In December 2019, the Government approved the regulatory proposals outlined in this document. These regulatory policies are now being drafted into regulations under the Animal Welfare Act 1999.

Introduction

This document sets out policy proposals for animal welfare regulations relating to:

- significant surgical procedures performed on animals, developed under section 183B of the Animal Welfare Act 1999 (the Act); and
- a small number of proposals relating to the care of, and conduct towards, animals, developed under section 183A of the Act.

These proposals provide the policy basis for making changes to the definitions and minimum standards within the codes of welfare by regulation under sections 183, 183A, and 183B of the Act. Minor amendments to codes of welfare will be progressed under section 76(1) of the Act.

Under sections 183, 183A, and 183B, amendments to the interpretation section of the Animal Welfare (Care and Procedures) Regulations 2018 are also proposed. They involve:

- widening the definition of pain relief to include any anaesthetic, analgesic, and/or sedation; and
- rectifying an omission by providing a definition of layer hen, which will clarify that existing clauses relating to layer hens only apply to chickens[1] (chicks, pullets, and layers), rather than other species of poultry such as quail.

These proposals have undergone a comprehensive consultation process, and have been developed following submissions and feedback from both affected stakeholders and the public.

[1] *Gallus gallus domesticus*.

Each proposal is detailed in the following tables, in line with the example table below:

New proposal number and title	
Description of the proposals	This describes the policy intent of the proposed regulation. The exact wording of any final regulation may differ. Definitions of terms used are included where MPI proposed putting a definition into law.
Proposed offences and penalties	The proposed type of offence (regulatory or infringement) and associated penalty are included, where appropriate.
Rationale	Includes information about the procedure, including current practice in New Zealand, and lays out the reasoning for why regulation is needed.
Impact	Briefly outlines the impact of regulating for this procedure, including benefits and/or costs to both the animals and the owner or person in charge.
Mitigation	Sets out how any negative impacts may be mitigated, where appropriate.
Commencement	Most proposals have an immediate commencement date, however some may have delayed commencement to allow for appropriate processes to be put in place.

There are several terms used throughout the proposals which have further meaning

Competency

Many of the proposals require a person to be competent. Unless otherwise indicated, where proposals refer to a person, that person must be:

a. experienced with, or have received training in, the correct use of the method being used; and
b. able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice.[2]

The owner or person in charge of the animal also has a responsibility to ensure the person undertaking a procedure on their animal is competent. They must ensure that the health and welfare needs of the animal are met during the procedure, by ensuring that at all times a person is available who has:

a. suitable equipment; and
b. the relevant knowledge, has received training, or is under appropriate supervision.

This definition of competency will apply to all proposals that require a person to be competent.

Veterinarian

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

[2] One proposal (restrictions on deer develvetting) requires additional elements for a person to be considered competent. These additional elements are set out explicitly in the proposal.

Pain relief

There are three different proposed pain relief requirements in this document. If no pain relief is mandated, the use of analgesics or anaesthetic is encouraged but discretionary.

Requirements	What this means	Example
Pain relief must be used at the time of the procedure.	These phrases are 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.	Main teat removal of a cattle beast at any age.
Pain relief, authorised by a veterinarian for the purpose of the procedure, [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 reduces 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.	Disbudding a goat.
Local anaesthetic authorised by a veterinarian for the purpose of the procedure.	This wording is used when it is necessary to set out the exact type of pain relief that is required for the procedure.	Epidurals.

The offences and associated penalties are set out for each proposal

The offences for contravention of the regulations (infringements and prosecutable offences) will be strict liability offences.

Strict liability offences are appropriate for minor and straightforward matters of fact. In these situations it is not necessary to prove a person intended to take that course of action.

For all proposed regulations, particularly those where no offence is created by the proposal, Act offences and penalties will apply if the animal's welfare is compromised.

The owner and person in charge is also liable

Where there is an offence for a person who undertakes a procedure, the owner or person in charge of the procedure is also liable for the same penalty, for allowing the procedure to be undertaken.

For example, if an individual hot brands a cattle beast, they are liable on conviction to a prison sentence and a maximum $5,000 fine. The owner or person in charge of the animal will also be liable for a prison sentence and a maximum $5,000 fine for allowing the procedure to be undertaken.

Veterinary liability

A veterinarian who has authorised pain relief to be administered by a non-veterinarian, but is not in control of or caring for the animal, is not a 'person in

charge’ under the Act. This also applies to a veterinarian who is supervising a person who is caring for animal. In these case the veterinarian is not liable for the animal’s welfare. However, veterinarians will remain liable under the Veterinarians Act 2005 and the Agricultural Compounds and Veterinary Medicines Act 1997 for their conduct.

Contents

Procedures performed on animals for research, testing or teaching

Animal use in research, testing and teaching in New Zealand is strictly controlled under the Animal Welfare Act 1999 (the Act). Part 6 of the Act provides the framework for the use of animals in research, testing and teaching.

The use of animals contributes to new insights into all areas, including human and animal health, animal welfare, pest management, and conservation. The treatment and cure for many diseases relies on animal research – including research into the development of drugs to benefit animals. Research into animal behaviour, physiology, and pathology can also help to better understand levels of pain and distress experienced by animals.

Any person or organisation using animals must follow an approved code of ethical conduct, and each project must be approved and monitored by an Animal Ethics Committee (AEC). When considering applications for projects, an AEC must consider whether there are any alternatives available which do not use animals. Within the constraints of any project, all reasonable steps must be taken to ensure that the physical, health and behavioural needs of those animals are met in accordance with both good practice and scientific knowledge.

Subject to these restrictions, the Act provides that nothing in Parts 1 and 2 (the parts that set out the required care of and conduct towards animals) prevents animals from being used in research, testing and teaching in accordance with Part 6 of the Act. Every project that uses animals must demonstrate the benefits are not outweighed by the likely harm to animals.

1. All animals – disapplying regulations to research, testing and teaching procedures carried out as a part of an Animal Ethics Committee approved project under Part 6 of the Animal Welfare Act	
Description of proposal	1. Nothing in regulations developed under section 183B (surgical and painful procedures) apply to research, testing and teaching carried out as part of a project approved by an AEC under Part 6 of the Act. This includes both those regulations issued under 183B and currently included within the Animal Welfare (Care and Procedures) Regulations 2018 (the 2018 Regulations) and the new regulatory proposals. 2. The following prohibitions still apply: a) Regulation 59 – Prohibit mulesing sheep (already in force); b) Proposal 22 – Prohibition on blistering, firing, mechanical soring, and nicking; c) Proposal 27 – Prohibition on hot branding (excluding horses, donkeys, and their hybrids); and d) Proposal 34 – Prohibition on cropping dogs' ears.
Proposed offences and penalties	If a prohibited procedure is carried out under an AEC approved project, the penalty for breaching that prohibition under the specific regulation will apply. Penalties for prohibitions apply to both the person who undertakes the procedure, as well as the owner and person in charge of the animal who allows the procedure to take place. Act offences and penalties may also 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.
Rationale	While MPI considers that regulations developed under section 183B do not apply to Part 6, the Act does not explicitly say so. This regulation is required to make it clear that regulations (apart from the prohibitions listed) do not affect an AEC's ability to approve a project under Part 6 of the Act that may contradict the regulations. Two of the 2018 Regulations that were included in the original list of excluded 'prohibitions' have been removed. The scope of the proposal has also been extended to cover the other proposals relating to research, testing and teaching. **Removing restrictions on docking dogs' and cattle beasts' tails (regulations 50 and 51 of the 2018 Regulations) from the proposed list of exempted prohibitions** Regulations 50 and 51 of the 2018 Regulations were originally proposed as procedures which should be still be prohibited despite this proposal. However, these regulations do not align with the other full prohibitions, which are exempted from the application of this proposal. Regulations 50 and 51 provide a defence for a veterinarian to remove an animal's tail for therapeutic reasons, compared to other full prohibitions where even this is not allowed. Regulations 50 and 51 also do not compare in penalty, as a person who breaches them is liable for a $3,000 fine compared to the usual $5,000 fine for a full prohibition. An AEC should still take into account the intent of the regulations (to prevent tail docking which does not benefit the animal) when deciding whether or not to approve a project which involves these procedures. **Applying the proposal to researching, testing and teaching-specific proposals** Previously, the other research, testing and teaching regulations allowed a competent person to perform certain procedures under a standard operating procedure *or* an AEC approved project. References to AEC approved projects have been removed from those regulations to better fit with the intention for regulations to not apply to those projects. This means that this proposal does not need to exclude the research, testing and teaching proposals.
Impact	This proposal regulates that no prohibitions may be overridden by an AEC. This may limit any research in these areas, however MPI considers that as the procedures are no longer permitted there is limited need for research.
Mitigation	No mitigation measures are proposed for this regulation.
Commencement	May 2020.

Regulations are required for significant surgical procedures carried out under a standard operating procedure, and under section 5(3) of the Act

Most procedures performed on animals in research, testing and teaching are carried out as a part of an AEC approved project. However, some routine procedures are carried out under standard operating procedures[3] which are not legislated for under Part 6 of the Act. These standard operating procedures vary in levels of oversight and monitoring from an AEC between each organisation, with some having no AEC oversight at all.

Procedures carried out under standard operating procedures are generally used for identification or genotyping purposes, often before an animal is assigned to a specific project.

There are also procedures carried out under section 5(3) of the Act, which allow agencies carrying out routine procedures, such as those used for marking or tagging, under the Conservation Act or the Fisheries Act[4] to do so without requiring AEC approval.

It is likely that the procedures listed in the following proposals will meet the criteria for a significant surgical procedure. Therefore, regulation is needed to clarify that a competent non-veterinarian may carry out these procedures in these limited circumstances.

While MPI considers that the regulations do not apply to Part 6 of the Act, these above circumstances are not legislated for in Part 6 of the Act, and therefore regulations will still apply. These routine procedures are important for both research and conservation/fisheries management.

The following proposals for research, testing and teaching, and section 5(3) have been identified as areas where competent non-veterinarians are carrying out routine procedures that are likely to meet the criteria for a significant surgical procedure. Regulation is necessary to allow these practices to continue.

Section 8.4 of the Discussion Document 'Proposed Animal Welfare Regulations' sets out more detailed information on the interactions between research, testing and teaching, section 5(3), and the proposed regulations.

[3] Rules and requirements for routine procedures carried out in assistance of an AEC approved project are often set out in standard operating procedures. They are not legislated for under Part 6 of the Act so are not exempt from the regulations.

[4] Section 5(3) provides this exemption to further Acts, however these two Acts are the main ones for which these procedures are undertaken.

2. All animals – tissue removal for research, testing, and teaching, or for functions under section 5(3) of the Animal Welfare Act	
Description of proposal	1. The following procedures will be veterinarian-only, unless the person undertaking the procedure is competent, and is carrying out the procedure: a) under section 5(3) of the Animal Welfare Act 1999; or b) under a standard operating procedure which has been approved by an AEC. 2. A person who meets the criteria above may undertake the following procedures: a) digit removal of any animal; b) entire fin removal from a fish; c) tail clipping or tipping on a rat, mouse, or reptile; d) ear notching on a rodent under two weeks of age; or e) flipper clipping of a pinniped[5]. 3. The owner or person in charge of an animal must not allow any of the above procedures to be performed except in accordance with the clauses above.
Proposed offences and penalties	<u>Removing tissue not in accordance with the requirements of the regulation</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.
Rationale	Tissue removal is routinely performed in research, testing and teaching and for section 5(3) functions by competent non-veterinarians. It is generally performed for identification or genotyping purposes. It is likely that the listed procedures will meet the criteria for a significant surgical procedure, therefore regulation is needed to clarify that a competent non-veterinarian may carry out the procedure in these limited circumstances. During consultation the proposal was generally supported. AEC oversight was generally accepted as appropriate to properly assess competency, and it was acknowledged that making these procedures veterinarian-only would place unreasonable and impractical limitations on these programmes. Those who opposed the proposal generally did so because they did not trust the AEC approval system or because they disapproved of any use of animals in research, testing and teaching. MPI considers that the current AEC approval process is robust and an appropriate check on these procedures being carried out under standard operating procedures. **Removing 'All animals – biopsy/tissue removal'** During the 2019 consultation, MPI proposed allowing a competent person to perform all tissue removal (within the limited circumstances prescribed above). The intention of allowing this was to capture procedures, which would meet the criteria of a significant surgical procedure, which MPI had not been made aware of at the time of developing this proposal. However, during consultation it was identified that tissue removal covered everything from hair removal through to biopsies of internal organs. Some of these are clearly not a significant surgical procedure and do not require regulation to be able to continue to be carried out by non-veterinarians. Conversely, MPI considers some procedures (such as biopsies of internal organs) are likely to be a significant surgical procedure and should be carried out by a veterinarian with pain relief. MPI considers that if these types of tissue removal are to be carried out by a non-veterinarian then it should be done under an AEC approved project. MPI has therefore decided to limit the regulation to the above procedures. Stakeholders have indicated that it is appropriate for competent non-veterinarians to carry out these procedures under a standard operating procedure. There is likely to need to be some guidance needed on what procedures do not meet the significant surgical procedure threshold.

[5] The pinniped family covers all seals including walruses, 'eared' seals such as sea lions, and 'earless' seals such as leopard seals.

	Clarifying that AEC approved projects are not affected by the regulations During stakeholder engagement it was noted that including AEC approved projects would mean that the regulation would apply to these projects. This was not the intention and the proposal has been amended accordingly. The final proposal provides for a competent non-veterinarian to undertake tissue removal of the specified animals only if they are carrying out the procedure under a standard operating procedure (i.e. a procedure performed for husbandry or managements purposes, rather than for RTT) which has been approved by an AEC or as a function under section 5(3) of the Act. Otherwise, undertaking these types of tissue removal on any of the specified animals in the proposed regulation is a veterinarian-only procedure. **Including 'flipper clipping of a pinniped'** The original proposal, which MPI consulted on, did not include flipper clipping of a pinniped. During targeted stakeholder engagement it was noted that routine flipper clipping of sea lions was being considered as a part of conservation projects. The procedure is similar to either notching or punching in sheep and cattle ears, but is performed on the flipper area of the seal or sea lion. This procedure is likely to meet the criteria for a significant surgical procedure because the clipping is performed in the 'toe' area which is prone to more bleeding than other forms of tissue removal (ear notching also causes bleeding), infection, and behavioural effects on the animal.[6] This differs from ear notching and clipping in other animals, which are not considered to be a significant surgical procedure. This procedure is likely to be important for sea lion management, and is performed by competent non-veterinarians. Therefore, it has been added to the list to make it clear that it can continue to be performed by competent non-veterinarians within the limited circumstances proposed above.
Impact	Many organisations already have their standard operating procedures approved by their AEC, so there will be no impact on their processes. However, there may be some additional time and monetary costs for organisations that do not currently have AEC approval for their standard operating procedures. Apart from this, the proposal is expected to have little to no impact as it is regulating for the status quo.
Mitigation	MPI will work with National Animal Ethics Advisory Committee (NAEAC) and AEC members to determine whether further material on what type of tissue removal clearly does and does not meet the criteria of a significant surgical procedure is needed for clarity.
Commencement	May 2020.

[6] Johnson A. M. Recoveries of marked seals, 26-31, Marine Mammal Biological Laboratory: Fur seal investigations. (1970). National Marine Mammal Laboratory, Northwest and Alaska Fisheries Centre, National Oceanic and Atmospheric Administration, Seattle, Washington.

3. All animals – surgical tagging for research, testing and teaching, or for functions under section 5(3) of the Animal Welfare Act	
Description of proposal	1. Surgical tagging will be veterinarian-only, unless the person undertaking the procedure is competent, and is carrying out the procedure: a) under section 5(3) of the Animal Welfare Act 1999; or b) under a standard operating procedure which has been approved by an AEC. 2. Pain relief, authorised by a veterinarian, must be used for the purpose of the procedure. 3. The owner or person in charge of an animal must not allow any of the above procedures to be performed except in accordance with the clauses above. *'**Surgical tagging**' is any tag or transponder implantation, other than simple injection, which requires surgical incision of the body wall and insertion of a tag into the body cavity.*
Proposed offences and penalties	Being a non-veterinarian who surgically tags an animal not under section 5(3) or not under an AEC approved standard operating procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Failing to use pain relief when surgically tagging an animal A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Tagging or transponder implantation are commonly used in research, testing and teaching to help identify and collect data from animals. Tagging is also commonly carried out under section 5(3) of the Act. Competent non-veterinarians often tag animals in the wild to keep track of population numbers and to collect data on an animal's habits. These routine procedures are important for research, testing and teaching, conservation and fisheries management, and are usually carried out by competent people who have received specialist training. Regulation is necessary to allow these practices to continue. **Including 'transponder implantation'** The definition of 'surgical tagging' was intended to include all forms of tags, including transponders, which are sometimes surgically inserted into an animal's body cavity. During consultation, it was noted that a person may attempt to argue a transponder is not a tag, and therefore the regulation would not apply. For clarity, explicit reference to a transponder is included in the regulation wording. **Including a definition for 'surgical tagging or transponder implantation'** The definition of surgical tagging has been included in the proposal itself to clarify what is intended to be covered by 'surgical tagging and transponder insertion'. **Clarifying that AEC approved projects are not affected by the regulations** During stakeholder engagement it was noted that including AEC approved projects would mean that the regulation would apply to these projects and pain relief would be required to be used. This would mean that an AEC could not approve a research project for surgical tagging with a pain-relief-free control group. This was not the intention and the proposal has been amended accordingly. The final proposal provides for a competent non-veterinarian to undertake surgical tagging on animals with pain relief, only if they are carrying out the procedure under a standard operating procedure (i.e. a procedure performed for husbandry or managements purposes, rather than for RTT) which has been approved by an AEC or as a function under section 5(3) of the Act. Otherwise, undertaking surgical tagging is a veterinarian-only procedure. Animals may be surgically tagged without pain relief for RTT. This is made clear by proposal 1 above, which clarifies that regulations relating to surgical and painful procedures (apart from regulations to prohibit or restrict certain procedures) do not apply

	to RTT procedures carried out as part of an AEC approved project under Part 6 of the Act.
Impact	Many organisations already have their standard operating procedures approved by their AEC, so there will be no impact on their processes. However, there may be some additional time and monetary costs for organisations that do not currently have AEC approval for their standard operating procedures. Apart from this, the proposal is expected to have little to no impact as it is regulating for the status quo.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

4. All animals – desexing and sterilising of animals used in the context of research, testing and teaching	
Description of proposal	1. Desexing of the following animals will be veterinarian-only, unless the person undertaking the procedure is: a) competent; and b) carrying out the procedure under a standard operating procedure which has been approved by an AEC. 2. This regulation applies to: a) Rodents (e.g. rats and mice); b) Mustelids (e.g. stoats and ferrets); c) rabbits or hares; or d) fish. 3. Pain relief, authorised by a veterinarian, must be given for the purpose of the procedure. 4. The owner or person in charge of an animal must not allow any of the above procedures to be performed except in accordance with the clauses above. *'**Desexing or sterilising**' includes any procedure to render an animal infertile, including but not limited to vasectomy, castration, hysterectomy, and oophorectomy (ovariectomy).*
Proposed offences and penalties	Being a non-veterinarian who desexes or sterilises an animal not under an AEC approved standard operating procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Failing to use pain relief when desexing or sterilising an animal A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Desexing of some animals is performed so routinely in research, testing and teaching that it is done under a standard operating procedure instead of an AEC approved project. Often the procedure is done by a competent non-veterinarian, who has been trained in the procedure by a veterinarian. Desexing is important as a part of population management and to prevent the undesired mixing of important genetic lines. Standard operating procedures are not established under Part 6 of the Act, so each organisation can set out its own process for developing and reviewing standard operating procedures. This proposed regulation requires any standard operating procedure that covers desexing these animals be approved by an AEC. This provides added oversight, which has not been required for research, testing and teaching standard operating procedures before, although some organisations already have their standard operating procedures approved by their AEC. **Expanding the list of animals** The original proposal, consulted on in 2019, only covered desexing and sterilisation of rodents, leporids (rabbits and hares), and fish. During targeted consultation it was noted that other animals are commonly desexed or sterilised outside of an AEC approved project. Animals are sometimes sterilised to create 'teaser' animals which are not part of the project themselves. Further animals and procedures were listed e.g. castrating rams, however these are generally dealt with under other regulations. The list has therefore been expanded to avoid interfering with common practice. It will be up to the approving AEC's discretion to decide which process it considers most appropriate for approving the procedure. Either way, the regulation will provide AEC oversight of the process. **Clarifying that AEC approved projects are not affected by the regulations** During stakeholder engagement it was noted that including AEC approved projects would mean that the regulation would apply to these projects and pain relief would be

	required to be used. This would mean that an AEC could not approve a research project for desexing or sterilisation with a pain-relief-free control group. This was not the intention and the proposal has been amended accordingly. The final proposal provides for a competent non-veterinarian to undertake desexing of the specified animals with pain relief, only if they are carrying out the procedure under a standard operating procedure (i.e. a procedure performed for husbandry or managements purposes, rather than for RTT) which has been approved by an AEC. Otherwise, undertaking desexing on any of the specified animals in the proposed regulation is a veterinarian-only procedure. Animals may be desexed or sterilised without pain relief for RTT. This is made clear by proposal 1 above, which clarifies that regulations relating to surgical and painful procedures (apart from regulations to prohibit or restrict certain procedures) do not apply to RTT procedures carried out as part of an AEC approved project under Part 6 of the Act.
Impact	Many organisations already have their standard operating procedures approved by their AEC, so there will be no impact on their processes. However, there may be some additional time and monetary costs for organisations that do not currently have AEC approval for their standard operating procedures.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

Regulatory proposals relating to a wider context of animals and procedures

5. All animals – restrictions on performing epidurals	
Description of the proposal	1. A person who performs an epidural on an animal (except for an equid) must: a) be competent; and b) use local anaesthetic authorised by a veterinarian for the purpose of the procedure. 2. Performing an epidural on an equid is a veterinarian-only procedure. 3. The owner or person in charge of an animal must not allow any of the above procedures to be performed except in accordance with the clauses above. *An '**epidural**' is an injection of local anaesthetic into the extradural space between spinal vertebrae.* *'**Equid**' means any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.*
Proposed offences and penalties	Failing to use local anaesthetic authorised by a veterinarian A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a non-veterinarian who performs an epidural on an equid A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Epidurals are used to paralyse the nerves that pass through the anaesthetised area and prevent the animal from feeling any sensations in that area. Epidurals are performed by both veterinarians and non-veterinarians. The local anaesthetic needed to perform an epidural is a restricted veterinary medicine under the Agricultural Compounds and Veterinary Medicines Act 1997. Veterinarians are able to authorise non-veterinarians to administer restricted veterinary medicines. Non-veterinarians performing epidurals are therefore undertaking this procedure with some level of veterinary oversight, for example, when treating uterine prolapses in cattle. Due to the potential harm that could be caused if this procedure is not carried out correctly, it is likely that it would meet the criteria of a significant surgical procedure. Regulation is required to make it clear that competent non-veterinarians can continue to perform the procedure. **Expanding the proposal to cover all animals in all circumstances** The original proposal allowed for competent non-veterinarians to perform epidurals only when carrying it out in association with a reproductive procedure. Submissions on the proposal generally agreed that the proposal should be widened to other circumstances. For example, some competent non-veterinarians also perform epidurals on sheep and cattle to provide pain relief during treatment of prolapses and to assist during calving and lambing issues. **Requiring epidurals to be veterinarian-only for equids** Anatomical differences in horses and other equids in contrast with other animals mean that there is a higher degree of risk and complexity that requires veterinary intervention[7]. As such, MPI considers that this should be restricted to veterinarian-only.
Impact	It is considered that this proposal may provide potential animal welfare benefits by providing a mechanism for pain relief, via an epidural, to be more widely accessible to animals than if the procedure was veterinarian-only[8].

[7] C Natalini and B Driessen, Epidural and Spinal Anesthesia and Analgesia in the Equine, Clinical Techniques in Equine Practice, Volume 6, Issue 2, June 2007, pp145-153

[8] Note: veterinary oversight will be required to access the anaesthetic required to perform the procedure.

	The proposal is likely to have minimal or no impact on the owners and people in charge of animals.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand, and are able to comply with, their obligations.
Commencement	May 2020.

6. Amendments to regulation 48 of the Animal Welfare (Care and Procedures) Regulations 2018 (Electric prodders)	
Description of the proposals	1. Amendments to regulation 48 of the Animal Welfare (Care and Procedures) Regulations 2018 to: a) include an allowance for use of electric prodders on pigs over 70 kilograms in the single file area directly before, and leading into, a restrained stunning box at any slaughter premise; and b) clarify that electrical devices used on animals by the New Zealand Police are excluded from the definition of an electric prodder.
Proposed offences and penalties	The offences and penalties which currently apply to regulation 48 will continue to apply. <u>Using an electric prodder on a pig in breach of this regulation</u> An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court. Where the offending 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.
Rationale	The use of electric prodders is controversial as they can cause pain and distress, and they should not be used on young or small animals, or species prone to stress. However, electric prodders are an important tool. An acceptable level of animal welfare can be maintained if their use is in within an acceptable range.[9] The use of electric prodders is therefore restricted under the Animal Welfare (Care and Procedures) Regulations 2018 (the 2018 Regulations). **<u>Pigs</u>** Under the 2018 Regulations, electric prodders may only be used on pigs over 150 kilograms when loading a stunning pen at a slaughter premise. This weight limit was based on current practice and traditional slaughter methods at the time the regulation came into force. Since the regulations were consulted on in 2016, some pig processors have adopted a new management system that has overall improved pig welfare outcomes. However, the new restrained slaughter system has also resulted in the need to use electric prodders on smaller pigs in limited circumstances. **The restrained slaughter system improves welfare outcomes** The system restrains pigs prior to being stunned. Pigs are diverted into a single-file race and loaded into the stunning box by a pneumatic pusher. However, on rare occasions electric prodders need to be used to ensure pig movement through the enclosed part of the single file race. Operators have little access to the pigs at this point and the alternatives include reaching into the race which will put the safety of the handler at risk. The other alternative would be to release the pig through a side door and slaughter it at the side of race which would be more stressful for the pig and the handler. Submissions from animal advocacy groups and the veterinary community oppose the amendment. However, MPI considered that: • it is in the best interest of the animals to move through the slaughter process as quickly as possible, and pigs that weigh more than 70 kilograms (live weight) would be difficult for handlers to physically move when stopped in the race; • the new system for processing pigs is a significant improvement from an animal perspective; • the need to use an electric prodder on smaller pigs is only in limited circumstances where operators have limited access to the race; and • alternatives such as using non-electrical devices (goads) or removing the pig from the race and slaughtering the animal at the side of the processing race would likely be more stressful for both the pig and the handlers.

[9] Grandin, T. (1997) Good management practices for animal handling and stunning. Am. Meat Inst., Washington, DC.

	Furthermore, MPI has observed the new system and worked with the processors to refine it to ensure any prodder use is restricted to a very small segment of the processing chain. **Use of electrical devices by the New Zealand Police** Police officers are often confronted with situations where animals need to be temporarily incapacitated or moved. This is because they are impeding access to 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 the above circumstances the use of an electrical device may be an alternative to shooting the animal. Officers are required to undergo annual training and gain certification in the use of electrical devices. This training includes instructions on when these devices can be used. Views on whether the current definition of an electric prodder in the 2018 Regulations would apply to electric devices used by the New Zealand Police differ. Stakeholder submissions on whether the New Zealand Police should be able to use electric devices on animals also differed. Animal advocacy organisations opposed the use of electric devices, while the veterinary community and other stakeholders supported the use of devices when there is a risk to human life. On balance it is proposed that the 2018 Regulation be amended to clarify that the use of electrical devices by the New Zealand Police, for legitimate law enforcement activities, are excluded from the definition of an electric prodder. For example, in circumstances where an animal is attacking or when an animal needs to be removed from a circumstance or location where it poses a risk to any person.
Impact	It is anticipated that the use of electric prodders on pigs in the limited circumstances proposed in this regulations will be rare (i.e. industry estimates use would be around one percent of pigs processed). Use of electric devices by the New Zealand Police reflects current practice in New Zealand.
Mitigation	Processors will be monitoring electric prodder use and will continue to consider ways to eliminate their use. MPI will also continue to monitor the use of electric prodders at slaughter premises.
Commencement	May 2020.

7. Cattle – treating vaginal prolapses	
Description of the proposals	1. A person who treats a vaginal prolapse in a cattle beast must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 2. The owner or person in charge of the cattle beast must not allow it to be treated except in accordance with the clauses above. *A '**prolapse'** is where an organ or anatomical structure falls out of its usual position.*
Proposed offences and penalties	Failing to use pain relief when treating a prolapsed vagina A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Vaginal prolapses generally occur in heavily pregnant cows just before calving. While relatively common in sheep, vaginal prolapses are rare in cattle. Anecdotally there are some farmers who currently treat vaginal prolapses, however it is more common that a veterinarian would be called to treat them. Submissions on the proposal acknowledged that vaginal prolapses in cattle are painful, and highlighted the importance of the prolapse being treated as soon as possible. Submissions also noted concerns with the maintenance of competency with the procedure due to the rareness of the issue in cattle. While industry organisations supported the proposal to allow competent non-veterinarians to perform the procedure, animal advocacy and veterinary groups thought that it should only be performed by veterinarians. Due to the potential pain and harm that could be caused if the procedure is not carried out correctly, it is likely that it would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, only a veterinarian would be able to treat a cow's prolapsed vagina. MPI considers that due to the urgency required for successful treatment, it is important to allow farmers to treat these prolapses, especially when gaining access to veterinary services in a timely manner can be difficult. **Pain relief** While the proposal is to allow a competent person to treat a prolapse, MPI considers that pain relief is necessary for the procedure. A non-veterinarian can be trained to administer pain relief, such as an epidural, for this procedure. In dairy systems, it is more likely that the animal can be moved to a yard to be restrained for treatment and for administration of the appropriate pain relief. However, this is less likely in an extensive cattle farm. In those cases, the farmer must make the decision whether moving the animal or euthanising it would be in the best interests for the animal's welfare.
Impact	Due to the rare nature of vaginal prolapses in cattle, this proposal is likely to have only a small impact on the monetary and time costs for farmers. If farmers wish to perform the procedure they will need to invest time with their veterinarian to learn the appropriate pain relief technique.
Mitigation	A delayed commencement for the pain relief requirement by one year is proposed to allow both farmers and veterinarians enough time to become familiar with administering appropriate pain relief, and the process for authorising pain relief.
Commencement	May 2021 – delayed commencement of one year.

8. Amendments to regulations 3 and 54 of the Animal Welfare (Care and Procedures) Regulations 2018 (Castrating horses)	
Description of the proposals	1. Amendments to regulations 3 *Interpretation* and 54 *Castrating Horses* of the Animal Welfare (Care and Procedures) Regulations 2018 (the 2018 Regulations) : a) remove the exemption of regulation 54 in the definition of '**horse**' in regulation 3; and b) amends regulation 54 so it applies to all equids. *'**Equid**' means any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.* *Note: this regulation will ensure that castration of all equids is done by veterinarians, with pain relief.*
Proposed offences and penalties	The offences and penalties which currently apply to regulation 54 will continue to apply. Being a non-veterinarian who castrates an equid A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate. Being a veterinarian who fails to use pain relief when castrating an equid A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	Castration is a routine procedure commonly carried out throughout New Zealand. On equids to prevent breeding and the development of aggressive behaviours, for the safety of other animals and for handling. The procedure involves cutting the scrotum to either crush the spermatic cord (closed castration), disable/remove the cord (semi-closed castration) or remove the testicles (open castration). Regulation 54 already restricts the castration of horses, ponies and their hybrids to veterinarian-only. However, the 2018 Regulations are silent on other equids, such as zebras, donkeys, other wild equids, and their hybrids, that are not currently covered by codes of welfare.[10] Almost all submitters agreed with the proposal as is. Some submitters noted that different equids may require different doses and methods. These matters may affect how a veterinarian would perform the procedure, but they do not provide an argument for non-veterinarians to perform castrations.
Impact	This proposal does not change current standards or practice. Clarity of the obligations may improve welfare of equids, especially for donkeys and mules, where MPI received feedback that owners were unsure whether a veterinarian was required to perform castrations. Clarity of the obligations is expected to improve welfare of equids, especially for owners of donkeys and mules where MPI received feedback that owners were unsure whether a veterinarian was required to perform castrations. There is no population data available on donkeys, mules, zebra, or other wild equids in New Zealand.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[10] Regulation 54 Castrating horses, Animal Welfare (Care and Procedures) Regulations 2018.

9. Sheep – restrictions on teat removal	
Description of proposal	*Supernumerary teat removal under one week of age* 1. A person who removes a supernumerary teat from a sheep that is under one week of age must: a) be competent; and b) ensure that the procedure creates a clean cut and does not tear the tissue. *Supernumerary teat removal over one week of age* 2. A person who removes a supernumerary teat from a sheep that is over one week of age must: a) be competent; and b) ensure that the procedure creates a clean cut and does not tear the tissue; and c) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. *Main teat removal at any age* 3. A person who removes a main teat of a sheep must be a veterinarian. 4. Pain relief must be used at the time of the procedure. *The owner or person in charge of the animal is liable* 5. The owner or person in charge of a sheep must not allow its teats to be removed except in accordance with the clauses above.
Proposed offences and penalties	Failing to create a clean cut, or tearing the tissue An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court. Failing to use pain relief when removing a supernumerary teat over one week of age A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Failing to be a veterinarian when removing a main teat A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a veterinarian but failing to use pain relief when removing a main teat A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	It is common practice in the cattle dairy industry for supernumerary teats to be removed by the farmer or a contractor at the same time as disbudding. They are removed to prevent interference with milking cups, but can also cause medical issues for the cow later in life. As the sheep dairy industry is growing in New Zealand, MPI decided to consult on a similar proposal for teat removal from sheep. However, submissions on the proposal during consultation noted that supernumerary teat removal is not commonly performed in the sheep dairy industry, and supernumerary teats are usually left on in the meat and fibre industry. Main teat removal is usually undertaken as treatment for an infected or injured teat. Teat removal of any kind is likely to meet the criteria for a significant surgical procedure. Where supernumerary teat removal is being performed, it is likely that it is being done on-farm by competent non-veterinarians. Without regulation this procedure will be veterinarian-only. Regulating that main teat removal is veterinarian-only removes any ambiguity that a non-veterinarian may be able to undertake the procedure. **Lowering the maximum age for no pain relief to one week** The 12 week age limit, consulted on in 2019, was aligned with the proposal for dairy cattle, as MPI was unsure of how common the practice was in the sheep dairy industry.

	It was not linked to current practice, compared to the cattle dairy industry where supernumerary teat removal is routinely performed at the same time as disbudding (around 8 weeks of age). NAWAC submitted that the age should be lowered to one week, as this was the maximum age that innervation would be completed in the sheep's teats. This age was tested with several industry members who noted that they did not tend to remove extra teats and so the lowered age would not affect them. **Allowing non-veterinarians to remove supernumerary teats after one week of age** Removing a supernumerary teat is often a straightforward procedure that can easily be performed by a competent non-veterinarian. However, consultation raised that after one week it is a painful procedure. MPI has therefore decided it would be practical to allow a competent non-veterinarian remove supernumerary teats at any age, as long as they use pain relief, authorised by a veterinarian, after one week of age.
Impact	Removal of supernumerary teats for the sheep dairy industry does not appear to be a well-established procedure so little to no impacts are expected from this proposal. Lowering the age therefore improves animal welfare, without affecting those who are currently work in the industry. However, one submitter noted that it would have a larger impact on them, in relation to removing infected teats (main and supernumerary). This submitter noted they had around 10 instances of this a year, which at $150-$200 per veterinarian callout, would amount to an increase of $1,500-$2,000 a year. The proposal may therefore result in more sheep being euthanised. Anecdotally, unless the sheep is a valuable animal, where pain relief or a veterinarian call-out is needed the sheep is more likely to be euthanised. MPI considers this to be a preferable alternative to causing a sheep unnecessary pain and distress by removing infected or injured teats without pain relief.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

10. Sheep – treating vaginal and uterine prolapses	
Description of the proposals	1. A competent person may treat a sheep's prolapsed vagina and/or uterus. 2. The owner or person in charge of an animal must ensure that only competent people perform this procedure. ***Prolapse*** *is where an organ or anatomical structure falls out of its usual position.*
Proposed offences and penalties	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.
Rationale	A vaginal prolapse occurs when a ewe pushes her vagina out of her vulva. Vaginal prolapses, also known as bearings, are relatively more common in sheep than in other animals. They are most common just before lambing. There are multiple causes for vaginal prolapses and the risk increases with factors such as higher foetal numbers, paddock slope near lambing and the ewe having had a previous vaginal prolapse.[11] Industry estimates that approximately 0.5 to 1 percent (around 178,000 ewes)[12] of breeding ewes in New Zealand experience a vaginal prolapse, but occasionally an individual farm can experience outbreaks affecting up to 10 percent of the ewes. Submissions generally agreed that maintenance of competency was achievable due to the high prevalence and experience farmers have dealing with this issue. In comparison to vaginal prolapses, uterine prolapses are less common. A uterine prolapse is generally much larger than a vaginal prolapse, as it involves part or all of the uterus turning inside out and passing through the vagina. A uterine prolapse generally occurs after lambing. Submissions considered these to be more complex to treat and retain and require more skill and pain relief. **Frequency of prolapses** Industry estimates that uterine prolapses occur in approximately 0.1 to 0.25 percent (between approximately 17,800 to 44,500) of the ewe population. It is very common for non-veterinarians to treat vaginal prolapses on farm. It is less common for non-veterinarians to treat uterine prolapses, however, some farmers have indicated that they do sometimes treat them or alternatively euthanise the sheep. For both types of prolapses, it is very important that they are treated as soon as possible. **Is treating a prolapse a significant surgical procedure?** Due to the potential pain and harm that could be caused if either procedure is not carried out correctly, it is likely that they would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, only a veterinarian would be able to treat a sheep's prolapsed vagina or uterus. MPI considers that due to the urgency required for successful treatment, it is important to allow farmers to treat these prolapses, especially when gaining access to veterinary services in a timely manner can be difficult. The procedure can be performed by a person with experience and/or some training. Making the procedure veterinarian-only would preclude a competent person from treating the prolapse, meaning a sheep may suffer unreasonably while waiting for a veterinarian to arrive. Given the numbers of animals affected, MPI also considers that requiring the procedure to be veterinarian-only would be impractical. A large number of ewes would be euthanised instead of calling a veterinarian out, which could also result in a large loss of lambs. **Allowing non-veterinarians to treat prolapsed uterus' in sheep** During the 2019 consultation, the proposal was limited to allowing a competent non-veterinarian treat vaginal prolapses. There was overall support for allowing competent non-veterinarians treat vaginal prolapses, however there was also some support from industry for farmers being able to treat prolapsed uteruses. Submissions from animal advocacy organisations and the veterinary community considered that uterine prolapses

[11] Code of Welfare: Sheep and Beef Cattle, page 23.

[12] Based on the figure of an estimated 17.8 million breeding ewes in 2017 – Statistics New Zealand.

	are more complex to treat and retain and should only be treated by a veterinarian or the animal euthanised. As for treating vaginal prolapses, MPI considers that the urgency required for successful treatment and the large number of animals affected makes it important for farmers to be able to treat these prolapses. Requiring competency ensures that they have received some training or experience in the procedure. **Pain relief** Submissions considered that pain relief is required during treatment of any type of prolapse. The most appropriate form of pain relief would be an epidural. Administering this in the field is currently impractical in sheep, especially with such a large number of affected animals. Some stakeholders also suggested that local anaesthetic pain relief be provided to ewes when sutures are used to retain a prolapse. There are various methods of retaining a prolapse and MPI considers that requiring pain relief for suturing may result in other less appropriate methods of retention being more commonly used, which may lead to worse outcomes for the ewe.
Impact	The proposal reflects current practice therefore, there is likely to be little to no impact on animal welfare or the owners and people in charge of animals.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

11. Pigs – treating rectal prolapses	
Description of the proposals	1. A person who treats a pig's prolapsed rectum must be competent. 2. The owner or person in charge of a pig must ensure that only competent people perform this procedure. *A '**prolapse**' is where an organ or anatomical structure falls out of its usual position.*
Proposed offences and penalties	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.
Rationale	Currently, veterinarians and non-veterinarians treat rectal prolapses in pigs. Compared to other farmed animals, pigs are more susceptible to rectal prolapse. There are several contributing causes including: diarrhoea, constipation, water shortage, rectal damage, toxins and coughing. Due to the potential pain and harm that could be caused if the prolapse is incorrectly treated, it is likely the procedure will meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, only a veterinarian may be able to treat a pig's rectal prolapse. Submissions from animal advocacy organisations and the veterinary community considered that best practice would be to have the prolapse treated by a veterinarian, and if a competent person was to be allowed to perform the procedure pain relief should be provided. However, submissions generally agreed that it is in the best interests of the pig to have the prolapse replaced as soon as possible. The proposal allows for competent non-veterinarians to treat these prolapses. It is also considered that it would be impractical to require a veterinarian to treat rectal prolapses as they are reasonably common[13]. **Pain relief** Scientific evidence on whether treating a pigs' rectal prolapses is painful and therefore knowledge of appropriate pain relief is lacking. The National Animal Welfare Advisory Committee advises that based on first principles, the innervation of the rectal tissue is visceral (tissue associated with internal organs) which responds to ischaemia (a restriction in blood supply causing a shortage of oxygen needed to keep the tissue alive) and the procedure is therefore unlikely to cause significant pain. Pain relief is therefore not mandated for this procedure at this time.
Impact	This proposal reflects current practice and therefore is likely to have minimal or no impact.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[13] Neumann EJ, Hall WF, Stevenson MA, Morris RS, Ling Min Than J (2014) Descriptive and temporal analysis of post-mortem lesions recorded in slaughtered pigs in New Zealand from 2000 to 2010 , New Zealand Veterinary Journal, 62:3, 110-116, DOI: 10.1080/00480169.2013.853278. This study comprised a dataset of 6.2 million pigs slaughtered in New Zealand abattoirs, and found the prevalence of rectal prolapse was 5.8 percent.

12. Pigs and cattle – application of nose rings, clips and wires	
Description of the proposal	*Nose ringing or clipping a pig or cattle beast* 1. A person who inserts a pig or cattle nose ring or clip must: a) be competent; and b) insert the nose ring or clip for animal management purposes only. *The use of wire is prohibited* 2. The insertion of wire into the noses of pigs and cattle beasts is prohibited. *The owner or person in charge of the animal is liable* 3. The owner or person in charge a pig or cattle beast must ensure that its nose is not ringed in breach of the clauses above.
Proposed offences and penalties	Inserting a nose ring or clip for purposes other than animal management A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Inserting wires into the nose of a pig or cattle beast A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	For pigs, nose rings, clips and wires are inserted because they make digging uncomfortable, which restricts them from rooting behaviour. The procedure is carried out as a way of protecting the environment from soil damage and destruction caused by rooting. MPI understands that approximately 90 percent of the outdoor sows (free range pigs for meat production) have nose rings inserted and that nose rings, clips and wires are regularly inserted into farmed and lifestyle block pigs by non-veterinarians and veterinarians. Nose ringing of bulls is reasonably widespread for those kept for stud purposes over the age of two years, to help handlers manage them safely and securely. In some cases, rings are placed in the nasal septum of cattle for showing purposes. MPI is not aware of how widespread the use of nose clips and wires are on cattle. The insertion of nose rings, clips, and wires is painful, as they are generally pushed through the soft tissue (the most sensitive part) of the nose. Rings are pushed through the septum and the clips or wires go through the outer part of the snout. Depending on the method and place of insertion, nose ringing and clipping may meet the criteria for a significant surgical procedure. It is routinely performed by non-veterinarian. Without regulations specifying otherwise, only a veterinarian would be able to undertake the procedure. During the 2019 consultation, support for the proposal was split. Industry generally agreed with the proposal, although it was noted that the use of wire for ringing was discouraged. Others who supported the proposal did so because they thought it was minor, allowed pigs to be farmed outside, and was able to be done by competent non-veterinarians. Animal advocates generally disagreed with the proposal, as they considered the procedure to be both painful and unnecessary. In the case of pigs, some submitters considered that allowing pigs to practice natural behaviours should be prioritised over protecting the environment. **Not requiring pain relief for the procedure** There is a lack of scientific knowledge about pain and the efficacy of pain relief related to the insertion nose rings, clips and wires in pig and cattle beasts. Rather, scientific research has focussed on the long-term welfare impacts of ringing pigs and the effectiveness of nose ringing on limiting rooting. The proposal balances the likely animal welfare benefit of requiring pain relief when inserting nose rings and clips into pigs and cattle against the cost and practicality of such a requirement. The process of administering pain relief may add more stress to

	the animal, in terms of longer restraint, and it is costly and time consuming (both in terms of having to procure veterinarian services and carrying out the procedure itself). **Prohibiting the use of wires** Most veterinarians and animal advocacy groups thought wires should be banned, due to the procedure taking longer, and being more painful and distressing to the animal. NZ Pork guidelines discourage the use of nose wires in pigs. One pig farming company acknowledged that it does not allow its farmers to use nose wires on their pigs. Based on submissions, MPI recommends prohibiting the insertion of wires through the nose of a pig or cattle beast due to the greater pain and stress resulting from the insertion method and the difficulty in inserting the wire.
Impact	There will be some minimal cost increases for people who currently use nose wires in pigs and will have to start using nose rings or clips, as these are more expensive than wire. However, anecdotally we understand that few people use nose wires in pigs, due to the difficulty of inserting them. Therefore, the proposal largely reflects current practice and is likely to have minimal or no impact.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

13. Goats – restrictions on castration	
Description of the proposals	*Castrating a goat under six months of age* 1. A person who castrates a goat that is under six months of age must be competent. *Castrating a goat over six months of age* 2. A person who castrates a goat that is over six months of age must: a) be competent; and b) use pain relief that is authorised by a veterinarian for the purpose of the procedure, throughout the procedure. *Castrating a goat with a high tension band* *3.* A person who castrates a goat at any age with a high tension band must: a) be competent; and b) use pain relief that is authorised by a veterinarian for the purpose of the procedure, throughout the procedure. *The owner or person in charge of the animal is liable* 4. The owner or person in charge of a goat must not allow it to be castrated except in accordance with the clauses above. *A '**high tension band**' is a band that is mechanically tightened during application, with tension maintained by a crimp or similar device when the band is released from the applicator.*
Proposed offences and penalties	Failing to use pain relief when castrating a goat over six months of age A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Failing to use pain relief when castrating a goat with a high tension band A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Goats are commonly castrated in the fibre and meat industries. Castration is used to control breeding, reduce aggression and facilitate management of goats. In relation to fibre, uncastrated goats urinate on themselves during breeding season to attract does. This contaminates the fibre and downgrades the fleece. In the dairy goat industry males are only required as breeding stock and therefore aren't castrated. Almost all castrations are understood to be performed by applying rubber rings above the testicles to restrict blood flow, causing necrosis of the testicles, which fall off over the course of a few weeks. Pain relief is not currently used if the goat is under 6 months of age. It is possible there are a small number of farmers who use high tension bands or surgically castrate. Surgical castration was not consulted on as part of this proposal but NAWAC could include goats in their consideration when revisiting the same issue for cattle and sheep. Goat castration is likely to meet the criteria for a significant surgical procedure. Without regulation, this procedure will be veterinarian-only. **Setting the maximum age for castrating without pain relief** Most submitters agreed with the proposal but believed the age restriction to use pain relief from 6 months of age was too old. Submitters noted that the nerves of goats are fully developed at one week of age and some goats have reached sexual maturity at four months of age. Suggestions for a younger age restriction ranged from 1 week to 5 months. Some submitters noted that castrating earlier than 5 weeks is not advisable given the risk of developmental issues (cystitis, urinary tract infections, calcium stones etc.).

	Obligating pain relief from 1 week of age would be impractical for goat farmers. Goat farmers currently castrate at 4-6 months of age and 6 months has been an allowance in minimum standards for the practicality of mustering all goats. The proposal is based on the minimum standards in the Code of Welfare for Painful Husbandry Procedures and those obligations are currently applied to cattle and sheep via regulation. To regulate a different standard for goats would create a disparity which may be better addressed when the obligations for cattle and sheep are revisited by NAWAC. In order to allow competent non-veterinarians to continue to castrate goats and to remain consistent with castration regulations MPI has decided to regulate the minimum standard for goats. **Pain relief** 'Pain relief' is already defined in the Animal Welfare (Care and Procedure) Regulations 2018. However, the definition is limited in that it requires explicitly local anaesthetic or general anaesthetic, which may not always be the best form of pain relief for the procedure. By substituting 'local anaesthetic' with 'pain relief' in this proposal we are allowing veterinarians to determine what pain relief they believe is appropriate for the procedure. There may be instances where general anaesthetic or a new form of pain relief is more appropriate.
Impact	The proposed regulation is likely to have a positive impact overall animal welfare by requiring competency and ensuring a veterinarian will be required when the goat is older and the procedure may have a greater welfare impact. The minimum standard is being proposed for regulation so there should be no impact on current practice except for those already failing to meet minimum welfare obligations. Regulating will give MPI a mechanism to infringe for low- and medium-level breaches. As of 2017 there were approximately 98,812 goats in New Zealand.[14] They are farmed for milk, meat, fibre, as well as to manage vegetation (organic weed control). The industry involves approximately: 66,100 dairy goats; 7,715 meat goats; and 9,320 fibre goats.[15]
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[14] Additional tables in the 2017 Agricultural production statistics, Stats NZ.

[15] Lopez-Lozano, R., Scholtens, M., and Smith, R. (9 March 2017). New Zealand Goat Industry: Report to Federated Farmers of New Zealand Incorporated. Massey University. p 22.

14. Goats – restrictions on teat removal	
Description of proposal	*Supernumerary teat removal under four weeks of age* 1. A person who removes a supernumerary teat from a goat that is under four weeks of age must: a) be competent; and b) ensure that the procedure creates a clean cut and does not tear the tissue. *Supernumerary teat removal over four weeks of age* 2. A person who removes a supernumerary teat from a goat that is over four weeks of age must: a) be competent; and b) ensure that the procedure creates a clean cut and does not tear the tissue; and c) use pain relief authorised for the purpose of the procedure, throughout the procedure. *Main teat removal at any age* 3. A person who removes a main teat of a goat must be a veterinarian. 4. Pain relief must be used at the time of the procedure *The owner or person in charge is liable* 5. The owner or person in charge of a goat must not allow the animals' teats to be removed except in accordance with the clauses above.
Proposed offences and penalties	Failing to create a clean cut, or tearing the tissue An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court. Failing to use pain relief when removing a supernumerary teat over four weeks of age A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Failing to be a veterinarian when removing a main teat A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a veterinarian but failing to use pain relief when removing a main teat A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	It is common practice in the cattle dairy industry for supernumerary teats to be removed by the farmer or a contractor at the same time as disbudding. They are removed to prevent interference with milking cups, but can also cause medical issues for the cow later in life. Anecdotally, this also happens in the goat dairy industry, but to a lesser extent. Submissions from dairy goat breeders also noted that supernumerary teats are sometimes removed by breeders. However, this is discouraged because a supernumerary teat is considered a fault in the breed, and removal is a breach of the dairy goat breeding standards. Main teat removal is usually undertaken as treatment for an infected or injured teat. Teat removal of any kind is likely to meet the criteria for a significant surgical procedure. Supernumerary teat removal is currently performed by competent non-veterinarians. Without regulation this procedure will be veterinarian-only. Regulating that main teat removal is veterinarian-only removes any ambiguity that a non-veterinarian may be able to undertake the procedure. **Lowering the maximum age for no pain relief to four weeks**

	The 12 week age limit that was consulted on in 2019, aligned with the proposal for dairy cattle, as MPI was unsure of how common the practice was in the goat dairy industry. The 12 week age limit is tied in with the usual age that calves are disbudded (around eight weeks) to reduce the number of instances that young calves must be handled. Goat kids are also disbudded, but at a much younger age than calves – around one to three weeks old depending on the breed of goat. NAWAC submitted that the age should be lowered to one week, as this was the maximum age that innervation would be completed in the goat's teats. However, the New Zealand Veterinary Association submitted that a maximum age of four weeks would be appropriate. This age aligns with the maximum timeframe possible for disbudding a kid, and allows for both procedures to be done within one handling. Lowering the age to four weeks brings it in line with disbudding and allows for practicality for the industry, while ensuring that the teat is removed as young as possible. **Allowing non-veterinarians to remove supernumerary teats after four weeks of age** Removing a supernumerary teat is often a straightforward procedure that can easily be performed by a competent non-veterinarian. However, consultation raised that after one week it is a painful procedure. The proposal allows for a supernumerary teat to be removed up to four weeks without pain relief, to minimise handling of the kid. MPI therefore considers that it would be practical to allow a competent non-veterinarian perform the removal of a supernumerary teat at any age, as long as they use pain relief after four weeks of age.
Impact	The regulation generally reflects what MPI has been told is status quo so little to no impacts on either animals, owners, or people in charge of the animals, are expected.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

15. Chickens and turkeys – restrictions on beak tipping	
Description of the proposals	*All chickens (Gallus gallus domesticus) or turkeys must be tipped within age restrictions* 1. A competent person may only tip the beak of a chicken or a turkey aged three days and under except: a) when using a hot blade on a breeder layer chicken, breeder meat chicken or breeder turkey when the beak may be tipped on birds aged six days and under; or b) in response to an outbreak of cannibalism in an emergency during the laying period when beaks of chickens and turkeys over three days of age can be tipped in accordance with veterinary approval. *All chickens and turkeys must have no more than one quarter of a beak removed* *2.* When beak tipping, a competent person must remove no more than one quarter of the upper or lower beak of a chicken or a turkey. *Layer chickens must be tipped by infrared beam* 3. The beak of a layer chicken must only be tipped using an infrared beam except in response to an outbreak of cannibalism. *The owner or person in charge of the animal is liable* 4. The owner or person in charge of a chicken or a turkey must not let its beak be tipped except in accordance with the clauses above. *'**Beak tipping**' (also known as beak trimming) is the removal of the upper and lower tips of the beak (max 25%).* *'**Breeder** for the purpose of this proposal refers to chickens and turkeys whose offspring are either breeding stock or production stock.* ***'Layer chicken'** is a female chicken kept primarily for laying eggs.* ***'Meat chicken'** is a male or female chicken kept primarily for meat production (also referred to as broiler chickens).*
Proposed offences and penalties	<u>Breaching age limits</u> An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court. Where the offending 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. <u>Removing too much of the beak or breaching the regulation regarding method for layer chickens</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.
Rationale	Beak tipping is performed to reduce injuries sustained from pecking and prevent outbreaks of cannibalism. A small portion of the beak is sliced off or weakened to later fall off to remove the sharp-point. Either a hot blade is used[i] to manually cut and cauterise the wound or an infrared beak trimming machine is used to deliver a burst of energy to the beak tip which erodes over approximately two weeks. With infrared, a setting on a machine maintains consistency whereas using a hot blade is subject to more variability and a higher risk of mistakes. While infrared beak trimming machines cause some acute pain, they do not cause neurophysiological consequences and chronic pain as is common with a hot blade.[16] Infrared beak trimming machine is proposed as the only method to tip layer chickens in alignment with the Code of Welfare for Layer Chickens. Infrared beam is the preferred

[16] 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). And, 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.

	method but not all hatcheries or farms handling non-layer chickens can afford these machines. For example, all breeder turkeys are tipped by hot blade because this small industry does not have the resources to access infrared machines. The proposal places a limit on the maximum age that a beak can be tipped. The beak is less likely to develop neuromas (benign but painful growths of nerve tissue) if the procedure is performed as close to hatching as possible.[17] As such, beak tipping is generally performed as young as possible – under four days from hatch to minimise pain felt and tissue impacted. It is understood that removing only a small piece of the beak tissue maintains the bird's ability to perform more natural feeding behaviours and maintain weight.[18] Accordingly, the proposal limits tipping to removing no more than one third of the upper or lower beak for a chicken or breeder turkey. Beak tipping is likely to meet the criteria for a significant surgical procedure. Regulations are necessary to allow competent non-veterinarians to continue to tip beaks in circumstances where it is considered appropriate. Beak tipping is routinely performed on layer chickens[19] as well as the breeder layer chickens, breeder meat chickens and breeder turkeys. Breeder birds are, for the purpose of this regulation, breeding stock whose offspring are either breeding stock or production stock. Breeder birds are specifically excluded from the application of the codes of welfare for layer hens and meat chickens. However, NAWAC is currently developing codes of welfare for breeder birds. Submitters were universally supportive of beak tipping to prevent injurious feather pecking and reduce the likelihood of outbreaks of cannibalism. However, one animal advocate wanted infrared beak trimming machine obligated and other submitters suggested pain relief should be used. Many submitters acknowledged that efforts should be undertaken to investigate alternatives that would negate the need for the procedure. As proposed, beak tipping of breeder layer chickens would be subject to similar obligations in the Code of Welfare for Layer Hens. Whereas for breeder layer chickens, breeder meat chickens and breeder turkeys, currently no minimum standards exist. **Beak tipping using a hot blade** To mitigate the risk of complications from using a hot blade it is good practice to tip the beaks of birds that have developed a beak of sufficient size and hardness, to ensure more accurate tipping. It is proposed that breeder layer chickens, breeder meat chickens and breeder turkeys may be tipped under seven days of age with a hot blade to allow sufficient development of the beak. This is because not all hatcheries or farms are able to afford an infrared beak trimming machine and alternatively use a hot blade. Further this age limit is proposed because these breeding stock are sometimes too small under four days of age to tip with a hot blade. **Exceptions to manage cannibalism** Outbreaks of cannibalism can occur in untipped flocks or tipped flocks that have been ineffectively tipped. Cannibalism requires management through beak tipping. An exception is proposed to allow the beak tipping of layer chickens aged four days and over; or breeder layer chicken, breeder meat chicken and breeder turkey aged seven days and over , if they have veterinary approval when there is an outbreak of cannibalism during the laying period.
Impact	The obligations in this proposal do not change current practice. Beak tipping is routinely performed on layer chickens and the breeder birds for layer chickens, meat chickens and turkeys. Beak tipping is not currently performed on meat chickens

[17] van Niekerk, T.G.C.M. & Jong, Ingrid. (2007). Mutilations in poultry European poultry production systems. Lohmann Information 42 (2007) 1.

[18] Kuenzel, W.J. (2007). Neurological basis of sensory perception: welfare implications of beak trimming. Poultry Science 86, 1273-1282.

[19] Layer chicken is a chicken (*Gallus gallus domesticus* only, i.e. not quails) used primarily to lay eggs.

	As of 2017 there were 3,775,472 layer chickens, 1,021,599 breeder birds for layer chickens, and 714,059 breeder birds for meat chickens.[20] The poultry industry has estimated there are approximately 20,000 breeder turkeys beak tipped annually.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[20] Statistics New Zealand (2017). Agricultural production statistics: June 2017 (final) – additional tables. Retrieved from https://www.stats.govt.nz/information-releases/agricultural-production-statistics-june-2017-final.

16. Breeder chickens – spur removal	
Description of the proposals	1. A person who permanently amputates a spur from a breeder chicken (*Gallus gallus domesticus*) must: a) be competent; and b) ensure the procedure is performed on the day of hatch. 2. A competent person may perform temporary removal of a spur at any age. 3. The owner or person in charge of a breeder chicken must not allow the animal's spur to be removed except in accordance with the clauses above. *A '**spur**' is a horn-like protrusion of keratin that develops from a fleshy nub on the back of the legs of roosters and sometimes hens.* *'**Breeder chicken**' is a chicken whose offspring are either parent stock or production stock.* *'**Permanent amputation of a spur**' involves the removal of the spur and the fleshy nub on the back of the leg of a rooster.* *'**Temporary removal of a spur**' involves removal or shortening of the keratin sheath.*
Proposed offences and penalties	Removing a spur of a breeder chicken in breach of this regulation A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Spur removal is performed on male breeder chickens to minimise injuries inflicted on female breeder chickens. During breeding, females are mated with repeatedly in quick succession. If not removed, spurs can inflict substantial injuries on the backs of females. Removal involves amputation of the spur, which includes the fleshy nub and keratin sheath, with a hot wire or hot blade to prevent regrowth at the first day of hatching. The heat is an important component that addresses bleeding and is understood to discourage regrowth.[21] The spur is supplied with nerves and blood vessels and its removal has the potential to cause lasting harm if it is not carried out properly. For recreational breeders there are temporary methods such as filing or trimming of the insensitive tip of the keratin sheath. They are temporary techniques because they need to be performed regularly to address regrowth. If performed correctly filing and trimming do not meet the criteria of a significant surgical procedure. Another temporary technique often referred to as the 'hot potato method' involves weakening the sheath by covering it with a hot potato and then twisting off the sheath by hand or with pliers. It is sometimes performed without weakening the sheath. It is also performed multiple times in the life of the bird. It is unclear whether this procedure meets the significant surgical procedure criteria. During recent consultation, the majority of submissions supported this proposal to allow competent non-veterinarians to undertake the procedure. Some submitters, including industry organisations, supported applying an age limit between one and three days of age. There was also support for a recommendation that breeder chickens be bred for smaller spurs. MPI considers that the amputation of the spur and fleshy nub is likely to meet the criteria for a significant surgical procedure. Permanent removal is routinely performed in the poultry industry by competent non-veterinarians. Regulations are therefore necessary to allow competent non-veterinarians to continue to perform this procedure. Temporary spur removal is also commonly performed by recreational breeders and requires regulation to allow the practice to continue. MPI propose to allow recreational breeders to continue to use these techniques until further evidence about the impact of the procedure on the animal is found.

[21] van Niekerk, T.G.C.M. & Jong, Ingrid. (2007). Mutilations in poultry European poultry production systems. Lohmann Information 42 (2007) 1.

	There are also no minimum standards related to breeder birds of layer breeder chickens and meat breeder chickens. However, NAWAC is working on developing a code of welfare for breeder chickens, with spur removal being a potential area for consideration. **Requiring an age limit for removal** An age limit is proposed on the basis of current industry practice and ensures that it is performed in the first day of life to minimise the pain felt and tissue impacted. MPI proposes that an age limit is appropriate to address the full amputation of the spur (fleshy nub and the keratin sheath) practiced by the poultry industry. Regulating this restriction will not unduly restrict temporary spur treatments for recreational breeders.
Impact	The obligations in this proposal are not changing current practice and should therefore have little impact on commercial practice. However, an age limit ensures that industry practice is maintained and spurs are removed as young as possible to maintain good animal welfare. Regulating an age limit will not unduly restrict temporary spur treatments available to recreational breeders where there are alternative methods already available. There is no research to support whether the hot potato method meets the significant surgical procedure criteria.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

17. Breeder chickens – restrictions on partial toe amputation	
Description of the proposals	1. A person who partially amputates the toe of a breeder chicken (*Gallus gallus domesticus*) for the purposes of identification must: a) be competent; and b) ensure that no more than one joint is amputated; and c) ensure the procedure is performed on chickens of 3 days of age and under. 2. The owner or person in charge of a breeder chicken must ensure that the animals' toe is not amputated except in accordance with the clauses above. *'**Partial toe amputation**' is the amputation of one toe joint at the end of a bird's toe (the nail-bed and one phalange) for the purpose of identification.*
Proposed offences and penalties	Amputating more than one toe joint of a breeder chicken A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Performing partial toe amputation on a chicken older than 3 days of age A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Partial toe amputation is used to mark the sex of meat breeder chickens and genetic lines of layer breeder chickens and meat breeder chickens, so they can be identified by sight. Layer breeder chickens do not require sexing because male and female layers are identifiable by their distinctly coloured feathers. The commercial industry considers that toe trimming is necessary for identification because there are no effective alternatives. It is performed by the poultry industry during the first day of age, predominantly on male breeder birds for sexing and genetic lines but also on females for genetic lines. Regulations are necessary to allow competent non-veterinarians to continue to partially amputate toes beyond May 2020 as the procedure is likely to meet the criteria of a significant surgical procedure. During recent consultation, the majority of survey respondents agreed with the proposal. However, animal advocates, veterinary organisations, NAWAC and NAEAC were unconvinced that there weren't less invasive and effective methods of identification that could be substituted for partial toe amputation. An age limit was recommended by some. Industry has advised that web slitting is not viable because of some companies' obligations to United Kingdom minimum standards (it is banned) and many other forms (leg bands, flexible leg bands, wing tags, dyes) are impractical because they are dropped easily, are short-lived, and/or require frequent reapplications which risk negative welfare outcomes (e.g. injuries from outgrowing them). There are no minimum standards related to breeder chickens, although NAWAC is working on developing a code of welfare for breeder birds. Further consideration can be given to the age limitation as part of this work.
Impact	While the age limit is a new obligation, the proposal does not change current practice and should therefore have little impact on industry practice. Regulating will set an expectation that the procedure is performed as young as possible to minimise pain felt and the amount of tissue impacted. This will also enable MPI to penalise breaches of the age restriction.
Mitigation	Educational and communications material will need to be developed to ensure people understand their new obligations.
Commencement	May 2020.

18. Dogs, horses, ponies, donkeys, cattle – restrictions on freeze branding	
Description of proposal	*Freeze branding dogs* 1. A person who freeze brands a dog must: a) be competent; and b) use pain relief, authorised by a veterinarian for the purpose of the procedure, throughout the procedure. *Freeze branding cattle, horses, ponies, donkeys, and hybrids of horse, ponies, or donkeys* 2. A person who freeze brands a cattle beast, horse, pony, donkey, or a hybrid of a horse, pony, or donkey, must be competent. *The owner or person in charge is liable* 3. The owner or person in charge of an animal must not allow it to be freeze branded except in accordance with the clauses above.
Proposed offences and penalties	Failing to use pain relief when freeze branding a dog A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Freeze branding is generally performed for identification for management purposes. Generally, freeze branding destroys the colour of the hair follicle, resulting in the hair growing back white – creating a brand that is visible from a distance. In lighter animals, the brand can be held onto the skin for a longer period to create a scar, which completely prevents the hair from growing back. Freeze branding is most commonly used on horses, cattle, and dogs. It is very occasionally used by organisations such as the Department of Conservation to identify wild animals from a distance. Both the veterinary community and industry organisations were divided on whether freeze branding meets the criteria for a significant surgical procedure. It has been shown that freeze branding is likely to be less painful than hot branding in cattle,[22] but it is likely to be more painful than microchip insertion. MPI considers regulation is required to provide clarity about who can perform the procedure and under what circumstances. This proposal has changed since originally consulted on in 2016. The 2016 proposal was limited to dogs and required the procedure to be performed by a veterinarian. During the 2016 consultation, the majority of submitters supported the proposal or asked for a stronger regulation. This included extending the proposal to all animals, or asked for the procedure to be prohibited outright. Following these submissions, the proposal was extended to all animals. Because of the differing feedback from stakeholders on the availability of effective pain relief for the procedure, MPI is recommending that the requirement for pain relief for animals other than dogs is removed and left to a future review of the codes of welfare. **Requiring pain relief for freeze branding of dogs** During the 2019 consultation there was a strong push from non-industry submitters to provide pain relief for freeze branding, especially for dogs. Dogs that are involved in pig hunting are sometimes freeze branded to be easily identifiable from a distance. This is required in a small number of Department of Conservation forest blocks to prove that the dog has completed 'Bird Safe' training. It was also noted by NAWAC that the procedure is likely to be more traumatic for dogs due to the size of the brand relative to the animal, and the dog's muscular and lean body condition. Anecdotally, it is becoming more common for pig hunting associations to hold branding days, where members bring their dogs along to be branded by a competent non-veterinarian. In these situations, it is understood that it is common for a veterinarian to

[22] Schwartzkopf-Genswein K.S., & Stookey, J.M. (1997). The use of infrared thermography to assess inflammation associated with hot-iron and freeze branding in cattle. *Canadian Journal of Animal Science*. 77, 577-583.

	be present at these events to administer sedation and/or pain relief, and to monitor the dogs. MPI therefore considers it both feasible and practical to require pain relief, while allowing competent non-veterinarians to continue performing the procedure. **Not requiring pain relief for the other species listed above** It is not routinely common for pain relief to be provided when freeze branding cattle, horses, or donkeys. It is also not required in any minimum standard for these species. During 2019 consultation, there was also differing opinion and feedback from industry and the veterinarian community on the availability of effective (and practical) pain relief for the procedure for these animals. Anecdotally, some people consider that the procedure is not painful for these animals if performed correctly, however some science indicates that it is more painful than sham branding.[23] MPI considers it impractical to require pain relief for the procedure for these animals at this stage, but notes it should be revisited in the future. Like hot branding, the validity of the procedure, given the development of less invasive alternatives, should also be revisited at the time.
Impact	The proposal will have positive animal welfare outcomes for dogs where pain relief has not previously been used. There will be little to no impact for the other species. Where dog owners have previously not used pain relief or a veterinarian to freeze brand their dog, there will be an increased cost. However, it appears that most associations are voluntarily moving toward this norm, so the impact is expected to be minimal.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[23] Schwartzkopf-Genswein K.S., & Stookey, J.M. (1997). The use of infrared thermography to assess inflammation associated with hot-iron and freeze branding in cattle. *Canadian Journal of Animal Science*. 77, 577-583.

19. All animals – dentistry (restrictions on cutting teeth)	
Description of the proposals	1. No-one may cut the tooth of animal except: a) a veterinarian; or b) a competent non-veterinarian who may cut: i) the needle (milk) teeth of a pig less than 5 days old; or ii) the teeth of any animal under a standard operating procedure which has been approved by an AEC; or iii) a boar's tusk with an obstetrical wire or saw designed for the purpose of dentistry; or iv) a llama or alpaca's fighting tooth with an obstetrical wire or saw designed for the purpose of dentistry. 2. The owner or person in charge of an animal must not allow its teeth to be cut except in accordance with the clauses above. *'**Fighting teeth**' (sometimes referred to as fangs) are modified canine and incisor teeth found in the jaw between the incisors and the molars.* *'**Needle (milk) teeth**' are sharp teeth in piglets, principally canine teeth.*
Proposed offences and penalties	Cutting a boar's tusk, or a llama or alpaca's fighting tooth, with a tool other than an obstetrical wire or saw designed for the purpose of dentistry An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court. Being a non-veterinarian that cuts any other animal's tooth, cuts a pig's needle teeth over 5 days of age, or cuts an animal's teeth in breach of the requirements relating to the standard operating procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Teeth cutting is performed on a wide variety of animals by non-veterinarians and veterinarians. Teeth are routinely cut for the purposes of reduction in species where they continually grow, such as rabbits. In these species if teeth are left to grow the animal will be unable to eat. Alternatively teeth, such as tusks and fighting teeth, are cut for the safety of other animals and/or handlers. Piglets' milk teeth are clipped to prevent lacerations to the sow's udder and to prevent injuries to other piglets from fighting. Veterinarians and non-veterinarians routinely cut teeth using a variety of equipment. Codes of welfare set minimum standards for some procedures including: needle (milk) teeth clipping of piglets, boar tusk trimming, and blunting of fighting teeth in llama and alpaca. **Is cutting teeth a significant surgical procedure?** It is unclear whether cutting teeth would meet the criteria of a significant surgical procedure. If done correctly it is unlikely to be painful and the procedure is not complex. Some submitters felt that teeth cutting should be a veterinarian-only procedure and that pain relief should be provided. However, the vast majority of submitters supported the need for teeth to be cut by non-veterinarians under the circumstances proposed. Stakeholder submissions considered that: • the current minimum standards in codes of welfare for cutting teeth should be lifted into regulations to provide clarity; • alternatives to cutting teeth are available; • cutting teeth is more likely to result in fractures and micro fractures of the teeth. In particular, some stakeholders felt the use of bolt cutters on horse's teeth and nail clippers on small animals should be prohibited[24];

[24] Rod Salter. Rabbit and Rodent Dentistry. World Small Animal Veterinary Association World Congress Proceedings, 2007. https://www.vin.com/apputil/content/defaultadv1.aspx?pId=11242&id=3860700&print=1

	• competent non-veterinarians should be able to cut the teeth of animals used in research, testing and teaching under standard operating procedures approved by an AEC; and • a minimum height above the gum line that teeth can be cut should be regulated. The veterinary community submitted that no restrictions should be placed on veterinarians, as they need flexibility to use their judgement and are already regulated by a Code of Professional Conduct. **Regulation is needed for clarity** MPI considers that regulations are needed to provide clarity. The proposal is based on the following considerations: • Cutting teeth in the circumstances proposed is necessary for the welfare of the animals and/or for the safety of handlers, and the proposals generally reflect current minimum standards. • Alternatives such as grinding are not practical or appropriate from an animal welfare perspective. For example, it would be impractical to grind a boars tusk. Restraining the boar for the amount of time necessary to sufficiently grind the tusk is likely be more stressful than cutting the tooth. • No minimum height from the gum line that a tooth must be cut is mandated as there is no current minimum standard in codes of welfare and this was not consulted on. • An allowance for a competent person to cut the teeth of animals used in research, testing and teaching has been included based on stakeholder feedback. It is considered that the requirement to work under a standard operating procedure approved by an AEC will provide oversight of these procedures being undertaken. • Methods of cutting originally consulted in this proposal have been clarified based on stakeholder feedback.
Impact	For most species, the proposed regulation generally reflects current practice and minimum standards so it is estimated that the proposal will have little to no impact. However, current practice in relation to some companion animals (such as companion rats, mice and guinea pigs) is not well known and no submissions were received from this sector and therefore the potential impact of the regulation is unknown.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

20. All animals – restrictions on surgical reproductive procedures	
Description of the proposals	1. A person who performs a surgical reproductive procedure must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 2. The owner or person in charge of an animal must not allow a surgical reproductive procedure to be undertaken on their animal except in accordance with the clauses above. *'**Surgical reproductive**' procedures are procedures that include:* • *cutting into or piercing the abdominal cavity to for the purpose of artificial insemination, and / or to harvest, transfer or implant embryos; and* • *laparoscopic procedures, and transvaginal techniques that involve piercing the vaginal wall.* *Procedures carried out for the primary purposes of sterilisation or delivery of offspring are not included in this proposal.*
Proposed offences and penalties	Failing to use pain relief when undertaking a surgical reproductive procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Surgical reproductive procedures are currently performed by veterinarians and non-veterinarians on a wide variety of species. These procedures are carried out to control reproduction to improve stock or breed characteristics. Due to the pain caused by this procedure and the potential harm that could be caused if the procedure is not carried out correctly, it is highly likely that it would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, only a veterinarian would be able to perform surgical reproductive procedures. Some submissions received felt these procedures were unnecessary, however the vast majority of submitters supported the need for reproductive procedures to be undertaken. In general animal advocacy organisations and the veterinary community considered that the procedures should be veterinarian-only with pain relief or a competent person with a high degree of veterinary oversight. While it is acknowledged that these procedures require a high degree of skill and experience, currently competent non-veterinarians routinely undertake these procedures and there is no robust evidence to suggest that a change to the status quo is necessary. Further, these procedures are usually undertaken in highly specialised and controlled environments on healthy animals. Regulating for pain relief will provide a level of veterinary oversight that was not mandated previously.
Impact	The regulation supports current practice and there will be little to no impacts on either animals, or owners or people in charge of the animals.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

21. Cattle – restrictions on teat removal	
Description of proposal	*Supernumerary teat removal under 10 weeks of age* 1. A person who removes a supernumerary teat from a cattle beast that is under 10 weeks of age must: a) be competent; and b) ensure that the procedure creates a clean cut and does not tear the tissue. *Supernumerary teat removal over 10 weeks of age* 2. A person who removes a supernumerary teat from a cattle beast that is over 10 weeks of age must: a) be competent; and b) ensure that the procedure creates a clean cut and does not tear the tissue; and c) use pain relief authorised for the purpose of the procedure, throughout the procedure. *Main teat removal at any age* 3. A person who removes a main teat of a cattle beast must be a veterinarian. 4. Pain relief must be used at the time of the procedure *The owner or person in charge of the animal is liable* 5. The owner or person in charge of a cattle beast must not allow its teats to be removed except in accordance the clauses above.
Proposed offences and penalties	<u>Failing to create a clean cut, or tearing the tissue</u> An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court. <u>Failing to use pain relief when removing a supernumerary teat over 10 weeks of age</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>Failing to be a veterinarian when removing a main teat</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>Being a veterinarian but failing to use pain relief when removing a main teat</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.
Rationale	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 removed to prevent interference with milking cups, but can also cause medical issues for the cow later in life. Main teat removal is usually undertaken as treatment for an infected or injured teat. Main teat removal is likely to meet the criteria for a significant surgical procedure and, depending on the size or innervation, a supernumerary teat removal may also meet the criteria. Supernumerary teat removal is currently performed by competent non-veterinarians. Without regulation, this procedure will be veterinarian-only, which may have a large monetary impact on the dairy industry. Regulating that main teat removal is veterinarian-only removes any ambiguity that a non-veterinarian may be able to undertake the procedure. ***Lowering the maximum age for no pain relief to 10 weeks*** The 12 week age limit that was consulted on in 2019 was a result of industry feedback that calves are disbudded up to and over 10 weeks of age. Tying the age for supernumerary teat removal in with disbudding reduces the instances that a calf must be handled, and makes it more likely that a calf will be sedated or receive pain relief due to pain relief being required for disbudding.

	However, during the 2019 consultation, disbudding between the ages of 2-8 weeks was often stated as good practice. Several submitters, including the New Zealand Veterinary Association, stated that less than 10 weeks was preferable. MPI is therefore recommending lowering the age to bring it in line with good practice. This age still aligns with disbudding for calves, and allows for both procedures to be done within one handling. ***Allowing non-veterinarians to remove supernumerary teats after 10 weeks of age*** Removing a supernumerary teat is often a straightforward procedure that can easily be performed by a competent non-veterinarian. NAWAC submitted that the age should be lowered to one week, as this was the maximum age that innervation would be completed in the goat's teats. However, submissions noted that aligning the procedure with disbudding would be appropriate. The proposal allows for a supernumerary teat to be removed up to 10 weeks without pain relief, as a practicality measure to minimise handling of the calf. This age aligns with the maximum timeframe possible for disbudding a kid, and allows for both procedures to be done within one handling. MPI therefore considers it would be practical to allow a competent non-veterinarian perform the removal of a supernumerary teat at any age, as long as they use pain relief after 10 weeks of age.
Impact	The regulation generally reflects status quo so there will be little to no impacts on either animals or owners or people in charge of the animals.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

22. Equids – prohibition on blistering, firing, soring, and nicking	
Description of the proposals	1. A person must not perform any of the following procedures on any equid: a) blistering; b) firing; c) mechanical soring; or d) nicking. 2. The owner or person in charge of an equid must not allow blistering, firing, mechanical soring or nicking to be performed. *'**Blistering**' and '**firing**' are 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.* *'**Mechanical soring**' is 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. It does not include the use of toe weights.* *'**Nicking**' is the cutting of the skin or ligaments of the tail of the horse to make it carry its tail in a raised position.* *'**Equid**' means any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids*.
Proposed offences and penalties	Performing any of these prohibited procedures A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	Blistering, firing and soring are undertaken to inflict pain in order to force horses to alter their gait in an exaggerated way. Nicking is undertaken to force horses to alter how they carry their tails for aesthetic reasons. Studies have found that there is no compelling evidence that these procedures are effective therapies that benefit the horse or justify the harm inherent in them.[25] Blistering, firing, and nicking are currently prohibited under section 21(2)(b) of the Act, but this section will be repealed when the new criteria for a significant surgical procedure comes into force in 2020. Regulation will make it clear that the current prohibition remains in force. Mechanical soring was identified as an additional procedure for possible prohibition following the 2016 consultation. It involves deliberately inflicting pain in a horse to exaggerate leg motion.[26] The techniques result in painful and inflamed tissues in the feet. While the extent of the procedures occurring in New Zealand is not known, a few submitters noted that the practices were still occurring in New Zealand despite the existing prohibition. There was strong support in the submissions for prohibiting these procedures. Once the prohibitions for these procedures are removed from the Act, regulation will ensure that there is an effective way to penalise those who undertake the procedures and show that carrying out the procedures will continue to be an offence.
Impact	Any impact from this regulation will likely be negligible. Almost all submitters to the proposal noted that the regulation would not present any new costs to them as they do not carry out the procedures. The positive impact of the regulation on animal welfare outcomes is also likely to be negligible as this procedure is currently prohibited. However, regulating for this procedure will reconfirm this prohibition.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[25] Hayward, M and D Adams, (2001), The firing of horses: a review of the animal welfare advisory committee of the Australian Veterinary Association. Date of access 5 September 2019.
[26] American Veterinary Medical Association, (2012) Scoring in horses. Date of access 5 September 2019.

23. Equids – restrictions on teeth extractions	
Description of proposal	1. A veterinarian or a competent person may extract a: a) finger loose deciduous tooth from an equid; and/or b) wolf tooth from an equid. 2. Pain relief, authorised by a veterinarian, must be given to the horse at the time of the procedure to remove a wolf tooth. 3. The extraction of all other equid teeth (i.e. excluding finger loose deciduous and wolf teeth) may only be performed by a veterinarian and pain relief must be used at the time of the procedure. 4. The owner or person in charge of an animal must not allow these extractions to be undertaken except in accordance with the clauses above. *'**Equid**' means any member of the equidae family including any horse, pony, donkey, mule, other wild ass, zebra and any of their hybrids.* *'**Deciduous teeth**' are baby or milk teeth, often referred to as caps.* *'**Wolf teeth**' are an upper or lower pre-molar tooth.*
Proposed offences and penalties	Removing a wolf tooth without pain relief A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a non-veterinarian who removes permanent teeth (excluding finger loose deciduous and wolf teeth) A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a veterinarian who removes permanent teeth (other than finger loose deciduous teeth) without pain relief A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Equid teeth are routinely extracted by non-veterinarians (who are often referred to as Equine Dental Technicians (EDTs)) and veterinarians to respond to disease or injury, or to relieve oral discomfort. **Deciduous (baby, milk, cap) teeth** Deciduous horse teeth are normally shed between the ages of two and four and half years old. Loose or partially retained deciduous teeth can cause discomfort and the horse may display headshaking, quidding (spitting out food), and loss of appetite.[27] It is generally considered good practice to remove these teeth if the horse is displaying these indicators, by using specialised extractors or a long slim-bladed instrument. *Should pain relief be mandated for deciduous teeth extractions?* The vast majority of stakeholders agreed that the extraction of finger loose deciduous teeth would not be significantly painful and therefore pain relief is not mandated in the proposal. *Who should be able to extract deciduous teeth and under what conditions?* There was debate as to whether the extraction of finger loose deciduous teeth is likely to meet the criteria of a significant surgical procedure, and whether tools should be able to be used to extract other types of permanent teeth. Regulations are therefore considered necessary to clarify who can extract these teeth and under what circumstances. The New Zealand Veterinary Association, the New Zealand Veterinary Council, advocacy organisations and a small number of veterinarians argued strongly that only veterinarians should be able to use tools to remove deciduous teeth. This is because the

[27] Dixon P.M; Dacre, I. (2005). A review of equine dental disorders. *The Veterinary Journal* 169, 165-187.

	premature removal of deciduous teeth can expose the dental sac covering the permanent tooth, which can lead to the destruction of the permanent tooth.[28] Other stakeholders, including a small number of veterinarians, consider it would be impractical for retained finger loose deciduous teeth to be removed without tools, and a prohibition on the use of tools by equine dental technicians would make these extractions veterinarian-only procedures. It was also considered that removing these teeth with fingers only would present a health risk to equine dental technicians as these teeth can be sharp. It was strongly felt that a prohibition on tool use by equine dental technicians would result in negative welfare outcomes as horse owners would not pay for a veterinarian to extract these teeth. No robust data is available to substantiate whether there is a significant issue in New Zealand with the premature removal of deciduous teeth that warrants prohibiting the use of tools for these extractions. While the premature removal of these teeth may result in welfare issues, it is considered that regulating as proposed, to allow the extraction of only finger loose deciduous teeth, will prohibit the routine removal of deciduous teeth at a set age before they are sufficiently loose, which anecdotally may have been an issue. **Wolf teeth** The extraction of wolf teeth is controversial. Stakeholders hold strong views on whether pain relief should be provided to the equid, whether there is a need to extract wolf teeth routinely, and who should be able to perform wolf teeth extractions. *Pain relief* In 2005, when the painful husbandry procedure code of welfare was developed, NAWAC signalled that it would consider making pain relief mandatory for procedures where pain relief was accessible, practical, effective and affordable. Determining pain experiences in prey species, such as horses and donkeys that have evolved to minimise or mask signs of pain to reduce a predator's advantage is difficult.[29] However, teeth have blood supply, nerves, roots and pulp, and it is generally accepted that extraction of non-deciduous teeth without pain relief may cause pain and distress. It is therefore proposed that pain relief be mandated for these extractions. *Should wolf teeth be able to be routinely extracted?* One justification for the routine extraction of wolf teeth is for the comfort of the horse when being ridden due to the placement of the bit in the mouth. Scientific evidence to support routine extraction is lacking. The vast majority of submissions supported the extraction of wolf teeth to ensure the comfort of the horse. A restriction on why wolf teeth can be removed is therefore not proposed at this time. *Who should be able to extract wolf teeth?* Wolf teeth can be small, large, single rooted, multi-rooted, cusped or of molariform appearance.[30] All or part of the tooth crown can be hidden beneath soft tissue. However, they usually have a single fairly shallow root and are, in general, easy to extract.[31] Due to the pain caused by this procedure, and the potential harm that could be caused if the procedure is not carried out correctly, it is highly likely that it would meet the criteria of a significant surgical procedure that comes into effect in May 2020. Without regulations specifying otherwise, only a veterinarian would be able to extract wolf teeth. Currently both veterinarians and equine dental technicians extract wolf teeth. The vast majority of non-veterinarian stakeholders submitted that equine dental technicians should be able to continue to extract wolf teeth. In particular, the majority of horse

[28] Ibid. page 175

[29] F Ashley; A.E Waterman-Pearson; and H.R. Whay (2005). Equine Veterinary Journal. Behavioural assessment of pain in horses and donkeys; application to clinical practice and future studies. Department of Clinical Veterinary Science, University of Bristol.

[30] S. L. Hole (2016) Wolf teeth and their extraction. Equine Veterinary Education.

[31] Thomas J. Johnson (2010). Evaluation and extraction of wolf teeth. Proceedings of the 49th British Equine Veterinary Association Congress 2010 – Birmingham, United Kingdom.

	owners submitted that they considered equine dental technicians skills were superior to veterinarians. Conversely, the veterinary community is strongly opposed to non-veterinarians extracting wolf teeth.[32] This is due to the level of veterinary judgement they consider is necessary to complete the procedure and the potential risks to the horse associated with complications, such as the rupture of the palatine artery, which could result in significant blood loss in a short period of time. Their concerns are also based on their views about the varying levels of competency in the equine dental technician community. The proposed regulation, in considering equid welfare, allows for competent non-veterinarians (equine dental technicians) to extract wolf teeth on the following basis: • While the qualifications and experience of equine dental technicians operating in New Zealand varies and there is no recognised standard or regulatory body to oversee the performance of equine dental technicians, some equine dental technicians are likely to be sufficiently competent to extract wolf teeth. • Regulating to allow a competent non-veterinarian to perform extractions will provide flexibility to recognise standards and a regulatory regime for equine dental technicians should these be established in future. • A significant number of submissions received petitioned for a continuation of the current practice where individual veterinarians and equine dental technicians work together. In these situations, the veterinarian provides the horse pain relief and the EDT performs the procedure. • As the proposal mandates the provision of pain relief, authorised by a veterinarian[33], and the veterinary community is strongly opposed to providing pain relief for these extractions, it may be difficult for equine dental technicians to access the pain relief necessary. However, by regulating that a competent person may extract these teeth with pain relief, individual veterinarians will be able to continue to work with equine dental technicians they consider competent. • The veterinary community has indicated that there are sufficient equine veterinarians available throughout New Zealand to be able to undertake all extractions. In particular, they submitted that wolf teeth removal is a once in a horse's life time procedure so making these extractions veterinarian-only would be unlikely to impact the equine dental technician community. • At this time, it is not possible to confirm whether the number of equine veterinarians in New Zealand would be sufficient to undertake all extractions (deciduous, wolf teeth and permanent teeth) as the number of horses in New Zealand is not known.[34] It is important to note that it is considered capacity may be compromised if all extractions were veterinarian-only and that horse welfare could be compromised if there are insufficient practitioners to perform extractions. • Further, other stakeholders disagreed with the veterinary community's assessment of the impact of this proposal on equine dental technicians. They submitted that a horse's first consultation is a general check-up at which point the time at which the need for wolf teeth extraction is discussed. It was submitted that if an equine dental technician could not extract wolf teeth, horse owners would employ a veterinarian and therefore build a relationship with the veterinarian, rather than the equine dental technician. This could affect their businesses, and in turn affect the availability of services such as floating should these businesses become no longer viable. • While concerns voiced by the veterinary community about complications associated with these extractions, such as injury to the palatine artery, may be justified, there is no robust data to suggest that this is an issue requiring regulation at this time.

[32] New Zealand Veterinary Association Position Statement 10i- Supervision of Equine Dental Technicians. https://www.nzva.org.nz/page/policyequinedentistry.

[33] The type of pain relief mandated is a Registered Veterinary Medicine under the Agriculture Compound and Veterinary Medicine Act 1997 (ACVM Act). RVMs require authorisation by a veterinarian.

[34] Anecdotal information estimates that there are around 120,000 horses in New Zealand. In 2018, Statistics NZ recorded that were 43,684 horses on farms and a 2012 study estimated that there were around 80,000 sport horses (Economic Impact Report on the New Zealand Sport Horse Industry. Alex Matheson & Michele E.M. Akoorie. July 2012 refers). No robust data is available on the number of horses owned as pets.

	• Removal of wolf teeth is generally considered to provide comfort to the horse when it is being ridden. It is performed generally on a healthy tooth and a healthy horse and therefore it is considered lower risk than the extraction of other permanent teeth that are removed to respond to disease or injury. **Permanent teeth (all teeth other than finger loose deciduous and wolf teeth)** The extraction of permanent teeth is controversial. Stakeholder's views, as with submissions on the extraction of wolf teeth, differ significantly especially in relation to who should be able to perform these extractions. *Pain relief* As with wolf teeth, the removal of permanent teeth is considered painful and therefore it is proposed that pain relief be mandated. *Are regulations necessary?* Due to the pain caused by these extractions and the potential harm that could be caused if the procedure was not carried out correctly, it is highly likely that it would meet the criteria of a significant surgical procedure that comes into effect in May 2020. Without regulations specifying otherwise, only a veterinarian would be able to extract permanent teeth. Regulations can be made to clarify that a procedure may only be performed by a veterinarian. Currently, veterinarians and non-veterinarians extract permanent teeth. Regulations are proposed to clarify that permanent teeth extractions (excluding wolf teeth) may only be performed by a veterinarian. *Who should be able to extract permanent teeth and why?* The veterinary community and advocacy groups strongly supported the proposal that permanent teeth extractions be performed only be veterinarians. Other stakeholders submitted that they considered the work of equine dental technicians to be superior to veterinarians and that equine dental technicians should be able to perform all dental procedures. On balance the proposed regulation restricts the extraction of permanent teeth (excluding wolf teeth) on the following basis: • Permanent teeth extractions are complex. Permanent extractions (other than wolf teeth) are generally undertaken to respond to injury or disease. The horse requiring the extraction of a permanent tooth may not be healthy and the tooth may also be diseased. Veterinary judgment is required and restricted veterinary medicines, in addition to pain relief, may need to be administered. • While the number of horses in New Zealand is unknown it is assumed that there will be access to sufficient veterinarians to undertake these extractions[35]. It is important to note that it is considered capacity may be compromised if all extractions, not just permanent teeth, were veterinarian-only, and that horse welfare could be compromised if there are insufficient practitioners to perform extractions. **Liability of the owner and the person in charge** A number of submissions were received that did not support the proposal that owners and people of charge of animals should be responsible for ensuring that only competent people perform teeth extraction. It was considered that assessing competency would be difficult. The proposed offence and penalty for this proposal is associated with a regulatory prosecution, and as such each case would be assessed on its merits. **Offences and penalties** Stakeholders' views on the proposed penalties were mixed. Some stakeholders thought the proposed penalties should be higher, while others considered they should be lower.
Impact	**The costs associated with some extractions will increase**

[35] The New Zealand Veterinary Association has provided a list of 110 veterinarians performing equine dental procedures throughout New Zealand.

	Wolf teeth Wolf teeth extractions are currently performed with and without pain relief by veterinarians and non-veterinarians. Under the proposal pain relief will be required and therefore the services of a veterinarian will be needed to access pain relief. Cost will therefore increase for some horse owners that currently engage only an equine dental technician and for those who currently don't provide pain relief for their horses. It is difficult to estimate how much the costs will increase as veterinary businesses have discretion on charging. Horse owners have submitted that costs could double or triple due to the veterinarian services required. Costs would include call out fee, travel, medication and consultation fees. However, veterinarians submitted that costs for some horse owners may decrease as owners may only engage a veterinarian, rather than a veterinarian and an equine dental technician. Given that most wolf teeth extractions are undertaken once in a horse's life time MPI does not consider the potential increased costs will be prohibitive. MPI considers the costs are reasonable in terms of ensuring horse welfare. *Permanent teeth* Both veterinarians and equine dental technician remove permanent teeth. The proposal to make these extractions veterinarian-only will increase costs for those people who do not currently engage a veterinarian. Submissions estimated that the costs would generally double or triple due to veterinary charges. Given that permanent teeth extractions are only undertaken to respond to disease or injury MPI does not consider these costs will be onerous, and considers the costs are reasonable in terms of ensuring horse welfare. **Effect on Equine Dental Technician business** It is anticipated that this proposal will affect the businesses of equine dental technicians that are not able to access pain relief from a veterinarian to extract wolf teeth. Some equine dental technicians have indicated that the removal of wolf teeth represents about a third of their business. As a result, the proposal may threaten the viability of their businesses. MPI considers that the proposal supports horse welfare by balancing the requirement for pain relief while allowing non-veterinarians to continue to extract wolf teeth. In terms of permanent teeth it is unclear how many equine dental technicians extract permanent teeth and how many permanent teeth need to be removed per annum. It is anticipated that this aspect of the proposal will only have a minor impact on equine dental technicians businesses as permanent teeth are generally extracted only in cases of disease and injury, and therefore should be less frequent. **Animal welfare and potential unintended consequences** The majority of veterinarians and advocacy organisations that submitted felt the proposal would improve horse welfare as 'cowboys' would no longer be able to extract teeth. Other stakeholders submitted that due to the increased costs associated with veterinary services horses would either be treated less frequently or not at all. This would mean horses would suffer. A number of submitters, in all sectors, felt that the proposal would drive illegal activity with non-veterinarians removing teeth in "backyards" without pain relief.
Mitigation	This proposal represents a change to current practice. Educational material will need to be developed to ensure the changes are understood including that regulatory and Act offences and penalties may apply to those people who extract teeth illegally.
Commencement	May 2020.

24. Horses – restrictions on performing a Caslick's procedure	
Description of the proposals	*Creating or repairing a Caslick's on a horse* 1. Creating or repairing a Caslick's on a horse may only be undertaken by a veterinarian. 2. Pain relief must be used at the time of the procedure. *Opening the existing seam of a Caslick's in a horse* 3. A person who opens an existing seam in a Caslick's in a horse must: a) be competent; b) only do so when the mare is being serviced, or is foaling; c) ensure no tissue is removed from the horse; and d) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 4. The owner or person in charge of the horse must not allow a Caslick's to be made, repaired, or opened, except in accordance with the clauses above. *For clarity, in this regulation, '**horse**' does not include ponies, donkeys, zebras or other equids.*
Proposed offences and penalties	Being a non-veterinarian and creating or repairing a Caslick A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a veterinarian who fails to use pain relief for creating or repairing a Caslick A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a non-veterinarian who opens an existing seam but fails to use pain relief or removes tissue A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	A Caslick's procedure is undertaken to address defective vulvar conformation in mares. Poor vulva conformation can be an acquired condition as a result of repeated foaling or it may be congenital.[36] The procedure involves surgically closing the upper part of a mare's vulva to improve a mare's reproductive capacity, foaling, and decrease faecal contamination. Creating, closing or opening a Caslick can cause significant pain or distress to mares.[37] Pain relief is necessary.[38] This proposal was originally consulted on in 2016, and was generally supported. Regulation will provide clarity around who can undertake a Caslick's procedure, including enabling competent non-veterinarians to open an existing seam. **Allowing a non-veterinarian to open a Caslick's** It is considered appropriate for a non-veterinarian to open a Caslick's because this is a straightforward part of a Caslick's procedure which can adequately be performed by a non-veterinarian. There are two circumstances where a non-veterinarian would need to open a Caslick's when the mare is about to foal and to allow the mare to be serviced[39].

[36] Papa FO and CM Melo, (2014), Equine Perineal and Vulvar Conformation Correction Using a Modification of Pouret's Technique, *Journal of Equine Veterinary Science*, 34:359-364.
[37] ibid
[38] Pycock JF, (2003), Vulval conformation, common vulval injuries and the Caslick's procedure, date pf access 5 September 2019.
[39] Servicing means mated or inseminated. Note: servicing a mare is also referred to as the mare being covered

	Pain relief is required for this procedure which means some veterinary oversight is required.
Impact	The proposal reflects current practice and therefore is likely to have minimal or no impact.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

25. Goats – restrictions on disbudding	
Description of proposal	1. A person who disbuds a goat must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure. 2. The owner or person in charge of a goat must not allow it to be disbudded except in accordance with the clauses above.
Proposed offences and penalties	Failing to use pain relief authorised by a veterinarian for the purpose of the procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Disbudding is commonly performed in dairy goats, for human safety reasons and to prevent goats from injuring each other. It is also easier for a disbudded goat to fit into the milking bale. It is a preferred procedure to dehorning as it requires a less invasive procedure. The procedure is commonly performed with a cautery iron, by a non-veterinarian, with no pain relief used throughout the procedure. The procedure can be more complicated than for a calf, because a goat's skull is much thinner and the horn bud is more extensive and requires destruction of a relatively larger area.[40] Disbudding is likely to meet the criteria for a significant surgical procedure, as it is a painful process.[41] Without regulation the procedure will be veterinarian-only. It was noted in submissions by farmers and industry that non-veterinarians are often more competent at the procedure than veterinarians who are not familiar with the anatomy of a goat's horn. This proposal was originally consulted on 2016. The proposal was generally supported, although most submissions received related to cattle. Opposition to the proposal, including submissions from industry organisations, noted that pain relief in goats was often ineffective and could cause more problems. Upon investigation by MPI, it became apparent that scientific research supported these concerns.[42,43] Based on this, the decision was made to delay the proposal until this tranche of regulations, to allow for further information to be identified and assessed. **Not requiring pain relief at the time of the procedure** Requiring pain relief *at the time of the procedure* is problematic. During this round of consultation, it became apparent that issues with administering pain relief for the procedure still remain. Alternative procedures or forms of effective pain relief have been investigated, with no suitable procedures being confirmed.[44] In submissions, meloxicam (a non-steroidal anti-inflammatory drug) was given as the most common form of pain relief used for disbudding. It generally provides pain relief for the hours after the procedure, but is ineffective at providing pain relief during the procedure. By requiring pain relief authorised by a veterinarian for the purposes of the procedure, but not specifying at the time of the procedure, MPI is leaving the necessary pain relief up to the discretion of the veterinarian who is prescribing the drugs. This will also allow for new pain relief alternatives to be adapted quickly as more becomes known about goats and their reactions to drugs.
Impact	**Animal impacts** This regulation will likely improve animal welfare for dairy goats by requiring pain relief for a painful and invasive procedure. There is a small risk that some goat kids will be

[40] Molaei M. M., Mostafavi A., Kheirandish R., Azari O., and Shaddel M. Study of disbudding goat kids following injection of clove oil essence in horn bud region. (2015). *Veterinary Research Forum,* 6, 17-22.
[41] Buttle H., Mowlem A., and Mew A. (1986). Disbudding and dehorning of goats. *In Practice*, 63-65.
[42] Buttle H., Mowlem A., and Mew A. (1986). Disbudding and dehorning of goats. *In Practice*, 63-65.
[43] Marongiu M. L. (2012). Local Anaesthesia for Husbandry Procedures and Experimental Purposes in Farm Animals, A Bird's-Eye View of Veterinary Medicine. 233-254.
[44] Hempstead M. N., Waas J. R., Stewart M., Cave V. M., Turner A. R., and Sutherland M. A. The effectiveness of clove oil and two different cautery disbudding methods on preventing horn growth in dairy goat kids. *PLoS ONE*, 13.

	negatively impacted by the improper administering of pain relief, but this is negligible in comparison to the gains for goats overall. This will likely have little to no effect for goats used in the meat and fibre industry as they are not routinely disbudded. **Impacts on the owner and person in charge** There will be both increased monetary and time costs to farmers and practitioners due to new requirements for pain relief. As well as the cost of the drug itself, costs associated with additional training, authorisation of the drugs, checking compliance with its use, and extra time needed for the procedure were seen as further impacts/costs. It was also noted that the cost of the drug will be dependent on the type of drug the veterinarian determines is the most appropriate. For example, the cost of an analgesic on a small goat at 2-3 weeks old would be approximately $2.5 per animal. This cost is based on needing to administer 0.5ml per animal at the cost of approximately $5/ml ($495/100ml[45]). The proposal could also impact veterinarians who will need to learn about the appropriate pain relief to be given, the timing of its effectiveness, and the implications of providing it to disbudders.
Mitigation	A delayed commencement for the pain relief requirement by one year is proposed to allow both farmers and veterinarians enough time to become familiar with the procedure, administering appropriate pain relief, and the process for authorising pain relief.
Commencement	May 2021 – delayed commencement by one year.

[45] The wholesale price is approximately $165.

26. Game fowl – restrictions on dubbing	
Description of the proposals	1. A person who dubs a game fowl must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 2. The owner and person in charge of a game fowl must not allow it to be dubbed except in accordance with the clauses above. *'**Dubbing**' is, for the purpose of this regulation, the amputation of the comb, wattle, and earlobes from the head of game fowl.* *A '**comb**' is a fleshy growth or crest on the top of the head of poultry.* *A '**wattle**' is fleshy appendage hanging from the head and/or neck of poultry.* *'**Game fowl**' means old English game fowl and bantams, and modern game fowl and bantams.*
Proposed offences and penalties	Failing to use pain relief authorised by a veterinarian A prosecutable regulation offence. Can include a criminal conviction. A maximum $3,000 fine for an individual or maximum $15,000 for a body corporate.
Rationale	Dubbing is performed as a management practice by recreational game fowl breeders to reduce the risks of injuries and fatalities from fighting between game fowl. 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 in order to allow game fowl to express their natural behaviours, such as roosting in trees, they need to be free-range and dubbed to minimise fatalities from instances of fighting. Breeders consider dubbing necessary to protect the welfare of the birds. 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.[46] Cockfighting is illegal in New Zealand – most poultry fanciers breed the birds for poultry shows. Dubbing is performed by game fowl breeders using a human topical pain relief (xylocaine gel, lignocaine 2%) to numb the area, then removing the comb, wattle, and earlobes with scissors. In 2011 NAWAC observed a comparison undertaken by a specialist avian veterinarian between a local anaesthetic and the human topical cream, xylocaine gel (2% lignocaine) and found that the topical cream to be an effective alternative form of pain relief that can be accessed and used by competent non-veterinarians. However, like many preparations used 'off-label', the efficacy of this pain relief has not been assessed as part of peer-reviewed research for the purpose of dubbing. While it would be beneficial for further research to support the use of this pain relief for dubbing, veterinarians are capable of determining what pain relief is appropriate. Regulations are necessary to allow competent non-veterinarians to continue to dub game fowl beyond May 2020 as the procedure is likely to meet the criteria of a significant surgical procedure. There are no minimum standards for game fowl and they are unlikely to be addressed in a code of welfare given they are bred recreationally by a small number of breeders (approximately 50-70 breeders in New Zealand). Some individual submitters supported the current proposal but the vast majority of submissions from organisations (veterinary bodies, animal advocates and NAEAC) recommended that this procedure be prohibited. Almost all of these organisations did not consider dubbing was necessary and game fowl could be managed by using different management systems. A few of these organisations determined that if game fowl cannot be kept without dubbing, keeping them is unacceptable.

[46] 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.

	Alternatives to dubbing Strong opposition to the need for dubbing is on the basis that there must be alternative systems of management that negate the need for the procedure. Breeders claim that game fowl are akin to wild animals and they express distressed behaviour when caged for long periods of time. There are no clear known alternatives to current management practices that both adequately balance the welfare of game fowl and negate the need for dubbing. In addition, recreational breeders do not have the same resources as commercial operations to invest in innovation. There is also no allowance in breed standards for non-dubbed game fowl to compete in poultry shows (the purpose for most game fowl breeders) and therefore no incentive to attempt new management techniques that would negate the need for dubbing. While breed standards cannot be addressed through regulation MPI will seek to encourage the association representing game fowl breeders to change their breed standards to allow non-dubbed birds. **Pain relief** The pain of the procedure is managed by obligating pain relief which may address concerns that opponents have with respect to competency and assessing whether dubbing is performed for the benefit of the game fowl. The topical pain relief that is currently used requires veterinary approval and therefore allows veterinary oversight. Game fowl breeders have shown good practice voluntarily by using pain relief in order to minimise the impact of dubbing on game fowl.
Impact	There are no minimum standards related to dubbing game fowl. The Act now requires significant surgical procedures to be performed by a veterinarian. As part of work to develop the regulations it has been made clear that veterinary approval is required to apply the human topical pain relief that is used for dubbing, even though the drug itself can be purchased over the counter. Veterinarians have gained a level of control from the obligation to use pain relief to determine who performs dubbing. A veterinarian can use their discretion to decide whether the pain relief is appropriate, whether the person is competent to dub and whether the procedure is being performed in the best interests of the game fowl. The veterinary community and SPCA called for prohibition but recommended that, if dubbing is allowed to continue, there should be a minimum obligation for veterinary supervision. MPI considers that a level of veterinary oversight is provided under the proposal as veterinarians must authorise the use of the pain relief.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

27. All animals – prohibitions and restrictions on hot branding	
Description of proposal	*Hot branding of horses, ponies, donkeys, and their hybrids* 1. A person who hot brands a horse, pony, donkey, or a hybrid of those animals must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure. 2. The owner or person in charge of a horse must not allow it be hot branded except in accordance with the clauses above. 3. This regulation will be revoked five years from the day it commences. At that point the prohibition on hot branding will extend to horses, donkeys, and their hybrids. *[Note: For clarity, this proposal does not apply to any other equids, other than those named.]* *Hot branding for all other animals* 4. A person must not brand any animal (apart from those mentioned above). 5. The owner or person in charge of an animal must not allow the animal to be hot branded. 6. This regulation will be amended five years from the day it commences to extend to all animals.
Proposed offences and penalties	Hot branding a horse, pony, donkey, or hybrid without pain relief A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Hot branding any other animal A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	Hot branding is generally performed for identification or management purposes. Generally, hot branding causes a scar on the skin which prevents the hair from growing back. The result is a brand that can be visible from distance making identification easier. It is explicitly required by some horse and donkey breed societies before the animal can be registered for showing or breeding. Hot branding has been shown to be more painful than microchipping, and is likely an overall more painful experience than freeze branding.[47,48] It is likely that hot branding will meet the criteria for a significant surgical procedure. The procedure is routinely performed by competent non-veterinarians without the use of pain relief. Without regulation this proposal will be veterinarian-only. As there are practical less painful alternatives to hot branding, MPI proposed in 2016 to prohibit the procedure for all animals. This was supported by the majority of submitters. This proposal still remains for all animals, except for horses, ponies, donkeys, and their hybrids. **Allowing hot branding for horses, donkeys, and their hybrids** During 2019 consultation it became apparent that there were some horse, pony, and donkey breed societies that were strongly opposed to the prohibition. The main breeds for which hot branding is seen as preferable were Shetland ponies, Clydesdales, and donkeys. Submitters' opposition was based on their view that hot branding for their breeds was much less painful than freeze branding, and that microchipping was less reliable and currently too expensive to be practical.

[47] Lindegaard C., Vaanbengaard D., Christophersen M.T., Ekstom C.T. and Fjeldbord, J. (2009). Evaluation of pain and inflammation associated with hot iron branding and microchip transponder injection in horses. American Journal of Veterinary Research 70, 840-847.

48 Schwartzkopf-Genswein K.S., & Stookey, J.M. (1997) The use of infrared thermography to assess inflammation associated with hot-iron and freeze branding in cattle. Canadian Journal of Animal Science. 77, 577-583.

	Video evidence submitted by these societies showed that the way they hot branded their animals was not the same as described in the discussion document. Instead, the brand is usually held on for only two seconds with the desired result being a change in the way the hair grows back, rather than a bald brand. It was claimed that freeze branding these animals required the brand to be held on for an unusually long time (because of the light colour of the animal's fur) which could result in cracked and open sores. It was noted that the science cited by MPI involving hot and freeze branding only researched cattle, and therefore wasn't applicable to horses. Donkey owners also noted that donkeys are completely different animals and did not feel pain the same way as horses. MPI notes that both hot branding and freeze branding have been proven to be painful in cattle and horses,[49] and while the brand was held on for a much longer time in those studies it is still likely to result in high body surface temperatures as shown in other scientific studies, which indicate a burn on the skin.[50] While it is common for donkeys to show fewer reactions to pain than other equids, this is usually because they are more stoic and there is no evidence that they have a different pain tolerance to other equids.[51] MPI therefore proposes to allow hot branding to continue for horses and donkeys (and their hybrids) for a limited period of five years. MPI considers that hot branding for these animals remains good practice. However, MPI expects that advances in microchipping technology in the next few years will make it the more practical identification technique. Providing for the regulation to cease in five years allows for the relevant breed societies to purchase and become familiar with microchipping, and to amend breed society rules and regulations. **Pain relief** Pain relief, in the form of veterinary medicines, are not commonly used by people who hot brand their animals. The types of pain relief described by submitters were usually herbal medicines, such as valerian, that are not approved under the Animal Medicines and Veterinary Compounds Act 1997 for animal use. Using a twitch is also a common way to restrain animals. These practices are popular with horse owners, and it is not unusual for them to be used. Pain relief is already required by the minimum standard for hot branding in the Horses and Donkeys Code of Welfare. It is unlikely that submitters who are currently branding are meeting that requirement. Scientific evidence shows the procedure is painful and that some veterinary oversight is necessary. MPI is therefore regulating for pain relief, authorised by a veterinarian, be used to reflect the current minimum standard in the Horses and Donkeys Code of Welfare. Pain relief is not required at the time of the procedure because evidence shows that the main period where pain is felt as a result of the procedure is post-operatively[52]. Therefore, post-operative analgesics may be more appropriate.
Impact	**<u>Animal impacts</u>** This proposal will have a high animal welfare impact for animals, which are traditionally hot branded, where it will no longer be allowed. For horses, donkeys, and their hybrids, it will provide improved animal welfare by explicitly requiring pain relief authorised by a veterinarian. **<u>Impacts on the owner and person in charge</u>** Equid societies submitted that there would be large impacts on their breeds if hot branding was prohibited. These included: • animals being stolen;

[49] Schwartzkopf-Genswein K.S., & Stookey, J.M. (1997). The use of infrared thermography to assess inflammation associated with hot-iron and freeze branding in cattle. *Canadian Journal of Animal Science*. 77, 577-583.

[50] Erber R., Wulf M., Becker-Birk M., Kps S., Aurich J.E., Mostle E., and Aurich C. (2012). Physiological and behavioural responses of young horses to hot iron branding and microchip implantation. *The Veterinary Journal.* 191, 171-175.

[51] Burden F., Thiemann A. Donkeys Are Different. (2015). *Journal Of Equine Veterinary Science*. 35, 376-382.

[52] Erber R. et al. (2012).

	• important bloodlines being lost because the microchip was faulty and the animal had no identifying brand; • the prohibitive cost of microchipping resulting in animals being euthanised instead of registered; • the inability to register foals because the brand is a required part of registration; and • freeze branding resulting in worse pain to the animal. One submitter noted microchipping cost $120 for a veterinarian to implant a $10 chip (and more if the veterinarian had to be called out to the property). Microchip readers would also be required, which cost approximately $800-$900. This would be prohibitive to some societies. People performing the procedure will still need to engage a veterinarian to get the necessary pain relief. The general veterinarian fee is noted at around $120. Owners could work with their veterinarians on the most effective process to access pain relief for all foals born in a year. The Royal Agricultural Society has also noted that it hosts microchipping and DNA-testing events at Agriculture and Pastoral shows where a veterinarian is available to perform the microchipping. It has indicated that these could be widened to allow these breeds to attend for microchipping.
Mitigation	Mitigation is provided for horse and donkey breeders by allowing the procedure to be performed with pain relief for a further five years. This should allow each society to amend its registration rules, become familiar with microchipping, and to purchase the necessary equipment.
Commencement	May 2020.

28. Equids – restrictions on tail docking	
Description of the proposals	1. A person must not dock the tail of an equid. 2. The owner and every person in charge of an equid must not allow its tail to be docked. 3. A veterinarian may perform the procedure for therapeutic reasons and pain relief must be used at the time of the procedure. *'**Equid**' means any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids*
Proposed offences and penalties	Being a non-veterinarian who docks an equid's tail A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Being a veterinarian who docks an equid's tail for non-therapeutic reasons, or who fails to use pain relief A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Horse tail docking was traditionally performed to prevent the tail of the horse from interfering with harness and carriage equipment. Specifically, if a rein passes under the horse's tail the horse may clamp its tail down and cause the driver to lose control of the horse. [53] There are alternative methods for shortening the tail, such as braiding. There are no benefits for horses from the procedure. Horse and other equid tail docking has been shown to be a painful procedure. Horses exhibit physiological and behavioural signs of post-operative pain[54]. Docking the tail of a horse is currently defined as a restricted surgical procedure under section 2(1) of the Act, and may only be undertaken by a veterinarian. This section will be repealed when the new criteria for a significant surgical procedure comes into force in 2020. Regulation is necessary to ensure it remains clear that horse tail docking is a veterinarian-only procedure that may only be performed for therapeutic reasons, and that this applies to all equids. The proposal was supported in submissions.
Impact	This procedure is currently a restricted procedure under the Act in respect of horses. This proposal extend this to other equids, and is likely to have little to no impact.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[53] ibid

[54] Lefebvre D, D Lips, FO Odberg and JM Giffroy, (2007), Tail docking in horses: a review of the issues, *Animal*, 1(8): 1167-78

29. Equids – restrictions on rectal examination for any purpose	
Description of the proposals	1. Rectal examinations on equids must be performed by a veterinarian. 2. The owner or person in charge of an equid must not allow a rectal examination to be performed on the animal except in accordance with the clause above. *'**Rectal examination**' includes entry into the rectum by the fingers/hand/arm, and/or the introduction of instruments, excluding rectal thermometers.* *'**Equid**' means any member of the equidae family, including any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.*
Proposed offences and penalties	Failing to be a veterinarian when performing a rectal examination on an equid A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	A rectal examination is a diagnostic procedure that may be used as part of a clinical examination for conditions such as colic and pregnancy. The procedure carries a high risk of tissue tearing during the procedure[55]. The procedure should only be performed when there is a clear clinical reason for performing a rectal examination and when the animal is a suitable candidate for the procedure[56]. A horse's rectum is more prone to injury or trauma than other animals. An examination can perforate a horse's rectum which can lead to peritonitis and death. Veterinary experience is needed to ensure that any problems that do arise can be responded to appropriately and efficiently. Because the procedure is unlikely to meet the criteria for a significant surgical procedure, regulation is needed to make it clear it should be performed by a veterinarian-only. The proposal was supported by submissions.
Impact	The proposal reflects current practice and therefore is likely to have minimal or no impact.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[55] OM Rostits, CC Gray, KW Hinchcliff and PD Constable (eds) 10th edition, (2006) Veterinary Medicine: A textbook of the diseases of cattle, sheep, goats, pigs and horse
[56] ibid

30. Cattle – restrictions on teat occlusion	
Description of the proposals	1. A person who occludes a cattle beast's teat must use a teat sealant that is registered under the Agricultural Compounds and Veterinary Medicines Act 1997. 2. A veterinarian may temporarily occlude a teat with a teat plug, for therapeutic purposes. 3. The owner or person in charge of a cattle beast must not allow the animals' teat to be occluded except in accordance with the clauses above.
Proposed offences and penalties	For failing to use a registered teat sealant registered under the Agricultural Compounds and Veterinary Medicines Act A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. For being a veterinarian who uses a teat plug for reasons other than therapeutic purposes A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Teat sealants are commonly used in the dairy cattle industry as part of drying off management, or as part of a treatment plan for infected or injured teats. They are also used in showing animals, to make the udder look fuller. Any physical process that leads to permanently blocking a teat canal can result in significant pain. Even when used temporarily, an inappropriate sealant can cause pain and distress when removed[57]. Sealing teats with a teat sealant registered under the Agricultural Compounds and Veterinary Medicines Act is unlikely to meet the criteria for a significant surgical procedure, and neither is temporarily sealing a teat with a plug. However, there are anecdotal stories of people using methods such as ringing or household superglue to occlude teats, which can result in unnecessary and unreasonable pain. Regulation is needed to clarify that using a sealant registered under the Agricultural Compounds and Veterinary Medicines Act is the only acceptable way to seal teats. During consultation, it was noted by submitters that veterinarians may have legitimate reason to use a teat plug when treating an injured or diseased teat. The proposal has been amended to allow this.
Impact	The impact is likely to be negligible on farm owners, operators and managers. The proposal will enhance animal welfare outcomes by making it clear that the use of other types of sealant is unacceptable. It also clarifies when, and how, teat plugs may be used.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[57] S Godden, P Rapnicki, S Stewart, J Fetrow, A Johnson, R Bey and R Farnsworth, Effectiveness of an internal teat seal in the prevention of new intramammary infections during the dry and early lactation periods in dairy cows when used with a dry cow intramammary antibiotic, Journal of Dairy Science, 86: 3899-3911.

31. Deer – restrictions on develvetting (velvet antler removal)	
Description of proposal	1. A person who develvets a deer must: a) be competent; and b) use appropriately placed and effective pain relief that is authorised by a veterinarian for the purpose of the procedure. 2. In the context of this regulation, a person is competent if they are: a) a veterinarian who has the relevant expertise and practical experience to perform the procedure; or b) the owner of the deer, or the employee of the owner of the deer, who has written veterinary approval, and who complies with the standards set out by the National Velvetting Standards Body's develvetting quality management programme, or any other similar programme with equivalent or higher standards. 3. A veterinarian who issues written veterinary approval must be satisfied that the person has the relevant: a) expertise; b) practical experience; c) drugs; d) equipment; and e) accommodation to perform the procedure. 4. The owner or person in charge of the deer must not allow it to be develvetted except in accordance with the clauses above. *For the purpose of this proposal, when develvetting a yearling deer, **pain relief** includes high pressure rubber rings (distinct from high tension bands) designed for the purpose of inducing analgesia during develvetting.* *A **yearling deer** is defined as a deer under 12 months of age, or which has its first set of antlers.*
Proposed offences and penalties	<u>Failing to use appropriate pain relief</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>Failing to have written veterinary approval, and/or to meet the accreditation requirements set out by the NVSB or equivalent</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.
Rationale	Antlers, unlike horns in other animals, are grown and shed on an annual cycle. During the growth phase they are referred to as velvet antler, because the antler is a hairy velvet-like structure which has a rich supply of nerves and blood vessels. The structure eventually calcifies into the hard antler which does not have the same nerve or blood supply. In commercial deer farming in New Zealand, antlers are most commonly removed during the velvet stage. When velvet prices are strong farmers retain male offspring to build up their velvet herds, however when the prices fall they often dispose of their velvet herds in favour of venison production. Develvetting is currently a controlled surgical procedure under section 18 the Act. Only a veterinarian, veterinary student under direct supervision of a veterinarian, or an owner or employee of an owner of deer with written veterinary approval may perform the procedure. This section will be revoked on 9 May 2020. Regulation is required to maintain the standards currently in place for the procedure. The proposal was originally consulted on in 2016, and was generally supported by submitters. However, industry have consistently pushed for the proposal to be more stringent. Its main concern is that the regulation may undermine operational and quality

	control procedures currently in place. The current programme is in place to protect the reputation of New Zealand's velvet antler industry, and to provide quality assurances for export. The programme also provides high animal welfare standards. **Referring to the National Velvetting Standards Body** The intention of this proposal is to encapsulate in regulation the National Velvetting Standards Body's programme without limiting the possibility for another accreditation programme to develop if it can match or improve on the current programme. The NVSB is made up of representatives from Deer Industry New Zealand and the New Zealand Veterinary Association, but is not a legislated body itself. This also provides complexities in referring directly to its programme. However, MPI considers that as the NVSB has been recognised through several different means, it is appropriate to refer to its programme in regulation – while also allowing for equivalent programmes to be recognised.[58] **Pain relief** Under the Act a person may only perform the procedure if they have the appropriate drugs. Under the current National Velvetting Standards Body standards, the appropriate drugs for pain relief are listed as either local anaesthetic (usually lignocaine 2%) or NaturO™ rings.[59] NaturO™ rings have been approved[60] as a form of compression analgesia which does not have the same drug residues issues as local anaesthetics. Often yearling stags are sent to slaughter shortly after antler removal, which would not be possible if develvetted using drugs for pain relief, due to drug withholding periods.[61] MPI considers that both types of pain relief, when used correctly, are appropriate for relieving the pain experienced during this procedure.
Impact	**Animal impacts** This proposal will have little to no impact on animal welfare, as it is regulating for current practice. There may be some benefits to animals, which have previously not been develvetted correctly, due to the greater enforceability of a regulation acting as a deterrent. **Impacts on the owner or person in charge** The proposal will have little to no impact on time or monetary costs, as it is regulating for current practice. Industry submissions noted that if the proposal does not properly encapsulate the current standards required by the NVSB, it would be a risk to both animal welfare and New Zealand's reputation.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand that the same level of standards are still expected of them.
Commencement	May 2020.

[58] The NVSB has a Memorandum of Understanding with MPI to enforce the Regulated Control Scheme for Deer Velvet Harvest under the Animal Products Act 1999, and NVSB auditors are also recognised persons under the Animal Products Act 1999.

[59] National Velvetting Standards Body. Farmer Velvet Antler Removal Manual. (2005).

[60] NaturO™ rings were approved by the Animal Welfare Advisory Committee (the precursor to NAWAC) under the provisions of the 'Guidelines for the Welfare of Red and Wapiti Yearling Stags During the Use of Rubber Rings to Induce Analgesua for the Removal of Spiker Velvet.' Accessed at: https://www.mpi.govt.nz/dmsdocument/1426-welfare-of-red-and-wapiti-stags-during-the-use-of-rubber-rings-to-induce-analgesia-for-the-removal-of-spiker-velvet, 19 September 2019.

[61] Flint P. Velvet antler removal from red deer: a thesis presented in partial fulfilment of the degree of Doctor of Philosophy in Veterinary Medicine at Massey University, Manawatu, New Zealand. (2012). Unpublished thesis.

32. Sheep – restrictions on tail docking	
Description of proposal	1. A person who docks the tail of sheep under 6 months of age must: a) be competent; and b) use a hot iron or rubber ring; and c) ensure the tail is docked long enough to cover the vulva in females and equivalent in males.* 2. A person who docks the tail of sheep that is 6 months of age or over must be a veterinarian and pain relief must be used at the time of the procedure. 3. The owner or person in charge of the sheep must not allow the animals' tail to be docked except in accordance with the clauses above. *Note: A practical measurement for meeting this length may be docking no shorter than the distal end of the caudal fold.
Proposed offences and penalties	Tail docking (under 6 months of age) using a method other than the one prescribed An infringement fee of $500, or a maximum $1,500 fine if imposed by the court. Tail docking (under 6 months of age) shorter than the vulva or equivalent in males For an individual: an infringement fee of $500, or a maximum $1,500 fine imposed by the court. For a body corporate: an infringement fee of $1,500, or where the offending involves a large number of animals, enforcement agencies may choose to file a charging document instead if issuing an infringement notice. For this proposal, the maximum fine the court can impose on a body corporate is $7,500. Tail docking (over 6 months of age) by a non-veterinarian A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate. Tail docking (over 6 months of age) and not using pain relief A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Docking of lambs' tails is a widespread procedure that is routinely carried out on New Zealand farms. The procedure is undertaken to help prevent faecal soiling, dag formation, and the risk of flystrike (the feeding of blowfly maggots on the flesh). It makes dagging, crutching, and shearing easier and safer to perform, and can also make it easier to observe the ewe's udder to detect potential problems. Tails deter insects from the rear of the animal and provide an anchor for some muscles regulating the proper function of the rectum. There are opposing scientific views on whether docking the tail too short can increase the incidence of rectal or vaginal prolapse.[62,63] Tail docking is likely to meet the criteria for a significant surgical procedure. Tails are richly supplied with nerves and blood vessels so their removal is significant for the animal. The procedure is routinely performed by competent non-veterinarians without the use of pain relief. Without regulation this proposal will be veterinarian-only, which will have major economic and practicality issues for New Zealand's sheep meat and fibre industries.

[62] Thomas D. L., Waldron D. F., Lowe G. D., Morrical D. G., Meyer H. H., High R. A., Berger Y. M., Clevenger D. D., Fogle G. E., Gottfredson R. G., Loerch S. C., McClure K. E., Willingham T. D., Zartman D. L., and Zelinksy R. D. (2003). Length of docked tail and the incidence of rectal prolapse in lambs. *Journal of American Science*, 81, 2725-2372.

[63] Jackson R., Hilson R. P. N., Roe A. R., Perkins N., Heuer C., and West D. M. (2014). Epidemiology of vaginal prolapse in mixed-age ewes in New Zealand. *New Zealand Veterinary Journal*, 62, 328-337.

	The current minimum standards for tail docking in sheep are generally considered appropriate given the animal welfare benefits to the animal from reducing problems with flystrike. The one change to the proposal since originally consulted on in 2016 has been to be more specific about the minimal length of the tail. In 2016, a longer tail length was a common request from submissions, as an alternative to the length of 'not flush' which was initially proposed. The current length proposed is a tail that is long enough to cover the vulva or equivalent, which is already required by several assurance or verification programmes in the industry.[64] A practical measurement for meeting this length may be docking no shorter than the distal end of the caudal fold. Regulating for this length will also bring New Zealand's docking rules in line with, or above, other countries.[65] **Pain relief** Pain relief has not been required as there are practicality issues with administering in a timely manner. However, the requirement for pain relief will be reviewed as more pain relief options become available in the future.
Impact	The regulation will likely improve animal welfare by enforcing a longer tail length than some farmers currently dock to. It will also improve welfare for the small number of sheep that are docked after the age of six months, by making it a veterinarian-only procedure with pain relief. The proposal is generally regulating for the status quo, apart from the required length for the tail to be docked. While most submissions in 2019 agreed with the proposal to regulate for tail length, in 2016 there were some submitters who noted that they docked their tails shorter. There will be both time and monetary costs for those who will have to become accustomed to sheep with longer tails. Anecdotally, more time and care is needed when crutching and shearing sheep with longer tails, which will result in shearers taking longer to do each animal. This may lead to increased time and monetary costs for both shearers and owners of animals.
Mitigation	A delayed commencement for the minimum tail length by one year is proposed to allow farmers and contractors enough time to become familiar with the required tail length.
Commencement	May 2021 – delayed commencement of one year.

[64] The New Zealand Assurance Programme (which has been implemented by major meat processors such as ANZCO Foods, Ovation, Silver Fern Farms, and Auckland Farmers Freezing Company) requires a docked tail to be of sufficient length to cover the vulva in female lambs and equivalent in male lambs.
NZ Merino's accreditation programme, requires a docked tail to be of sufficient length to cover the vulva or equivalent in males. The required age for docking is also between 24 hours and 10 weeks of age.

[65] For example, the United Kingdom requires that enough of the tail be retained to cover the vulva of a female animal of the anus of a male animal.
The Australian Animal Welfare Standards and Guidelines for Sheep have standards that state the tail must be docked no shorter than one palpable free joint.

33. Sheep – restrictions on disbudding	
Description of proposal	1. A person who disbuds a sheep must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 2. The owner or person in charge of the sheep must not allow the animal to be disbudded except in accordance with the clauses above.
Proposed offences and penalties	Failing to use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	Disbudding is generally the destruction, by any method, of the free-floating immature horn tissue. Disbudding is generally undertaken in horned animals to reduce the significant risk that horns pose to the health and welfare of other animals and humans. It is a preferred procedure to dehorning as it requires a less invasive procedure. It is common in other production animals such as cattle and goats, but not in sheep as most breeds are hornless (polled). In some breeds the horns are considered quintessential parts of the breed. For example, horns are a part of what is considered to make merino the 'king of sheep'. Disbudding is likely to meet the criteria for a significant surgical procedure. If this proposal does not go forward then the procedure will be veterinarian-only. It is not clear if anyone commonly performs the procedure, meaning that there will not be a high level of competency in either veterinarians or non-veterinarians. The procedure is reasonably straightforward to learn and therefore may be appropriate for a competent non-veterinarian to undertake. By requiring pain relief the regulation maintains some veterinary oversight, while allowing non-veterinarians to carry out the procedure. This proposal was originally consulted on 2016. The proposal was generally supported, although most submissions received related to cattle. It was noted at that time that there were complexities with administering pain relief to goat kids, which were difficult to resolve. The decision was made to postpone the proposal for kids to the next package of regulations. Because of the minimal information regarding disbudding in lambs, this proposal was also delayed. **Pain relief** During current consultation no issues with providing pain relief to sheep were raised. Issues with administering pain relief in goats are not fully resolved, and so that proposal allows for a veterinarian to authorise the use of pre- and post-operative pain relief instead of throughout the procedure. The same issues have not been proven with sheep, and so pain relief is required throughout the procedure. The type of pain relief required is up to the discretion of the authorising veterinarian.
Impact	This regulation will likely improve animal welfare by requiring pain relief. However, this procedure is not known to be routinely carried out, meaning there is likely to be little to no impact on the meat and fibre industry. The added cost of pain relief may preclude farmers from choosing to disbud their sheep in the future. This would mean that the risk of animals injuring each other with horns would remain. This risk should be managed by farmers in conjunction with current transporting regulations regarding horned animals, so the proposal is unlikely to result in additional negative animal welfare outcomes. The proposal will have little to no impact on the sheep dairy industry as most dairy breeds are polled (naturally hornless).
Mitigation	A delayed commencement for the pain relief requirement by one year is proposed to allow both farmers and veterinarians enough time to become familiar with the procedure, administering appropriate pain relief, and the process for authorising pain relief.
Commencement	May 2021 – delayed commencement by one year.

34. Dogs – prohibit ear cropping	
Description of the proposals	1. A person must not crop a dog's ears. 2. The owner or person in charge of a dog must not allow its ears to be cropped. *For this proposal, '**crop**' means the performance on the ears of a dog a surgical procedure to alter the appearance of the ears for cosmetic reasons, and in some cases, make the ears stand up.*
Proposed offences and penalties	Cropping a dog's ears A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	Dog ear cropping is performed non-therapeutically, generally for cosmetic reasons. The procedure causes acute pain[66]. Ears are reduced with blades or scissors to modify their shape and in some cases allow a naturally dropping ear to stand upright[67]. In larger breeds, after surgery the ears are positioned with tape, bandages, or other devices to encourage an upright position. General anaesthesia is required along with postoperative care[68]. 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. Regulation makes it clear that the current prohibition remains. Submitters support the proposal but veterinarians recommended a variation to allow veterinarians to undertake the procedure for therapeutic reasons. Clarification was made to the definition of 'ear cropping' to make it clear that a veterinarian can remove part of a dog's ear for therapeutic reasons.
Impact	This proposal is likely to have little to no impact as it is already prohibited in legislation.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[66] American Veterinary Medical Association, Journal of the American Veterinary Medical Association, 1990; 196: 679-680, Welfare implications of Ear Cropping Dogs
[67] Ibid.
[68] Ibid.

35. Compliance Notice Infringement	
Description of the proposals	The fee for an infringement offence associated with non-compliance with a Compliance Notice under Section 156I of the Act be set at $500, with a maximum fine of $1,500.
Proposed offences and penalties	An infringement fee of $500, or a maximum $1,500 fine if imposed by the Court.
Rationale	The Act allows animal welfare inspectors to issue Compliance Notices. Compliance Notices can require a person to stop doing something or prohibit them from doing something, if the inspector has good cause to suspect that something the person is doing contravenes or is likely to contravene the Act or any regulation 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. A regulatory prosecution offence and penalty is provided in section 156 of the Act for non-compliance with a Compliance Notice of a fine no exceeding $5,000 in the case of an individual and $25,000 in the case of a body corporate. The Act also provides for an infringement to be set for lower level offending that would not warrant a prosecution. It is proposed that the fee be set at $500 with a maximum fine of $1,500. This level of fee is considered appropriate because by the time an infringement offence issued the owner or person in charge of the animal has: • already been informed that the practice does not comply with the Act or regulatory requirements as they have been issued a Compliance Notice; and • been provided time to rectify the situation and has failed to do so. If an animal is suffering as a result of non-compliance, offences under the Act would also be available.
Impact	The infringement fee provides another mechanism to move people into compliance with the Act and any regulation made under it.
Mitigation	Not applicable.
Commencement	May 2020.

36. Goats – restrictions on dehorning	
Description of proposal	1. A person who dehorns a goat must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure. 2. The owner or person in charge of a goat must not allow it to be dehorned except in accordance with the clauses above. *'**Dehorning**' means to remove the horn or part of the horn (including any regrowth after disbudding) from a goat. It does not include removal of the hard sensitive tip of the horn resulting in a blunt hard end (tipping), or removal of an ingrown horn within 3 centimetre of the point where the horn touches or breaks the surface of the skin, or touches the eyelid or surface of the eye.*
Proposed offences and penalties	Failing to use pain relief authorised by a veterinarian for the purpose of the procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	Dehorning is generally only carried out if a goat's horns become problematic when the animal is older, or if the disbudding procedure was not successful. Goats can injure each other with their horns, and also commonly catch their horns in fences. A farmer may choose to dehorn a goat to prevent these things from happening. The procedure is not as common as disbudding. The procedure is ideally performed with sedation, with either a flexible saw or preferably an obstetrical wire used to remove the horn at its base. Arteries that feed into the horn must also be sealed to prevent further bleeding and the hole into the sinus must be covered of plugged. The procedure can often result in scurs growing if not performed properly. Dehorning is likely to meet the criteria for a significant surgical procedure, as horns are supplied by two separate nerves which extend for unknown distances into the horn. Without regulation the procedure will be veterinarian-only. The procedure is performed less commonly than disbudding, meaning the same level of competency is not present in either veterinarians or non-veterinarians. By requiring pain relief the regulation maintains some veterinary oversight, while allowing non-veterinarians who may be more competent at the procedure to continue to carry it out. This proposal was originally consulted on 2016. The proposal was generally supported, although most submissions received related to cattle. Opposition to the proposal, including submissions from industry organisations, noted that pain relief in goat kids was often ineffective and could cause more problems. Upon investigation by MPI, it became apparent that scientific research supported these concerns.[69,70] While the concerns related mostly to kids, the decision was made to delay the proposal until this tranche of regulations, to allow for further information to be found. **Requiring pain relief at the time of the procedure** During current consultation no issues with providing pain relief to adult goats were raised. However some submissions from meat and fibre farmers, who do not routinely disbud, noted that they dehorn their goats with bands. This was generally performed on animals that commonly caught their horns in fences, or were being aggressive to other animals. The procedure is considered to be more humane by some because the procedure seems less traumatic than disbudding or surgical dehorning, however it is likely to be

[69] Buttle H., Mowlem A., and Mew A. (1986). Disbudding and dehorning of goats. *In Practice*, 63-65.

[70] Marongiu M. L. (2012). Local Anaesthesia for Husbandry Procedures and Experimental Purposes in Farm Animals, A Bird's-Eye View of Veterinary Medicine. 233-254.

	painful for much of the procedure.[71,72] However, meat and fibre farmers note traditional dehorning often costs more than the goat is worth itself and a problematic goat is more likely to be euthanised.[73] As there is limited evidence of the likely pain experienced in goats during the banding procedure, MPI recommends allowing the procedure to continue to be performed. The proposal requires pain relief, but does not specify that it is needed at the exact time of the procedure, which in this case would be applying the bands. Requiring pain relief at the time of the procedure is unlikely to provide any relief for the goat as it is unlikely to feel pain until sometime after the application of the bands. Instead, some form of analgesic should be provided to alleviate pain once the bands begin to cut through the horn. **Tipping and ingrown horns** Tipping and removal of 'minor' ingrown horns have been excluded from the definition due to the following: • Tipping is the removal of insensitive tissue. While difficult to accurately determine, it is primarily undertaken to blunt sharp horns and as such there is little reason or justification to remove more than is necessary to blunt the tip. • 'Minor' ingrown horns, where the horn only touches or breaks the surface of the skin or eye of the animal, are likely removed to provide some relief from the pain or distress caused by the ingrown horn. Where the ingrown horn causes significant damage to the underlying tissue it would fall within the definition of dehorning and pain relief would be required. The proposed penalty is higher than that for disbudding as dehorning is a more invasive procedure. It has a higher post-operative risk of complications due to the sinus of the horn potentially being opened, depending on where the horn is cut.
Impact	**Animal impacts** This regulation will likely improve animal welfare by requiring pain relief for a painful and invasive procedure. It may result in more goats being euthanised, as goats are often not worth the cost of the veterinarian call out. MPI considers this to be a preferable alternative to causing a goat unnecessary pain and distress by dehorning it without pain relief. **Impacts on the owner and person in charge** There will be both increased monetary and time costs to farmers and practitioners due to new requirements for pain relief. This is considered a lesser impact than the cost of making the procedure veterinarian-only. Additional training, authorisation of the drugs and checking compliance with its use, purchase of drugs, and extra time needed for the procedure were seen as further impacts or costs. It was also noted that the cost impact of the drugs will be dependent on what the veterinarian decides is the most appropriate. The proposal could also impact veterinarians, who will need to learn about the appropriate pain relief to be given, the timing of its effectiveness, and the implications of providing it to people dehorning animals. One submitter noted that the cost of dehorning with bands was approximately $1.00, including the bands and a topically applied over the counter pain relief cream, and 4 days' worth of aspirin. (It should be noted that the use of human drugs on animals can only legally be done with a veterinarian's authorisation). The cost of banding in this way would increase if the proposal was implemented as worded, due to the veterinarian costs.

[71] Smith, Mary C. Sherman, David M. (2009). Goat Medicine, Second Edition: Dehorning and Descenting. 723-731.

[72] Neely, CD. Thomson, DU. Kerr, CA. Reinhardt, CD. (2014). Effects of three dehorning techniques on behaviour and wound healing in feedlot cattle. Journal of Animal Science. 92, 2225-9.

[73] Anecdotally, a meat goat would usually be worth around $50.00 compared to a veterinarian consultation base rate costing around $120.00.

Mitigation	A delayed commencement for the pain relief requirement by one year is proposed to allow both farmers and veterinarians enough time to become familiar with the procedure, administering appropriate pain relief, and the process for authorising pain relief.
Commencement	May 2021 – delayed commencement by one year.

37. Sheep – restrictions on dehorning	
Description of proposal	1. A person who dehorns a sheep must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 2. The owner or person in charge of the sheep must not allow it to be dehorned except in accordance with the clauses above. *"**Dehorning**" means to remove the horn or part of the horn (including any regrowth after disbudding) from a sheep. It does not include removal of the hard sensitive tip of the horn resulting in a blunt hard end (tipping), OR removal a minor ingrown horn.*
Proposed offences and penalties	Failing to use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $5,000 for an individual, $25,000 for a body corporate.
Rationale	Dehorning is undertaken to reduce the risks of horns causing injuries to handlers and to other animals. It can also be performed as a treatment to relieve injured or ingrowing horns. While disbudding is encouraged over dehorning in cattle and goats, it is not routinely performed. In sheep, dehorning is likely to be performed more often than disbudding, usually as a response to injury or disease. Dehorning is likely to meet the criteria for a significant surgical procedure. If this proposal does not go forward then the procedure will be veterinarian-only. It is not clear whether anyone commonly performs the procedure with pain relief. By requiring pain relief for the procedure the regulation maintains some veterinary oversight, while allowing non-veterinarians who may be more competent at the procedure to carry it out. This proposal was originally consulted on 2016. The proposal was generally supported, although most submissions received related to cattle as opposed to sheep. Submissions also noted difficulties in administering pain relief for goat disbudding which meant that those proposals were delayed. As a result, this proposal was also delayed to allow time to determine whether the same issues arose in sheep. **Pain relief** During recent consultation no issues with providing pain relief to sheep were raised. Issues with administering pain relief in goats are not fully resolved, and subsequently that proposal allows for a veterinarian to authorise the use of pre- and post-operative pain relief instead of throughout the procedure. The same issues have not been proven with sheep, and so pain relief is required throughout the procedure. The type of pain relief required is up to the discretion of the authorising veterinarian. **Tipping and ingrown horns** Tipping and removal of 'minor' ingrown horns have been excluded from the definition due to the following: • Tipping is the removal of insensitive tissue. While difficult to accurately determine, it is primarily undertaken to blunt sharp horns and as such there is little reason or justification to remove more than is necessary to blunt the tip. • 'Minor' ingrown horns, where the horn only touches or breaks the surface of the skin or eye of the animal, are likely removed to provide some relief from the pain or distress caused by the ingrown horn. Where the ingrown horn causes significant damage to the underlying tissue it would fall within the definition of dehorning and pain relief would be required. The proposed penalty is higher than that for disbudding as dehorning is a more invasive procedure. It has a higher post-operative risk of complications due to the sinus of the horn potentially being opened, depending on where the horn is cut.
Impact	This regulation will likely improve animal welfare by requiring pain relief. It is unlikely that the procedure is currently performed on-farm with pain relief.

	It may result in more sheep being euthanised. Anecdotally, unless the sheep is a valuable animal such as a stud ram, where pain relief or a veterinarian call-out is needed the sheep is more likely to be euthanised. MPI considers this to be a preferable alternative to causing a sheep unnecessary pain and distress by dehorning it without pain relief. This procedure is not known to be routinely carried out, meaning there is likely to be little to no impact on the meat and fibre industry. The proposal will also have little to no impact on the sheep dairy industry as most dairy breeds are polled.
Mitigation	A delayed commencement for the pain relief requirement by one year is proposed to allow both farmers and veterinarians enough time to become familiar with the procedure, administering appropriate pain relief, and the process for authorising pain relief.
Commencement	May 2021 – delayed commencement by one year.

38. All animals – performing cystocentesis	
Description of the proposals	1. A person who performs cystocentesis on an animal must be competent. 2. The owner or person in charge of an animal must ensure that only competent people perform this procedure. *'**Cystocentesis**' involves a needle being inserted through the wall of an animal's body into the bladder to obtain urine samples.*
Proposed offences and penalties	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.
Rationale	Cystocentesis is a common clinical technique used to obtain a sample of urine directly from the urinary bladder of animals using a needle and syringe[74]. It is undertaken by both veterinarians and non-veterinarians working in clinical practices. The procedure was raised for potential regulation during targeted stakeholder consultation in late 2018. During the 2019 consultation, MPI decided not to recommend regulation for the procedure because it considered that, when done correctly, it was unlikely to meet the definition of a significant surgical procedure. However, submitters disagreed and noted that without regulation veterinary nurses would be unable to continue to perform this procedure. Veterinary nurses commonly perform the procedure under veterinary supervision in veterinary clinics, and it is considered appropriate for them to do so. MPI therefore recommends that this procedure is regulated to make it clear that this procedure may be done by competent non-veterinarians.
Impact	The proposal is intending to allow current practice to continue so there should be no impact to animals or their owners.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

[74] Science Direct Topics, (2019) Malder's Reptile and amphibian medicine and surgery (3rd edition).

39. All animals – performing transcervical insemination	
Description of the proposals	1. A person who performs transcervical insemination on an animal must be competent. 2. The owner or person in charge of an animal must ensure that only competent people perform this procedure. ***Transcervical insemination*** *is a procedure to deliver sperm directly to the uterus, bypassing the cervix using a special catheter and deep abdominal palpation or by visualisation of the cervix using an endoscope* *Note: also referred to as Post Cervical Artificial Insemination in pigs.*
Proposed offences and penalties	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.
Rationale	Transcervical insemination is a procedure to deliver sperm directly to the uterus, bypassing the cervix. It involves the passage of a catheter through the cervix and into the uterine lumen. The procedure may be performed with the use of a special catheter and deep abdominal palpation or by visualisation of the cervix using an endoscope. Currently TCI is performed by both veterinarians and non-veterinarians. The vast majority of submissions supported the procedure being undertaken by competent non-veterinarians. During the 2019 consultation, MPI decided not to recommend these procedures for regulation as it considered that, when done correctly, they were unlikely to meet the criteria for a significant surgical procedure. However, during consultation, submitters supported regulation as they thought it would meet the criteria. Because of this comment from submitters, MPI considers that regulations are therefore necessary to clarify who can perform TCI. The proposal reflects current practice given that the procedure is not considered to be painful and/or complex to perform.
Impact	The proposal is intending to allow current practice to continue so there should be little to no impact to animals or their owners.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

40. All animals – inserting a urinary catheter	
Description of the proposals	1. A person who performs urinary catheterisation on an animal must be competent. 2. The owner or person in charge of an animal must ensure that only competent people perform this procedure.
Proposed offences and penalties	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.
Rationale	The use of urinary catheters is a common part of veterinary practice. They are often used for animals which have difficulty emptying their bladder, or to relieve urinary incontinence or retention. Urinary catheters may be used for a short period of time and removed (intermittent catheterisation) or left in place for variable periods of time (indwelling urinary catheterisation). Depending on the animal and type of catheter being placed, sedation may be needed. Urinary catheters are commonly inserted by veterinary nurses, in a veterinary clinic setting. Their ability to continue to perform this procedure was supported by the majority of submissions. During the 2019 consultation, this procedure was not recommended as a procedure for which regulation was necessary. However, the veterinary community considered that it could meet the criteria for a significant surgical procedure due to the interference with sensitive soft tissue and the potential for the procedure to cause serious harm if not performed by a veterinarian. MPI therefore considers that regulation is necessary to clarify who can perform the procedure. This proposal will enable competent non-veterinarians to continue to perform insertion of urinary catheters. The submissions suggested that the proposal should require direct supervision. However, it is unlikely that for small animals a catheter will be placed outside of a veterinary clinic. For larger (production) animals, there may also be situations where a rural technician may be placing a urinary catheter without direct veterinary supervision. Requiring the person to be competent in the procedure should ensure that the animal's welfare is protected.
Impact	The proposal is intending to allow current practice to continue, so there should be little to no impact to animals or their owners.
Mitigation	MPI proposes to develop educational and communications material to ensure people understand and are able to comply with their obligations.
Commencement	May 2020.

41. Goats – treating vaginal prolapses	
Description of the proposals	1. A person who treats a vaginal prolapse in a goat must: a) be competent; and b) use pain relief authorised by a veterinarian for the purpose of the procedure, throughout the procedure. 2. The owner or person in charge of the goat must not allow it to be treated except in accordance with the clauses above. *A **prolapse** is where an organ or anatomical structure falls out of its usual position.*
Proposed offences and penalties	Failing to use pain relief when treating a prolapsed vagina A prosecutable regulation offence. Can include a criminal conviction. Maximum penalty fine of $3,000 for an individual, $15,000 for a body corporate.
Rationale	A vaginal prolapse occurs when a doe pushes her vagina out of her vulva. Causes of vaginal prolapses are multifactorial and while they are relatively common in sheep, they are comparatively rare in goats. However, no data is available on exact numbers regarding prevalence. Some farmers are known to treat vaginal prolapses in goats. Submissions on the proposal acknowledged that vaginal prolapses are painful, and highlighted the importance of the prolapse being treated as soon as possible. Submissions noted concerns with the maintenance of competency with the procedure due to the rareness of the issue in goats. While industry organisations supported the proposal to allow competent non-veterinarians to perform the procedure, advocacy and veterinary groups thought that it should only be performed by veterinarians. Due to the potential pain and harm that could be caused if the procedure is not carried out correctly, it is likely that it would meet the criteria of a significant surgical procedure. Without regulations specifying otherwise, only a veterinarian would be able to treat a goat's prolapsed vagina. MPI considers that due to the urgency required for successful treatment, it is important to allow farmers to treat these prolapses, especially when gaining access to veterinary services in a timely manner can be difficult. **Pain relief** While the proposal is to allow a competent person to treat a prolapse, MPI considers that pain relief is necessary for the procedure. A non-veterinarian can be trained to administer pain relief for this procedure. In dairy goat systems, it is more likely that the animal can be moved to a yard to be restrained for treatment and for administration of the appropriate pain relief. However, this is less likely in an extensive goat farming system. In those cases, the farmer must make the decision whether moving the animal or euthanising it would be in the best interests for the animals' welfare.
Impact	Due to the rare nature of vaginal prolapses in goats this proposal is likely to have only a small impact on the monetary and time costs for farmers. If farmers wish to perform the procedure they will need to invest time with their veterinarian to learn the appropriate pain relief technique.
Mitigation	A delayed commencement for the pain relief requirement by one year is proposed to allow both farmers and veterinarians enough time to become familiar with administering appropriate pain relief, and the process for authorising pain relief.
Commencement	May 2021 – delayed commencement of one year.