



Memorandum

File #: 1/22/1a
Date: 23 March 2020
To: Directors, Presidents, Association CEO's, Area Executives, NLT&SG
From: Mark Ngatuere
Subject: Infringements for injuries to horned animals

FOR IMMEDIATE DISTRIBUTION TO ALL LIVESTOCK TRANSPORTERS

MPI has begun issuing infringements for horned livestock injuries. At the 6 March meeting, NLT&SG members expressed concern with the way Regulation 31 of the Animal Welfare (Care and Procedures) regulations 2018 were being interpreted and applied.

Industry has no trouble with transporters who wilfully mistreat animals being brought to justice. However, the NLT&SG felt the spirit of Regulation 31 was being misinterpreted to the detriment of livestock welfare. They reasoned if the purpose is to change behaviour to improve animal welfare, indiscriminately infringing transporters for horned livestock injury is not the way to achieve that successfully. They believed the behaviour change necessary to ensure animals do not suffer injuries in accordance with Regulation 31 begins with the livestock presenter.

RTF recently met with officials to discuss this. MPI has agreed to monitor the issuing of infringements for horned stock injuries - particularly the ratio issued to livestock presenters and to transporters. RTF will keep in close contact with MPI and monitor the situation.

MPI has undertaken to have enforcement personnel better assess where responsibility lies if they believe an animal's welfare has been compromised according to Regulation 31. In other animal welfare cases it is very often quite clear where responsibility lies. For example, a number of regulations place blame for pre-existing conditions on the person(s) presenting livestock for transport. Ingrown horns and cancer eye are two prime examples. Clearly, it is not an act of the transporter that has caused a horn

to become ingrown and an eye to become cancerous while the livestock are being transported.

We believe the horned stock scenario is quite similar. In a number of cases livestock have had horns shortened - to either have them grow back, still have some length on them, or to have been so recently shortened that the horns have not had time to sufficiently heal. The point being that a slight knock or touch can cause a horn to appear to be damaged as a result of rough driving or handling techniques. Obviously, if an animal is susceptible to suffering horn damage (which is quite different to injury or harm) while being transported, no amount of care and attention on the driver's behalf is going to negate that possibility.

If an animal is presented for transport and is predisposed to suffering damage to its horn, the initial responsibility lies directly with the presenter. That view is a reflection in the way Regulation 31 has been written.

However, remember if you have concerns you also have the right to decline to transport the animal.

The NLT&SG will continue to work with MPI on this and have engaged with Federated Farmers to collectively work to improve animal welfare outcomes.

Existing infringements

We are aware some transporters have been issued infringements and have been waiting on advice how to proceed.

While MPI appears sympathetic to industry concerns, legally once an infringement has been issued the options available for disputing it are advised on the rear of the infringement. Namely, write to MPI and seek adjudication, or defend the infringement in open court.

We believe there is good cause for transporters that have made genuine attempts to transport livestock in a careful manner to defend their infringement. Transport operators that have been issued infringements will have to decide whether they want to defend their case. While every case will be different there might be similarities in how defences are made.

The first step must be proving that every precaution was taken during the transport phase and stock were carted in a careful manner. That would include showing that drivers have been adequately trained and are aware of their responsibilities. Participation in the NZ Livestock Transport Assurance programme would be a good example.

There may be examples where horn damage has occurred beyond the transporter's control and these must be highlighted.

If livestock have been unloaded, it would be manifestly unfair for enforcement to then check livestock in pens at a later time, notice they have suffered an injury and hold the carrier responsible. In all reality, that injury may have happened in the pen or yard. A short phone video of the stock taken immediately after unloading would capture lack of injuries.

It could also be argued that stock that have been dehorned or had horns shortened previously would have a disposition to suffering horn damage.

It is equally possible an animal that has been dehorned/disbudded previously may not have been given sufficient time for the horn to fully recover from that procedure and would therefore, be more susceptible to horn damage.

Quite possibly the dehorning procedure may have been poorly executed and exacerbated probability of a horn being damaged.

Officials also recognise that other species - especially young animals growing horns are susceptible to damage.

It is also entirely possible horns could be caught during the penning, holding and loading phases. All of which are beyond the transporter's control. However, if you note injuries, those animals should not be transported unless accompanied by a vet certificate.

There are very strict requirements placed on de-horning and disbudding procedures placed in Regulations 57 and 58 of the Animal Welfare (Care and Procedures) regulations. Both involve veterinarian authorisation. We have asked MPI how many infringements have been issued under those regulations. Especially those that have been dehorned without the necessary authorisation or dehorned in a fashion that can cause an issue.

The point we are trying to make is that there are so many variables involved beyond transporter control that makes defending against these infringements a viable proposition.

Any person seeking further help with this are welcome to contact:
Don Wilson Chair of the NLT&SG on 027 497 5825; or
me at RTF on 04 4718285.