



THE LEGAL STATUS OF RODEO IN NEW ZEALAND

A PAPER FOR THE NEW ZEALAND ANIMAL LAW ASSOCIATION

MARCH 2018

CATRIONA MACLENNAN | BARRISTER

NZALA.ORG

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COVER IMAGE: TAUPO RODEO, NZ, 2016 – ANIMAL WRESTLING.

FOREWORD

From a legal perspective, rodeo in New Zealand is somewhat of an anomaly. Like recreational hunting or animal racing, some rodeo practices cause animals to suffer pain or distress for human entertainment. Unlike hunting and racing, rodeo is not explicitly allowed by legislation and is thus susceptible to the legal definition of ill-treatment, along with its criminal ramifications.

The legality of rodeo in New Zealand under *existing* legislation is hanging by the thread of public acceptability or, in legal terms, the 'reasonable or necessary' test. Growing criticism of rodeo in the public opinion provides good prospects our Judiciary may soon accept the view that the pain and distress inflicted on rodeo animals are unreasonable and unnecessary according to modern New Zealand community values.

Since 2004, rodeo in New Zealand has been regulated within the confines of a Code of Welfare. The legality of the current Code and its compatibility with its primary legislation deserve serious consideration, especially in light of the 2015 amendments to the Animal Welfare Act 1999 and the growing body of scientific evidence about the pain and distress of animals in rodeos.

Current policy work towards converting the Code into a set of regulations has prompted the New Zealand Animal Law Association to commission this report from Catriona MacLennan, one of the leading animal law commentators in New Zealand. We are very grateful to Catriona for her work and trust it will be of interest to lawyers, law makers and law students in New Zealand and overseas.

Our thanks and gratitude to Roimata Mitchell for writing the Tikanga Māori section of the report; Esther Bennett and Sasha Borissenko for their insightful comments on earlier drafts; and Sandi Wilson for the graphic design.

I also thank the wonderful members of the NZALA Executive for their help and support.

Wellington, March 2018

Saar Cohen-Ronen

President, New Zealand Animal Law Association



CALGARY STAMPEDE, ALBERTA, CANADA.

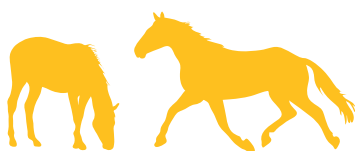


**“...WITHIN A SPLIT
SECOND, THE
STEER’S HEAD AND
NECK ARE JERKED
180 DEGREES...
THE STRESS TO
THE NECK IS
ENORMOUS..”**

EXTRACT FROM PAGE 11

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“USING ANIMALS IN RODEO DOES NOT PROTECT THEM FROM UNNECESSARY PAIN OR DISTRESS: IN FACT, IT LEADS TO UNNECESSARY PAIN AND DISTRESS SINCE IT CANNOT BE CONSIDERED “NECESSARY” FOR PAIN TO BE CAUSED FOR THE PURPOSE OF HUMAN ENTERTAINMENT.”

EXTRACT FROM PAGE 55

EXECUTIVE SUMMARY

- Around 35 rodeos take place in New Zealand each year. They involve events including calf roping, bareback riding, steer wrestling, barrel racing, team roping, saddle bronc and bull riding.
- The way in which animals are used in New Zealand rodeos prima facie contravenes the basic purposes and protections of the Animal Welfare Act 1999, including sections 9, 10, 11, 12, 22, 23, 28, 28A, 29, and 30A.
- The Code of Welfare (Rodeos) 2014 operates to sanction and normalise the mistreatment of animals in rodeos.
- The National Animal Welfare Advisory Committee is responsible for making recommendations about Codes to the Minister for Primary Industries. In preparing the rodeo Codes, NAWAC has done very little research and appears to have relied for statistics about animal injuries and deaths on figures provided by the rodeo industry.
- When NAWAC updated the Code in 2014, it expressed particular concern about calf roping events but the Committee was divided on the issue and decided not to ban them. Since then, research has been published in Queensland which confirmed both naïve and experienced calves suffered stress in simulated rodeo events. That research appears to provide a basis for the Committee to review its 2014 decision and ban calf roping.
- There appears to have been a significant change in public attitudes to rodeo in New Zealand over the past five years, primarily as a result of covert filming and subsequent widespread publicity about the treatment of animals at rodeos. A Horizon Research opinion poll conducted in June 2016 reported that 59 per cent of respondents would support a ban on the use of animals in rodeo in New Zealand, while 55 per cent said they believed the level of distress caused to animals in rodeos was such that it should qualify as unreasonable or unnecessary under the Act.
- A correct application of the Act would mean rodeos are *unlawful* in New Zealand under the AWA as it currently stands. The Code should be repealed and the practice of rodeo banned.



WAIMARINO RODEO, NZ, 2017.
Distressed bull exiting a chute.



A BRIEF HISTORY OF RODEO



CALGARY STAMPEDE, ALBERTA, CANADA.

Rodeo can be traced back several centuries. It derived from cattle herding practices developed in Spain and Mexico, and later in the United States, Canada, New Zealand, Australia and Central and South America. The word “rodeo” has its origins in the Spanish term “rodear,” meaning “to go round” and the Latin “rotare,” which translates as “to wheel.”¹

It arose from the Spanish and later Mexican tradition of convening annual roundups and branding of cattle where all disputes of ownership of cattle were determined by officials called “Jueces del Campo” (Judges of the Plains).² Over time, these annual gatherings involving festivities and demonstrations of equestrian and other skills were adopted by American settlers, first in territories acquired from Mexico with large population of former Mexican citizens, and later in other territories of the United States and Canada.

An article about New Mexico states that the first American rodeos which took place in the early 1600s were conducted by Spanish *vaqueros* (cowhands). *Vaqueros* were regarded as folk heroes in New Mexico and looked up to by wranglers as men who “could rope anything that moved and ride anything that bucked.”³ The culture of violent domination of animals and treatment of animals as “things” is plain in the way in which rodeo is described.

Standardised rules and point systems were developed to decide who won *vaquero* competitions. Judges (“Jueces del campo”) ruled on ownership disputes and oversaw the branding of animals.⁴ *Vaqueros* farmed the animals until their owners were ready to brand, sell or slaughter them. When that time arrived, the animals were rounded up “al rodear.”⁵

The American cowboy culture emerged in the 1820s and 1830s with informal rodeos in northern Mexico and the western United States in which *vaqueros* and cowboys tested their work skills against one another. The first competitive rodeo took place in Cheyenne, Wyoming, in 1872, while Arizona held the initial “professional” rodeo in 1888, with admission charges and the awarding of trophies.⁶

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- 1 Davidson, GW, Seaton, MA and Simpson, J (Eds) - The Wordsworth Concise English Dictionary, Wordsworth Reference, Ware, Hertfordshire, 1994, p 861.
 - 2 Guinn, JM – A History of California and an Extended History of Los Angeles and Environs: Also Containing Biographies of Well Known Citizens of the Past and Present, Vol 1, Historic Record Company, Los Angeles, 1915.
 - 3 Richardson, E – Matanza – A New Mexico Celebration, <http://www.santafesite.com/index.php/articles/1160-matanza-a-new-mexico-celebration>. Accessed November 2017.
 - 4 Ibid, p 2.
 - 5 Ibid, p 2.
 - 6 Allen, M – Rodeo Cowboys in the North American Imagination, University of Nevada Press, Reno, Nevada, 1998, pp 17 -18.





Rodeo first took place in Canada in 1903, when the Raymond Stampede was held in Raymond, Alberta. It was a competition for bronco riders and steer ropers and was followed by the construction of Canada's first rodeo arena and grandstand the following year.⁷

In the next two decades, rodeos developed as public entertainment in the United States. In the western United States and Canada, there were the Cheyenne Frontier Days, the Calgary Stampede and the Pendleton Round-Up, while in the eastern United States rodeos were held at Madison Square Garden.

John Van "Tex" Austin was an American rodeo promoter described as the "King of the Rodeo" or "Daddy of the Rodeo."⁸ He organised his first rodeo in Texas and later held the inaugural indoor rodeo in Kansas in 1918. During the 1920s, he promoted rodeos in Hollywood, Madison Square Garden and the Chicago Stadium in an effort to spread rodeo beyond its western strongholds.

Tex Austin took a rodeo to England's newly-constructed Wembley Stadium in 1924. Animal rights activists filed court proceedings seeking an order to prevent the event from taking place on the grounds of its cruelty to animals. Austin returned to London a decade later and produced another rodeo, which was attended by the King and Queen. However, in the same year, the Westminster Parliament passed the Protection of Animals Act. This effectively outlawed such rodeos, by making it an offence to rope an untrained animal or to use devices such as straps cinched tightly around animals' genitals.

In Australia, roughriding competitions were recorded as early as 1888, followed by Wild West shows in the 1890s. Bushmen's Carnivals, the Australian equivalent of American rodeos, were well established by the 1930s.

By contrast, in New Zealand rodeo as an organised activity did not appear until the early 1960s and a national championship began in 1973. The history of rodeo in New Zealand is discussed in more detail at page 18 of this report.

Today, rodeo is still popular in parts of Latin America. The *charreada* is the national sport of Mexico. It comprises displays and contests with roping and riding and involves humans, cattle and horses. *Coleo* is a traditional Venezuelan and Colombian event which is very similar to American rodeo. The Chilean version of rodeo became the national sport in 1962.

In the United States, rodeo is the state sport of Wyoming, Texas and South Dakota.

A Canadian report from 1990 suggests that most activities seen at modern rodeos bear little, if any resemblance to the skills once employed by working cowhands.⁹



CALGARY STAMPEDE, ALBERTA, CANADA.

7 Tychsen, HBC – The History of Raymond, Alberta, Canada, Utah State University, 1969, p 52 <http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=4828&context=etd>.

8 Staff writer – 'King of the Rodeo' Now showing at Gem, The Salt Lake Tribune, 29 December 1928, p 15.

9 Armstrong, SJ, Botzler, RG – The Animal Ethics Reader, Routledge, London and New York https://books.google.co.nz/books?id=1_xAh8FjVx8C&pg=PA179&lpg=PA179&dq=Toronto+Medical+Officer+of+Health+rodeo.

ACTIVITIES AND DEVICES USED IN RODEO INTERNATIONALLY

These are some of the activities occurring at and devices used in rodeos -

ACTIVITIES

BARREL RACING

Barrel racing involves riders guiding their horses around three barrels in a cloverleaf pattern as fast as possible. Horses must move speedily and turn quickly to enable riders to complete the event in the least amount of time.

BRONC RIDING

Bronc riding is done both bareback and using saddles. The horse is held in a chute, which is then opened to release the horse into the arena. The rider attempts to stay on the horse for eight seconds, without the rider's free hand touching the horse. Riders must "mark the horse out." This requires riders to have the heels of their boots in contact with the horse at a point above the animal's shoulders before the horse's front legs hit the ground. The rider is required to "spur" the animal over the shoulders each time the bronc bucks, in order to obtain points.

Horses who buck in ways which provide spectacular visual spectacles for audiences garner more points for competitors. Spurring results in blunt trauma to the shoulders and, when the animals are used repeatedly in rodeos, there is not enough time for injuries to heal between events. Bucking straps cause pain on the flanks by chafing the animal's skin. Fear and pain often cause the animals to bolt to try and escape, and they may injure themselves by crashing into fences at high speed as they seek to get out of the ring.

BULL RIDING

In order to force bulls to move, cattle prods are used repeatedly to shock the bulls as they are trapped in the bucking chute before being forced into the ring. Bucking straps and spurs can force bulls to buck beyond their physical capacity, resulting in broken backs and legs. Bulls and horses do not buck repeatedly unless they are distressed and/or in pain. They are provoked into bucking by the tying of flank straps tightly round their hindquarters. To try and stop the pain, the animal bucks. This enhances the spectacle for the audience.

CALF ROPING

Calf roping uses young calves around three months old and weighing less than 330 pounds. They are placed in a holding chute and their tails are twisted and rubbed back and forth over the steel chute bars. They are also kicked and slapped. The calves are shocked with 5000-volt electric prods until the chute gate is opened.¹⁰ This is done to ensure that, when the gate opens, the calf will run out into the arena as fast as possible.

The cowboy or rodeo participant chases the calf, with the aim of throwing a choking rope around the animal's neck and throwing the calf to the ground. The calf's legs are tied together on the ground. The calves are frequently injured by being suddenly halted by the rope as they try to run away, as well as being roughly thrown to the ground. Stopping the animals short as they seek to escape is called "clotheslining."

Calves are often injured and some are killed. Calf ropers spend a long time practising, meaning that calves may be repeatedly subjected to chasing and roping. Veterinarian Dr T K Hardy, who was also a calf roper, was quoted in *Newsweek* as saying that two or three calves were injured during each practice session.¹¹



¹⁰ In New Zealand, the use of electric prods on calves is prohibited under the Code.

¹¹ Larson, P Rodeos: Inherent Cruelty to Animals, Humane Society Veterinary Medical Association, 15 January 2015 http://www.hsvma.org/rodeos_inherent_cruelty_to_animals.





CHARREADAS

Mexican rodeos are called charreadas and two events involve deliberately tripping horses. The manganas a pie involves three mounted riders chasing a wild mare while one tries to rope her by the front legs and cause her to trip and fall. The piales en lenzo consists of a rider on horseback roping and tripping a wild mare by the hind legs. In el paso de la muerte, riders try to leap from their own horses onto the bare backs of wild mares and then ride them until they become exhausted and stop bucking. Three other mounted competitors chase the mare around the arena at the same time. The terna en el ruedo involves three riders trying to rope a bull as quickly as possible – one ropes the bull by the neck, one by the hind legs and the third ties the animal's legs together. Coleadero, or steer tailing, consists of a rider grabbing a steer by the tail, wrapping the animal's tail around the rider's boot and stirrup, and trying to force the animal to the ground. The flesh on the tail may be torn off the bone in an injury called “degloving.”¹² PETA states that unsanctioned charreadas – also called coleaderos because steer tailing is the most common event – take place all over the American Southwest in rural areas. Word of the events is spread on social media and there are no rules.¹³

GOAT TYING

This is a children's rodeo event.

MUTTON BUSTING

In the United States, rodeos promote “mutton busting” for children. This involves small children riding sheep. Children are frequently injured, suffering broken bones, head injuries and abrasions.¹⁴ Larson says the potential for injuries to children is so great that parents are required to sign waivers absolving rodeos from legal liability in the event of injuries.¹⁵

STEER TRIPPING OR STEER BUSTING

Steer tripping or steer busting involves forcing steers weighing around 700 pounds to run at high speed while the roper throws a rope around the animal's horns. The roper then –

“flips the rope over the right side of the steer, while turning his galloping horse to the left. Within a split second, the steer's head and neck are jerked 180 degrees or more, causing the animal to be violently tripped, rolled and dragged for approximately 30 feet. That's a 700-pound body being dragged by the neck, with the horns digging into the dirt. Sometimes the horns fracture. The stress to the neck is enormous. The roper's intent is to make the steer sustain a violent fall and subsequent dragging sufficient to stun the steer. The purpose of the stunning is to enable the roper to tie the steer's legs for a score. If the steer is not sufficiently stunned in the first attempt, he may be tripped and dragged repeatedly in the same run until he remains down.

“These steers are usually very thin, often with sores on their backs and hips. They appear to be depressed, not lively. They are used so often that their injuries do not have enough time to heal. As with roping calves, tripping steers may be used over and over again in practice sessions. When they are crippled from repeated abuse and injury, they are sent to slaughter.”¹⁶

STEER WRESTLING

In steer wrestling, animals are forced to run very fast while a rider leaps from a horse, seizes the steer's horns and twists the animal's neck until he collapses on the ground.



12 PETA – Rodeos, [www.peta.org https://www.peta.org/issues/animals-in-entertainment/cruel-sports/rodeos/](https://www.peta.org/issues/animals-in-entertainment/cruel-sports/rodeos/).

13 Ibid, p 2.

14 Fn 11.

15 Fn 11.

16 Fn 11.

OTHER

An American article noted that numerous other events were involved in rodeos in the United States. These included goat roping; wild horse races; wild cow races; chuck wagon races; cowboy bull fighting; calf riding for small children; steer riding; rawhide racing; pick-up or rescue races; milk races, in which nursing foals were separated from their mares and forced to race back to them; cow, buffalo or horse turd throws; greased pig contests; cutting horse exhibitions; dressing wild cows in negligees; Charro or Mexican rodeos; and horse tripping. Steer and horse tripping are now banned in most American states.¹⁷

TRANSPORT

Animals used in rodeos are transported from one venue to the next, often repeatedly travelling long distances. Double-decker trailers may be used to fit as many animals as possible into one vehicle, increasing the likelihood of injury. Horses and bulls may fight while confined to vehicles. Transport is always psychologically stressful for animals. Veterinary treatment and adequate food and water may not be provided to animals. Dr Temple Grandin of Colorado State University works with the cattle industry on humane handling of animals. She told an American vet of a case in which a bucking horse suffered a badly-broken front leg. Instead of euthanising her, the rodeo organisers chose to ship the horse across two states in a transport truck with other horses. She died before she could be killed at the slaughterhouse.¹⁸

Referring to transport in the United States, the Animal Legal Defense Fund says the animals may be transported in hot and overcrowded trucks and trailers.

“The official rules of the [Professional Rodeo Cowboys Association] permit them to be confined during transport for as long as 24 hours without being fed or watered.”¹⁹

DEVICES USED IN RODEOS

A large number of devices is used in rodeos in every country in which events occur. Devices employed include the following –

BITS

Bits are placed in horses' mouths so that the animals can be controlled by placing pressure on the bits. They can be used forcefully and snap in the horse's mouth.

ELECTRIC PRODS

Electric prods or shocking devices are hand-held devices used to make animals move by striking or poking them. They deliver high-voltage, low-current electric shocks. Sometimes electric prods are thrust into the rectal area.²⁰ Electric prods are employed while the animals are in the holding chute, waiting to go into the ring, to render them agitated so they will burst out into the arena when released from the chute. Electric shocks impact particularly on bovines, who have large “electrolyte” vats – their rumens.

FLANK STRAPS

Flank straps – also called “bucking straps” - are tied around the horse's flank, just in front of the back legs. They are used to make bucking horses kick higher. Flank straps are approximately four inches wide and covered in sheepskin or neoprene. Although they are called “flank” straps, in reality they are used to confine the genitals, causing severe pain to the animals and provoking them to buck and/or run away at high speed to create a spectacle for onlookers.

17 Rollin, BE – Rodeo and Recollection – Applied Ethics and Western Philosophy, *Journal of the Philosophy of Sport*, Volume 23, 1996, Issue 1 <http://www.tandfonline.com/doi/abs/10.1080/00948705.1996.9714527?src=recsys>.

18 Ibid, p 2.

19 Animal Legal Defense Fund – Rodeo Facts: The Case Against Rodeos, <http://aldf.org/cases-campaigns/features/rodeo-facts-the-case-against-rodeos/>.

20 Serpell, J – *In the Company of Animals*, Cambridge University Press, Cambridge and New York, 1996. This practice is not permitted under the New Zealand Code for rodeos.



Former animal control officers have reported that burrs and other irritants are sometimes placed under flank straps,²¹ and that improperly-used flank straps can cause open wounds and burns if hair is rubbed off and skin is chafed raw.²²

ROPES

Ropes are used to control animals. They can be jerked extremely forcefully, resulting in the animals falling to the ground at high speed and injuring their necks and other body parts. Ropes are sometimes weighted with noise-making equipment.

SPURS

Spurs are metal objects worn in pairs on the heels of riding boots to direct and control horses by digging the metal into the horse's sides. Spurs are worn by rodeo riders and used to enhance the rodeo spectacle by digging the spurs into, or raking, the horse's body and thereby causing pain and provoking a reaction from the animal. Spurs are sometimes sharpened to increase the pain and heighten the reaction. The rowels – the wheel-type devices on the end of the spur – may be locked as another means of provoking a bigger reaction.

STICKS

Animals are beaten or prodded with sticks to make them react and to force them from the holding chute at the side of the arena into the ring.

TAIL TWISTING

Calves' tails are twisted while they are in the holding chute to frighten them and cause pain so they will react by running speedily out of the chute into the arena.

TWISTED WIRE

Twisted wire is used to provoke animals.

WHIPS

Whips are used to beat horses, causing pain and provoking them into running and/or bucking to escape.

WIRE TIE-DOWNS

Wire tie-downs are adapted from martingales, types of tack used to restrict movement of the horse's head. Standing martingales are known as head checks and have a single strap which is attached to the girth, passes between the horse's front legs and is fixed to the back of the noseband. A variation of the standing martingale is a tie-down, adjusted much shorter and used to prevent horses from flipping their heads up when made to stop abruptly or turn at speed. They can be made of lariat rope or plastic-covered cable.



21 Newkirk, IE – Eyewitness account of former animal control officer
<https://www.peta.org/issues/animals-in-entertainment/animals-used-entertainment-factsheets/rodeo-cruelty-buck/>.

22 Ibid.

DEATHS AND INJURIES TO ANIMALS USED IN RODEO INTERNATIONALLY



Death and injury rates in rodeos in all countries are difficult to determine accurately.

Stratton in 2005 wrote that –

“Without question, rodeo exploits animals for the entertainment of humans, causing injury and death to hundreds of horses and cattle each year.”²³

He said that up to a dozen steers and calves died annually at a single large rodeo such as the Calgary Stampede, while many roping horses had been killed over the years at the Pendleton Roundup, which took place on slippery grass. Stratton said he attended more than 20 rodeos and bull riding while researching his book and saw animals injured in arenas, some of them so badly hurt that they had to be destroyed. A survey by the Professional Rodeo Cowboys Association of 28 sanctioned rodeos in the United States was carried out in 1994. When animal runs were reviewed, an injury rate of 0.047 per cent was reported – or 16 animals from 33,991 runs.²⁴

In 1990, when a major rodeo was being organised in Toronto, Ontario, the Toronto City Council asked the Toronto Medical Officer of Health, Dr P R W Kendall, to report on rodeo practices and whether they could be deemed cruel to animals. The Medical Officer observed that most activities seen at rodeos bore little, if any resemblance to the skills once employed by working cowhands.

23 Stratton, WK – Chasing the Rodeo: On Wild Rides and Big Dreams, Broken Hearts and Broken Bones, and One Man’s Search for the West, Houghton Mifflin, Harcourt, 2005.

24 Sellnow, L – Rodeo horses, www.thehorse.com, 1 January 2002
<http://www.thehorse.com/articles/12799/rodeo-horses>.





He noted that, in addition to injuries such as broken legs suffered during calf-roping, animals also suffered unseen injuries to neck muscles, internal bruising or haemorrhaging, and bruising of the cartilage on the larynx and trachea. Dr Kendall said that, in terms of a dictionary definition of cruelty, most rodeo events had the potential to cause injury, grief or pain and could therefore be considered cruel.

Dr Kendall said that animals' experiences of rodeo included electric prods, flank straps, sharpened sticks, spurs and other devices being used to provoke animals into reacting in such a way as to make events thrilling for spectators.²⁵

In Pittsburgh, after NBC broadcast footage of a bull breaking his leg in a 1991 Pennsylvania rodeo, the city banned electric prods and shocking devices, flank or bucking straps, wire tie-downs and sharpened or fixed spurs or rowels.²⁶

A 2012 article by the Vice-President of the National Animal Interest Alliance and Director of Industry Outreach for the Professional Rodeo Cowboys Association, Cindy Schonholtz, said that on-site independent veterinarians were allowed by the PRCA to conduct surveys to calculate the injury percentage rates for animals used in rodeos. Ms Schonholtz said that the latest survey had been conducted in 2000 at 57 PRCA rodeos. It found a 0.053 per cent injury rate – 38 animal injuries in 71,743 animal exposures.²⁷ It accordingly appears from this article that surveys are conducted less than once a decade, although that appears to be contradicted by material on the PRCA website discussed below.

A 2001 article in the Journal of the American Veterinary Medical Association cited Dr James Furman, a practitioner in mixed practice and former rodeo rider, as saying that an on-site survey of 21 PRCA rodeos had found only 15 animals injured in 26,584 performances – an injury rate of 0.00041 per cent.²⁸

The PRCA's website states that the organisation has continuously called on on-site, independent rodeo veterinarians at PRCA-sanctioned events to conduct livestock welfare surveys. The purpose of the surveys is to determine the rate of injury to rodeo livestock and the effectiveness of PRCA livestock welfare rules.

“Over the years, the results have continued to show a rate of injury that is very, very low averaging .0005. Overwhelmingly the on-site rodeo veterinarians comment that the livestock is healthy and well-suited to rodeo competition.”²⁹

Survey results for 2004, 2006, 2008, 2009 and 2010 are provided on the website. The 2009 survey reported an injury rate of 0.00037 from 194 rodeo performances and 75,472 animal exposures. The 2010 survey recorded an injury rate of 0.00046 from 148 rodeo performances and 60,244 animal exposures.

Nine horses died in 2005 after stampeding in fear as they were herded across a bridge to the Calgary Stampede in Alberta, Canada. In 2009, a steer who suffered a spinal cord injury during a roping event and three horses died.

In July 2010, six horses died during the Calgary Stampede. On 11 July, a horse suffered an apparent cardiac episode and died during a team cattle-penning event. On 12 July, a bucking horse was euthanised after breaking his back when he continued to buck after his rider came off in the saddle bronc riding event. Two horses used in chuckwagon races also died on the same day.

Another horse died on 14 July after suffering an abdominal rupture. The sixth horse did when he suffered an injury to his front leg during a chuckwagon race.³⁰

At the 2010 Colorado Rodeo in Denver, 11 animals were injured – two fatally – during an event in which a horseback rider grabs a cow by the tail and slams the animal to the ground. Animal cruelty charges were filed against the

25 Fn 9.

26 Cumutt, J – Animals and the Law, Santa Barbara https://books.google.co.nz/books/about/Animals_and_the_Law.html?id=p2p0MptGeBkC&redir_esc=y.

27 Schonholtz, C – Professional Rodeo Horses are bred to buck, National Animal Interest Alliance, 16 January 2012 <http://www.naiaonline.org/articles/article/professional-rodeo-horses-are-bred-to-buck#sthash.DnmlD7OR.dpbs>.

28 JAVMA news – Welfare of animals integral part of professional rodeos, 1 January 2001, <https://www.avma.org/News/JAVMANews/Pages/s011501tt.aspx>.

29 PRCA – Livestock Welfare Surveys <http://www.prorodeo.com/prorodeo/livestock/livestock-surveys>.

30 Raia, P – Sixth Horse dies at Calgary Stampede, 17 July 2010. www.thehorse.com/articles/25860/sixth-horse-dies-at-calgary-stampede.

organisers of the rodeo after sheriff's investigators reported that some animals' tails had been ripped off and that the animals had suffered broken bones.³¹

In 2012, a controversial Wild Horse Race held in St Paul, Oregon, resulted in the death of a horse. Teams of riders competed to catch, hold, saddle and ride free-running horses. Two galloping horses collided head-on and one had to be euthanised after suffering head trauma and neck injuries. The Wild Horse Race was discontinued the following year but the annual rodeo went ahead.³²

In July 2015 one horse died and one was injured after a collision at the Molalla Buckeroo Professional Rodeo Cowboys Association Rodeo in Oregon.³³

Two horses died in separate events at the Fort Worth Stock Show and Rodeo in Texas in January 2017. One horse sustained a spinal cord injury after crashing into a wall during a saddle bronc riding event, sanctioned by the Professional Rodeo Cowboys Association (PCRA). Another horse sustained fatal injuries during a non-PRCA sanctioned bareback riding event. PRCA Livestock Program Administrator Jed Pugsley said that surveys completed by on-site veterinarians at PRCA-sanctioned rodeos showed the average injury rate to be less than .05 per cent.³⁴

In December 2014, the Animal Legal Defense Fund filed a lawsuit against California Rodeo Salinas and its head veterinarian alleging that they had failed to report animal injuries to the state veterinary medical board as required under California law. The lawsuit was filed on behalf of the non-profit organisation Showing Animals Respect and Kindness (SHARK). The plaintiffs alleged that the defendants had significantly underreported the number of animals injured at the California Rodeo Salinas, the largest rodeo in the state and one of the largest in the country.³⁵

In the preceding two years, SHARK had documented injuries to 41 animals, but the rodeo reported only four. The California Rodeo Salinas hold an annual rodeo attended by around 50,000 people. SHARK attended the rodeo and videotaped more than 40 injuries to animals, including calves limping in pain after being dragged to the ground, and a horse with a tennis ball-size wound to his neck. SHARK said that expert veterinary assessment of the footage confirmed that the injuries required immediate veterinary care and should have been reported. SHARK's video footage can be viewed here - <http://www.sharkonline.org/index.php/animal-cruelty/rodeo-cruelty>.

California Rodeo Salinas said in December 2014 it had not been served with a filed copy of the complaint and could not comment on its contents or allegations. Rodeo spokesperson Amanda Gianolini said the care and handling of livestock at the rodeo was of the highest priority and 60 rules were in place to prevent injuries to animals. She said that a 2010 safety survey conducted by rodeo officials counted 60,244 exposures or possibilities for injury over 148 distinct events, with a total of 28 injuries, a rate of .00046.³⁶



31 Romero, J – Rodeo to Resume in Jefferson Co. Despite Animal Cruelty Case, KDVR, 3 August 2010.

32 Raia, P – Wild Horse Race Removed from Oregon Rodeo Roster www.thehorse.com, 18 March 2013.

33 Raia, P – One Horse Dies, Another Injured at Oregon Rodeo www.thehorse.com, 7 July 2015.

34 Raia, P – Horses Killed in Texas Rodeo Incidents www.thehorse.com, 1 February 2017.

35 Animal Legal Defense Fund – Animal Group Sues California Rodeo Salinas for Underreporting Animal Injuries, [www.aldf.org](http://aldf.org), 17 December 2014, <http://aldf.org/press-room/press-releases/animal-groups-sue-california-rodeo-salinas-for-underreporting-animal-injuries/>.

36 Coury, N – California Rodeo Salinas responds to animal rights group's charges of underreporting animal injuries, <http://www.montereycountyweekly.com/>, 18 December 2014.



SHARK's website lists six pages of animal injuries at different rodeos.³⁷ The litigation does not appear to have been concluded yet.

PETA reports that the late Dr CG Haber, a veterinarian who spent 30 years as a federal meat inspector, saw many animals used in rodeos sold to the slaughterhouses he inspected. He said he saw animals "with six to eight ribs broken from the spine and, at times, puncturing the lungs. As much as two to three gallons of free blood might have accumulated under the detached skin."³⁸

The injury rates reported and the statistics used in relation to injuries in all jurisdictions are very low. Reasons for this could be question marks over the independence of the veterinarians who work at rodeos; a high threshold for the definition of "injury"; not including deaths and injuries suffered in practices in the statistics; and omitting any consideration of psychological harm and trauma suffered by the animals used in rodeos.

The American Society for the Prevention of Cruelty to Animals states that practice sessions are often the location of more severe abuses than are competitions. Many state animal cruelty laws provide exemptions for training practices.³⁹

It is also likely that many physical injuries are both unnoticed and unreported. In addition, statistics are collected only for sanctioned rodeos and a high percentage of rodeos in the United States are non-sanctioned.

The Animal Legal Defense Fund reports that, over a two year period, SHARK documented ten times more injuries requiring veterinary treatment than were reported by rodeo organisers.⁴⁰



37 SHARK – Are animals hurt in rodeos? <http://www.sharkonline.org/index.php/are-animals-injured>.

38 PETA, op cit, p 1.

39 ASPCA - <https://www.aspc.org/about-us/aspc-policy-and-position-statements/rodeo>.

40 ALDF – Rodeo Facts: The Case Against Rodeos [www.adlf.org http://aldf.org/cases-campaigns/features/rodeo-facts-the-case-against-rodeos/](http://aldf.org/cases-campaigns/features/rodeo-facts-the-case-against-rodeos/).

RODEO IN NEW ZEALAND



WARKWORTH, NZ, 2016 – STEER WRESTLING.

HISTORY OF RODEO IN NEW ZEALAND

Te Ara Encyclopedia of New Zealand states that rodeo did not appear in New Zealand until the early 1960s and a national championship began in 1973.⁴¹ In 2007 there were 32 rodeos over the summer, 16 in the North Island and 16 in the South Island.

The article said that there were seven main events in rodeo – bareback; rope and tie; saddle bronc; team roping; barrel racing; steer wrestling; and bull riding. It noted that rodeo was popular in country districts as a spectator sport but said that few people participated. Māori had become prominent in rodeo in New Zealand.

A 1994 article by journalist Mark Scott in *New Zealand Geographic* reported on a rodeo at Rerewhakaaitu, south of Rotorua.⁴² The story said that rodeos had been taking place in New Zealand for almost 50 years.

Poet and historian James Fagan in a blog dated 19 June 2013 and titled *Rodeo in New Zealand* said that rodeos were originally known as “buck jumping shows,” but that changed in New Zealand in the 1940s.⁴³ Mr Fagan said that the Church family had been involved in New Zealand rodeo for over 40 years. Merv Church began competing at the age of 13 and was inducted into the American Cowboy Hall of Fame. He received an Order of Merit in New Zealand for his contribution to rodeo.

41 Phillips, J - Rural Recreation - Rural horse sports, Story published 24 November 2008, *Te Ara the Encyclopedia of New Zealand* <https://teara.govt.nz/en/rural-recreation/page-7>.

42 Scott, M – Dances with horses, *New Zealand Geographic*, Jan – March 1994 <https://www.nzgeo.com/stories/dances-with-horses/?source=relatedItems>.

43 Fagan, J – Rodeo in New Zealand, 19 June 2013 <http://jamesfaganhistoryblog.blogspot.co.nz/2013/06/rodeo-in-new-zealand.html>.





Over 16 years between 1970 and 1986, Mr Church won 15 national all-round titles. His six children, his brothers, his nieces, his nephews and other family members have competed in rodeo.

The Opotiki Rodeo Association's website states that the club held its first rodeo in Opotiki in 1960.⁴⁴ A feature of that rodeo was the Australian Champion Saddle Bronc Rider Allen Torrenbeck's ride on "King of the Ring" owned by Sonny Kelly.

The Opotiki Rodeo Association was taken over by a sub-committee of the Agricultural and Pastoral Association in 1963 but the club went into recess in March 1980. In 1986, the Opotiki District Council's PEP Co-ordinator organised funding for a work scheme and an Eastern Bay of Plenty committee affiliated with the New Zealand Rodeo Cowboys Association obtained donated posts and wire and an arena was created.

The first rodeo was held in the new arena on 27 December 1986. Rodeos have subsequently been held in Opotiki as part of the National Circuit each year in late December.



MID NORTHERN, NZ, 2017 – TEAM ROPING.

44 Opotiki Rodeo Association – History <http://www.opotikirodeo.co.nz/history/>.

TIKANGA MĀORI

Written by Roimata Mitchell

Māori take a holistic worldview, where people are intrinsically linked with, and interdependent on, the natural world and its resources. This means that Māori view animals in a different context and relate to animals in a different way.

The relationship between Māori and animals (the natural world) has been developed and maintained over thousands of years and derives from Māori genealogy.

“This ancestral traditional bond links indigenous Māori to ecosystems and governs how they see and understand ecosystems and ecosystem services”⁴⁵ particularly incorporating the animal kingdom. “There is no single Māori word or translation for ecosystem or ecosystem services, but mātauranga Māori (Māori knowledge), te reo Māori (Māori language) and whakapapa (ancestral lineage) are used together to unlock the indigenous perspective and understand what an ecosystem is, and its components and functional units.”⁴⁶

“Mātauranga Māori (Māori traditional knowledge) is enshrined in New Zealand culture and legislation through the Treaty of Waitangi.”⁴⁷ The values of Māori give rise to the Māori worldview (te ao Māori) and it is through this worldview that we can understand the rights and status of animals and the responsibilities Māori held towards animals. Māori worldview allows us to consider the status of animals from another legal lens and is a worldview that places importance on the environment and animals.

MĀORI LINKAGE THROUGH GENEALOGY

“From a Māori perspective, the origin of the universe and the world can be traced through a series of ordered genealogical webs that go back hundreds of generations to the beginning,”⁴⁸ this is known as whakapapa.

Whakapapa is of fundamental significance to Māori and could be loosely described as ancestral lineage. Whakapapa allows a being to trace back through their ancestors and it is whakapapa that links Māori to all other natural beings including animals, “as part of a hierarchical genetic assemblage with identifiable and established bonds.”

“The whakapapa follows a sequence beginning with the nothingness, the void, the darkness, to a supreme god (Io-matua-kore), then emerging light, through to the creation of the tangible world, the creation of two primeval parents (Rangi-nui and Papatūānuku), the birth of their children (the wind, the forest and plants, the sea, the rivers, the animals), through to the creation of mankind.”⁴⁹

Māori recognise that we all come from the same process of creation.

This whakapapa link means that –

“Māori would often liken themselves to animals of their environment, believe that their ancestors possessed the power to transform themselves into animals, and considered animals to be messengers, guides, guardians and friends. Māori often composed waiata (songs) and haka (dances) to celebrate animals and their deeds.”⁵⁰

This demonstrates that Māori see themselves intrinsically linked to the natural world, including animals.

45 Harmsworth, G and Awatere, S – “Indigenous Māori knowledge and perspectives on ecosystems” in John Dymond (ed) *Ecosystem Services in New Zealand*, Manaaki Whenua Press, Lincoln, 2014 at 274.

46 Ibid, p 274.

47 Dale, A, Walker, J, Perrott and Biddle-Ranga, T – “Tikanga Māori Animal Cadavers Used for Teaching Animal Euthanasia,” Paper presented at the International Indigenous Development Research Conference 2014 Proceedings 2014 <http://unitec.researchbank.ac.nz/handle/10652/3218>.

48 Harmsworth, op cit.

49 Ibid.

50 Dale, op cit.



MĀORI RELATIONSHIP THROUGH VALUES

In te ao Māori, three fundamental concepts are wairua, mana and mauri. Wairua is a concept akin to spirit and spirituality and is considered in the context that all beings have a spirit and a spirituality worthy of recognition and respect. Mauri represents the life force and is the essential quality of being a life. Mana represents the prestige of a being. In te ao Māori, wairua, mauri and mana are not restricted to humans and animals are viewed as also having wairua, mana and mauri.

“The belief that all objects in the environment have both mauri and mana imbued within them means all things must be treated with respect and that humans are not more important than their environment.”⁵¹

This sentiment reflects the relational view of Māori, as opposed to a hierarchical view. For Māori it is the relationship that is important and honouring the relationship is important to Māori.

Māori relate to the environment through kaitiakitanga – where Māori have stewardship or guardianship of the environment and natural world and is another concept to consider within the context of the relationship to animals.

IMPACT FOR RODEO

As a result of tikanga Māori outlined above, Māori view of rodeo is contextualised by their worldview. Māori recognise the animal as having a spirit, a soul, sentience and feelings. Māori recognise the animal as capable of experiencing fear and distress. Māori recognise that the animals are born from the same method of creation as Māori and treat them accordingly, acknowledging their whakapapa and history and acknowledging the experience that they will have. Damage to the natural world results in damage to or loss of mauri, and this view should be taken into account when considering tikanga Māori and rodeo.

51 Ibid.

THE PREVALENCE OF RODEO IN NEW ZEALAND

The New Zealand Rodeo Cowboys Association Inc organises and runs the majority of rodeos in New Zealand.⁵² It has 30 member clubs and was formed 60 years ago. The Association has a six-person board, comprising a President, Vice-President, North Island Club Director, South Island Club Director, Timed Event Director, Rough Stock Director and Administration Director.⁵³

There are 15 clubs in the North Island and 15 in the South Island. They are –

- Far North Rodeo;
- Gisborne Rodeo Association;
- Kakahi Rodeo Club; Mid Northern Rodeo Association;
- Mid Northern Rodeo Association;
- Opotiki Rodeo Association;
- Oruru Valley Rodeo Club;
- Parklee Bullride Club;
- Rerewhakaaitu Rodeo Association;
- Tauop Rodeo;
- Upper Mohaka Rodeo Club;
- Urenui Festival Organisation;
- Waikato Rodeo Association;
- Waimarino Rodeo Association;
- Wairoa Rodeo Club;
- Warkworth Rodeo Club Inc;
- Canterbury Rodeo Association;
- Lawrence Rodeo Club;
- Matura Rodeo Club;
- Maniototo Rodeo Club;
- Methven Rodeo Club;
- Millers Flat Rodeo Club;
- Omarama Rodeo Club;
- Southland Rodeo Association;
- Te Anau Rodeo Club;
- Tua Marina Rodeo Association;
- Waikouaiti Rodeo Club;
- Waimate Rodeo Club;
- Wanaka Rodeo Club;
- Winchester Rodeo Club.



OPOTIKI RODEO, NZ, 2015 – BAREBACK BRONC. Horse exits chute in highly stressed state with back legs already well extended. Handler is pulling flankstrap.

⁵² New Zealand Rodeo Cowboys Association Inc – www.rodeonz.co.nz.

⁵³ <http://www.rodeonz.co.nz/about-rodeo/the-nzrca-board>.



The Association's website introduces rodeo as follows –

"You have entered the website of one of New Zealand's most exciting and thrilling sports!

"The NZRCA has 35 affiliated Rodeos at a venue near you. As you browse through our website you will find up to date information on where you can enjoy, take part and keep up with date within the New Zealand Rodeo scene.

"With the traditional events of Rodeo our sport adds the family atmosphere that attracts many crowds in excess of 5000 people guaranteed to see action from both international and local competitors. Some 800 plus members make up the travelling, competing and support crew of our association.

"These people are the backbone of our sport. Not only do they Ride Bulls, Buck Out Broncos, Throw Steers, Run Barrels and Catch with a Rope, They Drive the Night, Fly the Skies, and Cross the Strait in the pursuit of prize money, trophies and national titles. This pursuit will take them from Kaitaia to Bluff, from New Plymouth to Hastings and many places between throughout our summer months."⁵⁴

The website also details the events held at rodeos in New Zealand –

"BAREBACK

The rider attempts to stay on the back of his horse using only his balance and a suitcase type handhold, known as rigging, which is placed on top of the horse's withers then secured with a cinch. The rigging must be of NZRCA approved standards. The ride must 'mark out' the horse. On the first buck out of the chute the rider must have both of his spurs touching the horse forward of the break of the shoulders, they must stay there until the horse's feet have hit the ground from that first buck. If a rider fails to mark his horse out, on either or both sides, then he is disqualified.

"As the horse bucks the rider brings his knees up, and in doing this he rolls his spurs up the horse's shoulders, as the horse comes down from his buck the rider returns his legs straight down ready for the next buck.

"A bareback rider is judged not only on his actual ride, but also his spurring technique. He is required to ride the animal for a full 8 seconds.

"STEER WRESTLING

"Steer Wrestling, or 'bulldogging' as it is sometimes known, has the basic objective for the steer wrestler to use his technique and strength to wrestle the steer to the ground, in the fastest time possible. Like with rope & tie and team ropers, the steer wrestler starts the event on the back of his horse in the timed event box.

"A rope barrier is placed across the front of this box that gives the steer an approximate 2.5 meter head start. When the steer wrestler nods his head the steer is released from its chute, when the steer has completed his head start the barrier rope is released, and the steer wrestler commences his chase. If he starts too early and the barrier is broken then a 10 second penalty is added to the wrestler's final time.

"A 'hazer' assists the steer wrestler by riding alongside the steer keeping it running straight. When the steer wrestler catches up to the steer he slides down off the right side of his horse, running his hand along the back of the steer as he is doing so, then he wraps his arm around the right horn of the steer and grabs the left horn as he drops down. He then stops the steer and wrestles it to the ground. The run isn't complete until the steer is laying flat on its side with all four legs pointing out straight. If the steer gets loose before it has been thrown to the ground, the wrestler can take no more than one step to catch it. If the steer is accidentally knocked down or thrown down before stopped, it must be let up onto all four feet before being thrown correctly. A steer wrestler has 30 seconds in which to catch and throw the steer.

54 <http://www.rodeonz.co.nz/>.

“BARREL RACING

“Barrel Racing is a female only event. The objective of a Barrel Racing run is to ride a cloverleaf pattern around three barrels as quickly as possible. The time starts when the barrel racer crosses electronic timers on her horse. She then heads for the first barrel and makes a sharp turn around it. She then heads for the second barrel and another sharp turn around that, she heads for the third. After a final sharp turn around the third barrel she heads directly for home as fast as possible. Her run is complete and the clock stopped when she breaks the beam of the electronic timers that started her run...

“TEAM ROPING

“Team Roping is the only team event in rodeo. There are two ropers, one known as the header and the other is the heeler. Just like rope & tie ropers and steer wrestlers the ropers start the event on the back of their horse in the timed event box. A rope barrier is placed across the front of the header’s box that gives the steer an approximate 2.5 meter start. If the header takes off too early and breaks the barrier, then the team is given a 10 second penalty, which is added to their final time.

“The header is the first to rope and attempts to catch the head of the running steer. There are three types of catches that are legal in team roping and they are: around both horns, around one horn and the head or around the neck. Once the header has made a catch it’s then the heeler’s turn, the header turns the steer so that its hind legs are facing the heeler who then attempts to rope both hind legs. If the heeler only catches one leg then a 5-second penalty is added to the team’s final time. If the heeler ropes one or both of the front legs in the catch then it is not a qualified run.

“After both catches are made the run isn’t complete until there is no slack in their ropes and the horses are facing each other. Fastest time wins! Females can take part in team roping.

“SADDLE BRONC

“The event that started rodeo, it originated from the necessary job of breaking in and training horses to be used in ranches, in the days of the Wild West. Just like in bareback riding, the rider must ‘mark out’ his horse meaning that both feet must be in position touching the horse forward of the break of the shoulders, on the first buck out of the chute. Once again, if the rider isn’t successful in marking his horse out, then he will be disqualified.

“The rider holds onto a braided buck rein which is attached to the horse’s halter. Like in other rough stock events he can only hold on with one hand, as touching anything with his free arm will get him disqualified. He holds on to this rein while trying to keep himself squarely and securely in the saddle.

“As the horse bucks the rider brings his legs from the horse’ shoulders, where he made his mark out, to the back of the saddle. While doing this he attempts to keep his toes turned outwards in order for his spurs to maintain contact with the horse throughout the spurring motion. Like in the bareback event, the rider is judged not only on his actual ride but also on the quality of his spurring technique, balance, timing & control. He is required to ride the animal for a full 8 seconds. How a rider can be disqualified: if he is bucked off before the required 8 seconds, if he touches the animal or himself with his free arm, if he misses his mark out, or if one or both of his feet come out of the stirrups during the ride.



OPOTIKI RODEO, NZ, 2015 - SADDLE BRONC. Rider has fallen off and horse is still distressed as shown through open mouth, tongue visible, neck curled. Flankstrap is still on.



“BULL RIDING

“Bull Riding is usually the last event to be held at a rodeo, and is the most dangerous. Just like bareback and saddle bronc riding the rider can only hold onto the animal with one hand, touching it with his free arm will get him disqualified. Bull riders are not required to mark out a bull, spurring a bull will add to his score but it is not a requirement of the ride. The rider holds onto a flat braided rope with one gloved hand, this rope is known as a bull rope, it is wrapped around the bull’s chest just behind the bulls front legs. The rope has a bell attached to it which helps the rope come loose and fall off after the rider has dismounted. One end of the bull rope, which is known as the tail, is put through the other end which has a loop, the rope is pulled firmly around the bull while the rider has his hand in the handhold. The rider then ‘takes his wrap,’ wrapping the tail around his hand to secure the grip he has on the rope.

“Once ready the rider nods his head or ‘calls for the gate,’ the chute gate is then opened and the ride begins. No two bulls buck alike, so a rider must be ready for anything. He uses the balance of his body, his free arm and strength in his riding arm, to stay onboard the bull for the required full 8 seconds.

“The rider will be disqualified if: he fails to make the 8 seconds, touches the animal with his free hand, or places his spurs or chaps under the tightened bull rope.

“If a rider bucks off the opposite side to his riding hand then he may get hung up. This is when his hand fails to come loose from the bull rope. This is where the bull fighter comes in, he rushes in to free the riders hand by pulling on the tail of the rope. The bull fighter is also there to distract the bull away from the rider when he dismounts.”⁵⁵

The website explains the scoring of Roughstock Events. Two judges award up to 25 points for the way the animal bucks and up to 25 points for the way the contestant rides the animal.

“Generally, an animal is assessed on its ‘degree of difficulty.’ An animal with very athletic action and variations in pattern and style, couple with weight speed and power, will test the best of any contestant.

“While saddle and bareback broncs may have similar bucking characteristics, riding styles and equipment determine very different scoring elements between both of these events, whilst bull riding again has very separate elements. In all riding events, the contestant is scored on control, timing, balance, and the technical requirements of each event.

“If the Judges consider the animal didn’t perform well enough, not giving the rider a fair crack at the competition, they then have a discretion to award the contestant a ‘re-ride’ which means he gets another ride on a different animal.”⁵⁶

The National Animal Welfare Advisory Committee (“NAWAC”) in its September 2013 statutory report on the revised *Animal Welfare (Rodeos) Code of Welfare* 2014 said that the majority of rodeos in New Zealand were run under the auspices of the New Zealand Rodeo Cowboys Association, which was formed 60 years ago and oversees 35 rodeos annually.⁵⁷ The paper said that the association had a membership of approximately 800 and, as well as overseeing rodeos, runs a training school to teach contestants (cowboys) the skills required to compete in rodeos.

“A small, undetermined number of steer riding events are run at country shows but it is believed that this is very much of a minor nature. Bull Riding New Zealand also runs bull-riding competitions.”⁵⁸

The Association’s website lists the officials present at rodeos as –

- announcer;
- arena clearer;
- arena director;
- bullfighters

55 www.rodeonz.co.nz/about-rodeo/rodeo-events.

56 www.rodeonz.co.nz/about-rodeo/rodeo-events/how-roughstock-events-are-scored.

57 National Animal Welfare Advisory Committee – Report to accompany the Code of Welfare: Rodeos, 5 September 2013, p 2.

58 Ibid, p 2.

- chute boss;
- flag man;
- flank man;
- gateman;
- judges;
- pick-up riders;
- secretary;
- stock contractor;
- timekeepers.⁵⁹

Although the rodeo Code requires both a veterinarian and at least one animal welfare officer to be present at all rodeos, neither is listed on the website as among the officials present at rodeos.

The Association's website lists 35 rodeo events scheduled throughout New Zealand between 21 October 2017 and 18 March 2018.⁶⁰

It also reports on the results from the Youth Development Trans Tasman Team's competition in Queensland in August 2017. 12 young New Zealanders competed in barrel races, steer rides, bull rides and breakaway roping.⁶¹

The Association provides information about bull and steer riding schools and barrel race clinics.⁶²

Concern about growing public opposition to rodeos led the NZRCA to appoint a media spokesperson in 2017. In a media release dated 12 May 2017, NZRAC's National Spokesperson said that the Association would be taking a much more proactive and educational role in promoting rodeo's virtues and entertainment appeal. The release said that the NZRCA would be letting New Zealand know what a great, family-based entertainment event New Zealand rodeo was.⁶³

A two-and-a-half page Position Paper was released by the NZRCA in 2017. It stated that –

“Rodeo in New Zealand occupies an important and popular role in many regional and rural areas. It continues to offer top quality family-friendly entertainment along with outstanding displays of cowboy skill and stockmanship.

“Despite the claims of some misguided and misinformed animal activists, the truth is that rodeo animals do not suffer in NZ Rodeo Cowboy organised events.

“Indeed there is overwhelming scientific and research evidence that modern rodeos remain one of the safest and most entertaining of public entertainments. There is far more risk of injury to the participants than the animals!”⁶⁴

The paper said that the Animal Welfare Act 1999 had established strict principles for the conduct of rodeos and the treatment of animals and the Code was a detailed guide as to what behaviour was acceptable and unacceptable in relation to animals. The paper said that the Association fully endorsed the Code's common sense and scientific approach.



WAIMARINO RODEO, NZ, MARCH 2017.
Distressed bull – mouth open, tongue lolling, eye rolling as bull fighters pile in trying to release rider who is “hung up” ie has his hand trapped in the bull rope (very common occurrence).

59 <http://www.rodeonz.co.nz/about-rodeo/the-officials>.

60 www.rodeonz.co.nz/2014-2015-rodeo-dates.

61 <http://www.rodeonz.co.nz/latest-news/youth-development-trans-tasman-team>.

62 <http://www.rodeonz.co.nz/latest-news>.

63 Laws, M – Why modern kiwi rodeos are great events, Position Paper 01/2017, 12 May 2017.

64 <http://www.rodeonz.co.nz/latest-news/position-paper>.



The document observed that the House of Representatives had conducted its own inquiry into rodeos and animal welfare in 2016. Parliament's Primary Production Committee had concluded that "rodeos are one of the many competitive events that occur in rural communities, and that they play an important part in building and maintaining the cohesion of these communities."

The Association said that, after failing to provide any scientific evidence to substantiate their allegations, convince Parliament to ban rodeos or persuade NAWAC to present any negative findings, some animal activists were now targeting rodeo event sponsors and releasing selective footage to sympathetic media personnel.

"Having failed to convince scientists, parliamentarians and those responsible for animal welfare that there [sic] evidence is correct, their latest tactic is to bully and mislead.

"Indeed, recent scientific studies – peer reviewed and academically published – relating to animal welfare and rodeo management, do not find any long-lasting effects for the animals involved.

"These include recent academic studies include a University of Queensland paper on calf-roping (April 2016) and a University of Calgary study on bucking bulls in rodeos (August 2016). The latter concluded that such bulls exhibit no fear at all.

"The NZ Rodeo Cowboys Association strongly supports existing animal welfare legislation and its updated Codes and practice.

"In addition, veterinarians are now required, by law, to be present at all our rodeo events and to regularly assess animal welfare. There have been recent glowing reports from veterinarians as to how our member rodeo clubs are meeting their animal welfare responsibilities.

"Our membership is always open to reviewing any rodeo practices that might be considered harmful, but we note that none have been so found by the relevant animal welfare authorities."⁶⁵

There are no independent statistics for the number of people attending rodeos in New Zealand. NZRCA's animal welfare officer was quoted in a February 2017 media article as saying that there would be 32 rodeos during the current season, with over 700 contestants and around 15,000 people involved. He said that some of the Association's biggest events had 8000 spectators, with prize money totalling \$400,000 a year and around \$2 million worth of animals involved.⁶⁶

A March 2016 media article reported that more than 2500 people attended a rodeo at the Kihikihi Domain in the Waikato.⁶⁷

The New Zealand Rodeo Cowboys Association's 2016/2017 Financial Accounts recorded a loss of \$25,000 compared with the previous year. The September 2017 issue of *Rodeo News* said that the reasons for this were that there was no national sponsorship money and money had been spent on a database.⁶⁸ The Association's Annual Meeting was told that, despite the loss, the accounts were still healthy. The Board was considering sponsorships and would prepare a plan.

65 Ibid, p 2.

66 Clayton, R – National sponsors pull out of rodeo events but community support strong, 21 February 2017 .
<http://www.stuff.co.nz/auckland/local-news/rodney-times/89650652/national-sponsors-pull-out-of-rodeo-events-but-community-support-strong>.

67 Biddle, D-L – Behind the scenes at the rodeo – it's about 'riding the animal and conquering it' www.stuff.co.nz, 6 March 2016
<http://www.stuff.co.nz/business/farming/77405945/behind-the-scenes-at-the-rodeo--its-about-riding-the-animal-and-conquering-it>.

68 Rodeo News, September 2017, p9 <http://www.rodeonz.co.nz/i/Files/RNSep17.pdf>.

PUBLIC ATTITUDES TO RODEO IN NEW ZEALAND

It is clear that a significant change in attitudes to rodeo has occurred in New Zealand in recent years. The key cause of the shift in views appears to be the footage of rodeos which has been filmed by animal advocates and reported on by the media, as well as being distributed on social media.

The New Zealand Anti-Rodeo Coalition⁶⁹ and Anti-Rodeo Action NZ⁷⁰ carry out covert filming at rodeos. Their footage is viewed and shared widely. A television news story based on one group's filming at a rodeo had 455,838 views.⁷¹

The growing opposition to rodeo in New Zealand is illustrated by the increase in media articles condemning rodeo and calling for it to be banned.

On 15 July 2008, the then-Auckland City Council passed an animal bylaw banning rodeos from being held on council-owned land. The move followed a submission from SAFE.⁷² Cathy Casey, one of the three councillors who heard the submission, said the bylaw and motion were unanimously passed because of animal welfare concerns. She said that SAFE had presented a strong case and the ban showed the Council was opposed to rodeos.

However, on 28 July 2014, Auckland Council announced that it had revoked the ban on rodeos on Council land. A SAFE media release said that the new Supercity Council had said that the law did not provide for councils to take action on animal welfare.⁷³

On 20 February 2015 SAFE issued a media release in which kickboxing and Mixed Martial Arts star Mark Hunt, also known as the 'Super Samoan,' called for a rodeo ban.⁷⁴

Mr Hunt said that, as a fighter, he chose to get into the cage, and so did his opponent.

"In my world the strong protect the weak. It's not right to inflict pain and scare animals for entertainment. Ban rodeos – they're cruel. Don't be that guy."⁷⁵

Media trainer Dr Brian Edwards in 2015 wrote an article titled *Hey kids, the rodeo's coming to town! (Animal torture for all the family!)*.⁷⁶ Dr Edwards said that he had been sent footage filmed at a rodeo. The anonymous filmer told him that –

"I have been to other rodeos and can say this is not isolated, it is systemic. At that one event, I witnessed shocking, anal interference, rope burning a cowering bull's neck for several minutes, severe tail twisting and this was all done in front of children and their parents."⁷⁷

Dr Edwards described what he viewed as "the uncivilised and brutal torture of animals for sport."⁷⁸ He said that such conduct should have no place in New Zealand society and must be banned now.

On 31 January 2017 *The Country* published an editorial titled *Time's up for rodeo*.⁷⁹ It said that, however vehemently rodeo organisers defended their sport, time was "just about up for a form of entertainment that is increasingly coming into bad odour."



MID NORTHERN RODEO, NZ, 2017
– CALF ROPING.

69 <https://www.facebook.com/NZAntiRodeoCoalition/>.

70 <https://www.facebook.com/search/top/?q=anti%20rodeo%20action%20nz>.

71 One News Now – Electric prodders to be banned on animals under 100kg at rodeos as video of distressed animals sparks online outrage, Television New Zealand, 24 January 2016. <https://www.tvnz.co.nz/one-news/new-zealand/electric-prodders-banned-animals-under-100kg-rodeos-video-distressed-spark-online-outrage>.

72 Perrot, M – Council's rodeo move condemned, New Zealand Herald, 15 July 2008.

73 SAFE – Auckland Council bypasses public, ditches rodeo ban, Media Release, 28 July 2014.

74 SAFE – Rodeo fight gets a new contender as season of misery comes to a close, Media Release, 20 February 2015.

75 Ibid, p 1.

76 Edwards, B – Hey kids, the rodeo's coming to town! (Animal torture for all the family !), National Business Review, 7 June 2015 <https://www.nbr.co.nz/opinion/hey-kids-rodeo%E2%80%99s-coming-town-animal-torture-all-family>.

77 Ibid.

78 Ibid.

79 Jackson, P – Time's up for rodeo, Editorial, The Country, 31 January 2017. http://www2.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=11791695.



“Rightly or wrongly, the public is coming around to the view of animal welfare lobby groups, that the sport is based on the bullying of animals that have no option but to take part, and sometimes die...It is unlikely that any sport can survive against the level of public distaste that is now building against rodeo. Dairy farming has experienced a similar public reaction over recent times to images purportedly revealing animal cruelty, in some cases blatant cruelty, in others representing misinterpretation of what is rightly regarded within the industry as sound animal husbandry practice... Dairying’s defence, that people might not understand what they are seeing, is not available to rodeo. There can be little room for misinterpretation of images showing an electric prod being used on a calf. But even if such practices are successfully banned, the sport is increasingly coming to be regarded as inherently cruel. It is becoming increasingly difficult to argue with that.”⁸⁰

An article on media website *www.stuff.co.nz* dated 21 February 2017 reported that sponsors had pulled out of rodeos and an unscientific poll showed a high percentage of people wanted rodeos banned, but stated that there was still strong community support for the events.⁸¹ The story said that an unscientific survey on the *Rodney Times’* Neighbourly page showed that 67 per cent of respondents believed that rodeos should be banned.

However, the story also quoted an NZRCA spokesperson as saying that rodeos were “still going as strong as ever.”⁸²

On 5 February 2017, Radio New Zealand broadcast a detailed *Insight* investigation into rodeo, titled *Rodeos – Should They Stay or Go?*⁸³ The story reported that SAFE and Anti-Rodeo Action New Zealand had released video of rodeos throughout New Zealand and said that calves – like other animals in rodeo – were placed under stress.

In a video of the Mid-Northern Rodeo a rider was seen missing a calf’s neck, instead catching the animal by the front legs. The calf somersaulted in the air, with the animal’s head almost touching the back. The story said that another video, from the Kakahi Rodeo, near Lake Taupo, showed calves making noises when caught and the whites of their eyes showing – features which could be seen as signs of stress or anxiety.

Radio New Zealand quoted New Zealand Veterinary Association Head of Veterinary Science, Callum Irvine, as saying that members’ opinions about rodeos were mixed. Approximately 75 per cent of veterinarians belonged to the Veterinary Association and the organisation was concerned about the use of young animals in rodeo.

“They are less experienced. There is a concern that fear and stress associated in using them may not be justified any more. We would like to see it re-evaluated.”⁸⁴

The programme quoted SPCA Chief Scientific Officer, Dr Arnja Dale, as saying that it was time to increase regulation around the use of calves in rodeo.

“Calf roping is banned in a number of countries and the reason it’s banned is because of the physiological and physical stress that is put on to these vulnerable animals. It’s the least we can do as a nation... In this specific case of rodeos, I think it goes beyond research. It goes to what we as a society accept and whether or not we are able to provide animals with a life worth living.”⁸⁵

Then-Primary Industries Minister, Nathan Guy said changes might be made to calf roping in time. Labour’s Animal Welfare spokesperson, Trevor Mallard, said the party supported banning electric prods, flank straps and the use of animals under 12 months old.⁸⁶

Another outcome of the broadcast of footage of rodeos has been companies beginning to cancel their sponsorships of rodeo. A Radio New Zealand story on 24 January 2017 reported that three national real estate firms – L J Hooker,

80 Ibid.

81 Clayton, R, op cit, p 1.

82 Ibid, p 1.

83 Migone, P – Rodeos – Should They Stay or Go? Radio New Zealand, 5 February 2017
<http://www.radionz.co.nz/national/programmes/insight/audio/201831776/insight-rodeo-a-dusty-feud>.

84 Ibid, p 5.

85 Ibid, p 6.

86 Ibid, p 7.

Harcourts and Ray White NZ – had pulled financial support for the Mid-Northern Rodeo after footage was broadcast appearing to show calves being electric-shocked.⁸⁷ LJ Hooker said in a statement that it “does not condone any form of animal cruelty.” Ray White NZ said that it had only learnt that day that one of its franchises sponsored the rodeo and it “does not endorse the sponsoring of rodeos” and had requested that the sponsorship be withdrawn.⁸⁸

Harcourts CEO Chris Kennedy said he had spoken to the company’s Whangarei branch 10 minutes after he learnt of its sponsorship of the rodeo. He said the sponsorship was not something he condoned as a CEO and not something the organisation condoned.

“I don’t enjoy seeing animals suffer and I’ll take fairly swift action with our franchise owners and ask them to remove that type of sponsorship.”⁸⁹

The following day, PlaceMakers and Firth announced that they were also cancelling their sponsorships of the Northland rodeo. Placemakers said that the company was heavily involved in communities and supporting local events, but would be withdrawing its support and future involvement in the rodeo. Firth said its staff were being advised not to support rodeo events in future.⁹⁰

The Society for the Prevention of Cruelty to Animals in January 2017 renewed its call for a ban on rodeo after viewing footage apparently showing calves being electric-shocked.⁹¹

Another indication of the shift in public sentiment about rodeo is the changing political party policies towards the events. Prior to the 2017 general election held on 23 September, Animal Agenda Aotearoa surveyed the nine main political parties about their policies on 17 animal issues.

One of those was rodeo. The parties were asked by letter dated 31 March 2017 whether they supported a ban on rodeos in New Zealand.⁹² Six parties provided responses to the question about rodeos. The Greens and United Future supported banning rodeo, while Labour and the Māori Party supported further regulation of events. Labour’s policy of banning electric prods, flank straps and the use of animals under 12 months old would effectively end rodeos, as has been the case in jurisdictions such as Britain. National and New Zealand First did not support banning rodeo.⁹³

Then-Primary Industries Minister, Nathan Guy, said on 2 June 2016 in a radio interview that he believed rodeos were an important part of New Zealand society and had been functioning well for over 40 years.

“My concern with a ban on rodeos is where do you go next? Is it horse racing, is it circuses, is it zoos?”⁹⁴

A National Party spokesperson, Ian McKelvie said in an interview with the *Safe and Sound* radio programme in September 2017 that National did not intend to ban rodeo. New Zealand First’s then-Animal Spokesperson, Richard Prosser, said that rodeos were a very important part of the agricultural and wider rural calendar and assisted in developing horse and stock-handling skills. He said rodeo was “not an activity that causes harm psychologically or physically to animals.”

The most comprehensive survey of New Zealanders’ views about rodeo is a Horizon Research poll commissioned by the SPCA and SAFE. 1,134 members of Horizon Research’s national panels were surveyed between 6 and 10 June 2016. The sample represented the adult population at the 2013 census and, at a 95 per cent confidence level, the maximum margin of error was plus or minus 2.9 per cent.⁹⁵

87 Fleming, Z – Rodeo abuse claims: Three firms pull sponsorship, Checkpoint, Radio New Zealand, 24 January 2017.

88 Ibid, p 2.

89 Ibid, p 2.

90 Radio New Zealand – Under-fire rodeo loses further sponsors, 25 January 2017
<http://www.radionz.co.nz/news/national/323081/under-fire-rodeo-loses-further-sponsors>.

91 Checkpoint – SPCA asking for rodeo ban following release of new footage, Radio New Zealand, 23 January 2017
<http://www.radionz.co.nz/national/programmes/checkpoint/audio/201830420/spca-asking-for-rodeo-ban-following-release-of-new-footage>.

92 Animal Agenda Aotearoa, Letter to political parties, 31 March 2017 – www.animalagenda2017.org.nz.

93 Ibid.

94 Collins, B – Rodeos ‘part of NZ society’ – govt, Radio New Zealand, 2 June 2016.

95 SPCA New Zealand and SAFE – Survey shows many Kiwis support rodeo ban, Scoop Media, 29 August 2016.



59 per cent of respondents said they would support a ban on using animals in rodeo in New Zealand, while 25 per cent opposed a ban. 68 per cent of respondents agreed that rodeo caused pain and suffering to animals and it was not worth causing that response for the sake of entertainment. 55 per cent of those surveyed thought that the level of distress caused in rodeo was such that it should qualify as unreasonable or unnecessary under the Act.

63 per cent of those who took part said they would support a ban on calf roping. 20 per cent opposed prohibiting calf roping. 66 per cent of respondents agreed that flank straps should not be used to make animals perform.

In November 2017, Lions Clubs New Zealand announced they were cutting ties with rodeos as they did not condone animal cruelty.⁹⁶

Petrol company Z has also withdrawn its support for rodeos. A spokeswoman for the company said the company had made it clear to all service stations that sponsoring rodeo was not acceptable. She added “Z has strong values around animal rights and rodeo doesn’t align with these”.⁹⁷

In February 2018, supermarket cooperative Foodstuffs (owner of PAK’nSAVE and New World supermarket brands) cancelled its sponsorship of rodeo.⁹⁸



OPOTIKI RODEO, NZ, 2015 – CALF ROPING.
Calf has been lassoed and is flying through the air.

96 Lions Clubs told to give rodeo a wide swerve, New Zealand Herald, 22 November 2017 http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11946498.

97 <https://www.stuff.co.nz/business/101373118/kiwi-companies-stop-sponsoring-rodeos>.

98 Ibid.

ANIMAL WELFARE ACT 1999

The Animal Welfare Act 1999 is the overarching piece of legislation regulating the welfare and treatment of animals in New Zealand. It replaced the Animals Protection Act 1960.

The purposes of the Animal Welfare Act are set out in the preamble. It states that the Act is –

“An Act—

(a) to reform the law relating to the welfare of animals and the prevention of their ill-treatment; and, in particular,—

(i) to recognise that animals are sentient:

(ia) to require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals:

(ii) to specify conduct that is or is not permissible in relation to any animal or class of animals:

(iii) to provide a process for approving the use of animals in research, testing, and teaching:

(iv) to establish a National Animal Welfare Advisory Committee and a National Animal Ethics Advisory Committee:

(v) to provide for the development and issue of codes of welfare and the approval of codes of ethical conduct:

(b) to repeal the Animals Protection Act 1960.”

The 2015 amendments to the Act for the first time incorporated a Declaration of Sentience into the legislation. It is contained in the preamble to the Act and states that the legislation is an Act “to recognise that animals are sentient.”⁹⁹

Section 4 of the Act defines the physical, health and behavioural needs of animals –

“4 Definition of physical, health, and behavioural needs

In this Act, unless the context otherwise requires, the term **physical, health, and behavioural needs**, in relation to an animal, includes—

(a) proper and sufficient food:

(ab) proper and sufficient water:

(b) adequate shelter:

(c) opportunity to display normal patterns of behaviour:

(d) physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress:

(e) protection from, and rapid diagnosis of, any significant injury or disease,—

being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.”

Section 9(1) provides that the purpose of Part 1 of the Act is to ensure that owners of animals and persons in charge of animals attend properly to the welfare of those animals.

Section 9(2) states that –

“This Part accordingly—

(a) requires owners of animals, and persons in charge of animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with both—

(i) good practice; and

(ii) scientific knowledge; and

(b) requires owners of ill or injured animals, and persons in charge of such animals, to ensure that the animals receive treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering; and

99 Animal Welfare Act 1999, preamble, p 10.



- (c) imposes restrictions on the carrying out of surgical procedures on animals; and
- (d) provides for the classification of the types of surgical procedures that may be performed on animals; and
- (e) specifies the persons or classes of persons who may perform each class of such surgical procedures; and
- (f) specifies certain minimum conditions that must be observed in relation to the transportation of animals.”

Section 10 sets out the obligations of owners and people in charge of animals, requiring them to ensure that the physical, health and behavioural needs of animals are met in accordance with good practice and scientific knowledge.

Section 11 confers obligations on owners and people in charge of animals to ensure that ill or injured animals receive treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.

The above provisions are the basic protections provided by the legislation to animals. The Act represents a major shift from the earlier Animals Protection Act, which legislated to provide punishment for cruelty to animals, towards the imposition of positive duties to care properly for animals.¹⁰⁰

The 1999 Act incorporated the “Five Freedoms” into legislation.¹⁰¹ The Five Freedoms were developed in the United Kingdom following the publication of the 1965 Brambell Report, which was commissioned by the United Kingdom Government after concerns raised in Ruth Harrison’s 1964 book *Animal Machines*.¹⁰²

The Brambell Report said that –

“An animal should at least have sufficient freedom of movement to be able without difficulty, to turn around, groom itself, get up, lie down and stretch its limbs.”¹⁰³

This short statement became known as the “Five Freedoms” – regarded as the barest minimum standard for the treatment of animals. Following the Brambell Report, the Farm Animals Welfare Advisory Committee was created to oversee the livestock production sector. It was replaced by the Farm Animal Welfare Council in 1979 and, later that year, the Five Freedoms were developed into a publicly-released list.

The Five Freedoms were subsequently adopted by a wide range of organisations and professionals working with animals, including the United Kingdom’s Royal Society for the Prevention of Cruelty to Animals, the World Organisation for Animal Health, veterinarians and the American Society for the Prevention of Cruelty to Animals.

In October 2009, the Farm Animal Welfare Council examined the effectiveness of British policy on farm animal welfare since 1965 and published a paper titled *Farm Animal Welfare in Great Britain: Past, Present and Future*.¹⁰⁴ Farm Animal Welfare Council Chairman, Professor Christopher Wathes, said in the Foreword that the paper recommended that the current focus of policy –

“moves beyond the absence of cruelty and unnecessary suffering – necessary as this is – and [towards] a duty to provide for an animal’s needs, to ensuring an acceptable quality of life over an animal’s lifetime.”¹⁰⁵



HUNTLY RODEO, NZ, 2013 – CALF RIDING.
Calf face plants (relatively common).

100 Wells, N – *Animal Law In New Zealand*, Brookers Ltd, Wellington, 2011, p 202.

101 Ibid, p 202.

102 Harrison, R – *Animal Machines*, Ballantine Books, New York, 1964.

103 Brambell, R – *Report of the Technical Committee to Enquire Into the Welfare of Animals Kept Under Intensive Livestock Husbandry Systems*, Great Britain Parliament, H M Stationery Office, 1965.

104 Farm Animal Welfare Council – *Farm Animal Welfare in Great Britain: Past, Present and Future*, London, October 2009.

105 Ibid, Foreword.

The Council observed that animals were kept for various purposes and, in return, provision should be made for their needs.

“3 FAWC believes that our obligations include not causing serious harms to farm animals and, when deciding on our actions, endeavouring to balance any harms against the benefits to humans, to the animals affected and to other animals. At a minimum each farm animal should have a life that is worth living to the animal itself, and not just to its human keeper.

“4 Deciding how to treat farm animals requires ethical decision-making. One can be most confident about an ethical conclusion if the arguments that lead to it are supported convincingly by facts, scientific deductions, reason and ethical argument, and arise from a process of genuine discussion and debate.

5 In considering what provisions should be made by those who use farm animals in order to avoid unnecessary suffering and to promote good welfare, the Council is guided by the Five Freedoms.

Freedom from hunger and thirst, by ready access to water and a diet to maintain health and vigour.

Freedom from discomfort, by providing an appropriate environment.

Freedom from pain, injury and disease, by prevention or rapid diagnosis and treatment.

Freedom to express normal behaviour, by providing sufficient space, proper facilities and appropriate company of the animal's own kind.

Freedom from fear and distress, by ensuring conditions and treatment, which avoid mental suffering.”¹⁰⁶

The Council said that the Five Freedoms had achieved public recognition worldwide and could be found in national legislation and marketing and farm assurance schemes. They had withstood much criticism and, in Britain, were the cornerstone of government and industry policy and the Codes of Recommendations for the Welfare of Livestock.¹⁰⁷

“One criticism of the Five Freedoms is their focus on poor welfare and suffering. This focus was undoubtedly appropriate at the time they were devised by the requirement to provide for an animal's needs in the new Animal Welfare Act implies that good welfare should be an ambition too.”¹⁰⁸

The paper said that current legislation on the minimum standard of welfare was based on the avoidance of unnecessary suffering and the provision of needs.

“The Five Freedoms themselves concentrate on suffering and needs. This focus reinforces the negative image of farming and food production. FAWC proposes that the minimum should be defined in terms of an animal's quality of life over its lifetime on the farm, during transport, at gatherings and at the abattoir, including the manner of its death. Our proposal is that an animal's quality of life can be classified as: a life not worth living, a life worth living and a good life. Giving an animal a life worth living requires good husbandry, considerate handling and transport, humane slaughter and, above all else, skilled and conscientious stockmen...

“Welfare ought to be monitored regularly over an animal's life on the farm, during transport, at animal gatherings and at the abattoir, including the manner of death. Welfare surveillance ought to be based on valid measures that have been proven to be reliable and feasible to measure. Welfare assessment should record both the positive and negatives experiences of farm animals. There is an opportunity to develop 'iceberg' indicators of welfare, ie key indicators that reflect good and poor welfare at various times over an animal's life. It is very important that welfare surveillance is audited independently and the findings are published.”¹⁰⁹

Thus, both New Zealand and Britain have moved from a focus on punishment for animal cruelty, to positive duties to provide good welfare and, further, a good life, for animals. Obviously, the focus of the British Farm Animal Welfare

106 Ibid, pp 1- 2.

107 Ibid, p 2.

108 Ibid, p 2.

109 Ibid, iii.



Council is on farmed animals. However, neither New Zealand's Animal Welfare Act nor its counterpart United Kingdom statute, the Animal Welfare Act 2006, restrict the application of the statutory duties of care to animals, only to farmed animals.

Section 10 of the New Zealand Act imposes obligations to meet the physical, health and behavioural needs of animals on all persons who are owners or in charge of animals.

Section 11 obliges owners of ill or injured animals and every person in charge of such animals to ensure that the animals receive treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal. Section 11 does not limit section 10.

"Animals" are defined in section 2 as –

"animal—

(a) means any live member of the animal kingdom that is—

- (i) a mammal; or
- (ii) a bird; or
- (iii) a reptile; or
- (iv) an amphibian; or
- (v) a fish (bony or cartilaginous); or
- (vi) any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
- (vii) any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of this Act; and

(b) includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development; and

(c) includes any marsupial pouch young; but

(d) does not include—

- (i) a human being; or
- (ii) except as provided in paragraph (b) or paragraph (c), any animal in the pre-natal, pre-hatched, larval, or other such developmental stage."

The basic protections of the Animal Welfare Act 1999 are accordingly afforded both to farmed and non-farmed animals. The position is the same in the United Kingdom. The Animal Welfare Act 2006 places duties to ensure animal welfare on those who are responsible for animals.¹¹⁰ Similarly, the definition of "animals" is not restricted to farmed animals.¹¹¹

Section 12 provides that owners or persons in charge of animals commit an offence by failing to comply with sections 10 or 11, or by killing animals in such a manner that they suffer unreasonable or unnecessary pain or distress.

Section 13 makes section 12 offences strict liability by providing that it is not necessary for the prosecution to prove that the defendant intended to commit an offence.



¹¹⁰ Animal Welfare Act 2006, United Kingdom, section 9 - <http://www.legislation.gov.uk/ukpga/2006/45/section/9>.

¹¹¹ Ibid, section 1.

Section 13(1A) states that evidence that a relevant Code of Welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that Code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the Act.

By virtue of subsection (2)(c), it is a defence to any prosecution for an offence against section 12 if the defendant proves that there was in existence at the time of the alleged offence a relevant Code and the minimum standards established by the Code were in all respects equalled or exceeded.

Section 14 makes it an offence, without reasonable excuse, to keep animals suffering unreasonable pain or unnecessary distress alive or to attempt to sell them other than for the purpose of being killed.

Section 22 requires people transporting animals to ensure that their welfare is properly attended to, including providing them with reasonably comfortable and secure accommodation and supplying them with proper and sufficient food and water.

Section 23 makes it an offence to, without reasonable excuse, confine or transport an animal in a manner or position that causes the animal unreasonable or unnecessary pain or distress.

Section 24 provides that non-compliance with the relevant minimum standards in a Code is rebuttable evidence that the defendant failed to comply with or contravened the Act. Under section 24(2), proof that the defendant complied with the relevant minimum standards in a Code provides a defence.

Section 28 makes it an offence to wilfully ill-treat an animal with the result that the animal is permanently disabled; dies; must be destroyed to end pain or distress; or is seriously injured or impaired.

Subsection (2) states that an animal is seriously injured or impaired if the injury or impairment involves prolonged pain and suffering or a substantial risk of death or loss of a body part or permanent or prolonged loss of a bodily function; and requires treatment by or under the supervision of a veterinarian.

Section 28A provides that it is an offence to recklessly ill-treat an animal with the result that the animal is permanently disabled; dies; suffers such great pain or distress that the animal must be destroyed to end the suffering; or is seriously injured or impaired.

Under section 29, it is an offence to be present for the purpose of witnessing the fighting or baiting of an animal at a place used or kept for that purpose. Section 29(e) makes it an offence to encourage, aid, or assist in the fighting or baiting of an animal. By virtue of section 29(h), it is an offence to counsel, procure, aid or abet any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.

Section 30A makes it an offence to wilfully ill-treat a wild animal or an animal in a wild state.

Section 31 criminalises animal fighting ventures, which are defined as events involving fights between at least two animals conducted for the purposes of sport, wagering or entertainment.



CODES OF WELFARE

In addition to the basic protections provided in New Zealand's Animal Welfare Act, Part 5 of the legislation provides for Codes of Welfare. Section 68 provides that the purpose of Part 5 is to establish procedures for the development, issue, amendment, review, and revocation of Codes of welfare that relate to animals owned or in the charge of any person.¹¹²

Codes are designed to establish minimum standards for the care of animals and conduct by those who care for animals towards the animals, as well as including best practice recommendations to be observed by people caring for animals and for the conduct of those persons towards animals.¹¹³

Section 69 provides that Codes of welfare may relate to, inter alia, types of entertainment specified in the Code and the transport of animals. Section 73(1) sets out the matters to be considered by NAWAC in drawing up Codes. NAWAC must be satisfied that the proposed standards are the minimum necessary to ensure that the purposes of the Act will be met, and that any best practice recommendations are appropriate.

Section 73(2) states that, in carrying out its functions under subsection (1), NAWAC must have regard to submissions made under section 71 and consultation undertaken by the Committee; good practice and scientific knowledge in relation to the management of animals to which the Code relates; available technology; and any other matters the Committee considers relevant.

Section 73(3) provides that NAWAC may take into account practicality and economic impact, if relevant.

The 2015 amendments to the Act inserted new subsections (3) to (6) into section 73 and new provisions for regulations relating to standards of care.

Subsections (3) to (6) of section 73 provide for the making of regulations under section 183A relating to standards or requirements for the purposes of giving effect to Parts 1 and 2, and for the making of regulations under section 183A(2) which do not fully meet specified obligations. Before making recommendations to the Minister for Primary Industries about the prescribing of standards or requirements that do not fully meet specified obligations, NAWAC must consider the relevant provisions of section 183A.¹¹⁴

Section 183A(1) states that the Governor-General may, on the recommendation of the Minister, make regulations to prescribe standards or requirements for the purposes of giving effect to Parts 1 and 2 (other than sections 30A to 30E), including animal welfare standards or requirements relating to the care of and conduct towards animals by owners or persons in charge of animals. Section 183(1)(a)(iii) provides that regulations may prohibit specified things or activities.

Subsection (2) of section 183A states that regulations made under the section may prescribe standards or requirements that do not fully meet the obligations of section 10 or 11, or the obligations that a person would need to observe in the treatment, transport, or killing of animals if that person were to avoid committing an offence under sections 12(c), 21(b), 22(2), 23(1), 23(2) or 29(a).

By virtue of section 183A(3), the Minister must not recommend the making of regulations in reliance on subsection (2) unless he or she is satisfied either that –

- any adverse effects of a change from current practices to new practices have been considered and there are no feasible or practical alternatives currently available; or
- not to do so would result in an unreasonable impact on a particular industry sector within New Zealand, a sector of the public, or New Zealand's wider economy.

¹¹² Animal Welfare Act 1999, op cit, p 53.

¹¹³ Ibid, section 68.

¹¹⁴ Ibid, section 73(6).

Subsection (4) provides that, in deciding whether any impact is unreasonable under section (3)(b), the Minister must have regard to the welfare of the affected animals.

By virtue of subsection (5), regulations made in reliance on subsection (2) in accordance with the considerations in subsection (3) must provide for the regulations to be in force for a period of time specified in the regulations that is reasonably necessary to enable a transition from current practice to a practice that fully meets the obligations specified in subsection (2)(a) and does not exceed 10 years. However, pursuant to subsection (5)(b), the specified period may be extended once for up to 10 years.

There are further exceptions in the section. Subsection (6) states that the specified period may be extended once only by up to five years by regulations if the Minister is satisfied that the majority of participants in the sector concerned have made significant progress towards implementing compliant practice, and cannot reasonably be expected to become compliant before the close of the specified period, taking into account the steps that still need to be completed for implementation of compliant practice, and will become compliant within the extended period.

Pursuant to subsection (7), if the Minister considers that requiring a practice to fully meet the obligations specified in subsections (2)(a) and (b) would impose an unjustified limitation on the requirements of a religious or cultural practice, the Minister may recommend the making of regulations in reliance on subsection (2) for an indefinite period subject to review at ten-yearly intervals, or shorter intervals specified in the regulations.

Section 183A(11) provides that compliance with regulations is a defence to contraventions of or failure to comply with provisions of Part 1 or 2 of the Act. It states that, if a person does or omits to do anything in reliance on regulations made under subsection (2), that would otherwise be a contravention of, or failure to comply with, any provision of Part 1 or 2, the person has a defence to a prosecution for an offence under this Act in respect of the Act or omission if the court is satisfied that the act or omission was authorised by the regulations.

Subsection (11) writes into law in respect of compliance with regulations the same defence which has until now been available by virtue of compliance with Codes. This defence undermines and renders ineffective the basic protections of the Act. It also calls into question the purposes and value of the Act.

The Codes have operated so as to render lawful conduct towards and treatment of animals which is contrary to the Five Freedoms and the underlying aims and basic provisions of the Act. Section 183A makes plain that this will continue under the new regime of regulations rather than Codes.

Associate Minister of Agriculture responsible for animal welfare, Meka Whaitiri, announced on 1 March 2018 that she had asked officials to see how animal welfare outcomes for animals used in rodeos could be improved. Ms Whaitiri said that she had asked that the use of calves, electric prodders, flank straps, tail twisting and rope burning be specifically looked at within that work.

The Associate Minister said that the use of electric prodders, including in relation to rodeos, was already addressed in the animal welfare regulations she was currently considering. Tail twisting was not permitted under the Animal Welfare Act and tail breaking could be prosecuted.

Ms Whaitiri stated that she had asked NAWAC to fast track further advice on rodeos this year. However, the Government had no plans to ban rodeos.



THE ROLE OF NATIONAL ANIMAL WELFARE ADVISORY COMMITTEE

The National Animal Welfare Advisory Committee is a statutory body provided for in Part 4, sections 55 to 61 of the Act. Section 57 states that the functions of NAWAC are to advise the Minister on any matter relating to the welfare of animals in New Zealand including, without limitation, areas where research into the welfare of animals is required, and legislative proposals concerning the welfare of animals.

NAWAC is also charged with making recommendations to the Minister about, inter alia, the “issue, amendment, suspension, revocation, and review of codes of welfare.”¹¹⁵

Section 58 provides for the membership of NAWAC, providing that decisions about appointments must have regard to the need for the Committee to possess knowledge and experience in veterinary science; agricultural science; animal science; the commercial use of animals; the care, breeding, and management of companion animals; ethical standards and conduct in respect of animals; animal welfare advocacy; the public interest in respect of animals; environmental and conservation management; and any other areas the Minister considers relevant.

Part 5 deals with Codes of welfare, setting out procedures for their development, issue, amendment, review and revocation.¹¹⁶ Section 73 details the matters to be considered by NAWAC in considering the content of a draft Code. It states that the committee must be satisfied that the proposed standards are the minimum necessary to ensure that the purposes of the Act will be met; and that the recommendations for best practice (if any) are appropriate.

Section 73(2) provides that, in carrying out its functions under subsection (1), NAWAC must have regard to submissions and consultation; good practice and scientific knowledge in relation to the animals to whom the Code relates; available technology and any other matters considered relevant by NAWAC. The use of the term “must” makes taking account of these considerations mandatory.

Subsection (3) provides that, in carrying out its functions under subsection (1), NAWAC may take into account practicality and economic impact, if relevant. The use of the word “may” means that NAWAC is not required to take such issues into account. The words “if relevant” provide a second qualification.

NAWAC has issued a number of papers explaining how it carries out its functions, including a paper titled *Guidelines for Writing Codes of Welfare June 2009*,¹¹⁷ and a series of specific guidelines elaborating on its approach to its work. MPI’s website states that “These guidelines are not a legal interpretation of the Animal Welfare Act 1999.”¹¹⁸

The document *Guidelines for Writing Codes of Welfare June 2009* is a 19-page paper. Half a page is devoted to “Legal considerations,” spelling out the provisions of sections 4, 10 and 11 of the Act.

NAWAC Guideline 01: Approach to consideration of draft codes of welfare states that section 70 provides for any group or individual to propose a draft Code and forward it to NAWAC for consideration. It acknowledges concerns that draft Codes may be written by industry groups as devices to embed current industry approaches, and that the fact that an industry group has led the writing of a draft Code “puts it at an advantage.”¹¹⁹



HUNTLY RODEO, NZ, 2013 – SADDLE BRONC.

115 Animal Welfare Act 1999, section 57.

116 Ibid. section 68.

117 National Animal Welfare Advisory Committee – Guidelines for Writing Codes of Welfare, June 2009, New Zealand Government.

118 <https://www.mpi.govt.nz/protection-and-response/animal-welfare/overview/national-animal-welfare-advisory-committee/>.

119 NAWAC – NAWAC Guideline 01: Approach to consideration of draft codes of welfare, p 1.

However, the guideline states that, as required by section 71 of the Act, NAWAC must follow a transparent public process to ensure that every feature of a draft Code has been impartially considered and the Committee will come to its own view.

The Committee says that references to industry guidelines or industry websites should not be included in Codes unless they are based on credible, independent scientific analysis.

The guideline notes that, in deciding whether to review Codes, NAWAC will take into account whether they contain section 183A(2) transitions or exemptions, which should be reviewed more urgently; changes in scientific knowledge and good practices; and changes in societal ethical concerns.¹²⁰

Paragraph 4 of the guideline states that NAWAC must work within the requirements of the Act. Accordingly, there are certain considerations it must take into account, and it may also consider any other matters it sees as relevant. At present, the list of considerations includes –

- scientific understanding of animals' needs;
- practical experience and available technology;
- good practice;
- practicality of making changes;
- international trends;
- societal ethical concerns;
- economic implications;
- religious and cultural practices; and
- whether any adverse animal welfare outcomes are reasonable or necessary.¹²¹

The guideline does not state what weighting is to be applied to the different factors.

The guideline explains that NAWAC will reach its own decisions utilising the framework within which it will examine each draft Code. It must examine each and every issue freshly and on its own merits. The Committee says that sometimes what NAWAC advises the Minister will accord with public sentiment or industry expectations, and sometimes it will not.

“NAWAC will not formulate codes by following international trends, industry demands or public opinion. Its *obligation* is to work to improve animal welfare by rigorous evaluations of relevant science, practical experience and good practice first, with economics, international trends and public ethical concerns modulating that information. Economic considerations may constrain the speed of implementation of a change that NAWAC desires, but cannot prevent it.”¹²²

NAWAC Guideline 02: Dealing with practices which might be inconsistent with the spirit of the Animal Welfare Act is dated February 2016 and states that the Act places the obligation or onus of a duty of care on owners and persons in charge of animals. Duty of care is defined by a number of positive core obligations requiring the physical, health and behavioural needs to be met as specified in section 4.

“However, section 4(d) requires ‘Physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress’ which implies there are some situations where Parliament accepted it may be reasonable or necessary to cause pain or distress.

“Examples of practices that may not fully meet all of the obligations of the Act and would have to be considered under this section include some sporting activities, practices to minimise harm from aggression or dominance behaviours and some confinement systems.

¹²⁰ Ibid, p 1.

¹²¹ Ibid, p 1.

¹²² Ibid, p 2.



‘There is therefore a tension between some of the objectives of the Act. This reflects the different values in society. For example some people value animals having the freedom to behave normally, while others value husbandry systems that constrain the behaviours of those animals to allow more efficient production.’¹²³

The paper goes on to discuss how NAWAC might address this situation, stating that it must first consider whether the pain or distress is “necessary.”

“This is a challenging test. To be necessary implies there are no other options and this is seldom the case, so the concept of necessary harm tends to reflect society’s ethical positions. For example society as a whole does not want to ban rodeos or zoos so some harm to animals is inevitable. Similarly the production of layer hens inevitably leads to the destruction of millions of day old chicks.

“When NAWAC concludes that the harm is necessary the second test is to determine whether it is being minimised in a way that is reasonable. Thus rodeos and zoos are required to manage their animals in a way that minimises distress, day old chicks are required to be destroyed quickly and humanely, beak trimming of layer chicks must be done by infrared treatment rather than less humane alternatives and farrowing crates are permitted to prevent sows overlaying very young piglets. While all of these procedures are contentious for some people they are generally accepted as reasonable measures by society as a whole so again the test for reasonableness is whether it reflects society’s ethical position.”¹²⁴

The guideline states that NAWAC also has an important role in assisting people such as consumers, farmers and industries to determine appropriate actions and working to change specific practices or systems that cause necessary harm over an appropriate timeframe.

Page 2 of the document sets out the considerations used by NAWAC in making balanced assessments of welfare. These acknowledge that under New Zealand law animal use is acceptable provided that –

- harms of a certain degree and kind are under no circumstances to be inflicted upon an animal;
- any harm to an animal that is expected by society is justified by ensuring that the benefit obtained by society from treating it that way is not unreasonable; and
- there is an effective programme to identify ways to further reduce or eliminate any harm being caused.

Further considerations are that dispensations to standards may be acceptable if there are no feasible or practical alternatives available, and not providing dispensations would result in an unreasonable impact on a particular industry sector, the public or New Zealand’s wider economy.

The guideline lists other important considerations as including acknowledgement of the evolving demands of society on animals, including for food, companionship, sport, entertainment and medicines; as well as changing public perceptions and attitudes towards animals and the environment.



123 NAWAC – NAWAC Guideline 02: Dealing with practices which might be inconsistent with the spirit of the Animal Welfare Act, p 1.

124 Ibid, p 1.

NAWAC Guideline 05: Role of science in setting animal welfare standards observes that science makes a central contribution to promoting good animal welfare, as recognised by the Act's requirements for NAWAC to reference good practice, scientific knowledge and best practice. The document states that science is therefore expected to play a major part when NAWAC seeks to define animal welfare standards.

However, the Committee also says that the three common approaches of biological functioning, affective states and "natural living" may come to different conclusions about the same issue. Animal welfare science has emerged in the past 15 to 20 years as a recognised discipline encompassing animal-based facets of nutritional, environmental, health, behavioural and cognitive/neural sciences.

"Consideration of all five areas is necessary to achieve comprehensive coverage of the different dimensions of animal welfare. Moreover, it is necessary for fundamental, strategic and applied research to be conducted in all five of these areas. Although strategic and applied orientations are emphasised at present, fundamental studies remain imperative to advancing animal welfare. That is because it is fundamental knowledge of biological processes that provides a sound basis for understanding what animals' needs are and validates the indices used to determine the extent to which they are met. Fundamental knowledge is acquired by studying biological processes rigorously and objectively for their own sake and, although it is an essential starting component of strategic and applied studies, fundamental knowledge may also be generated during such studies."¹²⁵

The guideline says that scientific knowledge and scientific method are both employed when NAWAC considers regulations, minimum standards and best practice recommendations. However, the collective judgment provided by the combined expertise of NAWAC members is also used to assist decision-making.

"No such animal welfare decisions can be made on the basis of science alone, but science does underpin all of them. Judgement, broadly based and carefully exercised, is the other major element. Thus, NAWAC defines regulations and minimum standards and makes recommendations for best practice by exercising *scientifically informed best judgement*."¹²⁶

NAWAC Guideline 06: Wider issues relevant to setting minimum standards states that matters in addition to good practice and scientific knowledge are required to be considered when recommending minimum standards in a Code of welfare.

"The Act does not define 'good practice.' NAWAC takes 'good practice' to mean a standard of care that has a general level of acceptance among knowledgeable practitioners and experts in the field; is based on good sense and sound judgement; is practical and thorough; has robust experiential or scientific foundations; and prevents unreasonable or unnecessary harm to, or promotes the interests of, the animals to which it is applied. 'Good practice' also takes account of the evolution of attitudes about animals and their care.

"The Act does not define 'scientific knowledge.' NAWAC takes 'scientific knowledge,' relevant to its areas of responsibility, to mean knowledge within animal-based scientific disciplines, especially those that deal with nutritional, environmental, health, behavioural and cognitive/neural functions, which are relevant to understanding the physical, health and behavioural needs of animals. Such knowledge is not haphazard or anecdotal; it is generated by rigorous and systematic application of the scientific method, and the results are objectively and critically reviewed before acceptance."¹²⁷

The guideline states that good practice does not mean established or current practice. A "good" practice is one of high quality.

"As the [Primary Production] Select Committee [recognised when it considered the Animal Welfare Bill] certain established practices, particularly in the context of intensive farming of poultry and pigs, fall well short of that standard. Further, the term 'practice' denotes an evolving and improving standard.

125 NAWAC – NAWAC Guideline 05: Role of science in setting animal welfare standards, p 1.

126 Ibid, p 2.

127 NAWAC – NAWAC Guideline 06: Wider issues relevant to setting minimum standards, pp 1-2.



“Therefore NAWAC takes ‘good practice’ to mean a standard of care that has a general level of acceptance among knowledgeable practitioners and experts in the field; it is based on good sense and sound judgement; is practical and thorough; has robust experiential or scientific foundations; and prevents unreasonable or unnecessary harm to, or promotes the interests of, the animals to [whom] it is applied.”¹²⁸

The guideline explains that biological function, affective state and natural state orientations have emerged as the three means of determining whether animal welfare compromise has occurred, and are used in assessing ways to safeguard the welfare of animals.

NAWAC Guideline 07: Taking account of society's ethical values, technical viewpoints and public opinion explains how NAWAC takes into account “public opinion” in making decisions. The paper says that a better way of explaining this is to state that the Committee pays heed to the general background thinking that underlies an issue.

Three dimensions comprise this general background thinking. The first is the general ethical values of society with respect of animals, including the values of animal-using stakeholders, taking into account the evolution of attitudes towards animals and their care.

“An example of the evolution of attitudes towards animals and their care is the change, over the last 25 to 30 years, from considering animals primarily as possessions and commodities to the current view which strongly emphasises that they are sentient beings with the capacity to suffer. This shift, among other changes, was reflected in the Animal Welfare Act 1999. The Act focuses on a duty of care towards animals, and that has much wider implications than the mere avoidance of cruelty highlighted by the Animals Protection Act 1960, which the 1999 Act replaced. Such shifts do not represent capricious surges in public sentiment; rather, they are well-established changes in thinking adopted both among animal-using stakeholders and generally within our society. They tend to take place over a lengthy period and become firmly held.”¹²⁹

The paper states that it is important to distinguish between background societal ethical values and current public opinion on particular matters “and to note that a surge of interest in a particular matter may or may not be a good measure of a change in general society’s ethical values.”¹³⁰

The guideline says, accordingly, that NAWAC takes the term “societal ethical values” to mean the general background of thought in New Zealand society regarding what are and are not considered to be acceptable ways of caring for and managing animals.

NAWAC Guideline 08: Balancing animal welfare needs states that the Committee is required to consider the five domains of animal welfare as set out in section 4 in order to assess comprehensively the physical, health and behavioural needs of animals. The Committee says that the Act places no priority on any one of the five needs: each must be given an equal weighting.

The guideline says that, in order to achieve the best welfare outcomes for animals in particular circumstances, a restriction is sometimes imposed on one of the needs in order to achieve an animal welfare benefit in others. NAWAC will only recommend such restrictions if it is clear that the total welfare of the animal is enhanced.

The paper explains that NAWAC believes such a trade-off can be supported ethically only when three conditions are satisfied. These are, first, that the chosen restrictive system or practice must produce demonstrable and significant animal welfare benefits in another area or domain such that the overall welfare of the animal is enhanced.

Second, the chosen restrictive system or practice must be applied only for the minimum period necessary to realise those benefits; and third, active attempts must be made to develop and use viable alternatives, which are better in animal welfare terms than the chosen restrictive system or practice.¹³¹

128 Ibid, pp 3-4.

129 NAWAC – NAWAC Guideline 07: Taking account of society's ethical values, technical viewpoints and public opinion, p 1.

130 Ibid, p 2.

131 NAWAC – NAWAC Guideline 08: Balancing animal welfare needs, p 1.

In making decisions, the paper says that NAWAC uses a Multi Criterion Decision Analysis, allowing the Committee to process a large volume of information in a systematic and transparent way and to explicitly include qualitative criteria such as ethical considerations in the decision-making process.

The paper says that five welfare needs taken directly from the Act are given equal weighting of 20 per cent each. Each criterion is then assessed against a five-point scale, with 1 being totally inadequate in terms of welfare and 5 being totally satisfactory.¹³²

NAWAC Guideline 13: Recommending regulations where section 182A(2) applies sets out the framework for how NAWAC deals with decisions as to regulations that do not fully meet the obligations of the Act. The document explains that the Committee will consider public submissions; the writing group's submissions; current New Zealand and international research; current good practice; available technology; society's ethical views; international practices and trends; the feasibility, practicality and economic effects of any change; and any other relevant matters.

The document observes that NAWAC recognises that the provisions detailed in section 183A(3) impose an onerous test, thereby imposing on the Committee a heavy responsibility and need for caution. The factors must be of very significant magnitude and degree, and must clearly outweigh the adverse welfare effects of non-compliance with the requirements of the Act.

"It is not enough for the Committee merely to show, for example, that there may be difficulties in effecting a transition from current practices to new practices; or that there may be adverse effects resulting from such a transition; or that there may be adverse economic effects. Whenever a new standard is introduced that restricts or prohibits an existing farm practice or system, some practical difficulties, adverse effects or economic effects will ordinarily occur. This alone is not 'unreasonable' impact. NAWAC will therefore fully document its reasoning for recommending a section 183A(2) exemption."¹³³



132 NAWAC – NAWAC Guideline 08: Balancing animal welfare needs, pp. 1-2

133 NAWAC – NAWAC Guideline 13: Recommending regulations where section 183A(2) applies, p 2.



ANIMAL WELFARE (RODEOS) CODE OF WELFARE 2003

The first Code of Welfare relating to rodeos made under the Animal Welfare Act 1999 was the *Animal Welfare (Rodeos) Code of Welfare 2003*, dated 1 January 2004.

REPORT TO ACCOMPANY THE ANIMAL WELFARE (RODEOS) CODE OF WELFARE 2014 (SEPTEMBER 2013)

Section 74(2) of the Act requires NAWAC's recommendations to the Minister relating to Codes to be accompanied by a report setting out the reasons for the recommendations; the nature of any significant differences of opinion about the code or any provision of it shown by submissions or that have occurred within the Committee; and, if applicable, matters relating to the Code that the Committee considers should be dealt with by regulations.

The *Report to Accompany the Code of Welfare: Rodeos* was prepared by NAWAC and dated 5 September 2013. It was 11 pages long, including references. The paper said that the 2003 Code had been reviewed by NAWAC pursuant to the Act and the report accompanied the new Code recommended by NAWAC to the Minister, as required by section 74 of the Act.¹³⁴

The document said that, in providing the report, NAWAC had fully considered all submissions received and reviewed relevant scientific literature. The paper explained that there were a number of minimum standards where the animal welfare implications were self-evident and required no explanation for their inclusion. NAWAC decided not to provide comment on those minimum standards, but to explain minimum standards it believed were complex or controversial or on which it received submissions with significant differences of opinion.

The paper said that the Act did not define "significant differences" but NAWAC's view was that they comprised situations in which there were a large number of submissions which were contrary to a minimum standard in the Code, or where a submission put forward a justification based on scientific evidence or good practice for a different or alternative minimum standard.¹³⁵

The paper said that rodeos run by the New Zealand Rodeo Cowboys Association, steer riding events at country shows and bull-riding competitions run by Bull Riding New Zealand would all be subject to the Code.¹³⁶ The Act specified that owners and persons in charge of animals (including animals used in rodeos) must meet the needs of animals in their care, but did not specify how to meet these needs. Nor did the Act describe how those responsible for ensuring compliance with the legislation might determine whether or not those needs had 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.

"It is essential that owners and persons in charge of animals used in rodeos know what the needs of the animals in their care are, and how those needs can be met, in order that they can act lawfully and so that the welfare needs of their animals are met. This code of welfare for animals used in rodeos 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 animals used in rodeos and identifies what is considered to be inappropriate treatment of these animals. It is expected that persons responsible for the welfare of animals used in rodeos 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."¹³⁷

134 NAWAC – Report to accompany the Animal Welfare (Rodeos) Code of Welfare 2014, September 2013. <https://www.mpi.govt.nz/dmsdocument/4813-rodeo-animal-welfare-code-of-welfare-2014-review-of-submissions-and-update>.

135 Ibid, paragraph 4, p 1.

136 Ibid, paragraph 6, p 2.

137 Ibid, paragraphs 7-8, p 2.

NAWAC said that the Code described key needs in the areas of stockmanship; food and water; selecting and handling animals; the arena; gear; saddle and bareback bronc riding; bull and steer riding; rope and tie; team roping; steer wrestling; calf riding; barrel racing; health, injury and disease; and emergency humane destruction.¹³⁸

The paper said that the Act required NAWAC to review the existing rodeo Code of Welfare within ten years of issue. As required by the Act, representatives of those likely to be affected by the Code (Bull Riding New Zealand Inc, the New Zealand Rodeo Cowboys Association, New Zealand Veterinary Association and the Royal Society for the Prevention of Cruelty to Animals) were consulted during the review and prior to public notification.

The Code was publicly notified and sent to specific interested groups. Submissions were invited and 30 full, 368 email and eight letter submissions were received. Several NAWAC members visited rodeo events and consulted with the industry on some parts of the rodeo Code. The Code was peer reviewed by Dr Cia Johnson, an expert in animal welfare science with specific rodeo experience. Dr Johnson is a staff member of the American Veterinary Medical Association's Animal Welfare Division.

The paper identified six key concerns raised in the public consultation on the draft Code. These were –

- **Societal views on the use of animals in rodeos** – was the use of animals in rodeos ethical? How many animals were injured in rodeos? What requirements did other countries have for rodeo events?
- **Stockmanship** – how was animal welfare monitored and assessed at rodeos?
- **Selecting and accepting animals for rodeo** – should only contract animals be used for rodeos?
- **Gear** – was the use of spurs on bucking animals necessary?
- **Specific events** – how could calf welfare be protected in the rope and tie event? How did the children's events impact on the animals?
- **Health, injury and disease** – should fireworks be used in rodeo events?

The paper discussed NAWAC's consideration of the six issues, and the conclusions the Committee reached.

Societal views on the use of animals in rodeo

(a) Is the use of animals in rodeos ethical?

The paper said that many of the issues raised in submissions were similar to those highlighted during consultation on the 2003 Code. Opposing submissions called either for the banning of rodeos or individual rodeo events, and objected to the use of animals in rodeos.

Those opposed to rodeos asserted that they were not relevant to New Zealand culture and society; were incompatible with New Zealand's clean, green image and reputation as a leader in animal welfare; not traditional; not necessary; and provided little economic value to New Zealand.¹³⁹

NAWAC said it had discussed these issues and the Committee recognised that there were arguments for and against each one "none of which could be resolved unequivocally."¹⁴⁰

"While NAWAC recognises that rodeo events have a limited relevance to farming practices in New Zealand, the skills that are a necessary part of competing in rodeos may have application to those rural people involved in extensive farming situations such as large sheep and cattle stations. Rodeo is one of many competitive activities involving animals that are significant to rural communities and rural cohesion, such as A&P shows, racing, polo, shearing competitions, hunting, pony club, evening and dog trials. Although rodeos, on the whole, tend to attract a rural audience, there is also an urban following, and many small towns where rodeos are mainly held derive a significant income from holding an annual rodeo.

¹³⁸ Ibid, paragraph 9, p 2.

¹³⁹ Ibid, paragraph 17, p 4.

¹⁴⁰ Ibid.



“Opposing submissions also stated that animals in rodeos were goaded or coerced into participating and hence, the practice was contrary to the Animal Welfare Act as the Act requires that animals be physically handled in a manner that does not cause them unreasonable or unnecessary pain or distress. Many of the submissions also raised the now recognised associated link between animal abuse and abuse of children and other members of society and linked that to the performance of rodeos teaching people disrespect for animals and people. There are also concerns noted about children’s events and submissions stated that these events are sending the wrong messages about the treatment of animals to children, thus encouraging them to treat animals with disrespect as they grow older.”¹⁴¹

NAWAC observed that submissions opposing rodeo focused on calf roping as the event that caused animals the most harm, stress and injury. However, concerns were also raised about other rodeo events.

“NAWAC noted the care taken to avoid animal abuse and to avoid infliction of pain and distress by long established rules and procedures. NAWAC recognises that certain events may have more potential to cause pain and suffering, such as the roping of calves in the rope and tie event, so the committee has therefore recommended a number of minimum standards that regulate such activities and which aim to reduce or prevent the risk of pain and suffering occurring. These include minimum weights, minimum ages and the maximum number of times an animal can be used in rodeo events. There are also industry enforced rules that mean contestants not meeting the requirements of industry rules are disqualified from the competition.

“NAWAC does continue to have reservations about the performance of rodeos, and in particular, the events using younger animals. The committee is aware that rodeo events using calves have been banned in a number of countries due to the perceived physical and psychological stresses that they place on the animals. At the present time NAWC believes that given the application of the minimum standards and recommended best practices as included in this code, that there are sufficient safeguards in place to protect animals used in rodeos. Nevertheless, NAWAC wishes to encourage those involved to give ongoing careful consideration to these matters.

“It should also be noted that the general principles of the use of animals in entertainment, including rodeo events, and the associated welfare issues will be considered by NAWAC in future and this may result in changes and further restrictions to ensure that such activities remain ethically acceptable to New Zealanders.”¹⁴²



(b) How many animals are injured in rodeos

The paper stated that reports from the United States “indicate that there are few injuries associated with the modern rodeo.” It referred to two studies but did not provide citation details. One of these reported that there was one minor injury out of 915 calf roping runs, while the second recorded 15 injuries from 27,767 animal runs at 19 rodeos. The first report was dated August/September 1994, while the second was 1998/1999.

There was no indication as to whether these studies were independent, peer reviewed pieces of research, or whether the statistics were provided by the rodeo industry. Checks of the statistics appear to indicate they might have been derived from Wikipedia, which in turn sourced them from rodeo industry reports. There appear to be no independent statistics cited.

141 Ibid, pp 4-5.

142 Ibid, p 5.

A third study was a paper by Furman cited in the References section of the report. It said that there were 15 injuries from 26,584 animal runs at 21 rodeos and was dated 1998 – 2000.

NAWAC observed that recent studies reflected a similar level of injuries. A survey by veterinarians independently contracted to be present at Professional Rodeo Cowboys Association events in the United States in 2009 recorded 28 injuries in 75,472 rodeo exposures, giving an injury rate of 0.00037 per cent.¹⁴³

The paper also referred to a survey of Australian Professional Rodeo Association rodeos held in Victoria between 2005 and 2012, which recorded an overall injury rate of 0.072 per cent, or less than one injury for every 1405 times an animal was used in competition. Based on severity of injury – ie cases in which veterinary attention was needed – the injury frequency was 0.036 per cent, or one injury every 2810 times an animal was used, including transport, yarding and competitions.

NAWAC concluded that there was “not a high risk of injury to rodeo animals.” However, the Committee said that every effort should be made to minimise the risk of injury. As rodeos were a form of entertainment, there was an ethical obligation on society to ensure that the welfare of the animals was paramount.

(c) What requirements do other countries have for rodeo events?

The paper contained one paragraph about the regulation of rodeos in other jurisdictions. It began by observing that, worldwide, “many countries have different legislation and requirements on rodeo events.” There was no evidence of a comprehensive review of regulation in other jurisdictions.

NAWAC went on to note that, in Australia, rodeo had now been banned in the ACT, while other states had differing restrictions on rodeo events. Some local or state governments in North America had banned or restricted rodeos, certain rodeo events, or types of equipment. The paper said that restrictions on rodeos also differed throughout Europe “with different European nations placing restrictions on certain practices.”¹⁴⁴ Rodeos had been banned in some countries, such as the United Kingdom and the Netherlands.

Stockmanship

(a) How is animal welfare monitored and assessed at rodeos?

The paper said that a number of submissions had noted that the industry played a role in self-regulating animal welfare standards at rodeos, and questioned whether this was the appropriate means of ensuring the maintenance of standards.

NAWAC said it agreed that a veterinarian should be present throughout the rodeo.

“While the veterinary reports collected over the past years indicate a very low number of injuries, NAWAC still believes that a veterinarian should be present to provide an independent professional opinion and as rodeos provide entertainment, there is a greater responsibility to ensure welfare support. In recognition of this, NAWAC has included a minimum standard that requires a veterinarian that is experienced in treating horses and cattle to be present at the rodeo at all times. NAWAC has also included a minimum standard in the code stating that a veterinarian must check all animals prior to the commencement of the rodeo.”¹⁴⁵

The report went on to state that NAWAC believed that the concept of an animal welfare officer, who would identify issues such as injury, body condition score and activities at the event that could harm animals, was a sound one. Identifying such a role would highlight and reinforce the fact that animals had to be treated appropriately and with due care.

143 Ibid, pp 5-6.

144 Ibid, p 6.

145 Ibid, p 6.



“The animal welfare officer works in conjunction with the veterinarian and both need to agree that an animal is fit to compete before it is used in competition. If either the veterinarian or the animal welfare officer considers the animal unfit to compete, the animal is retracted. This is already an industry rule and is included as a minimum standard in this code.

“It is the rodeo organiser’s role to ensure that contestants are conversant with the code. In addition, both the organiser and the animal welfare officer(s) must be competent to assess the welfare of animals used in the rodeo. More than one animal welfare officer can be used at each rodeo, but a minimum standard has been added to reflect that there must be at least one animal welfare officer present at every rodeo.”¹⁴⁶

Selecting and accepting animals for rodeo

(a) Should only contract animals be used for rodeo?

Contract animals are animals who have been exposed to the event in which they will be used, or trained to the techniques used in rodeo and accordingly have prior experience of rodeo events. NAWAC said that these could be stock hired from a stock contractor, or owned by the club. The report cited a 2012 study by Comeaux et al to state that recent studies using calves had shown they became accustomed to being roped and tied, and showed less increase in cortisol after being used in events in three concurrent weeks.¹⁴⁷

NAWAC said that, as less stress was experienced by contract stock than by non-contract stock when being used in rodeos, the Committee would like to see the industry working towards using only contract stock in future rodeos.

“NAWAC acknowledge that this would not be financially viable at the present time, and, if contract stock only were currently required to be used, some events would not be able to take place as more contract stock would be required than are available in New Zealand. However, a recommended best practice has also been added to the code to state that only contract stock should be used in rodeo events.

“In light of the increased impact that rodeo activities have on non-contract cattle, NAWAC have included a minimum standard stating that on each day, contract cattle must not be used on more than 3 occasions and non-contract cattle on no more than 2 occasions (including practice for the event and the event itself). This is, in fact, current industry practice.”¹⁴⁸

Gear

(a) Is the use of spurs on bucking animals necessary?

The report said that a number of submissions had called for the use of spurs to be prohibited at rodeo events. Spurs used at rodeos could be of different types and the rowel, which pressed against the bull’s or horse’s skin, could either be locked, be able to rotate to some degree, or be able to rotate freely. Locked rowels had a harsher effect than non-locked rowels as they did not move against the animal’s flesh.

NAWAC concluded as follows –

“The competitors use the spurs as another point of contact (with the seat and handhold) to remain on bucking animals, and removing the spurs would make it hard for the contestant to remain seated on the bull or horse.



146 Ibid, p 7.

147 Ibid, p 7.

148 Ibid, p 7.

“NAWAC is satisfied that the spurs used on the animals in the bucking events are adequately dulled and rotate sufficiently that they will not cause the animals undue pain or distress. NAWAC has therefore added minimum standards stating that rowels that are able to be locked must not be used in any events, and that partially locked rowels must not be used in the saddle or bareback bronc riding events. The Committee has also included an example indicator providing the minimum dimensions to which the rowels need to conform to ensure they do not place unnecessary physical stress on the skin of the animals. These minimum rowel dimensions are, in fact, also the current industry standard.¹⁴⁹

Specific Events

(a) How can calf welfare be protected in the rope and tie event?

The paper said that a number of submitters believed this event to be particularly stressful and said that calves were at high risk of being injured. NAWAC said that there were few published studies investigating the welfare of calves in the rope and tie event.

“The studies that have been performed indicated no detrimental physiological damage sustained by the calves as a result of the event (Fisher 2003). In this study the calves used in the rope and tie event showed short term head shaking and sham chewing behaviour following the event, which was thought to be an attempt to clear arena dirt from their mouth, but sustained no behavioural signs indicating injury or distress, and no physical injury or physiological damage. The study concluded that the measurements used did not identify any significant compromise to the welfare of the calves (Fisher 2003). Other reports suggested a similar low level of injury in calf roping events (Wallace and McKnight 197) which agrees with the low levels represented in the statistics gathered by the NZRCA over several years. Veterinary records from NZRCA rodeo events show that the injury rate in calf roping and calf riding events was 4 injuries out of 2273 calves (over 4 years) (MAF 2003). These figures apply to calves used in both events and calves used for roping can be used more than once, so actual injuries against actual number of times used will be less than these figures.”¹⁵⁰

NAWAC said that there had been significant debate within the Committee following the submissions made on calf roping. Some members stated preferences that the event should be discontinued. NAWAC was divided about whether the event should be discontinued and had reached a majority decision on calf roping and tying and on the impact of children’s events on animals.¹⁵¹

In the absence of evidence that the event caused the calves significant pain and distress, not all committee members agreed that the event should be discontinued. NAWAC had also decided that it was unnecessary to increase the weight of the calves used in the event, as this would not necessarily decrease the impact of the event on them.

The paper said that further requirements had been introduced to uphold calf welfare and further minimum standards had been added.

“These include the requirement that calves must be handled using the minimum force and in a way that minimises pain and distress at all times during the event. NAWAC does, however, wish to make it known that it is aware that a number of countries have now prohibited this event from an ethical viewpoint and as a result of welfare concerns for the calves. Should NAWAC consider that this event, at some point in the future, is ethically unacceptable to New Zealanders, then NAWAC may again consider the requirements placed around the performance of this event.”¹⁵²



149 Ibid, p 8.

150 Ibid, p 8.

151 Ibid, p 10.

152 Ibid, p 9.



(b) How do the children's events impact on the animals?

The paper said that a number of submitters had stated that allowing children to compete in rodeos did not teach them respect for animals and reinforced the notion that animals were inferior and to be exploited for entertainment.

"However, rodeos tend to be family affairs with often a number of family members participating in different events and children tend to become involved in rodeo and learn how to treat animals through older family members. The classes for the smaller children provides [sic] them with the opportunity to be involved in rodeo from an early age.

"Children's events in rodeo include both calf riding and sheep riding or 'mutton busting.' The welfare of the animals in both these events was discussed at length by NAWAC. One of the main areas of discussion was the weight of the calves used in the calf riding event and if the calves were of a size that could support the children without undue physical stress being placed on the animals."¹⁵³

NAWAC said that, after careful scrutiny, it had concluded that the calf riding event was using calves of sufficient weight and maturity that they would not be subjected to unreasonable pain or distress. Increasing the weight of the calf could significantly decrease the safety of the young competitors.

However, as it was appropriate that the weight of the competitor was centred appropriately, minimum standards had been added to the Code to state that the rider's weight must be kept behind the shoulder of the calf at all times, and the calf must not be ridden backwards. Those minimum standards were intended to reduce the risk of putting a large amount of pressure on the forelegs of the calf during the event.

The Committee went on to state that it considered there were inherent problems with the use of sheep at rodeos. Sheep could be at increased risk of developing problems as a result of overheating through their wool covering while being held for rodeo events. In addition, the anatomy and biomechanical structure of the sheep was different from that of cattle. Sheep riding by children carried an increased risk of placing too much pressure on the skeleton of the animal.

"For this reason, NAWAC considers that the potential to cause injury to the sheep is high in this event, and so has added a minimum standard stating that only horses and cattle are to be used in rodeo events, hence disallowing the use of sheep for this purpose.

"Information has also been added to the code that children need to be supervised at all times around animals to ensure that the welfare of the animals is not compromised."¹⁵⁴

Health, injury and disease

(a) Should fireworks be used in rodeo events?

The paper observed that fireworks and pyrotechnics had in the past been used at some rodeo events as a means of adding interest. However, the loud noise resulting from fireworks was well established as a stressor in companion animals, and unexpected noise and movement could cause the fight or flight response in both horses and cattle.¹⁵⁵

NAWAC considered that the use of fireworks was not essential to rodeo and caused unnecessary stress to the animals. A minimum standard had accordingly been added banning fireworks, pyrotechnics and gas fired explosions of any type.

¹⁵³ Ibid, p 9.

¹⁵⁴ Ibid, p 10.

¹⁵⁵ Ibid, p 10.

DISCUSSION ABOUT REPORT TO ACCOMPANY THE CODE OF WELFARE: RODEOS

As noted above, the report is 11 pages long. It is accordingly a short document and issues are discussed only briefly. The paper does not provide details of the length of NAWAC's deliberations in reaching its conclusions.

The References section of the report is half a page long and lists nine articles. One of these is the 2003 Ministry of Agriculture and Forestry report relating to the earlier Code - ie the corresponding paper to that prepared in 2013 in respect of the updated Code.

Apart from that paper, only four of the articles referenced related specifically to rodeo. Two of the others related to the impact of fireworks on animals, while a further two considered the impact on animals of sudden and other stimuli.¹⁵⁶

It was not clear from the report whether the References section comprised a comprehensive list of the scientific literature reviewed by NAWAC in preparing the 2013 Code. As noted above, NAWAC states that it "fully considered all submissions it received and reviewed relevant scientific literature."¹⁵⁷

Accordingly, an Official Information Act request was made to the Ministry for Primary Industries on 6 October 2017 to clarify whether the References section of the report contained a comprehensive list of the scientific literature consulted, or whether other publications were also reviewed. In a response dated 6 November 2017 to the writer of this report from MPI's Director, Animal and Animal Products, Paul Dansted, the Ministry said that the scientific literature reviewed by NAWAC in preparing the Code was listed on pages 10 and 11 of the report.¹⁵⁸ This response makes it plain that the small number of references listed is all the material examined by NAWAC in preparing the Code.

One of the references cited was a one-page Letter to the Editor. Six of the articles listed were, respectively, four (two articles), five, eight, 12, and 13 pages long. The other two publications, for which no lengths were recorded, were the Ministry's own publications.

The dates of the publications cited were as follows: 1987; 2000; 2001; 2003 (two articles); 2005; 2010; 2012 (two articles). The oldest publication, at the time of the writing of the report, was accordingly 26 years old. Only three of the articles were published in the same decade in which the report was written. Five of the articles would have been available at the time the first rodeo Code was produced. It is accordingly not clear from the references cited what updated research NAWAC might have considered and relied on in producing the 2014 Code.

The Animal Welfare (Zoos) Code of Welfare 2004 Report cites eight references.¹⁵⁹ The research conducted by NAWAC in preparing to produce Codes is accordingly very limited and appears completely inadequate to form a scientific opinion. In particular, there is little evidence of any attempt to obtain the most recent research and to ascertain what might have changed since the earlier iteration of the Code.

As is noted above, the research referred to by NAWAC in the report is dated and consists of short articles. There is no indication from the report that NAWAC has recommended to the Minister that research be conducted into rodeos. A search of the Publications page listing MPI research, conducted on 7 October 2017, did not return any results for rodeo research for the three years of research projects listed on the site.¹⁶⁰ A search to check for any earlier recommendations by the committee to the Minister for research relating to rodeos could be carried out by checking the archives section of the website.

¹⁵⁶ Ibid, pp 10-11.

¹⁵⁷ Fn 134.

¹⁵⁸ Dansted, P – Official Information Act Request, 6 November 2017.

¹⁵⁹ NAWAC – Animal Welfare (Zoos) Code of Welfare 2004 Report
<https://www.mpi.govt.nz/dmsdocument/1456-zoo-animal-welfare-code-of-welfare-review-of-submissions-and-update>.

¹⁶⁰ <http://www.mpi.govt.nz/news-and-resources/publications/>.



An Official Information Act request was made to MPI requesting details of research recommended by NAWAC into the welfare of animals, and in particular into any aspect of rodeo. In a response to the writer of this report dated 30 November 2017, Mr Dansted listed only one piece of research relating to rodeos.¹⁶¹ This was the 2003 article titled *The Effects of Roping on the Behaviour and Physiology of Calves*.

Given that the report considers a number of issues either that NAWAC has concerns about or that the Committee was divided on, it is disappointing that NAWAC apparently did not choose to recommend that research be carried out about these issues, so that the Committee would have more information on which to base its decisions.

The report, for welfare reasons, states that the Committee would like to see the industry working towards using only contract stock in future rodeos. It says this would not be financially viable at the present time, demonstrating that NAWAC has placed the economic wellbeing of rodeo promoters above the welfare of the animals used in rodeos.

NAWAC's approach is to require those seeking to protect the welfare of animals to demonstrate that practices are cruel or distressing to animals. The Codes produced by NAWAC would be very different if the Committee instead required industries to establish that their practices did not cause animals suffering or distress. There is nothing in the Act which provides that the onus should be on those seeking to ban practices to provide the evidence required for a decision.

NAWAC's approach to evaluating public opinion and societal attitudes and ethics also means that it trails public opinion, thereby allowing practices which compromise animal welfare to continue for longer than the public supports. This is clear from the results of the Horizon Research opinion poll, which reported that a majority of respondents supported banning rodeos.



¹⁶¹ Dansted, P – Official Information Act Request, 30 November 2017.

ANIMAL WELFARE (RODEOS) CODE OF WELFARE 2014

The current Code relating to rodeos, the *Animal Welfare (Rodeos) Code of Welfare 2014* is dated 31 October 2014.

A media statement about the new Code was released by NAWAC on 30 October 2014. It said that new standards to strengthen welfare requirements for rodeos had been issued, setting out minimum standards and best practice guidelines for all rodeo animals – including those used in training and rodeo schools.¹⁶²

NAWAC committee member, Virginia Williams, said the new Code highlighted how essential it was for those involved in rodeos to have animal welfare at the forefront of their minds at all times.

“Maintaining the welfare of rodeo animals depends on the experience and training of those handling animals. This code of welfare has been designed to encourage all those responsible for the care of rodeo animals to adopt the highest standards of husbandry, care and handling.

“There are a number of new or heightened requirements in the code to better protect animal welfare – most significantly, the use of sheep in rodeos is no longer allowed, nor are fireworks or other pyrotechnics.

“More broadly, the code includes minimum standards on stockmanship, food and water, selecting and handling animals, gear, and the requirements around the use of animals in each of the events.

“These standards have been developed after receiving feedback from the public and those directly affected by the code – and we are confident that the minimum standards in the code provide sufficient safeguards to protect the welfare of rodeo animals.”¹⁶³

Page 3 of the Code states that its purpose is to provide information to the owners and persons in charge of rodeo animals about the standards they must achieve in order to meet their obligations under the Act.

“This code encourages all those responsible for the care of rodeo animals to adopt the highest standards of husbandry, care and handling and to equal or exceed the minimum standards.

“Adequately maintaining the welfare of animals being used in rodeos requires experience, training and observance of high standards.”¹⁶⁴

ANALYSIS OF THE CODE

Under the heading “Legislative background,” the Code states that it does not provide an exhaustive list of the Act’s requirements. Owners and those in charge of animals should note that they must comply with the minimum standards in the Code *and* in the general provisions of the Act.¹⁶⁵

The updated Code contains 15 Minimum Standards and sets out recommended Best Practice in respect of 12 matters. As the Code notes, the recommendations for Best Practice “have no legal basis and are included to encourage higher standards of animal welfare.”¹⁶⁶

The general protections of the Act and NAWAC’s approach to Code development have been discussed earlier in this paper. This discussion stated that the Act provided basic protections to animals, and that there was nothing providing that those protections were to apply only to certain categories of animals such as, for example, farmed animals or companion animals.

162 National Animal Welfare Advisory Committee – New code of welfare for rodeos, MPI, 30 October 2014
<http://www.mpi.govt.nz/news-and-resources/media-releases/new-code-of-welfare-for-rodeos-released/>.

163 Ibid.

164 Ministry for Primary Industries – Code of Welfare (Rodeos) 31 October 2014, New Zealand Government, p 3.

165 Ibid, p 4.

166 Ibid, p 3.



This means that animals used in rodeos are not excluded from the basic protections of the Act. Accordingly, they should have proper and sufficient food and water; the opportunity to display normal patterns of behaviour; physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress; and protection from, and rapid diagnosis of, any significant injury or disease.

However, rodeo by its very nature prevents animals from enjoying those protections and, further, actually *causes* unnecessary pain and distress. Animals used in rodeo do not display normal patterns of behaviour. If bucking was normal behaviour, those running rodeos would not need to use devices such as electric prods, sticks and flank straps to try and cause bucking and flight behaviour.

Using animals in rodeo does not protect them from unnecessary pain or distress: in fact, it leads to unnecessary pain and distress since it cannot be considered “necessary” for pain to be caused for the purpose of human entertainment.

Animals used in rodeo do not receive protection from and rapid diagnosis of significant injuries, as injuries suffered in rodeos may not be noticed and may never be diagnosed. In addition, rodeo organisers and veterinarians do not include psychological trauma and distress in their definition of “injury,” so the emotional and psychological injuries suffered by animals are neither recognised nor reported.

The Act by virtue of sections 28, 28A and 29 creates offences relating to the wilful and reckless ill-treatment of animals. The treatment of animals at rodeos prima facie would comprise offences under these provisions.

Section 29 states that a person commits an offence if that person is present for the purpose of witnessing the fighting or baiting of an animal at a place used or kept for that purpose; or in any manner encourages, aids or assists in the fighting or baiting of an animal. The events at rodeos prima facie involve baiting of animals.

Subsection (g) makes it an offence to release an animal kept in captivity in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress. This subsection would prima facie cover rodeos, as animals are kept in pens and chutes and then released into an arena, being forced to run speedily into the ring by the use of electric prods and other devices.

Although this subsection might be intended to cover the abandonment of tame animals, there is nothing in the wording of the subsection which actually states a time limit on the captivity or provides that qualifying captivity must be longer than a short time of confinement in a chute or pen.

Section 30A creates offences relating to the wilful or reckless ill-treatment of wild animals or animals in wild states. Section 30D applies to animals captured in a wild state.

NAWAC’s general approach to the creation and content of Codes is outlined in its guidelines, discussed above. The Committee’s view is that entertainment is not “necessary” – as opposed to, for example, the use of animals for food or medical research. For that reason, NAWAC is of the view that higher standards should be applied to justify treatment of animals in entertainment which breaches the basic protections of the Act. As rodeo is entertainment, this means that it is difficult to justify the treatment of animals in rodeo in ways which breach the basic provisions of the Act.

The Codes have since their creation operated in practice to deny farmed and other animals the basic protections of the Act. If it were not for the Codes, hen battery and enriched cages; pig sow stalls and farrowing crates; and many other New Zealand practices relating to animals would be illegal under the Act. (Sow stalls are now banned).



The Codes, in fact, render the basic purpose and fundamental protections of the Act worthless for millions of New Zealand animals. This situation is exacerbated by the way in which both MPI and NAWAC interpret the Act and give priority to economic imperatives at the cost of animal welfare.

MPI devotes only a tiny fraction of its budget to animal welfare: it is overwhelmingly concerned with increasing and promoting agriculture and exports. The Ministry accordingly has a major conflict between its primary economic purpose and its animal welfare responsibilities. The animal welfare responsibilities in practice appear always to be given lower priority when they are seen as getting in the way of economics.

In relation to rodeo, the Ministry has not prosecuted a single person for breaches of the law. As discussed above, one man was given a warning in relation to the use of an electric prod. MPI stated that there was no reason to believe that the man would act in this way again. It is unclear what that statement was based on. The man had been participating in rodeos for 35 years and it is therefore extremely likely that his inappropriate use of the electric prod had occurred many times over many years. The Ministry did not indicate that it would conduct future monitoring to ensure that the man did not repeat his behaviour.

MPI has been provided with hundreds of hours of footage of rodeos over the past five years. The footage has shocked the public and been viewed hundreds of thousands of times, but has not resulted in one prosecution.

It appears from the above that there would be fertile ground for a judicial review of the Ministry's conduct of its animal welfare functions.

As also already discussed, the 2015 amendments to the Act inserted into the legislation a Declaration of Sentience. The ambit and legal effect of this Declaration has not been tested. The writer of this report has been of the view that it was a virtually meaningless statement with no enforceable effect, and it was for that reason that the Government agreed to its inclusion in the amended Act. The writer's view has been that it was only when animals were granted legal personality that significant improvements in their treatment would be achieved.

However, the legal challenge brought to the Montreal Rodeo was founded on the new provision in Quebec's Civil Code granting animals the status of sentient beings. It might accordingly be worth considering the meaning and impact of the Declaration of Sentience in the New Zealand Act.

No judicial ruling was made in relation to the meaning of the Quebec Declaration, as the proceedings were settled.

PART 1

Part 1 of the Code states that it applies to all persons responsible for the welfare of all animals being used in rodeos (although only cattle and horses may be used) and includes animals used in rodeo training and in rodeo schools.¹⁶⁷ This is different from the position in the United States, where the limited protections which exist do not apply to practice sessions.

The writer of this report has seen nothing to indicate that practices or training schools are monitored by MPI or attended by veterinarians.

The Code states that only cattle and horses may be used in rodeos. This makes the children's event of "mutton" busting, which uses sheep, unlawful.

PART 2

Part 2 of the Code deals with responsibilities and stockmanship. It provides that the rodeo organiser has overall responsibility for the welfare of the animals.

It is uncertain whether there is any monitoring by independent persons or organisations of the stockmanship provisions of the Code.

¹⁶⁷ Code of Welfare (Rodeos) 2014, op cit, p 5.



Minimum Standard No. 1 states that personnel involved in handling rodeo animals must be competent at recognising normal and abnormal behaviour that indicates distress or suffering due to injury, disease, physiological state or other abnormality. It is difficult to see that this Standard would, in practice, be of any assistance in protecting animal welfare. There is no specific statement as to the qualifications or experience required to comply with this Standard and the Standard makes no reference to psychological trauma. Rodeo promoters and participants in all jurisdictions are frequently quoted as stating that animals enjoy the events.

The Minimum Standards state that at least one animal welfare officer must be appointed and be present at each rodeo, and a veterinarian who is experienced in treating horses and cattle must be in attendance throughout the rodeo.

Recommended Best Practice is that veterinarians should complete records of injuries and other signs of ill-health, which should be included as part of incident reports.¹⁶⁸ The Code states that more than one animal welfare officer can be appointed at each rodeo “thus allowing animal welfare officers to also compete if they should wish to do so.”¹⁶⁹ This appears to create a conflict for animal welfare officers and to mean that they have limited time to devote to overseeing animal welfare.

PART 3

Part 3 provides that animals used in rodeo events, training and rodeo schools must have their food and water requirements met in accordance with the species-specific Codes of welfare. Example indicators for the Minimum Standards relating to food and water state that mature cattle should be fed and watered at least every 12 hours, while horses and immature cattle should be fed and watered at least every eight hours.

It is unknown what monitoring of these provisions is carried out. Rodeos take place between October and March, covering the summer months. Providing water only every eight or 12 hours to animals in very stressful situations appears inadequate to protect their welfare and comply with the basic requirements of the Act.

PART 4

Part 4 covers selecting and accepting animals for rodeos. It states that contract stock are to be used where possible. Contract stock are stock kept for rodeo use, who are transported to different rodeos.

This is because of the trauma to animals who are not accustomed to being used in rodeos. While using contract stock protects animals unaccustomed to rodeo, it means repeated and long-term suffering for the contract animals. It is difficult to see how repeated use in rodeos and then being sent for slaughter once they are no longer able to be used in rodeos meets the aspiration of a “life worth living”, which is the contemporarily-accepted goal for animals’ lives.

Although the stress experienced by animals unused to rodeos may be more apparent when they are exposed to the events, contract animals must suffer deep psychological trauma from repeated exposure to rodeos and from awareness of the pain and suffering which lie ahead for them when they are transported to the next event.

The Standard states that NAWAC considers that sheep riding has the potential to cause harm to the sheep. For that reason, sheep may not be ridden in rodeos.¹⁷⁰ This is a new provision in the Code. In the 2003 Code, sheep were permitted to be ridden.¹⁷¹

Minimum Standard No. 3 provides that calves used in Rope and Tie must weigh at least 100 kilograms and calves for calf riding with a rider of less than 40 kilograms must weigh at least 150 kilograms, while for riders between 40 and 50 kilograms, the calf must weigh 200 kilograms.



¹⁶⁸ Ibid, p 7.

¹⁶⁹ Ibid, p 7.

¹⁷⁰ Ibid, p 9.

¹⁷¹ NAWAC – Animal Welfare (Rodeos) Code of Welfare 2003, NAWAC, 1 January 2004, p 20.

The Code states that recommended best practice is that calves should not be used in rodeo events and only contract stock should be used in rodeo events.¹⁷²

It is plain that calves suffer both physically and psychologically when used in rodeos. The research by Sinclair et al discussed earlier reports that both naïve and experienced calves feel stress when used in rodeos. NAWAC itself acknowledged concerns about the use of calves and said that it continued to have reservations about events using younger calves.¹⁷³

As discussed earlier, NAWAC appears to have done very little research prior to drafting the updated Code. Had more study been carried out and had NAWAC familiarised itself with more recent literature and taken into account the basic purposes and provisions of the Act, it is difficult to see how the Committee could have reached any conclusion other than that the use of calves should be banned in rodeos.

In particular, Sinclair et al's research of calf responses to simulated rodeo events has been published since the 2014 Code was produced. It is to be hoped that NAWAC will take steps as soon as possible to study that research and reverse its decision that the use of calves in rodeo is acceptable.

Minimum Standard No. 4 states that "Animals must be handled at all times in such a way as to minimise the risk of pain, injury or distress."¹⁷⁴ This minimum standard is never complied with. Animals used in rodeos suffer distress from being transported, as well as from being penned and held in chutes, and then being forced to exit the chutes at high speed by the use of electric prodders and other devices.

Minimum Standard No. 4(g) provides that horses and cattle must not be prodded in the most sensitive areas, including the udder, eyes, nose, anus, vulva or testicles. However, footage of rodeos shows this prohibition is not complied with. As the aim of rodeos is to create events which are exciting to spectators, those participating want animals to burst into the arena as speedily as possible. Shocking them in areas causing the most pain is a means of making them move quickly.

Attempts to protect the welfare of animals used are accordingly at odds with the key aim of rodeo: providing an exciting and fast-moving spectacle by forcing animals to move quickly. Promoters want animals to run speedily into the arena and to run about the arena quickly and buck as much as possible. This goal is contrary to the welfare of the animals, who would not display these patterns of behaviour if they were not stressed and suffering. If such behaviour was natural, there would be no need to use electric prods, flank straps, spurs and other devices.

Minimum Standard No. 4(h) provides that goads, including electric prods, must only be used when there is sufficient room for the animals to move away from the goad and where the safety of the handler or another person is at risk, or their use is essential to move difficult animals. Minimum Standard No. 4 (i) states that electric prodders must not be used by inexperienced handlers or used on animals other than adult cattle.

In practice, these standards are seldom adhered to. Electric prods are commonly used to force animals to burst into the arena at high speed – in almost every case, their use is not because a handler or other person is at risk. Video footage has shown the prods being used on calves, as discussed earlier in this report.

Recommended best practice is that tails should not be lifted, pulled or twisted. Tail pulling and twisting are very common means of controlling and punishing cows in New Zealand, particularly on dairy farms. There have been repeated convictions in relation to tail twisting and breaking in New Zealand in recent years.

If monitoring was undertaken, it could be expected that tail twisting and pulling would be readily observed at rodeos.

172 Code of Welfare (Rodeos) 2014, op cit, p 10.

173 Report to accompany the Animal Welfare (Rodeos) Code of Welfare 2014, op cit, p 5.

174 Code of Welfare (Rodeos) 2014, op cit, p 10.



PART 5

Part 5 deals with the arena and equipment. Minimum Standard No. 6 provides that spurs must not be used in a way that injures the animal. Fully locked rowels, or rowels that are capable of being fully locked, are prohibited. Partially-locked rowels, or rowels that are capable of being partially-locked, must not be used in saddle or bareback bronc riding events.

The Standard states that flank straps and ropes must be of the quick release type and covered with a soft material that lies against the animal's hide.

The September 2017 issue of the New Zealand Rodeo Cowboys Association's newsletter, *Rodeo News*, reported on the organisation's 2017 AGM, held on 29 July 2017.¹⁷⁵ In a report on the remits dealt with at the AGM, it discussed Remit 12.4.16. This was amended to read –

“No locked rowels, or rowels that will lock on spurs or sharpened spurs may be used on bareback horses or saddle horses. Partially locked rowels may be used in Bullriding.”¹⁷⁶

The current Code is dated 31 October 2014 and, as outlined above, banned fully locked rowels, as well as prohibiting partially-locked rowels for saddle or bareback bronc riding events. It is concerning that the Association has not amended its rules until almost three years after the Code was issued.

It is unknown what monitoring of the use of devices and equipment had been done in that time by MPI and what failures to comply would have been observable.

Animal advocacy group New Zealand Anti-Rodeo Coalition has provided video footage of the use of spurs on animals in rodeos.¹⁷⁷

In addition, New Zealand Anti-Rodeo Coalition made a submission to MPI on 16 May 2016 titled *MPI Submission on Spurs and Injury Statistics*.¹⁷⁸ The nine-page report included links to five videos.¹⁷⁹

The Coalition said that animals used in rodeos bucked because spurs were driven with force into the animals' shoulders and then raked violently across the forequarters, causing intense pain.¹⁸⁰

“Rotating spurs generally won't tear the animal's skin, but they are painful and damaging nonetheless. Putting so much force onto a small area can only be painful... Video 1 shows a spurboard in use (which is also used in New Zealand). Video 2 shows the damage of spurs on a piece of wood.

“There is no purpose for this style of spurring outside of rodeo but riders participating in bucking events especially practise this ‘spurring’ on spurring boards to maximise accuracy, pressure and pain. Video 3 shows a horse forced to buck by spur induced pain.

“The action starts with a ‘mark out’ (which is a stabbing motion) then the spurs are ‘raked’ and on the completion of the rake the horses are spurred again in a stabbing motion. This cycle can repeat many times until the rider is either ejected or the 8 second time limit is reached. Although dulled and rotating spurs will not generally pierce the skin (this would cause a massive public outcry in NZ), they are still painful and do cause bruising and soft tissue damage...



WARKWORTH RODEO, NZ, 2016
– STEER WRESTLING. Competitor is overwhelming the animal in order to twist his neck 180 degrees and make him collapse.

175 New Zealand Rodeo Cowboys Association – Rodeo News, September 2017 <http://www.rodeonz.co.nz/i/Files/RNSep17.pdf>.

176 Ibid, p 8.

177 http://www.nzherald.co.nz/national/news/video.cfm?c_id=1503075&gal_cid=1503075&gallery_id=173016.

178 NZARC – MPI Submission on Spurs and Injury Statistics, 16 May 2016.

179 <https://drive.google.com/drive/folders/0B91VX4QxU1qObVZIOFRrWVZIdjA>.

180 Fn 178, p 2.

“Spurring bucking animals with practised precision and force causes bruising that is only evident after bucking events, and even then only immediately obvious on animals with light coloured coats. This is why spurring generally evades the public eye and critical scrutiny... Other effects include mental health issues involving stress and post-traumatic behaviours are harder to see.

“Unless onlookers know exactly what is happening it appears the rider is just flailing, as opposed to the reality which is spurs being purposely driven into the animal’s shoulders. Spurring happens very fast and usually at quite a distance from spectators. As such the brutality of it is often not apparent to onlookers.”¹⁸¹

The submission said that New Zealand Anti-Rodeo Coalition had provided MPI in 2016 with a full veterinarian/animal behaviourist’s report following the Coalition’s filming of bulls being chute-stalled and refusing to go into the riding chute where they would be spurred.

“MPI did not even acknowledge this report although it was damning. This footage has now gone viral and sparked massive public outcry towards the perpetrators and MPI. This bull would rather get multiple electric shocks than be ridden and spurred. Video 5 is a copy of this video. MPI already has a copy.”¹⁸²

The submission also criticised NAWAC’s statement in its statutory report accompanying the 2014 Code that removing the spurs would make it hard for the contestant to remain seated on the bull or horse. New Zealand Anti-Rodeo Coalition said that the pain of the spurring encouraged or activated the animal’s bucking, as the animal sought to stop the pain.

“This is more their purpose in this context, not to simply hold position. NAWAC has not portrayed this side of the equation. If this is not the case, we would like to [respectfully] ask NAWAC why does NZRCA give points for spurring if not to get the animal to start bucking and to buck more vigorously?

“What purpose would there be to reward the stabbing motion if not to cause the animal to buck? So the rider could stay on? That is simply against the nature of bucking events and makes no sense.”¹⁸³

PART 6

Part 6 sets out provisions relating to saddle and bareback bronc riding; bull and steer riding; Rope and Tie; team roping; steer wrestling; calf riding and barrel racing.

All of these activities cause trauma and physical pain to animals and contravene the basic purposes and protections of the Act.

181 Ibid, pp 2-3.

182 Ibid, p 4.

183 Ibid, p 4.



REGULATION OF ANIMALS USED IN ENTERTAINMENT IN NEW ZEALAND

NAWAC had intended to draft a Code relating to the use of animals in entertainment, but at its 18 May 2016 meeting it was noted that the subcommittee charged with this work had drafted an opinion piece on the use of animals in exhibition, entertainment and encounter and had moved away from developing a full Code. Instead, the subcommittee decided to develop a set of principles to be considered when deciding whether and how animals should be used in exhibition, entertainment and encounter.

“Such principles will help develop responses to new and changing ways of using animals, and so aim to remain relevant as animal use evolves over the next 25 years. Where needed, this will then be followed by targeted work with specific sectors within this area.”¹⁸⁴

REGULATION OF THE TRANSPORT OF ANIMALS WITHIN NEW ZEALAND

The transport of animals within New Zealand is regulated by the *Code of Welfare: Transport within New Zealand*, which took effect on 15 December 2016.¹⁸⁵

The Code is relevant to rodeos as it governs the treatment of animals while they are being transported to and from rodeo venues. The Code covers issues such as competency and stockmanship; equipment; journey planning and documentation; preparation and selection of animals for journeys; loading and unloading; journeys; special requirements and emergency humane destruction.

Being transported is inherently stressful for horses, bulls and calves. The psychological stress and physical discomfort suffered during transport to and from rodeo venues adds to the negative impact of the rodeo on the animals. Contract stock are used repeatedly in rodeos and transported to a number of different venues. There are many articles relating to stress in animals during transport.¹⁸⁶



184 NAWAC – National Animal Welfare Advisory Committee, Meeting Notes for 18 May 2016 meeting <http://www.mpi.govt.nz/dmsdocument/13089-nawac-committee-meeting-18-may-2016>.

185 NAWAC – Animal Welfare (Transport within New Zealand) Code of Welfare, 15 December 2016 <https://www.mpi.govt.nz/protection-and-response/animal-welfare/codes-of-welfare/>.

186 This link contains a short list of articles - <https://www.google.co.nz/search?q=is+being+transported+stressful+for+horses+and+cows>.

COMPLAINTS ABOUT AND INVESTIGATIONS OF NEW ZEALAND RODEOS

There has never been a conviction in New Zealand in relation to the treatment of animals in rodeos.

Since animal advocates in recent years began filming rodeos, they have been forwarding footage to MPI and laying complaints about the treatment of animals recorded in the film. Most of the footage has been filmed by the New Zealand Anti-Rodeo Coalition and Anti-Rodeo Action NZ. Hundreds of hours of rodeo footage have been provided to the Ministry. Anti-Rodeo Action NZ began investigating rodeo during the 2012/2013 season. The first complaint to MPI about the treatment of animals in rodeos was made in early 2014.

On 27 October 2014, a news report said that the Huntly Rodeo was to close following a recent investigation into animal welfare.¹⁸⁷ The story quoted animal rights campaigner Lyn Charlton as saying that she had filed a complaint with MPI, telling the Ministry what she had witnessed when she attended the rodeo in January. Ms Charlton said she had seen a schoolboy kicking a collapsed bull in the neck.

The boy received a formal warning, with his age reportedly being one of the reasons the Ministry decided not to prosecute. The Ministry told Ms Charlton that three people had been issued with warnings for breaching the Act. The Ministry considered that persons in charge of animals had failed to ensure that they met their obligations adequately.

More specifically, the story said, the people looking after the cattle and palomino horse had failed to handle the animals in a way which minimised their exposure to unnecessary pain or distress. The article said that the Ministry investigated all cases in which animals other than pets were alleged to have been ill-treated and this was the first complaint it had received.¹⁸⁸

Huntly Rodeo Club President Fraser Graham's son, Craig Graham, said that –

“In spite of our best endeavours, we've been found guilty of breaching the welfare act. When you rely on other people and they let you down, well, there's not much you can do... Even if we contract the animals out and the contract says we are not liable, MPI will still go after us. When you're always trying to stay above the bar and you have 160 riders and 300 contests within five hours, it makes that difficult.”¹⁸⁹

Mr Graham's words appear to be a tacit admission that organisers are unable to ensure compliance with the law.

On 28 October 2014 SAFE released an Open Letter from United States former rodeo performer and veterinarian, Dr Peggy Larson. She said that, based on her extensive training and experience, it was impossible to create a humane rodeo and the events were simply animal abuse for entertainment.¹⁹⁰

A media article dated 30 January 2015 reported that the Huntly Rodeo was to resume in a different format - an equestrian event titled the Cowboy Champions Team Show.¹⁹¹

In a letter dated 30 July 2015 to a complainant about rodeo, MPI's District Compliance Manager Mike Simmons said that complaints made by several complainants had been compiled and investigated jointly.¹⁹² Mr Simmons said that MPI had carried out an in-depth review of the material provided to identify possible breaches of the Act and the Code.

“Following its investigation, and the subsequent Veterinarian's peer review, MPI has concluded that there may be some incidents which constitute minor breaches of the Rodeos Code of Welfare.

187 Biddle, D-L – Gate closes on Huntly Rodeo, www.stuff.co.nz, 27 October 2014.

188 Ibid, p 3.

189 Ibid, pp 1-2.

190 SAFE – Former Rodeo Performer Condemns NZ Rodeo Cruelty, Press Release, 28 October 2014
<http://www.scoop.co.nz/stories/PO1410/S00250/former-rodeo-performer-condemns-nz-rodeo-cruelty.htm>.

191 Biddle, D-L – Huntly rodeo rides again, www.stuff.co.nz, 30 January 2015.

192 Simmons, M – Letter, 30 July 2015.



“It may be helpful to note that a breach of any Minimum Standard specified in the Rodeos Code does not of itself constitute an offence under the Act. Only where the additional offence elements contained in the Act are also satisfied that an offence is committed (sic).

“In addition the RNZSPCA through the National Inspectorate and its individual RSPCA Inspectorates attended the Warkworth Rodeo on 5 December, the Taupo Rodeo and the Waimarino (Raetihi) Rodeo. Those organisations have not advised MPI of any animal welfare issues arising from those events.”¹⁹³

The letter went on to say that MPI had spoken to the New Zealand Rodeo Cowboys Association as a result of the investigation and had made a number of points –

- The use of the coil or twist methods of moving a bull, steer or calf forward in a race, into a chute or elsewhere;
- The use of the up and down technique of using a loosely held rope to lift or raise the head of bull in a chute pending release;
- The use of a head or other rope loosely draped and secured over the head or neck of an animal to restrict upwards lunging or climbing in a chute whilst the animal is being held in the chute pending release in order to prevent injury;
- The release of an animal where initial attempts to raise, release, control or ride an animal have been unsuccessful, and the requirements of Rodeos Code Minimum Standard No 4(f).
- Clarification of the duration of the Calf Roping event, to ensure that the tied calf is released as quickly as possible.
- Appropriate use of goads including electric prodders in an animal handling situation.
- The use of equipment which appears to be noise making equipment, specifically bells with strikers removed, on bull ropes.

“No further action is to be taken in respect of the complaints made.”¹⁹⁴



WARKWORTH RODEO, NZ, 2016
– STEER WRESTLING. Competitor's mouth is near the eyeball of steer while twisting its neck.

In a letter dated 4 September 2015 to Ms Charlton about her complaint regarding the Warkworth Rodeo, the Ministry's Director Compliance, Dean Baigent, said that the investigation had determined there had been several breaches of the rodeo Code but these were at the lower end of the scale –

“Because of the relatively minor nature of the breaches and a willingness by the organisers to work with MPI to rectify them, an educational outcome was determined most appropriate. The investigations into the seven other rodeo complaints have discovered similar issues and also resulted in educational outcomes.

“The MPI Compliance position on rodeos is that rodeos remain a legitimate and legal activity. Compliance will continue to work with the Rodeo Association and interested parties to ensure regulatory responsibilities are met.”¹⁹⁵

On 3 April 2015, a complaint was made to MPI about the treatment of animals observed at rodeos. The complaint was accompanied by a report by veterinarian Elsa Flint, who reviewed footage and provided an expert opinion on it. She said that she had seen repeated tail twisting to force a bull into a chute; repeated electric shocking of a distressed bull to force him to move into the chute; rope burning of a bull's neck; repeated slapping of the head and face of a young calf; a calf being dragged along the ground by the neck; and other behaviour she said demonstrated a lack of consideration for the welfare of animals.¹⁹⁶

193 Ibid, p 1.

194 Ibid, p 2.

195 Baigent, D – MPI Investigation into Warkworth Rodeo, Letter, Ministry for Primary Industries, 4 September 2015.

196 Flint, E – Rodeo Footage, 3/04/15.

On 3 January 2016 the *Southland Times* reported that a horse had been euthanised at the Te Anau Rodeo after becoming stuck in a fence and suffering fetlock damage and a partially-broken hoof.¹⁹⁷

SAFE on 26 January 2016 reiterated its call for rodeos to be banned after a bull had to be killed when his leg was broken at the Nelson rodeo the preceding weekend. SAFE spokeswoman Mandy Carter said the bull was the second animal known to have died at a rodeo that summer season.¹⁹⁸

On 30 March 2016 then-Green MP Mojo Mathers presented to Parliament a petition from Shanti Ahluwalia and 62,940 others on behalf of SAFE, the SPCA and Farmwatch, asking the House of Representatives to ban rodeos.¹⁹⁹ The petition noted that section 4 of the Act required that animals not be subjected to unreasonable or unnecessary pain or distress, and said that causing animals to suffer for entertainment was both unreasonable and unnecessary.

The petition was considered by the Primary Production Committee which, following its deliberations, produced a six-page report dated 7 November 2016.²⁰⁰ The report noted that the petitioner's call for a legislative ban on rodeo was based on three primary criteria. These were that rodeos demonstrably involved unnecessary and unreasonable animal pain and suffering; that the negative effects of a ban would be limited economically and socially; and that there was broad public support for prohibition.

The Committee invited MPI and NAWAC to respond to the petitioner's concerns. MPI said that MPI inspectors had visited 12 rodeos and the SPCA had inspected 13, with some overlap.

"The general consensus is that compliance under the code was sufficient. However, two incidents involved the euthanasia of two animals. Both incidents were investigated for compliance issues under the code, and no breach was found. The ministry also works with the New Zealand Rodeo Cowboys Association in an information-sharing capacity to ensure that the association understands the code.... The ministry and NAWAC believe that, currently, compliance with the animal welfare code under the Act is good and improving."²⁰¹

The report went on to state that most Committee members were pleased with the progress made by the Ministry and NAWAC in revising the regulations relating to management of animals used in rodeos.

"The process followed scientific principles and included consideration of public submissions. This process illustrates that a significant amount of evidence and consideration led to the revision of the animal welfare code and that the majority is satisfied with the current minimum standards.

"We were told by some submitters that compliance with the Animal Welfare Act was not particularly high. We wish to encourage the Rodeo Association to work more closely with the ministry and NAWAC and to continue to work towards increasing compliance with the animal welfare code by self-monitoring both sanctioned and non-sanctioned rodeo events."²⁰²

The Green Party provided a minority viewpoint in the report. It said that the current Code did not go far enough to protect animals in rodeo from pain and distress.

"It is highly concerning that electric prods, rope burning, flank straps and calf roping are all permitted under the current code of welfare. We do not believe that the further restrictions MPI are considering will be sufficient to address the concerns raised by the petitioner. Substantive evidence was presented by the petitioner of pain and distress occurring at rodeo events due to the use of such devices and the nature of rodeo events. The Green Party does not support subjecting animals to pain and distress for entertainment. We also strongly oppose the use of young animals at rodeos in calf roping as they are particularly vulnerable to distress and injury. We believe that all use of

197 Horse euthanised at Te Anau Rodeo, www.stuff.co.nz, 3 January 2016.

198 Radio New Zealand – Fresh call to ban rodeo after bull dies, Radio New Zealand News, 26 January 2016.

199 Ahluwalia, S and 62,940 others – Petition on behalf of SAFE, SPCA and Farmwatch, 30 March 2016 https://www.parliament.nz/en/pb/petitions/document/51DBHOH_PET68760_1/petition-of-shanti-ahluwalia-on-behalf-of-safe-sPCA-and

200 Primary Production Committee – Petition 2014/53 of Shanti Ahluwalia on behalf of SAFE, SPCA and Farmwatch – Report of the Primary Production Committee, 7 November 2016 https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71600_1/f576fab31f630e99eefce7e89c537527cd698497.

201 Ibid, p 4.

202 Ibid, p 4.



such devices and events should be prohibited. It is also of major concern to find out that MPI do not monitor any practice rodeo events.”²⁰³

In 2016 Anti-Rodeo Action NZ sent a 16-page letter to NAWAC Chair Dr John Hellstrom reporting on its observations, film and photographs of rodeos in both the North and South Islands.²⁰⁴ The letter said that this was the organisation’s third year of making complaints to MPI relating to rodeo. Data collected was being collated and further complaints would shortly be lodged with MPI.

Ms Charlton said that -

“once again, the lip service paid by clubs to complying with the Code was not borne out at the rodeos, where officials, organisers, judges, announcer, contestants, AW officers and all involved in running and holding the events blatantly disregarded the Code over and over again despite the informal warnings under ‘education’ from MPI last year.”²⁰⁵

The letter said that MPI had not appeared to be aware that the rodeo Code applied to practices, coaching days, buck outs and training schools. As a result, it appeared that these events had not been monitored at all and the organisation was concerned that veterinarians had not been present.²⁰⁶

Ms Charlton said that the organisation was aware of jackpots and practices coming up in the next few weeks, and veterinarians would not be present at the vast majority of these. The letter asked MPI to check whether veterinarians had been on site at a number of other events.

The letter said that the organisation had made a complaint to MPI about the treatment of a horse at the Mid-Northern Rodeo on 9 January. The animal became very distressed in the chute and landed on his haunches, but was not released immediately as required by Minimum Standard No. 4.²⁰⁷

“Following the failure to release immediately, the horse then went down in the chute – another signal that he must be released immediately. Again he was not released. Then, while the distressed animal was on the ground, someone in the arena kicked him approximately 17 × in the torso. The horse leapt up, again exhibiting extreme fear, throwing himself wildly, showing the kicking had further distressed him and placed him back in the same distressing position. This was another opportunity to abide by the Code and open the gate and release the horse. Again he was not released. Preparations continued to ride the animal.

“Not one member of the organiser group, judges, contractor, AW officer, contestants, or handlers chose to abide by the Code and release this horse. Shortly after, he was ridden, in the final breach of the Code of Welfare. After throwing the rider, the rigging fell off over the horse’s head and the animal went tearing around the arena at speed, in a way that is rarely seen.

“MPI showed the clip to 3 veterinarians. Their response, we feel, was insufficient, saying it was no different to what happens when horses are kicked while being ridden.

“This situation was very different. Nothing experienced by this horse is on a par with a horse being ordinarily ridden and nudged/kicked during an ordinary ride. There were also aggravating factors at play in the kicking of the horse and the context of this situation was not taken into account at all. This horse was down in the chute in fear, prior to being kicked and should have been under the protection of the Code. The horse had already tried fight or flight to get away. He then resorted to getting on the ground, taking the passive option to make himself smaller. There was nothing more this horse could do to show his distress.



203 Ibid, p 5.

204 Charlton, L – Letter to NAWAC Chair Dr John Hellstrom, Anti-Rodeo Action NZ, 2016.

205 Ibid, p 2.

206 Ibid, pp 2–3.

207 Ibid, p 5.

“The kicking was given to facilitate yet another breach of the Rodeo Code of Welfare 2014, and was another aggravating factor in this incident. Instead, the gate should have been opened and the horse released immediately, Minimum Standard No. 3(h).

“ ‘Animals must not be used if they are likely to injure themselves if placed in a chute,’ is also likely to have been breached throughout this episode.”²⁰⁸

The letter raised concerns about a wide range of other issues, including animals falling on very heavy soil (Minimum Standard No, 5(d)); NZRCA's regulation requiring spurs to be semi-locked in breach of the Code; the use of spurs on bulls, steers and calves; bringing spurs down with force on horses' shoulders; goading horses by pulling flank straps tight as they exited the chute; slapping and punching horses in the head as the chute was opened; dangling ropes in front of horses, resulting in injury or death; knocking steers down in breach of Minimum Standard No. 11; failure to release calves who went down in chutes; the use of flank straps on calves; a bull with a suspected fractured penis being used in bull riding; severe use of bits; and the use of other injured animals.²⁰⁹

On 16 May 2016 the New Zealand Anti-Rodeo Coalition made a submission to MPI titled *MPI Submission on Spurs and Injury Statistics*.²¹⁰ The submission said that the statutory report produced by NAWAC to accompany the 2014 rodeo Code contained fundamental errors.

On 27 September 2016 it was reported that the annual Richmond Rodeo had been cancelled and the club was winding up. Richmond Rodeo Club President Ian Parkes said the decision to cancel the event was not related to animal welfare but, rather, was down to a lack of support from within the club.²¹¹

MPI confirmed in November 2016 that eight events breached the rodeo Code in the 2014/15 season.²¹²

On 23 January 2017 MPI said it was investigating alleged breaches of the rodeo Code after footage was provided of calves being electric-shocked at the Maungatapere Mid-Northern Rodeo near Whangarei on 14 and 15 January 2017.²¹³

On 2 February 2017 MPI said it was investigating video footage filmed at the Warkworth Rodeo on 1 January 2017 and showing young cattle being electric prodded and punched. Mr Rodwell said that any evidence of non-compliance with the rodeo Code would be dealt with accordingly.²¹⁴

Radio New Zealand on 3 February 2017 reported that almost 30 complaints had been made to MPI about the mistreatment of animals at rodeos in the past five years, but there had been no prosecutions.²¹⁵



208 Ibid, p 5.

209 Ibid, pp 5–15.

210 Davidson, T – MPI Submission on Spurs and Injury Statistics, New Zealand Anti Rodeo Coalition, 16 May 2016.

211 Gee, S – Next year's Richmond Rodeo cancelled, www.stuff.co.nz, 27 September 2016.

212 Jackson, op cit, p 2.

213 Fleming, Z – MPI investigating claims of animal abuse at rodeo, Radio New Zealand, 23 January 2017.

214 Fleming, Z – New footage of animal mistreatment at rodeo, Radio New Zealand, 2 February 2017.

215 Migone, P – No rodeo prosecutions in five years of investigations, Radio New Zealand <http://www.radionz.co.nz/news/national/323692/no-rodeo-prosecutions-in-five-years-of-investigations>.



The report said that, in a recently-completed investigation of the preceding year's rodeo season, the Ministry had studied 60 hours of video footage out of approximately 300 hours submitted. MPI had concluded that some minimum standards for the treatment of animals at the events were not met.

It is unclear what is meant by the statement that the Ministry had "studied" 60 hours of footage. If "studied" means "viewed," this would mean that only 20 per cent of the film provided had been looked at, which would be a concern.

MPI's Animal Welfare Compliance head, Chris Rodwell, was quoted as saying that the Ministry took complaints seriously. Footage had been viewed with animal welfare inspectors and a private, independent veterinarian and a number of instances of non-compliance with the rodeo Code had been found. However, he said that, in order to bring a prosecution, there needed to be "evidential sufficiency."²¹⁶

Mr Rodwell said that, although no-one had been prosecuted following the investigation, the Ministry had spoken to the NZRCA and competitors were no longer required to tie calves for six seconds for the Rope and Tie event.

In a report to the complainant, Anti-Rodeo Action spokesperson Lynn Charlton, MPI said that footage did not show excessively stressed animals in chutes, but some "poor judgment" was apparent.²¹⁷

However, Ms Charlton said that she had provided footage showing the Rope and Tie event going over the recommended 30 seconds.

"What we see at rodeos is nothing like a bull having a little kick-out, a little buck in the field. These animals are coerced into bucking. They've had their tails twisted. They've had electric shocking, often to get them in or out [of] their trucks. They know what's coming in the chutes because they've been there before."²¹⁸

On 23 February 2017 Radio New Zealand reported that documents released under the Official Information Act 1982 showed that MPI animal welfare inspectors had found breaches of the rodeo Code.

"Hours of footage submitted by Anti Rodeo Action NZ of events in both the North and South Islands during the 2015/16 season were reviewed. No one was prosecuted but the ministry said there was room for improvement.

"An inspector in the North Island found so-called busing – where a calf is thrown 180 degrees onto the broad of its back after being roped – was common in rodeos, despite being against the welfare code.

"The code set national standards for rodeos and can lead to prosecutions.

"A South Island inspector went further, saying rope-and-tie events were worrying – visually and emotionally – and should be banned.

"Rope-and-tie was a timed event where a cowboy ropes, or lassos, a calf by tying its legs together.

"The inspector said the image of a calf running in fear before being thrown to the ground 'will always cause controversy.'

" 'I believe this event is under the most threat of being banned,' the inspector said. 'I do not think there is any way to stop this image other than concluding the event nationally.'

"At one rodeo in Outram near Dunedin last year, the inspector found 13 breaches of the welfare code. They also found four breaches at a Methven rodeo and two at a Winchester [rodeo], but dismissed other complaints."²¹⁹

²¹⁶ Ibid, p 3.

²¹⁷ Ibid, p 3.

²¹⁸ Ibid, p 2.

²¹⁹ Towle, M – Calf-roping at rodeos criticised by govt officials, Radio New Zealand, 23 February 2017.

The story quoted NAWAC chair, Gwyneth Verkerk, as saying that discussions about animal welfare with the NZRCA were ongoing. She said that NAWAC was aware of public concern and was considering the use of animals in sports events and entertainment. She noted that a petition to the Primary Production Committee in 2016 calling for a ban on rodeos had been rejected and the Committee had concluded that the current rules were sufficient to deal with animal welfare issues.²²⁰

SPCA's Chief Scientific Officer, Arnja Dale, said that Rope and Tie events should be banned, as they were in Australia, the United States and certain cities in New Zealand because calf-roping subjected young and naïve animals to unnecessary pain and distress. She said she did not believe that Rope and Tie events could be conducted in a humane way with young calves.

On 31 May 2017 it was reported that a rodeo cowboy shown on film shocking calves with an electric prodder at the Mid-Northern Rodeo near Whangarei in January had been given a formal warning.²²¹ The footage was viewed hundreds of thousands of times online. MPI animal welfare compliance manager Chris Rodwell said that the offending was at the low end. Mitigating factors were that the man, a 35-year rodeo veteran, was elderly, had no criminal history and shocking young calves was a "low level of offending."

"He goes on notice that he's an offender, and usually that's enough to do what you're trying to achieve, which is for him not to do it again."²²²

New Zealand Rodeo Cowboys Association spokesperson Michael Laws said the man did not realise what he was doing was against the law as he believed the calves were of age – older than 12 months.

In an email dated 30 May 2017 to the complainant, Ms Charlton, MPI's Animal Welfare Compliance Manager, Brendon Mikkelsen, said that a person was alleged to have used an electric prodder to cause short periods of pain to young calves under 12 months old, which was a contravention of minimum standard 4 in the rodeo Code, as well as inflicting short periods of pain on older cattle, which was unnecessary and unreasonable and resulted in ill-treatment of those animals, contrary to section 29(a) of the Act.²²³

Mr Mikkelsen said that alternative practices to the prodder were available. However, the actions of the person were at the lower end of the scale in "this type of ill-treatment offending."

"There is no reason to believe this person will not comply in future and utilise alternatives. An advisory to the committee may be appropriate, however a formal warning will not be issued as I do not believe that the rodeo committee were complicit in this individual's actions."²²⁴

On 28 September 2017, then-Minister for Primary Industries Nathan Guy responded by letter to a complainant who had written to him about alleged discrepancies in injury reporting statistics detailed in the statutory Code report and other issues. The letter said that NAWAC had reviewed the scientific literature available to it at the time the Code was developed and considered that there was not a high risk of injury to rodeo animals.²²⁵

The letter also said that NAWAC had considered the spurring of bulls and horses in the bull riding and bronc riding events and the techniques used by competitors to spur animals while competing. Mr Guy said that NAWAC had increased the animal welfare standards in the 2014 Code, as compared with the 2003 Code.

"NAWAC placed a minimum standard in the new code disallowing the use of fully locked rowels (or rowels that were capable of being fully locked) in any event, and disallowed the use of partially-locked rowels (or rowels that were capable of being partially locked) in the saddle or bareback bronc events.

220 Ibid, pp 1-2.

221 Fleming, Z – Warning for rodeo cowboy caught electric-shocking calves, 31 May 2017, Radio New Zealand.

222 Ibid, p 2.

223 The Country – Rodeo Cruelty warning 'not enough,' New Zealand Herald, 6 June 2017
http://www2.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=11870359.

224 Mikkelsen, B – Mid Northern and Warkworth Rodeo – outcome, Email to Ms Charlton, 30 May 2017.

225 Guy, N – Letter dated 28 September 2017.



"NAWAC is satisfied that the spurs used on the animals in the bucking events are adequately dulled and rotate sufficiently that they will not cause the animals undue pain or distress. An associated minimum standard in the code states that the spurs must not be used in a way that injures the animal."²²⁶

In response to an Official Information Act request from the writer of this report, MPI on 30 November 2017 forwarded 28 files detailing its responses to complaints made about rodeos. The material provided by MPI includes many of the documents referred to above.

In addition, there was a Memorandum dated 25 June 2015 from the District Compliance Manager (Commercial) Auckland relating to a SAFE complaint of alleged animal welfare offences under the Animal Welfare Act and the 2014 Rodeo Code.

The Memorandum stated that –

"I have completed my preliminary review and have concluded that whilst there are some matters which constitute minor or technical breaches of the Rodeo Code, these matters should be sensibly dealt with by way of an informal educational advice to each of the specified provincial Rodeo Organisations or provided to them via the New Zealand Rodeos Association national body.

"In arriving at my conclusions I have taken the position that minor errors of judgement in the course of the operation of the Rodeos which form the subject of this review, or minor technical breaches of the Rodeos Code, or incidents which purely related to the quality of care, handling or control of Rodeo animals does not, without more, constitute a criminal event."²²⁷

The writer went on to state that the Rodeo Code impacted on animal welfare "by statutorily reducing the threshold, scale, impact and severity of the Act's provisions, offences and definitions as they might otherwise **but for the existence of the Rodeos Code**, apply to Rodeos."²²⁸

"But for the existence of the Rodeo Code some activities which normally or historically exist and which are peculiar to Rodeos might, without the existence of the Rodeos Code, be problematic and prosecutable under the pure provisions, offences and definitions which are set out in the Act.

"Accordingly when a Rodeo event is reviewed and scrutinised as to its compliance with animal welfare legislation (both the Act and Rodeos Code Minimum Standards), such a review must take into account the statutory impact of the Rodeos Code on the Act's existing provisions, offences and definitions.

"Importantly and uniquely, a breach of a Minimum Standard which is contained in the Rodeos Code does not of itself constitute an offence under the Act and accordingly such an alleged breach is without more, unenforceable in its own right.

"The existence of a Minimum Standard in the Rodeos Code (and other such Codes), operates legislatively as a shield to protect a defendant in the face of a prosecution not as is often incorrectly assumed, as a sword to enforce the Minimum Standard which has been breached."²²⁹

The Memorandum said that, accordingly, an owner or person in charge of an animal who is charged with an offence has available to him or her a statutory defence where he or she can demonstrate that he or she has equalled or exceeded the relevant Minimum Standard in the Rodeo Code.

226 Ibid, pp 1-2.

227 District Compliance Manager (Commercial) Auckland, MEMORANDUM – SAFE Complaint – Alleged Animal Welfare Offences, Ministry for Primary Industries, 25 June 2015, p2.

228 Ibid, p 2.

229 Ibid, p 2.

The writer stated that, for the Ministry successfully to prosecute an owner or person in charge for having committed a criminal offence against the Act by breaching a Minimum Standard in the Rodeo Code, it must prove both a breach of the Minimum Standard specified in the Rodeo Code *and* additionally prove the specific offence elements which form the basis of the offence which has been prescribed in the Act *and* satisfy the Court that both have been proved beyond reasonable doubt.

Critical to a successful prosecution under section 12(a) of the Act, said the writer, were the reading and application of sections 4 and 10 and the application of the Act's definition of "ill-treat."

The Memorandum said that the complainants had an "apparent lack of appreciation or enquiry as to the range of the normal and industry accepted Rodeo practices and related stock handling judgement calls required for the effective running of the various Rodeo events lawfully permitted by the Rodeos Code and the Act."²³⁰

The writer also said that the complainants had an apparent lack of awareness of what constituted normal or accepted practices of stockmanship, and in particular those that related purely to the quality of animal care, control or handling within a rodeo environment and within the large-scale animal farming industry as a whole.

However, the document then went on to list eight specific matters identified as a result of the reviews carried out following the complaint and which the Ministry considered should be satisfactorily dealt with by way of education or clarification. The matters were the following –

- Discouraging the use of the coil or twist method of moving a bull or steer forward in a race into a chute or otherwise;
- Clarifying the use of the up and down (alleged sawing motion) of using a loosely held rope to lift or raise the head of a bull in a chute pending release;
- Clarifying the use of a head or other rope loosely draped and secured over the head or neck of an animal to restrict upwards lunging or climbing in a chute whilst the animal is being held in the chute pending release to prevent injury;
- Encouraging a greater focus on an earlier rather than later chute release where initial attempts to raise, release, control or ride an animal have been unsuccessful over an extended period;
- Requiring the removal of any noise-making equipment from front "bull ropes";
- Clarification of the duration of the calf-roping event and the time for release of the calf after the tie is complete. The document said that a 30 second maximum duration from the release of the calf from the chute appeared to have been adopted by rodeos as the standard event time, rather than a shorter time dependent on the expiration of the rope and tie;
- Clarification of the relationship and judgement call release requirements imposed on a chute controller by Minimum Standard No 4(f);
- Education as to the appropriate or measured use of an electric goad in a cattle handling situation in a race which required the movement of an animal where a hands-on or other approach had failed.²³¹

A document dated 25 November 2014 and headed "Additional certification to the Official NZRCA Veterinary Report" was also included in the documents provided under the Official Information Act.²³²

It said that the writer had been in attendance on 26 October 2014 at the annual Methven Rodeo in the capacity of club veterinarian. The writer said that, when the final examination of stock was being carried out, the writer was approached by a member of the public about a horse who had sustained an injury to the left side of the neck.

²³⁰ Ibid, p 4.

²³¹ Ibid p 5.

²³² Club Veterinarian – Additional certification to the Official NZRCA Veterinary Report, 25 November 2014.



The vet examined the horse and found two skin penetrations consistent with spur marks. The vet asked to speak to the New Zealand Rodeo Cowboys Association welfare officer for the day and another person but was informed that both had left the grounds. Despite being requested to attend the chutes, another person involved in the rodeo had also left.

The writer the following day contacted an unnamed person to voice concern at the injury to the horse and the manner in which the horse had been dealt with – in particular the delay in seeking treatment.

The document said that vet was also informed that a horse ridden at the Winchester rodeo on the previous day had also been marked. That had resulted in the rowels used by an unnamed person being examined before he competed.

The vet said that discussions had then been held with the attending vet at the Winchester rodeo. The attending vet initially told the writer that no horse had been marked or injured in any way but on further investigation it was indicated that a horse had been injured/marked but no veterinary treatment had been sought.

The writer went on to state that –

“This action in itself is a very serious matter. In addition, I was extremely disappointed at not being called to the injured horse at the Methven Rodeo immediately. To find that this behaviour had also been carried out the previous day at Winchester, is a serious indictment with regard to the level of compliance shown to the Welfare Code.

“That Rodeo is allowed to continue in New Zealand is about the perception that a rigorous Code of Welfare exists and that this Code is closely adhered to or exceeded by those undertaking this Competitive Sport. The participation of Animals used in this way is a privilege extended to Rodeo by the wider Society...

“Mere lip service to the Animal Welfare Code is totally unacceptable.

“In the Case of the Methven Rodeo a unique opportunity to show Rodeo in a positive light was lost through inaction. Given the circumstances of that Rodeo being under the magnifying lens that day, I cannot but shake my head in disbelief that so much that was positive about the day could be overshadowed by inaction...”²³³



233 Ibid, p 2.

RODEO IN OTHER JURISDICTIONS



GREAT BRITAIN

An American rodeo promoter called John Van “Tex” Austin and known as the “King of the Rodeo” or “Daddy of the Rodeo” took a rodeo to England’s newly-constructed Wembley Stadium in 1924.

Animal rights activists filed court proceedings seeking an order to prevent the event from taking place on the grounds of its cruelty to animals. The rodeo went ahead and Austin returned to London a decade later and produced another rodeo.

However, public reaction to the treatment of the animals used in the rodeo led to the introduction to Parliament of the Protection of Animals Bill 1934. The Bill aimed to prevent a repetition of the cruelty to animals which occurred when Austin’s rodeo was held in London in 1924 by preventing the 1934 rodeo from going ahead.²³⁴ However, the law change was not passed in time.

Moving the second reading of the Bill, Gillingham MP Sir Robert Gower said that it was unnecessary for him to speak at length “because I am glad to believe that the principle of the Bill meets with the unanimous support of the whole House and I am convinced that it will conform to the almost unreserved conscience of the nation.”²³⁵ He went on to state that –

“The Bill is in effect a three-Clause Bill, and its sole intent – and I would emphasise this – is to prohibit a repetition of the three features of a rodeo exhibition to which general exception was taken when there was a rodeo in this country 10 years ago, that is, the lassoing, the wrestling and the riding of beasts exhibited as unmanageable. The general opinion of the House is well informed on this question. There can be no doubt that incidents such as those which this Bill seeks to prohibit do and must unnecessarily impose a great deal of suffering upon the animals involved, and this House should take the earliest opportunity of passing legislation to prevent a repetition of what happened 10 years

234 Hansard, Protection of Animals Bill, Second Reading Debate, 13 April 1934, vol 288 cc670-84, p 1 <http://hansard.millbanksystems.com/commons/1934/apr/13/protection-of-animals-bill>.

235 Ibid, p 1.





ago. Then the whole Press of the country was unanimous in condemning the incidents which took place then. Will the House permit me to read a description of a rodeo performance which was witnessed by Mr H W Nevinston, the well known war correspondent. He wrote "I have been an 'eye-witness' of a rodeo, and the part which had to do with bullocks was, to me, a cruel and disgusting spectacle. The game was for a cowboy to seize the bullock by the horns and twist its head and neck round till the agony compelled the creature to lie down, just as the pain compels a man or boy to lie down if you twist his arm long enough... We should unite in protesting against this part of the cowboy performance." With regard, however, to the particular rodeo of Wembley held in 1924 the following is an extract from an article which appeared in the "Sporting Life," which is essentially a sporting paper and no accusation of crankiness can be made against the editor or those connected with it. It said: "In the lassoing and throwing of steer, and in the wrestling with them, the rodeo challenged criticism strongly; it was a direct challenge to the British idea of sport and of fair play for the dumb animals and the under dog... It is not sport – which is what visitors to the rodeo were asked to believe. The lassoing and throwing of domestic animals more or less tame in a comparatively confined space like the Wembley Stadium, big though it is, is comparable with the coursing of rabbits in a field in which all the bolt-holes are stopped- the kind of 'sport' which is forbidden by law in this country." I am informed that more than 50 per cent of the animals, particularly the steers which were used in connection with the rodeo in 1924, were injured. May I give the House a few instances? On the evening of 17th June one steer had its leg broken, two steers were found to be very lame, and one had its left horn broken. On 18th June one steer had its neck broken, two were very lame and eight were bleeding from the nostrils. On 19th June one had its neck broken after being thrown several times, one had the right horn broken, one had the left ear badly lacerated and two were very lame. On 16th June two steers had their horns broken. On 17th June at the afternoon performance one steer had a horn broken, another had a horn loosened and was bleeding from the mouth and had a bleeding wound on the rump. At the evening performance one steer after being thrown had the left horn broken. On 20th June at the afternoon performance two steers were bleeding at the nose after wrestling and at the evening performance two others were in the same condition."²³⁶

Sir Robert went on to state that the public had made its disapproval of what it had witnessed plain. He explained that the Bill had been introduced as advertisements for a rodeo in 1934 had recently been published and the promoters had refused to give assurances that the cruelty witnessed in 1924 would not be repeated and had asserted that some of the devices and actions criticised "will form part and parcel of the rodeo, indeed, they are inherent in its very inception."²³⁷

Sir Robert said he had "no doubt at all" that, unless the Bill was passed the rodeo would be held.²³⁸ He also said that the RSPCA had, in 1924, laid charges and taken a prosecution in relation to "certain admittedly most deplorable incidents which took place in connection with the rodeo of that year."

"I have been at pains to read through the shorthand notes of the proceedings before the justices. There can be no doubt that it was proved up to the hilt, in fact, it was, in effect really not seriously denied by the defendants, that suffering has been caused to many animals, but the point was taken by the late Sir Edward Marshall Hall, then Mr Marshall Hall, that no cruelty had taken place within the meaning of the [Protection of Animals Act 1911].

"The point which was taken and emphasised was that within the meaning of this particular Section no case of cruelty had been established. Another point was pressed in that case, which was to the effect that if a prosecution was to be brought against anyone at all, it should not have been brought against those who were actually summoned, but against those responsible for the exhibition. The result was that by a majority of one – the voting was six to five – the summons was dismissed. I emphasise this point today because it has been represented to me in very strong terms that a Bill of this nature is not necessary as it is contended that the present law is sufficient to deal with any case of cruelty which may arise. I ask the House to give this Bill a Second Reading today. It would be deplorable, not only in the interests of animals, but in the interests of human beings, if a disgusting exhibition similar to that which took place in the year 1924 were allowed to be shown again in this country. I would refer to the circumstance that in three of our great national newspapers leading articles have appeared emphasising that this Bill should be passed, and undoubtedly the public conscience has been aroused that it is proposed to hold again a rodeo in this country."²³⁹

236 Ibid, p 1.

237 Ibid, p 2.

238 Ibid, p 2.

239 Ibid, p 2.

Sir Robert urged the House to pass the Bill as an emergency measure so that the proposed 1934 rodeo could be prevented.

Lieutenant-Colonel Moore also spoke in the Second Reading debate, stating that the Bill was “designed simply to retain clean sport for the British people.”²⁴⁰ He said that –

“We want to prevent any unnecessary cruelty of the kind which we saw 10 years ago, and we want to prevent British taste in sport from being shocked again by cruelties such as we saw at Wembley in 1924. Many hon. Members witnessed that exhibition and saw those broken legs, broken backs, broken necks, bleeding nostrils and bleeding eyes, and the frightened eyes looking out through the blood. That is not the sort of sport for British people.”²⁴¹

Lieutenant-Colonel Applin said he had spent most of his life “training horses, breaking horses and generally dealing with horses.”²⁴²

“I want to add my word of protest against that abominable show which I witnessed and in which wild horses were supposed to be broken and ridden by a rough rider. Those horses were really perfectly tame and might have been ridden by anybody, but they had a certain part of their body which is unmentionable tied up with a rope. The agony caused them was so great that even before they were mounted two men had to hold them, and they were kicking, struggling and squealing while the men got on their backs. Then, of course, the horses did their best to get rid of their riders, because of the terrible agony they were suffering. I have seen that with my own eyes, and it is in order to protest against that terrible agony to horses that I have stood up.”²⁴³

The Protection of Animals Act 1934 was passed into law, comprising three sections. The key provision was section 1, which provided that –

“1 Prohibition of certain public contests, performances, and exhibitions with animals.

(1) No person shall promote, or cause or knowingly permit to take place any public performance which includes any episode consisting of or involving—

(a) throwing or casting, with ropes or other appliances, any unbroken horse or untrained bull; or

(b) wrestling, fighting, or struggling with any untrained bull; or

(c) riding, or attempting to ride, any horse or bull which by the use of any appliance or treatment involving cruelty is, or has been, stimulated with the intention of making it buck during the performance;

and no person shall in any public performance take part in any such episode as aforesaid.

(2) For the purposes of proceedings under paragraph (a) or paragraph (b) of the preceding subsection, if an animal appears or is represented to spectators to be unbroken or untrained it shall lie on the defendant to prove that the animal is in fact broken or trained.

In proceedings under paragraph (c) of the said subsection in respect of the use of any such appliance or treatment as is therein mentioned upon a horse before or during a performance, it shall be a defence for the defendant to prove that he did not know, and could not reasonably be expected to know, that the appliance or treatment was to be or was used.

(3) In this section—

the expressions “horse,” and “bull” have, respectively, the same meanings as in the Protection of Animals Act 1911;

the expression “public performance” does not include a performance presented to the public by means of the cinematograph.

240 Ibid, p 3.

241 Ibid, p 3.

242 Ibid, p 3.

243 Ibid, p 4.



(4) In the application of this section to Scotland—

the expression “horse” has the same meaning as in the Protection of Animals (Scotland) Act, 1912; and
the expression “bull” means ox as defined in that Act.”²⁴⁴

The law made it illegal in England, Scotland and Wales to rope any unbroken horse or untrained bull and prohibited wrestling, fighting or struggling with any untrained bull, as well as making a horse or bull buck. The latter provision outlawed the use of cinch straps aimed at provoking animals and straps cinched around their genitals. Promoters, riders and stock contractors were all caught by the prohibitions.

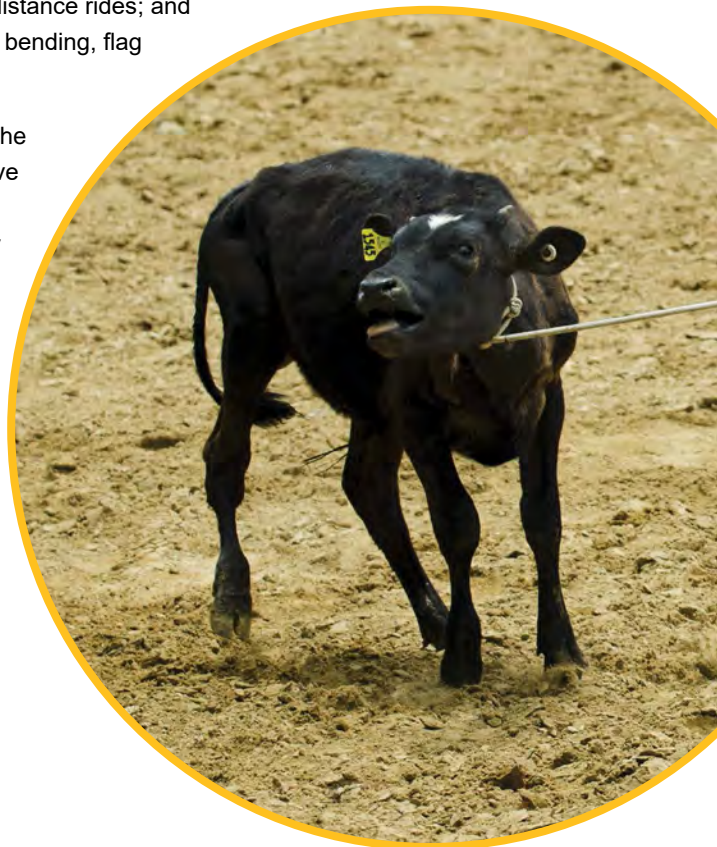
The current animal protection law in the United Kingdom is the Animal Welfare Act 2006.²⁴⁵ It does not prohibit rodeo explicitly, nor does it permit rodeo through a Code of Practice. UK rodeo is thus regulated under the general prohibitions of its primary legislation which ban many of the practices used in American rodeo.

However, rodeo is still promoted and does take place in Britain. The British Rodeo Cowboys Association’s website states that it is the only organisation in Britain catering for all western riding disciplines.

“Other organisations set out to specialise in one form of western riding competition or another but the BRCA is the only association where members are encouraged to try all aspects of the sport – from working with cattle through Reining and all the show classes to Barrel Racing and other mounted games. The BRCA was the first western riding association in Europe to promote a Working Ranch Horse event and this popular event is a regular feature in the BRCA’s annual schedule.”²⁴⁶

The website lists the Association’s activities as including rodeos; cattle classes; western show classes; trail rides; roping; reining classes; mounted games; long distance rides; and training films. The western games listed include barrel racing, pole bending, flag races, relay races, team penning, working cow horses and cutting.

It is unclear exactly why there was such a strong reaction against the 1924 rodeo, given that fox hunting and other cruelty to animals have lengthy histories in Britain. However, it is possible that cultural factors were of importance. As there was no prior culture or history of rodeo in Britain, spectators were able instantly to observe the cruelty, rather than being inured to mistreatment of animals by being brought up to consider rodeos an everyday part of life.



244 Protection of Animals Act 1934 <http://www.legislation.gov.uk/ukpga/Geo5/24-25/21/section/1>.

245 Animal Welfare Act 2006 <http://www.legislation.gov.uk/ukpga/2006/45/section/4>.

246 British Rodeo Cowboys Association – What we do, www.rodeocowboys.org.uk <http://www.rodeocowboys.org.uk/>.

THE UNITED STATES

Around 30 per cent of rodeos in the United States are run by the Professional Rodeo Cowboys Association and the Women's Professional Rodeo Association. 50 per cent of rodeos are organised by other organisations which oversee children's, high school, college, senior and other rodeos. 20 per cent of rodeos are not sanctioned by organisations. Rodeo competitions are held between spring and autumn, but professional rodeo has a longer season.

Standard rodeo rules evolved from 1929, when rodeo associations were created. The popularity of rodeos in the United States soared during the 1970s and many rodeos continue to be held today. Some take place inside in large arenas and are televised, while others remain outdoor events. Rodeo is the state sport of Wyoming, Texas and South Dakota.

The federal Animal Welfare Act exempts rodeos from the protections it provides to animals. The Animal Legal Defense Fund states that some states exempt rodeos from their anti-cruelty statutes, while other states defer to "clearly inadequate" Professional Rodeo Cowboys Association regulations to judge whether animal cruelty has occurred in rodeos.²⁴⁷

The Animal Legal Defense Fund has compiled a list of measures taken in some states to protect animals in relation to rodeos.²⁴⁸

Rodeo is completely prohibited in St Petersburg, Florida. San Francisco requires rodeos to obtain permits and allows only what it describes as "humane rodeo events." It specifically prohibits greased pig contests, and events using cattle prods, or unfleeced flank straps for cattle or horses. Greensburgh, New York, has banned rodeos on any town property. Fort Wayne, Indiana, bans any event involving contests between humans and non-human animals unless the city issues a permit following a review of the safety, wellbeing and comfort of the participating animals and the public.



247 Animal Legal Defense Fund – Rodeo Facts: The Case Against Rodeos, www.aldf.org.

248 <http://aldf.org/cases-campaigns/features/rodeo-facts-the-case-against-rodeos/>.



CANADA

This section outlines some developments in relation to rodeo in Canada in 2017.

BRITISH COLUMBIA

In August 2017, organisers of the Chilliwack Fall Fair and Rodeo agreed to vote on the removal of two events before the 2018 rodeo. Following an online campaign by the Vancouver Humane Society, the Fair Board agreed to review the inclusion of tie-down calf roping and steer wrestling.

The Board said in a statement that it would meet to determine whether modification of the events to ensure animal safety was possible, or whether their cancellation was warranted.²⁴⁹ The Vancouver Humane Society's campaign featured photographs taken at the 2016 rodeo, which the society said depicted cruel abuse of calves and steers.

The rodeo at the Abbotsford Agrifair was cancelled for 2016 for what organisers said was a budget shortfall.²⁵⁰

QUEBEC

On 24 May 2017, University of Montreal Law Professor, Alain Roy JD, requested an injunction from the Montreal Superior Court on behalf of students seeking to prevent Montreal from hosting the NomadFest Urban Rodeo.

The event was planned as part of the city's 375th anniversary celebrations and the court filing coincided with a Montreal Society for the Prevention of Cruelty to Animals campaign to prevent the rodeo.²⁵¹ Bull and bronco riding were planned. The SPCA said that rodeos had no cultural or historical connection to Montreal – there had never been a rodeo held there in 375 years.

The injunction applicants argued that the proposed rodeo events would contravene the Civil Code of Quebec's new provision granting animals the status of sentient beings, as well as certain provisions of the Animal Welfare and Safety Act adopted in December 2015 by the National Assembly.²⁵²

The legal action was withdrawn and the rodeo went ahead after the parties reached a settlement. Professor Roy said he had felt pressured after the promoters of the rodeo asked for a C\$100,000 bond and their lawyer told him he would be liable for losses caused to the defedants if an interlocutory injunction were granted and the event was cancelled.²⁵³

The parties agreed that an advisory committee on rodeo would be created, consisting of three animal rights experts; three rodeo industry representatives; and two people from Quebec's Agriculture, Fisheries and Food Ministry. Professor Roy was authorised to choose two experts to inspect the animals at both the Montreal and the St-Tite Rodeos, both of which are run by the same organisation. The experts would report to the advisory committee.



CALGARY STAMPEDE, ALBERTA, CANADA.

249 CBC News – Chilliwack Fair to review tie-down rope calving and steer wrestling at rodeo, www.cbc.ca/news, 11 August 2017.

250 CBC News – Rodeo at Abbotsford Agrifair cancelled for 2016, www.cbc.ca/news, 12 February 2016.

251 Raia, P – Law Students Seek to Stop Montreal Rodeo, www.thehorse.com, 4 June 2017.

252 Legal Challenge to Montreal's 375th anniversary Rodeo, www.thesuburban.com, 29 May 2017.

253 Marandola, S – Injunction dropped, rodeo to go ahead in Montreal this summer, www.cbc.ca/news, 7 June 2017.

Professor Roy said this meant that, for the first time, the applicants would be able to send experts of their choice to the rodeo sites – a veterinarian and a behaviourist – who would have free access to the animals and be able to produce a totally independent report.²⁵⁴

An article titled *Is Montreal's NomadFest Rodeo Legal?* was published on the *Huffington Post Quebec* on 24 April 2017.²⁵⁵ The author said that, in Canada, animal welfare was left to the provinces to regulate. While Manitoba, Ontario and British Columbia had some of the strictest laws in Canada, Quebec had been one of the laxest jurisdictions in North America.

“That changed in 2016 when the province’s Animal Welfare and Safety Act came into effect. This major milestone radically granted the status of ‘sentient beings’ to domesticated animals such as cats, dogs, rabbits, cows, horses, pigs, lambs, goats and chickens.

“The Act sets out specific protections for animals and prohibits:

- Animal fights
- Subjecting an animal to conditions that cause the animal extreme anxiety or suffering
- Subjecting an animal to any abuse or mistreatment that may affect its health.”²⁵⁶

Simkin said that the controversy over the NomadFest Rodeo raised the issue of whether rodeos were legal in Quebec.

“It depends:

- Do rodeo events cause animals extreme anxiety or suffering?
- Is there abuse or mistreatment of animals during rodeo events?...

“If the SPCA’s allegations are true, then NomadFest may be violating the Animal Welfare and Safety Act. However, this recent legislation remains largely untested. As of this date, only eight cases have been brought before the courts with the most well-known example being the SPCA’s challenge to the City of Montreal’s ban of pit bull type dogs.”²⁵⁷



CALGARY STAMPEDE, ALBERTA, CANADA.

254 Ibid, p 1.

255 Simkin, M – *Is Montreal's NomadFest Rodeo Legal?* *Huffington Post Quebec*, 24 April 2017.

256 Ibid, p 3.

257 Ibid, p 4.



AUSTRALIA

HISTORY OF RODEO IN AUSTRALIA

Rodeo developed in the late 1800s when informal bouts were held between “rough riders.”²⁵⁸ In Victoria in the 1880s, competitions were held for bullock-throwing and roughriding, involving riding up to bullocks, grabbing their tails, throwing them off balance and then tying their legs.

The National Agricultural Society of Victoria organised a roughriding competition at its annual show in 1888. Australian and international Wild West shows travelled Australia in the 1890s and in 1927 a rodeo held in Adelaide drew 50,000 spectators.

The Australian Bushmen’s Carnival Association was established in 1944 to standardise rules and regulations, but only lasted until 1947. A separate national organisation for professional riders, the Australian Rough Riders Association, was set up in 1945 and adopted United States rules for its competitions. The Association changed its name to the Australian Professional Rodeo Association in 1988.

The Northern Bushmen’s Carnival Association was founded in 1946 and changed its name to the Australian Bushmen’s Campdraft & Rodeo Association. The National Rodeo Council of Australia was created in 1992 to promote rodeo and collectively represent the various associations.

The Council has a 36-page Rulebook, revised in 2013, which aims to provide a standard set of rules for the conduct of rodeos.²⁵⁹ The book lists 20 events which it says are registered as acceptable with the Council. These include competitions for men, women and children, including Rope and Tie, steer wrestling, junior team roping and ladies steer undecorating.²⁶⁰

Walkden-Brown states that there are six standard events in Australian rodeo, with each classified either as a rough-riding or as a timed event. The rough-riding events are saddle bronc riding, bareback bronc riding and bull riding. The timed events are Rope and Tie, team roping and steer wrestling.²⁶¹

REGULATION OF RODEO IN AUSTRALIA

There are no national laws applying to animal welfare in Australia. States and territories regulate animal welfare in their jurisdictions.²⁶²

There is no formal regulation of rodeos, but the National Consultative Committee on Animal Welfare (“NCCAW”) issued a set of non-binding Standards for the Care and Treatment of Rodeo Livestock. However, Walkden-Brown notes that the Standards did not form part of the Australian Model Codes of Practice or the Australian Animal Welfare Standards endorsed by the Primary Industries Ministerial Council.²⁶³ The Standards are displayed on the National Rodeo Council of Australia’s website under the heading “Animal Welfare.”

The Standards were drawn up in 2006 following extensive consultation with Australia’s major rodeo associations and comprised the national standard recommended by the NCCAW for managing and controlling rodeos.²⁶⁴ They stated that it was unacceptable to use animals other than cattle and horses in rodeo.

258 Walkden-Brown, J – Animals and Entertainment, in *Animal Law in Australasia Continuing the Dialogue*, Sankoff, P et al (Eds), The Federation Press, 2nd Edition, 2013.

259 National Rodeo Council of Australia – Rulebook, Revised Edition 2013
https://cdn.shopify.com/s/files/1/0978/9524/files/NRCA_Rulebook16.pdf?7082940579587464878.

260 Ibid, p 5.

261 Walkden-Brown, op cit, p 3.

262 RSPCA – What is the Australian legislation governing animal welfare?
http://kb.rspca.org.au/what-is-the-australian-legislation-governing-animal-welfare_264.html.

263 Ibid, p 3.

264 NCCAW – Standards for the Care & Treatment of Rodeo Livestock, NCCAW Position Statement, 2006
<http://dpiwwe.tas.gov.au/Documents/Standards%20for%20the%20Care%20and%20Treatment%20of%20Rodeo%20Livestock.pdf>.

“Rodeo” was defined as a competition using cattle and/or horses and including one or more of saddle bronc riding, bareback bronc riding, bull riding, steer riding, roping and tying, steer wrestling and team roping. The Standards said that animals used in rodeos must be treated humanely and states and territories were encouraged to license rodeos within their jurisdictions to encourage compliance with, and adequate monitoring of, the Standards. The stock contractor, judges, veterinarians and competitors must have a high level of knowledge of the Standards and ensure that the welfare of animals used in rodeos was within their areas of responsibility and comply with relevant animal protection legislation.²⁶⁵

The Standards said that judges were responsible for ensuring that inspections were performed on all competition equipment and that the manner in which the equipment was set or used on animals complied with the Standards.

Reports should be provided to the state or territorial authority for animal welfare within 21 days of the rodeo being held and should provide details of the number, types and severity of any animal injuries; and breaches of the Standards and the corrective action taken.

The Standards also spelled out how electric prods, flappers, metallic rattles, flank straps, neck ropes, jerk lines, polythene tubing and other devices were to be used. They said that horses under three years old must not be used for bucking events. Horses used in bucking events must not be used more than three times a day and cattle must not be used as bucking stock more than three times a day, including in practices.²⁶⁶

The minimum weight for cattle used in Rope and Tie was 100 kilograms, with a maximum of 130 kilograms. The Standards noted that some states had varying restrictions on minimum animal weights. Calf roping was not allowed in Victoria and the steer’s bodyweight must be at least 200 kilograms for steer roping.²⁶⁷

The Standards said that pulling animals backwards off their feet - jerk down – or dragging a roped animal were unacceptable.

The NCCAW was replaced by the Australian Animal Welfare Advisory Committee, but the Government announced in November 2013 that it would scrap the Committee and the Minister of Agriculture would in future receive all advice on animal welfare issues from the Department.

The attendance of a veterinarian at rodeos is mandatory in South Australia, Tasmania and Victoria, but voluntary elsewhere in Australia. Veterinary checks immediately prior to animals being used in rodeos are compulsory in Tasmania and Victoria and recommended in some other jurisdictions.²⁶⁸

Walkden-Brown said that regulation of rodeos in Australia was very limited and varied significantly across states and territories.²⁶⁹

The Australian Capital Territory is the only jurisdiction with an outright ban on rodeos. This is provided for by section 18 of the Animal Welfare Act 1992 (ACT), which states that a person commits an offence if that person conducts or takes part in a rodeo.²⁷⁰

In the Northern Territory, rodeo is virtually unregulated. Section 19 of the Animal Welfare Act (NT), as in force at 12 April 2017, states that, unless authorised by a law in force in the Territory, a person must not sell an electrical device, have an electrical devices in his or her possession, or use an electrical device on an animal.²⁷¹ “Electrical devices” is defined as meaning a device or object that is made, adapted or used for the purpose of administering an electric shock to an animal, but does not include an electric fence.

265 Ibid, p 3.

266 Ibid, pp 7–8.

267 Ibid, p 9.

268 Ibid, pp 5–6.

269 Walkden-Brown, op cit, p 5.

270 Animal Welfare Act 1992 (ACT) Republication NO 26 Effective 31 May 2016 <http://www.legislation.act.gov.au/a/1992-45/current/pdf/1992-45.pdf>.

271 Animal Welfare Act (NT) https://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nt/consol_act/awa128/longtitle.html.



Regulation 4 of the Animal Welfare Regulations (NT), as in force at 26 June 2013, authorises the use of electrical devices by providing that, for the purposes of section 19(2)(a) or (b) of the Animal Welfare Act, a person is authorised to sell, possess or use an electrical device if the device is specified in column 1 of Schedule 1 and is made or used as specified.

By virtue of Regulations 4(3), electrical devices may not be used on animals by applying them to the face, udders or genitals of the animal.

Section 20 of the Animal Welfare Act bans the possession or use of spurs with sharpened or fixed rowels.

In Queensland, section 20 of the Animal Care and Protection Act 2001 lists prohibited events such as bullfights and cock or dogfights.²⁷²

Section 20(2) provides that conducting a rodeo is not a prohibited event merely because of action taken in the rodeo to protect a competitor or other person from an animal being used in the rodeo.

Western Australia's Animal Welfare Act 2002 (WA) provides by virtue of sections 25 and 94(2)(d) that there is a defence to allegations of cruelty if compliance with the Code of Practice for the Conduct of Rodeos in Western Australia 2003 is demonstrated.²⁷³

The Tasmanian Animal Welfare Act 1993 makes compliance with rodeo Codes mandatory.²⁷⁴ Section 11A provides that a person responsible for the organisation and conduct of a rodeo must ensure that it is conducted in accordance with any prescribed Code of Practice for rodeos and the prescribed requirements, if any. A veterinary surgeon must be in attendance at all events at the rodeo involving animals.

Section 11A(4) bans organising or participating in events at rodeos involving the riding of sheep, calves or goats.

The Prevention of Cruelty to Animals Act 1979 (NSW) bans animal baiting, bull fighting or causing animals to fight, but provides an exception for rodeos as long as they comply with the Code of Practice for the Welfare of Animals Used in Rodeo Events (1988).²⁷⁵

Section 16 bans the use of certain electrical devices on animals, while section 17 prohibits the possession of spurs with sharpened rowels. Section 18 bans animal baiting. By virtue of section 20, people are banned from organising, promoting or taking part in competitions in which animals are released from confinement for the purpose of that person or any other person chasing, catching or confining the animal.

South Australia's Animal Welfare Act 1985 (SA) requires permits to be obtained for the holding of rodeos.²⁷⁶ Section 15 states that a person must not, for the purpose of confining or controlling an animal, use an electrical device in contravention of the Animal Welfare Regulations 2012 (SA).



272 Animal Care and Protection Act 2001 (Qld) http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/qld/consol_act/acapa2001229/s20.html.

273 Animal Welfare Act 2002 (WA) http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_act/awa2002128/.

274 Animal Welfare Act 1993 (Tas) <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-063#GS11A@EN>.

275 Prevention of Cruelty to Animals Act 1979 (NSW) <https://www.legislation.nsw.gov.au/inforce/af92116f-7d2d-60a9-f731-9dacdd705d05/1979-200.pdf>.

276 Animal Welfare Act 1985 (SA), section 34.

<https://www.legislation.sa.gov.au/LZ/C/A/ANIMAL%20WELFARE%20ACT%201985/CURRENT/1985.106.AUTH.PDF>.

In Victoria, Part 2 of the Prevention of Cruelty to Animals Act 1986 (Vic) contains detailed provisions relating to rodeos.²⁷⁷ Section 16 makes it an offence to operate a rodeo without a licence. Rodeo schools may only be run by people holding rodeo school permits. Rodeo licences remain in force for the period specified in the licence, which must not be more than 12 months.

By virtue of section 17D, a permit may be refused if the applicant does not establish that the applicant is the person who intends to supply the animals to be used at a rodeo or rodeo school. A rodeo licence may be refused if it is not lodged at least 28 days before the day on which the first rodeo to which the licence applies is to be held. Other grounds for refusing licences or permits include convictions under specified sections of the Prevention of Cruelty to Animals Act (Vic) or failure to comply with requirements as to the facilities, conditions or animals for the rodeo.

The Australian Animal Welfare Strategy was an Australian Government initiative to guide the development of new, nationally consistent policies to enhance animal welfare arrangements in all Australian states and territories. It was launched in 2005 and the 2010 – 2014 version of the Strategy aimed to create a more consistent and effective animal welfare system.

The Australian Animal Welfare Standards and Guidelines website notes that, for the past 35 years, the welfare of livestock in Australia has been supported by a series of Model Codes of Practice for the Welfare of Animals. However, community values and expectations have changed and international trading partners now place greater emphasis on livestock welfare, so the usefulness and relevance of the Codes has been called into question, as has the process by which they were revised and developed. A review of the Model Codes of Practice in 2005 recommended that they be converted into Australian Animal Welfare Standards and Guidelines.²⁷⁸

The welfare standards and guidelines for livestock aimed to harmonise and streamline livestock welfare legislation in Australia, with the aim of enhancing welfare outcomes while ensuring practicality for industry.

The Australian Animal Welfare Standards and Guidelines for Cattle, Edition One, Version One were endorsed in January 2016.²⁷⁹ They were agreed by state and territory governments and are in the process of being regulated into law by most states and territories. They are being implemented between 2017 and 2019, as set out in a progress report on the Animal Welfare Standards website.²⁸⁰

Part 5 of the Standards deals with the handling and management of cattle. It provides that a person handling cattle must do so in a reasonable manner and must not lift cattle off the ground by only the head, ears, horns, neck or tail unless in an emergency; drop cattle except to land and stand on their feet; drag cattle who are not standing, except in an emergency; deliberately dislocate or break the tails of cattle; or use metal pellets to wound cattle as an aide for mustering.²⁸¹

Professor of Animal Welfare, Clive Phillips of the Centre for Animal Welfare and Ethics, Faculty of Science at the University of Queensland, was quoted in a 2015 media article, prior to endorsement of the Standards, as saying that those Standards would “actually prohibit the calf roping event if they are endorsed. The standards have been prepared, but they haven’t been endorsed by government yet.”²⁸²

Standard 5.4 states that a person must consider the welfare of cattle when using an electric prodder and must not use it on genital, anal or udder areas of cattle; on facial areas unless cattle welfare is at risk; on calves less than three months old unless their welfare is at risk; or in an unreasonable manner on cattle.

277 Prevention of Cruelty to Animals Act 1986 (Vic) <http://agriculture.vic.gov.au/agriculture/animal-health-and-welfare/animal-welfare/animal-welfare-legislation/prevention-of-cruelty-to-animals-legislation>.

278 Animal Welfare Standards – Australian Animal Welfare Standards and Guidelines <http://www.animalwelfarestandards.net.au/>.

279 Animal Health Australia, Australian Animal Welfare Standards and Guidelines for Cattle, Edition One, Version One, Endorsed January 2016 http://www.animalwelfarestandards.net.au/files/2011/01/Cattle-Standards-and-Guidelines-Endorsed-Jan-2016-061017_.pdf.

280 The Australian Animal Welfare Standards and Guidelines for Cattle – Progress Report, Animal Welfare Standards, Page Updated 28 March 2017 <http://www.animalwelfarestandards.net.au/cattle/>.

281 Ibid, p 17.

282 Brown, C – Queensland scientists roped into rodeo animal welfare debate, ABC Rural, 25 March 2015.



ENFORCEMENT

Walkden-Brown stated that, as there were no mandatory reporting requirements in Australia, it was likely that only a small fraction of animal injuries and deaths at rodeos ever become public knowledge.²⁸³

“While rodeo organisations like the APRA maintain that the amount of injuries caused to animals in Australian rodeos is negligible, rodeo events are inherently dangerous and it is impossible to have a rodeo that does not pose a threat of injury or death to animals.”²⁸⁴

The Australian Professional Rodeo Association’s website states that, over the past 15 years, there have been over 330,000 usages of animals at APRA-affiliated rodeos in Australia. One injury was recorded for every 3471 times an animal was used and one animal was severely injured or euthanised for every 5571 times an animal was used.²⁸⁵

Writing in 2013, Walkden-Brown said that the only recorded animal cruelty conviction in relation to rodeos in either Australia or New Zealand was ordered by a South Australian Magistrates Court in 2006. A stock contractor was convicted of housing horses in with a bull and not allowing a distressed bull to be released immediately. The contractor was fined A\$800.²⁸⁶

A Tasmanian man was found guilty of animal cruelty charges in 2007 for forcing a bull who had suffered spinal injuries during the event to drag himself up a steep ramp. No conviction was entered in relation to the offending.²⁸⁷

Walkden-Brown said that the lack of cruelty convictions was a direct result of the fact that the rodeo industry was largely self-regulated.²⁸⁸



MID NORTHERN, NZ, 2016 – CALF ROPING

283 Ibid, p 5.

284 Ibid, p 5.

285 APRA – Animal welfare – what does it mean? <http://www.prorodeo.com.au/Livestock-Welfare-Overview-32/>

286 Walkden-Brown, op cit, p 7.

287 Ibid, p 7.

288 Ibid, p 8.

PUBLIC ATTITUDES TO RODEO IN AUSTRALIA

Gold Coast Mayor Ron Clarke in June 2008 said he thought rodeos were horrifying and “human entertainment at the expense of animals.”²⁸⁹ He said he had attended his one and only rodeo after being invited to one featuring horses and bulls at the Gold Coast Convention and Exhibition Centre two years earlier.

“I’ve been told that animals love it but that’s not how I saw it. I hated seeing what they do to animals to make them buck. They [pro rodeo people] say that they love bucking, so why do they stop bucking when the riders are off and the belts around them are loosened? I thought it was horrifying and didn’t stay long.”²⁹⁰

The Queensland State Government in 2008 gave Mount Ida Rodeo organisers A\$50,000 to undertake a feasibility study into how to expand the rodeo. Then-Queensland Premier, Anna Bligh, defended the funding, saying there were “strict rules” to protect animals and riders.²⁹¹

Ipswich Mayor Paul Pisale said in June 2009 that he thought the day would come when rodeos were banned and he welcomed debate on the issue. He said he did not believe there should be any cruelty to any animals. He said he would be guided by community attitudes and he had not had anyone contacting him to say rodeos should be banned.²⁹²

In October 2011, Gold Coast Councillors voted for stricter controls on rodeo. However, they refused to ban rodeo events outright.²⁹³ Several Councillors walked out of the meeting to discuss banning rodeos after Mayor Clarke tried to show a video of rodeo. The Mayor was supported by Councillor John Wayne, who said rodeo was nothing short of a bloodsport and draconian.

Councillor Dawn Crichlow said the Council wanted to “ban everything” and a rodeo ban would hurt the Gold Coast economy.²⁹⁴ Councillors voted 9 - 4 against prohibiting rodeos but agreed to ensure that all rodeos held in the city complied with national animal welfare standards and a proposed state Code of practice. A rodeo held as part of the Council’s annual Australia Day celebrations at Evendale was discontinued. The Gold Coast hosts the annual National Rodeos Finals and Councillors feared losing the multi-million dollar event.²⁹⁵

Co-ordinator of the Animal Law and Education Project, Angella Pollard, said in 2011 that it was the “unnecessary nature” of rodeos that made them cruel.²⁹⁶ She noted that the Prevention of Cruelty to Animals Act clearly stated that, unless it could be established that it was necessary, people should not cause any level of distress to animals.

“There’s an awful lot of animal cruelty out there in relation to how we do scientific experimentation and produce our food, but that cruelty is deemed to be legal and necessary. How is it necessary when it is a form of entertainment?”²⁹⁷

Ms Pollard said it was clear that animals were injured in rodeos and that “psychological stress” was also caused by the use of electric cattle prods. She said government inquiry reports had confirmed that animals suffered injuries, particularly in relation to calf roping but also from the use of flank ropes.

She said that rodeo had been given an exemption from section 20 of the Prevention of Cruelty to Animals Act (NSW) but she wanted to see the exception overturned.²⁹⁸

289 Dennehy, K – Mayor expresses horror at ‘cruel’ rodeo, www.smh.com.au, 15 June 2009.

290 Ibid, p 1.

291 Ibid, p 2.

292 Ibid, p 3.

293 Stolz, g – Gold Coast mayor fails in bid to ban rodeos as ‘too cruel’ to animals, *Courier Mail*, 31 October 2011.

294 Ibid, p 1.

295 Ibid, p 2.

296 Joyce, J – No bull? The great rodeo debate, www.abc.net.au, 20 October 2011.

297 Ibid, p 2.

298 Ibid, p 2.



An article on the Animals Australia website in 2011 said that –

“Over the past three years, largely due to just a few individuals with cameras and courage and Animals Australia’s subsequent detailed complaints and submissions, the State Governments of Tasmania, Victoria and South Australia have changed their laws, and some of the worst rodeo practices are being outlawed.

“Tasmania has new regulations making it a legal requirement for a rodeo to have a veterinarian in attendance, and in South Australia calf roping has now been banned (it was already banned in Victoria). Victoria has introduced specific offences for practices such as using electric prods excessively on cattle (to make them jump as they enter the arena) and for using an electric prod on a horse at any time. Queensland is currently reviewing its rodeo rules and Animals Australia has made a submission slamming this terrible ‘sport’ and specifically calling for a ban on calf roping.”²⁹⁹

In 2016, following the publication of a report into the effects of calf roping (see below), Animal Liberation Queensland and the RSPCA called for a ban on calf roping in Queensland.³⁰⁰

Australian animal groups such as RSPCA Australia, Animals Australia, Voiceless and Animal Liberation support banning rodeos throughout Australia and continue to lobby for that.

In August 2017, more than 20,000 people attended the Mount Isa Mines Rotary Rodeo in outback Queensland during the first two days of the event.³⁰¹ Competitions included barrel racing, breakaway roping, team roping, Rope and Tie, steer wrestling, bull riding, saddle bronc and bareback bronc riding.

Australia’s international reputation has been damaged in recent years by the broadcast and sharing of footage of mistreatment of animals. Public revulsion at the practice of mulesing over more than a decade has led to some retail outlets overseas ceasing to stock Australian wool products.

Australia has a large live export trade and there has been extensive filming and publicity about substandard treatments of animals, both on vessels and once they reach their destinations overseas.



WAIKATO RODEO, NZ, 2016 – CALF ROPING.
Calf is flying backwards through the air with his eyes closed. He will land on shoulders/spine in what is termed a “bust” ie the calf is busted. Competitor is disqualified for this, however, continues with the event ie calf is not immediately released.

299 Animals Australia – New laws crack down on rodeos, www.animalsaustralia.org, 2011.

300 Ruralweekly – Calls made to ban rope and tie events, 7 September 2016, p 1.

301 Tatham, H – Biggest rodeo in the southern hemisphere brings big crowds to outback Queensland, www.abc.net.au, 13 August 2017.

AUSTRALIAN RESEARCH INTO THE IMPACT OF CALF ROPING EVENTS ON CALVES

A 2016 article, *Behavioral and Physiological Responses of Calves to Marshalling and Roping in a Simulated Rodeo Event*, was published in the journal *Animals*.³⁰² The study was funded by the Australian Professional Rodeo Association and published by the Centre for Animal Welfare and Ethics at the University of Queensland. The authors of the research were Professor of Animal Welfare, Clive Phillips of the Centre for Animal Welfare and Ethics, Faculty of Science at the University of Queensland; Dr Tamara Keeley, Postdoctoral Research Fellow at the School of Agricultural and Food Sciences in the Faculty of Science at the University of Queensland; Michelle Sinclair of the Centre for Animal Welfare and Ethics at the School of Veterinary Sciences at the University of Queensland; and Anne-Cecile Lefebvre of the Ecole Nationale Veterinaire de Toulouse at Toulouse University.

The paper was edited by Professor of Animal Welfare Marina von Keyserlingk of the University of British Columbia, one of the world's leading experts on cattle welfare.³⁰³

The study noted that rodeos often involved calf roping events, in which calves were first lassoed by a rider who rode a horse. The rider then dismounted, tied the calf's legs together, lifted the calf from the ground and then released the animal back to the ground. The research studied whether calves who were familiar with the roping experienced stress during the roping.

The researchers found increased concentrations of stress hormones in their blood after roping. They also reported increased concentrations of stress hormones in the blood of calves who had never been roped before but were just marshalled across the arena by the horse and rider. The study concluded that the roping event in rodeos was stressful for both experienced and naïve calves.³⁰⁴

Measurements were made of the behaviour and stress responses of 10 rodeo-naïve calves marshalled by a horse and rider, and ten rodeo-experienced calves who were roped. Naïve calves marshalled by a horse and rider moved slowly across the arena, whereas rodeo-experienced calves ran rapidly until roped. Each activity was repeated once after two hours. Blood samples taken before and after each activity demonstrated increased cortisol, epinephrine and nor-epinephrine in both groups.

"However, there was no evidence of a continued increase in stress hormones in either group by the start of the repeated activity, suggesting that the elevated stress hormones were not a response to a prolonged effect of the initial blood sampling. It is concluded that both the marshalling of calves naïve to the roping chute by stockpeople and the roping and dropping of experienced calves are stressful in a simulated rodeo calf roping event."³⁰⁵

The researchers concluded that –

"Increases in blood cortisol, epinephrine and nor-epinephrine in both naïve calves marshalled across a roping arena indicate that the marshalling across the arena was at least initially stressful, notwithstanding the possibility that initial blood sampling caused prolonged elevation, discussed above. The repeat roping for the experienced roped calves on the day of the study also produced an acute stress response. The physiological evidence suggests that naïve calves marshalled across the roping arena were acutely stressed by the initial handling, with an adrenergic response, and there was also some evidence of the development of a more chronic stress response. Behavioral evidence suggests that experienced roped calves had a flight response to the presence of the pursuing rider and eye white responses may also indicate a stress response to the roping and the start of a hypothalamopituitary axis response. Further research could examine the stress responses of calves [who] were jerked by the rope, which did not happen in this study."³⁰⁶

302 Sinclair, M, Keeley, T, Lefebvre, A-C and Phillips, CJC – Behavioral and Physiological Responses of Calves to Marshalling and Roping in a Simulated Rodeo Event, *Animals* 2016, 6, 30, www.mdpi.com/journal/animals <http://www.mdpi.com/2076-2615/6/5/30/pdf>.

303 Centre for Animal Welfare and Ethics – Statement regarding UQ research study on calf roping, 19 September 2016 <https://veterinary-science.uq.edu.au/article/2016/09/statement-regarding-uq-research-study-calf-roping>.

304 Sinclair M et al, op cit, p 1.

305 Ibid, p 1.

306 Ibid, p 10.



GERMANY

In Europe, rodeo is not as popular as in North America. Some European jurisdictions explicitly prohibit certain rodeo practices.

The Registered Association of Veterinarians for Animal Protection (Tierärztliche Vereinigung für Tierschutz e.V., TVT) on 25 April 2005 provided a report titled *Expert opinion regarding rodeo events in the Federal Republic of Germany from a legal, ethological and ethical perspective*. Six experts from different disciplines contributed to the report.

An annex to the paper was provided on 22 May 2006, reporting on analysis of digital video recordings from 14 rodeo events in Germany between 2001 and 2005. It documented, analysed and evaluated the behavioural expressions of the horses involved in the disciplines Bare Back Riding and Saddle Bronc Riding.

The experts said that, under German law, rodeos were required to obtain permission to take place. The infliction of any kind of pain, suffering or harm at the rodeo was prohibited as it constituted a breach of regulations. It was irrelevant whether the stress inflicted was substantial or insubstantial. Regulations were breached if the animal was exposed to any kind of pain, suffering or harm.

The paper analysed the key events at rodeos in Germany and said that flank straps caused suffering – stress, anxiety and fear – and potentially caused pain. Horses had thin skins and slightly hairy or smooth areas of skins, such as the teats and preputional areas, were more heavily innervated and more sensitive than hairier areas. In addition mares, especially when they were in heat, were more sensitive in their flank strap areas.

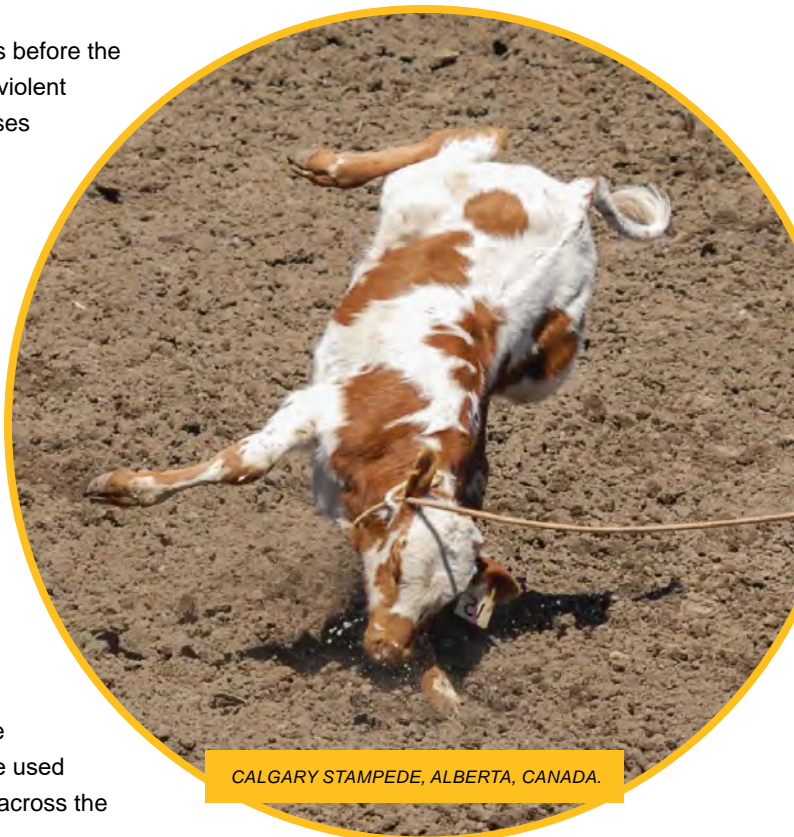
The experts said that bucking was an active coping strategy for horses in negative emotional situations and could be caused by anxiety, fear and/or pain. One type of passive coping strategy by some horses observed in chutes was immobility. This could also be described as “acquired helplessness”.

The paper said that the horses were already visibly nervous before the flank strap was tightened in the chute and already showed violent defence reactions at that stage. Once in the arena, the horses had learned the active coping strategy of bucking to react against the stress of the flank strap.

In relation to the Wild Horse Race, the researchers said that there was a high injury risk for the horses. This risk increased during evening events as arenas were poorly illuminated and spotlights and camera flashes could blind the animals. Horses were observed rearing up and falling backwards, sometimes against the steel pipes surrounding the arena. When horses attempted to escape, they might fall by getting caught up in ropes.

The study said that these activities breached regulations. Even careless exposure to pain, suffering and harm breached the regulations.

The experts said that the bull's natural defence behaviours were used for entertainment in rodeos and this could not be justified in terms of animal protection law. Flank straps were used on bulls. For anatomical reasons, they had to be tightened across the urethra, which could add to the animal's pain.



CALGARY STAMPEDE, ALBERTA, CANADA.

The paper recorded that spurs were used at all events. It was mandatory for them to be “disabled” with adhesive tape but it was observed that the riders were unable to control the use of the spurs during strong defensive movements by the animals. It was observed that spurs were intentionally and forcefully used on both sides of the neck to make horses move forward and continue bucking.

The paper concluded that spurs in rodeos were not used in a controlled way and in accordance with their purpose. The wearing of spurs in rodeos accordingly had to be rejected for animal protection reasons.

The experts observed that rodeos were not traditional in Germany. In general, competitions of the “man-against-animal” type could not be reasonably justified, as the infliction of pain, suffering or harm for human amusement had been contrary to established values for some time. Such events also made children and young people believe it was acceptable to use animals as “mere objects.” That was incorrect as, since 1990, the German Civil Code had expressly stated that animals were not to be considered as objects any more.

Article 20 of the German Constitution stated that animal protection was a national objective, and since 2002 the Legislature, the Executive and the Judiciary had been given greater responsibility for animal protection. They were required to anticipate and prevent animals from being exposed to suffering. It was therefore appropriate to grant permissions to hold rodeo events only if flank straps and spurs were prohibited. Bull riding and wild horse racing should not be permitted at all.

IMPACT ON CHILDREN OF NORMALISING RODEO VIOLENCE TO ANIMALS



In the United States, New Zealand and other countries, rodeo is promoted as family entertainment and large numbers of children are taken to rodeos by their parents.

American veterinarian Dr Peggy Larson says that rodeos expose children to sanctioned animal abuse.

“As a former prosecutor, I saw many criminals that had a history of animal abuse. Children who attend rodeos witness riders and ropers dominate and injure animals. They see spurs, the cattle prods and the ropes. They see brutal riders winning prizes. Animal abuse can become acceptable to them. Acknowledging this link, Planned Parenthood has stopped using rodeo in its national fundraising efforts because of their concern for children and for the animals.”³⁰⁷

In the United States, rodeos promote “mutton busting” for children. This involves small children riding sheep. Children are frequently injured, suffering broken bones, head injuries and abrasions.³⁰⁸

It is beyond the scope of this paper to write in detail about the impact on children of normalising violence against animals by taking children to rodeos. However, it is crucial for children to be taught good attitudes to animals when they are young, in order for them to grow up with positive attitudes to animals.

There is a large volume of research dating back to the 1960s about the links between violence to animals and other forms of violence, including domestic violence, and also about the correlation between childhood animal cruelty and adult violence. The Link is the United States organisation which studies this connection and lobbies for change.

A corresponding organisation, initially called First Strike and later renamed The Link was set up in New Zealand in 2003.



307 Fn 11.

308 Fn 11.



CONCLUSION



CALGARY STAMPEDE, ALBERTA, CANADA.

Rodeos are contrary to the fundamental purposes of the Animal Welfare Act 1999 and breach the basic protections afforded to animals by the legislation. Rodeo practices such as calf roping, steer wrestling or bull riding are at odds with the criminal prohibition against ill treatment.

There is growing widespread acceptance that rodeos would be illegal but for the Rodeo Code. This is ironic as the power to make the Code is provided by the Act and therefore the Code cannot permit behaviour which the Act prohibits. The Rodeo Code is an evident example of a problematic Code the legality of which is questionable, both procedurally and in particular substantively.

Rodeos are inherently cruel to animals – in all aspects, ranging from transporting and holding animals at the venues, to forcing animals to participate in the rodeo events. They have no role in New Zealand farming practices and exist solely as a prize competition pastime for participants and entertainment for spectators.

The holding of rodeos normalises and perpetuates mistreatment of animals in a way which would be unacceptable for any pet or farmed animal in ordinary circumstances, all for human entertainment.

The promotion of rodeos as family entertainment and the involvement of children both as spectators and participants means young people are being brought up with poor attitudes to animals.

Rodeos are inconsistent with the Animal Welfare Act 1999 and therefore already illegal. It is time to implement the Act, repeal the Rodeo Code and explicitly prohibit rodeos in New Zealand.



**“RODEO PRACTICES
SUCH AS CALF ROPING,
STEER WRESTLING OR
BULL RIDING ARE AT ODDS
WITH THE CRIMINAL
PROHIBITION AGAINST
ILL TREATMENT.”**

EXTRACT FROM PAGE 90



The New Zealand Animal Law Association is a coalition of lawyers working to improve the welfare and lives of animals through the legal system.

NZALA.ORG

IMAGE: CALGARY STAMPEDE, ALBERTA, CANADA.