ANIMAL WELFARE (HORSES AND DONKEYS)
CODE OF WELFARE 2016
REPORT

Introduction

1. The draft Animal Welfare (Horses and Donkeys) Code of Welfare (the Code) has been developed by the National Animal Welfare Advisory Committee (NAWAC), pursuant to the Animal Welfare Act 1999 (the Act). This report accompanies the Code recommended by NAWAC to the Minister, as required by section 74 of the Act.

   The report notes:

   - the reasons for NAWAC's recommendations;
   - the nature of any significant differences of opinion about the Code, or any provision of it, that have been shown by the submissions; and
   - the nature of any significant differences of opinion about the Code, or any provision of it, that have occurred within NAWAC.

   In providing this report, NAWAC notes that it fully considered all submissions it received and reviewed relevant scientific literature, and that there was debate among NAWAC members on many points. This report is not required to, and does not attempt to, show every detail of the analysis and discussions that took place.

2. There are a number of minimum standards where the animal welfare implications are self-evident and require no explanation for their inclusion. NAWAC has decided that it will not provide comment on these minimum standards or recommended best practices, but will provide explanations on minimum standards which it believes are complex or controversial or on which it received submissions with significant differences of opinion. Minimum standards as drafted may have been amended for a number of reasons, including to make them legally robust, to ensure a more effective coverage of the issue, or to change from a recommended best practice to a minimum standard (or vice versa).

3. It should be noted that the Act does not define "significant differences". While there were a variety of opinions expressed in the submissions, NAWAC did not consider that all differences necessarily represented significant differences of opinion. NAWAC has taken the view that significant differences are either where there are large numbers of submissions which are contrary to a minimum standard in the Code, or where a submission puts forward a justification based on scientific evidence or good practice for a different or alternative minimum standard. NAWAC notes that some individuals or organisations may interpret "significant differences" in a way that varies from the NAWAC view.

4. This code applies to all horses, ponies, donkeys and hybrids of these that are held for any purpose in New Zealand. For the purposes of the code and report, the term ‘horse’ applies equally to all of the above unless specifically stated otherwise. The code also applies to unbroken and undomesticated horses contained for management purposes.

Why do we need a code of welfare for horses and donkeys?

5. Horses, donkeys, ponies and hybrids of these are kept in New Zealand for a variety of purposes such as companions (pets), for breeding, sport, entertainment, or as working animals. Due to the diversity of equine endeavours and the close interaction of man and horse, it is important that each person in charge of horses is aware of their responsibility to provide a high standard of care for the animals of which they are in charge.
6. The Act specifies that owners and persons in charge of animals (including horses and donkeys) must meet the needs of animals in their care. It does not specify how to meet these needs. Nor does it describe how those responsible for ensuring compliance with the Act might determine whether or not these needs have been met. Additionally, the Act functions to avoid unnecessary or unreasonable pain or distress being caused to animals but does not list the areas or practices in which this might be a concern and the ways in which it might be avoided. This is the function of the codes of welfare.
7. It is essential that owners and persons in charge of horses know what the needs of horses in their care are, and how these needs can be met, in order that they can act lawfully and so that the welfare needs of their horses are met. This code of welfare for horses and donkeys fulfils this requirement and constitutes the Government’s statement of policy in this regard. It sets out the Government’s expectations regarding appropriate treatment of horses and identifies what is considered to be inappropriate treatment of horses. It is expected that horse owners will use this code as guide to best practice and that those required to ensure compliance with the Act will use it to assist in identifying unacceptable practices.
8. Key needs are described in the areas of equine management, handling and training; restraint and containment; saddlery and equipment; the provision of food, water and shelter; housing facilities; behaviour and health; breeding; identification; emergency humane destruction and pre-transport requirements.

Code preparation and public submissions

9. The Act allows for any individual or organisation to draft a code of welfare. The Code was initially drafted by the New Zealand Equine Health Association. As required by the Act, representatives of those likely to be affected by the Code were consulted during its preparation and before public notification.
10. NAWAC considered the Code in 2012 to ensure that it complied with the purposes of the Act, that it was written clearly so as to be readily understood, and

that representatives of those likely to be affected by it had been consulted. NAWAC wishes to point out that, at that time, NAWAC decided not to make any final decisions on the Code until it had received submissions. The Code is required to be publicly consulted, and for NAWAC to come to any conclusion prior to this consultation would have meant that NAWAC was not following due process by acting in a biased and predetermined manner.

11. The Code was publicly notified on 25 January 2013 by notices in the major newspapers in Auckland, Wellington, Christchurch and Dunedin. In addition, it was sent to all major libraries and to specific interested groups. The closing date for submissions was 12 March 2013.

12. A total of 16 submissions were received during the public consultation period. All submissions were read in their entirety and taken into account. A summary of the submissions received on the 2013 draft Code was prepared and NAWAC's responses to the submissions were noted.

14. All submissions were carefully considered by a subcommittee of three members appointed by NAWAC to review the Code. The subcommittee reviewed the Code in detail and all the submissions received on it. The subcommittee met for one full day in May 2013. Throughout the period the Code was under review, subcommittee members worked in collaboration by email, and in consultation with MPI Animal Welfare Regulation and Assurance staff.

15. The subcommittee reported the Code back to NAWAC on 13 November 2013 for final consideration and approval for recommendation to the Minister. The Code was subsequently peer reviewed by Professor Natalie Waran, an expert in horses and in animal behaviour and welfare science, who is the director of the Jeanne Marchig International Centre for Animal Welfare Education at the University of Edinburgh.

Key issues

16. The following key issues represent the significant concerns raised from the public consultation on the draft Code.

- Animal Handling

  What restrictions are placed around the use of the whip?

- Restraint and Containment

  Should the code allow the practice of tethering horses to continue?

- Saddlery and Equipment

  Should a horses' halter or headcollar be left on during turnout?

- Behaviour

  What are the main issues associated with keeping horses in pairs or herds?

- Housing

How long should a horse be held in a stall for?

- Identification

  Should pain relief be required when applying identification to horses?

17. **Animal Handling**

(a) ***What restrictions are placed around the use of the whip?***

There were a number of submissions discussing the use of the whip on horses in different situations. Whips can be used for a number of different reasons, including used as encouragement while riding the horse, on the ground to encourage forward movement of the horse while lunging, or to gently convey information during training. Unfortunately the whip also has the potential to be used for punishment, and incorrect use of the whip, or any other object, can cause the horse pain.

NAWAC is also aware of the growing societal concern with the use of the whip in many sporting areas, the area drawing most attention from the public being the use of the whip in horse racing (Evans and McGreevy, 2011; McGreevy et al., 2012). Many organisations that use horses for sport have their own rules around the use of the whip and are able to punish those breaking the rules with fines, suspension or disqualification (McGreevy et al., 2012).

As the use of the whip is highly regulated, at least within the sporting industries, NAWAC believes that its use outside the industries should also be given the same concern. NAWAC has therefore added a minimum standard to state that the whip, lead or any other similar object must only be used for safety, correction and encouragement and not used in an unnecessary, excessive or improper manner. Another minimum standard has been added to the code that horses must not be struck around the head or genitals with a whip, lead or any other object.

18. **Restraint and Containment**

(a) ***Should the code allow the practice of tethering horses to continue?***

A number of submissions were received in relation to tethering horses, whether this practice should continue and, if it is allowed, how it should be managed to ensure the health and welfare of the horse. Tethering has been defined in the glossary as ‘being secured for the purpose of grazing’. This is distinct from the process of ‘tying up’ a horse for management purposes such as grooming or attention by a farrier. Tied up horses are, in general, under a greater amount of surveillance and are not at an increased risk of distress or injury as a result of being tied.

Horses are sometimes tethered to allow them to graze in places where there is no external fencing. They may be grazed both on private property or on roadsides and in areas to which the public have access. Problems may occur as horses may be injured if they become entangled in the tether or, if their needs are not adequately catered for, they may not have access to sufficient feed, water and shelter and may

suffer distress as a result. In addition, horses are naturally social animals (Cameron et al., 2009). Tethering restricts social interaction with conspecifics, and so this practice is denying them a very basic need. Tethering also leaves horses unable to escape from attack or abuse from people or other animals.

NAWAC therefore decided to include a recommended best practice that horses should not be tethered, and minimum standards and indicators to ensure that tethering does not deprive horses of their need for feed, shelter, water, social contact and general surveillance to ensure that they are not suffering pain or distress. Minimum standards have also been included that horses must not be tethered for longer than 15 hours without being released for exercise and must not be tethered at all if they are physiologically compromised in such a way that tethering may affect their health or welfare.

19. **Saddlery and Equipment**

(a) ***Should a horse's halter or headcollar be left on during turnout?***

There were a number of submissions in relation to the safety issues in turning out horses with halters or headcollars on. Horses that can be difficult to catch are sometimes turned out in halters or headcollars to make the catching process easier. However, headcollars or halters can become caught on items in a paddock, causing a horse to panic when it realises that it is caught, causing itself injury.

NAWAC decided that, although it wasn't appropriate to include a minimum standard stating that halters and headcollars must never be left on horses when turned out, they wished to include information in the code about the potential risks in doing so and added a recommended best practice that horses are not turned out wearing halters or headcollars.

20. **Behaviour**

(a) ***What are the main issues associated with keeping horses in pairs or herds?***

Horses naturally exist in a complex hierarchical social structure, with individuals frequently competing over resources (Cameron 2009; Krüger and Flauger, 2008). Social conflicts between horses, if frequent, can affect the feeding and resting behaviour of more subordinate individuals. Agonistic behaviour can be physical (e.g. biting, kicking) or aggressive without contact (threat displays, chases) (Jørgensen et al., 2009). When horses are first mixed into new groups, the level of aggressive behaviour will rise while the horses determine the new hierarchy. The amount of aggression that horses show towards each other can be reduced by using strategies such as maintaining an established and stable group wherever possible, mixing only with careful consideration of the different temperaments of the individuals in the group, and separating horses if there is a risk of injury. For this reason NAWAC has included a minimum standard in the code to state that, where horses are mixed into new groups, they must be managed in a manner that minimises the risk of aggression and injury. Recommended best practices have also been included which state that the introduction of new animals to the herd should not occur more frequently than necessary because of the social distress involved while the introduced and resident horses re-establish a hierarchy.

Another recommended best practice states that if any horses are subjected to persistent bullying, they should be removed from the paddock, checked for illness and injury and, if returned to the group, monitored closely thereafter to ensure that confrontation is minimised.

If placed in compatible groupings, the presence of other conspecifics has been shown to be beneficial for horses and reduces stress in the domestic situation (Lansade at al., 2008; Hartmann et al., 2012). If horses are not able to live with conspecifics, they can instead be provided with a goat, cow, sheep or other animal to provide company. Social tendencies are an advantageous trait for the horse (Mills and Nankervis, 1999) as selection favours those animals that seek to establish social contact with others when isolated, as it decreases their chance of becoming prey. Social contact with other animals therefore reduces stress in isolated animals (Mills and Clarke 2002) and so NAWAC has included a recommended best practice that horses should be kept with at least one other social companion, or if this is not possible, they should be kept where they have visual or auditory contact with horses or other animals.

21. **Housing**

(a) ***How long should a horse be held in a stall for?***

The length of time that stalls should be used to hold horses was questioned in the submissions. Due to the fact that horses are tied in the stall, which is of a small size, the lack of space for horses to even turn around restricts their ability to move, perform normal behaviour patterns and to socialise with conspecifics. Studies have shown that horses display rebound behaviour when their movement is restricted, suggesting an accumulation of motivation to perform activity (Houpt et al., 2001; Chaplin and Gretgrix, 2010). For this reason, stalls are usually used for short term restraint only. Stalls can be beneficial, however, for holding injured horses for longer periods if they require immobilising for veterinary purposes. NAWAC wished to strike a balance between enabling people working with horses that are housed in stalls to do so without significant inconvenience, whilst allowing horses the opportunity to move sufficiently to meet their behavioural needs. As stalls do place a significant behavioural restriction on horses, NAWAC considers that they must not be tied in a stall for more than six hours in a 24 hour period, unless under veterinary recommendation. A minimum standard has been added to the code to reflect this. NAWAC has also added a recommended best practice that horses housed in stalls should be cross-tied at a length that allows the horse to drop its head to at least the level of its knees. Providing horses with the ability to drop their head allows them to clear their respiratory system of contaminants.

22. **Identification**

(a) ***Should pain relief be required when applying identification to horses?***

A number of submissions commented on the use of different identification methods on horses. A number of submissions called for the use of pain relief when branding. The submissions outlined that hot-branding causes a significant amount

of pain to the animals and that, in the interests of animal welfare, alternative techniques such as freeze-branding and microchipping are available and should be used.

The different methods used for identification of horses all have advantages and disadvantages, but hot and freeze-branding and the use of implanted microchips are among the most widely used methods. Concerns have been expressed regarding the level and duration of pain that these different identification methods cause. Hot-iron branding involves the use of a hot iron that burns the skin, creating a permanent mark on which no hair will grow. Lindegaard et al. (2009) found that hot-iron branding of horses caused significantly stronger behavioural responses indicative of pain, and resulted in more signs of inflammation than did injection with a microchip. Similarly, Erber et al. (2012) found that both hot-iron branding and microchip tagging in foals caused an increase in heart rate and an increase in cortisol, but this was longer lasting in foals that were hot-iron branded than in those implanted with a microchip. A necrotizing skin burn, open wound and exudation was also observed at the site of the hot-branding, but not at the site of implantation of the microchip transponder.

Freeze-branding is a method of identification where a coolant is applied to the iron, rather than heat. This works at the site to destroy the pigment-producing hair cells, causing the hair to grow white where the brand has been applied. Studies on beef cattle have showed that hot-iron branding elicited greater behavioural and physiological indicators of discomfort than freeze-branding. However, freeze branding elicited greater indicators of discomfort than sham-branding (Schwartzkopf-Genswein et al. 1998).

NAWAC decided that, in light of the available scientific evidence regarding hot-branding and the acute pain that it causes, measures need to be applied to reduce the short-term pain that this method causes the horse. NAWAC has therefore added a minimum standard stating that pain relief must be used with hot-branding and a recommended best practice that this method of identification should not be used. Freeze-branding causes pain, although to a lesser degree than hot-branding, so NAWAC has added a recommended best practice that pain relief be used when applying this method of identification. A minimum standard has also been added that all identification procedures must be performed by a competent operator to ensure that pain and distress are kept to a minimum.

23. **Other issues considered by NAWAC**

NAWAC has considered how the Code aligns with other relevant codes and regulations both in New Zealand and internationally. NAWAC is not aware of any examples where the Code deviates significantly from these documents.

24. **The nature of any significant differences**

All significant differences of opinion about the Code, or any of its provisions, have been set out above or in NAWAC's response to submissions.

Dr John Hellström

Chair, National Animal Welfare Advisory Committee

29 April 2014

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