a day."

Animal Welfare (Transport within New Zealand) Code of Welfare 2011 Report at 10:

"Younger animals are less physiologically tolerant of long periods of fasting than adult animals. One study showed that there were no significant changes in physiological indicators of stress when 5-10 day old calves had food withdrawn for 30 hours and were transported for 12 hours (Todd et al., 2000), suggesting that the detrimental effects of food and water restriction during transport can be minimised if the calves are slaughtered within 30 hours from the start of transport (Todd et al., 2000). Other studies have suggested that the fact that there were no significant changes in the calves' physiological indicators of stress may not be due to the fact that the calves are unaffected by transport, rather that they are so young that they are, as yet, physiologically unadapted to cope with transport (Knowles et al., 1997). Studies examining mortality in transported young calves may support this theory (Knowles, 1995). The feeding of young calves has been linked to critical body temperature and maintaining this critical temperature during transportation is important to maintain the calf welfare (Schrama et al., 1993)."

[TG Knowles "A review of post transport mortality among younger calves" (1995) Veterinary Record 137 at pp 406-407.

TG Knowles, PD Warriss, SN Brown, JE Edwards, PE Watkins and AJ Phillips "Effects on calves less than one month old of feeding or not feeding them during road transport of up to 24 hours" (1997) Veterinary Record 140 at pp 116-124.

JW Schrama, A Areli, H Van der Hel and MWA Verstegen "Evidence of increasing thermal requirement in young, unadapted calves during 6 to 11 days of age" (1993) Journal of Animal Science 71 at pp 1761-1766.

SE Todd, DJ Mellor, KJ Stafford, NG Gregory, RA Bruce and RN Ward "Effects of food withdrawal and transport on 5- to 10-day-old calves"(2000) Research in Veterinary Science 68 at pp 125-134.]

#### **Penalties**

This should be a prosecutable regulation offence which can include a criminal conviction, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

#### **48. Young Calves - duration of transport**

**HUHA does not support this proposal as it currently stands.**

##### **Suggested change to proposal:**

The maximum journey time for young calves from farm to slaughter premises should be no more than eight hours and a system of more frequent pick-ups should be phased in allowing for a 6 hour maximum within 12 months from the day on which the new regulations come into force.

The transport company must provide the veterinarian at the slaughterhouse with a log of the time when each group of calves on the truck was picked up.

##### **HUHA Penalty:**

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

##### **Proposal**

The transport company must log when each group of calves were loaded and provide a copy to the veterinarian at the works, so it is possible to monitor compliance.

Consideration should be given to shorter hours for transporting these recently born animals which will mean more pick-ups. The fact that they are going to their deaths should not in any way remove the requirements of adhering to the Animal Welfare Act and all related legislation and codes of welfare. Fewer pick-ups will be better for the calves, stocking density will be alleviated and the stress on the transport company to load the animals will be reduced, hopefully resulting in a higher standard of care. If stocking density is alleviated – fewer calves in a truck – there will be less time spent driving around picking them up. Those paying will not be happy but is it better for the animals (4-day-old calves remember, if MPI hold to this alarming "fit for transport" age).

RNZSPCA said in their 30 November 2015 media release following the exposé in November 2015 of how bobby calves were being treated (<http://www.rnzspca.org.nz/news/38-press-releases/306-bobby-calves-must-be-treated-humanely>):

"If a bobby calf is to be slaughtered, this should be done on the same day as transport and should be done quickly and humanely"

From Animal Welfare (Transport within New Zealand) Code of Welfare 2011 Report, p 8:

"On longer journeys, the effects of food and water deprivation become more pronounced and fatigue is more likely."

From (Animal Welfare (Transport within New Zealand) Code of Welfare 2011 Report, p 8)

"Younger animals will be affected by the weight loss associated with transport more than will older animals (Lewis, 2008) and studies have shown that for bobby calves there is a direct relationship between journey length (and hence time taken to complete the journey) and number of mortalities (Cave et al., 2005)."

[NJ Lewis "Transport of early weaned piglets"(2008) Applied Animal Behaviour Science 110 (1–2) at pp 128–135.

JG Cave, APL Callinan and WK Woonton "Mortalities in bobby calves associated with long distance transport" (2005) Australian Veterinary Journal 83 (1–2) at pp 82–84.]

#### *Penalties*

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

#### **49. Young Calves - blunt force trauma**

HUHA supports this proposal with the following recommended inclusions;

- For emergency situations, where a calf is in pain and distress, farmers are expected to have available people trained in the use of euthanising calves by means of shotgun, rifle or captive bolt (or ideally the means to transport the calf to a vet-administered injection).
- MPI to investigate appropriate means of ensuring accredited training and certification for ensuring that those responsible for euthanising animals by rifle, shotgun and captive bolt, are fully competent to do so and in a manner that ensures it is done quickly and humanely. A method should be established and implemented within 12 months from the date that the proposed Animal Welfare Regulations are in force.

HUHA suggested Penalty:

The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.

*Comments:*

Regulation is always necessary for important matters like this for clarity and to allow for monitoring and enforcement. What emergency situation could arise where a calf could not get immediate, appropriate euthanasia without having to use blunt force trauma is hard to imagine. The terms "unforeseeable" and "unexpected" in the Dairy Cattle Code of Welfare 2014 would mean different things to different people. Farms make their money from living, breathing creatures. They are responsible and they should feel responsible for these animals that they are using to make money for themselves. With that responsibility is a duty to ensure that they have the means for the humane dispatch of animals. This means that proper training and understanding of how the task is to be done should be undertaken for any person on the farm that could be asked to undertake this activity.



In a pamphlet put out by DairyNZ in 2009 under the heading "Blunt force" (written before the 2014 Dairy Cattle Code of Welfare) it says "It is essential when using blunt objects to kill young animals, that the operator has the strength, stamina and appropriate training necessary to complete the task effectively and achieve a quick, clean kill. A backup option must also be available." ("Notes for the practical and humane destruction of cows and calves on farm: a guide for farm owners, managers and sharemilkers" (DairyNZ, Hamilton, 2009 at p 2) It is not clear what this means but if there is a backup option available, such as a firearm or captive bolt, then why wouldn't it be used in the first instance. If not, what is this back-up option to bludgeoning? We are too afraid to ask. This DairyNZ document has since been superseded by *Humane Slaughter – on-farm guidelines* (DairyNZ, 2012) which has been updated since the implementation of the Dairy Cattle Code of Welfare 2014 and has removed reference to back-up options, saying that blunt force trauma should not be used except in emergencies ("The use of blunt force trauma is strictly prohibited and should only be used as a method of last resort in emergency situations." *Humane Slaughter – on-farm guidelines* (DairyNZ, 2012) at p 9.)

HUHA is also concerned about the looseness of terminology such as "suitably trained and competent in the procedures for handling and killing calves" (Dairy Cattle Code of Welfare 2014—Minimum Standard 17 para (c)(iii)). Stunning of calves with a captive bolt is not straightforward for instance and immediate bleeding out is required; there are all sorts of issues relating to dispatch by firearms and stress on those carrying out the dispatching ("Minimise stress for both animals and operators – A quick, clean kill is best all round (NB. Keep an eye out for the wellbeing of you and your staff. Repeated exposure to slaughter procedures can cause psychological problems)", from "Notes for the practical and humane destruction of cows and calves on farm: a guide for farm owners, managers and sharemilkers" (DairyNZ, Hamilton, 2009 at p 1). We would like to see an approved, accredited training programme available for farms where people who are to carry out executions of this sort must be fully trained and certified. Ideally, the police could run these programmes.

#### *Penalties*

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

#### **50. Young Calves - transport by sea across Cook Strait prohibited**

**HUHA supports this proposal with the following amendments;**

Prohibit the en masse transportation by sea of young calves across the Cook Strait for the purposes of slaughter or any other farming-related reason. Any calf transported across Cook Strait for a rescue purpose should be accompanied by an adult, giving due consideration to the calf's care and needs.

#### *HUHA Penalty:*

**The penalty should be a prosecutable regulation offence to include the option of a criminal conviction and a maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.**

#### *Comments:*

HUHA very much endorses the spirit of this proposal and can think of no reason why it would be necessary to put calves through the trauma of being transported across the sea from one island to another for any farm-related activity. We would recommend that the penalty be set as a prosecutable regulation offence as to contravene would be unnecessary and intentional and the impact on the calves would be a cruelty matter.

The reason for our amendments to this proposal is to ensure that a calf in a rescue situation can be transported across the Cook Strait where this is the only way that it can be taken into shelter and cared for. It must be accompanied by an adult.

#### *Penalties*

This should be a prosecutable regulation offence, not set at an infringement offence level. Because these animals are so young and completely vulnerable in every way, contravening this and any other regulation in relation to these calves means serious harm for these animals and the weight of a prosecutable penalty is an appropriate response. An infringement notice is for traffic fines and offences that result in a nuisance rather than pain, suffering and death.

**51. All animals - hot branding**

HUHA supports this proposal of prohibition.

**52. All animals - embryo collection via exteriorised uterus (surgical embryo transfer)**

HUHA does not support this proposal as it currently stands.

**Suggested change to proposal:** Embryo collection must only be performed by a veterinarian or a VOI with pain relief

**53. All animals - Laparoscopic artificial insemination**

HUHA does not support this proposal as it currently stands.

**Suggested change to proposal:** Embryo collection must only be performed by a veterinarian or a VOI with pain relief

**54. All animals - liver biopsy**

HUHA supports this proposal

**55. All animals - dental work**

HUHA supports this proposal

**56. Cats - declawing**

HUHA does not support this proposal as it currently stands.

**Suggested change to proposal:** declawing of cats should be prohibited unless for therapeutic purposes only and must be performed by a veterinarian and that pain relief must be used at the time of the procedure.

**Comments:**

. Cats need their claws - declawing deprives cats of their primary means of defence—their claws. A cat's natural instinct to scratch serves both physical and psychological needs. Their claws are their primary, instinctive tools for defending themselves and capturing prey. They scratch to keep their nails in condition and to mark territory. Cats stretch their bodies and tone their muscles by digging their claws into something and pulling back against their own clawhold. Declawed cats are deprived of the means to defend themselves or flee from danger. Declawed cats have been injured or killed by other animals when they could not climb out of harm's way or had impaired ability to protect themselves.

. There are humane alternatives to declawing - training to use scratch pads, regular nail trimming, nail caps, tape for furniture to deter scratching, interactive play sessions.

. Declawing is illegal in many countries around the world, because it is regarded as inhumane. There is growing support of the European Council's Convention for the Protection of Pet Animals, which prohibits declawing. To date, the Convention continues to gather signatories, and since its inception, countries including Switzerland, Sweden, Austria, Norway and Germany have enacted laws expressly prohibiting declawing.

. European veterinary medical professional organizations, including the UK's Royal College of Veterinary Surgeons, have publicly expressed their accord, equating declawing with "mutilation" and stating that declawing for the "prevention of furniture or carpet damage is unacceptable."

. Risks associated with declawing surgery - Declaw surgery exposes cats to the risks of general anaesthesia and complications of the surgical procedure, which include bleeding, infection, lameness, nerve damage, gangrene, extensive tissue damage, and death.

A report published in the January 1, 2001 issue of the Journal of the American Veterinary Medical Association (JAVMA) by Yeon, et al., states that 33% of cats suffer at least one behavioural problem after declaw or tendonectomy surgery.

Jankowski, in JAVMA (August 1, 1998), reports that acute complications "develop in up to one-half of onychectomized (declawed) cats. Long term complications of the procedure (are) reported for about one-fifth (20%) of onychectomized cats."

Martinez, in Veterinary Medicine (June 1993), reports 11% lameness, 17% wound breakdown, and 10% nail re-growth post-operatively in cats having declaw surgery.

**57. Companion Animals - desexing (including stray/feral cats, dogs and other species)**

HUHA supports this proposal with the following additions;

Proposal to include "a post op analgesic must be provided"

**58. Dogs - Freeze Branding**

HUHA does not support this proposal as it currently stands.

Suggested change to proposal; Freeze branding is prohibited

Comment:

HUHA does not see the need for freeze branding as microchips and collars are sufficient to identify dogs that are traditionally freeze branded.

**59. Dogs - dog debarking**

HUHA does not support the current proposal.

Suggested change to proposal: Debarking and devoicing should be prohibited unless for therapeutic reasons only and must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of the procedure.

Comment:

The governments of the U.K. and 18 other countries have signed the European Convention for the Protection of Pet Animals into law which prohibits devocalisation, along with ear cropping, tail docking and declawing and defanging.

Like tail cropping, debarking takes away a dog's natural defences and communication. A bark can be a dog's warning signal to people and dogs that are too close for comfort. Deprived of the ability to alert in a natural way, a dog is likely to revert to another form of saying "back off" — biting.

Some other problems associated with debarking (or devoicing) are that it can lead to a buildup of scar tissue in the larynx, compromising a dog's ability to breathe and/or swallow food without choking, it can lead to chronic irritation and coughing that can cause infection, and it can lead to swelling of the throat and other obstructions of the airway that can cause heatstroke.

**60. Dogs - Cropping the ears**

HUHA supports the current proposal to prohibit the cropping of dogs ears.

**61. Dogs - Dew claws**

HUHA supports the current proposal with the following provisions;

- Dew claw removal, both articulated and non articulated must only be performed by a veterinarian for therapeutic reasons only and pain relief must be used at the time of procedure.

**62. Dogs - tail docking**

HUHA supports the current proposal that tail docking is prohibited unless performed for therapeutic reasons, and then must be performed by a veterinarian with pain relief.

**Comment**

As tail docking is primarily for aesthetic reasons we feel that this is not in the best interest of the dog. Regardless of who might be performing the docking, either by tail banding before 4 days old, or by a veterinarian (unless for therapeutic reasons and with pain relief) there is no added benefit to the dog and indeed compromises the dogs welfare.

Dog's tails are used for communication and balance. To take away this important part of their makeup is unwarranted. There is a global trend to ban tail docking, along with ear cropping, and we see no good reason not to follow suit.

As MPI has already been provided with a wealth of information regarding the importance of a dog's tail, reported tail injuries in NZ, and other scientific data and reports provided by the RNZSPCA and Vet Association in support of prohibiting tail docking, we are not providing any more evidence at this point.

We can confirm though as an organisation that has had hundreds of dogs coming into our care we have only had 3 instances of damaged tails one of which was congenital and required amputation and the others were treated without the need of docking or amputation.

**63. Cattle - Teats**

HUHA does not support the current proposal as it stands

Suggested change to proposal; Cattle teat removal must be performed by veterinarian

**64. Cattle - claw removal**

HUHA supports the proposal that cattle claw removal must be performed by veterinarian with pain relief

**65. Cattle - teat occlusion**

HUHA does not support this proposal as it stands

HUHA proposes total prohibition unless for therapeutic reasons

**66. Cattle - tail docking**

HUHA supports the proposal with the following addition:

Suggested change to proposal; Cattle docking is prohibited unless performed for therapeutic reasons, and then must be performed by a veterinarian only with pain relief

**67. Cattle & Sheep - Castration and shortening of the scrotum**

HUHA supports this proposal with the following amendment:

- Pain relief must be provided for the Castration and shortening of the scrotum on an animal over the age of 3 months of age.

**68. Cattle, Sheep & goats – disbudding**

HUHA does not support this proposal as it stands

**Suggested change to proposal:** Disbudding of cattle, sheep and goats must only be performed by a Veterinarian or a VOI with pain relief

We believe that by having it in legislation as a procedure that can be performed **by any person** there is not enough assurance that it will be performed correctly or with pain relief. By changing the legislation to include a VOI (rather than any person) this will help enable the correct procedure is followed, documented, audited and the both VOI and the authorising Vet are accountable..

**69. Cattle, Sheep & goats - dehorning**  
HUHA do not support this proposal as it stands

**Suggested change to proposal:** Dehorning of cattle, sheep and goats must only be performed by a Veterinarian or a VOI with pain relief.

We believe that by having it in legislation as a procedure that can be performed **by any person** there is not enough assurance that it will be performed correctly or with pain relief. By changing the legislation to include a VOI (rather than any person) this will help enable the correct procedure is followed, documented, audited and the both VOI and the authorising Vet are accountable..

**70. Sheep - tail docking**

**Suggested change to proposal:** must only be performed by a Veterinarian or a VOI with pain relief

**71. Sheep - Mulesing**

HUHA supports the proposal to prohibit sheep mulesing

**72. Deer - Develveting**

**Suggested change to proposal:** must only be performed by a Veterinarian or a VOI with pain relief

**73. Horses - Blistering, firing or nicking**

HUHA supports the proposal on prohibition of horse blistering, firing or nicking

**74. Horses - tail docking**

HUHA supports the proposal that horse tail docking is prohibited unless performed for therapeutic reasons, and then must be performed by a veterinarian with pain relief

**75. Horses - Rectal pregnancy diagnosis of horses**

Support horse rectal pregnancy diagnosis must be performed by a veterinarian

**76. Horses - rectal examination of horses**

Support horse rectal examinations must be performed by a veterinarian

**77. Horses - Caslick's procedures**

HUHA does not support Caslick's procedure unless for therapeutic reasons.

**78. Horses - Castration**

Support horse castration must be performed by a veterinarian with pain relief.

**79. Llama and Alpaca - castration**

HUHA supports the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure, and the minimum age for the procedure.

80. Pigs - castration

Support pig castration must be performed by a veterinarian with pain relief

81. Pigs - tail docking

HUHA does not support this proposal as it stands

HUHA proposes that pig tail docking is prohibited. We believe there is no need for tail docking of pigs and that current issues can be overcome by looking into environmental issues such as overcrowding and boredom that trigger the behaviour of tail biting and cannibalism.

If tail docking is not prohibited then it must be performed by a veterinarian or VOI with pain relief.

82. Birds - pinioning or otherwise deflighting a bird

HUHA does not support this proposal.

HUHA proposes that pinioning or otherwise surgically deflighting a bird be prohibited unless for therapeutical reasons.

83. Poultry - dubbing

HUHA does not support this proposal.

HUHA proposes that pinioning or otherwise surgically deflighting a bird be prohibited unless for therapeutical reasons.

84. Ostriches & Emus - declawing

HUHA supports the proposal to prohibit ostrich and emu declawing unless performed for therapeutic reasons, and then must be performed by a veterinarian with pain relief

85. Roosters - caponising (rooster castration)

Support rooster caponising must be performed by a veterinarian with pain relief

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References

"Free Farrowing." *Free Farrowing*. Web. 17 May 2016.

"How Cold Is Too Cold." - *Texas A&M Veterinary Medicine & Biomedical Sciences*. Web. 14 May 2016.

To: Animal Welfare Policy  
Ministry for Primary Industries  
[Animal.WelfareSubmissions@mpi.govt.nz](mailto:Animal.WelfareSubmissions@mpi.govt.nz)

Submission on: Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures) – MPI Discussion Paper No: 2016/12

From: DairyNZ

Date: 19 May 2016

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## 1. EXECUTIVE SUMMARY

- 1.1 DairyNZ supports the development of animal welfare regulations to strengthen the codes of welfare. We support the majority of the proposals of relevance to dairy farmers and commend MPI and NAWAC for the principled way in which they have identified the key elements and minimum standards from the codes of welfare that are fit for regulation.
- 1.2 Given the complexity of the issues under consultation DairyNZ would have appreciated more time to provide feedback and consider how the regulations will fit into the broader animal welfare regulatory framework. We are also concerned about the proposed implementation timeframe for the regulations, given the lack of clarity regarding the compliance and implementation model which will accompany the regulations. DairyNZ believes it is essential the people in charge of animals, owners and the people caring for animals are aware of the new regulations before they come in and understand what they must do to be compliant.
- 1.3 We provide detailed feedback in this submission on the broader regulatory framework, the compliance and implementation model and the proposed regulations of relevance to dairy farmers.
- 1.4 In regards to the process MPI is undertaking to develop, implement and enforce the regulations DairyNZ is looking to ensure that:
- I. The existing codes of welfare are amended to ensure there are no discrepancies between the codes and the animal welfare regulations and want to ensure these are subject to public consultation;
  - II. The expectations of the regulations in regards to how they should be met is clearly evident;
  - III. Clear criterion is established for proof of a breach in compliance in relation to exercise of enforcement powers;
  - IV. The proposed defences for breaches of the regulations is broadened to include animal life;
  - V. A compliance framework is developed which follows the VADE compliance model (Voluntary, Assist, Direct, Enforce) which is already recognised by Government;
  - VI. A comprehensive training programme is established for animal welfare inspectors so they understand the new regulations and the associated infringements and offences and how to enforce them, and that this process is consistent across New Zealand; and
  - VII. A comprehensive communication strategy and appropriate guidance material is developed to ensure dairy farmers are aware of the new regulations and understand what is required to comply.
- 1.5 In regards to the proposed care and conduct regulations, DairyNZ recommends:
- I. Regulating minimum standard 12 from the Dairy Cattle Code of Welfare: "Electroimmobilisation devices must only be used on adult dairy cattle, and only in a manner that allows the animal to breathe normally, demonstrate normal responses to pain, and must not be used in place of pain relief for procedures where this is required."
  - I. Not regulating Proposal 3. *All animals -Twisting animals tails* and continues to manage this practice via Codes of Welfare on the basis that it would be very difficult to enforce



given it is hard for an observer to differentiate between lifting and twisting a tail. In addition to this we feel that tail breaking, which is a very serious offence, is sufficiently dealt with under the Animal Welfare Act.


- II. Amending Proposal 33. *Cattle and sheep – Ingrown horns* to say "an ingrown horn that has broken the skin or is touching the eye" and that it prevents an animal from being transported for at least 7 days after the procedure has taken place.
- III. Combining Proposals 33-37 into one regulation as follows "transport of animals must not cause injuries to themselves or other animals." This would capture all injuries, rather than the injuries which have been specified.
- IV. Not regulating Proposal 38. *Stock transport – Lame cattle, deer, pigs and goats* and addressing lameness via a revision to proposal 39.
- V. Amending Proposal 39. *Stock transport – Animals cannot bear weight evenly due to injury* as follows "a cattle beast, sheep, deer pig or goat that cannot bear weight evenly on all 4 legs should not be transported, except when certified as fit for transport by a veterinarian."
- VI. Amending Proposal 40. *Stock transport – Pregnant animals* as follows: "Prohibit transporting a cattle beast, sheep, deer, pig or goat that is likely to give birth during transport or within 24 hours of arrival at a commercial slaughter premises or saleyard, except when certified fit for transport by a veterinarian."

1.6 In regards to the proposed young calf management regulations DairyNZ recommends:

- I. Amending Proposal 43. *Young calves – Loading and unloading facilities* so it is clear it applies to the instances where calves are transported off the farm of origin by stock truck to avoid the regulation applying to calf pick-ups in the paddocks or the transport of small numbers of calves in smaller vehicles such as trailers/utes.
- II. Amending Proposal 44. *Young calves – Shelter on-farm, before and during transportation and at processing plants* to include saleyards.
- III. Combining proposal 45. *Young calves – Fitness for transport – age* and proposal 46. *Young calves – Fitness for transport – physical characteristics* as they are not stand-alone requirements. In addition to this we believe the proposed regulation should have an age requirement (at least four full days of age) and should apply to the transport of young calves from the farm of origin to slaughter premises or saleyards. Amending Proposal 47. *Young calves – Maximum time off feed* to include the requirement that calves being transported to slaughter premises or saleyards must be fed at least half their day's ration within the four hours prior to pick
- IV. Amending Proposal 49. *Young calves – Blunt force* to include the provision in the current minimum standard to carry out blunt force trauma in emergencies.

1.7 In regards to the proposed surgical and painful procedures regulations DairyNZ recommends MPI considers:

- I. Amending Proposal 52. *All animals - Embryo collection via exteriorised uterus (surgical embryo transfer)* to include a provision for the person doing the embryo collection to be competent, and for veterinary oversight.

- 
- II. Amending Proposal 53. *All animal- Laparoscopic artificial insemination (Laparoscopic AI)* to include a provision for the person doing the embryo collection to be competent, and for veterinary oversight.
  - III. Proposal 66. *Cattle – Tail docking* is accompanied by an extensive education campaign advising farmers of the changes.
  - IV. Proposal 67. *Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)* is amended so it bans the use of high tensile bands for castration, this allows future innovation.
  - V. A 24-month phase in period is implemented to introduce proposals 68. *Cattle, sheep and goats – Disbudding* and 69. *Cattle, sheep and goats – Dehoming*.

## 2. INTRODUCTION

- 2.1 DairyNZ welcomes the opportunity to submit on the Proposed Animal Welfare Regulations and represent the interests of our levy paying dairy farmers. We commend the Ministry for Primary Industries (MPI) and the National Animal Welfare Advisory Committee (NAWAC) for having consideration for the feedback we provided during the pre-consultation process.
- 2.2 The feedback outlined in this submission focuses on the broader animal welfare regulatory system and the proposed regulations of relevance to dairy farmer's roles in helping achieve good animal welfare outcomes on New Zealand dairy farms. It also incorporates the work the livestock sector is undertaking in partnership with MPI examining the animal welfare and broader livestock sector regulatory system to strengthen the components which address the treatment of bobby calves. We have answered the questions asked in the discussion document of relevance to dairy farmers and provided detailed comments on the proposals of significance to dairy farmers in sections 7, 8 and 9 of this submission.
- 2.3 DairyNZ believes the proposals will provide further clarity regarding what is and is not permitted on dairy farms and will strengthen the good animal husbandry and welfare practices already being undertaken by dairy farmers. As an industry, we are committed to stamping out any cruel or illegal practices to animals and support the overall strengthening of the framework, including the care and handling of young calves.
- 2.4 DairyNZ supports working in partnership with Government, the broader industry and NAWAC to achieve good animal welfare outcomes which are supported by conclusive science.
- 2.5 We would like to continue to be involved in the development of the animal welfare regulations and would welcome the opportunity to work with MPI and the RNZSPCA in assisting dairy farmers understand the new regulations.

## 3. SELECTING THE PROPOSALS WHICH ARE FIT FOR REGULATION

- 3.1 When examining the proposed regulations to the dairy industry DairyNZ has applied the criteria outlined below:
  - a. Ensuring what is proposed is evidence based and outcome focussed;
  - b. Consideration of the issues of scale, cost, practicality and capability is undertaken;
  - c. Consideration is given to whether industry programmes, codes of welfare and the Act adequately manage the identified issue and therefore whether regulation is required;
  - d. Only areas with clear measurable outcomes are regulated; and

e. Consideration being given to the state of play internationally.

3.2 The majority of the proposals are consistent with existing minimum standards, are evidence based and outcome focused and are unlikely to have significant ramifications for dairy farmers. We are therefore supportive of these proposals being implemented. However, some of the proposals put forward include additional provisions which are not covered by the existing codes of welfare. While we are not opposed to additional provisions being implemented, it is unclear how the change will interlink with the existing codes of welfare, it is important there are no discrepancies between the codes of welfare and the proposed animal welfare regulations. We **recommend** these changes are subject to the same transparent vigorous process and that we are given ample opportunity to consider and comment on the changes to the Codes of Welfare.

### 3.3 Proposed regulations relating to the welfare of young calves

3.4 Caring for calves is at the heart of every dairy farmer's business. The dairy industry is working together to ensure this is reflected in all components of the sector. We note that eight of the proposed regulations not covered by the current minimum standards in the codes of welfare address the welfare and treatment of young calves – namely bobby calves. DairyNZ has been working closely with MPI to look at the areas of the livestock sector regulatory system which can be strengthened to ensure the welfare requirements for bobby calves are captured across the different components of the supply chain. We support strengthening the animal welfare system to address the mistreatment of bobby calves and support the proposed regulations on the condition that some minor changes are made.

3.5 In regards to proposal 48. *Young calves – Loading and unloading facilities*; DairyNZ supports the proposed regulation and believes a 12 month phase in period should be implemented with the requirements around loading and unloading facilities becoming mandatory in spring 2017. DairyNZ is mindful that there may be other regulatory requirements for these facilities, such as building code requirements, and time needs to be allowed for these to be managed. Specific feedback on the remaining seven young calf proposals is located in section 9.

3.6 The outcome DairyNZ is seeking is for all bobby calves presented for transport to be:

- At a least 4 days old
- Warm and dry
- Fit and healthy
- Able to walk onto the truck un-aided

3.7 DairyNZ has developed a number of resources to support farmers in achieving this outcome and is holding a number of Bobby Calf Focus events throughout the country. The focus events are being delivered by a veterinarian and assist dairy farmers and on-farm decision makers to:

- Risk-proof their farm;
- Fine-tune calf care processes and train their team;
- Confirm 'fit for transport' requirements;
- Identify good calf loading facilities and adjust the existing facilities if necessary; and
- Communicate well with their team and their transporter.

3.8 DairyNZ would welcome the opportunity to continue to work closely with MPI as the regulations for young calves are finalised to ensure our bobby calf resources and events reflect the changes.

### 3.9 Other proposed regulations of significance to dairy farmers

3.10 We have identified the following proposals as being of significance to dairy farmers:

- Proposal 3. Twisting an animal's tail
- Proposal 49. Blunt Force Trauma
- Proposal 66. Tail docking
- Proposal 68. Disbudding
- Proposal 69. Dehorning

3.11 In regards to banning tail docking and shortening, DairyNZ supports the proposal as the science clearly indicates that this practice does not improve the animal's hygiene and is detrimental to the animal's welfare. However, tail shortening is standard practice on some dairy farms and the change will therefore have practical implications for these farms. We therefore **recommend** this regulation is accompanied by an extensive education programme advising farmers of the changes.

3.12 In respect of disbudding and dehorning, DairyNZ supports the proposal to require pain relief to be administered at the time of the procedure. It is consistent with the industry strategy and is supported by scientific evidence that both disbudding and dehorning are painful procedures. However, the proposal will require a change to standard practice on dairy farms and time will be needed for the wider industry to adapt to increased demand for pain relief at disbudding. DairyNZ therefore **recommends** a 24 month transition period being implemented for both these proposals.

3.13 Specific feedback on the proposals listed above and other proposals relevant to the dairy industry are located in sections 8 and 10 of this submission.

## 4. COMMENT ON CHANGES TO THE ACT NOT YET IN FORCE

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

4.2 DairyNZ supports section 16 of the Act, criteria to determine whether a procedure is a significant surgical procedure, coming into force. We do not believe there will be any unintended consequences associated with the definition and believe it will provide clarity when determining whether new procedures which may emerge, and current procedures not covered by the regulations, are a significant surgical procedure which must be undertaken by a veterinarian.

4.3 We also support the introduction of an infringement associated with non-compliance of a Compliance Notice to strengthen their effectiveness on the condition that as stated on page 8 of the discussion document the owner or person in charge of the animal has:

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

4.4 DairyNZ believes one of the issues with the current regime, in the absence of regulations which are accompanied by infringements and convictions, is the inability to take action regarding repeated non-compliance. We want to see the individuals and businesses who are repeatedly undertaking these practices held accountable and therefore support the implementation of this provision.

## 5. COMMENT ON THE PROPOSED REGULATORY PACKAGE

5.1 DairyNZ agrees with the proposal to address the two enforceability problems outlined below via regulations:

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

5.2 We support the use of the criteria outlined on page 11 of the discussion document to determine what minimum standards and additional matters would be appropriate to consider developing into regulations.

5.3 DairyNZ also supports the process of assessing the areas identified as possibly appropriate for regulation against the three options.

While we support the principled and outcome focussed approach MPI, NAWAC and the NZVC have undertaken to identify the areas and minimum standards from the codes of welfare which are fit for regulation; DairyNZ would like clarity regarding how future changes will be made to the regime. The 85 areas which have been identified as fit for regulation reflect the current level of complaints and issues regarding certain practices and procedures which MPI and the RNZSPCA receive and the areas where there has been extensive public scrutiny. DairyNZ wants to ensure that as issues emerge in the future that these areas can be addressed and that a similar principled outcome focussed approach will be taken to look at the best way to address these concerns whether it is via regulatory and non-regulatory means.


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

5.5 DairyNZ suggests MPI considers regulating minimum standard 12 from the Dairy Cattle Code of Welfare:

"Electroimmobilisation devices must only be used on adult dairy cattle, and only in a manner that allows the animal to breathe normally, demonstrate normal responses to pain, and must not be used in place of pain relief for procedures where this is required."

5.6 An unintended consequence of some of the proposed regulations, particularly numbers 31, 64, 67 and 69, may be that farmers look for other means to restrain animals to carry out various procedures. Electroimmobilisation does not provide pain relief, but can paralyse an animal so that it is unable to respond to painful procedures. This is not acceptable. Therefore DairyNZ **recommends** this minimum standard is regulated to prevent a perverse outcome.

5.7 Management of body condition in dairy cattle is a key part of farm management, and is an indicator of the cumulative effect of such things as feed and health management. DairyNZ would appreciate an opportunity to discuss with MPI the practicality of a future regulatory requirement about minimum body condition scores for dairy cattle.

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- 5.8 *Question 5: Are there any proposed regulations, set out in Part B that should not be regulated? / Question 6: Is so, how should these matters be managed?*
- 5.9 DairyNZ questions whether proposal 3. *All Animals – Twisting an animal's tail* is fit for regulation. While, we support the intended outcome of the proposal which is to prevent the injury and breakage of an animal's tail, it is very hard to measure, and we question where the line will be drawn between tail lifting and tail twisting.
- 5.10 In addition to this we do not support the regulation of proposal 38. *Stock transport – Lameness in cattle, deer, pigs, and goats*. We do not think the lameness score of 3 alone is an accurate way of determining for the purposes of regulation whether an animal is unfit for transport. In addition this scoring system is not applicable across all the species mentioned. In certain situations an animal with more than one lame leg may not meet the lameness score of 3, but for welfare reasons should not be transported. DairyNZ believes lameness can be addressed by amending proposal 39.
- 5.11 We also have reservations regarding whether proposal 48. *Young calves – Duration of transport* should be regulated in its current form. DairyNZ requires additional information to comment on the proposed regulation. If there is a particular part of the season, or area of the country that this applies to then we would be able to assess the likely impacts of this limit. We do not want to see the unintended consequence of denying a bobby calf service to some farmers, or of journeys of greater than eight hours being broken by off-loading calves into unsatisfactory holding facilities, followed by reloading. This may be better worded to say if the journey is likely to be greater than eight hours then mitigation measures such as reduced loading density, provision of bedding in the truck etc. must be provided.
- 5.12 *Question 8: Will the proposed regulations, set out in Part B, change the way you or others currently operate, if so in what ways? What implications would these have for you?*
- 5.13 Some of the proposals, such as proposal 43 *Young calves – Loading and unloading facilities* and proposals 68 *Disbudding* and 69 *Dehorning*, will require dairy farmers to adjust current practices. While DairyNZ supports these proposals they may have cost implications. This will therefore need to be managed through appropriate transition periods and through education. DairyNZ would welcome the opportunity to work with MPI on looking at how this could be achieved.

## 6. COMMENT ON THE COMPLIANCE AND ENFORCEMENT REGIME


- 6.1 DairyNZ conditionally supports the introduction of a wider range of infringement offences as a way of dealing with low to medium level offending. This support only extends to situations where the offence is clear cut, i.e. where there is little room for interpretation about when the matter has been breached and where intent and/or systemic failure can be proven. To this end the focus of any regulation needs to be system based, or be on something that can be readily measured.
- 6.2 In our submission on the Animal Welfare Amendment Bill, we requested that the development of the enforcement regime be subject to a meaningful consultation process. We continue to support this approach and seek clarification from MPI about how the enforcement regime will work as it is not evident from the discussion document what compliance model will be adopted for the animal welfare regulatory framework. As stated above DairyNZ supports the adoption of the VADE (voluntary, assist, direct and enforce) compliance model to implement and enforce the animal welfare regulations, codes and Act.

- 6.3 As part of the compliance and enforcement regime DairyNZ **recommends** guidance material is developed to accompany the regulations, codes of welfare and the Act to assist persons in charge of animals, owners and people who care for animals comply with the regulations.
- 6.4 DairyNZ also has reservations regarding MPIs, the New Zealand Police's and the RNZSPCA's ability to resource the compliance model. We question whether there are enough animal welfare inspectors to enforce the regulations. It is essential that individuals and businesses who are undertaking cruel and illegal animal husbandry and welfare practices are held to account.
- 6.5 DairyNZ **recommends** further work is undertaken in conjunction with the relevant stakeholders, including DairyNZ, to look at the compliance model for enforcing the regulations and whether there is adequate resourcing in place to enforce the new regime.
- 6.6 We also **recommend** animal welfare inspectors are provided with sufficient training to ensure they can enforce the new regulations, and that the process of enforcement is consistent across New Zealand.
- 6.7 **Infringements and offences**
- 6.8 DairyNZ believes further analysis is required to examine whether the proposed infringement or offence is adequate in relation to the proposal.
- 6.9 As currently drafted it is hard to glean how the criteria outlined on page 17 and 18 of the discussion document<sup>1</sup> was applied to determine the infringement fee or the prosecutable fine associated with each of the proposed regulations. There appears to be a disjunction between some of the penalties proposed in relation to the proposed regulation and the severity of non-compliance in relation to the animal's welfare. For example using vehicular traction in calving or lambing has very serious animal welfare implications; it has a proposed infringement of \$500, while non-compliance for a number of the young calves' proposals such as in relation to bobby calves both can be an infringement or a criminal offence depending on the severity of the breach.
- 6.10 We believe greater clarity is required regarding how the relevant sections of the Act, the codes of welfare and minimum standards will be taken into consideration when a compliance notice, infringement, or prosecutable offence is issued.
- 6.11 It is also unclear how the penalties and infringements will be applied and whether multiple fines and fees will be issued for instances where the same regulation has been breached multiple times. DairyNZ would support the introduction of an elevation process to deal with multiple offences and repeat offenders as the penalty applied needs to act as enough of a deterrent to change behaviour.

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<sup>1</sup> "When determining possible fees the following points were considered:

- the level of harm to the animal involved in the offending;
- the affordability and appropriateness of the penalty for the target group – for example, is the fee likely to act as a sufficient deterrent against offending; and
- the proportionality of the proposed fee relative to the infringement fees for other comparable infringement offences." Pp 17, Proposed Animal Welfare Regulations, Ministry for Primary Industries.

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- 6.12 We also want to ensure that an infringement offence does not prevent a criminal conviction from being brought against the owner, person in charge or body corporate. DairyNZ believes it is essential that cruel and illegal practices are stamped out.
- 6.13 **Clarifying point of responsibility**
- 6.14 To achieve good animal welfare outcomes it is important there is clarity on farm and at the different points along the supply chain regarding who is responsible for the welfare of the animals. At present there is confusion regarding who is legally culpable for the welfare of livestock: is it the person in charge of the animals at the point in time an incident occurs, or is it the farm owner or Body Corporate or in the instance where stock are being transported off farm is it the transport operator or the farmer who is responsible?
- 6.15 The Animal Welfare Act implies farmers are responsible for their animals' welfare until they pass into the ownership of another party and this may not happen until after slaughter. This means farmers are responsible for activities after the animals have been collected from the farm – on the truck and at the meat processor, when they have no control over these activities.
- 6.16 DairyNZ would like MPI to clarify the point of responsibility and who is liable, as we believe this is one of the fundamental components required to ensure the new regulations are complied with.
- 6.17 **Defences**
- 6.18 DairyNZ believes there will be exceptional circumstances when certain practices which are not permitted will have to be undertaken for emergency situations. We want to ensure that in these instances dairy farmers do not face an infringement fee or prosecution. We therefore support MPI's proposal to make a limited number of defences available to a defendant in the event they undertook a prohibited practice or procedure for the purposes of their own welfare or the welfare the animal in question.
- 6.19 *Question 12: What defences do you think should be available if the proposed regulations are breached and why? / Question 13: Would it be appropriate to expand the second defence above to include "...necessary for the preservation, protection, or maintenance of human or animal life."? If so, in what circumstances, and which regulatory proposals would this apply to?*
- 6.20 DairyNZ supports the proposed defences listed in the discussion document and **recommends** the underlined text is included:
- the defendant took all reasonable steps to comply with the relevant provision; or
  - the act or omission constituting the offence took place in circumstances of stress or emergency and was necessary for the preservation, protection, or maintenance of human life or animal life, or necessary to ensure the health and safety of people.
- 6.21 An example of an emergency situation where a certain practice may be required such as blunt force trauma could be in the event that an animal is severely injured and a firearm is not available and the only way to alleviate the animals suffering is via blunt force trauma.



## 7. COMMENT ON IMPLEMENTATION

7.1 DairyNZ has reservations regarding the practicality of introducing the regulations this year. There are still significant gaps regarding the regulatory regimes compliance model, how the regime will be resourced and the development of guidance material which needs to be worked through and resolved before the regulations are implemented.

7.2 Clarification is also required regarding how the regulations will interact with the broader the animal welfare regulatory framework. We want to ensure that the Act, the relevant minimum standards and sections of the codes of welfare to each of the proposed regulations are well understood by the people in charge of animals, animal owners and those that care for animals as part of their work and are not treated in isolation of each other.

7.3 We would welcome the opportunity to work with MPI on the implementation of the regulations and assist in educating farmers on the changes.

### 7.4 Minimum standards

7.5 DairyNZ notes that some of the proposed regulations only include part of an existing minimum standard, are a step above the current minimum standard, or are not covered by an existing minimum standard. While we are not necessarily opposed to these changes we want to ensure the codes of welfare are updated ahead of the regulations coming into force.

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

7.7 We support the following approach being adopted to amend the codes of welfare:

- where a minimum standard is lifted into regulation without extensive alteration, the minimum standard will be amended to note the regulatory requirements; and
- where a regulation contains a higher standard than a minimum standard the minimum standard will be amended to avoid contradiction; and
- Where a regulation is more specific than a minimum standard then the minimum standard remains in place in order to capture the wider intent.

7.8 It is important that there is no room for confusion in relation to the regulations and the codes of welfare minimum standards and that the two complement each other, assisting owners and people in charge of animals in undertaking good animal welfare and husbandry practices.

7.9 We also consider it important to retain the codes of welfare as agreed and scientifically robust reference points for determining minimum standards and best practice.

### 7.10 Monitoring and review

7.11 DairyNZ's Animal Welfare and Husbandry team would welcome the opportunity to assist MPI and the RNZSPCA in analysing the impact of the new regulations on dairy farmers.

## 8. COMMENT ON CARE AND CONDUCT REGULATORY PROPOSALS

### 8.1 DairyNZ is seeking the following changes to the proposed care and conduct regulations:

- I. Proposal 3. *All animals -Twisting animals tails* is not regulated and continues to be managed in the Codes of Welfare on the basis that it would be very difficult to enforce given it is hard for an observer to differentiate between lifting and twisting a tail. In addition to this we feel that tail breaking, which is a very serious offence, is sufficiently dealt with under the Animal Welfare Act.
- II. Proposal 33. *Cattle and sheep – Ingrown horns* is amended to say "an ingrown horn that has broken the skin or is touching the eye" and that it prevents an animal from being transported for at least 7 days after the procedure has taken place.
- III. Proposals 33-37 are combined into one regulation as follows "transport of animals must not cause injuries to themselves or other animals." This would capture all injuries, rather than just the injuries which have been specified.
- IV. Proposal 38. *Stock transport – Lamé cattle, deer, pigs and goats* is not regulated and continues to be addressed through the revision to 39.
- V. Proposal 39. *Stock transport – Animals cannot bear weight evenly due to injury* is amended as follows "a cattle beast, sheep, deer, pig or goat that cannot bear weight evenly on all 4 legs should not be transported, except when certified as fit for transport by a veterinarian."
- VI. Proposal 40. *Stock transport –Pregnant animals* is reworded as follows: "Prohibit transporting a cattle beast, sheep, deer, pig or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises or saleyard, except when certified fit for transport by a veterinarian."

Reg No.	Title	Proposal	Support	Penalty	Comments
1	All animals - Electric prodders	Electric prodders may only be used on: a) Cattle over 100kg	Yes – on the condition the amendments noted on the right are incorporated.	OK	Need to combine 1 and 2 and add conditions of use – such as animals must be able to move forward/away. Weight is a practical measure and 100kg is suitable.
2	All animals – Use of goads	Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes	See 1		
3	All animals – Twisting an animal's tail	Prohibit twisting the tail of an animal in a manner that causes the animal pain	No	NA	This will be too difficult to enforce as the difference between lifting and twisting a tail may not be obvious to an observer.
31	Cattle – milk stimulation	Prohibit stimulating milk let-down by inserting water or air into a cow's vagina	Yes	OK	There are probably isolated incidents, however if use increases this could impact on the reputation of the industry
32	Cattle and	Prohibit using a moving	Yes	OK	There are probably isolated

	sheep – Vehicular traction in calving or lambing	vehicle to provide traction in calving or lambing			incidents, however if use increases this could impact on the reputation of the industry
33	Cattle and sheep – Ingrown horns	Failure to treat an ingrown horn that is touching skin or eye	Yes - on the condition the amendments noted on the right are incorporated	OK	Suggest that this should be worded to say an ingrown horn that has broken the skin surface or is touching the eye. Tipping to remove the end of the horn should be regarded as dehorning as it is hard to tell by looking at the horn where the sensitive area ends. Suggest that there is a period of at least 7 days between dehorning and transport.
34	Stock transport – Cuts and abrasions	Transport of cattle, deer, sheep, goats and pigs must not result in cuts or abrasions	Yes - on the condition the amendments noted on the right are incorporated	OK	We suggest that the proposed regulations 34-37 are unnecessary and could be covered by a more general regulation that says "transport of animals must not cause injuries to themselves or other animals". This would then capture all injury issues, rather than just those specified. As presented there is a danger that injuries not covered by proposed regulations 34-37 would be seen as of no concern when transporting animals.
35	Stock transport – Animals with ingrown horns	An animal with an ingrown horn that is touching the skin or eye must not be transported, except when certified fit for transport by a veterinarian	See 34		
36	Stock transport – Animals with bleeding horns or antlers	An animal with a bleeding or broken horn or antler must not be transported, except when certified fit for transport by a veterinarian	See 34		
37	Stock transport – Animals with long horns or antlers	Transport of animals with horns or antlers greater than 110mm must not cause injury to themselves or other animals	See 34		
38	Stock transport –	A cattle beast, deer, pig or goat that has a	No		This scoring system is not validated across all the species

	Lame cattle, deer, pigs and goats	lameness score or two must not be transported, except when certified fit for transport by a veterinarian. A cattle beast, deer, pig or goat that has a lameness score of three must not be transported			mentioned, and even for dairy cattle was adapted from other systems as a practical tool for farmers to use. Managing the issue of transporting lame animals is better covered with a reworded regulation 39.
39	Stock transport – Animals that cannot bear weight evenly due to injury	A cattle beast, sheep, deer, pig or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian	Yes - on the condition the amendments noted on the right are incorporated	OK	Suggest that this reworded to say "a cattle beast, sheep, deer, pig or goat that cannot bear weight evenly on all 4 legs should not be transported, except when certified fit for transport by a veterinarian". This would capture lame animals, as well as those with injured or defective feet and legs.
40	Stock transport – Pregnant animals	Prohibit transporting a cattle beast, sheep, deer, pig or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a veterinarian	Yes - on the condition the amendments noted on the right are incorporated	OK	We support this as worded; however saleyards should be added to the destinations where an animal should not give birth within 24 hrs of arrival. The reason for this is that both saleyards and slaughter premises are unlikely to be able give the care needed to mother and offspring, whereas this would be provided for on destination farms. We do not support the alternative definition of using a % of gestation as the measure as this would be too hard to determine in a field situation. In many cases accurate mating dates are unknown, and where they are known, may not be available at the time of transporting the animals and without this information you can't accurately determine a % of gestation period. It may be difficult to meet this requirement in adverse events (e.g. having to move animals quickly due to flooding); however we understand that this is covered as a defence.

41	Stock transport – Animals with injured or diseased udders	An animal with a burst, distended or necrotic udder, or an animal with mastitis where there are signs of fever, or the udder is hot, red, swollen, discharging or necrotic must not be transported, except when certified fit for transport by a veterinarian	Yes	OK	
42	Stock transport – Cattle or sheep with cancer eye	A cattle beast or sheep with cancer eye greater than 2cm in diameter and not confined to the eye or eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian	Yes	OK	

## 9. COMMENT ON YOUNG CALF MANAGEMENT REGULATORY PROPOSALS

9.1 DairyNZ is seeking the following changes to the proposed young calf management regulations:

- V. Proposal 43. *Young calves – Loading and unloading facilities* is clarified so that it is clear it applies to the instances where calves are transported off the farm of origin by stock truck to avoid the regulation applying to calf pick-ups in the paddocks or the transport of small numbers of calves in smaller vehicles such as trailers/utes.
- I. Proposal 44. *Young calves – Shelter on-farm, before and during transportation and at processing plants* includes saleyards.
- II. Proposal 45. *Young calves – Fitness for transport – age* and Proposal 46. *Young calves – Fitness for transport – physical characteristics* are combined, as they are not stand-alone requirements. In addition to this we believe the proposed regulation should have an age requirement (at least 4 full days of age) and should apply to the transport of young calves from the farm of origin to slaughter premises or saleyards. Proposal 47. *Young calves – Maximum time off feed* is amended to include the requirement that calves being transported to slaughter premises or saleyards must be fed at least half their day's ration within the 4 hours prior to pick-up.
- III. Proposal 49. *Young calves – Blunt force trauma* includes the provision in the current minimum standard to carry out blunt force trauma in emergencies.

Reg No.	Title	Proposal	Support	Penalty	Comments
43	Young calves – Loading and unloading	Facilities must be provided to enable young calves to	Yes - on the condition the amendments	OK	This should be further defined as applying when calves are transported off the farm of origin

	facilities	walk onto and off transportation by their own action	noted on the right are incorporated		by stock truck to avoid this being seen to apply for calf pick-up in the paddock or to the transport of small numbers of calves in smaller vehicles such as trailers/utes. This regulation should not specify acceptable methods as this allows farmers to find solutions that best suit their circumstances. A phase-in period of 12 months is requested and this would effectively mean that all farmers have to have these in place by the beginning of the 2017 calf season (July 2017) – assuming the regulation is in place in July/August 2016.
44	Young calves – Shelter on-farm, before and during transportation and at processing plants	All young calves must, when they are waiting on-farm or elsewhere for collection for transport, during transportation and at processing plants prior to slaughter, have access to shelter that is clean, dry, suitably ventilated and provides protection from stress due to the effects of both hot and cold temperatures	Yes - on the condition the amendments noted on the right are incorporated	OK	This regulation also needs to include saleyards. We understand that this wording is too subjective, and suggest that the measures should be that calves are dry, clean and of normal body temperature. There are cattle cleanliness scoring systems that could be adapted for calves. We do not support regulating stocking density; the measure should be that all calves can lie down at the same time in the pen. Consideration could be given to combining proposed regulations 43 and 44 as loading facilities on farm are also likely to be the sheltered area where calves are being held prior to pick-up.
45	Young calves – Fitness for transport - age	Young calves must not be transported for processing and slaughter until they are at least four full days of age	See 46		This requirement should be included in proposed regulation 45 as it is not a stand-alone requirement. If this does not happen then very clear communication will be required to ensure that farmers are aware that there are 2 regulations they need to consider when selecting calves for transport.
46	Young calves – Fitness for transport – physical characteristics	Immediately prior to transport, young calves must: <ul style="list-style-type: none"> <li>Be free of disease, deformity,</li> </ul>	Yes - on the condition the amendments noted on the right are incorporated	OK	This regulation should have the age requirement (at least 4 full days of age) added, and be a set of requirements that apply to the transport of young calves from the farm of origin to slaughter

		<p>blindness or any disability;</p> <ul style="list-style-type: none"> <li>• Be alert and able to rise from a lying position and, once up, capable of moving freely, are not listless and are able to protect themselves from trampling and being injured by others;</li> <li>• Have hooves that are firm and worn flat and not bulbous with soft unworn tissue; and</li> <li>• Have a naval cord which is wrinkled, withered and shrivelled and not pink or red coloured, raw or fleshy.</li> </ul>			<p>premises or to saleyards. In addition, farmers are used to assessing these physical characteristics already and if any are removed this may be seen as a relaxing of the requirements for transport.</p>
47	Young calves – Maximum time off feed	Young calves up to 14 days old that have been collected for transport or are awaiting slaughter must be fed or slaughtered within 24 hours of their last feed	Yes - on the condition the amendments noted on the right are incorporated	OK	<p>We support this change, as this is a normal feeding interval for calves, and calves for slaughter should be fed as often as any other calf. However we would like to add a requirement that calves being transported to slaughter premises or saleyards must be fed at least half their day's ration within the 4 hours prior to pick-up. This is to ensure that the calves have an energy supply to assist them cope with the stress of the journey and handling at the destination.</p> <p>We also note that this regulation will require a more formal process of tracking information along the supply chain than currently exists.</p>

					Due the planned timing of the introduction of these regulations this is unlikely to be able to be implemented for the 2016 bobby calf season and suggest a 6 month phase-in period.
48	Young calves – Duration of transport	The maximum journey time for young calves from farm to slaughter premises should be no more than eight hours	Require more information	?	We support the intent of this proposed regulation, however need more information to be able to comment on the implications. If there is a particular part of the season, or area of the country that this applies to then we would be able to assess the likely impacts of this limit. We do not want to see the unintended consequence of denying a bobby calf service to some farmers, or of journeys of greater than 8 hours being broken by off-loading calves into unsatisfactory holding facilities, followed by reloading. This may be better worded to say if the journey is likely to be greater than 8 hours then mitigation measures such as reduced loading density, provision of bedding in the truck etc. must be provided. We suggest that this proposed regulation is put on hold until more data is available about transport times for bobby calves.
49	Young calves – Blunt force trauma	Prohibit the use of blunt force trauma for killing calves	Yes, with the addition of an emergency provision	OK	We are comfortable with this proposed regulation but the provision in the current minimum standard to carry out BFT in emergencies must remain.
50	Young calves – Transport by sea across Cook Strait prohibited	Prohibit the transport of young calves across Cook Strait	Yes	OK	This is unlikely to impact dairy farmers as no young calves have been transported in this way for some years now.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1932



## 10. COMMENT ON SURGICAL AND PAINFUL PROCEDURES REGULATORY PROPOSALS

10.1 DairyNZ is seeking the following changes to the proposed surgical and painful procedures regulations:

- I. Proposal 52. *All animals - Embryo collection via exteriorised uterus (surgical embryo transfer)* includes a provision for the person doing the embryo collection to be competent, and for veterinary oversight.
- II. Proposal 53. *All animal- Laparoscopic artificial insemination (Laparoscopic AI)* includes a provision for the person doing the embryo collection to be competent, and with veterinary oversight.
- III. Proposal 66. *Cattle – Tail docking* is accompanied by an extensive education campaign advising farmers of the changes.
- IV. Proposal 67. *Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)* is amended so it bans the use of high tensile bands for castration, this allows future innovation.
- V. A 24-month phase in period is implemented to introduce proposals 68. *Cattle, sheep and goats – Disbudding* and 69. *Cattle, sheep and goats – Dehorning*.

Reg No.	Title	Proposal	Support	Penalty	Comments
51	All animals – Hot branding	Prohibit hot branding	Yes	OK	
52	All animals – Embryo collection via exteriorised uterus (surgical embryo transfer)	May be performed by any person. Pain relief must be used at the time of the procedure	Yes - on the condition the amendments noted on the right are incorporated	OK	This needs to include a provision for the person doing the embryo collection to be competent, and for veterinary oversight.
53	All animals - Laparoscopic artificial insemination (Laparoscopic AI)	May be performed by any person. Pain relief must be used at the time of the procedure	Yes - on the condition the amendments noted on the right are incorporated	OK	Same comments as for regulation 52.
54	All animals - Liver biopsy	Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of the procedure.	Yes	OK	
55	All animals – Dental work	Any power tool used on an animal for dental work must be designed for the purpose of dentistry	Yes	OK	Dental work is not generally carried out on dairy cattle, however when power tools are used for dental work the operator should be trained and competent.
63	Cattle - Teats	Supernumerary teat removal (up to 6	Yes	OK	



		<p>weeks of age) – when not performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian:</p> <ul style="list-style-type: none"> <li>• May be performed by any person</li> <li>• Must create a clear cut and not tear or crush the tissue. Clean scissors, free of visible contamination, must be used for the procedure</li> </ul> <p>Teat removal (of one of the main 4 teats) or supernumerary teat removal over 6 weeks of age</p> <ul style="list-style-type: none"> <li>• Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</li> <li>• Pain relief must be used at the time of the procedure</li> </ul>			
64	Cattle – Claw removal	<p>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of the procedure</p>	Yes	OK	
65	Cattle – teat occlusion	<p>Teat occlusion is prohibited other than with a teat sealant registered under the ACVM Act 1997</p>	Yes	OK	
66	Cattle – Tail docking	<p>Must be performed by a veterinarian or a veterinary student under the direct</p>	Yes	OK	<p>It is noted that this will require a good communication plan to farmers, especially regarding the interpretation of 'for therapeutic</p>

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		<p>supervision of a veterinarian. May only be performed for therapeutic reasons. Pain relief must be used at the time of the procedure</p>			<p>reasons' which is poorly understood by farmers.. Trimming the hair off the switch (end of the tail) is commonplace in the dairy industry and manages any hygiene issues.</p>
67	<p>Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)</p>	<p>Castration and shortening of the scrotum (under 6 months of age):</p> <ul style="list-style-type: none"> <li>• May be undertaken by any person</li> <li>• Conventional rubber rings must only be used for this purpose</li> </ul> <p>Castration and shortening of the scrotum (over 6 months of age)</p> <ul style="list-style-type: none"> <li>• Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</li> <li>• Pain relief must be used at the time of the procedure</li> </ul> <p>Surgical castration at any age</p> <ul style="list-style-type: none"> <li>• Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian</li> <li>• Pain relief must be used at the time of the procedure</li> </ul>	<p>Yes - on the condition the amendments noted on the right are incorporated</p>	OK	<p>This may be better worded as a ban on the use of high tensile bands for castration rather than specifying the use of conventional rubber rings to allow for flexibility and innovation in the future.</p>
68	<p>Cattle, sheep and goats - Disbudding</p>	<p>May be performed by any person Pain relief must be used at the time of the procedure</p>	<p>Yes - on the condition an appropriate phase on period implemented</p>	OK	<p>We support this proposed regulation however it will need a phase-in period so the industry is able to make arrangements for all people who disbud (farmers and contractors especially) to</p>



					<p>have access to training and local anaesthetic for this purpose. This may mean the development and implementation of some sort of national scheme, along the lines of the develveting programme. We suggest a 24 month phase-in period, which, if the regulation comes into force in early 2017, would require all disbudding from 2019 to be done with pain relief. These requirements should apply to all methods of disbudding.</p>
69	Cattle, sheep and goats - Dehorning	May be performed by any person Pain relief must be used at the time of the procedure	Yes - on the condition an appropriate phase on period implemented	OK	This is a follow-on from the previous proposed regulation and this proposed regulation should have the same phase-in period.

11. ABOUT DAIRYNZ

- 11.1 DairyNZ is the industry good organisation representing New Zealand's dairy farmers. Funded by a levy on milksolids and through Government investment, our purpose is to secure and enhance the profitability, sustainability and competitiveness of New Zealand dairy farming.
- 11.2 We deliver value to farmers through leadership, influencing, investing, partnering with other organisations and through our own strategic capability. Our work includes research and development to create practical on-farm tools, leading on-farm adoption of best practice farming, promoting careers in dairying and advocating for farmers with central and regional government. For more information visit [www.dairynz.co.nz](http://www.dairynz.co.nz).

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# SUBMISSION



✓ 189

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To: Ministry for Primary Industries

Submission on: Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)  
MPI Discussion Paper No: 2016/12

Date: 19 May 2016

From: Federated Farmers of New Zealand

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P s 9(2)(a)  
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**SUBMISSION TO MINISTRY OF PRIMARY INDUSTRIES**  
**ON**  
**THE PROPOSED ANIMAL WELFARE REGULATIONS (CARE & CONDUCT AND**  
**SURGICAL & PAINFUL PROCEDURES)**

**1. INTRODUCTION**

- 1.1 Federated Farmers welcomes the opportunity to comment on the proposed animal welfare regulations for care and conduct, young calves and surgical and painful procedures MPI Discussion Paper No: 2016/12 (henceforth referred to as the 'Consultation Document' or the 'Proposals')
- 1.2 Federated Farmers takes the management of livestock and animal welfare very seriously. Good animal welfare practices are an important component of productive, sustainable and profitable livestock farming, our members businesses and New Zealand's agricultural industry.
- 1.3 We are proud of our first equal ranking with Austria, the UK and Switzerland according to the World Animal Protection for our animal welfare system. Practical rules which provide clarity and transparency and are enforceable are important to maintain the integrity of our animal welfare systems and continuing to keep animals safe and achieve good animal welfare outcomes.
- 1.4 As part of the preparation of this submission extensive discussion has been carried out with our elected representatives including our national board, our provincial leaders and our national and provincial industry representatives. We also received 475 responses to our member survey of which 272 were dairy farmers, 232 were sheep and beef farmers, 28 arable, 22 deer farmers and 21 other (respondents are able to farm in more than one industry).
- 1.5 Federated Farmers is happy to discuss further with the Ministry for Primary Industries (MPI) any points raised in this submission.

**2. GENERAL COMMENTS**

**VADE**

- 2.1 Federated Farmers maintains its support of the 'Voluntary, Assist, Direct, Enforce' (VADE) model for changing behaviour, developed and currently used by the Ministry for Primary Industries (MPI) for compliance and enforcement. This model takes a structured approach to identifying the appropriate enforcement responses to the offence in question. It is nevertheless only effective where inspectors have been trained to a high standard in its objectives and implementation, and as such, resourcing the development of a VADE model to the animal welfare context and training the inspectorate in its use is of paramount importance.

**Liability**

- 2.2 Federated Farmers would have concerns if liability were to be automatically assumed to lie with the animal owner rather than the person in charge of the animal (PICA) or

another party. We consider it essential that there is context dependent apportionment of fault and responsibility.

- 2.3 There are many instances where the owner and the PICA are the same person and therefore differentiation is not required. However, there are also many situations where the owner of the animal and the PICA are different and the relationship between them will vary depending on the circumstances. For example: an owner (absentee or otherwise) who is an investor and has no practical knowledge of farming; an owner of multiple farms who has a manager or equivalent on each and has oversight but is not involved in the day to day running of the property; an owner who may be on farm but employ a manager or sharemilker who has responsibility for the management of the animals.
- 2.4 The PICA has been an integral part of the animal system for some time, for good reason and emphasis should be on the person with day to day responsibility for the animals.
- 2.5 An owner has responsibility to ensure the person they have hired and entrusted the duty of care for their livestock in is competent and that some degree of monitoring is in place. However, particularly when the owner may have no practical knowledge of farming assuming responsibility or liability much beyond that could be considered unreasonable.  
  
*"inclusion of the owner of the stock as being liable in the event of a breach of animal welfare would not be fair, unless it can be proven that they had either instructed or had knowledge of the person in charge committing the offense and did nothing about it"*
- 2.6 There may also be cases of fraudulent or misleading behaviour, where an owner has asked a PICA to do something, the PICA says they will or they have and then it turns out they haven't (not following instructions). Fault and responsibility should then lie with the PICA. The same would apply for a PICA to a staff member.
- 2.7 Another example is where stock are away grazing on another property, the grazier is being paid to look out for the welfare of the animals and they are out of the owners control, therefore the logical person responsible for animal welfare issues would be the person looking after them.
- 2.8 Appropriate allocation of fault and responsibility is important to provide the right incentives for the right behaviours.

### **Farm Systems**

- 2.9 The pasture based extensive nature of the majority of New Zealand's farming systems along with our temperate climate make them unique and therefore the animal welfare requirements that are necessary and/or practical in New Zealand may not always be consistent with those in other parts of the world. This has traditionally been well recognised in the New Zealand animal welfare system but as the degree of influence of a public that is increasingly being informed by international audiences who may or may not have any knowledge or understanding of New Zealand's farming systems, it is important to keep this in mind.

- 2.10 The variation between farming systems and therefore what animal welfare requirements are necessary and practical can also apply domestically between more intensive industries such as dairy where animals are generally handled everyday in contrast to extensive hill and high country sheep and beef properties where animals may only be yarded and handled once or twice per year. Federated Farmers considers it necessary that regulations are flexible enough to allow for the practical necessities of our farming systems and this is reflected in our comments on the specific regulatory proposals.

### Process

- 2.11 Federated Farmers has concerns over the process in that the level of consultation on those proposals where the bar has been lifted on current minimum standards 'to update current practices' (3.1.2) is not consistent with the extensive, inclusive and collaborative process that has traditionally been used to successfully develop the minimum standards in the codes of welfare.
- 2.12 Given the significance of the impact caused and the change in farming practices that would be necessitated by lifting the current minimum standards in the surgical and painful procedures proposals, and that these will now be directly enforceable and in many cases with a criminal conviction, the level of consultation should be at least equal to, if not more extensive, than that for the codes of welfare. Matters that need to be understood and taken account of in the development of codes and therefore regulations include: scientific understanding of animals needs, practical experience and available technology, good practice, practicability of making change, international trends, societal ethical concerns, economic implications, religious and cultural practices and whether any adverse animal welfare outcomes are reasonable or necessary.
- 2.13 The level of consultation may impact the level of trust between the industry and the regulator and potentially reduce compliance particularly where they are not viewed as practical and therefore not contribute to achieving the objective.
- 2.14 Federated Farmers also has concerns over the reliance placed by MPI on the information from the consultation process to inform the regulatory impact statement.
- 2.15 Stakeholders are being asked to respond to in excess of 2500 consultation questions on 85 specific proposals in a five week period. Including commenting on if the proposal is likely to be efficient, effective, equitable, clear and achieve its objective as well as the desirability, costs, benefits and practicality of significant changes to minimum standards. The quality of the information produced through this time-constrained process is never going to match that which would have been produced by the much more comprehensive and robust process used in the development of the codes of welfare.
- 2.16 Federated Farmers does not consider it the industry's role to undertake the necessary research and analysis to meet the obligations of regulators to accurately characterise the impacts of legislation they are proposing during a public consultation process, when significant changes have been made and no, or very minimal assessment of the costs or practicality of compliance, has been undertaken and provided.



## **Future Changes**

- 2.17 Federated Farmers believes it is essential that the ability to adapt and change regulations quickly is maintained should the effectiveness of current practices be compromised by chemical resistance, climate or other challenges that may come in the future.

## **3. THE PROPOSED REGULATORY PACKAGE (PART A)**

### **Changes to the Act not yet in force (Section 2.3)**

- 3.1 Federated Farmers supports bringing into force at the same time the regulations enter into force, those changes to the Act outlined in Appendix 3 which are not yet in force rather than waiting for them to automatically commence in 2020.
- 3.2 Federated Farmers supports the level of infringements fee for 156I: \$500 for non-compliance with a compliance notice, and 36(3): \$300 for failure to check a set trap within 12 hours after sunrise on each day the trap remains set, beginning on the day immediately after the day on which the trap is set, and consider them appropriate and inline with the level of the offence.

### **Options relating to Part B proposals (Section 3.4)**

#### **Question 3 & 4 – Retaining the status quo**

- 3.3 Federated Farmers does not consider there are any minimum standards or additional matters not included in the regulatory proposals that should become or be considered to become regulations now or in the future.
- 3.4 The only exception might be if those procedures identified in paragraphs 6.2-6.7 of our submission were unable to be declared as 'not a significant surgical procedure for the purposes of this Act' and it was likely they may be defined as a significant surgical procedure. In that case we would consider it necessary for those procedures to be regulated to allow a farmer to continue to carry them out. Our strong preference however is that these simply be declared as not a significant surgical procedure.

#### **Question 5, 6 & 7 – Developing regulations and non-regulatory mechanisms**

- 3.5 Yes there are proposed regulations in Part B that Federated Farmers does not consider should be regulated. An overview of these assessed against the criteria in 3.3 and the alternatives are provided below, with further detail provided in the comments related to each specific proposal later in sections 4, 5 and 6 of this submission.
- 3.6 Proposal 3: Twisting an animal's tail – This should not be regulated as it is not clear, specific and measurable. The degree to which twisting causes pain is subjective and very difficult to determine by an observer or from photographic evidence, therefore enforceability would be compromised. This should continue to be managed through codes of welfare and best practice guidelines, while still allowing prosecution for tail breaking under the Act.

- 3.7 Proposal 32: Vehicular traction in calving or lambing – This should not be regulated as it is not clear. To an observer it is difficult to differentiate between stationary vehicle used for tension and one being inched forward to maintain tension while someone else eases young out. This should be continued to be managed through codes of welfare and best practice guidelines. It will still allow someone extracting a lamb or calf using a vehicle at speed to be prosecuted.
- 3.8 Proposal 33: failure to treat ingrown horns – This should not be regulated as it is not effective or clear as it is difficult to assess when a horn is ‘ingrowing’ when animals are handled infrequently and this would be better managed through the codes of welfare and industry education and the offence of having an ingrown horn.
- 3.9 Proposal 34: stock transport – cuts and abrasions - This should not be regulated as it is not effective or clear, due to the difficulty in identifying the cause and apportioning the blame. Therefore we don’t consider it will achieve the desired outcome and change in practice, and is likely to be open to challenge. This would be best managed through industry guidelines and commercial relationships, with severe cases and repeat offenders picked up through the Act.
- 3.10 Proposal 36: stock transport – animals with bleeding horns or antlers - This should not be regulated and is best managed through the codes of welfare.
- 3.11 Proposal 38: stock transport – lame cattle, deer, pigs and goats - This should not be regulated as it is not clear and is a reliant on a scoring system that is subjective, not developed for regulatory purposes and not suitable for all animals. We consider it would be better managed through proposal 39 and supported by the codes of welfare and industry guidelines.
- 3.12 Proposal 40: stock transport – pregnant animals - This should not be regulated as it is not clear, it can be difficult to assess if it was a genuine breach transporting too close to due date or if transport triggered a premature birth. It also has the potential to place too many restrictions on what has been demonstrated to be acceptable transport of late pregnancy animals. This would be better managed by non-regulatory measures such as processor conditions of supply, current Minimum Standards and industry guidelines.
- 3.13 We support the regulation of the following procedures in order to gain the exemption to allow farmers to continue carrying out the procedure: proposal 63: cattle - teats; proposal 66: cattle – tail docking; proposal 68 – disbudding; proposal 69 – dehorning. However, we have concerns about some of the conditions/requirements included in the regulation and we consider these would be better managed using non-regulatory mechanisms including codes of welfare, industry guidelines and training and conditions of supply. These are discussed further in Section 6 of this submission.
- 3.14 Non-regulatory mechanisms have already proved effective for managing specific areas of animal welfare in the industry. Strict, audited, conditions of supply and commercial farm assurance schemes already apply to the majority of animals in New Zealand which provide a commercial incentive for compliance and have therefore been successful in achieving behaviour change.

- 3.15 Programmes such as that for the management of inductions in the Dairy industry is evidence that industry led, non-regulatory mechanisms can achieve the desired outcomes and regulations are not always the best solution.

**Question 8: who is going to be affected? (Section 3.5)**

- 3.16 Proposed regulations set out in Part B would change the way farmers operate. The changes and implications of these are discussed in further detail in the comments provided on each of the specific proposals in sections 4, 5 and 6 of this submission.
- 3.17 Some examples of the changes particularly from a raising of minimum standards include: a reduction in the age a procedure is required to be done, resulting in the procedure having to be done earlier, requiring changes in systems or practices. This can create more stress and pressure particularly around calving and other peak times. This may lead to procedures not getting done or the quality being reduced, to time pressures which may create future problems. Where a vet is now required this can add significant cost, particularly in remote areas. It is also likely to further stretch an already stretched resource particularly at busy times. The requirement for pain relief will require the upskilling of large numbers of people, it will also require the further development of relationships between farmers and their vets. It adds cost to the system both for the pain relief and the training and may provide a sufficient barrier so that a farmer may elect not to carry out the procedure which may lead to worse animal welfare outcomes later in its life.

**Question 9: Infringement (Section 4.1.1)**

- 3.18 Federated Farmers generally supports the infringement offences and respective fees with comments made on each of the specific proposals in sections 4, 5 and 6 of this submission

**Question 10: Prosecutable offences under regulations (Section 4.1.2)**

- 3.19 Federated Farmers has some reservations about the prosecutable offences proposed in the regulations.
- 3.20 We are very concerned that farmers may receive criminal convictions for minor breaches to the regulations for activities which have long been part of normal farming practice and are potentially going to become regulation without the usual level of consultation. While we support the need to have convictions for breaches of the regulations, discretion would be important in the implementation ensuring the full spectrum of enforcement tools remains available and utilised including the provision of education material for the first offence where there is a genuine lack of knowledge and the use of compliance orders where appropriate. We consider prosecution should be reserved for significant breaches and, for example, not where an age limit may have been missed by a small period of time.
- 3.21 Federated Farmers stresses the importance of compliance orders and infringement notices being applied by inspectors consistently and fairly. We need to be assured there will be a level of uniformity across the country.

**Question 11: Strict Liability (Section 4.1.3)**

3.22 Federated Farmers would support those regulatory proposals we have supported in this submission being strict liability offences and don't consider it would be necessary to include a mental element to any of these.

**Question 12 & 13: Defences (Section 4.1.5)**

3.23 Federated Farmers supports the defences provided in 4.1.5

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

3.24 We recommend the expansion of the second defence to also include the preservation of animal life so it would read:

- 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 or animal life**

3.25 Regulatory proposals which may be broken to save an animal's life could include the use of an electric prod or goad if animals are fighting or an animal is down and at risk of trampling.

3.26 Federated Farmers recommends the inclusion of a third and fourth defence:

- the act or omission constituting the offence took place in circumstances of stress or emergency, was necessary for the immediate avoidance, reduction or alleviation of suffering of the animal and was in the best interest of the animal.
- the act or omission constituting the offence took place in circumstances of stress or emergency, was necessary for the immediate avoidance, reduction or alleviation of injury to humans.

**Question 14: When do the regulations come into force? (Section 5.1)**

3.27 Federated Farmers considers it will be necessary to have lead-in periods for some of the proposals. Comments about the necessary lead in times that would be required are included in discussions of the specific proposals later in sections 4, 5 and 6 of this submission.

3.28 Appropriate lead-in times are essential as changing systems to bring in a new practice generally takes time and money. It is important appropriate lead-in times are provided to ensure the facilities, capabilities, resources (educational and people), systems and expertise (including on farm training and industry upskilling) are in place to change husbandry practices before the regulations come in to force. This ensures that the desired outcomes are able to be achieved and the regulations don't just create additional problems the industry isn't equipped to cope with and risk potentially leading to worse animal welfare outcomes.

- 3.29 Federated Farmers doesn't want the timing of entry into force to create additional stress at peak times of the year. It is important farmers have the chance to understand and comply with the new obligations. Having them come into force during the busy spring period or in the middle of calving or docking or weaning for instance would be unhelpful, as would bringing them into effect during the Christmas New Years period. February 2017 would be the earliest recommended date for entry into force and we would be supportive of delaying this further to ensure the necessary upskilling, guidance and systems are in place.
- 3.30 We recognise the pressure that is being imposed on the young calf regulations and the need to 'do something' but do not support this coming at the expense of the quality and practicality of the regulations.

**Question 15, 16 & 17: What happens to the existing minimum standards/ requirements? (Section 5.2)**

- 3.31 Federated Farmers considers it essential that the codes of welfare remain in their current form until such time a full and extensive consultation process as traditionally required for the development of the codes could be undertaken.
- 3.32 We are strongly opposed to any changes to regulation which alter the current minimum standards being applied directly to the codes. We consider the consultation process has been inadequate given the level of some of the changes proposed and therefore transferring these to the codes would then also undermine the integrity of the codes which have been an important foundational element of our animal welfare system.
- 3.33 It is important the codes remain as a basis of scientific fact. If regulations that come about reflect societal perception or pressures not based on evidence then we need to note this in the regulation and offer this explanation as to why the regulation maybe tougher than the code.

**Question 18: Monitoring and Review (Section 6)**

- 3.34 MPI should maintain a close relationship with industry stakeholders including but not limited to: Federated Farmers, Beef + Lamb New Zealand, Dairy Companies Association of New Zealand, DairyNZ, Meat Industry Association, PorkNZ and Poultry Industry Association of New Zealand in order to monitor and review the impact of the proposed regulation. The impact of the regulations should form an extension of the current information sharing arrangements between MPI and Industry to allow for the ongoing monitoring and development of any messaging or guidance which may be required to ensure the outcomes are achieved.
- 3.35 Federated Farmers would then recommend a stocktake and reflection of the regulations and their impact is completed after they have been in force for one year.
- 3.36 We would then recommend a review of the regulations after they have been in force for three and five years, during which the decision can be made if any changes are required.

#### 4. CARE AND CONDUCT REGULATORY PROPOSALS

##### Proposal 1: All animals - Electric prodders

- 4.1 Federated Farmers supports this proposed regulation on the use of electric prodders for use on cattle 100Kg or above in weight. As our members have noted, weight is a practical measure, typically corresponds to the weaning weight and is generally clearer than age. Farmers should, as one respondent to our survey noted 'aim to avoid use on young animals'.
- 4.2 However smaller animals like boars and sows may be equally difficult to manage and use of electric prodders here should be considered.
- 4.3 Federated Farmers recommends that a provision be made for emergency use in any situation where the safety of the handler is at risk. We therefore support the proposed statement in 4.1.5, but including 'or animal life'. We also support it being used in commercial slaughter houses when required.
- 4.4 We support the proposed penalty.
- 4.5 **Recommendation** – The Federation supports this regulation and recommends that: Provision be made for emergency use of electric prodders  
AND  
That use on some other animals be considered.

##### Proposal 2: All animals – Use of goads

- 4.6 Federated Farmers supports this proposed regulation.
- 4.7 We support the continued ability to be able to use a goad on other areas when required as it is, as one of our respondents stated:  
*"Important for safety and also for the welfare of the animal for instance if an animal goes down in a race and is at risk of being trampled or kicked by other animals the use of a goad can assist in getting it up to avoid harm"*  
Another stated: *"Goads should only be used as a guide that extends one's arms for reach safely purposes to move animals when necessary. Used to apply pressure, or a repeated tapping action to guide a movement or direction, not to inflict pain on any body part."*
- 4.8 Like other people in the industry, the term goad is not commonly used as a noun and so makes the regulation unclear until the definition is read. We offer the suggestion of 'Prohibit using an object that extends the body, on an animal in the udder.....'.
- 4.9 We support the proposed penalty.
- 4.10 **Recommendation:** The Federation supports this regulation.

##### Proposal 3: All animals – Twisting an animal's tail

- 4.11 Federated Farmers does not support this proposed regulation because farmers do use the tail to manage the animal and it is too difficult to differentiate between normal acceptable handling of the tail and twisting of the tail to cause pain, making it unenforceable; this was backed by 68 percent of respondents in our survey. One respondent said; *"Comes down to a matter of judgment by an individual, which risks having different outcomes from different individuals."* Another stated: *"If the inspector is not experienced in the handling of stock themselves, a situation could be easily misconstrued for the sake of prosecution"*
- 4.12 The outcome it is aiming to avoid (tail breaking) is already prosecutable under the Act
- 4.13 In our survey, 90 percent of dairy farmers and 96 beef and sheep farmers rejected MPI's proposal, with an overall 93 percent rejection by all the respondents.
- 4.14 Using the tail as a handling tool is practical for farmers and learning how to do this correctly is part of good animal husbandry. Comments from our respondents include:
- "Tail twisting can be the most appropriate and safest way to move a cattle beast either side ways or forward"*
- "It would become impossible to move cattle with using their tail unless they all want us to have electric cattle prods. Also how would you catch a calf, yearling that needs attention in the paddock"*
- "Twisting tails can prevent worse actions. Sometimes you have to get an animal into a headbail for good reason and lifting the tail is a lot better than trying to move an obstinate cow with a stick"*
- "When loading cattle up a race/onto a truck the tail is easy to grab and only a slight twist gets the animal moving. You don't need to use force to break tails and broken tails are already an offence"*
- "Sometimes a light twist can help move a stubborn animal without a prod or a stick"*
- "As with all rules, there are blurred lines between acceptable and not acceptable. Sometimes animal and human safety mean a quick twist of the tail gets a cattle beast into a headbail, where it can be handled safely - for beast and human"*
- "Anyone who has tried, unsuccessfully to get an animal moving that doesn't want to go, will tell you "tailtwisting" is a necessary tool, and causes very little pain to the animal, but achieves a purpose. That is, the animal shifts."*
- 4.15 The unintended consequences of this rule would be, as two respondents pointed out:
- "Twisting a tail may be better than using a whip or prod, for loading"*
- "Tail breaking is absolutely horrendous but this rule means we would be scared to even touch a tail"*
- 4.16 **Recommendation** – The Federation does not support this regulation and recommends that:
- Twisting the tail of an animal in a manner that causes an animal pain does not become regulated, due to it being difficult to differentiate between normal acceptable handling of the tail and twisting of the tail to cause pain.

### **Proposal 5: Dogs – injuries from tethers, collars**

- 4.17 Federated Farmers supports this proposed regulation and would also support it being expanded for all animals that are restrained by a collar or tether.
- 4.18 We expect this to not impinge on working dogs but realise it may affect those occasions when full restraint is required, for example some veterinary practices, where panting may be temporarily restricted.
- 4.19 We agree that drinking must not be restricted but, as one of the respondents stated:  
*“But shouldn’t have to have access to water at all times ie when dogs are working they may be tied up to a fence while a task is completed. Only if permanently tied or contained”*
- 4.20 Penalties: Federated Farmers considers that the proposed fine is suitable but if actual injury is sustained then a higher penalty of \$500 may be more appropriate in order to change behaviour.
- 4.21 **Recommendation** – The Federation supports this regulation

### **Proposal 7: Dogs – dry, shady shelter**

- 4.22 Federated Farmers supports this proposed regulation on the proviso that exceptional circumstances be exempted.
- 4.23 We note that there will be some exceptional circumstances such as storms and other weather events which may mean that this regulation will be breached. As one of our respondents stated: *“Filthy weather has got in my dog kennel once or twice and I would hate to be caught out”*
- 4.24 We note that this proposed regulation covers the habitual home of the dog as there will be times on farm when the dog will be out working over a period of days, for example during high country mustering, and there may not be a suitable area for this.
- 4.25 We also bring to the attention of MPI those periods when a working dog will be tied to a fence while a task is being completed. Federated Farmers does not consider this to be part of this regulation.
- 4.26 We support the penalty.
- 4.27 **Recommendation** – The Federation supports this regulation and recommends that:  
An exception be made for exceptional circumstances, such as weather events.

### **Proposal 9: Dogs – secured on moving vehicle when on public road**

- 4.28 Federated Farmers supports this proposed regulation.
- 4.29 In our survey, however, our members also stated that it was not sufficiently risky to warrant legislation.
- 4.30 Some considered that an untethered dog on a vehicle should already be covered as an ‘unsecured load’ in other legislation. Some also considered that tethering on the



back of a vehicle increases the risk of dogs hanging themselves, while anecdotal evidence is given of seeing an untethered dog fall off the back of a vehicle and being badly injured.

- 4.31 We note that this proposed regulation does exempt working dogs while working and we believe it is essential this is maintained should it come into regulation. We applaud MPI for including this exemption.
- 4.32 To clarify this we recommend that 'working' in regards to farm dogs be defined as follows: *A farm dog is considered to be working whenever it is away from its shelter on farm and also on public roads that adjoin the farm.* This is because tethering a dog on a quad travelling at low speeds can be hazardous and therefore don't consider it should be covered.
- 4.33 We also note that paper roads on farm are deemed to be public roads and this may be an issue as it is our understanding that this regulation was not meant to impact on transport on farm.
- 4.34 Penalty: Federated Farmers supports the penalty being an infringement, not a prosecutable offence. We do not consider it to be of a serious enough nature that would impose the costs of carrying out a prosecution.
- 4.35 **Recommendation** – The Federation supports this regulation on condition that it exempts working dogs while working, and on-farm roads and tracks are exempt.

#### **Proposal 13: Goats – tethering requirements**

- 4.36 Federated Farmers supports this proposed regulation.
- 4.37 There may be some practical issues in having 'constant' access to food as some will be being fed at certain times of the day. We also realise that goats are prone to getting tangled up and may find themselves unable, due to no fault of the owner, to get to food or water. As with all animals that are tethered, they will need at least daily inspection to look after their welfare needs.
- 4.38 Regarding housing, we suggest that the provisions set for dogs (proposal 7) are suitable for goats.
- 4.39 Federated Farmers supports the penalty proposed.
- 4.40 **Recommendation** – The Federation supports this regulation

#### **Proposal 31: Cattle – milk stimulation**

- 4.41 Federated Farmers supports this proposed regulation
- 4.42 While it happens so infrequently and therefore doesn't really warrant being set in regulation, it does occur on rare occasions and we therefore support its practice being a regulatory offence for the benefit of the whole industry. As one of the respondents noted: *"inclusion has to be to remove any doubt (so that) if farm staff find this happens it gives them clarity to act"*
- 4.43 We support this penalty.

4.44 **Recommendation:** The Federation supports this regulation

**Proposal 32: Cattle and sheep – Vehicular traction in calving or lambing**

4.45 Federated Farmers does not support this activity coming into regulation

4.46 In our survey, 67 percent were against this coming into regulation and a large percentage (88 percent) said it did not happen frequently enough to warrant regulation.

4.47 Our objection is that it is difficult to differentiate between a stationary vehicle and a very slowly moving vehicle, especially from a distance.

4.48 Many farmers will use a stationary vehicle as an anchor to attach a winch and, as one respondent stated: *"Very common to use a vehicle as an anchor for calving and to an observer would look like calf was being towed out."* This difficulty in differentiating a stationary vehicle with one that is being inched forward slowly was also noted by another respondent: *"Again education and "best practice" publicity should be enough . As a vet I have seen it occasionally but I really think that it is not done now. In a paddock I would use a vehicle as a point of fixing a rope but not driving the vehicle away so there is room for misinterpretation from someone who is observing (especially from a distance) to report an incident without proper knowledge. There are so many people with cell phones out there (and many of them fall into the "do gooder" category) and there is a real pressure on farmers in all sorts of ways at present that adding regulations which do risk being used mischievously and inappropriately is a hazard"*

4.49 Some members have used this in emergency situations and understand that it is a procedure that requires skill and at least two people, with one in charge of the vehicle and the other assisting the birth. One respondent stated: *"Applying extra tension to assist – can't be just towed out using a vehicle – need someone there easing calf out."*

4.50 The negative impact of this regulation (apart from it being hard to distinguish between a stationary vehicle and a moving one), is that either the new born or the mother (or both) may die. As one respondent stated: *"If you are regulating everything else why should this one be omitted. However when a vet is not available or takes too long to come, surely one or two live animals is better than one or two dead ones."*

Another stated: *"Done to save life of mother on some occasions – choice between just the lamb or calf dying or both the lamb/calf and cow/heifer or ewe/hogget."*

Another: *"Only likely to happen when calf is already dead and it's being done to save the cow's life":*

4.51 Where a poorly skilled person was undertaking this procedure and routinely doing it, we consider that it could be managed under the Act anyway.

4.52 **Recommendation:** Federated Farmers does not support this regulation due to the difficulty in differentiating between a slowly moving vehicle and a stationary vehicle, especially from a distance, and also for its very rare use where the welfare of either the mother or the new borne (or both) is at stake.

### Proposal 33: Cattle and sheep – Ingrown horns – failure to treat

- 4.53 The regulation itself is poorly worded as an ingrown horn, by definition, is growing into the skin or eye, not just 'almost'. As one of the respondents to our survey noted: *"touching skin and ingrowing are two different measures"*. Perhaps it could be termed 'in-growing'.
- 4.54 Federated Farmers does not support this regulation. We consider this remain managed under the current minimum standards.
- 4.55 While many beef breeds are polled, there will be some genetic variation with a few growing horns. Horns grow quickly and the horn does not need to be very long before it can grow towards the scalp. This proposed regulation may penalise some beef and sheep operations where stock are not handled for months at a time due to the extensive farming system.
- 4.56 Farmers who see horns that are close to touching the skin or the eye should take action as soon as they see it. *"Timing. The horn should be attended to immediately. If that means no pain relief, it is better than allowing the horn to continue to grow."*
- 4.57 **Barriers to treating ingrown horns.** Beef cattle from the dairy industry are likely to have been disbudded, but if this activity is made too restrictive (requirement for pain relief), then more calves may arrive on the beef rearing farm with buds intact. While this is no excuse to allow ingrown horns, it does illustrate the problem of unintended consequences of regulation.
- 4.58 We asked in our survey if members thought the requirement for pain relief at disbudding would lead to fewer animals being disbudded and more ingrown horn problems later on. We had 60 percent of sheep and beef farmers agreeing with this consequence.
- 4.59 Another barrier is the farming system of some beef and sheep farms, where stock are handled infrequently. As one respondent stated: *"Some recognition of the fact that a lot of NZ hill country is vast, challenging country and clean musters/ regular viewing of individual animals is not always practical/ achievable in certain circumstances. A lot of us are having to try and do more with less and greater compliance adds to that burden and drain on profitability."*
- "Big operations where there are large paddocks and infrequent mustering to decent cattle yards make this problem hard to manage. Best thing is to dehorn correctly and effectively at the beginning so regrowth is not a problem"*
- 4.60 Another reason is cost: *"Paying \$250 for a vet to come and do a two minute job"*
- 4.61 **When should ingrown horns be noticed:** We agree that farmers who note horns that are getting close to the skin or eye do need to act quickly to dehorn or shorten the horn. We consider that farmers must be given the opportunity to act on this, and are not penalised for having an animal with an ingrown horn. The regulation should be about failing to treat, not being in possession of an animal in this state.

4.62 We asked members in our survey about when horns in this position should be noticed. Comments include:

*"Before it makes contact with the coat/skin ideally",*

*"when within 2.5cm of face. Gives time to arrange slaughter or treatment"*

*"Surely if it's spotted it was treated. Only thing about regulations is that if it is not spotted you could be prosecuted"*

*"It should be noted as it gets close to the skin. Some big stations simply don't have their cattle in the yards very often ...unlike dairy cows which are in every day ."*

4.63 **When does horn shortening become dehorning:** We also asked members for their opinions on when horn shortening becomes dehorning. It appears that this is hard to determine until actually performed, when bleeding would indicate that the procedure performed was dehorning. One sheep farmer noted *"debudging does not relate to sheep usually. We need the ability to cut the horn off where the blood stops which I would hope would not be classified as dehorning"*

4.64 We agree that a wound from an ingrown horn needs time to heal before transport.

4.65 We also consider that actual ingrown horns are currently managed by the Act.

4.66 **Recommendation:** Federated Farmers does not recommend that failing to treat an ingrown horn, before it is ingrown, be set into regulation as assessing when a horn is deemed to be ingrowing when animals are handled infrequently creates difficulties.

#### **Proposal 34: Stock transport – Cuts and abrasions**

4.67 Federated Farmers does not support this regulation, with 65 percent opposing it. The reasons are that it will be difficult to apportion blame and therefore difficult to enforce.

4.68 Transport of stock is an activity of communication and relationships between the parties, not regulation. It is also one where all parties have responsibilities but struggle to be held accountable.

4.69 Cuts and abrasions may be difficult to spot on sheep and other well coated animals.

4.70 Farmers require their stock to arrive at the destination in the same (or similar) condition as when they are loaded. Stock that arrive in poor condition lose money at the saleyard, need extra care and attention at the new paddock, become downgraded by the processor or gain MPI's attention at the processor's premises.

4.71 **Farmer responsibilities:** Stock need to be selected and prepared for transport so that they are fit to travel, and will be comfortable and less likely to suffer any ill effects of the journey.

4.72 They also need to select their transport company for the ability to carry their stock in a comfortable manner. They need to be prepared, if their stock are oversized (e.g. some Friesians, and tall sheep), to pay more for them to be carried as stocking densities and placing may need to be managed or the type of vehicle may need to be considered. As one respondent stated: *"I know that at present there is feedback from*

*the freezing companies to farmers and strong deterrent not to send animals too tall on trucks not suitable"*

- 4.73 **Transporter responsibilities:** The transporter must be aware of their own capability and to decline carriage of stock that are not fit for transport or if the truck is not suitable. This in itself is difficult and no amount of regulating will fix this issue. We consider this best left to the relationship that should exist between the processor (if transporting to slaughter), the transport operator and the farmer. One respondent noted: *"difficult to know who is at fault but transporter needs to identify any problems before loading and be fair"*
- 4.74 **The stock procurer** for the meat processor must be aware of the class of stock bought so that the appropriately sized stock truck can be sent to pick up the farmer's stock. They may also need to manage the pick up route so that the larger animals can be loaded appropriately.
- 4.75 **Processor:** The processor may be at fault if they direct stock to another site without informing the farmer, causing the stock to be transported for longer.
- 4.76 **In a perfect world**, the farmer would present all stock for transport that were fit for transport (and if not, be accompanied by a vet certificate) and the transport operator would check all stock at loading. That would then mean that any stock off-loaded in a poor condition would be the fault of the transport operator. However, there are times when this chain is imperfect.
- 4.77 **Allocation of responsibility** is contentious and all people who handle stock should be taught good management practice with regard to loading and unloading stock, and the transport of them: The survey elicited the following:
- "There are clearly different people in charge of stock through each step of the supply chain. Companies/individuals must accept responsibility for their part in the chain."*
- "The primary responsibility rests with the transport operator. But there needs to be an avenue for others to take action without fear of redress if they have reasonable grounds for concern."*
- "Transport Operator always gets blamed. Farmers should be held more responsible."*
- "Very difficult to assign a timeline to the damage after the fact - how does one prove that the injury was caused by trucking and wasn't already present when the animals were loaded."*
- 4.78 Based on this, it is too difficult to allocate blame and therefore is too difficult to regulate.
- 4.79 **Defining upper level of severity:** this may prove too difficult (52 percent of the respondents thought this) and may be best managed on a case by case basis. It may be that *"wounds that require treatment"* might be suitable wording. Severe cases will be caught by the Animal Welfare Act itself.
- 4.80 Federated Farmers supports the continued monitoring by MPI at the processors and stock yards so that farmers can be informed of any stock that did arrive with back-rub or cuts and abrasions. They will then be able to attend to matters that are in their control (for example, training staff in stockmanship so that stock are correctly

assessed as being fit for transport) and to assess the transport company in its ability to transport stock.

- 4.81 **Penalty:** A penalty will deter inappropriate transport of animals if it's levelled at the correct offender (farmer, transporter or processor) but it can be too difficult to determine who this is.
- 4.82 **Recommendation:** Federated Farmers does not support this regulation as it is too difficult to apportion blame.

### **Proposal 35: Stock transport – Animals with ingrown horns**

- 4.83 Federated Farmers supports this proposed regulation. We note that severe cases will still be able to be prosecuted under the Act.
- 4.84 We also note that farmers who transport an animal with an ingrown horn will also be penalised for failing to treat an animal with an ingrown horn (proposed regulation 33), even if they have a vet certificate that allows them to transport this animal, and we ponder on the fairness of this conundrum
- 4.85 Definition of ingrown horn: We consider that the horn must be touching the eye or have broken the skin and not just touching the skin, hair or wool, in order for it to be classed as an ingrown horn.
- 4.86 Ingrown horns, where the horn has broken the skin or is touching the eye, are, according to one respondent: *"result of negligence but severe cases are the result of severe negligence and significantly compromised animal welfare"*.
- 4.87 As one respondent noted: *"if the horn is touching the skin or eye it is then up to the certifying veterinarian to take on responsibility by assessing the severity and determining whether it falls within the criteria deeming it transportable"*
- 4.88 Another stated: *"We need to make sure farmers are thinking before sending stock to the works or sale yard, really bad look having cases like this on public display"*
- 4.89 There are situations when stock with ingrown horns do need to be transported to reach facilities and where it may be impractical to get a vet certificate before transporting. Respondents stated: *"Yes - noticed near culling. Noticed at graziers and facilities, vet easier to attend at home farm"*, another: *"Out back of beyond"*.
- 4.90 To expand on this example: a farmer who has arrived with the stock truck at the run-off to bring the heifers back to the home farm. They may see that one of their heifers has an ingrown horn. If this regulation comes into force they will be required to call in the vet to gain a vet certificate to allow transport and the vet may take some time to arrive at the property. They will then, if the vet removes the horn, need to leave the heifer until the wound is healed. Cows are not solitary animals, they prefer the company of other cows and do not like being left alone. The farmer has the choice of leaving all the stock at the run-off for several days and get the stock truck back again, or taking all the stock bar the affected heifer, or taking all of them straightaway, including the heifer without a vet certificate, and get her treated back on the home farm.

- 4.91 Current practice of transporting stock with ingrown horns is also done, particularly in remote areas. An animal is noticed to have an ingrown horn, the decision is made to send it to slaughter and it is impractical for the farmer to call out the vet (because of the remoteness) as the wound would need time to heal before transporting it to slaughter. One respondent noted: *"Cost for remote farmers to get vet out plus delay in transport."* This delay could prove an animal welfare issue in itself as vets in remote areas are busy.
- 4.92 **Implementation:** Federated Farmers recommends that this regulation be delayed for two years in order for farmers to manage current stock and for the industry to manage change. This is because it is a significant change from the current state, where it is managed in the Minimum Standards.
- 4.93 **Penalty:** Federated Farmers supports the proposed infringement offence and note the continued ability to prosecute severe cases under the Act.
- 4.94 **Recommendation:** Federated Farmers supports this regulation;
- AND
- We recommend delaying implementation of this regulation for two years in order for the change from the current state to be managed.

#### **Proposal 36: Stock transport – Animals with bleeding horns or antlers**

- 4.95 Federated Farmers does not support this proposed regulation. We consider it would be best handled under Code of Welfare, as it currently is.
- 4.96 The unintended consequences of this regulation is that where, for example, an accident has occurred while drafting, a transport operator may refuse to cart them. One respondent stated: *"Cows can knock off nubby little horns while waiting for transport. Too much regs makes drivers adverse to cart them."*
- 4.97 It will also affect farmers who have, for example, arrived with the stock truck at the run-off to bring the heifers back to the home farm. They may see that one of their heifers has a damaged horn. If this regulation comes into force they will be required to call in the vet to gain a vet certificate and the vet may take some time to arrive at the property. They will then, if the vet removes the horn, need to leave the heifer until the wound is healed. Cows are not solitary animals, prefer the company of other cows and do not like being left alone. The farmer has the choice of leaving all the stock at the run-off for several days and get the stock truck back again, or taking all the stock bar the affected heifer, or taking all of them straightaway, including the heifer without a vet certificate, and get her treated back on the home farm.
- 4.98 We consider the most sensible and practical outcome is to bring the heifer home with all the others (and in all probability without the vet certificate) and get treatment on the home farm. We consider this is what most farmers will do.
- 4.99 This condition is about loading stock with bleeding or broken horns or antlers. What happens at unloading at the processors when it may be noticed by the MPI Verification Service vet? While it may be considered easy to apportion blame for stock with bleeding or broken horns or antlers on unloading, the reality may be

different. Respondents have come back to us stating: *"How do we know the break didn't occur on the truck"*

- 4.100 In a situation where transport is required but a vet certificate is impractical one of the respondents stated: *"To put down or cull when animal is in some pain is a tricky place. Different value to farmer - often equal in pain for animal. Quick to cull or long time in pain to repair."*
- 4.101 Federated Farmers had mixed response from respondents on whether old breaks could be clearly defined. One stated: *"Vets should be consulted and have the say on whether it needs certifying removing the liability from the farmer. Even if it's just via a photo initially they can then decide whether it warrants further examination"*.
- 4.102 **Recommendation:** Federated Farmers does not support this regulation. We consider it to be impractical as accidents do happen, many animals are social ones and need others for company, stock trucks are often booked up well in advance and bringing one in twice is costly, vets may not be close at hand and apportioning of blame is difficult.

#### **Proposal 37: Stock transport – Animals with long horns or antlers**

- 4.103 Federated Farmers supports this proposed regulation but recommends that a comma be inserted after 'horns' and after the measurement so that it is clear that the size relates to antlers.
- 4.104 The difficulty with the horn is not about size but about how sharp they are, as a small sharp pointy horn may inflict more damage than longer, rounder ones. As one respondent stated: *"It is the sharpness and shape of horns that cause the damage"*.
- 4.105 This regulation will allow stock with long horns or antlers to be transported provided it is done safely which we consider important.
- 4.106 Care is needed when loading and transporting these animals. We consider it to be up to both parties (farmer and transport operator) to manage the situation. We note that transporting stock with horns may cost the farmer more: *"When long horns are in place less animals per truck pen is needed so the cost of transporting goes onto the stock owner."*
- 4.107 We also note that non-regulatory processes like processor compliance requirements will manage transport of stock with horns or antlers, with one respondent stating: *"Processing companies have their own rules regarding horns."*
- 4.108 Highland cattle, with their long horns being a distinctive feature, are likely to be particularly impacted by this regulation. It is important that appropriate measures are taken when transporting these cattle.
- 4.109 The penalty is appropriate for the conditions included in this proposal.
- 4.110 **Recommendation:** Federated Farmers supports the regulation but recommends that:

The proposed regulation be amended to read: 'Transport of animals with horns, or antlers of greater than 110mm, must not cause injury to themselves or other animals'.



This use of commas adds clarity and allows other non-regulatory processes to be used.

#### **Proposal 38: Stock transport – Lameness, deer, pigs and goats**

- 4.111 Federated Farmers does not support this proposed regulation. We consider lameness can be dealt with via proposed regulation 39.
- 4.112 The proposed lameness scoring system is flawed and was only developed as a practical stockmanship guide for cattle and never contemplated for use in regulation.
- 4.113 We also consider that lameness can be exacerbated with transport and so what went on as slightly lame may be un-loaded as being more lame. The apportioning of blame then becomes problematic as it could be blamed on the farmer or the transport operator for not noticing or for careless driving. One respondent noted: *"Animals can become lame during transport or mildly lame animals can worsen during the journey just as they can on the farm, through no fault of the farmer. This regulation should only apply to obvious well established injuries"*
- 4.114 **Recommendation:** Federated Farmers does not support this regulation due to the dependence on a scoring system that is subjective and not suitable for all animals and the difficulty in apportioning blame;

AND

We consider it can be managed via Proposal 39.

#### **Proposal 39: Stock transport – Animals that cannot bear weight evenly due to injury**

- 4.115 Federated Farmers supports the intent of this proposed regulation. We, however, prefer the wording in the current Minimum Standard, with an amendment, and recommend: 'Animals to be transported must be able to stand and bear weight on all limbs. Animals that are not must gain a vet certificate in order to travel.' Note that we have left out the word 'evenly'.
- 4.116 This will allow those animals with chronic conditions they have become used to and can manage, for example arthritis, to be transported. These animals are considered well used to their condition but they may not be able to stand evenly. It will also manage animals with very common conditions (like foot rot) to be transported.
- 4.117 One of the respondents noted: *"It is going to cost a fortune getting a vet to certify lameness. I believe bearing weight evenly is too high a bar. It should be that the animal can bear weight on all four legs."* Another stated: *"Cost out-weighs the income from the animal. So there would be a huge cost to the farming industry. The word evenly is my concern."*
- 4.118 We accept that those animals that are not able to bear weight due to injury and other acute conditions will need a vet certificate to allow them to travel.
- 4.119 We note from the MPI workshops that this proposed regulation is not intended to cover on-farm transport and we endorse this.

- 4.120 We had 63 percent of respondents stating there were situations when they needed to transport their stock when it was impractical to get the vet in, especially to yards. One respondent stated *"A farmer may choose to transport an animal to a location where treatment can better be administered. The appropriateness of transporting the animal needs to be weighed against the alternative, potentially animal destruction"*. Another stated their concern: *"What about internal transport on large properties or between properties to a safe haven"*.
- 4.121 The example given in other proposed transport regulations is relevant here: It will affect farmers who have, for example, arrived with the stock truck at the run-off to bring stock back to the home farm. They may see that one of their animals has an injured leg. If this regulation comes into force they will be required to call in the vet to gain a vet certificate and the vet may take some time to arrive at the property. They may then, if the vet treats the wound, be required to not transport the animal until it is fit travel. Depending on the severity of the injury, the farmer has the choice of leaving all the stock at the run-off for several days and get the stock truck back again, or taking all the stock bar the affected animal (which may fret at being on its own) and then getting the animal transported at a later date, or taking all of them straightaway, including the animal without a vet certificate, and get it treated back on the home farm.
- 4.122 Federated Farmers considers that the changed wording for the regulation, which covers a positive intent, is clear.
- 4.123 The penalty is appropriate for the conditions included in this proposal.
- 4.124 **Recommendation:** Federated Farmers supports this regulation in an amended form: 'Animals to be transported must be able to stand and bear weight on all limbs. Animals that are not must gain a vet certificate in order to travel.' This will allow animals with chronic and manageable conditions to be transported without a vet certificate.

AND

We remind MPI that this regulation is not intended to cover on-farm transport.

#### **Proposal 40: Stock transport – Pregnant animals**

- 4.125 Federated Farmers does not support this regulation, and considers it to be best managed by non-regulatory measures such as processor conditions of supply, current Minimum Standards and industry guidelines.
- 4.126 We are aware there is concern levelled at the practice of late slaughter for the collection of foetal blood. This is best managed via non regulatory methods, such as conditions of supply between the farmer and the processor.
- 4.127 Many dairy cattle are sent off the milking platform in mid to late pregnancy and are then brought back at least 21 days prior to planned calving. However, there will always be early matings and consequently early calvings to manage.
- 4.128 It is well known that transport can bring on premature births and these can be difficult to predict. Respondents noted:

*"Transport can bring on birth, but they can also give birth prematurely so too difficult to tell"*

*"Transporting pregnant cows may also be better for the welfare of the pregnant cow than making them walk 20Km."*

*I have transported heavily pregnant animals short distances where I felt that calving was more appropriate at the destination. Farmers frequently hold pregnant animals at local runoffs and transport them back as required either calved or on the drop."*

4.129 Where stock are mated naturally, and bulls and rams are left out for multiple cycles, the actual birthdates are unknown. Lambing and calving will occur during a specified period but the actual dates will be within a wider range. As one respondent stated: *"it is almost impossible to tell exactly when an animal will birth and in a commercial environment gestation periods are unknown"*

4.130 **Recommendation:** Federated Farmers does not support this regulation due to the difficulty in managing gestation dates in sheep and beef cattle, and the likelihood that transport can bring on premature birth;

AND

We recommend this be managed via non-regulatory methods such as conditions of supply and industry guidelines.

#### **Proposal 41: Stock transport – Animals with injured or diseased udders**

4.131 Federated Farmers supports the intent of this regulation but considers it needs more definition before we can fully consider the regulation. One of our respondents noted: *"signs of fever" needs to be explained clearly. Probably should also be "abnormally distended" - a cow heavily in milk has a distended udder!"*

4.132 Conditions where cows should not be transported unless certified by a vet include: udders that are grossly enlarged and/or overly full, and where some of the tissue is dead, cold to the touch, could have open wounds or slowly be falling off.

4.133 Many of our sheep farming members have concerns about this proposed regulation, as this condition may not be so noticeable on sheep farms. One respondent noted *"harder to identify"* and another stated *"Would likely result in more sheep destroyed on farm than risk the \$500 fine. The dogs can only handle so many of these before the carcass needs to be dumped in the dead hole."*

4.134 Federated Farmers supports the proposed penalty, although as noted above and by another respondent: *"The proposed \$500 penalty is sufficient to alter behaviour although it may be excessive in sheep where they can easily go unnoticed"*

4.135 **Recommendation:** Federated Farmers' supports the regulation and recommends the wording of the proposal is changed to:

*'An animal with udders that are grossly enlarged and/or overly full, and where some of the tissue is dead, cold to the touch, or slowly falling off or with open wounds, must not be transported, except when certified fit for transport by a veterinarian'.*

**Proposal 42: Stock transport – Cattle or sheep with cancer eye**

- 4.136 Federated Farmers supports this regulation but is concerned with the included measurement, which may not be appropriate for sheep.
- 4.137 With regard to the proposed size limit of the cancer (2cm) we note this comes from the MPI Verification Services protocol for bovines and we accept it for cancer eye in bovines. However, we do not accept this for sheep which may have different sized eyes and ask for further clarification from MPI on this size limit.
- 4.138 A 2cm lesion for a sheep is virtually the entire eye (proportionally much more than for cattle) so maximal size should be reduced for sheep or it should be as a proportion of the eye.
- 4.139 The concerns about the impracticality of transporting an animal with advanced cancer of the eye are the same as for an ingrown horn: the animal may not be handled very often and may need to be transported from a remote area in order for the vet to examine it.
- 4.140 Regarding an upper level of severity, where a prosecution under the Act can be made, one respondent offered: "*Burst eyeball or complete destruction of the eye or cancer covering >75% of the eye*". However, we are not sure as to whether an upper level of severity needs to be defined to guide prosecution.
- 4.141 The penalty is appropriate for the conditions included in this proposal.
- 4.142 **Recommendation:** Federated Farmers supports this regulation but recommends that the wording be changed to:

A cattle beast with a cancer eye greater than 2cm in diameter or a sheep with a cancer eye greater than x cm (*MPI to discover this*), and not confined to the eye or the eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.

## 5. YOUNG CALF MANAGEMENT REGULATORY PROPOSALS

### General Comments

- 5.1 Young calves are sensitive and need careful management to look after their welfare needs. Their vulnerability also makes them a target for adverse publicity, as seen in November 2015. We are therefore supportive of many of the activities currently in the various Codes of Welfare being transferred into regulation.
- 5.2 Federated Farmers supports the definition of 'young calf' so that this set of proposed regulations will affect only those calves up to two weeks of age and are separated from their mother.

### Section 11.2.1 - Are there aspects of the current communications between all participants in the management, transportation and slaughter of young calves that would benefit from clear regulatory requirements, or are these issues best addressed by the industry sectors without regulation?

- 5.3 Communication across the whole chain is important for young calf welfare. The farmer needs to feed the calves at a time that allows them to arrive at their destination in a fit condition. Farmers therefore need to have good communication channels with their processor and the transport operator
- 5.4 If there is any likelihood that the journey will be a long one or the time in lairage will be long (the closest plant is full and so the calves have been sent further away, or they have been offloaded and will stand in lairage waiting for space, or there are few processors operating in the area which may occur at the shoulders of the season), the farmer must be told. This will allow them to select calves that are stronger and will handle the journey in better condition. However, this is best left for the industry to manage as each party will have a different solution.
- 5.5 Further consideration of this aspect is discussed below.
- 5.6 **Recommendation:** Federated Farmers recommends that:  
  
Communication across the supply chain be left outside of regulation and be managed by industry parties.

### Declarations (11.2.2)

- 5.7 There was some support given to a declaration type system from those who answered the Federated Farmers' survey and many indicated they already have a similar agreement with their meat processor, signed at the beginning of the season. However, Federated Farmers does not support regulating this area.
- 5.8 The calving season is short but intense and the benefit of requiring extra paperwork on a daily basis would be far outweighed by the time wasted in making sure the recording was done.
- 5.9 The Federation also does not believe it would be any better at driving behaviour change across the supply chain than allowing the industry to develop good practice guidelines on the matter.

- 5.10 **Recommendation:** Federated Farmers does not support regulating a declaration type system. We consider it be best managed via customer relations and conditions of supply.

**Proposal 43: Young calves – Loading and unloading facilities**

- 5.11 Federated Farmers supports the proposed regulation in principal. However there are numerous things to take into account and jumping for the first solution at hand could lead to further difficulty and unintended consequences. While we understand urgency is being thrust upon the industry and MPI, we urge MPI not to hasten with its deliberations.
- 5.12 Regarding the wording of the proposal suggested in the discussion document, ('Facilities must be provided to enable young calves to walk onto and off transportation by their own action') because of the issues raised below, we suggest the wording be changed to:
- 'Facilities must be provided to enable young calves to walk onto and off stock trucks by their own action.'*
- 5.13 We understand that the proposed regulations are aimed primarily to manage the welfare of bobby calves which have been singled out in publicity campaigns. The proposed transport regulations (as written by MPI, where the looser term 'transportation' is used) will inadvertently catch paddock pick-up of new-borns and transport of young calves to calf rearers unless the intent of the proposed regulation is made clearer. Federated Farmers notes that:
- 5.13.1 New-born calves will be picked up and transported to the calf shed in a fit-for-purpose manner, in a way that manages the welfare needs of these vulnerable animals
- 5.13.2 Calves sent to the rearer (either within the farm business or to an external business) will be transported in a fit-for-purpose manner which may not require the provision of a complicated on- or off-loading facility. Federated Farmers considers that, as these calves will be reared for on-sale and these calves will be well cared for, this sit outside any regulation MPI is considering.
- 5.14 We understand that transport to and from sale-yards will be caught here too.
- 5.15 The Federation's proposed wording change above, will provide for the welfare of those young calves that are transported to slaughter.
- 5.16 However, many calves sent for rearing or for sale at the sale yards are loaded onto lower, fit for purpose trailers and utility vehicles due to the smaller numbers sent each time. These calves can be successfully and carefully placed in these and be easily off-loaded at the other end without the need for complicated structures.
- 5.17 Federated Farmers understands that the following wording is also being considered by MPI:

***Loading and unloading facilities be provided when calves are transported off farm for sale at sale yards or slaughter.***

- 5.18 This option may seem the better option, noting that the transport is restricted to sale yards or slaughter and only deals with transporting off the farm and not the unloading of calves. However it will affect those farmers who take their few young calves to the saleyards themselves. These may be loaded onto lower, fit for purpose trailers and utility vehicles due to the smaller numbers sent each time. These calves can be successfully and carefully placed in these and be easily off-loaded at the other end without the need for complicated structures.
- 5.19 While it is likely that all dairy farms will be required to have facilities that will allow safe loading. Federated Farmers does not want to impose extra costs onto calf rearers. If calf rearers are required to provide a facility to off-load young calves, some may choose to not rear such young calves. This could impact on the dairy farmers who will be faced with 3 options: raise the calves until they are over two weeks of age; send them to slaughter; or euthanase them on farm. The difficulty with the first option is that it adds extra expense and labour costs onto the dairy farmer and so it is more likely that these calves will become a waste product. The other difficulty is that older, stronger, heavier calves will be sent and these will be more difficult to manage during loading and unloading.
- 5.20 Federated Farmers considers that changing the wording of the proposed regulation as stated in paragraph 5.12 will allow the full intent to be realised with fewer unintended consequences.
- 5.21 **Another option to consider is a decreased height differential:** Federated Farmers puts forward the case for having, not the structure for the young calf to walk on or off the truck, but a decreased differential in height between where the calves are kept for pick-up and the tray of the truck. It is well known that young calves will choose not to walk when required and making them walk will be very time-consuming.
- 5.22 Making the person in charge of loading pick up the calf at ground level and carry them across a ramp onto the truck and then lower them carefully onto the tray which is at foot level will be worse for the loader than the current state (where the calf is placed on the tray which sits around chest height).
- 5.23 Decreasing the height differential between the calf and the tray and where it is more than likely the calf will be carried and placed on the tray, can be done by a number of ways. A stable step-form may suffice or a holding pen that is raised off the ground at a suitable height for lifting may be fit for purpose.
- 5.24 We consider that the aim of this regulation is to allow the calf to be safely loaded and we consider this last option will deliver this outcome.
- 5.25 We understand that young calves will continue to be able to be carried and placed on the truck. In our survey we had many members support this remaining in place as it is well known that young calves may choose not to walk although very capable of doing so
- 5.26 Leaving the actual specifics of what sort of structure may be needed will allow farmers to find a system that suits them. It will also allow the transport operators to alter their trucks in a way that can help farmers, too. and to work with the farmer to find a solution that suits both parties while taking care of the welfare of the calf. We

support having flexibility to achieve the outcome and are principally opposed to having regulations that stifle innovation. We consider our options to be effective, efficient, equitable and clear.

- 5.27 **Probable height requirement for structure:** Federated Farmers considers that MPI has not taken into account the probable height requirement of any ramp or loading pen and how this interacts with current building requirements. It is likely that the loading platform will need to be between 1.1m and 1.3m in height (the height variation of most stock truck trays) and this may require farmers to get a building consent, depending on their territorial authority. The Building Code is a national regulation but it is administered and enforced by 67 territorial local authorities. We are uncertain what the limit where a building consent will be or how much this will cost as each of the 67 territorial authorities will have its own interpretations and fees.
- 5.28 We note that DairyNZ is already working on guidelines that could manage this. One suggestion is that, if the truck is likely to be high, then a sloping gully can be dug which could lower the back end of the truck to come within the height of a pen where no building consent may be required. However, the period in which this will be used will be during early spring when the ground can be very wet, muddy and slippery.
- 5.29 We also note, from the guidance from the Department of Building and Housing<sup>1</sup> (now the Ministry of Business, Innovation and Employment) guidance document that 'clever' landscaping work to get around height requirements might not be possible as the height will be taken from the reduced ground level.
- 5.30 || We do not consider DairyNZ's guidance to be a solution that MPI should view as a 'get out of jail' card for them, allowing them to regulate with no thought of the consequences. We are very concerned that this will be a barrier to compliance and look forward to MPI's solution. Federated Farmers is keen to assist MPI on this work where necessary.
- 5.31 **Period for implementation:** Federated Farmers considers that a 24 month lead-in period will allow farmers and the industry time to comply. This regulation requires a lot of research and a period of trial to see what the most suitable method is. While new dairy conversions will have this in hand, there are plenty of farms all across New Zealand where farmers will want to find the best option for them, while knowing that the welfare of calves is important. It is also important for the transport operators to have time to try them all and find the structure that suits them.
- 5.32 For some there will be an added cost that will need to be managed.
- 5.33 Federated Farmers agrees with the proposed penalty.
- 5.34 **Recommendation:** Federated Farmers recommends that:

The regulation wording be changed to read: *Facilities must be provided to enable young calves to walk onto and off stock trucks by their own action.* This will allow

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<sup>1</sup> A guide to building work that does not require a building consent, Department of Building and Housing, 2<sup>nd</sup> Edition 2010, p29



farmers who take their stock to the saleyards by themselves using, for example, a utility vehicle, will be able to do so without needing to build a loading facility.

OR

The regulation wording be changed to read: *'Facilities must be provided that will enable young calves to be loaded by their own action or for a decreased height differential be provided, allowing easy shifting of the young calf between the calf pen and the tray of the transport.'* This will allow more flexibility

AND

Provide a 24 month lead-in period

#### **Proposal 44: Young calves – Shelter on-farm, before and during transportation and at processing plants**

- 5.35 Federated Farmers supports this proposed regulation.
- 5.36 We agree that these young calves need protection from the elements and consider that the whole supply chain must be responsible for this. We also consider that calves going to rearing will need this protection too.
- 5.37 While we consider that all calves must have sufficient space to lie down while awaiting pick-up, we recommend that a stocking density requirement only be placed in guidelines and not in regulations. All farmers should be able to comply as they will know how many per day they will be setting aside.
- 5.38 Penalty: We consider that the penalty should be an infringement fee of up to \$500 and MPI should consider the possibility of higher fees for repeat offenders as this is a very basic requirement to care for vulnerable animals.
- 5.39 We do not support this becoming a prosecutable offence. We consider that it should be easy to decide if young calves are being kept in a suitable facility while awaiting transport.
- 5.40 We consider that, as most dairy farms and calf rearers will already be complying with this current minimum standard in the Codes of Welfare, this be set in regulation immediately.
- 5.41 **Recommendation:** Federated Farmers supports this recommendation.

#### **Proposal 45: Young calves – Fitness for transport - age**

- 5.42 Federated Farmers supports this age threshold (4 days) and agree with MPI's reasoning for setting this age.
- 5.43 We suggest that the easiest way of age-dating calves is from the time it arrives in the calf shed. Most farmers will do at least daily calf pick-ups to collect the new-born calves and take them to the shed so it is easiest to monitor from that time. It will mean that some calves may be 12 hours older, but we don't not consider this to be a significant issue.

5.44 Dairy farmers will have their own system for keeping track of their calves with regard to age, feeding times and so forth. We do not consider this is an area that needs regulating.

5.45 We consider that this proposed regulation be merged with Proposal 46 as it is only one of a number of requirements that make a young calf fit to transport.

5.46 **Recommendation:** Federated Farmers supports this age threshold and recommends that:

Calves be age-dated on arrival at the calf shed and that farmers manage the recording of this following their own calf management systems;

AND

This age threshold be included in proposal 46, as part of the package for physical characteristics of fitness for transport;

#### **Proposal 46: Young calves – Fitness for transport – physical characteristics**

5.47 Federated Farmers supports these characteristics and, as expressed above, recommends that the age threshold be set here, too. We also support this proposal being set into regulation immediately, as these have been part of the checklist in the Code of Welfare for some years and have been reinforced at an industry level too.

5.48 There was considerable support from our members in their responses to our survey for this to be regulated.

5.49 We consider that the penalty be set as an infringement fee of \$500. We could consider repeat offenders where gross negligence of calves occurred being prosecuted.

5.50 We support implementation of this regulation immediately

5.51 **Recommendation** - Federated Farmers supports this regulation.

#### **Proposal 47: Young calves – Maximum time off feed**

5.52 Federated Farmers supports the proposal as written, while we note that the time to slaughter is largely out of the hands of farmers, as is explained below.

5.53 While many calves will be strong enough, even at that young age, to last longer than 24 hours off food, we consider it best to err on the side of those that will be less strong. We will comply with the scientific evidence that shows what the most suitable time period is.

5.54 Any change to the current recommended time will need a transition period and we recommend that implementation be delayed until after the 2016 spring calving season. This will allow processors time to manage their systems. Bringing this in any earlier may see calves left on farm if processors cannot comply within the new timeframe.

5.55 **Feeding immediately prior to pick-up:** We do not support setting into regulation the period the calf must be fed immediately prior to pick-up. We also do not support

a regulation stating records for this feeding time to be kept. All farms will have their own system.

- 5.56 While farmers may feed within a two hour window of pick-up (as currently recommended in the Code of Welfare), farmers cannot guarantee that the truck will arrive on time. One respondent stated: *"Truck's firm would need to be a hell of a lot better at giving and sticking to a time for collection than they currently are. My experiences over many years are they are very poor at the pick up timing of calves. Where we are, trucks are the weak link in the whole process."*

Another: *"The transport industry will be the ones that ruin it for the farmers by being late or making mistakes"*

- 5.57 We are also aware that some processors make other arrangements for their suppliers. This commercial arrangement is important and the key aspect is that the calf is slaughtered within the agreed timeframe from the last feed. One respondent stated: *"My processing company instructs us not to feed the calves on the morning of pick up because they will be slaughtered that afternoon. I think it is up to the processing company to instruct the farmer when to give the last feed."*

- 5.58 Penalty: We support the proposed infringement fee of \$500. We do not support it being a prosecutable offence as we consider the best way to manage the issues is via non-regulatory methods and customer relations

- 5.59 **Recommendation:** Federated Farmers supports this regulation and recommends that:

A transition period of 8 months to manage any change to the current maximum time off feed. This will therefore affect the 2017 autumn calving period, but not the 2016 spring calving period;

AND

We do not recommend setting into regulation a stated period immediately prior to pick-up in which the calf will need to be fed. This is because this is out of farmer's hands and is best managed by other non-regulatory methods such as conditions of supply;

AND

We do not recommend setting into regulation any recording of feeding times as each farm will have its own system.

#### **Proposal 48: Young calves – Duration of transport**

- 5.60 Federated Farmers supports this regulation, but again, it is largely out of the hands of farmers. We will be guided by scientific evidence of what is best for the welfare of young calves.

- 5.61 One of the unintended consequences of this regulation will be requiring the transport operator to off-load the calves in order to feed them when the eight hour period is reached. Federated Farmers knows that the most stressful times for young calves are loading and unloading so requiring transport operators to off load and feed calves because the 8 hour limit has been reached is not practical.

- 5.62 If the farmer knows that this journey is to be a long one, they may also be able to feed them just before pick-up. This in itself carries some issues as newly fed calves may be uncomfortable and messy.
- 5.63 While much of this timeframe is out of farmers' hands, we consider that calves should be sent to the closest plant and therefore farmers should choose the processor on geography and not on price. These animals are vulnerable. As one of the respondents in our survey stated: *"It is not normally necessary to transport calves long distances to find a facility, only to make more money. Welfare first, in this instance."*
- 5.64 For some farmers, however, the actual plant where the calves end up is unknown and 16 percent of our dairy respondents had a case where their calves were killed at a plant other than the one they had agreed to send them to. One respondent even found a consignment had crossed Cook Strait, though the year of this occurrence was not stated.
- 5.65 Farmers may choose one of the processors with several plants and assume that the plant used will be the closest. One respondent stated: *"Sometimes when we send calves to Silver Fern Waitotara (approx 1 hour drive) they end up going to Hawkes Bay. This is not stipulated on the kill sheet or invoice which only lists the address of Silver Ferns head office in Dunedin. If I had not been told this by an MPI works vet I would be none the wiser. I suspect many farmers would also be unaware if their stock bypassed one works and went to another (within the same company) as it is not written anywhere on the paperwork we get back stating that their calves had gone to a plant other than the one they had agreed to send them to"*
- Another stated: *"We were told that our bobby calves were being slaughtered at our local abattoir, but found out that they weren't!! They were being trucked further away, which I didn't like. So we changed companies"*
- And another stated: *"I agreed for them to be killed at Horotiu and they were going across to Rangiora after Te Puke. This is unacceptable to me"*
- 5.66 While we consider it is incumbent on the farmer to ask where the calves are going we also consider that the processor should state on the kill sheet which plant was used. This will allow farmers to base their decisions on fact and not assumptions. However, we do not support this activity being regulated.
- 5.67 During the peak of the season the nearest plant may be full. The processor then chooses to either off-load the calves there and have them in lairage for long periods and having to feed them; or they send them to a plant where there is killing space but the journey is longer. As one respondent stated: *"But some times the plants are full and these calves need to go to another plant as long as they meet the standards"*
- 5.68 During the shoulders of the season fewer plants are operating, which means that calves may have further to travel and this may not be communicated with the farmer. One of the respondents to the survey stated: *"Sometimes we didn't know where they would be going, later in the season. Currently we supply a company with only one premises"*
- Another: *"AFFCO company taking calves from West Coast to Canterbury at the beginning of season, no notification they weren't being killed at Kokiri at that point"*

- 5.69 Some journeys will be longer than eight hours. As stated above this is more likely to occur at peak season and also at the shoulders of the season.
- 5.70 Another compounding factor is multiple farm pick-ups which could be mitigated somewhat by immediate slaughter on arrival. One of our respondents commented: "I believe eight hours is a good target. However some dairy farms are a long way from slaughter facilities. When this is coupled with the need for multiple pickups the eight hour limit may not be practical. In these cases the total time off feed needs to be held to a minimum by those calves being slaughtered immediately upon arrival"
- 5.71 Because this timeframe may require meat processors to change their systems we recommend an implementation time be set. Any immediate implementation may see calves left on farm if the processor knows that it can't manage the timeframe.
- 5.72 Penalty: We support the proposed infringement fee of \$300.
- 5.73 **Recommendation:** Federated Farmers supports this regulation and recommends that:
- A transition period of 8 months to manage any arrangements the processors will need to make to their killing space. This will therefore affect the 2017 autumn calving period, but not the 2016 spring calving period;

#### **Proposal 49: Young calves – Blunt force trauma**

- 5.74 Federated Farmers does not support this regulation as proposed, due to the non-provision of emergency situations
- 5.75 The Federation recommends that the wording be changed to read
- Prohibit the use of blunt force trauma for killing calves except in unforeseeable or unexpected situations requiring emergency humane destruction***
- 5.76 The Federation was supportive of banning the use of blunt force trauma for killing calves on the proviso that emergency use was allowed, when the Dairy Cattle Code of Welfare was amended in 2014. We continue to lobby for this emergency use for those situations which do happen on farm.
- 5.77 The alternative is for the farmer to always travel with a firearm or a captive bolt, and this in itself creates safety issues.
- 5.78 The Federation would support this as an infringement offence with a fee of \$500 if the proposed regulation is changed to include the ability to use blunt force trauma in emergency operations.
- 5.79 **Recommendation:** Federated Farmers does not support this recommendation as written. We recommend that:
- The regulation be reworded to read: '*Prohibit the use of blunt force trauma for killing calves except in unforeseeable or unexpected situations requiring emergency humane destruction*' as this will allow for emergency use.

#### **Proposal 50: Young calves – Transport by sea across Cook Strait prohibited**

- 5.80 Federated Farmers supports this proposal.
- 5.81 It may affect those farmers in the Top of the South region at the shoulders of the season or at peak times and so this will need to be managed by the processors.
- 5.82 We had both ends of the spectrum represented in our survey, with one respondent stating: *"May be quicker for animal to cross the Strait to get to slaughter than truck south; while another stated: Not a good look shipping bobbies, the risk outweighs the money involved."*
- 5.83 We are aware that this rule will allow calves to travel with their mothers at any age. While they are likely to be going to another farm and we consider that their welfare needs would be managed by those in charge of them in order to off-load them in good condition at their destination, they could also both be going to slaughter.
- 5.84 We support a provision for emergency situations when a processor may chose to send them across Cook Strait. The most likely occasion will be when a processing plant has broken down in the top of the South Island and the alternative is to keep calves on farm or to send them on a long land-based journey.
- 5.85 Penalty: We support the penalty being a prosecutable regulation offence and propose it is issued to the company as they have the greatest control over transport. We support immediate implementation of this regulation.

**Recommendation:** We support this regulation and recommend that:

Provision for emergency crossings be made

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## 6. SURGICAL AND PAINFUL PROCEDURES REGULATORY PROPOSALS

### Questions for surgical and painful

The responses to the first six of these questions have been included in the comments on each of the specific proposals in the following section.

**Procedures which would fit the criteria for a significant surgical procedure (see Box 1 on page 8), that are currently not being undertaken by a veterinarian or veterinary student?**

- 6.1 Federated Farmers is concerned the following procedures which are currently carried out on farm may be captured by the definition for a significant surgical procedure and that it is essential that their ability to be continued to be carried out on farm by a non-veterinarian is preserved should they be captured. We recommend the following be declared as 'not a significant surgical procedure for the purpose of this Act' in the regulations.
- 6.2 Earmarking and ear tagging are important management tools routinely carried out on New Zealand farms as a form of individual, farm and gender identification. Ear tagging is also required to meet regulatory requirements. A further explanation is provided in proposal 51, paragraph 6.15
- 6.3 Dentistry particularly for equine but also on occasion for sheep and cattle is often carried out by highly skilled dentists who aren't veterinarians. They play an important role in ensuring animals teeth don't result in pain and distress. Further comments are made under proposal 55, paragraph 6.38
- 6.4 The shoeing of horses is routinely carried out by farriers who are highly skilled individuals. Trimming a horses hooves is important to maintain their shape and avoid causing discomfort to the animal or further damage. Shoeing is important for horses in heavy work where they would otherwise be causing significant wear on their feet. Also a similar procedure is the trimming of cattle hooves as discussed in proposal 64, paragraph 6.63.
- 6.5 Stitching up bearings and replacing a prolapsed uterus are both procedures undertaken by farmers on the spot, in the paddock during a lambing beat where more harm and suffering would be caused by leaving the animal or getting it into the yards.
- 6.6 Farmers will also stich up wounds or cuts on the spot to avoid ongoing suffering be they from shearing, hunting cuts on dogs, bites etc
- 6.7 Lancing infections using a sterile knife and then treating with iodine rinse is another procedure undertaken in the paddock which is likely to be superior to leaving the animal to suffer until the vet is next out.

### Pain relief questions (Section 12.3)

- 6.8 While it is currently legally possible for a veterinarian to authorise a non-veterinarian to hold and use pain relief for procedures such as castration, disbudding or dehorning there is a lot of work that would still be required before this was practical. Farmers are skilled in carrying out these types of procedures without pain relief and so should

be able to be trained in the use of pain relief if required and if the training was forthcoming and not cost prohibitive.

- 6.9 Those who are already trained will be operating under current Vet Operating Instructions (VOI). This system appears to be working well.
- 6.10 We request that the current good practice availability of pain relief on-farm under VOI continues under the new regime. If this is not the case, we request further discussions with MPI before such changes to the Act take effect.
- 6.11 This post operative pain is something that farmers have discussed and see as a failure in the proposed system for some procedures. Requiring pain relief for disbudding does not stop the animal from feeling any pain after the anaesthetic has worn off. This has been likened to human use of analgesics at the dentist where the pain is still felt after the anaesthetic has worn off. Sometimes the process of providing pain relief is considered more painful than the procedure itself.

#### **Proposal 51: All animals – Hot branding**

- 6.12 Federated Farmers supports the regulation prohibiting hot branding and recommends it proceed.
- 6.13 While hot branding remains common practice in other countries it is not commonly undertaken in New Zealand. The procedure's primary purpose is for the identification of animals including things such as the stud or farm they were born on, year of birth and/or number identifying them.
- 6.14 Alternatives for identification are available in the form of freeze branding or microchipping as used in horses and other animals. The commonly used alternative for identification in sheep, cattle, deer and goats is the use of ear tags, where a tag (electronic or conventional) is inserted into the animal's ear and/or the use of ear marking, where a small ear mark or notch specific to that farm is taken out of the animals ear using metal ear markers.
- 6.15 Federated Farmers believes it is essential that both ear marking and inserting ear tags are able to continue to be performed by farmers and/or their competent staff or technicians. We recognise a risk that these practices may unintentionally be captured by the definition in Box 1: Section 16 of the Act – Criteria to determine whether a procedure is a significant surgical procedure and want to ensure that this does not occur. Ear tags are an important farm management tool allowing farmers to identify their individual animals and record a whole range of performance, production and genetic information against the animal, essential for the ongoing continuous improvement of the industry. They are also essential for farmers to be able to comply with the National Animal Identification and Tracing (NAIT) regulations. Ear marking is another very important management tool primarily used to identify the farm the animal was born on and its gender. Farms in a given area will each have a unique ear mark which enables their stock to be identified which is useful for the sale of stock and in cases of stock theft. The ear in which the ear mark is made (particularly in sheep) identifies the animal's gender (rams are marked in the right ear, ewes in the left) which allows for them to be identified as they are approaching the drafting gate in the race.



- 6.16 Federated Farmers would like to counter any comparisons which may be made between hot branding and the use of a hot iron for docking lambs tails due to their use of heat by emphasising the primary purpose of lamb docking is to protect the animal from future animal welfare issues such as flystrike as explained in the discussion of proposal 70, not primarily for identification where alternatives are available.
- 6.17 Federated Farmers does not foresee any negative impacts of this regulation due to the infrequency with which it currently occurs.
- 6.18 Federated Farmers has concerns with the level of the penalty particularly the inclusion of a criminal conviction considering this is currently a permitted activity with the use of pain relief in the minimum standards. We consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.
- 6.19 **Recommendation** - Federated Farmers supports this regulation and recommends that:
- Ear tagging and ear marking remain clear from regulation. This is because they are an essential management tool for farmers and necessary for the compliance with regulation.

**Proposal 52: All animals – Embryo collection via exteriorised uterus (surgical embryo transfer)**

- 6.20 Federated Farmers supports the regulation of surgical embryo transfer to be able to be carried out by a non veterinarian with the use of pain relief and recommends it proceeds.
- 6.21 While there may be concern from some about the use of the words ‘any person’ Federated Farmers believe that the need to have access to pain relief, the specialised equipment required and the high value of the animals involved will allow this to be self regulating within the industry without the need to include additional restrictions stipulating the level of training or veterinary approval to the regulation.
- 6.22 Due to the requirement for pain relief to be used at the time of the procedure, if it is to be carried out by a non-veterinarian then the pain relief will have been provided under vet operating instructions or the individual will have been authorized for the particular circumstances, and in either case have been deemed competent to carry out the procedure before the pain relief was provided.
- 6.23 Given the specialised nature of this procedure we don’t foresee significant changes to current practice and therefore it shouldn’t result in increased costs.
- 6.24 The penalty is appropriate for the conditions included in this proposal.
- 6.25 **Recommendation** - Federated Farmers supports this regulation.

**Proposal 53: All animals - Laparoscopic artificial insemination (Laparoscopic AI)**

- 6.26 Federated Farmers supports the regulation of Laparoscopic AI to enable it to be carried out by a non veterinarian with the use of pain relief and recommends it proceeds.
- 6.27 While there may be concern from some about the use of the words 'any person' Federated Farmers believe that the need to have access to pain relief, the speciality equipment required and the high value of the animals involved will allow this to be self regulating within the industry without the need to include additional restrictions stipulating the level of training or veterinary approval to the regulation.
- 6.28 Given the specialised nature of this procedure we don't foresee significant changes to current practice and therefore it shouldn't result in increased costs.
- 6.29 The penalty is appropriate for the conditions included in this proposal.
- 6.30 **Recommendation** - Federated Farmers supports this regulation.

#### **Proposal 54: All animals - Liver biopsy**

- 6.31 Federated Farmers supports the regulation of liver biopsies' to be carried out by veterinarians or under veterinarian supervision with the use of pain relief and recommends it proceeds.
- 6.32 As this procedure is part of a diagnosis in which a veterinarian is involved it would be unlikely that this procedure would need to be conducted by anyone else and why we consider it is appropriate to have a different condition then proposals 52 and 53.
- 6.33 As this procedure is currently predominately carried out by veterinarians we don't foresee significant changes to current practice and therefore it shouldn't result in increased costs.
- 6.34 The penalty is appropriate for the conditions included in this proposal.
- 6.35 **Recommendation** - Federated Farmers supports this regulation.

#### **Proposal 55: All animals – Dental work**

- 6.36 Federated Farmers supports the regulation restricting the use of power tools on an animal for dental work to those which have been designed for the purpose of dentistry.
- 6.37 The benefits of this regulation would be avoiding the risk of powerful tools being used incorrectly.
- 6.38 We note that this regulation only covers the use of power tools in dentistry. We have concerns that the use of ordinary dentistry tools by non-veterinarians who are appropriately trained and skilled in dentistry will be captured by the definition of a significant surgical procedure and therefore, by default, dentistry would become a veterinarian only procedure. We believe it is important that the ability for skilled dentistry professionals who may not be veterinarians to continue operating is maintained. These animal dentists carry out an important role and if animals' teeth and particularly horses are not treated, it can result in significant ongoing pain and discomfort for the animal.

6.39 The penalty of an infringement offence with \$500 fee is appropriate.

6.40 **Recommendation** - Federated Farmers supports this regulation.

#### **Proposal 61: Dogs, removal of dew claws**

6.41 Federated Farmers supports this regulation

6.42 The definition provided for therapeutic reasons is clear and an appropriate restriction.

6.43 We don't have any concerns from a production agriculture perspective but are not able to comment on any unintended consequences there might be in the companion animal area.

6.44 We consider the person responsible should be the person in charge of the animal, if they are not the owner, as well as the person carrying out the procedure if they are a non-veterinarian. We consider it essential that there is context dependent apportionment of fault and responsibility.

6.45 Federated Farmers has concerns with the level of the penalty particularly the inclusion of a criminal conviction considering this is currently a permitted activity prior to four days old or by a veterinarian in the minimum standards. We consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.

6.46 **Recommendation** - Federated Farmers supports this regulation.

#### **Proposal 63: Cattle – Teats**

6.47 Federated Farmers supports the differentiation in the regulation between supernumerary teat removal and the removal of one of the four main teats and consider the provisions attached to each of these are appropriate.

6.48 We recommend that the threshold at which supernumerary teat removal has to adhere to the conditions of teat removal (veterinary procedure and use of pain relief) should be raised from 'up to six weeks of age', to 'up to twelve weeks of age'.

6.49 In many cases on farm these small flabby layers of skin are currently removed outside the allocated six week period at seven or eight weeks and up to twelve weeks. Some also do it at the same time the calves are disbudded in this same timeframe.

*"we usually cut the supernumerary teats off our calves at 7 weeks, but sometimes the teat is still too small for us to be able to hold it in my fingers to get a clean cut so we leave these ones until 12 weeks when they are big enough to be able to be removed cleanly. It seems ridiculous that this straightforward procedure would be criminalised"*

6.50 The removal of supernumerary teats is a widespread procedure commonly undertaken on young calves by farmers to prevent the additional teats developing and causing discomfort to the cow, interfering with milking or increasing the risk of mastitis.

- 6.51 The positive impact of this regulation is that it preserves farmers' ability to remove supernumerary teats early themselves, provided the age limit is not too low (and is lifted to 12 weeks as recommended); while placing appropriate controls around the more painful and serious teat removal procedure.
- 6.52 Negative impacts of this regulation would be if the age limit is too low and then the vet needs to be brought out at a busy time of the year to do what has always been a simple, straightforward procedure adding in additional cost.
- 6.53 Our understanding is this is not currently a major concern that requires interference and is being well managed by the industry.
- 6.54 We don't consider the risk MPI has identified of mistaken identity of the teats is likely to eventuate in reality.
- 6.55 We support the use of infringement offences of \$300 for breaches of the conditions of supernumerary teat removal under 12 weeks of age.
- 6.56 Federated Farmers has concerns with the level of the penalty for supernumerary teat removal over 12 weeks of age, particularly the inclusion of a criminal conviction considering there are currently no specific minimum standards covering this activity. We consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.
- 6.57 We support the proposed penalty for removal of one of the four main teats.
- 6.58 The person responsible should be the person in charge of the animal if they are not the owner, as well as the person carrying out the procedure if they are a non-veterinarian, for removal of one of the four main teats. We consider it essential that there is context dependent apportionment of fault and responsibility
- 6.59 On how easy it would be to tell if the removal of the supernumerary teat breached conditions, it may be difficult but you should be able to tell if damage has been caused. As with many of these proposed regulations the quality of any evidence will be the major challenge.
- 6.60 **Recommendation** - Federated Farmers supports this regulation and recommends that:

The threshold at which supernumerary teat removal has to adhere to the conditions of teat removal (veterinary procedure and use of pain relief) should be raised from 'up to six weeks of age', to 'up to twelve weeks of age'. This will fit in with the timeframe of other stock work done at the same time and will therefore make the process efficient. The procedure will still be effective at that age and will not cause any unintended animal welfare issues.

#### **Proposal 64: Cattle – Claw removal**

- 6.61 Federated Farmers support this regulation for claw removal in cattle.
- 6.62 We recognise this is a significant and sufficiently infrequent procedure with major consequences for the daily functioning of the animal and is therefore appropriate for it to remain as a veterinary only procedure.

- 6.63 We want to note that it is important hoof trimming, which is commonly carried out by farmers on farm to prevent damage to cattle feet, is not captured by this proposed regulation or the definition of a significant surgical procedure.
- 6.64 The penalty is appropriate for the conditions included in the proposal.
- 6.65 **Recommendation** - Federated Farmers supports this regulation

#### **Proposal 65: Cattle – Teat occlusion**

- 6.66 Federated Farmers supports regulation to only allow teat occlusion with teat sealant registered under ACVM Act 1997.
- 6.67 Teat occlusion is a common and widespread procedure throughout the dairy industry. It is carried out using registered teat sealant on cows which have been dried off to reduce the risk of mastitis. It is generally carried out by farmers on farm.
- 6.68 The positive impacts of this regulation are that it would provide clear guidance on what is acceptable as there have been some examples of practices which are a poor look for the industry such as “putting a ring on a teat” or the completely inappropriate, such as using superglue to seal a teat.
- 6.69 The current management of this issue is adequate and it is not a major issue for the industry. We can't identify a situation other than when a vet was already involved where a teat might be occluded by something other than a teat sealant.
- 6.70 The person responsible should be the person in charge of the animal, if they are not the owner. We consider it essential that there is context dependent apportionment of fault and responsibility.
- 6.71 The penalty is appropriate for the conditions included in the proposal.
- 6.72 **Recommendation** - Federated Farmers supports this regulation.

#### **Proposal 66: Cattle – Tail docking**

- 6.73 Federated Farmers supports the regulation of full tail docking to only be performed for therapeutic reasons and considers the definition of therapeutic is clear and appropriate.
- 6.74 However, we recommend that the restrictions of tail docking having to be done by a vet and with the use of pain relief removed as we want to retain the ability to use rubber rings in emergency situations. This is because 87 percent of dairy farmer survey respondents supported allowing non vets to use rubber rings in emergency situations for docking injured tails.
- 6.75 Some comments from farmers:

*“I have cows come in with broken and bloody tails that have been caught on something (trees, gateways I haven't tracked down) and cows are chasing them around because of the blood. These need dealing with asap and to call a vet is not always practical as it is easier and quicker to place a rubber ring on the injury”*

*"We have has situations where animals have presented themselves with self docked tails. We suspect that switches have been snagged and animals have snapped their tails to get free. Further we have had 2-3 animals that have lost tails due to infection and constriction caused by "shit donuts" around the tail and occurring between yardings."*

*"Occasional tail can get docked naturally if a dag forms around the tail and constricts blood supply effectively acting in the same fashion as a rubber ring. Difficult for a plant vet to differentiate this incidence verses deliberate tail docking."*

*"If the tail is already broken due to an accident and the broken bit of tail is already dead then I believe it is best to simply cut it off without veterinary help. If bleeding is likely, a rubber ring should be used."*

*"I think the use of rubber rings to remove the brush of dairy cows should be acceptable for keeping udders clean, but surgery should be done by a vet"*

*"We should be allowed to remove the switch with a rubber ring at same time as disbudding as has been allowed in the code of welfare"*

- 6.76 The current minimum standard allows for tail shortening (switch docking) and this is done across the country. Recently, the industry has been recommending switch trimming, where the tail is left intact and the hair is trimmed. This practice has been taken up by many farmers but there are still many who will need encouragement to change their cow management.
- 6.77 The proposed regulation will see tail shortening banned. As this is a change from the Minimum Standard we recommend a lead in time of two years before regulatory offences are able to be taken for tail shortening to allow the industry to manage this change.
- 6.78 It is important that the current Minimum Standard is not changed immediately.
- 6.79 Cattle which already have docked tails in the national heard may create issues with the enforcement of the docking regulation, particularly if enforcement is done at slaughter. It may therefore be appropriate to only enforce the regulation on cattle born after the regulations came into force.
- 6.80 **Time frame for implementation.** As calves will already be in pens by the likely time this regulation comes into effect, Federated Farmers recommends entry into force of this regulation be delayed until 1st June 2017. This will also enable farmer education to occur.
- 6.81 The person responsible should be the person in charge of the animal, if they are not the owner. We consider it essential that there is context dependent apportionment of fault and responsibility
- 6.82 Federated Farmers supports the proposed penalty being applied for full tail docking, to animals born from July 2017. We consider it important with enforcement, consideration is given to the animal's birth date to allow for the docked animals already in the national heard.
- 6.83 Federated Farmers consider it appropriate for animals born from July 2017 – July 2019 that tail shortening be an infringement offence not a regulatory offence. Once

regulatory offences come into effect we consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response

- 6.84 **Recommendation** - Federated Farmers supports this regulation provided the following amendments are made:

Maintain the requirement: 'May only be performed for therapeutic reasons'

AND

Remove the requirement: 'Must be performed by a veterinarian or a veterinarian student under the supervision of a veterinarian'

AND

Remove the requirement 'Pain relief must be used at the time of the procedure'.

AND

Delay entry into force of this regulation until 1<sup>st</sup> June 2017

AND

Provide a lead in period of two years before a regulatory offence is able to be taken for tail shortening. For animals born from July 2017 – July 2019 that tail shortening be an infringement offence not a regulatory offence. Once regulatory offences come into effect we consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response

**Proposal 67: Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)**

- 6.85 Federated Farmers supports the intention of the proposal and the differentiation between, under six months, over six months and surgical castration.
- 6.86 The purpose of either castration or the shortening of the scrotum (cryptorchid) is primarily for facilitating management. It restricts breeding, so in sheep this allows ewe and ram lambs which are being traded or finished to be run together without the risk of out of season mating. In cattle it also restricts breeding and can reduce aggression and improve meat quality traits.
- 6.87 The procedure is incredibly widespread and a very common practice and an important part of New Zealand farming systems. It is currently primarily performed by farmers on farm. The usual age for sheep is 5-10 weeks while for calves it commonly occurs up to 6 months and in some cases later depending on weaning date and when the bull/steer selection decision is made.
- 6.88 For castration under six months of age it is important that this age threshold is not lowered. Due to the nature of the beef production system in the hill and high country many calves are handled for the first time close to the six month mark. 82 per cent of our survey respondents said six months was an appropriate age. The use of best practice guidelines or other non regulatory measures can always be used to continue to encourage animals to be done as young as possible.

- 6.89 In the interest of not stifling innovation through regulation we would also recommend that for calves under six months instead of only allowing the use of 'conventional rubber rings', that this reads 'high tension bands must not be used' (if that is the technique that is trying to be stopped). This allows for flexibility and the development of other acceptable techniques in the future which may achieve even better animal welfare outcomes. For example if a rubber ring that released pain relief was to come on to the market this would not be able to be used as it is not a 'conventional rubber ring' even though it would improve animal welfare outcomes.
- 6.90 91% of survey respondents thought regulation should provide flexibility for future technology *"new developments are taking place all the time why would we lock in a fixed procedure when a better one could become available"*
- 6.91 Stifling innovation could be an unintended consequence of this regulation and we consider that the risks of cowboy procedures would be able to be appropriately managed by MPI using other measures.
- 6.92 A note that the current phrasing of 'conventional rubber rings must only be used for this procedure' would prevent them from being used for docking lambs tails or other acceptable procedures which we are sure was not the intention.
- 6.93 For castration over six months, we support the use of pain relief and that it is important veterinarians aren't restricted in which methods they are able to use to carry out the procedure. *From a farmer/vet - "we use high tension bands to castrate full size bulls/rams with pain relief - a better option than surgical castration (pain-wise) plus its a cheaper and easier procedure"*
- 6.94 The use of high tension bands on cattle over six months old is still relatively common in the industry with 45.5% of sheep and beef survey respondents using them. Some examples: *"Used for late castration of cattle using pain relief and anti tetanus vaccination. Appropriate for more developed cattle in preference to rubber rings (too small) or surgery (risk of infection)"* and *"Unable to sell bull calves on a winter heifer grazing farm. In consultation with my vet it was the least stressful way."*
- 6.95 In line with the current minimum standard we recommend that the use of high tension bands with pain relief in calves over six months be allowed to continue to be done by appropriately trained farmers and technicians. Provided pain relief is used, there is very little difference in this procedure being carried out by a veterinarian or other experienced farmer and given it can be relatively common to find calves that need to be castrated at or within a few months of that cut off, it would be an appropriate provision.
- 6.96 Additional costs will be incurred where pain relief is required to be used and when a vet is now required for a procedure that may previously have been carried out by the farmer.
- 6.97 The person responsible should be the person in charge of the animal, if they are not the owner. We consider it essential that there is context dependent apportionment of fault and responsibility.
- 6.98 We support the use of infringement offences of \$500 for breaches of the conditions of castration and the shortening of the scrotum under six months of age.



6.99 Federated Farmers has concerns with the level of the penalty for castration and the shortening of the scrotum over six months of age, particularly the inclusion of a criminal conviction, considering the current minimum standards covering this activity allow farmers to carry out this activity provided pain relief is used. We consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.

6.100 **Recommendation:** Federated Farmers supports this regulation and recommends that:

For shortening the scrotum under 6 months of age, the wording be changed to read:

‘Castration and shortening of the scrotum (under 6 months of age):

- may be undertaken by any person
- high tension bands must not be used’

We consider this is the best way to allow for flexibility and innovation, while being effective and clear. We consider the restriction of allowing only one method to be stifling of advancement of other methods that may have more desirable animal welfare outcomes.

AND

The use of high tension bands with pain relief in calves over six months of age be allowed to continue to be done by appropriately trained farmers and technicians.

#### **Proposal 68: Cattle, sheep and goats – Disbudding**

6.101 Federated Farmers is strongly opposed to the proposed regulation and recommends this regulation should preserve the farmer and technicians’ ability to carry out disbudding but not make pain relief compulsory, maintaining the current minimum standards.

6.102 There is the ability to use non regulatory approaches, including best practice guidelines or conditions of supply to adhere to any customer or market access requirement and allowing the industry to continue heading in the desired direction of travel: “*educate not prosecute*”

6.103 The proposed regulation represents a significant change and lifting of the bar from the current minimums standards without the level of consultation with industry that would go into a review of a code of welfare in order to achieve a change as significant as this.

6.104 The industry still has a long way to go before it would be appropriate to regulate for the compulsory use of pain relief so we should maintain our current minimum standards and keep working together using non regulatory mechanisms to achieve the desired direction of travel.

6.105 The disbudding procedure is widespread and a very common practice on both dairy and beef farms in New Zealand. Disbudding allows the bud to be removed before it

has fused to become a horn, removing a future problem with the least amount of pain to the animal.

- 6.106 Without disbudding more animals would have horns. These may then be required to be removed via dehorning at a later age. They can also create a human safety issue and an animal welfare issue in animals, particularly older males that fight in the paddock. Horns create difficulties with handling and in transport. Having horns also increases the chance of having an ingrown horn which causes the animal pain and distress.
- 6.107 Disbudding is currently carried out by either the farmer, a technician or a veterinarian.
- 6.108 Good practice includes keeping animal stress low, minimal bleeding, clean needles and calves returning to drink milk at the next feed and not scouring later.
- 6.109 We recommend the use of **caustic paste** such as Hornex continue to be allowed for the calves up to one week old. Calves can remain separated from mothers for 30 – 60 minutes to reduce any concerns people may have of the risk of it rubbing off onto their mother while nursing, or other calves. A small piece of tape can also be applied after the paste to prevent it rubbing off on another animal as is common practice in the United Kingdom (another country which shares our first equal ranking for animal welfare systems).
- 6.110 While the use of pain relief has been increasing, particularly in the dairy industry, only 40% of dairy respondents and 24.5% of sheep and beef respondents currently use pain relief at disbudding.
- 6.111 There is a large amount of work to be done and discussions for the industry and regulators to have, looking at the various techniques and evidence before we would be comfortable even contemplating the compulsory use of pain relief in regulation.
- 6.112 The views on the benefits of pain relief for the disbudding are also very mixed with 28% of survey respondents saying they have witnessed procedures where the use of pain relief has caused more harm than the procedure itself. Some examples of concerns from farmers:

*"using pain relief means double handling of calves or longer in yards and can get them worked up and stressed ahead of the procedure"*

*"I used to get the vets but with not allowing to drink near injection time and the drowsy effect after it appears to me they are often more stressed than those that are done with a hot iron with no pain relief. The calves I have done at 4-7 days with no pain relief are up and drinking the next feed. Those on pain relief miss a feed and then are drowsy for there second feed so do not drink well in a 24 hour period."*

*"we heard all this talk of pain relief so asked our technician who does thousands both ways each year so knew the difference better than us and he recommended not using pain relief as it just delays the onset of the pain for a few hours and prolongs the experience while not using it they can be distracted from the pain with a feed and are back to normal faster"*

*"We have disbudded for years, never lost a calf, and make sure it is done in a humane manner, and spray with purple spray so no infection occurs. The year the*

*vets did it with pain relief, calves bumped their heads because they couldn't feel heads and we lost two due to blood loss."*

*"the animal lays on the ground after treatment which can cause infection in the naval"*

*"Calf died -asphyxiated on stomach contents under anaesthetic"*

- 6.113 A lot of work is also required if pain relief is going to be able to be administered by non-veterinarians for this procedure. While it is legally possible, currently only 26.6% of dairy respondents and 17% of sheep and beef respondents are trained to be able to administer pain relief. The use of veterinary operating instructions is an important part of this as is the ongoing relationship between the drug provider and the person carrying out the procedure, be it a contractor or farmer, as the provider must be confident that the person is competent and using the drug in line with instructions. Some comments from farmers:

*"Need to be able to administer pain relief without a vet being present. Need a clearer process for training of non-vets in administration of pain relief"*

*"The few animals I may rear in a season would probably make the annual cost of certification prohibitive if a system was used similar to the deer industry"*

*"I am trained for velvet removal. I think the process could be modified to use similar for other animals, however I do not think it is necessary to have annual vet visits and audits. Once should be enough training to be qualified."*

- 6.114 We note that goats are highly sensitive to local anaesthetic and this results in greater risks for this procedure than with sheep or cattle, however we recommend that the regulations are not differentiated for goats and this is a risk managed by the industry participants. It is not in the farmer's interest for their animal to die during disbudding so they will ensure appropriate action is taken.

- 6.115 The beef industry is well down the track with polled genetics and while there is appetite for it in the dairy industry, it has been difficult to achieve without compromising production. Technologies such as gene editing in the future may help to overcome this barrier. While progression towards polled genetics is a very positive step it will never provide the whole solution as it is a heterozygous gene and therefore horned animals are still able to be thrown in a polled herd and there are also breeds such as highland cattle where horns are one of their defining features.

- 6.116 75% of all survey respondents and 86% of sheep and beef respondents felt that the compulsory use of pain relief for disbudding was likely to lead to more issues with horns later on.

*"Possibly. If you have not been accredited to do the disbudding with pain relief & you risk a large fine from doing it illegally - you won't do it."*

*"As a purchaser of young cattle I have noticed a lot of cattle that have horns on arrival that should have been removed at a young age that then becomes our problem"*

6.117 The additional requirement for pain relief adds cost to the system, it may also require a vet to be brought out, introduce additional strain on the system at busy times of year. It may require facilities to be adapted and systems changed.

*"I mostly use polled bulls but now and again a wrong bull gets in or buy a calf with horns, If it costs \$200 or more to get the vet down to take off a set of horns or two I likely won't bother"*

*"Pain relief will make it slightly more costly, but also take more time, I would need to redesign a section of my yards to make the process work efficiently."*

*"If brought in we need time to adapt, calf rearing systems on my farm would need to change and I would need to change infrastructure. Also we need more time to train technicians in pain relief administration"*

*"I believe in the beef cattle industry it would impose prohibitive costs on a normal farm practice as well as being totally impractical time wise to change from the present regulation"*

*"Even if you have small numbers you still need the gear to do the job. Would these people all own the gear? I don't own the gear. This is one of the reasons I leave the job to the vet."*

6.118 The person responsible should be the person in charge of the animal, if they are not the owner, as well as the person carrying out the procedure. We consider it essential that there is context dependent apportionment of fault and responsibility.

6.119 Farmer comment: *"No need to regulate pain relief, and the suggested penalties are excessive and ridiculous."*

6.120 Federated Farmers has concerns with the level of the penalty particularly the inclusion of a criminal conviction considering this is currently a permitted activity without the use of pain relief in the minimum standards. We consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.

6.121 **Recommendation:** Federated Farmers does not support this regulation unless the following change is made:

Remove the requirement for pain relief.

The regulation to read: 'May be performed by any person'

While many in the industry do use pain relief, there are still many who don't. As it is a significant change from the current Minimum Standards, better consultation than has occurred at present will need to be carried out.

### **Proposal 69: Cattle, sheep and goats – Dehorning**

6.122 Federated Farmers opposes the proposed regulation and recommends this regulation reflect the current minimum standards and not make pain relief compulsory when dehorning animals under nine months of age.

6.123 The proposed regulation represents a significant change and lifting of the bar from the current minimum standards without the level of consultation with industry that

would go into a review of a code of welfare in order to achieve a change as significant as this. There would be significant impacts from the change, particularly in the beef industry.

*"the rule should be as present that under 6 months it is allowed without pain relief"*

- 6.124 The industry still has a long way to go before it would be appropriate to regulate for the compulsory use of pain relief so we should maintain our current minimum standards and keep working together using non regulatory mechanisms to achieve the desired direction of travel.
- 6.125 A key determinant of the degree of impact of the disbudding and dehorning regulatory proposals is, if they don't have the same conditions attached to them, at what point disbudding is deemed to become dehorning. Some understand it to be the point at which the bud fuses with the head (approximately 8 weeks), some think it becomes dehorning at 12 weeks while others say not until weaning age. Some consider the difference to be based on the equipment required *"when they are small horns and require cutting equipment not just irons"*. The definition used will be very important, must be clearly articulated and farmers educated on the difference.
- 6.126 A lot of work is also required if pain relief is going to be able to be administered by non-veterinarians for this procedure. While it is legally possible, currently only 26.6 percent of dairy respondents to our survey and 17 percent of sheep and beef respondents are trained to be able to administer pain relief. The use of veterinary operating instructions is an important part of this as is the ongoing relationship between the drug provider and the person carrying out the procedure, be it a contractor or farmer, as the provider must be confident that the person is competent and using the drug in line with instructions. Some comments from farmers:
- "Need to be able to administer pain relief without a vet being present. Need a clearer process for training of non-vets in administration of pain relief"*
- "The few animals I may rear in a season would probably make the annual cost of certification prohibitive if a system was used similar to the deer industry"*
- "I am trained for velvet removal. I think the process could be modified to use similar for other animals, however I do not think it is necessary to have annual vet visits and audits. Once should be enough training to be qualified."*
- "I am for deer but it would be costly and time consuming to be trained for cattle. I have only debudded cattle once in the last 10 years, so the cost would out weigh the benefits. This would result in some doing things illegally."*
- 6.127 *"I've seen vets make a hell of a mess of trying to use local aesthetic, getting the animal thoroughly stirred up in the process. Cattle don't like injections, especially around the head."*
- 6.128 The person responsible should be the person in charge of the animal, if they are not the owner, as well as the person carrying out the procedure. We consider it essential that there is context dependent apportionment of fault and responsibility.
- 6.129 Federated Farmers has concerns with the level of the penalty particularly the inclusion of a criminal conviction, considering this is currently a permitted activity without the use of pain relief for animals under nine months of age in the minimum

standards. We consider it essential that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.

- 6.130 **Recommendations:** Federated Farmers does not support this regulation unless the following change is made:

Remove the requirement for pain relief.

The regulation to read: May be undertaken by any person when the animals are not greater than nine months of age.

While many in the industry do use pain relief, there are still many who don't. As it is a significant change from the current Minimum Standards better consultation than has occurred at present will need to be carried out.

### **Proposal 70: Sheep – Tail docking**

- 6.131 Federated Farmers supports the regulation of tail docking to preserve farmers' ability to continue to carry out this routine and important procedure on farm.
- 6.132 Lambs are docked at a young age to prevent the build up of faeces forming dags on their tails and therefore reduces the risk of them developing fly strike which causes more suffering and distress to the animal than the docking procedure.
- 6.133 Docking is an incredibly widespread procedure, routinely carried out on the majority of New Zealand farms. It is carried out by farmers and their staff, often with the help of family and friends or other casual labour, and often at the same time as other procedures such as earmarking, vaccinations such as B12 or scabby mouth etc. with the farmer or other appropriately trained and experienced person carrying out the docking and ear marking while others assist with jobs such as lifting and holding lambs.
- 6.134 Lambs are typically docked between 4 and 8 weeks of age and it is not uncommon for a farmer's docking dates to align with the September school holidays. Some studs will dock close to birth at the same time animals are tagged, registered and weighed. On commercial farms where lambs are separated from their mothers for the procedure, often in portable yards in the paddock, it is important to wait until the lamb is a bit older so their ability to mother up again is not compromised. It is also not uncommon for any late born lambs or those that got missed at docking time to then be docked when they receive their pre weaning drench. Lambs in the high country are the most likely to be docked later than three months due to the extensiveness of the farming system and difficulty of terrain.
- 6.135 The definition 'tail must not be flush' is clear and we don't consider it would be appropriate or necessary to regulate for tail length. Tail length is best left up to the individual and other non-regulatory mechanisms such as the current best practice guidelines. Many of the meat companies also have a required minimum tail length for their suppliers. This issue is currently well managed and controlled by the industry with no need for additional government regulation.

6.136 Hot irons and rubber rings are the predominant methods of docking lambs in New Zealand. Although 11.5 percent of sheep and beef survey respondents use or are aware of others using other methods, the most common alternative is the use of a sharp knife. Some comments from farmers about techniques and circumstances:

*"Knife cutting off tail. Too windy for iron and no rings"*

*"Clean sharp knife has been shown to cause less stress to the animal (study by Massey College) and was the quickest to heal"*

*"Rubber ring and then cutting off tail with sharp knife."*

*"I dock stragglers with a rubber ring, but cut the tail off about 50 mm below the ring. This drains the blood out of the removed section of tail and allows it to dry out making it less attractive to flies. A full length rotting tail is very moist and smelly making an excellent fly attractant. I believe that cutting the tail is therefore an acceptable animal welfare practice."*

6.137 The person responsible should be the person in charge of the animal, if they are not the owner. We consider it essential that there is context dependent apportionment of fault and responsibility.

6.138 Federated Farmers support the use of infringement offences of \$500 for breaches of the conditions of tail docking under six months of age and the use of a regulatory offence for docking over six months of age.

6.139 **Recommendation:** Federated Farmers supports this regulation

### **Proposal 71: Sheep – Mulesing**

6.140 Federated Farmers supports regulation to prohibit mulesing

6.141 Mulesing is most common in the Merino breed of sheep where there are excess layers of skin around the rear end which can cause the build up of dags and elevate the risk of fly strike and discomfort, particularly in warm climates.

6.142 Mulesing has not been an accepted practice in the New Zealand industry for sometime while it is still very common in Australia where they have a much larger proportion of Merino sheep and a much warmer climate so the risks and negative consequence of not performing the procedure are much greater.

6.143 We are not aware of any non- surgical forms of mulesing but don't think they should be included in regulation so as not to stifle innovation or the development of any new technologies.

6.144 The issue has been well managed by industry to this point

6.145 The person responsible should be the person in charge of the animal, if they are not the owner. We consider it essential that there is context dependent apportionment of fault and responsibility

6.146 Federated Farmers has concerns with the level of the penalty particularly the inclusion of a criminal conviction and consider it appropriate that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.

6.147 **Recommendation:** Federated Farmers supports this regulation

### **Proposal 72: Deer – Develvetting**

6.148 Federated Farmers supports the regulation of develvetting.

6.149 This proposal is in line with the current controlled procedure in the Act and is in line with the current practice in the industry with the develvetting programme administered by the National Velveting Standards Body which is doing a great job of managing the procedure in the industry.

6.150 Develvetting is a common procedure on deer farms for human and animal safety as well as for the sale of velvet.

6.151 The person responsible should be the person in charge of the animal, if they are not the owner. We consider it essential that there is context dependent apportionment of fault and responsibility.

6.152 Federated Farmers has concerns with the level of the penalty particularly the inclusion of a criminal conviction and consider it appropriate that the full range of enforcement tools remain available including educational material and compliance notices and that prosecution should never be the primary response.

6.153 **Recommendation:** Federated Farmers supports this regulation

## **7. FEDERATED FARMERS OF NEW ZEALAND**

7.1 Federated Farmers is a member based organisation that represents farmers and other rural businesses throughout New Zealand. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farmers

7.2 The Federation aims to add value to its members' business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

**Submission Ends**



*Drop*

✓ 189+

# SUBMISSION



TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ

To: Ministry for Primary Industries

Submission on: Proposed Regulations for the transport of live animals from New Zealand

MPI Discussion paper No: 2016/13

Date: 19 May 2016

From: Federated Farmers of New Zealand

Contact:

**SARAH CROFOOT**  
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P s 9(2)(a)  
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**SUBMISSION TO MINISTRY OF PRIMARY INDUSTRIES  
ON  
PROPOSED REGULATIONS FOR THE TRANSPORT OF LIVE ANIMALS FROM NEW  
ZEALAND**

**1. INTRODUCTION**

- 1.1 Federated Farmers welcomes the opportunity to comment on the proposed regulations for the transport of live animals from New Zealand.
- 1.2 We support these proposed regulations.
- 1.3 Federated Farmers recommends that the criteria regarding the past history of an exporter being taken account (Q4) be amended to allow first time exporters an exemption from this. Proposed new wording is (new wording in bold): **'When an applicant has already undertaken the export of live animals**, the manner in which the welfare of any animals previously exported by the applicant was attended to during.....'

**2. RESPONSES TO SPECIFIC CONSULTATION QUESTIONS**

***Question 1:** The conditional prohibition on the export of livestock for slaughter will be moved into regulations under the Animal Welfare Act 1999. Do you have any comment on this transition occurring in the second half of 2016?*

- 2.1 Federated Farmers supports the intent of these proposed regulations. We understand that the Director General could consent to allow export for slaughter on a case by case basis. We support this condition as banning it outright would leave no opportunity if it proved economical and well controlled with strong animal welfare provisions.
- 2.2 In our 2013 submission to the Primary Production Select Committee we stated that our members had mixed opinions on the practice of exporting live animals for slaughter, with some saying it should be banned while others said that if it proved economical, and if controls were put in place to ensure the animals were well cared for from the farm gate to the foreign slaughter premises, then it should be allowed.
- 2.3 Federated Farmers understands the need to bring this into the Animal Welfare Act 1999. We support the transition of this into the Act during 2016, for the reasons given by the Ministry for Primary Industries (MPI). We see no reason to delay this.

***Question 2:** Do you have any comment on the proposed regulatory offence and penalty for non-compliance with the conditional prohibition on the export of livestock for slaughter?*

- 2.4 Federated Farmers accepts the penalty set out in the discussion document (4.2.1).
- 2.5 We understand that when a prosecution is due to be taken for non-compliance with the conditional prohibition on the export of livestock for slaughter, a decision can be made by MPI (as the Prosecutor) as to whether the penalty will be set by the maximum allowed under the Act or the maximum allowed under the Regulation. Factors such as the severity of the non-compliance will be taken into account there.

2.6 Federated Farmers is concerned there could be a risk if a farmer exports their stock for breeding and later discover that their stock have been slaughtered without their knowledge and when well beyond their control. They may find themselves caught up in this regulation. However, as the penalty is a regulatory offence (and not an infringement), this would allow the offence to be defended and the case argued in Court.

**Question 3:** Do you have any comment on the proposal to repeal the legislative provision "Guidelines for issue of animal welfare export certificates" by late 2016? (Refer section 41).

2.7 Federated Farmers supports this proposal and for it to be implemented prior to December 20<sup>th</sup> 2016.

**Question 4:** Do you have any comment on the proposal to bring into force, by late 2016, the new provisions of the Act that expand the matters the Director-General of MPI must or may consider when assessing an application for export? (Refer section 43).

2.8 The Federation notes the expansion of the criteria the Director-General must consider before approving an application to export live animals.

2.9 One of the criteria is that the past history of an applicant's previous exports must be taken into account. This appears to penalise a first time applicant because they have no track record which could be used to support their case. We therefore recommend that this condition to be amended to (new wording in bold):

**'When an applicant has already undertaken the export of live animals, the manner in which the welfare of any animals previously exported by the applicant was attended to during.....'**

2.10 This will allow new businesses the opportunity to prove themselves in the market.

**Question 5:** Do you have any comment on the proposal to bring into force, by late 2016, the new provisions of the Act that allow the Director-General of MPI to impose conditions on an animal welfare export certificate? (Refer section 45)

2.11 Federated Farmers notes the reporting requirements that will be imposed on the exporter. We agree with this as it will help build confidence in the practice. We also support it being brought into force during 2016.

**Question 6:** Do you have any comment on the proposal to bring into force, by late 2016, the new provision that allows the Director-General of MPI to refuse to issue an animal welfare

2.12 Federated Farmers supports this provision and also that this be brought into force during 2016.

### 3. FEDERATED FARMERS OF NEW ZEALAND

3.1 Federated Farmers is a member based organisation that represents farmers and other rural businesses throughout New Zealand. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farmers

3.2 The Federation aims to add value to its members' business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

**Submission Ends**

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**From:** Melanie Chong <§ 9(2)(a)>  
**Sent:** Thursday, 19 May 2016 4:26 p.m.  
**To:** Animal Welfare Submissions  
**Cc:** Lindsay Burton  
**Subject:** Submission on Animal Welfare Regulations  
**Attachments:** 16-05-19 Fonterra Cooperative Group Ltd - Submission on Animal Welfare General FINAL.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Blue Category

Attached is the Fonterra submission on the Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)

Please confirm receipt of this submission.

Thank you and kind regards

**Melanie Chong**

Technical Officer – NZ Standards  
Quality Assurance Technical & Regulatory Compliance

**Fonterra Co-operative Group Limited**

§ 9(2)(a)

PO Box 417, Wellington, 6140. 157 Lambton Quay (Midland Park), Wellington, New Zealand  
www.fonterra.com



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## Fonterra Co-operative Group Limited Submission on:

### Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)

19 May 2016

#### Fonterra Co-operative Group Limited

Fonterra Co-operative Group Limited (Fonterra) appreciates the opportunity to work collaboratively with the Ministry for Primary Industries (MPI) in support of the New Zealand dairy industry and to protect and build on New Zealand's reputation as a world class producer of safe food.

Fonterra is owned by around 10,500 New Zealand dairy farmers. Fonterra and its subsidiaries (collectively, the Fonterra Group), has a global supply chain that stretches from Fonterra's shareholders' farms in New Zealand through to customers and consumers in more than 100 countries. Collecting more than 20 billion litres of milk each year with around 18 billion litres sourced from New Zealand, the Fonterra Group manufactures and markets over two million tonnes of product annually. This makes the Fonterra Group the world's leader in large scale milk procurement, processing and management, with some of the world's best known dairy brands.

#### General Comments

- 1 Fonterra appreciates the opportunity to provide comment on the MPI Discussion Paper No 2016/12 *Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)*.
- 2 We support the principles and intent to provide clarity to current New Zealand Code of Welfare positions that may not be legally enforceable. This also provides the ability to control minor offending through a framework of infringements.
- 3 To support the proposals, Fonterra suggests that it is regulated that records are kept and made readily available (preferably electronic) to those managing compliance. This will enable the demonstration of requirements, as set out in each of the specific regulations being met.
- 4 Regulations should set out what is required to allow the responsibility, through evidence of training and monitoring, to be devolved from the owner or body corporate who owns the animal/s to the person in charge of the animal/s. Without this evidence the regulations need to make it clear that the owner will continue to have responsibility for the animal/s welfare, and be liable for any infringements and prosecutions.

## Specific Comments

### 5 2.3 Changes to the Act not yet in force

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

Fonterra supports changes to the act being brought into force at the same time as the regulations. We consider it important that the Minister consults with key stakeholders when making regulations and Orders in Council. The extended functions of NAWAC as described are also supported.

### 6 3.4.1 Option 1: Retaining the status quo

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

Fonterra considers that there should be additional requirements and penalties in relation to dairy cattle with Body Condition Scoring (BCS) less than 3<sup>1</sup>.

- i. DairyNZ<sup>2</sup> has developed a National BCS scheme, including assessment training and verification of assessment.
- ii. Fonterra suggests that intervention be required when an animal's BCS is less than 3 and appropriate penalties be applied when a responsible person fails to undertake the intervention or attempts to sell an animal of BCS of less than 3 in lieu of intervention.

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

We don't consider that there are other areas requiring regulation in the near future.

### 7 3.4.3 Option 3: Non-regulatory mechanisms

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

Yes, Fonterra considers that BCS assessment should be regularly used in dairy herds.

### 8 3.5 Who is going to be affected?

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

Yes. This will impact Farm Dairy Assessors who are contract service providers to Fonterra. In the event of our farmers not complying this would be a breach of their supplier terms and conditions and would require us to take action and monitor for further non-compliance.

### 9 4.1.1 Infringement

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

Fonterra considers the fees and penalties appropriate, however we consider that the penalties and fees should be applied on a per property basis where an individual commits offences on multiple properties.

<sup>1</sup> Reference to BCS Less than 3 includes when an animal is considered emaciated.

<sup>2</sup> Dairy NZ

- BCS Information Booklet - <http://www.dairynz.co.nz/animal/herd-management/body-condition-scoring/>

- Scheme information - <http://www.dairynz.co.nz/animal/herd-management/body-condition-scoring/assessor-certification-programme/>

**10 4.1.5 Defences**

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

The second proposed defence refers to circumstances of stress. This is not a well understood legal term and it is important to consider further what circumstances of stress might be intended to cover. We would welcome further discussion with MPI on this issue.

**11 5.1 When do the regulations come into force?**

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

43. Young Calves – Loading and Unloading Facilities.

We recommend a lead in period, with commencement in 1 June 2018. Many facilities would require upgrade and a 2 year period would allow design innovation to occur that would give rise to the most suitable facilities being built.

68. Cattle, sheep, & Goats – Disbudding

This proposal requires a lead in period, with commencement in 1 June 2018.

69. Cattle, sheep, & goats - Dehorning

This proposal requires a lead in period, with commencement in 1 June 2018.

**12 5.2 What happens to the existing minimum standards/requirements?**

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

Fonterra would support the codes for both minimum standards and best practice to remain. The codes will need amendment to indicate specific minimum standards now covered by regulation.

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

Fonterra would support the first approach.

**13 10.0 Care and Conduct Regulatory Proposals**

1. All Animals – Electric Prodders

This proposal should have immediate effect.

Fonterra considers that the weight may be too low and asks that MPI reconsider the weight limit.

2. All Animals – Use of goads

This proposal should have immediate effect.

3. All Animals – Twisting an animal's tail

This proposal should be amended to "Prohibit twisting the tail of an animal in a manner that causes the animal significant pain".

31. Cattle – Milk stimulation

Fonterra supports this proposal with immediate effect.

32. Cattle and sheep – Vehicular traction in calving or lambing.

Fonterra supports this proposal with immediate effect.

33. Cattle and sheep – Ingrown Horns

Fonterra supports this proposal with immediate effect.

34. Stock transport – Cuts and abrasions

This proposal should have immediate effect. A provision for exemption in the event of being involved in, or having to take evasive actions to avoid traffic accidents, should be included.



35. Stock transport – Animals with ingrown horns

This proposal should have immediate effect. The proposal also needs to be clear that the infringement would apply to the owner and person in charge of the animal; both have a duty of care.

36. Stock transport – Animals with bleeding horns or antlers

The proposal also needs to be clear that the infringement would apply to the owner and person in charge of the animal; both have a duty of care

37. Stock transport – Animals with long horns or antlers

Greater information needs to be provided on what is an appropriate length and how that length was determined.

38. Stock transport – Lame cattle, deer, pigs and goats

The proposal should be amended to “A cattle beast, deer, pig, or goat that cannot bear weight on all 4 limbs must not be transported, except when certified fit for transport by a veterinarian”  
On this basis, proposal 38 and 39 are not significantly different, and it is recommended that the two proposals are combined to reflect the above. This proposal should have immediate effect. The proposal also needs to be clear that the infringement would apply to the owner and person in charge of the animal; both have a duty of care.

40. Stock transport – Pregnant animals

This should apply to pregnant animals from farm to sale yards, farm to farm, and from farm to slaughter. An exemption should apply for farm to farm movements in events such as; premature/unexpected calving events, adverse weather, etc., where the dam/calf welfare could be compromised if not moved.

This proposal should have immediate effect.

41. Stock transport – Animals with injured or diseased udders

Fonterra suggests that the proposal could be adequately covered by amending the wording to read; “An animal with a burst, distended, or necrotic udder, or the udder is hot, red, swollen, discharging, must not be transported, except when certified fit for transportation by a veterinarian.”

42. Stock transport – Cancer eye

This proposal should have immediate effect.

**14 11.0 Young Calf Management Regulatory Proposals**

**a. 11.3 Creating infringements or prosecutable offences**

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

Infringements and prosecutions are appropriate in different circumstances; clarity would be required when an offence was likely to result in one or the other. This could be set out in regulations with consideration to the nature of the offending. For example was the offence committed through negligence or deliberate actions, was it committed by an individual or a body corporate, how many animals were affected and what level of harm caused to those animals.

43. Young Calves – Loading and Unloading Facilities

As per our comments in question 14, we recommend a lead in time until 1 June 2018 be applied. Many facilities would require upgrade and a 2 year period would allow design innovation to occur that would give rise to the most suitable facilities being built.

**Question - If regulations are made, should they specify acceptable methods, e.g. ramps and raised pens?**

No, the outcome should be set by regulation to allow flexibility on how this will be achieved.

**Question - Should the regulations allow flexibility for other methods that would enable calves to walk onto and off vehicles, providing that certain minimum standards are met?**

Yes, to ensure calf and operator safety, and to provide for the possibility of innovation in transport operator equipment.

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

Fonterra recommends that this proposal is amended to include the requirement to provide good footing and enough space for comfortable standing and lying.

We support the penalties as set out.

**Question - Are there any other things that shelter should provide beyond the requirements that are set out in the current minimum standards?**

Yes, as above.

**Question - Should any regulation about shelter also cover the stocking density of animals within pens etc.? If so, what level of detail is necessary? For example, would it be sufficient to specify that collection pens etc. must provide enough room for all calves to lie down?**

Yes, as above

45. Young Calves – Fitness for Transport - Age

Fonterra supports this proposal with immediate effect. This proposal that calves are at least 4 days of age reflects current farmer understanding.

46. Young Calves – Fitness for Transport – Physical Characteristics

Fonterra supports all criteria of this proposal.

47. Young Calves – Maximum time off feed

We strongly support this proposal. We would recommend that the interval from feeding to calf collection be extended from two hours to a more practical and achievable interval.

48. Young Calves - Duration of transport

This proposal as worded is voluntary by use of the word "should", Fonterra supports this as a mandatory requirement. We have a concern regarding specifying the maximum journey time of eight hours. We support the intent of the proposal, however, there is potential for unintended consequences associated with specifying transport times, particularly for calf collection from remote locations. We suggest further analysis of the current transport operational networks before determining a final specific transport time. This evaluation should include consideration of what dispensation provisions should be enabled in order to manage overall welfare outcomes. Applications for dispensations or a dispensation system should be available to transporters/processors and managed by MPI Verification Authority

49. Young Calves – Blunt force trauma

**Question - Is prohibition by regulation necessary given the progress that has been made in recent years, particularly following the 2014 revision to the Dairy Cattle code of welfare?**

Yes

**Question- If regulations are made, will it be necessary to retain an exemption to cover emergency situations?**

Yes

**Question - If so, how might these emergency situations be defined in order to make the language as precise as possible?**

When an animal is suffering badly as a result of a serious acute injury or illness and a significant delay would occur to obtain another means to humanely destroy the animal, blunt force trauma may be used as a last resort.

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

Fonterra supports this proposal.

**15 12.0 Surgical and Painful Procedures Regulatory Proposals**

- a. **Question - Are there any instances where the proposed definition of pain relief at the time of the procedure, outlined in Box 2 on pages 75-76, would be problematic?**

No, as these are elective activities.

- b. **Question - Is it appropriate for a veterinarian to authorise a non-veterinarian to hold and use pain relief for all the procedures discussed in the following tables?**

Yes, with appropriate training and oversight where required.

- c. **Question - Are there any factors, other than the nature of the procedure, which could limit access to pain relief under the VOI framework discussed in Box 2?**

No.

- d. **Question - In addition, the regulatory proposals address pain relief at the time of the procedure. What, if anything, is used to mitigate post-operative pain? How frequently, and in what circumstances is post-operative pain mitigated?**

Good research shows more rapid return to normalcy with NSAIDs.

51. Hot Branding – All animals

Fonterra supports this proposal.

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

Fonterra supports this proposal.

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

Fonterra supports that pain relief must be provided but considers that this be performed by a Veterinarian or under the oversight of a Veterinarian.

54. All animals – Liver biopsy

Fonterra supports this proposal.

63. Cattle – Teats

This proposal should have immediate effect.

Fonterra strongly opposes any use of devices such as rubber rings to remove mature teats and ask that the removal of mature teats be revised to mandate this is only in the event of severe injury and that the teat must be surgically removed by a veterinarian.

64. Cattle – Claw removal

Fonterra supports this proposal.

65. Cattle – Teat occlusion

Fonterra supports this proposal.

66. Cattle – Tail Docking

Fonterra supports this proposal with immediate effect, and the clarity of scope that it includes cattle of all ages and both high docking and low docking.

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

Fonterra supports this proposal.

68. Cattle, sheep & goats – Disbudding

Fonterra supports this proposal with a lead in until 1 June 2018. We consider there is no longer justification for the continued use of caustic paste given that unintended pain can occur as a result of caustic paste coming into contact with other parts of the animal or other animals.

69. Cattle, sheep, and goats – Dehorning

Fonterra supports this proposal and considers that it should have a lead until 1 June 2018.

If there are any queries relating to this submission, please contact Melanie Chong.

§9(2)(a) )

Yours faithfully



**Lindsay Burton**

General Manager, Veterinary Technical and Risk Management

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Out of Scope

**From:** Kesa Milesa <[REDACTED]>  
**Sent:** Thursday, 19 May 2016 3:55 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** Submission on Animal Welfare Regulations  
**Categories:** Green Category, Blue Category

Gordana Sokorac  
 s 9(2)(a)

I submit the following feedback on proposed animal welfare regulations and look forward to acknowledgement of receipt.

General

While I appreciate changes are long overdue and urgent, the given consultation period is too short for such a comprehensive task at hand and I suggest an extension. In view of future trends in the developing world, the current welfare codes and proposed regulations don't go nearly far enough in protecting animal welfare. I want to see a total ban on all cages for layer hens, farrowing crates for sows and a reduction in intensive dairy resulting in the slaughter of over 2m calves annually. The current and proposed regulations are not in line with existing and evolving scientific knowledge and cannot be accepted as good practice.

1)

Care and conduct regulatory proposals		
1	All animals	Electric prodders
		I propose that the use of electric prodders be banned under all circumstances except when they are "necessary for protection, preservation or maintenance of human life" I do not support exemptions on the use of prodders based on: a. the species and size of an animal b. the manner of use of an animal (circus) c. the location of the animal (slaughter premises) I support the proposed infringement penalty.
2	All animals	Use of goads
		I support the proposal to ban the use of goads on sensitive areas of an animal's body under any circumstances. Given the deliberate cruelty involved in using goads on sensitive areas I propose an increased infringement penalty of \$500.
3	All animals	Twisting an animal's tail
		I support the proposal to prohibit painful twisting of an animal's tail. Given the potential for significant pain and damage from this behaviour, and the deliberate nature of the act I propose the infringement penalty is set at the higher level of \$500.
Proposed	All animals	Any animal requiring manual lifting must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick animals).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those

		<p>of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <p>1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>  2) <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></p>
4	Dogs	Pinch and Prong collars
		I support the prohibition of pinch and prong collars under any circumstances; no exemption for dogs used for special purposes (guarding, military) is supported. I support the proposed infringement penalty of \$300. I also support the banning of the sale of these collars and associated penalties under the law.
5	Dogs	Injuries from collars or tethers
		I support the proposal to only use collars or tethers in a manner that does not result in injury or distress. Given the potential for severe injury from collars I propose the penalty is increased to a prosecutable offence.
6	Dogs	Muzzling a dog
		I support the proposal for regulating the use of muzzles so they do not cause injury or distress. I support the inclusion in the proposal that muzzles should allow for a dog to be able to drink. I support the proposed infringement penalty of \$300.
7	Dogs	Dry and shaded shelter
		I support the proposal for dogs to have access to dry and shaded shelter at all times. I propose the inclusion in the proposal that dogs also have access to fresh, palatable drinking water at all times. Given that shelter and water are basic needs of life neglecting these items has the potential to cause significant harm and even death therefore I propose the infringement penalty to be increased to a prosecutable offence. I also propose that there be a maximum time imposed that a dog is allowed to be chained for at any one time and that an infringement fee be set for exceeding that time.
8	Dogs	Dogs left in vehicles
		I support the proposal for people leaving dogs in vehicles to ensure their safety. I propose increasing the penalty to a prosecutable offence both to reflect the potential fatal nature of the injury and also to act as a suitable penalty to prevent this behaviour. Additionally increasing the penalty allows for effective prosecution of corporations who use dogs who have a responsibility to ensure dogs in their care are cared for appropriately.
9	Dogs	Secured on moving vehicles
		I support the proposal to secure dogs on moving vehicles. I propose including dogs on vehicles on private property in the regulation, and propose a speed limit of 40kph for vehicles carrying unsecured working dogs. I propose increasing the penalty for infringement to \$1000 due to the potential for severe injury, suffering, and death resulting from falling from a moving vehicle.
Proposed	Dogs	Ban export of racing greyhounds between NZ and Macau or China
		The Macau and China greyhound racing industries do not have the same standards of animal welfare as NZ. The export of racing greyhounds between NZ and Hong Kong (for further transport to Macau/China) is minimal at present. However if the export of greyhounds from other countries (Australia, Ireland) is banned or more heavily regulated then NZ could become a transport hub for dogs in this industry. This has the potential for poor welfare outcomes for dogs and very poor public perception in New Zealand. It is far better to ban an activity like this before it has the potential to become established. MPI have demonstrated their willingness to put in place infringements for uncommon industry

		activities which have the potential to become welfare issues in the future with proposal 50 in this document banning transport of young calves across Cook Strait. I propose the above regulation and propose the infringement penalty is set at a prosecutable offence.
10	Dogs and Cats	Drowning dogs and cats
		I support the prohibition of the killing of a dog or cat of any age by drowning. I support the infringement penalty of a prosecutable offence.
11	Eels	Insensible for desliming
		I support the proposal that eels must be insensible for desliming or killed before they are deslimed. I support the infringement penalty of a prosecutable offence.
12	Crabs, rock lobster and crayfish	Insensible before being killed
		I support the proposal that crabs, rock lobster, and crayfish must be insensible before they are killed. I dispute the NAWAC statement that chilling to <4 degrees Celsius renders crustacean insensible and propose that either: a. the only legally acceptable method of rendering crabs and crayfish insensible is by electrical stunning (for which specific equipment is available for use in small restaurant premises). OR b. NAWAC conduct a review of the recent (since 2000) scientific literature on humane slaughter of crustaceans and present good quality, recent evidence to support the claim that chilling to <4 degrees Celsius renders crustacean insensible. I support the proposed penalty of a prosecutable offence for failing to render a crustacean insensible prior to slaughter.
13	Goats	Tethering requirements
		I do not support the tethering of goats, on the basis that it stops goats expressing normal social behaviours, and propose that tethering is prohibited with an infringement penalty of \$500. Furthermore I share concerns with previous submissions around tethering of goats that tourists witnessing tethered goats on the road side could easily get a negative impression of animal welfare in NZ. I propose that all goats, regardless of housing system, have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times and that lack of provision of these requirements is an infringement with a penalty fee of \$500. I also propose that as goats are social animals, all goats should be provided with a companion such as another goat, camelid, horse, donkey or sheep. I propose that failure to house a goat with a companion should attract an infringement penalty of \$300. 1. Miranda-de la Lama, G.C. and Mattiello, S. (2010). The importance of social behaviour for goat welfare in livestock farming. Small Ruminant Research 90, (1-3), 1-10
14	Horses	Use of a whip, lead, or any other object
		I support the prohibition of using a whip, lead or other object to strike around the head. I support the proposed infringement penalty of \$300.
15	Horses	Injuries from equipment such as halter, head ropes and saddles
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
16	Horses and Donkeys	Tethering requirements
		I do not support the tethering of horses and donkeys and propose that tethering is prohibited with an infringement penalty of \$300. I propose that all horses and donkeys have access to a dry and shaded shelter, appropriate food, and fresh palatable water at

		all times regardless of housing system and that lack of provision of these requirements is an infringement with a penalty fee of \$300.
17	Layer Hens	Opportunity to express normal behaviours in housing systems
		<p>I believe that colony cages do not adequately consider the welfare of layer hens because they prohibit the ability of the hen to express a range of normal behaviours. In addition, colony cages are not compliant with the Animal Welfare Act 1999 as they do not allow owners or persons in charge of animals to take all reasonable steps to ensure that their physical, health and behavioural needs are met:</p> <p>1) Sections 9, 68 Animal Welfare Act 1999</p>
18	Layer Hens	Stocking densities
		Colony cages do not allow hens to engage in a range of normal behaviours and therefore they are in clear breach of the Animal Welfare Act 1999. With a stocking density of 13 hens per square metre or 750 square centimetres, clearly the stocking density is too high.
19	Layer Hens	Housing and equipment design
		<p>Colony cages are only slightly bigger than traditional battery cages. While they provide token welfare gestures like nest boxes, scratch pads and perches, these gestures do not ensure the physical, health and behavioural needs of hens are met. With only 750 sq cm per hen, there are a number of behaviours hens are not able to functionally perform in colony cages; this includes spreading her wings fully<sup>1</sup>. It's also questionable whether a hen in a colony cage can properly nest, perch, peck or scratch. A hen in a colony cage cannot dust bathe.</p> <p>Research has shown that some hens in colony cages can be prevented from using the nest provided due to competition from other hens<sup>2</sup>. Also, the limited space in colony cages is insufficient to allow hens sufficient time (on average 45 minutes<sup>3</sup>) if they want to lay at the same time.</p> <p>In order to satisfy a hen's need for perching, the housing system must be able to provide:</p> <ul style="list-style-type: none"> <li>• Sufficient length of perching space to allow all birds to perch at the same time; and</li> <li>• Sufficient elevation of the perches to satisfy the hens' requirements for a perceived safe perching place at night.</li> </ul> <p>Colony cages fulfil neither of these requirements. The standard of approximately 15cm of space per hen is an average and does not allow consideration for larger birds. Perches in colony systems are situated on average just a few centimetres from the floor of the cage. 'A perch positioned 5cm above floor level is 'not considered as a perch (by a hen) and has no attractive or repulsive value'<sup>4</sup>.</p> <p>Litter is not provided in colony cage systems. Litter is imperative for hen welfare. Hens will make great efforts to access litter for pecking, scratching and dustbathing – three normal behaviours of hens<sup>4</sup>. When hens are unable to forage in litter, they can redirect their pecking towards other hens resulting in harmful feather pecking and even cannibalism. When hens are unable to dustbathe in litter, they can develop the dysfunctional behaviour of sham dustbathing.</p> <p>1) A hen's wingspan is approximately 75-80 centimetres which is twice the size of a traditional battery cage  2) Guedson, V. and Faure, J. M. (2004) <i>Laying performance and egg quality in hens kept in standard or furnished cages</i>. <i>Animal Research</i>, 53: 45-57.  3) Appleby, M.C. (1998) Modification of laying hen cages to improve behaviour. <i>Poultry Science</i>, 77: 1828-1832.  4) Cooper, J.J. and Abletosa, M. J. (2003) Behavioural priorities of laying hens. <i>Avian and Poultry Biology Reviews</i>, 14: 127-149.</p>
20	Layer Hens	Induced moulting
		I support the proposal to prohibit induced moulting of layer hens.



21	Llama and Alpaca	Injuries from equipment such as halters, head ropes, and packs
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
22	Llama and Alpaca	Companion animals
		I support the proposal that camelids must be provided with a companion animal. I support the proposed infringement penalty of \$300.
23	Llama and Alpaca	Offspring (Cria) camelid companions
		I support the proposal to prohibit raising Cria without the company of other camelids. I support the proposed infringement penalty of \$500.
24	Pigs	Dry sleeping area
		Proposal: I support the proposal that all pigs have access to a dry sleeping area. Penalty: I support the proposed infringement penalty of \$300.
25	Pigs	Lying space for grower pigs
		<p>Proposal: I support the proposal for minimum space requirements for grower pigs.</p> <p>1. Error in formula</p> <p>The proposed formula used to calculate the minimum space has a type error; specifically the exponent notation has not been applied. I believe the formula intended by MPI should read "live weight<sup>0.67</sup> (kg)" but instead it reads "live weight 0.67(kg)" which translates to an Area = 0.03 * liveweight * 0.67(kg) and results in a much higher space requirement.</p> <p>Therefore I contend that proposal 25 must be rewritten and resubmitted for public consultation, with the correct formula included so that the intended space requirement can be properly considered.</p> <p>2. Minimum requirement</p> <p>Recent research suggests that a k-value of 0.3 is too low. In 2006, Gonyou et al. (2006) which ADFI is reduced. More recently, a 2015 study has found that a k-value of 0.0336 might underestimate the impact of increased stocking density on ADG and ADFI<sup>2</sup>. A k-value of 0.3 is too low to provide grower pigs with this environment and is sufficient as a minimum requirement for static space only.</p> <p>Does the proposal adequately define the appropriate systems?</p> <p>The proposal is based on a minimum standard, which is expected to occur (if at all) only where growers have reached the capacity of their pen and are shortly to be moved to a bigger pen, not a minimum standard which is considered acceptable at all times and this should be clarified in the regulation itself.</p> <p>I consider the minimum standards of housing for pigs to be provide "sufficient space to enable them to perform natural behaviours such as lying on their side without touching another pig, standing up, turning around and performing exercise, space for separate areas for dunging and feeding, with a dunging areas situated a sufficient distance from sleeping and feeding areas as well as materials to enable them to root and forage" <sup>4</sup>. If these standards cannot be met by the current farming systems then we are concerned that the current farming systems are not compatible with the freedom to exhibit normal behaviour and breach the animal welfare act.</p> <p>The current regulation has no limit on the length of time during which a grower pig may be submitted to the proposed minimum standard. Overstocking is a known problem. I am concerned that grower pigs may be submitted to spaces which do not meet minimum requirement if their transfer to a new pen is delayed. I would like the regulations to be clear that it is unacceptable for growers to be kept for prolonged periods in spaces at or close to the minimum requirement. In its 2010 review, NAWAC submitted that space enough to allow for pigs to lie fully recumbent (k-value of 0.047) was recommended best practice.</p>

		<p>For the sake of clarity and to give effect to the intention of NAWAC, I suggest that a minimum period of time for growers kept in the lower end of the scale be added.</p> <p>Due to the above considerations, I propose that the minimum standard is amended to:  Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m2) per pig = 0.040 x live weight 0.67(kg)  Grower pigs housed inside on non-litter systems such as slatted or solid floors must not have lying space of less than: Area (m2) per pig = 0.047 x live weight 0.67(kg) for longer than one week.</p> <p>Penalty: I support penalty of a prosecutable regulation offence.</p> <p>1) Gonyou, H. W., M. C. Brumm, E. Bush, J. Deen, S. A. Edwards, T. Fangman, J. J. McGlone, M. Meunier-Salaun, R. B. Morrison, H. Spoolder, P. L. Sundberg, and A. K. Johnson. 2006. Application of broken-line analysis to assess floor space requirements of nursery and grower-finisher pigs expressed on an allometric basis. <i>J. Anim. Sci.</i> 84: 229-235.</p> <p>2) Thomas, LL. "The Effects of Increasing Stocking Density on Finishing Pig Growth ..." 2015. <a href="http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr">http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr</a></p> <p>3) <i>ibid.</i> Page 9</p> <p>4) "ANIMAL WELFARE (Pigs) CODE OF WELFARE 2010 REPORT." 2015. 15 May. 2016 &lt;<a href="https://www.mpi.govt.nz/document-vault/1446">https://www.mpi.govt.nz/document-vault/1446</a>&gt;</p>
26	Pigs	Dry sow stalls
		<p>Proposal: I support the prohibition of dry sow stalls</p> <p>Penalty: I support the proposed infringement penalty of a prosecutable regulation offence.</p>
27	Pigs	Size of farrowing crates
		<p>Proposal: I do not support the use of farrowing crates.</p> <p>Production systems using farrowing crates are not the only financially viable forms of pork production. It is widely accepted that sow welfare in farrowing crates is sub-optimal. Continuing a production system which is contrary to good practice and scientific knowledge is in direct violation of section 10 of the Animal Welfare Act 1999.</p> <p>In 2016, a review of Farrowing Crates for Pigs in NZ was submitted by NAWAC. In that report, NAWAC stated that "no significant change in science, technology or good practice from 2010 when the pigs code of welfare was issued". It submitted that the levels of piglet mortality in farrowing pens is higher than in farrowing crates and used this as justification for retaining farrowing crates in New Zealand. However, there is abundant research which supports the conclusion that total piglet mortality on farms with loose farrowing systems does not differ from that of farms with crates<sup>23</sup>.</p> <p>I submit that farrowing crates are unacceptable in modern day pork production systems and must be banned outright.</p> <p>1) "National Animal Welfare Advisory Committee - NZPork." 2016. 15 May. 2016 <a href="http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf">http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf</a></p> <p>2) Weber, R. "Piglet mortality on farms using farrowing systems ... - IngentaConnect." 2007. <a href="http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042">http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042</a></p> <p>3) KilBride, AL. "A cohort study of preweaning piglet mortality and ... - ScienceDirect." 2012. <a href="http://www.sciencedirect.com/science/article/pii/S0167587711003564">http://www.sciencedirect.com/science/article/pii/S0167587711003564</a></p>
28	Pigs	Provision of nesting material
		<p>Proposal: I support the provision of nesting material that can be manipulated to sows. However, it is clear that sows in farrowing crates will be unable to exhibit natural nesting behaviours in the confined space of a farrowing crate. To give effect to the intention of providing nesting material, the sow must be given more space in which to move.</p> <p>I agree that the definition of manipulable material should be made more apparent. "Material at ground level which mimics that of natural nesting material and encourages the sow to exhibit rooting behaviour" would be appropriate. However, for clarity, I recommend that examples are provided for guidance. Appropriate examples would include straw and sawdust.</p> <p>Penalty: I support the proposed infringement penalty of prosecution.</p>

		1) Chaloupková, H. "The effect of nesting material on the nest-building and maternal ... - NCBI." 2011. <a href="http://www.ncbi.nlm.nih.gov/pubmed/20889685">http://www.ncbi.nlm.nih.gov/pubmed/20889685</a>
29	Rodeos	Fireworks
		<p>I support the ban of fireworks at rodeo's, The loud noise of fireworks is well established as a stressor in companion animals (Bolster 2012; Dale et al., 2010) And Unexpected noise and movement will cause the fight or flight response in both horses and cattle (Lanier, 2000; Christensen, 2005).</p> <p>I would like to see a total ban on rodeo, rodeo is of no advantage to the economy. A petition recently submitted to parliament has 62,000 members of the public in support of such a ban. Rodeo is in breach of the animal welfare act which states that animals should be 'physically handled in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress.' The rodeo is a form of entertainment therefore making it an unnecessary activity for animals to be involved in. The likelihood of animals feeling distress while performing in rodeos could only be successfully minimised if rodeos were entirely stopped; goading animals into states of distress is fundamental to getting them to perform in rodeo events.</p> <p>As there have been many breaches of the rodeo code brought before MPI in 2014 and 2015 we strongly urge MPI to carefully consider if the codes are adequate in helping to minimise the likelihood of unreasonable and unnecessary pain or distress. We are aware of new breaches that will be brought before MPI for a third year running, this adds to the evidence that these codes are not adequate for protecting animals, therefore we feel that the only way to ensure these breaches do not continue is for an outright ban.</p>
30	Exotic animals	Used in circuses
		I do not support the use of exotic animals in circuses and propose that their use be banned. Given that there are currently no circuses in NZ using exotic animals the banning of the practice now will cause no industry disruption. Popular opinion both here and overseas is moving away from the use of exotic animals in circus and if this practice was to occur again in NZ it is likely that there would be a public outcry against it.
31	Cattle	Milk stimulation
		I support the proposal to prohibit the stimulation of milk let down by inserting water or air into a cow's vagina. I propose the prohibition is extended to include the insertion of any object into a cow's vagina to stimulate milk let down. I support the proposed infringement penalty of \$300.
32	Cattle and Sheep	Vehicular traction in calving or lambing
		I support the proposal to prohibit the use of a moving vehicle to provide traction in lambing or calving. I support the proposed infringement penalty of \$500.
33	Cattle and Sheep	Ingrown horns
		I support the proposal to require treatment for horns that are touching the skin or eye. I support the proposed infringement penalty of \$500.
34	Stock transport	Cuts and abrasions
		I support the proposal that transport should not result in cuts or abrasions. I propose the regulation is extended to all animals' not just cattle, sheep, deer, goats, and pigs. I support the infringement penalty of \$500.
35	Stock transport	Animals with ingrown horns

		I support the proposal that animals with ingrown horns must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
36	Stock transport	Animals with bleeding horns or antlers
		I support the proposal that animals with bleeding horns or antler must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
37	Stock transport	Animals with long horns or antlers
		I support the proposal that animals with long horn or antler must not cause injury to themselves or others during transport. I could not find any rationale for the use of 110mm as a cut off value for long antler either in the code of welfare, or the report on the code. I propose that MPI publish the rationale behind the cut off value of 110mm or perform analysis of the injuries sustained from transport of animals with horns to determine if this measurement is an appropriate guide. I support the proposed infringement penalty of \$500.
38	Stock transport	Lame cattle, deer, pigs and goats
		I support the proposal that cattle, sheep, pigs and goats with lameness scores of 2 must be certified for transport by a veterinarian and that animals with a lameness score of 3 must not be transported. I support the proposed infringement penalty of \$500.
39	Stock transport	Animals that cannot bear weight evenly due to injury
		I support the proposal that animals who cannot bear weight evenly due to injury require certification from a veterinarian for transport. I support the infringement penalty of \$500.
40	Stock transport	Pregnant animals
		I support the proposal that animals who are in late stages of pregnancy should not be transported. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
41	Stock transport	Animals with injured or diseased udders
		I support the proposal that animals who have diseased udders should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
42	Stock transport	Cattle or sheep with cancer eye
		I support the proposal that animals who have cancer eye which is large, not confined to the eyelid or discharging/bleeding should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
Young calf management regulatory proposals		
43	Young Calves	Loading and unloading facilities

		I support the proposal that facilities must be provided which enable young calves to walk onto and off transportation by their own action. Given the potential for severe injury and pain I propose that the infringement penalty is increased to \$1000.
Proposed	Young Calves	Calves must not be thrown, if they need to be manually lifted they must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick calves).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour. 1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a> 2) <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a>
Proposed	Young Calves	Minimum training standard for people handling/loading calves
		I propose a minimum training standard is put in place for people loading calves on to transportation. Footage from 2015 clearly shows inappropriate handling of calves at the time of loading. A regulation for minimum training standards for those loading calves will not just improve calf welfare but will also demonstrate the transport industry's commitment to improving their part of the calf management chain. In contrast failure for the transport industry to demonstrate willingness to improve welfare outcomes for calves could reflect badly in the media. I propose infringement penalty is prosecution due to the lack of provision of appropriate training being a corporation level infringement and therefore an appropriate penalty needs to be significant enough to deter corporations from flouting the law. 1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>
Proposed	Young Calves	Same day slaughter
		I propose that all young calves received at a slaughter premises must be slaughtered that day and cannot be held overnight. It has been recognised by MPI that time off feed is a significant welfare concern in young calves therefore reducing the time spent at a slaughter premises aims to reduce the risk of calves spending an extended period of time off feed. Although an alternative proposal could be for feeding at arrival at slaughter premises given the other welfare issues of housing young calves I consider reducing holding time to a minimum as the least bad of the options. I propose an infringement penalty set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.
Proposed	Young Calves	Use of nearest slaughterhouse
		Increased time spent at transport has been shown to be one of the determinants of poorer outcomes for calves. For this reason I propose that calves are required to be slaughtered at the closest slaughter premises. I propose the infringement penalty to be set at prosecution level so that penalties are severe enough to prevent corporations flouting the law. 1) Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84
44	Young Calves	Shelter on farm, before and during transportation and at processing plants
		I support the proposal for minimum standards of shelter on farm, before transportation, and at slaughter premises. I support the higher proposed infringement penalty of prosecution.

45	Young Calves	Fitness for transport – age
		<p>I propose that the minimum age of transport is increased to 10 days to bring us in line with what is considered an acceptable standard of welfare in other developed countries. MPI have stated that the 4 day standard suggested in the proposed regulation has been suggested as this is reflects current industry practice. However the transport code of welfare only cites research performed in calves 5-10 days of age, therefore I propose that the absolute minimum age of transport be set at 5 days of age. I support the most conservative determination of age – that it is determined from the time the calf is separated from the dam. I support the higher proposed infringement penalty of prosecution.</p> <p>1) Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p>
46	Young Calves	Fitness for transport – Physical characteristics
		I support the proposal that the list of physical characteristics provided with regulation 46 should be met prior to transport of young calves. I support the higher proposed infringement penalty of prosecution.
47	Young Calves	Maximum time off feed
		<p>I support the proposal for regulating the maximum time off feed for young calves, however we propose this is reduced to 12 hours. The lack of physiological indicators in the 2000 Todd paper does not demonstrate that:</p> <p>a) this is in fact the case in calves &lt;5 days of age or</p> <p>b) that these calves are not experiencing significant hunger or</p> <p>c) that these calves have the physiological capacity to respond to transport in a measurable way with the tools used in the study</p> <p>I propose that calves undergoing transport are kept to the same feeding schedule they would have if they remained on farm. I propose an infringement penalty of prosecution.</p> <p>1) Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p> <p>2) Knowles, T.G., Warriss, P.D., Brown, S.N., Edwards, J.E., Watkins, P.E. and Phillips, A.J. 1997. Effects on calves less than one month old of feeding or not feeding them during road transport of up to 24 hours. Veterinary Record 140, 116-124.</p>
48	Young Calves	Duration of transport
		<p>I support limiting the duration of transport of young calves to 8 hours or less. As length of transport has been shown to be associated with poorer outcomes for calves, we propose an increase in the infringement penalty to \$1000.</p> <p>1) Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84</p>
49	Young Calves	Blunt force trauma
		I support the prohibition of the use of blunt force trauma for killing calves. I support the more severe penalty of prosecution as this allows corporations to receive appropriate penalties to deter this behaviour.
50	Young Calves	Transport by sea across Cook Strait prohibited
		I support the prohibition of transport of young calves across Cook Strait. I support the more severe penalty of prosecution as this allows corporations to be held accountable.

Surgical and painful procedures regulatory proposals		
51	All animals	Hot branding
		I support the prohibition of hot branding and the penalty of prosecution.
52	All animals	Embryo collection via exteriorised uterus (surgical embryo transfer)
		I do not support the collection of embryos via exteriorised uterus and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
53	All animals	Laparoscopic artificial insemination (laparoscopic AI)
		I do not support the use of laparoscopic AI and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
54	All animals	Liver biopsy
		I support the proposal for liver biopsy to be restricted to being performed by veterinarians or directly supervised veterinary students and the requirement for the use of pain relief. I support the infringement penalty of a prosecutable offence.
55	All animals	Dental work
		I support the proposal that any power tool used for dental work must be designed for the purpose of dentistry. I propose the infringement penalty is increased to \$1000.
56	Cats	Declawing
		I support the restriction of cat declawing to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
57	Companion animals	Desexing (including stray/feral cats, dogs and other species)
		I support the restriction of desexing to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence. I propose that all cats and dogs sold in pet shops be desexed and vaccinated before being released to the purchaser. This would work as a preventative step in helping reduce the number of stray/feral cats and dogs over time.
58	Dogs	Freeze branding

		I propose that freeze branding of dogs is banned. With better technology now available we can microchip dogs rather than freeze branding them. In the case that freeze branding is not prohibited I support the restriction of freeze branding to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
59	Dogs	Dog debarking (and devoicing of other species)
		I support the restriction of dog debarking to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
60	Dogs	Cropping the ears
		I support the proposal to prohibit ear cropping of dogs. I support the proposed penalty of a prosecutable offence.
61	Dogs	Dew claws
		I support the restriction of removal of articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons, and the use of pain relief at the time of the procedure. I propose restriction of removal of non-articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student with the use of pain relief. I support the proposed penalty of prosecution.
62	Dogs	Tail docking
		I support the docking of tails in dogs for therapeutic reasons only. The procedure must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of this procedure.
63	Cattle	Teats
		I support the proposal for supernumerary teat removal of animals >6 weeks of age to be performed by a veterinarian or veterinary student and that pain relief must be used. I does not support the removal of supernumerary teats in animals <6 weeks of age without pain relief, however the procedure could be undertaken by a skilled lay person signed off by a veterinarian (ie a vet tech). I propose that: a) the maximum of age of animals on whom supernumerary teat removal can be performed by a lay person is reduced to 4 weeks of age i) infringement penalty of prosecution b) pain relief is required for any supernumerary teat removal procedure regardless of age ii) infringement penalty of prosecution c) procedure is performed using sterilised equipment iii) infringement penalty of \$500 d) any person performing the procedure who is not a veterinarian or directly supervised veterinary student is signed off by a veterinarian iv) infringement penalty of prosecution
64	Cattle	Claw removal
		I support the proposal that claw removal is restricted to being performed by a veterinarian or veterinary student and that pain relief is required at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional non-steroidal anti-inflammatory drug (NSAID) pain relief is also administered. I support the infringement penalty of prosecution for all offences other than not using NSAID for which the infringement penalty should be \$300.



65	Cattle	Teat occlusion
		I support the proposal that teat sealing can only be performed with a product registered for that specific purpose. I support the infringement penalty of prosecution.
66	Cattle	Tail docking
		I support the restriction of tail docking to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons only, and the use of pain relief at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also administered. I support the proposed penalty of a prosecutable offence for all offences other than not using NSAID for which the infringement penalty should be \$300.
67	Cattle and sheep	Castration and shortening of the scrotum (cryptorchid)
		I support the proposal for surgical castration at any age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I support the proposal that non-surgical castration in cattle and sheep over 6 months of age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I does not support the age of 6 months as an appropriate age at which lay people can no longer perform non-surgical castration and propose that this age limit is lowered to 2 months, I support limiting the manner of non-surgical castration to only the use of conventional rubber rings. I does not support performing non-surgical castration without pain relief at any age and propose that pain relief is required for any castration procedure at any age. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also required. I propose that the penalty for all infringements other than lack of NSAID use is prosecution and that the penalty for not using an NSAID is an infringement of \$300.
68	Cattle, sheep and goats	Disbudding
		I propose that disbudding is limited to being performed only by only a veterinarian, veterinary student under direct supervision, or skilled lay person signed off by a veterinarian (ie vet tech/appropriately trained farm worker). I propose that appropriate maximum ages are determined for disbudding to be performed by a lay person. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
69	Cattle, sheep and goats	Dehorning
		I propose that disbudding is limited to being performed only by only a veterinarian or veterinary student under direct supervision. Given the much greater risk of pain, bleeding, and infection from dehorning rather than disbudding I propose that farmers are given 12 months warning after which dehorning can only be performed by veterinarians. This will give a strong message that disbudding is much preferred and much more economically viable. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
70	Sheep	Tail docking
		I support the limiting of tail docking in sheep who are greater than 6 months of age to veterinarians and directly supervised veterinary students. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support restricting the techniques for tail docking in younger animals to rubber ring and hot iron only. I propose that pain relief at the time of procedure and NSAID should also be required, regardless of age at the time of tail docking.

		<p>Furthermore I propose that the maximum age at which a lay person is able to perform a tail docking procedure is reduced to 2 months.</p> <p>I support the proposal that tails are not to be cut flush and are to be able to cover the vulva in a female and of a similar length in a male.</p> <p>I support the proposed penalty of prosecution for infringements in sheep &gt; 2 months of age and propose an infringement penalty of \$300 for lack of NSAID use.</p> <p>I support the proposed penalties of \$500 for use of non-listed methods and not cutting tails flush in sheep &lt; 2 months of age. I propose a penalty of prosecution for not using pain relief in sheep &lt;2 months of age and a penalty of \$300 for lack of NSAID use.</p>
71	Sheep	Mulesing
		I support the proposal to prohibit mulesing. I support the proposed infringement penalty of prosecution.
72	Deer	Develveting
		I support the proposal for develveting to be only performed by veterinarians, directly supervised veterinary students or a person with veterinary approval. I support the proposed infringement penalty.
73	Horses	Blistering, firing, or nicking
		I support the proposal to prohibit blistering, firing or nicking, and support the proposed infringement penalty.
74	Horses	Tail docking
		I support the proposal for tail docking to only be performed by veterinarians or directly supervised veterinary students, only for therapeutic reasons, only with the use of pain relief. I support the proposed infringement penalty.
75	Horses	Rectal pregnancy diagnosis of horses
		I support the proposal for rectal pregnancy diagnosis in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
76	Horses	Rectal examination of horses
		I support the proposal for rectal examination in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
77	Horses	Caslick's procedure
		<p>I support the proposal for creation, opening and repair of caslick's procedure to only be performed by a veterinarian or directly supervised veterinary student and the use of pain relief for the procedure. I support the proposed infringement penalty.</p> <p>I propose that a caslick's procedure may only be performed for therapeutic purposes and not for a perceived performance benefit and that the proposed infringement penalty for this breach is the same as that proposed above.</p>
78	Horses	Castration
		I support the proposal for castration in horses to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure. I support the proposed infringement penalty.
79	Llama and alpaca	Castration
		I support the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the

		time of the procedure, and the minimum age for the procedure. I support the proposed infringement penalties for these infringements.
80	Pigs	Castration
		I support the proposal for castration to only be performed by a veterinarian or veterinary student under direct supervision and the required use of pain relief at the time of the procedure. I support the infringement penalty of prosecution. I propose that a non-steroidal anti-inflammatory drug (NSAID) is also required and that the penalty for not administering an NSAID is \$300.
81	Pigs	Tail docking
		I propose that pain relief should be used for this procedure regardless of the animal's age. I support limiting the procedure to veterinarians and directly supervised veterinary students in animals > 7 days of age. I propose that a NSAID should also be administered at the time of the procedure. I propose an infringement penalty of prosecution for lack of use of pain relief and for a lay person performing the procedure in an animal > 7 days of age. I propose an infringement penalty of \$300 for lack of NSAID administration.
82	Birds	Pinioning or otherwise deflighting a bird
		I support the restriction of pinioning/deflighting a bird to being performed only by a veterinarian or directly supervised veterinary student, only being performed in the best interests of the animal, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
83	Poultry	Dubbing
		I support the proposed penalty of a prosecutable offence to perform dubbing on breeds not usually dubbed and to not use pain relief at the time of the procedure. I oppose the surgical modification of an animal if the modification is not in the interests of the animal, therefore I propose that dubbing is prohibited with the penalty of a prosecutable offence.
84	Ostriches and emus	Declawing
		I support the prohibition of radical declawing of emu chicks. However the use of the term radical implies that some declawing is allowed and opens the regulation to subjective interpretation. I propose that the regulation prohibit all declawing of emu or ostrich unless performed by a vet for therapeutic reasons. I support the penalty of prosecutable offence.
35	Roosters	Caponising (rooster castration)
		I support the restriction of caponising to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.

✓ (192)



# SUBMISSION

19 May 2016

TO:

The Ministry for Primary Industries

ON:

## Proposed Animal Welfare Regulations

MPI Discussion Document – Paper No: 2016/12

BY:

Beef + Lamb New Zealand Ltd

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# Introduction

## 1. About Beef + Lamb New Zealand Ltd

- 1.1 Beef + Lamb New Zealand (B+LNZ) welcomes the opportunity to provide feedback on these proposals described in the MPI Discussion Document – Paper No: 2016/12 (henceforth the 'Consultation Document' or the 'Proposals').
- 1.2 Beef + Lamb New Zealand (B+LNZ) is the farmer-owned organisation representing New Zealand's sheep and beef farmers. B+LNZ is funded under the Commodities Levies Act 1990 through a levy paid by producers on all cattle and sheep commercially slaughtered in New Zealand.
- 1.3 B+LNZ represent around 12,300 commercial farming businesses, creating around 35,000 jobs (wages, salaries and self-employment) in the sheep and beef sector. Around three quarters of pastoral land and just under a third of New Zealand's total land area is used for sheep and beef farming. Sheep and beef exports are New Zealand's second largest goods export earner.
- 1.4 The export value of the sheep and beef sector (the sector) was \$8.6<sup>1</sup> billion for the year ending December 2015, making it New Zealand's second-largest goods export earner, accounting for approximately 18% of New Zealand's overall goods export earnings for the year.
- 1.5 B+LNZ's purpose is to help sheep and beef farmers make informed business decisions and promote their collective interests. B+LNZ supports farmers through investing in research and development, developing farm and farmer capability, and delivering knowledge to drive farm performance. B+LNZ advocates on behalf of New Zealand sheep and beef farmers and provides advice on issues affecting the sector, including trade, market access, environment, health and safety, technical and regulatory issues. B+LNZ's role is to also build sector confidence and profile.
- 1.6 This submission has been prepared following targeted consultation with B+LNZ's Farmer Council members and Farmer Directors. The Farmer Councils are regionally based, elected groups of farmers that are established to guide B+LNZ priorities for research and extension. The members of the Farmer Councils, approximately 120 in total, also act as focus group for obtaining feedback on proposals such as these.
- 1.7 B+LNZ works to promote good animal welfare as an intrinsic part of productive, sustainable and profitable livestock farming. In engaging in welfare policy issues, B+LNZ representatives are guided by the following principles:
- Good welfare must be promoted;
  - Poor welfare must be prevented;
  - Interventions should be proportionate and focused on outcomes;
  - Interventions should be based on established good-husbandry practices and scientific evidence.
  - B+LNZ has a role in educating levy payers regarding regulatory requirements and encouraging good animal welfare, it is not an enforcement agency
- 1.8 The contact for this submission is:
- Dr Chris Houston  
 Manager – Technical Policy  
 Beef + Lamb New Zealand Ltd  
 PO Box 121  
 Wellington  
 Email: s9(2)(a)

<sup>1</sup> Total from Global Trade Atlas

## 2. Animal Welfare in the New Zealand Sheep and Beef Sector

- 2.1 Animal welfare is important in itself. Good animal welfare improves sheep and beef cattle production and is important to the reputation of New Zealand's sheep and beef farming sector.
- 2.2 New Zealand was recently recognised by World Animal Protection<sup>2</sup> as being ranked in the top tier of nations, together with only Austria, the UK and Switzerland, when it comes to animal welfare.
- 2.3 The New Zealand sheep and beef sector is proud of its reputation on animal welfare, with our extensive farming systems being viewed by many as intrinsically suited to providing for the needs of grazing animals.
- 2.4 The data available from the Ministry for Primary Industries (MPI) supports the assertion that the majority of sheep and beef farmers comply with existing animal welfare requirements. Further, a large proportion of stock are reared under commercial farm assurance schemes to meet customer requirements on animal welfare. These are independently audited on behalf of meat processors. MPI also undertakes an annual verification survey of 1200 farms where animal welfare is an increasingly important component.
- 2.5 It is important to recognise that aspects of our extensive management systems can make interventions that are suitable for intensive systems impractical or uneconomic. This has traditionally been recognised in the New Zealand animal welfare regulatory environment by the different production sectors each having their own Welfare Codes. B+LNZ proposes that regulations must be flexible enough to recognise the different needs and realities of different production systems, particularly with respect to beef and dairy cattle.

## Considerations of Process

### 3. General comments

- 3.1 Whilst acknowledging that MPI has, in some areas, been responsive to feedback received from its stakeholders, B+LNZ remains extremely dissatisfied with the process by which these Proposals have been formulated. This is particularly the case with respect to those proposals that are seeking to significantly raise existing Minimum Standards, as specified in the Painful Husbandry Procedures (PHP) Code (see below).
- 3.2 Following the passing of the Animal Welfare Act Amendment Bill in 2015, B+LNZ was invited to a brief discussion with the National Animal Welfare Advisory Committee (NAWAC) and MPI where, among other things, we received an indication that the raising of Standards on PHPs to require pain relief was being considered. This was later confirmed when material for 'pre-consultation' workshops was provided in August 2015.
- 3.3 In arranging these pre-consultation workshops, MPI was explicit that the purpose was to test the practicality of the proposals 'on the ground' and we were invited to seek farmers to participate. At no point were the drivers or evidence-base behind the proposals tabled for discussion. That the focus was on practicality was further reinforced by MPI seeking to limit the involvement of industry policy staff in these meetings.
- 3.4 As intended, these workshops provided a good opportunity for small groups of farmers to provide feedback on the practicality of the proposals under consideration, but none for the drivers or evidence base behind them. When B+LNZ and Federated Farmers sought further discussion on the proposals following the workshop MPI declined to substantively engage with us, suggesting that a further opportunity for us to comment during the formal consultation round would suffice.
- 3.5 As it stands, farmers and industry organisations are being asked within five weeks to provide feedback on 117 pages of proposed regulations, accompanying enforcement regime and supporting material. Ordinarily, this would be challenging in itself but in this case the ability of the public to engage is further constrained by the complexity of animal welfare as an issue and the still ambiguous and/or imprecise nature of the wording of the proposals. B+LNZ does not understand why matters of such importance are

<sup>2</sup> <http://api.worldanimalprotection.org/>

being worked through in haste. We appreciate that there are drivers for regulations to be brought into force to 'do something' about bobby calf welfare this year, but this urgency clearly does not apply to the Proposals on PHP or Care and Conduct.

- 3.6 For Proposals seeking to regulate existing Minimum Standards, B+LNZ does not believe that the shortcomings described above jeopardise the integrity of this consultation process. Unfortunately, this is not the case for those Proposals seeking to impose additional requirements for PHP.

## 4. Raising standards without adequate engagement

- 4.1 Most worryingly, the industries are now required, under severe time pressure, to comment on the desirability, costs, benefits and practicality of significant changes to minimum standards concerning the use of pain relief for PHP. This is unacceptable where MPI has undertaken little effort to characterise these nor has it shown any recognition of the desirability of engaging the industries in a dialogue about the use of pain relief for PHP more generally.
- 4.2 **MPI justified the addition of regulation making powers in the Animal Welfare Amendment Bill (2015) largely on the need to make existing standards more enforceable. This was generally accepted by B+LNZ and other industries. However, now that this amendment has been made the Ministry has immediately sought to raise these standards without discussing the issue with the industries in any meaningful way. This:**
- is inconsistent with the inclusive and collaborative process that has previously characterised the development of Codes of Welfare,
  - is unlikely to foster trust and openness between industries and the regulator and,
  - ultimately, may reduce compliance with these Proposals (if introduced) as they are likely to be seen by farmers as obligations to be endured under sufferance.
- 4.3 In terms of the regulatory impact of these Proposals, we agree that for the Proposals that mirror Minimum Standards little change from status quo can be expected and we note that MPI is seeking to use feedback obtained from this consultation to inform an assessment of these impacts. This is not uncommon. However, it is not established practice to publicly consult on significant changes beyond current practice (as is the case for Proposals requiring pain relief for PHP), where no assessment of the costs or practicality of compliance has been undertaken and provided. For clarity, B+LNZ does not accept that it is industry's role to undertake the necessary research and analysis to meet the obligations of regulators to accurately characterise the impacts of legislation they are proposing.
- 4.4 **In light of the above, B+LNZ recommends that proposals 68 (Disbudding) and 69 (Dehorning) be rewritten to mirror the existing Minimum Requirements for beef cattle.**
- 4.5 B+LNZ notes that there is no regulation being proposed to prohibit inductions in dairy cattle on the grounds that 'industry is managing the issue itself'. In the case of disbudding and dehorning, we are aware that the Dairy industry has taken steps to explore these issues but by bringing forward regulations at the outset MPI is removing the opportunity for the industries to consider non-regulatory alternatives, including approaches similar to that adopted for inductions.
- 4.6 B+LNZ recommends that NAWAC or MPI should initiate a process where the science, opportunities and constraints associated with use of pain relief during painful husbandry can be actively explored with the affected industries.

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# Commentary on the Proposals

## 5. Care and Conduct Regulatory Proposals

5.1 B+LNZ has limited consideration of these proposals to those directly relevant to sheep and beef farmers, including some applicable to working dogs. Where no comment has been provided on a proposal that is because it was felt to lie outside of these criteria.

5.2 **Proposal 1. All animals – Electric Prodders.**

*Electric prodders may only be used on:*

- a) cattle over 100kg;
- b) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or
- c) cattle over 100kg, and other animals, in a commercial slaughter premises:
  - i. where the safety of the handler is at risk; or
  - ii. when loading a stunning pen.

B+LNZ supports the intent of the proposal and suggests that MPI considers including a restriction on the repetitive use of these tools on the same animal.

5.3 **Proposal 2. All animals – Use of Goads.**

*Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes*

B+LNZ supports the intent of the proposal

5.4 **Proposal 3. All animals – Twisting an animal's tail.**

*Prohibit twisting the tail of an animal in a manner that causes the animal pain.*

B+LNZ understands that this regulation is being proposed in an attempt to address widely publicised crimes of deliberate tail breaking on some dairy farms. Despite deploring acts of cruelty, B+LNZ does not feel that this is an appropriate issue for regulation because:

- Deliberate tail breaking is sufficiently serious to warrant full prosecution using existing provisions within the Animal Welfare Act (1999).
- Manipulation of tails is often a necessary and effective means of encouraging stock to move. Done without excessive force it does not compromise an animal's welfare.
- We believe that the qualification 'in a manner that causes the animal pain' is too subjective to be enforceable.

5.5 **Proposal 5. Dogs – Injuries from collars or tethers**

*Use of a collar, and/or a tether, must not cause cuts, abrasions, swelling, restrict breathing or panting.*

B+LNZ supports the intent of the proposal

5.6 **Proposal 7. Dogs – Dry and shaded shelter**

*Dogs confined to an area where they are habitually kept must have access at all times to a fully shaded and dry area for resting and sleeping.*

B+LNZ supports the intent of the proposal

5.7 **Proposal 9. Dogs – Secured on moving vehicles**

*Dogs on moving vehicles on public roads must be secured in a way that prevents them from falling off, except for working dogs which may be unsecured on a vehicle while working.*

B+LNZ supports this proposal and would strongly oppose removal of the exception for working dogs while working. B+LNZ congratulate MPI for amending this proposal to take into account the needs of the farming community by adding this exception.



5.8 **Proposal 32. Cattle and sheep – Vehicular traction in calving or lambing.**

*Prohibit using a moving vehicle to provide traction in calving or lambing.*

B+LNZ strongly supports this proposal and encourages MPI to consider broadening the prohibition to include other mechanical means that have a similar potential to do serious injury to mother and offspring.

5.9 **Proposal 33. Cattle and sheep – Ingrown horns**

*Failure to treat an ingrown horn that is touching skin or eye.*

Ingrown horns are undoubtedly painful and should be treated as soon as they come to the attention of the person in charge. B+LNZ proposes that the definition should be altered to '*Failure to treat an ingrown horn that is touching the eye or has pierced the skin*' as merely touching the skin is unlikely to present a welfare issue.

Further, B+LNZ would like to seek some assurance, either through a drafting change or enforcement policy, that animals that have just been mustered from extensive grazing are not captured by this proposal, i.e. nobody should face sanctions for merely having animals with ingrown horns in their possession – these should apply to individuals where it is reasonable to suspect they knew about the issue and took no remedial action.

5.10 **Proposal 34. Stock transport – Cuts and abrasions**

*Transport of cattle, deer, sheep, goats, and pigs must not result in cuts or abrasions.*

B+LNZ supports this proposal provided the obligation and penalty falls on the transporter, as farmers are unlikely to know in advance if the vehicle being used is of adequate size. Noting that the driver behind this proposal is largely to deter and punish those responsible for animals suffering from 'back rub' brought about by cartage in trucks too small for them, we suggest that the wording of the regulation be more specific to this issue.

5.11 **Proposal 35. Stock transport – Animals with ingrown horns**

*An animal with an ingrown horn that is touching the skin or eye must not be transported, except when certified fit for transport by a veterinarian.*

B+LNZ supports this proposal but suggests that, consistent with our view on Proposal 33, it is reworded to refer to piercing the skin rather than simply touching it.

5.12 **Proposal 36. Stock transport – Animals with bleeding horns or antlers**

*An animal with a bleeding or broken horn or antler must not be transported, except when certified fit for transport by a veterinarian.*

B+LNZ supports the intent of this proposal but suggests the regulation should focus on bleeding and not broken horns, as historic breakages that have healed are unlikely to present a welfare issue whereas fresh breakages are likely to bleed anyway.

5.13 **Proposal 37. Stock transport – Animals with long horns or antlers**

*Transport of animals with horns or antlers greater than 110mm must not cause injury to themselves or other animals.*

B+LNZ does not object to this proposal provided the regulation is clear that the transporter will be held responsible as the individual with the ability to influence the conditions of haulage.

5.14 **Proposal 38. Stock transport – Lamé cattle, deer, pigs, and goats**

*A cattle beast, deer, pig, or goat that has a lameness score of two must not be transported, except when certified fit for transport by a veterinarian.*

*A cattle beast, deer, pig, or goat that has a lameness score of three must not be transported.*

B+LNZ supports excluding sheep from the scope of this regulation and would be very concerned were they to be included.

We support the prohibition on transporting severely lame stock but are concerned that the proposed lameness scoring system was developed by the dairy industry for use on farm and understand that the author of the system has reservations about its applicability in a regulatory setting. Noting that the scoring

system is subjective, and that transport operators are untrained in assessing lameness, we propose that the regulation should be reframed:

*A cattle beast, deer, pig, or goat that is severely lame (defined as a lameness score of three) must not be transported, except when certified fit for transport by a veterinarian.*

If MPI declines to accept this suggestion then B+LNZ feels that the penalty for breaching the regulation should be lower than the \$500 fine proposed.

5.15 **Proposal 39. Stock transport – Animals that cannot bear weight evenly due to injury**

*A cattle beast, sheep, deer, pig, or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian.*

*Note this proposal relates to lameness due to an injury rather than disease*

B+LNZ supports the intent of this proposal but is concerned that animals with a deformity or historic injury that is no longer compromising its welfare would also be captured by this regulation. The Proposal should be redrafted accordingly or removed noting that, as described in the Consultation Document, only 15 or 20 complaints about this issue per year are received.

5.16 **Proposal 40. Stock transport – Pregnant animals**

*Prohibit transporting a cattle beast, sheep, deer, pig, or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a veterinarian.*

B+LNZ requests that sheep be removed from this Proposal. There is no commercial incentive for sheep farmers to transport animals likely to give birth to slaughter. This usually only occurs infrequently when hoggets that have been accidentally exposed to rams are sent for processing. Farmers or transporters are unable to identify and exclude these animals from transport and it is unfair that they would be subject to a large \$500 fine in these circumstances.

Otherwise, B+LNZ supports the Proposal.

5.17 **Proposal 41. Stock transport – Animals with injured or diseased udders**

*An animal with a burst, distended, or necrotic udder or an animal with mastitis where there are signs of fever or the udder is hot, red, swollen, discharging, or necrotic must not be transported, except when certified fit for transport by a veterinarian.*

B+LNZ supports the Proposal

5.18 **42. Stock transport – Cattle or sheep with cancer eye**

*A cattle beast or sheep with a cancer eye greater than 2cm in diameter and not confined to the eye or eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.*

B+LNZ supports the Proposal. In this case we expect that both farmer and transporter would be held responsible, the former for not treating the problem and the latter for transporting it.

## 6. Proposals to regulate the Management of Young Calves

6.1 B+LNZ is pleased that, following strenuous representations from our staff, MPI has altered the definition of 'young calves' to be 'calves up to two weeks old that have been separated from their mothers' which is more focused on bobby calves where perceived animal welfare issues lie.

6.2 However, the definition above still captures calves that are sent from dairy farms for rearing in the beef industry. Owing to the significantly greater value of these animals they receive better treatment throughout the supply chain and, consequently, have better welfare. To avoid regulating the calf rearing sector, which evidence suggests does not require it, B+LNZ proposes that the definition of young calves should be changed to be:

*'calves up to two weeks old that have been separated from their mothers and are awaiting transport, being transported or (have been and) are awaiting slaughter as a bobby calf under a seasonal declaration'*

6.3 The facts are that there are legislative exceptions made for bobby calves under the Commodity Levies Act (1990), NAIT Act (2012) and the Animal Products Act (1999). B+LNZ can see no practical impediment

to similarly making a regulation specific to bobby calves to protect their welfare without the regulatory over-reach inherent in extending these requirements to other sectors.

6.4 Were MPI to proceed with definition supplied, i.e. without our proposed amendment, then B+LNZ provides feedback on those proposals directly relevant to calf rearers as recipients of young calves originating in the dairy industry. Where no comment has been provided on a proposal that is because it was felt to lie outside of these criteria.

6.5 **Proposal 43. Young Calves – Loading and Unloading Facilities**

*Facilities must be provided to enable young calves to walk onto and off transportation by their own action.*

We understand that this has been proposed to address highly publicised mistreatment of calves where they were observed being thrown into and out of trucks. However, done correctly, there appears to be no argument that lifting calves compromises their welfare – this is how they are collected on farm prior to transport. It appears draconian therefore (depending on what 'facilities' means), and missing the point, to seek to require an infrastructure solution to a handling problem.

Accordingly, (and in addition to edits to make it clear transport around the farm of birth is excluded) B+LNZ proposes that the regulation should read (or similar):

*Young calves must not be thrown, dragged or dropped in a way which causes pain or distress*

OR

*Facilities must be provided at the farm of origin, saleyards and meat processors to enable young calves to walk onto and off transportation by their own action.*

This will prevent the unintended consequence of 'lifestylers' and calf rearers from being required to provide facilities to unload the calves they buy when no clearly identifiable animal welfare issue attends these practices.

## 7. Surgical and Painful Procedures Regulatory Proposals

7.1 B+LNZ has limited consideration of these proposals to those directly relevant to sheep and beef farmers, including some applicable to working dogs. Where no comment has been provided on a proposal that is because it was felt to lie outside of these criteria.

7.2 Our view on matters of process related to how those Proposals seeking to go beyond existing Minimum Standards is set out in Section 4 (above).

7.3 Across a number of the Proposals where a limit on the age of an animal on which PHP can be performed our farmers have suggested that MPI may wish to consider employing a weight based restriction instead. This is seen as attractive because:

- It is measurable whereas age is not
- It may more accurately reflect the purpose of having an age restriction which is to limit the amount of tissue that is damaged (and pain experienced and chance of ensuing complications) by the PHP.

7.4 B+LNZ seeks reassurance from MPI that routine procedures undertaken on farm, for example ear marking or the application of ear tags to stock will not be considered to fall within the definition of Significant Surgical Procedure described on page 8.

7.5 **Proposal 51. All animals – Hot branding**

*Prohibit hot branding*

B+LNZ supports this proposal. We assume that freeze branding does not fall within the definition of a Significant Surgical Procedure, described on page 8.

7.6 **Proposal 52. All animals – Embryo collection via exteriorised uterus (surgical embryo transfer)**

*May be performed by any person.*

*Pain relief must be used at the time of the procedure.*

B+LNZ supports this proposal

7.7 **Proposal 53. All animals – Laparoscopic artificial insemination (Laparoscopic A.I.)**

May be performed by any person.  
Pain relief must be used at the time of the procedure.

B+LNZ supports this proposal

7.8 **Proposal 54. All animals – Liver biopsy**

Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.  
Pain relief must be used at the time of the procedure.

B+LNZ supports this proposal

7.9 **Proposal 55. All animals – Dental work**

Any power tool used on an animal for dental work must be designed for the purpose of dentistry.

B+LNZ supports this proposal

7.10 **Proposal 64. Cattle – Claw removal**

Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.  
Pain relief must be used at the time of the procedure.

B+LNZ supports proposal 64.

7.11 **Proposal 67. Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)**

*Castration and shortening of the scrotum (under 6 months of age):*

- May be undertaken by any person.
- Conventional rubber rings must only be used for this procedure.

*Castration and shortening of the scrotum (over 6 months of age):*

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
- Pain relief must be used at the time of the procedure.

*Surgical castration (at any age):*

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
- Pain relief must be used at the time of the procedure.

B+LNZ is unable to support the prohibition on farmers undertaking surgical castration on the grounds that no meaningful discussion about this issue, the evidence supporting it or the practical implications has been held with the industry.

Accordingly, B+LNZ recommends that the regulation should be reframed to reflect the existing Minimum Standards (Number 3. from the PHP Code of Welfare).

7.12 **Proposal 68. Cattle, sheep, & goats – Disbudding**

May be performed by any person.  
Pain relief must be used at the time of the procedure.

B+LNZ **strongly opposes** the prohibition on farmers disbudding beef animals without pain relief on the grounds that adequate discussion about this issue, the evidence supporting it or the practical implications has not been held with the industry.

Noting that we are open to discussion about pain relief and PHP (see Section 4) we make the following further points:

- The vast majority of the beef herd is genetically polled. In this regard the beef industry has already made a major effort to reduce the animal welfare and human safety issues presented by large animals bearing horns.
- Unfortunately, horned animals arise in polled herds on an infrequent and unpredictable basis meaning that beef farmers occasionally need to perform disbudding. This is not the case in the dairy industry

where the main breeds are not polled and the magnitude of the welfare issue associated with disbudding without pain relief is substantially greater.

- In consulting with our levy payers (and others) it has become clear that there are different methods of disbudding and that some are better than others for the welfare of the animal. It is also suggested that in some circumstances, administration of pain relief may actually worsen the animals' experience, owing in part to the need for repeated and / or prolonged handling.
- The financial and administrative costs and benefits of using pain relief when disbudding many, comparably docile, dairy animals all at once on New Zealand's intensive dairy farms are likely to be substantially different than for the few animals where the need is identified on extensive beef farms.
- There is no market driver for using pain relief when disbudding beef animals and none of the major beef exporting nations, with which New Zealand's beef industry competes, require pain relief for disbudding. This proposal may erode our competitiveness with little benefit where New Zealand beef is already considered the 'welfare friendly' option.
- However, we understand that Nestle has made it clear that it expects pain relief to be used when disbudding dairy animals as a condition of supply and that New Zealand milk processors support the Proposal for this reason.
- It is frequently the case that processors of animal products will support regulations compelling farmers to meet the expectations of key customers. This is understandable as it is easy to communicate and has the significant added advantage of removing the need for the processors to differentiate product lines or to pay farmers a premium associated with a higher compliance burden. None of these however, are valid reasons for imposing regulations on farmers without the support of the wider industry and particularly in the absence of any strong clamour for action from the New Zealand public.
- The dairy industry has initiated a working group to consider options for increasing the use of pain relief for PHP. This group was not established to consider the issue from the beef perspective and had no formal representation from the beef industry (contrary to incorrect advice MPI provided to the Minister). B+LNZ observed two of these meetings and is grateful to DairyNZ for extending the opportunity. We are unaware of what conclusions this group has reached.
- B+LNZ is concerned that moves to make disbudding more difficult to legally perform, such as by requiring the use of anaesthesia, may lead to fewer animals being disbudded that will then ultimately be dehorned. Evidence shows that dehorning is a more painful procedure than disbudding.<sup>3</sup>

**Accordingly, B+LNZ recommends that the regulation should be redrafted to reflect the existing Minimum Standards for disbudding beef animals.**

If a different solution is seen as appropriate for the dairy industry, then MPI should differentiate between the sectors in the scope of the regulations. We note that NAIT is currently being improved to allow for easier differentiation between beef and dairy animals, potentially providing a tool that may enable enforcement.

#### 7.13 *Proposal 69. Cattle, sheep, & goats – Dehorning*

May be undertaken by any person

Pain relief must be used at the time of the procedure

B+LNZ **opposes** the prohibition on farmers dehorning beef animals without pain relief on the grounds that adequate discussion about this issue, the evidence supporting it or the practical implications has not been held with the industry.

Further points we wish to make include:

- In the beef industry most animals do not have horns (see 7.12 above)
- In general, dehorning is only required for the minority of stock that were missed during disbudding and is undertaken to protect human and animal health and welfare.

<sup>3</sup> Stafford and Mellor (2005). *Dehorning and disbudding distress and its alleviation in calves*. The Veterinary Journal 169 337-349

- Requiring the use of pain relief for the small number of animals treated is likely to be unduly expensive for the modest animal welfare benefits obtained.
- Our farmers have indicated that 'tipping' i.e. removal of the horn tip, is frequently sufficient to mitigate ingrown horns and is less significant an intervention than more complete removal of the horn.

**Accordingly, B+LNZ recommends that the regulation should be rewritten to reflect the requirements of the existing Minimum Standards. We further propose that removal of horn tips should be permissible without pain relief at any age.**

#### 7.14 *Proposal 70. Sheep – Tail docking*

Tail docking (under 6 months of age):

- May be performed by any person.
- Must use hot iron or rubber rings only.
- Tail must not be flush.

Tail docking (over 6 months of age):

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
- Pain relief must be used at the time of the procedure.

There is clear evidence that tail docking reduces the accumulation of dags and that dag accumulation is a risk factor for fly strike<sup>4</sup>. Because of this, we are pleased that tail docking of sheep continues to be recognised as an intervention to protect animal welfare, despite the short term pain associated with the procedure. Currently there are no means of administering pain relief that are practical, effective and economically justifiable.

B+LNZ is concerned that no significant discussion about prohibiting farmers from using blades for docking, the evidence supporting it or the practical implications, has been held with the industry. However, feedback B+LNZ has received from farmers indicates that this proposal is not unwelcome, noting that hot irons and rubber rings will still be available. Therefore, **B+LNZ does not object to the part of the proposal that restricts farmers to using hot irons and rubber rings for tail docking sheep.**

Concerning the proposed prohibition on docking animals flush, B+LNZ understands that the evidence for and against docking to different lengths is incomplete and inconclusive but that some studies have identified a higher risk of rectal and or uterine prolapse associated with docking flush. However, none of this has been presented or discussed with the industry. Therefore, **B+LNZ is unable to support the proposed prohibition on docking lamb tails flush** and we request that this stipulation be removed from the proposed regulation.

#### 7.15 *Proposal 71. Sheep – Mulesing*

Prohibit mulesing

B+LNZ is strongly supportive of the prohibition of mulesing. This reinforces the existing 'voluntary ban' on this practice.

## 8. Enforcement of these regulations

- 8.1 B+LNZ supports MPI in assurances it has provided at the recent workshops that enforcement activities will target individuals with a history of non-compliance with animal welfare requirements. We also wish to avoid an outcome where the introduction of an infringement regime reduces the focus of enforcement activities on bringing prosecutions against those guilty of serious or repeat offending.
- 8.2 B+LNZ looks forward to further consultation from MPI about the nature of the compliance and enforcement regime that will attend these regulations, noting that this is still under development and not presented detail in the Consultation Document.
- 8.3 In particular, we believe that it will be important for clear guidance to be developed and made available to farmers to allow them to understand the new regime and the implications for them as employers and persons in charge of animals.

<sup>4</sup> Kerslake J. and Green R. (2014) *The Effect of Different Tail Docking Lengths on Lamb Production, Welfare and Economic Return On-Farm* Report to the NZ Tail docking Steering Committee.

- 8.4 As part of this guidance, clarity will be required about who will be held liable for punishment, e.g. transporter or farmer, owner of the stock or person in charge etc.
- 8.5 B+LNZ reiterates our support for animal welfare inspectors being trained and experienced in farming realities and adopting a 'common sense' approach, which we have come to expect in recent years. We support MPI leading animal welfare investigations and inspections on farms as the most capable and accepted agency to undertake these.

## 9. Alignment with the Codes of Welfare

- 9.1 B+LNZ looks forward to working with MPI and NAWAC on the solution for how new regulations will be integrated into the existing animal welfare regulatory framework, particularly with reference to the existing Codes of Welfare.
- 9.2 As has previously been made clear by the industries, the Codes have widespread support and it will be important to ensure that those Minimum Standards that are not 'turned into regulations' do not end up being perceived as mere guidance.

## Recommendations

B+LNZ makes the following recommendations:

1. NAWAC or MPI should initiate a process where the science, opportunities and constraints associated with use of pain relief during painful husbandry can be actively and comprehensively explored with the affected industries.
2. Proposal 3 should be removed because manipulating cattle and sheep tails is frequently necessary to motivate animals to move and does not compromise the animal's welfare unless excessive force is applied.
3. Sheep should remain out of scope for Proposal 38 (transporting lame animals). We further recommend that MPI redrafts this proposal to prohibit only severely lame animals being transported without a veterinary certificate.
4. Proposal 67 Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid) should be reframed to reflect existing Minimum Standards.
5. Proposals 68 Disbudding and 69 Dehorning for cattle must be reframed to reflect existing Minimum Standards from the PHP Code for beef cattle. There may be a convincing case for separate regulations to be made covering the beef and dairy industries on these issues, depending on the drivers, practicalities and costs and benefits of these practices, which differ between the industries.
6. B+LNZ is unable to support the proposed prohibition on docking lamb tails flush and we recommend that this stipulation be removed from Proposal 70 Sheep – Tail docking.

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# SUBMISSION

19 May 2016

TO:

The Ministry for Primary Industries

ON:

## Proposed regulations for the transport of live animals from New Zealand

BY:

Beef + Lamb New Zealand Ltd

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982





# Introduction

## 1. About Beef + Lamb New Zealand Ltd

- 1.1 Beef + Lamb New Zealand (B+LNZ) is the farmer-owned organisation representing New Zealand's sheep and beef farmers. B+LNZ is funded under the Commodities Levies Act 1990 through a levy paid by producers on all cattle and sheep commercially slaughtered in New Zealand.
- 1.2 B+LNZ represent around 12,300 commercial farming businesses, creating around 35,000 jobs (wages, salaries and self-employment) in the sheep and beef sector. Around three quarters of pastoral land and just under a third of New Zealand's total land area is used for sheep and beef farming. Sheep and beef exports are New Zealand's second largest goods export earner.
- 1.3 The export value of the sheep and beef sector (the sector) was \$8.6<sup>1</sup> billion for the year ending December 2015, making it New Zealand's second-largest goods export earner, accounting for approximately 18% of New Zealand's overall goods export earnings for the year.
- 1.4 B+LNZ's purpose is to help sheep and beef farmers make informed business decisions and promote their collective interests. B+LNZ supports farmers through investing in research and development, developing farm and farmer capability, and delivering knowledge to drive farm performance. B+LNZ advocates on behalf of New Zealand sheep and beef farmers and provides advice on issues affecting the sector, including trade, market access, environment, health and safety, technical and regulatory issues. B+LNZ's role is to also build sector confidence and profile.
- 1.5 The contact for this submission is:  
Sweeta Magan  
Trade Policy Advisor  
Beef + Lamb New Zealand Ltd  
PO Box 121  
Wellington  
Email: § 9(2)(a)

# Commentary on the proposals

## 2. Live Animal Exports

- 2.1 B+LNZ support the proposals to shift the current conditional prohibition on the export of livestock for slaughter from the Customs Export Prohibition Order 2013 (CEPO) issued under the Customs and Excise Act 1996 to the Animal Welfare Act in the second half of 2016.
- 2.2 The introduction of another penalty for 'failing to comply with the requirements to obtain the prior approval of the Director-General of MPI (DG) to export livestock for slaughter' causes some confusion as the Animal Welfare Act already contains penalties for a person who exports an animal other than in accordance with the conditions of the Animal Welfare Export Certificate (AWEC). Both are significant and appear to be similar offences so why are the two penalties different?
- 2.3 B+LNZ does not have any concerns with repealing section 41 of the Act by late 2016 however does wish to highlight the importance of industry and stakeholder consultation during development of guidance material.

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<sup>1</sup> Total from Global Trade Atlas

- 2.4 B+LNZ is supportive of the proposal that requires the DG to consider 'any live animal exports regulations' and 'New Zealand's reputation as a responsible exporter of animal and animal products' entering into force by late 2016. The export of live animals for slaughter has the potential to cause huge damage to the reputation of New Zealand's red meat sector therefore the inclusion of this provision is welcomed.
- 2.5 B+LNZ understands the rationale behind the proposal to include a condition that requires the exporter to provide a report on the way animals were managed during their journey and information on the welfare of the animals for the first 30 day period after their arrival in the importing country. However, caution should be exercised when utilising this information for assessing further applications as exporters may have little to no influence on what the post arrival conditions are once the consignment of live animals leaves New Zealand.
- 2.6 B+LNZ supports the proposal to bring into force the provision that allows the DG to refuse, revoke and amend an AWEC if the exporter fails to comply with the relevant regulations, providing this is enforced equally and consistently.

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**From:** Dharini Marinkovich [s9\(2\)\(a\)](#) >  
**Sent:** Thursday, 19 May 2016 3:07 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** [POTENTIALLY MALICIOUS]Submission on Animal Welfare Regulations  
**Categories:** Blue Category

**WARNING:** The DMZMessaging service has determined the message below may be a potential threat.

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Dharini Marinkovich [s9\(2\)](#)

## MPI Animal Welfare Codes Submission

**Nathan Guy**

**Minister for Primary Industries**

In response to MPI's request for feedback on proposed animal welfare regulations I submit the following for your careful consideration.

The given consultation period (14th April to 10 May 2016) for public involvement is woefully inadequate. Five weeks is unrealistic and makes a mockery of the consultation process. The volume of proposals we are being asked to consider in this time frame isn't feasible and I ask that a more realistic time frame be given for the public to have our say.

I suggest a period of five weeks be given to each section of the proposed welfare regulations.

While the proposed regulations relating to live animal exports, the care and conduct towards animals, and surgical and painful procedures is a start, I ask that there be a full review into intensive farming practices across the agricultural industry.

The last two decades have seen the intensification of animal agriculture to levels that are unprecedented in recent history. The current welfare codes and proposed welfare regulations don't go nearly far enough in protecting animal welfare under increasingly intensive farming practices.

Society's moral values are constantly shifting yet these regulations have remained largely static and are vastly out of step with changing attitudes to animal welfare<sup>2</sup>. I want to see a total ban on all cages for layer hens, farrowing crates for sows and a reduction in intensive dairy resulting in the slaughter of over 2m calves annually.

These farming practices can no longer be deemed humane by today's standards and cannot be incorporated as such in any welfare code. The new rules are not keeping pace with changing scientific knowledge and cannot be accepted as good practice.

- 1) From 5.3m dairy cows in 2007 to 6.4m in 2012 (23% increase in just 5 years) Statistics NZ
- 2) Switzerland banned cages for hens in 1992

Care and conduct regulatory proposals		
1	All animals	Electric prodders
		I propose that the use of electric prodders be banned under all circumstances except when they are "necessary for protection, preservation or maintenance of human life"

		<p>I do not support exemptions on the use of prodders based on:</p> <ol style="list-style-type: none"> <li>the species and size of an animal</li> <li>the manner of use of an animal (circus)</li> <li>the location of the animal (slaughter premises)</li> </ol> <p>I support the proposed infringement penalty.</p>
2	All animals	Use of goads
		I support the proposal to ban the use of goads on sensitive areas of an animal's body under any circumstances. Given the deliberate cruelty involved in using goads on sensitive areas I propose an increased infringement penalty of \$500.
3	All animals	Twisting an animal's tail
		I support the proposal to prohibit painful twisting of an animal's tail.. Given the potential for significant pain and damage from this behaviour, and the deliberate nature of the act I propose the infringement penalty is set at the higher level of \$500.
Proposed	All animals	Any animal requiring manual lifting must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick animals).
		<p>Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <ol style="list-style-type: none"> <li><a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a></li> <li><a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></li> </ol>
4	Dogs	Pinch and Prong collars
		I support the prohibition of pinch and prong collars under any circumstances; no exemption for dogs used for special purposes (guarding, military) is supported. I support the proposed infringement penalty of \$300. I also support the banning of the sale of these collars and associated penalties under the law.
5	Dogs	Injuries from collars or tethers
		I support the proposal to only use collars or tethers in a manner that does not result in injury or distress. Given the potential for severe injury from collars I propose the penalty is increased to a prosecutable offence.
6	Dogs	Muzzling a dog
		I support the proposal for regulating the use of muzzles so they do not cause injury or distress. I support the inclusion in the proposal that muzzles should allow for a dog to be able to drink. I support the proposed infringement penalty of \$300.
7	Dogs	Dry and shaded shelter
		I support the proposal for dogs to have access to dry and shaded shelter at all times. I propose the inclusion in the proposal that dogs also have access to fresh, palatable drinking water at all times. Given that shelter and water are basic needs of life neglecting these items has the potential to cause significant harm and even death therefore I propose the infringement penalty to be increased to a prosecutable offence. I also propose that there be a maximum time imposed that a dog is allowed to be chained for at any one time and that an infringement fee be set for exceeding that time.
8	Dogs	Dogs left in vehicles

		I support the proposal for people leaving dogs in vehicles to ensure their safety. I propose increasing the penalty to a prosecutable offence both to reflect the potential fatal nature of the injury and also to act as a suitable penalty to prevent this behaviour. Additionally increasing the penalty allows for effective prosecution of corporations who use dogs who have a responsibility to ensure dogs in their care are cared for appropriately.
9	Dogs	Secured on moving vehicles
		I support the proposal to secure dogs on moving vehicles. I propose including dogs on vehicles on private property in the regulation, and propose a speed limit of 40kph for vehicles carrying unsecured working dogs. I propose increasing the penalty for infringement to \$1000 due to the potential for severe injury, suffering, and death resulting from falling from a moving vehicle.
Proposed	Dogs	Ban export of racing greyhounds between NZ and Macau or China
		The Macau and China greyhound racing industries do not have the same standards of animal welfare as NZ. The export of racing greyhounds between NZ and Hong Kong (for further transport to Macau/China) is minimal at present. However if the export of greyhounds from other countries (Australia, Ireland) is banned or more heavily regulated then NZ could become a transport hub for dogs in this industry. This has the potential for poor welfare outcomes for dogs and very poor public perception in New Zealand. It is far better to ban an activity like this before it has the potential to become established. MPI have demonstrated their willingness to put in place infringements for uncommon industry activities which have the potential to become welfare issues in the future with proposal 50 in this document banning transport of young calves across cook strait. I propose the above regulation and propose the infringement penalty is set at a prosecutable offence.
10	Dogs and Cats	Drowning dogs and cats
		I support the prohibition of the killing of a dog or cat of any age by drowning. I support the infringement penalty of a prosecutable offence.
11	Eels	Insensible for desliming
		I support the proposal that eels must be insensible for desliming or killed before they are deslimed. I support the infringement penalty of a prosecutable offence.
12	Crabs, rock lobster and crayfish	Insensible before being killed
		I support the proposal that crabs, rock lobster, and crayfish must be insensible before they are killed. I dispute the NAWAC statement that chilling to <4 degrees Celsius renders crustacean insensible and propose that either: a. the only legally acceptable method of rendering crabs and crayfish insensible is by electrical stunning (for which specific equipment is available for use in small restaurant premises). OR b. NAWAC conduct a review of the recent (since 2000) scientific literature on humane slaughter of crustaceans and present good quality, recent evidence to support the claim that chilling to <4 degrees Celsius renders crustacean insensible. I support the proposed penalty of a prosecutable offence for failing to render a crustacean insensible prior to slaughter.
13	Goats	Tethering requirements
		I do not support the tethering of goats, on the basis that it stops goats expressing normal social behaviours, and propose that tethering is prohibited with an infringement penalty of \$500. Furthermore I share concerns with previous submissions around tethering of goats that tourists

		<p>witnessing tethered goats on the road side could easily get a negative impression of animal welfare in NZ.</p> <p>I propose that all goats, regardless of housing system, have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times and that lack of provision of these requirements is an infringement with a penalty fee of \$500.</p> <p>I also propose that as goats are social animals, all goats should be provided with a companion such as another goat, camelid, horse, donkey or sheep. I propose that failure to house a goat with a companion should attract an infringement penalty of \$300..</p> <p>1. Miranda-de la Lama, G.C. and Mattiello, S. (2010). The importance of social behaviour for goat welfare in livestock farming. Small Ruminant Research 90, (1-3), 1-10</p>
14	Horses	Use of a whip, lead, or any other object
		I support the prohibition of using a whip, lead or other object to strike around the head. I support the proposed infringement penalty of \$300.
15	Horses	Injuries from equipment such as halter, head ropes and saddles
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
16	Horses and Donkeys	Tethering requirements
		I do not support the tethering of horses and donkeys and propose that tethering is prohibited with an infringement penalty of \$300. I propose that all horses and donkeys have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times regardless of housing system and that lack of provision of these requirements is an infringement with a penalty fee of \$300.
17	Layer Hens	Opportunity to express normal behaviours in housing systems
		<p>I believe that colony cages do not adequately consider the welfare of layer hens because they prohibit the ability of the hen to express a range of normal behaviours. In addition, colony cages are not compliant with the Animal Welfare Act 1999 as they do not allow owners or persons in charge of animals to take all reasonable steps to ensure that their physical, health and behavioural needs are met:</p> <p>1) Sections 9, 68 Animal Welfare Act 1999</p>
18	Layer Hens	Stocking densities
		Colony cages do not allow hens to engage in a range of normal behaviours and therefore they are in clear breach of the Animal Welfare Act 1999. With a stocking density of 13 hens per square metre or 750 square centimetres, clearly the stocking density is too high.
19	Layer Hens	Housing and equipment design
		<p>Colony cages are only slightly bigger than traditional battery cages. While they provide token welfare gestures like nest boxes, scratch pads and perches, these gestures do not ensure the physical, health and behavioural needs of hens are met. With only 750 sq cm per hen, there are a number of behaviours hens are not able to functionally perform in colony cages; this includes spreading her wings fully. It's also questionable whether a hen in a colony cage can properly nest, perch, peck or scratch.. A hen in a colony cage cannot dust bathe.</p> <p>Research has shown that some hens in colony cages can be prevented from using the nest provided due to competition from other hens. Also, the limited space in colony cages is insufficient to allow hens sufficient time (on average 45 minutes) if they want to lay at the same time.</p>

		<p>In order to satisfy a hen's need for perching, the housing system must be able to provide:</p> <ul style="list-style-type: none"> <li>• Sufficient length of perching space to allow all birds to perch at the same time; and</li> <li>• Sufficient elevation of the perches to satisfy the hens' requirements for a perceived safe perching place at night.</li> </ul> <p>Colony cages fulfil neither of these requirements. The standard of approximately 15cm of space per hen is an average and does not allow consideration for larger birds. Perches in colony systems are situated on average just a few centimetres from the floor of the cage. 'A perch positioned 5cm above floor level is 'not considered as a perch (by a hen) and has no attractive or repulsive value'.</p> <p>Litter is not provided in colony cage systems. Litter is imperative for hen welfare. Hens will make great efforts to access litter for pecking, scratching and dustbathing – three normal behaviours of hens. When hens are unable to forage in litter, they can redirect their pecking towards other hens resulting in harmful feather pecking and even cannibalism. When hens are unable to dustbathe in litter, they can develop the dysfunctional behaviour of sham dustbathing.</p> <p>1) A hen's wingspan is approximately 75-80 centimetres which is twice the size of a traditional battery cage  2) Guedson, V. and Faure, J. M. (2004) <i>Laying performance and egg quality in hens kept in standard or furnished cages</i>. <i>Animal Research</i>, 53: 45-57.  3) Appleby, M.C. (1998) Modification of laying hen cages to improve behaviour. <i>Poultry Science</i>, 77: 1828-1832.  4) Cooper, J.J. and Abletona, M. J. (2003) Behavioural priorities of laying hens. <i>Avian and Poultry Biology Reviews</i>, 14: 127-149.</p>
20	Layer Hens	Induced moulting
		I support the proposal to prohibit induced moulting of layer hens.
21	Llama and Alpaca	Injuries from equipment such as halters, head ropes, and packs
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
22	Llama and Alpaca	Companion animals
		I support the proposal that camelids must be provided with a companion animal. I support the proposed infringement penalty of \$300.
23	Llama and Alpaca	Offspring (Cria) camelid companions
		I support the proposal to prohibit raising Cria without the company of other camelids. I support the proposed infringement penalty of \$500.
24	Pigs	Dry sleeping area
		Proposal: I support the proposal that all pigs have access to a dry sleeping area. Penalty: I support the proposed infringement penalty of \$300.
25	Pigs	Lying space for grower pigs
		Proposal: I support the proposal for minimum space requirements for grower pigs. 1. Error in formula The proposed formula used to calculate the minimum space has a type error; specifically the exponent notation has not been applied. I believes the formula intended by MPI should read "live weight <sup>0.67</sup> (kg)" but instead it reads "live weight 0.67(kg)" which

		<p>translates to an Area = 0.03 * liveweight * 0.67(kg) and results in a much higher space requirement.</p> <p>Therefore I contend that proposal 25 must be rewritten and resubmitted for public consultation, with the correct formula included so that the intended space requirement can be properly considered.</p> <p>2. Minimum requirement</p> <p>Recent research suggests that a k-value of 0.3 is too low. In 2006, Gonyou et al. (2006) which ADFI is reduced. More recently, a 2015 study has found that a k-value of 0.0336 might underestimate the impact of increased stocking density on ADG and ADFI<sup>2</sup>.</p> <p>A k-value of 0.3 is too low to provide grower pigs with this environment and is sufficient as a minimum requirement for static space only.</p> <p>Does the proposal adequately define the appropriate systems?</p> <p>The proposal is based on a minimum standard, which is expected to occur (if at all) only where growers have reached the capacity of their pen and are shortly to be moved to a bigger pen<sup>3</sup> not a minimum standard which is considered acceptable at all times and this should be clarified in the regulation itself.</p> <p>I consider the minimum standards of housing for pigs to be provide "sufficient space to enable them to perform natural behaviours such as lying on their side without touching another pig, standing up, turning around and performing exercise, space for separate areas for dunging and feeding, with a dunging areas situated a sufficient distance from sleeping and feeding areas as well as materials to enable them to root and forage" <sup>4</sup>. If these standards cannot be met by the current farming systems then we are concerned that the current farming systems are not compatible with the freedom to exhibit normal behaviour and breach the animal welfare act.</p> <p>The current regulation has no limit on the length of time during which a grower pig may be submitted to the proposed minimum standard. Overstocking is a known problem. I am concerned that grower pigs may be submitted to spaces which do not meet minimum requirement if their transfer to a new pen is delayed. I would like the regulations to be clear that it is unacceptable for growers to be kept for prolonged periods in spaces at or close to the minimum requirement. In its 2010 review, NAWAC submitted that space enough to allow for pigs to lie fully recumbent (k-value of 0.047) was recommended best practice.</p> <p>For the sake of clarity and to give effect to the intention of NAWAC, I suggest that a minimum period of time for growers kept in the lower end of the scale be added.</p> <p>Due to the above considerations, I propose that the minimum standard is amended to:</p> <p>Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m2) per pig = 0.040 x live weight 0.67(kg)</p> <p>Grower pigs housed inside on non-litter systems such as slatted or solid floors must not have lying space of less than: Area (m2) per pig = 0.047 x live weight 0.67(kg) for longer than one week.</p> <p>Penalty: I support penalty of a prosecutable regulation offence.</p> <p>Gonyou, H. W., M. C. Brumm, E. Bush, J. Deen, S. A. Edwards, T. Fangman, J. J. McGlone, M. Meunier-Salaun, R. B. Morrison, H. Spoolder, P. L. Sundberg, and A. K. Johnson. 2006. Application of broken-line analysis to assess floor space requirements of nursery and grower-finisher pigs expressed on an allometric basis. J. Anim. Sci. 84: 229-235.</p> <p>Thomas, LL. "The Effects of Increasing Stocking Density on Finishing Pig Growth ..." 2015. <a href="http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr">http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr</a> ibid. Page 9</p> <p>"ANIMAL WELFARE (Pigs) CODE OF WELFARE 2010 REPORT." 2015. 15 May. 2016 &lt;<a href="https://www.mpi.govt.nz/document-vault/1446">https://www.mpi.govt.nz/document-vault/1446</a>&gt;</p>
26	Pigs	Dry sow stalls
		<p>Proposal: I support the prohibition of dry sow stalls</p> <p>Penalty: I support the proposed infringement penalty of a prosecutable regulation offence.</p>
27	Pigs	Size of farrowing crates
		<p>Proposal: I do not support the use of farrowing crates.</p> <p>Production systems using farrowing crates are not the only financially viable forms of pork production. It is widely accepted that sow welfare in farrowing crates is sub-</p>



		<p>optimal. Continuing a production system which is contrary to good practice and scientific knowledge is in direct violation of section 10 of the Animal Welfare Act 1999.</p> <p>In 2016, a review of Farrowing Crates for Pigs in NZ was submitted by NAWAC<sup>1</sup>. In that report, NAWAC stated that "no significant change in science, technology or good practice from 2010 when the pigs code of welfare was issued". It submitted that the levels of piglet mortality in farrowing pens is higher than in farrowing crates and used this as justification for retaining farrowing crates in New Zealand. However, there is abundant research which supports the conclusion that total piglet mortality on farms with loose farrowing systems does not differ from that of farms with crates<sup>2,3</sup>.</p> <p>I submit that farrowing crates are unacceptable in modern day pork production systems and must be banned outright.</p> <p>"National Animal Welfare Advisory Committee - NZPork." 2016. 15 May. 2016  <a href="http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf">http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf</a>  Weber, R. "Piglet mortality on farms using farrowing systems ... - IngentaConnect." 2007.  <a href="http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042">http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042</a>  KilBride, AL. "A cohort study of preweaning piglet mortality and ... - ScienceDirect." 2012.  <a href="http://www.sciencedirect.com/science/article/pii/S0167587711003564">http://www.sciencedirect.com/science/article/pii/S0167587711003564</a></p>
28	Pigs	<p>Provision of nesting material</p> <p>Proposal: I support the provision of nesting material that can be manipulated to sows. However, it is clear that sows in farrowing crates will be unable to exhibit natural nesting behaviours in the confined space of a farrowing crate. To give effect to the intention of providing nesting material, the sow must be given more space in which to move. I agree that the definition of manipulable material should be made more apparent. "Material at ground level which mimics that of natural nesting material and encourages the sow to exhibit rooting behaviour" would be appropriate. However, for clarity, I recommend that examples are provided for guidance. Appropriate examples would include straw and sawdust.</p> <p>Penalty: I support the proposed infringement penalty of prosecution.</p> <p>Chaloupková, H. "The effect of nesting material on the nest-building and maternal ... - NCBI." 2011. <a href="http://www.ncbi.nlm.nih.gov/pubmed/20889685">http://www.ncbi.nlm.nih.gov/pubmed/20889685</a></p>
29	Rodeos	<p>Fireworks</p> <p>I support the ban of fireworks at rodeo's, The loud noise of fireworks is well established as a stressor in companion animals (Bolster 2012; Dale et al., 2010) And Unexpected noise and movement will cause the fight or flight response in both horses and cattle (Lanier, 2000; Christensen, 2005).</p> <p>I would like to see a total ban on rodeo, rodeo is of no advantage to the economy. A petition recently submitted to parliament has 62,000 members of the public in support of such a ban. Rodeo is in breach of the animal welfare act which states that animals should be 'physically handled in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress.' The rodeo is a form of entertainment therefore making it an unnecessary activity for animals to be involved in. The likelihood of animals feeling distress while performing in rodeos could only be successfully minimised if rodeos were entirely stopped; goading animals into states of distress is fundamental to getting them to perform in rodeo events.</p> <p>As there have been many breaches of the rodeo code brought before MPI in 2014 and 2015 we strongly urge MPI to carefully consider if the codes are adequate in helping to minimise the likelihood of unreasonable and unnecessary pain or distress. We are aware of new breaches that will be brought before MPI for a third year running, this adds to the evidence that these codes are not adequate for protecting animals, therefore we feel that the only way to ensure these breaches do not continue is for an outright ban.</p>
30	Exotic animals	<p>Used in circuses</p> <p>I do not support the use of exotic animals in circuses and propose that their use be banned. Given that there are currently no circuses in NZ using exotic animals the banning of the practice now will cause no industry disruption. Popular opinion both here and overseas is moving away from the use of exotic animals in circus and if this practice was to occur again in NZ it is likely that there would be a public outcry against it.</p>

31	Cattle	Milk stimulation
		I support the proposal to prohibit the stimulation of milk let down by inserting water or air into a cow's vagina. I propose the prohibition is extended to include the insertion of any object into a cow's vagina to stimulate milk let down. I support the proposed infringement penalty of \$300.
32	Cattle and Sheep	Vehicular traction in calving or lambing
		I support the proposal to prohibit the use of a moving vehicle to provide traction in lambing or calving. I support the proposed infringement penalty of \$500.
33	Cattle and Sheep	Ingrown horns
		I support the proposal to require treatment for horns that are touching the skin or eye. I support the proposed infringement penalty of \$500.
34	Stock transport	Cuts and abrasions
		I support the proposal that transport should not result in cuts or abrasions. I propose the regulation is extended to all animals' not just cattle, sheep, deer, goats, and pigs. I support the infringement penalty of \$500.
35	Stock transport	Animals with ingrown horns
		I support the proposal that animals with ingrown horns must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
36	Stock transport	Animals with bleeding horns or antlers
		I support the proposal that animals with bleeding horns or antler must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
37	Stock transport	Animals with long horns or antlers
		I support the proposal that animals with long horn or antler must not cause injury to themselves or others during transport. I could not find any rationale for the use of 110mm as a cut off value for long antler either in the code of welfare, or the report on the code. I propose that MPI publish the rationale behind the cut off value of 110mm or perform analysis of the injuries sustained from transport of animals with horns to determine if this measurement is an appropriate guide. I support the proposed infringement penalty of \$500.
38	Stock transport	Lame cattle, deer, pigs and goats
		I support the proposal that cattle, sheep, pigs and goats with lameness scores of 2 must be certified for transport by a veterinarian and that animals with a lameness score of 3 must not be transported. I support the proposed infringement penalty of \$500.
39	Stock transport	Animals that cannot bear weight evenly due to injury
		I support the proposal that animals who cannot bear weight evenly due to injury require certification from a veterinarian for transport. I support the infringement penalty of \$500.

40	Stock transport	Pregnant animals
		I support the proposal that animals who are in late stages of pregnancy should not be transported. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
41	Stock transport	Animals with injured or diseased udders
		I support the proposal that animals who have diseased udders should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
42	Stock transport	Cattle or sheep with cancer eye
		I support the proposal that animals who have cancer eye which is large, not confined to the eyelid or discharging/bleeding should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
Young calf management regulatory proposals		
43	Young Calves	Loading and unloading facilities
		I support the proposal that facilities must be provided which enable young calves to walk onto and off transportation by their own action. Given the potential for severe injury and pain I propose that the infringement penalty is increased to \$1000.
Proposed	Young Calves	Calves must not be thrown, if they need to be manually lifted they must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick calves).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour. <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a> <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a>
Proposed	Young Calves	Minimum training standard for people handling/loading calves
		I propose a minimum training standard is put in place for people loading calves on to transportation. Footage from 2015 clearly shows inappropriate handling of calves at the time of loading. A regulation for minimum training standards for those loading calves will not just improve calf welfare but will also demonstrate the transport industry's commitment to improving their part of the calf management chain. In contrast failure for the transport industry to demonstrate willingness to improve welfare outcomes for calves could reflect badly in the media. I propose infringement penalty is prosecution due to the lack of provision of appropriate training being a corporation level infringement and therefore an appropriate penalty needs to be significant enough to deter corporations from flouting the law. <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>

Proposed	Young Calves	Same day slaughter
		I propose that all young calves received at a slaughter premises must be slaughtered that day and cannot be held overnight. It has been recognised by MPI that time off feed is a significant welfare concern in young calves therefore reducing the time spent at a slaughter premises aims to reduce the risk of calves spending an extended period of time off feed. Although an alternative proposal could be for feeding at arrival at slaughter premises given the other welfare issues of housing young calves I consider reducing holding time to a minimum as the least bad of the options. I propose an infringement penalty set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.
Proposed	Young Calves	Use of nearest slaughterhouse
		Increased time spent at transport has been shown to be one of the determinants of poorer outcomes for calves. For this reason I propose that calves are required to be slaughtered at the closest slaughter premises. I propose the infringement penalty to be set at prosecution level so that penalties are severe enough to prevent corporations flouting the law. Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84
44	Young Calves	Shelter on farm, before and during transportation and at processing plants
		I support the proposal for minimum standards of shelter on farm, before transportation, and at slaughter premises. I support the higher proposed infringement penalty of prosecution.
45	Young Calves	Fitness for transport – age
		I propose that the minimum age of transport is increased to 10 days to bring us in line with what is considered an acceptable standard of welfare in other developed countries. MPI have stated that the 4 day standard suggested in the proposed regulation has been suggested as this reflects current industry practice. However the transport code of welfare only cites research performed in calves 5-10 days of age therefore I propose that the absolute minimum age of transport be set at 5 days of age. I support the most conservative determination of age – that it is determined from the time the calf is separated from the dam. I support the higher proposed infringement penalty of prosecution. Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.
46	Young Calves	Fitness for transport – Physical characteristics
		I support the proposal that the list of physical characteristics provided with regulation 46 should be met prior to transport of young calves. I support the higher proposed infringement penalty of prosecution.
47	Young Calves	Maximum time off feed
		I support the proposal for regulating the maximum time off feed for young calves, however we propose this is reduced to 12 hours. The lack of physiological indicators in the 2000 Todd paper does not demonstrate that: this is in fact the case in calves <5 days of age or that these calves are not experiencing significant hunger or that these calves have the physiological capacity to respond to transport in a measurable way with the tools used in the study?

		I propose that calves undergoing transport are kept to the same feeding schedule they would have if they remained on farm. I propose an infringement penalty of prosecution. Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134. Knowles, T.G., Warriss, P.D., Brown, S.N., Edwards, J.E., Watkins, P.E. and Phillips, A.J. 1997. Effects on calves less than one month old of feeding or not feeding them during road transport of up to 24 hours. Veterinary Record 140, 116-124.
48	Young Calves	Duration of transport
		I support limiting the duration of transport of young calves to 8 hours or less. As length of transport has been shown to be associated with poorer outcomes for calves, we propose an increase in the infringement penalty to \$1000. Cave J, G. Callinan A, P, L.. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84
49	Young Calves	Blunt force trauma
		I support the prohibition of the use of blunt force trauma for killing calves.. I support the more severe penalty of prosecution as this allows corporations to receive appropriate penalties to deter this behaviour.
50	Young Calves	Transport by sea across Cook Strait prohibited
		I support the prohibition of transport of young calves across Cook Strait. I support the more severe penalty of prosecution as this allows corporations to be held accountable.
Surgical and painful procedures regulatory proposals		
51	All animals	Hot branding
		I support the prohibition of hot branding and the penalty of prosecution.
52	All animals	Embryo collection via exteriorised uterus (surgical embryo transfer)
		I do not support the collection of embryos via exteriorised uterus and propose to prohibit the practice.. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
53	All animals	Laparoscopic artificial insemination (laparoscopic AI)
		I do not support the use of laparoscopic AI and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
54	All animals	Liver biopsy

		I support the proposal for liver biopsy to be restricted to being performed by veterinarians or directly supervised veterinary students and the requirement for the use of pain relief. I support the infringement penalty of a prosecutable offence.
55	All animals	Dental work
		I support the proposal that any power tool used for dental work must be designed for the purpose of dentistry. I propose the infringement penalty is increased to \$1000.
56	Cats	Declawing
		I support the restriction of cat declawing to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
57	Companion animals	Desexing (including stray/feral cats, dogs and other species)
		I support the restriction of desexing to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence. I propose that all cats and dogs sold in pet shops be desexed and vaccinated before being released to the purchaser.. This would work as a preventative step in helping reduce the number of stray/feral cats and dogs over time.
58	Dogs	Freeze branding
		I propose that freeze branding of dogs is banned. With better technology now available we can microchip dogs rather than freeze branding them. In the case that freeze branding is not prohibited I support the restriction of freeze branding to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
59	Dogs	Dog debarking (and devoicing of other species)
		I support the restriction of dog debarking to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
60	Dogs	Cropping the ears
		I support the proposal to prohibit ear cropping of dogs. I support the proposed penalty of a prosecutable offence.
61	Dogs	Dew claws
		I support the restriction of removal of articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons, and the use of pain relief at the time of the procedure. I propose restriction of removal of non-articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student with the use of pain relief. I support the proposed penalty of prosecution.
62	Dogs	Tail docking

		I support the docking of tails in dogs for therapeutic reasons only. The procedure must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of this procedure.
63	Cattle	Teats
		<p>I support the proposal for supernumerary teat removal of animals &gt;6 weeks of age to be performed by a veterinarian or veterinary student and that pain relief must be used. I does not support the removal of supernumerary teats in animals &lt;6 weeks of age without pain relief, however the procedure could be undertaken by a skilled lay person signed off by a veterinarian (ie a vet tech). I propose that:</p> <p>the maximum of age of animals on whom supernumerary teat removal can be performed by a lay person is reduced to 4 weeks of age</p> <p>i) infringement penalty of prosecution pain relief is required for any supernumerary teat removal procedure regardless of age</p> <p>ii) infringement penalty of prosecution procedure is performed using sterilised equipment</p> <p>iii) infringement penalty of \$500 any person performing the procedure who is not a veterinarian or directly supervised veterinary student is signed off by a veterinarian</p> <p>iv) infringement penalty of prosecution</p>
64	Cattle	Claw removal
		I support the proposal that claw removal is restricted to being performed by a veterinarian or veterinary student and that pain relief is required at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional non-steroidal anti-inflammatory drug (NSAID) pain relief is also administered. I support the infringement penalty of prosecution for all offences other than not using NSAID for which the infringement penalty should be \$300.
65	Cattle	Teat occlusion
		I support the proposal that teat sealing can only be performed with a product registered for that specific purpose. I support the infringement penalty of prosecution.
66	Cattle	Tail docking
		I support the restriction of tail docking to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons only, and the use of pain relief at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also administered. I support the proposed penalty of a prosecutable offence for all offences other than not using NSAID for which the infringement penalty should be \$300.
67	Cattle and sheep	Castration and shortening of the scrotum (cryptorchid)
		I support the proposal for surgical castration at any age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I support the proposal that non-surgical castration in cattle and sheep over 6 months of age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I does not support the age of 6 months as an appropriate age at which lay people can no longer perform non-surgical castration and propose that this age limit is lowered to 2 months, I support limiting the manner of non-surgical castration to only the use of conventional rubber rings. I does not support performing non-surgical castration without pain relief at any age and propose that pain relief is required for any castration procedure at any age. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also required. I propose that the penalty for all infringements other than lack of NSAID use is prosecution and that the penalty for not using an NSAID is an infringement of \$300.
68	Cattle, sheep and goats	Disbudding

		I propose that disbudding is limited to being performed only by only a veterinarian, veterinary student under direct supervision, or skilled lay person signed off by a veterinarian (ie vet tech/appropriately trained farm worker). I propose that appropriate maximum ages are determined for disbudding to be performed by a lay person. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
69	Cattle, sheep and goats	Dehorning
		I propose that disbudding is limited to being performed only by only a veterinarian or veterinary student under direct supervision. Given the much greater risk of pain, bleeding, and infection from dehorning rather than disbudding I propose that farmers are given 12 months warning after which dehorning can only be performed by veterinarians. This will give a strong message that disbudding is much preferred and much more economically viable. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
70	Sheep	Tail docking
		I support the limiting of tail docking in sheep who are greater than 6 months of age to veterinarians and directly supervised veterinary students. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support restricting the techniques for tail docking in younger animals to rubber ring and hot iron only. I propose that pain relief at the time of procedure and NSAID should also be required, regardless of age at the time of tail docking. Furthermore I propose that the maximum age at which a lay person is able to perform a tail docking procedure is reduced to 2 months. I support the proposal that tails are not to be cut flush and are to be able to cover the vulva in a female and of a similar length in a male. I support the proposed penalty of prosecution for infringements in sheep > 2 months of age and propose an infringement penalty of \$300 for lack of NSAID use. I support the proposed penalties of \$500 for use of non-listed methods and not cutting tails flush in sheep < 2 months of age. I propose a penalty of prosecution for not using pain relief in sheep <2 months of age and a penalty of \$300 for lack of NSAID use.
71	Sheep	Mulesing
		I support the proposal to prohibit mulesing. I support the proposed infringement penalty of prosecution.
72	Deer	Develveting
		I support the proposal for develveting to be only performed by veterinarians, directly supervised veterinary students or a person with veterinary approval. I support the proposed infringement penalty.
73	Horses	Blistering, firing, or nicking
		I support the proposal to prohibit blistering, firing or nicking, and support the proposed infringement penalty.
74	Horses	Tail docking
		I support the proposal for tail docking to only be performed by veterinarians or directly supervised veterinary students, only for therapeutic reasons, only with the use of pain relief. I support the proposed infringement penalty.
75	Horses	Rectal pregnancy diagnosis of horses



		I support the proposal for rectal pregnancy diagnosis in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
76	Horses	Rectal examination of horses
		I support the proposal for rectal examination in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
77	Horses	Caslick's procedure
		I support the proposal for creation, opening and repair of caslick's procedure to only be performed by a veterinarian or directly supervised veterinary student and the use of pain relief for the procedure. I support the proposed infringement penalty. I propose that a caslick's procedure may only be performed for therapeutic purposes and not for a perceived performance benefit and that the proposed infringement penalty for this breach is the same as that proposed above.
78	Horses	Castration
		I support the proposal for castration in horses to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure. I support the proposed infringement penalty.
79	Llama and alpaca	Castration
		I support the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure, and the minimum age for the procedure.. I support the proposed infringement penalties for these infringements.
80	Pigs	Castration
		I support the proposal for castration to only be performed by a veterinarian or veterinary student under direct supervision and the required use of pain relief at the time of the procedure. I support the infringement penalty of prosecution. I propose that a non-steroidal anti-inflammatory drug (NSAID) is also required and that the penalty for not administering an NSAID is \$300.
81	Pigs	Tail docking
		I propose that pain relief should be used for this procedure regardless of the animal's age. I support limiting the procedure to veterinarians and directly supervised veterinary students in animals > 7 days of age. I propose that a NSAID should also be administered at the time of the procedure. I propose an infringement penalty of prosecution for lack of use of pain relief and for a lay person performing the procedure in an animal > 7 days of age. I propose an infringement penalty of \$300 for lack of NSAID administration.
82	Birds	Pinioning or otherwise deflighting a bird
		I support the restriction of pinioning/deflighting a bird to being performed only by a veterinarian or directly supervised veterinary student, only being performed in the best interests of the animal, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
83	Poultry	Dubbing
		I support the proposed penalty of a prosecutable offence to perform dubbing on breeds not usually dubbed and to not use pain relief at the time of the procedure. I oppose the surgical modification of an animal if the modification is not in the interests of the animal, therefore I propose that dubbing is prohibited with the penalty of a prosecutable offence.

84	Ostriches and emus	Declawing
		I support the prohibition of radical declawing of emu chicks. However the use of the term radical implies that some declawing is allowed and opens the regulation to subjective interpretation. I propose that the regulation prohibit all declawing of emu or ostrich unless performed by a vet for therapeutic reasons. I support the penalty of prosecutable offence.
85	Roosters	Caponising (rooster castration)
		I support the restriction of caponising to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.

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# Submission on Proposed Animal Welfare Regulations MPI Discussion Paper No.2016/12

Overall, I consider this an excellent document & I agree with the majority of the proposed regulations.

I come from a background of 35 years as a Veterinarian – 20 in Production Animal Practice, 10 in Small Animal, 5 in the MAF as a works & field vet & 15 as a beef cattle, deer & sheep farmer.

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

### 2. 3 Changes to the Act not yet in force

Question 1: Is there any reason why changes to the Act not yet in force, should not be brought into force at the same time as the regulations (rather than waiting for them to automatically commence in 2020)? **No I consider they should all be implemented together to avoid confusion & show our country's commitment to these improvements in this welfare Legislation**

#### 2.1.1 Other changes

Question 2: Are the infringement fees proposed for sections 156I and 36(3) appropriate? **The Infringement Penalty should cover the full range allowable up to \$1000- for repeat offenders, multiple animals involved or even \$500/animal maybe appropriate in some cases eg Part B 10.2 - 36-42**

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

In considering the proposals set out in Part B:

Question 3: Are there any minimum standards or additional matters you think should become regulations immediately, which are not included in the regulatory proposals in Part B? **Yes – Shade & Shelter for Dairy Cows. One of the 5 tenants of animal welfare that is also mentioned on the Fonterra & Dairy NZ websites but being ignored, particularly in Canterbury. The rapid expansion of large scale dairying in Canterbury, often owned by corporates (including Ngai Tahu) have clear felled all trees to make way for pivots – when trees could have been left in between pivots in many cases. Compared to beef cows, dairy cows are thinner skinned & coated, carry virtually no subcutaneous fat & often on a “metabolic knife edge” & hence far more susceptible to extremes of climate. The flat Canterbury plains on which most dairy farms are located also offer little in the way of topographical protection such as gullies etc. Recently Sheep & Beef NZ put out an excellent booklet specifically on providing shelter yet Dairy NZ is ignoring the issue.**

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

#### 3.4.2 Option 2: Developing regulations

Question 5: Are there any proposed regulations, set out in Part B that should not be regulated? **No but some could be combined eg 33 & 35, 38 & 39**

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

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

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

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

Question 8: Will the proposed regulations, set out in Part B, change the way you or others currently operate, if so, in what ways? What implications would these have for you? **Extra training & hence cost will be necessary in some cases eg disbudding & dehorning of cattle but it is essential that pain relief is administered. I will comment on this in the appropriate sections. More Certification by vets will also be required for transportation & hence cost but these have already been identified as areas of poor compliance & in many cases could have been avoided if more appropriate action had been taken earlier**

#### 4.1.1 Infringement

Question 9: Are the infringement offences and respective fees proposed for breaches of the proposed regulations, outlined in Part B, appropriate? Should any of the proposals attract higher or lower fees or penalties? See Q 2

#### 4.1.2 Prosecutable offences under the regulations

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

#### 4.1.4 Strict liability

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

#### 4.1.5 Defences

Question 12: What defences do you think should be available if the proposed regulations are breached and why? Ignorance cannot be used as a defence eg Lifestylers. If you own livestock you have an obligation to know what is required as good practice. MPI could give more publicity to the ease of access to the Codes of Welfare in the media. In times of financial hardship eg drought – farmers are getting a lot better at taking appropriate action & asking for help earlier

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

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

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

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

Question 15: How should the codes of welfare be amended by the proposed regulations to ensure the codes continue to work effectively within the legislative scheme? Minimum standards in the Codes should be amended where necessary not revoked – the Codes still need to contain all the material for best practice as a one-stop educational tool

Question 16: Which of the approaches as outlined above, or combination of approaches do you support? No. 2&3

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

#### 6 Monitoring and Review

Question 18: How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations? Greater use of the media – both written & via television advertisements in prime time (News) & a Country Calendar feature. Do this once Regulations are approved to inform as widely as possible. Make reporting of infringements detected at the works mandatory. Where no MPI inspectors are present eg Pet Food factories – increase audits.

## Part B

### 10.2-33 &35 Animals with ingrown horns

There needs to be differentiation between “touching the skin or eye” – with the latter being considerably more sensitive to pain & injury. Any horn touching an eye shouldn't be transported as any knock could cause considerable pain +/- injury.

Is an infringement likely to be effective in changing behaviour? Please refer to Q9 above Are there barriers to treating ingrown horns that need to be considered?

At what point is it reasonable to assume an ingrown horn should have been noticed and treatment provided? Such horns take a considerable time to grow & should have been dealt with at a previous muster

Does the definition 'touching skin or eye' leave open the possibility for more severe ingrown horns e.g. 'penetrating eye or skull' to be prosecuted as currently? [See above comment](#)  
At what point does horn shortening (removing dead horn) become dehorning? [When it is vascular](#). Can you tell beforehand with confidence? [Only need to take off minimum required](#)  
Will the wound from ingrown horns require a period to heal before transport? [Obtaining a Vet Certificate would apply](#)

Is the severity of ingrown horn defined appropriately? [Yes](#)

Is it appropriate to infringe less severe ingrown horns while prosecuting more severe ingrown horns? [Yes](#)

Are there any circumstances where an animal with an ingrown horn needs to be transported and it is impractical to treat the horn or obtain a veterinary certificate? [They will have been mustered into yards so certification/treatment should be possible](#)

Does this regulation complement or duplicate the regulation proposal about 'failure to treat an ingrown horn'? [There is a degree of duplication but by keeping them separate it makes it clearer to the trucking firms what applies to them- if they transport such animals without a certificate](#)

### 36 Animals with long horns or antlers

Even with horns/antlers of 110mm, considerable damage can be done if these are pointed. When working in a beef slaughter plant the damage dairy bulls did when penned was at times considerable. What looked like a horn scuff in the yards had underlying bruising & split muscles once the pelt was removed. Subordinate bulls often needed extensive trimming. Bobby calves destined for bull beef should be disbudded as calves.

### 38 & 39 Transport of Lamé Animals

Strongly agree with the Proposals

Again previous comments re repeat offenders/ multiple animals should apply re penalties and transporters held accountable if they accept lame stock without a vet certificate.

Should sheep be excluded from this regulation? [No](#) There is a systemic sheep lameness problem and as yet no agreed solution to manage lameness in sheep.

Transport can exacerbate lameness. Can the situation be adequately managed where animals may not be noticeably lame when loaded but become lame during transport? [Attention to detail such as truck flooring maintenance & stocking rates in pens should help alleviate this](#)

Who should ultimately be liable for transporting a lame animal – the owner, or the transporter? [Both – if in doubt as to the degree of lameness get a Vet cert.](#)

Are there any ways this proposal could be made clearer or more enforceable [Make it clearer that the transporter is also accountable.](#)

### 40 Transport of Pregnant Animals

Would the alternative proposal "*Pregnant animals must not be transported if they are over 90% of the expected gestation period, without a veterinarian certificate*" be clearer and more enforceable? [Absolutely – a vet can assess if parturition is eminent –by degree of pelvic & vulval relaxation, springing of udder etc plus assess body condition score & soundness for transportation.](#)

Heavily pregnant, particularly twinning ewes are also at risk of metabolic disease outbreaks – I have attended situations where they are dropping faster than I was able to treat.

#### 41 & 42 Transportation of cancer eye & udder cases

As outlined in the Proposals I would question why you would transport such animals at all –in both scenarios as described, they would not be fit for human consumption & hence for pet food they should be slaughtered on farm. These Proposals need to be re worded. Again in my time in a beef slaughter plant I saw some horrendous cases of these.

### 11.0 Young Calf Management Regulatory Proposals

11.2.1 Are there aspects of the current communications between all participants in the management, transportation and slaughter of young calves that would benefit from clear regulatory requirements, or are these issues best addressed by the industry sectors without regulation? Obviously the industry systems are not enough given the media exposure by SAFE when the farmers, transporters, pet food processors & MPI were all negligent in the handling of those calves & over a period of time.

#### 11.2.2

What would be the benefit of using a declaration approach, of the type described above, versus putting in place a set of regulations covering some or all of the proposals below? Both are needed- a Declaration to get a commitment & the Regulations to make it enforceable

- Is this something that should be addressed by industry-led action rather than intervention by Government? No – for the reason stated above in 11.2.1 For example, would it be possible to establish throughout the meat processing sector as a whole a system similar to the supply contracts that are commonplace between dairy companies and their suppliers?
- Would an approach like this be effective in driving behaviour change across the supply chain? Yes, if it was enforced by MPI
- Are there any specific aspects of the potential design and operation of a declaration system that industry operators and MPI should consider? The On Farm Declaration should include the time of the last feed & when put out for collection. There would also need to be a section at the bottom for the transporter to sign off on as well, so as all parties in the supply chain are accountable. MPI needs to up its audits on pet food works where MPI personnel are not present
- Would it be sufficient for farmers, transport companies and meat processors to sign a single declaration each season that would cover the entirety of their operations or is it necessary for individual declarations to be signed for each consignment of animals? Given the vulnerability of this class of stock I would support every consignment – that way there is a constant reminder each time calves are consigned & allows for changes in weather etc such as they cannot use the latter as an excuse. In essence, this is the difference between signatories affirming in advance that they will abide by the terms of the declaration for all relevant animals versus them certifying at the point of handover or slaughter that they have done so in practice for specific groups of animals.

44 Shelter -Proposal – strongly agree

Should any regulation about shelter also cover the stocking density of animals within pens etc.? **Yes** If so, what level of detail is necessary? For example, would it be sufficient to specify that collection pens etc. must provide enough room for all calves to lie down? **Agree**

45 & 46 Fitness for Transport- Age & Physical Characteristics – Proposals -agree – well stated

47 Maximum time off feed –Proposal - 24 hours is too long – the points raised re hunger is a welfare issue & ability to withstand additional stressors are both very valid. 18 hours would be more reasonable. If 24 hours is retained, it must be an absolute maximum not a allowable standard that will then incur overruns

Is 24 hours a reasonable maximum period to permit young calves to be off food when being transported prior to slaughter? If not, why not? **See above**

Feedback is also sought on the balance between allowing a longer window for pre-transport feeding vs. the total time between collection from farm and eventual slaughter (or additional feed). In circumstances where the maximum time off feed were reduced to 24 hours, would it be helpful to set out a maximum pre-collection feed window (for example, four or six hours) or would it be better simply to set the 24 hour maximum time off feed and require farmers, transporters and processors to operate together within that timeframe? **Absolutely the latter -again given the vulnerability of this class of stock – they should work together more. The On Farm Declaration should also include the time of the last feed & when put out for collection**

48, 49,& 50 – Agree

## 12.0 Surgical & Painful Procedures

68 & 69 Cattle, Sheep & Goats – Disbudding & Dehorning

Proposal- May be performed by a *competent, trained* person –would be more appropriate for both, because the administration of pain relief is going to require training before the Local Anaesthetic can be dispensed.

As someone who has used thermal cautery to disbud hundreds of my own calves, I consider local analgesia essential. It is a very simple technique(much simpler than deer) We used to load about 6 calves into the cattle crush (head bale closed) – one would stand astride the calf & gently restrain its head to one side as the local anaesthetic was administered, then swop hands over to present the other side to be done. Once all calves were injected, the first would be ready to cauterise. If any could still feel anything they would certainly respond & buck. A re-administration could be done & you just came back to them after doing the rest. This was very seldom necessary.

I am pleased to see the Act is finally catching up with the scientific literature on this procedure. I have made a submission in the past objecting to how AssureQuality have carried out this procedure without pain relief – the calf crush, head bale & nose bar have prevented any form of physical expression of pain by the calves & in my opinion it has not been humane.

Should the requirements outlined in this proposal apply to all methods of disbudding? **My comments above apply predominantly to thermal cautery as this takes longer to do than using a scoop- which I found unsatisfactory due to the haemorrhage that can be associated with this method. Either method must be done at an early age while the horn bud is still mobile in the skin. In exotic cattle, which I bred, we had to do them by 7 days of age while the horn bud was still small enough for the circular cautery iron.**

**I have seen rubber rings used both on sheep & goats with success that would not require any additional pain relief.**

69 cont.

What is the point where dehorning is distinct from disbudding— is it based on age, method or other factor? **When the bud is no longer mobile within the skin it becomes a horn— this can vary with species & breed- but for most would be under 1 month of age.**

I consider more should be done to get cattle disbudded/dehorned as early as possible - particularly dairy bull calves destined to become bull beef – there is really no excuse not to do them as bobbys. The damage I witnessed at the works that happened in the yards (welfare issue) and saw at slaughter (farmer return reduction due to trimming & a chilled trade issue – pH too high) was so preventable.

Luckily, the majority of beef cattle are increasingly polled. High country guillotine dehorning at weaning is still an issue when time delays waiting for local anaesthetic to take an effect would greatly increase the time taken unless a second head bale was installed further down the race for local anaesthetic administration (some high country stations do have very long races, so this could be practical in some cases).

Thank you for the opportunity to submit,

P J Wright BVSc, BPhil

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**From:** Aleesha Clark <9(2)(a)>  
**Sent:** Thursday, 19 May 2016 4:33 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** Submission on Animal Welfare Regulations  
**Attachments:** Submission on Animal Welfare Regulations.pdf  
  
**Categories:** Blue Category

Please find attached the Submission on Animal Welfare Regulations

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## MPI Animal Welfare Codes Submission

### Nathan Guy Minister for Primary Industries

In response to MPI's request for feedback on proposed animal welfare regulations I submit the following for your careful consideration.

The given consultation period (14th April to 10 May 2016) for public involvement is woefully inadequate. Five weeks is unrealistic and makes a mockery of the consultation process. The volume of proposals we are being asked to consider in this time frame isn't feasible and I ask that a more realistic time frame be given for the public to have our say.

I suggest a period of five weeks be given to each section of the proposed welfare regulations.

While the proposed regulations relating to live animal exports, the care and conduct towards animals, and surgical and painful procedures is a start, I ask that there be a full review into intensive farming practices across the agricultural industry.

The last two decades have seen the intensification of animal agriculture to levels that are unprecedented in recent history. The current welfare codes and proposed welfare regulations don't go nearly far enough in protecting animal welfare under increasingly intensive farming practices.

Society's moral values are constantly shifting yet these regulations have remained largely static and are vastly out of step with changing attitudes to animal welfare. I want to see a total ban on all cages for layer hens, farrowing crates for sows and a reduction in intensive dairy resulting in the slaughter of over 2m calves annually. These farming practices can no longer be deemed humane by today's standards and cannot be incorporated as such in any welfare code. The new rules are not keeping pace with changing scientific knowledge and cannot be accepted as good practice.

- 1) From 5.3m dairy cows in 2007 to 6.4m in 2012 (23% increase in just 5 years) Statistics NZ
- 2) Switzerland banned cages for hens in 1992

Care and conduct regulatory proposals		
1	All animals	Electric prodders
		I propose that the use of electric prodders be banned under all circumstances except when they are "necessary for protection, preservation or maintenance of human life" I do not support exemptions on the use of prodders based on: a. the species and size of an animal b. the manner of use of an animal (circus) c. the location of the animal (slaughter premises) I support the proposed infringement penalty.
2	All animals	Use of goads
		I support the proposal to ban the use of goads on sensitive areas of an animal's body under any circumstances. Given the deliberate cruelty involved in using goads on sensitive areas I propose an increased infringement penalty of \$500.
3	All animals	Twisting an animal's tail
		I support the proposal to prohibit painful twisting of an animal's tail. Given the potential for significant pain and damage from this behaviour, and the deliberate nature of the act I propose the infringement penalty is set at the higher level of \$500.
Proposed	All animals	Any animal requiring manual lifting must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick animals).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the

		<p>offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <p>1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>  2) <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></p>
4	Dogs	Pinch and Prong collars
		I support the prohibition of pinch and prong collars under any circumstances; no exemption for dogs used for special purposes (guarding, military) is supported. I support the proposed infringement penalty of \$300. I also support the banning of the sale of these collars and associated penalties under the law.
5	Dogs	Injuries from collars or tethers
		I support the proposal to only use collars or tethers in a manner that does not result in injury or distress. Given the potential for severe injury from collars I propose the penalty is increased to a prosecutable offence.
6	Dogs	Muzzling a dog
		I support the proposal for regulating the use of muzzles so they do not cause injury or distress. I support the inclusion in the proposal that muzzles should allow for a dog to be able to drink. I support the proposed infringement penalty of \$300.
7	Dogs	Dry and shaded shelter
		I support the proposal for dogs to have access to dry and shaded shelter at all times. I propose the inclusion in the proposal that dogs also have access to fresh, palatable drinking water at all times. Given that shelter and water are basic needs of life neglecting these items has the potential to cause significant harm and even death therefore I propose the infringement penalty to be increased to a prosecutable offence. I also propose that there be a maximum time imposed that a dog is allowed to be chained for at any one time and that an infringement fee be set for exceeding that time.
8	Dogs	Dogs left in vehicles
		I support the proposal for people leaving dogs in vehicles to ensure their safety. I propose increasing the penalty to a prosecutable offence both to reflect the potential fatal nature of the injury and also to act as a suitable penalty to prevent this behaviour. Additionally increasing the penalty allows for effective prosecution of corporations who use dogs who have a responsibility to ensure dogs in their care are cared for appropriately.
9	Dogs	Secured on moving vehicles
		I support the proposal to secure dogs on moving vehicles. I propose including dogs on vehicles on private property in the regulation, and propose a speed limit of 40kph for vehicles carrying unsecured working dogs. I propose increasing the penalty for infringement to \$1000 due to the potential for severe injury, suffering, and death resulting from falling from a moving vehicle.
Proposed	Dogs	Ban export of racing greyhounds between NZ and Macau or China
		The Macau and China greyhound racing industries do not have the same standards of animal welfare as NZ. The export of racing greyhounds between NZ and Hong Kong (for further transport to Macau/China) is minimal at present. However if the export of greyhounds from other countries (Australia, Ireland) is banned or more heavily regulated then NZ could become a transport hub for dogs in this industry. This has the potential for poor welfare outcomes for dogs and very poor public perception in New Zealand. It is far better to ban an activity like this before it has the potential to become established. MPI have demonstrated their willingness to put in place infringements for uncommon industry activities which have the potential to become welfare issues in the future with proposal 50 in this document banning transport of young calves across cook strait. I propose the above regulation and propose the infringement penalty is set at a prosecutable offence.

10	Dogs and Cats	Drowning dogs and cats
		I support the prohibition of the killing of a dog or cat of any age by drowning. I support the infringement penalty of a prosecutable offence.
11	Eels	Insensible for desliming
		I support the proposal that eels must be insensible for desliming or killed before they are deslimed. I support the infringement penalty of a prosecutable offence.
12	Crabs, rock lobster and crayfish	Insensible before being killed
		I support the proposal that crabs, rock lobster, and crayfish must be insensible before they are killed. I dispute the NAWAC statement that chilling to <4 degrees Celsius renders crustacean insensible and propose that either: a. the only legally acceptable method of rendering crabs and crayfish insensible is by electrical stunning (for which specific equipment is available for use in small restaurant premises). OR b. NAWAC conduct a review of the recent (since 2000) scientific literature on humane slaughter of crustaceans and present good quality, recent evidence to support the claim that chilling to <4 degrees Celsius renders crustacean insensible. I support the proposed penalty of a prosecutable offence for failing to render a crustacean insensible prior to slaughter.
13	Goats	Tethering requirements
		I do not support the tethering of goats, on the basis that it stops goats expressing normal social behaviours, and propose that tethering is prohibited with an infringement penalty of \$500. Furthermore I share concerns with previous submissions around tethering of goats that tourists witnessing tethered goats on the road side could easily get a negative impression of animal welfare in NZ. I propose that all goats, regardless of housing system, have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times and that lack of provision of these requirements is an infringement with a penalty fee of \$500. I also propose that as goats are social animals' all goats should be provided with a companion such as another goat, camelid, horse, donkey or sheep. I propose that failure to house a goat with a companion should attract an infringement penalty of \$300. 1. Miranda-de la Lama, G.C. and Mattiello, S. (2010). The importance of social behaviour for goat welfare in livestock farming. Small Ruminant Research 90, (1-3), 1-10
14	Horses	Use of a whip, lead, or any other object
		I support the prohibition of using a whip, lead or other object to strike around the head. I support the proposed infringement penalty of \$300.
15	Horses	Injuries from equipment such as halter, head ropes and saddles
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
16	Horses and Donkeys	Tethering requirements
		I do not support the tethering of horses and donkeys and propose that tethering is prohibited with an infringement penalty of \$300. I propose that all horses and donkeys have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times regardless of housing system and that lack of provision of these requirements is an infringement with a penalty fee of \$300.
17	Layer Hens	Opportunity to express normal behaviours in housing systems

		<p>I believe that colony cages do not adequately consider the welfare of layer hens because they prohibit the ability of the hen to express a range of normal behaviours. In addition, colony cages are not compliant with the Animal Welfare Act 1999 as they do not allow owners or persons in charge of animals to take all reasonable steps to ensure that their physical, health and behavioural needs are met:</p> <p>1) Sections 9, 68 Animal Welfare Act 1999</p>
18	Layer Hens	Stocking densities
		<p>Colony cages do not allow hens to engage in a range of normal behaviours and therefore they are in clear breach of the Animal Welfare Act 1999. With a stocking density of 13 hens per square metre or 750 square centimetres, clearly the stocking density is too high.</p>
19	Layer Hens	Housing and equipment design
		<p>Colony cages are only slightly bigger than traditional battery cages. While they provide token welfare gestures like nest boxes, scratch pads and perches, these gestures do not ensure the physical, health and behavioural needs of hens are met. With only 750 sq cm per hen, there are a number of behaviours hens are not able to functionally perform in colony cages; this includes spreading her wings fully. It's also questionable whether a hen in a colony cage can properly nest, perch, peck or scratch. A hen in a colony cage cannot dust bathe.</p> <p>Research has shown that some hens in colony cages can be prevented from using the nest provided due to competition from other hens. Also, the limited space in colony cages is insufficient to allow hens sufficient time (on average 45 minutes) if they want to lay at the same time.</p> <p>In order to satisfy a hen's need for perching, the housing system must be able to provide:</p> <ul style="list-style-type: none"> <li>• Sufficient length of perching space to allow all birds to perch at the same time; and</li> <li>• Sufficient elevation of the perches to satisfy the hens' requirements for a perceived safe perching place at night.</li> </ul> <p>Colony cages fulfil neither of these requirements. The standard of approximately 15cm of space per hen is an average and does not allow consideration for larger birds. Perches in colony systems are situated on average just a few centimetres from the floor of the cage. <i>'A perch positioned 5cm above floor level is not considered as a perch (by a hen) and has no attractive or repulsive value'</i>.</p> <p>Litter is not provided in colony cage systems. Litter is imperative for hen welfare. Hens will make great efforts to access litter for pecking, scratching and dustbathing – three normal behaviours of hens. When hens are unable to forage in litter, they can redirect their pecking towards other hens resulting in harmful feather pecking and even cannibalism. When hens are unable to dustbathe in litter, they can develop the dysfunctional behaviour of sham dustbathing.</p> <p>1) A hen's wingspan is approximately 75-80 centimetres which is twice the size of a traditional battery cage  2) Guedson, V. and Faure, J. M. (2004) <i>Laying performance and egg quality in hens kept in standard or furnished cages</i>. <i>Animal Research</i>, 53: 45-57.  3) Appleby, M.C. (1998) Modification of laying hen cages to improve behaviour. <i>Poultry Science</i>, 77: 1828-1832.  4) Cooper, J.J. and Abientosa, M. J. (2003) Behavioural priorities of laying hens. <i>Avian and Poultry Biology Reviews</i>, 14: 127-149.</p>
20	Layer Hens	Induced moulting
		I support the proposal to prohibit induced moulting of layer hens.
21	Llama and Alpaca	Injuries from equipment such as halters, head ropes, and packs
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.

22	Llama and Alpaca	Companion animals
		I support the proposal that camelids must be provided with a companion animal. I support the proposed infringement penalty of \$300.
23	Llama and Alpaca	Offspring (Cria) camelid companions
		I support the proposal to prohibit raising Cria without the company of other camelids. I support the proposed infringement penalty of \$500.
24	Pigs	Dry sleeping area
		Proposal: I support the proposal that all pigs have access to a dry sleeping area. Penalty: I support the proposed infringement penalty of \$300.
25	Pigs	Lying space for grower pigs
		<p>Proposal: I support the proposal for minimum space requirements for grower pigs.</p> <p>1. Error in formula The proposed formula used to calculate the minimum space has a type error; specifically the exponent notation has not been applied. I believe the formula intended by MPI should read "live weight<sup>0.67</sup> (kg)" but instead it reads "live weight 0.67(kg)" which translates to an Area = 0.03 * liveweight * 0.67(kg) and results in a much higher space requirement. Therefore I contend that proposal 25 must be rewritten and resubmitted for public consultation, with the correct formula included so that the intended space requirement can be properly considered.</p> <p>2. Minimum requirement Recent research suggests that a k-value of 0.3 is too low. In 2006, Gonyou et al. (2006) which ADFI is reduced. More recently, a 2015 study has found that a k-value of 0.0336 might underestimate the impact of increased stocking density on ADG and ADFI. A k-value of 0.3 is too low to provide grower pigs with this environment and is sufficient as a minimum requirement for static space only. Does the proposal adequately define the appropriate systems? The proposal is based on a minimum standard, which is expected to occur (if at all) only where growers have reached the capacity of their pen and are shortly to be moved to a bigger pen<sup>3</sup> not a minimum standard which is considered acceptable at all times and this should be clarified in the regulation itself. I consider the minimum standards of housing for pigs to be provide "sufficient space to enable them to perform natural behaviours such as lying on their side without touching another pig, standing up, turning around and performing exercise, space for separate areas for dunging and feeding, with a dunging areas situated a sufficient distance from sleeping and feeding areas as well as materials to enable them to root and forage" <sup>4</sup>. If these standards cannot be met by the current farming systems then we are concerned that the current farming systems are not compatible with the freedom to exhibit normal behaviour and breach the animal welfare act. The current regulation has no limit on the length of time during which a grower pig may be submitted to the proposed minimum standard. Overstocking is a known problem. I am concerned that grower pigs may be submitted to spaces which do not meet minimum requirement if their transfer to a new pen is delayed. I would like the regulations to be clear that it is unacceptable for growers to be kept for prolonged periods in spaces at or close to the minimum requirement. In its 2010 review, NAWAC submitted that space enough to allow for pigs to lie fully recumbent (k-value of 0.047) was recommended best practice. For the sake of clarity and to give effect to the intention of NAWAC, I suggest that a minimum period of time for growers kept in the lower end of the scale be added. Due to the above considerations, I propose that the minimum standard is amended to: Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m<sup>2</sup>) per pig = 0.040 x live weight 0.67(kg) Grower pigs housed inside on non-litter systems such as slatted or solid floors must not have lying space of less than: Area (m<sup>2</sup>) per pig = 0.047 x live weight 0.67(kg) for</p>

		<p>longer than one week.</p> <p>Penalty: I support penalty of a prosecutable regulation offence.</p> <p>Gonyou, H. W., M. C. Brumm, E. Bush, J. Deen, S. A. Edwards, T. Fangman, J. J. McGlone, M. Meunier-Salaun, R. B. Morrison, H. Spooler, P. L. Sundberg, and A. K. Johnson. 2006. Application of broken-line analysis to assess floor space requirements of nursery and grower-finisher pigs expressed on an allometric basis. <i>J. Anim. Sci.</i> 84: 229-235.</p> <p>Thomas, LL. "The Effects of Increasing Stocking Density on Finishing Pig Growth ..." 2015. <a href="http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesr">http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesr</a> ibid. Page 9</p> <p>"ANIMAL WELFARE (Pigs) CODE OF WELFARE 2010 REPORT." 2015. 15 May. 2016 &lt;<a href="https://www.mpi.govt.nz/document-vault/1446">https://www.mpi.govt.nz/document-vault/1446</a>&gt;</p>
26	Pigs	Dry sow stalls
		<p>Proposal: I support the prohibition of dry sow stalls</p> <p>Penalty: I support the proposed infringement penalty of a prosecutable regulation offence.</p>
27	Pigs	Size of farrowing crates
		<p>Proposal: I do not support the use of farrowing crates.</p> <p>Production systems using farrowing crates are not the only financially viable forms of pork production. It is widely accepted that sow welfare in farrowing crates is sub-optimal. Continuing a production system which is contrary to good practice and scientific knowledge is in direct violation of section 10 of the Animal Welfare Act 1999. In 2016, a review of Farrowing Crates for Pigs in NZ was submitted by NAWAC<sup>1</sup>. In that report, NAWAC stated that "no significant change in science, technology or good practice from 2010 when the pigs code of welfare was issued". It submitted that the levels of piglet mortality in farrowing pens is higher than in farrowing crates and used this as justification for retaining farrowing crates in New Zealand. However, there is abundant research which supports the conclusion that total piglet mortality on farms with loose farrowing systems does not differ from that of farms with crates<sup>2,3</sup>.</p> <p>I submit that farrowing crates are unacceptable in modern day pork production systems and must be banned outright.</p> <p>"National Animal Welfare Advisory Committee - NZPork." 2016. 15 May. 2016 <a href="http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf">http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf</a></p> <p>Weber, R. "Piglet mortality on farms using farrowing systems ... - IngentaConnect." 2007. <a href="http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042">http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042</a></p> <p>KilBride, AL. "A cohort study of preweaning piglet mortality and ... - ScienceDirect." 2012. <a href="http://www.sciencedirect.com/science/article/pii/S0167587711003564">http://www.sciencedirect.com/science/article/pii/S0167587711003564</a></p>
28	Pigs	Provision of nesting material
		<p>Proposal: I support the provision of nesting material that can be manipulated to sows. However, it is clear that sows in farrowing crates will be unable to exhibit natural nesting behaviours in the confined space of a farrowing crate. To give effect to the intention of providing nesting material, the sow must be given more space in which to move.</p> <p>I agree that the definition of manipulable material should be made more apparent. "Material at ground level which mimics that of natural nesting material and encourages the sow to exhibit rooting behaviour" would be appropriate. However, for clarity, I recommend that examples are provided for guidance. Appropriate examples would include straw and sawdust<sup>1</sup></p> <p>Penalty: I support the proposed infringement penalty of prosecution.</p> <p>Chaloupková, H. "The effect of nesting material on the nest-building and maternal ... - NCBI." 2011. <a href="http://www.ncbi.nlm.nih.gov/pubmed/20889685">http://www.ncbi.nlm.nih.gov/pubmed/20889685</a></p>
29	Rodeos	Fireworks
		<p>I support the ban of fireworks at rodeo's, The loud noise of fireworks is well established as a stressor in companion animals (Bolster 2012; Dale et al., 2010) And Unexpected noise and movement will cause the fight or flight response in both horses and cattle (Lanier, 2000; Christensen, 2005).</p>

		<p>I would like to see a total ban on rodeo, rodeo is of no advantage to the economy. A petition recently submitted to parliament has 62,000 members of the public in support of such a ban. Rodeo is in breach of the animal welfare act which states that animals should be 'physically handled in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress.' The rodeo is a form of entertainment therefore making it an unnecessary activity for animals to be involved in. The likelihood of animals feeling distress while performing in rodeos could only be successfully minimised if rodeos were entirely stopped; goading animals into states of distress is fundamental to getting them to perform in rodeo events.</p> <p>As there have been many breaches of the rodeo code brought before MPI in 2014 and 2015 we strongly urge MPI to carefully consider if the codes are adequate in helping to minimise the likelihood of unreasonable and unnecessary pain or distress. We are aware of new breaches that will be brought before MPI for a third year running, this adds to the evidence that these codes are not adequate for protecting animals, therefore we feel that the only way to ensure these breaches do not continue is for an outright ban.</p>
30	Exotic animals	Used in circuses
		<p>I do not support the use of exotic animals in circuses and propose that their use be banned. Given that there are currently no circuses in NZ using exotic animals the banning of the practice now will cause no industry disruption. Popular opinion both here and overseas is moving away from the use of exotic animals in circus and if this practice was to occur again in NZ it is likely that there would be a public outcry against it.</p>
31	Cattle	Milk stimulation
		<p>I support the proposal to prohibit the stimulation of milk let down by inserting water or air into a cow's vagina. I propose the prohibition is extended to include the insertion of any object into a cow's vagina to stimulate milk let down. I support the proposed infringement penalty of \$300.</p>
32	Cattle and Sheep	Vehicular traction in calving or lambing
		<p>I support the proposal to prohibit the use of a moving vehicle to provide traction in lambing or calving. I support the proposed infringement penalty of \$500.</p>
33	Cattle and Sheep	Ingrown horns
		<p>I support the proposal to require treatment for horns that are touching the skin or eye. I support the proposed infringement penalty of \$500.</p>
34	Stock transport	Cuts and abrasions
		<p>I support the proposal that transport should not result in cuts or abrasions. I propose the regulation is extended to all animals' not just cattle, sheep, deer, goats, and pigs. I support the infringement penalty of \$500.</p>
35	Stock transport	Animals with ingrown horns
		<p>I support the proposal that animals with ingrown horns must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.</p>
36	Stock transport	Animals with bleeding horns or antlers
		<p>I support the proposal that animals with bleeding horns or antler must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.</p>



37	Stock transport	Animals with long horns or antlers
		I support the proposal that animals with long horn or antler must not cause injury to themselves or others during transport. I could not find any rationale for the use of 110mm as a cut off value for long antler either in the code of welfare, or the report on the code. I propose that MPI publish the rationale behind the cut off value of 110mm or perform analysis of the injuries sustained from transport of animals with horns to determine if this measurement is an appropriate guide. I support the proposed infringement penalty of \$500.
38	Stock transport	Lame cattle, deer, pigs and goats
		I support the proposal that cattle, sheep, pigs and goats with lameness scores of 2 must be certified for transport by a veterinarian and that animals with a lameness score of 3 must not be transported. I support the proposed infringement penalty of \$500.
39	Stock transport	Animals that cannot bear weight evenly due to injury
		I support the proposal that animals who cannot bear weight evenly due to injury require certification from a veterinarian for transport. I support the infringement penalty of \$500.
40	Stock transport	Pregnant animals
		I support the proposal that animals who are in late stages of pregnancy should not be transported. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
41	Stock transport	Animals with injured or diseased udders
		I support the proposal that animals who have diseased udders should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
42	Stock transport	Cattle or sheep with cancer eye
		I support the proposal that animals who have cancer eye which is large, not confined to the eyelid or discharging/bleeding should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
Young calf management regulatory proposals		
43	Young Calves	Loading and unloading facilities
		I support the proposal that facilities must be provided which enable young calves to walk onto and off transportation by their own action. Given the potential for severe injury and pain I propose that the infringement penalty is increased to \$1000.
Proposed	Young Calves	Calves must not be thrown, if they need to be manually lifted they must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick calves).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading <sup>1</sup> , only one individual was prosecuted in relation to the footage <sup>2</sup> , presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily

		<p>enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <p><a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>  <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></p>
Proposed	Young Calves	Minimum training standard for people handling/loading calves
		<p>I propose a minimum training standard is put in place for people loading calves on to transportation. Footage from 2015 clearly shows inappropriate handling of calves at the time of loading. A regulation for minimum training standards for those loading calves will not just improve calf welfare but will also demonstrate the transport industry's commitment to improving their part of the calf management chain. In contrast failure for the transport industry to demonstrate willingness to improve welfare outcomes for calves could reflect badly in the media. I propose infringement penalty is prosecution due to the lack of provision of appropriate training being a corporation level infringement and therefore an appropriate penalty needs to be significant enough to deter corporations from flouting the law.</p> <p><a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a></p>
Proposed	Young Calves	Same day slaughter
		<p>I propose that all young calves received at a slaughter premises must be slaughtered that day and cannot be held overnight. It has been recognised by MPI that time off feed is a significant welfare concern in young calves therefore reducing the time spent at a slaughter premises aims to reduce the risk of calves spending an extended period of time off feed. Although an alternative proposal could be for feeding at arrival at slaughter premises given the other welfare issues of housing young calves I consider reducing holding time to a minimum as the least bad of the options. I propose an infringement penalty set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.</p>
Proposed	Young Calves	Use of nearest slaughterhouse
		<p>Increased time spent at transport has been shown to be one of the determinants of poorer outcomes for calves. For this reason I propose that calves are required to be slaughtered at the closest slaughter premises. I propose the infringement penalty to be set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.</p> <p>Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84</p>
44	Young Calves	Shelter on farm, before and during transportation and at processing plants
		<p>I support the proposal for minimum standards of shelter on farm, before transportation, and at slaughter premises. I support the higher proposed infringement penalty of prosecution.</p>
45	Young Calves	Fitness for transport – age
		<p>I propose that the minimum age of transport is increased to 10 days to bring us in line with what is considered an acceptable standard of welfare in other developed countries. MPI have stated that the 4 day standard suggested in the proposed regulation has been suggested as this is reflects current industry practice. However the transport code of welfare only cites research performed in calves 5-10 days of age; therefore I propose that the absolute minimum age of transport be set at 5 days of age. I support the most conservative determination of age – that it is determined from the time the calf is separated from the dam. I support the higher proposed infringement penalty of prosecution.</p>

		Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.
46	Young Calves	Fitness for transport – Physical characteristics
		I support the proposal that the list of physical characteristics provided with regulation 46 should be met prior to transport of young calves. I support the higher proposed infringement penalty of prosecution.
47	Young Calves	Maximum time off feed
		I support the proposal for regulating the maximum time off feed for young calves, however we propose this is reduced to 12 hours. The lack of physiological indicators in the 2000 Todd paper does not demonstrate that: this is in fact the case in calves <5 days of age or that these calves are not experiencing significant hunger or that these calves have the physiological capacity to respond to transport in a measurable way with the tools used in the study: I propose that calves undergoing transport are kept to the same feeding schedule they would have if they remained on farm. I propose an infringement penalty of prosecution. Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134. Knowles, T.G., Warriss, P.D., Brown, S.N., Edwards, J.E., Watkins, P.E. and Phillips, A.J. 1997. Effects on calves less than one month old of feeding or not feeding them during road transport of up to 24 hours. Veterinary Record 140, 116-124.
48	Young Calves	Duration of transport
		I support limiting the duration of transport of young calves to 8 hours or less. As length of transport has been shown to be associated with poorer outcomes for calves we propose an increase in the infringement penalty to \$1000. Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84
49	Young Calves	Blunt force trauma
		I support the prohibition of the use of blunt force trauma for killing calves. I support the more severe penalty of prosecution as this allows corporations to receive appropriate penalties to deter this behaviour.
50	Young Calves	Transport by sea across Cook Strait prohibited
		I support the prohibition of transport of young calves across Cook Strait. I support the more severe penalty of prosecution as this allows corporations to be held accountable.
Surgical and painful procedures regulatory proposals		
51	All animals	Hot branding
		I support the prohibition of hot branding and the penalty of prosecution.
52	All animals	Embryo collection via exteriorised uterus (surgical embryo transfer)
		I do not support the collection of embryos via exteriorised uterus and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the

		practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
53	All animals	Laparoscopic artificial insemination (laparoscopic AI)
		I do not support the use of laparoscopic AI and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
54	All animals	Liver biopsy
		I support the proposal for liver biopsy to be restricted to being performed by veterinarians or directly supervised veterinary students and the requirement for the use of pain relief. I support the infringement penalty of a prosecutable offence.
55	All animals	Dental work
		I support the proposal that any power tool used for dental work must be designed for the purpose of dentistry. I propose the infringement penalty is increased to \$1000.
56	Cats	Declawing
		I support the restriction of cat declawing to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
57	Companion animals	Desexing (including stray/feral cats, dogs and other species)
		I support the restriction of desexing to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence. I propose that all cats and dogs sold in pet shops be desexed and vaccinated before being released to the purchaser. This would work as a preventative step in helping reduce the number of stray/feral cats and dogs over time.
58	Dogs	Freeze branding
		I propose that freeze branding of dogs is banned. With better technology now available we can microchip dogs rather than freeze branding them. In the case that freeze branding is not prohibited I support the restriction of freeze branding to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
59	Dogs	Dog debarking (and devoicing of other species)
		I support the restriction of dog debarking to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.

60	Dogs	Cropping the ears	I support the proposal to prohibit ear cropping of dogs. I support the proposed penalty of a prosecutable offence.
61	Dogs	Dew claws	I support the restriction of removal of articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons, and the use of pain relief at the time of the procedure. I propose restriction of removal of non-articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student with the use of pain relief. I support the proposed penalty of prosecution.
62	Dogs	Tail docking	I support the docking of tails in dogs for therapeutic reasons only. The procedure must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of this procedure.
63	Cattle	Teats	I support the proposal for supernumerary teat removal of animals >6 weeks of age to be performed by a veterinarian or veterinary student and that pain relief must be used. I does not support the removal of supernumerary teats in animals <6 weeks of age without pain relief, however the procedure could be undertaken by a skilled lay person signed off by a veterinarian (ie a vet tech). I propose that: the maximum of age of animals on whom supernumerary teat removal can be performed by a lay person is reduced to 4 weeks of age i) infringement penalty of prosecution pain relief is required for any supernumerary teat removal procedure regardless of age ii) infringement penalty of prosecution procedure is performed using sterilised equipment iii) infringement penalty of \$500 any person performing the procedure who is not a veterinarian or directly supervised veterinary student is signed off by a veterinarian iv) infringement penalty of prosecution
64	Cattle	Claw removal	I support the proposal that claw removal is restricted to being performed by a veterinarian or veterinary student and that pain relief is required at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional non-steroidal anti-inflammatory drug (NSAID) pain relief is also administered. I support the infringement penalty of prosecution for all offences other than not using NSAID for which the infringement penalty should be \$300.
65	Cattle	Teat occlusion	I support the proposal that teat sealing can only be performed with a product registered for that specific purpose. I support the infringement penalty of prosecution.
66	Cattle	Tail docking	I support the restriction of tail docking to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons only, and the use of pain relief at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also administered. I support the proposed penalty of a prosecutable offence for all offences other than not using NSAID for which the infringement penalty should be \$300.
67	Cattle and sheep	Castration and shortening of the scrotum (cryptorchid)	I support the proposal for surgical castration at any age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I support

		<p>the proposal that non-surgical castration in cattle and sheep over 6 months of age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I does not support the age of 6 months as an appropriate age at which lay people can no longer perform non-surgical castration and propose that this age limit is lowered to 2 months, I support limiting the manner of non-surgical castration to only the use of conventional rubber rings. I does not support performing non-surgical castration without pain relief at any age and propose that pain relief is required for any castration procedure at any age. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also required. I propose that the penalty for all infringements other than lack of NSAID use is prosecution and that the penalty for not using an NSAID is an infringement of \$300.</p>
68	Cattle, sheep and goats	Disbudding
		<p>I propose that disbudding is limited to being performed only by only a veterinarian, veterinary student under direct supervision, or skilled lay person signed off by a veterinarian (ie vet tech/appropriately trained farm worker). I propose that appropriate maximum ages are determined for disbudding to be performed by a lay person. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.</p>
69	Cattle, sheep and goats	Dehorning
		<p>I propose that disbudding is limited to being performed only by only a veterinarian or veterinary student under direct supervision. Given the much greater risk of pain, bleeding, and infection from dehorning rather than disbudding I propose that farmers are given 12 months warning after which dehorning can only be performed by veterinarians. This will give a strong message that disbudding is much preferred and much more economically viable. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.</p>
70	Sheep	Tail docking
		<p>I support the limiting of tail docking in sheep who are greater than 6 months of age to veterinarians and directly supervised veterinary students. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered.</p> <p>I support restricting the techniques for tail docking in younger animals to rubber ring and hot iron only. I propose that pain relief at the time of procedure and NSAID should also be required, regardless of age at the time of tail docking.</p> <p>Furthermore I propose that the maximum age at which a lay person is able to perform a tail docking procedure is reduced to 2 months.</p> <p>I support the proposal that tails are not to be cut flush and are to be able to cover the vulva in a female and of a similar length in a male.</p> <p>I support the proposed penalty of prosecution for infringements in sheep &gt; 2 months of age and propose an infringement penalty of \$300 for lack of NSAID use.</p> <p>I support the proposed penalties of \$500 for use of non-listed methods and not cutting tails flush in sheep &lt; 2 months of age. I propose a penalty of prosecution for not using pain relief in sheep &lt;2 months of age and a penalty of \$300 for lack of NSAID use.</p>
71	Sheep	Mulesing
		<p>I support the proposal to prohibit mulesing. I support the proposed infringement penalty of prosecution.</p>
72	Deer	Develveting
		<p>I support the proposal for develveting to be only performed by veterinarians, directly</p>

		supervised veterinary students or a person with veterinary approval. I support the proposed infringement penalty.
73	Horses	Blistering, firing, or nicking
		I support the proposal to prohibit blistering, firing or nicking, and support the proposed infringement penalty.
74	Horses	Tail docking
		I support the proposal for tail docking to only be performed by veterinarians or directly supervised veterinary students, only for therapeutic reasons, only with the use of pain relief. I support the proposed infringement penalty.
75	Horses	Rectal pregnancy diagnosis of horses
		I support the proposal for rectal pregnancy diagnosis in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
76	Horses	Rectal examination of horses
		I support the proposal for rectal examination in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
77	Horses	Caslick's procedure
		I support the proposal for creation, opening and repair of caslick's procedure to only be performed by a veterinarian or directly supervised veterinary student and the use of pain relief for the procedure. I support the proposed infringement penalty. I propose that a caslick's procedure may only be performed for therapeutic purposes and not for a perceived performance benefit and that the proposed infringement penalty for this breach is the same as that proposed above.
78	Horses	Castration
		I support the proposal for castration in horses to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure. I support the proposed infringement penalty.
79	Llama and alpaca	Castration
		I support the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure, and the minimum age for the procedure. I support the proposed infringement penalties for these infringements.
80	Pigs	Castration
		I support the proposal for castration to only be performed by a veterinarian or veterinary student under direct supervision and the required use of pain relief at the time of the procedure. I support the infringement penalty of prosecution. I propose that a non-steroidal anti-inflammatory drug (NSAID) is also required and that the penalty for not administering a NSAID is \$300.
81	Pigs	Tail docking
		I propose that pain relief should be used for this procedure regardless of the animal's age. I support limiting the procedure to veterinarians and directly supervised veterinary students in animals > 7 days of age. I propose that a NSAID should also be administered at the time of the procedure. I propose an infringement penalty of prosecution for lack of use of pain relief and for a lay person performing the procedure in an animal > 7 days of age. I propose an infringement penalty of \$300 for lack of NSAID administration.

82	Birds	Pinioning or otherwise deflighting a bird
		I support the restriction of pinioning/deflighting a bird to being performed only by a veterinarian or directly supervised veterinary student, only being performed in the best interests of the animal, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
83	Poultry	Dubbing
		I support the proposed penalty of a prosecutable offence to perform dubbing on breeds not usually dubbed and to not use pain relief at the time of the procedure. I oppose the surgical modification of an animal if the modification is not in the interests of the animal, therefore I propose that dubbing is prohibited with the penalty of a prosecutable offence.
84	Ostriches and emus	Declawing
		I support the prohibition of radical declawing of emu chicks. However the use of the term radical implies that some declawing is allowed and opens the regulation to subjective interpretation. I propose that the regulation prohibit all declawing of emu or ostrich unless performed by a vet for therapeutic reasons. I support the penalty of prosecutable offence.
85	Roosters	Caponising (rooster castration)
		I support the restriction of caponising to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.

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Out of Scope

**From:** Callum Irvine s9(2)(a)  
**Sent:** Friday, 20 May 2016 2:55 PM  
**To:** Animal Welfare Policy  
**Subject:** FW: MPI ALERT: Animal welfare regulatory proposals - now out for consultation  
**Attachments:** 160520\_DOC\_NZVA-Feedback-Proposed-Animal-Welfare-Regulations.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

Please find attached an updated NZVA submission on the MPI proposed animal welfare regulations.

Please accept our apologies – the document submitted yesterday contained an error that has been rectified in this document,

We ask that you discard the previous document and accept this as our final submission,

Regards

Callum Irvine

Callum Irvine BVSc (Hons) | Head of Veterinary Services  
New Zealand Veterinary Association

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**From:** Animal Welfare Policy [mailto:animalwelfarepolicy@mpi.govt.nz]  
**Sent:** Thursday, 14 April 2016 3:53 p.m.  
**Subject:** MPI ALERT: Animal welfare regulatory proposals - now out for consultation

Good afternoon

The Ministry for Primary Industries (MPI) opened public consultation on the proposed animal welfare regulations at midday today. Consultation runs from today (14 April) until 19 May 2016.

We would like to take this opportunity to thank you for your participation in the pre-consultation workshops. Your contribution has been invaluable and is much appreciated.

The proposed regulations cover live animal exports, the care of and conduct towards animals, and surgical and painful procedures. The matters related to live animal exports are contained in a separate consultation document. Information on the proposals and how to have a further say can be found at MPI's website at [www.mpi.govt.nz/animalwelfarefeedback](http://www.mpi.govt.nz/animalwelfarefeedback).

We will have a series of public meetings taking place across the country. Details of these meetings can be found under 'public meetings' at the link above.

Regards  
Animal Welfare Policy

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**Feedback to:**

**Ministry for Primary Industries**

**On:**

**Proposed Animal Welfare Regulations (Care and Conduct and  
Surgical and Painful Procedures)**

MPI Discussion Paper 2016/12

**Dated:**

**19<sup>th</sup> May 2016**

**Contact:**

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The New Zealand Veterinary Association (NZVA) welcomes the opportunity to provide feedback on the Proposed Animal Welfare Regulations (Care and Conduct and Surgical and Painful Procedures).

The NZVA is the only membership association representing New Zealand veterinarians. With over 2000 members (75% of registered veterinarians in New Zealand) we are the leading voice on values-based and science-backed issues that inextricably link the wellbeing of animals, humans and the environment.

Information has been gathered from special interest branches of the NZVA including the Food Safety, Animal Welfare and Biosecurity branch, the Companion Animal Society, the Society of Dairy Cattle Veterinarians, the Society of Beef and Sheep Veterinarians and the Equine Veterinary Association. Individual submissions from each of these special interest branches are appended to this submission addressing the specific regulatory proposals that affect their areas of practice and expertise.

It is noted that the NZVA and its special interest branches have already contributed to various industry and public forums during the development of the proposed regulations and provided verbal and written material to MPI during this process. Thank you for the opportunity to provide further feedback to this important process which will safeguard the wellbeing of New Zealand animals.

We are happy to answer any questions on this feedback if required.

Yours sincerely



Dr Callum Irvine  
Head of Veterinary Services

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## **NZVA response to questions included in Part A**

Question 1:

No. The NZVA believes the changes should come in to force at the same time as the regulations. From a logistics view point, there is little substantive change from what is currently in force or that would require significant changes from current practice to justify a longer time frame for introduction.

Question 2:

We would prefer to see the penalty for non compliance with a Compliance Notice increased to \$1000. The Infringement fee of \$300 as per section 36 (3) of the Act is appropriate.

Question 3:

No.

Question 4:

No.

Question 5:

No.

Question 6:

N/A

Question 7:

The NZVA is concerned that non regulatory initiatives may fail to compel industry change to deliver improved animal welfare outcomes. It is our preference that regulation is used where appropriate. There may be scope for non regulatory mechanisms in areas where enforcement may be difficult in the first instance. This could enable the establishment of good practice, with regulation eventually being adopted once any gaps have been identified.

Question 8:

The NZVA anticipates that the proposed regulations will change the way that some animal owners and breeders operate in that they will now need to provide a higher standard of animal welfare. Some of these changes may incur some extra cost but these costs are not anticipated to be prohibitive. There will be a need to increase the level of technical skill (e.g. administration of local anaesthetic) and some of the regulations will also require a level of auditing to ensure that the desired outcomes are being achieved (i.e. that local anaesthetic is being administered correctly to provide pain relief).

Regulations preventing unnecessary cosmetic alteration of companion animals are welcomed by the profession. While this may result in changes to current breeding practices, the restriction of these practices through regulation aligns with the NZVA policy that animals are sentient beings, not simply objects for self-gratification, adornment or exploitation.

Surgical alterations to the natural state of animals are therefore acceptable only if a net welfare benefit can be demonstrated. Performance of procedures for cosmetic reasons is unacceptable to the NZVA, and is considered unethical under the Code of Professional Conduct issued by the Veterinary Council of New Zealand in 2011.

Question 9:

The terms low-level of harm or a moderate level of harm and small number of animals may need further clarification. Where larger numbers of animals are involved, we believe an infringement offence should attract a higher penalty (of at least \$1,000) to avoid the possibility of this being perceived as a 'cost of business'.

Question 10:

The NZVA is concerned that prosecutions will still only be taken in the most extreme cases of animal abuse or neglect. As above, our recommendation would be an infringement notice to a higher amount for cases where many animals are involved or where moderate harm has been caused – in these instances, the offender is likely to be a person who makes a significant amount of money from their animal operation and therefore the financial penalty needs to be a sufficient deterrent and not just perceived as a 'cost of business'.

Question 11:

Lack of knowledge of the new regulations should not be a defence against prosecution. Similarly intent or recklessness is difficult to prove and should not be included.

Question 12:

The defences listed in 4.1.5 are reasonable.

Question 13:

Yes, the definition should be expanded to include the protection of animal life.

Question 14:

Please see the discussion of regulations in the following sections.

Questions 15:

See below

Question 16:

See below

Question 17:

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

Question 18:

Through the existing forums including the Farm to Processor Animal Welfare Forum, Primary Industry Chief Executives Animal Welfare Forum, NAWAC and through direct discussion between industry representative bodies and MPI.

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## NZVA comments on the provision of analgesia

The NZVA policy 'Pain and its alleviation' states that the NZVA considers that pain has a negative impact on animal welfare and should be relieved whenever possible. Provision of appropriate analgesia should be standard practice.

The International Association for the Study of Pain defines pain as follows: "*Pain is an unpleasant sensory and emotional experience associated with actual or potential tissue damage, or described in terms of such damage*".

The Veterinary Council's Code of Professional Conduct states that "treatments or procedures must...only be performed with appropriate pain management", with the following explanatory notes:

*"All surgical and some non-surgical procedures involving tissue damage can be expected to be painful. Analgesia must be included in the planning for all potentially painful procedures. An analgesia plan must be tailored for each patient and type of procedure, and be continued for an appropriate period after the procedure"*.

### **Pain relief questions**

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

***• Are there any instances where the proposed definition of pain relief at the time of the procedure, outlined in Box 2 on pages 75-76, would be problematic?***

The stated definition of pain relief is appropriate in that it specifies that animals must not feel pain at the time of the procedure. This means that either local anaesthetic or a general anaesthetic or a mix of both need to be used **effectively** at the time of the procedure. There is reference to the provision of ongoing pain relief (e.g. NSAID) which is helpful and will improve welfare however the NZVA believes that the most important aspect is the mitigation of pain at the time of the procedure.

It is the position of the NZVA that it is not safe for a non-veterinarian to be administering general anaesthetics. Many general anaesthetic agents are Restricted Veterinary Medicines, Prescription Medicines (used under special provisions of the Medicines Act by veterinarians) or Controlled Drugs. As such, higher expectations exist around the stewardship of these products and provision to non-veterinarians of such medicines for the provision of general anaesthesia will only be supported by the NZVA for specific drugs under tightly controlled circumstances.

When providing local anaesthetic under a VOI veterinarians must ensure the risks are mitigated for:

- 1) Possible toxicity – this is mainly a risk in lighter weight neonates such as lambs, kids, piglets.
- 2) Ineffective administration so that the animal still feels pain during (and after) the procedure.

It is already possible for non-veterinarians to access local anaesthetic via a VOI, for example de-velvetting stags under the present NVSG scheme and some non-vet providers of calf disbudding. It must be understood that access to local anaesthetic (or any other RVM) is not



a right for clients but that in making a VOI the authorising veterinarian must be satisfied that the product is necessary, will be used correctly and won't be used except as specified in the directions set out in the VOI. There is (arguably) more risk to animal welfare around local anaesthetic used under VOI compared to some other products e.g. procaine penicillin, in that if the administration is not correct, the animal will suffer. The NZVA believes that a VOI for the use of local anaesthetic will require a training period and annual audit to ensure that it is being used effectively. This will incur costs to end users.

The only circumstance where the NZVA does not believe it will be possible for a non-veterinarian to provide appropriate pain relief in the primary industry sector is in procedures which are agreed to be significant surgical procedures. It is also our concern that dehorning / disbudding in goats/kids is a much more significant procedure compared to cattle and should only be undertaken with general anaesthetic.

**• In the proposals some procedures can be performed by a non-veterinarian with pain relief - in most cases the pain relief will need to be authorised by a veterinarian (see Box 2).**

**o Is it appropriate for a veterinarian to authorise a non-veterinarian to hold and use pain relief for all the procedures discussed in the following tables?**

Answered above

**o Are there any factors, other than the nature of the procedure, which could limit access to pain relief under the VOI framework discussed in Box 2?**

Answered above

**• In addition, the regulatory proposals address pain relief at the time of the procedure. What, if anything, is used to mitigate post-operative pain? How frequently, and in what circumstances is post-operative pain mitigated?**

Mitigating post-operative pain is technically easy to achieve in that it is usually provided as an injectable NSAID via intramuscular or subcutaneous administration. However, the cost of these products mean that they are not commonly used in production animals following routine husbandry procedures such as castration, disbudding and tail docking in lambs. For example, the provision of a long-acting NSAID will increase the cost of the procedure (when performed by a veterinarian) by 60-100% for calf disbudding. This is particularly the case on commercial farms where many animals are being treated. It is more common for long-acting NSAIDs to be administered when treating a small number of animals on a lifestyle block because the increase in total cost is minimal; additionally the owner is more likely to expect ongoing pain relief for their animals. By contrast, local anaesthetic is cheap but requires skill and training to be correctly administered and hence to be effective.

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## 4. Dogs – Pinch and Prong Collars

NZVA supports this proposed regulation to:

Prohibit the use of pinch and prong collars.

Proposed change to definition: A collar with prongs positioned against the neck, or any other protrusion intended to cause pain or discomfort when tightened.

The NZVA also supports the banning of the sale and possession of these types of collars, by declaring them a prohibited device under section 32 of the Act, along with the associated penalties.

The NZVA would not support an exemption to be made that would permit selected trainers to use these collars.

- Anybody can call themselves a dog trainer as there is no national register.
- Methods that rely on these collars to train dogs are out dated. Progressive trainers have replaced them with positive reinforcement techniques to achieve their training objectives.
- We note that they have not been in common use in the police force for 12 years.

The NZVA would be supportive of any proposed regulation in the future that prohibited the use of electric collars. These negative reinforcement methods do not have a place in modern dog training techniques.

## 5. Dogs – Injuries from collars or tethers

NZVA supports the proposed regulation that:

The use of a collar, and/or a tether, must not cause cuts, abrasions, swelling, restrict breathing or panting.

Our opinion is that the restrictions mentioned are at the right level, no other restrictions are suggested.

It would be appropriate for this regulation to cover all species.



## 6. Dogs – Muzzling a dog

NZVA does not support this proposed regulation due to the way it is currently worded.

When a dog is muzzled for any length of time, or is not closely supervised it is important that the dog must not only be able to breath and pant, but also drink and vomit.

In some circumstances, dogs may need to be muzzled to ensure they **don't bite when having minor procedures performed such as physical examinations, injections, blood tests or bandage changes.**

Being able to use a more restrictive muzzle benefits the dog in that sedation or general anaesthesia is avoided for minor procedures that **require a level of cooperation that the dog isn't providing.**

A muzzle used for this purpose will not comply with the regulation as it has been proposed.

In a supervised situation it must be permissible to use a muzzle that restricts the mouth from opening. This type of muzzle must not restrict breathing or cause cuts, abrasions or swelling, but it will prevent panting, drinking or vomiting.

Suggested wording to clarify the different uses:

Muzzling a dog must not cause cuts, abrasions, swelling, or restrict breathing and must be of a design that allows panting, drinking and vomiting. It is permissible to use a more restrictive muzzle design when under constant supervision, for short periods of time to facilitate safe handling of the dog. This more restrictive muzzle is permitted to restrict panting, drinking and vomiting but must not restrict breathing through the nose or cause cuts, abrasions, swelling.

## 7. Dogs – Dry and shaded shelter

NZVA supports the proposed regulation that:

Dogs confined to an area where they are habitually kept must have access at all times to a fully shaded and dry area for resting and sleeping.



The NZVA would support the proposed regulation being extended to address the requirement that the area is kept in a sanitary condition by the regular removal of faeces and urine. This is necessary not only for the dogs comfort but to prevent public health issues such as visceral larva migrans and cutaneous larva migrans.

Suggested wording:

Faeces and urine are not permitted to accumulate to such an extent that they pose a threat to the health or welfare of the dog.

## 8. Dogs – Dogs left in vehicles

The NZVA supports a regulation to make this behaviour an infringement rather than a prosecutable offence. We recognise the natural deterrent that inherently exists, but support having a tool that can be used to leverage education campaigns to prevent dogs developing heat stress.

The wording of the proposed regulation is problematic. The heat stress signs listed in the proposed regulation are not exclusive to heat stress. Dogs that have separation anxiety at being left in a car may also hyperventilate or pant excessively, and dogs suffering from motion sickness will commonly have excessive drooling. Dogs suffering from heat stress may have a combination of the above signs, but may also be unresponsive.

It will be difficult to enforce as currently written. There is a lack of clarity about when an offence has been committed, and we would expect infringements to be open to review.

We suggest that the proposal is reworded to include “that if animals are to be left in cars, they must have adequate supervision and ventilation so that they are not susceptible to developing heat stress.”

## 9. Dogs – Secured on moving vehicles

The NZVA supports the proposed regulation that:

Dogs on moving vehicles on public roads must be secured in a way that prevents them from falling off, except for working dogs which may be unsecured on a vehicle while working.



The NZVA believes that the conduct is sufficiently risky to warrant regulation. There should be no exemption for working dogs on public roads.

Dogs are also known to fall out of windows, and present a risk as a projectile in an accident situation. The NZVA would like to see in the future that this regulation is extended to all dogs that are in moving vehicles being adequately restrained.

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

The NZVA supports the prohibition of killing cats and dogs by drowning, but does not support this proposed regulation as a means to enforce the dog and cat welfare codes for the following reasons:

- There are other cruel methods of killing cats and dogs (e.g. hypothermia, suffocation) that would not be clarified with this proposed regulation.
- It is already prosecutable under section 12c of the Animal Welfare Act 1999 and the proposed regulation will downgrade this, yet still allow poor clarity around methods of killing cats and dogs.

## 56. Cats – Declawing

The purpose of the procedure is to alter the natural state of the cat for the convenience of the owner, and for this reason we believe that it is never in the cats best interests.

While the NZVA would prefer prohibition of this procedure, it supports the proposed regulation to maintain the status quo, but seeks further clarification from the wording regarding the intention that all avenues must be exhausted and the procedure used as a last resort, usually as an alternative to euthanasia.

The NZVA support the proposed regulation to maintain the status quo, but request the following highlighted changes:

That cat declawing must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Must only be



performed in the best interests of the animal. Pain relief must be used at the time of the procedure and in the post-operative period.

*For the purposes of this regulatory proposal it is proposed that the term 'best interests of the animal' will mean that this procedure should only be contemplated after all other means of treating inappropriate behaviour have been attempted and have failed, with euthanasia the only alternative.*

As this is considered an extremely painful procedure, the comment on pain relief should be expanded to include the post-operative period.

Scratching is a normal feline behaviour. It is a means for cats to mark their territory, both visually and with a scent. It is also used for claw conditioning and stretching activity.

There are inherent risks and complications with any surgical procedure including, but not limited to, anaesthetic complications, haemorrhage, infection, pain, and side effects of pain medications (American Association of Feline Practitioners, 2007).

Declawing a cat may lead to biting behaviour and litter box aversion, so it does not guarantee a solution to behavioural problems for owners.

Declawing is not a common procedure in New Zealand with the vast majority of veterinarians ethically opposed to it and the veterinary code of professional conduct prohibiting veterinarians to carry out procedures on animals that are performed primarily for the convenience of the owner.

Alternatives exist to manage inappropriate cat scratching such as **trimming of the claws, the use of "soft tips", behavioural modification** programmes and providing suitable areas for cats to scratch such as scratching posts. Rehoming can also be considered.

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

The NZVA supports this proposal that:



Desexing must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of the procedure.

Good practice would include pain relief being administered post-operatively, as well as pain relief at the time of the procedure. We would suggest the **wording is amended to "Pain relief must be used at the time of the procedure and post-operatively."**

Section 15-20 of the Animal Welfare Act 1999 sets out who may perform significant surgical procedures, and veterinary nurses are not permitted to carry out desexing procedures as they are all considered significant surgical procedures.

## 58. Dogs - Freeze branding

The NZVA supports the proposed regulation that Freeze branding:

Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.  
Pain relief must be used at the time of the procedure.

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

We have had anecdotal reports of pig hunters requesting their veterinarians to perform this procedure under sedation with pain relief as per the proposed regulation and would consider this to be evidence of a cultural shift towards higher welfare.

There is a one off, small cost incurred for a veterinarian to perform this procedure.

Microchipping provides a more humane alternative to permanent identification of dogs but requires a scanner and access to a database to complete the identification of a dog. This requirement reduces its ability to be used when identifying dogs in the bush.



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

The purpose of the procedure is to alter the natural state of the dog for the convenience of the owner, and for this reason we believe that it is never in the dogs best interests.

While the NZVA would prefer prohibition of this procedure, it supports the proposed regulation, but seeks further clarification from the wording regarding the intention that all avenues must be exhausted and the procedure used as a last resort, usually as an alternative to euthanasia.

The NZVA support the proposed regulation to maintain the status quo, but requests the following highlighted changes:

That debarking must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian  
Must only be performed in the best interests of the animal  
Pain relief must be used at the time of the procedure.

*For the purposes of this regulatory proposal it is proposed that the term 'best interests of the animal' will mean that this procedure should only be contemplated after all other means of treating inappropriate barking have been attempted and have failed, with euthanasia as the only alternative.*

**Debarking reduces a dog's ability to communicate, and does not address the underlying reasons for the behaviour. Fear, boredom, stress or territorial behaviour are reasons why a dog may bark excessively.**

Debarking does not eliminate the sound that dogs make, but rather softens it. A debarked dog will continue to bark hoarsely, unless the underlying issues are resolved.

The issues that cause dogs to make a nuisance of themselves by barking can often be managed, sometimes simply by moving them from the front yard to the back yard, reducing their need to "guard territory" from passers-by. Other solutions include behavioural modification training.

Debarking is not commonly performed in New Zealand, with the vast majority of veterinarians ethically opposed to it.





There are a minority of owners who request it as a convenient solution to a barking problem after being served an abatement notice for nuisance barking, with limited attempts made to explore other options. For this reason it is important that the emphasis is on the requirement for all other avenues to be explored and to have failed before turning to a surgical solution.

## 60. Dogs - Cropping the ears

The NZVA fully supports the proposed regulation:

### **Prohibit the cropping of a dogs ears**

*In relation to this proposal, cropping means performing, on the pinnae of the ears of the dog, a surgical procedure that is designed to make the ears of the dog stand upright.*

Traditionally done under the mistaken belief that ear cropping prevents ear injuries in hunting dogs, there is no justification that cropping the ears confers any benefit to the dog (Mills, 2016).

This procedure causes unnecessary pain, and carries anaesthetic and infection risks.

As a prohibited surgical procedure under the Animal Welfare Act 1996, it is never performed by New Zealand veterinarians.

## 61. Dogs - Dew claws

The NZVA supports the proposed regulation:

That front limb dew claw removal and articulated (jointed) hind limb dew claw removal:

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian;
- Must only be performed for therapeutic reasons; and
- Pain relief must be used at the time of the procedure.

Hind limb dew claws: non-articulated (greater than or equal to four days of age):

- Must be performed by a veterinarian or veterinary student under supervision; and
- Pain relief must be used at the time of the procedure.



## **Reasons for support:**

### **1) Low incidence of dew claw injury**

The removal of articulated dewclaws on front legs (jointed dewclaws) confers no benefit to the dog and cannot be justified.

The overwhelming majority of dogs in New Zealand retain their forelimb dewclaws. It is uncommon to see dogs that have had their forelimb dewclaws removed.

While no research exists to the actual incidence, observations from our members reveal that although the majority of dogs have forelimb dewclaws, injuries are not at all common. If they do occur, they are simply managed – often just by trimming a nail or applying a dressing. They would rarely be removed for therapeutic reasons.

We do not commonly see issues with dogs scratching their eyes with their forelimb dewclaws as noted in workshop feedback by other parties. When they do arise, it would usually be due to the presence of underlying eye disease. This problem is best addressed by resolving the eye issue, not removing the dewclaw.

### **2) It is a significant surgical procedure**

As forelimb dewclaws are attached to the leg through a bony joint, they sit close to the limb and are not prone to catching. Hindlimb dewclaws, are often attached only by skin, and may be more at risk of injury. The removal of a forelimb dewclaw involves severing a bone or excising a joint. There is pain associated with this procedure (both acute and possibly chronic), along with risks of infection and haemorrhage. This is by definition a significant surgical procedure and there is no justification for this procedure to be performed by anyone other than a veterinarian or a veterinary student under supervision from a veterinarian.

The term “for therapeutic reasons” in the proposed regulation is clear.

### **Hunting Dogs**

Anecdotally we find no support for hunting breeds to be at such a level of risk that their dewclaws should be prophylactically removed so they are fit



for purpose. Pig dogs and farm dogs who experience the same environments as hunting dogs do not routinely have their dewclaws removed and this does not limit their performance, or cause them to excessively sustain injury.

### **Hindlimb dewclaws**

As the vast majority of hindlimb dewclaws are non-articulated, there is no objection to their removal being performed by person who possesses the knowledge, training and competence that is necessary to maintain the health and welfare of the pup when performing this procedure, providing that the puppy is less than four days of age and has closed eyes.

We note however, that good practice is to have them surgically removed by a veterinarian (or veterinary student under the direct supervision of a veterinarian), under general or local anaesthesia, and to have pain relief provided. This is commonly performed at the same time as desexing so no additional anaesthetic risk is assumed by the dog.

### **Financial implications**

There is also no additional cost to the dog owner in adopting this regulation.

### **Penalties**

We support this regulation being a prosecutable offence as removal of the forelimb dewclaws is a deliberate act.

## **62. Dogs - Tail docking**

The NZVA fully supports that regulation that:

Tail docking must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian

Must only be performed for therapeutic reasons

Pain relief must be used at the time of the procedure.

*Docking in the context of this proposal means the shortening or removal of the tail by any means. This relates to docking that may occur either directly after application of the method (e.g. surgery), or at any stage afterwards (e.g. banding).*



*For the purposes of this regulatory proposal it is proposed that the term 'performed for therapeutic reasons' will mean to undertake a procedure to respond to disease or injury.*

It is consistent with NZVA policy that dog tails should **not** be docked without justifiable medical reasons. Tail docking is also contrary to the Veterinary Council of New Zealand's **code of professional conduct** which states "amputation of all **or part of a dog's tail without having a justifiable** medical reason or because the dog is a particular breed, type or conformation as unacceptable".

### **Tail docking procedures**

Tail shortening – either by docking or banding is a significant surgical procedure. It causes short term pain to varying degrees and also has the potential to cause long-term neuropathic pain (Gross & S.H., 1990).<sup>1</sup> There are also risks with infection and haemorrhage.

Tail banding, is currently allowed under the Animal Welfare Act 1999. The NZ Council of Docked Breeds administers their own scheme for the NZKC. We hold concerns that there is no formal welfare organisation responsible for auditing the process or the people involved bringing in to question the effectiveness of the Act.

### **Hunting Dogs**

The NZVA do not support an exemption to be made for hunting dogs. There is no evidence to support that the environment they work in, or the type of tail they have, significantly increases the risk of tail injuries to a level that would justify prophylactic tail removal, (Wells, Hill, Stafford, & Wink, 2011). When considering the risk of serious tail injury, defined as an injury that requires veterinary attention, the risks are even lower (Mills, 2016). The majority of serious tail injuries that do occur are straightforward to manage, usually with only one visit to the veterinarian.

### **Docking for hygiene reasons**

The Veterinary profession does not believe that this problem is justification to deprive dogs such as Old English Sheepdogs and Yorkshire terriers of their tails. Many dogs have long haired coats and



entire tails. Hygiene is not commonly an issue, and if it does occur then trimming the fur is a simple solution.

### **Benefits of a tail**

The tail plays an important role in social communication with dogs. A longer tail has been shown to be more effective at conveying messages than a short tail (Leaver & Reimchen, 2007). The ability to effectively communicate both with other dogs and humans is an important aspect of managing dog aggression. If a dog can clearly signal they are nervous or afraid by holding their tail between their legs, more caution will be used when approaching them, preventing injury to handlers.

### **Attitudes in NZ Society**

This regulation not only has the full support of the veterinary profession, but wider society. We note that many more dogs from breeds that have been traditionally docked are now retaining their tails. We were also heartened to see that the New Zealand Kennel Club (NZKC) member survey in April 2014 saw the majority of their members disagreeing with a statement that supported tail docking (New Zealand Kennel Club, 2014). The NZKC have had to increase their focus on supporting those breeders who chose not to dock because of these changing attitudes. They advise that there are no limitations or penalties for owners who choose to show a traditionally docked dog with an entire tail.

This regulation will also align us with overseas countries that have already taken this step to improve canine welfare.

### **Financial implications**

There are no additional costs to owners or breeders to conform to this regulation.

Those involved in tail banding as a commercial service will suffer a financial loss.

The veterinary profession has not been supportive of tail shortening for many years. As the majority of tail injuries seen are related to tail shortening procedures (Wells, Hill, Stafford, & Wink, 2011), we would welcome a reduction in cases of tail injuries.



## Summary

The NZVA can see no justification for the continued mutilation of dogs by removing their tails based only on tradition, because of the following:

- The inherent risks involved with performing a surgical procedure, along with the potential to cause chronic pain (Gross & S.H., 1990),
- The small number of injuries that this procedure actually prevents,
- The strong support from both animal professionals and wider society in both New Zealand and overseas to ban this procedure,
- There is no financial cost to anyone in complying with the regulation,
- The tail serves a significant communication purpose in the dog (Leaver & Reimchen, 2007) and their welfare is reduced when it is removed,
- If a tail injury does occur, it is simple to manage and does not endanger life.

The term "for therapeutic reasons" in the proposed regulation is clear.

We support this regulation being a prosecutable offence as removal of the tail is a deliberate act.

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Proposed Animal Welfare Regulations – Care & Conduct and Surgical & Painful Procedures

Dairy Cattle Veterinarians (Special interest branch of New Zealand Veterinary Association.)

s 9(2)(a)

We strongly support the introduction of animal welfare regulations as a means of identifying and enforcing required standards of animal welfare. This will provide an easy method of dealing with breaches in a way that is not too onerous on either the regulator or those who may breach standards. This should assist all people responsible for the care of animals to ensure that they are aware of societal expectations with regards animal welfare.

The Dairy Cattle Veterinarians executive has attended the public meetings at Palmerston North, Hamilton, Christchurch & Invercargill to discuss these regulations. Our comments are informed by the discussion that was had at these meeting in addition to our experience as dairy cattle veterinarians who attend dairy farms on a regular basis.

**Responses to the Questions within Part A**

Q1) These should come into force at the same time as the regulations rather than waiting until 2020 as there is little substantive change from what is currently in force or that would require significant changes to practice that would be logistically difficult to achieve within a short timeframe.

Q2) The penalty for non-compliance with a Compliance Notice should be more than is proposed (currently \$500), this should be a minimum of \$1,000 given that the person has already been informed that they are non-compliant with the Act and have been provided with time to rectify the situation yet remain non-compliant. The infringement fee for section 36(3) is appropriate.

Q3) No

Q4) No

Q5) No

Q6) N/A

Q7) No – other animal welfare issues should not be addressed through non-regulatory initiatives. The example of reducing the induction of premature calving in dairy cattle addressed a specific issue that is not commonly undertaken in most other farming countries. I was integrally involved with the process to reduce then eliminate induction of premature calving so can speak to this issue. This relied on cooperation between stakeholders which, although successful, took longer than anticipated to get to the point where inductions could only be carried out by special exemption. The process was never tested, for example if one of the stakeholders to the Memorandum of Understanding did not agree then it was not clear how the other parties have made progress. Also,



the process of reducing the incidence of induction of premature calving had no legal prohibitions put in place and we are aware of instances where the guidelines were not followed. In those instances, a farmer (presumably with oversight from a veterinarian) acted outside of the MoU and there was no real process to take action against them. Given that breaches of animal welfare can impact an entire industry and New Zealand's reputation for animal welfare we do not believe that it is reasonable to leave standard setting or the changing of expectations to non-regulatory initiatives.

Q8) The proposed regulations will change the way that some animal owners operate in that they will now need to provide a higher level of animal welfare. None of the changes will be particularly difficult to implement from a logistical point of view but may incur some extra cost e.g. requirement for provision of pain relief for all calf disbudding / dehorning. The costs are not anticipated to be prohibitive, for example the cost for local anaesthetic for each calf at disbudding is unlikely to exceed 50 cents per animal. There will be a need to increase the level of technical skill for administration of local anaesthetic and some of the regulations will also require a level of auditing to ensure that the desired outcomes are being achieved (i.e. that local anaesthetic is being administered correctly to provide pain relief). It is important to remember however, that the New Zealand economy relies heavily on agricultural exports so it is reasonable to act now to maintain New Zealand's reputation as a leader in animal welfare.

Q9) We have some concerns about determining whether an infringement is causing a low-level of harm or a moderate level of harm; also what constitutes a small number of animals. We believe it would be useful to have an infringement offence for the higher amount of at least \$1,000 where a larger number of animals is affected e.g. a group of 60 calves that have been disbudded without the use of pain relief. This maintains the intent of the regulations in expediently dealing with an offence and not needing to take a prosecution.

Q10) We are concerned that prosecutions will still only be taken in the most extreme cases of animal abuse or neglect. As above, our recommendation would be an infringement notice to a higher amount for cases where many animals are involved or where moderate harm has been caused – in these instances, the offender is likely to be a person who makes a significant amount of money from their animal operation and therefore the financial penalty needs to be a sufficient deterrent. People's interpretation of moderate harm may be affected by the fact that some of these procedures have been legal up till now e.g. disbudding/dehorning up to the age of 9 months without provision of pain relief.

Q11) Assuming that there is a reasonable education campaign which is supported by the animal industries then lack of knowledge of the new regulations should not be a defence against prosecution. Similarly intent or recklessness is difficult to prove and should not be included.

Q12) The defences listed in section 4.1.5 are reasonable.

Q13) The definition should be expanded to include protecting animal life.

Q14) This will be answered throughout the responses to Section B

Q15-17) We support the second approach whereby the codes of welfare are amended only where the regulations provide a higher standard as this would allow the codes of welfare to continue to come into play in prosecutions for Act offences.

Q18) There are already a number of fora which provide feedback to MPI including the Farm to Processor Animal Welfare Forum and NAWAC. Additionally, industry leaders meet with senior MPI officials and can lobby the Minister to provide feedback.

### **Responses to Specific Proposals (the Regulations in part B)**

**1. All animals electric prodders:** We agree with this regulation in principle but believe that electric prodders should only be used in situations where the animal, other animals or people are at risk of injury and not as a routine method of encouraging animals to move. Exceptions to this would be for loading animals onto transport which is not a procedure that the animal would be familiar with and therefore the animal may be unlikely to move with other inducements and when loading a stunning pen. In the exceptions suggested there may well be a risk of injury to people if they were to get in with the animals. There would be few other situations on a farm or in a circus where it is justified to use electric prodders compared to other means of encouraging animals to move. A rare example for use of an electric prodder would be as part of a veterinary clinical /neurological examination of a recumbent animal to test reflexes and/or encourage them to stand as remaining recumbent is likely to cause the animal's condition to worsen. We would suggest no more than three shocks or prods, if the animal has not responded as desired then further use of an electric prodder is not warranted. A point that is raised from this regulation is around the use of animals in circuses. We do not believe that it is possible to meet the needs of animals other than commonly domesticated species such as dogs and horses within the physical constraints of a circus and that keeping exotic animals such as elephants, monkeys or big cats in a circus should be prohibited.

**2. All animals – use of goads:** This regulation should be expanded to include all of the head of the animal and not just the eyes, and that the penis/prepuce should also be included as an area where a goad must not be used. There is no situation in which it is justified to use a goad (including an electric prod) in any of these areas.

**3. All animals – twisting an animal's tail:** We are in full agreement with this but it needs to be clear in additional information that lifting an animal's tail (specifically with cattle) is a reasonable method of reducing the risk of a person being kicked (or at least being kicked with a lot of force) when having to treat the animal such as insertion of intramammary treatments or placing a leg rope to lift a hoof to investigate lameness. Again, the lifting of the tail needs to be straight and upwards to be effective. Tail lifting must not be used with any force as to cause more than temporary discomfort or to fracture the tail. Tail lifting does not involve any lateral twisting of the tail.

**9. Dogs - secured on moving vehicles:** fully agree. We also recommend that, in instances where the dog may be jumping on and off the vehicle because they are working and moving a mob of livestock on a public road, that the vehicle be restricted to travelling at no more than 20 km/hr if the dogs are not secured. If the dogs are actively working then there is no way that the vehicle should be travelling faster than that. This would ensure that dogs are properly secured for the trip home when

the livestock have been moved or that the vehicle is limited in speed on the return journey if the dogs are not secured.

**13. Goats – tethering requirements:** fully agree.

**14. Horses – use of a whip, lead or any other object:** fully agree, although this should be allowed in a situation where a person is at risk of injury e.g. when a horse is attempting to bite a person. We believe it would be reasonable for the person to respond (in a manner similar to which another horse would respond if attacked) by striking with their hand or lead rope at the time of the incident or immediately afterwards as self defence or as part of a training process. Striking the horse some short time after the event as punishment is not an effective training method to protect people from being bitten by the horse in the future.

**15. Horses – injuries for tack:** fully agree. Could it just be stated that equipment and tack (includes bridles and boots etc) not cause cuts, abrasions or swelling?

**16. Horses and donkeys tethering** – fully agree. I'm not sure if it is covered under any other animal welfare or safety law but horses and donkeys should not be tethered on the side of a public road during the hours of darkness as they are more likely to be frightened and injure themselves or become loose and cause an accident.

**17-28.** A variety of proposals: fully agree with all of these.

**29. The use of fireworks at rodeos:** fully agree. Further we believe that fireworks are distressing to many animals and their sale and use should be restricted to public displays and that they should not be able to be sold to or used by members of the public. Additionally, events at rodeos which are potentially risky or distressing to animals should be banned; such events include events such as roping where animals can be brought to a sudden stop and events where a rider launches from a horse to restrain a running cattle beast. Events where horses which are not used to being ridden e.g. bull and bronco (horse) riding should be banned as these animals experience fear and distress as part of the incentive to buck.

**30. Exotic animals in circuses:** as mentioned previously, we fully support the prohibition of using exotic animals in circuses as we do not believe it is possible to meet their behavioural needs. Domesticated species such as horses, goats and dogs can be provided with adequate space for grazing as they are domesticated and can easily be restrained within appropriate spaces.

**31. Cattle-Milk stimulation** – fully support. Yes it occurs very occasionally usually by older farmers.

**32. Cattle and Sheep- Vehicular traction in calving or lambing.**

**33: Ingrown horns:** goats should also be included in this proposal, fully support.

**34: Stock transport:** include horses in this proposal, fully support.

**35. Stock transport – Animals with ingrown horns** fully support

**36. Stock transport – Animals with bleeding horns or antlers** fully support

**37. Stock transport – Animals with long horns or antlers** fully support

**38: Stock transport-Lame cattle, deer, pigs and goats.** We fully support the proposal. The present NZVA 2012 Fitness for Livestock for Transport (for slaughter) Veterinary Declaration uses the Dairy NZ lameness scoring system. This allows 0 & 1 score animals to be transported. Score 2 animals may be certified fit for transport by a veterinarian with specific instructions within the certificate. Score 3 is NOT fit for transport.

We would support the continuation of this process backed up by an infringement offence.

**39: Stock transport- Animals that cannot bear weight evenly due to injury.** We are not sure why this needs to be included as it seems to be covered by proposal 38. If the animal has a subtle injury so that it is not bearing weight evenly but would be classified as lameness score 1 (from proposal 38) then that should be fit for transport. If the degree of lameness is more than 1 then the criteria from proposal 38 should be sufficient. There should not be a distinction whether the lameness is due to injury or disease.

**40. Transport of pregnant animals:** while we support this proposal in principle we believe it would be difficult to ascertain whether the person in charge of the animal would have known it was likely to give birth during transport or within 24 hours. If the evidence is that the animal did give birth then this could have been obvious to the person responsible or might not have been – for example if the animals aborts the fetus. We think that further consideration needs to be given as to how this could be monitored and how it would be decided if the regulation has been breached or not.

**41. Stock Transport- Animals with injured or diseased udders:** fully support.

**42. Stock Transport- Cattle or sheep with cancer eye:** fully support

#### **Young calf management regulatory proposals**

We fully support all of these proposals but believe that these need to be applied to all young calves and not just calves derived from the dairy industry which are being transported to slaughter. Although calves which have been separated from their mothers (generally in the dairy industry) and have been sold for rearing into the beef industry are generally of higher monetary value and are more likely to be well cared for, the regulations should still apply to them as they can be transported long distances.

Another situation that should be considered is where a farmer has multiple properties or a nearby run-off property and might be moving calves greater distances for rearing e.g. to another property with calf-rearing facilities. If the calf is younger than 4 days old, then these calves should not be transported a distance greater than 5 km and the requirements for shelter during transport must also be met.

**43. Young Calves-Loading and unloading facilities:** fully support although this should be made clear that this is for when loading and unloading calves at a height of a normal livestock truck and not when putting calves on a low trailer for transport to the barn from the paddock or between properties on a small scale. It is mainly when the calves need to be lifted higher that there is a risk of

rough handling. It is also acknowledged that very young calves may not move as desired when encouraged to do so and they may need pushing to get them to move along a ramp or onto a truck and that they may not completely move by their own action as would be expected of an older cattle beast.

**44. Young Calves shelter on farm:** Fully support this and acknowledge that this requirement only applies to young calves that are separated from their mother.

**45. Fitness for Transport-Age:** this wording makes it more likely that calves will be at least 4 days old rather than possibly being in their fourth day since birth. Calves need to be healthy and strong and their feeding regime up till that point will be an important component of that. For example, if a calf is separated from its mother at 2 days of age, it might take a further 2 days for it to become used to being fed in the calf shed and so might not have received adequate feed in the few days prior to transport. It should be stated that calves should have been separated from their mother for 4 days before being allowed to be transported as that is more likely to ensure the required outcomes. It would be very uncommon for a calf to remain with its mother for more than 1-2 days so this should not be unreasonable to comply with.

**46. Fitness for transport-Physical Characteristics** fully support.

**47. Young Calves-Maximum time off feed** fully support

Regarding feeding calves at the lairage it would be difficult to ensure that all calves in the group were adequately fed and there may not be experienced staff, feed or equipment at the slaughter premises or transit facility.

**48. Eight hour maximum duration of transport** fully support. Reducing transport time will improve calf welfare. Hypoglycaemia has been shown to worsen in calves with a longer journey time. The mortality rate also increases with the distance of transportation. Good planning and meat companies working together would reduce the average calf transportation time.

**49. Young calves blunt force trauma:** support although there may occasionally be emergency situations where the calf should be killed expediently and it is not reasonable to delay humane euthanasia until a firearm or captive bolt can be accessed.

**50. Young calves transport across the Cook Strait prohibited:** fully support. Transporting young calves across Cook Strait for slaughter is completely unnecessary. We would also support the prohibition of transporting cull cows/ewes across the Cook Strait unless that would be their closest slaughter premises by transport time.

#### **Surgical and Painful Procedures**

**51. Hot branding:** fully support

**52. All animals – Embryo collection via exteriorised uterus.** We do not support that this may be carried out by any person. Embryo collection in sheep requires full general anaesthesia and

exteriorisation of the uterus from the abdominal cavity. We would suggest this should be “performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of the procedure.

**53. Laparoscopic AI.** Fully support as long as it can be guaranteed that the person carrying out the procedure can safely and correctly use the method of pain relief that has been provided (local or general anaesthetic). Local anaesthetic can only be provided by a veterinarian under VOI and so the veterinarian must satisfy themselves that the operator is using the RVM correctly. This must involve a training and audit programme as is currently used for lay operators and develvetting stags.

**54. Liver biopsy: fully support.**

**55. All animals-Dental work:** This should clarify that the instrument needs to be designed for the purpose of dentistry but many of these are also designed to attach to a standard power pack for power tools which may not be specifically designed for veterinary uses. Should include (here or elsewhere) that pain relief must be provided if the procedure is likely to be painful e.g. extraction of teeth rather than just rasping of a horse’s teeth.

**63 Cattle-Teats:** Fully support.

**64 Cattle – Claw removal:** Fully support

**65 Cattle –Teat occlusion:** Fully support

**66: Cattle – Tail docking:** Fully support

**67: Castration and shortening of the scrotum:** It is not recommended to use conventional rubber rings on cattle over the age of 3 months as, by this age, the tissue is likely to have become too large and developed for the method to be effective and it is not uncommon for the procedure to be ineffective and for the tissue that is occluded by the rubber ring to become swollen and infected. This then requires a difficult and costly surgical procedure by a veterinarian to correct. In the meantime, the animal will have suffered unreasonable pain and possibly die.



This proposal should cover animals up to the age of 3 months if it is to be undertaken by any person. Once the animal is more than 3 months old, it must be undertaken by a veterinarian or supervised veterinary student and pain relief must be used.

**68. Cattle, sheep,& goats – Disbudding** Fully support This is a huge improvement to make pain relief required at all ages. There needs to be a comprehensive training programme for individuals to perform the procedure correctly and safely and to ensure that the local anaesthetic is placed correctly and that sufficient time elapses to ensure that pain relief is provided. Hot iron or gas cautery disbudding is the most effective means of disbudding to ensure that the horn bud is removed or destroyed. Caustic pastes should be prohibited as they act slowly, are often ineffective and can cause injury to other parts of the body if the paste is transferred from another animal. Disbudding goats is a much more significant procedure and should only be allowed to be performed by a veterinarian or a supervised veterinary student and it is recommended that general anaesthetic be used (alfaxalone is recommended).

**69. Cattle, sheep,& goats – Dehorning** Fully support.

**70. Sheep tail docking:** tail docking in sheep should be carried out as early as possible. Under commercial farming systems this is usually done in the first few weeks of life. The smaller the lamb when it is done the better. The age that this can be carried out without pain relief should be no more than 3 months old (which would align for my suggested timeframe for castration in cattle and sheep). This would not be a significant change to current farming practice. The development of rubber rings impregnated with local anaesthetic or the application of a topical local anaesthetic that would improve animal welfare should be vigorously pursued. If the sheep is older than 3 months of age, this procedure should only be performed by a veterinarian or supervised veterinary student and pain relief should be compulsory. Given that veterinarians have a responsibility for animal welfare under the Veterinarians' Act, any of these significant surgical procedures would be performed using pain relief if undertaken by a veterinarian. Sheep are the only domesticated species where it is reasonable to remove part of the tail as a prophylactic measure due to the risk of flystrike.

**71. Sheep- Mulesing:** fully support prohibition as this procedure is not warranted in NZ.

**72 – 78. Deer and horses:** fully support all proposals due to the risk of poor animal welfare outcomes if this level of veterinary oversight or involvement is not adhered to.

**79. Camelid castration:** fully support that castration can only be performed by a veterinarian or veterinary student. We do not have the background to comment on whether the proposed age limits are appropriate or not.

Thank you for the development of these regulations and the opportunity to comment. It is very likely that you will receive many submissions from interested parties who have historically been able to conduct some of these procedures themselves and without the provision of pain relief. We ask that submissions be considered on their scientific merit and that the submitter is knowledgeable in the area and do not have a vested interest in maintaining the status quo rather than improving animal welfare. It needs to be recognised that all animals are capable of feeling pain as well as distress and fear – even neonates. Therefore, any significant surgical procedure needs to be justified on the grounds of human or animal welfare or safety for it to be considered reasonable in any circumstance to be carried out routinely as opposed to when it is in the best interests of an individual animal e.g. tail docking following a significant injury to the tail. If it is reasonable for a procedure to be

performed routinely e.g. disbudding/dehorning, castration then pain relief should be provided if it is feasible to do so.

Yours sincerely,

Society of Dairy Cattle Veterinarians  
Special Interest Branch of the New Zealand Veterinary  
Association.

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982





Sheep and Beef Cattle Veterinarians  
Branch of the NZVA

16 May 2016

Re: Submission on Animal Welfare Regulations - Care & Conduct and Surgical & Painful Procedures

Dear Sir/Madam,

Thank you for the opportunity to submit on the proposed animal welfare regulations. On behalf of the Sheep and Beef Cattle veterinarians of the NZVA we will provide answers to the questions posed in Part A and provide feedback on selected proposed regulations in Part B that particularly pertain to sheep and beef cattle which our veterinary members regularly deal with.

We welcome further discussion to ensure practical, effective regulations are designed and implemented which maximise animal welfare in this country.

If you have queries please either contact me through the NZVA or directly as below.

Kind regards,

Jo Holter BVSc.

President Sheep & Beef Vets SIB, NZVA

§ 9(2)(a)

[Redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## Part A

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

These should come into force at the same time as the regulations rather than waiting until 2020.

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

In general yes however the penalty for non-compliance with a Compliance Notice should possibly be more than is proposed (currently \$500), given that the person has already been informed that they are non-compliant with the Act and have been provided with time to rectify the situation yet remain non-compliant. The infringement fee for section 36(3) is appropriate.

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

No

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

No

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

No

**Question 6:** *If so, how should these matters be managed? N/A*

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

No – other animal welfare issues should not be addressed through non-regulatory initiatives. Given that breaches of animal welfare can impact an entire industry and New Zealand's reputation for animal welfare it is not reasonable to leave standard setting or the changing of expectations to non-regulatory initiatives.

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

The proposed regulations will change the way that some animal owners operate in that they will now need to provide a higher standard of animal welfare. Some of these changes may incur some extra cost e.g. requirement for provision of pain relief for all calf disbudding / dehorning but these costs are not anticipated to be prohibitive. There will be a need to increase the level of technical skill (e.g. administration of local anaesthetic) and some of the regulations will also require a level of auditing to ensure that the desired outcomes are being achieved (i.e. that local anaesthetic is being administered correctly to provide pain relief).

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

The terms low-level of harm or a moderate level of harm and small number of animals may need further clarification. As above to act as deterrent it may be necessary to increase the penalties for the lower level offending.

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

Prosecutions are still only likely to occur in extreme cases of neglect – as such it may be necessary to increase the penalties for the lower level infringements.

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

Lack of knowledge of the new regulations should not be a defence against prosecution. Similarly intent or recklessness is difficult to prove and should not be included.

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

The defences listed in section 4.1.5 are reasonable.

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

Yes the definition should be expanded to include protecting animal life.

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

No

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

See below

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

See below

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

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

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

Using existing stakeholder feedback channels.

## Part B – responses to specific proposals

### 1. All animals – Electric prodders

#### Proposal

Electric prodders may only be used on:

- a) cattle over 100kg;
- b) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or
- c) cattle over 100kg, and other animals, in a commercial slaughter premises:

- i. where the safety of the handler is at risk; or**
- ii. when loading a stunning pen.**

Agree in principle - electric prodders should only be used in situations where the animal, other animals or people are at risk of injury and not as a routine method of encouraging animals to move.

100kg is a reasonable cut-off as this is heavier than many handlers would be and hence physical manipulation of the animal becomes difficult and a risk to health and safety. By having this weight it doesn't restrict the use of electric prodders as health and safety tool.

Exceptions at the slaughter premises - justified exception is when the handlers "health and safety" is at risk. We do not believe that the exception for moving animals less than 100kg into a stunning create is valid unless health and safety of the handler is compromised and hence is covered by the first exemption.

Exceptions for the circus should again be based on risk to health and safety of the handler only.

## **2. All Animals – Use of goads**

### **Proposal**

**Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes**

*Transport code of welfare 2011 definition of goad – an object, including an electric prodder, used to stimulate or prod an animal to make it move.*

Agree. Suggest ears should be added onto the list of sensitive areas.

## **3. All Animals – Twisting an animal's tail**

### **Proposal**

**Prohibit twisting the tail of an animal in a manner that causes the animal pain.**

We do not support this regulation in its current form as there are common circumstances in which lifting and bending of the tail is a reasonable method (and causes a low level of discomfort rather than pain) of moving helping to move animals along a raceway or to reduce risk to the handler when placing a leg rope to lift a hoof to investigate lameness. This lifting of the tail in these circumstances

is not done with with such force as to cause more than temporary discomfort or to fracture the tail. Any bending of the tail in these circumstances is done at a high level and is therefore very unlikely to cause fracture of the tail. We acknowledge that deliberate fracture of tails is a common animal welfare issue that we would like to see regulated however this will require a more robust definition to ensure this is a workable regulation.

### **13. Goats – Tethering requirements**

**Proposal**

**Tethered goats must have constant access to food, water, and shelter.**

Agree with proposal. There are no situations that require goat to be tethered but regulations can't be met and proposed standards are practical and meet welfare considerations of the goat. It may be necessary to define 'shelter'

### **32. Cattle and sheep – Vehicular traction in calving or lambing.**

**Proposal**

**Prohibit using a moving vehicle to provide traction in calving or lambing.**

Agree and support this proposal. This occurs commonly enough to warrant regulation.

### **33. Cattle and sheep – Ingrown horns**

**Proposal**

**Failure to treat an ingrown horn that is touching skin or eye.**

Support this proposal. Yes it is more appropriate to infringe less severe ingrown horns while prosecuting more severe ingrown horns as long as this is well defined.

In reality as soon as the horn is nearing the body it should be dealt with and obviously as soon as it is discovered that the horn has penetrated the skin it should be dealt with. As such it is suggested that the wording be amended to touching the eye or breaking the skin. Goats should be added to this proposal.

No there are not any circumstances where an animal with an ingrown horn needs to be transported and it is impractical to treat the horn or obtain a veterinary certificate.

#### **34. Stock transport – Cuts and abrasions**

**Proposal**

**Transport of cattle, deer, sheep, goats, and pigs must not result in cuts or abrasions.**

Support with some modifications. The phrase “cuts and abrasions” is vague and includes even very minor skin damage. Also if the main focus of this regulation is on back-rub the phrase ‘cuts and abrasions’ would lead most people to think of damage to the legs and flanks, rather than back rub. This should be clarified to ensure that back-rub is understood by all.

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

**Proposal**

**An animal with an ingrown horn that is touching the skin or eye must not be transported, except when certified fit for transport by a veterinarian.**

Support this proposal in general. Amend as in Reg 33.

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

**Proposal**

**An animal with a bleeding or broken horn or antler must not be transported, except when certified fit for transport by a veterinarian.**

Agree however there may be situations where an animal damages its horns or antlers upon loading or during transit and where getting a vet certificate this situation would be difficult. Old, healed injuries should be easy to define.

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

**Proposal**

**Transport of animals with horns or antlers greater than 110mm must not cause injury to themselves or other animals.**

The 110mm we believe comes from the deer industry and we question it's suitability here. There may be situations in which horns less than 110mm in length could potentially cause injury especially if they are sharp and as such this will need a more robust definition.

### **38. Stock transport – Lameness in cattle, deer, pigs, and goats**

#### **Proposal**

**A cattle beast, deer, pig, or goat that has a lameness score of two must not be transported, except when certified fit for transport by a veterinarian.**

**A cattle beast, deer, pig, or goat that has a lameness score of three must not be transported.**

Agree with this proposal however the subjective nature of the 1-3 grading system can mean people may have different interpretations of this so this will need improved definition to create a practical regulation.

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

#### **Proposal**

**A cattle beast, sheep, deer, pig, or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian.**

*Note this proposal relates to lameness due to an injury rather than disease.*

This may not be necessary to include given that this is covered in 38.

### **40. Stock transport – Pregnant animals**

#### **Proposal**

**Prohibit transporting a cattle beast, sheep, deer, pig, or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a**



**veterinarian.**

Support this proposal in general however it would be better to refine and clarify very late stages of pregnancy more effectively. Whilst not common an animal could abort a foetus and not have been in the latter stages of pregnancy. We suggest that this should be amended to prohibition of transport of pregnant animals in the last 2 weeks of gestation.

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

**Proposal**

**A cattle beast or sheep with a cancer eye greater than 2cm in diameter and not confined to the eye or eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.**

Support this proposal for cattle. In sheep a 2cm lesion for a sheep is virtually the entire eye (proportionally much more than for cattle) so maximal size should be reduced for sheep or it should be as a proportion of the eye. We are not sure as to whether an upper level of severity needs to be defined to guide prosecution.

#### **49. Young Calves – Blunt force trauma**

**Proposal**

**Prohibit the use of blunt force trauma for killing calves.**

Fully agree with this proposal.

#### **51. All animals – Hot branding**

**Proposal**

**Prohibit hot branding**

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

Fully agree with this proposal.

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

### Proposal

**May be performed by any person.**

**Pain relief must be used at the time of the procedure.**

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

We do not support this as we have concerns around the may be performed by any person.

Embryo collection via exteriorised uterus in sheep requires with ewe to be anaesthetised. In cattle it is usually done non-surgically but in sheep it is quite an invasive procedure. This is a similar process to embryo re-implantation in sheep. Does this regulation cover this also? We believe it is also a significant surgical procedure.

We suggest this should be **‘Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian or an appropriately trained, certified professional. Pain relief must be used at the time of the procedure.’** This would allow non-vets with experience in this field to become certified by a veterinarian to carry out this procedure. We acknowledge that lay people do currently carry out this procedure and the person carrying out the procedure needs to be an appropriately trained professional that can safely and correctly use the method of pain relief (local anaesthetic) that has been provided and carry out the procedure to an appropriately high standard.

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

### Proposal

**May be performed by any person.**

**Pain relief must be used at the time of the procedure.**

*This is a technique to assist breeding where semen is directly deposited into each of the uterine horns.*

We suggest that that this **must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian or an appropriately trained, certified professional. Pain relief must be used at the time of the procedure.**

We acknowledge that lay people do currently carry out this procedure and currently there are dedicated animal breeding businesses with veterinarians involved that have non-veterinarians carrying out this procedure (and others such as embryo flushing and transfer) under their supervision. We do not believe this regulation (or Reg 52) needs to hinder this practice however the person carrying out the procedure needs to be an appropriately trained professional that can safely and correctly use the method of pain relief (local anaesthetic) that has been provided and carry out the procedure to an appropriately high standard.

#### **54. All animals – Liver biopsy**

##### **Proposal**

**Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.**

**Pain relief must be used at the time of the procedure.**

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

Fully support.

#### **64. Cattle – Claw removal**

##### **Proposal**

**Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.**

**Pain relief must be used at the time of the procedure.**

*The purpose of this procedure is to remove problems in the deep tissues of a cattle's claw that can cause lameness.*

Fully support.

#### **66. Cattle – Tail docking**

**Proposal**

**Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.**

**May only be performed for therapeutic reasons.**

**Pain relief must be used at the time of the procedure.**

*In the context of this regulation, docking means the shortening or removal of the tail by any means. This relates to docking that may occur either directly after application of the method (e.g. surgery), or at any stage afterwards (e.g. banding).*

*For the purposes of this regulatory proposal it is proposed that the term 'performed for therapeutic reasons' will mean to undertake a procedure to respond to disease or injury.*

Fully support.

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

**Proposal**

**Castration<sup>49</sup> and shortening of the scrotum (under 6 months of age):**

- **May be undertaken by any person.**
- **Conventional rubber rings must only be used for this procedure.**

**Castration and shortening of the scrotum (over 6 months of age):**

- **Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.**
- **Pain relief must be used at the time of the procedure.**

**Surgical castration (at any age):**

- **Must be performed by a veterinarian or a veterinary student under the direct**

supervision of a veterinarian.

– **Pain relief must be used at the time of the procedure.**

*These procedures are undertaken for a number of reasons, including: reducing aggression and facilitating management, restricting breeding and achieving desirable meat and carcass quality.*

We support this in principle but have some issues with the 6 month age. Our concern is that in some well grown animals at 6 months of age, the tissue is likely to have become too large and developed for most rubber ring methods to be effective and it is not uncommon for the procedure to be ineffective and for the tissue that is occluded by the rubber ring to become swollen and infected. We suggest that a 4 or 5 month age limit would be more appropriate. We are aware that for beef animals there is equipment such as Te Pari rings which are capable of effective castration in animals older than this but the current wording of 'rubber rings' leaves this open for farmer interpretation as to the appropriate method.

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

**Proposal**

**May be performed by any person.**

**Pain relief must be used at the time of the procedure.**

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

*Animals are disbudded to reduce the significant risk that horns pose to the health and welfare of other animals and humans.*

Support this in principle however pain relief needs appropriate definition. Suggest this should be **'Pain relief in the form of effectively administered local anaesthetic should be used at the time of the procedure. Pain relief required at all ages.'**

There needs to be a comprehensive training programme for individuals to perform the procedure correctly and safely and to ensure that the local anaesthetic is placed correctly and that sufficient time elapses to ensure that pain relief is provided. Hot iron or gas cautery disbudding is the most effective means of disbudding to ensure that the horn bud is removed or destroyed. Pain relief should be necessary regardless of which method is used.

Disbudding goats is a much more significant procedure and should only be allowed to be performed by a veterinarian or a supervised veterinary student and it is recommended that general anaesthetic be used.

#### 69. Cattle, sheep, & goats – Dehorning

##### Proposal

**May be undertaken by any person**

**Pain relief must be used at the time of the procedure**

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

*Animals are dehorned to reduce the significant risk that they pose to the health and welfare of other animals and humans.*

Support this in principle however pain relief needs appropriate definition. Suggest this should be **'Pain relief in the form of effectively administered local anaesthetic should be used at the time of the procedure. Pain relief required at all ages.'**

Dehorning should not only include removal of whole horns as there are many instances in which a farmer will choose to only remove part of the horn and depending on the level of this removal will often still be a painful procedure. Suggest this should be **'Dehorning is removal of whole or part of horns'**.

Dehorning goats is a much more significant procedure and should only be allowed to be performed by a veterinarian or a supervised veterinary student and it is recommended that general anaesthetic be used.

#### 70. Sheep – Tail docking

##### Proposal

**Tail docking (under 6 months of age):**

- **May be performed by any person.**
- **Must use hot iron or rubber rings only.**
- **Tail must not be flush.**

**Tail docking (over 6 months of age):**

- **Must be performed by a veterinarian or a**

**veterinary student under the direct supervision of a veterinarian.**

**- Pain relief must be used at the time of the procedure.**

Support this in principle however again we have some concerns over the 6 month age limit and believe this should be reduced. Tail docking in sheep should be carried out as early as possible. Under commercial farming systems this is usually done in the first few weeks of life. The smaller the lamb when it is done the better to reduce the degree of tissue damage that is required. The age that this can be carried out without pain relief should be no more than 4 or 5 months of age for this practical reason.

If the sheep is older than 4 to 5 months of age, this procedure should only be performed by a veterinarian or supervised veterinary student and pain relief should be compulsory. Given that veterinarians have a responsibility for animal welfare under the Veterinarians' Act, any of these significant surgical procedures would be performed using pain relief if undertaken by a veterinarian.

## **71. Sheep – Mulesing**

### **Proposal**

### **Prohibit mulesing**

*For the purposes of this regulatory proposal mulesing will mean the surgical removal of the breach and/or tail skin folds or wrinkles of merino or merino-dominant sheep to reduce the risk of flystrike.*

*This prohibition does not preclude a vet from undertaking the procedure for therapeutic reasons as a result of disease or injury.*

Fully support this proposal.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



## New Zealand Equine Veterinary Association

16 May 2016

Callum Irvine  
Head of Veterinary Services  
New Zealand Veterinary Association

Dear Callum,

Below is the NZEVA submission on the Proposed Animal Welfare Regulations MPI Discussion Paper 2016/12

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

Would like to see some allowance for use of protective equipment to deflect/ prevent attack by the mouth and head of a horse on handlers. The use of a whip or lead is unacceptable. But handlers could use equipment that is suitable and not likely to injure a horse but will still provide protection to the handler from aggressive horses. There are occasions with young males or stallions where some prevention of aggression by these animals may be required.

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

While we agree that any equipment should not cause cuts abrasions and swelling there are times when abrasions sometimes occur in the normal course of events when breaking in Standardbreds to harness for example.

The level of severity should be *significant cuts and severe or full dermis abrasions*  
On investigation advice and education may be better than infringement notice depending on severity of lesions.

### **51 All Animals - Hot Branding**

The NZEVA supports the prohibition of hot branding.

### **77. Caslick's Procedure**

We would like to suggest the following changes to the proposal to reflect the practicalities of performing Caslick's Procedure on Thoroughbred Stud farms.

Creating, and repairing a Caslick must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.

Opening a caslick using local anaesthetic can be performed by a trained operator (VOI) under the supervision of a veterinarian.

Under supervision of a veterinarian the opening and immediate closing (within 1 hour) using local anaesthetic to allow natural service of the mare should be permitted.

This must not involve the removal of any tissue.



The NZEVA is happy to discuss these proposal further if required.

A handwritten signature in black ink, appearing to read "Neil Houston", with a long horizontal flourish extending to the right.

Neil Houston BVSc MACVSc  
President  
NZEVA

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



## New Zealand Equine Veterinary Association

18 May 2016

Callum Irvine  
Head of Veterinary Services  
New Zealand Veterinary Association

Dear Callum,

Below is the NZEVA Dentistry submission on the Proposed Animal Welfare Regulations MPI Discussion Paper 2016/12

In response to reading the Document of Proposals for Animal welfare regulations proposals 2016, the equine dentistry sub committee has the following recommendations for the NZEVA.

Currently there is no regulation of the standard of lay person carrying out dental treatments in New Zealand. This makes it impossible to specify which non veterinarians are suitably qualified to carry out any invasive or semi invasive dental procedures. Regulations should therefore reflect this reality whilst opening up the possibility of creating a qualification system, which would allow those who are deemed suitable, to then perform some of those regulated procedures. For example it may be possible to allow those who have sat and passed their British Equine Veterinary association, (BEVA), Equine Dental Technicians exams, to perform the same procedures they would be allowed to do in the UK. This would afford a vastly improved regulation of operators in New Zealand and directly improve the standard of equine dental welfare for horses.

This would need further work. However now is the perfect time to put the initially required regulations in place.

### 1. Power tools.

The proposal in section 10.2 no 55 is ambiguous and contains misinformation, particularly in reference to equine dentistry. As the proposal stands, many highly qualified equine veterinarians would be in possible breach as they use non water cooled power tools. This proposal at the very least gives the impression that these veterinarians are performing lower standard treatment than the best recommended. This could not be further from the truth.

Though the sentiment of using power tools designed for dentistry, is a worthy inclusion, it negates the fact that almost every power tool manufactured specifically for dentistry can still be used in a manner that can cause irreversible damage to a tooth.

We would argue strongly that the technique and specific conditions under which a power tool is used has much more bearing than the actual tool itself.

For example it is much more likely that using such a tool in an un sedated animal will result in harm caused. It is also very possible to penetrate a live pulp canal using a water cooled power tool if the occlusal surface is not checked frequently. The follow on from this is that it is much more likely that the person operating the equipment is the problem, not the tool. It is also an important note, that should a problem occur, such as a pulp exposure, immediate treatment is necessary to try to save the tooth. This would require endodontic treatment which should only be performed by a veterinarian. It therefore makes sense that power tools would only be used by a veterinarian, or a suitably qualified equine dental technician, under direct and continuous veterinary supervision.

It is also important to note that as there is no regulatory body for lay equine dental operators in New Zealand, the public has no body to report any occasion of poor practice to.

Compare this with VCNZ regulating veterinarians.

This regulation should reflect the level of knowledge and skill required to operate the equipment safely.

#### **Recommended proposal amendment:**

Power tools for equine dentistry should be purpose built for equine dentistry. They should only be used by a veterinarian, a veterinary student or suitably qualified equine dental technician under direct veterinary supervision.\*

Power tools when used incorrectly, can cause damage to dental tissues and surrounding soft tissues. Direct pulp exposure by over reduction of occlusal surfaces can cause significant inflammation and pain within the pulp tissue. If left untreated, it will often result in death of the tooth vital tissue, with subsequent apical tooth infection a likely result. The occlusal and other surfaces of the teeth should be regularly assessed during use of power tools. Reductions should be performed in small increments to prevent vital pulp exposure.

Thermal injury is more difficult to assess at the time of causation. It may take many months before clinical non vital pulp exposure is noted indicating damage to the vital pulp tissue previously.

For this reason operators should have good knowledge of their equipments' potential to cause thermal damage. Appropriate cooling methods should be used to prevent thermal damage to teeth, at all times.

Power tools should be operated in such a way as to not cause injury to any soft tissue structures.

Potential for electrocution when using power equipment should be assessed and, appropriate steps taken to prevent such an occurrence.

\*Suitable equine dental technician qualifications are not currently recognised but this is an area that needs development. The NZEVA would like to initiate discussions on this.

## **2. Equine teeth extractions.**

### **Proposal**

That ALL extractions of equine cheek teeth, incisors, canines and blind wolf teeth, should be performed by a Veterinarian, or Veterinary student under direct supervision. It is essential that appropriate pain relief be used for all procedures.

Simple Wolf teeth may be extracted by a veterinarian, a veterinary student under direct supervision or, a suitably qualified equine dental technician under direct veterinary supervision, using appropriate restraint and pain relief.

Deciduous teeth or “caps”; Deciduous incisors or cheek teeth that are so loose as can be removed by the fingers would be permissible for a non-veterinarian to remove. In all other cases sedation and extraction by a veterinarian is required.

Currently, some EDT's (Equine dental technicians) in NZ are performing extraction of equine teeth. This includes incisor, canine, wolf and cheek teeth. Most EDT's would not be performing these advanced procedures, with perhaps the exception of wolf teeth. It certainly would not represent a large proportion of their work. Evidence has shown that techniques used for tooth extraction by EDT's in NZ can be very poor. Diagnostic tests such as radiographs are seldom carried out meaning an accurate diagnosis cannot be made prior to many extractions. Appropriate pain control is often not provided during the procedures, whilst follow up care is significantly absent; Post procedural pain relief can only be prescribed by a veterinarian and is therefore often omitted. Regulation will mean that cases requiring extraction should then get referred to a veterinarian where pain can be suitably controlled and an accurate diagnosis and treatment plan established.

### 3. Wolf teeth.

The situation surrounding wolf teeth extraction requires more discussion. This is a one off procedure in a horse's life. Thus the extra costs required for sedation and pain relief requested, would be small compared to ongoing costs for the horse. It is general practice for most young horses to have their wolf teeth extracted around 2 to 3 years of age. In most circumstances it is still a significant tooth extraction requiring the careful stretching and tearing of the periodontal ligament before removal. Some wolf teeth can be up to 25 or even 30mm long and, up to 10mm in approximate diameter. At a minimum we recommend all horses must be sedated and local anaesthesia used before extraction of these teeth. **Under all definitions it is an act of veterinary surgery** We do recognise that there are a large number of horses, which would require this procedure every year in NZ; and that there may be an issue with having sufficient vets with expertise in this area to cover such a demand. However, one solution to help with half the horse population is that a veterinarian can carry out extraction of wolf teeth, during the general anaesthetic for castration. This technique can be mastered quickly by most veterinarians.

It is also a possibility that an exception to the extraction and gum-line regulation may be made to allow **some** EDT's to extract simple erupted wolf teeth, under direct veterinary supervision. Sedation and local anaesthesia would be required for all such procedures. BEVA qualified equine dental technicians as an example.

### 4. Equine Endodontics

#### **Proposal**

All equine endodontic procedures, should only be carried out by a veterinarian or veterinary student under direct veterinary supervision. An endodontic procedure is any procedure involving the pulp canal(s), or dentino-pulpal complex.

Endodontic procedures are considered to be one of the highest forms of dentistry in human or animal. Veterinary dental specialists consider equine endodontic's, to be one of the most difficult of all, due mainly to the complex tooth anatomy and involvement of so many interacting structures. The techniques used for equines are significantly different to those used in humans. It would not be something a human endodontist could just carry his knowledge across to.

Currently there are only a small number of edt's claiming to be carrying out equine endodontic procedures. It is not known how successful their procedures have been, or the techniques being utilised by them. At this time, there are 5 equine veterinarians in NZ with training in equine endodontic techniques. (Dr Ian Dacre, a NZ qualified Veterinarian, is trained in equine endodontics but does not currently reside in NZ) None of these veterinarians have been involved with the edt's during the claimed procedures.

As the veterinary opinion around the world is that endodontics are a highly specialised area of equine dentistry, we believe it is obvious that this should be regulated as a veterinary only procedure. There is a very viable alternative to endodontics, which is extraction of the tooth. This is obviously offered and carried out by many veterinarians in New Zealand.

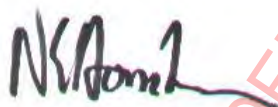
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NOTE:

We would like to point out that the term "Equine Dentist" should be reserved for a veterinarian with a true specialist qualification such a Diplomat or Fellowship level. Non-veterinarians should be termed lay equine dental operator, or if a suitable qualification has been attained, equine dental technician should be used.

The NZEVA is happy to discuss these proposals further if required.

This submission was prepared by:  
Dr Ray Lenaghan MVB MANZCVS (Eq Dent)  
Convenor Equine Dental Sub Committee, NZEVA.



Neil Houston BVSc MACVSc  
President  
NZEVA

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

No

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

Yes

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

Nothing else was raised by the FAB executive.

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

No comment made by FAB.

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

No

*Question 6: If so, how should these matters be managed? N/A*

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

There will still be scope for use of non-regulatory mechanisms, especially in situations where there is a widespread practice and enforcement would be too difficult in the first instance. Non regulatory mechanisms will be useful for establishing a new good practice, with late adopters eventually being picked up by a new regulation once the gaps have been identified.

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

They are unlikely to change the ways that we operate, but they are likely to have implications for those that work in the meat works for instance. There are likely to be infringement notices issued for offences that are currently too low under the radar to prosecute as an animal welfare investigation.

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

Yes they are appropriate.

*General comments:*

Where there are no comments about a regulation, there is general support and no disagreement with the detail. Specific comments below are to clarify regulations and provide extra feedback for clarification.

1. 10.2.1 - Electric prodders - We wonder why they would not allow the use of prodders when loading cattle onto a truck especially if going to slaughter. Farmers and truck drivers wouldn't want to use sticks or plastic pipe as it would bruise the carcass extensively and you can be sure they will use something to move the stock.

From the wording we are not clear what species "other animals" includes and do they need to be over 100kg too? We think the wording could be clearer.

This doesn't preclude the use in transport at all, just on slaughter premises at unloading without the safety of the handler being at risk and would increase the need for good unloading facilities rather than rely on prodding. Animals should also have room to move once prodded.

2. 10.2.3 - twisting an animal's tail - is this regulation really necessary? It will be difficult to define the degree of tail-twisting especially when tail jacking is commonly used for restraint.
3. 10.2.5 - injuries from collars or tethers - I think there should be a restriction that the tether or collar must not prevent drinking if left unattended and that the regulation should cover all species
4. 10.2.6 - muzzling a dog - The proposal should cover muzzling a dog and leaving it muzzled unattended. There is a legitimate time when a dog should be muzzled in such a way it cannot pant or drink e.g. when being handled by a person who may be at risk of being bitten, generally the dog isn't left unattended. There are a lot of working dogs out there with an anti biting device when working with sheep too, who are not always attended.
5. 10.2.7 - dogs - dry and shaded shelter - there is no mention in this section of protection from cold. Should this be included?
6. 10.2.9 - dogs - secured on moving vehicles – why are working dogs exempt from this regulation when those are the ones that we most commonly see injured or killed from falling off moving vehicles. Or maybe there should be a speed limit restriction?
7. 10.2.13 – tethered goats – this regulation does not provide for social interaction/companionship which comes under section 4 of the Act: the requirement to display normal patterns of behaviour. The goat COW states in Recommended Best Practice under Minimum Standard 2: Goats have a strong instinct to herd and individuals should not be unnecessarily isolated. The amount of time that individual goats are kept alone or out of sight of other goats should be minimised. Tethered goats are usually being used as lawnmowers on the side of the road, to avoid the owner having to mow the area themselves. There is nothing in it for the goat, and at a bare minimum goats should have ALL their needs provided as per section 4 of the Act. We understand that the requirement for companionship may complicate the situation but we believe it should be considered.
8. 10.2.16 Horse and donkey tethering requirements: similar comment to goats (and similar to what is already written for camelids) – should they not also have provision for companionship? They are herding species.
9. 10.2.32 - cattle and sheep – prohibiting vehicular traction in calving or lambing – this receives whole hearted support from the FAB branch of NZVA.

10. 10.2.33 - cattle and sheep - ingrown horns - we think that the differentiation between horn shortening and dehorning is too vague and shouldn't allow this grey area for farmers to do it themselves. If this has to be in here I think that if it bleeds the animal feels it. Also the wounds from ingrown horns should have a period of 7 days to heal, to align with the transport code for dehorning.
11. 10.2.35 - animals with ingrown horns - Instead of getting a vet certificate the vet should just remove the horn. When would it be impractical to treat the horn and transport the animal instead? A vet should not sign a vet certificate unless it has not gone through the skin (and could be referred to Vet council if needed). Ties in with 33: failure to treat an ingrown horn = for farmers.
12. 10.2.36: stock transport with bleeding horns or antlers: really like this one as it talks about animals, not just cattle. There are a lot of sheep with bleeding horns arriving at the works.
13. 10.2.40 transport of pregnant animals likely to give birth. As the explanation says, this is likely to be a retrospective infringement. It can be very hard to pregnancy test an animal accurately and to within a 24 hour period. If the aim is to prevent transport of animals this close to parturition then there need to be very objective guidelines available and we don't think this is at that point. Even 90% of gestation depends on an accurate pregnancy diagnosis. Maybe this could be related to 'springing' of the udder? We understand the driver to prevent 'pharming' of pregnant cows for fetal blood, but believe this may need more careful consideration.
14. 10.2.41 transport of animals with burst distended or necrotic udders – We think this could be differentiated further. Veterinary judgement could be appropriate for level of distension of the udder, and whether injury is likely during transport, but a burst or necrotic udder should not receive veterinary certification – both for animal welfare and food safety reasons. These are regularly seen at the meat works and there is currently no way of stopping it, so we support this regulation.
15. 11.4. We wholeheartedly support the recommendations for the bobby calves, including loading facilities. Current requirements (Fonterra) are in place that the calves have to be picked up from a loading facility. It appears that these are not common in Taranaki and Waikato, but most farms in Southland have got these. It also makes it visible for anyone loading calves that they are 'fit and healthy'
16. 11.4.43 - young calves - loading and unloading facilities - will young calves actually walk on and off transport by themselves? Picking up calves from a pen at a dairy farm usually involves lifting calves out of their pens. Will this all have to be changed to meet the regulations?
17. 12.4.52 - embryo collection via exteriorised uterus (surgical embryo transfer) – We find it hard believe that this regulation allows anyone to perform the procedure which involves opening the abdomen to reach the uterus and yet a castration with a ring over 6 months has to be done by a veterinarian. There needs to be some element of training involved to ensure that lay people performing this procedure have a bit more knowledge than just providing pain relief. Persons could work under the direct supervision of a vet: e.g. multiple people doing multiple animals and one of these is a vet. It's not just about pain relief.
18. 12.4.53 - laparoscopic artificial insemination - the same applies as for 12.4.52 with this procedure involving entering the abdomen see above
19. 12.4.55 - dental work - 'power tools are used in some dentistry procedures, for example, grinding float teeth in horses.' What are float teeth?? Typo.



20. 12.4.56 – Cat declawing: We support having a regulation regarding declawing but recommend that this goes a bit further. We find it hard to believe that declawing a cat could ever be in the best interests of the animal. A frustrated cat might wish itself dead and euthanasia may be a more acceptable alternative to *the cat* than being declawed. We believe that this should be altered to ‘Must only be performed for therapeutic reasons as a result of disease or injury’.
21. 12.4.59 dog debarking: similar to cat declawing, a dog that has been debarked will be an extremely frustrated animal at times and is more likely to express other unsatisfactory behaviours such as biting. Again, we recommend that this is only performed for therapeutic reasons as a result of disease or injury.
22. 12.4.61 Dog dew claws – we support this regulation
23. 12.4.63: Cattle teats – we support this regulation, however, where does the 6 week limit come in? Do cattle less than 6 weeks old not feel this procedure? There is some evidence that experience of pain is limited in the first few days after birth but after that pain would be experienced and pain relief required.
24. 12.4.69 - cattle, sheep and goats - dehorning - Why does this regulation cover the removal of the 'whole' horn and how is this determined? Does this mean if an inch of horn is left in a 2 year old animal it hasn't been dehorned? Or is it better defined by the removal of bone at the junction between skin and skull in the fully attached horn?
25. 12.4.70 Sheep – tail docking. It may be better to define what we want to happen rather than what we don't want to happen. E.g. ‘tails should not be flush’ doesn't define what they should be (and ‘flush’ in relation to what?). There should be a definition of what should be left behind such as described in the Recommended Best Practice (tails to come to the level of the vulva in females and equivalent level in males)
26. 12.4.75 - horses - rectal pregnancy diagnosis of horses - What about manual pregnancy diagnosis without ultrasound? Is there any reason why this is not included?
27. 12.4.76 Horses Caslicks – these should be able to be opened by non-veterinarians.
28. 12.4.82 Birds pinioning or deflighting – similar to declawing of cats and debarking of dogs, how can this procedure ever be in the best interests of the bird? This should be for therapeutic reasons only.

General comment: “transport” is not clearly defined as such and there are many possibilities: intra farm, inter farm and to sales and works. Some clarification needed.

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

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**From:** Kat <s 9(2)(a) >  
**Sent:** Thursday, 19 May 2016 4:59 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** Submission on Animal Welfare Regulations

**Categories:** Blue Category

## MPI Animal Welfare Codes Submission

### Nathan Guy Minister for Primary Industries

In response to MPI's request for feedback on proposed animal welfare regulations I submit the following for your careful consideration.

The given consultation period (14th April to 10 May 2016) for public involvement is woefully inadequate. Five weeks is unrealistic and makes a mockery of the consultation process. The volume of proposals we are being asked to consider in this time frame isn't feasible and I ask that a more realistic time frame be given for the public to have our say.

I suggest a period of five weeks be given to each section of the proposed welfare regulations.

While the proposed regulations relating to live animal exports, the care and conduct towards animals, and surgical and painful procedures is a start, I ask that there be a full review into intensive farming practices across the agricultural industry.

The last two decades have seen the intensification of animal agriculture to levels that are unprecedented in recent history. The current welfare codes and proposed welfare regulations don't go nearly far enough in protecting animal welfare under increasingly intensive farming practices.

Society's moral values are constantly shifting yet these regulations have remained largely static and are vastly out of step with changing attitudes to animal welfare. I want to see a total ban on all cages for layer hens, farrowing crates for sows and a reduction in intensive dairy resulting in the slaughter of over 2m calves annually.

These farming practices can no longer be deemed humane by today's standards and cannot be incorporated as such in any welfare code. The new rules are not keeping pace with changing scientific knowledge and cannot be accepted as good practice.

- 1) From 5.3m dairy cows in 2007 to 6.4m in 2012 (23% increase in just 5 years) Statistics NZ
- 2) Switzerland banned cages for hens in 1992

Care and conduct regulatory proposals		
1	All animals	Electric prodders
		I propose that the use of electric prodders be banned under all circumstances except when they are "necessary for protection, preservation or maintenance of human life" I do not support exemptions on the use of prodders based on: a. the species and size of an animal b. the manner of use of an animal (circus) c. the location of the animal (slaughter premises) I support the proposed infringement penalty.
2	All animals	Use of goads
		I support the proposal to ban the use of goads on sensitive areas of an animal's body under any circumstances. Given the deliberate cruelty involved in using goads on sensitive areas I propose an increased infringement penalty of \$500.
3	All animals	Twisting an animal's tail
		I support the proposal to prohibit painful twisting of an animal's tail. Given the potential for significant pain and damage from this behaviour, and the deliberate nature of the act I propose the infringement penalty is set at the higher level of \$500.

Proposed	All animals	Any animal requiring manual lifting must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick animals).
		<p>Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <p>1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>  2) <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></p>
4	Dogs	Pinch and Prong collars
		I support the prohibition of pinch and prong collars under any circumstances; no exemption for dogs used for special purposes (guarding, military) is supported. I support the proposed infringement penalty of \$300. I also support the banning of the sale of these collars and associated penalties under the law.
5	Dogs	Injuries from collars or tethers
		I support the proposal to only use collars or tethers in a manner that does not result in injury or distress. Given the potential for severe injury from collars I propose the penalty is increased to a prosecutable offence.
6	Dogs	Muzzling a dog
		I support the proposal for regulating the use of muzzles so they do not cause injury or distress. I support the inclusion in the proposal that muzzles should allow for a dog to be able to drink. I support the proposed infringement penalty of \$300.
7	Dogs	Dry and shaded shelter
		I support the proposal for dogs to have access to dry and shaded shelter at all times. I propose the inclusion in the proposal that dogs also have access to fresh, palatable drinking water at all times. Given that shelter and water are basic needs of life neglecting these items has the potential to cause significant harm and even death therefore I propose the infringement penalty to be increased to a prosecutable offence. I also propose that there be a maximum time imposed that a dog is allowed to be chained for at any one time and that an infringement fee be set for exceeding that time.
8	Dogs	Dogs left in vehicles
		I support the proposal for people leaving dogs in vehicles to ensure their safety. I propose increasing the penalty to a prosecutable offence both to reflect the potential fatal nature of the injury and also to act as a suitable penalty to prevent this behaviour. Additionally increasing the penalty allows for effective prosecution of corporations who use dogs who have a responsibility to ensure dogs in their care are cared for appropriately.
9	Dogs	Secured on moving vehicles
		I support the proposal to secure dogs on moving vehicles. I propose including dogs on vehicles on private property in the regulation, and propose a speed limit of 40kph for vehicles carrying unsecured working dogs. I propose increasing the penalty for infringement to \$1000 due to the potential for severe injury, suffering, and death resulting from falling from a moving vehicle.
Proposed	Dogs	Ban export of racing greyhounds between NZ and Macau or China

		The Macau and China greyhound racing industries do not have the same standards of animal welfare as NZ. The export of racing greyhounds between NZ and Hong Kong (for further transport to Macau/China) is minimal at present. However if the export of greyhounds from other countries (Australia, Ireland) is banned or more heavily regulated then NZ could become a transport hub for dogs in this industry. This has the potential for poor welfare outcomes for dogs and very poor public perception in New Zealand. It is far better to ban an activity like this before it has the potential to become established. MPI have demonstrated their willingness to put in place infringements for uncommon industry activities which have the potential to become welfare issues in the future with proposal 50 in this document banning transport of young calves across cook strait. I propose the above regulation and propose the infringement penalty is set at a prosecutable offence.
10	Dogs and Cats	Drowning dogs and cats
		I support the prohibition of the killing of a dog or cat of any age by drowning. I support the infringement penalty of a prosecutable offence.
11	Eels	Insensible for desliming
		I support the proposal that eels must be insensible for desliming or killed before they are deslimed. I support the infringement penalty of a prosecutable offence.
12	Crabs, rock lobster and crayfish	Insensible before being killed
		I support the proposal that crabs, rock lobster, and crayfish must be insensible before they are killed. I dispute the NAWAC statement that chilling to <4 degrees Celsius renders crustacean insensible and propose that either: a. the only legally acceptable method of rendering crabs and crayfish insensible is by electrical stunning (for which specific equipment is available for use in small restaurant premises). OR b. NAWAC conduct a review of the recent (since 2000) scientific literature on humane slaughter of crustaceans and present good quality, recent evidence to support the claim that chilling to <4 degrees Celsius renders crustacean insensible. I support the proposed penalty of a prosecutable offence for failing to render a crustacean insensible prior to slaughter.
13	Goats	Tethering requirements
		I do not support the tethering of goats, on the basis that it stops goats expressing normal social behaviours, and propose that tethering is prohibited with an infringement penalty of \$500. Furthermore I share concerns with previous submissions around tethering of goats that tourists witnessing tethered goats on the road side could easily get a negative impression of animal welfare in NZ. I propose that all goats, regardless of housing system, have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times and that lack of provision of these requirements is an infringement with a penalty fee of \$500. I also propose that as goats are social animals, all goats should be provided with a companion such as another goat, camelid, horse, donkey or sheep. I propose that failure to house a goat with a companion should attract an infringement penalty of \$300. 1. Miranda-de la Lama, G.C. and Mattiello, S. (2010). The importance of social behaviour for goat welfare in livestock farming. Small Ruminant Research 90, (1-3), 1-10
14	Horses	Use of a whip, lead, or any other object
		I support the prohibition of using a whip, lead or other object to strike around the head. I support the proposed infringement penalty of \$300.
15	Horses	Injuries from equipment such as halter, head ropes and saddles
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.

16	Horses and Donkeys	Tethering requirements
		I do not support the tethering of horses and donkeys and propose that tethering is prohibited with an infringement penalty of \$300. I propose that all horses and donkeys have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times regardless of housing system and that lack of provision of these requirements is an infringement with a penalty fee of \$300.
17	Layer Hens	Opportunity to express normal behaviours in housing systems
		I believe that colony cages do not adequately consider the welfare of layer hens because they prohibit the ability of the hen to express a range of normal behaviours. In addition, colony cages are not compliant with the Animal Welfare Act 1999 as they do not allow owners or persons in charge of animals to take all reasonable steps to ensure that their physical, health and behavioural needs are met. 1) Sections 9, 68 Animal Welfare Act 1999
18	Layer Hens	Stocking densities
		Colony cages do not allow hens to engage in a range of normal behaviours and therefore they are in clear breach of the Animal Welfare Act 1999. With a stocking density of 13 hens per square metre or 750 square centimetres, clearly the stocking density is too high.
19	Layer Hens	Housing and equipment design
		<p>Colony cages are only slightly bigger than traditional battery cages. While they provide token welfare gestures like nest boxes, scratch pads and perches, these gestures do not ensure the physical, health and behavioural needs of hens are met. With only 750 sq cm per hen, there are a number of behaviours hens are not able to functionally perform in colony cages; this includes spreading her wings fully. It's also questionable whether a hen in a colony cage can properly nest, perch, peck or scratch. A hen in a colony cage cannot dust bathe.</p> <p>Research has shown that some hens in colony cages can be prevented from using the nest provided due to competition from other hens. Also, the limited space in colony cages is insufficient to allow hens sufficient time (on average 45 minutes) if they want to lay at the same time.</p> <p>In order to satisfy a hen's need for perching, the housing system must be able to provide:</p> <ul style="list-style-type: none"> <li>• Sufficient length of perching space to allow all birds to perch at the same time; and</li> <li>• Sufficient elevation of the perches to satisfy the hens' requirements for a perceived safe perching place at night.</li> </ul> <p>Colony cages fulfil neither of these requirements. The standard of approximately 15cm of space per hen is an average and does not allow consideration for larger birds. Perches in colony systems are situated on average just a few centimetres from the floor of the cage. 'A perch positioned 5cm above floor level is 'not considered as a perch (by a hen) and has no attractive or repulsive value'.</p> <p>Litter is not provided in colony cage systems. Litter is imperative for hen welfare. Hens will make great efforts to access litter for pecking, scratching and dustbathing – three normal behaviours of hens. When hens are unable to forage in litter, they can redirect their pecking towards other hens resulting in harmful feather pecking and even cannibalism. When hens are unable to dustbathe in litter, they can develop the dysfunctional behaviour of sham dustbathing.</p> <p>1) A hen's wingspan is approximately 75-80 centimetres which is twice the size of a traditional battery cage  2) Guedson, V. and Faure, J. M. (2004) <i>Laying performance and egg quality in hens kept in standard or furnished cages</i>. Animal Research, 53: 45-57.  3) Appleby, M.C. (1998) Modification of laying hen cages to improve behaviour. Poultry Science, 77: 1828-1832.  4) Cooper, J.J. and Ablentosa, M. J. (2003) Behavioural priorities of laying hens. Avian and Poultry Biology Reviews, 14: 127-149.</p>

20	Layer Hens	Induced moulting
		I support the proposal to prohibit induced moulting of layer hens.
21	Llama and Alpaca	Injuries from equipment such as halters, head ropes, and packs
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
22	Llama and Alpaca	Companion animals
		I support the proposal that camelids must be provided with a companion animal. I support the proposed infringement penalty of \$300.
23	Llama and Alpaca	Offspring (Cria) camelid companions
		I support the proposal to prohibit raising Cria without the company of other camelids. I support the proposed infringement penalty of \$500.
24	Pigs	Dry sleeping area
		Proposal: I support the proposal that all pigs have access to a dry sleeping area. Penalty: I support the proposed infringement penalty of \$300.
25	Pigs	Lying space for grower pigs
		<p>Proposal: I support the proposal for minimum space requirements for grower pigs.</p> <p>1. Error in formula The proposed formula used to calculate the minimum space has a type error; specifically the exponent notation has not been applied. I believes the formula intended by MPI should read "live weight<sup>0.67</sup> (kg)" but instead it reads "live weight 0.67(kg)" which translates to an Area = 0.03 * liveweight * 0.67(kg) and results in a much higher space requirement. Therefore I contend that proposal 25 must be rewritten and resubmitted for public consultation, with the correct formula included so that the intended space requirement can be properly considered.</p> <p>2. Minimum requirement Recent research suggests that a k-value of 0.3 is too low. In 2006, Gonyou et al. (2006) which ADFI is reduced. More recently, a 2015 study has found that a k-value of 0.0336 might underestimate the impact of increased stocking density on ADG and ADFI<sup>2</sup>. A k-value of 0.3 is too low to provide grower pigs with this environment and is sufficient as a minimum requirement for static space only. Does the proposal adequately define the appropriate systems? The proposal is based on a minimum standard, which is expected to occur (if at all) only where growers have reached the capacity of their pen and are shortly to be moved to a bigger pen; not a minimum standard which is considered acceptable at all times and this should be clarified in the regulation itself. I consider the minimum standards of housing for pigs to be provide "sufficient space to enable them to perform natural behaviours such as lying on their side without touching another pig, standing up, turning around and performing exercise, space for separate areas for dunging and feeding, with a dunging areas situated a sufficient distance from sleeping and feeding areas as well as materials to enable them to root and forage"<sup>4</sup>. If these standards cannot be met by the current farming systems then we are concerned that the current farming systems are not compatible with the freedom to exhibit normal behaviour and breach the animal welfare act. The current regulation has no limit on the length of time during which a grower pig may be submitted to the proposed minimum standard. Overstocking is a known problem. I am concerned that grower pigs may be submitted to spaces which do not meet minimum requirement if their transfer to a new pen is delayed. I would like the regulations to be</p>

		<p>clear that it is unacceptable for growers to be kept for prolonged periods in spaces at or close to the minimum requirement. In its 2010 review, NAWAC submitted that space enough to allow for pigs to lie fully recumbent (k-value of 0.047) was recommended best practice.</p> <p>For the sake of clarity and to give effect to the intention of NAWAC, I suggest that a minimum period of time for growers kept in the lower end of the scale be added.</p> <p>Due to the above considerations, I propose that the minimum standard is amended to:</p> <p>Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m<sup>2</sup>) per pig = 0.040 x live weight 0.67(kg)</p> <p>Grower pigs housed inside on non-litter systems such as slatted or solid floors must not have lying space of less than: Area (m<sup>2</sup>) per pig = 0.047 x live weight 0.67(kg) for longer than one week.</p> <p>Penalty: I support penalty of a prosecutable regulation offence.</p> <p>Gonyou, H. W., M. C. Brumm, E. Bush, J. Deen, S. A. Edwards, T. Fangman, J. J. McGlone, M. Meunier-Salaun, R. B. Morrison, H. Spooler, P. L. Sundberg, and A. K. Johnson. 2006. Application of broken-line analysis to assess floor space requirements of nursery and grower-finisher pigs expressed on an allometric basis. <i>J. Anim. Sci.</i> 84: 229-235.</p> <p>Thomas, LL. "The Effects of Increasing Stocking Density on Finishing Pig Growth ..." 2015. <a href="http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr">http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr</a> ibid. Page 9</p> <p>"ANIMAL WELFARE (Pigs) CODE OF WELFARE 2010 REPORT." 2015. 15 May. 2016 &lt;<a href="https://www.mpi.govt.nz/document-vault/1446">https://www.mpi.govt.nz/document-vault/1446</a>&gt;</p>
26	Pigs	Dry sow stalls
		<p>Proposal: I support the prohibition of dry sow stalls</p> <p>Penalty: I support the proposed infringement penalty of a prosecutable regulation offence.</p>
27	Pigs	Size of farrowing crates
		<p>Proposal: I do not support the use of farrowing crates.</p> <p>Production systems using farrowing crates are not the only financially viable forms of pork production. It is widely accepted that sow welfare in farrowing crates is sub-optimal. Continuing a production system which is contrary to good practice and scientific knowledge is in direct violation of section 10 of the Animal Welfare Act 1999.</p> <p>In 2016, a review of Farrowing Crates for Pigs in NZ was submitted by NAWAC<sup>1</sup>. In that report, NAWAC stated that "no significant change in science, technology or good practice from 2010 when the pigs code of welfare was issued". It submitted that the levels of piglet mortality in farrowing pens is higher than in farrowing crates and used this as justification for retaining farrowing crates in New Zealand. However, there is abundant research which supports the conclusion that total piglet mortality on farms with loose farrowing systems does not differ from that of farms with crates<sup>2,3</sup>.</p> <p>I submit that farrowing crates are unacceptable in modern day pork production systems and must be banned outright.</p> <p>National Animal Welfare Advisory Committee - NZPork." 2016. 15 May. 2016 <a href="http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf">http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf</a></p> <p>ber, R. "Piglet mortality on farms using farrowing systems ... - IngentaConnect." 2007. <a href="http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042">http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042</a></p> <p>Bride, AL. "A cohort study of preweaning piglet mortality and ... - ScienceDirect." 2012. <a href="http://www.sciencedirect.com/science/article/pii/S0167587711003564">http://www.sciencedirect.com/science/article/pii/S0167587711003564</a></p>
28	Pigs	Provision of nesting material
		<p>Proposal: I support the provision of nesting material that can be manipulated to sows. However, it is clear that sows in farrowing crates will be unable to exhibit natural nesting behaviours in the confined space of a farrowing crate. To give effect to the intention of providing nesting material, the sow must be given more space in which to move.</p> <p>I agree that the definition of manipulable material should be made more apparent. "Material at ground level which mimics that of natural nesting material and</p>

		<p>encourages the sow to exhibit rooting behaviour” would be appropriate. However, for clarity, I recommend that examples are provided for guidance. Appropriate examples would include straw and sawdust</p> <p>Penalty: I support the proposed infringement penalty of prosecution.</p> <p>Chaloupková, H. "The effect of nesting material on the nest-building and maternal ... - NCBI." 2011. <a href="http://www.ncbi.nlm.nih.gov/pubmed/20889685">http://www.ncbi.nlm.nih.gov/pubmed/20889685</a></p>
29	Rodeos	Fireworks
		<p>I support the ban of fireworks at rodeo's, The loud noise of fireworks is well established as a stressor in companion animals (Bolster 2012; Dale et al., 2010). And Unexpected noise and movement will cause the fight or flight response in both horses and cattle (Lanier, 2000; Christensen, 2005).</p> <p>I would like to see a total ban on rodeo, rodeo is of no advantage to the economy. A petition recently submitted to parliament has 62,000 members of the public in support of such a ban. Rodeo is in breach of the animal welfare act which states that animals should be 'physically handled in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress.' The rodeo is a form of entertainment therefore making it an unnecessary activity for animals to be involved in. The likelihood of animals feeling distress while performing in rodeos could only be successfully minimised if rodeos were entirely stopped; goading animals into states of distress is fundamental to getting them to perform in rodeo events.</p> <p>As there have been many breaches of the rodeo code brought before MPI in 2014 and 2015 we strongly urge MPI to carefully consider if the codes are adequate in helping to minimise the likelihood of unreasonable and unnecessary pain or distress. We are aware of new breaches that will be brought before MPI for a third year running, this adds to the evidence that these codes are not adequate for protecting animals, therefore we feel that the only way to ensure these breaches do not continue is for an outright ban.</p>
30	Exotic animals	Used in circuses
		<p>I do not support the use of exotic animals in circuses and propose that their use be banned. Given that there are currently no circuses in NZ using exotic animals the banning of the practice now will cause no industry disruption. Popular opinion both here and overseas is moving away from the use of exotic animals in circus and if this practice was to occur again in NZ it is likely that there would be a public outcry against it.</p>
31	Cattle	Milk stimulation
		<p>I support the proposal to prohibit the stimulation of milk let down by inserting water or air into a cow's vagina. I propose the prohibition is extended to include the insertion of any object into a cow's vagina to stimulate milk let down. I support the proposed infringement penalty of \$300.</p>
32	Cattle and Sheep	Vehicular traction in calving or lambing
		<p>I support the proposal to prohibit the use of a moving vehicle to provide traction in lambing or calving. I support the proposed infringement penalty of \$500.</p>
33	Cattle and Sheep	Ingrown horns
		<p>I support the proposal to require treatment for horns that are touching the skin or eye. I support the proposed infringement penalty of \$500.</p>
34	Stock transport	Cuts and abrasions
		<p>I support the proposal that transport should not result in cuts or abrasions. I propose the regulation is extended to all animals' not just cattle, sheep, deer, goats, and pigs. I support the infringement penalty of \$500.</p>



35	Stock transport	Animals with ingrown horns
		I support the proposal that animals with ingrown horns must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
36	Stock transport	Animals with bleeding horns or antlers
		I support the proposal that animals with bleeding horns or antler must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
37	Stock transport	Animals with long horns or antlers
		I support the proposal that animals with long horn or antler must not cause injury to themselves or others during transport. I could not find any rationale for the use of 110mm as a cut off value for long antler either in the code of welfare, or the report on the code. I propose that MPI publish the rationale behind the cut off value of 110mm or perform analysis of the injuries sustained from transport of animals with horns to determine if this measurement is an appropriate guide. I support the proposed infringement penalty of \$500.
38	Stock transport	Lame cattle, deer, pigs and goats
		I support the proposal that cattle, sheep, pigs and goats with lameness scores of 2 must be certified for transport by a veterinarian and that animals with a lameness score of 3 must not be transported. I support the proposed infringement penalty of \$500.
39	Stock transport	Animals that cannot bear weight evenly due to injury
		I support the proposal that animals who cannot bear weight evenly due to injury require certification from a veterinarian for transport. I support the infringement penalty of \$500.
40	Stock transport	Pregnant animals
		I support the proposal that animals who are in late stages of pregnancy should not be transported. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
41	Stock transport	Animals with injured or diseased udders
		I support the proposal that animals who have diseased udders should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
42	Stock transport	Cattle or sheep with cancer eye
		I support the proposal that animals who have cancer eye which is large, not confined to the eyelid or discharging/bleeding should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
Young calf management regulatory proposals		

43	Young Calves	Loading and unloading facilities
		I support the proposal that facilities must be provided which enable young calves to walk onto and off transportation by their own action. Given the potential for severe injury and pain I propose that the infringement penalty is increased to \$1000.
Proposed	Young Calves	Calves must not be thrown, if they need to be manually lifted they must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick calves).
		<p>Despite footage from 2015 clearly showing several different people throwing young calves during loading, only one individual was prosecuted in relation to the footage, presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <p><a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a></p> <p><a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></p>
Proposed	Young Calves	Minimum training standard for people handling/loading calves
		<p>I propose a minimum training standard is put in place for people loading calves on to transportation. Footage from 2015 clearly shows inappropriate handling of calves at the time of loading. A regulation for minimum training standards for those loading calves will not just improve calf welfare but will also demonstrate the transport industry's commitment to improving their part of the calf management chain. In contrast failure for the transport industry to demonstrate willingness to improve welfare outcomes for calves could reflect badly in the media. I propose infringement penalty is prosecution due to the lack of provision of appropriate training being a corporation level infringement and therefore an appropriate penalty needs to be significant enough to deter corporations from flouting the law.</p> <p><a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a></p>
Proposed	Young Calves	Same day slaughter
		<p>I propose that all young calves received at a slaughter premises must be slaughtered that day and cannot be held overnight. It has been recognised by MPI that time off feed is a significant welfare concern in young calves therefore reducing the time spent at a slaughter premises aims to reduce the risk of calves spending an extended period of time off feed. Although an alternative proposal could be for feeding at arrival at slaughter premises given the other welfare issues of housing young calves I consider reducing holding time to a minimum as the least bad of the options. I propose an infringement penalty set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.</p>
Proposed	Young Calves	Use of nearest slaughterhouse
		<p>Increased time spent at transport has been shown to be one of the determinants of poorer outcomes for calves. For this reason I propose that calves are required to be slaughtered at the closest slaughter premises. I propose the infringement penalty to be set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.</p> <p>Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84</p>

44	Young Calves	Shelter on farm, before and during transportation and at processing plants
		I support the proposal for minimum standards of shelter on farm, before transportation, and at slaughter premises. I support the higher proposed infringement penalty of prosecution.
45	Young Calves	Fitness for transport – age
		<p>I propose that the minimum age of transport is increased to 10 days to bring us in line with what is considered an acceptable standard of welfare in other developed countries. MPI have stated that the 4 day standard suggested in the proposed regulation has been suggested as this reflects current industry practice. However the transport code of welfare only cites research performed in calves 5-10 days of age therefore I propose that the absolute minimum age of transport be set at 5 days of age. I support the most conservative determination of age – that it is determined from the time the calf is separated from the dam. I support the higher proposed infringement penalty of prosecution.</p> <p>odd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p>
46	Young Calves	Fitness for transport – Physical characteristics
		I support the proposal that the list of physical characteristics provided with regulation 46 should be met prior to transport of young calves. I support the higher proposed infringement penalty of prosecution.
47	Young Calves	Maximum time off feed
		<p>I support the proposal for regulating the maximum time off feed for young calves, however we propose this is reduced to 12 hours. The lack of physiological indicators in the 2000 Todd paper does not demonstrate that:</p> <p>is in fact the case in calves &lt;5 days of age or</p> <p>at these calves are not experiencing significant hunger or</p> <p>that these calves have the physiological capacity to respond to transport in a measurable way with the tools used in the study?</p> <p>I propose that calves undergoing transport are kept to the same feeding schedule they would have if they remained on farm. I propose an infringement penalty of prosecution.</p> <p>odd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p> <p>owles, T.G., Warriss, P.D., Brown, S.N., Edwards, J.E., Watkins, P.E. and Phillips, A.J. 1997. Effects on calves less than one month old of feeding or not feeding them during road transport of up to 24 hours. Veterinary Record 140, 116-124.</p>
48	Young Calves	Duration of transport
		<p>I support limiting the duration of transport of young calves to 8 hours or less. As length of transport has been shown to be associated with poorer outcomes for calves, we propose an increase in the infringement penalty to \$1000.</p> <p>Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84</p>
49	Young Calves	Blunt force trauma

		I support the prohibition of the use of blunt force trauma for killing calves. I support the more severe penalty of prosecution as this allows corporations to receive appropriate penalties to deter this behaviour.
50	Young Calves	Transport by sea across Cook Strait prohibited
		I support the prohibition of transport of young calves across Cook Strait. I support the more severe penalty of prosecution as this allows corporations to be held accountable.
Surgical and painful procedures regulatory proposals		
51	All animals	Hot branding
		I support the prohibition of hot branding and the penalty of prosecution.
52	All animals	Embryo collection via exteriorised uterus (surgical embryo transfer)
		I do not support the collection of embryos via exteriorised uterus and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
53	All animals	Laparoscopic artificial insemination (laparoscopic AI)
		I do not support the use of laparoscopic AI and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
54	All animals	Liver biopsy
		I support the proposal for liver biopsy to be restricted to being performed by veterinarians or directly supervised veterinary students and the requirement for the use of pain relief. I support the infringement penalty of a prosecutable offence.
55	All animals	Dental work
		I support the proposal that any power tool used for dental work must be designed for the purpose of dentistry. I propose the infringement penalty is increased to \$1000.
56	Cats	Declawing
		I support the restriction of cat declawing to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
57	Companion animals	Desexing (including stray/feral cats, dogs and other species)

		I support the restriction of desexing to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence. I propose that all cats and dogs sold in pet shops be desexed and vaccinated before being released to the purchaser. This would work as a preventative step in helping reduce the number of stray/feral cats and dogs over time.
58	Dogs	Freeze branding
		I propose that freeze branding of dogs is banned. With better technology now available we can microchip dogs rather than freeze branding them. In the case that freeze branding is not prohibited I support the restriction of freeze branding to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
59	Dogs	Dog debarking (and devoicing of other species)
		I support the restriction of dog debarking to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
60	Dogs	Cropping the ears
		I support the proposal to prohibit ear cropping of dogs. I support the proposed penalty of a prosecutable offence.
61	Dogs	Dew claws
		I support the restriction of removal of articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons, and the use of pain relief at the time of the procedure. I propose restriction of removal of non-articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student with the use of pain relief. I support the proposed penalty of prosecution.
62	Dogs	Tail docking
		I support the docking of tails in dogs for therapeutic reasons only. The procedure must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of this procedure.
63	Cattle	Teats
		<p>I support the proposal for supernumerary teat removal of animals &gt;6 weeks of age to be performed by a veterinarian or veterinary student and that pain relief must be used. I does not support the removal of supernumerary teats in animals &lt;6 weeks of age without pain relief, however the procedure could be undertaken by a skilled lay person signed off by a veterinarian (ie a vet tech). I propose that:</p> <p>maximum of age of animals on whom supernumerary teat removal can be performed by a lay person is reduced to 4 weeks of age</p> <p>i) infringement penalty of prosecution</p> <p>n relief is required for any supernumerary teat removal procedure regardless of age</p> <p>ii) infringement penalty of prosecution</p> <p>procedure is performed using sterilised equipment</p> <p>iii) infringement penalty of \$500</p> <p>y person performing the procedure who is not a veterinarian or directly supervised veterinary student is signed off by a veterinarian</p>

		iv) infringement penalty of prosecution
64	Cattle	Claw removal
		I support the proposal that claw removal is restricted to being performed by a veterinarian or veterinary student and that pain relief is required at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional non-steroidal anti-inflammatory drug (NSAID) pain relief is also administered. I support the infringement penalty of prosecution for all offences other than not using NSAID for which the infringement penalty should be \$300.
65	Cattle	Teat occlusion
		I support the proposal that teat sealing can only be performed with a product registered for that specific purpose. I support the infringement penalty of prosecution.
66	Cattle	Tail docking
		I support the restriction of tail docking to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons only, and the use of pain relief at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also administered. I support the proposed penalty of a prosecutable offence for all offences other than not using NSAID for which the infringement penalty should be \$300.
67	Cattle and sheep	Castration and shortening of the scrotum (cryptorchid)
		I support the proposal for surgical castration at any age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I support the proposal that non-surgical castration in cattle and sheep over 6 months of age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I does not support the age of 6 months as an appropriate age at which lay people can no longer perform non-surgical castration and propose that this age limit is lowered to 2 months, I support limiting the manner of non-surgical castration to only the use of conventional rubber rings. I does not support performing non-surgical castration without pain relief at any age and propose that pain relief is required for any castration procedure at any age. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also required. I propose that the penalty for all infringements other than lack of NSAID use is prosecution and that the penalty for not using an NSAID is an infringement of \$300.
68	Cattle, sheep and goats	Disbudding
		I propose that disbudding is limited to being performed only by only a veterinarian, veterinary student under direct supervision, or skilled lay person signed off by a veterinarian (ie vet tech/appropriately trained farm worker). I propose that appropriate maximum ages are determined for disbudding to be performed by a lay person. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
69	Cattle, sheep and goats	Dehorning
		I propose that disbudding is limited to being performed only by only a veterinarian or veterinary student under direct supervision. Given the much greater risk of pain, bleeding, and infection from dehorning rather than disbudding I propose that farmers are given 12 months warning after which dehorning can only be performed by veterinarians. This will give a strong message that disbudding is much preferred and much more economically viable. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of

		prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
70	Sheep	Tail docking
		<p>I support the limiting of tail docking in sheep who are greater than 6 months of age to veterinarians and directly supervised veterinary students. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support restricting the techniques for tail docking in younger animals to rubber ring and hot iron only. I propose that pain relief at the time of procedure and NSAID should also be required, regardless of age at the time of tail docking.</p> <p>Furthermore I propose that the maximum age at which a lay person is able to perform a tail docking procedure is reduced to 2 months.</p> <p>I support the proposal that tails are not to be cut flush and are to be able to cover the vulva in a female and of a similar length in a male.</p> <p>I support the proposed penalty of prosecution for infringements in sheep &gt; 2 months of age and propose an infringement penalty of \$300 for lack of NSAID use.</p> <p>I support the proposed penalties of \$500 for use of non-listed methods and not cutting tails flush in sheep &lt; 2 months of age. I propose a penalty of prosecution for not using pain relief in sheep &lt;2 months of age and a penalty of \$300 for lack of NSAID use.</p>
71	Sheep	Mulesing
		I support the proposal to prohibit mulesing. I support the proposed infringement penalty of prosecution.
72	Deer	Develveting
		I support the proposal for develveting to be only performed by veterinarians, directly supervised veterinary students or a person with veterinary approval. I support the proposed infringement penalty.
73	Horses	Blistering, firing, or nicking
		I support the proposal to prohibit blistering, firing or nicking, and support the proposed infringement penalty.
74	Horses	Tail docking
		I support the proposal for tail docking to only be performed by veterinarians or directly supervised veterinary students, only for therapeutic reasons, only with the use of pain relief. I support the proposed infringement penalty.
75	Horses	Rectal pregnancy diagnosis of horses
		I support the proposal for rectal pregnancy diagnosis in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
76	Horses	Rectal examination of horses
		I support the proposal for rectal examination in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
77	Horses	Caslick's procedure
		<p>I support the proposal for creation, opening and repair of caslick's procedure to only be performed by a veterinarian or directly supervised veterinary student and the use of pain relief for the procedure. I support the proposed infringement penalty.</p> <p>I propose that a caslick's procedure may only be performed for therapeutic purposes and not for a perceived performance benefit and that the proposed infringement penalty for this breach is the same as that proposed above.</p>
78	Horses	Castration

		I support the proposal for castration in horses to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure. I support the proposed infringement penalty.
79	Llama and alpaca	Castration
		I support the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure, and the minimum age for the procedure. I support the proposed infringement penalties for these infringements.
80	Pigs	Castration
		I support the proposal for castration to only be performed by a veterinarian or veterinary student under direct supervision and the required use of pain relief at the time of the procedure. I support the infringement penalty of prosecution. I propose that a non-steroidal anti-inflammatory drug (NSAID) is also required and that the penalty for not administering an NSAID is \$300.
81	Pigs	Tail docking
		I propose that pain relief should be used for this procedure regardless of the animal's age. I support limiting the procedure to veterinarians and directly supervised veterinary students in animals > 7 days of age. I propose that a NSAID should also be administered at the time of the procedure. I propose an infringement penalty of prosecution for lack of use of pain relief and for a lay person performing the procedure in an animal > 7 days of age. I propose an infringement penalty of \$300 for lack of NSAID administration.
82	Birds	Pinioning or otherwise deflighting a bird
		I support the restriction of pinioning/deflighting a bird to being performed only by a veterinarian or directly supervised veterinary student, only being performed in the best interests of the animal, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
83	Poultry	Dubbing
		I support the proposed penalty of a prosecutable offence to perform dubbing on breeds not usually dubbed and to not use pain relief at the time of the procedure. I oppose the surgical modification of an animal if the modification is not in the interests of the animal, therefore I propose that dubbing is prohibited with the penalty of a prosecutable offence.
84	Ostriches and emus	Declawing
		I support the prohibition of radical declawing of emu chicks. However the use of the term radical implies that some declawing is allowed and opens the regulation to subjective interpretation. I propose that the regulation prohibit all declawing of emu or ostrich unless performed by a vet for therapeutic reasons. I support the penalty of prosecutable offence.
85	Roosters	Caponising (rooster castration)
		I support the restriction of caponising to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.



**From:** Palmerston North Vegan Society <[REDACTED]>  
**Sent:** Thursday, 19 May 2016 4:08 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** [POTENTIALLY MALICIOUS]Submission on Animal Welfare Regulations

**Categories:** Blue Category

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## MPI Animal Welfare Codes Submission

**Nathan Guy**

**Minister for Primary Industries**

On behalf of the Palmerston North Vegan Society, in response to MPI's request for feedback on proposed animal welfare regulations I submit the following for your careful consideration.

While the proposed regulations relating to live animal exports, the care and conduct towards animals, and surgical and painful procedures is a start, I ask that there be a full review into intensive farming practices across the agricultural industry.

The last two decades have seen the intensification of animal agriculture to levels that are unprecedented in recent history<sup>1</sup>. The current welfare codes and proposed welfare regulations don't go nearly far enough in protecting animal welfare under increasingly intensive farming practices.

Society's moral values are constantly shifting yet these regulations have remained largely static and are vastly out of step with changing attitudes to animal welfare<sup>2</sup>. I want to see a total ban on all cages for layer hens, farrowing crates for sows and a reduction in intensive dairy resulting in the slaughter of over 2m calves annually.

These farming practices can no longer be deemed humane by today's standards and cannot be incorporated as such in any welfare code. The new rules are not keeping pace with changing scientific knowledge and cannot be accepted as good practice.

- 1) From 5.3m dairy cows in 2007 to 6.4m in 2012 (23% increase in just 5 years) Statistics NZ
- 2) Switzerland banned cages for hens in 1992

Care and conduct regulatory proposals		
1	All animals	Electric prodders
		<p>I propose that the use of electric prodders be banned under all circumstances except when they are "necessary for protection, preservation or maintenance of human life"</p> <p>I do not support exemptions on the use of prodders based on:</p> <ol style="list-style-type: none"> <li>a. the species and size of an animal</li> <li>b. the manner of use of an animal (circus)</li> <li>c. the location of the animal (slaughter premises)</li> </ol> <p>I support the proposed infringement penalty.</p>
2	All animals	Use of goods

		I support the proposal to ban the use of goads on sensitive areas of an animal's body under any circumstances. Given the deliberate cruelty involved in using goads on sensitive areas I propose an increased infringement penalty of \$500.
3	All animals	Twisting an animal's tail
		I support the proposal to prohibit painful twisting of an animal's tail. Given the potential for significant pain and damage from this behaviour, and the deliberate nature of the act I propose the infringement penalty is set at the higher level of \$500.
Proposed	All animals	Any animal requiring manual lifting must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick animals).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading <sup>1</sup> , only one individual was prosecuted in relation to the footage <sup>2</sup> , presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour. 1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a> 2) <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a>
4	Dogs	Pinch and Prong collars
		I support the prohibition of pinch and prong collars under any circumstances; no exemption for dogs used for special purposes (guarding, military) is supported. I support the proposed infringement penalty of \$300. I also support the banning of the sale of these collars and associated penalties under the law.
5	Dogs	Injuries from collars or tethers
		I support the proposal to only use collars or tethers in a manner that does not result in injury or distress. Given the potential for severe injury from collars I propose the penalty is increased to a prosecutable offence.
6	Dogs	Muzzling a dog
		I support the proposal for regulating the use of muzzles so they do not cause injury or distress. I support the inclusion in the proposal that muzzles should allow for a dog to be able to drink. I support the proposed infringement penalty of \$300.
7	Dogs	Dry and shaded shelter
		I support the proposal for dogs to have access to dry and shaded shelter at all times. I propose the inclusion in the proposal that dogs also have access to fresh, palatable drinking water at all times. Given that shelter and water are basic needs of life neglecting these items has the potential to cause significant harm and even death therefore I propose the infringement penalty to be increased to a prosecutable offence. I also propose that there be a maximum time imposed that a dog is allowed to be chained for at any one time and that an infringement fee be set for exceeding that time.
8	Dogs	Dogs left in vehicles
		I support the proposal for people leaving dogs in vehicles to ensure their safety. I propose increasing the penalty to a prosecutable offence both to reflect the potential fatal nature of the injury and also to act as a suitable penalty to prevent this behaviour. Additionally increasing the penalty allows for effective prosecution of corporations who use dogs who have a responsibility to ensure dogs in their care are cared for appropriately.
9	Dogs	Secured on moving vehicles

		I support the proposal to secure dogs on moving vehicles. I propose including dogs on vehicles on private property in the regulation, and propose a speed limit of 40kph for vehicles carrying unsecured working dogs. I propose increasing the penalty for infringement to \$1000 due to the potential for severe injury, suffering, and death resulting from falling from a moving vehicle.
Proposed	Dogs	Ban export of racing greyhounds between NZ and Macau or China
		The Macau and China greyhound racing industries do not have the same standards of animal welfare as NZ. The export of racing greyhounds between NZ and Hong Kong (for further transport to Macau/China) is minimal at present. However if the export of greyhounds from other countries (Australia, Ireland) is banned or more heavily regulated then NZ could become a transport hub for dogs in this industry. This has the potential for poor welfare outcomes for dogs and very poor public perception in New Zealand. It is far better to ban an activity like this before it has the potential to become established. MPI have demonstrated their willingness to put in place infringements for uncommon industry activities which have the potential to become welfare issues in the future with proposal 50 in this document banning transport of young calves across cook strait. I propose the above regulation and propose the infringement penalty is set at a prosecutable offence.
10	Dogs and Cats	Drowning dogs and cats
		I support the prohibition of the killing of a dog or cat of any age by drowning. I support the infringement penalty of a prosecutable offence.
11	Eels	Insensible for desliming
		I support the proposal that eels must be insensible for desliming or killed before they are deslimed. I support the infringement penalty of a prosecutable offence.
12	Crabs, rock lobster and crayfish	Insensible before being killed
		I support the proposal that crabs, rock lobster, and crayfish must be insensible before they are killed. I dispute the NAWAC statement that chilling to <4 degrees Celsius renders crustacean insensible and propose that either: a. the only legally acceptable method of rendering crabs and crayfish insensible is by electrical stunning (for which specific equipment is available for use in small restaurant premises). OR b. NAWAC conduct a review of the recent (since 2000) scientific literature on humane slaughter of crustaceans and present good quality, recent evidence to support the claim that chilling to <4 degrees Celsius renders crustacean insensible. I support the proposed penalty of a prosecutable offence for failing to render a crustacean insensible prior to slaughter.
13	Goats	Tethering requirements
		I do not support the tethering of goats, on the basis that it stops goats expressing normal social behaviours, and propose that tethering is prohibited with a sizeable infringement penalty. Furthermore I share concerns with previous submissions around tethering of goats that tourists witnessing tethered goats on the road side could easily get a negative impression of animal welfare in NZ. I propose that all goats, regardless of housing system, have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times and that lack of provision of these requirements is an infringement with a penalty fee of \$500. I also propose that as goats are social animals, all goats should be provided with a companion such as another goat, camelid, horse, donkey or sheep. I propose that failure to house a goat with a companion should attract an infringement penalty of \$300. 1. Miranda-de la Lama, G.C. and Mattiello, S. (2010). The importance of social behaviour for goat welfare in livestock farming. Small Ruminant Research 90, (1-3), 1-10
14	Horses	Use of a whip, lead, or any other object

		I support the prohibition of using a whip, lead or other object to strike around the head. I support the proposed infringement penalty of \$300.
15	Horses	Injuries from equipment such as halter, head ropes and saddles
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
16	Horses and Donkeys	Tethering requirements
		I do not support the tethering of horses and donkeys and propose that tethering is prohibited with an infringement penalty of \$300. I support a proposal that all horses and donkeys have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times regardless of housing system and that lack of provision of these requirements is an infringement with a penalty fee of \$300.
17	Layer Hens	Opportunity to express normal behaviours in housing systems
		I believe that colony cages do not adequately consider the welfare of layer hens because they prohibit the ability of the hen to express a range of normal behaviours. In addition, colony cages are not compliant with the Animal Welfare Act 1999 as they do not allow owners or persons in charge of animals to take all reasonable steps to ensure that their physical, health and behavioural needs are met. 1) Sections 9, 68 Animal Welfare Act 1999
18	Layer Hens	Stocking densities
		Colony cages do not allow hens to engage in a range of normal behaviours and therefore they are in clear breach of the Animal Welfare Act 1999. With a stocking density of 13 hens per square metre or 750 square centimetres, clearly the stocking density is too high. I propose a ban on all cages for hens.
19	Layer Hens	Housing and equipment design
		<p>Colony cages are only slightly bigger than traditional battery cages. While they provide token welfare gestures like nest boxes, scratch pads and perches, these gestures do not ensure the physical, health and behavioural needs of hens are met. With only 750 sq cm per hen, there are a number of behaviours hens are not able to functionally perform in colony cages; this includes spreading her wings fully. It's also questionable whether a hen in a colony cage can properly nest, perch, peck or scratch. A hen in a colony cage cannot dust bathe.</p> <p>Research has shown that some hens in colony cages can be prevented from using the nest provided due to competition from other hens<sup>2</sup>. Also, the limited space in colony cages is insufficient to allow hens sufficient time (on average 45 minutes<sup>3</sup>) if they want to lay at the same time.</p> <p>In order to satisfy a hen's need for perching, the housing system must be able to provide:</p> <ul style="list-style-type: none"> <li>• Sufficient length of perching space to allow all birds to perch at the same time; and</li> <li>• Sufficient elevation of the perches to satisfy the hens' requirements for a perceived safe perching place at night.</li> </ul> <p>Colony cages fulfil neither of these requirements. The standard of approximately 15cm of space per hen is an average and does not allow consideration for larger birds. Perches in colony systems are situated on average just a few centimetres from the floor of the cage. 'A perch positioned 5cm above floor level is 'not considered as a perch (by a hen) and has no attractive or repulsive value'<sup>4</sup>.</p> <p>Litter is not provided in colony cage systems. Litter is imperative for hen welfare. Hens will make great efforts to access litter for pecking, scratching and dustbathing – three normal behaviours of hens<sup>4</sup>. When hens are unable to forage in litter, they can redirect their pecking towards other hens resulting in harmful feather pecking and even</p>

		<p>cannibalism. When hens are unable to dustbathe in litter, they can develop the dysfunctional behaviour of sham dustbathing.</p> <p>1) A hen's wingspan is approximately 75-80 centimetres which is twice the size of a traditional battery cage</p> <p>2) Guedson, V. and Faure, J. M. (2004) <i>Laying performance and egg quality in hens kept in standard or furnished cages</i>. <i>Animal Research</i>, 53: 45-57.</p> <p>3) Appleby, M.C. (1998) Modification of laying hen cages to improve behaviour. <i>Poultry Science</i>, 77: 1828-1832.</p> <p>4) Cooper, J.J. and Ablentosa, M. J. (2003) Behavioural priorities of laying hens. <i>Avian and Poultry Biology Reviews</i>, 14: 127-149.</p>
20	Layer Hens	Induced moulting
		I support the proposal to prohibit induced moulting of layer hens.
21	Llama and Alpaca	Injuries from equipment such as halters, head ropes, and packs
		I support the proposal to ensure that equipment is used in a manner that does not result in injury or distress. I support the proposed infringement penalty of \$300.
22	Llama and Alpaca	Companion animals
		I support the proposal that camelids must be provided with a companion animal. I support the proposed infringement penalty of \$300.
23	Llama and Alpaca	Offspring (Cria) camelid companions
		I support the proposal to prohibit raising Cria without the company of other camelids. I support the proposed infringement penalty of \$500.
24	Pigs	Dry sleeping area
		<p>Proposal: I support the proposal that all pigs have access to a dry sleeping area.</p> <p>Penalty: I support the proposed infringement penalty of \$300.</p>
25	Pigs	Lying space for grower pigs
		<p>Proposal: I support the proposal for minimum space requirements for grower pigs.</p> <p>1. Error in formula</p> <p>The proposed formula used to calculate the minimum space has a type error; specifically the exponent notation has not been applied. I believes the formula intended by MPI should read "live weight<sup>0.67</sup> (kg)" but instead it reads "live weight 0.67(kg)" which translates to an Area = 0.03 * liveweight * 0.67(kg) and results in a much higher space requirement.</p> <p>Therefore I contend that proposal 25 must be rewritten and resubmitted for public consultation, with the correct formula included so that the intended space requirement can be properly considered.</p> <p>2. Minimum requirement</p> <p>Recent research suggests that a k-value of 0.3 is too low. In 2006, Gonyou et al. (2006) which ADFI is reduced. More recently, a 2015 study has found that a k-value of 0.0336 might underestimate the impact of increased stocking density on ADG and ADFI<sup>2</sup>. A k-value of 0.3 is too low to provide grower pigs with this environment and is sufficient as a minimum requirement for static space only.</p> <p>Does the proposal adequately define the appropriate systems?</p> <p>The proposal is based on a minimum standard, which is expected to occur (if at all) only where growers have reached the capacity of their pen and are shortly to be moved to a bigger pen<sup>3</sup> not a minimum standard which is considered acceptable at all times and this should be clarified in the regulation itself.</p>

		<p>I consider the minimum standards of housing for pigs to be provide "sufficient space to enable them to perform natural behaviours such as lying on their side without touching another pig, standing up, turning around and performing exercise, space for separate areas for dunging and feeding, with a dunging areas situated a sufficient distance from sleeping and feeding areas as well as materials to enable them to root and forage"<sup>4</sup>. If these standards cannot be met by the current farming systems then we are concerned that the current farming systems are not compatible with the freedom to exhibit normal behaviour and breach the animal welfare act.</p> <p>The current regulation has no limit on the length of time during which a grower pig may be submitted to the proposed minimum standard. Overstocking is a known problem. I am concerned that grower pigs may be submitted to spaces which do not meet minimum requirement if their transfer to a new pen is delayed. I would like the regulations to be clear that it is unacceptable for growers to be kept for prolonged periods in spaces at or close to the minimum requirement. In its 2010 review, NAWAC submitted that space enough to allow for pigs to lie fully recumbent (k-value of 0.047) was recommended best practice.</p> <p>For the sake of clarity and to give effect to the intention of NAWAC, I suggest that a minimum period of time for growers kept in the lower end of the scale be added.</p> <p>Due to the above considerations, I propose that the minimum standard is amended to:  Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m<sup>2</sup>) per pig = 0.040 x live weight 0.67(kg)  Grower pigs housed inside on non-litter systems such as slatted or solid floors must not have lying space of less than: Area (m<sup>2</sup>) per pig = 0.047 x live weight 0.67(kg) for longer than one week.</p> <p>Penalty: I support penalty of a prosecutable regulation offence.</p> <p>1) Gonyou, H. W., M. C. Brumm, E. Bush, J. Deen, S. A. Edwards, T. Fangman, J. J. McGlone, M. Meunier-Salaun, R. B. Morrison, H. Spooler, P. L. Sundberg, and A. K. Johnson. 2006. Application of broken-line analysis to assess floor space requirements of nursery and grower-finisher pigs expressed on an allometric basis. J. Anim. Sci. 84: 229-235.</p> <p>2) Thomas, LL. "The Effects of Increasing Stocking Density on Finishing Pig Growth ..." 2015. <a href="http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr">http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr</a></p> <p>3) ibid. Page 9</p> <p>4) "ANIMAL WELFARE (Pigs) CODE OF WELFARE 2010 REPORT." 2015. 15 May. 2016 &lt;<a href="https://www.mpi.govt.nz/document-vault/1446">https://www.mpi.govt.nz/document-vault/1446</a>&gt;</p>
26	Pigs	<p>Dry sow stalls</p> <p>Proposal: I support the prohibition of dry sow stalls  Penalty: I support the proposed infringement penalty of a prosecutable regulation offence.</p>
27	Pigs	<p>Size of farrowing crates</p> <p>Proposal: I do not support the use of farrowing crates.</p> <p>Production systems using farrowing crates are not the only financially viable forms of pork production. It is widely accepted that sow welfare in farrowing crates is sub-optimal. Continuing a production system which is contrary to good practice and scientific knowledge is in direct violation of section 10 of the Animal Welfare Act 1999.</p> <p>In 2016, a review of Farrowing Crates for Pigs in NZ was submitted by NAWAC<sup>1</sup>. In that report, NAWAC stated that "no significant change in science, technology or good practice from 2010 when the pigs code of welfare was issued". It submitted that the levels of piglet mortality in farrowing pens is higher than in farrowing crates and used this as justification for retaining farrowing crates in New Zealand. However, there is abundant research which supports the conclusion that total piglet mortality on farms with loose farrowing systems does not differ from that of farms with crates<sup>2,3</sup>.</p> <p>I submit that farrowing crates are unacceptable in modern day pork production systems and must be banned outright.</p> <p>1) "National Animal Welfare Advisory Committee - NZPork." 2016. 15 May. 2016 <a href="http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf">http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf</a></p> <p>2) Weber, R. "Piglet mortality on farms using farrowing systems ... - IngentaConnect." 2007. <a href="http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042">http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/art00042</a></p>

		3) KilBride, AL. "A cohort study of preweaning piglet mortality and ... - ScienceDirect." 2012. <a href="http://www.sciencedirect.com/science/article/pii/S0167587711003564">http://www.sciencedirect.com/science/article/pii/S0167587711003564</a>
28	Pigs	Provision of nesting material
		<p>Proposal: I support the provision of nesting material that can be manipulated to sows. However, it is clear that sows in farrowing crates will be unable to exhibit natural nesting behaviours in the confined space of a farrowing crate. To give effect to the intention of providing nesting material, the sow must be given more space in which to move. I agree that the definition of manipulable material should be made more apparent. "Material at ground level which mimics that of natural nesting material and encourages the sow to exhibit rooting behaviour" would be appropriate. However, for clarity, I recommend that examples are provided for guidance. Appropriate examples would include straw and sawdust.</p> <p>Penalty: I support the proposed infringement penalty of prosecution.</p> <p>1) Chaloupková, H. "The effect of nesting material on the nest-building and maternal ... - NCBI." 2011. <a href="http://www.ncbi.nlm.nih.gov/pubmed/20889685">http://www.ncbi.nlm.nih.gov/pubmed/20889685</a></p>
29	Rodeos	Fireworks
		<p>I support the ban of fireworks at rodeo's, The loud noise of fireworks is well established as a stressor in companion animals (Bolster 2012; Dale et al., 2010) And Unexpected noise and movement will cause the fight or flight response in both horses and cattle (Lanier, 2000; Christensen, 2005).</p> <p>I would like to see a total ban on rodeo, rodeo is of no advantage to the economy. A petition recently submitted to parliament has 62,000 members of the public in support of such a ban. Rodeo is in breach of the animal welfare act which states that animals should be 'physically handled in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress.' The rodeo is a form of entertainment therefore making it an unnecessary activity for animals to be involved in. The likelihood of animals feeling distress while performing in rodeos could only be successfully minimised if rodeos were entirely stopped; goading animals into states of distress is fundamental to getting them to perform in rodeo events.</p> <p>As there have been many breaches of the rodeo code brought before MPI in 2014 and 2015 we strongly urge MPI to carefully consider if the codes are adequate in helping to minimise the likelihood of unreasonable and unnecessary pain or distress. We are aware of new breaches that will be brought before MPI for a third year running, this adds to the evidence that these codes are not adequate for protecting animals, therefore we feel that the only way to ensure these breaches do not continue is for an outright ban.</p>
30	Exotic animals	Used in circuses
		I do not support the use of exotic animals in circuses and propose that their use be banned. Given that there are currently no circuses in NZ using exotic animals the banning of the practice now will cause no industry disruption. Popular opinion both here and overseas is moving away from the use of exotic animals in circus and if this practice was to occur again in NZ it is likely that there would be a public outcry against it.
31	Cattle	Milk stimulation
		I support the proposal to prohibit the stimulation of milk let down by inserting water or air into a cow's vagina. I propose the prohibition is extended to include the insertion of any object into a cow's vagina to stimulate milk let down. I support the proposed infringement penalty of \$300.
32	Cattle and Sheep	Vehicular traction in calving or lambing
		I support the proposal to prohibit the use of a moving vehicle to provide traction in lambing or calving. I support the proposed infringement penalty of \$500.

33	Cattle and Sheep	Ingrown horns		I support the proposal to require treatment for horns that are touching the skin or eye. I support the proposed infringement penalty of \$500.
34	Stock transport	Cuts and abrasions		I support the proposal that transport should not result in cuts or abrasions. I propose the regulation is extended to all animals' not just cattle, sheep, deer, goats, and pigs. I support the infringement penalty of \$500.
35	Stock transport	Animals with ingrown horns		I support the proposal that animals with ingrown horns must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
36	Stock transport	Animals with bleeding horns or antlers		I support the proposal that animals with bleeding horns or antler must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
37	Stock transport	Animals with long horns or antlers		I support the proposal that animals with long horn or antler must not cause injury to themselves or others during transport. I could not find any rationale for the use of 110mm as a cut off value for long antler either in the code of welfare, or the report on the code. I propose that MPI publish the rationale behind the cut off value of 110mm or perform analysis of the injuries sustained from transport of animals with horns to determine if this measurement is an appropriate guide. I support the proposed infringement penalty of \$500.
38	Stock transport	Lame cattle, deer, pigs and goats		I support the proposal that cattle, sheep, pigs and goats with lameness scores of 2 must be certified for transport by a veterinarian and that animals with a lameness score of 3 must not be transported. I support the proposed infringement penalty of \$500.
39	Stock transport	Animals that cannot bear weight evenly due to injury		I support the proposal that animals who cannot bear weight evenly due to injury require certification from a veterinarian for transport. I support the infringement penalty of \$500.
40	Stock transport	Pregnant animals		I support the proposal that animals who are in late stages of pregnancy should not be transported. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
41	Stock transport	Animals with injured or diseased udders		I support the proposal that animals who have diseased udders should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.



42	Stock transport	Cattle or sheep with cancer eye
		I support the proposal that animals who have cancer eye which is large, not confined to the eyelid or discharging/bleeding should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
Young calf management regulatory proposals		
43	Young Calves	Loading and unloading facilities
		I support the proposal that facilities must be provided which enable young calves to walk onto and off transportation by their own action. Given the potential for severe injury and pain I propose that the infringement penalty is increased to \$1000.
Proposed	Young Calves	Calves must not be thrown, if they need to be manually lifted they must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick calves).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading <sup>1</sup> , only one individual was prosecuted in relation to the footage <sup>2</sup> , presumably relating to the more severe actions at the slaughterhouse rather than those of the workers loading the trucks. There is clearly a need for simple, easily enforceable, law around wilful mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a fine set at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour. 1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a> 2) <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a>
Proposed	Young Calves	Minimum training standard for people handling/loading calves
		I propose a minimum training standard is put in place for people loading calves on to transportation. Footage from 2015 clearly shows inappropriate handling of calves at the time of loading <sup>1</sup> . A regulation for minimum training standards for those loading calves will not just improve calf welfare but will also demonstrate the transport industry's commitment to improving their part of the calf management chain. In contrast failure for the transport industry to demonstrate willingness to improve welfare outcomes for calves could reflect badly in the media. I propose infringement penalty is prosecution due to the lack of provision of appropriate training being a corporation level infringement and therefore an appropriate penalty needs to be significant enough to deter corporations from flouting the law. 1) <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>
Proposed	Young Calves	Same day slaughter
		I propose that all young calves received at a slaughter premises must be slaughtered that day and cannot be held overnight. It has been recognised by MPI that time off feed is a significant welfare concern in young calves therefore reducing the time spent at a slaughter premises aims to reduce the risk of calves spending an extended period of time off feed. Although an alternative proposal could be for feeding at arrival at slaughter premises given the other welfare issues of housing young calves I consider reducing holding time to a minimum as the least bad of the options. I propose an infringement penalty set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.

Proposed	Young Calves	Use of nearest slaughterhouse
		<p>Increased time spent at transport has been shown to be one of the determinants of poorer outcomes for calves. For this reason I propose that calves are required to be slaughtered at the closest slaughter premises. I propose the infringement penalty to be set at prosecution level so that penalties are severe enough to prevent corporations flouting the law.</p> <p>1) Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84</p>
44	Young Calves	Shelter on farm, before and during transportation and at processing plants
		I support the proposal for minimum standards of shelter on farm, before transportation, and at slaughter premises. I support the higher proposed infringement penalty of prosecution.
45	Young Calves	Fitness for transport – age
		<p>I propose that the minimum age of transport is increased to 10 days to bring us in line with what is considered an acceptable standard of welfare in other developed countries. MPI have stated that the 4 day standard suggested in the proposed regulation has been suggested as this reflects current industry practice. However the transport code of welfare only cites research performed in calves 5-10 days of age therefore I propose that the absolute minimum age of transport be set at 5 days of age. I support the most conservative determination of age – that it is determined from the time the calf is separated from the dam. I support the higher proposed infringement penalty of prosecution.</p> <p>1) Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p>
46	Young Calves	Fitness for transport – Physical characteristics
		I support the proposal that the list of physical characteristics provided with regulation 46 should be met prior to transport of young calves. I support the higher proposed infringement penalty of prosecution.
47	Young Calves	Maximum time off feed
		<p>I support the proposal for regulating the maximum time off feed for young calves, however we propose this is reduced to 12 hours. The lack of physiological indicators in the 2000 Todd paper does not demonstrate that:</p> <ol style="list-style-type: none"> <li>this is in fact the case in calves &lt;5 days of age or</li> <li>that these calves are not experiencing significant hunger or</li> <li>that these calves have the physiological capacity to respond to transport in a measurable way with the tools used in the study?</li> </ol> <p>I propose that calves undergoing transport are kept to the same feeding schedule they would have if they remained on farm. I propose an infringement penalty of prosecution.</p> <p>1) Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. 2000. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p> <p>2) Knowles, T.G., Warriss, P.D., Brown, S.N., Edwards, J.E., Watkins, P.E. and Phillips, A.J. 1997. Effects on calves less than one month old of feeding or not feeding them during road transport of up to 24 hours. Veterinary Record 140, 116-124.</p>
48	Young Calves	Duration of transport

		I support limiting the duration of transport of young calves to 8 hours or less. As length of transport has been shown to be associated with poorer outcomes for calves we propose an increase in the infringement penalty to \$1000. 1) Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with long distance transport. AVJ 2005; 83: 82-84
49	Young Calves	Blunt force trauma
		I support the prohibition of the use of blunt force trauma for killing calves. I support the more severe penalty of prosecution as this allows corporations to receive appropriate penalties to deter this behaviour.
50	Young Calves	Transport by sea across Cook Strait prohibited
		I support the prohibition of transport of young calves across Cook Strait. I support the more severe penalty of prosecution as this allows corporations to be held accountable.
Surgical and painful procedures regulatory proposals		
51	All animals	Hot branding
		I support the prohibition of hot branding and the penalty of prosecution.
52	All animals	Embryo collection via exteriorised uterus (surgical embryo transfer)
		I do not support the collection of embryos via exteriorised uterus and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
53	All animals	Laparoscopic artificial insemination (laparoscopic AI)
		I do not support the use of laparoscopic AI and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
54	All animals	Liver biopsy
		I support the proposal for liver biopsy to be restricted to being performed by veterinarians or directly supervised veterinary students and the requirement for the use of pain relief. I support the infringement penalty of a prosecutable offence.
55	All animals	Dental work
		I support the proposal that any power tool used for dental work must be designed for the purpose of dentistry. I propose the infringement penalty is increased to \$1000.
56	Cats	Declawing
		I support the restriction of cat declawing to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of

		pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
57	Companion animals	Desexing (including stray/feral cats, dogs and other species)
		I support the restriction of desexing to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence. I propose that all cats and dogs sold in pet shops be desexed and vaccinated before being released to the purchaser. This would work as a preventative step in helping reduce the number of stray/feral cats and dogs over time.
58	Dogs	Freeze branding
		I propose that freeze branding of dogs is banned. With better technology now available we can microchip dogs rather than freeze branding them. In the case that freeze branding is not prohibited I support the restriction of freeze branding to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
59	Dogs	Dog debarking (and devoicing of other species)
		I support the restriction of dog debarking to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed, to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administrated through the NZ veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
60	Dogs	Cropping the ears
		I support the proposal to prohibit ear cropping of dogs. I support the proposed penalty of a prosecutable offence.
61	Dogs	Dew claws
		I support the restriction of removal of articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons, and the use of pain relief at the time of the procedure. I propose restriction of removal of non-articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student with the use of pain relief. I support the proposed penalty of prosecution.
62	Dogs	Tail docking
		I support the docking of tails in dogs for therapeutic reasons only. The procedure must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of this procedure.
63	Cattle	Teats
		I support the proposal for supernumerary teat removal of animals >6 weeks of age to be performed by a veterinarian or veterinary student and that pain relief must be used. I does not support the removal of supernumerary teats in animals <6 weeks of age without pain relief, however the procedure could be undertaken by a skilled lay person signed off by a veterinarian (ie a vet tech). I propose that: a) the maximum of age of animals on whom supernumerary teat removal can be performed by a lay person is reduced to 4 weeks of age

		<p>i) infringement penalty of prosecution</p> <p>b) pain relief is required for any supernumerary teat removal procedure regardless of age</p> <p>ii) infringement penalty of prosecution</p> <p>c) procedure is performed using sterilised equipment</p> <p>iii) infringement penalty of \$500</p> <p>d) any person performing the procedure who is not a veterinarian or directly supervised veterinary student is signed off by a veterinarian</p> <p>iv) infringement penalty of prosecution</p>
64	Cattle	Claw removal
		I support the proposal that claw removal is restricted to being performed by a veterinarian or veterinary student and that pain relief is required at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional non-steroidal anti-inflammatory drug (NSAID) pain relief is also administered. I support the infringement penalty of prosecution for all offences other than not using NSAID for which the infringement penalty should be \$300.
65	Cattle	Teat occlusion
		I support the proposal that teat sealing can only be performed with a product registered for that specific purpose. I support the infringement penalty of prosecution.
66	Cattle	Tail docking
		I support the restriction of tail docking to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons only, and the use of pain relief at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also administered. I support the proposed penalty of a prosecutable offence for all offences other than not using NSAID for which the infringement penalty should be \$300.
67	Cattle and sheep	Castration and shortening of the scrotum (cryptorchid)
		I support the proposal for surgical castration at any age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I support the proposal that non-surgical castration in cattle and sheep over 6 months of age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I does not support the age of 6 months as an appropriate age at which lay people can no longer perform non-surgical castration and propose that this age limit is lowered to 2 months, I support limiting the manner of non-surgical castration to only the use of conventional rubber rings. I does not support performing non-surgical castration without pain relief at any age and propose that pain relief is required for any castration procedure at any age. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also required. I propose that the penalty for all infringements other than lack of NSAID use is prosecution and that the penalty for not using an NSAID is an infringement of \$300.
68	Cattle, sheep and goats	Disbudding
		I propose that disbudding is limited to being performed only by only a veterinarian, veterinary student under direct supervision, or skilled lay person signed off by a veterinarian (ie vet tech/appropriately trained farm worker). I propose that appropriate maximum ages are determined for disbudding to be performed by a lay person. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
69	Cattle, sheep and goats	Dehorning

		I propose that disbudding is limited to being performed only by only a veterinarian or veterinary student under direct supervision. Given the much greater risk of pain, bleeding, and infection from dehorning rather than disbudding I propose that farmers are given 12 months warning after which dehorning can only be performed by veterinarians. This will give a strong message that disbudding is much preferred and much more economically viable. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.
70	Sheep	Tail docking
		I support the limiting of tail docking in sheep who are greater than 6 months of age to veterinarians and directly supervised veterinary students. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support restricting the techniques for tail docking in younger animals to rubber ring and hot iron only. I propose that pain relief at the time of procedure and NSAID should also be required, regardless of age at the time of tail docking. Furthermore I propose that the maximum age at which a lay person is able to perform a tail docking procedure is reduced to 2 months. I support the proposal that tails are not to be cut flush and are to be able to cover the vulva in a female and of a similar length in a male. I support the proposed penalty of prosecution for infringements in sheep > 2 months of age and propose an infringement penalty of \$300 for lack of NSAID use. I support the proposed penalties of \$500 for use of non-listed methods and not cutting tails flush in sheep < 2 months of age. I propose a penalty of prosecution for not using pain relief in sheep <2 months of age and a penalty of \$300 for lack of NSAID use.
71	Sheep	Mulesing
		I support the proposal to prohibit mulesing. I support the proposed infringement penalty of prosecution.
72	Deer	Develveting
		I support the proposal for develveting to be only performed by veterinarians, directly supervised veterinary students or a person with veterinary approval. I support the proposed infringement penalty.
73	Horses	Blistering, firing, or nicking
		I support the proposal to prohibit blistering, firing or nicking, and support the proposed infringement penalty.
74	Horses	Tail docking
		I support the proposal for tail docking to only be performed by veterinarians or directly supervised veterinary students, only for therapeutic reasons, only with the use of pain relief. I support the proposed infringement penalty.
75	Horses	Rectal pregnancy diagnosis of horses
		I support the proposal for rectal pregnancy diagnosis in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
76	Horses	Rectal examination of horses
		I support the proposal for rectal examination in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
77	Horses	Caslick's procedure

		<p>I support the proposal for creation, opening and repair of caslick's procedure to only be performed by a veterinarian or directly supervised veterinary student and the use of pain relief for the procedure. I support the proposed infringement penalty.</p> <p>I propose that a caslick's procedure may only be performed for therapeutic purposes and not for a perceived performance benefit and that the proposed infringement penalty for this breach is the same as that proposed above.</p>
78	Horses	Castration
		I support the proposal for castration in horses to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure. I support the proposed infringement penalty.
79	Llama and alpaca	Castration
		I support the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure, and the minimum age for the procedure. I support the proposed infringement penalties for these infringements.
80	Pigs	Castration
		I support the proposal for castration to only be performed by a veterinarian or veterinary student under direct supervision and the required use of pain relief at the time of the procedure. I support the infringement penalty of prosecution. I propose that a non-steroidal anti-inflammatory drug (NSAID) is also required and that the penalty for not administering an NSAID is \$300.
81	Pigs	Tail docking
		I propose that pain relief should be used for this procedure regardless of the animal's age. I support limiting the procedure to veterinarians and directly supervised veterinary students in animals > 7 days of age. I propose that a NSAID should also be administered at the time of the procedure. I propose an infringement penalty of prosecution for lack of use of pain relief and for a lay person performing the procedure in an animal > 7 days of age. I propose an infringement penalty of \$300 for lack of NSAID administration.
82	Birds	Pinioning or otherwise deflighting a bird
		I support the restriction of pinioning/deflighting a bird to being performed only by a veterinarian or directly supervised veterinary student, only being performed in the best interests of the animal, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
83	Poultry	Dubbing
		I support the proposed penalty of a prosecutable offence to perform dubbing on breeds not usually dubbed and to not use pain relief at the time of the procedure. I oppose the surgical modification of an animal if the modification is not in the interests of the animal, therefore I propose that dubbing is prohibited with the penalty of a prosecutable offence.
84	Ostriches and emus	Declawing
		I support the prohibition of radical declawing of emu chicks. However the use of the term radical implies that some declawing is allowed and opens the regulation to subjective interpretation. I propose that the regulation prohibit all declawing of emu or ostrich unless performed by a vet for therapeutic reasons. I support the penalty of prosecutable offence.
85	Roosters	Caponising (rooster castration)
		I support the restriction of caponising to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.

**From:** Mark Craig <s.9(2)(a)>  
**Sent:** Thursday, 19 May 2016 9:56 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** Submission on Animal Welfare Regulations

**Categories:** Blue Category

**Please read this to prevent unnecessary physical pain and suffering being committed to sentient animals who feel pain just as we humans do. It requires some actual thought and understanding not to be glossed over.**

Signed,  
Mark craig, MBCHB MRCS(ENG) MRNZCGP  
General practitioner doctor, Auckland

**MPI Animal Welfare Codes Submission**  
**Nathan Guy**  
**Minister for Primary Industries**

In response to MPI's request for feedback on proposed animal welfare regulations I submit the following for your careful consideration.

The given consultation period (14th April to 10 May 2016) for public involvement is woefully inadequate. Five weeks is unrealistic and makes a mockery of the consultation process. The volume of proposals we are being asked to consider in this time frame isn't feasible and I ask that a more realistic time frame be given for the public to have our say.

I suggest a period of five weeks be given to each section of the proposed welfare regulations.

While the proposed regulations relating to live animal exports, the care and conduct towards animals, and surgical and painful procedures is a start, I ask that there be a full review into intensive farming practices across the agricultural industry.

The last two decades have seen the intensification of animal agriculture to levels that are unprecedented in recent history<sup>1</sup>. The current welfare codes and proposed welfare regulations don't go nearly far enough in protecting animal welfare under increasingly intensive farming practices.

Society's moral values are constantly shifting yet these regulations have remained largely static and are vastly out of step with changing attitudes to animal welfare<sup>2</sup>. I want to see a total ban on all cages for layer hens, farrowing crates for sows and a reduction in intensive dairy resulting in the slaughter of over 2m calves annually.

These farming practices can no longer be deemed humane by today's standards and cannot be incorporated as such in any welfare code. The new rules are not keeping pace with changing scientific knowledge and cannot be accepted as good practice.

- 1) From 5.3m dairy cows in 2007 to 6.4m in 2012 (23% increase in just 5 years) Statistics NZ
- 2) Switzerland banned cages for hens in 1992



Care and conduct regulatory proposals		
1	All animals	Electric prodders
		<p>I propose that the use of electric prodders be banned under all circumstances except where they are “necessary for protection, preservation or maintenance of human life”</p> <p>I do not support exemptions on the use of prodders based on:</p> <ol style="list-style-type: none"> <li>the species and size of an animal</li> <li>the manner of use of an animal (circus)</li> <li>the location of the animal (slaughter premises)</li> </ol> <p>I support the proposed infringement penalty.</p>
2	All animals	Use of goads
		<p>I support the proposal to ban the use of goads on sensitive areas of an animal’s body under all circumstances. Given the deliberate cruelty involved in using goads on sensitive areas I propose an increased infringement penalty of \$500.</p>
3	All animals	Twisting an animal's tail
		<p>I support the proposal to prohibit painful twisting of an animal’s tail. Given the potential for significant pain and damage from this behaviour, and the deliberate nature of the act I propose the infringement penalty is set at the higher level of \$500.</p>
Proposed	All animals	Any animal requiring manual lifting must be placed on the ground so they are able to be on all four feet or sit in sternal recumbency (or lateral recumbency for sick animals).
		<p>Despite footage from 2015 clearly showing several different people throwing young calves during loading<sup>1</sup>, only one individual was prosecuted in relation to the footage<sup>2</sup>, presumably relating to the more severe actions at the slaughterhouse rather than those of the worker loading the trucks. There is clearly a need for simple, easily enforceable, law around the mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a penalty of \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour.</p> <ol style="list-style-type: none"> <li><a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a></li> <li><a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-bobby-calf-investigation/</a></li> </ol>
4	Dogs	Pinch and Prong collars
		<p>I support the prohibition of pinch and prong collars under any circumstances; no exemptions for dogs used for special purposes (guarding, military) is supported. I support the proposed infringement penalty of \$300. I also support the banning of the sale of these collars and associated penalties under the law.</p>
5	Dogs	Injuries from collars or tethers
		<p>I support the proposal to only use collars or tethers in a manner that does not result in injury or distress. Given the potential for severe injury from collars I propose the penalty is increased to a prosecutable offence.</p>
6	Dogs	Muzzling a dog

		I support the proposal for regulating the use of muzzles so they do not cause injury or d support the inclusion in the proposal that muzzles should allow for a dog to be able to d support the proposed infringement penalty of \$300.
7	Dogs	Dry and shaded shelter
		I support the proposal for dogs to have access to dry and shaded shelter at all times. I pr the inclusion in the proposal that dogs also have access to fresh, palatable drinking wate times. Given that shelter and water are basic needs of life neglecting these items has the potential to cause significant harm and even death therefore I propose the infringement to be increased to a prosecutable offence. I also propose that there be a maximum time i that a dog is allowed to be chained for at any one time and that an infringement fee be s exceeding that time.
8	Dogs	Dogs left in vehicles
		I support the proposal for people leaving dogs in vehicles to ensure their safety. I propo increasing the penalty to a prosecutable offence both to reflect the potential fatal nature injury and also to act as a suitable penalty to prevent this behaviour. Additionally increa penalty allows for effective prosecution of corporations who use dogs who have a responsibility to ensure dogs in their care are cared for appropriately.
9	Dogs	Secured on moving vehicles
		I support the proposal to secure dogs on moving vehicles. I propose including dogs on v on private property in the regulation, and propose a speed limit of 40kph for vehicles ca unsecured working dogs. I propose increasing the penalty for infringement to \$1000 du potential for severe injury, suffering, and death resulting from falling from a moving ve
Proposed	Dogs	Ban export of racing greyhounds between NZ and Macau or China
		The Macau and China greyhound racing industries do not have the same standards of ar welfare as NZ. The export of racing greyhounds between NZ and Hong Kong (for furth transport to Macau/China) is minimal at present. However if the export of greyhounds f other countries (Australia, Ireland) is banned or more heavily regulated then NZ could b a transport hub for dogs in this industry. This has the potential for poor welfare outcom dogs and very poor public perception in New Zealand. It is far better to ban an activity l before it has the potential to become established. MPI have demonstrated their willingn put in place infringements for uncommon industry activities which have the potential to become welfare issues in the future with proposal 50 in this document banning transpor young calves across cook strait. I propose the above regulation and propose the infringe penalty is set at a prosecutable offence.
10	Dogs and Cats	Drowning dogs and cats
		I support the prohibition of the killing of a dog or cat of any age by drowning. I support infringement penalty of a prosecutable offence.
11	Eels	Insensible for desliming
		I support the proposal that eels must be insensible for desliming or killed before they ar deslimed. I support the infringement penalty of a prosecutable offence.

12	Crabs, rock lobster and crayfish	Insensible before being killed
		<p>I support the proposal that crabs, rock lobster, and crayfish must be insensible before being killed. I dispute the NAWAC statement that chilling to &lt;4 degrees Celsius renders crustaceans insensible and propose that either:</p> <p>a. the only legally acceptable method of rendering crabs and crayfish insensible is by electrical stunning (for which specific equipment is available for use in small restaurant premises). OR</p> <p>b. NAWAC conduct a review of the recent (since 2000) scientific literature on humane slaughter of crustaceans and present good quality, recent evidence to support that chilling to &lt;4 degrees Celsius renders crustaceans insensible.</p> <p>I support the proposed penalty of a prosecutable offence for failing to render a crustacean insensible prior to slaughter.</p>
13	Goats	Tethering requirements
		<p>I do not support the tethering of goats, on the basis that it stops goats expressing normal behaviours, and propose that tethering is prohibited with an infringement penalty of \$500. Furthermore I share concerns with previous submissions around tethering of goats that witnessing tethered goats on the road side could easily get a negative impression of animal welfare in NZ.</p> <p>I propose that all goats, regardless of housing system, have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times and that lack of provision of these requirements is an infringement with a penalty fee of \$500.</p> <p>I also propose that as goats are social animals<sup>1</sup> all goats should be provided with a companion such as another goat, camelid, horse, donkey or sheep. I propose that failure to house a goat with a companion should attract an infringement penalty of \$300.</p> <p>1. Miranda-de la Lama, G.C. and Mattiello, S. (2010). The importance of social behaviour for goat welfare in livestock farming. Small Ruminant Research 90, (1-3), 1-10</p>
14	Horses	Use of a whip, lead, or any other object
		I support the prohibition of using a whip, lead or other object to strike around the head. I support the proposed infringement penalty of \$300.
15	Horses	Injuries from equipment such as halter, head ropes and saddles
		I support the proposal to ensure that equipment is used in a manner that does not result in pain or distress. I support the proposed infringement penalty of \$300.
16	Horses and Donkeys	Tethering requirements
		I do not support the tethering of horses and donkeys and propose that tethering is prohibited with an infringement penalty of \$300. I propose that all horses and donkeys have access to a dry and shaded shelter, appropriate food, and fresh palatable water at all times regardless of housing system and that lack of provision of these requirements is an infringement with a penalty fee of \$300.
17	Layer Hens	Opportunity to express normal behaviours in housing systems
		I believe that colony cages do not adequately consider the welfare of layer hens because they prohibit the ability of the hen to express a range of normal behaviours. In addition, colony cages are not compliant with the Animal Welfare Act 1999 as they do not allow owners

		<p>persons in charge of animals to take all reasonable steps to ensure that their physical, health and behavioural needs are met<sup>1</sup>.</p> <p>1) Sections 9, 68 Animal Welfare Act 1999</p>
18	Layer Hens	Stocking densities
		<p>Colony cages do not allow hens to engage in a range of normal behaviours and therefore are in clear breach of the Animal Welfare Act 1999. With a stocking density of 13 hens per square metre or 750 square centimetres, clearly the stocking density is too high.</p>
19	Layer Hens	Housing and equipment design
		<p>Colony cages are only slightly bigger than traditional battery cages. While they provide welfare gestures like nest boxes, scratch pads and perches, these gestures do not ensure physical, health and behavioural needs of hens are met. With only 750 sq cm per hen, the number of behaviours hens are not able to functionally perform in colony cages; this includes spreading her wings fully<sup>1</sup>. It's also questionable whether a hen in a colony cage can perch, nest, perch, peck or scratch. A hen in a colony cage cannot dust bathe.</p> <p>Research has shown that some hens in colony cages can be prevented from using the nest provided due to competition from other hens<sup>2</sup>. Also, the limited space in colony cages is insufficient to allow hens sufficient time (on average 45 minutes<sup>3</sup>) if they want to lay at the same time.</p> <p>In order to satisfy a hen's need for perching, the housing system must be able to provide</p> <ul style="list-style-type: none"> <li>• Sufficient length of perching space to allow all birds to perch at the same time; and</li> <li>• Sufficient elevation of the perches to satisfy the hens' requirements for a perceived perching place at night.</li> </ul> <p>Colony cages fulfil neither of these requirements. The standard of approximately 15cm per hen is an average and does not allow consideration for larger birds. Perches in colony systems are situated on average just a few centimetres from the floor of the cage. 'A perch positioned 5cm above floor level is 'not considered as a perch (by a hen) and has no attraction or repulsive value'<sup>4</sup>.</p> <p>Litter is not provided in colony cage systems. Litter is imperative for hen welfare. Hens make great efforts to access litter for pecking, scratching and dustbathing – three normal behaviours of hens<sup>4</sup>. When hens are unable to forage in litter, they can redirect their peck towards other hens resulting in harmful feather pecking and even cannibalism. When unable to dustbathe in litter, they can develop the dysfunctional behaviour of sham dust bathing.</p> <p>1) A hen's wingspan is approximately 75-80 centimetres which is twice the size of a traditional battery cage</p> <p>2) Guedson, V. and Faure, J. M. (2004) <i>Laying performance and egg quality in hens kept in standard or furnished cages</i>. <i>Animal Research</i>, 53: 45-57.</p> <p>3) Appleby, M.C. (1998) Modification of laying hen cages to improve behaviour. <i>Poultry Science</i>, 77: 1828-1832.</p> <p>4) Cooper, J.J. and Ablettosa, M. J. (2003) Behavioural priorities of laying hens. <i>Avian Poultry Biology Reviews</i>, 14: 127-149.</p>
20	Layer Hens	Induced moulting
		I support the proposal to prohibit induced moulting of layer hens.
21	Llama and Alpaca	Injuries from equipment such as halters, head ropes, and packs
		I support the proposal to ensure that equipment is used in a manner that does not result in pain or distress. I support the proposed infringement penalty of \$300.

22	Llama and Alpaca	Companion animals
		I support the proposal that camelids must be provided with a companion animal. I support the proposed infringement penalty of \$300.
23	Llama and Alpaca	Offspring (Cria) camelid companions
		I support the proposal to prohibit raising Cria without the company of other camelids. I support the proposed infringement penalty of \$500.
24	Pigs	Dry sleeping area
		Proposal: I support the proposal that all pigs have access to a dry sleeping area. Penalty: I support the proposed infringement penalty of \$300.
25	Pigs	Lying space for grower pigs
		<p>Proposal: I support the proposal for minimum space requirements for grower pigs.</p> <p>1. Error in formula</p> <p>The proposed formula used to calculate the minimum space has a type error; specifically, exponent notation has not been applied. I believe the formula intended by MPI should “live weight<sup>0.67</sup> (kg)” but instead it reads “live weight 0.67(kg)” which translates to an <math>0.03 * \text{liveweight} * 0.67(\text{kg})</math> and results in a much higher space requirement. Therefore I contend that proposal 25 must be rewritten and resubmitted for public consultation with the correct formula included so that the intended space requirement can be properly considered.</p> <p>2. Minimum requirement</p> <p>Recent research suggests that a k-value of 0.3 is too low. In 2006, Gonyou et al. (2006) ADFI is reduced. More recently, a 2015 study has found that a k-value of 0.0336 might underestimate the impact of increased stocking density on ADG and ADFI<sup>2</sup>. A k-value of 0.3 is too low to provide grower pigs with this environment and is sufficient minimum requirement for static space only.</p> <p>Does the proposal adequately define the appropriate systems?</p> <p>The proposal is based on a minimum standard, which is expected to occur (if at all) only when growers have reached the capacity of their pen and are shortly to be moved to a bigger pen. A minimum standard which is considered acceptable at all times and this should be clarified in the regulation itself.</p> <p>I consider the minimum standards of housing for pigs to be provide “sufficient space to allow them to perform natural behaviours such as lying on their side without touching another pig, standing up, turning around and performing exercise, space for separate areas for dunging and feeding, with a dunging area situated a sufficient distance from sleeping and feeding areas as well as materials to enable them to root and forage”<sup>4</sup>. If these standards cannot be met in current farming systems then we are concerned that the current farming systems are not compatible with the freedom to exhibit normal behaviour and breach the animal welfare standards. The current regulation has no limit on the length of time during which a grower pig may be submitted to the proposed minimum standard. Overstocking is a known problem. I am concerned that grower pigs may be submitted to spaces which do not meet minimum requirements if their transfer to a new pen is delayed. I would like the regulations to be such that it is unacceptable for growers to be kept for prolonged periods in spaces at or close to the minimum requirement. In its 2010 review, NAWAC submitted that space enough to allow all pigs to lie fully recumbent (k-value of 0.047) was recommended best practice.</p>

		<p>For the sake of clarity and to give effect to the intention of NAWAC, I suggest that a minimum period of time for growers kept in the lower end of the scale be added.</p> <p>Due to the above considerations, I propose that the minimum standard is amended to:</p> <p>Grower pigs housed inside on non-litter systems such as slatted or solid floors must have space of at least: Area (m<sup>2</sup>) per pig = 0.040 x live weight 0.67(kg)</p> <p>Grower pigs housed inside on non-litter systems such as slatted or solid floors must not have lying space of less than: Area (m<sup>2</sup>) per pig = 0.047 x live weight 0.67(kg) for longer than the week.</p> <p>Penalty: I support penalty of a prosecutable regulation offence.</p> <p>Gonyou, H. W., M. C. Brumm, E. Bush, J. Deen, S. A. Edwards, T. Fangman, J. J. M. Meunier-Salaun, R. B. Morrison, H. Spooler, P. L. Sundberg, and A. K. Johnson. 2015. Application of broken-line analysis to assess floor space requirements of nursery and grower finisher pigs expressed on an allometric basis. <i>J. Anim. Sci.</i> 84: 229-235.</p> <p>Thomas, LL. "The Effects of Increasing Stocking Density on Finishing Pig Growth ...". 2015. <a href="http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr">http://newprairiepress.org/cgi/viewcontent.cgi?article=1142&amp;context=kaesrr</a></p> <p>ibid. Page 9</p> <p>"ANIMAL WELFARE (Pigs) CODE OF WELFARE 2010 REPORT." 2015. 15 May &lt;<a href="https://www.mpi.govt.nz/document-vault/1446">https://www.mpi.govt.nz/document-vault/1446</a>&gt;</p>
26	Pigs	Dry sow stalls
		<p>Proposal: I support the prohibition of dry sow stalls</p> <p>Penalty: I support the proposed infringement penalty of a prosecutable regulation offence</p>
27	Pigs	Size of farrowing crates
		<p>Proposal: I do not support the use of farrowing crates.</p> <p>Production systems using farrowing crates are not the only financially viable forms of pig production. It is widely accepted that sow welfare in farrowing crates is sub-optimal. Continuing a production system which is contrary to good practice and scientific knowledge is in direct violation of section 10 of the Animal Welfare Act 1999.</p> <p>In 2016, a review of Farrowing Crates for Pigs in NZ was submitted by NAWAC<sup>1</sup>. In that report, NAWAC stated that "no significant change in science, technology or good practice since 2010 when the pigs code of welfare was issued". It submitted that the levels of piglet mortality in farrowing pens is higher than in farrowing crates and used this as justification for retaining farrowing crates in New Zealand. However, there is abundant research which supports the conclusion that total piglet mortality on farms with loose farrowing systems does not differ from that of farms with crates<sup>2,3</sup>.</p> <p>I submit that farrowing crates are unacceptable in modern day pork production systems and must be banned outright.</p> <p>"National Animal Welfare Advisory Committee - NZPork." 2016. 15 May. 2016 <a href="http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf">http://www.nzpork.co.nz/images/custom/farrowing-crate-advice-14-march-2016.pdf</a></p> <p>Weber, R. "Piglet mortality on farms using farrowing systems ... - IngentaConnect." 2007. <a href="http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/eng">http://www.ingentaconnect.com/contentone/ufaw/aw/2007/00000016/00000002/eng</a></p> <p>KilBride, AL. "A cohort study of preweaning piglet mortality and ... - ScienceDirect." 2012. <a href="http://www.sciencedirect.com/science/article/pii/S0167587711003564">http://www.sciencedirect.com/science/article/pii/S0167587711003564</a></p>
28	Pigs	Provision of nesting material
		<p>Proposal: I support the provision of nesting material that can be manipulated to sows. However, it is clear that sows in farrowing crates will be unable to exhibit natural nesting behavior in the confined space of a farrowing crate. To give effect to the intention of providing nesting material, the sow must be given more space in which to move.</p> <p>I agree that the definition of manipulable material should be made more apparent. "Manipulable material is material on the ground level which mimics that of natural nesting material and encourages the sow to enter it."</p>

		<p>rooting behaviour” would be appropriate. However, for clarity, I recommend that exam provided for guidance. Appropriate examples would include straw and sawdust<sup>1</sup></p> <p>Penalty: I support the proposed infringement penalty of prosecution.</p> <p>Chaloupková, H. "The effect of nesting material on the nest-building and maternal ... - NCBI." 2011. <a href="http://www.ncbi.nlm.nih.gov/pubmed/20889685">http://www.ncbi.nlm.nih.gov/pubmed/20889685</a></p>
29	Rodeos	Fireworks
		<p>I support the ban of fireworks at rodeo's, The loud noise of fireworks is well established stressor in companion animals (Bolster 2012; Dale et al., 2010). And Unexpected noise movement will cause the fight or flight response in both horses and cattle (Lanier, 2000 Christensen, 2005).</p> <p>I would like to see a total ban on rodeo, rodeo is of no advantage to the economy. A pet recently submitted to parliament has 62,000 members of the public in support of such a Rodeo is in breach of the animal welfare act which states that animals should be 'physic handled in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress.' The rodeo is a form of entertainment therefore making it an unnecessary activity for animals to be involved in. The likelihood of animals feeling distress while performing it could only be successfully minimised if rodeos were entirely stopped; goading animals into states of distress is fundamental to getting them to perform in rodeo events.</p> <p>As there have been many breaches of the rodeo code brought before MPI in 2014 and 2015, I strongly urge MPI to carefully consider if the codes are adequate in helping to minimise the likelihood of unreasonable and unnecessary pain or distress. We are aware of new breaches will be brought before MPI for a third year running, this adds to the evidence that these codes are not adequate for protecting animals, therefore we feel that the only way to ensure these breaches do not continue is for an outright ban.</p>
30	Exotic animals	Used in circuses
		<p>I do not support the use of exotic animals in circuses and propose that their use be banned. Given that there are currently no circuses in NZ using exotic animals the banning of the practice now will cause no industry disruption. Popular opinion both here and overseas is moving away from the use of exotic animals in circus and if this practice was to occur in NZ it is likely that there would be a public outcry against it.</p>
31	Cattle	Milk stimulation
		<p>I support the proposal to prohibit the stimulation of milk let down by inserting water or a cow's vagina. I propose the prohibition is extended to include the insertion of any object into a cow's vagina to stimulate milk let down. I support the proposed infringement penalty of \$300.</p>
32	Cattle and Sheep	Vehicular traction in calving or lambing
		<p>I support the proposal to prohibit the use of a moving vehicle to provide traction in lambing or calving. I support the proposed infringement penalty of \$500.</p>
33	Cattle and Sheep	Ingrown horns
		<p>I support the proposal to require treatment for horns that are touching the skin or eye. I support the proposed infringement penalty of \$500.</p>

34	Stock transport	Cuts and abrasions
		I support the proposal that transport should not result in cuts or abrasions. I propose the regulation is extended to all animals' not just cattle, sheep, deer, goats, and pigs. I support infringement penalty of \$500.
35	Stock transport	Animals with ingrown horns
		I support the proposal that animals with ingrown horns must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
36	Stock transport	Animals with bleeding horns or antlers
		I support the proposal that animals with bleeding horns or antler must not be transported unless certified fit for transport by a veterinarian. I support the proposed infringement penalty of \$500.
37	Stock transport	Animals with long horns or antlers
		I support the proposal that animals with long horn or antler must not cause injury to themselves or others during transport. I could not find any rationale for the use of 110mm as a cut off for long antler either in the code of welfare, or the report on the code. I propose that MF publish the rationale behind the cut off value of 110mm or perform analysis of the injuries sustained from transport of animals with horns to determine if this measurement is an appropriate guide. I support the proposed infringement penalty of \$500.
38	Stock transport	Lame cattle, deer, pigs and goats
		I support the proposal that cattle, sheep, pigs and goats with lameness scores of 2 must be certified for transport by a veterinarian and that animals with a lameness score of 3 must not be transported. I support the proposed infringement penalty of \$500.
39	Stock transport	Animals that cannot bear weight evenly due to injury
		I support the proposal that animals who cannot bear weight evenly due to injury require certification from a veterinarian for transport. I support the infringement penalty of \$500.
40	Stock transport	Pregnant animals
		I support the proposal that animals who are in late stages of pregnancy should not be transported. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
41	Stock transport	Animals with injured or diseased udders
		I support the proposal that animals who have diseased udders should not be transported, unless certified by a veterinarian. I propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.



42	Stock transport	Cattle or sheep with cancer eye
		I support the proposal that animals who have cancer eye which is large, not confined to eyelid or discharging/bleeding should not be transported, unless certified by a veterinarian propose extending the time frame to not likely to give birth within 48 hours of arrival at slaughter premises. I support the infringement penalty of \$500.
Young calf management regulatory proposals		
43	Young Calves	Loading and unloading facilities
		I support the proposal that facilities must be provided which enable young calves to walk and off transportation by their own action. Given the potential for severe injury and pain propose that the infringement penalty is increased to \$1000.
Proposed	Young Calves	Calves must not be thrown, if they need to be manually lifted they must be placed on the ground so they are able to balance on all four feet or sit in sternal recumbency (or lateral recumbency for sick calves).
		Despite footage from 2015 clearly showing several different people throwing young calves during loading <sup>1</sup> , only one individual was prosecuted in relation to the footage <sup>2</sup> , presumably relating to the more severe actions at the slaughterhouse rather than those of the worker loading the trucks. There is clearly a need for simple, easily enforceable, law around the mishandling of animals which is not provided for in the current proposals. I propose a regulatory proposal as stated above. I propose the offence to be an infringement with a penalty at \$1000 to reflect both the potential for severe harm from such an act and the need for discouragement from this behaviour. <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a> <a href="https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-l-calf-investigation/">https://www.mpi.govt.nz/news-and-resources/media-releases/mpi-lays-charges-in-l-calf-investigation/</a>
Proposed	Young Calves	Minimum training standard for people handling/loading calves
		I propose a minimum training standard is put in place for people loading calves on to transportation. Footage from 2015 clearly shows inappropriate handling of calves at the loading <sup>1</sup> . A regulation for minimum training standards for those loading calves will not improve calf welfare but will also demonstrate the transport industry's commitment to improving their part of the calf management chain. In contrast failure for the transport industry to demonstrate willingness to improve welfare outcomes for calves could reflect badly in the media. I propose infringement penalty is prosecution due to the lack of provision of appropriate training being a corporation level infringement and therefore an appropriate penalty need significant enough to deter corporations from flouting the law. <a href="http://safe.org.nz/nz-dairy-industry-exposed">http://safe.org.nz/nz-dairy-industry-exposed</a>
Proposed	Young Calves	Same day slaughter
		I propose that all young calves received at a slaughter premises must be slaughtered there and cannot be held overnight. It has been recognised by MPI that time off feed is a significant welfare concern in young calves therefore reducing the time spent at a slaughter premises to reduce the risk of calves spending an extended period of time off feed. Although an

		alternative proposal could be for feeding at arrival at slaughter premises given the other issues of housing young calves I consider reducing holding time to a minimum as the le of the options. I propose an infringement penalty set at prosecution level so that penaltie severe enough to prevent corporations flouting the law.
Proposed	Young Calves	Use of nearest slaughterhouse
		Increased time spent at transport has been shown to be one of the determinants of poore outcomes for calves <sup>1</sup> . For this reason I propose that calves are required to be slaughtere closest slaughter premises. I propose the infringement penalty to be set at prosecution le that penalties are severe enough to prevent corporations flouting the law. Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated w distance transport. AVJ 2005; 83: 82-84
44	Young Calves	Shelter on farm, before and during transportation and at processing plants
		I support the proposal for minimum standards of shelter on farm, before transportation, slaughter premises. I support the higher proposed infringement penalty of prosecution.
45	Young Calves	Fitness for transport – age
		I propose that the minimum age of transport is increased to 10 days to bring us in line w what is considered an acceptable standard of welfare in other developed countries. MPI stated that the 4 day standard suggested in the proposed regulation has been suggested a reflects current industry practice. However the transport code of welfare only cites rese performed in calves 5-10 days of age <sup>1</sup> therefore I propose that the absolute minimum ag transport be set at 5 days of age. I support the most conservative determination of age – is determined from the time the calf is separated from the dam. I support the higher proj infringement penalty of prosecution. Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veteri Science 68, 125-134.
46	Young Calves	Fitness for transport – Physical characteristics
		I support the proposal that the list of physical characteristics provided with regulation 4 be met prior to transport of young calves. I support the higher proposed infringement pe prosecution.
47	Young Calves	Maximum time off feed
		I support the proposal for regulating the maximum time off feed for young calves, howe propose this is reduced to 12 hours. The lack of physiological indicators in the 2000 To paper <sup>1</sup> does not demonstrate that: this is in fact the case in calves <5 days of age or that these calves are not experiencing significant hunger or that these calves have the physiological capacity to respond to transport in a measura with the tools used in the study <sup>2</sup> I propose that calves undergoing transport are kept to the same feeding schedule they w have if they remained on farm. I propose an infringement penalty of prosecution.

		<p>Todd, S.E., Mellor, D.J., Stafford, K.J., Gregory, N.G., Bruce, R.A. and Ward, R.N. Effects of food withdrawal and transport on 5- to 10-day-old calves. Research in Veterinary Science 68, 125-134.</p> <p>Knowles, T.G., Warriss, P.D., Brown, S.N., Edwards, J.E., Watkins, P.E. and Phillips, J. 1997. Effects on calves less than one month old of feeding or not feeding them during transport of up to 24 hours. Veterinary Record 140, 116-124.</p>
48	Young Calves	Duration of transport
		<p>I support limiting the duration of transport of young calves to 8 hours or less. As length of transport has been shown to be associated with poorer outcomes for calves<sup>1</sup> we propose an increase in the infringement penalty to \$1000.</p> <p>Cave J, G. Callinan A, P, L. Woonton W, K. Mortalities in bobby calves associated with distance transport. AVJ 2005; 83: 82-84</p>
49	Young Calves	Blunt force trauma
		I support the prohibition of the use of blunt force trauma for killing calves. I support the severe penalty of prosecution as this allows corporations to receive appropriate penalties and deter this behaviour.
50	Young Calves	Transport by sea across Cook Strait prohibited
		I support the prohibition of transport of young calves across Cook Strait. I support the severe penalty of prosecution as this allows corporations to be held accountable.
Surgical and painful procedures regulatory proposals		
51	All animals	Hot branding
		I support the prohibition of hot branding and the penalty of prosecution.
52	All animals	Embryo collection via exteriorised uterus (surgical embryo transfer)
		I do not support the collection of embryos via exteriorised uterus and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).
53	All animals	Laparoscopic artificial insemination (laparoscopic AI)
		I do not support the use of laparoscopic AI and propose to prohibit the practice. In the event that it is not prohibited then I propose that the procedure is limited to veterinarians and directly supervised veterinary students. If the procedure is not banned outright then I support the proposal for pain relief to be mandatory and for a penalty of prosecution if pain relief is not used. Furthermore if the practice is not prohibited outright I propose that it is regulated separately under each species to ensure the law is clear in this regard (ie it is not currently appropriate for a lay person to perform this procedure on a pet cat or dog).

54	All animals	Liver biopsy
		I support the proposal for liver biopsy to be restricted to being performed by veterinarians directly supervised veterinary students and the requirement for the use of pain relief. It is the infringement penalty of a prosecutable offence.
55	All animals	Dental work
		I support the proposal that any power tool used for dental work must be designed for the purpose of dentistry. I propose the infringement penalty is increased to \$1000.
56	Cats	Declawing
		I support the restriction of cat declawing to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administered through the veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
57	Companion animals	Desexing (including stray/feral cats, dogs and other species)
		I support the restriction of desexing to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. It is the proposed penalty of a prosecutable offence. I propose that all cats and dogs sold in pet shops be desexed and vaccinated before being released to the purchaser. This would be a preventative step in helping reduce the number of stray/feral cats and dogs over time.
58	Dogs	Freeze branding
		I propose that freeze branding of dogs is banned. With better technology now available microchip dogs rather than freeze branding them. In the case that freeze branding is not prohibited I support the restriction of freeze branding to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
59	Dogs	Dog debarking (and devoicing of other species)
		I support the restriction of dog debarking to being performed only by a veterinarian or directly supervised veterinary student, only in the animal's best interest, and the use of pain relief. I propose that to ensure the procedure is always performed in the animal's best interest a consultation with a veterinary behaviourist is required prior to the procedure being performed to ensure all non-surgical options for managing the behaviour have been fully explored. However I recognise this aspect of the proposal may be best administered through the veterinary council rather than MPI. I support the proposed penalty of a prosecutable offence.
60	Dogs	Cropping the ears
		I support the proposal to prohibit ear cropping of dogs. I support the proposed penalty of a prosecutable offence.
61	Dogs	Dew claws
		I support the restriction of removal of articulated dew claws to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons, and the use of pain relief at the time of the procedure. It is the proposed penalty of a prosecutable offence.

		pain relief at the time of the procedure. I propose restriction of removal of non-articulated claws to being performed only by a veterinarian or directly supervised veterinary student and the use of pain relief. I support the proposed penalty of prosecution.
62	Dogs	Tail docking
		I support the docking of tails in dogs for therapeutic reasons only. The procedure must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian. Pain relief must be used at the time of this procedure.
63	Cattle	Teats
		I support the proposal for supernumerary teat removal of animals >6 weeks of age to be performed by a veterinarian or veterinary student and that pain relief must be used. I do not support the removal of supernumerary teats in animals <6 weeks of age without pain relief however the procedure could be undertaken by a skilled lay person signed off by a veterinarian (ie a vet tech). I propose that: <ul style="list-style-type: none"> <li>the maximum of age of animals on whom supernumerary teat removal can be performed by a lay person is reduced to 4 weeks of age</li> <li>i) infringement penalty of prosecution</li> <li>pain relief is required for any supernumerary teat removal procedure regardless of age</li> <li>ii) infringement penalty of prosecution</li> <li>procedure is performed using sterilised equipment</li> <li>iii) infringement penalty of \$500</li> <li>any person performing the procedure who is not a veterinarian or directly supervised veterinary student is signed off by a veterinarian</li> <li>iv) infringement penalty of prosecution</li> </ul>
64	Cattle	Claw removal
		I support the proposal that claw removal is restricted to being performed by a veterinarian or veterinary student and that pain relief is required at the time of the procedure. I propose in addition to the pain relief at the time of the procedure additional non-steroidal anti-inflammatory drug (NSAID) pain relief is also administered. I support the infringement of prosecution for all offences other than not using NSAID for which the infringement penalty should be \$300.
65	Cattle	Teat occlusion
		I support the proposal that teat sealing can only be performed with a product registered for a specific purpose. I support the infringement penalty of prosecution.
66	Cattle	Tail docking
		I support the restriction of tail docking to being performed only by a veterinarian or directly supervised veterinary student for therapeutic reasons only, and the use of pain relief at the time of the procedure. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also administered. I support the proposed penalty of a prosecutable offence for all offences other than not using NSAID for which the infringement penalty should be \$300.
67	Cattle and sheep	Castration and shortening of the scrotum (cryptorchid)
		I support the proposal for surgical castration at any age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I support the p

		<p>that non-surgical castration in cattle and sheep over 6 months of age to be limited to veterinarians and directly supervised veterinary students and that pain relief must be used. I do not support the age of 6 months as an appropriate age at which lay people can no longer perform non-surgical castration and propose that this age limit is lowered to 2 months, limiting the manner of non-surgical castration to only the use of conventional rubber rings. I do not support performing non-surgical castration without pain relief at any age and propose that pain relief is required for any castration procedure at any age. I propose that in addition to the pain relief at the time of the procedure additional NSAID pain relief is also required. I propose that the penalty for all infringements other than lack of NSAID use is prosecuted. I propose that the penalty for not using an NSAID is an infringement of \$300.</p>
68	Cattle, sheep and goats	Disbudding
		<p>I propose that disbudding is limited to being performed only by only a veterinarian, veterinary student under direct supervision, or skilled lay person signed off by a veterinarian (ie vet tech/appropriately trained farm worker). I propose that appropriate maximum ages are determined for disbudding to be performed by a lay person. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support the proposed penalty of prosecution for lack of use of pain relief and propose an infringement penalty of \$300 for lack of NSAID use.</p>
69	Cattle, sheep and goats	Dehorning
		<p>I propose that dehorning is limited to being performed only by only a veterinarian or veterinary student under direct supervision. Given the much greater risk of pain, bleeding, infection from dehorning rather than disbudding I propose that farmers are given 12 months warning after which dehorning can only be performed by veterinarians. This will give a message that disbudding is much preferred and much more economically viable. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is administered. I support the proposed penalty of prosecution for lack of use of pain relief. I propose an infringement penalty of \$300 for lack of NSAID use.</p>
70	Sheep	Tail docking
		<p>I support the limiting of tail docking in sheep who are greater than 6 months of age to veterinarians and directly supervised veterinary students. I support the use of pain relief during the procedure and propose that additional NSAID pain relief is also administered. I support restricting the techniques for tail docking in younger animals to rubber ring and iron only. I propose that pain relief at the time of procedure and NSAID should also be required, regardless of age at the time of tail docking. Furthermore I propose that the maximum age at which a lay person is able to perform a docking procedure is reduced to 2 months. I support the proposal that tails are not to be cut flush and are to be able to cover the vulva in a female and of a similar length in a male. I support the proposed penalty of prosecution for infringements in sheep &gt; 2 months of age. I propose an infringement penalty of \$300 for lack of NSAID use. I support the proposed penalties of \$500 for use of non-listed methods and not cutting tails flush in sheep &lt; 2 months of age. I propose a penalty of prosecution for not using pain relief in sheep &lt; 2 months of age and a penalty of \$300 for lack of NSAID use.</p>
71	Sheep	Mulesing

		I support the proposal to prohibit mulesing. I support the proposed infringement penalty prosecution.
72	Deer	Develveting
		I support the proposal for develveting to be only performed by veterinarians, directly supervised veterinary students or a person with veterinary approval. I support the proposed infringement penalty.
73	Horses	Blistering, firing, or nicking
		I support the proposal to prohibit blistering, firing or nicking, and support the proposed infringement penalty.
74	Horses	Tail docking
		I support the proposal for tail docking to only be performed by veterinarians or directly supervised veterinary students, only for therapeutic reasons, only with the use of pain relief. I support the proposed infringement penalty.
75	Horses	Rectal pregnancy diagnosis of horses
		I support the proposal for rectal pregnancy diagnosis in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
76	Horses	Rectal examination of horses
		I support the proposal for rectal examination in horses to be performed only by a veterinarian or directly supervised veterinary student. I support the proposed infringement penalty.
77	Horses	Caslick's procedure
		I support the proposal for creation, opening and repair of caslick's procedure to only be performed by a veterinarian or directly supervised veterinary student and the use of pain relief for the procedure. I support the proposed infringement penalty. I propose that a caslick's procedure may only be performed for therapeutic purposes and not for a perceived performance benefit and that the proposed infringement penalty for this be the same as that proposed above.
78	Horses	Castration
		I support the proposal for castration in horses to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure. I support the proposed infringement penalty.
79	Llama and alpaca	Castration
		I support the proposal for castration in llama and alpaca to be performed only by a veterinarian or directly supervised veterinary student and for the use of pain relief at the time of the procedure, and the minimum age for the procedure. I support the proposed infringement penalties for these infringements.
80	Pigs	Castration

		I support the proposal for castration to only be performed by a veterinarian or veterinary student under direct supervision and the required use of pain relief at the time of the procedure. I support the infringement penalty of prosecution. I propose that a non-steroidal anti-inflammatory drug (NSAID) is also required and that the penalty for not administering a NSAID is \$300.
81	Pigs	Tail docking
		I propose that pain relief should be used for this procedure regardless of the animal's age. I support limiting the procedure to veterinarians and directly supervised veterinary students on animals > 7 days of age. I propose that a NSAID should also be administered at the time of the procedure. I propose an infringement penalty of prosecution for lack of use of pain relief for a lay person performing the procedure in an animal > 7 days of age. I propose an infringement penalty of \$300 for lack of NSAID administration.
82	Birds	Pinioning or otherwise defligning a bird
		I support the restriction of pinioning/defligning a bird to being performed only by a veterinarian or directly supervised veterinary student, only being performed in the best interest of the animal, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.
83	Poultry	Dubbing
		I support the proposed penalty of a prosecutable offence to perform dubbing on breeds that are usually dubbed and to not use pain relief at the time of the procedure. I oppose the surgical modification of an animal if the modification is not in the interests of the animal, therefore I propose that dubbing is prohibited with the penalty of a prosecutable offence.
84	Ostriches and emus	Declawing
		I support the prohibition of radical declawing of emu chicks. However the use of the term radical implies that some declawing is allowed and opens the regulation to subjective interpretation. I propose that the regulation prohibit all declawing of emu or ostrich unless performed by a vet for therapeutic reasons. I support the penalty of prosecutable offence.
85	Roosters	Caponising (rooster castration)
		I support the restriction of caponising to being performed only by a veterinarian or directly supervised veterinary student, and the use of pain relief at the time of the procedure. I support the proposed penalty of a prosecutable offence.

Sent from my iPad



✓ 203

**From:** Tiffany Olsen § 9(2)(a) >  
**Sent:** Thursday, 19 May 2016 2:15 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** Animal Welfare Submission  
**Categories:** Blue Category

To Whom it may concern

I oppose the diminishing of any of the regulations proposed. I believe further steps should be taken to improve animal welfare.

I also believe there is a conflict of interest having MPI manage the Animal Welfare Act. Despite having NAWAC to consult with, I believe neither organisation is impartial. I believe there should be an entirely independent Commissioner for Animals.

No consideration should be given to the productivity of farms, costs to the farmers or the New Zealand economy or any individual or business when animal welfare is up for debate. The Act does not provide for this.

Please find below my comments on each of the proposals;

- 1) The use of electric prodders causes the animal pain and distress whether they are over or under 100kgs and should be prohibited.
- 2) I support this regulation however it does not go far enough. the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.
- 3) I support this regulation, however the penalty should be increased to \$1000. or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.
- 4) I support this regulation, however the penalty should be increased to \$1000 or more dependent on how severe the cruelty is, even going as far as a criminal conviction and ban of owning animals.
- 5) I support this regulation, however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.

- 6) I support this regulation, however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.
- 7) I support this regulation.
- 8) I support this regulation. Repeat offenders should be banned from owning dogs.
- 9) I support this regulation, however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.
- 10) I support this regulation. Penalty should include a ban on owning any animal.
- 11) I support this regulation, Repeat offenders should be banned from contact with eels.
- 12) I support this regulation, Repeat offenders should be banned from contact with crustaceans.
- 13) I support this regulation however goats should not be tethered at all as they are herd animals and it will be stressful for them. however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning goats.
- 14) I support his regulation but it does not go far enough. There should be a prohibition of striking a horse with anything as it will cause distress. however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.
- 15) I support this proposal. however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals
- 16) I support this proposal. however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals
- 17) I do not support hens in cages of any kind and fail to see how colony cages allow hens to display normal patterns of behaviour.
- 18) I do not support hens in cages of any kind.
- 19) I do not support hens in cages of any kind
- 20) I support this regulation. Repeat and severe offenders should get a criminal conviction and should be banned from owning animals.
- 21) I support this regulation, however the penalty should be \$1000 or more dependent on how severe the cruelty is. even going as far as a criminal conviction and ban of owning animals.
- 22) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals.
- 23) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals.
- 24) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals
- 25) I do not support pigs housed inside or on non-litter systems in any circumstances or any confined spaces.
- 26) I support his regulation.
- 27) I do not support farrowing crates under ANY circumstances. Pigs cannot express their normal patterns of behaviour in crates which is a contrary to the animal welfare act.
- 28) I do not support sows in any farrowing systems as they cannot express natural patterns of behaviour.
- 29) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals
- 30) I do not believe that any animals should be used in a circus for our entertainment.

- 31) I support this regulation I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals or dealing with cows.
- 32) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 33) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 34) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 35) I support this regulation.. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 36) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 37) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 38) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 39) I support this regulation. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 40) This regulation is too subjective. To be sure, it should be amended to say that an animal within a month on giving birth should not be transported. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 41) I support this proposal. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 42) I support this proposal. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.

#### Young Calf Management

I do not support calves being taken from their mothers until they wean of their own free will. Below are the minimum standards I would accept if this is not the case.

- 43) I support this proposal. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 44) I support this proposal. It does not go far enough and include have access to food and water. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.

- 45) I do not support this regulation and believe calves should not be transported until 2 weeks of age. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 46) I support this proposal. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 47) I do not support this proposal and believe calves should have access to water at all times and not be without food for more than 3 hours. They are already in a stressed state being without their mothers as newborns. The penalty should be a prosecutable offence with a criminal conviction.
- 48) I do not support this proposal. The Calves are already in a depressed state being without their mothers and should not be transported more than **3 hours** so as not to put them under even more stress. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 49) I support this proposal. Penalty should be more severe and result in a criminal conviction and a ban on owning animals and dealing with farm animals.
- 50) I support this proposal. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 51) I support this proposal. Penalty should be more severe and result in a criminal conviction and a ban on owning animals and dealing with farm animals.
- 52) I do not support this proposal. This procedure needs to be carried out by a qualified person or vet with pain relief to avoid any chance of the procedure going wrong and causing the animal pain and discomfort. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 53) I do not support this proposal. This procedure needs to be carried out by a qualified person or vet with pain relief to avoid any chance of the procedure going wrong and causing the animal pain and discomfort. The penalty should be \$1000 or more and repeat and severe offenders should get a criminal conviction and should be banned from owning animals and dealing with farm animals.
- 54) I support this proposal. Penalty should be more severe and result in a criminal conviction and a ban on owning animals and dealing with farm animals.
- 55) I support this proposal however it needs to go further and include pain relief. It is obvious that grinding teeth as in a human would cause discomfort and distress. Penalty should be more severe and result in a criminal conviction and a ban on owning animals and dealing with farm animals.
- 56) I do not support this proposal. Declawing is unnecessary as claws are there for a reason and their removal would cause distress to the animal. Penalty should be more severe and result in a criminal conviction and a ban on owning animals.
- 57) I support this proposal. Penalty should be more severe and result in a \$5000 fine and a ban of owning animals.
- 58) I support this proposal but fail to see how this procedure is necessary at all. Penalty should be more severe and result in a fine of \$5000 and a ban of owning animals.
- 59) I do not support this proposal as barking is a form of communication for a dog. I liken it to de-voicing a human. It is cruel and unnecessary. Penalty should be more severe and result in a fine of \$5000 and a ban of owning animals and a criminal conviction.
- 60) I support this proposal. Penalty should include a ban on owning animals.
- 61) I do not support this proposal as I believe all dogs claws should be left on their paws unless they are damaged. If they do need to be removed it shuld be performed by a vet with pain relief. Penalty should be more severe and result in a ban of owning animals.
- 62) I do not support this proposal under any circumstances. Tail docking should be prohibited as it is a unnecessary procedure only for aesthetic purposes. Tails are used by dogs as a form of communication and balance. Penalty should be more severe and result in a criminal conviction and a ban on owning animals.
- 63) I do not support this proposal. Teats should not be removed from an animal unless they are diseased and causing the animal pain and distress. In this case with pain relief by a vet. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.

- 64) I do not support this proposal. Claws should not be removed from an animal unless they are diseased and causing the animal pain and distress. In this case with pain relief by a vet. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 65) I do not support this proposal as I believe no teats should be occluded under any circumstances as this causes the animal pain and distress and is unnecessary. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 66) I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 67) I do not support this proposal. I believe pain relief should be used at any age if this procedure is necessary. Age is not a factor, just like a human baby, lambs and calves feel pain from the day they are born. It would appear that MPI are attempting to appease farmers with this proposal and animal welfare is not the priority. Imagine castrating a human baby with no pain relief? It wouldn't happen. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 68) I do not support this proposal. I believe disbudding is unnecessary and causes the animal distress and horns should be allowed to grow naturally. However worst case scenario I would support this proposal but the penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 69) I do not support this proposal. I believe disbudding is unnecessary as it causes the animal distress and horns should be allowed to grow naturally. However worst case scenario I would support this proposal but the penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 70) I do not support this proposal. I believe pain relief should be used at any age if this procedure is necessary. Age is not a factor, just like a human baby, lambs and calves feel pain from the day they are born. It would appear that MPI are attempting to appease farmers with this proposal and animal welfare is not the priority. Imagine taking a limb off a human baby with no pain relief? It wouldn't happen. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 71) I support this proposal. Penalty should be more severe and also result in a ban on owning animals and dealing with farm animals.
- 72) I support this proposal however it does not go far enough and pain relief for the animal should be included. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 73) I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 74) I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 75) I support this proposal
- 76) I support this proposal
- 77) I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 78) I support this proposal. I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 79) I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 80) I support this proposal. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 81) I do not support this proposal. I believe pain relief should be used at any age if this procedure is necessary. Age is not a factor, just like a human baby, pigs feel pain from the day they are born. It would appear that MPI are attempting to appease farmers with this proposal and animal welfare is not the priority. Penalty should be more severe and result in a ban on owning animals and dealing with farm animals.
- 82) I support this proposal. Penalty should be more severe and result in a ban on owning animals.

- 83) I do not support dubbing of birds as it is unnecessary. Penalty should be more severe and result in a ban on owning animals.
- 84) I only support the declawing of emu chicks on medical grounds by a vet. Penalty should be more severe and result in a ban on owning animals.
- 85) I support this proposal. Penalty should be more severe and result in a ban on owning animals.

Yours truly,

Tiffany Olsen

§ 9(2)(a) [Redacted]

[Redacted]

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19 May 2016

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



# Submission on proposed regulations released by MPI, April 2016

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## Introduction

1. SAFE is New Zealand's leading animal advocacy organisation.
  - a. SAFE actively engages with a wide cross-section of the New Zealand public. In addition to the 159,954 people that visited our website in the last year, 41,275 people currently (as of 5th April 2016) subscribe to our e-mails, while 87,892 people follow us on Facebook. In addition, we currently have 1,636 active members, 7,215 registered volunteers, 8,581 donors and 556 non-financial supporters including businesses, celebrities and peer-to-peer fundraisers.
2. Nothing in this document reflects SAFE policy. SAFE is an animal rights organisation. However, SAFE wishes to work with MPI to improve the lives of animals, and will focus on animal welfare in accordance with the Animal Welfare Act during this process.

## Concerns regarding the consultation process

3. SAFE has a number of concerns regarding the consultation process, particularly with the timeframes given.
4. SAFE was invited to two workshops regarding the regulations before consultation was opened to the public.
  - a. The first workshop involved very little notice as to the substance of the regulations so there was barely any time to do more than read the regulations.
  - b. In the workshop itself, inadequate time was provided for proper consultation, and it was not possible to do more than respond to whether or not an issue was appropriate for regulation.
    - i. There was virtually no time to consider broader issues, whether additional areas could be regulated, or whether a stronger stance such as banning rodeo could be taken.
    - ii. A short time period was given in which to follow up, and SAFE did.
      1. In particular, SAFE requested that any regulations related to factory farming be separated from this process, as there was not enough time to consider such a large volume of issues.
  - c. The second workshop centred on the issue of bobby calves.
    - i. SAFE prepared several suggestions as to how matters could be improved. In particular:
      1. It was raised that a variety of bodies such as the European Union have already identified standards that New Zealand does not have. It was suggested that these options be investigated.



2. After MPI identified that a substantial issue for bobby calves was allocating responsibility, SAFE proposed a documentation scheme.
  3. It does not appear that either of the above options was adequately considered. SAFE would like to see them thoroughly investigated.
  - d. During the workshops, SAFE was assured that an adequate public consultation process would cover the rest of our concerns.
5. One day after submissions were opened to the public, SAFE requested the science behind the regulations, as the science is critical to a fully informed submission.
- a. The response to this request arrived on 13 May 2016, six days before consultation closes.
  - b. The response was incomplete – it is missing the science behind farrowing crates, an issue that has repeatedly been identified by SAFE as an area of concern during this process. As of the morning of 19 May, this has not been corrected, the day consultation closes.
6. SAFE immediately raised the timeframe as a concern, as did a variety of other people during the public consultation workshops.
- a. We were told timeframes were non-negotiable. This should never be the case without extraordinarily good reason; good faith consultation requires keeping an open mind as detailed by the Parliamentary Counsel Office.
7. It is particularly concerning that both rodeo and colony cages have been included in the regulations process.
- a. Both of these matters are currently before Parliament. It is inappropriate to make decisions on these matters while they are actively being considered by Parliament.
  - b. SAFE has raised this at every opportunity during the consultation process.

#### Principles of the Animal Welfare Act

8. The purpose of the Animal Welfare Act is
- a. to reform the law relating to the welfare of animals and the prevention of their ill-treatment; and, in particular,—
    - i. to recognise that animals are sentient:

- ii. to require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals:
    - iii. to specify conduct that is or is not permissible in relation to any animal or class of animals:
    - iv. to provide a process for approving the use of animals in research, testing, and teaching:
    - v. to establish a National Animal Welfare Advisory Committee and a National Animal Ethics Advisory Committee:
    - vi. to provide for the development and issue of codes of welfare and the approval of codes of ethical conduct:
  - b. to repeal the Animals Protection Act 1960
9. During the consultation process, it was repeatedly emphasised to SAFE that regulations must not put undue stress on human communities.
- a. Rodeo, for instance, was justified by MPI on the basis of supporting rural communities and ensuring that they had access to entertainment.
  - b. MPI repeatedly talked about the many stresses faced by dairy farmers, and that regulations around bobby calves must not put too much financial stress on farmers.
  - c. When discussing factory farming practices, MPI raised the point that current levels of production must be maintained.
10. Nothing in the purpose of the Act justifies any of those considerations. The Animal Welfare Act simply requires that animals are treated in accordance with the freedoms defined in Section 4 of the Act.
11. MPI is empowered by Section 183A to create regulations relating to standards of care for animals.
- a. This section specifically outlines the relationship between economics, practicality, and animal welfare.
    - i. If a practice is unacceptable in terms of animal welfare, but has limitations due to economics, it can be addressed under section 183A(2) of the Act.
  - b. If a practice has an important cultural or religious component, it can be addressed under section 183A(7) of the Act.

12. Outside transitional provisions, MPI's primary concern should be animal welfare.
- a. Historically, MPI and NAWAC have placed a great deal of weight on issues such as maintaining current levels of production. This is not justified under any provision of the Act.

#### Science

13. SAFE supports the view that science should be one of the factors to determine the best outcome for the animals.
14. However, the science behind the regulations was only provided on 13 May, and some of it is still missing. As such, SAFE is not able to comment on the science behind the regulations due to time frame constraints.
15. In future consultation, SAFE proposes that the science used for regulations or codes is automatically released as part of the consultation process. This would allow MPI and NAWAC to work to lighter timeframes.
- a. Currently, the science must be obtained under the Official Information Act, which delays the process by up to 20 working days.

#### Factory farming – Overall

16. SAFE has repeatedly referred to the need to adequately address the issue of factory (intensive) farming as a whole.
17. Factory farming makes large concessions to animal welfare for gains in production.
- a. As noted above, nothing within the Act enables such concessions.
18. MPI needs to establish a larger strategy around factory farming to bring current practices in line with the Animal Welfare Act.
- a. SAFE proposes that all current regulations regarding factory farming are removed from this consultation process.
    - i. There has been insufficient time to consult on the wide range of issues that affect factory-farmed animals.

ii. This would send a strong signal to the industry that it is an issue that needs to be addressed, giving them as much warning as possible before changes are implemented.

1. Such a consideration is in line with the Animal Welfare Act. Though industry interests cannot override animal welfare, they can merit transitional considerations.

19. At every opportunity, SAFE has raised the need for considering factory farming generally.

- a. SAFE would like to cover this issue more comprehensively, but the time frame has been insufficient to adequately consider the science, economic issues, and how they may relate to the Animal Welfare Act.
- b. As such, please refer to SAFE's previously submitted material.

20. A full review of factory farming should be implemented.

#### Factory Farming – Farrowing Crates

21. NAWAC has already acknowledged that farrowing crates breach the obligations of the Animal Welfare Act.

22. They have further claimed that there has been no change in the science regarding farrowing crates since the 2010 Code was released.

23. If this is the case, it cannot possibly be claimed that farrowing crates now meet the obligations of the Animal Welfare Act, where they did not meet the obligations in 2010. There has been no change in the scientific evidence that suggests pigs are suddenly able to satisfy the normal pattern of behaviour of turning around while in a farrowing crate.

24. MPI and NAWAC have adopted the view that because other systems have overall welfare outcomes as poor as farrowing crates, farrowing crates can be justified.

- a. The Regulations Review Committee rejected this line of reasoning in 2006 in a similar ruling.

25. NAWAC and MPI claim that farrowing crates have no practical alternative currently available.

- a. This is not the case. Less intensive systems would have better welfare outcomes.

- b. As NAWAC points out in their report, there are no alternatives for the current level of production desired by the pig industry.
- c. Nothing in the Act empowers NAWAC to decide on the appropriate level of production for the pig industry. Their sole role is to advance animal welfare.

26. Even if it was the case that no practical alternative existed, the Act has a provision for this.

- a. Section 183A clearly outlines a transitional clause to be used in these circumstances.

27. Again, SAFE urges MPI to seek legal advice on the issue of farrowing crates before allowing them to continue.

#### Factory farming - colony cages

28. While the matter of colony cages is before Parliament in the Regulations Review Committee, SAFE does not believe it appropriate to consider the issue of colony cages.

- a. The Regulations Review Committee had the option of outright rejecting the complaint if there was no merit to it.
- b. MPI cannot possibly be engaging in good faith on the issue of colony cages when it is creating rules confirming the status quo despite the current case before Parliament.

29. As such, SAFE requests that regulations regarding colony cages are delayed until the ruling of the Regulations Review Committee is complete, and proper consultation can be made on the basis of that ruling.

30. SAFE also notes that the science has been ruled out of scope of the Regulations Review Committee's jurisdiction.

- a. However, significant issues with the science have been uncovered by SAFE, and MPI is urged to consider these in the complaint attached.

#### Factory farming – 'meat' chickens.

31. SAFE wishes to see an adequate review of all factory farming practices, including 'meat' chickens.

32. It is especially alarming that no provisions specific to 'meat' chickens have been included in the regulations, despite being the most commonly farmed animal in New Zealand.

33. 'Meat' chickens suffer from additional problems of genetics.

- a. SAFE has been informed that the issue of genetics and breeding is being considered separately by NAWAC, and accepts that genetics and breeding is out of scope for these regulations if the other process is completed in a reasonable time frame.

#### Factory farming – dairy cattle

34. SAFE wishes to see an adequate review of all factory farming practices, including dairy cattle.

35. Dairy factory farms are still being phased in. As QC Gillian Coumbe's advice demonstrates, this should make it even easier to implement a ban on the practice of long term confinement of dairy cattle.

- a. For further information, see SAFE's previous submission on the matter (attached to this submission).

#### Rodeo

36. Parliament is currently considering the issue of rodeo, and it is understood that MPI will take Parliament's lead on the issue.

37. However, the Animal Welfare Act is clear – animals should not suffer unreasonable or unnecessary pain or distress.

38. Animals in rodeo clearly suffer from pain and distress, for no reason other than entertainment.

39. SAFE, the SPCA, and Farmwatch have created a comprehensive submission on the subject for Parliament's consideration. This is attached for MPI's consideration.

40. SAFE would prefer to create a submission specific to MPI and its obligations under the Animal Welfare Act, but the short consultation time frame provided by MPI has not allowed sufficient time to do this.

## Bobby Calves

41. SAFE has already submitted that European Union standards should be examined, to see which standards can be adopted in New Zealand.
- a. To expand on this, best practice standards from previous codes and organisations like Dairy New Zealand should also be examined for the possibility of raising them to minimum standards. It has been stated that best practice standards are a useful tool for indicating future changes. This implies that eventually the intention is to lift them into minimum standards.
42. SAFE has further raised the possibility of implementing a documentation scheme to resolve the issue of responsibility with calf mistreatment.
43. As of yet, it does not appear that these options have been investigated.
44. There has been some controversy over prohibiting blunt force trauma on bobby calves except in emergencies.
- a. SAFE supports maintaining this provision.
  - b. However, as it is true that undesirable consequences of regulations must be avoided, a regulation clearly outlining how calves could be killed on farm could be created by MPI.

## Live Export

45. There has been insufficient time to adequately research the issue of live export in relation to the proposals that the Ministry for Primary Industries has released.
46. SAFE does support shifting live export rules to be part of the Animal Welfare Act and associated regulations.
- a. The moratorium on live export for slaughter needed to be formalised, and MPI's regulations are an appropriate venue for it.
47. However, as a regulation, it will be difficult to enforce. How are the intended purposes for the animals to be demonstrated?

- a. Further, no mechanisms prevent the animals from being sold to a middle-man, who then sells the animals for slaughter. As seen in previous shipments, this does occur.

48. It is impossible to ensure that the animals exported will be subject to conditions that meet the requirements of the Animal Welfare Act.

- i. However, SAFE recognises that a broad-reaching regulation attempting to address all live export issues would be impossible in the short timeframe given.

49. In the alternative, a prohibition on large shipments by sea should be implemented.

50. Even if the conditions of other countries could be demonstrated to meet the obligations of the Animal Welfare Act, there is no way that conditions during transport at sea could be guaranteed. Live export shipments have a long history of difficulties at sea. Quarantine issues, inclement weather, and ships breaking down are all problems that cannot be foreseen or prevented.

- a. Even on shipments with relatively little problems, animals still die from the conditions.
  - i. For instance, on the recent shipment to Mexico from Timaru in 2015, many animals died from inanition. It is not acceptable to allow animals to starve to death under the Animal Welfare Act, and this cannot be reasonably prevented on shipments at sea.
- b. Live export by sea is a relatively small proportion of the money gained by live export.
- c. Sea shipments are also the most common shipments for animals exported for slaughter. A sea shipment ban would strengthen and support the ban on export for slaughter.
- d. Live export by sea should be banned.
  - i. A limit on the number of animals that can be transported by sea would avoid unintended consequences of such a ban. For instance, transport by sea being limited to ten animals at a time would still allow for the rare case of a companion animal travelling with its human.

#### Private ownership of exotic animals, particularly in circuses

51. It is impossible for private owners to adequately meet the needs of exotic animals, as discussed in the workshop during the public consultation process.



52. However, MPI has raised issues with such a broad-reaching regulation in the small time frame permitted.

53. In the alternative, SAFE proposes a regulation to ban the use of exotic animals in circuses.

- a. This is a practice that is currently not taking place in New Zealand, and thus should be easy to implement.

54. Two challenges arise with such a ban:

- a. Wording the ban in an acceptable manner.
- b. Demonstrating that exotic animals invariably suffer in captivity, particularly in circuses.

55. The wording is a relatively simple matter, as the United Kingdom is currently considering legislation to ban wild animals in circuses. The wording of the United Kingdom legislation could easily be adopted:

- a. It simply defines a "wild" animal as any animal not commonly domesticated in Great Britain.
- b. <http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0135/16135.pdf>

56. Demonstrating that exotic animals suffer in captivity has been done in many jurisdictions, as many areas around the world have banned the use of exotic animals in circuses.

- a. For instance, see opinion on New York City considering a ban:
  - i. <http://www2.nycbar.org/pdf/report/uploads/20072396-Prohibitingdisplayofexoticanimalsforentertainment.pdf>

57. There are nationwide bans on using some if not all animals in circuses in Sweden, Costa Rica, India, Finland, Singapore, Switzerland, Norway, Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Cyprus, Estonia, Greece, Hungary, Poland, Portugal, Slovenia, Bolivia, Colombia, Ecuador, El Salvador, Panama, Paraguay, Peru, Israel, Taiwan and Malta.

58. Exotic (or 'wild') animals in circuses should be banned.

## Other provisions

59. MPI has expressed concern that they are receiving a substantial number of submissions opposing the progress that they have made, and is asking for support for existing regulations so that they can be justified.

- a. The majority of these submissions are based on concerns around costs that producers will experience.

60. Nothing in the Act requires MPI to alter regulations due to submissions calling for putting financial interests before animal welfare.

- a. Indeed, as outlined above, the purpose of the Act is to advance animal welfare. Placing financial interests before animal welfare cannot be justified.

61. In writing the Animal Welfare Amendment Bill 2015, Parliament was very careful to avoid placing an onus on regulators to consider financial interests.

- a. Section 73 empowers NAWAC to create regulations. Section 73(3) states NAWAC may consider practicality and economic impact if relevant.
  - i. Nothing in this section empowers NAWAC to place financial interests over animal welfare.
  - ii. This section certainly does not obligate NAWAC to give regard to financial interests.
- b. Section 183A empowers MPI to create regulations around standards of care.
  - i. This section also clearly outlines how financial interests should be handled – transitional clauses may be invoked.
  - ii. Section 183A(9) clearly states that nothing in Section 183 creates an obligation to invoke transitional provisions for the sake of financial interests.

62. MPI is obligated to give due consideration to all submissions. This obligation can be met while failing to act upon a submission if that submission does not advance animal welfare.

63. Nevertheless, as MPI has requested it, SAFE opposes diminishing any of the regulations proposed, unless there is a sound reason related to animal welfare.

- a. At a bare minimum, all current regulations not discussed above should be maintained. But this does not go far enough, and further steps should be taken to improve animal welfare.
- b. SAFE would like to express particular support for the mulesing ban that MPI has proposed.

64. SAFE also notes that regulations are lacking around hunting practices. Although SAFE would prefer an end to hunting, that is not in line with the Animal Welfare Act.

- a. Nonetheless, some improvements could be made, such as banning lead shot in duck shooting.

Thank you,



**Shanti Ahluwalia** | SAFE Campaigns Officer & Policy Advisor

e: § 9(2)(a)

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✓ 205

**From:** Kristen Fraser <59(2)(a)>  
**Sent:** Thursday, 19 May 2016 4:57 p.m.  
**To:** Animal Welfare Submissions  
**Subject:** Submission on Animal Welfare Regulations

**Categories:** Blue Category

To MPI

I am writing to express my views on some of the new animal welfare regulations. One of my key issues with this process is the lack of time for submissions to be sent. I attended the Wellington meeting and you made it clear you rely on scientific evidence. There has not been enough time to find evidence and write a detailed submission.

I fully support your view on the five freedoms and agree that all animals in NZ are entitled to them. Farrowing crates, rodeos, colony cages and the new rules around young calves don't go far enough to protect animals.

Farrowing crates deprive a mother of her basic instincts to care for her piglets. These sows are confined to a small space for extended periods of time which leads to stress and depression. You say these are necessary due to piglet mortality but I disagree. It's a profit issue for farmers. Each dead piglet is money lost. If farmers truly cared about mortality they would not sell these piglets to be killed for money. Sometimes nature can be cruel and not all offspring survive (like in a free range setting).

Rodeos are purely about using animals for entertainment. It is not about practising skills needed for farming. These animals are mishandled, spend weeks on the road travelling and are killed when they are no longer valuable or needed. This is exploitation and does not benefit the economy. ACC claims linked to rodeo each year back up this claim.

Colony cages are completely unnecessary. Hens can be farmed in free range settings and still be profitable for farmers. Consumers will soon get use to slightly increased prices or reduce their consumption of eggs (this wouldn't be a bad thing) if money is an issue. Colony cages don't meet the five freedoms and your new and improve cages are a poor alternative to battery cages.

Finally, the issues surrounding young calves and the way they are treated needs to be addressed. I would encourage you to do more research into this area. Ideally we wouldn't be impregnating cows to take milk from them but until consumers stop demanding dairy products this won't happen.

I look forward to hearing the outcomes of this consultation progress and I hope that more changes are made to put animal welfare as the top priority for farm animals in New Zealand.

Kind regards  
Kristen Fraser

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

19 May 2016

NZ Vegetarian Society, 10 Warborough Ave, Epsom, Auckland

✓ 2016

## Submission on Proposed Regulations released by MPI April 2016

### Introduction

1. The New Zealand Vegetarian Society Inc (NZVS) was formed in 1943 for reasons that include reducing/preventing the suffering of animals. We would prefer animals not to suffer at all for the purposes of human enjoyment, but while they are we would like to see major improvements in the welfare of those animals.

### The consultation process

2. NZVS has a number of concerns regarding the consultation process.
3. The time frames allowed for this important issue are severely inadequate and we do not feel that public consultation has been in any way in good faith.
4. We have already made a submission asking for an extension of time but since we do not expect such to be granted, as the "consultation" process ends today, we have put together this submission quickly also.
5. The topics are substantial in themselves and we feel they would be better addressed separately rather than put all together, which makes it very easy to overlook smaller issues when being forced to address so many bigger ones.
  - a. The response to SAFE's request for the science behind the submissions arrived on 13 May 2016, only six days before consultation closes. We have been waiting upon this too in order to analyse the regulations. The response given was incomplete and as a under-resourced not-for-profit organisation, we have not been able to review it adequately in that short time.
  - b. It is concerning that rodeo and colony cages have been included in the regulations process as these matters are currently before Parliament. It is not appropriate to make decisions on these matters while they are actively being considered by Parliament.

### Principles of the Animal Welfare Act

6. The purpose of the Animal Welfare Act is
  - a. to reform the law relating to the welfare of animals and the prevention of their ill-treatment; and in particular,
    - i. to recognise that animals are sentient;
    - ii. to require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals;
    - iii. to specify conduct that is or is not permissible in relation to any animal or class of animals;
    - iv. to provide a process for approving the use of animals in research, testing, and teaching;

- v. to establish a National Animal Welfare Advisory Committee and a National Animal Ethics Advisory Committee;
    - vi. to provide for the development and issue of codes of welfare and the approval of codes of ethical conduct
  - b. to repeal the Animals Protection Act 1960
- 7. From what we have been able to see, having not been invited to be a part of the consultation process, the MPI's concerns about people and communities are far greater than those for the animals being used for their purposes.
- 8. Those considerations are not the purpose of the Act. From an ethical standpoint, the entertainment and economics of individuals should not be prioritised over the welfare of animals used against their will. The issue of impact on the livelihood of farmers and others involved of course should be addressed but *after* the decent welfare of animals is attained. Entertainment? There are plenty of things people can do to entertain themselves without inflicting suffering on animals.
- 9. MPI is empowered by Section 183A to create regulations relating to standards of care for animals.
  - a. This section specifically outlines the relationship between economics, practicality, and animal welfare.
    - i. If a practice is unacceptable in terms of animal welfare, but has limitations due to economics, it can be addressed under section 183A(2) of the Act.
  - b. If a practice has an important cultural or religious component, it can be addressed under section 183A(7) of the Act.
- 10. Outside of transitional provisions, MPI's primary concern should be animal welfare.
  - a. Historically, MPI and NAWAC have placed a great deal of weight on issues such as maintaining current levels of production. This is not justified under any provision of the Act.

## Science

- 11. NZVS supports the view that science should be used to determine the best outcome for the animals. However, the science behind the regulations was only provided on the 13<sup>th</sup> of May, and some of it is still missing. As such, NZVS is not able to comment on the science behind the regulations due to timeframe constraints.
- 12. When there is an absence of science, the NZVS suggests you err on the side of caution. Many times in the past what had passed as science has been debunked, along with commonly held incorrect assumptions, such as "animals don't feel pain".

## Intensive farming (Factory farming)

- 13. Factory/intensive farming does not allow the five freedoms animals are entitled to. Economics is highly prioritized over welfare. Improvements to intensive farming, while worthwhile, will never be sufficient to ensure good animal welfare.
- 14. We would like to see all current regulations regarding factory farming removed from this consultation process and dealt with separately.