



## Agriculture Regulations 2025

Sir Tom J. Marsters, KBE

  
King's Representative

### Order in Executive Council

At Avarua, Rarotonga this 18<sup>th</sup> day of February, 2025

Present:

### His Excellency the King's Representative in Executive Council

Pursuant to section 42 of the Agriculture Act 2021, His Excellency the King's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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## Regulations

### 1 Title

These regulations are the Agriculture Regulations 2025.

### 2 Commencement

These regulations come into force on the day after the date on which they are made.

### 3 Interpretation

(1) In this Act, unless the context otherwise requires,—

**Act** means the Agriculture Act 2021

**electric prodder**—

- (a) means a device that can deliver an electric shock to make an animal move; but
- (b) does not include—
  - (i) an electric stunner used to stun an animal immediately before destruction; or
  - (ii) an electric device used by the Cook Islands Police

**farmer**, in relation to an animal to which Part 1 applies, means—

- (a) the owner of the animal; and
- (b) any other person who is in charge of the animal (except a person involved in transporting animals under regulation 14, 27, or 39)

**fit for transport**, in relation to an animal, means that the animal is able to be transported without experiencing unreasonable or unnecessary pain or distress

**housing system**—

- (a) means a system that is used for housing layer hens; and
- (b) includes—
  - (i) the cage system (if any) that in which layer hens are kept; and
  - (ii) the buildings in which layer hens (whether or not kept in a cage system) are housed

**layer hen** means a female chicken (of any age) that is kept primarily for laying eggs

**livestock officer** means a livestock officer appointed under regulation 54

**stun** means to render insensible

**sufficient**, in relation to food, water, or other nutrients that is or are provided or accessible to an animal, means food, water, or nutrients that is or are sufficient in kind, quantity, and quality to enable the animal to—

- (a) meet its physiological demands; and
- (b) avoid sickness and nutritional disorders (for example, anaemia); and
- (c) otherwise maintain good health

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

- (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

## **Part 1**

### **Animal welfare standards for farmed animals, qualifications, and livestock officers**

#### **4 Standards apply to farmed animals**

This Part applies to specified types of animals that are farmed, raised, grown, or kept—

- (a) for reward; or
- (b) for the purpose of trade in the animal or in material or products derived or taken from the animal.

#### **Subpart 1—Pigs**

##### **5 Food**

- (1) A farmer must ensure that a pig is provided with sufficient food that is sufficiently bulky and high in fibre and other nutrients.
- (2) A farmer must ensure that a pig is fed in a way that avoids undue—
  - (a) competition between it and other pigs; and
  - (b) risk of injury to the pig.
- (3) A farmer must ensure that a weaner is fed—
  - (a) with sufficient food that—
    - (i) consists of fresh food or pellets (or both); and
    - (ii) if the food has a use-by date, has not passed that date; and
  - (b) at intervals that are appropriately frequent, and in serving sizes that are appropriately small, for the pig's age.

##### **6 Water**

A farmer must ensure that a pig has access to sufficient fresh water at all times.

## **7 Pigs kept outdoors**

- (1) A farmer must ensure that a pig that is kept outdoors has, at all times, access to—
  - (a) shelter that protects it from extreme heat and prevents sunburn and anything else likely to cause stress as a result of heat or for any other reason; and
  - (b) high ground where there is no risk of flooding.
- (2) A farmer must ensure that a pig that is kept outdoors is not able to roam onto property belonging to others or onto roads or other public areas.

## **8 Tethering**

- (1) A farmer must ensure that the equipment used to tether or otherwise restrain a pig is—
  - (a) fit for purpose; and
  - (b) used in a way that avoids stress or injury to the pig.
- (2) A farmer must ensure that a tether on a pig is knotted in a position that creates at least a finger space between the rope and the pig's leg.
- (3) A farmer must ensure that a tether on a pig is checked daily to assess whether it is dry.
- (4) If the check shows that the tether is wet, the farmer must ensure that it is replaced with a dry tether.
- (5) A farmer must ensure that a pig that is tethered is moved to a fresh feeding area of clear ground at least every 2 days.

## **9 Pigs kept indoors**

A farmer must ensure that a pig that is kept indoors is in a shelter that—

- (a) is well-ventilated; and
- (b) provides shelter from extreme heat and anything else likely to cause stress as a result of heat or for any other reason.

## **10 Stalls and crates**

- (1) A farmer must ensure that a pig is not kept in a stall or crate unless the stall or crate is large enough to allow the pig to stand up, turn around, and lie down in a natural position.
- (2) A farmer must ensure that a stall is cleaned daily to remove tutaе and mimi.
- (3) A farmer must ensure that no more than 1 pig is kept in a stall unless the stall—
  - (a) is large enough to allow each pig to stand up, turn around, and lie down without interfering with the other pig; and
  - (b) includes a separate space for tutaе.
- (4) A farmer must ensure that it is practicable to inspect every pig that is kept in a stall.

## **11 Handling**

- (1) A person must handle a pig in a way that minimises the risk of pain, injury, and distress to the pig.
- (2) A person must not pick up or suspend a pig by—
  - (a) only 1 of its legs; or

- (b) 1 or both of its ears; or
- (c) its tail.
- (3) A person must not strike or prod, with a goad or object, a pig in its udder, anus, genitals, or eyes.
- (4) A person must not whip a pig.
- (5) Subclause (1) is not limited by any of subclauses (2) to (4).

## **12 Sickness and injury**

- (1) A farmer must be competent at recognising sick and injured pigs.
- (2) A farmer must ensure that a pig is checked daily for signs of sickness or injury.
- (3) A farmer must ensure that—
  - (a) treatment is provided to a pig as soon as practicable after the farmer becomes aware that the pig is showing signs of sickness or injury; and
  - (b) the pig is treated by a suitably trained and competent person; and
  - (c) without limiting paragraphs (b) and (c), a veterinarian is consulted if significant sickness in, or injury of, the pig persists despite treatment.
- (4) Despite subclause (3), a farmer must ensure that a pig showing signs of sickness or injury is destroyed if a suitably trained and competent person considers that—
  - (a) allowing the pig to live without treatment would cause the pig unreasonable pain or distress; and
  - (b) either—
    - (i) there is no practicable option for treating the sickness or injury; or
    - (ii) destroying the pig would be more humane than all practicable options for treating the sickness or injury.
- (5) To avoid doubt, the farmer may make the decision described in subclause (4) if the farmer is suitably trained and competent.

## **13 Weaning**

- (1) A farmer must ensure that a piglet is not weaned until the piglet is able to forage for itself.
- (2) A farmer must ensure that the weaning of a piglet is managed so that—
  - (a) the process does not cause undue stress to the sow or piglet; and
  - (b) any other negative effects on the sow or piglet are minimised.

## **14 Transporting pigs by sea**

- (1) This regulation applies to the transport of a pig by sea to, from, or within the Pa Enua.
- (2) A farmer must not transport pigs, or allow pigs to be transported, unless—
  - (a) a livestock officer, in consultation with a vet, has inspected—
    - (i) all of the pigs; and
    - (ii) the crates that will be used to transport the pigs; and
  - (b) the livestock officer has confirmed that—
    - (i) the pigs are fit for transport; and
    - (ii) the design of the crates is suitable for their intended use; and

- (iii) the condition of the crates does not pose any risk of injury to the pigs.
- (3) A farmer must not select for transport—
  - (a) a lame pig; or
  - (b) a pregnant sow for transport if the sow is likely to give birth during the journey.

## **15 Breeding records**

- (1) A farmer who breeds pigs must ensure that—
  - (a) a record is kept in relation to each pig that is bred; and
  - (b) the record contains the details needed to avoid inbreeding.
- (2) The farmer must, on request, make the record available to a livestock officer for inspection.

## **16 Destruction: basic requirements**

- (1) A person must not destroy a pig unless the person is suitably trained and competent to do so.
- (2) A person who destroys a pig must ensure that—
  - (a) the pig is destroyed in a way that—
    - (i) complies with regulation 17; and
    - (ii) otherwise minimises any pain or distress experienced by the pig; and
  - (b) the pig's death is confirmed by an inspection of its body.

## **17 Destruction: methods**

- (1) A person who destroys a pig must—
  - (a) rapidly stun the pig in accordance with subclauses (2) and (3); and
  - (b) immediately cause the pig to bleed out.
- (2) A pig must be stunned as follows:
  - (a) a piglet younger than a weaner must be stunned by a blow that is to the frontal bone of the skull and has sufficient force to fracture the bone;
  - (b) a grower, finisher, or an adult pig must be stunned by 1 of the following methods:
    - (i) a bolt fired from a captive bolt pistol that is—
      - (A) held against the pig's head; and
      - (B) directed at the site that is at the mid-point between the pig's eyes and level with the bottom of the pig's ears; and
    - (ii) a shot fired from a rifle that is—
      - (A) held at a distance from the pig's head that is not less than 5 cm and not more than 10 cm; and
      - (B) directed at the site on the pig's head that is described in subparagraph (i)(B);
    - (iii) a shot of buck shot from a 12-gauge shotgun that is—
      - (A) held at a distance of 20 cm from the pig's head; and
      - (B) directed at a site behind the pig's ear; and
      - (C) pointing towards the pig's opposite eye.

- (3) The method described in subclause (2)(b)(ii) or (iii) must be used to stun a pig if the pig's size indicates that a captive bolt may not be capable of penetrating its skull.

## Subpart 2—Goats

### 18 Food

A farmer must ensure that a goat is provided with sufficient food and other nutrients.

### 19 Water

A farmer must ensure that a goat has access to sufficient fresh water at all times.

### 20 Shelter

- (1) A farmer must ensure that a goat has, at all times, access to shelter that—
- (a) is dry; and
  - (b) protects the goat from extreme heat and anything else likely to cause stress as a result of heat or for any other reason.
- (2) The shelter may be provided by—
- (a) a built structure that is well ventilated; or
  - (b) trees that provide shade.

### 21 Tethering and other forms of restraint

- (1) A farmer must ensure that the equipment used to tether or otherwise restrain a goat is—
- (a) fit for purpose; and
  - (b) used in a way that avoids stress or injury to the goat.
- (2) A farmer must ensure that a goat is tethered only if it is placid and trained for tethering.
- (3) A farmer must ensure that a tether on a goat is knotted in a position that creates at least a finger space between the tether and the goat's skin that is sufficient to prevent injury.
- (4) A farmer must ensure that a goat that is tethered—
- (a) can walk and move without undue hindrance; and
  - (b) is checked daily for signs of stress or injury; and
  - (c) is moved a fresh feeding area every 2 days.
- (5) A farmer may only tether a goat around the neck.
- (6) If a goat is tethered on a roadside verge, the farmer must ensure that the goat is not able to enter onto the road or otherwise obstruct traffic.

### 22 Roaming

A farmer must ensure that a goat is not able to roam onto property belonging to others or onto roads or other public areas.

### 23 Handling

- (1) A person must handle a goat in a way that minimises the risk of pain, injury, and distress to the goat.
- (2) A person must not use more than reasonable force to move a goat.



- (3) A person must not pick up or suspend a goat by—
  - (a) only 1 of its legs; or
  - (b) 1 or both of its ears; or
  - (c) its tail.
- (4) A person must not strike or prod a goat, with a goad or object, in its udder, anus, genitals, or eyes.
- (5) A person must not—
  - (a) whip a goat; or
  - (b) use an electric prod on a goat.
- (6) Subclause (1) is not limited by any of subclauses (2) to (5).

## **24 Mustering and droving**

A farmer must ensure that a goat that is being moved on foot is not forced to proceed at a pace that is likely to cause it exhaustion, heat stress, or injury.

## **25 Sickness and injury**

- (1) A farmer must be competent at recognising sick and injured goats.
- (2) A farmer must ensure that a goat is checked daily for signs of sickness or injury.
- (3) A farmer must ensure that—
  - (a) treatment is provided to a goat as soon as practicable after the farmer becomes aware that the goat is showing signs of sickness or injury; and
  - (b) the goat is treated by a suitably trained and competent person; and
  - (c) without limiting paragraphs (b) and (c), a veterinarian is consulted if significant sickness in, or injury of, the goat persists despite treatment.
- (4) Despite subclause (3), a farmer must ensure that a goat showing signs of sickness or injury is destroyed if a suitably trained and competent person considers that—
  - (a) allowing the goat to live without treatment would cause the goat unreasonable pain or distress; and
  - (b) either—
    - (i) there is no practicable option for treating the sickness or injury; or
    - (ii) destroying the goat would be more humane than all practicable options for treating the sickness or injury.
- (5) To avoid doubt, the farmer may make the decision described in subclause (4) if the farmer is suitably trained and competent.

## **26 Vulnerable goats**

- (1) This regulation applies to a goat that is 1 or more of the following:
  - (a) a kid;
  - (b) sick;
  - (c) pregnant;
  - (d) nursing.
- (2) The farmer must ensure that the goat is kept in a location near the farmer's house at which the farmer can easily monitor the goat's health and well-being.
- (3) If the goat is sick, the farmer must also ensure that it is isolated from other goats.

**27 Transporting goats by sea**

- (1) This regulation applies to the transport of goats by sea to, from, or within the Pa Enua.
- (2) A farmer must not transport goats, or allow goats to be transported, unless—
  - (a) a livestock officer, in consultation with a vet, has inspected—
    - (i) all the goats; and
    - (ii) the crates that will be used to transport the goats; and
  - (b) the livestock officer has confirmed that—
    - (i) the goats are fit for transport; and
    - (ii) the design of the crates is suitable for their intended use; and
    - (iii) the condition of the crates does not pose any risk of injury to the goats.
- (3) A farmer must not select for transport—
  - (a) a pregnant doe if the doe is likely to give birth during the journey; or
  - (b) a goat that is lame.

**28 Breeding records**

- (1) A farmer who breeds goats must ensure that—
  - (a) a record is kept in relation to each goat that is bred; and
  - (b) the record contains the details needed to avoid inbreeding.
- (2) The farmer must, on request, make the record available to a livestock officer for inspection.

**29 Destruction**

- (1) A person must not destroy a goat unless the person is suitably trained and competent to do so.
- (2) A person who destroys a goat must ensure that the goat—
  - (a) is rapidly stunned; and
  - (b) remains stunned until its death; and
  - (c) is otherwise destroyed in a way that minimises any pain or distress experienced by the goat.
- (3) A person who destroys a goat must ensure that the goat's death is confirmed by an inspection of its body.
- (4) A person must not sever or break the spinal cord of a goat until after its death.

**Subpart 3—Cattle**

**30 Registration of owners of cattle and cattle**

- (1) A person may not own cattle unless they are registered to do so with the ministry and meet any requirements for registration.
- (2) An owner of cattle must ensure that—
  - (a) each of the cattle beasts is registered with the ministry; and
  - (b) the ear tag issued by the ministry for the registered cattle beast is attached to the cattle beast's ear by a veterinarian, para-vet, or livestock officer.

- (3) A farmer must ensure that an ear tag that has been attached to cattle beast's ear is visible at all times.

### **31 Food**

- (1) A farmer must ensure that cattle are provided with sufficient food and other nutrients.
- (2) Regulation 36(3) and (4) applies, as if a cattle beast were sick, if the cattle beast—
  - (a) is beef cattle and has a body condition score of 1 or less; or
  - (b) is another kind of cattle and appears to be very thin or underweight.
- (3) In this regulation, **body condition score** means a score assessed on the descriptions provided in Schedule III of the New Zealand Code of Welfare: Sheep and Beef Cattle.

### **32 Water**

- (1) A farmer must ensure that cattle have access to sufficient fresh water at all times.
- (2) Water for all cattle must be replaced daily.

### **33 Shelter**

- (1) A farmer must ensure that cattle have, at all times, access to shelter that protects them from extreme heat and anything else likely to cause stress as a result of heat or for any other reason.
- (2) The shelter may be provided by—
  - (a) a built structure that is well ventilated; or
  - (b) trees that provide shade.
- (3) A farmer must ensure that a newborn calf is sheltered to the extent necessary to protect it from—
  - (a) predators; and
  - (b) climatic conditions that—
    - (i) could reasonably have been expected to be present at the time and location of the calf's birth; and
    - (ii) pose a risk to the calf's health and well-being.
- (4) Subclause (3) applies from the start of the calf's delivery for a period of 3 months.

### **34 Tethering and other forms of restraint**

- (1) A farmer must ensure that the equipment used to tether or otherwise restrain cattle is—
  - (a) fit for purpose; and
  - (b) used in a way that avoids stress or injury to the cattle.
- (2) A farmer must ensure that cattle are tethered only if they are placid and trained for tethering.
- (3) A farmer must ensure that sick, lame, pregnant, or nursing cattle are tethered only if there is no other practicable option to keep them safe.
- (4) A farmer must ensure that cattle that are tethered—
  - (a) can walk and move without undue hindrance; and

- (b) are checked daily for signs of stress or injury; and
- (c) are moved a fresh feeding area every 2 days.
- (5) If cattle are tethered on a roadside verge, the farmer must ensure that the cattle are not able to enter onto the road or otherwise obstruct traffic.

### **35 Roaming**

A farmer must ensure that cattle are not able to roam onto property belonging to others or onto roads or other public areas.

### **36 Handling**

- (1) A person must handle cattle in a way that minimises the risk of pain, injury, and distress to the cattle.
- (2) A person must not use more than reasonable force to move cattle.
- (3) A person must not strike or prod cattle, with goad or object, in its udder, anus, genitals, or eyes.
- (4) A person must not use an electric prod on cattle.

### **37 Mustering and droving**

A farmer must ensure that cattle that are being moved on foot are not forced to proceed at a pace that is likely to cause them exhaustion, heat stress, or injury.

### **38 Sickness and injury**

- (1) A farmer must be competent at recognising sick and injured cattle.
- (2) A farmer must ensure that cattle are checked daily for signs of sickness or injury.
- (3) A farmer must ensure that—
  - (a) treatment is provided to cattle as soon as practicable after the farmer becomes aware that the cattle is showing signs of being sick or injured; and
  - (b) the cattle are treated by a suitably trained and competent person; and
  - (c) without limiting paragraphs (b) and (c), a veterinarian is consulted if significant sickness in, or injury of, the cattle persists despite treatment.
- (4) Despite subclause (3), a farmer must ensure that cattle showing signs of sickness or injury are destroyed if a suitably trained and competent person considers that—
  - (a) allowing the cattle to live without treatment would cause the cattle unreasonable pain or distress; and
  - (b) either—
    - (i) there is no practicable option for treating the sickness or injury; or
    - (ii) destroying the cattle would be more humane than all practicable options for treating the sickness or injury.
- (5) To avoid doubt, the farmer may make the decision described in subclause (4) if the farmer is suitably trained and competent.

### **39 Transporting cattle by sea**

- (1) This regulation applies to the transport of cattle by sea to, from, or within the Pa Enua.
- (2) A farmer must not transport cattle, or allow cattle to be transported, unless—

- (a) a livestock officer, in consultation with a vet, has inspected—
  - (i) all the cattle; and
  - (ii) the crates that will be used to transport the cattle; and
- (b) the livestock officer has confirmed that—
  - (i) the cattle are fit for transport; and
  - (ii) the design of the crates is suitable for their intended use; and
  - (iii) the condition of the crates does not pose any risk of injury to the cattle.
- (3) A farmer must not select for transport—
  - (a) a pregnant cow if the cow is likely to give birth during the journey; or
  - (b) cattle that are lame.

#### **40 Breeding records**

- (1) A farmer who breeds cattle must ensure that—
  - (a) a record is kept in relation to each calf that is bred; and
  - (b) the record contains the details needed to avoid inbreeding.
- (2) The farmer must, on request, make the record available to a livestock officer for inspection.

#### **41 Destruction**

- (1) Cattle may only be destroyed by their owner or a person acting under the owner's instructions.
- (2) A person must not destroy cattle except in accordance with subclause (3).
- (3) A person who destroys a cattle beast must ensure that it—
  - (a) is rapidly stunned; and
  - (b) remains stunned until its death; and
  - (c) if it is stunned by a gunshot to the brain, is bled out immediately; and
  - (d) is otherwise destroyed in a way that minimises any pain or distress experienced by it.
- (4) A person must not destroy a calf by the use of blunt force to its head.

### **Subpart 4—Layer hens and chicks**

#### **42 Chicks**

- (1) A farmer must ensure that chicks have access to sufficient food and fresh water as soon as practicable and, in any case, no later than 48 hours after—
  - (a) the Cook Islands Customs Service finishes processing the chicks following their arrival in the Cook Islands, if the chicks are imported into the Cook Islands; or
  - (b) the chicks hatch, if the chicks are hatched in the Cook Islands.
- (2) A farmer must ensure that chicks—
  - (a) are housed in purpose-built accommodation (that also complies with regulation 46) as soon as practicable after they arrive or hatch in the Cook Islands; and

- (b) for at least the first 7 days after being placed in the accommodation, are kept under lights that keep the chicks warm and enable them to locate their food and water.
- (3) A farmer must ensure that, when chicks begin to grow feathers, they are—
  - (a) housed in larger accommodation; and
  - (b) kept under lights if needed to keep them warm.
- (4) A farmer must ensure that, as far as practicable, accommodation provided to chicks protects them from predators.
- (5) In these regulations, **chick** means a layer hen that is less than 7 weeks' old.

**43 Food**

- (1) A farmer must ensure that chicks and layer hens are provided with sufficient food and other nutrients.
- (2) A farmer must ensure that layer hens are fed in a way that avoids undue—
  - (a) competition between the hens; and
  - (b) risk of injury to the hens.

**44 Water**

A farmer must ensure that chicks and layer hens have access to sufficient fresh water at all times.

**45 Shelter**

A farmer must ensure that chicks and layer hens have, at all times, access to shelter that protects the hens—

- (a) from extreme heat and anything else likely to cause stress as a result of heat or for any other reason; and
- (b) as far as practicable, predators.

**46 Housing and outdoor areas**

- (1) A farmer must ensure that a housing system—
  - (a) is designed, constructed, and maintained so that it—
    - (i) does not cause harm to, or disease in, the layer hens that are housed in the housing system; and
    - (ii) protects the hens from extreme heat; and
    - (iii) protects the quality of the litter in the housing system; and
    - (iv) enables a person to put the hens in, or remove them from, the housing system without causing harm or distress to the hens; and
  - (b) has sufficient ventilation to stop heat, humidity, dust, and noxious gases accumulating to levels that would cause harm or distress to the hens; and
  - (c) has roosting facilities (such as perches) and pecking facilities for the hens; and
  - (d) has scratching areas and secluded nesting areas for the hens; and
  - (e) is sited so that—
    - (i) storm water drains away from the buildings that are part of the housing system; and

- (ii) the risks posed by environmental and other natural hazards are minimised.
- (2) A farmer must ensure that the temperature inside a housing system is kept at a level that promotes good health and welfare of the layer hens housed in the system.
- (3) A farmer must ensure that, as far as practicable,—
  - (a) the site and buildings of a housing system are secured against persons entering them without authorisation; and
  - (b) the housing system and its immediate surrounds (at least 5 metres from the housing system) are kept clear of pests (such as mynah birds) and predators; and
  - (c) the ground condition and vegetation of the outdoor area (if any) that can be accessed by layer hens is not harmful to their health or welfare.

#### **47 Equipment**

A farmer must ensure that equipment, including mechanical equipment, that is used with chicks or layer hens is designed, constructed, and maintained so that it does not cause injury or other harm to, or disease in, the chicks or hens.

#### **48 Handling and catching**

A person must handle chicks and layer hens in a way that minimises the risk of pain, injury, and distress to the chicks or hens.

#### **49 Sickness and injury**

- (1) A farmer must be competent at recognising sick and injured chicks and layer hens.
- (2) A farmer must ensure that chicks and layer hens are checked daily for signs of sickness and injury.
- (3) As soon as practicable after a farmer becomes aware that a chick or layer hen is showing signs of being sick or injured, the farmer must ensure that the chick or hen is—
  - (a) isolated; and
  - (b) then—
    - (i) treated by a suitably trained and competent person; or
    - (ii) destroyed; or
    - (iii) if treatment is unsuccessful or, after examination of the chick or hen the assessment is that treatment is unlikely to be successful, destroyed.
- (4) If a farmer becomes aware of signs of an outbreak of disease in a flock of layer hens or higher than expected mortality in the flock, the farmer must ensure that—
  - (a) all reasonable steps are taken to stop the outbreak of disease; and
  - (b) those endeavours include appropriate interventions being made by a suitably trained and competent person.
- (5) After complying with subclause (4), the farmer must ensure that the following are cleaned (for example, by water-blasting) to the extent needed to remove the organisms that cause the disease:

- (a) the housing system in which the flock was housed; and
  - (b) the outdoor area (if any) to which the flock had access; and
  - (c) all equipment used with the flock.
- (6) A farmer must ensure that—
  - (a) housing systems are checked daily for dead chicks or layer hens; and
  - (b) any dead chicks or hens found are removed immediately.
- 50 Mortality records**
  - (1) A farmer must ensure that a record is kept of all mortalities of layer hens.
  - (2) The farmer must, on request, make the record available to a livestock officer for inspection.
- 51 Contingency planning**

A farmer must have a contingency plan for any reasonably foreseeable events that could significantly affect the welfare of chicks and layer hens.
- 52 Destruction**
  - (1) A person must not destroy chicks or layer hens except in accordance with subclause (2).
  - (2) A person who destroys a chick or layer hen must ensure that it—
    - (a) is rapidly stunned; and
    - (b) remains stunned until its death; and
    - (c) is otherwise destroyed in a way that minimises any pain or distress experienced by it.

## Subpart 5—Qualifications

- 53 Minimum qualifications**

The minimum qualifications for farmers and para-vets are—

  - (a) for a farmer, a training course approved by the ministry;
  - (b) for a para-vet, a training course approved by the ministry, that is conducted under the supervision of a vet.

## Subpart 6—Livestock officers

- 54 Appointment of livestock officers**
  - (1) The head of the ministry may appoint livestock officers under the Public Service Act 2009.
  - (2) The head of the ministry may—
    - (a) appoint as a livestock officer any person who the head of the ministry considers is suitable;
    - (b) with the Minister's approval, designate an office within the ministry as one in which a person is appointed as a livestock officer by virtue of holding the office.



- (3) A full-time officer or employee of the Public Service who is appointed as a livestock officer is not entitled to any additional remuneration as a result of the appointment.
- (4) A person who is not otherwise an employee of the ministry does not become an employee just because the person is appointed as a livestock officer.

**55 Functions of livestock officers**

The functions of livestock officers are to—

- (a) inspect the condition of livestock;
- (b) inspect the records that must be kept under this Part;
- (c) take enforcement action in accordance with Part 2;
- (d) carry out any other functions relating to the welfare of livestock as directed by the head of the ministry.

**56 Livestock officers must carry and present identification**

All livestock officers must, when performing their functions,—

- (a) carry the formal identification for livestock officers that is issued by the ministry; and
- (b) produce the identification when reasonably requested to do so.

## **Part 2**

### **Offences, penalties, and minor offences**

#### *Standard offences*

**57 Strict liability offence for non-compliance with subparts 1 to 4 of Part 1**

- (1) A person commits an offence if they breach a requirement in any of subparts 1 to 4 of Part 1 and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$5,000;
  - (b) in any other case, to a fine not exceeding \$10,000.
- (2) In a prosecution for an offence against this regulation, it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

**58 Offence for animal cruelty**

- (1) A person commits an offence if they intentionally or recklessly breach any of the following:
  - (a) regulation 11 (pigs: handling);
  - (b) regulation 12(3) and (4) (pigs: sickness and injury);
  - (c) regulations 14, 27, and 39 (transporting animals by sea);
  - (d) regulation 16(2)(a) (pigs: destruction);
  - (e) regulation 23 (goats: handling);
  - (f) regulation 25(3) and (4) (goats: sickness and injury);
  - (g) regulation 29(2) (goats: destruction);
  - (h) regulation 36 (cattle: handling);
  - (i) regulation 38(3) and (4) (cattle: sickness and injury);
  - (j) regulation 41(3) (cattle: destruction);

- (k) regulation 48 (chicks and layer hens: handling);
- (l) regulation 49(3) (chicks and layer hens: sickness and injury);
- (m) regulation 52(2) (chicks and layer hens: destruction).
- (2) A person who commits an offence against this regulation is liable on conviction to a fine not exceeding \$10,000.

*Vicarious liability and defence of taking all reasonable steps*

**59 Liability of farmer for conduct of employee or agent**

- (1) This regulation applies if an employee or agent of a farmer—
  - (a) engages in conduct on behalf of the farmer; and
  - (b) in doing so, acts within the scope of the employee's or agent's actual or apparent authority.
- (2) If this regulation applies,—
  - (a) the farmer is taken to have also engaged in the conduct; and
  - (b) if the conduct constitutes a breach of a provision of this Part, the farmer is taken to have breached the provision.

**60 Defence to charges under this Part**

It is a defence to a charge for an offence against this Part if a person proves that the person took all reasonable steps to prevent or avoid the commission of the offence or the commission of offences of the same kind.

*Minor offences*

**61 Minor offences**

- (1) For the purposes of regulation 62, any of the following offences in the Act may be treated as a minor offence:
  - (a) an offence against section 32(1)(d) (failure to comply with a lawful requirement, direction, or order made or given by a data collector or inspector);
  - (b) an offence against section 32(3)(a) (failure to comply with a precautionary notice if there is no adverse effect on agriculture or the agriculture sector);
  - (c) an offence against section 32(4)(a) (failure to comply with a notice to cease).
- (2) For the purposes of regulation 62, breach of any of the following regulations (each being an offence under regulation 57) may be treated as a minor offence:
  - (a) regulation 8(1)(b), 21(1)(b), or 34(1)(b) (tethering or means of restraint causing stress or injury to animal);
  - (b) regulation 14, 27, or 39 (transporting animals by sea);
  - (c) regulation 7(2), 22, or 35 (allowing animals to roam).

**62 Enforcement of minor offences**

- (1) If a livestock inspector has reason to believe that a person has committed a minor offence, the officer may issue a minor offence notice under section 33 of the Act requiring the person to pay a fine of \$250.
- (2) The notice must—

- (a) be in the form prescribed in form 8 of the Schedule; and
  - (b) comply with the requirements of section 33.
- (3) If the fine is not paid as required by section 33, a prosecution may be commenced under section 34 of the Act.

### **Part 3**

#### **Ministry committees**

##### **63 Committee procedures**

Each committee—

- (a) may, subject to section 13(1)(a) and (c) of the Act,—
  - (i) determine the days, times, and venue for its meetings; and
  - (ii) appoint a secretary; and
  - (iii) determine its own procedures in any way that it considers appropriate:
- (b) must, subject to section 13(1)(a) and (c) of the Act, produce a plan of work within 3 months of the committee's establishment that is consistent with the ministry's—
  - (i) sector action plan; and
  - (ii) national sustainable development goals; and
  - (iii) relevant ministry policies, procedures, and functions.

##### **64 Notice of establishment or dissolution of committee**

- (1) Whenever the head of the ministry establishes a committee under section 12 of the Act, the notice required to be published by section 18 in the Cook Islands *Gazette* must be in form 9 of the Schedule.
- (2) Whenever the head of the ministry dissolves a committee under section 13(6) of the Act, the notice required to be published by section 18 in the Cook Islands *Gazette* must be in form 10 of the Schedule.

### **Part 4**

#### **Appointments, warrants, and notices**

##### **65 Warrant of appointment of, or designation as, data collector**

A person appointed or designated under section 19 of the Act as a data collector must be issued with a warrant of appointment or designation in form 1 in the Schedule.

##### **66 Warrant of appointment of inspector**

A person appointed or designated under section 28 of the Act as an inspector must be issued with a warrant of appointment in form 2 in the Schedule.

- 67 Notice to provide or produce information or records**  
A requirement to provide or produce information or records issued under section 21 of the Act by a data collector must be done by notice in form 3 in the Schedule.
- 68 Precautionary notices**  
A precautionary notice issued under section 30 of the Act by an inspector must be in form 4 in the Schedule.
- 69 Notices to cease**  
A notice to cease issued under section 31 of the Act by the head of the ministry must be in form 5 in the Schedule.
- 70 Application for search warrant**  
An application for a search warrant under section 38 of the Act by a data collector or an inspector must be in form 6 in the Schedule.
- 71 Form of search warrant**  
A search warrant issued under section 38 of the Act must be in form 7 in the Schedule.

**Schedule  
Forms**

Form 1

Warrant of appointment of, or designation as, data collector

r 65

*Section 19, Agriculture Act 2021*

*(Front of warrant)*

Data collector

*Warrant of appointment or designation*

Full name:

Identification number:

*[Photo of warrant holder]*

Signature of warrant holder:

*(Back of warrant)*

**Warrant of appointment or designation issued under  
section 19 of Agriculture Act 2021**

This is to certify that the person whose name, photograph, and signature appear on this warrant—

- is a data collector appointed or designated under section 19 of the Agriculture Act 2021 (the **Act**);
- may exercise the powers conferred by sections 21 and 25 of the Act (which relate to collection of data and issuing notices to produce information or records); and
- may exercise the other powers conferred on data collectors by the Act.

Name of certifier:

Signature of warrant holder:

Date:

Form 2  
Warrant of appointment of, or designation as, inspector

r 66

*Section 28, Agriculture Act 2021*

*(Front of warrant)*

Inspector

*Warrant of appointment or designation*

Full name:

Identification number:

*[Photo of warrant holder]*

Signature of warrant holder:

*(Back of warrant)*

**Warrant of appointment or designation issued under  
section 28 of Agriculture Act 2021**

This is to certify that the person whose name, photograph, and signature appear on this warrant—

- is an inspector appointed or designated under section 28 of the Agriculture Act 2021 (the **Act**); and
- may enter and examine a place described in section 29 of the Act in accordance with, and to exercise the powers under, that section; and
- may exercise the other powers conferred on inspectors by the Act.

Name of certifier:

Signature of warrant holder:

Date:

Form 3  
Notice to provide or produce information or records

r 67

*Section 21, Agriculture Act 2021*

To [*name, address*]

You are required by this notice made under the Agriculture Act 2021 (the **Act**) to provide or produce to the data collector named below the following information or records: [*specify what is to be provided or produced*].

The information or records must be provided or produced to [*full name*], data collector, at [*time*] on [*day, date*] at [*place*].

I believe that the provision or production of the information or records is reasonably necessary for the following reasons [*specify reasons from section 20 of the Act*].

You are not required to provide or produce information or records that are commercially confidential or subject to a privilege recognised in a court of law (*see* section 21(3) of the Act).

I intend to make notes/take copies\* of the information or records.

\*Select one or both.

Name of data collector:

Signature:

Data collector's details:

Date:

Form 4  
Precautionary notice

r 68

*Section 30, Agriculture Act 2021*

To: *[name, address]*

I, *[name]*, inspector, reasonably consider that the activity, matter, or other thing specified below over which you are apparently in control or associated with has had, is having, or is likely to have, an adverse affect on agriculture or the agricultural sector.

*[Specify the activity, matter, or other thing]*

I require you to *[specify the thing(s) to be done from the list in section 30(4) of the Agriculture Act 2021]* by *[date\*]*

\*Specify the date by which the requirement(s) must be complied with (not later than 28 days after the date of this notice).

Name

Signature:

Inspector's contact details:

Date:



Form 5  
Notice to cease

r 69

*Section 31, Agriculture Act 2021*

To: *[name, address]*

I, *[name]*, head of the Ministry of Agriculture,—

- (a) reasonably consider that the act or activity specified below is adversely affecting or is likely to adversely affect agriculture or the agricultural sector (as specified below); and
- (b) believe that you are carrying out or have some control over the act or activity.

*[Specify the act or activity]*

*[Specify the adverse effect or likely adverse effect on agriculture or the agriculture sector]*

I require you to cease the act or activity specified above until I am satisfied that this adverse effect, or likelihood of an adverse affect, no longer exists.

Name:

Signature:

Head of ministry's contact details:

Date:

Form 6  
Application for search warrant

r 70

*Section 38, Agriculture Act 2021*

I, [name], data collector/inspector\* have reasonable grounds—

- (a) to suspect that an offence against the Agriculture Act 2021 (the **Act**), specified below, has been committed, or is being committed, or will be committed; and
- (b) to believe that a search will find evidential material (described below) in respect of the offence in or on the place/dwelling house/vehicle/other thing [*specify the other thing*]\* (specified below).

\*Select one.

[*Specify the offence against the Act that you suspect has been, is being, or will be committed*]

[*Specify the address and/or other description of the place/dwelling house/vehicle/other thing [*specify the other thing*]\* to be searched*]

\*Select one

[*Describe the evidential material that you wish to search for and seize*]

[*Specify the period for which the warrant is sought*]

Name of applicant:

Position of applicant:

Signature of applicant:

Date:

Form 7

Search warrant to enter and search place, dwelling house, vehicle, or other thing

r 71

*Section 38, Agriculture Act 2021*

To every data collector/inspector\*

\*Select one.

- 1 I am satisfied, on an application made in accordance with section 38 of the Agriculture Act 2021 by *[full name of applicant]*, that, in relation to *[specify address and/or description of the place/dwelling house/vehicle/other thing [specify the thing]\* that may be entered and searched]*, there are reasonable grounds—
  - (a) to suspect that an offence against *[provision]* of the Agriculture Act 2021 has been, or is being, or will be committed at that place/dwelling house/vehicle/other thing *[specify the thing]\**;
  - (b) for believing that there is at, in, on, over, or under that place/dwelling house/vehicle/other thing *[specify the thing]\** some thing that is evidence of an offence against *[provision]* of the Agriculture Act 2021;
  - (c) for believing that there is at, in, on, over, or under that place/dwelling house/vehicle/other thing *[specify the thing]\** some thing that is intended to be used for the purposes of committing an offence against *[provision]* of the Agriculture Act 2021.

\*Select one.

- 2 This warrant authorises you, under section 38 of the Agriculture Act 2021 to—
  - (a) enter and search *[specify address and/or description of that place/dwelling house/vehicle/other thing [specify the thing]\*]* at any time that is reasonable in the circumstances; and
  - (b) request any assistance that is reasonable in the circumstances; and
  - (c) use any force that is reasonable in the circumstances to enter or break open or access that place/dwelling house/vehicle/other thing *[specify the thing]\** being searched, or any area within it, or any thing being searched or thing found in it; and
  - (d) seize *[describe, in reasonable detail, what may be seized]* or anything else that may be lawfully seized; and
  - (e) bring and use in or on that place/dwelling house/vehicle/other thing *[specify the thing]\** any equipment, make use of any equipment found in or on it, or extract any electricity from it to operate the equipment that is reasonable to use in the circumstances, for the purposes of carrying out the entry and search; and
  - (f) copy any document, or part of any document, that may lawfully be seized; and
  - (g) use reasonable measures to access a computer system or other data storage device located at the place/dwelling house/vehicle/other thing *[specify the*

thing]\*if any intangible material that is the subject of the search may be in the computer system or device, and—

- (i) copy that intangible material; or
- (ii) copy any other intangible material found in the computer system or device that may otherwise be lawfully seized; and
- (h) take photographs or sound or video recordings or drawings of that place/dwelling house/vehicle/other thing [specify the thing]\* and of any thing found in or on it if you have reasonable grounds to believe that the photographs or sound or video recordings or drawings may be relevant to the purposes of the entry and search; and
- (i) do the following in a manner and for a duration that is reasonable for the purposes of carrying out the search:
  - (i) secure that place/dwelling house/vehicle/other thing [specify the thing]\* being searched, any area within it, or any thing found within it:
  - (ii) exclude any person from that place/dwelling house/vehicle/other thing [specify the thing]\*, or from any area within or near it, or give any other reasonable direction to that person if you have reasonable grounds to believe that the person will obstruct or hinder the exercise of your powers under this warrant.

\*Select one.

- 3 A person assisting you (other than a Cook Islands Police officer) is subject to your control and has the power to do any of the following:
  - (a) enter that place/dwelling house/vehicle/other thing [specify the thing]\* to be searched:
  - (b) while in your company and under your direction, use reasonable force in respect of any property for the purposes of carrying out the entry and search:
  - (c) search areas within that place/dwelling house/vehicle/other thing [specify the thing]\* that you determine may lawfully be searched:
  - (d) seize any thing that you determine may lawfully be seized:
  - (e) access a computer system or other data storage device and copy intangible material that you determine may lawfully be copied:
  - (f) take photographs and sound and video recordings and drawings of that place/dwelling house/vehicle/other thing [specify the thing]\* and things found in it if you determine that those things may lawfully be done:
  - (g) bring and use in or on to that place/dwelling house/vehicle/other thing [specify the thing]\* any equipment, make use of equipment found in or on it, or extract electricity from it to operate the equipment that you determine may lawfully be used:
  - (h) copy any document, or part of a document, that you determine may lawfully be copied.

\*Select one.

- 4 This warrant may be executed in [*specify period*] from the date of issue of the warrant.
- 5 This warrant is subject to the following conditions: [*specify any conditions*].

6 This warrant may be executed on 1 occasion/[*specify number*]\* occasions.

\*Select one.

Name:

Signature of Justice of the Peace/Judge:

Date:

Form 8  
Minor offence notice

r 62

*Section 33, Agriculture Act 2021*

Name:

Address:

Alleged minor offence(s) details:

Offence number	Offence	Minor offence/Fee payable
1		
2		
3		
4		
5		

*[For each offence specify date, day of week, time, place, and locality]*

Name of inspector/data collector\*:

Signature:

Inspector/data collector's\* contact details:

Date:

\*Select one.

**(See over the page for information about your rights, paying fine(s), defences to proceedings, and the consequences of not paying fine(s).)**

**Summary of rights  
(Akapapaanga tikaanga)**

1. This notice sets out 1 or more alleged minor offences. Each offence that is identified by a number is a separate minor offence.

**Payments  
(Tutakianga)**

2. If you pay the minor offence fine(s) within 28 days after this notice is issued (by [*specify date*]) no further action will be taken. Payment is to be made at the Ministry of Agriculture national office headquarters, Avarua, Rarotonga.

**Defences  
(Paruruanga)**

3. You have the following defences:
  - (a) a complete defence against proceedings if the minor offence fine(s) has/have been paid to the Ministry of Agriculture national office within 28 days after this notice is issued;
  - (b) a defence under regulation 60 if you can prove that you took all reasonable steps to prevent or avoid the commission of the offence or the commission of offences of the same kind.

**Non-payment of fine**

4. If you do not pay the minor offence fine(s) within 28 days after this notice is issued,—
  - (a) you will be liable to prosecution for the offence(s) under section 34 of the Agriculture Act 2021;
  - (b) the prosecution will be commenced in the High Court on [*specify date*].

Form 9  
Notice of establishment of committee

r 64

*Sections 12 and 18, Agriculture Act 2021*

I, *[name]*, head of the Ministry of Agriculture, give notice that I have established the *[name]* Committee under sections 12 and 18 of the Agriculture Act 2021.

The terms of reference of the committee are: *[set out the purpose and functions of the committee]*

The members of the committee are: *[set out the names and terms of appointment of the members of the committee]*

The chairperson of the committee is: *[name]*

Name:

Signature:

Head of ministry's contact details:

Date:



Form 10  
Notice of dissolution of committee

*Sections 13 and 18, Agriculture Act 2021*

r 64

The [name] Committee is dissolved under sections 13(6) and 18 of the Agriculture Act 2021 and the appointments of its members are revoked.

The reasons for the dissolution of the [name] Committee are: [set out reasons]

Name:

Signature:

Head of ministry's contact details:

Date:

  
Clerk of the Executive Council

These regulations are administered by the Ministry of Agriculture.  
These regulations were made on the 18th day of February 2025.