



Have your say **on significant surgical procedures on animals.**

Tell us what you think about proposed regulations for significant surgical procedures on animals under the Animal Welfare Act 1999.

Animal welfare matters. It's important to animals, it's important to people and it's important to New Zealand.

Procedures on animals must be carried out by the right people with the right skills and care, to ensure the wellbeing of animals.

We are proposing clearer rules about who can carry out certain procedures on animals, and how they must be done.

The proposed rules mostly allow competent people to continue doing routine procedures on animals. Some proposals raise the standard.

Submissions close on Wednesday 24 July 2019.



How to have your say

We want to hear from people who work with and care for animals, and anyone else who is interested in animal welfare regulations.

Make a submission.

Go to a public meeting.

Find out more.

Go to: www.mpi.govt.nz/animal-consult

Phone: 0800 00 83 33

Email: animal.consult@mpi.govt.nz

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

Submissions close on Wednesday 24 July 2019.

Proposed Animal Welfare Regulations

Significant surgical procedures

Summary of MPI Discussion Paper No: 2019/01

The Ministry for Primary Industries (MPI) is proposing clearer rules for significant surgical procedures on animals.

These regulatory proposals under the Animal Welfare Act 1999 are detailed in *Proposed Animal Welfare Regulations, Significant surgical procedures, MPI Discussion Paper No: 2019/01*. You can read it at www.mpi.govt.nz/animal-consult.

This document is a summary of the Discussion Paper.

MPI is consulting New Zealanders on the regulatory proposals. We want to hear from people who work with and care for animals, and anyone else who is interested in animal welfare regulations.

Submissions close on Wednesday 24 July 2019.

How to make a submission

To make your submission:

- answer the survey questions we have developed to guide you through the process online at www.mpi.govt.nz/animal-consult; or
- just tell us what you think by email, by mail or by calling 0800 00 83 33.

In general, we want to:

- hear about whether you agree or disagree with the proposals and what your reasons are; and
- find out more information about certain aspects of the procedures.

You can:

- comment on some or all of the proposals;
- answer some or all of the survey questions for each proposal;
- tell us anything else you think we should know about the issues.

These proposals build on previous consultation

These regulatory proposals build on the information stakeholders gave us as part of our 2016 consultation on animal welfare regulations.

We are asking for your views on regulatory proposals for a range of significant surgical procedures on a variety of animals.

There are 26 proposals that are either new or have changed substantially from what we proposed during the 2016 consultation.

There are a further nine regulatory proposals that are largely unchanged since we consulted stakeholders on them in 2016. We plan to progress them at the same time as the 26 new or changed proposals. However, if you have any new information about these nine proposals please give us your views.

Terms

This document uses the terms 'competent person' and 'pain relief'.

Competent person

A competent person should be experienced with, or have received training in the correct use of the method for the procedure, and have the appropriate skill and equipment to carry out the procedure.

We do not give a one-size-fits-all definition of what 'competent' means because this will vary greatly with each specific procedure. For example, someone who is competent to dehorn a goat may not be competent to perform other procedures on a goat or another animal.

Pain relief

Pain relief requirements are included in some of the proposals. These requirements vary according to the procedure concerned and who is doing it.

The pain relief required is generally classed as a restricted veterinary medicine under the Agricultural Compounds and Veterinary Medicines Act 1997 and must be authorised by a veterinarian and used in accordance with their instructions.

The regulatory proposals

These regulatory proposals are divided into sections:

*These sections deal with the 26 proposals that are **new or have changed substantially** since the 2016 consultation.*

Section A: **Farm husbandry – cattle, sheep, pigs and goats**

Section B: **Horses and other equids**

Section C: **Poultry and game fowl**

Section D: **Research, testing and teaching**

Section E: **General procedures and electric prodders**

Section F: **General issues – including pain relief, the ‘competent’ person and compliance**

*This section deals with the nine proposals that are **largely unchanged** since the 2016 consultation.*

Section G: **Other procedures**

A. Farm husbandry – cattle, sheep, pigs and goats

Cattle, sheep and pigs – prolapses

Proposal 7 (cattle), Proposal 10 (sheep) and Proposal 11 (pigs)

A competent person may treat a prolapsed vagina of a cow or sheep, or a pig's rectal prolapse.

Sheep, cattle and goats – restrictions on teat removal

Proposal 9 (sheep), Proposal 14 (goats) and Proposal 21 (cattle)

A competent person may remove extra teats from a sheep, cow or goat that is younger than 12 weeks. A clean cut must be made that does not tear the tissue.

All other teat removal (main teats and extra teats on animals older than 12 weeks) must be done by a veterinarian, and pain relief must be used.

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

Proposal 12

A competent person may insert pig and cattle nose rings, clips and wires for animal management purposes.

Goats – castration

Proposal 13

A competent person may castrate goats. Local anaesthetic authorised by a veterinarian must be used if:

- the animal is over six months of age; and/or
- a high tension band is used, regardless of the age of the animal.

Goats – disbudding/dehorning

Proposal 25

A competent person may disbud or dehorn goats. Pain relief authorised by a veterinarian must be used.

Pigs – use of electric prodders

Proposal 6

This proposal is about regulation 48 (Use of electric prodders) in the Animal Welfare (Care and Procedures) Regulations 2018.

We seek feedback on the use of electric prodders on pigs in limited circumstances, that is, when they are loaded into restrained stunning pens. The current weight limit is 150 kilograms. We propose the weight limit be set between 70 and 150 kilograms and seek feedback on what the weight limit should be.

B. Horses and other equids

An equid is any member of the *Equidae* family, which includes any horse, pony, donkey, mule, other wild ass, zebra, and any of their hybrids.

Castration

Proposal 8

Only veterinarians may castrate equids, including donkeys. Pain relief must be used.

Blistering, firing, mechanical soring and nicking

Proposal 22

It is prohibited to perform blistering, firing, mechanical soring or nicking of a horse.

Even veterinarians cannot perform these procedures on horses.

Blistering and firing involves the application of chemical or thermal cautery (hot or cold) to the legs of the horse in order to create tissue damage to, or an inflammatory reaction on its legs.

Nicking is the cutting of the skin or ligaments of the tail of the horse to make it carry its tail in a raised position.

Mechanical soring means the application of devices including chains and weighted platforms to the hooves or legs of a horse, for the purpose of distorting the natural gait of the horse.

Horses and other equids – dentistry (teeth extraction)

Proposal 23 – two options:

Option 1: A competent person may extract a loose deciduous incisor or cheek tooth from an equid.

Option 2: A competent person may extract an equid's finger-loose deciduous incisor or cheek tooth that has obvious visual recession of the gingiva and is protruding above the occlusal surface, but may not use tools or other equipment.

All other equid tooth extractions are veterinarian-only procedures. Pain relief must be used at the time of the procedure.

Cheek teeth are the molar and premolar teeth.

Deciduous teeth are the baby or milk teeth.

Gingiva are gums.

Incisors are the teeth at the front of the mouth adapted for cutting.

Occlusal surface is the surface of the tooth that is used for chewing or grinding.

Horses – Caslick's procedure

Proposal 24

Surgically closing a mare's vulva is a veterinarian-only procedure. Pain relief must be used.

A competent person may open this seam for foaling and/or servicing with pain relief authorised by a veterinarian, and where no tissue is removed.

C. Poultry and game fowl

Poultry – beak tipping

Proposal 15

Beak tipping of poultry must be performed by a competent person within three days of hatching by removing no more than one quarter of the upper or lower beak (no more than 2 mm of the beak may be removed).

For adult hens, no more than the blunting of upper and lower tips is permissible.

Note that under Minimum Standard No. 16(c) of the Code of Welfare for Layer Hens, the tipping of beaks of individual hens after three days of age must only be undertaken in an emergency with veterinary approval and under veterinary supervision to help control outbreaks of cannibalism during the laying period.

Poultry – spur removal and toe trimming

Proposal 16 (spur removal) and Proposal 17 (toe trimming)

A competent person may:

- remove the spurs (rear toenails) of poultry breeder birds – Proposal 16
- trim the toes of poultry breeder birds – Proposal 17.

Game fowl dubbing – removal of comb, wattle and earlobes

Proposal 26 – two options:

Option 1: A competent person may dub game fowl and pain relief authorised by a veterinarian must be used.

Option 2: Only a veterinarian may dub game fowl and pain relief must be used.

Pain relief for poultry dubbing. The commonly-used pain relief for poultry dubbing is Xylocaine jelly. It is a human medicine and is available over the counter. However it must be authorised by a veterinarian to be used on an animal for the purpose of dubbing.

D. Research, testing and teaching

Tissue removal and surgical tagging

Proposals 1 and 2

Proposals 1 and 2 apply to research, testing and teaching or functions listed under section 5(3) of the Animal Welfare Act 1999, which includes conservation and wildlife management purposes.

- Proposal 1: A competent person may remove tissue, including for procedures such as tail tipping of reptiles and animal biopsies.
- Proposal 2: A competent person may insert tags surgically, for example, into a fish's body. The animal must be given pain relief authorised by a veterinarian for the purpose of this procedure.

If performing these procedures in the context of research, testing and teaching, a competent person may only perform them under a research, testing and teaching project or a standard operating procedure. In both cases, these must be approved by an Animal Ethics Committee.

Desexing and sterilisation

Proposal 3

For research, testing and teaching projects, a competent person may desex or sterilise animals such as rodents, fish and rabbits – for example, rabbit castration. The animal must be given pain relief authorised by a veterinarian for the purpose of the procedure.

A competent person may only perform this procedure under a research, testing and teaching project or a standard operating procedure. In both cases, these must be approved by an Animal Ethics Committee.

Exclusion of research, testing and teaching procedures from requirements in regulations

Proposal 4

Unless stated otherwise, current and proposed regulations for significant surgical procedures would not prevent a person from performing a procedure on an animal for research, testing and teaching carried out as part of an Animal Ethics Committee-approved project.

E. General procedures and electric prodders

Epidurals – all animals

Proposal 5

A competent person may perform epidurals in association with a reproductive procedure, for example performing an epidural for embryo collection.

Surgical reproductive procedures – all animals

Proposal 20

A competent person may perform surgical reproductive procedures. Pain relief authorised by a veterinarian must be used.

Freeze branding – all animals

Proposal 18

A competent person may freeze brand an animal.

Dentistry/cutting teeth – all animals

Proposal 19

No person may cut an animal's teeth except:

- a veterinarian or competent person, who may:
 - clip needle teeth in a pig less than five days old; or
 - cut a boar's tusk with a wire; or
 - cut a llama's or alpaca's fighting tooth with a wire.
- a veterinarian, who may cut teeth for the purposes of extraction, and must use pain relief.

Electric prodders/Tasers

Proposal 6

This proposal is about regulation 48 (Use of electric prodders) in the Animal Welfare (Care and Procedures) Regulations 2018.

It is proposed that the definition of an electric prod be changed to clarify that the use of an electric device (such as a Taser) by New Zealand Police officers for law enforcement activities is excluded from the definition.

F. General issues

Pain relief

Some of the proposals require people performing procedures on animals to obtain pain relief authorised by a veterinarian.

Tell us what you think...

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

Competent person

We propose that where a non-veterinarian is allowed to do a procedure on an animal, they must be 'competent'. The owner or person in charge of the animal has a responsibility to ensure that only competent people perform the procedure.

Tell us what you think...

Is there a better way to ensure that only suitably skilled or experienced non-veterinarians are able to do procedures? What would this alternative look like?

Do you agree that the owner or person in charge of the animal should have a responsibility to ensure only competent people perform a procedure?

The compliance and enforcement regime

We propose that for regulatory offences, the defences be the same as those in clause 61 of the Animal Welfare (Care and Procedures) Regulations 2018. These are that:

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

Tell us what you think...

Do you agree that the defences available for regulatory offences should be the same as those currently in the Animal Welfare (Care and Procedures) Regulations 2018?

G. Other procedures

There are nine proposals that remain largely unchanged since we consulted on them in 2016.

They related to hot branding of all animals; tail docking and rectal examination of horses and other equids; teat occlusion in cattle; develvetting of deer; tail docking and disbudding/dehorning of sheep; ear cropping of dogs; and compliance notice infringements. These are set out in Appendix 4 of the Discussion Paper.

We plan to progress these nine proposals at the same time as the 26 proposals that are either new or have changed substantially from what we proposed during the 2016 consultation. However, if you have any new information about these nine proposals please give us your views.

