

APPENDIX ONE: PROPOSED ANIMAL WELFARE REGULATIONS 2017

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Infringements \$300 - Commence 1 October 2018

A person who contravenes a regulation in this section commits an offence. The offence is an infringement offence with an infringement fee of \$300.

Any person wishing to challenge an infringement notice may write to the issuing authority and ask for the notice to be cancelled or they may request a formal hearing before the District Court.

1. All animals – Injuries from collars or tethers	
Description of proposal	<p>The owner or a person in charge of an animal to which a collar or tether is attached must ensure that the collar or tether does not:</p> <ul style="list-style-type: none"> (1) cause cuts that are bleeding or discharging; or (2) cause skin abrasions that are bleeding or discharging; or (3) cause swelling; or (4) prevent normal breathing; or panting; or drinking. <p>Not complying with any single requirement of this regulation is an offence.</p> <p>Skin abrasion: <i>is intended to cover an injury where the skin has started to scrape or rub away (i.e. hair loss is not included).</i></p> <p><i>It is also intended that this regulation should cover situations where the tether causes the above injuries to other parts of the animal i.e. abrasions on a leg where the rope has become wrapped around.</i></p>
Rationale	<p>The proposed rule reflects current minimum standards for the prevention of injury when using a collar or tether on an animal. This rule also lifts recommended best practice, such as the requirement that a collar or tether cannot prevent an animal from being able to swallow liquid.</p> <p>A collar or tether that is not fitted properly can cause injury and distress. While a collar needs to be secure enough to ensure that the animal cannot slip its head from it, it must not physically restrict breathing or cut or abrade the skin of the animal's neck. This rule establishes that any damage caused to an animals' skin from a collar or tether is not acceptable. The rule is intended to be used as a preventative to stop injuries becoming more serious, such as the collar or tether embedding into the neck of the animal. Prosecution will remain available for injuries of this level of seriousness.</p>
Impact	<p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>

2. Dogs – Muzzling a dog	
Description of proposal	<p>The owner or person in charge of a dog that is muzzled must ensure that the muzzle does not:</p> <ul style="list-style-type: none"> (1) cause cuts that are bleeding or discharging; or (2) cause skin abrasions that are bleeding or discharging; or (3) cause swelling; or (4) prevent normal breathing; or panting; or drinking; or vomiting. <p>A muzzle that restricts panting, drinking, or vomiting may be used under constant supervision to prevent injury to any human or animal during veterinary treatment or handling, or where the immediate safety of the animal handler is at risk.</p> <p>Not complying with any single requirement of this regulation is an offence.</p>

	<p>For avoidance of doubt, this regulation is not intended to be interpreted in a way that allows a dog classified as dangerous or menacing under the Dog Control Act to be tightly muzzled in any scenario where it would be illegal to tightly muzzle a non-classified dog.</p> <p>Skin abrasion: <i>is intended to cover an injury where the skin has started to scrape or rub away (i.e. hair loss is not included).</i></p>
Rationale	<p>The proposed rule reflects current minimum standard 19 in the Dogs Code of Welfare 2010 and is not inconsistent with requirements under the Dog Control Act 1996. The code addresses the fit of a muzzle and requires that a dog must be able to open its mouth sufficiently to pant or drink. The Dog Control Act 1996 requires muzzling of dogs classified as dangerous or menacing in public places (section 32(1)(b), section 33(1)(a)), but also requires that a dog must also be able to breathe and drink without obstruction.</p> <p>A muzzle that is not fitted properly to an animal can cause injury and distress. Correct use of a muzzle should only seek to prevent specific behaviours being targeted, and should not restrict other normal and necessary behaviours such as panting and drinking. Panting, in particular, is an essential way for dogs to moderate their heat. If panting is inhibited during high temperatures or physical exertion, it can lead to an increased risk of heatstroke, severe distress, and death.</p> <p>There will be situations in which a restrictive muzzle will be needed as a safety tool, or to ensure the safe handling of a dog. These scenarios include veterinary examinations of nervous or snappy dogs and capture of dangerous dogs by Animal Control Officers or Animal Welfare Inspectors. A more restrictive muzzle should only be used for short periods of time to minimise the risk of injury or distress to the dog.</p>
Impact	<p>Some muzzles available for purchase in New Zealand do not meet the proposed requirements used for bark or bite prevention. These muzzles do not adhere to the existing standards under the current Code of Welfare.</p> <p>Several agencies such as the RNZSPCA, the New Zealand Institute of Animal Management, and several councils were contacted about their use of muzzles. Most confirmed that they already use basket muzzles, or use a catch-pole to load dogs into a vehicle so that they do not need a muzzle. The RNZSPCA occasionally use tight fabric muzzles on injured dogs that are being picked up, but agreed they could effect a change to use basket muzzles, or to ensure the tight fabric muzzle is being removed before the dog is transported.</p> <p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>

3. Dogs – Dry and shaded shelter

Description of proposal	<p>The owner or person in charge of a dog confined to an area where they are habitually kept, must provide the dog with an area large enough for lying down that:</p> <ol style="list-style-type: none"> (1) is fully shaded; and (2) is dry; and (3) is free from through-draught; and (4) provides protection from extremes of heat and cold. <p>The owner or person in charge of a dog confined to an area where they are habitually kept, must also ensure the dog has access at all times to:</p> <ol style="list-style-type: none"> (1) water; and (2) an area to urinate and defecate away from its lying area.
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	<p>The owner or person in charge of a dog confined to an area where they are habitually kept must ensure that faeces and urine do not accumulate in the area.</p> <p>Not complying with any single requirement of this regulation is an offence.</p> <p>Through-draft: <i>is intended to cover a breeze or wind that can go completely through the shelter from one side to another. It is not intended to include a draught that may enter from one open side, but cannot exit through any other opening in the shelter.</i></p>
Rationale	<p>This proposed rule reflects current minimum standards in the Dogs Code of Welfare. This rule is intended to apply to dogs in an area where they are habitually kept, whether by tether, fence, or some other restraint. If a dog is restrained from accessing, or is not provided with, adequate shade and shelter it can cause injury and distress to the dog.</p> <p>Providing adequate shade and water for dogs confined outdoors is essential for the prevention of heatstroke. As well as providing comfort and enrichment, a comfortable resting and sleeping area also prevents other veterinary issues related to lying on cold hard surfaces. Requiring that faeces and urine do not accumulate in the dog's space is necessary for the dog's health and comfort, but also to prevent human public health issues.</p> <p>This rule will not apply to dogs that have been temporarily tethered or confined to an area where they are not habitually kept, such as working farm dogs tethered in the yards after mustering which are not required for yard work.</p> <p>There are varying degrees of requirements for different species of animals depending on common practice associated with them, and the likely ability of owners to provide these requirements. Dogs are provided with the highest level of requirements under these regulations due to their higher exposure to their owners, their lower (depending on breed) ability to cope with extreme weather conditions, and the higher societal expectations of care afforded to dogs.</p>
Impact	<p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>

4. Dogs – Left in vehicles

Description of proposal	<p>A person who leaves a dog in a stationary vehicle must ensure the dog does not display symptoms consistent with heat stress, such as, or a combination of:</p> <ul style="list-style-type: none"> (1) hyperventilation; or (2) excessive panting; or (3) excessive drooling; or (4) shade-seeking. <p>Not complying with any single requirement of this regulation is an offence.</p> <p>Shade-seeking: <i>is intended to cover the behaviour of a dog whereby it actively seeks out and places, or attempts to place, itself in the shadiest, coolest part of the vehicle that it can access. Is not intended to describe the normal behaviour expressed by dogs who prefer to sit in confined spaces, such as foot-wells. Shade-seeking behaviour is a description that encompasses the motivation along with the action, and can often be identified by a significant reluctance on the dog's part not to undertake this behaviour and/or the presence of other factors that indicate heat stress (such as hyperventilation; excessive panting; and excessive drooling).</i></p>
Rationale	<p>This regulation reflects an existing minimum standard in the Dogs Code of Welfare 2010, which states that dogs must not be left unattended in a vehicle in conditions where the dog is likely to suffer from heat stress.</p> <p>Leaving a dog in a car on a hot day poses a real risk of actual harm to the physical, health, or behavioural needs of the dog. Dogs suffering from heat stress from being left in a hot car can suffer pain and distress and ultimately die. Dogs that survive the resulting heat stroke often have lasting disabilities even with appropriate specialist treatment.</p>

	<p>There are further symptoms of heat stress such as the dog becoming non-responsive or collapsing, but these are indicative of a higher level of harm that often result in serious pain and distress or death. Prosecution will remain available for injuries of this level of seriousness.</p> <p>A requirement for 'adequate ventilation' has been removed as the usual methods which people employ to ventilate their car can often be inadequate and the sufficiency of the ventilation may be too subjective for infringement level.</p>
Impact	The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.

5. Dogs – Secured on moving vehicles

Description of proposal	<p>The owner of the vehicle, or the owner or person in charge of a dog transported on the open deck or trailer of the moving vehicle on public roads must ensure it is secured in a way that prevents it from falling or hanging off.</p> <p>If a dog is secured to an open deck or trailer by a tether, the tether must be short enough to prevent the dog's legs from reaching over the sides of the vehicle, but long enough to allow the animal to stand, lie down, and turn around.</p> <p>This regulation does not apply to farm working dogs which may be unsecured on a vehicle on a public road while driving or managing livestock.</p>
Rationale	<p>This proposed rule reflects an existing minimum standard in the Dogs Code of Welfare 2010, which states that except for working dogs at work, dogs must not be carried on the open rear of a moving vehicle unless they are secured or enclosed in a crate. This rule also reflects NZTA guidelines on the transport of dogs on the deck of a vehicle.</p> <p>If a dog falls from a moving vehicle it is likely to suffer serious injuries, if not death. Typical injuries when a dog falls from a vehicle include multiple fractures and internal injuries, missing skin, and often toes worn down to the bone as they try to stand up. If tethered by a rope that is too long, they may not hit the ground, but be strangled as they hang over the side of the vehicle. The aim of this rule is not to penalise the outcome of a dog falling from a vehicle, but to put in place requirements to ensure this does not happen. Prosecution will remain available for injuries of this level of seriousness.</p> <p>An exception for working farm dogs to be able to jump on and off moving vehicles while working is considered necessary as it relates to common and accepted farming practice. This exception extends to public roads as farmers may be moving animals from one paddock to another that is down the road.</p>
Impact	<p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p> <p>The exception for working farm dogs that are unsecured while working has been included to ensure a common and accepted practice is not unfairly restricted by this regulation.</p>

6. Goats – Tethering requirements

Description of proposal	<p>The owner or person in charge of a goat that is habitually tethered must ensure that it has access at all times to:</p> <ul style="list-style-type: none"> (1) food; and (2) water; and (3) fully shaded and dry shelter that provides protection from extremes of heat and cold. <p>Not complying with any single requirement of this regulation is an offence.</p>
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Rationale	<p>This proposed rule reflects an existing minimum standard in the Goats Code of Welfare 2012, which provides requirements for a tethered goat. There was strong support from public submissions for the tethering of goats to be completely prohibited, with only a few submitters requesting the status quo.</p> <p>Goats that are habitually tethered can be restricted in their ability to seek out food, water, and dry shelter sufficient to meet their needs. Goats are more susceptible to hypothermia than other ruminants due to differences in the distribution of their fat and consistency of their coat. This also makes them more susceptible to forms of heat stress and weather extremes such as rain and wind. This rule establishes that a goat must be provided with shelter that protects it from the heat and cold, but also that its tether does not prevent it from accessing food and water.</p> <p>There are varying degrees of requirements for different species of animals depending on common practice associated with them, and the likely ability of owners to provide these requirements. A goats lower ability to deal with weather extremes means that they should be provided with a greater amount of shelter than other species such as equines. However, a goat that is tethered can often be used for grazing which means an owner may have to move their shelter often, which could be considered too onerous.</p>
Impact	<p>This rule will apply to anyone who owns or is in charge of a goat. It may particularly affect people who tether their goats roadside or in open conditions. This rule may provide extra incentive for owners to purchase or provide new shelters to meet these requirements which largely reflect the existing requirements in the code of welfare.</p> <p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>

7. Horses & donkeys – Injuries from equipment such as halters, head ropes, and saddles.

Description of proposal	<p>(1) The owner or person in charge of a horse or donkey must ensure that any halter, head rope, or any other equipment on its head and neck does not :</p> <ul style="list-style-type: none"> (a) cause cuts that are bleeding or discharging; or (b) cause skin abrasions that are bleeding or discharging; or (c) cause swelling; or (d) prevent normal breathing; or drinking. <p>(2) The owner or person in charge of a horse or donkey must ensure that any other equipment used on the rest of its body does not:</p> <ul style="list-style-type: none"> (a) cause cuts that are bleeding or discharging; or (b) cause skin abrasions that are bleeding or discharging; or (c) prevent normal breathing; or drinking. <p>Not complying with any single requirement of this regulation is an offence.</p> <p>Skin abrasion: <i>is intended to cover an injury where the skin has started to scrape or rub away (i.e. hair loss is not included).</i></p>
Rationale	<p>This proposed rule reflects the current minimum standard relating to injuries from equipment in the Horses and Donkeys Code of Welfare 2016.</p> <p>Saddles and ill-fitting equipment can cause saddle sores, cuts, abrasions and swelling on horses if they have not been fitted properly. These injuries can be significantly painful for a horse and can cause them distress if the equipment continues to be used. Problems can also be seen when owners leave halters on horses in the paddock for ease of catching</p>

	<p>them, and sores can cause a horse pain and distress. The aim of the rule is to deter owners from these practices.</p> <p>A distinction has been made between a horse's head and the rest of its body as there are some training practices, such as gait-training, that can cause swelling to a horse's legs that industry considers to be a usual consequence of training. While this may not be considered palatable to those outside the industry, other avenues can be used to educate trainers before resorting to using regulation.</p> <p>There are also varying degrees of requirements for different species of animals depending on common practice associated with them, and the likely ability of owners to provide these requirements. This proposal has a higher level of injury than the comparative proposal for collars and tethers or muzzling dogs. Minor cuts and skin abrasions are accepted by many in the industry as a usual consequence of fitting a horse with new equipment. As above, further education is needed in this area for owners and businesses such as riding schools, before using regulation to penalise them.</p>
Impact	<p>This rule will apply to anyone who owns or is in charge of a horse. It may particularly affect those who use horses for riding schools or commercial treks.</p> <p>The majority of people in New Zealand comply with the current minimum standards. However, there is a raised risk with the number of horses used in situations where they will be fitted with this type of equipment. This rule will be directly enforceable and provide a deterrent to people who may not wish to comply</p>

8. Horses & donkeys – Tethering requirements

Description of proposal	<p>The owner or person in charge of a horse or donkey that is tethered for the purpose of grazing must ensure that it has access at all times to:</p> <ul style="list-style-type: none"> (1) food; and (2) water; and (3) shade; and (4) protection from precipitation and extremes of heat and cold. <p>Not complying with any single requirement of this regulation is an offence.</p> <p><i>This proposal is intended to target horses that are tethered for the purpose of grazing, not horses that are tied up for other management purposes such as grooming or attention by a farrier.</i></p>
Rationale	<p>This proposed rule reflects shelter requirements for tethered horses in the Horses and Donkeys Code of Welfare 2016. There was support from public submissions for the tethering of horses and donkeys to be completely prohibited. While this may be a best practice scenario, some aspects of society still consider it to be an acceptable practice and so more work is needed to assess a possible prohibition in the future.</p> <p>Horses that are tethered for the purpose of grazing can be restricted in their ability to move about freely to find food, water, and shelter sufficient to meet their needs. This rule aims to ensure some form of protection from weather extremes is provided to horses which are tethered.</p> <p>There are varying degrees of requirements for different species of animals depending on common practice associated with them, and the likely ability of owners to provide these requirements. Explicitly requiring shelter in this regulation may place an overly onerous standard on horse owners to provide a stable or house for shelter. The SPCA considers that in most circumstances a cover will provide sufficient protection as long as the correct type is being used for the circumstances, and that their advisers are well-trained to recognise when the wrong cover is being used.</p>

Impact	<p>This rule will apply to anyone who owns or is in charge of a tethered horse. It may provide greater incentive for owners to purchase correct covers for the weather circumstances or to tether their horse in a sheltered area. These were already required by the Code of Welfare.</p> <p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>
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9. Llama & alpaca – Injuries from equipment such as halters, head ropes, and packs

Description of proposal	<p>The owner or person in charge of a llama or alpaca must ensure that any halters, head ropes, packs or any other equipment fitted do not:</p> <ul style="list-style-type: none"> (1) cause cuts that are bleeding or discharging; or (2) cause skin abrasions that are bleeding or discharging; or (3) cause swelling; or (4) prevent normal breathing; or drinking. <p><i>Skin abrasion:</i> is intended to cover an injury where the skin has started to scrape or rub away (i.e. hair loss is not included).</p>
Rationale	<p>This proposed rule extends on the current minimum standard in the Llama & Alpaca Code of Welfare 2013 which requires halters to be properly fitted to a camelid.</p> <p>Packs, halters and ill-fitting equipment can cause cuts, abrasions, hair loss and swelling on llama and alpaca if they have not been fitted properly. These injuries can be significantly painful for llama and alpacas and can cause them distress if the equipment continues to be used.</p> <p>Trekking and carting is becoming increasingly popular in New Zealand, therefore is important to ensure that correct procedures are being followed and that animals being used are not under any pain or distress from ill-fitting equipment. The rule aims to make it clear to the growing trekking industry, and others who use alpaca or llama, that they must not allow equipment injury to become an issue in their industry.</p> <p>There are varying degrees of requirements for different species of animals depending on common practice associated with them, and the likely ability of owners to provide these requirements. This proposal requires a higher level of injury to be established than the comparative proposal for collars and tethers or muzzling dogs because education is needed in this area for owners and businesses such as trekking businesses, before using regulation to penalise them.</p>
Impact	<p>This rule will apply to anyone who owns or is in charge of an alpaca or llama. It may particularly affect those who use them for commercial treks. They have well fitted equipment for each individual animal.</p> <p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>

10. Pigs – Dry lying area

Description of proposal	<p>An owner or person in charge of a pig must ensure it has constant access to a dry lying area.</p> <p>Pigs must have constant access to a dry lying area and shelter free from through-draught that provides protection from extremes of heat and cold.</p>
Rationale	<p>This regulation reflects the minimum standards in the Pigs Code of Welfare that require pigs to have shelter. An identified area of frequent non-compliance where pigs housed outdoors are subject to muddy conditions and a lack of shelter. These generally relate to small scale or lifestyle owners. The severity can vary, but if left unaddressed, the welfare impact on the hygiene and condition of the animals could be significant. An additional standard specific to pigs housed indoors has been included to clarify that a dry lying area will vary in this system depending on factors such as temperature and weather that dictate where an animal will choose to dung and lie. This reflects a similar existing standard in the industry accreditation scheme for indoor systems. Other concepts such as adequate ventilation were considered, however were considered inappropriate to include in an infringement level offence relying on straight forward matters of fact.</p>
Impact	<p>Farmers across all systems are required to comply with this requirement, and it should currently be met across commercial farms. Overall compliance across lifestyle farmers is unknown, thus this regulation will aim to drive behaviour change for lifestyle farmers in situations where non-regulatory tools do not achieve this.</p>

11. Cattle – Milk Stimulation

Proposed rule	<p>A person must not stimulate milk let-down in a cow by inserting anything into a cow's vagina.</p>
Rationale	<p>This rule reflects a minimum standard in the Animal Welfare (Dairy Cattle) Code of Welfare 2010. The insertion of water, air, objects or other substances into a cow's vagina to try to stimulate milk let-down can cause the cow pain and/or distress. This practice is generally considered outdated and unnecessary as oxytocin injections are available to stimulate milk let-down.¹</p>
Impact	<p>Overall it is expected that the impact of this rule will be minimal as the majority of people comply with the existing minimum standard. However, there is anecdotal evidence that a small number of people continue to stimulate milk let-down by inserting things into a cow's vagina. This new rule will be directly enforceable and provide a deterrent to the small number of people who may not wish to comply.</p>

¹ <http://www.nzva.org.nz>. NZVA Policy: Induction of lactation in dairy cattle.

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12. All animals – Electric prodders	
Description of proposal	<p>1) A person must not use an electric prodder on any animal except on:</p> <ol style="list-style-type: none"> cattle that weigh over 150 kilograms; pigs and deer that weigh over 150 kilograms when loading and unloading transportation; or pigs and deer that weigh over 150 kilograms when loading a stunning pen at slaughter premises. <p>2) When a person uses an electric prodder:</p> <ol style="list-style-type: none"> it must be on the muscled areas of the animal's hindquarters; and the animal must have sufficient room to move away from the prodder. <p><i>An electric prodder is intended to cover a device that delivers an electric shock used to make an animal move.</i></p>
Rationale	<p>Electric prodders are an important tool and their use may sometimes, from an animal welfare perspective, be a preferable method of moving animals. For example, an electric prod may cause less distress than prolonged shouting and use of a non-electric prod. However, they can cause pain and distress and they should not be used on young or small animals, or species prone to stress. This rule therefore proposes that their use be restricted.</p> <p>The proposed rule largely reflects existing restrictions (i.e. minimum standards) in thirteen animal codes of welfare. The most notable changes from current practice are that electric prodders may be used:</p> <ul style="list-style-type: none"> when loading and unloading large pigs and deer that weigh over 150 kilograms. This is permitted to protect human health and safety when moving large boars, sows, and stags that can be obstinate and aggressive. on cattle that weigh over 150 kilograms because it is sometimes necessary to move obstinate adult cattle that weigh more than the handler. Currently in codes of welfare restrictions on the use of prodders on cattle are based on age or weaned status. This rule restricts the use of prodders by weight, as weight is more readily identifiable for enforcement purposes. <p>More generally the rule prohibits the use of electric prodders on all other animals except pigs and deer that weigh over 150 kilograms when loading a stunning pen at slaughter premises. This is permitted because this process will be unfamiliar to the animals and therefore moving the animals is likely to be more difficult and/or dangerous. It is also in the best interests of the animal to move through this process as quickly as possible. To further restrict unnecessary pain and distress use on sensitive areas, such as eyes or genitals, is also prohibited by requiring prodders only be used on the muscled areas of the animals hind quarters.</p>
Impact	<p>Overall it is expected that the impact of this rule on the majority of people will be minimal as most people comply with the existing minimum standards. This rule will clarify when electric prodders can be used and provide a deterrent for the small number of people who may not wish to comply.</p>
Mitigation	<p>It is expected that the effect of this rule will be minimal as most stakeholders comply with the existing minimum standards. Some stakeholders may be concerned that the use of electric prodders to respond to an imminent threat to the safety of the handler, another person or another animal is not provided as an exception in the regulation. MPI will ensure that stakeholders are aware that they can seek to challenge the infringement under these circumstances.</p>

13. All animals – Striking and/or prodding an animal with a goad

Description of proposal	A person must not strike or prod an animal with a goad in the udder, anus, genitals or eyes. A goad: <i>is a non-electrified object used to make an animal move.</i>
Rationale	This rule generally reflects existing minimum standards on the use of objects to guide and move stock set out in eight animal welfare codes. Being struck, or prodded in sensitive areas is likely to cause unreasonable and unnecessary pain or distress to animals. This rule restricts the use of objects on animals to less sensitive areas of the body.
Impact	The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.

14. Horses & donkeys – Striking a horse or donkey in the head

Proposed rule	A person must not strike a horse or donkey around the head.
Rationale	<p>This proposed rule reflects the current minimum standard in the Horses and Donkeys Code of Welfare 2016.</p> <p>The act of striking a horse or donkey around the head can cause significant pain or distress to the animal. It is not generally an accepted practice in the racing industry, show industry, or in general horsemanship. The use of punishment by striking a horse might reduce the likelihood that a behaviour will be performed again in the future, but as such an action does not provide the horse with any information as to how it should act appropriately in the given context, the use of this kind of negative reinforcement is criticised by animal behaviourists.</p> <p>The intention of this proposal is not to infringe situations where a person pushes a horse's head away when it is being pushy or trying to bite. The common definition of strike requires a certain level of force that is deemed to be higher than that used to push a horse away. Some issues with submissions which reference smacking a horse on a nose when it is biting, which may be reasonable force in the circumstances, in which case we would not want to capture it with this regulation.</p>
Impact	The majority of people in New Zealand comply with the current minimum standards. However, there is a raised risk of the offence happening due to the extent to which whips and leads are used generally in commercial horse-riding. This rule will be directly enforceable and provide a deterrent to people who may not wish to comply.

15. Cattle, sheep, & goats – Ingrown horns

Description of proposal	<p>An owner or person in charge of a cattle beast, sheep or goat must ensure that the animal does not have an ingrown horn.</p> <p>An ingrown horn: <i>is where a horn tip pierces, abrades or inflames any part of the body.</i></p>
Rationale	<p>This rule reflects a minimum standard in the Sheep and Beef Code of Welfare 2010 that timely preventative or remedial action be taken when an animal is ill or injured. Ingrown horns can cause pain and distress. Timely treatment is needed to ensure that the ingrown horn does not cause unnecessary pain or distress.</p> <p>Ingrown horns are primarily detected when they are transported to slaughter premises or sale yards—but are a pre-existing issue prior to transport. On average 90 cases a year are investigated for ingrown horns. Three quarters of these are in beef cattle where ingrown horns make up 20% of beef cattle animal welfare complaints.</p> <p>Targeting ingrown horns on farms is likely to have the double benefit of reducing the incidence of ingrown horns on farms as well as the numbers of animals transported with ingrown horns.</p> <p>Offending that causes severe harm to the animal(s) can be prosecuted under existing offences in the Animal Welfare Act 1999.</p>

Impact	<p>This regulation may result in additional costs for some farmers. However, as it reflects existing minimum standards it is likely to have a minimal impact on most farms.</p> <ul style="list-style-type: none"> The extent of ingrown horns on farms is unknown – they are primarily detected at slaughter premises. On average 90 complaints are reported arriving at slaughter plants per year. This may increase if specific regulations are introduced. However, given that 30 million animals were processed at slaughter plants in 2016 the impact is likely to be minor even if current figures understate the current problem. <p>Different farming systems may face different impacts and costs. Extensive farming systems, where the animals are only handled a few times a year, are likely to detect ingrown horns later and require more invasive remedial action. This could include accessing and using pain relief (see dehorning proposal 35).</p>
Mitigation	<p>To help mitigate the impact of this regulation, it is intended to:</p> <ul style="list-style-type: none"> delay commencement of pain relief requirements for dehorning for 18 months to ensure efficient and effective systems are in place to access pain relief; allow treatment of early ingrown horns without pain relief (see dehorning proposal 35); allow animals to be transported within farm for treatment.

16. Stock transport – Ingrown horns

Description of proposal	<p>1) A person in charge of an animal with ingrown horns commits an offence if they permit the animal to be transported.</p> <p>Except for:</p> <ul style="list-style-type: none"> transport within a farm for treatment where the ingrown horn only touches or breaks the surface of the skin, or only touches the eyelid or surface of the eye; if the animal is accompanied by a veterinary certificate stating that the animal is fit for transport or specifying the conditions under which it is acceptable to transport the animal. <p>The owner of that animal at the time of loading is also liable.</p> <p>The person in charge of an animal accompanied by a veterinary certificate commits an offence if they do not follow any conditions specified in the certificate.</p> <p>Ingrown horn: <i>An ingrown horn is where a horn tip pierces, abrades or inflames any part of the body.</i></p> <p>Transport within a farm: <i>transport within a contiguous farm property or to another property used by the same farm that is within a 20 kilometre radius of the boundary of the property of origin.</i></p> <p>Note: <i>This issue is a pre-existing condition which renders the animal unfit for transport. The intention is to hold the supplier (owner or person in charge) of an animal responsible rather than the transporter. The offence of not following the conditions on a veterinary certificate applies to any person in charge, including the transporter.</i></p>
Rationale	<p>This rule reflects the minimum standard in the 2016 Transport within New Zealand Code of Welfare that animals must not be transported if they display, among other things, any injuries or physical abnormalities that could compromise their welfare during the journey, unless a veterinary declaration of fitness has been completed.</p> <p>Ingrown horns can cause significant pain and distress. Transporting an injured animal risks exacerbating the effects of the injury. Allowing transport within a farm for treatment recognises that facilities to treat an ingrown horn may not be available in all locations on a farm. This exception is limited to only 'minor' ingrown horns. Where the horn invades the underlying tissue of the skin or eye a veterinary certificate will be required.</p>

Impact	<p>This regulation is likely to have a minimal impact as the proposal reflects current minimum standards. Also:</p> <ul style="list-style-type: none"> • Fewer than 100 ingrown horns are reported arriving at slaughter plants each year. Even if these figures are understated the impact is likely to be minor. • Most sheep and beef cattle are grazed on farm and 'minor' ingrown horns are able to be transported within farm for treatment. The dairy sector grazes more cattle off farm but ingrown horns are not a significant problem in the dairy sector. 75% of ingrown horns detected at slaughter premises relate to beef cattle. • Where an ingrown horn is more than 'minor' the animal will need to be treated on site by either a veterinarian or the owner or person in charge of the animal. This may incur additional costs associated with caring and/or transporting for that animal separately from the rest of the herd. • The distance for 'within farm transport' aligns with the National Animal Identification & Tracing legislation so should be recognised by industry. <p>The additional impact of the regulation includes the costs associated with accessing and using pain relief. The level of impact will depend on the extent to which the horn has ingrown. Remedial action, without pain relief is allowed in limited circumstances (see dehorning proposal 35).</p> <p>In addition, offending that causes severe harm to the animal can be prosecuted under existing offences in the Animal Welfare Act 1999 with the resultant criminal conviction if found guilty.</p>
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17. Stock transport – Animals with bleeding horns or antlers

Description of proposal	<p>1) A person in charge of an animal with bleeding, discharging or broken (unhealed) antler, horn or pedicle commits an offence if they permit the animal to be transported.</p> <p>Except for:</p> <ul style="list-style-type: none"> - if the animal is being transported within a farm for treatment; - if the animal is accompanied by a veterinary certificate stating that the animal is fit for transport or specifying the conditions under which it is acceptable to transport the animal. - if the animal in question is either: <ul style="list-style-type: none"> i. a yearling deer, where rubber rings designed for the purpose of inducing analgesia during velvet antler removal, were used, are still attached and the deer arrives at a slaughter premise within 72 hours of velvet antler removal; or ii. A deer that may be bleeding or discharging as a result of naturally casting its antlers. <p>The owner of that animal at the time of loading is also liable.</p> <p>The person in charge of an animal accompanied by a veterinary certificate commits an offence if they do not follow any conditions specified in the certificate.</p> <p>Yearling deer: is an animal that is either up to a year old or has its first set of antlers</p> <p>Transport within a farm: transport within a contiguous farm property or to another property used by the same farm that is within a 20 kilometre radius of the boundary of the property of origin.</p> <p>Note: This issue is a pre-existing condition which renders the animal unfit for transport. The intention is to hold the supplier (owner or person in charge) of an animal responsible rather than the transporter. The offence of not following the conditions on a veterinary certificate or ensuring a yearling deer, where a rubber ring is used for analgesia and arrives at a</p>
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	<i>slaughter premise within 72 hours of velvet antler removal, applies to any person in charge, including the transporter.</i>
Rationale	<p>This rule reflects a minimum standard in the Transport within New Zealand Code of Welfare 2016 that animals must not be transported with bleeding antler or horns stumps ..., except yearling deer where approved rings have been used.</p> <p>The requirement for yearling deer to be at slaughter premises within 72 hours of having their velvet antler removed reflects research underpinning the DeerQA Transport Programme² that antlers on yearling deer, velvetted with rubber rings (<i>NaturO rings</i>), can start to become necrotic 72 hours after being velvetted if the ring is still attached.</p> <p>Transporting an injured animal risks exacerbating the effects of the injury. Transport within a farm for treatment recognises that:</p> <ul style="list-style-type: none"> - facilities may not be available in all locations on a farm to adequately treat an injured antler or horn; or - it may not be practical to monitor an injured animal in more isolated locations on a farm. <p>Where an injured animal needs to be transported longer distances it is important that these animals are inspected by a veterinarian, prior to transport, to determine the best course of action due to the risk of transport exacerbating the injury.</p>
Impact	<p>The impact is likely to be minimal as the proposal reflects current minimum standards and fewer than 20 broken and bleeding horns are reported arriving at slaughter plants each year. Even if this figures is underreported the impact is likely to be minor.</p> <p>The requirement for yearling deer to be at a slaughter premise within 72 hours of having their velvet antler removal with rubber rings 'raises the bar' on the current requirements within the DeerQA Transport programme and the 2016 Transport Code of Welfare. The current requirement is simply that an animal 'may be transported to slaughter within 72 hours' – they don't have to be at the slaughter premises within that 72 hour window. However, the regulatory proposal reflects current practice and MPI has been advised that this new requirement will be incorporated within the DeerQA Transport Programme as part of this year's annual review of the programme conducted by the DeerQA Transport committee.</p>

18. Stock transport – Animals with horns and antlers

Description of proposal	<p>A person commits an offence who permits the transport of, or transports, an animal with horns or antlers in a manner that the animal injures itself or another animal during transport to the extent that it causes:</p> <ol style="list-style-type: none"> 1) for animals with horns or hard antler: <ol style="list-style-type: none"> i. external bleeding or extensive internal bruising; or ii. broken or bleeding horns or hard antler 2) for deer in velvet – the antler or pedicle to bleed, discharge or to be broken. <p>The owner of that animal at the time of loading is also liable.</p> <p>Note: <i>for the avoidance of doubt it is intended that this rule will apply to both the supplier of the animal and the transporter as both the pre-existing condition (has horns or antlers) and the conditions of transport are factors that contribute to whether injury occurs.</i></p>
Rationale	<p>This rule reflects a minimum standard in the Transport within New Zealand Code of Welfare 2016 that animals with horns or antlers of a length that may cause injury or be damaged must not be transported, except where special provision is made for such animals to be transported so that they do not cause injury and are not injured themselves.</p> <p>Animals with horns and antler have the potential to injure themselves or other animals during transport. It is important that animals which are likely to be at risk or pose a risk to</p>

² <http://deernz.org/dinz-activity/quality-assurance/transport-qa>

	the welfare of other animals are dealt with appropriately. The manner in which an animal is transported to reduce this risk will be determined by the circumstances of the animal and the journey to be taken.
Impact	The impact is likely to be minimal as the proposal reflects current minimum standards and an average of 20-25 complaints per year relating to injuries caused by animals with horns or antler being transported are reported at slaughter plants. Approximately one quarter of deer complaints relate to antlers damaged during transport.

19. Stock transport – Abrasions caused in transport (back-rub)

Description of proposal	1) A person commits an offence who transports a cattle beast, deer, sheep, goat, or pig, in a manner that causes an area of skin abrasion that is bleeding or discharging and is larger than a combined area of 50cm ² , on the head, hips, neck, spine, or high points on the back (back-rub).
Rationale	<p>Back-rub commonly occurs where stock are too tall for the stock crates and their head, spine, hip bones, or tail-head rub raw on the deck above. Transport that results in abrasions, particularly back-rub, is a known compliance issue. On average 30 complaints relating to significant abrasions (back-rub) are investigated each year. Most involve multiple animals, almost all are cattle though there are occasional cases in deer. Current enforcement responses appear ineffective at deterring offending.</p> <p>Liability for this offence rests on transporters as this reflects the onus in primary legislation (section 23(1) of the Animal Welfare Act 1999). Transporter-supplier communication is essential but transporter is best placed to know the capacity of their truck and trailer and the size of animals they can load in different crates.</p>
Impact	<p>The occurrence of back-rub indicates non-compliance with existing minimum standards. Costs avoided by non-compliance with existing standards should not be counted in the financial impact of proposals. This proposal extends the range of enforcement responses and creates greater incentives to comply with existing standards.</p> <p>Almost all cases of back-rub occur with cattle, though there are occasional cases for deer. Cattle are usually carted double-decked in stock crates. Cattle are loaded onto the first deck, the second deck is then folded down on top of them and cattle are loaded onto the second deck. Where cattle are too tall to avoid rubbing on the underside of the second deck (or some fittings such as walkways for the top deck) they will rub during the journey and sustain injuries.</p> <p>If tall cattle have to be carted single decked, this halves the number of cattle that can be carted in a single trip and doubles transport costs. Estimates of how many cattle are 'too tall' are variable and based on guesswork. However, MPI has only recorded an average of 30 cases per year of back-rub arriving at slaughter plants. Slaughter plants usually pay for cartage of stock to slaughter. The Meat Industry Association considers the financial impact of this proposal to be insignificant. The Road Transport Forum considers most of its members already have the means to transport tall cattle.</p>
Mitigation	<p>Single decking will not always be required. Farmers and transporters can manage tall cattle to mitigate some of the impacts. Crates have different designs some more suited to tall cattle than others. Trailer crates have more room than truck crates, top decks have fewer fittings that are likely to cause injury, and newer crates have more room than older crates.³ However, better communication and more careful drafting may be required. The Road Transport Forum reports that most transport companies have at least one crate they use specifically for tall cattle.</p> <p>In the longer term if the transport costs are a significant factor farmers also have choices about when to send animals away for slaughter and the genetics they use.</p>

³ The expected service life of a crate is approximately 15 years, therefore crate turnover is low.

20. Stock transport – Injuries caused during transport

Description of proposal	<p>1) A person commits an offence who loads, unloads, or transports a cattle beast, deer, sheep, goat, or pig, in a manner that causes acute injury that is bleeding.</p> <p><i>Intended to cover non-back-rub injuries that occur during loading, transport, or unloading.</i></p>
Rationale	<p>Transport that causes injuries such as serious cuts and abrasions is a known compliance issue. Injuries can be due to poorly designed or maintained stock crates, stocking density, or driving behaviour. This regulation is intended to cover cuts and abrasions other than back rub that occur during transport, loading, or unloading.</p> <p>Liability for this offence rests on transporters as this reflects the onus in primary legislation (section 23(1) of the Animal Welfare Act 1999). Transporter-supplier communication is essential but transporter is best placed to know the condition that their truck is in and whether it is fit for purpose and does not pose a risk to the animals. The transporter is also in charge of the manner in which the vehicle is driven in, and whether this causes animals to be thrown around or go down in the truck.</p>
Impact	<p>The impact of the rule is expected to be minimal. While this is an area of non-compliance, there are only a small number of animals that arrive at processing plants with injuries that are indicative of having happened during transport.</p> <p>Most transporters already comply with the minimum standards in the Transport Code of Welfare that require crates and containers to be designed and maintained in a way that poses minimal risk to the animals being transported.</p>

21. Stock Transport – Lamé animals

Description of proposal	<p>1) A person in charge of a lame cattle beast, sheep, deer, pig or goat commits an offence if they permit the animal to be transported.</p> <p>Except:</p> <ul style="list-style-type: none"> - if the animal is being transported within a farm for treatment; or - if the animal is accompanied by a veterinary certificate stating that the animal is fit for transport or specifying the conditions under which it is acceptable to transport the animal. <p>The owner of that animal at the time of loading is also liable.</p> <p>The person in charge of an animal accompanied by a veterinary certificate commits an offence if they do not follow any conditions specified in the certificate.</p> <p>Lame: <i>an animal that bears weight unevenly at rest or in motion on a clearly identifiable leg or legs. This does not include where an animal bears weight unevenly due to a non-painful condition (conformational fault, gait abnormality, or healed injury) but can still stand on all four limbs.</i></p> <p>Transport within a farm: <i>transport within a contiguous farm property or to another property used by the same farm that is within a 20 kilometre radius of the boundary of the property of origin.</i></p> <p>Note: <i>This issue is a pre-existing condition which renders the animal unfit for transport. The intention is to hold the supplier (owner or person in charge) of an animal responsible rather than the transporter. The offence of not following the conditions on a veterinary certificate applies to any person in charge, including the transporter.</i></p>
Rationale	<p>Lameness is a known compliance issue that causes pain and distress and is likely to be made worse by transport. An average of 120 complaints are investigated per year relating</p>

	<p>to the transport of lame cattle, sheep, deer, pigs, and goats. Cattle make up 80% of these complaints. Current enforcement responses appear ineffective at deterring offending.</p> <p>Liability has been placed on suppliers presenting lame animals for transport, rather than transporters. Suppliers have a greater responsibility and opportunity to inspect the animals and ensure they are fit for transport.</p> <p>Early signs of lameness that are difficult to clearly identify are not intended to be covered by this regulation. It is expected that prosecutions will continue to be taken for transporting severely lame animals.</p> <p>It is practically more difficult to monitor and detect lameness in large mobs of sheep. However, it does not seem justified to create separate regulations for sheep. Animal Welfare Inspectors already have guidance in place to allow for these practicalities when assessing welfare cases.</p>
Impact	<p>The transport of lame animals is non-compliant with existing minimum standards. Costs avoided by non-compliance with existing standards should not be counted in the financial impact of proposals. This proposal extends the range of enforcement responses and creates greater incentives to comply with existing standards.</p> <p>Minor impact: in relation to all relevant animals except sheep: On average 120 cases are reported arriving at slaughter plants per year (40% dairy cattle, 25% beef cattle, 25% sheep, 10% others). This is likely to be under-reported and the figure may increase if specific regulations are introduced. However, given that 30 million animals were processed at slaughter plants in 2016 the impact is likely to be minor even if current figures are understated.</p> <p>The regulation would impact a small number of operators supplying lame dairy cattle for slaughter, a few sheep and beef suppliers, and a handful of other suppliers.</p> <p>Industry are concerned that the low value of individual sheep will mean treatment or a veterinary certificate are not economic and therefore that preventing the transport of lame sheep could lead to a rise in wastage (animals killed on farm) in the sheep industry.</p> <p>There is potential for lameness to be bigger issue in sheep and goats than current reporting indicates. Hoof diseases such as scald and foot-rot can have a high prevalence in some flocks. Because minor lameness can be common in sheep and goats it may often be overlooked.</p> <p><u>Impact of under-reporting lameness in sheep on costs</u></p> <p>Currently there are approximately 30 – 40 cases of lameness in sheep identified at processing plants per annum. However, research undertaken by MPI in 2013 found that approximately 1% of all sheep transported for slaughter displayed lameness at the level targeted by the proposed regulations. Extrapolating the 1% to the 24 million sheep slaughtered each year indicates that approximately 240,000 sheep could have been transported in an infringeable condition.</p> <p>Once the new regulation takes effect we consider that farmers will adopt the following mitigation strategies:</p> <ul style="list-style-type: none"> • Changing management practices to detect and address lameness earlier • Treating lame sheep before sending them to the works • Disposing of lame sheep on farm <p>On that basis, the true numbers of sheep presenting at meat works in an infringeable condition is impossible to estimate at this stage. MPI will take an educative approach in the first instance in order to assist most farmers into voluntary compliance, and this will include significant work with industry to ensure that farmers are aware of their obligations under the regulations.</p> <p>MPI notes that the obligations relating to lameness in sheep are already spelt out in the relevant codes of welfare, and that the requirement to meet this obligation is not new – all that is new is our ability to enforce the requirement.</p>

	The true costs associated with this regulation cannot be estimated at this stage. MPI will monitor the impact of the regulation and continue to work with industry to lift compliance levels while also mitigating business impacts.lame
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22. Stock transport – Animals in late pregnancy

Description of proposal	<p>1) A person in charge commits an offence who permits a cattle beast, sheep, deer, pig, or goat in late pregnancy to be transported.</p> <p>Except:</p> <ul style="list-style-type: none"> - if the animal is accompanied by a veterinary certificate stating that the animal is fit for transport or specifying the conditions under which it is acceptable to transport the animal. <p>The owner of that animal at the time of loading is also liable.</p> <p>The person in charge of an animal accompanied by a veterinary certificate commits an offence if they do not follow any conditions specified in the certificate.</p> <p>Late stage pregnancy: <i>A cattle beast, sheep, pig, or goat is in late pregnancy if that animal subsequently gives birth to viable young either during transport, or within 24 hours of arrival at a commercial slaughter premises or sale-yards.</i></p> <p><i>Late stage pregnancy for hinds is as above but also includes within 21 days of their estimated due date.</i></p> <p>Note: <i>This issue is a pre-existing condition which renders the animal unfit for transport. The intention is to hold the supplier (owner or person in charge) of an animal responsible rather than the transporter. The offence of not following the conditions on a veterinary certificate applies to any person in charge, including the transporter.</i></p>
Rationale	<p>Animals are transported in late stage pregnancy and giving birth during transport or shortly afterwards is a known area of non-compliance. Both the dam and her offspring are likely to suffer pain and distress by giving birth and being born in unsuitable conditions.</p> <p>An average of 40 complaints are investigated per year relating to transportation of animals that have given birth during transport, sometimes relating to multiple animals. Current enforcement responses appear ineffective at deterring offending.</p> <p>A stricter rule for deer reflects the greater risks for pregnant hinds, current practice in the deer industry, and existing minimum standards in the Deer code of welfare.</p>
Impact	<p>Minor to moderate overall, significant to the foetal blood sector.</p> <p>While instances reported to by MPI veterinarian's at slaughter plants are relatively low, around 40 per year, industry are concerned that the impact may be much larger than this.</p> <p>Three areas are expected to be affected by this regulation:</p> <ol style="list-style-type: none"> 1. Some cattle (and to a lesser extent deer) are sent to slaughter in late pregnancy so that foetal blood serum can be extracted from the unborn calf. Animals are sent as late as possible in pregnancy as a larger foetus allows a greater volume of serum to be harvested. This regulation is intended to provide a disincentive to sending animals so late in pregnancy that they calve in trucks or in the slaughter yards. 2. Transport of dairy cows back from winter grazing to the milking platform. Cows are often transported back to the dairy platform as close to calving as possible to preserve feed levels on the pasture accessible from the dairy shed. This regulation is intended to dis-incentivise sending animals so late in pregnancy that they calve in trucks. MPI has little oversight of farm to farm transport. Anecdotal reports of frequency vary widely with some stakeholders saying it is well managed and births are infrequent, while others say it happens too often.

	<p>3. Some stock sent for slaughter may be unintentionally pregnant, or sent for non-pregnancy related reason but happen to be pregnant. Ewe hoggets (female lambs) are often cited as stock that may be unintentionally pregnant due to an un-castrated ram lamb. This regulation may be used if a whole mob is heavily pregnant and several have given birth where it seems reasonable that the supplier should be aware of the condition of their stock. The regulation is not intending to target the occasional mistake that slips through.</p>
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23. Stock transport – Animals with injured or diseased udders

Description of proposal	<p>1) A person in charge commits an offence who permits a cattle beast, sheep or goat to be transported, that has:</p> <ul style="list-style-type: none"> i) a necrotic udder or an udder that has discharge other than milk; ii) an udder that shows signs of inflammation such as a red, hot, or swollen udder; or iii) an udder with a lesion that is bleeding or discharging. <p>Except:</p> <ul style="list-style-type: none"> - if the animal is being transported within a farm for treatment; or - if the animal is accompanied by a veterinary certificate stating that the animal is fit for transport or specifying the conditions under which it is acceptable to transport the animal. <p>The owner of that animal at the time of loading is also liable.</p> <p>The person in charge of an animal accompanied by a veterinary certificate commits an offence if they do not follow any conditions specified in the certificate.</p> <p>Note: <i>This issue is a pre-existing condition which renders the animal unfit for transport. The intention is to hold the supplier (owner or person in charge) of an animal responsible rather than the transporter. The offence of not following the conditions on a veterinary certificate applies to any person in charge, including the transporter.</i></p>
Rationale	<p>Animals with injured or diseased udders can experience pain or distress which is likely to be made worse by transport. On average 33 complaints per year are received about animals transported with injured and diseased udders, sometimes multiple animals are related.</p> <p>Animals with udders that have become necrotic through disease or injury, have clinical mastitis, or have unhealed lesions cause an animal pain and distress while being transported and can lead to further injury.</p> <p>The primary focus of this regulation is suppliers. Suppliers have a greater responsibility and opportunity to inspect the animals and ensure they are fit for transport.</p>
Impact	<p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p> <p>This regulation is expected to primarily affect dairy cattle suppliers. Almost 80% of complaints relate to dairy cattle, while 13% of complaints relate to sheep and 9% to beef cattle. There are a very small number of goats affected (1% of complaints).</p>

24. Stock transport – Animals with eye cancer

Description of proposal	<p>1) A person in charge commits an offence who permits a cattle beast, sheep or goat to be transported, that has:</p> <ul style="list-style-type: none"> i) An eye cancer that is bleeding, discharging, or is not confined to the tissues of either the eye or the eyelid; ii) An eye cancer that is causing the eye to discharge; or iii) An eye cancer that is greater than 2cm in diameter. <p>Except:</p> <ul style="list-style-type: none"> - if the animal is being transported within a farm for treatment;
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	<ul style="list-style-type: none"> - if the animal is accompanied by a veterinary certificate stating that the animal is fit for transport or specifying the conditions under which it is acceptable to transport the animal. <p>The owner of that animal at the time of loading is also liable.</p> <p>The person in charge of an animal accompanied by a veterinary certificate commits an offence if they do not follow any conditions specified in the certificate.</p> <p>Note: <i>This issue is a pre-existing condition which renders the animal unfit for transport. The intention is to hold the supplier (owner or person in charge) of an animal responsible rather than the transporter. The offence of not following the conditions on a veterinary certificate applies to any person in charge, including the transporter.</i></p>
Rationale	<p>Eye cancers occur in livestock, mainly in cattle. On average 40 complaints a year are investigated relating to cattle, sheep and goats transported with an advanced cancer eye.</p> <p>Animals with an early stage eye cancer that is not causing irritation to the eyeball are not intended to be covered by this regulation, as animals in this condition should be able to be transported for cull or for treatment before the cancer becomes large enough to cause the animal unreasonable pain or distress.</p> <p>Transporting an animal with an advanced cancer eye risks exacerbating the effect of the condition. Eye cancers that are over 2cm in size, or are not confined to the eye or eyelid are considered to be advanced. Eye cancers that are discharging, bleeding or irritating the eye cause the animal pain and distress.</p> <p>The primary focus is on suppliers, rather than transporters for this offence, as they have a greater responsibility and opportunity to inspect the animals and ensure they are fit for transport.</p>
Impact	<p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p> <p>This rule will apply to anybody who is in charge of an animal for the purpose of transporting it, or permitting the animal to be transported. Cases recorded are predominantly seen in cattle (75% dairy, 20% beef), and a small number of sheep (2%).</p>

25 and 32. Pigs – Tail docking (under 7 days)

Incorrectly docking the tails of pigs under 7 days old is an infringement offence with a penalty fee of \$500.

Note: *The proposal is discussed alongside the regulatory offence relating to docking pigs tails over 7 days old in the section on regulatory offences with a penalty of \$3,000 for an individual or \$15,000 for a body corporate (refer to proposal 32).*

Regulatory prosecution \$3000 - Commence 1 October 2018

A person who contravenes a regulation in this section commits an offence and is liable on conviction to a fine not exceeding \$3,000 for an individual, and \$15,000 for a body corporate.

It is a defence to a prosecution for an offence against a regulation in this section, if the defendant proves that the defendant took all reasonable steps to comply with the relevant provision.

26. Pigs – Lying space for grower pigs	
Description of proposal	1) The owner or person in charge of a grower pig must ensure it has a minimum lying space allowance of at least: $\text{Area (m}^2\text{) per pig} = 0.03 \times \text{liveweight}^{0.67(\text{kg})}$
Rationale	This regulation reflects an existing minimum standard in the Pigs Code of Welfare. Grower pigs in overstocked systems cannot adequately express normal behaviours and overstocking may also contribute to the expression of undesirable behaviours such as aggression. There is a high risk of poor welfare outcomes, as a 'single instance' is likely to affect many animals. Compliance complaints often relate to unhygienic conditions including overcrowding. Current enforcement responses are viewed as inappropriate to address offending, where the threshold for undertaking a prosecution is not met.
Impact	The commercial industry should already be complying with this minimum standard, therefore the impact on current systems. There are ongoing discussions with the industry as to how the standard will be interpreted, for example whether certain functions of a lying space should be excluded. This may have a minor impact on some farmers who may have to adjust their space allowance.

27. Pigs – Size of farrowing crates	
Description of proposal	1) The owner or person in charge of a sow must not keep it in a farrowing crate where the sow cannot avoid touching both sides of the crate simultaneously, or touching the front and the back of the crate simultaneously, or touching the top of the crate when standing.
Rationale	While a sow is confined to a farrowing crate, it is important they are provided with sufficient space to be able to lie down at full length without leg restriction, when standing, they must be able to do so without touching both sides at the same time and must be provided with sufficient space so their backs do not touch the top of the crate. Modern sows have been bred to be larger than their predecessors. Some older farrowing crates may no longer be large enough to cater for modern sows and need to clarify that crates should be longer than the sows. Placing this standard into an enforceable regulation will provide a level playing field for all pork producers, and stronger assurances about how New Zealand's pigs are treated in farrowing crate systems.
Impact	It is unclear what extent farmers using farrowing crates would need to change their crate dimensions, however it is unlikely to be significant as this regulation is clarifying and building upon the existing minimum standard.

28. Cattle & sheep – Use of traction in calving and lambing	
Description of proposal	1) A person must not use a moving vehicle, motorised winch or any other device that does not allow for the quick release of tension for the purposes of calving cattle or lambing.
Rationale	This rule reflects a minimum standard in the Sheep and Beef Code of Welfare 2010 and in the Dairy Cattle Code of Welfare 2010. The use of devices that do not allow for the quick release of tension for calving or lambing have a high risk of causing injuries, pain and distress to both the young and the mother.

	If offending results in serious harm a prosecution may be taken under the offences in the Animal Welfare Act 1999.
Impact	This rule will apply to people in charge of cattle and sheep. The impact of this rule is expected to be minimal because most people comply with the existing minimum standards. However, there is anecdotal evidence of low level non-compliance and therefore this rule will provide a deterrent to the small number of people who may not wish to comply. The rule will also provide clarification that using these devices is not acceptable.

29. Cattle & sheep – Castration & shortening of the scrotum (cryptorchid)

Description of proposal	<ol style="list-style-type: none"> 1) When castrating or shortening the scrotum of a bull or ram over the age of six months pain relief must be used (for any method of castration). 2) If high tension bands are used to castrate an animal local anaesthetic must be used to provide pain relief (at any age). 3) A person castrating, or shortening the scrotum, of a bull or ram must be: <ol style="list-style-type: none"> i) Experienced, or have received training, with the correct use of the particular technique and its variations; and ii) Be able to recognise early signs of significant distress, injury or ill-health so that prompt remedial action can be taken or advice sought. 4) Owners or persons in charge of animals upon which painful husbandry procedures are to be undertaken, must ensure that they are or their personnel have either the relevant training or appropriate supervision, and suitable equipment, to ensure the health and welfare needs of the animal in their care are met. <p>The owner or the person in charge of the animal, or person performing the castration or scrotum shortening, commits an offence if the requirements of 1) or 2) are breached.</p> <p>No offence is attached to requirement 3)i, 3)ii, and 4). It is intended to enforce these requirements via compliance notices or court proceedings.</p> <p>High tension band: a band that is mechanically tightened during application. The tension is maintained by a crimp or similar device when released from the applicator.</p> <p>Pain relief: throughout the performance of this surgical and painful procedure, an animal must be under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of that procedure.</p>
Rationale	<p>This proposal lifts the current requirements of the Painful Husbandry Procedures Code of Welfare 2005 into regulation.</p> <p>Surgical and painful procedure criteria were introduced into the Animal Welfare Act in 2015. By default they will come into force in 2020 if not brought in earlier. Castration and shortening of the scrotum would fit these criteria and would only be able to be performed by a veterinarian when the criteria come into force. Providing a specific regulatory exception will allow competent people (farmers and contractors) to continue to perform this routine husbandry procedure after the criteria are in force.</p> <p>The competence requirements in 3) and 4) are from the Minimum Standard 6a from the Painful Husbandry Procedures Code of Welfare 2005 – made specific to castration and shortening of the scrotum. No offence is attached to the competence requirements. Incompetence can be dealt with via a compliance notice requiring training, or if serious enough via prosecution under the Act.</p>
Impact	The rule lifts current requirements into regulation. There should be no impact on people already operating within the minimum standards. MPI is not aware of current non-compliance in this area.

	<p>Some industry sectors welcome the increased enforceability of mandatory pain relief as it will benefit their access to overseas markets.</p> <p>Reliable access to pain relief by farmers and contractors (non-veterinarians) is an issue relevant to a number of the surgical and painful husbandry regulatory proposals. MPI is committed to ensuring there is a robust and reliable system for access to pain relief before regulating its use as a requirement.</p>
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30. Cattle – Tail docking

Description of proposal	1) A person must not shorten or remove the tail of any cattle beast.
Defences	<p>It is a defence if:</p> <ul style="list-style-type: none"> the tail of a cattle beast was shortened by a person under urgency to respond to an accidental tail injury for the purpose of preventing excessive bleeding, or further injury. It is also a defence if the person who shortens or removes the tail of a cattle beast was a veterinarian, or veterinary student under the direct supervision of a veterinarian throughout the procedure, and they performed the procedure for therapeutic purposes and used pain relief at the time of the procedure. <p><i>Therapeutic purposes relates to the undertaking of a procedure or administering of a treatment in response to an existing disease or injury.</i></p> <p><i>Pain relief for this proposal is the administration of analgesic and / or local anaesthetic drugs given with the aim of providing significant alleviation of pain (as defined in the Painful Husbandry Procedure Code of Welfare 2005).</i></p>
Rationale	<p>This rule is more restrictive than an existing minimum standard under the Painful Husbandry Procedure Code of Welfare 2005 (the Code) which allows the last two to three vertebrae (referred to as the switch) of the tail to be shortened.</p> <p>In the 2005, a common advantage put forward for tail docking was that it enhances udder and milk hygiene. NAWAC's report on the Code found that docking did not improve cow hygiene.⁴ However, the procedure was allowed on the basis that it improves the comfort of milking personnel and enhanced milking efficiency. The procedure was also allowed on the basis that it was consistent with two further minimum standards in the 2005 Code. These provide that procedures must only be performed when:</p> <ul style="list-style-type: none"> there are no other practical, economically viable, effective or less noxious alternatives; and any harmful consequences of a procedure are minimised. <p>This rule prohibits cattle tail shortening and removal because since the Code was issued in 2005 a further study⁵ has been published that supports the finding that docking does not improve cow hygiene. Further, switch trimming⁶ has become an economically viable, effective and less noxious alternative to switch removal as efficient automated tail trimmers are now available.</p> <p>In addition, industry organisations advise that a prohibition is likely to become a requirement to access some global supply chains. Internationally docking is already banned in Germany, Denmark, the United Kingdom and California. In some Australian states docking is prohibited unless performed by veterinarian. Failure to take steps to constrain cattle tail docking could have international reputational risks and effect trade.</p>

⁴ <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

⁵ Morabito, E.A., Nolan D.T., and Bewley J.M (2014). Evaluation of cow cleanliness and fly avoidance behaviour among cows with docked, switch-trimmed and switch intact tails.

<https://asas.confex.com/asas/jam2014/webprogram/Paper8007.html>

⁶ Clipping the hair of the lower distal part of the tail of cattle.

Impact	This rule will impact on dairy and beef farmers. The rule will require a change in practice for some farmers. Anecdotally industry representatives estimate less than 1 percent of farmers remove tails, however 20 to 30 percent of farmers shorten tails. Switch trimming will remain a permitted practice. It is anticipated that switch trimming will place a time burden on some farmers however the overall impact of trimming is estimated to be minimal.
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31. Cattle– Disbudding (Commences 1 October 2019)

Description of proposal	<p>Cattle</p> <ol style="list-style-type: none"> 1) The owner, person in charge, or the person disbudding an animal commits an offence if pain relief, in line with the veterinarian authorisation, is not used at the time of the procedure. 2) A person disbudding cattle must be: <ol style="list-style-type: none"> i) Experienced, or have received training, with the correct use of the particular technique and its variations; and ii) Be able to recognise early signs of significant distress, injury or ill-health so that prompt remedial action can be taken or advice sought. 3) Owners or persons in charge of animals upon which painful husbandry procedures are to be undertaken, must ensure that they are or their personnel have either the relevant training or appropriate supervision, and suitable equipment, to ensure the health and welfare needs of the animal in their care are met. <p>No offence is attached to requirement 2)i, 2)ii, and 3). It is intended to enforce these requirements via compliance notices or court proceedings.</p> <p>Disbudding: <i>is the destruction, by any method, of the free-floating immature horn tissue ('horn-bud')</i></p> <p>Pain relief – <i>throughout the performance of this surgical and painful procedure, an animal must be under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of that procedure.</i></p>
Rationale	<p>Disbudding is undertaken to prevent horn growth and reduce the risks of horns causing injuries to handlers and to other animals. It is a regular procedure in bovine dairy herds, but also occurs in beef cattle.</p> <p>Disbudding without pain relief, regardless of method, has been shown to cause acute pain and distress.^{7,8,9}</p> <p>Options are available to minimise the pain experienced at the time of the procedure. However, it is acknowledged that in some situations local anaesthetic will alleviate, but may not eliminate, the pain caused by disbudding.^{10,11}</p>

⁷ Stilwel G., Lima M.S., Carvalho R. C., & Broom D. M. 2012. Effects of hot-iron disbudding, using regional anaesthesia with and without carprofen, on cortisol and behaviour of calves. *Research in Veterinary Science*. 92, 338-41.

⁸ Braz M., Carreira M., Carolino N., Rodrigues T., & Stilwell G. 2012. Effects of rectal or intravenous tramadol on the incidence of pain-related behaviour after disbudding calves with caustic paste. *Applied Animal Behaviour Science*. 136, 20-5

⁹ Report on the Painful Husbandry Procedure code <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

¹⁰ Ibid, ref 27

¹¹ Stafford K., J., and Mellor D., J., 2011. Addressing the pain associated with disbudding and dehorning in cattle. *Applied Animal Behaviour Science* 135(3), 226-231.

	<p>In 2005, when the painful husbandry procedure code of welfare was developed, NAWAC signalled that they would consider making pain relief mandatory, within defined periods, for a wider range of procedures where pain relief was accessible, practical, effective and affordable. Local anaesthetic is already being effectively used by approximately 40 to 50 percent of the bovine dairy sector when disbudding calves.</p> <p>Due to the pain caused by this procedure, it is likely that it would meet the criteria for determining whether it is a significant surgical procedure that come into effect on or before May 2020. Without regulations specifying otherwise, only a veterinarian¹² would be able to undertake this procedure.</p> <p>The competence requirements in 2) and 3) are from the Minimum Standard 6a from the Painful Husbandry Procedures Code of Welfare 2005 – made specific to disbudding. No offence is attached to the competence requirements. Incompetence can be dealt with via a compliance notice requiring training, or if serious enough via prosecution under the Act.</p>
Impact	<p>The extent to which the regulation will impact on current practice depends on the sectors but the common factors include:</p> <ul style="list-style-type: none"> - <i>The practicalities of accessing pain relief</i> <p>Local anaesthetics are classified as Registered Veterinary Medicines (RVMS) under the Agriculture Compound and Veterinary Medicine Act 1997 (ACVM Act), and as such their use must be authorised by a veterinarian. The ACVM Act allows veterinarians to authorise non-veterinarians (such as farmers and contractors) to hold and use local anaesthetics. The veterinary, farming and contracting communities will need to develop effective systems, training and relationships so that competent non-veterinarians can reasonably access pain relief from the veterinary community. At the same time, the system must ensure that pain relief continues to be used properly and with appropriate veterinary oversight. MPI recognises that this will take time.</p> <ul style="list-style-type: none"> - <i>The costs of training and upskilling of non-veterinarian practitioners on the use of the pain relief</i> <p>Different sectors have different levels of experience and knowledge with administering local anaesthetic for procedures such as disbudding and dehorning. For all sectors there will need to be training to ensure non-veterinarian practitioners are suitably trained to administer the local anaesthetic. For example, in the dairy bovine sector approximately 40-50% currently use local anaesthetic when disbudding.</p> <p><i>The cost of the pain relief</i></p> <p>Local anaesthetic is a reasonably inexpensive and robust drug. The cost of the drug itself is likely to range from up to approximately \$1 per animal for disbudding. On a New Zealand wide basis it is estimated that this could increase the cost of disbudding in both the dairy and beef sectors from between \$1.5 to \$2 million per annum. In addition to the cost of the local anaesthetic itself there are costs associated with the veterinarian authorising the use of the drug. Anecdotal information indicates that in the disbudding industry, veterinarians charge an annual certification fee of between \$150 - \$350 to authorise contractors to hold and use local anaesthetic.</p> <ul style="list-style-type: none"> - <i>The costs of additional time required to administer the pain relief</i> <p>For disbudding the overall additional time required to administer pain relief is likely to be minor. For older calves (greater than 4 weeks) the additional time required to administer the pain relief is potentially offset by the procedure being quicker because the animal struggles less. This is not the same for younger calves where there is likely to be additional time associated with administering pain relief—potentially in the vicinity of less than an additional hour to ‘treat’ a herd of 100 calves.</p>

¹² or a veterinary student under the direct supervision of a veterinarian who is present throughout the performance of that surgical procedure (see section 15 of the Animal Welfare Act 1999).

Mitigation	Commencement of pain relief requirements for disbudding will be delayed until October 2019 to ensure efficient and effective systems are developed within and between the veterinary community and the farming / contracting communities to facilitate non-veterinarian access to pain relief.
Commencement	1 October 2019

32 (and 25). Pigs – Tail docking (over 7 days, under 7 days, and at any age)

Description of proposal	<p>Tail docking (under 7 days):</p> <ol style="list-style-type: none"> 1) A person may undertake tail docking on a pig under 7 days of age. 2) The procedure must create a clear cut and not tear the tissue. <p>The owner, person in charge, or the person performing the tail docking who contravenes clause 2) commits an offence subject to a \$500 infringement fee.</p> <p>Tail docking (over 7 days):</p> <ol style="list-style-type: none"> 3) Must only be undertaken by a veterinarian or a veterinary student under the direct supervision of a veterinarian. 4) Pain relief must be used at the time of the procedure. <p>The owner, person in charge, or the person performing the tail docking who contravenes clause 3) or 4) commits an offence and is subject upon conviction to a fine not exceeding:</p> <ul style="list-style-type: none"> - \$5,000 for an individual; - \$25,000 for a body corporate. <p><i>Pain relief for this proposal is the administration of analgesic and / or local anaesthetic drugs given with the aim of providing significant alleviation of pain (as defined in the Painful Husbandry Procedure Code of Welfare 2005).</i></p> <p>Tail docking (at any age)</p> <ol style="list-style-type: none"> 5) A person tail docking a pig must be: <ol style="list-style-type: none"> i) Experienced, or have received training, with the correct use of the particular technique and its variations; and ii) Be able to recognise early signs of significant distress, injury or ill-health so that prompt remedial action can be taken or advice sought. 6) Owners or persons in charge of animals upon which painful husbandry procedures are to be undertaken, must ensure that they are or their personnel have either the relevant training or appropriate supervision, and suitable equipment, to ensure the health and welfare needs of the animal in their care are met. <p>No offence is attached to requirement 5)i, 5)ii, and 6). It is intended to enforce these requirements via compliance notices or court proceedings.</p>
Rationale	<p>This procedure could meet the criteria for determining whether it is a significant surgical procedure. Regardless of the age of the animal, without regulations specifying otherwise, this procedure would only be able to be performed by a veterinarian or veterinary student under the direct supervision of a veterinarian.</p> <p>The current requirement are generally considered appropriate given the balance between the benefits of tail docking reducing problems such as tail biting and the pain associated with the procedure. This allows non-veterinarians who display the necessary competency requirements to undertake a procedure under 7 days, within appropriate constraints that is likely to meet the criteria for a significant surgical procedure. The regulation also aims to minimise pain and distress by requiring pain relief at the time of the procedure when undertaken over 7 days of age, and would raise the current minimum standard in the elective husbandry procedures to make the use of pain relief by veterinarians mandatory.</p>

	The competence requirements in 5) and 6) are from the Minimum Standard 6a from the Painful Husbandry Procedures Code of Welfare 2005 – made specific to pig tail docking. No offence is attached to the competence requirements. Incompetence can be dealt with via a compliance notice requiring training, or if serious enough via prosecution under the Act.
Impact	<p>There is also an impact on a small group of outdoor farmers undertaking this procedure with pain relief over 7 days at the time of weaning. This is for health and safety reasons to avoid contact with aggressive sows when handling piglets. As a result they would now have to perform docking earlier, or have a veterinarian undertake the procedure at weaning. MPI consider this necessary to ensure consistency across the proposal and intent to improve the welfare for pigs in these situations.</p> <p>This regulation could be perceived as raising the standard for veterinarians, as it explicitly requires them to use pain relief. However, the practical impact will be negligible as pain relief would be used for the majority of procedures already.</p>

33. Dogs – Tail docking

Description of proposal	<p>A person commits an offence if they dock a tail of a dog.</p> <p>The owner of the dog is also liable.</p> <p>Docking is intended to cover the shortening or removal of the tail by any method. This relates to docking that may occur either directly after application of the method (e.g. surgery), or at any stage afterwards (e.g. banding).</p>
Defences	<p>It is a defence if:</p> <ul style="list-style-type: none"> the person who shortens or removes the tail of a dog was a veterinarian, or veterinary student under the direct supervision of a veterinarian throughout the procedure, and they performed the procedure for therapeutic purposes and used pain relief at the time of the procedure. <p>Therapeutic purposes relates to the undertaking of a procedure or administering of a treatment in response to an existing disease or injury.</p> <p>Pain relief for this proposal is the administration of analgesic and / or local anaesthetic drugs given with the aim of providing significant alleviation of pain (as defined in the Painful Husbandry Procedure Code of Welfare 2005).</p>
Rationale	<p>The primary reason that dogs tails are docked are aesthetic (e.g. breed standards), convenience, to allow for physical adaption and the belief that it will prevent injury.</p> <p>There are two key considerations; the extent to which neonate dogs experience pain from tail docking, and whether docking is necessary or reasonable. The science around pain perception is complex, and advocates for and against docking can cite evidence supporting their positions.</p> <p>The prevention of tail injuries is the main reason used to justify docking. Evidence from New Zealand and elsewhere suggests that tail injuries are relatively rare, and only a small fraction of docked dogs would have been likely to experience a tail injury. There is no close relationship between whether breeds are docked and whether they are used for activities likely to cause tail injury (e.g. hunting).</p> <p>Dogs' tails have a function in terms of balance and a means of communication with other dogs and humans. Research has shown that a longer tail is more effective at conveying different cues. Given the infrequency of tail injuries and the role of a tail in communication, routine docking is not justified.</p>

Impact	<p>This rule will apply to any person who owns a dog or dogs.</p> <p>It will particularly affect owners and breeders of dog breeds that have traditionally been docked. Breeders have expressed strong attachment to the practice of tail docking, citing tradition, and concern that tails of some dog breeds are readily injured. Some breeders have advised that they will cease breeding rather than produce dogs that are undocked. Domestic sales and exports of traditionally docked breeds are likely to decrease.</p> <p>This regulation could be perceived as raising the standard for veterinarians, as it explicitly requires them to use pain relief. However, the practical impact will be negligible as pain relief would be used for the majority of procedures already.</p>
Mitigation	<p>No mitigation on the effect of this rule is proposed. The regulation is being introduced to improve animal welfare, and there is no obvious way to mitigate the impact on breeders of traditionally docked dogs. The average gestation period of a dog is 63 days, meaning breeders will have time to consider production of further litters in the six month period prior to commencement.</p>

34. Dogs – Dew claws

Description of proposal	<p>1) A person must not remove a dog's front limb dew claw, or a dog's articulated hind limb dew claw at any age.</p> <p>2) A person must not remove a non-articulated hind limb dew claw of a dog four days of age or older.</p> <p>The person who removes a dog's dew claw in contravention of the above requirements commits an offence. The owner of the dog is also liable.</p>
Defences	<p>It is a defence to either of these requirements if:</p> <ul style="list-style-type: none"> the person who removes the dew claw of a dog was a veterinarian, or veterinary student under the direct supervision of a veterinarian throughout the procedure, and they used pain relief at the time of the procedure. <p><i>Pain relief for this proposal is the administration of analgesic and / or local anaesthetic drugs given with the aim of providing significant alleviation of pain (as defined in the Painful Husbandry Procedure Code of Welfare 2005).</i></p>
Rationale	<p>Articulated dew claws are attached to the leg by bone and tendons. Front limb dew claws are usually articulated, while rear limb dew claws are generally non-articulated. Non-articulated dew claws are attached to a flap of skin and tissue.</p> <p>Dog dew claws are removed for both aesthetic and functional reasons. Dew claws can become overgrown and require regular trimming. Dew claws can also catch on solid objects such as fences, and tear causing a painful injury. Statistics on dew claw injuries are very limited, but vets anecdotally report injuries to rear dew claws as being most common. Injuries resulting from incorrect removal of dew claws are also reasonably common.</p> <p>Some breed standards also mandate the removal of dew claws for aesthetic reasons.</p> <p>Articulated front dew claws are used by dogs in holding and manipulating large objects such as bones. They may also play a role in aiding some breeds to change direction rapidly when running.</p> <p>As far as MPI is aware, no country has placed an outright ban on dew claw removal. This contrasts with the situation regarding tail docking.</p> <p>On balance, there are generally benefits to dogs in retaining articulated front dew claws, while their removal undoubtedly causes some degree of distress. Removal of articulated dew claws will therefore be restricted to vets and analgesia will be required. Removal of non-articulated hind dew claws can only be undertaken by a vet using analgesia on dogs of more than four days of age.</p>

Impact	<p>This rule will apply to any person who owns a dog or dogs.</p> <p>It will particularly affect breeders who are accustomed to removing, without veterinary assistance, dew claws of puppies under the age of four days of dog breeds that have traditionally been docked.</p> <p>This regulation could be perceived as raising the standard for veterinarians, as it explicitly requires them to use pain relief. However, the practical impact will be negligible as pain relief would be used for the majority of procedures already.</p>
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Regulatory prosecution \$5000 - Commence 1 October 2018

A person who contravenes a regulation in this section commits an offence and is liable on conviction to a fine not exceeding \$5,000 for an individual, and \$25,000 for a body corporate.

It is a defence to a prosecution for an offence against a regulation in this section, if the defendant proves that the defendant took all reasonable steps to comply with the relevant provision.

35. Cattle – Dehorning (Commences 1 October 2019)	
Description of proposal	<p>Cattle</p> <ol style="list-style-type: none"> 1) The owner, person in charge, or the person dehorning an animal commits an offence if pain relief, in line with the veterinarian authorisation, is not used at the time of the procedure. 2) A person dehorning cattle must be: <ol style="list-style-type: none"> i) Experienced, or have received training, with the correct use of the particular technique and its variations; and ii) Be able to recognise early signs of significant distress, injury or ill-health so that prompt remedial action can be taken or advice sought.¹³ 3) Owners or persons in charge of animals upon which painful husbandry procedures are to be undertaken, must ensure that they are or their personnel have either the relevant training or appropriate supervision, and suitable equipment, to ensure the health and welfare needs of the animal in their care are met.¹⁴ <p>No offence is attached to requirement 2)i, 2)ii, and 3). It is intended to enforce these requirements via compliance notices or court proceedings.</p> <p>Dehorning: <i>is the removal of the horn or part of the horn (including any regrowth after disbudding) from an animal by amputation. Dehorning does not include:</i></p> <ul style="list-style-type: none"> • <i>Tipping – the removal of the hard insensitive tip of the horn resulting in a blunt hard end; or</i> • <i>Removal of an ingrown horn within 3 cm of the point of penetration of the any part of the body where the horn has not significantly invaded underlying tissue, that is, where it only touches or breaks the surface of the skin, or touches the eyelid or surface of the eye.</i> <p>Pain relief – <i>throughout the performance of this surgical and painful procedure, an animal must be under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of that procedure.</i></p>
Rationale	<p>Dehorning is undertaken to reduce the risks of horns causing injuries to handlers and to other animals.</p> <p>The procedure causes significant pain to an animal when it is performed without pain relief. Disbudding is preferable to dehorning as it results in markedly less pain than dehorning^{15,16}.</p>

¹³ Reflects Minimum Standard 6a from the Painful Husbandry Procedures Code of Welfare 2005 – with the addition of making it specific to disbudding.

¹⁴ Reflects Minimum Standard 6b from the Painful Husbandry Procedures Code of Welfare 2005.

¹⁵ Report on the Painful Husbandry Procedure code <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>

¹⁶ Stafford K. J. and Mellor D. J., 2011. Addressing the pain associated with disbudding and dehorning in cattle. Applied Animal Behaviour Science. 135(3): 226-231.

	<p>Options are available to minimise the pain experienced at the time of the procedure.^{17,18}</p> <p>In 2005, when the painful husbandry procedure code of welfare was developed, NAWAC signalled that they would consider making pain relief mandatory, within defined periods, for a wider range of procedures where pain relief was accessible, practical, effective and affordable.</p> <p>Due to the pain caused by this procedure, it is likely that it would meet the criteria for determining whether it is a significant surgical procedure that come into effect on or before May 2020. Without regulations specifying otherwise, only a veterinarian¹⁹ would be able to undertake this procedure.</p> <p>Tipping and removal of 'minor' ingrown horns within 3 cm of the point of penetration have been excluded from the definition of a dehorning because:</p> <ul style="list-style-type: none"> • 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 its removal is likely to be expected to provide some relief from the pain or distress caused by the ingrown horn. Where the ingrown horn causes more significant damage to the underlying tissue it would fall within the definition of dehorning and pain relief would be required to be used to remove the ingrown horn. <p>The competence requirements in 2) and 3) are from the Minimum Standard 6a from the Painful Husbandry Procedures Code of Welfare 2005 – made specific to dehorning. No offence is attached to the competence requirements. Incompetence can be dealt with via a compliance notice requiring training, or if serious enough via prosecution under the Act.</p>
Impact	<p>The extent to which the regulation will impact on current practice depends on the sector but the common factors include:</p> <ul style="list-style-type: none"> - <i>The practicalities of accessing pain relief</i> <p>Local anaesthetics are classified as Registered Veterinary Medicines (RVMs) under the Agriculture Compound and Veterinary Medicine Act 1997 (ACVM Act), and as such their use must be authorised by a veterinarian. The ACVM Act allows veterinarians to authorise non-veterinarians (such as farmers and contractors) to hold and use local anaesthetics. The veterinary, farming and contracting communities will need to develop effective systems, training and relationships so that competent non-veterinarians can reasonably access pain relief from the veterinary community. At the same time, the system must ensure that pain relief continues to be used properly and with appropriate veterinary oversight. MPI recognises that this will take time.</p> <ul style="list-style-type: none"> - <i>The costs of training and upskilling of non-veterinarian practitioners on the use of the pain relief</i> <p>Dehorning is generally more common in the beef sector than the dairy bovine sector due to the later age at which beef animals are handled. The extent of pain relief currently used for dehorning is unknown, however, pain relief is currently required if performed over the age of 9 months. It is likely that there will need to be training to ensure non-veterinarian practitioners are suitably trained to administer the local anaesthetic as a recent survey of beef and sheep farmers indicated that only 17% are trained to administer pain relief.</p> <ul style="list-style-type: none"> - <i>The cost of the pain relief</i>

¹⁷ Ibid, ref 27

¹⁸ Ibid ref 33

¹⁹ or a veterinary student under the direct supervision of a veterinarian who is present throughout the performance of that surgical procedure (see section 15 of the Animal Welfare Act 1999).

	<p>Local anaesthetic is a reasonably inexpensive and robust drug. The cost of the drug itself is likely to range up to approximately \$10 per animal for dehorning. The extent of dehorning in New Zealand is unknown. However, based on an assumption that 10% -20% of animals born into the beef sector need to be dehorned, it is estimated that this could increase the cost of dehorning on a New Zealand wide basis from between \$0.9 to \$1.8 million per annum.</p> <p>In addition to the cost of the local anaesthetic itself there are costs associated with the veterinarian authorising the use of the drug. Anecdotal information indicates that in the disbudding industry veterinarians charge an annual certification fee of between \$150 - \$350 to authorise contractors to hold and use local anaesthetic. It is likely to be similar for dehorning.</p> <p>- <i>The costs of additional time required to administer the pain relief</i></p> <p>For dehorning, there are likely to be additional costs associated with requiring pain relief. This relates to the time to administer the pain relief, especially so for beef animals unfamiliar with handling, and the time required to ensure the pain relief is effective before undertaking the procedure (approximately 2-5 minutes). If only a local anaesthetic is used, the additional time is likely to be primarily related to the time associated with administering the pain relief rather than the time waiting for it to become effective.</p>
Mitigation	The primary mitigation measure to be implemented for this regulation is the delayed commencement of pain relief requirements for dehorning for 18 months. This will ensure that efficient and effective systems developed within and between both the veterinary community and the farming / contracting communities to facilitate non-veterinarian access to pain relief.
Commencement	1 October 2019

36. Sheep – Mulesing

Description of proposal	1) A person must not remove the breech and/or tail skin folds or wrinkles of sheep by any method.
Rationale	<p>No specific minimum standard currently prohibits mulesing. However, the rule reflects two minimum standards in the Painful Husbandry Procedure Code of Welfare. These standards provide that procedures must only be performed when:</p> <ul style="list-style-type: none"> • there are no other practical, economically viable, effective or less noxious alternatives; and • any harmful consequences of a procedure are minimised. <p>Mulesing is a painful procedure to manage flystrike where strips of wool-bearing skin from around the breech (buttocks) of a sheep are removed. Methods include: surgery, clipping, clamping and chemical mulesing.</p> <p>This rule prohibits all mulesing because the practice by any method is painful and unnecessary as alternatives to manage flystrike are available including:</p> <ul style="list-style-type: none"> • ensuring shearing and crutching are timed to reduce flystrike • strategic application of preventative chemical treatments to prevent flystrike • effective control of scouring and the control of intestinal worms • genetic improvement to breed sheep with low wrinkle, fewer dags, less urine stain and less wool around the breech • effective tail docking. <p>The New Zealand Merino industry (NZM) in response to animal welfare concerns and market pressure adopted a voluntary ban on surgical mulesing in December 2010.</p>

	Consequently, the majority of NZM growers have ceased to practice any form of mulesing, and it is strictly prohibited on NZ Merino (ZQ-certified) farms. The market also provides an economic incentive to cease all forms of mulesing as wool from non-mulesed sheep generally attracts higher prices.
Impact	Anecdotally a small number of people may still mules sheep. This rule will provide a deterrent for people who may not wish to comply. The impact of extending the ban to other methods of mulesing is expected to be minimal as these methods are not widely practiced in New Zealand. Further, veterinarians support a full prohibition on mulesing as this procedure is not undertaken for therapeutic purposes.

37. Horses – Castration

Description of proposal	A person must not castrate a horse. The owner of the horse is also liable.
Defences	It is a defence if: <ul style="list-style-type: none"> the person who castrates the horse was a veterinarian, or veterinary student under the direct supervision of a veterinarian throughout the procedure, and they used pain relief at the time of the procedure. <p>Pain relief for this proposal is the administration of analgesic and / or local anaesthetic drugs given with the aim of providing significant alleviation of pain (as defined in the Painful Husbandry Procedure Code of Welfare 2005).</p>
Rationale	Male horses are often castrated (gelded) to reduce aggression, make them more docile and remove lower-quality animals from the gene pool. Horses are normally castrated in the first year of life. In New Zealand this is normally carried out by a veterinarian under local anaesthetic, although a general anaesthetic can be used in some circumstances. Castration without anaesthesia will cause severe distress to the animal, and there is a high risk of infection if carried out by a non-veterinarian with improvised equipment.
Impact	This rule will apply to any person who owns or is in charge of a horse or horses. It is believed that non-veterinary castration of horses is uncommon, and generally confined to remote rural areas. It typically is only revealed when the wound becomes infected and veterinary assistance is sought. This regulation could be perceived as raising the standard for veterinarians, as it explicitly requires them to use pain relief. However, the practical impact will be negligible as pain relief would be used for the majority of procedures already.

38. Pigs – Castration

Description of proposal	A person must not castrate a pig. The owner of the pig is also liable.
Defences	It is a defence if: <ul style="list-style-type: none"> the person who castrates the pig was a veterinarian, or veterinary student under the direct supervision of a veterinarian throughout the procedure, and they used pain relief at the time of the procedure. <p>Pain relief for this proposal is the administration of analgesic and / or local anaesthetic drugs given with the aim of providing significant alleviation of pain (as defined in the Painful Husbandry Procedure Code of Welfare 2005).</p>

Rationale	<p>This regulation largely reflects existing standards relating to elective husbandry procedures in the pigs code of welfare.</p> <p>Castration is likely to meet the criteria for determining whether it is a significant surgical procedure. The criteria will come into effect when the regulations come into force. While not known to occur in New Zealand current practices could change. Internationally there is demand for meat from castrated animals. The regulation therefore will provide clear mandatory standards for the procedure if undertaken in the future; and minimise the level of pain and distress that the procedure could cause.</p>
Impact	<p>This procedure is not routinely undertaken on commercial farms and there are few instances of life-stylers performing this without a veterinarian. This regulation could be perceived as raising the standard for veterinarians, as it explicitly requires them to use pain relief. However, the practical impact will be negligible as pain relief would be used for the majority of procedures already.</p>

39. Pigs – Sow stalls

Description of proposal	<p>(1) Sows may only be confined in sow stalls for the purposes of mating, and for no longer than one week. Mated sows and gilts must not be confined in sow stalls after mating.</p> <p>(2) The owner or person in charge of sows must ensure a system is in place that ensures and documents compliance with this regulation.</p> <p>The person in charge of a sow commits an offence if they contravene the requirements above. The owner of the sow is also liable.</p> <p>No offence is attached to requirement (2). This can be enforced via a compliance notice or court action.</p>
Rationale	<p>This regulation reflects an existing minimum standard in the Pigs Code of Welfare. Dry sow stalls restrict the movement of sows and limit their ability to express natural behaviours. Consequently dry sow stalls have been phased out since December 2015. As a result they are now only used for mating purposes by the NZ Pork industry.</p> <p>Because the infrastructure of a stall is used for multiple purposes such as mating, a system requirement has been added to place a proactive obligation on a farmer to illustrate to an animal welfare inspector, the intended purposes of confining the sow and the time the animals has spent in the stall.</p>
Impact	<p>There should be little impact on the status quo as the commercial pig industry do not use sow stalls for these purposes since December 2015. Individual lifestyles may have to change management practices to meet this requirement, but should already be doing so. This regulation will make it clear that dry sow stalls should only be used for mating.</p>

40. Layer hens – Transitional dates to prohibit the use of conventional cages

Description of proposal	<p>(1) The use of conventional cage systems is prohibited from 31 December 2022.</p> <p>(2) The use of a conventional cage system installed prior to 31 December 1999 must cease by 31 December 2018.</p> <p>(3) The use of a conventional cage system installed prior to 31 December 2001 must cease by 31 December 2020.</p> <p>(4) Any cage system installed from 7 December 2012 must meet the minimum requirements of a colony cage system.</p> <p>(5) A person must ensure a system is in place that ensures and documents compliance with this regulation.</p> <p>The person in charge of a hen commits an offence if they keep a hen in a conventional cage in contravention of the requirements above. The owner is also liable.</p> <p>No offence is attached to rule (5). This can be enforced via a compliance notice or court action. Although not an offence, the obligation to ensure compliance is documented would fall with the owner of the systems.</p>
Rationale	<p>This regulation reflects the intent of Minimum standard 12 in the Layer Hens code of welfare. Conventional 'battery cages' do not provide hens with an opportunity to express their normal behaviours. Accordingly the Layer Hens code of welfare sets transitional dates for layer systems to meet the needs of hens. Farmers using conventional cages will have to transition to an alternate system. The transition will ensure systems that no longer allow hens to express normal behaviours are phased out.</p>
Impact	<p>The impact on the status quo by placing this into regulation is minor, as it reflects an existing standard to transition to alternate systems that has been in place since 2013. The industry has indicated confidence that the transition timeframes will be met by farmers.</p>

41. Layer hens – Prohibit induced moulting

Description of proposal	<p>A person must not induce moulting in a hen.</p> <p>The owner of the hen is also liable.</p> <p><i>Induced moulting:</i> The practice of making hens in a group cease egg production simultaneously and then lose and replace feathers and restore bone integrity to bring them into another laying cycle.</p>
Rationale	<p>Induced moulting can cause unnecessary distress and harm to hens. Currently the prohibition in codes of welfare are not directly enforceable and non-compliance would be likely to compromise the welfare of thousands of birds.</p>
Impact	<p>Induced moulting is not considered regular practice or widespread in New Zealand. Therefore prohibition should not adversely impact the current farming systems</p>

42. Crabs, rock lobster, crayfish and freshwater crayfish (koura)	
Description of proposal	<p>A person in charge of a crab, rock lobster, crayfish, or freshwater crayfish (koura) must render the animal insensible before slaughter for commercial purposes.</p> <p>The owner of the animal is also liable.</p> <p>Note: <i>This requirement does not affect the legal ability of people hunting or fishing to kill a crab, rock lobster, crayfish, or freshwater crayfish immediately after capture without first rendering it insensible (section 30D of the Animal Welfare Act).</i></p>
Rationale	<p>Crabs, rock lobster crayfish and koura are classified as sentient creatures under the Act. The pain and distress associated with slaughter can be minimised by rendering them insensible before being killed.</p> <p>This regulation is in line with the existing Commercial Slaughter Code of Welfare 2010. Extending it to cover recreational fishers would be desirable on animal welfare grounds, but is considered impractical to enforce at this stage.</p> <p>This regulation applies to both commercially farmed and wild-caught crabs, rock lobsters (crayfish) and freshwater crayfish (koura). It also applies to restaurants killing these animals on site. It does not apply to crabs, rock lobsters (crayfish) or freshwater crayfish (koura) that are caught and immediately killed at the point of capture.</p> <p>The rule does not specify the means by which crabs, rock lobster, crayfish and koura must be rendered insensible, allowing for innovation and for operators to select an option that suits their business model, so long as it achieves the outcome of the regulation. Minimum standards 22e in the commercial slaughter code will be retained along with further guidance material on effective methods.</p>
Impact	<p>This regulation applies to both commercially farmed and wild-caught crabs, rock lobsters (crayfish) and freshwater crayfish (koura). It does not apply to crabs, rock lobsters (crayfish) or freshwater crayfish (koura) that are caught and immediately killed at the point of capture.</p>
Mitigation	<p>Consultation with industry on appropriate timeframe for implementing changes, and acceptable methods or rendering insensible is needed.</p>
Commencement	<p>1 October 2018, pending consultation with industry.</p>

43. Rodeos – Fireworks

Description of proposal	<p>A person who organises a rodeo event must ensure that fireworks, pyrotechnics, and gas fired explosions of any type are not used.</p> <p>A rodeo is any public event which involves any of the following:</p> <ul style="list-style-type: none"> • bareback bronc riding; • barrel racing; • bull or steer riding; • calf riding ; • rope and tie; • saddle bronc riding; • steer wrestling; • team roping; or • any event that calls itself a rodeo. <p><i>This regulation also applies to practice events for any rodeo event.</i></p>
Rationale	<p>This proposed rule reflects the current minimum standard prohibiting fireworks at rodeos in the Rodeos Code of Welfare 2014.</p> <p>Fireworks and loud explosions can cause fear and distress. Studies have shown that animals such as horses and heifers experience increased heart rates and movement peaks in response to auditory stimulus. Animals startled by fireworks are at risk of injuring themselves. This rule aims to prevent further distress experienced by animals at rodeo events by removing fireworks.</p> <p>In addition, the New Zealand Rodeo Cowboy Association 2015 Rulebook states (rule 12.4.14) <i>Fireworks, pyrotechnics and gas fired explosions of any type must not be used at rodeos.</i> This regulation provides an enforcement mechanism for this rule.</p>
Impact	<p>This rule will apply to people who operate rodeo events. The impact of the rule is expected to be minimal as it does not put an extra cost on the organisers of rodeo events, however there will be some impact on the entertainment factor of modern rodeos due to the lack of fireworks.</p> <p>The majority of people currently comply with the minimum standards in the existing codes of welfare and will be unaffected by this rule. However, for the small number of people who may not wish to comply the rule will provide a directly enforceable deterrent.</p>

Other regulatory proposals

44. Amendment to Research, Testing and Teaching recordkeeping requirements	
Description of proposal	<p>A code of ethical conduct holder must collect, maintain and provide to the Director-General of MPI or an inspector, the numbers of animals killed that were bred, but not used, for the purposes of research, testing and teaching.</p> <p>A code of ethical conduct holder who contravene these requirements commits an offence.</p>
Penalty	Failure to meet this requirement will attract the existing offences and penalties in the Animal Welfare (Records and Statistics) Regulations 1999. ²⁰
Defences	A code holder will have the range of general strict liability and mens rea defences available to them under the Animal Welfare (Records & Statistics) Regulations 1999, dependent on the circumstances of the offending.
Rationale	<p>During the passage of the Animal Welfare Amendment Bill, some submitters indicated that there was a perceived lack of transparency regarding oversight of what happened to animals that were bred but not used for research, testing and teaching projects (RTT).</p> <p>A common concern was that an excessive number of animals were being bred for RTT and killed without being used, in other words, offspring that were surplus to requirement. A gap in knowledge exists where there is no project or ethical oversight over animals killed in these situations, as there is currently no reporting requirement on code of ethical conduct holders to report this.</p> <p>As a result the Animal Welfare Amendment Act (No. 2) 2015 created the power to make a regulation requiring code holders to collect, maintain and provide the Director-General of MPI or an inspector information relating to <i>“the killing of animals that were bred, but not used, for the purposes of research, testing and teaching.”</i> By requiring code holders to now report these figures in annual statistics returns, the proposed regulation will close this gap, and build a more complete picture of the uses of animals in RTT in New Zealand.</p> <p>The regulation making power for this proposal is contained in Section 183(1)(c)(iia) of the Animal Welfare Act 1999.</p> <p><u>Penalty</u></p> <p>Failure to meet this requirement will attract the existing offences and penalties set in the Animal Welfare (Records and Statistics) Regulations 1999. It is desirable to ensure this offence and penalty is consistent with other record keeping requirements under the Regulations, as offending in these circumstances is of the same nature and by the same persons - code of ethical conduct holders.</p>
Impact	The impact is expected to be minor. Some code holders already record this information voluntarily for their own purposes. For those who don't, there should only be a minimal cost to amend existing recording systems already in place to meeting pre-existing obligations under the Animal Welfare (Records & Statistics) Regulations 1999.
Mitigation	MPI will continue to work NAEAC on communicating the change to stakeholders and providing guidance material on how best implement and meet this new requirement.
Commencement	1 January 2018: to take effect concurrently with changes to research, testing and teaching under the Animal Welfare Act 1999 brought in by the Animal Welfare Amendment Act 2015.

²⁰ Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding – (a) in the case of an individual, \$5,000; or (b) in the case of a body corporate, \$25,000.

45. Filing a charging document with the courts

When offending involves a recidivist, or in the case of multiple offending MPI may lodge a charging document with the courts. The maximum penalty for conviction in these cases must be set in regulation. It is proposed the maximum penalty be set at \$5,000 for an individual and \$25,000 for a body corporate.

46. Traps and devices infringement fee \$300

Section 36(s) in the Animal Welfare Act 1999 sets obligations on a person who uses a trap to capture live animals. The Act also provides for an infringement offence for failure to inspect a set trap, but currently there is no fee attached to that offence. It is proposed that the infringement fee be set at \$300.