

Zoos

Code of Welfare

1 October 2018

TITLE

Code of Welfare: Zoos

COMMENCEMENT

This Code of Welfare comes into force on 1 October 2018.

REVOCATION

This Code of Welfare revokes and replaces the Animal Welfare (Zoos) Code of Welfare 2005, dated 1 January 2005.

ISSUING AUTHORITY

This Code of Welfare Code of Welfare is issued by the Minister of Agriculture, by a notice published in the Gazette, under section 75 and 76 of the Animal Welfare Act 1999, after having complied with the matters specified in section 75(1) and 76(2).

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Introduction

This introduction is not part of the Code of Welfare, but is intended to indicate its general effect.

Purpose

The purpose of this Code is to provide information to the owners and persons in charge of animals (including wild animals held for rehabilitation) held by zoos (including animal parks and aquariums) about the standards they must achieve in order to meet their obligations under the Animal Welfare Act 1999.

This Code of Welfare encourages all those responsible for animals held by zoos to adopt the highest standards of husbandry, care and handling, and to equal or exceed the minimum standards.

Adequately maintaining the welfare of zoo animals requires experience, training and the observance of high standards.

Background

The Animal Welfare Act 1999 provides for the welfare of animals in New Zealand. It puts obligations on people who own or are in charge of animals to provide for the welfare of their animals.

The Act establishes the fundamental obligations relating to the care of animals and provides for the development and issue of codes of welfare.

Codes of welfare expand on the basic obligations of the Act by setting minimum standards and recommending best practice for the care and management of animals.

This Code of Welfare also references regulations issued under the Animal Welfare Act 1999. Regulations are prescribed under the Animal Welfare Act and impose enforceable requirements on owners and persons in charge of animals. For ease of reference, regulations relevant to this Code are set out in an appendix to this Code. Penalties for failure to comply with the regulations are specified in the relevant regulations. The appendix to this Code is not intended to provide an exhaustive list of all obligations under the Act or regulatory requirements. Owners and persons in charge of animals are responsible for ensuring that they are aware of and understand all Act and regulatory requirements that are relevant to them.

Who should read this Code of Welfare?

This Code of Welfare is intended for all persons responsible for the welfare of animals held by zoos.

Under the Act the “owner” and every “person in charge” of an animal are responsible for meeting the legal obligations for the welfare of animals under their care.

For zoo animals, the owner of the animals places them in the care of others who become the persons in charge, but this does not derogate from their responsibility to ensure that the requirements of the Act are met.

Why is this important?

Failure to meet a minimum standard in this Code may be used as evidence to support a prosecution for an offence under the Act. A person who is charged with an offence against the Act can defend him or herself by showing that he or she has equalled or exceeded the minimum standards in this Code.

Some codes of welfare include information and example indicators for each minimum standard. The list of indicators is not exhaustive but is given to provide guidance on ways in which a minimum standard may be met.

Owners and persons in charge of animals are not required to comply with the recommendations for best practice in this Code, but are encouraged to do so to provide higher standards of welfare.

Legislative background

This Code does not provide an exhaustive list of the Act's requirements, and owners and those in charge of animals should note that they must comply with the minimum standards in this Code and in the general provisions of the Act. A copy of the Act is accessible at: www.legislation.govt.nz.

Other information

Further detail on species-specific requirements for animals are covered in relevant codes of welfare for pigs, sheep, cattle, llama and alpaca, horses, goats and other animals. Other codes of welfare should be consulted where appropriate (see www.mpi.govt.nz).

Codes of welfare must be accompanied by a report that sets out the deliberations that the National Animal Welfare Advisory Committee (NAWAC) undertook when developing the codes of welfare including the standards and recommendations for best practice, the nature of any significant differences of opinion during drafting and consultation, and any matters that should be dealt with by regulation. Code reports can be accessed online (see www.mpi.govt.nz).

Although efforts to include relevant regulations within this Code have been made, there may be other regulations which are relevant to you. The full list of all Animal Welfare regulations should be consulted where appropriate (see www.legislation.govt.nz).

Part 1: General Requirements

1.1 Application

This Code applies to all persons responsible for the welfare of animals (including wild animals held for rehabilitation) held by zoos (including animal parks and aquariums). For the purposes of this Code, a zoo also includes a containment facility approved under the Biosecurity Act 1993 for the purpose of holding animals in containment. Due to the wide range of species held in New Zealand in these facilities, the code does not attempt to cover individual species, rather it establishes minimum standards and recommended best practices which will apply to any species kept. It is for the operator of those facilities to apply those minimum standards and recommended best practices to each individual species.

1.2 Interpretation and definitions

Refer to Schedule I – Interpretation and definitions.

Part 2: Animal Management

Introduction

The health and welfare of animals in a zoo is dependent on both their physical and social environments, and on the level of human care. The relationship between animals and their keepers is instrumental in maintaining optimum health and well-being.

The welfare needs of a particular animal or group of animals should be assessed based on an understanding of the species in the context of its natural history and its captive husbandry, and on the needs and experiences of the individuals exhibited. Each animal has requirements by virtue of its species, genotype, age, sex, social group, and its physical, health and behavioural needs. All these factors must be taken into account when designing and constructing facilities to hold, exhibit and transport them.

The requirements of the animal should be matched, as far as practicable, with those of natural populations. In addition, any further requirements necessitated by the special compromises and enhancements to animal welfare resulting from holding and exhibiting the animals, must be considered.

Attention must be given to:

- the provision of food and water in a form (e.g. dietary requirements, presentation of food), and frequency (e.g. continuous, daily) similar to the physiological requirements of natural populations of the species;
- the provision of an environment appropriate for the species based on its behaviour in natural populations (e.g. water for swimming, cover for protection from predators);
- the behavioural and social needs of the animal, including any instinctive behaviours (e.g. arboreal or nocturnal), requirements for space (e.g. maintaining a territory), and opportunities to interact with the environment (e.g. enrichment), other species, and humans (e.g. keepers and the public).

Standards and ethics in the zoo industry are evolving and it is inevitable that operators and animal keepers will encounter circumstances that are not specifically provided for in this Code. It is essential that common-sense should prevail and that previous experience with animals should be utilised to the fullest extent so that animals are handled humanely and their welfare is considered foremost. Operators and keepers have a responsibility for the health, welfare and considerate treatment of the animals under their control.

2.1 The Zoo Operator

Introduction

The operator is responsible for the welfare of the animals and ensuring the orderly and proper operation of the exhibited animal collection and for compliance with the minimum standards of this Code. Whilst these duties may not necessarily be performed directly by the operator (keepers having responsibility for the day-to-day care of animals in their charge), it is incumbent upon the operator to ensure that staff are adequately trained and performing their duties in this regard.

Minimum Standard No. 1 – The Zoo Operator	
(a)	The operator must possess, or must employ trained staff who possess, the appropriate ability, knowledge and professional competence to handle and care for all those species of animals held in the zoo.
(b)	The operator must not allow individual animals which are unable to adapt to being kept or exhibited in zoos, to be held or shown.

Recommended Best Practice

- a) The operator should seek to promote a responsible, caring environment in which the animals are displayed in surroundings that allow them to display their natural range of behaviours.
- b) The operator should have a working arrangement with a veterinarian or veterinarians with expertise appropriate to the species held.
- c) The operator should adopt a zoographic policy¹ that documents features of the animal and its species in unrestricted natural, wild or feral populations, and how the operator meets those needs of that animal in the establishment. This is especially with respect to those aspects of an animal's biology and behaviour that are compromised by virtue of it being held in captivity. It will also describe how the exhibit is managed to maintain appropriate social group structure through disposals, acquisitions and breeding programmes.

General Information

The operator has to ensure that animals are protected from injury by appropriately designed facilities, supervision by trained staff and high standards of management.

The operator has to consult fully and keep up-to-date information on the physical, physiological and psychological needs of the individuals and species held.

The operator has to ensure that appropriate arrangements are made for the provision and storage of good quality feed for all classes of animals held and that the supply will be continuous to the facility. In the event that one supplier is unable to meet their commitment, a suitable alternative supplier should be identified and contracted.

Groups such as the Zoo and Aquarium Association (ZAA) can be consulted for help in compiling a zoographic policy.

2.2 Inspections

Introduction

The frequency and level of inspection by animal keepers should be related to the needs of the species although a minimum daily inspection is required.

More frequent inspections may be required, e.g. during adverse weather, during outbreaks of diseases, or where an animal is recovering from ill-health or an injury, when different individuals or groups of animals or species have been mixed, when the environment or management of the animals has been changed, or when there is increased public interest in an exhibit.

Minimum Standard No. 2 - Inspections

A minimum of a daily check must be made of all animals except where –

- (a) daily inspection may significantly adversely affect the animal's welfare (e.g. cryptic species); or
- (b) situations prevail which are likely to impact on the welfare of the animals, such as –
 - i) stage in the breeding cycle (e.g. presence of newborn young or incubation of eggs); or
 - ii) changes in the environment; or
 - iii) introduction of new animals; or
 - iv) where group structure changes.

¹ It is NAWAC's expectation that when the current Code is reviewed, this Recommended Best Practice will be considered for inclusion as a Minimum Standard.

Recommended Best Practice

Where daily physical inspection of a species is difficult, less disturbing or invasive means of inspection (e.g. closed-circuit television) should be implemented.

2.3 Acquisition and Disposal of Animals

General Information

In taking in or breeding additional animals operators are making a commitment to those animals for their future management.

When zoo animals are being transferred to other zoos within New Zealand (new organisms will need approval from the Environmental Protection Authority) all welfare provisions of this Code apply.

Marine mammal display operators should be aware of, and comply with, the additional constraints imposed by the Marine Mammals Protection Act 1978. A marine mammal must not be taken from the wild unless a permit has been obtained from the Director-General of Conservation.

Additional limitations are placed on obtaining, selling and moving animals classified as endangered, threatened, or exploited species under the Convention on International Trade in Endangered Species of Wild Flora and Fauna 1973 (CITES), which is provided for in the Trade in Endangered Species Act 1989. Other restrictions may be imposed by the Wildlife Act 1953 and the Conservation Act 1987.

Animals should be transported internationally in accordance with the International Air Transport Association (IATA) Live Animals Regulations.

Recommended Best Practice

Acquisition and disposal of animals can cause significant distress through separation of animals from their social groups, families, or familiar environment, subjecting them to a wide range of novel situations. The movement or transfer of:

- wild or free-ranging animals into a captive zoo environment;
- highly territorial animals from their natural home range or established territory into a novel environment; or
- highly social animals out of their familial or social groups,

should only occur in exceptional circumstances or where such movement or transfer can be shown to be in the best interests of the species, the individual animal or larger social group to which that animal belongs. Where such a transfer takes place steps should be taken to mitigate the harm and minimise the likely distress caused. In order to minimise likely distress every attempt should be made to move, transfer or acquire highly social animals in groups or pairs.

2.4 Staffing and Staff Training

Introduction

The care of zoo animals requires both experience and the observance of high standards.

Staff should be familiar with the following:

- animal husbandry and care

- animal handling, restraint and transport
- biology of species under their care
- the normal range of behaviours of the animals with particular emphasis on seasonal and/or day-to-day variations in both individuals and groups
- an understanding of the changes in behaviour associated with ill-health
- indicators of disease, injury or distress
- an understanding of animal welfare generally
- methods to minimise distress experienced by animals
- methods for integrating animals into social groups
- methods of habituating animals to humans before exhibiting them
- the provision of adequate diets for the respective zoo animals
- emergency drills to contend with incidents of fire, flood, animals escaping, and animals attacking other animals or persons.

This Code establishes minimum standards of care for zoo animals, and is intended to encourage all owners and persons in charge of them to adopt the highest standard of husbandry, care and handling, based on the recommended best practices. While this Code is based on current knowledge and technology available at the time of issue, it does not replace the need for experience and common sense in the handling of these animals.

The importance of good animal handling and training cannot be over-emphasised. Those responsible for the care of zoo animals should be competent and well trained. Personnel should be appropriately instructed in the care and maintenance of animals and how their actions may affect the animals' welfare. Knowledge of the normal appearance and behaviour of each species is essential for their health and welfare. It is important that those in charge of zoo animals should be able to recognise early signs of distress or disease so that prompt action is taken or advice sought.

Owners or persons in charge of zoo animals should ensure that their personnel have either the relevant knowledge and training or appropriate supervision to ensure that the health and welfare needs of the animals in their care are met. Personnel should undergo training either formally or on the job by experienced supervisors. Handling techniques should be included as written procedures in the quality assurance system, which should be easily accessible to all personnel.

Any contract or temporary staff should be trained and competent in the relevant activity.

Quality assurance programmes should emphasise the importance of training of personnel.

Minimum Standard No. 3 – Staff Training
<p>(a) Zoo animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence so as to ensure that the health and welfare of the animals are maintained in accordance with the minimum standards listed in this Code.</p> <p>(b) Staff responsible for the care of particular zoo animals must receive training in understanding the normal range of behaviours of the species and in recognising poor animal health and welfare.</p> <p>(c) Staff must not be allowed unsupervised or unrestricted access to exotic animals unless they possess the required ability, knowledge and professional competence to ensure the health and welfare of the animals are maintained.</p>

Recommended Best Practice

Staff should have significant and appropriate animal experience or complete a formal training programme, such as the National Certificate in Captive Wild Animals or its equivalent.

2.5 Cleaning and Hygiene

Introduction

Effective hygiene is essential for health reasons. This is especially important for animals housed at high environmental temperatures and in humid conditions, such as amphibians and reptiles. While effluent is usually cleared every day, in certain circumstances (e.g. a cheetah queen giving birth where disturbance can result in rejection of the cubs or even infanticide) deep litter may be provided as an alternative.

Minimum Standard No. 4 - Hygiene

- (a) Enclosures, facilities and housing must be kept clean so as not to compromise the health and welfare of the animals.
- (b) Effluent must not be allowed to accumulate in an animal's accommodation area, unless there are important reasons, such as not wanting to disturb newborn animals, for allowing it to do so.
- (c) Where appropriate for the species, facilities must be adequately ventilated to provide fresh air, and to dissipate excessive temperatures, contaminants and odours.

Recommended Best Practice

Special attention should be given to the design of enclosures, facilities, housing and equipment to ensure they are able to be effectively and safely cleaned regularly.

General Information

A high standard of hygiene, cleanliness and tidiness should be maintained in all animal enclosures and accommodation.

Suitable cleaning agents should be available and care should be taken to prevent their residues harming the animals.

Service facilities should allow a high standard of hygiene to be maintained without unduly distressing the animals.

Staff should be instructed to observe strict standards of personal hygiene and to conform to good hygiene practice, especially in the preparation of food, and treatment of diseased animals. Staff should also have regard to the risk of cross-contamination from equipment and surfaces and also be aware of the potential for zoonoses (diseases spread between animals and humans).

2.6 Management of Animal Reproduction

Introduction

To ensure the future of an animal population, or to avoid the problems of surplus animals for which there is no satisfactory future, the operator is responsible for ensuring that animals in their collection breed on a planned basis.

Minimum Standard No. 5 – Animal Reproduction

The breeding of animals must be managed so as to prevent overpopulation or overcrowding resulting in unnecessary pain and distress.

Recommended Best Practice

Breeding of each animal or animal group should be managed in a way that is consistent with the long-term welfare of the animal and with this Code. With regard to special breeding programmes, ZAA should be consulted. In the case of New Zealand native species, the recommendations of the ZAA Species Co-ordinator should be followed and permission from the Department of Conservation may be required (check permit conditions).

General information

Animals of different taxonomic groups (e.g. sub-species) should not normally be allowed to inter-breed. Where practised, it should not compromise the genetic integrity of the animals within a managed conservation breeding programme.

Part 3: Food and Water

Introduction

Animals should receive a daily diet in adequate quantities and containing adequate nutrients to meet their requirements for good health and welfare.

When considering the amount of food, nutrients and water animals require, a number of factors need to be taken into account:

- species
- physiological state
- extensive or intensive management systems (where appropriate)
- age
- sex
- size
- state of health and body condition
- quality of diet
- growth stage
- previous feeding levels
- feeding frequency
- terrain (where appropriate)
- genetic effects of strain or breed
- level of activity and exercise
- maximum periods of food deprivation (e.g. during transportation)
- introduction of new feeds
- climatic factors (e.g. inclement weather, droughts, high temperatures).

Due to the above factors and the considerable variation that occurs between individual animals, food and nutrient requirements vary from one individual to another. The appropriate level of feeding will be best determined by monitoring the body condition of the zoo animals, and feeding accordingly, rather than feeding a pre-determined level of feed.

Although adequate feed is required to maintain body weight and health, obesity inappropriate for the species may be undesirable and harmful and thus overfeeding should not be encouraged.

Minimum Standard No. 6 – Food and Water
<p>(a) Zoo animals must receive adequate quantities of food and nutrients to enable each animal to</p> <ul style="list-style-type: none">i) maintain good health;ii) meet its physiological demands; andiii) avoid metabolic and nutritional disorders. <p>(b) Dietary supplements must be given where food or the environment does not provide essential elements.</p> <p>(c) Where appropriate to the species, all animals must have continuous access to drinking water that is palatable and not harmful to health.</p> <p>(d) Food and drinking water must be provided in such a way as to allow each animal easy access to sufficient quantities, to prevent undue competition and injury, and to prevent the risk of contamination.</p> <p>(e) Daily checks must be made of the effectiveness of all self-feeding and automated feeding and watering systems.</p>

- (f) The feeding of live prey must not be used unless there is no suitable alternative to meet the nutritional needs of the predator, and where the cost (through distress) to the prey is significantly outweighed by the benefit to the predator.
- (g) Toxic substances must not be kept in food preparation or storage areas.

Recommended Best Practice

Where feeding of animals by visitors is appropriate, only suitable food should be used and such feeding should be managed in such a way that over-feeding is avoided.

General Information

Food should be wholesome and palatable and prepared and stored in a manner which preserves or enhances its quality.

Food supplements (e.g. vitamin D for animals held behind glass) should be handled, stored and rotated in a way that minimises nutritional loss. Perishable food should be stored refrigerated and frozen food stored at -18°C or below.

Food should not include potentially toxic or infectious substances such as herbicides, pesticides, diseases, parasites, infectious agents, euthanasing chemicals, lead shot or other contaminants where it is likely to cause harm to the animal consuming it.

The operator and keeper should have a good understanding of the appropriate manner of presentation of food and the composition of diets appropriate to the classes of animals held and how these might vary under different circumstances (e.g. changes in exercise, age, health and reproductive status).

Any preparation or storage of food and water should be undertaken in clean areas and on or using easily cleaned materials and utensils.

Part 4: Environments, Facilities, Equipment and Housing

4.1 Physical and Social Environments

Introduction

Animals in zoos need to be held and exhibited in an environment in keeping with their physical, health and behavioural needs, and as far as possible in keeping with their natural or ecological habitats.

Each animal of the species that is held and exhibited has special needs and requirements that should be taken into account when designing and constructing facilities to hold, display and transport them. Enclosure environments should replicate or mimic the natural habitat, e.g.

- arboreal animals such as primates need climbing structures,
- cats need scratching and marking posts, and elevated platforms,
- bathing animals need pools,
- elephants need the opportunity to wallow and have tree trunks for rubbing,
- pools should allow reptiles and amphibians to fully immerse,
- aquatic species need sufficient space for comfortable swimming,
- birds need to have the freedom to fly,
- birds need a water mist spray where there is no access to rain or water for bathing,
- grazing and browsing animals need to have access to vegetation.

Size and accommodation requirements vary with the management regime for each animal. Overcrowding may lead to distress, fighting and undue competition for food and water. Therefore, the enclosure size, especially any cage, should be large and the utilisation of the area or volume maximised by providing access to different levels through the use of climbing frames, shelves, mezzanine floors, etc.

Accommodation should aim to promote normal behaviour within the social group and reduce boredom, aggression and/or stereotypic behaviour.

Structures within the enclosure, such as hides, pools, plants etc, should be used to provide different microclimates for animals. Zoo operators should keep up to date with relevant scientific studies and experiments to provide optimum environments for different species.

Minimum Standard No. 7 – Physical Environments

- (a) The method of containment must not cause harm to the animals.
- (b) Water-filled or dry moats used for containment must have a means of escape back to the enclosure for animals falling into them.
- (c) Animals in terrestrial environments must be provided with:
 - i) sufficient shelter and shade to provide protection from extremes of wind, rain, flooding, temperature and glare for their comfort and welfare;
 - ii) levels of temperature, ventilation, lighting (both levels and strength), and quietness suitable for the comfort and well-being of the particular species;
 - iii) dry areas which are freely draining.
- (d) Animals in aqueous environments must be provided with:
 - i) water of temperatures, salinity, oxygenation, and pH that is appropriate to the species;
 - ii) water which is free of harmful pollutants;
 - iii) enclosures which are durable, watertight, non-porous, non-abrasive, non-toxic and easily cleaned;
 - iv) protection from waste-water and excessive runoff from land and buildings entering the pools.

- (e) Animals using both aqueous and terrestrial environments must have appropriate access to areas of both environments and be able to move from either environment without difficulty.
- (f) Enclosures must be designed, constructed and maintained so as to –
 - i) be out of range of any neighbouring exhibits housing predator species or territorial animals if this causes distress; and
 - ii) provide space, refuge areas or barriers giving individual animals the opportunity to isolate themselves from other animals in the enclosure and the public gaze; and
 - iii) provide appropriate areas, materials and substrate for animals to construct nests and beds, and safely incubate or give birth to their young and raise them if breeding is possible; and
 - iv) not allow unsupervised public access where that access is likely to lead to harm to the animals; and
 - v) prevent the animal from escaping where its welfare is likely to be compromised outside the enclosure.

Recommended Best Practice

- a) Environmental variables such as air temperature and water quality, and surveillance of pathogens should be monitored as often as is required to detect changes in the environment before they become harmful to the animals.
- b) Environments should include living, fresh vegetation.

General Information

The operator has to ensure that consideration is given to the following factors when animal accommodation is designed, constructed and maintained:

- Physical requirements – e.g. exercise, shelter from wind and weather, feeding and drinking, adequate and safe localised heating where necessary (especially in night enclosures), provision for adequate opportunity to seek individual cover, sufficient area to establish group or individual territories, prevention of injury and containment in the enclosure
- Servicing of accommodation by animal staff, including aspects of cleaning and drainage, feeding, drinking and bathing areas, waste disposal, removal of sick or dead animals, access (including vehicles where necessary), availability of water and power, prevention of escape
- Requirements to manage the animals include:
 - capture, restraint and movement of animals,
 - observations by animal staff,
 - veterinary examination and treatment,
 - ability to escape conflict situations,
 - facilities for the isolation of individuals for prolonged periods and ability to reintegrate an animal into a group under controlled conditions.

The floor surface should be consistent with the need for grip of the terrestrial animal bearing in mind the wear and potential for damage to hooves, pads, digits or claws.

Minimum Standard No. 8 – Social Environments

- (a) Species and individuals that are behaviourally incompatible must not be held in such proximity that it causes distress.
- (b) Animals must be kept in social groupings compatible with their species, age and reproductive status.

General Information

The operator should ensure that consideration is given to the following factors when animals' social environments are designed, implemented and maintained:

- Animals' normal defence reactions and appropriate flight or escape distances
- Behavioural requirements of individuals – e.g. nocturnal/diurnal, swimming, climbing, eating, drinking, grooming, care of young, territorial requirements
- Behavioural requirements of social groups – e.g. normal group size/sex ratios, their seasonal variations, hierarchies and compatibility between various classes of own, and other, species
- Psychological requirements – e.g. intellect, adaptability, timidity and aggressiveness
- Reproductive requirements – e.g. considering the reproductive rate and separation of sexes if required for breeding management
- The expected life span of the individuals.

4.2 Facilities, Equipment and Maintenance

Introduction

Animals have to be protected through the provision of animal handling facilities appropriate to the species being handled. These facilities should be effective and well maintained.

See summary of regulations appended to this Code:

- Regulation 47 – Collars and tethers

Minimum Standard No. 9 – Facilities and Equipment
<p>(a) Enclosures, barriers, facilities and equipment must be maintained in a condition that minimises harm or injury to animals and if likely to cause injury or harm must be repaired or replaced or the animal relocated immediately.</p> <p>(b) All plant and fixed equipment, including electrical apparatus, must be installed and maintained in such a way that it does not present a hazard to any animal, and its safe operation cannot be disrupted by any animal.</p> <p>(c) For animals in aqueous environments there must be an ability to treat the water to ensure the maintenance of water quality to meet species-specific requirements.</p>

Recommended Best Practice

- Dedicated accommodation, off-display where necessary, should be available for the isolation and examination of newly arrived animals, and for quarantine and care of sick, injured or unduly distressed animals.
- Holding cages, compounds or pools that allow separation of groups of animals for display, treatments, feeding or introduction of new animals should be provided.
- For animals that need to be confined to holding areas, provision should be made for adequate space to enable them to freely exercise and rest in order to maintain their health and welfare.
- Staff should ensure that clothing and equipment used does not disturb or have a deleterious effect on animals.

General Information

Those lighting fires in the vicinity of animals should consider the effects on the animals.

4.3 Housing and Controlled Environments

Introduction

Under prevailing conditions in New Zealand, many animals, e.g. non-indigenous reptiles and amphibians, some species of penguins, etc., may require a controlled environment or access to a larger controlled climate space, heat pads, basking lamps, or artificial ventilation etc. Some species may acclimatise to or be comfortable in the prevailing conditions during periods of appropriate weather.

Minimum Standard No. 10 – Housing and Controlled Environments

- (a) Housing and controlled environments, including night quarters, must provide for all of the animals' needs for heat, humidity, light and photoperiod, air and water quality and shelter from climatic extremes.
- (b) Controlled environmental systems must have automated backup systems and alarms to warn of power failure and adverse environmental conditions and these must be serviced regularly and checked and tested at least every six months.
- (c) All housing must have artificial or natural light of a sufficient intensity available to ensure that inspection is possible.
- (d) Environmental variables such as lighting, temperature and relative humidity, must be measured at the animal's level where practicable.
- (e) Stale or contaminated bedding, food or water must not be allowed to accumulate, and potentially hazardous loose objects must be removed.
- (f) Housing and pen fittings must be inspected regularly and kept in good working order.
- (g) Housing must provide for the physical and psychological needs of the species and be of such quality that displacement or stereotypic activity is avoided.

General Information

In those species where off-exhibit holding facilities (including treatment rooms and night quarters) are employed, the animals should be able to be moved between exhibit and holding facilities without causing undue distress.

Part 5: Normal Behaviour and Stress

5.1 Opportunity to Display Normal Patterns of Behaviour

Introduction

Animals in zoos may have their behaviour restricted by their environment and/or their management. In such circumstances, provision for the animals to remain physically active and psychologically stimulated is crucial to their health and well-being. The intelligence of some animals, e.g. primates, also means that they need constant stimulation or sources of mental stimuli otherwise they become bored and frustrated and may display abnormal behaviour patterns or stereotypic behaviours. These may include excessive grooming, hair pulling, repetitive pacing, running, jumping, rocking, social withdrawal, self-mutilation or infanticide.

Exercise, either self-regulated or controlled by a keeper, and behavioural and environmental enrichment help provide for the psychological needs of animals in restricted or confined environments and are an essential part of animals' welfare.

Enrichment can include altering:

- The physical environment e.g. adding dirt or litter, partitions to provide different areas for different activities, or adding objects such as toys, swings, climbing elements, grips and perches. These playthings should be used in rotation to provide a periodic change in stimuli. Facilities can be constructed so as to encourage animals to make maximum use of the area available e.g. placing perches to encourage birds to fly the full length of an aviary.
- The social environment e.g. contact with members of the animal's same species, other species and humans. Stimuli emanating from the keeper via training to perform helps to cater for the natural behavioural tendencies of some animals, e.g. swimming with dolphins may also help to enrich animals' lives. Enrichment programmes can also provide opportunities for animals to engage in play and social interactions, including breeding and raising young.
- Management of the animals e.g. altering the method of feeding so that animals have to manipulate objects or work in order to obtain food, or the provision of vegetation for browsing.

Minimum Standard No. 11 – Normal Patterns of Behaviour

- (a) A behavioural and environmental enrichment programme appropriate to the species must be developed and implemented for each species of animal held.
- (b) Facilities and provision for normal patterns of behaviour must take into account growth in animals and must be capable of satisfactorily providing for their needs at all stages of their growth and development.
- (c) All animals must be given an opportunity appropriate to their species to exercise daily in an area with provision for behavioural enrichment.
- (d) Animals must not be routinely tethered except for safety or demonstration reasons, in emergencies, or to facilitate management practices directly benefiting the animal. The tether must not cause physical or prolonged psychological harm.
- (e) Pinioning involving significant muscle, tendon, or bone damage to the wing must only be undertaken by a veterinarian and with appropriate pain relief for the bird.
- (f) Animals removed from their enclosures for interaction with the public must have been trained or habituated for such interaction and be under the direct control of an animal keeper who has the appropriate ability, knowledge, and professional competence to ensure that such interaction is managed properly.
- (g) If animals are trained or perform, —
 - i) the techniques used must be appropriate for the species and the individual animal's physical and mental capabilities; and

- ii) sessions must be of a length of time determined by the animal's reaction and condition but without over-working the animal; and
- iii) food deprivation and/or electric prods must not be used; and
- iv) methods must be based on immediate positive reinforcement; and
- v) training and command implements must be used in such a manner that does not cause unreasonable or unnecessary pain, injury or distress to an animal.

Recommended Best Practice

- a) The urge to forage or hunt should be catered for if possible to prevent boredom and associated behavioural problems, such as stereotypic behaviour.
- b) Imprinting of animals on staff should be avoided since imprinted animals are likely to be disruptive or harmful to other animals. Keepers should not reinforce attention from imprinted animals in such situations.

General Information

Zoos operators should aim to provide behaviourally sound environments for animals by taking the following factors into account:

- the animal should be allowed to perform all the behaviour in its repertoire provided that this does not cause prolonged or acute suffering to others or contravene recommendations of co-ordinated breeding programmes
- the animal should be able to associate in groups of a size and structure appropriate to its species and past experience
- the animal should be in an appropriate physical environment, e.g. forest or simulated forest if forest dwelling
- there should be no evidence of prolonged distress
- the animal's telos (purpose) should be catered for by considering the way the animal perceives its world, and learns and communicates
- the animal should be considered not only as a representative of a species, but also as an individual and its past experience should be assessed in order to provide the most appropriate environment for it both as a member of the species and as an individual.

5.2 Provision of Protection from Fear and Distress

Introduction

Some species in zoos are more prone than others to having their behaviour restricted by confinement. Particular attention has to be given to the welfare of the following animals:

- primates showing signs of boredom or frustration
- bears when there is evidence of stereotypic behaviour or infanticide
- big cats showing signs of boredom
- reptiles and amphibians succumbing to disease
- marine animals susceptible to drowning
- penguins showing lethargy, lack of appetite and seeking separation from their groups
- seals becoming susceptible to chlorine in the water
- nocturnal animals being deprived of sleep.

Possible indicators of distress in animals include:

- evidence of physical ill-health
- need for the use of drugs to maintain the system of husbandry

- behavioural changes:
 - performance of abnormal behaviours that are not normally in the animals' repertoire, and which appear to be of little benefit to the animal, e.g. running at bars, pacing
 - stereotypies i.e. the performance of repeated behaviour fixed in all details and apparently purposeless (e.g. crib-biting, wind-sucking, weaving, head twisting, or pacing)
 - substantial increase in inter- or intra-specific aggression compared to natural, wild or feral states
 - substantial increases in behaviour related to frustration or conflict (e.g. often behaviour relating to locomotion and/or excessive scratching or self-mutilation)
 - substantial deviations from normal patterns of developmental or age-related behaviour
 - sudden changes in an animal's normal behaviour.
- a restriction on behaviour – i.e. the inability to perform all the behaviour in the animals' natural repertoire
- reduction or disappearance of reproductive behaviour e.g. absence of courtship and mating, egg abandonment, infanticide.

Mixing of individuals and different species should be carefully considered as some individuals and species may be aggressive or territorial.

See summary of regulations appended to this Code:

- Regulation 48 – Use of electric prodders
- Regulation 49 – Prodding animals in sensitive areas

Minimum Standard No. 12 – Fear and Distress
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| <ul style="list-style-type: none"> (a) Animals must be handled and managed only by, or under the supervision of, appropriately qualified and experienced staff. (b) Handling must be done with care in order to protect the animal's welfare and to avoid unnecessary discomfort, stress and physical harm. (c) Any direct physical contact between animals and the visiting public must be for restricted periods of time and under conditions consistent with the animal's welfare and not likely to lead to distress. (d) Animals must not be forced to perform where this would cause them undue stress or negatively impact on their physical or mental health. (e) Animals temporarily accommodated away from others must not be separated for such a period of time that would cause difficulties when reintroduced to their group unless required for veterinary treatment. (f) Alternative provisions, such as modifying the physical or social environment, or relocation to a more acceptable enclosure, must be made for individuals or species showing chronic signs of distress related to their environment and management. |
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Part 6: Animal Health and Disease

Introduction

The importance of competent animal handling cannot be over-emphasised. A skilled animal keeper needs to understand the full range of normal behaviour so that abnormal behaviour and signs of illness, injury, distress and nutritional disorders can be recognised and prompt, appropriate, remedial action taken.

An animal in good health is usually active, moves freely, eats and drinks well, has clear eyes and nose, clean skin, coat or feathers and is in good bodily condition.

An animal suffering from ill-health may show some of the following symptoms:

- inappetence (lack of appetite)
- lassitude, lethargy or isolation from the social group
- loss of condition
- dull coat
- digestive upsets, appearing as loss of appetite, vomiting, diarrhoea or constipation
- lameness
- discharges from the eyes or nostrils that may be a sign of respiratory disease and may also be associated with a cough or sneezing
- fever
- injuries and wounds
- hair loss and skin rashes
- excessive scratching
- abnormal behaviour
- absence of or excessive vocalisation.

The most important factor for successful diagnosis and treatment is the early detection of abnormalities by the animal care staff. Regular weighing, where feasible, can provide important information about animal health. In the event that ill health is reported it is the operator's responsibility to ensure that appropriate action is taken.

In all animal collections, some injuries and illnesses are inevitable. Therefore consideration needs to be given to the handling and treatment of such animals, including facilities for providing first aid, isolation, veterinary examination and treatment, and convalescence and recuperation.

Provision should be made for minimising the spread of communicable pathogens by having separate facilities, feeding and watering systems for infected animals.

Minimum Standard No. 13 – Illness and Disease
<p>(a) Any animal showing signs of sickness, injury, loss of condition or undue distress must be thoroughly assessed, and remedial action taken.</p> <p>(b) A veterinarian must be consulted as soon as possible if there is acute abdominal pain or colic, respiratory distress, serious injury, inability to rise or stand or keep stable in water, inability or abnormal reluctance to move, severe diarrhoea, persistent vomiting, or if the animal is comatose.</p> <p>(c) The keeper must be sufficiently experienced to recognise the signs of good health and ill-health or injury.</p> <p>(d) Enclosures holding infected animals must be sanitised before any healthy animals are returned to them.</p> <p>(e) Dead animals must be handled in a manner that minimises the risk of transmission of infection to other animals.</p>

Recommended Best Practice

A veterinarian should be consulted within 24 hours of the operator becoming aware of symptoms of ill-health including: marked lameness or injury that has not responded to normal first aid treatment; signs of infection; persistent signs of respiratory conditions; sustained loss of appetite; persistent weight loss; skin conditions that have not responded to treatment; and chronic diarrhoea or constipation.

There should be systems for regular review of clinical, behavioural and pathological records and mortality, and husbandry and preventative medical practices should be reviewed where problems become apparent.

Preventative health management programmes covering disease, injury and parasite control, appropriate to each species should be in place and documented.

Animals that die should be subject to post-mortem inspection in accordance with veterinary advice. Infected tissue samples taken for diagnosis must be stored safely so that animals, persons and animal feed and water are not at risk of contamination.

Part 7: Animal Rehabilitation Centres

Introduction

Wild animals are often accommodated in zoos for a period of rest or recovery from injury or illness in order to rehabilitate them for return to their natural habitat.

Minimum Standard No. 14 – Wild Animal Rehabilitation
<ul style="list-style-type: none">(a) Rehabilitation of wild animals must be carried out in such a manner that –<ul style="list-style-type: none">i) the health of existing zoo animals is protected; andii) it does not cause unnecessary pain or distress by prolonging the lives of animals that are obviously diseased, injured or stressed and have little prospect of recovery.(b) Wild animals must not be exhibited while being rehabilitated unless the animal is not subjected to distress associated with being exhibited and all other standards of this Code are met.(c) When a wild animal is returned to its natural habitat, care must be taken to ensure it is not released in circumstances in which it is likely to suffer unnecessarily.

General Information

The Department of Conservation and ZAA should be consulted when native species are being rehabilitated.

Part 8: Transport

Introduction

Special care needs to be taken in transporting zoo animals. Where transport guidelines exist they should be consulted, or where a regulation on transporting zoo animals exists, it must be complied with, otherwise transport should generally be in accordance with the Code of Welfare: Transport of Animals within New Zealand. Where appropriate the conditions and facilities as required by the International Air Transport Association (IATA) for the transport of animals should be followed.

See summary of regulations appended to this Code:

- Regulation 30 – Prevention of injury
- Regulation 31 – Transport of animals with horns and antlers
- Regulation 32 – Prevention of back-rub
- Regulation 38 – Restrictions on transporting animals with ingrown horns
- Regulation 39 – Restrictions on transporting animals with injured horns or antlers
- Regulation 40 – Restrictions on transporting lame animals
- Regulation 41 – Restrictions on transporting animals in late pregnancy
- Regulation 42 – Restrictions on transporting animals with injured or diseased udders
- Regulation 43 – Restrictions on transporting animals with advanced eye cancer
- Regulation 48 – Use of electric prodders
- Regulation 49 – Prodding animals in sensitive areas

Minimum Standard No. 15 - Transport
<p>(a) Zoo animals must be inspected by the keeper or other person in charge prior to restraint, capture and crating for transport to ensure all the animals are fit to be transported.</p> <p>(b) The person responsible for the safety and welfare of the animal during transport must be identified and that person must ensure that the security, health and welfare requirements of the animals are met.</p> <p>(c) Where appropriate, the conditions and facilities as required by the International Air Transport Association (IATA) for the transport of animals must be complied with.</p>

Recommended Best Practice

Transport accommodation, feeding, watering and rest requirements should be specifically designed for the species being carried.

Part 9: Euthanasia

Introduction

Euthanasia in some situations can be a necessary management tool to ensure the welfare of individual animals or groups of animals within an animal collection.

It may be warranted:

- to ensure that moribund animals do not suffer unnecessarily
- where there is uncontrollable or irreversible pain or suffering.

It may be warranted, as a last resort, when attempts to find a satisfactory alternative solution have failed:

- where irresolvable distress or conflict prevails, including that related to their environment and management
- when births occur despite animals being on a controlled breeding programme, i.e. unwanted pregnancies
- if an operator is unable to comply with this Code of welfare and there is no suitable alternative accommodation for the animals
- when there is over-representation of a particular sex or genetic line.

Minimum Standard No. 16 - Euthanasia
(a) When an animal is euthanased the euthanasing agent must render the animal unconscious in a rapid and pain-free manner. (b) When an animal is euthanased the operator or keeper must ensure that death occurs quickly. (c) There must be provision of an effective method of euthanasia for each species held. (d) Where an operator elects to euthanase an animal the handling, restraint and technique used must ensure the stress of the procedure for the animal is minimised. (e) All necessary equipment must be easily available at all times.

Recommended Best Practice

- a) A senior member of staff should be readily available to take responsibility for assessing and euthanasing moribund animals.
- b) Animals should be euthanased under veterinary supervision or by competent operators and keepers.

Part 10: Quality Management

10.1 Quality Assurance System

Recommended Best Practice

- a) To ensure that standards of animal welfare and husbandry are maintained the operator should implement a quality assurance system that documents procedures.
- b) The elements of the quality assurance system should provide for the minimum standards and recommendations of this Code.
- c) While the quality system should be based on the general principles of Standard AS/NZ 9002 or similar quality system it is not essential that the quality system be certified under the JASANZ (Joint Accreditation Standards for Australia and New Zealand) certification scheme.
- d) A quality assurance system should provide for:
 - i) the means of evaluating animal well-being within a facility
 - ii) the provision of proper and sufficient food, water and shelter
 - iii) adequate facilities and equipment within each type of animal holding facility
 - iv) holding, performing (where applicable), training and handling practices that are humane, safe for the animals and safe for the keepers and public
 - v) written escape/recapture procedures and staff trained and familiar with them
 - vi) keeping records.

10.2 Records and Identification

Recommended Best Practice

- a) The operator should keep records that provide evidence that the exhibit is conforming to the requirements of this Code.
- b) The following records should be kept:
 - i) identification number, tag, band, marking etc
 - ii) animals held, numbers, species, sexes and ages
 - iii) dates of acquisition and source of all animals
 - iv) genealogy and breeding records of each animal and of the group
 - v) health records of each animal and of the group
 - vi) number and cause of death of any animals in the collection
 - vii) details of dates of transfers in and out of the exhibit, including approvals for such transfers
 - viii) individual animal diet sheets and a record of all diets
 - ix) where species are held under conditions that require that other records be maintained (e.g. the Department of Conservation) these records should be kept as quality documents.
- c) The operator should provide a plan for all the animals in the collection. This should include:
 - i) a schedule of all animal health practices, e.g. worming, vaccinations, and animal husbandry, diet and feeding programmes
 - ii) a planned programme of reproductive control or mating as appropriate
 - iii) a schedule of routine animal enclosure servicing and maintenance
 - iv) animal and collection development proposals and schedules.
- d) The operator should also record injuries, ill-health and distress including:
 - i) details of observed deviations from normal animal health or behaviour daily
 - ii) comprehensive veterinary records of preventative and clinical medicine, surgery and other treatments; pathological findings from ante-mortem testing; and results of post-mortem examination and testing
 - iii) the dates of the observation of illness, diagnosis, treatment and final outcome

- iv) any laboratory diagnostic and radiographic tests and their results and interpretation
 - v) the generic names, dosages, route and frequency of all medications used to treat the animal
 - vi) post-mortem results if applicable.
- e) The animal record software available from Species360 (see www.species360.org) used.

General Information

The maintenance of good records is an integral part of a quality assurance system and good animal management.

Care should be taken when using individual marking or tagging of animals.

As external methods of tagging have a potential for causing injury, the subcutaneous insertion of a radio frequency identification device (RFID) or microchip may be a preferred option. RFIDs should conform to ISO Standard 11784 and 11785.

Schedule I – Interpretation and definitions

Act

The Animal Welfare Act 1999.

animal

As defined in the Act:

- a) Means any live member of the animal kingdom that is –
 - i) A mammal; or
 - ii) A bird; or
 - iii) A reptile; or
 - iv) An amphibian; or
 - v) A fish (bony or cartilaginous); or
 - vi) Any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
 - vii) Any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of the Act; and
- b) Includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development; and
- c) Includes any marsupial pouch young; but
- d) Does not include –
 - i) A human being; or
 - ii) Except as provided in paragraph above, any animal in the pre-natal, pre-hatched, larval, or other such developmental stage.”

animal park

a zoo which has predominantly outdoor exhibits, mainly non-exotic and farm animals.

aquarium

a collection of aquatic animals that is open to the public, but does not include a fish tank kept on private premises or where the display of a fish tank is not a core part of normal business.

available technology

The Act does not define “available technology”. NAWAC takes “available technology” to represent, for example, existing chemicals, drugs, instruments, devices and facilities which are used practically to care for and manage animals.

cryptic animal

an animal living in a dark place such as a hole, cave, under stones or in a tree trunk or with colouration giving it camouflage or protective resemblance to some part of the environment.

displacement activity

an activity which is performed in a situation which appears to the observer not to be in the context in which it would normally occur. It is usually seen when an animal is prevented or thwarted in some way from carrying out a specific behaviour.

enrichment

Providing captive animals with cognitive challenges, allow opportunities for appropriate social interaction and exploration, give animals some control over their environment, and meet species-specific behavioural needs, through the provision of shelter, and opportunities for hiding, foraging and exercise.

exotic animals

Any species which are not domestic, companion or farm animals, and have not been approved for general release under the Hazardous Substances and New Organisms Act 1996 but must remain in permanent containment (these animals are also known as 'new organisms' under the Hazardous Substances and New Organisms Act).

“food and feed”

The words “food” and “feed” are used interchangeably.

good practice

The Act does not define “good practice”. NAWAC takes “good practice” to mean a standard of care that has a general level of acceptance among knowledgeable practitioners and experts in the field; is based on good sense and sound judgement; is practical and thorough; has robust experiential or scientific foundations; and prevents unreasonable or unnecessary harm to, or promotes the interests of, the animals to which it is applied. Good practice also takes account of the evolution of attitudes about animals and their care.

keeper

A person who has direct charge of an animal or group of animals. The keeper is deemed to be the person in charge of the animal.

minimum standards

Minimum standards are identified in the text by a heading and use the word “must” or similar words. They are highlighted in boxes within the text.

new organism

An animal or species which can only legally be held in a containment facility, such as a zoo.

operator

The person who has overall responsibility for the zoo.

non-human hominid

Any non-human member of the family Hominidae, being a gorilla, chimpanzee, bonobo, or orang-utan.

photoperiod

The period of time per day that an organism is exposed to daylight (or artificial light) which in turn affects physiological functions such as reproduction, hibernation, shedding of hair.

pinioning

Altering of the outer part of a bird's wing, usually the flight feathers but sometimes the muscle, tendon or bone, to prevent flight.

primate

All non-human animals in the Primate order including lemurs, apes and monkeys.

recommended best practice

The best practice agreed at a particular time, following consideration of scientific information, accumulated experience and public submissions on the code. It is usually a higher standard of practice than the minimum standard, except where the minimum standard is best practice. It is a practice that can be varied as new information comes to light.

Recommendations for best practice will be particularly appropriate where it is desirable to promote or encourage better care for animals than is provided as a minimum standard.

Recommended best practices are identified by a heading and, generally, use the term "should".

scientific knowledge

The Act does not define "scientific knowledge". NAWAC takes "scientific knowledge", relevant to its areas of responsibility, to mean knowledge within animal-based scientific disciplines, especially those that deal with nutritional, environmental, health, behavioural and cognitive/neural functions, which are relevant to understanding the physical, health and behavioural needs of animals. Such knowledge is not haphazard or anecdotal; it is generated by rigorous and systematic application of the scientific method, and the results are objectively and critically reviewed before acceptance.

stereotypic behaviour

A sequence of movements that is repeated several times with little or no variation and which has no obvious purpose.

ZAA

The Australasian Zoo and Aquarium Association.

zoo

A site on which animals are kept for public exhibition, education, conservation, research or entertainment and usually will hold a range of exotic (new organisms), domestic and native species. For the purposes of this Code, a zoo also includes a containment facility approved under the Biosecurity Act 1993 for the purpose of holding animals in containment, and includes animal parks and aquariums.

Appendix of extracts from the Animal Welfare (Care and Procedures) Regulations 2018

Although efforts to include relevant regulations within this Code have been made, there may be other regulations which are relevant to you. The full list of all animal welfare regulations should be consulted where appropriate (see www.legislation.govt.nz).

3 Interpretation

In these regulations, unless the context otherwise requires,—

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

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

transporter means a person who is in charge of an animal only for the purpose of 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 cm².

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 nonpainful 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) (a) the animal is accompanied by a veterinary certificate that states that the animal is fit for transport; or
 - b) (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.

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 hindquarters 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 prodder as defined in regulation 48(5).