

Overview of Proposed Animal Welfare Regulations – targeting lower level offending

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

Infringement offences

Do not result in a criminal conviction

Two levels of penalty are proposed for infringement offences:

\$300 flat fee

offence may cause mild short-term harm to the animal

1. All animals – injury from collar/tether
2. Dogs – muzzling a dog
3. Dogs – dry and shaded shelter
4. Dogs – left in hot vehicles
5. Dogs – secured on moving vehicles
6. Goats – tethering requirements
7. Horse and donkeys – injuries from equipment
8. Horses and donkeys – tethering requirements
9. Llama and alpaca – injuries from equipment
10. Pigs – dry sleeping area
11. Cattle – milk stimulation
46. Failure to inspect a live capture trap

\$500 flat fee

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

12. All animals – electric prodders
13. All animals – use of goads
14. Horses and donkeys – striking in the head
15. Cattle, sheep & goats – with ingrown horns
16. Stock transport – ingrown horns
17. Stock transport – bleeding horns or antlers
18. Stock transport – long horns or antlers
19. Stock transport – back-rub from transport
20. Stock transport – injuries from transport
21. Stock transport – lame animals
22. Stock transport – animals in late pregnancy
23. Stock transport – injured or diseased udders
24. Stock transport – animals with eye cancer
25. Pigs – tail docking (under 7 days)

Prosecutable regulation offences

May result in a criminal conviction

Two levels of penalty are proposed for regulatory prosecutable offences:

\$3,000

Maximum fine for an individual

\$5,000

\$15,000

Maximum fine for a body corporate

\$25,000

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

26. Pigs – lying space for grower pigs
27. Pigs – size of farrowing crates
28. Cattle – vehicular traction in calving or lambing
29. Cattle and sheep – castration
30. Cattle – tail docking
31. Cattle – disbudding
32. Pigs – tail docking (over 7 days)
33. Dogs – tail docking
34. Dogs – dew claws

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

35. Cattle – dehorning
36. Sheep – mulesing
37. Horse – castration
38. Pigs – castration
39. Pigs – dry sow stalls
40. Layer hens – transitional requirements
41. Layer hens – prohibit induced moulting of layer hens
42. Crabs, rock lobster and crayfish – insensible before being killed
43. Rodeos – fireworks
44. Accounting for surplus research animals
45. Set upper penalty for charging documents

When is an offence appropriate for an infringement?

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

There are no defences for an infringement offence. The defendant may challenge an infringement by writing a letter to the issuing authority (MPI or SPCA). The issuing authority will review the decision and decide whether or not to revoke the infringement. The defendant can also request a defended hearing before the District Court. The decision of the District Court is final.

Grounds that may lead to a successful challenge of an infringement notice could include that the defendant took all reasonable steps to comply with the regulation, if, for example factors such as emergency or natural disaster should be taken into account.

When is an offence appropriate for a prosecution?

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

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

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

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

Animal Welfare in New Zealand

Care for our animals
Care for our reputation

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

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

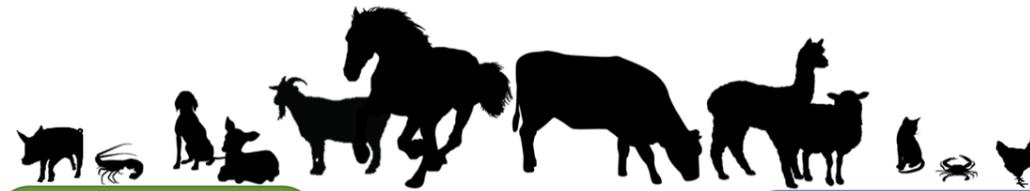
Our animal welfare system has been ranked first equal alongside the United Kingdom, Austria and Switzerland by the global charity World Animal Protection.

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

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

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

The Animal Welfare System



Codes of Welfare

Detailed minimum standards for specific species and situations
Reflect good practice and scientific knowledge
Not directly enforceable, no attached offences

2013 Animal Welfare Strategy identified enforcement tool gap

Proposed regulations

More specific than the Animal Welfare Act
More directly enforceable than the Codes of Welfare
Low to medium level penalties for lower level offending
E.g. A dog in a hot vehicle becomes heat stressed.

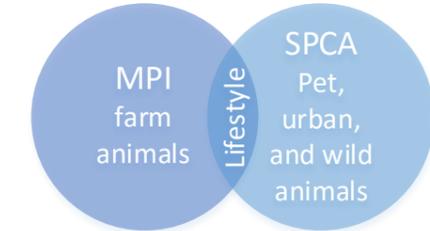
Animal Welfare Act 1999

High level obligations to provide for an animal's physical, health, and behavioural needs
High level offences and penalties for the most serious cases
E.g. A dog left in hot a vehicle is fatally, or near fatally, heat stressed.

Animal Welfare Enforcement

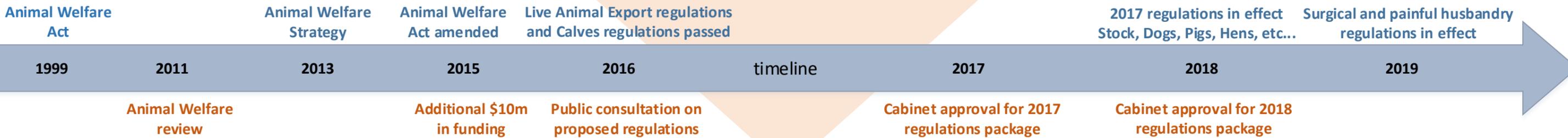
MPI investigates animal welfare complaints related to production animals, while the SPCA investigates companion animal complaints.

There can be some crossover for lifestyle blocks.



Enforcement tools gap addressed by regulation

average 15,000 complaints per year



2016 – Delivered

Regulatory Programme

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

Three administrative changes in 2017 package of 46 regulations

- Set trap inspection infringement fee
- Set charging document upper penalty
- Account for surplus research animals

2017 – Current

The package of 46 regulations in this paper

Will improve enforceability or update standards for –

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

improve enforceability

- Enforce current minimum standards
- Provide immediate animal welfare gain

or, update standards

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

Six of the 46 proposals may be contentious

- Restrictions on electric prod use
- Ban docking cattle tails
- Require pain relief to disbud or dehorn cattle
- Ban docking dog's tails
- Restrict dog dew-claw removal
- Transport of lame sheep

2018 – Next

Package of Surgical and Painful Husbandry Procedures

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

Contentious issues NOT regulated

- Not banning farrowing crates
- Not requiring sow nesting material
- Not banning layer hen colony cages
- Not banning rodeos