



SUBMISSION

19 May 2016

TO:

The Ministry for Primary Industries

ON:

Proposed Animal Welfare Regulations

MPI Discussion Document – Paper No: 2016/12

BY:

Beef + Lamb New Zealand Ltd



Introduction

1. About Beef + Lamb New Zealand Ltd

- 1.1 Beef + Lamb New Zealand (B+LNZ) welcomes the opportunity to provide feedback on these proposals described in the MPI Discussion Document – Paper No: 2016/12 (henceforth the ‘Consultation Document’ or the ‘Proposals’).
- 1.2 Beef + Lamb New Zealand (B+LNZ) is the farmer-owned organisation representing New Zealand’s sheep and beef farmers. B+LNZ is funded under the Commodities Levies Act 1990 through a levy paid by producers on all cattle and sheep commercially slaughtered in New Zealand.
- 1.3 B+LNZ represent around 12,300 commercial farming businesses, creating around 35,000 jobs (wages, salaries and self-employment) in the sheep and beef sector. Around three quarters of pastoral land and just under a third of New Zealand’s total land area is used for sheep and beef farming. Sheep and beef exports are New Zealand’s second largest goods export earner.
- 1.4 The export value of the sheep and beef sector (the sector) was \$8.6¹ billion for the year ending December 2015, making it New Zealand’s second-largest goods export earner, accounting for approximately 18% of New Zealand’s overall goods export earnings for the year.
- 1.5 B+LNZ’s purpose is to help sheep and beef farmers make informed business decisions and promote their collective interests. B+LNZ supports farmers through investing in research and development, developing farm and farmer capability, and delivering knowledge to drive farm performance. B+LNZ advocates on behalf of New Zealand sheep and beef farmers and provides advice on issues affecting the sector, including trade, market access, environment, health and safety, technical and regulatory issues. B+LNZ’s role is to also build sector confidence and profile.
- 1.6 This submission has been prepared following targeted consultation with B+LNZ’s Farmer Council members and Farmer Directors. The Farmer Councils are regionally based, elected groups of farmers that are established to guide B+LNZ priorities for research and extension. The members of the Farmer Councils, approximately 120 in total, also act as focus group for obtaining feedback on proposals such as these.
- 1.7 B+LNZ works to promote good animal welfare as an intrinsic part of productive, sustainable and profitable livestock farming. In engaging in welfare policy issues, B+LNZ representatives are guided by the following principles:
- Good welfare must be promoted;
 - Poor welfare must be prevented;
 - Interventions should be proportionate and focused on outcomes;
 - Interventions should be based on established good-husbandry practices and scientific evidence.
 - B+LNZ has a role in educating levy payers regarding regulatory requirements and encouraging good animal welfare, it is not an enforcement agency
- 1.8 The contact for this submission is:
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¹ Total from Global Trade Atlas

2. Animal Welfare in the New Zealand Sheep and Beef Sector

- 2.1 Animal welfare is important in itself. Good animal welfare improves sheep and beef cattle production and is important to the reputation of New Zealand's sheep and beef farming sector.
- 2.2 New Zealand was recently recognised by World Animal Protection² as being ranked in the top tier of nations, together with only Austria, the UK and Switzerland, when it comes to animal welfare.
- 2.3 The New Zealand sheep and beef sector is proud of its reputation on animal welfare, with our extensive farming systems being viewed by many as intrinsically suited to providing for the needs of grazing animals.
- 2.4 The data available from the Ministry for Primary Industries (MPI) supports the assertion that the majority of sheep and beef farmers comply with existing animal welfare requirements. Further, a large proportion of stock are reared under commercial farm assurance schemes to meet customer requirements on animal welfare. These are independently audited on behalf of meat processors. MPI also undertakes an annual verification survey of 1200 farms where animal welfare is an increasingly important component.
- 2.5 It is important to recognise that aspects of our extensive management systems can make interventions that are suitable for intensive systems impractical or uneconomic. This has traditionally been recognised in the New Zealand animal welfare regulatory environment by the different production sectors each having their own Welfare Codes. B+LNZ proposes that regulations must be flexible enough to recognise the different needs and realities of different production systems, particularly with respect to beef and dairy cattle.

Considerations of Process

3. General comments

- 3.1 Whilst acknowledging that MPI has, in some areas, been responsive to feedback received from its stakeholders, B+LNZ remains extremely dissatisfied with the process by which these Proposals have been formulated. This is particularly the case with respect to those proposals that are seeking to significantly raise existing Minimum Standards, as specified in the Painful Husbandry Procedures (PHP) Code (see below).
- 3.2 Following the passing of the Animal Welfare Act Amendment Bill in 2015, B+LNZ was invited to a brief discussion with the National Animal Welfare Advisory Committee (NAWAC) and MPI where, among other things, we received an indication that the raising of Standards on PHPs to require pain relief was being considered. This was later confirmed when material for 'pre-consultation' workshops was provided in August 2015.
- 3.3 In arranging these pre-consultation workshops, MPI was explicit that the purpose was to test the practicality of the proposals 'on the ground' and we were invited to seek farmers to participate. At no point were the drivers or evidence-base behind the proposals tabled for discussion. That the focus was on practicality was further reinforced by MPI seeking to limit the involvement of industry policy staff in these meetings.
- 3.4 As intended, these workshops provided a good opportunity for small groups of farmers to provide feedback on the practicality of the proposals under consideration, but none for the drivers or evidence base behind them. When B+LNZ and Federated Farmers sought further discussion on the proposals following the workshop MPI declined to substantively engage with us, suggesting that a further opportunity for us to comment during the formal consultation round would suffice.
- 3.5 As it stands, farmers and industry organisations are being asked within five weeks to provide feedback on 117 pages of proposed regulations, accompanying enforcement regime and supporting material. Ordinarily, this would be challenging in itself but in this case the ability of the public to engage is further constrained by the complexity of animal welfare as an issue and the still ambiguous and/or imprecise nature of the wording of the proposals. B+LNZ does not understand why matters of such importance are

² <http://api.worldanimalprotection.org/>

being worked through in haste. We appreciate that there are drivers for regulations to be brought into force to 'do something' about bobby calf welfare this year, but this urgency clearly does not apply to the Proposals on PHP or Care and Conduct.

- 3.6 For Proposals seeking to regulate existing Minimum Standards, B+LNZ does not believe that the shortcomings described above jeopardise the integrity of this consultation process. Unfortunately, this is not the case for those Proposals seeking to impose additional requirements for PHP.

4. Raising standards without adequate engagement

- 4.1 Most worryingly, the industries are now required, under severe time pressure, to comment on the desirability, costs, benefits and practicality of significant changes to minimum standards concerning the use of pain relief for PHP. This is unacceptable where MPI has undertaken little effort to characterise these nor has it shown any recognition of the desirability of engaging the industries in a dialogue about the use of pain relief for PHP more generally.

- 4.2 **MPI justified the addition of regulation making powers in the Animal Welfare Amendment Bill (2015) largely on the need to make existing standards more enforceable. This was generally accepted by B+LNZ and other industries. However, now that this amendment has been made the Ministry has immediately sought to raise these standards without discussing the issue with the industries in any meaningful way. This:**

- **is inconsistent with the inclusive and collaborative process that has previously characterised the development of Codes of Welfare,**
- **is unlikely to foster trust and openness between industries and the regulator and,**
- **ultimately, may reduce compliance with these Proposals (if introduced) as they are likely to be seen by farmers as obligations to be endured under sufferance.**

- 4.3 In terms of the regulatory impact of these Proposals, we agree that for the Proposals that mirror Minimum Standards little change from status quo can be expected and we note that MPI is seeking to use feedback obtained from this consultation to inform an assessment of these impacts. This is not uncommon. However, it is not established practice to publicly consult on significant changes beyond current practice (as is the case for Proposals requiring pain relief for PHP), where no assessment of the costs or practicality of compliance has been undertaken and provided. For clarity, B+LNZ does not accept that it is industry's role to undertake the necessary research and analysis to meet the obligations of regulators to accurately characterise the impacts of legislation they are proposing.

- 4.4 **In light of the above, B+LNZ recommends that proposals 68 (Disbudding) and 69 (Dehorning) be rewritten to mirror the existing Minimum Requirements for beef cattle.**

- 4.5 B+LNZ notes that there is no regulation being proposed to prohibit inductions in dairy cattle on the grounds that 'industry is managing the issue itself'. In the case of disbudding and dehorning, we are aware that the Dairy industry has taken steps to explore these issues but by bringing forward regulations at the outset MPI is removing the opportunity for the industries to consider non-regulatory alternatives, including approaches similar to that adopted for inductions.

- 4.6 B+LNZ recommends that NAWAC or MPI should initiate a process where the science, opportunities and constraints associated with use of pain relief during painful husbandry can be actively explored with the affected industries.

Commentary on the Proposals

5. Care and Conduct Regulatory Proposals

5.1 B+LNZ has limited consideration of these proposals to those directly relevant to sheep and beef farmers, including some applicable to working dogs. Where no comment has been provided on a proposal that is because it was felt to lie outside of these criteria.

5.2 **Proposal 1. All animals – Electric Prodders.**

Electric prodders may only be used on:

- a) cattle over 100kg;*
- b) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or*
- c) cattle over 100kg, and other animals, in a commercial slaughter premises:*
 - i. where the safety of the handler is at risk; or*
 - ii. when loading a stunning pen.*

B+LNZ supports the intent of the proposal and suggests that MPI considers including a restriction on the repetitive use of these tools on the same animal.

5.3 **Proposal 2. All animals – Use of Goads.**

Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes

B+LNZ supports the intent of the proposal

5.4 **Proposal 3. All animals – Twisting an animal's tail.**

Prohibit twisting the tail of an animal in a manner that causes the animal pain.

B+LNZ understands that this regulation is being proposed in an attempt to address widely publicised crimes of deliberate tail breaking on some dairy farms. Despite deploring acts of cruelty, B+LNZ does not feel that this is an appropriate issue for regulation because:

- Deliberate tail breaking is sufficiently serious to warrant full prosecution using existing provisions within the Animal Welfare Act (1999).
- Manipulation of tails is often a necessary and effective means of encouraging stock to move. Done without excessive force it does not compromise an animal's welfare.
- We believe that the qualification 'in a manner that causes the animal pain' is too subjective to be enforceable.

5.5 **Proposal 5. Dogs – Injuries from collars or tethers**

Use of a collar, and/or a tether, must not cause cuts, abrasions, swelling, restrict breathing or panting.

B+LNZ supports the intent of the proposal

5.6 **Proposal 7. Dogs – Dry and shaded shelter**

Dogs confined to an area where they are habitually kept must have access at all times to a fully shaded and dry area for resting and sleeping.

B+LNZ supports the intent of the proposal

5.7 **Proposal 9. Dogs – Secured on moving vehicles**

Dogs on moving vehicles on public roads must be secured in a way that prevents them from falling off, except for working dogs which may be unsecured on a vehicle while working.

B+LNZ supports this proposal and would strongly oppose removal of the exception for working dogs while working. B+LNZ congratulate MPI for amending this proposal to take into account the needs of the farming community by adding this exception.

5.8 **Proposal 32. Cattle and sheep – Vehicular traction in calving or lambing.**

Prohibit using a moving vehicle to provide traction in calving or lambing.

B+LNZ strongly supports this proposal and encourages MPI to consider broadening the prohibition to include other mechanical means that have a similar potential to do serious injury to mother and offspring.

5.9 **Proposal 33. Cattle and sheep – Ingrown horns**

Failure to treat an ingrown horn that is touching skin or eye.

Ingrown horns are undoubtedly painful and should be treated as soon as they come to the attention of the person in charge. B+LNZ proposes that the definition should be altered to '*Failure to treat an ingrown horn that is touching the eye or has pierced the skin*' as merely touching the skin is unlikely to present a welfare issue.

Further, B+LNZ would like to seek some assurance, either through a drafting change or enforcement policy, that animals that have just been mustered from extensive grazing are not captured by this proposal, i.e. nobody should face sanctions for merely having animals with ingrown horns in their possession – these should apply to individuals where it is reasonable to suspect they knew about the issue and took no remedial action.

5.10 **Proposal 34. Stock transport – Cuts and abrasions**

Transport of cattle, deer, sheep, goats, and pigs must not result in cuts or abrasions.

B+LNZ supports this proposal provided the obligation and penalty falls on the transporter, as farmers are unlikely to know in advance if the vehicle being used is of adequate size. Noting that the driver behind this proposal is largely to deter and punish those responsible for animals suffering from 'back rub' brought about by cartage in trucks too small for them, we suggest that the wording of the regulation be more specific to this issue.

5.11 **Proposal 35. Stock transport – Animals with ingrown horns**

An animal with an ingrown horn that is touching the skin or eye must not be transported, except when certified fit for transport by a veterinarian.

B+LNZ supports this proposal but suggests that, consistent with our view on Proposal 33, it is reworded to refer to piercing the skin rather than simply touching it.

5.12 **Proposal 36. Stock transport – Animals with bleeding horns or antlers**

An animal with a bleeding or broken horn or antler must not be transported, except when certified fit for transport by a veterinarian.

B+LNZ supports the intent of this proposal but suggests the regulation should focus on bleeding and not broken horns, as historic breakages that have healed are unlikely to present a welfare issue whereas fresh breakages are likely to bleed anyway.

5.13 **Proposal 37. Stock transport – Animals with long horns or antlers**

Transport of animals with horns or antlers greater than 110mm must not cause injury to themselves or other animals.

B+LNZ does not object to this proposal provided the regulation is clear that the transporter will be held responsible as the individual with the ability to influence the conditions of haulage.

5.14 **Proposal 38. Stock transport – Lameness in cattle, deer, pigs, and goats**

A cattle beast, deer, pig, or goat that has a lameness score of two must not be transported, except when certified fit for transport by a veterinarian.

A cattle beast, deer, pig, or goat that has a lameness score of three must not be transported.

B+LNZ supports excluding sheep from the scope of this regulation and would be very concerned were they to be included.

We support the prohibition on transporting severely lame stock but are concerned that the proposed lameness scoring system was developed by the dairy industry for use on farm and understand that the author of the system has reservations about its applicability in a regulatory setting. Noting that the scoring

system is subjective, and that transport operators are untrained in assessing lameness, we propose that the regulation should be reframed:

A cattle beast, deer, pig, or goat that is severely lame (defined as a lameness score of three) must not be transported, except when certified fit for transport by a veterinarian.

If MPI declines to accept this suggestion then B+LNZ feels that the penalty for breaching the regulation should be lower than the \$500 fine proposed.

5.15 **Proposal 39. Stock transport – Animals that cannot bear weight evenly due to injury**

A cattle beast, sheep, deer, pig, or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian.

Note this proposal relates to lameness due to an injury rather than disease

B+LNZ supports the intent of this proposal but is concerned that animals with a deformity or historic injury that is no longer compromising its welfare would also be captured by this regulation. The Proposal should be redrafted accordingly or removed noting that, as described in the Consultation Document, only 15 or 20 complaints about this issue per year are received.

5.16 **Proposal 40. Stock transport – Pregnant animals**

Prohibit transporting a cattle beast, sheep, deer, pig, or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a veterinarian.

B+LNZ requests that sheep be removed from this Proposal. There is no commercial incentive for sheep farmers to transport animals likely to give birth to slaughter. This usually only occurs infrequently when hoggets that have been accidentally exposed to rams are sent for processing. Farmers or transporters are unable to identify and exclude these animals from transport and it is unfair that they would be subject to a large \$500 fine in these circumstances.

Otherwise, B+LNZ supports the Proposal.

5.17 **Proposal 41. Stock transport – Animals with injured or diseased udders**

An animal with a burst, distended, or necrotic udder or an animal with mastitis where there are signs of fever or the udder is hot, red, swollen, discharging, or necrotic must not be transported, except when certified fit for transport by a veterinarian.

B+LNZ supports the Proposal

5.18 **42. Stock transport – Cattle or sheep with cancer eye**

A cattle beast or sheep with a cancer eye greater than 2cm in diameter and not confined to the eye or eyelid, or that is bleeding or discharging, must not be transported, except when certified fit for transport by a veterinarian.

B+LNZ supports the Proposal. In this case we expect that both farmer and transporter would be held responsible, the former for not treating the problem and the latter for transporting it.

6. Proposals to regulate the Management of Young Calves

6.1 B+LNZ is pleased that, following strenuous representations from our staff, MPI has altered the definition of 'young calves' to be '*calves up to two weeks old that have been separated from their mothers*' which is more focused on bobby calves where perceived animal welfare issues lie.

6.2 However, the definition above still captures calves that are sent from dairy farms for rearing in the beef industry. Owing to the significantly greater value of these animals they receive better treatment throughout the supply chain and, consequently, have better welfare. To avoid regulating the calf rearing sector, which evidence suggests does not require it, B+LNZ proposes that the definition of young calves should be changed to be:

'calves up to two weeks old that have been separated from their mothers and are awaiting transport, being transported or (have been and) are awaiting slaughter as a bobby calf under a seasonal declaration'

6.3 The facts are that there are legislative exceptions made for bobby calves under the Commodity Levies Act (1990), NAIT Act (2012) and the Animal Products Act (1999). B+LNZ can see no practical impediment

to similarly making a regulation specific to bobby calves to protect their welfare without the regulatory over-reach inherent in extending these requirements to other sectors.

- 6.4 Were MPI to proceed with definition supplied, i.e. without our proposed amendment, then B+LNZ provides feedback on those proposals directly relevant to calf rearers as recipients of young calves originating in the dairy industry. Where no comment has been provided on a proposal that is because it was felt to lie outside of these criteria.

6.5 ***Proposal 43. Young Calves – Loading and Unloading Facilities***

Facilities must be provided to enable young calves to walk onto and off transportation by their own action.

We understand that this has been proposed to address highly publicised mistreatment of calves where they were observed being thrown into and out of trucks. However, done correctly, there appears to be no argument that lifting calves compromises their welfare – this is how they are collected on farm prior to transport. It appears draconian therefore (depending on what ‘facilities’ means), and missing the point, to seek to require an infrastructure solution to a handling problem.

Accordingly, (and in addition to edits to make it clear transport around the farm of birth is excluded) B+LNZ proposes that the regulation should read (or similar):

Young calves must not be thrown, dragged or dropped in a way which causes pain or distress

OR

Facilities must be provided at the farm of origin, saleyards and meat processors to enable young calves to walk onto and off transportation by their own action.

This will prevent the unintended consequence of ‘lifestylers’ and calf rearers from being required to provide facilities to unload the calves they buy when no clearly identifiable animal welfare issue attends these practices.

7. Surgical and Painful Procedures Regulatory Proposals

- 7.1 B+LNZ has limited consideration of these proposals to those directly relevant to sheep and beef farmers, including some applicable to working dogs. Where no comment has been provided on a proposal that is because it was felt to lie outside of these criteria.
- 7.2 Our view on matters of process related to how those Proposals seeking to go beyond existing Minimum Standards is set out in Section 4 (above).
- 7.3 Across a number of the Proposals where a limit on the age of an animal on which PHP can be performed our farmers have suggested that MPI may wish to consider employing a weight based restriction instead. This is seen as attractive because:
- It is measurable whereas age is not
 - It may more accurately reflect the purpose of having an age restriction which is to limit the amount of tissue that is damaged (and pain experienced and chance of ensuing complications) by the PHP.
- 7.4 B+LNZ seeks reassurance from MPI that routine procedures undertaken on farm, for example ear marking or the application of ear tags to stock will not be considered to fall within the definition of Significant Surgical Procedure described on page 8.

7.5 ***Proposal 51. All animals – Hot branding***

Prohibit hot branding

B+LNZ supports this proposal. We assume that freeze branding does not fall within the definition of a Significant Surgical Procedure, described on page 8.

7.6 ***Proposal 52. All animals – Embryo collection via exteriorised uterus (surgical embryo transfer)***

May be performed by any person.

Pain relief must be used at the time of the procedure.

B+LNZ supports this proposal

7.7 **Proposal 53. All animals – Laparoscopic artificial insemination (Laparoscopic A.I.)**

May be performed by any person.
Pain relief must be used at the time of the procedure.

B+LNZ supports this proposal

7.8 **Proposal 54. All animals – Liver biopsy**

Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
Pain relief must be used at the time of the procedure.

B+LNZ supports this proposal

7.9 **Proposal 55. All animals – Dental work**

Any power tool used on an animal for dental work must be designed for the purpose of dentistry.

B+LNZ supports this proposal

7.10 **Proposal 64. Cattle – Claw removal**

Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
Pain relief must be used at the time of the procedure.

B+LNZ supports proposal 64.

7.11 **Proposal 67. Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid)**

Castration and shortening of the scrotum (under 6 months of age):

- May be undertaken by any person.
- Conventional rubber rings must only be used for this procedure.

Castration and shortening of the scrotum (over 6 months of age):

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
- Pain relief must be used at the time of the procedure.

Surgical castration (at any age):

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
- Pain relief must be used at the time of the procedure.

B+LNZ is unable to support the prohibition on farmers undertaking surgical castration on the grounds that no meaningful discussion about this issue, the evidence supporting it or the practical implications has been held with the industry.

Accordingly, B+LNZ recommends that the regulation should be reframed to reflect the existing Minimum Standards (Number 3. from the PHP Code of Welfare).

7.12 **Proposal 68. Cattle, sheep, & goats – Disbudding**

May be performed by any person.
Pain relief must be used at the time of the procedure.

B+LNZ **strongly opposes** the prohibition on farmers disbudding beef animals without pain relief on the grounds that adequate discussion about this issue, the evidence supporting it or the practical implications has not been held with the industry.

Noting that we are open to discussion about pain relief and PHP (see Section 4) we make the following further points:

- The vast majority of the beef herd is genetically polled. In this regard the beef industry has already made a major effort to reduce the animal welfare and human safety issues presented by large animals bearing horns.
- Unfortunately, horned animals arise in polled herds on an infrequent and unpredictable basis meaning that beef farmers occasionally need to perform disbudding. This is not the case in the dairy industry

where the main breeds are not polled and the magnitude of the welfare issue associated with disbudding without pain relief is substantially greater.

- In consulting with our levy payers (and others) it has become clear that there are different methods of disbudding and that some are better than others for the welfare of the animal. It is also suggested that in some circumstances, administration of pain relief may actually worsen the animals' experience, owing in part to the need for repeated and / or prolonged handling.
- The financial and administrative costs and benefits of using pain relief when disbudding many, comparably docile, dairy animals all at once on New Zealand's intensive dairy farms are likely to be substantially different than for the few animals where the need is identified on extensive beef farms.
- There is no market driver for using pain relief when disbudding beef animals and none of the major beef exporting nations, with which New Zealand's beef industry competes, require pain relief for disbudding. This proposal may erode our competitiveness with little benefit where New Zealand beef is already considered the 'welfare friendly' option.
- However, we understand that Nestle has made it clear that it expects pain relief to be used when disbudding dairy animals as a condition of supply and that New Zealand milk processors support the Proposal for this reason.
- It is frequently the case that processors of animal products will support regulations compelling farmers to meet the expectations of key customers. This is understandable as it is easy to communicate and has the significant added advantage of removing the need for the processors to differentiate product lines or to pay farmers a premium associated with a higher compliance burden. None of these however, are valid reasons for imposing regulations on farmers without the support of the wider industry and particularly in the absence of any strong clamour for action from the New Zealand public.
- The dairy industry has initiated a working group to consider options for increasing the use of pain relief for PHP. This group was not established to consider the issue from the beef perspective and had no formal representation from the beef industry (contrary to incorrect advice MPI provided to the Minister). B+LNZ observed two of these meetings and is grateful to DairyNZ for extending the opportunity. We are unaware of what conclusions this group has reached.
- B+LNZ is concerned that moves to make disbudding more difficult to legally perform, such as by requiring the use of anaesthesia, may lead to fewer animals being disbudded that will then ultimately be dehorned. Evidence shows that dehorning is a more painful procedure than disbudding.³

Accordingly, B+LNZ recommends that the regulation should be redrafted to reflect the existing Minimum Standards for disbudding beef animals.

If a different solution is seen as appropriate for the dairy industry, then MPI should differentiate between the sectors in the scope of the regulations. We note that NAIT is currently being improved to allow for easier differentiation between beef and dairy animals, potentially providing a tool that may enable enforcement.

7.13 Proposal 69. Cattle, sheep, & goats – Dehorning

May be undertaken by any person

Pain relief must be used at the time of the procedure

B+LNZ **opposes** the prohibition on farmers dehorning beef animals without pain relief on the grounds that adequate discussion about this issue, the evidence supporting it or the practical implications has not been held with the industry.

Further points we wish to make include:

- In the beef industry most animals do not have horns (see 7.12 above)
- In general, dehorning is only required for the minority of stock that were missed during disbudding and is undertaken to protect human and animal health and welfare.

³ Stafford and Mellor (2005). *Dehorning and disbudding distress and its alleviation in calves*. The Veterinary Journal 169 337-349

- Requiring the use of pain relief for the small number of animals treated is likely to be unduly expensive for the modest animal welfare benefits obtained.
- Our farmers have indicated that ‘tipping’ i.e. removal of the horn tip, is frequently sufficient to mitigate ingrown horns and is less significant an intervention than more complete removal of the horn.

Accordingly, B+LNZ recommends that the regulation should be rewritten to reflect the requirements of the existing Minimum Standards. We further propose that removal of horn tips should be permissible without pain relief at any age.

7.14 **Proposal 70. Sheep – Tail docking**

Tail docking (under 6 months of age):

- May be performed by any person.
- Must use hot iron or rubber rings only.
- Tail must not be flush.

Tail docking (over 6 months of age):

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.
- Pain relief must be used at the time of the procedure.

There is clear evidence that tail docking reduces the accumulation of dags and that dag accumulation is a risk factor for fly strike⁴. Because of this, we are pleased that tail docking of sheep continues to be recognised as an intervention to protect animal welfare, despite the short term pain associated with the procedure. Currently there are no means of administering pain relief that are practical, effective and economically justifiable.

B+LNZ is concerned that no significant discussion about prohibiting farmers from using blades for docking, the evidence supporting it or the practical implications, has been held with the industry. However, feedback B+LNZ has received from farmers indicates that this proposal is not unwelcome, noting that hot irons and rubber rings will still be available. Therefore, **B+LNZ does not object to the part of the proposal that restricts farmers to using hot irons and rubber rings for tail docking sheep.**

Concerning the proposed prohibition on docking animals flush, B+LNZ understands that the evidence for and against docking to different lengths is incomplete and inconclusive but that some studies have identified a higher risk of rectal and or uterine prolapse associated with docking flush. However, none of this has been presented or discussed with the industry. Therefore, **B+LNZ is unable to support the proposed prohibition on docking lamb tails flush** and we request that this stipulation be removed from the proposed regulation.

7.15 **Proposal 71. Sheep – Mulesing**

Prohibit mulesing

B+LNZ is strongly supportive of the prohibition of mulesing. This reinforces the existing ‘voluntary ban’ on this practice.

8. Enforcement of these regulations

- 8.1 B+LNZ supports MPI in assurances it has provided at the recent workshops that enforcement activities will target individuals with a history of non-compliance with animal welfare requirements. We also wish to avoid an outcome where the introduction of an infringement regime reduces the focus of enforcement activities on bringing prosecutions against those guilty of serious or repeat offending.
- 8.2 B+LNZ looks forward to further consultation from MPI about the nature of the compliance and enforcement regime that will attend these regulations, noting that this is still under development and not presented detail in the Consultation Document.
- 8.3 In particular, we believe that it will be important for clear guidance to be developed and made available to farmers to allow them to understand the new regime and the implications for them as employers and persons in charge of animals.

⁴ Kerslake J. and Green R. (2014) *The Effect of Different Tail Docking Lengths on Lamb Production, Welfare and Economic Return On-Farm* Report to the NZ Tail docking Steering Committee.

- 8.4 As part of this guidance, clarity will be required about who will be held liable for punishment, e.g. transporter or farmer, owner of the stock or person in charge etc.
- 8.5 B+LNZ reiterates our support for animal welfare inspectors being trained and experienced in farming realities and adopting a 'common sense' approach, which we have come to expect in recent years. We support MPI leading animal welfare investigations and inspections on farms as the most capable and accepted agency to undertake these.

9. Alignment with the Codes of Welfare

- 9.1 B+LNZ looks forward to working with MPI and NAWAC on the solution for how new regulations will be integrated into the existing animal welfare regulatory framework, particularly with reference to the existing Codes of Welfare.
- 9.2 As has previously been made clear by the industries, the Codes have widespread support and it will be important to ensure that those Minimum Standards that are not 'turned into regulations' do not end up being perceived as mere guidance.

Recommendations

B+LNZ makes the following recommendations:

1. NAWAC or MPI should initiate a process where the science, opportunities and constraints associated with use of pain relief during painful husbandry can be actively and comprehensively explored with the affected industries.
2. Proposal 3 should be removed because manipulating cattle and sheep tails is frequently necessary to motivate animals to move and does not compromise the animal's welfare unless excessive force is applied.
3. Sheep should remain out of scope for Proposal 38 (transporting lame animals). We further recommend that MPI redrafts this proposal to prohibit only severely lame animals being transported without a veterinary certificate.
4. Proposal 67 Cattle and sheep – Castration and shortening of the scrotum (Cryptorchid) should be reframed to reflect existing Minimum Standards.
5. Proposals 68 Disbudding and 69 Dehorning for cattle must be reframed to reflect existing Minimum Standards from the PHP Code for beef cattle. There may be a convincing case for separate regulations to be made covering the beef and dairy industries on these issues, depending on the drivers, practicalities and costs and benefits of these practices, which differ between the industries.
6. B+LNZ is unable to support the proposed prohibition on docking lamb tails flush and we recommend that this stipulation be removed from Proposal 70 Sheep – Tail docking.