

**Reprint  
as at 1 November 2019**



## **Animal Welfare (Care and Procedures) Regulations 2018** (LI 2018/50)

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 26th day of March 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 183(1)(g) to (i), 183A(1) and (2), and 183B(1) of the Animal Welfare Act 1999—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Agriculture made after complying with sections 183A(3) to (5) and (10), 183B(2) and (3), and 184 of that Act.

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry for Primary Industries.**

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**Consequential amendments to animal codes of welfare***[Revoked]***Regulations****1 Title**

These regulations are the Animal Welfare (Care and Procedures) Regulations 2018.

**2 Commencement**

- (1) The following regulations come into force on the 28th day after the date of the notification of these regulations in the *Gazette*:
- (a) regulation 3 (interpretation):
  - (b) regulation 4 (transitional, savings, and related provisions):
  - (c) regulations 8, 9, 10, 33 to 37, 44, 63(1), and 64(1) and (2)(a) (which relate to young calves):
  - (d) regulation 60 (offences are strict liability offences):
  - (e) regulation 61 (defences for non-infringement offences).
- (2) The rest of these regulations, except regulations 57, 58, and 63(3) (which relate to disbudding and dehorning cattle beasts), come into force on 1 October 2018.
- (3) Regulations 57, 58, and 63(3) come into force on 1 October 2019.

**3 Interpretation**

In these regulations, unless the context otherwise requires,—

**castrate** means to remove the testes, sever or crush blood supply to the testes, sever or crush the spermatic cords, or force the testes against the abdominal wall

**dock** means to shorten or remove the tail of an animal by any method

**farrowing crate** means a crate in which sows are confined individually before, during, and after farrowing

**horse,—**

- (a) except in regulation 54, means any equid, including any horse, pony, or donkey, and any of their hybrids; but
- (b) in any case does not include a zebra

**off farm**, in relation to a calf, means off the property on which the calf was born or resides

**pain relief** means any analgesic or local anaesthetic drugs (or both) administered with the aim of providing significant alleviation of pain

**skin abrasion** means an injury where the skin has started to scrape or rub away, but does not include (by itself) hair loss

**slaughter premises** means premises designed and operated for the purpose of, or for purposes that include, slaughtering animals

**stall—**

- (a) means an enclosure in which a pig is kept individually and that prevents the pig from turning around; but
- (b) does not include a farrowing crate

**tether** means any form of restraint that secures any part of an animal to an object or the ground

**therapeutic purpose** means for the purpose of responding to an existing disease or injury

**transporter** means a person who is in charge of an animal only for the purpose of transport

**young calf** means a bovine that is up to 14 days of age and has been separated from its mother.

Regulation 3 **stall**: inserted, on 1 October 2018, by regulation 4 of the Animal Welfare (Care and Procedures) Amendment Regulations 2018 (LI 2018/181).

#### **4 Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

## Part 1

### Care of and conduct towards animals

#### *Cattle*

##### **5 Cattle beasts with ingrown horns**

- (1) The owner of, and every person in charge of, a cattle beast must not allow a horn to become ingrown to the extent that any part of the horn (other than the base of the horn) pierces or inflames any part of the beast's body or causes a skin abrasion.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.

##### **6 Prohibited methods of milk stimulation in cattle**

- (1) A person must not stimulate milk let-down in a cow by inserting anything into the cow's vagina.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

##### **7 Use of traction in calving**

- (1) A person must not use, for the purpose of traction in calving cattle,—
  - (a) a moving vehicle; or
  - (b) any other instrument that does not allow for the immediate release of tension.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (3) In this regulation, **instrument** includes a motorised or mechanical winch.

##### **8 Prohibition on killing calves by blunt force to head**

- (1) A person must not kill a calf by using blunt force to the head unless—
  - (a) the calf is in severe pain or distress and, as a result, requires immediate humane destruction; and
  - (b) there is no reasonably practicable alternative to the use of blunt force available.

- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$3,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.

- (3) In this regulation,—

**blunt force** does not include the firing of a firearm (as defined in section 2(1) of the Arms Act 1983)

**calf** means a bovine that has not had milk (or milk replacer) permanently removed from its diet.

### **9 Maximum time young calves may be off feed before slaughter**

- (1) A person in charge of a young calf being held at slaughter premises for slaughter must ensure that the calf is slaughtered as soon as possible after its arrival at the premises.
- (2) If it is not possible to slaughter a young calf within 24 hours after the calf was last fed on the farm on which it resided, the person in charge of the calf at the slaughter premises must,—
- (a) if the calf is able and willing to feed,—
    - (i) ensure that the calf is fed a volume of colostrum, milk, or milk replacer that equates to at least 5% of the calf's body weight no more than 24 hours after the calf was last fed on the farm; and
    - (ii) ensure that the calf is slaughtered as soon as possible after it is fed; or
  - (b) if the calf is unable or unwilling to feed, humanely euthanise or slaughter the calf without delay.
- (3) A person in charge of a young calf being held at slaughter premises for slaughter must have a system in place that, if followed, will ensure compliance with subclauses (1) and (2).
- (4) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

### **10 Shelter requirements for young calves before transportation and at points of sale or slaughter**

- (1) This regulation applies if a young calf—
- (a) is being held at a location before being transported off farm for the purpose of sale or slaughter or as a result of sale (other than the location at which the calf is normally housed on the farm); or
  - (b) is being held at a location off farm while awaiting sale or slaughter.

- (2) The owner of, and every person in charge of, the calf must—
  - (a) ensure that the calf has access to shelter that—
    - (i) is ventilated to the extent that there is no threat to the health or welfare of the calf due to insufficient ventilation; and
    - (ii) provides protection from adverse weather, including precipitation and extremes of heat and cold; and
    - (iii) enables the calf to stand up and lie down in a natural posture; and
  - (b) ensure that faeces and urine do not accumulate in the shelter to an extent that may pose a threat to the health or welfare of the calf.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$10,000.

*Crabs, rock lobster, crayfish, and kōura*

**11 Killing of crabs, rock lobster, crayfish, and kōura**

- (1) A person must not kill for commercial purposes any crab, rock lobster, crayfish, or kōura (freshwater crayfish) that is farmed or caught for commercial purposes unless the animal is insensible before it is killed.
- (2) However, subclause (1) does not apply if a person has captured the animal in a wild state for the purpose of facilitating its imminent destruction.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

*Dogs*

**12 Muzzles on dogs**

- (1) The owner of, and every person in charge of, a dog that is muzzled must ensure that the muzzle does not—
  - (a) cause a cut that bleeds or discharges; or
  - (b) cause a skin abrasion that bleeds or discharges; or
  - (c) cause a swelling; or
  - (d) prevent the dog from breathing normally, panting, drinking, or vomiting.
- (2) However, a muzzle that restricts panting, drinking, or vomiting may be used if—
  - (a) the muzzle is used under constant supervision to prevent injury to any human or animal during veterinary treatment or handling; or



- (b) the muzzle is used by—
  - (i) an inspector or auxiliary officer while performing or exercising his or her functions, duties, or powers under the Animal Welfare Act 1999; or
  - (ii) a dog control officer, dog ranger, or warranted officer performing or exercising his or her functions, duties, or powers under the Dog Control Act 1996; or
- (c) the muzzle is used under constant supervision to facilitate handling of the dog for therapeutic purposes, including preventative treatment.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$300.

### **13 Dogs must have dry and shaded shelter**

- (1) This regulation—
  - (a) applies when a dog is on land or premises owned or occupied by the dog's owner or the person in charge of the dog; but
  - (b) does not apply when a dog is temporarily tethered or confined.
- (2) The owner of, and every person in charge of, the dog must—
  - (a) ensure that the dog has access at all times to an area (a **lying area**) that—
    - (i) is large enough to allow the dog to stand up, turn around, and lie down in a natural position; and
    - (ii) is fully shaded; and
    - (iii) is dry; and
    - (iv) is ventilated; and
    - (v) provides the dog with protection from extremes of heat and cold; and
  - (b) ensure that the dog has access at all times to water; and
  - (c) ensure that the dog has access at all times to an area in which to urinate and defecate away from its lying area; and
  - (d) ensure that faeces or urine do not accumulate in any area in which the dog is kept.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$300.

**14 Dogs left in vehicles**

- (1) A person who leaves a dog in a stationary vehicle must ensure that the dog does not display signs of shade-seeking behaviour, as well as 1 or more of the following signs consistent with heat stress:
  - (a) excessive panting;
  - (b) excessive drooling;
  - (c) hyperventilation.
- (2) If subclause (1) is not complied with, the owner of the vehicle, the owner of the dog, and the person in charge of the dog left in the vehicle each commit an offence and are each liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.
- (4) For the purpose of section 162(1) of the Animal Welfare Act 1999, an inspector has reasonable cause to believe that a person has committed an infringement offence if the person is the owner of the dog or the owner of the vehicle involved in the failure to comply with this regulation.
- (5) In this regulation, **shade-seeking** means that the dog is compulsively seeking out and placing, or attempting to place, itself in the shadiest, coolest part of the vehicle that it can access.

**15 Dogs on moving motor vehicles**

- (1) The owner of, and every person in charge of, a dog transported on the open deck or open trailer of a moving motor vehicle (other than a moped, a motorcycle, or an all-terrain vehicle) on a public road must—
  - (a) ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage); and
  - (b) if the dog is secured by a tether, ensure that the tether is short enough to prevent the dog's legs from reaching over the sides of the open deck of the vehicle or open trailer, but long enough to allow the dog to stand or lie down in a natural position.
- (2) Subclause (1) does not apply when farm dogs are unsecured on the open deck or open trailer of a moving motor vehicle on a public road while involved in driving or managing livestock (for example, when moving livestock from one paddock to another that is down the road).
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$300.

- (5) For the purpose of section 162(1) of the Animal Welfare Act 1999, an inspector has reasonable cause to believe that a person has committed an infringement offence if the person is the owner of the motor vehicle involved in the failure to comply with this regulation.
- (6) In this regulation,—
- all-terrain vehicle** means a motor vehicle (with or without motorcycle controls and equipment) that—
- (a) is principally designed for off-road use; and
  - (b) has 3 or more wheels; and
  - (c) has an engine capacity exceeding 50 ml; and
  - (d) has a dry weight of less than 500 kg
- moped, motor vehicle, and motorcycle** have the same meanings as in section 2 of the Land Transport Act 1998.

### *Goats*

#### **16 Tethered goats must have access to food, water, and shelter**

- (1) The owner of, and every person in charge of, a goat that is tethered must ensure that, at all times while the goat is tethered, the goat has access to—
- (a) food; and
  - (b) water; and
  - (c) shelter that is fully shaded, dry, and provides protection from extremes of heat and cold.
- (2) Subclause (1) does not apply when the goat is temporarily tethered under constant supervision to facilitate handling of the goat for therapeutic purposes, including preventative treatment.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$300.

#### **17 Goats with ingrown horns**

- (1) The owner of, and every person in charge of, a goat must not allow a horn to become ingrown to the extent that any part of the horn (other than the base of the horn) pierces or inflames any part of the goat's body or causes a skin abrasion.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.

*Horses***18 Horses tethered for purpose of grazing**

- (1) The owner of, and every person in charge of, a horse that is tethered for the purpose of grazing must ensure that, at all times while the horse is tethered, the horse has access to—
  - (a) food; and
  - (b) water; and
  - (c) shade; and
  - (d) protection from extremes of heat and cold.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

**19 Use of equipment that may injure horses**

- (1) The owner of, and every person in charge of, a horse must ensure that—
  - (a) any halter, lead rope, or other equipment on the horse's head or neck does not—
    - (i) cause a cut that bleeds or discharges; or
    - (ii) cause a skin abrasion that bleeds or discharges; or
    - (iii) cause a swelling; or
    - (iv) prevent the animal from breathing normally or drinking; and
  - (b) any other equipment used on the rest of the horse's body does not—
    - (i) cause a cut that bleeds or discharges; or
    - (ii) cause a skin abrasion that bleeds or discharges; or
    - (iii) prevent the animal from breathing normally or drinking.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

**20 Persons must not strike horse on its head**

- (1) A person must not strike a horse on its head.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.

*Layer hens*

**21 Phased prohibition on use of conventional cages**

- (1) The owner of, and every person in charge of, layer hens must ensure that any cage system used for housing the layer hens meets the requirements in subclause (2)—
  - (a) on and from 1 October 2018, if the cage system was or is installed after 7 December 2012:
  - (b) on and from 1 January 2019, if the cage system was installed before the close of 31 December 1999:
  - (c) on and from 1 January 2021, if the cage system was installed after 31 December 1999 but before the close of 31 December 2001:
  - (d) on and from 1 January 2023, if the cage system was installed after 31 December 2001 but before the close of 7 December 2012.
- (2) The cage system that is used must meet the following requirements:
  - (a) multi-deck cages must be arranged so that the layer hens in the lower tiers are protected from excreta from above:
  - (b) the floor slope must not exceed 8 degrees and must support the hen's forward facing claws:
  - (c) manure must be removed from under a cage before it accumulates sufficiently to touch the cage floor:
  - (d) each layer hen must have access to at least 2 drinking points:
  - (e) the cages must be fitted with suitable claw-shortening devices:
  - (f) there must be a secluded nest area in which the floor is covered by a suitable substrate that prevents the hens from directly contacting the wire mesh floor:
  - (g) there must be a perching area in which the perches allow the hens to grip without risk of trapping their claws and that provides at least 15 cm of space per hen to allow all hens to perch at the same time:
  - (h) the cages must have a scratching area:
  - (i) the cages must be at least 45 cm in height at all points other than in the nest area:
  - (j) the cages must have a minimum area of 750 cm<sup>2</sup> per hen or 13 hens per m<sup>2</sup>.
- (3) A person who fails to comply with subclause (1) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

**22 Induced moulting**

- (1) The owner of, and every person in charge of, layer hens must not induce moulting in the hens or allow another person to induce moulting in the hens.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.
- (3) In this regulation, **induce moulting** means carry out the practice that makes hens cease egg production and then lose and replace feathers and restore bone integrity to bring them into another laying cycle.

*Llama and alpaca***23 Use of equipment that may injure llama or alpaca**

- (1) The owner of, and every person in charge of, a llama or alpaca must ensure that any halter, lead rope, pack, or other equipment used on the animal does not—
  - (a) cause a cut that bleeds or discharges; or
  - (b) cause a skin abrasion that bleeds or discharges; or
  - (c) cause a swelling; or
  - (d) prevent the animal from breathing normally or drinking.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

*Pigs***24 Pigs must have access to shelter and dry lying area**

- (1) The owner of, and every person in charge of, a pig must ensure that—
  - (a) the pig has access at all times to a ventilated shelter that provides protection from extremes of heat and cold; and
  - (b) the pig has access at all times when it is not in a farrowing crate or a stall to a dry area that is large enough to allow the pig to stand up, turn around, and lie down in a natural position; and
  - (c) faeces or urine do not accumulate in any area in which the pig is kept to an extent that may pose a threat to the health or welfare of the pig.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

Regulation 24(1)(b): amended, on 1 October 2018, by regulation 5 of the Animal Welfare (Care and Procedures) Amendment Regulations 2018 (LI 2018/181).

## **25 Minimum lying space for grower pigs**

- (1) The owner of, and every person in charge of, grower pigs must ensure that, at all times, each pig has an unobstructed floor space in which it can lie down of no less than the area calculated using the following formula:

$$a = 0.03 \times b^{0.67}$$

where—

- a is the minimum area (in m<sup>2</sup>)  
b is the liveweight of the pig (in kg).

- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$3,000; or  
(b) in the case of a body corporate, to a fine not exceeding \$15,000.

- (3) In this regulation,—

**grower pig** means a weaned pig that—

- (a) weighs 30 kg or more; and  
(b) is being raised for the primary purpose of meat or for transfer to a breeding herd

**unobstructed floor space** includes unobstructed feeding or dunging floor space.

## **26 Farrowing crate requirements**

- (1) The owner of, and every person in charge of, a pig must not keep the pig in a farrowing crate unless the crate allows the pig to avoid all of the following:
- (a) touching both sides of the crate simultaneously; and  
(b) touching the front and the back of the crate simultaneously; and  
(c) touching the top of the crate when standing.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$3,000; or  
(b) in the case of a body corporate, to a fine not exceeding \$15,000.

## **27 Prohibition of stalls other than for mating**

- (1) The owner of, and every person in charge of, a pig must not confine the pig, or allow the pig to be confined, to a stall unless—
- (a) the pig is confined to the stall for the purpose of mating; and  
(b) the confinement is for no more than 7 days per reproductive cycle; and

- (c) the pig is released from the stall as soon as practicable after mating.
- (2) The owner of, and every person in charge of, a pig that is confined to a stall must keep records that document compliance with subclause (1).
- (3) A person who fails to comply with subclause (1) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

Regulation 27 heading: replaced, on 1 October 2018, by regulation 6(1) of the Animal Welfare (Care and Procedures) Amendment Regulations 2018 (LI 2018/181).

Regulation 27(1): amended, on 1 October 2018, by regulation 6(2) of the Animal Welfare (Care and Procedures) Amendment Regulations 2018 (LI 2018/181).

Regulation 27(2): amended, on 1 October 2018, by regulation 6(2) of the Animal Welfare (Care and Procedures) Amendment Regulations 2018 (LI 2018/181).

### *Sheep*

#### **28 Sheep with ingrown horns**

- (1) The owner of, and every person in charge of, a sheep must not allow a horn to become ingrown to the extent that any part of the horn (other than the base of the horn) pierces or inflames any part of the sheep's body or causes a skin abrasion.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.

#### **29 Use of traction in lambing**

- (1) A person must not use, for the purpose of traction in lambing,—
  - (a) a moving vehicle; or
  - (b) any other instrument that does not allow for the immediate release of tension.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (3) In this regulation, **instrument** includes a motorised or mechanical winch.

### *Stock transport*

#### **30 Prevention of injury**

- (1) A person must not transport a cattle beast, deer, sheep, goat, or pig in a manner that causes acute injury to the animal.



- (2) A person who transports a cattle beast, deer, sheep, goat, or pig must not load the animal onto a vehicle, or unload the animal from a vehicle, in a manner that causes acute injury to the animal.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - (a) in the case of an individual, \$1,500; or
  - (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.
- (5) In this regulation, **acute injury**—
  - (a) means an injury that is more than minor and is bleeding; but
  - (b) does not include back-rub (as defined in regulation 32(4)); and
  - (c) does not include an injury from horns or antlers to which regulation 31 applies.

### **31 Transport of animals with horns and antlers**

- (1) The owner of, and every person in charge of, an animal with horns or antlers must not transport the animal, or allow the animal to be transported, in a manner that allows the animal to seriously injure itself or another animal.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.
- (4) In this regulation, **seriously injure** means to cause—
  - (a) external bleeding or extensive internal bruising; or
  - (b) bleeding or broken horns; or
  - (c) bleeding, discharging, or broken velvet antlers or pedicles.

### **32 Prevention of back-rub**

- (1) A person must not transport a cattle beast, deer, sheep, goat, or pig in a manner that causes back-rub.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - (a) in the case of an individual, \$1,500; or

- (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.
- (4) In this regulation, **back-rub** means a skin abrasion that—
- (a) is bleeding or discharging; and
  - (b) is located on the head, hips, neck, spine, or high points on the back; and
  - (c) covers a combined area of more than 50 cm<sup>2</sup>.

### 33 Ensuring young calves are fit for transport

- (1) The owner of, and every person in charge of, a young calf must not transport the calf, or allow the calf to be transported, off farm for the purpose of sale or slaughter or as a result of sale unless the calf is at least 4 full days (96 hours) of age.
- (2) The owner of, and every person in charge of, a young calf must not transport the calf, or allow the calf to be transported, off farm for the purpose of sale or slaughter or as a result of sale unless—
- (a) the calf is free from signs of any injury, disease, disability, or impairment that could compromise the calf's welfare during the journey; and
  - (b) the calf is alert and able to—
    - (i) rise from a lying position; and
    - (ii) stand and bear weight evenly on all 4 limbs; and
    - (iii) move freely; and
    - (iv) protect itself from being trampled and from being injured by other calves; and
  - (c) the calf's hooves are firm, worn flat, and not bulbous with soft unworn tissue; and
  - (d) the calf's navel cord is shrivelled and not pink or red coloured, raw, or fleshy.
- (3) However, subclause (2)(a) and (b) does not apply if the owner of, or person in charge of, the young calf has a veterinary declaration that the calf is fit for transport.
- (4) The owner of, and every person in charge of, a young calf that is being transported or is to be transported off farm for the purpose of sale or slaughter or as a result of sale must have a system in place that, if followed, will ensure compliance with this regulation.

- (5) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$1,500; or
  - (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (6) The offence in subclause (5) is an infringement offence with an infringement fee of \$500.

#### **34 Maximum duration of transport for young calves**

- (1) A person in charge of a young calf must not transport the calf unless the total duration of the journey from the point of loading the calf onto the vehicle to the point of arrival at the final destination of the journey is no more than 12 hours.
- (2) A person in charge of a young calf who transports young calves must have a system in place that, if followed, will ensure compliance with subclause (1).
- (3) A person who fails to comply with subclause (1) commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

#### **35 Requirements for loading and unloading facilities used with young calves**

- (1) Subclause (2) applies to a person who is, or will be, the owner of, or a person in charge of, a young calf at a place at which the calf is intended to be—
- (a) loaded onto a stock transport vehicle for transport off farm or from a place of sale for the purpose of sale or slaughter or as a result of sale; or
  - (b) unloaded from a stock transport vehicle used to transport the calf off farm or from a place of sale for the purpose of sale or slaughter or as a result of sale.
- (2) A person to whom this subclause applies must provide facilities designed to, or make available other means that,—
- (a) enable the calf to walk onto (if subclause (1)(a) applies) or off (if subclause (1)(b) applies) the stock transport vehicle by its own action; and
  - (b) minimise the risk of a calf slipping and injuring itself, falling off the facilities or other means, or becoming otherwise injured or distressed.
- (3) A person in charge of a young calf must take all reasonable and practicable steps to ensure that the calf is not, while the person is in charge of the calf,—

- (a) loaded onto a stock transport vehicle for transport off farm or from a place of sale, for the purpose of sale or slaughter or as a result of sale, otherwise than through the use of the facilities or means referred to in subclause (2); or
  - (b) unloaded from a stock transport vehicle used to transport the calf off farm or from a place of sale, for the purpose of sale or slaughter or as a result of sale, other than through the use of such facilities or means.
- (4) In this regulation, **stock transport vehicle** means a vehicle that has a loading height of 90 cm or more from the lowest point of the tyres to the height of the deck or body of the vehicle onto which a calf will be loaded.
- (5) A person who fails to comply with subclause (2) commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (6) The offence in subclause (5) is an infringement offence with an infringement fee of \$500.
- (7) A person who fails to comply with subclause (3) commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$10,000.

### **36 Shelter requirements for young calves during transportation**

- (1) A person in charge of a vehicle must not transport a young calf off farm for the purpose of sale or slaughter or as a result of sale unless—
- (a) the vehicle provides shelter that—
    - (i) is ventilated to the extent that there is no threat to the health or welfare of the calf due to insufficient ventilation; and
    - (ii) provides protection from adverse weather, including precipitation and extremes of heat and cold; and
    - (iii) enables the calf to stand up and lie down in a natural posture; and
  - (b) the person ensures that faeces and urine do not accumulate in the vehicle to an extent that may pose a threat to the health or welfare of the calf.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$10,000.

### **37 Prohibition on transporting young calves by sea across Cook Strait**

- (1) A person in charge of a young calf on a vehicle must not allow the calf to be transported by sea across Cook Strait.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—

- (a) in the case of an individual, to a fine not exceeding \$5,000;
- (b) in the case of a body corporate, to a fine not exceeding \$25,000.

**38 Restrictions on transporting animals with ingrown horns**

- (1) This regulation applies in respect of an animal with an ingrown horn that involves part of the horn (other than the base of the horn) piercing or inflaming any part of the animal's body or causing a skin abrasion.
- (2) The owner of, and every person in charge of, an animal in respect of which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - (b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) However, the owner of, or person in charge of, an animal with an ingrown horn to which this subclause applies may, for the purpose of treatment, transport the animal—
  - (a) within the property on which the animal resides; or
  - (b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) Subclause (3) applies if the ingrown horn—
  - (a) touches or breaks the surface of the skin, but does not touch any other tissue; or
  - (b) touches the eyelid or surface of the eye, but does not touch any other tissue.
- (5) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (6) The offence in subclause (5) is an infringement offence with an infringement fee of \$500.

**39 Restrictions on transporting animals with injured horns or antlers**

- (1) This regulation—
  - (a) applies in respect of an animal with a bleeding, discharging, or broken (and unhealed) velvet antler, horn, or pedicle; but
  - (b) does not apply in respect of a deer if the bleeding or discharge is a result of the deer naturally casting its antlers.

- (2) The owner of, and every person in charge of, an animal in respect of which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - (b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions; or
  - (c) the animal is a deer to which subclause (4) applies.
- (3) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - (a) within the property on which the animal resides; or
  - (b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) The owner of, or person in charge of, a deer to which this regulation applies may transport the deer, or allow the deer to be transported, to a slaughter premises if—
  - (a) the deer is a yearling deer (that is, it is not over 12 months of age or has its first set of antlers); and
  - (b) this regulation applies because the deer's first set of velvet antlers were removed; and
  - (c) rubber rings designed for the purpose of inducing analgesia during velvet antler removal were used for pain relief and are still attached to the deer; and
  - (d) the deer arrives at the slaughter premises no later than 72 hours after the velvet antlers were removed.
- (5) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (6) The offence in subclause (5) is an infringement offence with an infringement fee of \$500.

#### **40 Restrictions on transporting lame animals**

- (1) The owner of, and every person in charge of, a cattle beast, sheep, deer, pig, or goat that is lame must not transport the animal, or allow the animal to be transported, unless—
  - (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or

- (b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner or person in charge complies with all relevant conditions.
- (2) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - (a) within the property on which the animal resides; or
  - (b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - (a) in the case of an individual, \$1,500; or
  - (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.
- (5) In this regulation,—
  - (a) a cattle beast, deer, or pig is **lame** if—
    - (i) the animal is not weight bearing on 1 or more limbs when moving or standing; or
    - (ii) the animal has a definite limp (shortened stride) that is clearly identifiable to a limb or limbs, with weight placed on the limb or limbs significantly reduced:
  - (b) a cattle beast, deer, or pig is not **lame** if the cause of the limp is a non-painful condition (such as a conformational fault, a gait abnormality, or a healed injury) and the animal is able to bear weight (although not necessarily evenly) on all 4 limbs:
  - (c) a sheep or goat is **lame** if—
    - (i) the animal is not weight bearing on 1 or more limbs when moving or standing; or
    - (ii) the animal has difficulty walking and holds its head below its backline almost continuously.

**41 Restrictions on transporting animals in late pregnancy**

- (1) The owner of, and every person in charge of, a cattle beast, sheep, pig, or goat that is in late pregnancy must not transport the animal, or allow the animal to be transported, unless—
  - (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - (b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (2) The owner of, and every person in charge of, a pregnant deer must not transport the deer if it is in late pregnancy or within 21 days before the estimated due date, unless—
  - (a) the deer is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - (b) the deer is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) The owner of, and every person in charge of, a pregnant deer must have a system in place that, if followed, will ensure compliance with subclause (2).
- (4) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding,—
  - (a) in the case of an individual, \$1,500; or
  - (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (5) The offence in subclause (4) is an infringement offence with an infringement fee of \$500.
- (6) For the purpose of section 162(1) of the Animal Welfare Act 1999, an inspector has reasonable cause to believe that a person has transported an animal that is in late pregnancy if the animal gives birth during transport or within 24 hours after arriving at a slaughter premises or sale yard.
- (7) An infringement notice may not be issued, and a charging document may not be filed, in relation to a failure to comply with subclause (1) unless the animal gives birth during transport or within 24 hours after arriving at a slaughter premises or sale yard.



- (8) An infringement notice may not be issued, and a charging document may not be filed, in relation to a failure to comply with subclause (2) involving a deer that is in late pregnancy (but not a deer that is within 21 days before the estimated due date) unless the deer gives birth during transport or within 24 hours after arriving at a slaughter premises or sale yard.

**42 Restrictions on transporting animals with injured or diseased udders**

- (1) This regulation applies in respect of a cattle beast, sheep, or goat that has—
- (a) a necrotic udder; or
  - (b) an udder that has a discharge other than milk; or
  - (c) an udder that shows signs of inflammation (such as being red, hot, or swollen); or
  - (d) an udder with a lesion that is bleeding or discharging.
- (2) The owner of, and every person in charge of, an animal to which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
- (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - (b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
- (a) within the property on which the animal resides; or
  - (b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
- (a) in the case of an individual, \$1,500; or
  - (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (5) The offence in subclause (4) is an infringement offence with an infringement fee of \$500.

**43 Restrictions on transporting animals with eye cancer**

- (1) This regulation applies in respect of a cattle beast, sheep, or goat that has an eye cancer that—
  - (a) is bleeding or discharging; or
  - (b) is not visibly confined to either the tissues of the eye or of the eyelid; or
  - (c) is causing the eye to discharge; or
  - (d) is more than 2 cm in diameter.
- (2) The owner of, and every person in charge of, an animal to which this regulation applies must not transport the animal, or allow the animal to be transported, unless—
  - (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
  - (b) the animal is accompanied by a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with the transport and the owner, or person in charge, complies with all relevant conditions.
- (3) However, the owner of, or person in charge of, the animal may, for the purpose of treatment, transport the animal—
  - (a) within the property on which the animal resides; or
  - (b) to another property (not being slaughter premises), part or all of which is less than 20 km from the boundary of the property on which the animal resides.
- (4) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (5) The offence in subclause (4) is an infringement offence with an infringement fee of \$500.

**44 Certain regulations do not apply to transporters**

Regulations 33(1), 35(2), and 38 to 43 do not apply to transporters.

**45 Obligations of transporters in relation to animals to which regulations 38 to 43 apply**

- (1) A transporter who transports an animal to which any of regulations 38 to 43 apply and that is accompanied by a veterinary certificate must comply with any relevant conditions specified in the certificate.
- (2) A transporter who transports a yearling deer to which regulation 39(4) applies must ensure that the deer arrives at the slaughter premises no later than 72 hours after the deer's velvet antlers were removed.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.

- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.

### *Rodeos*

#### **46 Prohibition on fireworks at rodeos**

- (1) A person who organises a rodeo must ensure that fireworks, pyrotechnics, and gas-fired explosions of any type are not used at the rodeo or at any practice event for the rodeo.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$25,000.
- (3) In this regulation, **rodeo** means—
- (a) a public event that involves any of the following:
- (i) bronc, bull, steer, or calf riding;
- (ii) barrel racing;
- (iii) team roping;
- (iv) roping and tying an animal;
- (v) steer wrestling;
- (b) a public event at which animals are present that calls itself a rodeo.
- (4) In this regulation,—

**roping and tying** means catching by lasso and throwing and tying a calf by the legs (also known as calf roping)

**team roping** means a steer-roping event that involves 2 horse riders where one acts as a header (the person who ropes the horns or head) and the other as a heeler (who rides in and ropes the steer around the back legs) in order to bring the steer to a standstill between the 2 riders.

### *General provisions*

#### **47 Collars and tethers**

- (1) The owner of, and every person in charge of, an animal must ensure that any collar or tether on the animal (whether on the neck or on any other part of the animal) does not—
- (a) cause a cut that bleeds or discharges; or
- (b) cause a skin abrasion that bleeds or discharges; or
- (c) cause a swelling; or
- (d) prevent the animal from breathing normally, panting, or drinking.

- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$900.
- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$300.

#### **48 Use of electric prodders**

- (1) A person must not use an electric prodder on any animal, except—
  - (a) on cattle that weigh over 150 kg; or
  - (b) during loading or unloading for transport, on pigs that weigh over 150 kg; or
  - (c) during loading of a stunning pen at any slaughter premises, on pigs that weigh over 150 kg; or
  - (d) during loading of a stunning pen at any slaughter premises, on deer of any weight.
- (2) If an electric prodder is used on an animal where permitted by subclause (1),—
  - (a) the prodder may be used only on the muscled areas of the animal's hind-quarters or forequarters; and
  - (b) the animal must have sufficient room to move away from the prodder.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding,—
  - (a) in the case of an individual, \$1,500; or
  - (b) in the case of a body corporate that has been issued an infringement notice for the offence, \$1,500; or
  - (c) in the case of a body corporate that has not been issued an infringement notice for the offence (because proceedings in respect of the infringement offence have been commenced by filing a charging document), \$7,500.
- (4) The offence in subclause (3) is an infringement offence with an infringement fee of \$500.
- (5) In this regulation, **electric prodder**—
  - (a) means a device that is capable of delivering an electric shock to make an animal move; but
  - (b) does not include electric stunners used to stun an animal immediately prior to slaughter.

#### **49 Prodding animals in sensitive areas**

- (1) A person must not strike or prod an animal with a goad in the udder, anus, genitals, or eyes.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding \$1,500.

- (3) The offence in subclause (2) is an infringement offence with an infringement fee of \$500.
- (4) In this regulation, **goad** means an object used to make an animal move, but does not include an electric prod as defined in regulation 48(5).

## **Part 2**

### **Surgical or painful procedures**

#### *Docking tails*

##### **50 Docking cattle beasts' tails**

- (1) A person must not dock the tail of a cattle beast.
- (2) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (3) A person has a defence to a prosecution for an offence against this regulation if the person was required to urgently dock the tail of the cattle beast in response to an accidental tail injury in order to prevent excessive bleeding or further injury to the cattle beast.
- (4) A person has a defence to a prosecution for an offence against this regulation if—
  - (a) the person was a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and
  - (b) the person docked the tail of the cattle beast for therapeutic purposes; and
  - (c) the cattle beast was given pain relief at the time of the procedure.

##### **51 Docking dogs' tails**

- (1) A person must not dock the tail of a dog.
- (2) The owner of, and every person in charge of, a dog must not allow the dog's tail to be docked.
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (4) A person has a defence to a prosecution for an offence against this regulation if—
  - (a) the person was a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and

- (b) the person docked the tail of the dog for therapeutic purposes; and
- (c) the dog was given pain relief at the time of the procedure.

## **52 Docking pigs' tails**

- (1) A person who docks the tail of a pig that is under 7 days of age must ensure that the procedure creates a clean cut and does not tear the tissue.
- (2) The owner of, and every person in charge of, a pig that is under 7 days of age must not allow the pig's tail to be docked in breach of subclause (1).
- (3) A person must not dock the tail of a pig that is 7 days of age or over unless—
  - (a) the person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and
  - (b) the pig is given pain relief at the time of the procedure.
- (4) The owner of, and every person in charge of, a pig that is 7 days of age or over must not allow the pig's tail to be docked in breach of subclause (3).
- (5) A person who docks the tail of a pig must—
  - (a) be experienced with, or have received training in, the correct use of the method being used; and
  - (b) be able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice.
- (6) The owner of, and every person in charge of, a pig that is to have its tail docked must ensure that the health and welfare needs of the pig are met during the procedure and recovery, by ensuring that at all times a person is available who—
  - (a) has suitable equipment; and
  - (b) has the relevant knowledge, has received relevant training, or is under appropriate supervision.
- (7) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$1,500.
- (8) The offence in subclause (7) is an infringement offence with an infringement fee of \$500.
- (9) A person who fails to comply with subclause (3) or (4) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.

### *Castration*

## **53 Castrating cattle beasts and sheep**

- (1) A person must not castrate a cattle beast or a sheep that is over 6 months of age unless throughout the procedure the animal is under the influence of an appro-

appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of the procedure.

- (2) A person must not castrate a cattle beast or a sheep (of any age) using a high tension band unless throughout the procedure the animal is under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of the procedure.
- (3) A person who castrates a cattle beast or a sheep must—
  - (a) be experienced with, or have received training in, the correct use of the method being used; and
  - (b) be able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice.
- (4) The owner of, and every person in charge of, a cattle beast or a sheep that is to be castrated must ensure that the health and welfare needs of the animal are met during the procedure and recovery, by ensuring that at all times a person is available who—
  - (a) has suitable equipment; and
  - (b) has the relevant knowledge, has received relevant training, or is under appropriate supervision.
- (5) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (6) In this regulation, **high tension band** means a band that is mechanically tightened during application, with tension maintained by a crimp or similar device when the band is released from the applicator.

#### **54 Castrating horses**

- (1) A person must not castrate a horse unless—
  - (a) the person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and
  - (b) the horse is given pain relief at the time of the procedure.
- (2) The owner of, and every person in charge of, a horse must not allow the horse to be castrated in breach of subclause (1).
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.
- (4) In this regulation, **horse** means any equid that is a horse or pony, but does not include any other equid referred to in the definition of horse in regulation 3.

**55 Castrating pigs**

- (1) A person must not castrate a pig unless—
  - (a) the person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and
  - (b) the pig is given pain relief at the time of the procedure.
- (2) The owner of, and every person in charge of, a pig must not allow the pig to be castrated in breach of subclause (1).
- (3) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

*Other procedures***56 Removing dogs' first digits (dew claws)**

- (1) A person must not remove a front limb first digit (dew claw) or an articulated hind limb first digit (dew claw) from a dog of any age, unless—
  - (a) the person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and
  - (b) the dog is given pain relief at the time of the procedure.
- (2) A person must not remove a non-articulated hind limb first digit (dew claw) of a dog of 4 days of age or older, unless—
  - (a) the person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian throughout the procedure; and
  - (b) the dog is given pain relief at the time of the procedure.
- (3) The owner of, and every person in charge of, a dog must not allow any of the dog's first digits (dew claws) to be removed in breach of subclause (1) or (2).
- (4) A person who fails to comply with this regulation commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (5) In this regulation,—

**articulated hind limb first digit** means a fully developed digit of the hind limb consisting of a proximal phalanx (bone) and a distal phalanx (bone), with a claw attached (which digit is commonly referred to as an articulated dew claw)

**non-articulated hind limb first digit** means a vestigial structure consisting of a terminal phalanx (bone), with a claw attached, that is connected to the hind



limb only by skin and soft tissue (which digit is commonly referred to as a non-articulated dew claw).

**57 Disbudding cattle beasts**

- (1) A person must not disbud a cattle beast unless throughout the procedure the cattle beast is under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of the procedure.
- (2) The owner of, and every person in charge of, a cattle beast must not allow the beast to be disbudded in breach of subclause (1).
- (3) A person who disbuds a cattle beast must—
  - (a) be experienced with, or have received training in, the correct use of the method being used; and
  - (b) be able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice.
- (4) The owner of, and every person in charge of, a cattle beast that is to be disbudded must ensure that the health and welfare needs of the animal are met during the procedure and recovery, by ensuring that at all times a person is available who—
  - (a) has suitable equipment; and
  - (b) has the relevant knowledge, has received relevant training, or is under appropriate supervision.
- (5) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$3,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$15,000.
- (6) In this regulation, **disbud** means to destroy, by any method, free-floating immature horn tissue.

**58 Dehorning cattle beasts**

- (1) A person must not dehorn a cattle beast unless throughout the procedure the cattle beast is under the influence of an appropriately placed and effective local anaesthetic that is authorised by a veterinarian for the purpose of the procedure.
- (2) The owner of, and every person in charge of, a cattle beast must not allow the beast to be dehorned in breach of subclause (1).
- (3) A person who dehorn a cattle beast must—
  - (a) be experienced with, or have received training in, the correct use of the method being used; and
  - (b) be able to recognise early signs of significant distress, injury, or ill-health so that the person can take prompt remedial action or seek advice.

- (4) The owner of, and every person in charge of, a cattle beast that is to be dehorned must ensure that the health and welfare needs of the animal are met during the procedure and recovery, by ensuring that at all times a person is available who—
- (a) has suitable equipment; and
  - (b) has the relevant knowledge, has received relevant training, or is under appropriate supervision.
- (5) A person who fails to comply with subclause (1) or (2) commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.
- (6) In this regulation, **dehorn**—
- (a) means to remove the horn or part of the horn (including any regrowth after disbudding) from a cattle beast by amputation; but
  - (b) does not include—
    - (i) removal of the hard insensitive tip of the horn resulting in a blunt hard end; or
    - (ii) removal of an ingrown horn (as described in regulation 38(4)) within 3 cm of the point where the horn touches or breaks the surface of the skin or touches the eyelid or surface of the eye.

### **59 Prohibition on mulesing sheep**

- (1) A person must not, by any method, remove the breech, tail skin folds, or tail skin wrinkles of a sheep.
- (2) A person who fails to comply with subclause (1) commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$25,000.

## **Part 3**

### **Strict liability, defences, and other matters**

#### **60 Offences are strict liability offences**

In a prosecution for an offence against these regulations, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.

#### **61 Defences for non-infringement offences**

- (1) A defendant has a defence to a prosecution for an offence against these regulations that is not an infringement offence if the defendant proves—

- (a) that the defendant took all reasonable steps to comply with the relevant provision; or
  - (b) 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.
- (2) Except with the leave of the court, subclause (1) does not apply unless, within 7 days after the service of the summons, or within such further time as the court may allow, the defendant has delivered to the prosecutor a written notice—
- (a) stating that the defendant intends to rely on subclause (1); and
  - (b) specifying,—
    - (i) where the defendant intends to rely on subclause (1)(a), the reasonable steps that the defendant will claim to have taken; and
    - (ii) where the defendant intends to rely on subclause (1)(b), the circumstances of stress or emergency and the reasons why the act or omission was necessary for the preservation, protection, or maintenance of human life.

**62 Penalties for offence against section 36(3) of Act**

The infringement fee for an infringement offence against section 36(3) of the Animal Welfare Act 1999 (which relates to the inspection of traps) is \$300.

**63 Consequential amendments to animal codes of welfare**

*[Revoked]*

Regulation 63: revoked, on 1 November 2019, pursuant to regulation 64(2)(c).

**64 Revocations**

*[Revoked]*

Regulation 64: revoked, on 1 November 2019, pursuant to regulation 64(2)(d).

**Schedule 1  
Transitional, savings, and related provisions**

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**Part 1  
Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions relating to these regulations as made.

**Schedule 2**  
**Consequential amendments to animal codes of welfare**

*[Revoked]*

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Schedule 2: revoked, on 1 November 2019, pursuant to regulation 64(2)(c).

**Part 1**  
**Amendments that apply on and from the 28th day after the date of  
the notification of these regulations in the *Gazette***

*[Revoked]*

Schedule 2 Part 1: revoked, on 1 May 2018, by regulation 64(2)(a).

**Part 2**  
**Amendments that apply on and from 1 October 2018**

*[Revoked]*

Schedule 2 Part 2: revoked, on 1 November 2018, by regulation 64(2)(b).

**Part 3**  
**Amendments that apply on and from 1 October 2019**

*[Revoked]*

Schedule 2 Part 3: revoked, on 1 November 2019, by regulation 64(2)(c).

Michael Webster,  
Clerk of the Executive Council.

## **Reprints notes**

### **1    *General***

This is a reprint of the Animal Welfare (Care and Procedures) Regulations 2018 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Animal Welfare (Care and Procedures) Amendment Regulations 2018 (LI 2018/181)

Animal Welfare (Care and Procedures) Regulations 2018 (LI 2018/50): regulation 64(2)