

Overview of Proposed Animal Welfare Regulations – targeting lower level offending

The **proposed animal welfare regulations** will lift specific minimum standards from codes of welfare into regulations to provide an expanded range of enforcement tools (outlined below) and appropriate responses for less severe cases of animal welfare offending.

Infringement offences

Do not result in a criminal conviction

Two levels of penalty are proposed for infringement offences:

\$300 flat fee

offence may cause mild short-term harm to the animal

- 6. Cattle – milk stimulation
- 12. Dogs – muzzling a dog
- 13. Dogs – dry and shaded shelter
- 14. Dogs – left in hot vehicles
- 15. Dogs – secured on moving vehicles
- 16. Goats – tethering requirements
- 18. Horses and donkeys – tethering requirements
- 19. Horse and donkeys – injuries from equipment
- 23. Llama and alpaca – injuries from equipment
- 24. Pigs – dry sleeping area
- 47. All animals – injury from collars or tethers
- 62. Failure to inspect a live capture trap

\$500 flat fee

offence may cause mild to moderate short-term harm to the animal

- 5, 17, & 28. Cattle, sheep & goat – ingrown horns
- 20. Horses and donkeys – striking in the head
- 30. Stock transport – injuries from transport
- 31. Stock transport – horned or antlered animals
- 32. Stock transport – back-rub from transport
- 38. Stock transport – ingrown horns
- 39. Stock transport – bleeding horns or antlers
- 40. Stock transport – lame animals
- 41. Stock transport – animals in late pregnancy
- 42. Stock transport – injured or diseased udders
- 43. Stock transport – animals with eye cancer
- 44. & 45. Obligations on stock transporters
- 48. All animals – use of electric prodders
- 49. All animals – use of goads on sensitive areas
- 52. Pigs – tail docking (under 7 days)

Prosecutable regulation offences

May result in a criminal conviction

Two levels of penalty are proposed for regulatory prosecutable offences:

\$3,000

Maximum fine for an individual

\$5,000

\$15,000

Maximum fine for a body corporate

\$25,000

offence has caused mild to moderate and possible long-term harm to the animal

- 7 & 29. Cattle & sheep – ban vehicular traction in calving or lambing
- 25. Pigs – lying space for grower pigs
- 26. Pigs – size of farrowing crates
- 50. Cattle – tail docking
- 51. Dogs – tail docking
- 52. Pigs – tail docking (over 7 days)
- 53. Cattle and sheep – castration
- 56. Dogs – dew claws
- 57. Cattle – disbudding

offence has caused moderate and likely long-term harm to the animal

- 11. Crabs, rock lobster and crayfish – must be insensible before being killed
- 21. Layer hens – transitional requirements
- 22. Layer hens – prohibit induced moulting of layer hens
- 27. Pigs – dry sow stalls
- 46. Rodeos – fireworks
- 54. Horse – castration
- 55. Pigs – castration
- 58. Cattle – dehorning
- 59. Sheep – mulesing
- Also an amendment to rules for recording surplus research animals.

When is an offence appropriate for an infringement?

- The nature of the offending is minor
- The potential impact on the animal is low
- A criminal conviction would be disproportionate to the level of offending
- A low-level financial penalty is sufficient to drive behaviour change
- A breach of the regulation is straightforward and easy to determine on the facts

There are no defences for an infringement offence. The defendant may write to the issuing authority (MPI or SPCA) to ask for the infringement to be revoked. The defendant may also request a defended hearing before the District Court. The decision of the District Court is final.

An infringement could be challenged on grounds including that the defendant took all reasonable steps to comply. For example an emergency or natural disaster should be taken into account.

When is an offence appropriate for a prosecution?

- The offending has caused a mild to moderate level of harm to the animal
- The offending may involve many animals
- A criminal conviction is appropriate given the conduct and/or impact involved
- The offending is more likely in a commercial context and higher deterrents may be needed
- The offending involves actions that are not straight forward enough to suit an infringement

Defences: All of the above offences will be subject to a defence that the defendant took all reasonable steps to comply with the regulation. In some cases the defendant may also use a defence that the act or omission constituting the offence took place in circumstances of stress or emergency and was necessary for the preservation, protection or maintenance of human life.

The onus will be on the defendant to prove the defence.

Note: Regulations not shown in the tables above are either administrative 1, 2, 3, 4, 60, 61, 63, & 64 or the incorporated Calf Regulations (2016) 8, 9, 10, 33, 34, 35, 36, & 37 which are already in force.

In all cases where a breach of a regulation has a severe impact on an animal a prosecution can be taken directly under the Animal Welfare Act 1999

Animal Welfare in New Zealand

Care for our animals
Care for our reputation

New Zealand is a nation of animal lovers. We rely on animals for companionship and economic prosperity.

- 66% of households own a pet
- \$20 billion in animal related export revenue.

Our animal welfare system has been ranked first equal alongside the United Kingdom, Austria and Switzerland by the global charity World Animal Protection (2014 report).

Our global reputation as an ethical food producer is enhanced by our commitment to animal welfare.

Even isolated cases of poor animal welfare may negatively affect our reputation as ethical producers of animals and animal products.

An extra \$10m was allocated to animal welfare in budget 2015 to develop new regulations, improve compliance and enforcement activity, and improve systems for managing the welfare of animals during civil defence emergencies.

The Animal Welfare System



Codes of Welfare

Detailed minimum standards for specific species and situations

Reflect good practice and scientific knowledge

Not directly enforceable, no attached offences

2013 Animal Welfare Strategy identified enforcement tool gap

Proposed regulations

More specific than the Animal Welfare Act

More directly enforceable than the Codes of Welfare

Low to medium level penalties for lower level offending

E.g. A dog in a hot vehicle becomes heat stressed.

Animal Welfare Act 1999

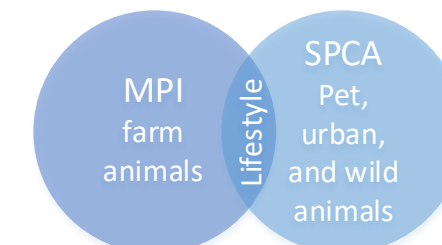
High level obligations to provide for an animal's physical, health, and behavioural needs

High level offences and penalties for the most serious cases

E.g. A dog left in hot a vehicle is fatally, or near fatally, heat stressed.

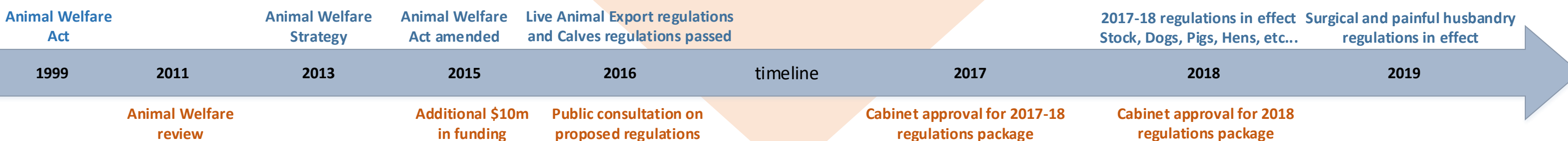
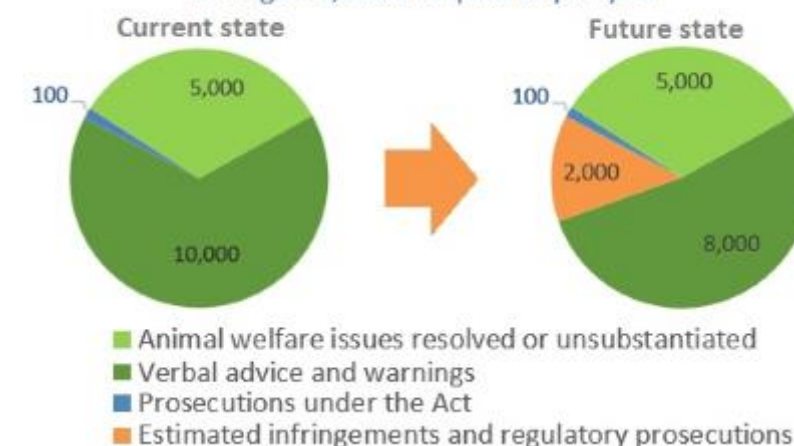
Animal Welfare Enforcement

MPI investigates animal welfare complaints related to production animals, while the SPCA investigates companion animal complaints. There can be some crossover for lifestyle blocks.



Enforcement tools gap addressed by regulation

average 15,000 complaints per year



2016 – Delivered Regulatory Programme

- Consulted on 91 regulatory proposals
- Consulted on regulatory proposals relating to the way animals are accounted for in research, testing, and teaching.
- Calf regulations made.
- Live Animal Export regulations made.

Example of preliminary impact

As part of a suite of measures, the calf regulations contributed to a halving of calf mortality in both 2016 and 2017. The 2017 mortality rate was 0.06%.

2017-18 – Current

The current package of regulations in this paper

Will improve enforceability or update standards for –

- Stock Transport
- Farm Husbandry
- Companion and Working Animals (e.g. Dogs, Horses, Goats, Alpaca, etc...)
- Pigs and Layer Hens
- Crustaceans
- Rodeos

improve enforceability

- Enforce current minimum standards
- Provide immediate animal welfare gain

or, update standards

- Pain relief for some surgical procedures
- Prohibition or restriction of unnecessary surgical procedures

Two proposals remain contentious

Stakeholders' perspectives differ significantly on:

- Banning the docking of dogs' tails; and
- Restricting the removal of dogs' dew claws.

There are three administrative changes

- Set infringement fee for not inspecting a trap
- Set upper penalty for a charging document
- Record surplus research animals killed

2018 – Next

Package of Surgical and Painful Husbandry Procedures

- Some changes to current minimum standards. Clarify activities that won't be covered by the new significant surgical procedure criteria which come into effect in 2020.
- Some changes to standards to regulate procedures performed by non-vet technicians.

- **Contentious issues NOT regulated**
- Not banning farrowing crates
- Not requiring sow nesting material
- Not banning layer hen colony cages
- Not banning rodeos