



Proposed Animal Welfare Regulations

Significant surgical procedures

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1 Purpose of this discussion paper

The Ministry for Primary Industries (MPI) is seeking your views on proposed regulations under the Animal Welfare Act 1999 (the Act).

This document sets out proposals relating to significant surgical procedures on animals. It supplements and builds on the discussion paper on proposed animal welfare regulations that MPI released in 2016 (MPI Discussion Paper No: 2016/12).¹

This paper proposes regulations to clarify:

- who can carry out certain procedures;
- how these procedures must be performed; and
- that some prohibitions on procedures under the Act will continue.

1.1 HOW TO HAVE YOUR SAY

The deadline for submissions on this discussion paper is 24 July 2019

Feedback can be made via our online survey www.mpi.govt.nz/animal-consult (preferred) or emailed to animal.consult@mpi.govt.nz

You can also post your submission to:

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

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

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

- the title of the discussion paper;
- your name;
- your organisation's name (if you are submitting on behalf of an organisation); and
- your contact details (for example your phone number, address and email).

Submissions are public information.

Any submission you make, including online, becomes public information. Anyone can ask for copies of all submissions under the Official Information Act 1982 (OIA). The OIA says we must make the information available unless we have a good reason for withholding it. You can find those grounds in sections 6 and 9 of the OIA.

Tell us if you think there are grounds to withhold specific information in your submission. Reasons might include that it is commercially sensitive or personal information. However, any decision MPI makes to withhold information can be reviewed by the Ombudsman, who may require that the information is released.

¹ Ministry for Primary Industries (April 2016). *Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)* MPI discussion paper No. 2016/12. <https://www.mpi.govt.nz/dmsdocument/11905>. Accessed 19 March 2019.

1.2 WHAT TO EXPECT IN THIS DOCUMENT

This consultation document is divided into three parts, plus appendices:

Part A outlines a summary of the proposals.

Part B outlines the background and context, including:

- a brief overview of New Zealand's animal welfare system and how the proposed new regulations fit into this context;
- a description of how this discussion paper fits into the ongoing process of engagement that MPI has been implementing since the 2015 amendments to the Act, including public consultation in 2016 on a substantial package of regulations;
- an overview of why new regulations are needed, and the compliance and enforcement regime; and
- a discussion on the implementation, monitoring, and review of any new regulations, and what happens once consultation closes.

Part C outlines each proposal in detail. It includes **new proposals** that did not appear in the 2016 discussion paper, and proposals that have **changed substantially** since the first discussion paper was issued in 2016.

Questions

Questions are included throughout this document to help you structure your submission. Answering the questions is optional: you might prefer to write your submission in a different format.

All questions are highlighted with blue background shading to make them easier to find, for example:

Question X: Do you agree with this proposal? Are there any alternative approaches that would meet MPI's objectives?

Appendices

A list of the general questions that may apply to all proposals is included as **Appendix 1**.

There is a glossary in **Appendix 2**, and a list of codes of welfare in **Appendix 3**.

Appendix 4 lists proposals that MPI consulted on in the 2016 discussion paper, and which have not changed substantially. MPI proposes that these regulations will proceed at the same time as the regulations proposed in this document. MPI will continue an ongoing process of engagement with stakeholders to finalise these proposals.

Appendix 5 contains a summary of proposals that have been considered, but which are not progressing at this time. These include proposals where non-regulatory actions (such as issuing guidance) are recommended.

Appendix 6 contains a summary of a preliminary options analysis.

1.3 THE IMPACT OF THE REGULATORY PROPOSALS

1.3.1 The impact of most proposals should be minor

The proposals clarify responsibilities, and who can perform what procedures under what circumstances. Most preserve the status quo. This means they should have only minor impacts on most people.

Where there is an impact that is more than minor, it is likely to fall unevenly on stakeholders. Some proposals go beyond existing standards or practices and may result in increased costs. For example, it is proposed that sheep be provided pain relief for procedures such as disbudding and dehorning. This will increase costs for people who currently disbud or dehorn without pain relief.

In other cases, making some procedures veterinarian-only may reduce the scope of practice of some veterinary paraprofessionals. For example, it is proposed that the extraction of most kinds of horse teeth is to become veterinarian-only. This will impact on the types of procedures that equine dental technicians can perform and may impact on the viability of their businesses.

Appendix 6 provides a high-level comparison of alternatives to the status quo, including regulations. Consultation will help to identify the full costs of these proposals.

1.3.2 Regulatory impact statements

As part of the amendment to the Animal Welfare in 2015, MPI analysed the impact of new regulation-making powers. MPI published this Regulatory Impact Statement (RIS) in 2013.²

In addition, MPI developed and published RISs for two sets of animal welfare regulations that came into force in 2016 and 2018.³

This discussion paper has information on the impact of the proposals relating to significant surgical procedures on animals. As it covers the substantive elements of a regulatory impact assessment, no separate regulatory assessment is provided.

² The Treasury (May 2013) *Options to Amend the Animal Welfare Act 1999, Regulatory Impact Statement*. <https://treasury.govt.nz/sites/default/files/2013-05/ris-mpi-oawa-may13.pdf>. Accessed 19 March 2019.

³ Ministry for Primary Industries (July 2016 and July 2017) *Animal Welfare (Calves) Regulations 2016 Regulatory Impact Statement*. <https://www.mpi.govt.nz/dmsdocument/13176/send>. and *Animal Welfare Regulations 2017 Regulatory Impact Statement*. <https://www.mpi.govt.nz/dmsdocument/28455/send>. Accessed 19 March 2019.

Part A – Summary

2 Our proposals

In 2016, MPI consulted on a substantial package of animal welfare regulatory proposals via a discussion paper released in April 2016.⁴ The 2016 discussion paper included a number of proposals related to significant surgical procedures.

This discussion paper supplements and builds on the 2016 document. It includes **new** proposals, not consulted on in 2016, as well as proposals that have **changed substantially** from what was consulted on in 2016.

A summary of all proposals is outlined below. Part C gives further detail about each proposal.

2.1 NEW PROPOSALS

Some proposals are **new**. Most of the new proposals allow for competent non-veterinarians to perform the procedures, but also impose some restrictions in relation to:

- **all animals** - tissue removal, desexing and surgical tagging within research, testing and teaching, and for conservation/fisheries management purposes; and epidurals⁵;
- **cattle** vaginal prolapse⁶ repair and nose rings;
- **sheep** teat removal and vaginal prolapse (bearings) repair;
- **pig** rectal prolapse repair and nose rings;
- **goat** teat removal and castration; and
- **poultry** - beak tipping, spur removal, and toe trimming.⁷

One new proposal confirms that the procedure is veterinarian-only:

- **equid**⁸ castration.

2.2 SUBSTANTIALLY CHANGED PROPOSALS

Some proposals have **changed substantially** from what was consulted on in 2016. What has changed varies between proposals, but includes such matters as extending the type of animals the proposal applies to, and changes to definitions. MPI proposes that competent non-veterinarians will be able to perform the following procedures, with restrictions:

- **all animals** – freeze branding and surgical reproductive procedures;
- **cattle** teat removal;
- **horses** and/or **equids** – some limited dentistry procedures and opening a Caslick's suture;⁹
- **llama** and **alpaca** fighting tooth¹⁰ cutting;
- **piglet** teeth clipping and boar tusk cutting;
- **goat** disbudding and dehorning; and
- **game fowl** dubbing¹¹ (option 1).

In some cases, MPI proposes that procedures, or significant aspects of them, would be veterinarian-only. They are:

- **horse/equid** dentistry (most tooth extractions) and creating/repairing a Caslick's suture; and
- **game fowl** dubbing (option 2).

⁴ Ministry for Primary Industries (April 2016). *Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)* MPI discussion paper No. 2016/12. <https://www.mpi.govt.nz/dmsdocument/11905>. Accessed 19 March 2019.

⁵ Epidurals are a type of anaesthetic injected into the spine.

⁶ Prolapses occur when an organ falls out of its usual position.

⁷ These procedures refer to the removal of the tip of a bird's beak, its rear toenail, or the tip of a bird's toe.

⁸ An equid is any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.

⁹ Caslick's procedure means the surgical closing of the upper part of a horse's vulva.

¹⁰ Fighting teeth are sometimes referred to as fangs, and are modified canine and incisor teeth found between the incisors and molars.

¹¹ Dubbing is the removal of the comb, wattle, and earlobes of poultry. This is ordinarily performed on game fowl by poultry fanciers. It is not performed on production birds.

One proposal, blistering, firing, and mechanical soring of a **horse's** legs, or nicking its tail, would remain prohibited.¹² This means even veterinarians may not perform these procedures.

MPI also proposes some changes to the Animal Welfare (Care and Procedures) Regulations 2018. The proposals are to:

- clarify the relationship between the rules for significant surgical procedures, and the use of animals in research, testing and teaching; and
- seek feedback on reducing the weight limit for using electric prodders on **pigs** in limited circumstances; and
- clarify that electrical devices (such as a Taser) when used by the New Zealand Police are not electric prodders.

2.3 PROPOSALS THAT HAVE NOT SUBSTANTIALLY CHANGED SINCE 2016

Appendix 4 briefly outlines proposals that MPI consulted on in 2016, and which have not changed significantly. These regulations, if approved, will proceed at the same time as the proposals in the main part of this document.

2.4 PROCEDURES NOT PROGRESSING TO REGULATION

Appendix 5 lists topics that have been considered for regulation, but where it is MPI's view that regulations are not required. **If feedback received indicates that this is not the case, then MPI may need to propose new regulations relating to these topics within this tranche.** For example, there is a close link between some transcervical reproductive procedures (no regulations proposed), and epidurals (regulations proposed). Any amendment to the epidurals proposal may need a consequential change to the proposals for transcervical reproductive procedures.

¹² Blistering, firing and mechanical soring are methods to damage leg tissue to change a horse's gait. Nicking involves cutting tail ligaments to make a horse carry its tail in a raised position.

Part B – Background and context

3 Overview

3.1 ANIMALS ARE IMPORTANT TO NEW ZEALANDERS AND VITAL TO OUR ECONOMY¹³

We are a nation of animal lovers. More than two thirds of New Zealand households own a companion animal, a level of pet ownership which is among the highest in the world.

New Zealand's exports of animal and animal products totalled \$28.6 billion for the year ended June 2018. This amount accounts for 66.9 percent of the value of New Zealand's total primary products exported.¹⁴

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

Our system has been built on a long tradition of working with and caring for animals that has, over time, informed the current 18 codes of welfare. Codes of welfare are issued by the Minister responsible for animal welfare on the recommendation of the National Animal Welfare Advisory Committee (NAWAC).¹⁵ The codes set out a range of minimum standards together with examples of recommended best practice.¹⁶

MPI needs to make sure that the safeguards we have in place keep pace with changes in good practice, available technology and scientific knowledge, and the values of our communities.

3.2 THE ACT WAS AMENDED IN 2015 TO IMPROVE CLARITY, ENFORCEABILITY, AND TRANSPARENCY

3.2.1 Regulations are a key tool to ensure that the animal welfare system works well

New Zealand's animal welfare system is governed by the Animal Welfare Act 1999 (The Act). The Act was amended in 2015 to improve the enforceability, clarity and transparency of New Zealand's animal welfare system. The amendments included, among other things, new powers to make regulations in relation to surgical and painful procedures.

The fundamental principles of the Act did not change. There is still an obligation on all New Zealanders to provide for the welfare of animals in their care by attending to their physical, health and behavioural needs.

The review of the Act identified problems that were considered best addressed through regulation. Regulations can be used to make sure the animal welfare regime reflects changes in scientific knowledge and good practice. They can improve clarity by giving more detail about who can carry out procedures, and under what circumstances.

Making regulations will also improve the ability to enforce the Act. They enable Government to make directly enforceable rules with appropriate penalties for low to medium offending that are efficient and effective to administer.

¹³ The New Zealand Animal Welfare Act 1999 defines animal broadly to include a mammal, bird, reptile, amphibian, fish, octopus, squid, crab, lobster, or a crayfish.

¹⁴ Source: Statistics New Zealand and Ministry for Primary Industries.

¹⁵ NAWAC, along with the National Animal Ethics Advisory Committee (NAEAC), is one of two Ministerial Advisory Committees established under the Act to advise the Minister responsible for animal welfare.

¹⁶ See appendix 3 for a list of the codes of welfare. While codes of welfare contain minimum standards for the care of animals, a breach of a minimum standard is not an offence in itself. However, this can be put forward as evidence of failure to comply with the Act in a prosecution. Adherence to a minimum standard can be relied on as a defence for an offence against some provisions of the Act.

3.2.2 The 2015 amendments changed the regime for surgical and painful procedures

The 2015 amendments will repeal the old regime for surgical and painful procedures¹⁷ and introduce criteria for determining whether a procedure is a significant surgical procedure. These changes will come into effect on 9 May 2020. Requirements that significant surgical procedures can only be undertaken by a veterinarian¹⁸ remain (section 15 of the Act).

The new criteria will help to clarify what procedures are likely to be considered a significant surgical procedure. Only veterinarians will be able to perform a significant surgical procedure, unless a regulation says otherwise.

The new criteria are outlined below:

Section 16 of the Act – Criteria to determine whether a procedure is a significant surgical procedure (will come into force on 9 May 2020)

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

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

3.3 PROPOSED REGULATIONS HAVE BEEN DEVELOPED AND ARE BEING PROGRESSED IN THREE GROUPS

Following from the 2015 amendments to the Act, in 2016 MPI consulted on a substantial package of animal welfare regulatory proposals. The proposals included in the 2016 discussion document have progressed in three tranches.

Tranche one was completed in 2016. It related to bobby calves and the export of livestock for slaughter.¹⁹

Tranche two was completed in 2018. It related to regulations about care and conduct towards animals (such as appropriate tethering of horses), and regulating some surgical or painful procedures (such as prohibiting non-therapeutic docking of dogs' tails).²⁰

This consultation relates to **tranche three** – significant surgical procedures. These regulations primarily clarify who may undertake significant surgical procedures on animals, and in what circumstances. Two new proposals modify existing regulations. These relate to animals used in research, testing and teaching, and the use of electric prodders.

¹⁷ The existing regime for surgical and painful procedures includes:

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

¹⁸ Unless expressly stated otherwise, references to a veterinarian throughout this discussion paper includes veterinary students acting under the direct supervision of a veterinarian.

¹⁹ Animal Welfare (Export of Livestock for Slaughter) Regulations 2016

<http://www.legislation.govt.nz/regulation/public/2016/0173/latest/whole.html>. These regulations were incorporated into the Animal Welfare (Care and Procedures) Regulations 2018.

²⁰ Animal Welfare (Care and Procedures) Regulations 2018

<http://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html>

3.3.1 Why a second discussion paper has been released

Some of the original proposals that MPI consulted on in 2016 have changed substantially, and new proposals were identified through consultation and engagement with stakeholders.

MPI needs to make sure that its stakeholders have an opportunity to make formal comment on these proposals before the Government makes a decision on whether to recommend that new regulations be made.

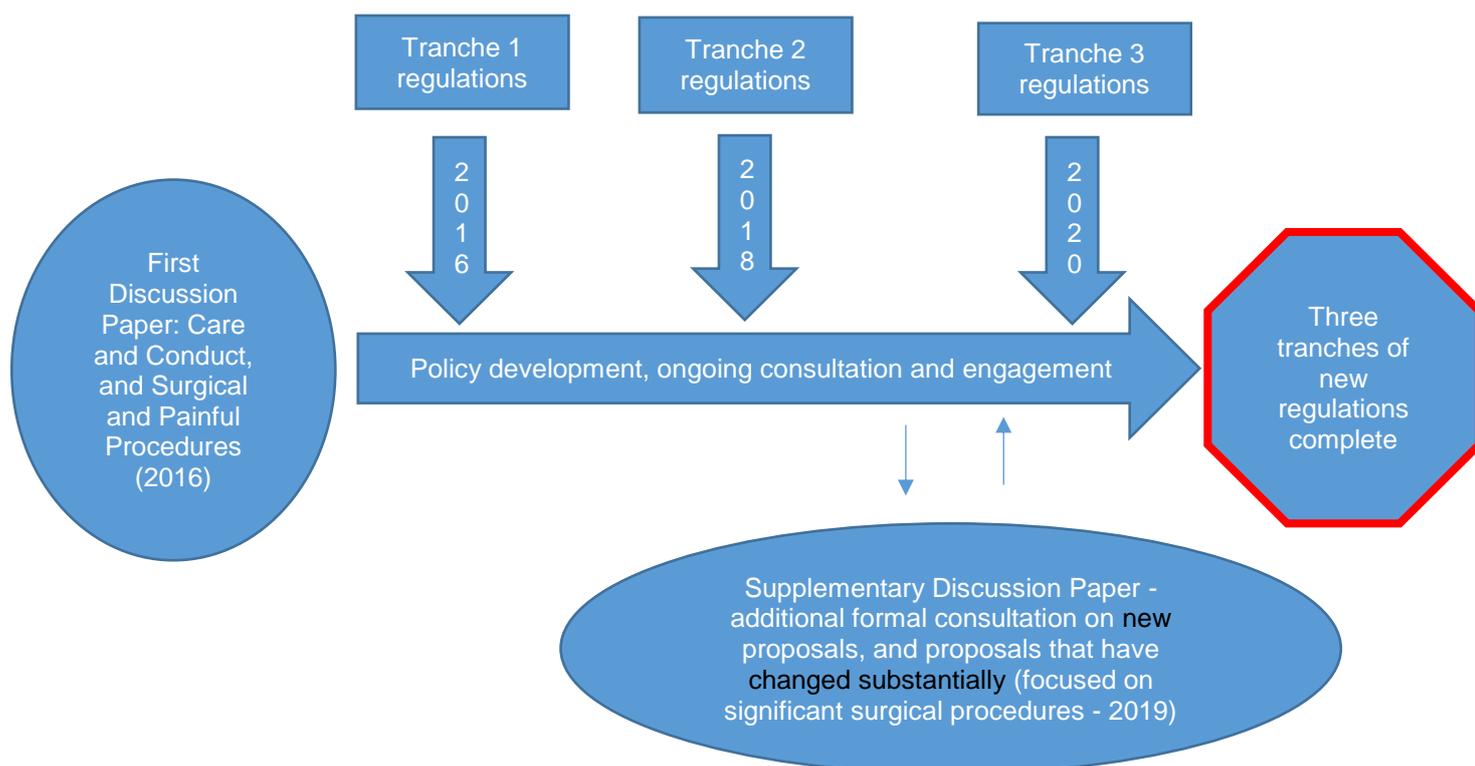
Everything in this document builds on and supplements the consultation and engagement process that has been ongoing since 2016.

3.3.2 How this new consultation fits into the overall programme

Most of the consultation on all three tranches was initiated in 2016 via a discussion paper that MPI released in April 2016.²¹ Ongoing consultation and engagement with stakeholders has continued as a fundamental part of MPI's policy development process.

Figure one below illustrates how this discussion paper fits into the overall consultation and engagement programme.

Figure 1: The regulatory development process for regulations made under the Act



²¹ Ministry for Primary Industries (April 2016). *Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures)* MPI discussion paper No. 2016/12. <https://www.mpi.govt.nz/dmsdocument/11905>. Accessed 19 March 2019.

3.4 THE LIKELY IMPACTS OF DIFFERENT OPTIONS TO GOVERN SIGNIFICANT SURGICAL PROCEDURES

MPI assessed the most appropriate approach to govern significant surgical procedures when the new criteria come into force. MPI considered taking no action (rely on the Act), using non-regulatory options, or proposing regulations. Based on this analysis, MPI is proceeding with a number of regulatory proposals. Appendix 6 sets out a preliminary options analysis cross-referenced to individual proposals.

Table 1: Likely impacts of different options to govern significant surgical procedures

Option and description	Likely impact
<p>Option 1: take no action. (Rely on the Act).</p> <p><i>The status quo—before criteria come into effect in May 2020—significant surgical procedures are veterinarian-only.</i></p> <p><i>The new status quo—after criteria come into effect in May 2020—significant surgical procedures will continue to be veterinarian-only. The new criteria mean that there is greater certainty about what is (and what isn't) a significant surgical procedure.</i></p>	<p>After the criteria come into effect, significant surgical procedures will continue to be veterinarian-only.</p> <p>In most cases, it is appropriate that only a veterinarian can perform a significant surgical procedure.</p> <p>In some cases, requiring procedures to be veterinarian-only is unnecessary or would not necessarily result in the best outcome for the animal as it:</p> <ul style="list-style-type: none"> • may result in negative animal welfare outcomes if treatment is delayed (resulting in unnecessary pain or distress); • prevents competent non-veterinarians undertaking procedures, such as sheep tail docking, where veterinary expertise is not required; • would impose additional costs on owners and people in charge of animals to engage a veterinarian where this expertise is not required; and • may be impractical in some situations. <p>There will be uncertainty about whether some procedures, such as nose ringing of pigs, meet the criteria. This may place non-veterinarians performing these types of procedures at risk of prosecution. It may also be uncertain whether veterinarians will have the discretion to perform procedures that were formerly prohibited.</p>

Option and description	Likely impact
<p>Option 2: use non-regulatory approaches.</p> <p>Non-regulatory options include education and guidance, training and/or using codes of welfare. Education, guidance and training could be delivered by government, stakeholders, or as a joint initiative. Codes of welfare are issued by the Minister responsible for animal welfare</p>	<p>Non-regulatory approaches can assist with clarity, but and are not directly enforceable. As they cannot enable non-veterinarians to perform a significant surgical procedure, their likely impact would be similar to the taking no action (noted above).</p>
<p>Option 3: develop regulations.</p>	<p>Regulations can ensure that procedures that have the potential to cause significant pain or distress are carried out by an appropriate person in accordance with good practice.</p> <p>Regulations will allow competent non-veterinarians to continue, where appropriate, to perform procedures that may meet the criteria for a significant surgical procedure.</p> <p>Regulations can significantly reduce uncertainty or ambiguity about who, how, and when a procedure can be performed. They can also clarify that if a procedure is prohibited, even veterinarians may not perform it.</p> <p>Regulations can ensure that methods to perform significant surgical procedures are in line with good practice, leading to more positive animal welfare outcomes.</p>

3.5 THE OBJECTIVES FOR THIS REGULATORY PACKAGE

The key objective for this package of regulatory proposals is to ensure procedures that have the potential to cause significant pain or distress are carried out by an appropriate person in accordance with good practice.

Who is appropriate in each situation will depend on matters such as:

- whether the procedure is likely to fit the criteria for a significant surgical procedure;
- the skill and knowledge required to carry out the procedure (including post-procedure care); and
- practicality.

This includes providing, where appropriate, for competent non-veterinarians to continue to undertake selected significant surgical procedures.

For procedures that are currently prohibited under the Act, MPI wants to ensure that it is clear that the existing prohibition continues.

We will know that the regulations have helped us to achieve the objective when:

- there is greater certainty about who can perform which procedures, and under what conditions; and
- animal welfare standards, and compliance with those standards, are maintained and/or enhanced.

3.6 THE CRITERIA USED TO DETERMINE WHETHER TO PROPOSE REGULATIONS FOR A PROCEDURE

3.6.1 MPI used four general criteria to assess whether regulations would be appropriate for each procedure

MPI assessed each procedure using the following criteria to determine which of the procedures would be appropriate to consider for regulation.

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

3.6.2 Under the Act, the Minister has to consider a number of factors before recommending regulations be made

There are a number of matters the Minister has to consider before recommending to Government that regulations on surgical and painful procedures be made. These include:

- whether the procedure fits the criteria for determining whether it is a significant surgical procedure;
- the purpose of the procedure;
- the extent (if any) to which the procedure is established in New Zealand;
- good practice in relation to the use of the procedure for animal management purposes or in relation to the production of animal products or commercial products; and
- the likelihood of the procedure being managed adequately by codes of welfare or other instruments under the Act.

These matters have been considered during the development of each proposal.

3.7 WHO IS GOING TO BE AFFECTED AND HOW?

The proposed regulations are likely to directly affect veterinarians and veterinary paraprofessionals, farmers and others involved in the care of animals. They will also clarify the responsibilities on animal owners, and those in charge of animals. Most of the proposals preserve existing practice. This means they should have only minor impacts.

Some proposals will require procedures to be performed to a higher standard to ensure that they are carried out in accordance with good practice. An example is the proposal to dehorn a goat, which requires the use of pain relief. Some operators already use pain relief when dehorning and the proposed regulation is unlikely to affect these people. For those operators not currently using pain relief, the proposed regulations will require a change in practice and these operators will incur additional costs, comprising additional veterinarian consultations, and the cost of the pain relief itself.

In other cases, confirming that procedures are veterinarian-only may reduce the scope of practice of some veterinary paraprofessionals. For example, it is proposed that the extraction of most kinds of horse teeth is to become veterinarian-only. This will impact on the types of procedures that equine dental technicians can perform and may impact on the viability of their businesses.

1. Will the proposed regulations change the way you or others operate? If so, how?
2. Will any of the proposed regulations increase costs, and if so, why and by how much?

4 The Compliance and Enforcement Regime

4.1 THE REGULATORY PACKAGE FOCUSES ON CLARITY

This tranche of regulations is focused on clarifying the most appropriate people to carry out significant surgical procedures, and under what conditions. The majority of the proposals are enabling: they allow competent non-veterinarians to continue current practice. As such, these proposals are unlikely to raise the range of enforcement issues that were anticipated in the first two tranches of regulations.

4.2 ENFORCEMENT

The Act is primarily enforced by MPI and the Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA).²² MPI focuses on production (farm) animal welfare issues while the SPCA focuses on urban areas and on companion (pet) animal welfare issues. The SPCA investigates over 15,000 complaints a year. MPI investigates over 1000 complaints, some of which are complex and involve large numbers of animals.

The New Zealand Police (the Police) have the power to enforce the Act. They prosecute a number of cases each year that have an animal welfare element. However, in most cases the Police will refer animal welfare issues to the SPCA or MPI for enforcement.

A range of enforcement options are available under the Act and regulations other than prosecuting an animal welfare offender. Although the proposed regulations would introduce new offences, the decision to prosecute or infringe is always a carefully considered decision. Prosecution or issuing an infringement may not be appropriate in all cases. For example, educational material may be more appropriate for a first offence where there was a genuine lack of knowledge and the offending was minor. In other situations, depending on the specific circumstances, a defendant may prove they had a reasonable excuse for their actions.²³

4.3 COMPLIANCE NOTICES

The animal welfare compliance approach encourages and facilitates voluntary compliance before escalating to stronger enforcement actions.

²² The SPCA is the only approved organisation under section 121 of the Act. This allows them to have animal welfare inspectors who can enforce the Act.

²³ Section 21(1) of the Act.

Compliance notices are an early intervention tool. The 2015 amendments to the Act allow animal welfare inspectors to issue these notices to direct a person to:

- stop doing something;
- prohibit them from doing something or having something done on their behalf; or
- require them to do something.²⁴

Inspectors can issue a compliance notice if they have good cause to suspect that the person is doing something that contravenes or is likely to contravene the Act or its regulations, or if they need to do something to ensure they are acting lawfully.

If you don't do what is required under a compliance notice, you can be fined up to \$5000 (as an individual) or up to \$25,000 (as a body corporate). This fine penalises you for breaching the Act.

Our 2016 proposals included a proposal for infringement offences and penalties. The infringement offence targets low to medium level offending, with the proposed penalty being \$500 (see Appendix 4).

4.4 WHAT ARE THE PROPOSED PENALTIES FOR OFFENDING?

4.4.1 Penalties available

Penalties for animal welfare offending are available under the Act. In addition, the Act provides for regulations to be made that can specify either an infringement offence or a prosecutable offence.²⁵ Penalties may apply to the person performing the procedure being regulated. They may also apply to the owner or person in charge of the animal who has a responsibility to ensure procedures are not undertaken on their animals in breach of any regulation.

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

Offences under the Act

The existing offences in the Act will not change. Offences under the Act are likely to be used to address the most serious animal welfare offending, such as offending that results in severe harm to an animal or animals. Offences and penalties in the Act are outlined in table two below.

If the proposal allows a non-veterinarian to perform the procedure, and has **competency-related restrictions only** (that is, no requirements are set about how the procedure is performed), then no specific penalty is proposed. These proposals are to clarify that it is appropriate for non-veterinarians to continue to undertake these procedures that could otherwise be restricted to veterinarians under the Act. For example, regulations will allow non-veterinarians to treat vaginal prolapses in sheep on the basis that the procedure is not complex and it is beneficial for the animal to be treated as soon as possible. Offences and penalties under Sections 29(a), 28 and 28A of the Act are still available where animal welfare is severely compromised.

Table 2: Offences and penalties in the Act

Offence	Penalty	Criminal conviction?	Other penalties
<i>Prosecutable offence under the Act</i>	<p>Penalties range depending on the offence.</p> <p>The majority of offences have a penalty of up to: \$50,000, or up to 12 months imprisonment, for individuals, or a fine up to \$250,000 for a body corporate.</p> <p>The most serious wilful ill-treatment offence is up to: \$100,000, or up to 5 years imprisonment, for an individual, or a fine up to \$500,000 for a body corporate.</p>	Yes	Disqualification Forfeiture (depends on offence)

²⁴ Section 156A.

²⁵A "prosecutable offence" refers to an offence that can lead to a criminal conviction.

Prosecutable offences under regulations

A prosecutable offence under regulation may result in criminal conviction. The Act limits the fine that is able to be imposed for prosecutable offences under regulations to \$5,000 for an individual or \$25,000 for a body corporate.

Two levels of regulatory fines are proposed for the regulations. These are outlined in Table three. MPI considered the following points when determining possible fine levels:

- the level of harm to the animal involved in the offending, including whether the procedure is prohibited;
- the affordability and appropriateness of the penalty for the target group – for example, is the fine likely to act as a sufficient deterrent against offending, and is a criminal conviction appropriate; and
- consistency with other fines set in the Animal Welfare (Care and Procedures) Regulations 2018.

Prosecutable regulatory offences are appropriate when complex circumstances need to be taken into account. For example, for the proposed regulations this may include offences that involve actions or omissions that are not straightforward issues of fact.

Infringement offences

An infringement offence²⁶ results in a fee but no criminal conviction—similar to a parking ticket. Infringements are suitable for minor offences. Although there are options to challenge infringement offences, it is envisaged that most will not be challenged.

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

Two levels of infringement fee were considered (\$300 and \$500). These are outlined in Table three. While the Act allows infringement fees to be set to a maximum of \$1000, none have been proposed at this level. This is because the proposed penalty levels align with penalties for offending associated with similar levels of harm to animals in other legislation.

All infringement offences also specify a maximum fine. The maximum fine provides guidance to the Court on an appropriate penalty to impose in situations where:

- an enforcement agency lays charges before the Court instead of issuing an infringement notice. (For example, charges may be laid when offending involves multiple animals); or
- a person appeals an infringement notice in Court.

The Act allows a maximum penalty to be set in regulation of a fine up to \$5,000 for an individual or \$25,000 for a body corporate. It is proposed that, for the majority of the proposed infringement offences, a maximum penalty of three times the infringement fee of \$500 be set for individuals and body corporates (that is, a fine of up to \$1,500). Two proposals²⁷ where offending is more likely to involve multiple animals, sheep tail docking and poultry beak tipping, set the maximum Court imposed fine for body corporates at five times the maximum fine (that is, a fine of up to \$7,500) in situation where charges are laid by enforcement agencies.

The maximum Court fines have been set at a level that balances the need to provide a meaningful deterrent against ensuring that the potential maximum Court fine does not unduly influence a person's decision to challenge the infringement notice in Court.

These penalties provide certainty to owners and people in charge of animals about the maximum fines they may face for low to moderate offending. Act offences and penalties may still apply if the offending is severe.

²⁶ See Legislation Design Advisory Committee (May 2018) *Legislation Guidelines: 2018 edition*. Chapter 25 Creating infringement offences <http://www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/compliance-and-enforcement/chapter-25/>; and Ministry of Justice *Policy framework for new infringement schemes* <http://www.justice.govt.nz/assets/Documents/Publications/infringement-governance-guidelines.pdf>. Accessed 19 March 2019.

²⁷ One proposal, relating to electric prodders, has an existing maximum fine for body corporates of \$7,500. There is no proposal to change this penalty.

MPI considered the following points when determining possible fee levels:

- 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;
- the proportionality of the proposed fee relative to the infringement fees for other comparable infringement offences; and
- consistency with other fees set in the Animal Welfare (Care and Procedures) Regulations 2018.

Table 3: Levels of Proposed Penalties

Infringement offences²⁸ (do not result in a criminal conviction)	Prosecutable regulatory offences (may result in a criminal conviction)
<p>Two levels of penalty are proposed:</p> <ul style="list-style-type: none"> • Category A: \$300 fee. This penalty category will generally be appropriate where the offence has the potential to cause mild short-term harm to the animal; and • Category B: \$500 fee. This penalty category will generally be appropriate where the offence has the potential to cause mild to moderate short-term harm to the animal. 	<p>Two levels of penalty are proposed, with different penalties for individuals and body corporates:</p> <ul style="list-style-type: none"> • Category C: \$3000 maximum fine (individual) \$15,000 maximum fine (body corporate). This penalty category will generally be appropriate where the offence has the potential to cause mild to moderate and possible long-term harm to the animal; and • Category D: \$5000 maximum fine (individual) \$25,000 maximum fine (body corporate). This penalty category will generally be appropriate where the offence has the potential to cause moderate and likely long-term harm to the animal.

4.4.2 Strict liability

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

Strict liability offences are appropriate for minor and straightforward matters. There are existing offences under the Act, in relation to failing to comply with sections 12 and 29(a) that are already strict liability. It is proposed that the offences for contravention of the regulations (infringements and prosecutable offences) will all be strict liability offences.

4.4.3 Defences

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

MPI proposes that for regulatory offences, the defences be the same as those that appear in clause 61 of the Animal Welfare (Care and Procedures) Regulations 2018.²⁹ These are that:

- 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.

Defences may also be available under the Act.³⁰

²⁸ This table does not include infringement offences dealt with by way of a charging document (as described in section 5.3.1).

²⁹ Parliamentary Counsel Office (November 2018). *Animal Welfare (Care and Procedure) Regulations 2018* <http://legislation.govt.nz/regulation/public/2018/0050/latest/LMS22789.html?src=qs>. Accessed 19 March 2019.

³⁰ This includes a defence under section 21(1) of the Act where a person may have a "reasonable excuse" for performing a surgical or painful procedure. For example, saving an animal's life where the person is competent and a veterinarian is not available is likely to be "reasonable excuse".

3. Do you agree that the defences available for regulatory offences should be the same as those currently appearing in the Animal Welfare (Care and Procedures) Regulations 2018? Why/why not?

5 Implementation

5.1 WHEN DO THE REGULATIONS COME INTO FORCE?

If approved, it is anticipated that the regulations will become law in May 2020. This will align with the final set of 2015 amendments to the Act coming into force. MPI will consider whether, in order to provide people with a reasonable period of time to change their practice, some proposals will come into force at a later time (delayed commencement).

4. Do any of the proposed regulations require a lead-in time (delayed commencement)? 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 OR REQUIREMENTS?

If new regulations are issued, they may affect the contents of codes of welfare. Where this is the case, codes of welfare will be amended to align with the regulations, and be re-issued.

6 Monitoring and Review

MPI and the SPCA have databases that record when breaches of regulations are detected and the outcome of the investigation of those breaches. Analysis is undertaken to identify compliance trends. Those databases can be adapted to include the new regulations.

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

MPI could review the performance of the regulations once all three tranches have become embedded in the animal welfare compliance system. This review could look at whether the regulations were achieving their objectives, stakeholder awareness of their obligations, and whether there were any barriers to implementation.

5. How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations?

7 Next Steps

MPI will analyse all submissions received, and make a summary of submissions available on its website www.mpi.govt.nz.

The Minister responsible for animal welfare will decide whether each proposal will proceed. This may include the proposals in Part C, and Appendix 4 of this document.

Part C – Specific regulatory proposals

8 The regulatory proposals

8.1 INTRODUCTION

This part of the document sets out our proposals in detail. It is divided into **new** proposals (in section 8.5), and proposals that appeared in our 2016 discussion paper but which have **changed substantially** since that time (in section 8.6).

There are a number of issues that are relevant across all proposals. These issues are outlined separately before the individual proposals. These relate to:

- pain relief (section 8.2);
- paraprofessionals and the “competent person” (section 8.3); and
- research, testing and teaching (section 8.4).

Appendix 4 lists proposals that appeared in our 2016 discussion paper, and which have not changed significantly. At this stage, MPI proposes that these regulations will proceed at the same time as the regulations proposed in the document. They are still subject to refinement as part of the ongoing process of consultation and engagement.

Appendix 5 lists procedures that MPI has considered regulating, but which are not proposed for regulations at this time.

As noted in section 3.6.2, there are several matters that the Minister has to consider before recommending to Government that regulations on surgical and painful procedures be made. To assist MPI in providing advice to the Minister, we invite your answers to the questions in the box below.

In addition, there are some questions that relate to each specific procedure. These are included in a blue box within each proposal.

Answering any of the questions is optional.

Questions for all proposals

6. Do you agree with the proposal? Why/why not?
7. What is the purpose of the procedure?
8. How widespread is the procedure in New Zealand?
9. What does good practice look like? Good practice can relate to using the procedure for animal management purposes, or in relation to the production of animal or commercial products.
10. Are there alternatives to the current practice, and what are the implications of their use?
11. Are there any non-regulatory options that would be more effective?
12. Are there any religious or cultural practices that would be impacted by the proposals?
13. Is the right person being held responsible for complying with the regulation?
14. Are the penalties appropriate to the severity of the offence?
15. Is the right type of offence (regulatory or infringement) proposed?

8.2 PAIN RELIEF

8.2.1 Pain relief requirements are included in some proposals

The Animal Welfare Act enables regulations relating to surgical and painful procedures to prescribe matters such as the type of pain relief that must be used (section 183B(1)(b)(iii)).

There are three different proposed pain relief requirements in this document. If no pain relief is mandated, use of analgesics or anaesthesia (and which type) is encouraged but discretionary.

Requirement	What this means	Example
Pain relief must be used at the time of the procedure.	This phrase is used for veterinarian-only procedures and clarifies that the use of pain relief is mandatory. It is left to the veterinarian to judge what type of pain relief is required in the circumstances.	Creating a Caslick's suture.
Pain relief, authorised by a veterinarian for the purpose of the procedure, [used throughout the procedure]	This phrase is used for situations where the procedure can be undertaken by a competent non-veterinarian. It maintains a degree of veterinary oversight, and stops the use of pain relief that won't be effective. The proposal may or may not stipulate when pain relief must be used depending on the nature of the procedure and the species.	Epidurals
The animal must be under the influence of an appropriately placed and effective [local] anaesthetic.	This wording is used when the pain relief is the minimum necessary for an acceptable animal welfare outcome. Additional measures such as sedation and/or analgesic may also be used.	Goat castration (over 6 months of age)

8.2.2 Accessing pain relief³¹

Pain relief required in this document is primarily classed as a restricted veterinary medicine under the Agricultural Compounds and Veterinarian Medicines Act 1997 (ACVM Act). Restricted veterinary medicines can pose significant risks to the welfare of the animals treated, and in food-producing animals can cause residues that could jeopardise trade. To maintain oversight of their use and manage these risks, only veterinarians are able to authorise these medicines' purchase and use, and they must be used as per the veterinarian's authorisation and instructions.³²

Because they pose the same potential risks to animal welfare and trade, medicines intended for human use – even over the counter medicines – must also be authorised by a veterinarian before they can be used in animals.³³

Before a veterinarian can authorise the use of a restricted veterinary medicine, they must first assess whether it is needed, determine which medicine is the most appropriate in each case, and apply limits and controls on its use to manage the risks.

16. Do you have any concerns about accessing pain relief? If so, what are these concerns, and how might they be dealt with?

³¹ All references to "veterinarian" in this subsection of the discussion paper exclude veterinary students.

³² Ministry for Primary Industries (August 2015). *Requirements for Authorising Veterinarians* <https://www.mpi.govt.nz/dmsdocument/20054>. Accessed 19 March 2019.

³³ Parliamentary Counsel Office (December 2016). *Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011*. Schedule 2, Part B, exemption 8 <http://www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982204.html>. Accessed 19 March 2019.

8.3 PARAPROFESSIONALS AND THE “COMPETENT PERSON”

There are many skilled, competent non-veterinarians providing a wide range of care for animals in New Zealand. These include paraprofessionals such as veterinary technicians and nurses, farriers, and equine dental technicians. The types of skills and qualifications paraprofessionals hold vary, and they are not necessarily moderated by an industry body (such as the Veterinary Council of New Zealand).

Some stakeholders have proposed regulations to allow a defined group of people (such as veterinary technicians), with defined competencies, to perform specific procedures. An example is allowing veterinary technicians to perform epidurals.³⁴ The group of people named in any regulation, and the competencies required, would vary according to the procedure and the type of animal.

The Act allows for regulations to be made for classes of people. However, there are no legal definitions associated with these veterinary paraprofessionals that prescribe their skills and qualifications. This makes it difficult to define them under these regulations in a way that enables only a limited range of appropriately skilled people skilled to perform each procedure.

Consequently, there are no proposals for regulation that relate to named groups of paraprofessionals in this tranche, such as veterinary nurses. This could be considered by MPI in the future.

While it may be appropriate for skilled and trained non-veterinarians to carry out a significant surgical procedure in some cases, this will not mean that “any person” should be able to do them. The proposals create two safeguards in these situations.

First, any requirements that pain relief is used will mean that there will be a degree of veterinary oversight. In some situations the proposals clarify that the pain relief must be provided for the purpose of that particular procedure. This means that pain relief provided for one purpose cannot be used for another.

Second, the procedures may use the term “competent”. MPI does not propose defining this in regulation as what competence means will vary greatly according to the nature of the procedure, the species and other matters. However, a competent person should:

- be experienced with, or have received training in, the correct use of the method being used;
- be able to recognise early signs of significant distress, injury, or ill-health so that they can take prompt remedial action or seek advice;
- use suitable equipment; and
- have the relevant knowledge, or have received relevant training, or be under appropriate supervision.

Competence will be specific to each procedure. For example, someone who is competent to dehorn a goat may not be competent to dehorn a sheep, or castrate a goat.

Existing rules in the Animal Welfare (Care and Procedures) Regulations 2018 use these concepts to place restrictions on who may do certain procedures.³⁵ It is likely that any regulations that may be approved in this package will be drafted in a similar way.

17. Is there a better way to ensure that only suitably skilled or experienced non-veterinarians are able carry out a procedure on an animal? What would this alternative look like?
18. Do you agree that the owner or person in charge of the animal should have responsibility to ensure only competent people perform a procedure?

³⁴ A type of anaesthetic injected into the spine.

³⁵ An example is clause 53, castrating cattle beasts and sheep. Subclause 3 states that a person who castrates a cattle beast or a sheep must—

(a) be experienced with, or have received training in, the correct use of the method being used; and
(b) be able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice.

8.4 RESEARCH, TESTING, AND TEACHING, AND SECTION 5(3) OF THE ACT

8.4.1 Maintaining and enhancing the framework for research, testing and teaching, and procedures carried out under section 5(3) of the Act

MPI's proposals aim to maintain current practice and enhance the safeguards in place to ensure that high standards of animal welfare are maintained during research, testing and teaching (RTT), and section 5(3) procedures.

Part 6 of the Act provides the framework for use of animals in RTT. RTT is defined in section 5 of the Act. It involves the manipulation of an animal, which is an abnormal or unusual interference with an animal's normal physiological, behavioural, or anatomical integrity.

Procedures carried out under RTT are not subject to the care and conduct obligations in Parts 1 and 2 of the Act.³⁶

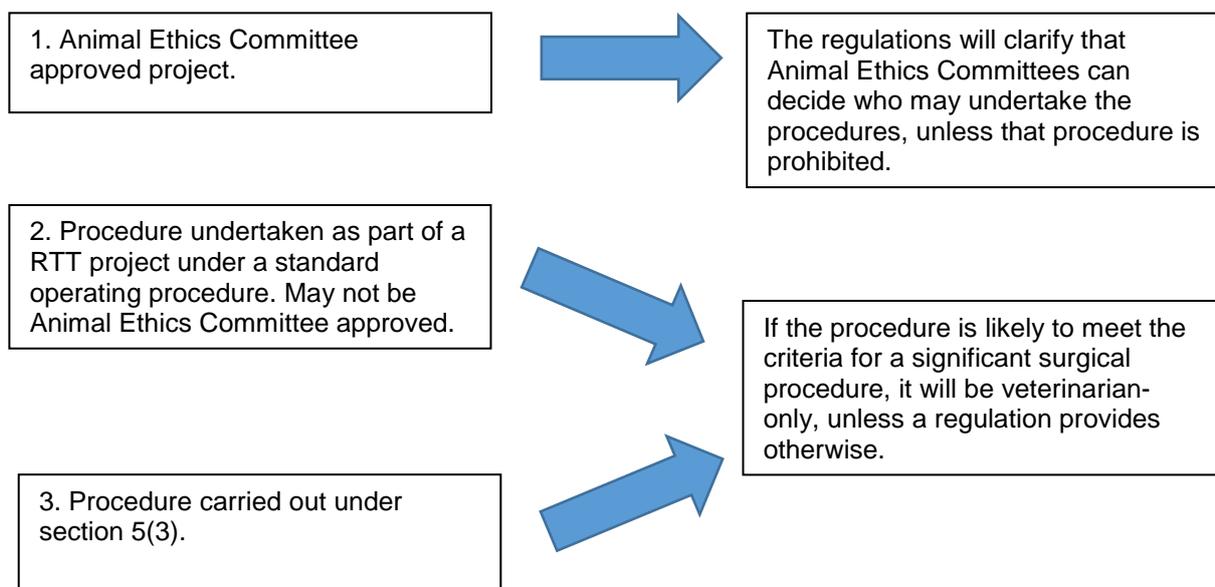
Some procedures commonly associated with RTT are carried out as standard operating procedures. These occur outside of an Animals Ethic Committee (AEC) approved project. They don't require AEC approval because they include routine procedures, and are often carried out before an animal is selected to be in a project.

Standard operating procedures are not defined in the Act. Examples include tagging or biopsies for purposes such as population management or DNA data collection.

Another group of procedures are excluded from the definition of RTT under section 5(3). These include some routine activities such as tagging or trapping by organisations such as the Department of Conservation.

Figure two illustrates the RTT and section 5(3) system once the new criteria for a significant surgical procedure and any regulations are in force. Further explanation about each of the three parts of the system, are given below.

Figure 2: The system for regulating RTT and procedures carried out under section 5(3)



³⁶ Section 81 of the Act.

8.4.2 Animal Ethics Committee approved projects not affected by regulations (Figure 2, box 1)

RTT projects must be approved and monitored by an Animal Ethics Committee (AEC). Part 6 of the Act sets out the approval process an AEC must take when considering whether to approve a project. Every project must demonstrate that its benefits are not outweighed by the likely harm to animals.

To provide clarity, MPI proposes to state in regulation that people undertaking AEC approved projects can continue to do so, unless a procedure is explicitly prohibited by regulation.

8.4.3 Regulations are required for standard operating procedures outside of AEC approved projects (Figure 2, box 2)

The Act does not require standard operating procedures to be approved by an AEC. Nor does it create requirements for how thorough approval needs to be, or how often it needs to be reassessed. Nevertheless, some organisations do get AEC approval for their standard operating procedures.

Once the new criteria for a significant surgical procedure are in force, some of these activities may become veterinarian-only. Regulations are required to enable competent non-veterinarians to continue to perform them. MPI proposes that non-veterinarians will only be able to do these procedures if the standard operating procedure is AEC approved. This will strengthen the safeguards around these activities.

8.4.4 Regulations are required for procedures carried out under section 5(3) of the Act (Figure 2, box 3)

Some procedures are excluded from the definition of RTT via section 5(3) of the Act. This means that they do not need to be performed under an AEC approved project. Excluded procedures under section 5(3) relate to routine activities such as marking or trapping that are necessary to fulfil responsibilities under Acts such as the Conservation Act 1987 and the Fisheries Act 1996. This covers a wide range of activities often carried out by the Department of Conservation and other organisations for conservation and fisheries management. These procedures may not have previously been considered to be significant surgical procedures.

Once the new criteria for a significant surgical procedure are in force, some of these activities may become veterinarian-only. Regulations are required to enable competent non-veterinarians to continue to perform them. The safeguards for these procedures are contained in the internal policies and procedures of the relevant organisations.

8.5 NEW REGULATORY PROPOSALS

This section outlines new proposals. They relate to a wide range of animals and procedures.

Each new proposal is detailed in the tables below, in line with the example in Table four.

For all procedures, the term “veterinarian” includes a veterinary student under the direct supervision of a veterinarian, except for the authorisation of pain relief. Only registered veterinarians are permitted to authorise the purchase and use of these medicines in these circumstances.

Table 4: Example of how the new regulatory proposals are presented in this document

New proposal number and title	
Proposal	This describes the intent of the proposed new regulation. The exact wording of any final regulation may differ. Definitions of terms used are included where MPI proposes putting a definition into law.
Current state	This briefly describes current practice, including the state from May 2020, and references any relevant laws or codes of welfare.
What is the problem?	This outlines the problem with the current state.
How will regulation help?	This states what a new regulation would achieve. The key criteria used to determine that this procedure is appropriate for regulation is outlined in bold .
Comment on alternatives to regulation	This section briefly outlines what other options were considered, and why they are not preferred. Appendix 6 gives a high-level comparison of alternatives to regulation, and the status quo.
Penalty	A proposed penalty is included, where appropriate, along with what type of offence (regulatory or infringement) may be created.
Background information	This section has additional information about the procedure, including practice in New Zealand.
Additional questions	This box outlines questions specific to the proposal.
Cross references:	This lists similar proposals so that they can be compared and referred to. The numbered proposals relate to proposals in Part C, and appendix 4. The roman numerals relate to procedures outlined in Appendix 5 that are not progressing to regulation at this time.

1 All animals - tissue removal for research, testing and teaching, or for functions under section 5(3) of the Act	
Proposal	<p>This proposal will apply to the following procedures:</p> <ul style="list-style-type: none"> • All animals – tissue removal/biopsies, digit removal. • Fish – removing an entire fin • Reptiles - tail tipping/clipping • Rodents – tail tipping/clipping, and ear notching of rodents under 2 weeks of age. <p>The above procedures will be veterinarian only unless:</p> <ul style="list-style-type: none"> • The person is competent to perform the procedure; and <ul style="list-style-type: none"> - they are carrying out the procedure as a function under section 5(3) of the Act; or - they are carrying out the procedure within the context of research, testing, and teaching (RTT), and have Animal Ethics Committee approval. <p>Animal Ethics Committee (AEC) approval is either an AEC approving a standard operating procedure used outside of an AEC approved project, or approving a procedure within an AEC approved project. It would be up to AEC discretion to decide which would be the appropriate approval for each context.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>

<p>Current state</p>	<p>These procedures are carried out by a wide range of people for a variety of purposes, including RTT and conservation programmes.</p> <p><i>Research, testing, and teaching under Part 6</i></p> <p>Part 6 of the Act provides the framework for the use of animals in RTT. RTT can only be carried out within a project approved by an AEC. Currently non-veterinarians are able to carry out significant surgical procedures if done in accordance with Part 6.</p> <p>A number of these procedures are undertaken for the purpose of facilitating an AEC approved project, but under a standard operating procedure (SOP). SOPs are sometimes approved by AECs, however there is no prescribed approval process or review process for AECs to follow when approving SOPs.</p> <p>The proposal above is a change from current state in that it would require the SOP to be approved by an AEC.</p> <p><i>Procedures carried out under section 5(3)</i></p> <p>Some activities are also provided for by section 5(3) of the Act, which allows routine procedures to be performed for objectives such as marking or trapping to fulfil the responsibilities under Acts such as the Conservation Act 1987. These procedures are excluded from the definition of RTT and accordingly AEC project approval is not required.</p> <p>There are no identified compliance issues with the current state.</p>
<p>What is the problem?</p>	<p><i>Research, testing and teaching under Part 6</i></p> <p>The Act provides nothing in Parts 1 and 2 (the parts that set out the required care of and conduct towards animals) prevents animals being used in RTT in accordance with Part 6.</p> <p>Parts 1 and 2 restrict surgical procedures and the relevant regulation-making power sits in Part 9 (s 183B). The Act does not explicitly state that regulations for surgical and painful procedures do not apply to RTT. This proposal clarifies that people with AEC approval can carry out RTT procedures.</p> <p>Some procedures carried out under an SOP are also likely to meet the criteria for a significant surgical procedure. SOPs are not provided for in the Act and so are not exempt from the regulations.</p> <p>If regulations do not expressly allow non-veterinarians to carry out procedures under a SOP, which will require AEC approval, this is likely to have a significant impact on RTT projects.</p> <p><i>Procedures carried out under section 5(3)</i></p> <p>Some procedures carried out under section 5(3) are likely to meet the criteria for a significant surgical procedure. Procedures carried out under section 5(3) are not exempt from the regulations.</p> <p>If regulations do not expressly allow non-veterinarians to carry out procedures under section 5(3), this is likely to have a significant impact on projects like fisheries management and conservation programmes.</p>
<p>How will regulation help?</p>	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully. The proposed regulations reflect current practice.</p>

Comment on alternatives to regulation	Alternatives considered include education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for these procedures to be performed by non-veterinarians.
Penalty	<p>Category C (maximum \$3,000 for an individual or maximum \$15,000 for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian removes tissue from an animal and does not meet the conditions proposed above; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Tissue removal in its various forms is an important part of RTT, conservation programmes, and fisheries management. Tissue can be removed as a form of identification in animals, as well as for use in DNA collection.</p> <p>The term 'tissue removal' covers a broad range of procedures. In the majority of procedures, the person performing it is likely to be a trained laboratory technician or conservation worker. In many cases it would not be practical, nor would it provide additional protection for the animal to have a veterinarian there to provide constant supervision.</p> <p>The invasiveness and likelihood of meeting the criteria for a significant surgical procedure will depend on the nature of the procedure, and the animal.</p>
Additional questions	<ul style="list-style-type: none"> • Does the proposal appropriately cover the range of routine tissue removal procedures carried out in RTT or for functions under section 5(3)?
Cross references:	VI. all animals – notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching) (no proposal).

2 All animals – surgical tagging for research, testing and teaching, or for functions under section 5(3) of the Act

Proposal	<p>Inserting a tag surgically into an animal's body will be veterinarian-only, unless:</p> <ul style="list-style-type: none"> • the person is competent to perform the procedure; and <ul style="list-style-type: none"> - they are carrying out the procedure as a function under section 5(3) of the Act; or - they are carrying out the procedure within the context of research, testing, and teaching (RTT) and has Animal Ethics Committee approval. <p>The animal must be given pain relief authorised by a veterinarian for the purpose of the procedure.</p> <p>Animal Ethics Committee (AEC) approval is either an AEC approving a standard operating procedure used outside of an AEC approved project, or approving a procedure within an AEC Approved project. It would be up to an AEC's discretion to decide which would be the appropriate approval for each context.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Current state	<p>Tagging is commonly carried out in conservation and fisheries programmes to monitor individual animals and populations.</p> <p><i>Research, testing, and teaching under Part 6</i></p> <p>Part 6 of the Act provides the framework for the use of animals in RTT. RTT can only be carried out within a project approved by an AEC. Currently non-veterinarians are able to carry out significant surgical procedures if done in accordance with Part 6.</p>

	<p>A number of these procedures are undertaken for the purpose of facilitating an AEC approved project, but under a standard operating procedure (SOP). SOPs are sometimes approved by AECs, however there is no prescribed approval process or review process for AECs to follow when approving SOPs.</p> <p>The proposal above is a change from current state in that it would require the SOP to be approved by an AEC.</p> <p><i>Procedures carried out under section 5(3)</i></p> <p>Tagging procedures are also provided for by section 5(3) of the Act, which allows routine procedures to be performed for objectives such as marking or trapping to fulfil the responsibilities under Acts such as the Conservation Act 1987. These procedures are excluded from the definition of RTT and accordingly Animal Ethics Committee project approval is not required.</p> <p>There are no identified compliance issues with the current state.</p>
What is the problem?	<p><i>Research, testing and teaching under Part 6</i></p> <p>The Act provides nothing in Parts 1 and 2 (the parts that set out the required care of and conduct towards animals) prevents animals being used in RTT in accordance with Part 6.</p> <p>Parts 1 and 2 restricts surgical procedures and the relevant regulation-making power sits in Part 9 (s 183B). The Act does not explicitly state that regulations for surgical and painful procedures do not apply to RTT. This proposal clarifies that people with AEC approval can carry out RTT procedures.</p> <p>Some procedures carried out under a SOP are also likely to meet the criteria for a significant surgical procedure. SOPs are not provided for in the Act and so are not exempt from the regulations.</p> <p>If regulations do not expressly allow non-veterinarian to carry out procedures under a SOP, which will require AEC approval, this is likely to have a significant impact on RTT projects.</p> <p><i>Procedures carried out under section 5(3)</i></p> <p>Some procedures carried out under section 5(3) are likely to meet the criteria for a significant surgical procedure. Procedures carried out under section 5(3) are not exempt from the regulations.</p> <p>If regulations do not expressly allow non-veterinarians to carry out tagging as a procedure under section 5(3), this is likely to have a significant impact on projects like fisheries management and conservation programmes.</p>
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully. The proposed regulations reflect current practice.</p>
Comment on alternatives to regulation	<p>Alternatives considered include education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for these procedures to be performed by non-veterinarians.</p>
Penalty	<p>Category C (maximum \$3,000 for an individual or maximum \$15,000 for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian carries out surgical tagging on an animal and does not meet the conditions proposed above; and/or • surgical tagging is performed without pain relief; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of the proposed regulation.

	Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	<p>Tagging in its various forms is an important part of RTT and commonly used in activities such as research and recreational fish monitoring.</p> <p>Methods of tagging include:</p> <ul style="list-style-type: none"> • intramuscular – administered into the muscle; • transbody/transstructural – passes through the animal's body or a structure without passing through the body cavity, such as a dorsal fin; • intraperitoneal – inserted into the body cavity, such as anchor tags; • subcutaneous tagging – administered into the layer of skin below the epidermis; and • attaching a tag to the outside of the animal. <p>Surgical tagging is any tag implantation, other than simple injection, which requires surgical incision of the body wall and insertion of a tag into the body cavity.</p> <p>In many cases it would not be practical or logistically possible to have a veterinarian providing constant supervision over all tagging. Reasons can include the remoteness of the location or constraints on staff numbers aboard research or commercial fishing vessels.</p>
Additional questions	<ul style="list-style-type: none"> • Does the proposal appropriately cover the range of routine surgical tagging procedures carried out in RTT or for functions under section 5(3)?
Cross references:	Proposal 12 , pig and cattle nose rings; VI . all animals – notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching) (no proposal).

3 All animals - desexing and sterilising of animals used in research, testing and teaching

Proposal	<p>A competent person may desex or sterilise a:</p> <ul style="list-style-type: none"> • rodent (for example a mouse or rat); • leporid (for example, a rabbit); or • fish; <p>if they are carrying out the procedure within the context of research, testing, or teaching with Animal Ethics Committee (AEC).</p> <p>AEC approval is either an AEC approving a standard operating procedure used outside of an AEC approved project, <i>or</i> approving a procedure within an AEC Approved project. It would be up to AEC discretion to decide which would be the appropriate approval for each context.</p> <p>The animal must be given pain relief authorised by a veterinarian for the purpose of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>Desexing or sterilisation includes any procedure to render an animal infertile, including but not limited to vasectomy, castration, hysterectomy and oophorectomy (ovariectomy).</p>
Current state	<p>Desexing and sterilisation are likely to meet the new criteria for a significant surgical procedure.</p> <p>Part 6 of the Act provides the framework for the use of animals in RTT. RTT can only be carried out within a project approved by an AEC. Currently non-veterinarians are able to carry out significant surgical procedures if done in accordance with Part 6.</p> <p>Desexing and sterilisation is often undertaken for the purpose of facilitating an AEC approved project, but under a standard operating procedure (SOP). SOPs are sometimes approved by AECs, however there is no prescribed approval process or review process for AECs to follow when approving SOPs.</p>

	<p>The proposal above is a change from current state in that it would require the SOP to be approved by an AEC.</p> <p>Desexing of animals used in RTT is not currently covered by any codes of welfare. However some animals are covered in individual codes.</p> <p>There are no identified compliance issues with the current state.</p>
What is the problem?	<p><i>Research, testing and teaching under Part 6</i></p> <p>The Act provides nothing in Parts 1 and 2 (the parts that set out the required care of and conduct towards animals) prevents animals being used in RTT in accordance with Part 6.</p> <p>Parts 1 and 2 restricts surgical procedures and the relevant regulation-making power sits in Part 9 (s 183B). The Act does not explicitly state that regulations for surgical and painful procedures do not apply to RTT. This proposal clarifies that people with AEC approval can carry out RTT procedures.</p> <p>Some procedures carried out under a SOP are also likely to meet the criteria for a significant surgical procedure. SOPs are not provided for in the Act and so are not exempt from the regulations.</p> <p>If regulations do not expressly allow non-veterinarians to carry out procedures under a SOP, which will require AEC approval, this is likely to have a significant impact on RTT projects. The ability for competent non-veterinarians to carry out desexing and sterilisation in a RTT context is important to manage animal numbers and genetic lines.</p>
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing the procedures lawfully. The proposed regulation reflects current practice.</p>
Comment on alternatives to regulation	<p>Alternatives considered include education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for these procedures to be performed by non-veterinarians.</p>
Penalty	<p>Category C (maximum \$3,000 for an individual, and \$15,000 for a body corporate) when:</p> <ul style="list-style-type: none"> • a person undertakes desexing or sterilisation on a rodent, leporid, or fish in breach of the proposed regulation; • desexing or sterilisation is performed without pain relief; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Routine desexing of animals used in RTT, particularly rabbits, is commonly carried out by competent laboratory technicians. Generally they have been taught how to do the procedure by a veterinarian. The number of animals requiring desexing makes it impractical for every procedure to be performed by a veterinarian. Sterilised animals may be used to induce ovulation.</p>
Additional questions	<ul style="list-style-type: none"> • Are the right animals (rodents, leporids and fish) captured by this proposal?
Cross references:	<p>Proposal 8, equid castration; proposal 13, goat castration; proposal 20, all animals surgical reproductive procedures; V. all animals, non-surgical reproductive procedures (no proposal), XVIII. llama and alpaca, restrictions on castration (no proposal); XX. companion animals, restrictions on desexing (no proposal).</p>

4 All animals – exclusion of research, testing and teaching procedures carried out as part of an Animal Ethics Committee approved project under Part 6 of the Act	
Proposal	<p>Nothing in the regulations developed under section 183B (surgical and painful procedures) apply to research, testing, and teaching (RTT) carried out as part of an AEC approved project under Part 6 of the Act. This includes both the Animal Welfare (Care and Procedures) Regulations 2018 and the regulatory proposals in this document.</p> <p>MPI does not propose to extend this exclusion to the procedures listed below:</p> <ul style="list-style-type: none"> • Regulation 50 – Prohibit docking cattle beasts' tails (already in force); • Regulation 51 – Prohibit docking dogs' tails (already in force); • Regulation 59 – Prohibit mulesing sheep (already in force); • Proposal 22 – Prohibition on blistering, firing, mechanical soring, and nicking; • Proposal 27 – Prohibition on hot branding; • Proposal 34 – Prohibition on cropping dogs' ears. <p>Note: This proposal does not affect the application of the RTT-specific proposals.</p>
Current state	<p>Part 6 of the Act provides the framework for the use of animals in RTT. RTT can only be carried out within a project approved by an Animal Ethics Committee (AEC). AECs must carefully consider whether the use of animals is necessary before approving each project. Currently non-veterinarians are able to carry out significant surgical procedures if done in accordance with Part 6.</p>
What is the problem?	<p>The Act provides nothing in Parts 1 and 2 (the parts that set out the required care of and conduct towards animals) that prevents animals being used in RTT in accordance with Part 6.</p> <p>Parts 1 and 2 restricts surgical procedures and the relevant regulation-making power sits in Part 9 (s 183B). The Act does not explicitly state that regulations for surgical and painful procedures do not apply to RTT. Clarification is required in order to provide certainty that people with AEC approval can carry out RTT procedures, unless they are explicitly prohibited by regulation.</p>
How will regulation help?	<p>Regulation will be effective as it will remove uncertainty and allow AECs to continue to approve the performance of surgical procedures on animals in RTT projects. Clarifying that persons carrying out RTT with AEC approval may temporarily confine or restrict animals will also provide greater certainty.</p> <p>When approving projects AEC's must carefully consider the use of animals in the project, including taking into account any requirements under the Act or regulations.</p>
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare or no action. These options may not provide enough certainty to those undertaking surgical or painful procedures in the context of RTT.</p>
Penalty	<p>Act offences and penalties may apply if a person does not gain AEC approval for their project, or if they do not comply with the parameters set out under the AEC approved project and the animal's welfare is compromised.</p>
Background information	<p>The use of animals in RTT is an important part in the development and advancement of science and technology, including developments in animal welfare.</p> <p>The use of animals in RTT for developing, making, or testing cosmetics has been prohibited in New Zealand since May 2015.</p>
Additional questions	<ul style="list-style-type: none"> • Have the appropriate exclusions been identified in this proposal?
Cross references:	<p>Proposal 3, all animals, desexing and sterilisation of animals used in RTT; proposal 8, equid castration; proposal 13, goat castration, XX. companion animals, restrictions on desexing (no proposal); XXVI. rooster caponsing (no proposal).</p>

5 All animals – epidurals	
Proposal	<p>Performing an epidural will be veterinarian-only, unless:</p> <ul style="list-style-type: none"> • the person is competent to perform the procedure; and • they are carrying out the procedure in association with a surgical or non-surgical reproductive procedure; and • they are using an epidural anaesthetic authorised by a veterinarian for the purpose of the procedure. <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Current state	<p>Epidurals are performed by both veterinarians and non-veterinarians, with varying levels of veterinary oversight. They are often used during artificial reproductive procedures. If performed by a non-veterinarian, a veterinarian will have needed to have authorised the necessary local anaesthetic.</p> <p>The procedure is not currently specified in any code of welfare, or the Act.</p>
What is the problem?	<p>If epidurals meet the criteria for a significant surgical procedure, without regulation they will become veterinarian-only in May 2020.</p> <p>Epidurals are currently performed with no documented compliance issues by non-veterinarians in highly specific, controlled environments in association with specific reproductive procedures. Restricting this procedure to veterinarian only will have impacts on the reproductive community.</p>
How will regulation help?	<p>Regulation will be an effective solution to allow competent non-veterinarians to perform epidurals in association with artificial reproductive technologies. Regulation would provide clarity around who can perform the procedure and under what conditions.</p>
Comment on alternatives to regulation	<p>Alternatives considered include education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians.</p>
Penalty	<p>Category C (maximum \$3,000 fine for an individual or maximum \$15,000 fine for a body corporate) when:</p> <ul style="list-style-type: none"> • anyone administers an epidural that is not in association with a reproductive procedure; and/or • anyone uses pain relief that is not authorised for the purpose of the epidural; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>An epidural is commonly used during reproductive surgeries in animals. It is an injection of local anaesthetic into the extradural space between spinal vertebrae. It paralyses the nerves that pass through the anaesthetised area and prevents the animal from feeling any sensation in that area.</p>
Additional questions	<ul style="list-style-type: none"> • Are epidurals performed by non-veterinarians for reasons other than to assist with artificial reproduction? • Does this proposal adequately represent how much oversight the epidural procedure should have? Should there be any additional restrictions on non-veterinarians (for example, relating to different species)?
Cross references:	<p>Proposal 20, all animals, surgical reproductive procedures; proposal 29, horses and other equids, restrictions on rectal examinations for any purpose; V. all animals, non-surgical reproductive procedures (no proposal); IX. all animals, nerve blocks (no proposal).</p>

6 Changes to the 2018 regulations (Electric prodders)	
Proposal	<p>Two changes to the current regulation are being considered:</p> <ul style="list-style-type: none"> • The current regulation provides that prodders may only be used on pigs that weigh over 150 kilograms in limited circumstances. It is proposed that the use of electric prodders on pigs, in transition from lairage³⁷ to a restrained stunning box be allowed on smaller pigs than in the current regulation. It is proposed that the weight be set between 70 and 150 kilograms. MPI is seeking feedback on what the weight limit should be. • Changes are also proposed to the definition of an electric prodder to clarify that the use of an electric device by New Zealand Police officers, for legitimate law enforcement activities, is excluded from the definition.
Current state	<p>The Animal Welfare (Care and Procedures) Regulations 2018 provide that :</p> <ol style="list-style-type: none"> (1) A person must not use an electric prodder on any animal, except – <ol style="list-style-type: none"> (a) on cattle that weigh over 150 kg; or (b) during loading or unloading for transport, on pigs that weigh over 150kg; or (c) during loading or a stunning pen at any slaughter premises, on pigs that weigh over 150kg; or (d) during loading of a stunning pen any slaughter premises, on deer of any weight. (2) If an electric prodder is used on an animal where permitted by subclause (1), <ol style="list-style-type: none"> (a) the prodder may be used only on the muscled areas of the animal's hindquarters or forequarters; and (b) the animal must have sufficient room to move away from the prodder. (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding, - <ol style="list-style-type: none"> (a) in the case of an individual, \$1,500; or (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500 (d) the offence in subclause (3) is an infringement offence with an infringement fee of \$500. (4) In this regulations, electric prodder – <ol style="list-style-type: none"> (a) means a device that is capable of delivering an electric shock to make an animal move; but (b) does not include electric stunners used to stun an animal immediately prior to slaughter.
What is the problem?	<p><i>Pigs</i></p> <p>The proposed amendment, in relation to pigs, is to take into account changes in some management systems since 2016. These systems have improved overall animal welfare outcomes. However, they have resulted in the potential need to use prodders on smaller pigs in limited circumstances when pigs will go down in a restrained slaughter system race and will not budge.</p> <p><i>NZ Police</i></p> <p>Police officers are often confronted with situations where animals need to be temporarily incapacitated or moved. This may be because they are impeding access to a property that the officers need to enter or are in a public place and need to be contained or moved for the protection of the public. In some circumstances, the use of an electrical device may be an alternative option to shooting the animal.</p>

³⁷ A place where animals are rested prior to being processed.

How will regulation help?	Regulation will be an effective solution to ensure that electric prodder use on pigs is appropriate, and in the best interests of the animal and for the health and safety of handlers. Regulation will clarify that the use of electric devices by the NZ Police are not an electric prodder when used for legitimate law enforcement purposes.
Comment on alternatives to regulation	No other mechanism is available to allow the use of electric prodders on pigs, as outlined in the regulatory proposal.
Penalty	Category B (\$500 infringement fee or a maximum \$1,500 fine for an individual or a body corporate) when an electric prodder is used on a pig in breach of this regulatory proposal. Where the offending is by a body corporate and involves a large number of animals enforcement agencies may choose to file a charging document instead of issuing an infringement notice. For this proposal the maximum fine the court can impose on a body corporate is \$7,500.
Background information	<i>Pigs</i> Electric prodders can cause pain and distress. The use of electric prodders is therefore regulated. Two slaughter premises have adopted new processing systems that involve pigs proceeding in a race that leads to a restraining stun box. The new race and restrained stunning system is more efficient and therefore better from an animal welfare perspective than unrestrained systems. The race includes a retractable pusher that comes in behind the pig and shunts the animal forward when necessary. This shunt is not always effective and occasionally pigs will need to be moved by other means. Electric prodders are an important health and safety tool. It is in the best interests of the animal to get through the slaughter process as quickly as possible <i>Electric devices used by the NZ Police</i> NZ Police require officers to undergo annual training and gain certification in the use of electrical devices (such as Tasers). This training includes instructions that these devices can only be used on animals to deter an attacking animal, or to remove an animal from a circumstance or location where it poses a risk to any person.
Additional questions	<ul style="list-style-type: none"> Has any other new information become available to suggest that further changes need to be made to this regulation?
Cross references:	Not applicable.

7 Cattle – vaginal prolapses	
Proposal	A competent person may treat a cow's prolapsed vagina. The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.
Current state	Veterinarians and non-veterinarians treat vaginal prolapses in cows. Codes of welfare <i>Code of welfare for sheep and beef cattle</i> There are no specific minimum standards in the code of welfare for sheep and beef cattle. <i>Code of welfare for dairy cattle</i> Minimum Standard No 15 provides: (a) Dairy cows close to calving must be inspected at least twice every 24 hours.

What is the problem?	It is likely that this procedure would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, this procedure may only be able to be performed by a veterinarian. This may result in compromised animal welfare outcomes associated with delayed treatment while waiting for a veterinarian to attend.
How will regulation help?	Regulation will be effective as it will enable competent non-veterinarians to continue performing this procedure lawfully. The proposed regulation reflects current practice for a significant number of farmers and it is considered appropriate for non-veterinarians to undertake this procedure because: <ul style="list-style-type: none"> • it is in the best interests of the animal to be treated as soon as possible as prolapses may be painful. In remote locations delayed treatment is likely to result in the prolapsed tissue drying out. This will make it difficult to return, or the tissue may become necrotic. In these cases the animal is likely to be euthanised; • the procedure is routinely performed by non-veterinarians. There is no significant compliance data to suggest that there is an issue with non-veterinarians performing the procedure; and • the procedure, while painful, is not technically complex, and can be performed by a person with experience and/or some training.
Comment on alternatives to regulation	Alternatives considered include education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians. If left to the Act this could become a veterinarian-only procedure which may impact the welfare of cattle, especially in remote locations, if treatment is delayed while waiting for a veterinarian.
Penalty	Act offences and penalties may apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	A prolapse is where an organ or anatomical structure falls out of its usual position. Vaginal prolapses in cattle usually occur in heavily pregnant cows just before calving. <i>Uterine and rectal prolapses</i> Uterine and rectal prolapses are generally considered to be more technically difficult to treat. MPI understands that cattle that experience these conditions are usually euthanised or treated by a veterinarian.
Additional questions	<ul style="list-style-type: none"> • Should a non-veterinarian be able to treat vaginal prolapse in other species such as llama, alpaca, deer or goats? • Should a method of retaining the vagina in place be regulated? Should a penalty be provided for using an inappropriate method? • Should pain relief be provided to the animal during the procedure? • Should a non-veterinarian be able to treat uterine and rectal prolapses in cattle?
Cross references:	Proposal 10 , sheep, vaginal prolapse (bearings); proposal 11 , pigs, rectal prolapse.

8 Equid castration	
Proposal	<p>Amend the existing regulation (clause 54 of the Animal Welfare (Care and Procedures) Regulations 2018) relating to castrating horses to include all equids.³⁸</p> <p>The definition of an equid would be included in regulation as below: <i>Equid</i> — means any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.</p>
Current state	<p>Regulation 54 of the Animal Welfare (Care and Procedures) Regulations 2018 makes it an offence for a non-veterinarian to castrate a horse, and mandates the use of pain relief during this procedure. Horse is defined in the regulation as a horse or a pony.</p> <p>Codes of welfare</p> <p>There are no minimum standards or requirements in the code of welfare for horses and donkeys that relate specifically to the castration of donkeys and their hybrids. Zebra are excluded from the code of welfare for horses and donkeys.</p> <p>There are also no minimum standards or requirements in the code of welfare for zoos that relate specifically to the castration of zebra.</p>
What is the problem?	<p>There is confusion (demonstrated through feedback received by MPI) about whether equids that are not horses or ponies may be castrated by non-veterinarians. This is particularly the case for donkeys. This confusion is directly linked to the exclusion of other equids within clause 54 of the Animal Welfare (Care and Procedures) Regulations 2018.</p>
How will regulation help?	<p>Regulation will make it clear that castration of any equid is likely to meet the criteria for a significant surgical procedure, and should be veterinarian-only.</p>
Comment on alternatives to regulation	<p>Alternatives considered included revoking the existing regulation, education and guidance, training, using codes of welfare and no action.</p> <p>Regulation is preferred as for this proposal, the key issue is ensuring that the legal position with respect to equid castration is clear and easily enforced. Guidance alone may leave the impression that the rules are different for different kinds of equids, given that a horse castration regulation is already in place. There have been past compliance issues with non-veterinarians castrating equids.</p> <p>Revoking regulation 54 of the 2018 regulations is not preferred as it would also remove the requirement that pain relief is administered at the time of the procedure, and the related offence, should an owner or person in charge of the animal allow it to be castrated in an illegal manner.³⁹ These are important safeguards given the past compliance issues in this area.</p>
Penalty	<p>Category D (maximum \$5000 fine for an individual or maximum \$25,000 for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian castrates an equid; and/or • a veterinarian performs this procedure and pain relief is not used; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Horses, donkeys, and zebras are all equids but have different needs, and are kept for significantly different purposes in different environments. The anatomical similarities allow for them to be considered together.</p>

³⁸ Parliamentary Counsel Office (November 2018). *Animal Welfare (Care and Procedures) Regulations 2018*. Clause 54 Castrating horses <http://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#LMS22920>. Accessed 19 March 2019.

³⁹ Animal Welfare (Care and Procedures) Regulations 2018.

	<p>Both donkeys and zebra were excluded from the original horse castration regulation because there was no known issues and it was thought to be sufficient to leave the procedure for these equids up to the Act. The confusion (demonstrated through feedback received by MPI) about whether the horse castration regulation applied to other equids provided an opportunity to clarify this and consider the unique circumstances of these other equids.</p> <p>Consultation has confirmed that while they are anatomically similar there are some physiological differences between equids. During castration, for example, donkeys tend to bleed more and zebra (as well as other wild equid) tend to require higher doses of sedative. While these matters affect how a veterinarian would perform the procedure, they do not provide an argument for non-veterinarians to perform these castrations.</p> <p>Consultation identified mules and other wild asses⁴⁰ as other types of equid that needed to be considered in the context of this proposal. While mules can't produce offspring, owners often castrate them to prevent the development of aggressive behaviours. There are currently no wild asses (<i>asinus</i>) besides donkeys in New Zealand, however, zoos may wish to import wild asses in the future.</p> <p>The proposal and the current regulation for horse castration differs from the obligations for goats, sheep, and cattle because all forms of equid castration involve surgery, whereas rubber rings or other non-surgical means are common with these other species.</p>
Additional questions	<ul style="list-style-type: none"> An alternative approach would be to revoke regulation 54 of the Animal Welfare (Care and Procedures) Regulations 2018. This would bring equid castration in line with the approach to llama and alpaca castration. Do you prefer this alternative? Why/why not?
Cross references:	<p>Proposal 3, all animals, desexing and sterilisation of animals used in research, testing and teaching; proposal 13, goat castration; proposal 20, all animals, surgical reproductive procedures; XVIII. llama and alpaca, restrictions on castration (no proposal), XX companion animals restrictions on desexing (no proposal), XXVI rooster caponising (no proposal).</p>

9 Sheep – restrictions on teat removal	
Proposal	<p>A person who removes a supernumerary teat from a sheep that is under 12 weeks of age must be competent, and ensure that the procedure creates a clean cut and does not tear the tissue.</p> <p>Removing a main teat at any age, or a supernumerary teat of a sheep aged 12 weeks and over will be veterinarian-only. Pain relief must be used at the time of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Current state	<p>Codes of welfare <i>Code of welfare for painful husbandry procedures</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised. The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p> <p>There are no specific minimum standards or Act requirements related to teat or supernumerary teat removal for sheep.</p>
What is the problem?	<p>It is unclear if supernumerary teats are an issue in the dairy sheep industry, and how they are managed. It is likely that the removal of both supernumerary and main teats would meet the criteria of a significant surgical procedure, meaning the procedures will become veterinarian-only in May 2020.</p>

⁴⁰ Donkeys are a subset of wild asses.

How will regulation help?	Regulation of supernumerary teats will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully. Regulation of main teat removal provides a clear offence so there is no doubt when an offence has been committed.
Comment on alternatives to regulation	For supernumerary teat removal, alternatives considered include education and guidance, training, using codes of welfare or no action. These will be impractical as no other mechanism will provide a legal basis for this procedure to be done by non-veterinarians. As it is proposed that main teat removal is veterinarian-only, this could be left to the Act. However, regulating clarifies that is unacceptable at any age for a non-veterinarian to remove a main teat.
Penalty	Category B (\$500 infringement fee or a maximum fine of \$1,500 for an individual) when the animal is under 12 weeks of age and the person fails to create a clean cut. Category C (maximum \$3,000 for an individual, maximum \$15,000 for a body corporate) when: <ul style="list-style-type: none"> • a non-veterinarian removes a supernumerary teat from an animal over 12 weeks of age, or removes a main teat; and/or • anyone removes either a supernumerary teat on an animal over 12 weeks of age or a main teat, without pain relief; and/or • an owner or person in charge of an animal allows the procedure above to be carried out in breach of the proposed regulation. Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	MPI originally consulted on a regulation for teat removal for cattle only. However, it was raised during consultation that sheep and goats are also milked in New Zealand and that regulation may be necessary for those species as well. The dairy sheep industry is a relatively new and small industry in New Zealand. However, as the demand for sheep milk grows the industry may expand. It is possible that farmers would perform supernumerary teat removal on-farm, as dairy cattle farmers or technicians currently do. A supernumerary teat is any teat that is in excess of the normal number of teats. Usually the 'extra' teat is easily identifiable due to the placement, size, and sphincter development. Often supernumerary teats are blind and do not produce milk. However some have a connection to the mammary gland and do produce a small amount of milk. In the cow dairy industry supernumerary teats are routinely removed to prevent interference with milking cups, as well as to lower risk of infection.
Additional questions	<ul style="list-style-type: none"> • Does this proposal capture what is current practice? • If not, is it raising or lowering the standard? • Are there any other species that are milked that should be considered for regulation?
Cross references:	Proposal 14 , goats, restrictions on teat removal; proposal 21 , cattle, restrictions on teat removal, proposal 30 , cattle, restrictions on teat occlusion.

10 Sheep – vaginal prolapse (bearings)

Proposal	A competent person may treat a sheep's prolapsed vagina. The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.
Current state	Veterinarians and non-veterinarians treat vaginal prolapses in sheep.

	<p>Codes of welfare <i>Code of welfare for sheep and beef cattle</i></p> <p>The code of welfare for sheep and beef cattle discusses the possible causes of bearings (vaginal prolapses in sheep) but no specific minimum standard is provided.</p>
What is the problem?	It is likely that this procedure would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, this procedure may only be able to be performed by a veterinarian. This would be impractical given the number of animals that need to be treated and the need for treatment to be provided as soon as possible.
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing this procedure lawfully. The proposed regulation reflects current practice and it is considered appropriate for non-veterinarians to undertake this procedure because:</p> <ul style="list-style-type: none"> • it is in the best interests of the animal to be treated as soon as possible as prolapses are painful. If treatment is delayed the prolapsed tissue is likely to dry out and be difficult to return, or the tissue may become necrotic. In these cases the animal is likely to be euthanised; • the procedure is currently performed regularly by non-veterinarians. There is no significant compliance data to suggest that there is an issue with non-veterinarians performing the procedure; • the procedure, while painful, is not technically complex, and can be performed by a person with experience and/or some training; and • given the number of animals affected requiring the procedure be undertaken by veterinarians would be impractical. In 2017 it was estimated that the number of breeding ewes in NZ was 17.8 million.⁴¹ Approximately 0.5 - 1 percent (around 178,000) of breeding ewes experience a vaginal prolapse annually. Occasionally an individual farm can experience outbreaks affecting up to 10 percent of ewes.⁴²
Comment on alternatives to regulation	Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians.
Penalty	Act offences and penalties may apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	<p>A prolapse is where an organ or anatomical structure falls out of its usual position. The cause of vaginal prolapse is unknown and therefore prevention is difficult.</p> <p><i>Uterine and rectal prolapses in sheep</i></p> <p>Uterine and rectal prolapses are generally considered to be more technically difficult to treat. MPI understands that sheep that experience these conditions are usually euthanised or treated by a veterinarian.</p>
Additional questions	<ul style="list-style-type: none"> • Should a non-veterinarian be able to treat vaginal bearings in other species such as llama, alpaca, deer or goats? • Should a method of retaining the vagina in place be regulated? Should a penalty be provided for using an inappropriate method? • Should pain relief be provided to the animal during the procedure? • Should a non-veterinarian be able to treat uterine and rectal prolapses in sheep?
Cross references:	Proposal 7 , cattle, vaginal prolapses; proposal 11 , pigs, rectal prolapse.

⁴¹ Beef + Lamb New Zealand (August 2017). *Stock Number Survey as at 30 June 2017*.

<https://beeflambnz.com/sites/default/files/data/files/stock-number-survey-2017.PDF>. Accessed 19 March 2019.

⁴² R Jackson, RPN Hilson, AR Roe, N Perkins, C Heuer & DM West (2014) *Epidemiology of vaginal prolapse in mixed-age ewes in New Zealand*. New Zealand Veterinary Journal, 62:6, 328-337, DOI: 10.1080/00480169.2014.92.

11 Pigs – rectal prolapses	
Proposal	<p>A competent person may treat a pig's prolapsed rectum.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Current state	<p>Veterinarians and non-veterinarians treat pigs' prolapsed rectums.</p> <p>Codes of welfare <i>Code of welfare for pigs</i></p> <p>Minimum Standard No 18 provides:</p> <p>(a) The owner or person in charge must check pigs at least once each day for signs of ill-health or injury and must undertake timely preventative or remedial action as appropriate.</p> <p>(b) Those responsible for the care of pigs must be competent at recognising the signs of good health, ill health, or injury and must consult a veterinarian as appropriate.</p> <p>(c) Separate accommodation should be available to house sick and injured pigs during their treatment and recovery.</p>
What is the problem?	<p>It is likely that this procedure would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, these procedures may therefore only be able to be performed by a veterinarian. This may result in compromised animal welfare outcomes associated with the delayed treatment of a prolapse.</p>
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing this procedure lawfully. The proposed regulation reflects current practice and it is considered appropriate for non-veterinarians to undertake this procedure because:</p> <ul style="list-style-type: none"> • it is in the best interests of the animal to be treated as soon as possible as prolapses may be painful. Delayed treatment is likely to result in the prolapsed tissue drying out. This will make it difficult to return, or the tissue may become necrotic. In these cases the animal is likely to be euthanised; • the procedure is routinely performed by non-veterinarians. There is no significant compliance data to suggest that there is an issue with non-veterinarians performing the procedure; • the procedure, while painful, is not technically complex, and can be performed by a person with experience and/or some training; and • In 2014, NZ Pork estimates that 670,000 pigs were produced. Anecdotal information suggests rectal prolapses in pigs are common although the exact numbers are unknown⁴³. It is therefore impractical to require a veterinarian to treat all rectal prolapses.
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism would provide a legal basis for this procedure to be performed by non-veterinarians.</p>
Penalty	<p>Act offences and penalties may apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>A prolapse is where an organ or anatomical structure falls out of its usual position.</p> <p>Compared with other farm species pigs seem to be more vulnerable to rectal prolapse. Rectal prolapse can occur in pigs of any age. There are several causes including diarrhoea, constipation, water shortage, rectal damage, toxins, and coughing.</p>

⁴³ In 2004, NZ Pork commissioned a science and literature, and carried out a small sample survey on prolapses. This work was undertaken to inform guidelines on pig prolapses. The review and survey indicates that the incidence of rectal prolapse in grower pigs is approximately one percent.

	<p>A prolapse should be returned to the body as soon as possible to avoid secondary infection and the tissue becoming necrotic. Alternatively, the pig should be humanely slaughtered.</p> <p>A rectal prolapse is treated by amputation or by replacement and retention by a suture. A common method of treatment involves insertion of a tube into the rectum. A rubber band is then stretched over the prolapse and placed as near as possible to the perianal skin. The band must be tight enough to stop the blood supply so that the prolapse tissue will die and drop off. The tissue usually drops off within five to seven days. The pig is able to defecate through the tube during this time.</p> <p>Uterine and vaginal prolapses</p> <p>Uterine and vaginal prolapses are generally considered to be more technically difficult to treat. MPI understands that pigs that experience these conditions are usually euthanised or treated by a veterinarian.</p>
Additional questions	<ul style="list-style-type: none"> • Should regulations be made to allow non-veterinarians to treat rectal prolapses in other species, such as sheep, cattle, deer, goats, or llama and alpaca? • Should a non-veterinarian be able to treat vaginal and uterine prolapses in a pigs? • Should pain relief be provided to the animal during procedures to treat prolapses? • Should requirements and penalties apply to the method of treatment used?
Cross references:	Proposal 7 , cattle, vaginal prolapse; proposal 10 , sheep, vaginal prolapse (bearings).

12 Pigs and cattle – application of nose rings, clips and wires

Proposal	<p>A competent person may insert a nose ring, clip or wire into a pig’s or cattle beast’s nose, for animal management purposes.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Current state	<p>Nose rings, clips and wires are inserted regularly by non-veterinarians and veterinarians into pigs and cattle beasts.</p> <p>Around 90 percent of outdoor sows have a ring, clip or wire inserted. There is no significant compliance data to suggest that there is an issue with this.</p> <p>NZ Pork’s guidance considers that the application of rings or clips is recommended best practice and recommends they are only inserted by trained experienced persons, or under veterinary guidance. As wires are more difficult and take longer to apply NZ Pork discourages their use and advises they are not recommended good practice.</p> <p>Codes of welfare <i>Code of welfare for painful husbandry procedures</i></p> <p>Minimum Standard 1 provides Painful procedures can be performed only “where there are no other practical, economically viable, effective, less noxious alternatives to the procedure”.</p> <p><i>Code of welfare for pigs</i></p> <p>Minimum Standard 13 provides: (a) Pigs must be handled at all times in such a way as to minimise the risk of pain, injury or distress to the animals.</p> <p>Minimum Standard 16 provides: (d) If nose rings, clips or wires are used they must be placed through the cartilage at the top of the snout or in the tissue separating the nostrils.</p>

	<p>Recommended best practice: Pain relief should be given when any elective husbandry procedure is carried out.</p>
<p>What is the problem?</p>	<p>Without regulation nose ringing, or some aspects of nose ringing may become veterinarian-only in May 2020.</p> <p>It is unclear whether this procedure would meet the criteria of a significant surgical procedure. This may depend on matters such as the method and place of insertion, the species, and the age of the animal.</p> <p>The lack of clarity may mean that competent non-veterinarians currently performing nose ringing are at risk of prosecution, or may be unduly restricted in their husbandry practices.</p>
<p>How will regulation help?</p>	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing nose ringing lawfully. The proposed regulations reflect current practice. Regulations will make it clear that nose ringing should only be performed when necessary.</p>
<p>Comment on alternatives to regulation</p>	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians. MPI intends to issue guidance on when and how best to insert nose rings, clips and wires.</p>
<p>Penalty</p>	<p>Category C (maximum \$3000 fine for an individual or maximum \$15,000 for a body corporate) for:</p> <ul style="list-style-type: none"> • nose ringing for purposes other than animal management; and/or • an owner or person in charge of an animal allows the procedure above to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
<p>Background information</p>	<p>Nose rings, clips and wires are used in pigs with the intention to greatly reduce or inhibit an important natural behaviour (rooting). Rooting can be problematic if pigs are housed outside due to the consequent impacts on soil health.</p> <p>Some councils either specify in the consent for a commercial pig farm to use rings, clips and wires, or they have certain requirements around erosion and nutrient leeching with the application of nose rings, clips or wires being the only practical tool to achieve these requirements.</p> <p>Outside of the commercial pig industry, lifestyle block owners may nose ring pigs or cattle.</p> <p>Guidance from NZ Pork advises not to ring certain pigs (Kunekune, brachycephalic and young growing pigs) due to their physiology.</p> <p>Pain relief is not commonly used in pigs, the rationale being that the stress from the additional time being restrained in order to administer pain relief is more of an animal welfare concern than the pain from the actual procedure. The same rationale does not apply to cattle, with some practitioners using pain relief when performing the procedure.</p> <p>Rings are generally inserted in bulls for health and safety purposes so the handler has more control over the animal when managing them in close quarters. Rings may be replaced multiple times over a bull's lifetime. However as the hole is existing the replacement of rings is unlikely to meet the criteria for a significant surgical procedure.</p>

Additional questions	<ul style="list-style-type: none"> Is there any scientific research about the pain experienced by pigs during any of the procedures?
Cross references:	Proposal 2 , all animals, surgical tagging for research, testing and teaching, or for functions under section 5(3) of the Act; VI . all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal).

13 Goat castration	
Proposal	<p>MPI proposes aligning the obligations for castrating goats with the current regulations for castrating cattle beasts and sheep in the Animal Welfare (Care and Procedures) Regulations 2018.⁴⁴</p> <p>The current regulation for cattle beast and sheep requires:</p> <ul style="list-style-type: none"> the procedure to be undertaken by a person experienced with, or having received training in, the correct use of the method being used, and who is able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice; and that animals castrated over 6 months of age, and/or using a high tension band, must, throughout the procedure, be under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of the procedure. <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure according to the specifications in this proposal.</p>
Current state	<p>Goat castration is predominantly performed by farmers without pain relief. Without regulation this procedure will become veterinarian-only from May 2020.</p> <p>Codes of welfare <i>Code of welfare for painful husbandry procedures</i></p> <p>Minimum Standard No. 3 prescribes the conditions for using of rubber rings and high tension bands. Pain relief is required when high-tension bands are used.⁴⁵</p> <p>Recommended best practice:</p> <ul style="list-style-type: none"> Pain relief applied when performing the procedure. If performed before puberty, monitor the animal for joint abnormalities.
What is the problem?	<p>As goat castration is likely to meet the criteria for a significant surgical procedure, without regulations it is likely to become veterinarian-only when the criteria come into force in May 2020.</p> <p>The intention is that competent non-veterinarians should be able to perform this procedure with restrictions, including mandating the use of anaesthesia.</p>
How will regulation help?	Regulations will allow competent non-veterinarians to continue to undertake these procedures lawfully.
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians. If left to the Act this would become a veterinarian-only procedure.</p> <p>Regulations allow enforceable restrictions to be placed on lay practice (including mandating anaesthesia).</p>
Penalty	<p>Category C (maximum \$3,000 fine for an individual, or maximum \$15,000 for a body corporate) when:</p> <ul style="list-style-type: none"> a person fails to use pain relief; and/or

⁴⁴ Parliamentary Counsel Office (November 2018) *Animal Welfare (Care and Procedures) Regulations 2018*. Section 53 Castrating cattle beasts and sheep, <http://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#LMS22918>. Accessed on 19 March 2019.

⁴⁵ Ministry of Primary Industries (October 2018). *Code of Welfare: Painful Husbandry Procedures*. Page 11. <https://www.mpi.govt.nz/dmsdocument/1443>. Accessed on 19 March 2019.

	<ul style="list-style-type: none"> an owner or person in charge of an animal allows the procedure above to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Goats are commonly castrated, especially goats used in the production of fibre and meat. Castration is used to reduce aggression and facilitate management. Uncastrated goats urinate on themselves during breeding season to attract does which contaminates the fibre and downgrades the fleece.</p> <p>Stock are left uncastrated if they are to be sent to the works young or are kept for breeding.</p> <p>Castration typically occurs before goats reach sexual maturity. Most often a rubber ring is used to restrict blood flow to the testes, causing necrosis. Alternative methods include crushing the spermatic cords using a clamp, or scrotum shortening using rubber rings.</p> <p>This proposal was raised during consultation. The proposal was not included in the previous tranche of regulations so that any circumstances unique to the castration of goats could be adequately considered. However subsequent discussions with stakeholders indicated that there was support for the same requirements for goats as is in regulation for the castration of cattle beast and sheep.</p>
Additional questions	There are no additional questions for this proposal.
Cross references:	Proposal 8 , equid castration; proposal 20 , all animals, surgical reproductive procedures; XVIII . llama and alpaca, restrictions in castration (no proposal); XX . companion animals, restrictions on desexing (no proposal); XXVI . rooster caponising (no proposal).

14 Goats – restrictions on teat removal	
Proposal	<p>A person who removes a supernumerary teat from a goat that is under 12 weeks of age must be competent, and ensure that the procedure creates a clean cut and does not tear the tissue.</p> <p>Removing a main teat at any age, or a supernumerary teat of a goat aged 12 weeks and over will be veterinarian-only. Pain relief must be used at the time of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Current state	<p>There are no specific minimum standards or Act requirements related to teat or supernumerary teat removal.</p> <p>Codes of welfare <i>Code of welfare for painful husbandry procedures</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised. The code states these general principles apply to all painful husbandry procedures and not just those specifically mentioned in the code.</p> <p>There have been some compliance concerns with farmers removing teats on cattle by inappropriate methods, such as using rubber rings or removing a main teat without pain relief.</p>
What is the problem?	It is unclear if supernumerary teats are an issue in the dairy goat industry, and how they are managed. If it is performed, it is possible that it is done by the farmer on-farm. As it is likely to meet the criteria for a significant surgical procedure, without regulations it is likely to become veterinarian-only when the criteria come into force.

How will regulation help?	Regulation of supernumerary teats will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully. Regulation of main teat removal provides a clear offence so there is no doubt when an offence has been committed.
Comment on alternatives to regulation	Alternatives considered included education and guidance, training, using codes of welfare or no action. These will be impractical as no other mechanism will provide a legal basis for this procedure to be done by non-veterinarians. Main teat removal is veterinarian only and may be left to the Act. However, regulating makes it clear that is unacceptable at any age for a non-veterinarian to remove a main teat.
Penalty	Category B (\$500 infringement fee or a maximum fine of \$1,500) when the animal is under 12 weeks of age and the person fails to create a clean cut. Category C (maximum \$3,000 fine for an individual, or maximum \$15,000 fine for a body corporate) when: <ul style="list-style-type: none"> • a non-veterinarian removes a supernumerary teat from an animal over 12 weeks of age, or removes a main teat and/or; • anyone removes either a supernumerary teat on an animal over 12 weeks of age or a main teat, without pain relief; and/or • an owner or person in charge of an animal allows the procedure above to be carried out in breach of the proposed regulation Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	MPI originally consulted on a regulation for teat removal for cattle only. However, it was raised during consultation that sheep and goats are also milked in New Zealand and that regulation may be necessary for those species as well. A supernumerary teat is any teat that is in excess of the normal number of teats. Usually the 'extra' teat is easily identifiable due to the placement, size, and sphincter development. Often supernumerary teats are blind and do not produce milk, however some have a connection to the mammary gland and do produce a small amount of milk. In the cow dairy industry supernumerary teats are routinely removed to prevent interference with milking cups, as well as to lower risk of infection.
Additional questions	<ul style="list-style-type: none"> • Does this proposal capture what is current practice? • If not, is it raising or lowering the standard?
Cross references:	Proposal 9 , sheep, restrictions on teat removal; proposal 21 , cattle, restrictions on teat removal; proposal 30 , cattle, restrictions on teat occlusion.

15 Poultry – beak tipping	
Proposal	Beak tipping of poultry must be performed: <ul style="list-style-type: none"> • by a competent person; • within 3 days of hatching; and • by removing no more than one quarter of the upper or lower beak. This means for: <ul style="list-style-type: none"> - one to three day old chicks, no more than 2 mm of the beak; and - adult hens, no more than the blunting of upper and lower tips. The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure according to the specifications in this proposal. Poultry are any birds farmed for their eggs or meat.

<p>Current state</p>	<p>Beak tipping is the removal of a portion of the beak in poultry by slicing off or weakening that portion to later fall off. It is performed to prevent injurious pecking of other birds and cannibalism.</p> <p>Beak tipping is performed on production and breeder birds in the poultry industry. A breeder bird is any bird that is used to produce replacement birds.</p> <p>Beak tipping is routinely performed by farmers without pain relief.</p> <p>Codes of welfare</p> <p>There are no codes that specifically apply to breeder birds, but this is on the National Animal Welfare Advisory Committee's work programme.</p> <p><i>Code of welfare for layer hens</i></p> <p>Minimum Standard No. 16 provides that:</p> <ul style="list-style-type: none"> (a) Beak tipping must only be carried out by competent, trained operators. (b) Beak tipping, when undertaken, must be done using an infrared beam within 3 days of hatching. (c) The tipping of beaks of individual hens after 3 days of age must only be undertaken in an emergency with veterinary approval and under veterinary supervision to help control outbreaks of cannibalism during the laying period. (d) The operator must not remove more than one-quarter of the upper or lower beaks. This means for: <ul style="list-style-type: none"> i) one to three day old chicks, no more than 2 mm of the beak; ii) adult hens, no more than the blunting of upper and lower tips. <p>Recommended best practice suggests using alternatives, such as making foraging resources available.</p>
<p>What is the problem?</p>	<p>As beak tipping is likely to meet the criteria for a significant surgical procedure, without regulation it would become veterinarian-only when the criteria come into force in May 2020. Due to the large number beaks tipped, especially in larger operations, it would be impractical to require veterinarians to perform the procedure.</p> <p>Minimum standards currently apply to layer hens but not to poultry used for breeding or turkeys. Consultation will be used to gather information to inform an acceptable standard. This may involve different requirements for the different poultry.</p>
<p>How will regulation help?</p>	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully, with restrictions.</p>
<p>Comment on alternatives to regulation</p>	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians. If left to the Act this would become a veterinarian-only procedure.</p> <p>Regulations allow enforceable restrictions to be placed on this practice.</p>
<p>Penalty</p>	<p>Category B (\$500 infringement fee or a maximum fine of \$1,500) when a person or body corporate removes too much of the beak.</p> <p>Where the offending is by a body corporate and involves a large number of animals enforcement agencies may choose to file a charging document instead of issuing an infringement notice. For this proposal the maximum fine the court can impose on a body corporate is \$7,500.</p> <p>Category C (maximum \$3,000 fine for an individual or maximum \$15,000 fine for a body corporate) when a person performs the procedure in breach of the age restriction.</p>

	Act offences and penalties may apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	<p>Beak tipping is the removal of a portion of the beak in poultry. A portion is sliced off or weakened to later fall off in order to prevent injurious pecking of other birds and cannibalism. The sensitivity of the area post-procedure, and the absence of a sharp-point discourages the behaviour and reduces the instances of injury. Sustained injuries can lead to outbreaks of cannibalism.</p> <p>The procedure is also known as beak trimming or debeaking, though the latter implies entire beak removal. Blunting is a separate procedure that blunts the sharp tip of the beak rather than removing a portion of the beak.</p> <p>Beak tipping is predominantly performed on layer hens and breeding stock for layer hens, meat chickens, and turkeys.</p> <p>Beak tipping is performed using either an infrared beam beak treatment (IRBT) machine or hot blade which results in the removal of a portion of the beak. Traditionally a hot blade has been used as it both cuts and cauterises the wound simultaneously. Hot blades are still used to tip the beaks of breeder birds and turkeys. The code of welfare for layer hens states that hens must have their beaks trimmed by an IRBT machine, but the code does not apply to breeder birds.</p> <p>An IRBT machine delivers a burst of energy to the beak tip which subsequently softens and erodes over approximately two weeks. Research has shown that while IRBT machines cause some acute pain, they do not cause neurophysiological consequences and chronic pain as is common with a hot blade.⁴⁶</p> <p>The proposal does not identify any restriction of the method to avoid limiting the development of new, acceptable alternatives. For layer hens, the Code of Welfare identifies the IRBT machine as the only acceptable method. Leaving this to the Code still sets a minimum standard.</p> <p>MPI understands that currently layer hens have their beak tipped within 3 days of hatching. The majority of breeder birds (including turkeys) are trimmed with the IRBT machine at 2-3 days of age or 5-6 days of age with a hot blade. The proposal identifies that beak tipping should be performed within 3 days of hatching but there are likely to be practical and economic implications to consider as part of an age limitation.</p>
Additional questions	<ul style="list-style-type: none"> • Should hot blades be used to tip the beaks of poultry? At what age is it best to use a hot blade? • What age is it appropriate to restrict the tipping of beaks with an infrared beak trimming machine? • Are there any other farmed animals that the procedure is performed on and which should be regulated? • Are different restrictions necessary for breeder birds and turkeys? • How is blunting commonly performed? Does blunting meet the significant surgical procedure criteria? • Is the penalty at an appropriate level to encourage compliance?
Cross references:	Proposal 15 , poultry, spur removal; proposal 16 , poultry, toe trimming; proposal 25 , gamefowl, dubbing; VI , all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal); XXIV , turkey desnooding (no proposal); XXV , bird pinioning (no proposal).

⁴⁶ Dennis, R, and Cheng, H.W. (2010) A Comparison of Infrared and Hot Blade Beak Trimming in Laying Hens. *International Journal of Poultry Science* 9(8) (DOI: 10.3923/ijps.2010.716.719). McKeegan, D.E.F. and Philbey, A.W. (2012). Chronic neurophysiological and anatomical changes associated with infra-red beak treatment and their implications for laying hen welfare. *Animal Welfare* 21, 207-217 (DOI:10.7120/09627286.21.2.207).

16 Poultry – spur removal	
Proposal	<p>A competent person may remove a spur from poultry breeder birds.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>A spur or rear toenail is a horn-like protrusion of bone that develops on the back of the legs of roosters and sometimes hens.</p> <p>Poultry are any birds farmed for their eggs or meat.</p> <p>A breeder bird is any bird that is used to produce replacement birds.</p>
Current state	<p>Spur removal is the removal of the 'rear toenail' in male breeding birds. It is routinely performed by farmers without pain relief.</p> <p>Codes of welfare</p> <p>There are no codes that apply to breeder birds but it is on the National Animal Welfare Advisory Committee's work programme to develop a code that applies to breeder birds.</p>
What is the problem?	<p>As spur removal is likely to meet the criteria for a significant surgical procedure, without regulation it would become veterinarian-only when the criteria come into force. This would be impractical and unduly restrictive.</p> <p>An age limitation at which the procedure can be performed is likely to be appropriate as part of this regulation. Consultation will inform what the appropriate standard could be.</p>
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully.</p>
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians. If left to the Act this would become a veterinarian-only procedure.</p>
Penalty	<p>Act offences and penalties may apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>The spur is removed using scissors or a hot blade. It is usually performed on day-old chicks at the hatchery.</p> <p>The procedure is performed to prevent males injuring females during mating. Males with spurs can cause injuries to females which are mated with repeatedly in quick succession.</p> <p>Spur removal is not performed on farmed turkeys in New Zealand.</p>
Additional questions	<ul style="list-style-type: none"> • Are there any other farmed animals that the procedure is performed on? • Do lifestyle blocks or poultry fanciers perform the procedure? • Is it appropriate to limit the age at which spur removal can be performed? If so, why?
Cross references:	<p>Proposal 15, poultry, beak tipping; proposal 17, poultry, toe trimming; proposal 26, game fowl, dubbing; VI, all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal); XXIII, declawing of ostriches and emu (no proposal); XXIV, turkey desnooding (no proposal); XXV, bird pinioning (no proposal).</p>

17 Poultry – toe trimming	
Proposal	<p>A competent person may trim the toes of poultry breeder birds.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>Poultry are any birds farmed for their eggs or meat.</p> <p>A breeder bird is any bird that is used to produce replacement birds.</p>
Current state	<p>Toe trimming is routinely performed by farmers without pain relief.</p> <p>Codes of welfare</p> <p>There are no codes that apply to breeder birds but it is on the National Animal Welfare Advisory Committee's work programme to develop a code that applies to breeder birds.</p>
What is the problem?	<p>As toe trimming is likely to meet the criteria for a significant surgical procedure, without regulation it would become veterinarian-only when the criteria come into force. Due to the large number of toes trimmed, it would be impractical to obligate veterinarians to perform the procedure.</p> <p>An age limitation at which the procedure can be performed is likely to be appropriate as part of this regulation. Consultation will inform what an appropriate standard would be.</p>
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully.</p>
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action. These alternatives would be impractical as no other mechanism will provide a legal basis for this procedure to be performed by non-veterinarians. If left to the Act this would become a veterinarian-only procedure.</p>
Penalty	<p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Toe trimming is the amputation of the tip of a bird's toes to remove the toenails – usually the fourth digit (the nail-bed and one phalange). Sharp pliers or scissors are used to amputate the portion of the toe.</p> <p>The procedure is undertaken at one day old. It is used to identify the genetic lines of primary breeders, as birds from different lines are generally raised together.</p> <p>Other methods of identification, such as wing tags or leg bands are impractical to use on birds under three weeks of age because how quickly the birds outgrow them.</p> <p>Farmers use a mix of toe trimming or toe slitting based on their own preferences. Both procedures are used for identification.</p>
Additional questions	<ul style="list-style-type: none"> • Is toe trimming necessary? Are there other alternative techniques that achieve the same outcome (such as toe slitting or wing tagging)? • Are there any other farmed animals that toe trimming is performed on? • Should there be any further restrictions on toe trimming, such as an age limitation?
Cross references:	<p>Proposal 15, poultry, beak tipping; proposal 16, poultry, spur removal; proposal 26, game fowl, dubbing; VI, all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal); XXIV, turkey desnooding (no proposal); XXV, bird pinioning (no proposal).</p>

8.6 PROPOSALS THAT HAVE CHANGED SUBSTANTIALLY

This next group of proposals are not new, but have changed substantially since they were originally described in our 2016 discussion paper. The most common reason for the change is feedback received during consultation.

For all procedures, the term “veterinarian” includes a veterinary student under the direct supervision of a veterinarian, except for the authorisation of pain relief. Only registered veterinarians are permitted to authorise the purchase and use of these medicines in these circumstances.

Each substantially changed proposal is detailed in the tables below, in line with the example in table five.

Table 5: Example of how the substantially changed proposals are presented in this document

Substantially changed proposal number and title	
New Proposal	This describes the intent of the proposed new regulation. The exact wording of any final regulation may differ. Definitions of terms used are included where MPI proposes putting a definition into law.
Original Proposal	This summarises what was proposed in our 2016 discussion paper.
Rationale for change	This explains the reasons why the proposal has changed.
Current state	This re-states the current state described in the 2016 discussion paper.
How will regulation help?	This states what a new regulation would achieve. The key criteria used to determine that this procedure is appropriate for regulation is outlined in bold .
Comment on alternatives to regulation	This section briefly outlines what other options were considered, and why they are not preferred. Appendix 6 gives a high-level comparison of alternatives to regulation, and the status quo.
Penalty	A proposed penalty is included, where appropriate, along with what type of offence (regulatory or infringement) may be created.
Background information	This section has additional information about the procedure, including practice in New Zealand, and selected overseas law.
Additional questions	This box outlines questions specific to the proposal.
Cross references:	This lists similar proposals so that they can be compared and referred to. The numbered proposals relate to proposals in Part C. The roman numerals relate to procedures outlined in Appendix 5 that are not progressing to regulation at this time.

18 All animals – freeze branding	
New Proposal	<p>A competent person may freeze brand an animal.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Original Proposal	<p>In the 2016 consultation, MPI proposed that freeze branding of a dog must be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian. MPI also proposed that pain relief must be used at the time of the procedure.</p>
Rationale for change	<p>The proposal was originally limited to dogs on the basis that freeze branding may be more traumatic for dogs than for other animals.</p> <p>Stakeholders submitted that:</p> <ul style="list-style-type: none"> • freeze branding would meet the criteria for a significant surgical procedure for all animals; • there may not be an effective and readily available pain relief for this procedure; and • experienced specialist contractors may be better at the procedure than a generalist veterinarian. <p>In response, MPI has extended the proposal to include all animals, and proposes allowing competent people to perform it.</p> <p>Further investigation is being undertaken into the availability of effective pain relief.</p>
Current state	<p>Freeze branding is commonly performed by veterinarians, competent non-veterinarians (such as contract branders), and in some cases by owners (including farmers). Horses, cattle, and dogs are the most commonly branded animals, with varying levels of pain relief used.</p> <p>Animal Welfare Act 1999</p> <p>Section 29(f) of the Animal Welfare Act – a person commits an offence who brands any animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.</p> <p>There are no identified compliance issues with the current state.</p>
How will regulation help?	<p>Regulation will be effective as it will enable competent non-veterinarians to continue freeze-branding lawfully. The proposed regulation reflects current practice.</p>
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using Codes of Welfare or no action. These will be impractical as no other mechanism will provide a legal basis for this procedure to be done by non-veterinarians.</p>
Penalty	<p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Freeze branding is an application of a freezing iron to skin to produce a burn that destroys the colour of hair follicles of the hair shaft, resulting in the hair growing back white (or, if applied for a longer period, not growing back in lighter animals). It is used to identify animals from a distance.</p> <p>MPI is proposing to prohibit hot branding, with freeze branding seen as a preferable alternative. Scientific studies have found that both hot and freeze branding cause pain and distress in cattle and horses.⁴⁷ There are contradictory findings on initial versus overall levels of pain experienced by</p>

⁴⁷ Schwartzkopf-Genswein K.S., Stookey, J.M., de Passille, A.M., & Rushen J. (1996) Comparison of hot-iron and freeze branding on cortisol levels and pain sensitivity in beef cattle. *Canadian Journal of Animal Science*, 1997, 77(3): 369-374. http://www.nrcresearchpress.com/doi/abs/10.4141/A96-127#.W_XZbOqzYdU. Accessed on 19 March 2019. And;

Lay Jr, Donald C; Friend, Ted H.; Grissom, Ken K.; Bowers, Cynthia L; and Mal, Michael E. (1991) Effects of freeze or hot-iron branding of angus calves on some physiological and behavioural indicators of stress. *Applied Animal Behaviour Science*, 33, pp 137-147.

	<p>the animals. However, it is likely that hot branding may be more distressing than freeze branding.</p> <p>During initial discussions there was insufficient information available on the availability and efficacy of pain relief. As a result, a requirement to use pain relief is not included within the regulation at this stage.</p>
Additional questions	<ul style="list-style-type: none"> • Is there a readily available and easily applicable pain relief for use during freeze branding?
Cross references:	<p>Proposal 27, all animals, hot branding; VI. all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal).</p>

19 All animals – dentistry (cutting teeth)	
New Proposal	<p>No-one may cut the tooth of an animal except:</p> <ul style="list-style-type: none"> • a veterinarian or competent non-veterinarian who may: <ul style="list-style-type: none"> - clip the teeth of a pig less than 5 days old; or - cut a boar's tusk with a wire; or - cut a llama or alpaca's fighting tooth with a wire, or • a veterinarian who may cut teeth for the purposes of extraction, and pain relief must be used at the time of the procedure. <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>Fighting teeth (sometimes referred to as fangs): modified canine and incisor teeth found in the jaw between the incisors and the molars.</p> <p>Needle teeth: any small sharp teeth in piglets, but principally the canine teeth.</p>
Original Proposal	<p>In the 2016 consultation, MPI proposed that any power tool used on an animal for dental works must be designed for the purpose of dentistry. Power tools are used in some dentistry procedures, for example, grinding or floating teeth in horses.</p>
Rationale for change	<p>The majority of submissions on this regulatory proposal, in the 2016 consultation, suggested that there be stronger measures and higher penalties. A significant number of stakeholders called for a wider range of dental procedures to be regulated including teeth extraction, floating teeth and cutting teeth.</p>
Current state	<p>Teeth cutting is performed by veterinarians and non-veterinarians.</p> <p>Codes of welfare <i>Code of welfare for pigs</i></p> <p>Minimum Standard No. 16 provides:</p> <p>(c) Clipping or grinding of needle teeth must be carried out before five days of age.</p> <p>Recommended best practice</p> <p>(a) Pain relief should be given when any elective husbandry procedure is carried out;</p> <p>(e) Needle teeth should be ground down rather than clipped;</p> <p>(g) Tusks may be trimmed as a precaution in aggressive boars. Where tusk trimming is performed, appropriate methods of restraint should be used and tusks should be severed about the level of the gums without causing damage to other tissues.</p> <p>Further, the code of welfare for pigs states that current knowledge indicates that there is no nerve supply to the tusk above the gum line; however if practical experience suggests that a boar experiences pain during trimming, analgesics should be used.</p>

	<p><i>Code of welfare for llama and alpaca</i></p> <p>Minimum Standard No. 18 provides: Elective husbandry procedures must only be carried out where they are justifiable to prevent undesirable consequences that could subsequently result in animal suffering.</p> <p>Recommended best practice</p> <p>(c) Removal or blunting of fighting teeth should be performed by a veterinarian using pain relief. (e) If a camelid is likely to become distressed during blunting of the fighting teeth, light sedation should be used.</p> <p><i>Code of welfare for horses and donkeys</i></p> <p>Minimum Standard No. 14 provides: (d) Teeth must be maintained as required as to permit normal grazing and chewing.</p> <p>Recommended best practice (d) Equine teeth should be examined and treated as necessary, but at least annually for dental conditions that may cause pain or interfere with normal feeding, digestion, or work.</p>
How will regulation help?	<p>It is unclear if this procedure meets the criteria for a significant surgical procedure. Regulations will help make it clear who can cut teeth in animals and under what circumstances.</p> <p>Regulations are proposed to allow for the use of a wire to trim the tusk of a boar, or to blunt fighting teeth in llama and alpaca, and to clip needle teeth in pigs because:</p> <ul style="list-style-type: none"> • these are necessary procedures as outlined in codes of welfare; • grinding teeth is not practical or appropriate from an animal welfare perspective. For example, it would be impractical to grind a boar's tusk. Being restrained for the amount of time necessary to grind the tusk is likely to cause the boar more distress than cutting the tusk with a wire; and • the proposals reflect current practice and there is no significant compliance data to indicate there is a problem with current practice.
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action.</p> <p>This procedure could be left unregulated, with situations when cutting teeth causes unreasonable pain or distress being left to the Act. However, there are contradictory views on whether this procedure is a significant surgical procedure. Regulations are the only mechanism that will give legal clarity on who can cut teeth and under what circumstances, and ensure that the practice of cutting teeth is restricted.</p>
Penalty	<p>Category B (\$500 infringement, or a maximum \$1,500 fine for an individual) pig needle teeth, boars' tusks or llama or alpaca fighting teeth are clipped or cut in breach of the proposed regulation.</p> <p>Category C (maximum \$3000 fine for an individual, or a maximum \$15,000 fine for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian cuts a tooth in breach of this regulation; and/or • veterinarian cuts a tooth in order to extract it without using pain relief; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of this proposed regulation.

	Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.
Background information	<p>Teeth cutting is performed on a wide range of animals, including companion animals. Teeth are cut routinely by non-veterinarians and veterinarians usually for the purpose of teeth reduction in species where teeth continually grow.</p> <p><u>Needle teeth in piglets</u> Grinding or clipping of needle teeth prevents laceration of the sows' udder and damage to litter mates. The code of welfare for pigs provides a minimum standard and recommended best practice for the performance of this procedure.</p> <p><u>Boar tusk trimming</u> Boars continually grow tusks (long canine teeth) that pose a safety hazard to handlers and other animals. Tusks are trimmed regularly (about every 6 months after the boar is 12 months old) to prevent injuries. There are currently no restrictions on who can perform tusk trimming.</p> <p><u>Blunting or removal of fighting teeth in llama and alpaca</u> Blunting or removal of fighting teeth reduces the risk of injury due to aggression between camelids.</p>
Additional questions	<ul style="list-style-type: none"> • Should the proposed regulation allow non-veterinarians to cut teeth in other species, such as rats, mice rabbits and fish? • Do you consider that fewer restrictions should be placed on when veterinarians can cut teeth?
Cross reference:	Proposal 23 , horses and other equids, dentistry (teeth extraction); XVI . floating of horse and other equid, llama and alpaca teeth (no proposal); XVII . extraction of teeth (excluding equids, no proposal); XXI . scaling of dog and cat teeth (no proposal).

20 All animals – surgical reproductive procedures	
New Proposal	<p>Anyone who performs a surgical reproductive procedure must:</p> <ul style="list-style-type: none"> • be competent in the appropriate reproductive surgical technique; • use pain relief authorised by a veterinarian for the purpose of the procedure throughout the procedure. <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Original Proposal	There were two proposals relating to surgical reproductive procedures: embryo collection via exteriorised uterus, and laparoscopic artificial insemination. In both cases it was proposed that they may be performed by any person, using pain relief at the time of the procedure.
Rationale for change	<p>In the 2016 consultation, stakeholders differed in their views on this procedure. Key feedback received included that:</p> <ul style="list-style-type: none"> • as they were very narrow, the proposals did not cover the full range of surgical reproductive procedures currently carried out by competent non-veterinarians; and • the wording “any person” was too broad.
Current state	<p>Surgical reproductive procedures are carried out by veterinarians, and in some highly specialised environments, by non-veterinarians.</p> <p>Codes of welfare</p> <p>There are no specific minimum standards related to surgical embryo collection. NAWAC has previously indicated in the code of welfare for sheep and beef cattle that surgical embryo transfer should be listed as a significant surgical procedure as defined by section 6 of the Act.</p>

	<p><i>Code of welfare for horses and donkeys</i></p> <p>Minimum Standard No. 10 – Breeding and Foaling, states that: (b) Laparoscopic artificial insemination must only be carried out by veterinarians or trained and competent operators under veterinary supervision.</p>
How will regulation help?	Regulation will be effective as it will enable competent non-veterinarians to continue to perform surgical reproductive procedures lawfully. The proposed regulation reflects current practice.
Comment on alternatives to regulation	Alternatives considered included education and guidance, training, using codes of welfare or no action. These will be impractical as no other mechanism will provide a legal basis for these procedures to be done by non-veterinarians.
Penalty	<p>Category C (maximum \$3,000 fine for an individual, or a maximum \$15,000 fine for a body corporate) when:</p> <ul style="list-style-type: none"> • pain relief is not used; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of this proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>A surgical reproductive procedure includes cutting into or piercing the abdominal cavity to inseminate, or harvest, transfer or implant embryos. It includes laparoscopic procedures, and transvaginal techniques that involve piercing through the vaginal wall.</p> <p>All procedures carried out for the primary purpose of sterilisation or delivery of offspring are excluded from this proposal. Excluded procedures include desexing, other removal of reproductive organs, sterilisation (such as vasectomy⁴⁸), caesareans⁴⁹, or any other kind of assisted birth.</p> <p>Surgical reproductive procedures occur in highly specialised and controlled environments on healthy animals. The risks are consequently lower than for some other surgical procedures. They are routinely carried out by competent non-veterinary personnel on a variety of species.</p> <p>In all animals, embryo and ovum transfer may be carried out to control reproduction. In addition, for bovines, pigs, sheep, equines, deer and dogs, these procedures may also be carried out to improve stock or breed characteristics.</p>
Additional questions	<ul style="list-style-type: none"> • Does the proposal enable appropriate veterinary oversight of surgical reproduction procedures? • Should there be further prescription of what sort of pain relief and/or sedation is required?
Cross references	Proposal 3 , all animals, desexing and sterilisation of animals used in research, testing and teaching; proposal 5 , all animals, epidurals; proposal 29 , horses and other equids, restrictions on rectal examinations for any purpose; V . all animals, non-surgical reproductive procedures (no proposal); XX . companion animals, restrictions on desexing (no proposal).

⁴⁸ A type of sterilisation of male animals.

⁴⁹ A type of surgical birth.

21 Cattle – restrictions on teat removal	
New Proposal	<p>A person who removes a supernumerary teat from a cattle beast that is under 12 weeks of age must be competent, ensure that the procedure creates a clean cut and does not tear the tissue.</p> <p>Removing a main teat at any age, or a supernumerary teat of a cattle beast aged 12 weeks and over, will be veterinarian-only. Pain relief must be used at the time of the procedure</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
Original Proposal	<p>In the 2016 consultation, MPI proposed that supernumerary teat removal (up to 6 weeks of age) when not performed by a veterinarian or veterinary student under the direct supervision of a veterinarian:</p> <ul style="list-style-type: none"> • may be performed by any person; and • must create a clean cut and not tear or crush the tissue. Clean scissors, free of visible contamination, must be used for the procedure. <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"> • must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian; and • pain relief must be used at the time of the procedure.
Rationale for change	<p>Based on stakeholder feedback during consultation the maximum age of removal by a competent non-veterinarian without pain relief has been increased to 12 weeks. This age aligns better with current practice. The procedure is usually performed between 8-10 weeks when the calves are being disbudded. During consultation submitters noted that at 6 weeks supernumerary teats were often too small to be properly removed.</p> <p>The requirement for 'clean' implements has also been removed, as consultation noted that the idea of clean implements is too hard to create a clear strict liability offence for.</p>
Current state	<p>There are no specific minimum standards or Act requirements related to teat or supernumerary teat removal. Without regulation the procedure may become a veterinarian-only procedure from May 2020.</p> <p>There have been some compliance concerns with farmers removing teats on cattle by inappropriate methods, such as using rubber rings or removing a main teat without pain relief.</p>
How will regulation help?	<p>Regulation of supernumerary teats will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully.</p> <p>Regulation of main teat removal provides a clear offence so there is no doubt when an offence has been committed.</p> <p>The proposed regulations reflect current practice.</p>
Comment on alternatives to regulation	<p>For supernumerary teat removal, alternatives considered included education and guidance, training, using codes of welfare or no action. These will be impractical as no other mechanism will provide a legal basis for this procedure to be done by non-veterinarians.</p> <p>Main teat removal is veterinarian only and may be left to the Act. However, regulating makes it clear that it is unacceptable at any age for a non-veterinarian to remove a main teat.</p>
Penalty	<p>Category B (\$500 infringement fee, or a maximum \$1,500 fine) when:</p> <ul style="list-style-type: none"> • the animal is under 12 weeks of age and the person fails to create a clean cut; and/or

	<p>Category C (maximum \$3,000 fine for an individual, or maximum \$15,000 fine for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian removes a supernumerary teat from an animal over 12 weeks of age, or removes a main teat; and/or • anyone removes either a supernumerary teat on an animal over 12 weeks of age or a main teat, without pain relief; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of this proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>A supernumerary teat is any teat that is in excess of the normal number of teats. Usually the 'extra' teat is easily identifiable due to the placement, size, and sphincter development. Often supernumerary teats are blind and do not produce milk, however some have a connection to the mammary gland and do produce a small amount of milk.</p> <p>It is common practice in the dairy industry for supernumerary teats to be removed by the farmer or a contractor at the same time as disbudding. They are often removed to prevent interference with milking cups, but can also cause medical issues for the cow later in life. Supernumerary teats that produce milk are at risk of infection due to the increased likelihood of residual milk being left in the teat.</p> <p>Removal of one of the four main teats, or a fully developed supernumerary teat, poses more risks and should be carried out by a veterinarian.</p>
Additional questions	<ul style="list-style-type: none"> • Does this proposal capture what is current practice? • If not, is it raising or lowering the standard?
Cross references:	<p>Proposal 9, sheep, restrictions on teat removal; proposal 14, goats, restrictions on teat removal; proposal 30, cattle, restrictions on teat occlusion.</p>

22 Horses and other equids – prohibition on blistering, firing, mechanical soring, and nicking

New Proposal	<p>It is prohibited to perform blistering, firing, mechanical soring or nicking of a horse or other equid.</p> <p>The owner or person in charge of the animal, must not allow blistering, firing, mechanical soring or nicking of a horse.</p> <p>If consultation shows that the procedures are no longer relevant in New Zealand and have little chance of re-establishing, then a regulation may not be progressed.</p> <p>Definitions</p> <p>Blistering and firing: procedures which involve the application of chemical, or thermal cautery (hot or cold) to the legs of the horse to create tissue damage to, or an inflammatory reaction on, its legs.</p> <p>Nicking: the cutting of the skin or ligaments of the tail of the horse to make it carry its tail in a raised position.</p> <p>Mechanical soring: means the application of devices including chains and weighted platforms, to the hooves or legs of a horse, for the purpose of distorting the natural gait of the horse.</p> <p>Equid: any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.</p>
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Original Proposal	<p>Prohibit blistering, firing or nicking</p> <p>In relation to horses:</p> <ul style="list-style-type: none"> • Blistering and firing, mean a procedure which involves the application of chemical cautery to the legs of the horse and which creates tissue damage to, or an inflammatory reaction in, the legs of the horse. • Nicking means the cutting of the skin or ligaments of the tail of the horse, being a cutting that is designed to make the horse carry its tail in a raised position.
Rationale for change	<p>The intention of the original proposal was to continue the existing prohibition in the Act on blistering, firing and nicking. However, the original proposal did not include thermal cautery and mechanical soring.</p> <p>There is no therapeutic benefit achieved by any of these procedures. Each has been included in the prohibition to ensure that the expectations are clear, and implemented as intended.</p>
Current state	Blistering, firing and nicking is prohibited under section 21(2)(b) of the Act.
How will regulation help?	Currently blistering, firing and nicking are prohibited under the Act: it is clear when an offence has been committed. Regulation is proposed to ensure that in 2020 when prohibitions are removed from the Act, that there is an effective way to penalise those who undertake the procedures and it is clear that performing them continues to be an offence.
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare or no action. These alternatives are impractical as they provide no legal basis for providing an outright prohibition.</p> <p>There is the potential that no regulation will be made if feedback indicates that there is little chance of the practices re-establishing in New Zealand.</p>
Penalty	<p>Category D (maximum \$5,000 fine for an individual, or a \$25,000 maximum fine for a body corporate) when:</p> <ul style="list-style-type: none"> • someone performs any of these procedures on a horse or other equid; and/or • an owner or person in charge of an animal allows the procedure above to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal if the animals welfare is compromised.</p>
Background information	<p>New Zealand currently prohibits blistering, firing and nicking under section 21(2) (b) of the Act.</p> <p>Blistering and Firing: Blistering and firing is most commonly performed on Tennessee Walking Horses in order to create a more pronounced gait, to make the horse lift its legs higher. There was some thought that blistering and firing may offer therapeutic benefit in treating some leg injuries, however scientific studies have discredited this.⁵⁰ The procedures involves the application of chemical and hot and cold thermal cautery to the legs of the horse to create tissue damage and an inflammatory reaction.</p> <p>Nicking: Nicking involves cutting the skin or ligaments at the tail of a horse so the tail is carried at a high arc. This is a desired look by some when showing. When changes to the Act come into force in 2020 these prohibitions will be revoked. The practices do not appear to be carried out in the New Zealand Tennessee Walking Horse community.</p> <p>Mechanical soring: Concern was raised that currently mechanical soring is not addressed in the proposal, nor in the current prohibition contained in the Act.</p>

⁵⁰ The firing of horses. A review for the Animal Welfare Advisory Committee of the Australian Veterinary Association. <http://www.gunqahlinvet.com.au/petcare-info/publications/the-firing-of-horses.pdf>. Accessed 25 March 2019

	The aim of mechanical soring is the same as blistering and firing with devices being attached around a horse's ankle to achieve this. They can range from lead weighted chains, to permanently attaching platforms to the hooves to unbalance the animal, with the fastening often occurring by putting nails through the quick of the hoof.
Additional questions	<ul style="list-style-type: none"> To what extent might these procedures become re-established if there was no specific prohibition? Do the definitions capture the intent of the procedures?
Cross references	Proposal 27 , all animals, prohibit hot branding; Proposal 34 , dogs, prohibit ear cropping.

23 Horses and other equids – dentistry (teeth extraction)	
New Proposal	<p>This document seeks feedback on two options for proposed regulation.</p> <p><u>Option 1</u> A competent person may extract a loose deciduous incisor or cheek tooth from an equid.</p> <p>All other equid tooth extractions are veterinarian-only. Pain relief must be used at the time of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p><u>Option 2</u> A competent person may extract a finger-loose deciduous incisor or cheek tooth in an equid that has obvious visual recession of the gingiva and is protruding above the occlusal surface, but may not use tools or other equipment.</p> <p>All other extractions are veterinarian-only. Pain relief must be used at the time of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>Cheek tooth: the molars and premolar teeth. Deciduous tooth: a baby or milk tooth. Equid: any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids. Gingiva: gums. Incisor: tooth at the front of the mouth adapted for cutting. Occlusal surface: surface of the tooth that is used for chewing or grinding. Therapeutic purposes: to respond to an existing disease or injury. Wolf tooth: an upper or lower first pre-molar.</p>
Original Proposal	In the 2016 consultation, MPI proposed that any power tool used on an animal for dental works must be designed for the purpose of dentistry. Power tools are used in some dentistry procedures, for example, grinding or floating teeth in horses.
Rationale for change	The majority of submissions on this regulatory proposal, in the 2016 consultation, suggested that there be stronger measures and higher penalties. A significant number of stakeholders called for a wider range of dental procedures to be regulated including teeth extraction, floating teeth and cutting teeth.

<p>Current state</p>	<p>Teeth extractions, from equids, are performed by veterinarians and non-veterinarians.</p> <p>Codes of welfare <i>Code of welfare for horses and donkeys</i></p> <p>Minimum Standard No. 14 provides: (d) Teeth must be maintained as required as to permit normal grazing and chewing.</p> <p>Recommended best practice: Equine teeth should be examined and treated as necessary, but at least annually for dental conditions that may cause pain or interfere with normal feeding, digestion, or work.</p>
<p>How will regulation help?</p>	<p>Regulations will make it clear who can extract teeth from equids and under what circumstances. Regulation may also be effective if it is appropriate (as outlined in option 1) for competent non-veterinarians to continue performing extractions that would otherwise be unlawful.</p>
<p>Comment on alternatives to regulation</p>	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action.</p> <p>A significant number of equine dental technicians⁵¹ currently extract teeth, regulations will provide greater certainty and clarify who can legally perform these procedures.</p> <p>The proposals will provide certainty to equine dental technicians that they can continue to extraction finger-loose deciduous teeth. The alternatives noted above would be impractical as no other mechanism will provide a legal basis to clarify that non-veterinarians can extract deciduous teeth.</p> <p>Procedures to extract teeth would be veterinarian-only (with the exception of finger-loose deciduous teeth) and could be left to the Act. However, given that a significant number of equine dental technicians currently extract teeth, regulations will provide greater certainty and clarify who can legally perform these procedures.</p> <p>Regulations are also required to ensure that pain relief is provided to equids undergoing painful dentistry procedures.</p>
<p>Penalty</p>	<p>For option 1: Category C (maximum \$3,000 fine for an individual, or maximum \$15,000 fine for a body corporate) for failing to use pain relief when extracting teeth, other than loose deciduous teeth, and if an owner or person in charge of an animal allows this regulation to be breached.</p> <p>For option 2: Category C (maximum fine of \$3000 for an individual, or maximum of \$15,000 for a body corporate) for extracting teeth without pain relief, other than finger loose deciduous teeth, and for non-veterinarians using instruments to extract deciduous teeth. This penalty would also apply if an owner or person in charge of an animal allows this regulation to be breached.</p> <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>

⁵¹ The exact number of equine dental technicians operating in NZ is unknown. However, estimates suggest about 50 equine dental technicians offer services to extract teeth.

<p>Background information</p>	<p>Equid teeth are extracted for therapeutic⁵² and prophylactic⁵³ reasons.</p> <p><u>Loose deciduous teeth (baby teeth)</u> Non-veterinarians and veterinarians regularly extract loose deciduous teeth without administering pain relief. Extraction is usually performed with fingers, or with instruments where there is still some minor attachment.</p> <p>Some veterinarians have strongly argued that non-veterinarians should not be able to use instruments. In particular, there are concerns that premature removal of deciduous teeth can expose the dental sac covering the permanent tooth which can lead to the destruction of the permanent tooth.</p> <p>However, in contrast some non-veterinarians argue that it be impractical not to use instruments where there is some minor attachment. Further, some stakeholders argue that removal of these loose teeth is unlikely to meet the criteria for a significant surgical procedure.</p> <p>Option 1 would allow non-veterinarians to use instruments to extract deciduous teeth where there is minor attachment. Option 2 would prohibit the use of instruments by non-veterinarians.</p> <p><u>Wolf teeth</u> Wolf teeth are routinely extracted for prophylactic and therapeutic reasons, including in response to behavioural issues. Scientific evidence is lacking on whether prophylactic wolf teeth removal is necessary.</p> <p>Currently, non-veterinarians and veterinarians both extract wolf teeth. Pain relief is administered by some practitioners. Removal of wolf teeth is more complex than removal of deciduous teeth. All or part of the crown can be hidden beneath soft tissue and they can be large with deeply embedded roots. The greater palatine artery and the hard palate⁵⁴ can be lacerated during this procedure. Soft tissue infections or tetanus may also occur following this procedure. Fractures of wolf teeth can lead to permanent and painful local swellings.⁵⁵</p> <p>It is considered that extraction is likely to meet the criteria for a significant surgical procedure, and that pain relief should be provided to the horse.</p> <p>The veterinarian community has indicated a very strong view that extracting wolf teeth should be veterinarian-only due to the complexity of the procedure and the impact on the animal if the procedure is not performed correctly.⁵⁶ As a result, the proposal that all extractions (with the exception of deciduous teeth) be veterinarian-only reflects that non-veterinarian community are likely to have difficulty accessing pain relief. Without access to pain relief for extractions, a regulatory proposal allowing non-veterinarians to extract teeth with pain relief would not be able to be implemented.</p> <p><u>All other equid teeth</u> All other extractions are likely to be significant surgical procedures and therefore would need to be carried out by a veterinarian.</p> <p><u>Extraction of teeth in other species</u> Extractions are likely to meet the criteria of a significant surgical procedure. In species, other than equids, extractions are generally undertaken by veterinarians and therefore no regulations are proposed. Extraction would</p>
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⁵² Therapeutic, for the purposes of this regulatory proposal means to respond to injury or disease.

⁵³ Prophylactic, for the purposes of this regulatory proposal means to prevent disease or behavioural issues.

⁵⁴ The Palatine artery is an artery that supplies blood to the hard palate and nasal septum (i.e. the bony plate in the roof of the mouth, and the bone and cartilage of the nose respectively).

⁵⁵ Dixon, P.M. and Dacre, I. (2005) A review of equine dental disorders. *The Veterinary Journal* 169, 165–187. http://www.mitchellplainfarm.com/uploads/3/4/2/4/34242802/dixon_dental_disorders.pdf. Accessed 19 March 2019.

⁵⁶ <https://www.nzva.org.nz/>

	become veterinarian-only under the Act, and Act offences and penalties would apply.
Additional questions	<ul style="list-style-type: none"> • Do you prefer Option 1 or Option 2, or an alternative option? • Do you think non-veterinarians should be able to continue to remove wolf teeth with pain relief being provided to the horse? • What do you think the impact would be if non-veterinarians can no longer remove wolf teeth? • Do you think all teeth should only be removed for therapeutic purposes (that is, to respond to injury or disease)? • Do you think that wolf teeth should be able to be removed to address behavioural issues? • Do you have any concerns about accessing the services of a veterinarian or equine dental technician? • Should regulations be made to allow non-veterinarians to extract teeth from species other than equids?
Cross references	Proposal 19 , all animals, dentistry (cutting teeth); XVI . floating of horse and other equid, llama and alpaca teeth (no proposal); XVII . extraction of teeth (excluding equids, no proposal); XXI . scaling of dog and cat teeth (no proposal).

24 Horses – Caslick’s procedure	
New Proposal	<p>Creating or repairing a Caslick’s on a horse is a veterinary-only procedure. Pain relief must be used at the time of the procedure.</p> <p>A competent person may open an existing seam when the mare is served or is foaling if:</p> <ul style="list-style-type: none"> • the horse is given pain relief, authorised by a veterinarian for the purpose of the procedure, throughout the procedure; and • no tissue is removed from the mare. <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>For this regulation, “horse” is restricted to horses, and does not include ponies, asses, zebras or other equids.</p>
Original Proposal	In 2016 MPI proposed that creating, opening and repairing a Caslick’s suture would be veterinarian-only, and that pain relief must be used at the time of the procedure.
Rationale for change	Subsequent consultation and clarification of the circumstances surrounding the performance and opening of a Caslick’s, including the level of skill and risk involved, have led to the original proposal being amended to allow competent non-veterinarians limited scope to operate in this area.
Current state	<p>There are no specific requirements for Caslick’s procedure.</p> <p>After May 2020, without regulation it is likely that creating and repairing a Caslick’s suture would meet the criteria of a significant surgical procedure and become veterinarian-only. However, it is unlikely that opening an existing seam without removing any tissue would meet the threshold. There may be uncertainty as to what extent non-veterinarians can continue to perform aspects of this procedure.</p>
How will regulation help?	Regulation will be effective as it will enable competent non-veterinarians to open an existing seam lawfully. Otherwise, it may not be clear whether opening an existing seam meets the criteria for a significant surgical procedure.
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare or no action. These will be impractical as no other mechanism will provide a certain legal basis for opening an existing seam by non-veterinarians.</p> <p>Non-regulatory options would also not be able to mandate pain relief for this procedure.</p>

Penalty	<p>Category C (maximum \$3,000 fine for an individual, or a maximum fine of \$15,000 for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian creates or repairs a Caslick; • pain relief is not used or tissue is removed; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of this proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Caslick's procedure means the surgical closing of the upper part of a horse's vulva.</p> <p>This procedure is undertaken to avoid faecal contamination and consequent infection and inflammation of the reproductive tract, in order to maintain a horse's fertility. The procedure is carried out on some mares because of how their vulval/anal area is structured, or on older mares to extend their breeding life. It may be carried out repeatedly: thoroughbreds may routinely have 4-5 foals over their breeding life. If not undertaken correctly it can result in damage to more vulval tissue than necessary making it difficult to repair and/or reducing the breeding life of the mare.</p> <p>Caslick's procedure may play a role in reducing reliance on antibiotics to treat the effects of pneumovagina (wind sucking).</p> <p>Codes of welfare</p> <p>This regulation is restricted to horses and does not apply to any other equid. This would mean that all aspects of a Caslick's procedure in other equids would likely be veterinarian-only. This is thought to be appropriate as the rationale for performing a Caslick's procedure is unlikely to apply in other equids.</p> <p>Over half of submitters on the 2016 discussion paper (the majority of which were comprehensive form submissions) sought stronger measures including prohibiting or limiting the procedure (for example, for it to be performed only for therapeutic purposes). Others sought changes to reflect the practicalities of performing the procedure on a thoroughbred stud farm.</p> <p>The level of competence required for opening an existing seam is significantly different from that required to create or repair a Caslick's suture.</p>
Additional questions	<ul style="list-style-type: none"> • Does the proposal correctly identify which aspects of practice surrounding Caslick's procedure, if any, may be performed by non-veterinarians? • Should provision be made for a competent non-veterinarian to open a Caslick's suture to facilitate artificial insemination?
Cross references	Proposal 5 , all animals, epidurals.

25 Goats – disbudding/dehorning

New Proposal	<p>A competent person may disbud or dehorn a goat.</p> <p>The goat must be given pain relief that is authorised by a veterinarian for the purpose of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p>
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	<p>The definitions of disbudding and dehorning are likely to be the same as those currently in the Animal Welfare (Care and Procedures) Regulations 2018. These are:</p> <ul style="list-style-type: none"> • disbudding—destroying, by any method, free-floating immature horn tissue; and • dehorning—removing the horn or part of the horn (including any regrowth after disbudding) from a cattle beast by amputation, but not including: <ul style="list-style-type: none"> ○ removal of the hard insensitive tip of the horn resulting in a blunt hard end; or ○ removal of an ingrown horn within 3 cm of the point where the horn touches or breaks the surface of the skin or touches the eyelid or surface of the eye.
Original Proposal	Disbudding and dehorning of a goat may be performed by any person. Pain relief must be used at the time of the procedure.
Rationale for change	<p>The benefit of providing pain relief to goats both during and after the procedure is for discussion. Local anaesthetic is difficult to administer, partly because of the diversity of the nerve supply to the horn, and partly the risk of it being absorbed systemically. It does not appear to be effective in kids. The efficacy of sedatives and general anaesthesia are generally unknown and the use is often considered impractical.</p> <p>By requiring pain relief for the purposes of the procedure, but not specifying at the time of the procedure, the proposal is leaving the necessary pain relief up to the discretion of the veterinarian who is prescribing the drugs.</p>
Current state	<p>Disbudding and dehorning can be performed by veterinarians, competent non-veterinarians (such as contract disbudders), and in some cases by owners (including farmers). Varying types of pain relief is used. Without regulation disbudding and dehorning may become a veterinarian-only procedure from May 2020.</p> <p>Codes of welfare <i>Code of Welfare for Painful Husbandry Procedures</i></p> <p>The code includes two minimum standards and associated recommended best practice that relate to ensuring procedures are only undertaken when they can be justified and that any harmful consequences are minimised (see Appendix 4 for the specific standards).</p> <p>Minimum Standard 5 – Disbudding and Dehorning (b) When disbudding is performed, the following must apply:</p> <ol style="list-style-type: none"> i) the method must be chosen and undertaken so as to minimise the pain and distress and other negative health consequences (e.g. infection) for the animal; ii) if used, thermal cauterising equipment must be used in such a way as to minimise the risk of thermal injury to tissues other than the horn bud and adjacent skin; and iii) if used, caustic or chemical techniques of disbudding must only be used by personnel skilled with the procedure, and only used when injury to the animal beyond the horn bud, or to other animals, is minimised. <p>Recommended Best Practice for Disbudding and Dehorning</p> <ul style="list-style-type: none"> • Pain relief should be provided when animals are disbudded or dehorned. • Animals should be disbudded in preference to being dehorned. • To facilitate the humane and effective management of the animals, and to minimise tissue damage and pain, horns should be prevented from developing, or be removed, at the youngest age compatible with minimising associated negative health and welfare consequences for the animal.

	There are no identified compliance issues with the current state.
How will regulation help?	Regulation will be effective as it will enable competent non-veterinarians to continue performing these procedures lawfully. The proposed regulation reflects current practice.
Comment on alternatives to regulation	Alternatives considered included education and guidance, training, using codes of welfare or no action. These will be impractical as no other mechanism will provide a legal basis for this procedure to be done by non-veterinarians.
Penalty	<p>Category C (maximum \$3,000 fine for an individual, or \$15,000 fine for a body corporate) when:</p> <ul style="list-style-type: none"> • a goat is disbudded without pain relief; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of this proposed regulation. <p>Category D (maximum \$5,000 fine for an individual, or \$25,000 fine for a body corporate) when:</p> <ul style="list-style-type: none"> • a goat is dehorned without pain relief; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of this proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised</p>
Background information	<p>MPI originally consulted on a broad regulatory proposal to restrict disbudding and dehorning for cattle, sheep, and goats. At the time of consultation there was contradictory evidence regarding effectiveness and toxicity risk of pain relief for goats, and no evidence regarding disbudding or dehorning in sheep. There was also disagreement between non-veterinarians, veterinarians, and researchers about the appropriate pain relief for the procedure. At the time it was decided to delay these proposals to allow more thought to be given to them.</p> <p>Goats are often disbudded with cauterizing iron by non-veterinarians with no pain relief used at the time of the procedure. Analgesic is sometimes used after the procedure. Disbudding and dehorning is carried out to make handling of goats safer and reduce the incidence of damage to other animals. It is primarily carried out in the dairy goat industry, although dehorning of adult goats as a result of injury or for health and safety does occur.</p> <p>The current practice where animals are routinely disbudded by non-veterinarians is generally considered appropriate given the balance between the practicalities of undertaking the procedure and the significant risk that horns pose to the health and welfare of other animals and humans.</p>
Additional questions	<ul style="list-style-type: none"> • What form of pain relief is commonly used during these procedures?
Cross references:	Proposal 33 , sheep disbudding/dehorning.

26 Game fowl – dubbing

New Proposal	<p>In the 2016 consultation process, stakeholders provided divergent views on whether the practice of dubbing is necessary and, if it is necessary, how it should be performed. MPI is therefore seeking feedback on two options. Option 1, is the original proposal with the addition of a requirement to use pain relief authorised by a veterinarian, and option 2 is a new alternative based on feedback from some stakeholders.</p> <p><u>Option 1</u> A competent person may dub game fowl.</p>
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	<p>The bird must be given pain relief that is authorised by a veterinarian for the purpose of the procedure.</p> <p>Or</p> <p><u>Option 2</u> Dubbing of game fowl is veterinarian-only. Pain relief must be used at the time of the procedure.</p> <p>The owner or person in charge of the animal has responsibility to ensure that only competent people perform this procedure.</p> <p>Dubbing is the removal of the comb, wattle, and earlobes of poultry. Game fowl means old English game fowl and bantams, and modern game fowl and bantams.</p>
Original Proposal	<p>(Similar to option 1 above)</p> <p>Pain relief must be used at the time of the procedure.</p> <p>Dubbing to be constrained to existing 'dubbed' breeds.</p>
Rationale for change	<p>Poultry fanciers have been advocating for dubbing as an appropriate tool to manage game fowl.</p> <p>Other stakeholders have questioned the justification for performing the procedure, and the science supporting the recommended pain relief.</p>
Current state	<p>Dubbing is performed by non-veterinarians with pain relief. Guidance has been provided to game fowl owners recommending the use of topical pain relief when dubbing. All game fowl breeders are now believed to dub with topical pain relief.</p> <p>Xylocaine jelly is the commonly used pain relief which is a human medicine and is available over-the-counter. Although it is human pain relief it must be authorised by a veterinarian to be used on an animal for the purpose of dubbing.</p> <p>Codes of welfare</p> <p>While there is no code of welfare that sets a minimum standard, the National Animal Welfare Advisory Group had worked with the poultry fancy sector and identified an approach, involving topical pain relief. Xylocaine jelly was identified as reducing pain and distress and was recommended for the procedure.</p>
How will regulation help?	<p>Regulation will make it clear whether it is appropriate for non-veterinarians to perform dubbing. Either option would provide clarity regarding the requirement for pain relief.</p> <p>Option 1 would allow non-veterinarians to continue to perform the procedure lawfully with pain relief.</p>
Comment on alternatives to regulation	<p>Alternatives considered included education and guidance, training, using codes of welfare and no action.</p> <p>There is no appropriate non-regulatory alternative to option 1 as no other mechanism will provide a legal basis for this procedure to be done by non-veterinarians.</p> <p>An alternative to option 2 would be leave it up to the Act so it becomes a veterinarian-only procedure. Guidance would need to be provided informing of the change in obligations.</p>
Penalty	<p><u>Option 1</u> Category B (\$500 infringement fee, or a maximum \$1,500 fine) when dubbing is performed without appropriate pain relief.</p>

	<p><u>Option 2</u></p> <p>Category C (maximum \$3,000 fine for an individual or maximum \$15,000 for a body corporate) when:</p> <ul style="list-style-type: none"> • a non-veterinarian dubs a game fowl; and/or • a veterinarian performs this procedure and pain relief is not used; and/or • an owner or person in charge of an animal allows a procedure to be carried out in breach of the proposed regulation. <p>Act offences and penalties may also apply to the person undertaking the procedure, and the owner or person in charge of the animal, if the animal's welfare is compromised.</p>
Background information	<p>Dubbing is performed on game fowl by breeders using a topical pain relief to numb the area, then removing the comb, wattle, and earlobes with scissors. It is performed on old English game fowl and bantams, and modern game fowl, and bantams. It is not performed on poultry farmed for eggs and meat. There are approximately 50 game fowl breeders in New Zealand and around 250 males are dubbed annually.</p> <p>Traditionally game fowl breeds were bred for aggressive characteristics for the purposes of cockfighting. As a consequence, these breeds are substantially more aggressive than other poultry. While cockfighting is illegal in New Zealand, some poultry fanciers breed the birds for poultry shows.⁵⁷</p> <p>Dubbing is performed as a management practice to reduce the risks of injuries and fatalities from fighting between birds. The game fowl are known to use these extremities to hold other birds by and deliver fatal strikes to the head. Poultry fanciers have advised that it is difficult to enable the birds to express their natural behaviour, such as roosting in trees, without fighting occurring between birds.</p> <p>Opponents of the procedure argue that breeders could keep game fowl separated or house them individually to prevent fighting. However poultry fanciers argue it is impossible to keep the birds separate and that it would negatively impact the welfare of game fowl to be kept in individual cages.</p> <p>Before the National Animal Welfare Advisory Committee recommended the use of the topical pain relief, veterinarians had administered local anaesthetic via injection, and the owner dubbed the bird.</p> <p>Appropriate topical pain relief is available over-the-counter as a human medicine. The development of this proposal has involved closer scrutiny of the application of pain relief. As a result it has become clear that veterinary authorisation would now be required to use this type of pain relief on birds for the purpose of dubbing.⁵⁸</p>
Additional questions	<ul style="list-style-type: none"> • Is dubbing justified for the management of game fowl? • Are there viable alternatives to dubbing to mitigate the risk of fatalities or serious injuries from fighting? • Is there sufficient expertise in the veterinary community to dub game fowl?
Cross references:	<p>Proposal 15, poultry, beak tipping; proposal 16, poultry, spur removal; proposal 17, poultry, toe trimming; VI, all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal); XXIV, turkey desnooding (no proposal); XXV, bird pinioning (no proposal).</p>

⁵⁷ Millman S. T., Duncan I. J., and Widowski T. M. (2000). Male Broiler Breeder Fowl Display High Levels of Aggression Towards Females. Poultry Science 79, 1233-1241.

⁵⁸ This is required under the Agricultural Compounds and Veterinary Medicines Act 1997: see Schedule 2, Part B, Entry 8 and Schedule 2, Part A, Entry 2. <http://www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982204.html>. Accessed 19 March 2019.

Appendix 1: List of general questions

Here is a list of the general questions MPI has asked throughout the document. You may wish to structure your submission around all, or some of these questions. Answering any of the questions is optional. There are some additional questions that are specific to each proposal in most cases.

1. Will the proposed regulations change the way you or others operate? If so, how?
2. Will any of the proposed regulations increase costs, and if so, why and by how much?
3. Do you agree that the defences available for regulatory offences should be the same as those currently appearing in the Animal Welfare (Care and Procedures) Regulations 2018? Why/why not?
4. Do any of the proposed regulations require a lead-in time (delayed commencement)? If so, what period is reasonable? Are there any other challenges relating to the timing of regulations coming into force?
5. How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations?
6. Do you agree with the proposal? Why/why not?
7. What is the purpose of the procedure?
8. How widespread is the procedure in New Zealand?
9. What does good practice look like? Good practice can relate to using the procedure for animal management purposes, or in relation to the production of animal or commercial products.
10. Are there alternatives to the current practice, and what are the implications of their use?
11. Are there any non-regulatory options that would be more effective?
12. Are there any religious or cultural practices that would be impacted by the proposals?
13. Is the right person being held responsible for complying with the regulation?
14. Are the penalties appropriate to the severity of the offence?
15. Is the right type of offence (regulatory or infringement) proposed?
16. Do you have any concerns about accessing pain relief? If so, what are these concerns, and how might they be dealt with?
17. Is there a better way to ensure that only suitably skilled or experienced non-veterinarians are able carry out a procedure on an animal? What would this alternative look like?
18. Do you agree that the owner or person in charge of the animal should have responsibility to ensure only competent people perform a procedure?

Appendix 2: Glossary

This is a glossary of some terms used throughout the document. For proposed regulatory definitions, please refer to the detailed proposals in Part C, and appendices 4 and 5.

The Act – The Animal Welfare Act 1999.

ACVM Act – Agricultural Compounds and Veterinary Medicines Act 1997

AEC – Animal Ethics Committee.

Animal Ethics Committee approved project – a project approved by an Animal Ethics Committee under Part 6 of the Animal Welfare Act 1999.

Animal Ethics Committee (AEC) approval – refers to either an AEC approving a standard operating procedure used outside of an AEC approved project, or approving a procedure within an AEC approved project. It would be left to the discretion of the AEC as to which they considered appropriate in a given context.

Analgesics – medications that relieve pain symptoms. Analgesics are sometimes referred to as painkillers, and include nonsteroidal anti-inflammatory drugs (NSAIDs) and opioids.

Anaesthetics – drugs used to produce insensitivity to pain. Anaesthesia drugs may be local (where sensation is lost on part of the body only), or general (rendering the patient unconscious).

Castrate – means to remove the testes, sever or crush blood supply to the testes, sever or crush the spermatic cords, or hold the testes against the abdominal wall.

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

Competent person – the attributes of a competent person will vary according to matters such as the nature of the procedure and the species of animal. However, it is expected that they would:

- be experienced with, or have received training in, the correct use of the method being used; and
- be able to recognise early signs of significant distress, injury, or ill-health so that they can take prompt remedial action or seek advice;
- use suitable equipment; and
- have the relevant knowledge, or have received relevant training, or be under appropriate supervision.

Dock – means to shorten or remove the tail of an animal by any method.

Husbandry procedure – care and management practices.

Laparoscopic surgery – a surgical procedure using small incisions, and the use of a camera. It is sometimes called “key hole surgery”, and is generally thought of as less invasive than open surgical techniques.

MPI – Ministry for Primary Industries.

NAEAC – National Animal Ethics Advisory Committee.

NAWAC – National Animal Welfare Advisory Committee.

NVSB – National Velvetting Standards Body.

OIA – Official Information Act 1982.

Paraprofessional – people who perform a range of services to animals as their job, but who are not necessarily licensed or members of a professional body. Veterinary paraprofessionals include veterinary nurses and technicians, equine dental technicians, and farriers, but do not include farmers.

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

RIS – regulatory impact statement.

RTT – research, testing and teaching.

SOP – standard operating procedure.

SPCA – Society for the Prevention of Cruelty to Animals.

Appendix 3: Codes of welfare

Here is a list of the codes of welfare in force. They are available from MPI's website.⁵⁹

- Code of welfare for Circuses
- Code of welfare for Commercial Slaughter
- Code of welfare for Companion Cats
- Code of welfare for Dairy Cattle
- Code of welfare for Deer
- Code of welfare for Dogs
- Code of welfare for Goats
- Code of welfare for Horses and Donkeys
- Code of welfare for Layer Hens
- Code of welfare for Llamas and Alpacas
- Code of welfare for Meat Chickens
- Code of welfare for Painful Husbandry Procedures
- Code of welfare for Pigs
- Code of welfare for Rodeos
- Code of welfare for Sheep and Beef Cattle
- Code of welfare for Temporary Housing of Companion Animals
- Code of welfare for Transport within New Zealand
- Code of welfare for Zoos

⁵⁹ <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>. Accessed 19 March 2019.

Appendix 4: Proposals that have not changed substantially since 2016

These proposals were included in the 2016 discussion paper⁶⁰, and have not changed substantially. At this stage, MPI proposes that these regulations will proceed at the same time as the regulations proposed in the main part of this document. They are still subject to refinement as part of the ongoing process of consultation and engagement.

Some of our proposed penalties have changed from a maximum fine of \$5000 (for an individual) to \$3000. The offence is still a prosecutable regulatory offence. This change has been made to align all proposed penalties relating to significant surgical procedures. The affected proposals are rectal examinations in horses and other equids, cattle teat occlusion, deer delevetting, sheep tail docking, and sheep disbudding.

Title and previous reference (2016 discussion paper)	Proposal	Comment
27. All animals – Hot branding (formerly proposal 51)	<p>A person must not hot brand an animal.</p> <p>The owner and every person in charge of an animal, must not allow the animal to be hot branded.</p> <p>Penalty A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>	On the basis that hot branding has been shown to be more painful than other forms of identification which are readily available (such as ear tagging and microchipping), MPI considers that this is an unnecessary procedure and that it should be prohibited.

⁶⁰ Ministry for Primary Industries (April 2016). *Proposed Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures) MPI discussion paper No. 2016/12*. <https://www.mpi.govt.nz/dmsdocument/11905>. Accessed 19 March 2019.

Title and previous reference (2016 discussion paper)	Proposal	Comment
28. Horses and other equids - tail docking (formerly proposal 74)	<p>A person must not dock the tail of a horse.</p> <p>The owner of, and every person in charge of a horse must not allow a horse to be docked.</p> <p>Note – A veterinarian may perform the procedure for therapeutic reasons and pain relief must be used.</p> <p>Therapeutic purposes – under the regulations this means for the purpose of responding to an existing disease or injury.</p> <p>Horse means any equid, including horse, pony, zebra or donkey or any of their hybrids.</p> <p>Penalty A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$3,000 for an individual, \$15,000 for a body corporate.</p>	<p>This procedure is currently a restricted procedure under the Act.</p> <p>It may not be clear that this procedure should only be performed for therapeutic purposes. As a result regulation is proposed to ensure there is clarity around this procedure, and the scenario (therapeutic purposes only) where it is acceptable.</p>
29. Horses and other equids – restrictions on rectal examinations for any purpose (formerly proposals 75 and 76)	<p>Rectal examinations on horses for any purpose, including pregnancy diagnosis, must be performed by a veterinarian or a veterinarian student under direct supervision of a veterinarian.</p> <p>The proposed restriction includes entry into the rectum by the fingers/hand/arm, and/or the introduction of instruments, excluding rectal thermometers, for any purpose.</p> <p>Horse means any equid, including horse, pony, zebra, or donkey or any of their hybrids.</p> <p>Penalty A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$3,000 for an individual, \$15,000 for a body corporate.</p>	<p>Regulations will provide clarity that rectal examinations on horses for any reason (with or without instruments) may only be performed by veterinarians or veterinary students under the supervision of a veterinarian.</p> <p>Without regulation, non-veterinarians may undertake these procedures without the necessary immediate access to veterinary care necessary in case of rectal trauma. Immediate access to veterinary care is necessary given the likely consequences of rectal injury.</p> <p>The 2016 document had separate proposals for rectal pregnancy diagnosis, and rectal examinations. These have been amalgamated into a single proposal.</p> <p>All equids are included for clarity (refer to the proposal on equid castration in section 9.5).</p>

Title and previous reference (2016 discussion paper)	Proposal	Comment
30. Cattle – restrictions on teat occlusion (formerly proposal 65)	<p>A person must not occlude a cattle beast’s teat unless the teat is occluded by a teat sealant registered under the Agricultural Compounds and Veterinary Medicines Act 1997.</p> <p>The owner, and every person in charge of a cattle beast must not allow its teat to be occluded.</p> <p>Penalty A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$3,000 for an individual, \$15,000 for a body corporate.</p>	While this procedure is unlikely to be a significant surgical procedure if done properly, regulation is needed to clarify that other methods such as glue or rubber rings are unacceptable.
31. Deer – restrictions on de velvetting (velvet antler removal) (formerly proposal 72)	<p>A person must not de velvet a deer unless –</p> <p>a) the deer is given appropriately placed and effective pain relief that is authorised by a veterinarian for the purpose of the procedure; and</p> <p>b) the person is –</p> <p style="padding-left: 20px;">i) a veterinarian, or veterinary student under the direct supervision of a veterinarian throughout the procedure; or</p> <p style="padding-left: 20px;">ii) the owner of, or the employee of the owner of, the deer, who has written veterinary approval to undertake the procedure.</p> <p>A person who de velvetts a deer must be competent.</p> <p>The owner, and every person in charge, of a deer must not allow that deer to be de velvetted unless in accordance with the proposal above.</p> <p>For the purpose of this proposal, when de velvetting a yearling deer, pain relief includes high pressure rubber rings (distinct from high tension bands) designed for the purpose of inducing analgesia during de velvetting.</p> <p>A yearling deer is defined as a deer that is under the age of 12 months or has its first set of antlers.</p> <p>Penalty A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$3,000 for an individual, \$15,000 for a body corporate</p>	<p>De velvetting is a controlled procedure under the Act. This will be removed when the new significant surgical procedures regime comes into force in 2020. This could cause ambiguity and be interpreted to mean that constraints on the performance are no longer necessary.</p> <p>Regulation is needed to make it clear that these restrictions still exist.</p>

Title and previous reference (2016 discussion paper)	Proposal	Comment
<p>32. Sheep – restrictions on tail docking (formerly proposal 70)</p>	<p>A person who docks the tail of a sheep under 6 months of age must –</p> <ul style="list-style-type: none"> (a) use a hot iron or rubber ring; and (b) ensure the tail is cut long enough to cover the vulva in females and equivalent length in males.* <p>A person must not dock the tail of a sheep that is 6 months of age or over unless –</p> <ul style="list-style-type: none"> (a) the person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and (b) the sheep is given pain relief at the time of the procedure. <p>The owner of, and every person in charge of, a sheep must not allow a sheep's tail to be docked unless in accordance with the proposal above.</p> <p>*Practically, docking where the caudal folds of a lamb's tail meets will be considered to have met this requirement.</p> <p>Penalty</p> <p><u>Tail docking (under 6 months of age):</u></p> <ul style="list-style-type: none"> • Methods other than hot iron or rubber rings are used – proposed infringement offence with a fee of \$500 and a maximum fine of \$1,500. No criminal conviction. • Tail is not long enough to cover the vulva or equivalent in males – proposed infringement offence with a fee of \$500 and a maximum fine of \$1,500. No criminal conviction. <p>Where the offending is by a body corporate and involves a large number of animals enforcement agencies may choose to file a charging document instead of issuing an infringement notice. For this proposal the maximum fine the court can impose on a body corporate is \$7,500.</p> <p><u>Tail docking (over 6 months of age):</u></p> <p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$3000 for an individual, \$15,000 for a body corporate.</p>	<p>The proposal is currently performed by competent non-veterinarians. Regulation is needed to allow these people to continue performing the procedure as it is likely to meet the criteria for a significant surgical procedure. Without regulations it is likely to become veterinarian-only when the criteria come into force.</p>

Title and previous reference (2016 discussion paper)	Proposal	Comment
33. Sheep disbudding/dehorning (formerly within proposals 68 and 69)	<p>May be performed by a competent person.</p> <p>Pain relief, authorised by a veterinarian for the purpose of the procedure, must be used throughout the procedure.</p> <p>Penalty <u>Disbudding</u> A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$3,000 for an individual, \$15,000 for a body corporate <u>Dehorning</u> A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate</p>	<p>During consultation MPI has found that the same issues relating to pain relief in goats are not found in sheep – generally because the procedure is performed less often and less is known about it. The proposal remains the same as that originally consulted on in 2016. The proposal is currently performed by competent non-veterinarians. Regulation is needed to allow these people to continue performing the procedure as it is likely to meet the criteria for a significant surgical procedure, and will therefore otherwise automatically become veterinarian-only in 2020.</p> <p>As for disbudding or dehorning a goat (proposal 25), the definition of disbudding and dehorning is likely to be the same as that currently in the Animal Welfare (Care and Procedures) Regulations 2018.</p>
34. Dogs – prohibit ear cropping (formerly proposal 60)	<p>A person must not crop a dog's ears.</p> <p>The owner of, and every person in charge of a dog, must not allow a dog's ears to be cropped.</p> <p>Note: A veterinarian may perform the procedure for therapeutic reasons. Pain relief must be used.</p> <p>Penalty</p> <p>A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of \$5,000 for an individual, \$25,000 for a body corporate.</p>	<p>Dog ear cropping is currently prohibited under section 21(2)(a) of the Act, but this section will be repealed when the new criteria for a significant surgical procedure comes into force in 2020. This could cause ambiguity and be interpreted to mean that this procedure is no longer prohibited.</p> <p>Regulation is needed to maintain the status quo, and to make it clear that the current prohibition remains.</p>

Title and previous reference (2016 discussion paper)	Proposal	Comment
35. Compliance Notice infringements (formerly within section 2.3.2, 2016 discussion paper)	<p>Penalty</p> <p>It is proposed that the fee for the infringement offence associated with non-compliance with a compliance notice (under section 156I (1) of the Act) be set at \$500.</p>	<p>The Act allows animal welfare inspectors to issue compliance notices. Notices can require a person to stop doing something, or prohibit them from doing something, if they have good cause to suspect that something the person is doing contravenes or is likely to contravene the Act or any regulations made under it. A compliance notice may also be issued to require a person to do something that the inspector reasonably believes is necessary to ensure that the person complies with the Act or any regulations made under it.</p> <p>An amendment to the Act, which comes into force in May 2020, provides for an infringement offence to be set by regulation for non-compliance with a compliance notice.</p> <p>It is proposed that a fee of \$500 be set. The level of the proposed infringement fee reflects the fact that by the time an infringement offence is issued the owner or person in charge of the animal has:</p> <ul style="list-style-type: none"> • already been informed that their practice does not comply with the Act or regulatory requirements as they have been issued a compliance notice; and • been provided with time to rectify the situation and failed to do so. <p>If an animal is suffering as a result of non-compliance offences under the Act would also be available in addition to an infringement fee.</p>

Appendix 5: Procedures for which no regulations are proposed at this time

This table lists procedures where MPI has considered a regulatory approach, but where no regulations are recommended at this time. They either appeared in the 2016 consultation document, or were raised by stakeholders during consultation.

If a procedure is likely to meet the criteria for a significant surgical procedure, no regulation will mean that it will default to veterinarian-only from May 2020. If a procedure is unlikely to meet those criteria, any person may perform it. In all cases, the general safeguards and standards in the Act, other regulations and codes of welfare still apply. This includes all obligations to provide for an animal's physical, health and behaviour needs, and to alleviate pain and distress.⁶¹

For items in this appendix, MPI's view is that regulation is not required. However, if feedback during consultation indicates that this is not the case, then MPI may decide to propose new regulations relating to these topics, within this tranche. For example, there is a close link between some transcervical reproductive procedures (no regulations proposed), and epidurals (regulations proposed). An amendment to the epidurals proposal may need a consequential change to the proposals for transcervical reproductive procedures.

Topic	Background	Assessment and rationale	Proposed approach	Cross references
I. All animals – inserting drains Did not appear in 2016 consultation document.	Drains are commonly used to excrete pus, blood and fluid build-up from an abscess or an injury, or as a result of surgical removal of tissue. This helps wounds to heal, reduces the pain associated with fluid accumulating under the skin, and helps prevent infection. Drain insertion is carried out by veterinarians and non-veterinarians. While it would be rare for non-veterinarians to be inserting drains, there are some scenarios where a person may insert a drain. For example, a farmer may insert a subcutaneous drain into an animal to drain fluid and prevent infection from a minor abscess.	In many certain cases, inserting drains is likely to meet the criteria of a significant surgical procedure. An example is placing a drain into an animal's body cavity. However, subcutaneous drains are unlikely to meet the criteria. While most drains will continue to be inserted by veterinarians, excluding non-veterinarians from inserting some subcutaneous drains is likely to be overly restrictive and unnecessary. People who care for animals should be able to make a judgement on when inserting a drain is likely to be a significant surgical procedure and whether veterinary attention should be sought.	Develop guidance.	II. all animals, abscesses (no proposal); IV. all animals, stitching up wounds (no proposal).

⁶¹ See for example, sections 9-11 Animal Welfare Act 1999.

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>II. All animals – abscesses</p> <p>Did not appear in 2016 consultation document.</p>	<p>Abscesses are usually caused by a bacterial infection or a foreign body. They can also be caused by chronic and contagious disease. Abscesses can occur on any part of the body, including in the mouth (dental abscesses). In some cases the abscess will resolve itself but some may need to be treated. This usually involves making an incision in the abscess to allow the pus to drain. Currently there are no specific restrictions in codes of welfare on treating abscesses.</p>	<p>Abscesses are common and affect all animals. Treatment may be minor or meet the criteria of a significant surgical procedure and require veterinary attention. Regulating for different species, abscess location and the severity of the abscess is not practical. MPI has no compliance data to suggest that abscesses are currently being treated inappropriately.</p> <p>People who care for animals should be able to make a judgement on when an abscess is significant and whether veterinary attention should be sought. Existing offences in the Act can sufficiently address severe offending.</p>	<p>Develop educational and guidance material.</p>	<p>I. all animals, inserting drains (no proposal); IV. all animals, stitching up wounds (no proposal).</p>
<p>III. All animals – liver biopsies</p> <p>Appeared in the 2016 discussion paper (proposal 2).</p>	<p>A liver biopsy involves removing a small piece of tissue from the liver for diagnostic purposes. There are multiple ways to perform a liver biopsy.⁶² Sedation is recommended as a minimum for all methods. The techniques range from the less intrusive to the more invasive, for example:</p> <ul style="list-style-type: none"> • needle aspiration is less invasive and involves a needle inserted into the liver to remove a small sample; • a laparotomy (a surgical incision into the abdominal cavity) which is far more invasive and requires general anaesthesia. 	<p>As part of Animal Welfare Matters 2012 discussion paper, submissions recommended, as a minimum, that liver biopsies should be undertaken by a veterinarian, or a veterinary student under supervision.⁶³</p> <p>Due to the potential for serious or lasting harm when performed by a non-veterinarian, and as current feedback indicates there is no compliance issue as they are only being performed by veterinarians, it is best left to the Act.</p>	<p>No action proposed.</p>	<p>VIII. all animals, cystocentesis (no proposal).</p>
<p>IV. All animals – stitching up wounds</p> <p>Did not appear in 2016 consultation document.</p>	<p>Wound stitching refers to methods of wound closure involving piercing the skin or tissue such as suturing, stitching, or stapling.</p> <p>Non-veterinarians currently stitch animal's wounds under a number circumstances. For example, farmers and shearers may stitch shearing cuts in sheep. Some wounds may also need to be stitched up in a first aid emergency situation e.g. pig hunting dog injuries, with subsequent veterinary treatment then sought.</p> <p>No specific requirements are set out in codes of welfare in relation to stitching up wounds.</p>	<p>The range of wounds and situations that require an animal to be stitched are broad and complex. Some forms of stitching may not meet the criteria for a significant surgical procedure, while some may.</p> <p>MPI proposes that stitching be regulated by the Act, with guidance given on when veterinarian attention should be sought.</p> <p>People who care for animals should be able to make a judgement on when a wound is significant and whether veterinary attention should be sought. Existing offences in the Act can sufficiently address severe offending.</p>	<p>Develop guidance material. In particular, non-veterinarians will need guidance on when they should call a veterinarian.</p>	<p>I. all animals, inserting drains (no proposal); II. all animals, abscesses (no proposal).</p>

⁶² Bexfield, Nick. When is the Right Time to Perform a Liver Biopsy? Presentation to the WSAVA/FECAVA/BSAVA World Congress 2012.

<https://www.vin.com/apputil/content/defaultadv1.aspx?id=5328256&pid=11349&>. Accessed 19 March 2019.

⁶³ Ministry for Primary Industries. Animal welfare matters. Proposals for a New Zealand Animal Welfare Strategy and amendments to the Animal Welfare Act 1999. MPI Discussion Paper No: 2012/07.

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>V. All animals – non-surgical reproductive procedures</p> <p>Two surgical reproductive procedures (proposals 52 and 53) appeared in the 2016 consultation document.</p>	<p>This covers all non-surgical reproductive procedures, including vaginal insemination (depositing sperm into the vagina), cervical insemination (placement of sperm within the cervix), transcervical/post cervical artificial insemination (penetrating through the cervix to deposit sperm) and embryo retrieval through transcervical methods.</p>	<p>If done correctly, non-surgical reproductive procedures are unlikely to meet the criteria for a significant surgical procedure.</p> <p>Some of these procedures are routinely carried out by lay operators.</p> <p>If operators enter a horse's rectum with their fingers/hand/arm or an instrument as part of a non-surgical procedure, the whole procedure would become veterinarian-only, as it is proposed that the rectal component will not be able to be performed by non-veterinarians.</p>	<p>Serious animal welfare issues can be dealt with under the general provisions of the Animal Welfare Act: promotion of good practice can be achieved through non-regulatory measures such as education.</p>	<p>Proposal 5, all animals, epidurals; proposal 20, all animals, surgical reproductive procedures; proposal 29, horses, and other equids, restrictions on rectal examinations for any purpose.</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>VI. All animals – notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching).</p> <p>Did not appear in 2016 consultation document.</p>	<p>Notching, marking, tipping, clipping, and tagging are procedures performed to identify animals, or as a biopsy. These procedures include:</p> <ul style="list-style-type: none"> • cutting or removing of a portion of the outer ear, fin, or telson;⁶⁴ • toe slitting in birds (i.e. notching the webbing between toes); • the application of paint or tattooing; and • inserting a tag into the ear or wing, and inserting a micro-chip under the skin or into the muscle or ligament of an animal. <p>Individual animal identification is critical to good farm management and allows traceability for biosecurity purposes.</p> <p>The National Identification and Tracing Programme places requirement on cattle and deer to be registered and tagged. Animal welfare codes also set out minimum standards and recommended best practice in relation to some species and identification procedures.</p>	<p>When done correctly, these procedures are unlikely to meet the criteria for a significant surgical procedure.</p> <p>Based on compliance data, there is no evidence of significant welfare issues associated with these procedures. Regulating for pain relief would be impractical and unnecessary.</p>	<p>No action proposed.</p>	<p>Proposal 1, all animals, tissue removal for RTT, or for functions under section 5(3) of the Act; proposal 2, surgical tagging for RTT, or for functions under section 5(3) of the Act; proposal 12, pig and cattle nose rings; proposal 17, poultry, toe trimming; proposal 18, all animals, freeze branding; proposal 27, all animals, prohibit hot branding.</p>
<p>VII. All animals – urinary catheters</p> <p>Did not appear in 2016 consultation document.</p>	<p>A catheter is flexible tubing that is inserted into the urethra for a multitude of reasons, including urinary obstruction or trauma. They are currently inserted by veterinarians and non-veterinarians. Depending on the animal, sedation may be needed for insertion.</p>	<p>When done correctly, inserting a urinary catheter is unlikely to meet the criteria for a significant surgical procedure.</p>	<p>No action proposed: veterinarians can decide whether their staff are competent to do the procedure.</p>	<p>VIII. all animals, cystocentesis (no proposal).</p>

⁶⁴ For the purposes of this proposal a telson is the last segment in the abdomen, or terminal appendage to it, in crustaceans.

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>VIII. All animals – cystocentesis</p> <p>Did not appear in 2016 consultation document.</p>	<p>Cystocentesis involves a needle being inserted through the wall of an animal's body into the bladder to get a urine sample. They are performed by both veterinarians and non-veterinarians. Sedation may be used if the animal is struggling against restraint.</p>	<p>When done correctly, cystocentesis is unlikely to meet the criteria for a significant surgical procedure.</p>	<p>No action proposed: veterinarians can decide whether their staff are competent to do the procedure.</p>	<p>III. all animals liver biopsy (no proposal); VII. all animals, urinary catheters (no proposal).</p>
<p>IX. All animals – nerve blocks</p> <p>Did not appear in 2016 consultation document.</p>	<p>The procedure covers a variety of injections into an animal's body to provide a localised anaesthetic. It is performed by a variety of people, including non-veterinarians. There is no known compliance issues.</p>	<p>When done correctly, nerve blocks are unlikely to meet the criteria for a significant surgical procedure.</p>	<p>No action proposed. Veterinary authorisation is required to access and use the anaesthetic, thus providing for a degree of oversight.</p>	<p>Proposal 5, all animals, epidurals.</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
X. All animals – blood harvesting Did not appear in 2016 consultation document.	<p>Blood harvesting means the removal of a relatively large volume of blood over a short period of time. It does not include samples taken for routine diagnostic tests, or terminal exsanguination (bleeding out an animal until it dies).</p> <p>Blood is harvested from horses, cattle, sheep and goats in New Zealand for research and commercial purposes, including the creation of vaccines and other pharmaceutical or cosmetic products.</p> <p>The removal of relatively large amounts of blood is a manipulation with the potential to adversely affect donor animals. These effects vary according to matters such as how much blood is removed, how quickly the procedure is completed, how often blood is taken, and the health status of the animal. This procedure is routinely performed by laypeople.</p> <p>NAEAC issued guidelines for livestock blood harvesting for research or commercial purposes in 2009.⁶⁵</p>	<p>Blood harvesting is unlikely to consistently meet the criteria for a significant surgical procedure. While significant bleeding has the potential to cause significant distress (if, for example, the animal enters into shock), the nature of the procedure means that in practice, blood harvesting should not be excessively distressing.</p> <p>It would be difficult to devise a robust, objective test for when blood harvesting is considered inappropriate.</p>	<p>No action proposed. Guidance exists to assist practitioners: inappropriate blood harvesting can be dealt with under the Act.</p>	<p>No cross references.</p>
XI. All animals – expression of anal glands Did not appear in 2016 consultation document.	<p>Anal glands or sacs are small glands located near the anus in many mammals. For some companion animals (generally dogs, but occasionally cats) they may need to be emptied by manual expression if they are unable to fully empty when the animal toilets itself.</p>	<p>Expression of anal glands is unlikely to meet the definition of a significant surgical procedure.</p> <p>This procedure is commonly carried out by non-veterinarians. There is no compliance data to suggest that there is a welfare issue with non-veterinarians continuing to undertake this procedure.</p>	<p>No action proposed.</p>	<p>Proposal 11, pigs, rectal prolapse; proposal 29, horses, and other equids, restrictions on rectal examinations for any purpose.</p>

⁶⁵ Ministry for Primary Industries (March 2009). *Guidelines for the Welfare of Livestock from which Blood is Harvested for Commercial and Research Purposes*. <https://www.mpi.govt.nz/dmsdocument/1475-guidelines-for-the-welfare-of-livestock-from-which-blood-is-harvested-for-commercial-and-research-purposes>. Accessed 19 March 2019.

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XII. All animals – restrictions on devoicing unless in the best interests of the animal</p> <p>Appeared in the 2016 discussion paper (proposal 59)</p>	<p>Dog debarking is a restricted surgical procedure under section 2(1). This section will be repealed when the new criteria for a significant surgical procedure comes into force in 2020.</p>	<p>It is likely that devoicing would meet the criteria for significant surgical procedure, meaning that it would be veterinarian-only. There are situations where devoicing may be performed in the best interests of the animal, this is to be determined according to a veterinarian's professional judgement. The code of conduct that governs New Zealand veterinarians provides clear guidance specifying that a procedure cannot be performed primarily for the convenience of the owner.</p>	<p>No action proposed: There is sufficient guidance available to veterinarians by the Veterinary Council. The Veterinary Council have indicated their guidance will likely be updated to provide additional guidance.</p>	<p>XXII. cats, restrictions on declawing unless in the best interests of the animal (no proposal).</p>
<p>XIII Entropion eye</p>	<p>Entropion eye is a medical condition in which the eyelid (usually the lower lid) folds inwards.</p> <p>Non-veterinarians often treat minor cases in some species such as sheep.</p>	<p>Treatment may be minor or meet the criteria of a significant surgical procedure and require veterinary attention.</p> <p>People who care for animals should be able to make a judgement on when the condition is significant and whether veterinary attention should be sought. Existing offences in the Act can sufficiently address severe offending.</p>	<p>No action is proposed.</p>	<p>No cross references.</p>
<p>XIV. Horses and other equids – shoeing</p> <p>Did not appear in 2016 consultation document.</p>	<p>Shoeing a horse involves adhering, usually by nails or in some cases glue, a metal, rubber or plastic shoe to a horse's hoof wall. The hoof wall is like a finger nail: it has no nerves or blood vessels, and grows at roughly 1 centimetre a month. The procedure is mainly carried out by farriers and some other non-veterinarians.</p>	<p>When done correctly, shoeing any equids is unlikely to meet the criteria for a significant surgical procedure.</p> <p>There is no compliance data to suggest that regulation is necessary.</p>	<p>No action proposed</p>	<p>XV. trimming hooves (all hoofed animals) and granulomas in goats' feet (no proposal).</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XV. Trimming hooves (all hoofed animals) and granulomas in goats' feet</p> <p>Did not appear in 2016 consultation document</p>	<p><i>Trimming hooves</i></p> <p>Trimming involves using a tool, usually a specific hoof trimmer, hoof snips, and/or hoof knives to trim the hoof.</p> <p>Hooves are made of keratin, and trimming them is likened to a human cutting their fingernails. When trimming is performed correctly, it should not cause pain or distress.</p> <p><i>Granulomas in goats</i></p> <p>A granuloma is a red swelling of 'proud flesh' that grows at the site of an injury. They keep the hard part of the hoof wall from growing and they bleed easily. Granulomas in goats' feet are treated with a hot iron to cauterise the area.</p>	<p>When done correctly, trimming hooves and treating granulomas in goats is unlikely to meet the criteria for a significant surgical procedure. There is no significant compliance data to suggest that regulation is necessary.</p> <p>During discussion with stakeholders MPI was advised that granuloma do not have any nerves in them, therefore cauterising does not cause pain.</p>	<p>No action proposed</p>	<p>XIV. horses and other equids, shoeing (no proposal), XIX. cattle – restrictions on claw removal (no proposal).</p>
<p>XVI. Floating of horse and other equid, llama and alpaca teeth</p> <p>A general proposal for dental work in all animals relating to the use of power tools appeared in the 2016 discussion paper (proposal 55)</p>	<p>Floating teeth means to file or rasp the teeth to remove small overgrowths considered to have high risk of causing trauma to localised soft tissue during rising or chewing.</p> <p>Teeth floating is routinely performed by veterinarians and non-veterinarians.</p>	<p>Stakeholder views on whether regulations are required for teeth floating differ. Some stakeholders consider that this procedure is unlikely to meet the criteria of a significant surgical procedure. Others feel that removal of large overgrowths are more difficult to treat and more likely to lead to pulp exposure, and therefore these require an assessment by a veterinarian.</p> <p>When done correctly (regardless of the size of the overgrowth), the procedure to float teeth is unlikely to meet the criteria for a significant surgical procedure. It is also generally agreed that the provision of pain relief is not necessary if the procedure is carried out correctly (without damaging the teeth or surrounding soft tissue).</p> <p>Views on the need to provide sedation to the animal at the time of the procedure differ. At this time there is no compelling evidence to support a general requirement to sedate all animals for this procedure.</p> <p>Concerns have also been raised about the damage caused by excessive floating. In these cases Act offences and penalties are available.</p>	<p>No action proposed.</p>	<p>Proposal 19, all animals, dentistry (cutting teeth); proposal 23, horses and other equids, dentistry (teeth extraction), XVII. extraction of teeth (excluding equids, no proposal). XXI. scaling of dog and cat teeth (no proposal).</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XVII Extraction of teeth (excluding equids)</p> <p>A general proposal for dental work in all animals relating to the use of power tools appeared in the 2016 discussion paper (proposal 55)</p>	<p>Generally teeth extractions, in all species with the exception of equids, are generally performed by a veterinarian and the animal is provided sedation and pain relief.</p>	<p>Extractions are likely to meet the criteria of a significant surgical procedure, meaning the procedure will be veterinarian only.</p> <p>Given, that extractions are generally performed by veterinarians, regulations to allow non-veterinarian to extract teeth, with the potential exception of regulations for equids, are not considered necessary.</p>	<p>No action is proposed.</p>	<p>Proposal 19, all animals, dentistry (cutting teeth); proposal 23, horses and other equids, dentistry (teeth extraction), XXI. scaling of dog and cat teeth (no proposal). XVI. Floating of horse and other equid, llama and alpaca teeth</p>
<p>XVIII. Llama and alpaca – restrictions on castration</p> <p>Appeared in the 2016 discussion paper (proposal 79)</p>	<p>Castration is performed to reduce undesirable behaviour such as aggression. It needs to be done when the camelid is sufficiently mature to prevent abnormal musculoskeletal development. There are recommendations for minimum age of castration for both llama and alpaca. However, for both animal types, there are situations where castration may need to occur earlier. Veterinary discretion is required.</p>	<p>Castration is likely to meet the criteria for a significant surgical procedure</p> <p>Regulations on castration exist for cattle, sheep and pigs as there is the need for both veterinarians and non-veterinarians to complete this procedure in some cases, with safeguards. A regulation for horse castration was created as there was a known compliance issue that needed to be addressed. The horse regulation is proposed to be expanded to encompass all equids due to consequent confusion.</p> <p>There is no documented compliance issue with non-veterinarians performing the procedure on llama or alpaca, nor is it suitable for non-veterinarians to perform it. A new regulation is unnecessary.</p>	<p>Leave it to the Act and supplement with educational material.</p>	<p>Proposal 3, all animals, desexing and sterilisation of animals used in RTT; proposal 8, equid castration; proposal 13, goat castration, XX. companion animals, restrictions on desexing; XXVI. rooster caponsing (no proposal)</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XIX. Cattle – restrictions on claw removal</p> <p>Appeared in the 2016 discussion paper (proposal 64)</p>	<p>The hoof of a cattle beast is cloven and each part is described as a claw. There are several diseases that affect the claw of the foot, including different types of footrot, which are a major cause of lameness. Cattle claw removal is a procedure used to remove problems in the tissues of the claw that cause lameness. The procedure is used in chronic cases of lameness that are painful and have proven to be incurable. As the hoof is cloven, the healthy claw is left and can usually support the entire weight of the animal. There are no specific minimum standards or Act requirements related to claw removal.</p>	<p>It is likely that removing cattle claws would meet the criteria for significant surgical procedure, meaning that it would be veterinarian-only.</p>	<p>No action proposed.</p>	<p>XIV. horses and other equids, shoeing (no proposal); XV. Trimming hooves (all hoofed animals) and granulomas in goats (no proposal)</p>
<p>XX. Companion animals - restrictions on desexing</p>	<p>Desexing of companion animals is encouraged in New Zealand, especially for dogs and cats, as a form of population control, to manage behaviour and to prevent or manage disease.</p>	<p>Desexing companion animals is likely to meet the criteria for significant surgical procedure, meaning that it would be veterinarian-only.</p>	<p>No action proposed.</p>	<p>Proposal 3, all animals, desexing and sterilisation of animals used in RTT; proposal 8, equid castration; proposal 13, goat castration, XVIII. llama and alpaca – restrictions on castration; XXVI. rooster caponsing (no proposal)</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XXI. Scaling of dog and cat teeth.</p> <p>A general proposal for dental work in all animals relating to the use of power tools appeared in the 2016 discussion paper (proposal 55)</p>	<p>To prevent dental disease dogs and cats teeth are commonly scaled to remove plaque and calculus (tartar). Generally the procedure to scale teeth is performed under anaesthetic or with pain relief by a veterinarian.</p> <p>A limited number of pet groomers also offer scaling.</p>	<p>Scaling of teeth below the gingival (gum) margin is likely to meet the criteria for a significant surgical procedure, meaning that this procedure would be veterinarian-only procedure.</p> <p>Scaling above the gingival margin is unlikely to meet the significant surgical procedure criteria.</p> <p>At this time, in New Zealand, there is insufficient evidence to suggest that there is an issue with non-veterinarians scaling above the gingival (gum) margin, or evidence that non-veterinarians are scaling below the gingival line.</p> <p>Some stakeholders are concerned that done incorrectly scaling by non-veterinarians above the gingival line may cause serious or lasting harm to animals. In cases where animal welfare is compromised Act offences and penalties may apply.</p>	<p>Educational material could be published to clarify that scaling of teeth below the gingival margin is veterinarian-only.</p>	<p>Proposal 19, all animals, dentistry (cutting teeth); proposal 23, horses and other equids, dentistry (teeth extraction); XVI. floating of horse and other equid, llama and alpaca teeth (no proposal), XVII extraction of teeth (excluding equids, no proposal).</p>
<p>XXII. Cats- Restrictions on declawing unless in the best interests of the animal</p>	<p>Cat declawing is a restricted surgical procedure under section 2(1). This section will be repealed when the new criteria for a significant surgical procedure comes into force in 2020.</p>	<p>It is likely that cat declawing would meet the criteria for significant surgical procedure, meaning that it would be veterinarian-only. There are situations where declawing may be performed in the best interests of the animal, this is to be determined according to a veterinarian's professional judgement. The code of conduct that governs New Zealand veterinarians provides clear guidance specifying that a procedure cannot be performed primarily for the convenience of the owner.</p> <p>There are differing approaches for regulating procedures currently restricted under the Act. For horse tail docking, the veterinary Code of Conduct is potentially ambiguous on justification for the procedure. This ambiguity does not exist for this procedure.</p>	<p>No action proposed: There is sufficient guidance available to veterinarians by the Veterinary Council. The Veterinary Council have indicated their guidance will likely be updated to provide additional guidance.</p>	<p>XII. all animals, restrictions on devoicing unless in the best interests of the animal (no proposal).</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XXIII. Declawing of ostriches and emu</p> <p>Appeared in the 2016 discussion paper (proposal 84)</p>	<p>Previously, declawing was routinely performed on production animals to reduce the damage the birds did to one another, and to reduce the potential damage to the carcass.</p> <p>Radical declawing was prohibited in previous historical guidance - Code of Recommendations and Minimum Standards for the Welfare of Ostrich and Emu 1998. While this prohibition is not legally enforceable, individuals could still be prosecuted for performing the procedure if they compromised the welfare of the animal under:</p> <ul style="list-style-type: none"> • causing unnecessary pain or distress; and/or • wilful or reckless ill-treatment. <p>The procedure is no longer being performed. The emu and ostrich industry has been in decline and there are only a few farms remaining.</p>	<p>It is likely that declawing of ostriches and emu would meet the criteria for significant surgical procedure, meaning that it would be veterinarian-only.</p>	<p>No action proposed.</p>	<p>Proposal 16, poultry spur removal.</p>
<p>XXIV. Turkeys – Desnooding</p> <p>Did not appear in 2016 consultation document.</p>	<p>Desnooding is the removal of the snood, an erectile appendage on the forehead of turkeys.</p> <p>Desnooding is a common procedure performed on turkeys to minimise injurious pecking and outbreaks of cannibalism.</p> <p>It is not performed in New Zealand. The breed used here, British United Turkey does not require desnooding.</p>	<p>Since it is not practised and there is no need to perform it in New Zealand the regulations are not required.</p> <p>It is likely that desnooding would meet the criteria for a significant surgical procedure, meaning that it would be a veterinarian-only procedure.</p> <p>The poultry industry has advised that desnooding is not performed on commercial turkeys.</p>	<p>No action proposed.</p>	<p>Proposal 15, poultry, beak tipping; proposal 17, poultry, toe trimming; proposal 26, game fowl, dubbing; VI. all animals, notching, tipping, clipping, marking, tagging and punching (excluding research, testing and teaching – no proposal); XXV. bird pinioning (no proposal).</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
<p>XXV. Birds – Pinioning</p> <p>Appeared in the 2016 discussion paper (proposal 82)</p>	<p>Historically pinioning was performed by zoos and waterfowl owners. Pinioning has been previously justified as a management procedure - allowing waterfowl and other birds access to open ponds to express their natural behaviours associated with this environment.</p> <p>MPI could find no evidence that it was currently being practised within New Zealand.</p> <p>Feather trimming is seen as a less invasive alternative method of deflighting a bird.</p> <p>Pinioning – surgically removing a bird's pinion joint to prevent the growth of flight feathers.</p>	<p>Pinioning is likely to meet the criteria for a significant surgical procedure, meaning that it would be a veterinarian-only procedure.</p> <p>Existing guidelines for veterinary practice oblige veterinarians to undertake pinioning for therapeutic purposes.</p>	<p>No action proposed</p>	<p>Proposal 17, poultry, toe trimming,</p>
<p>XXVI. Rooster – caponising</p> <p>Appeared in the 2016 discussion paper (proposal 85)</p>	<p>Caponising is castration of a rooster. It is not routinely performed in New Zealand but is carried out overseas to improve the quality of meat and fat deposition.</p> <p>Rooster testes are contained in the body cavity. Caponising therefore involves invasive surgery.</p>	<p>Caponising is likely to meet the criteria for a significant surgical procedure, meaning that it would be a veterinarian-only.</p>	<p>No action proposed.</p>	<p>Proposal 3, all animals, desexing and sterilisation of animals used in RTT; proposal 8, equid castration; proposal 13, goat castration, XVIII. llama and alpaca, restrictions on castration (no proposal); XX. companion animals, restrictions on desexing; (no proposal)</p>

Topic	Background	Assessment and rationale	Proposed approach	Cross references
XXVII Fallow deer polling	<p>Polling is the prevention of antler development. Polling can be achieved by either surgical removal of the antler bud or the application of two rubber rings to the pedicle (base of the antler). Surgical removal requires a veterinarian, does not prevent regrowth, and is therefore not practised.</p> <p>Fallow deer are primarily farmed for their antlers (as trophies). They are too small, in size, to farm profitably for meat alone and produce too little velvet to farm them for velvet.</p> <p>Polling was performed within the first year of life on fallow deer that did not have trophy potential. Restricting antler growth allowed fallow deer to be transported safely to slaughter premises minimising the risk of injury to the animal and other animals in transit. Farmers currently cull on-site rather than transport for slaughter.</p> <p>Polling is very rare because of the need to evaluate trophy potential at a more mature age. At a mature age it is simpler to remove the hard antler before transport.</p>	<p>The procedure is no longer understood to be routinely performed in New Zealand.</p> <p>In addition, more research would be required to support the continued use of rubber rings for the purpose of polling fallow deer.</p> <p>Polling is likely to meet the criteria for a significant surgical procedure so would become veterinarian-only procedure.</p>	No action proposed.	<p>Proposal 26, goat disbudding/dehorning; proposal 32, deer, restrictions on develvetting (velvet antler removal); proposal 34, sheep, disbudding/dehorning.</p>

Appendix 6: Summary of preliminary options analysis

MPI has undertaken a preliminary analysis of regulatory and non-regulatory options to ensure that procedures with the potential to cause significant pain or distress are carried out by an appropriate person in accordance with good practice.

Table five compares options against the status quo after May 2020 for all proposals (or parts thereof) that enable **non-veterinarians** to perform a significant surgical procedure. The relevant proposals are 1, 2, 3, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, and 26. The final analysis will be informed by stakeholder feedback provided through this consultation.

Table six compares options against the status quo after May 2020 for all proposals (or parts thereof) that make specific procedures **veterinarian-only**. The relevant proposals are: 8, 9, 14, 19, 21, 23, 24, and 26. All of these procedures require pain relief to be used. This preliminary analysis will be informed by information gained during consultation.

Key for all tables in this appendix:

✘ = criteria unlikely to be met;

✓ = criteria is partially met;

✓✓ = criteria is likely to be met.

— = status quo

Table 5 – Analysis of options for procedures for which it is proposed non-veterinarians may undertake significant surgical procedures

Option	Effective – the desired change in outcome and/or updated practice be achieved	Efficient – requirements are the minimum necessary, practical, economically viable and administratively efficient	Equitable – the level of the offence proportionate to the level of penalties	Clear – the actions or omissions are specific and measurable
Option 1: status quo (from May 2020: take no action).	<p style="text-align: center;">—</p> <p>Non-veterinarians are unable to perform significant surgical procedures.</p>	<p style="text-align: center;">—</p> <p>Potentially significant costs in terms of veterinary consultations and attendance. Significant practical impact on industry (for example, requiring veterinarians to dock all sheep tails). Significant shortage of veterinarians to meet demand (and related animal welfare issues).</p>	<p style="text-align: center;">—</p> <p>Act prosecution could be taken, but may not be proportionate.</p>	<p style="text-align: center;">—</p> <p>Uncertainty will still remain around some procedures as to whether the criteria for a significant surgical procedure are met (for example, nose ringing of pigs).</p>
Option 2: codes of welfare, education, training and guidance.	<p style="text-align: center;">x</p> <p>Codes of welfare will not enable non-veterinarians to perform certain significant surgical procedures</p> <p>Education, training or guidance will not enable non-veterinarians to perform certain significant surgical procedures.</p>	<p style="text-align: center;">x</p> <p>Codes of welfare are not practical as they will not achieve the required outcome</p> <p>Education, training, or guidance are not practical as they will not achieve the required outcome.</p>	<p style="text-align: center;">x</p> <p>Codes of welfare are not directly enforceable.</p> <p>Education, training or guidance do not provide consequences for people not complying with their obligations.</p>	<p style="text-align: center;">✓</p> <p>Codes of welfare can provide clarity, but are not directly enforceable.</p> <p>Education, training or guidance can provide clarity, but are not enforceable.</p>
Option 3: proposed regulations.	<p style="text-align: center;">✓✓</p> <p>Regulations would enable non-veterinarians to perform certain significant surgical procedures.</p>	<p style="text-align: center;">✓✓</p> <p>Regulations to enable non-veterinarians to perform significant surgical procedures are the minimum necessary to ensure animals are treated in accordance with good practice in a timely manner.</p> <p>It is cost efficient to allow competent non-veterinarians to undertake procedures where veterinary judgement is not required.</p>	<p style="text-align: center;">✓✓</p> <p>Consultation will test whether the proposed penalties for non-compliance are efficient and effective to administer, and whether they are set at an appropriate level.</p> <p>Act prosecutions may still be taken.</p>	<p style="text-align: center;">✓</p> <p>Including obligations in regulations is clear.</p>

Table 6 - Analysis of options for procedures for which it is proposed veterinarians must undertake significant surgical procedures

Option	Effective – the desired change in outcome and/or updated practice be achieved	Efficient – requirements are the minimum necessary, practical, economically viable and administratively efficient	Equitable – the level of the offence proportionate to the level of penalties	Clear – the actions or omissions are specific and measurable
<p>Option 1: status quo (from May 2020: take no action).</p>	<p style="text-align: center;">—</p> <p>Whether a non-veterinarian can undertake these procedures may not be clear.</p> <p>Pain relief cannot be mandated without regulation.</p>	<p style="text-align: center;">—</p> <p>Requirements may need to be updated to meet good practice and for pain relief to be provided.</p>	<p style="text-align: center;">—</p> <p>Existing penalties are not proportionate as there would be no penalties for not providing pain relief.</p>	<p style="text-align: center;">—</p> <p>Requirements may not be clear if there is any uncertainty as to whether a procedure meets the criteria for a significant surgical procedure.</p>
<p>Option 2: codes of welfare, education, training and guidance.</p>	<p style="text-align: center;">x</p> <p>Codes of welfare would not create directly enforceable conditions under which veterinarians must perform certain significant surgical procedures.</p> <p>Education, training or guidance would not create enforceable conditions under which veterinarians could perform certain significant surgical procedures.</p>	<p style="text-align: center;">x</p> <p>Codes of welfare are not practical as they will not achieve the required outcome.</p> <p>Education, training, or guidance are not practical as they will not achieve the required outcome.</p>	<p style="text-align: center;">x</p> <p>Codes of welfare are not directly enforceable. As a result any prosecution would need to be taken under the Act. Penalties under the Act may be disproportionate for some offending.</p> <p>Education, training or guidance do not provide consequences for people not complying with their obligations.</p>	<p style="text-align: center;">✓</p> <p>Codes of welfare can provide clarity, but are not directly enforceable.</p> <p>Education, training or guidance can provide clarity, but are not enforceable.</p>
<p>Option 3: proposed regulations.</p>	<p style="text-align: center;">✓✓</p> <p>Regulations would remove any doubt that a procedure is veterinarian-only and that pain relief is required.</p>	<p style="text-align: center;">✓</p> <p>In some cases, skilled non-veterinarians may be able to undertake some procedures. Consultation will test whether there are enough veterinarians to meet animals' needs, and whether confirming a procedure is veterinarian-only is the minimum necessary to meet our objectives.</p>	<p style="text-align: center;">✓</p> <p>Consultation will test whether the proposed penalties for non-compliance are efficient and effective to administer, and whether they are set at an appropriate level.</p> <p>Act prosecutions may still be taken.</p>	<p style="text-align: center;">✓✓</p> <p>Including obligations in regulations, such as making pain relief mandatory, is clear.</p>