

Reprint
as at 1 March 2017



Animal Welfare (Calves) Regulations 2016 (LI 2016/170)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 25th day of July 2016

Present:

His Excellency the Governor-General in Council

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

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Primary Industries made after complying with sections 183A(10) and 184 of that Act.

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Note

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

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

These regulations are the Animal Welfare (Calves) Regulations 2016.

2 Commencement

- (1) These regulations come into force on 1 August 2016.
- (2) However,—
 - (a) regulation 10, clause 3(2) of Schedule 2, and clause 4(3) to (5) of Schedule 2 come into force on 1 February 2017;
 - (b) regulations 8 and 9 come into force on 1 August 2017;
 - (c) regulation 13 comes into force as specified in that regulation.

3 Interpretation

In these regulations, unless the context otherwise requires,—

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

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

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

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

Offence relating to calves

5 **Prohibition on killing calves by blunt force to the head**

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

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

calf means a bovine that has not had milk (or milk replacer) permanently removed from its diet.
- (3) A person who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$3,000;
 - (b) for a body corporate, to a fine not exceeding \$15,000.

Offences relating to young calves

6 **Fitness for transport**

- (1) An owner or a person in charge of a young calf must not transport the calf, or permit the calf to be transported, off farm for the purpose of sale or slaughter or as a result of sale unless the calf is at least 4 full days (96 hours) of age.
- (2) Subclause (1) does not apply to a person who is in charge of a young calf only for the purpose of transport.
- (3) An owner or a person in charge of a young calf must not transport the calf, or permit the calf to be transported, off farm for the purpose of sale or slaughter or as a result of sale unless—
 - (a) the calf is free from signs of any injury, disease, disability, or impairment that could compromise the calf's welfare during the journey; and
 - (b) the calf is alert and able to—

- (i) rise from a lying position; and
 - (ii) stand and bear weight evenly on all 4 limbs; and
 - (iii) move freely; and
 - (iv) protect itself from being trampled and from being injured by other calves; and
 - (c) the calf's hooves are firm, worn flat, and not bulbous with soft unworn tissue; and
 - (d) the calf's navel cord is shrivelled and not pink or red coloured, raw, or fleshy.
- (4) However, subclause (3)(a) and (b) do not apply if the owner or person in charge of the young calf has a veterinary declaration that the calf is fit for transport.
- (5) An owner or a person in charge of a young calf that is being transported or is to be transported off farm for the purpose of sale or slaughter or as a result of sale must have a system in place that, if followed, will ensure compliance with subclauses (1) and (3).
- (6) A person who contravenes subclause (1) or (3) commits an offence. The offence is an infringement offence with an infringement fee of \$500.

7 Maximum duration of transport

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

8 Requirements for loading and unloading facilities

- (1) Subclause (2)—
- (a) applies to a person who is, or will be,—
 - (i) the owner or person in charge of a young calf at a place at which the calf is intended to be loaded onto a stock transport vehicle for transport off farm or from a place of sale for the purpose of sale or slaughter or as a result of sale; or
 - (ii) the owner or person in charge of a young calf at a place at which the calf is intended to be unloaded from a stock transport vehicle

- used to transport the calf off farm or from a place of sale for the purpose of sale or slaughter or as a result of sale; but
- (b) does not apply to a person who is in charge of a young calf only for the purpose of transport.
- (2) A person to whom this subclause applies must provide facilities designed to, or make available other means that,—
- (a) enable the calf to walk onto (if subclause (1)(a)(i) applies) or off (if subclause (1)(a)(ii) applies) the stock transport vehicle by its own action; and
 - (b) minimise the risk of a calf slipping and injuring itself, falling off the facilities or other means, or becoming otherwise injured or distressed.
- (3) A person in charge of a young calf must take all reasonable and practicable steps to ensure that the calf is not, while the person is in charge of the calf,—
- (a) loaded onto a stock transport vehicle for transport off farm or from a place of sale, for the purpose of sale or slaughter or as a result of sale, otherwise than through the use of the facilities or means referred to in subclause (2); or
 - (b) unloaded from a stock transport vehicle used to transport the calf off farm or from a place of sale, for the purpose of sale or slaughter or as a result of sale, other than through the use of such facilities or means.
- (4) In this regulation, **stock transport vehicle** means a vehicle that has a loading height of 90 centimetres or more from the lowest point of the tyres to the height of the deck or body of the vehicle onto which a calf will be loaded.
- (5) A person who contravenes subclause (2) commits an offence. The offence is an infringement offence with an infringement fee of \$500.
- (6) A person who contravenes subclause (3) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$2,000;
 - (b) for a body corporate, to a fine not exceeding \$10,000.

9 Shelter requirements before and during transportation and at points of sale or slaughter

- (1) Subclause (2) applies to an owner or a person in charge of a young calf at a location where—
- (a) the calf is being held before being transported off farm for the purpose of sale or slaughter or as a result of sale (other than the location at which the calf is normally housed on the farm); or
 - (b) the calf is being held off farm while awaiting sale or slaughter.
- (2) A person to whom this subclause applies must—
- (a) ensure that the calf has access to shelter that—

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

10 Maximum time off feed before slaughter

- (1) A person in charge of a young calf being held at slaughter premises for slaughter must ensure that the calf is slaughtered as soon as possible after its arrival at the premises.
- (2) If it is not possible to slaughter a young calf within 24 hours after the calf was last fed on the farm on which it resided, the person in charge of the calf at the slaughter premises must,—
 - (a) if the calf is able and willing to feed,—
 - (i) ensure that the calf is fed a volume of colostrum, milk, or milk replacer that equates to at least 5% of the calf's body weight no more than 24 hours after the calf was last fed on the farm; and
 - (ii) ensure that the calf is slaughtered as soon as possible after it is fed; or
 - (b) if the calf is unable or unwilling to feed, humanely euthanise or slaughter the calf without delay.

- (3) A person in charge of a young calf being held at slaughter premises for slaughter must have a system in place that, if followed, will ensure compliance with subclauses (1) and (2).
- (4) In this regulation, **slaughter premises** means premises designed and operated for the purpose of, or for purposes that include, slaughtering animals.
- (5) A person who contravenes subclause (1) or (2) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$5,000;
 - (b) for a body corporate, to a fine not exceeding \$25,000.

11 Prohibition on transport by sea across Cook Strait

- (1) A person in charge of a young calf on a vehicle must not permit the calf to be transported by sea across Cook Strait.
- (2) A person who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$5,000;
 - (b) for a body corporate, to a fine not exceeding \$25,000.

Strict liability

12 Offences are strict liability offences

- (1) In a prosecution for an offence against these regulations, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.
- (2) It is a defence to a prosecution for an offence against these regulations, other than an offence against regulation 6(1) or (3) or 8(2), if the defendant proves that the defendant took all reasonable steps to comply with the relevant provision.

Revocations

[Revoked]

Heading: revoked, on 1 March 2017, by regulation 13(2) of the Animal Welfare (Calves) Regulations 2016 (LI 2016/170).

13 Revocations

[Revoked]

Regulation 13: revoked, on 1 March 2017, by regulation 13(2) of the Animal Welfare (Calves) Regulations 2016 (LI 2016/170).

Amendments to other instruments

[Revoked]

Heading: revoked, on 1 March 2017, by regulation 13(1) of the Animal Welfare (Calves) Regulations 2016 (LI 2016/170).

14 Amendments to other instruments*[Revoked]*

Regulation 14: revoked, on 1 March 2017, by regulation 13(1) of the Animal Welfare (Calves) Regulations 2016 (LI 2016/170).

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

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

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

**Schedule 2
Amendments to other instruments***[Revoked]*

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Schedule 2: revoked, on 1 March 2017, by regulation 13(1) of the Animal Welfare (Calves) Regulations 2016 (LI 2016/170).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 July 2016.

Reprints notes

1 *General*

This is a reprint of the Animal Welfare (Calves) Regulations 2016 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

Animal Welfare (Calves) Regulations 2016 (LI 2016/170): regulation 13