



Surgical procedures on animals

From 9 May 2021, new rules on who can carry out some surgical procedures on animals, and how they must be done, will come into effect.

If you own or work with animals, check now to see if you need to make any changes.



Why are these regulations needed?

The Animal Welfare Act 1999 says that “significant surgical procedures” may only be carried out by a veterinarian or their supervised student, unless there are regulations that say otherwise.

From 9 May 2021, new criteria will come into effect to make it easier to decide whether a procedure is a “significant surgical procedure”. Under the new criteria, the factors to consider include:

- the level of pain and distress to the animal;
- the potential for the procedure to cause serious or lasting harm, or loss of function if not carried out by a veterinarian; and
- the nature of the procedure, for instance, whether it is below the surface of the skin or interferes with soft tissue.

These criteria would potentially mean only veterinarians could carry out some procedures – for example, docking lamb tails – unless there are new regulations to make it clear who can do what and how it should be done.

What do the regulations do?

Generally, the new regulations:

- Continue to allow competent people who are not veterinarians to carry out some procedures, e.g. docking lamb tails and treating sheep bearings.
- Make it clear that competent people can continue to carry out some procedures if the animal is given pain relief, e.g. extracting wolf teeth from horses or other equids, and disbudding goats. It is up to a veterinarian to determine the type of pain relief to be used, to ensure effective and significant alleviation of pain.
- Make it clear that some procedures must only be carried out by a veterinarian, e.g. castrating donkeys.
- Make it clear that some procedures are banned; meaning no-one, not even a veterinarian, can carry them out, e.g. cropping dogs’ ears to make them stand up.

Not all procedures on animals need to be regulated because:

- some clearly **are** a significant surgical procedure and remain veterinarian-only – for example, a liver biopsy on any animal; and
- some clearly are **not** a significant surgical procedure and do not need to be done by a veterinarian – for example, ear tagging of cattle.

What are the penalties?

Most regulations have an associated penalty. The penalty level is determined by whether the offence is:

- **an infringement offence** – resulting in an infringement fee but no criminal conviction. The flat fee for most offences is \$500; or
- **a prosecutable regulatory offence** – more serious than an infringement offence and may result in a criminal conviction. The fine is a maximum of between \$3000 and \$5000 for an individual or a maximum of between \$15,000 and \$25,000 for a body corporate, depending on the offence.

Some regulations do not have an associated penalty. The main purpose of these is to provide clarity about who can carry out a surgical procedure and how it must be done.

If an animal’s welfare is seriously compromised, higher penalties under the Animal Welfare Act 1999 would apply.

Where can I find more information?

- For more details on the regulations and how they were developed, visit: www.mpi.govt.nz/ssp
- In the lead up to May 2021, MPI will have further guidance available at: www.mpi.govt.nz/animalregs
- You can email questions to: animalwelfare@mpi.govt.nz