

# Regulatory Impact Statement: Proposed regulations for prolonged tethering of dogs

## Coversheet

### Briefly describe the Minister's regulatory proposal

Two regulations are proposed to create infringement offences to prohibit the prolonged tethering of dogs:

- a person must not tether a dog in such a way that they show signs associated with prolonged tethering; and
- certain categories of vulnerable dogs cannot be tethered, with exemptions.

### Summary: Problem definition and options

#### What is the policy problem?

The SPCA has defined the problem of prolonged tethering: the tethering of a dog for such prolonged periods that the animal does not have an opportunity to display normal patterns of behaviour, causing unreasonable or unnecessary distress.

There is a gap in our regulatory toolkit for those cases where prolonged tethering of dogs creates a clear animal welfare issue, but the available evidence or severity does not reach evidentiary sufficiency to prosecute.

Under the Animal Welfare Act 1999 (the Act) current regulatory settings mean that Animal Welfare Inspectors (AWIs) can only respond to cases of prolonged tethering by means of a prosecution under the Act. However, prosecution in these situations is time and resource intensive for the Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA), as such prosecutions are only progressed in select cases.

Current tools for dealing with this problem are insufficient. The Animal Welfare (Care and Procedures) Regulations 2018 (the Care and Procedures Regulations) do not address the issue of prolonged tethering. The Care and Procedures Regulations only focus on the shelter, water and sanitation requirements of dogs generally, which can include dogs that are tethered or confined. This means there are cases where prolonged tethering presents a clear animal welfare issue, but the available evidence or severity of the specific situation does not reach evidentiary sufficiency to prosecute under the Act.

#### What is the policy objective?

The policy objective is to improve animal welfare outcomes for dogs in situations of prolonged tethering and help ensure the credibility of the animal welfare regulatory system.

#### What policy options have been considered, including any alternatives to regulation?

*Status Quo* – The SPCA and MPI will continue to work together to educate owners of their responsibilities. The SPCA use education, guidance, outreach, direct advice and provision of materials. The only enforcement options would continue to be resource intensive tools that are rarely applied by AWIs.

*Non-regulatory option* – Other non-regulatory options have been explored. New education, guidance or training would likely have some effect, but if the only enforcement option is to use an Act level criminal offence, the AWIs will continue to not be able to enforce action when owners do not change their behaviour. More specific limits on tethering could be put into the Code of Welfare: Dogs (the Code), but Codes of welfare are not directly enforceable. They can be used to prove prosecution under the Act, but there are no offences for breaching them.

The two regulatory options are to introduce infringement offences to prohibit the prolonged tethering of dogs. Both regulatory options

*Regulatory Option One* – Amend the care and procedures regulations to include three new regulations that the Ministry for Primary Industries (MPI) developed following public consultation in 2023:

- requiring that tethered dogs get two separate continuous one-hour periods off tether each day;
- prohibiting the tethering of certain types of dogs;
- prohibiting the tethering of dogs displaying certain physical signs of distress.

*Regulatory Option Two* – Amend the care and procedures regulations to include two new regulations:

- a person must not tether a dog in conditions associated with prolonged tethering;
- Certain categories of vulnerable dogs cannot be tethered, with exemptions.

They were developed by MPI post-consultation with SPCA representatives, with the objective of making regulations that are more enforceable than those previously proposed. This is the Ministers' preferred option in the Cabinet paper, and the option that this analysis concludes is the best. These regulations were developed The full regulations from regulatory option two are in Appendix Three.

#### **What consultation has been undertaken?**

Public consultation on proposed regulations was held between 1 February 2023 and 15 March 2023. Around 1,500 email and online submissions were received addressing either the proposed regulations on prolonged tethering, or subgingival dental procedures. The submissions indicated broad support overall for the proposed regulations and suggested minor amendments. Stakeholders noted potential enforcement issues of the proposed regulation mandating two periods off-tether each day.

In June 2024, the Associate Minister of Agriculture (Animal Welfare, Skills) requested that MPI develop new proposals with better enforceability. Officials developed proposed regulations with assistance and feedback from the SPCA. On 27 November 2024, MPI and the SPCA met with a range of key stakeholders that provided substantial feedback during previous consultation rounds. All stakeholders expressed their support for the two proposed regulations.

#### **Is the preferred option in the Cabinet paper the same as preferred option in the RIS?**

Yes.

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## Summary: Minister's preferred option in the Cabinet paper

### Costs (Core information)

**Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)**

No substantive financial impacts are likely for the public or relevant government agencies. Regulatory option two is likely to have low financial impacts on owners of dogs who currently tether their dogs for prolonged periods. This will amount to dog owners potentially having to buy equipment for their dog, or otherwise having to consider alternative containment arrangement for their dog.

Additionally, it is assumed that some dog owners will remain non-compliant with new requirements and will have to be infringed. This will be a cost to those owners of \$500 for violating the first regulation (signs associated with tethering), and/or \$300 for the second (categories of dogs that cannot be tethered). These infringements will be paid to the court and therefore the Government's central finances. All cost calculations are considered to be low confidence.

The cost-benefit analysis in this RIS assumes a cost of around \$50 to purchase any required equipment or changes to their property to let the dog off tether. As part of their approach to educating and encouraging good animal welfare practice, SPCA often offer this equipment when they identify dogs living in poor conditions. As such, some of these costs will fall on owners and some on the SPCA.

There will be low fiscal costs arising from ensuring compliance, and these costs are not expected to be significantly different to the status quo. These costs will sit with both the SPCA and MPI as the two enforcement agencies under the Act. AWIs are already regularly called out to situations of prolonged tethering and while they cannot give an infringement, they often provide education, advice, and equipment to owners.

At this stage it is proposed to manage ongoing fiscal costs within baseline. If substantive additional volumes of enforcement activity escalate costs to a point where this is no longer manageable, additional funding may need to be sought.

### Benefits (Core information)

**Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)**

The main benefits of regulations prohibiting dog tethering will be non-financial and will relate to improved animal welfare. The public will benefit both directly (reduced disturbances for neighbours where dogs are tethered for prolonged periods), and indirectly (improved confidence in system, improved animal welfare).

It is not anticipated that there will be any significant direct fiscal benefits or revenues to the Crown arising from the implementation of this option. The Government will achieve some marginal additional revenues associated with the new enforcement option that are available because of these regulations. These revenues will be proportional to the costs that non-compliant owners face.

### Balance of benefits and costs (Core information)

**Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?**

Benefits outweigh the costs when considering the evidence. Benefits are largely not fiscal or monetary, they are primarily benefits to society in caring well for its companion animals. This is something that matters to the wider community and forms an important part of how New

Zealanders see themselves. Costs are considered low, both to relevant government agencies (MPI, local government authorities), the SPCA and the public/dog owners.

## Implementation

Under the Act, new regulations need to be given effect through the making of regulations by Order in Council by the Governor-General on the recommendation of the Minister.

Implementation will be overseen by MPI and the SPCA. Implementation will be carried out by the SPCA. The SPCA is an approved organisation the Act which is responsible for ensuring compliance with requirements for companion animals.

It is proposed that enforcement of the regulations will be delayed for six months to allow time for education, training, and outreach programs to occur first. MPI and the SPCA will work with stakeholders to create and deliver supportive materials for these programs to ensure New Zealanders understand and can comply with their obligations.

Where the new regulations affect the Code of Welfare: Dogs, amendments will be made to align with the regulations.

## Limitations and Constraints on Analysis

The Cost-Benefit Analysis is constrained in how precisely each of costs and benefits can be calculated.

Monetary costs and benefits of this policy proposal is done with low confidence.

The costs are primarily financial, but high-confidence numbers are difficult to establish. The SPCA conservatively estimates that there are around 11,400 dogs are kept in situations of prolonged tethering or caging. However, this estimate is low confidence based only on the SPCA's estimates and there is no available data able to provide a higher confidence estimate.

The SPCA does not currently track how much time and resource it spends specifically on dog tethering cases. The SPCA progress very few tethering cases to prosecution and AWIs often identify multiple negative welfare factors during an inspection, as such making estimates of the number of cases difficult. We do have confidence that the SPCA responded to almost 1,500 callouts about prolonged dog tethering in 2020/21, but that alone does not provide very much information.

Other information that is unknown that limits analysis:

- The percentage of animal owners usually face infringement when a new regulation is introduced;
- The percentage of responses for tethering by AWIs that do involve situations that would result in infringement;
- How many of the 1500 responses to dog tethering that would continue to happen after clear regulations with penalties had been established, and introduced with education over six-months;
- How those that infringe adjust their behaviour; and
- How many owners will have to pay each of the infringements fees (\$500 and \$300), or both.

It is also unknown how many owners will adjust their behaviour, how they will do so, and how many will face infringements. Nevertheless, a possible upper bound for the costs to dog owners from infringements has been estimated. Noting that this estimate is with low

confidence. This estimation will also be applicable as a benefit to the government from new funds from infringement fees.

Net fiscal and monetary costs are likely to be very low, so any improvement to cost estimates are unlikely to be large enough to change the conclusions of analysis.

The benefits of this policy proposal are primarily qualitative. They come from improved animal welfare outcomes, and the positive effects on humans that having better animal welfare standards have. These benefits are inherently difficult to quantify and compare to monetary costs – which is the primary cost.

**I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.**

**Signed by the responsible  
Manager(s)**



Date: 31 February 2025

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Quality Assurance Statement	
Reviewing Agency: Ministry for Primary Industries	QA rating: Meets
<b>Panel Comment:</b> The Ministry for Primary Industries Regulatory Impact Analysis (RIA) Panel considers the RIS meets the quality assurance criteria. The Panel considers the problem has been clearly defined and needs to be addressed. Given the nature and scale of the problem it is not surprising that some costs may be difficult to estimate in advance. The costs and benefits that have been identified are clear. The policy proposal has been well consulted with the public and key stakeholders.	

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## Section 1: Diagnosing the policy problem

### What is the context behind the policy problem and how is the status quo expected to develop?

#### Good animal welfare is important to New Zealand

- 1 Animals play an important role in many New Zealanders' lives. They provide both companionship and income. They are also used for food and fibre, education, and research. Animals work alongside us, entertain us and provide us with companionship. These relationships and uses are generally accepted, if they are humane.
- 2 More than two thirds of New Zealand households own a companion animal, a level of pet ownership which is among the highest in the world. New Zealanders have high expectations that animals under human care are well looked after.
- 3 Practices which may have been acceptable in the past are being reviewed on the basis of new knowledge and changing attitudes. Some practices and procedures on animals which were previously accepted are now being questioned as contrary to an animal's ability to express normal patterns of behaviour or to its general health and wellbeing.

#### The Act provides a framework for animal welfare standards

- 4 The New Zealand animal welfare regulatory system is governed by the Animal Welfare Act 1999, which recognises that animals are sentient and requires that a person who owns or oversees an animal (including an animal under that person's care, control, or supervision) meets the animal's physical, health and behavioural needs, and alleviates unreasonable or unnecessary pain or distress.
- 5 The Act applies to a wide range of animals and their uses, including companion animals, production animals, wild animals, and animals used in research, testing and teaching.
- 6 The Act contains high level offences and penalties for serious breaches of the Act. MPI and the SPCA jointly enforce the Act.

#### An amendment to the Act in 2015 enabled regulations to be made

- 7 Following a review in 2011/12, the Act was amended in 2015 by the Animal Welfare Amendment Act (No 2) 2015 to improve the enforceability, clarity, and transparency of the animal welfare regulatory system. The amendments enable regulations to be made relating to standards of care, significant surgical procedures, and exporting animals.
- 8 In the absence of regulatory mechanisms, there had been no penalties proportionate to low level offences and breaches of the Act (such as infringement fees or fines). Therefore, it had been difficult to enforce minimum standards in an effective and efficient manner to drive behavioural change.
- 9 Regulations fill the gap between the Act and codes of welfare as they:
  - 9.1 are more specific than the Act;
  - 9.2 are directly enforceable — unlike codes of welfare; and

9.3 have appropriate penalties for low to medium offending.

- 10 Regulations can also be made to specify an offence as either an infringement offence or a prosecutable offence. Infringement offences do not result in criminal conviction and are, thus, suitable for minor offences. Act offences and penalties still apply if the level of offending is severe.

### What is the policy problem or opportunity?

- 11 The SPCA has conservatively estimated that around 11,400 dogs are kept in situations of prolonged tethering or caging. AWIs do not have the adequate tools to intervene and prevent dogs from experiencing unnecessary pain and/or distress.

#### **Prolonged dog tethering does harm to dogs, neighbours, and the wider public.**

- 12 The SPCA identified this issue as one of the most common areas it investigates, comprising around ten per cent of dog-related welfare complaints. SPCA inspectors respond to complaints on this issue on a daily basis with almost 1,500 complaints being received in the 2020/2021 year alone.
- 13 The SPCA has defined the problem of prolonged tethering as the tethering of a dog for such prolonged periods that the animal does not have an opportunity to display normal patterns of behaviour, causing unreasonable or unnecessary distress. The SPCA identified the issue is not the tethering of dogs per se, but rather tethering for long periods where it causes pain or distress.
- 14 No concerns were raised about dogs that are occasionally confined or tethered, such as working dogs on farms<sup>1</sup>. The SPCA states that temporary confinement or tethering (for example, for a limited time each day) can be used in line with the requirements of the Act, provided that adequate exercise, socialisation, and enrichment is provided.
- 15 Dogs which are tethered for prolonged periods are not provided sufficient opportunity to display normal patterns of behaviour, thereby causing them unreasonable or unnecessary distress which is contrary to the purposes of the Animal Welfare Act 1999 (the Act). Negative effects on dogs include restrictions on physical comfort, exposure to extreme weather, hunger and/or thirst, pain, excessive smells and poor hygiene (from build-up of faeces/urine), lack of ability to exercise, and little opportunity to perform normal behaviours.
- 16 Dogs subjected to prolonged tethering are also associated with nuisance behaviours, such as excessive barking, and serious public safety issues, such as increased risk of aggression and dog bites (to humans and other animals). This can be very distressing for neighbours and other members of the public. The majority of calls made to the SPCA concerning animal welfare issues are made by neighbours. New Zealanders value good welfare outcomes and knowing that dogs are being tethered for long periods of time is distressing.

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<sup>1</sup> MPI defines working dogs according to the Dog code of welfare as "A dog whose primary purpose is to provide practical assistance to humans, as defined in the Dog Control Act 1996. Includes disability assist dogs, dogs kept primarily for the purpose of driving and managing livestock, and security/guard dogs."

- 17 This issue has been highlighted by Chained Dog Awareness New Zealand (CDANZ). On 17 February 2022, CDANZ submitted a petition to the Parliament Petitions Committee requesting a ban on the tethering of all dogs. The petition was signed by more than 29,000 people.
- 18 Since the conclusion of public consultation in 2023 interest in introducing regulations remain high. There have been many requests and letters to the Associate Minister of Agriculture (Animal Welfare, Skills) office from CDANZ or other members of the public regarding introducing regulations to prohibit prolonged tethering. In the final quarter of 2024, two dozen letters from the public were received by the Associate Minister, either directly or via other Members of Parliament.

**Current regulations are not sufficient**

- 19 There is a gap in our regulatory toolkit for those cases where prolonged tethering of dogs creates a clear animal welfare issue, but the available evidence or severity does not reach evidentiary sufficiency to prosecute. Prosecution is resource and time intensive so very few prolonged tethering cases are prosecuted.
- 20 Current regulatory settings under the Animal Welfare Act 1999 (the Act) mean that Animal Welfare Inspectors (AWIs) respond to cases of prolonged tethering by means of a prosecution under the Act. However, prosecution in these situations is time and resource intensive for the SPCA, as such prosecutions are only progressed in select cases.
- 21 The first choice of AWIs is always to begin with educating owners on proper care, what animals need and providing owners with advice and/or material assistance. This can be a good outcome for both the dog and the person. The dog are provided a better life, and owners are educated in animal welfare, helping to end the cycle of neglect.
- 22 For cases where intervention is needed AWIs are also able to issue written warnings that remain on file, statutory instructions to prevent or mitigate suffering, compliance notices and civil enforcement orders issued by the Court that direct people to care for their animals in accordance with the Act.
- 23 However, this approach does not work with owners that are non-compliant, and in these cases, AWIs only option is to prosecute under the Act. Prosecution in these situations is time and resource intensive for the SPCA. As such, cases where there is a clear animal welfare issue, but the available evidence or severity of the specific situation does not reach evidentiary sufficiency, are not advanced. Evidentiary sufficiency is the threshold at which prosecution is likely to result in the desired outcome in balance with the resources required to investigate and prosecute.
- 24 The Act requires that people who own or are in charge of animals meet their animals' physical, health, and behavioural needs. The Act also requires that they alleviate pain and distress which is unreasonable or unnecessary in the given circumstances. However, current evidentiary and regulatory settings mean that AWIs are unable to intervene in cases of prolonged tethering unless the dog has physical injuries, and/or inadequate access to food, water, shelter, and toileting space.

- 25 This means that in cases where prolonged tethering presents a clear animal welfare issue, but the available evidence or severity of the specific situation does not reach an Act prosecution threshold, no alternative enforcement action (for example, issuing an infringement notice) is possible.
- 26 Regulation 13 of the Care and Procedure Regulations already requires that dogs must have dry and shaded shelter. The owner of the dog must ensure that the dog has access to an area that is large enough to allow the dog to stand up, turn around, and lie down in a natural position, and is fully shaded, dry, ventilated, and provides the dog with protection from extremes of heat and cold. However, this regulation does not apply when a dog is temporarily tethered or confined. As such, to use it on a dog being tethered, an AWI would have to first prove that the dog is not being permanently tethered, which would require sustained monitoring of the premises and animal.

### What objectives are sought in relation to the policy problem?

- 27 The policy objective is to improve animal welfare outcomes for dogs in situations of prolonged tethering and help ensure the credibility of the animal welfare regulatory system.

### What consultation has been undertaken?

#### Public consultation

- 28 Public consultation on the first proposed set of regulations was held in early 2023. Six possible regulatory options were consulted on.
- 29 Around 1,500 email and online submissions were received during this period, addressing either the proposed regulations on prolonged tethering, or another proposed regulation on subgingival dental procedures.<sup>2</sup> Most submissions indicated broad overall support for the proposed regulations and suggested minor amendments.
- 30 Suggestions were made for some of the exemptions consulted on, these were integrated into the proposed regulations. Stakeholders also noted potential enforcement issues of the proposed regulation mandating a period off-tether each day.
- 31 Following consultation, in June 2023, four proposed regulations were provided to the then Associate Minister of Agriculture responsible for Animal Welfare, who deferred policy decisions until after the 2023 general election. Regulatory option one is three of these four proposed regulations. It has been determined that the fourth regulation on types of tethers will instead be a separate piece of work (see para 66-67).
- 32 In 2024, the Associate Minister for Agriculture (Animal Welfare, Skills), after meeting with the SPCA, instructed officials to make the regulations more efficient and improve enforceability. This led to officials developing regulatory option two.

#### *Targeted stakeholder engagement*

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<sup>2</sup> Cabinet agreed to these regulations, and they will be confirmed by cabinet for drafting in early 2025. LEG-24-MIN-0114 refers.

- 33 Officials developed regulatory option two with assistance and feedback from the SPCA. On 27 November 2024, MPI and the SPCA met with a range of key stakeholders who had provided substantial feedback during previous consultation rounds.<sup>3</sup> All stakeholders expressed their support for both proposed regulations.
- 34 The exemptions for working dogs were further tested with groups which use working dogs. These groups included government agencies, farming organisations, and groups which advocate for disabled people.<sup>4</sup> All groups endorsed the proposed regulations and stated they did not believe that their tethering practices would be impacted by these regulations.

### International analysis

- 35 23 US states and 3 Canadian provinces have laws concerning the tethering or chaining of dogs. Most of these bans include a time limit for being tethered or a requirement for time off tether each day. These time limit bans are seen as labour-intensive and ineffective – the public often reports a dog being permanently tethered, but an attending official cannot spend 24 hours watching a house/dog. This wastes resources and frustrates and angers members of the public worried about the dog's welfare.
- 36 Some territories or communities have banned tethering entirely. These regulations are easier to apply but may appear to be heavy-handed considering that temporary tethering in and of itself does not necessarily create an animal welfare issue.
- 37 Banning tethering at night is another approach. Requiring that dogs are not tethered between certain times makes enforcement very easy. However, there is not a clear animal welfare case to be made for any hours of tethering being damaging, and there may be otherwise healthy dogs and responsible owners that could be affected by this regulation.

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<sup>3</sup> Beef + Lamb New Zealand, Companion Animals New Zealand, the Department of Internal Affairs, Federated Farmers, Kāinga Ora, and the New Zealand Veterinary Association.

<sup>4</sup> Beef + Lamb NZ, Federated Farmers, Police, Local Government New Zealand, Ministry of Disabled People, Assistance Dogs New Zealand Trust, Natural Emergency Management Authority, Fire and Emergency New Zealand, Department of Conservation, Biosecurity NZ (MPI), New Zealand Defence Force

## Section 2: Assessing options to address the policy problem

### What criteria will be used to compare options to the status quo?

38 Table One below presents the criteria used in this RIS to assess the options.

Table One: Criteria used to assess the options

Criterion	Description	Relevant questions
<b>Effective</b>	Will achieve the desired change in outcomes and achieve the desired change in practice.	<ul style="list-style-type: none"> <li>- <i>is there an identified problem?</i></li> <li>- <i>is it likely that options will achieve the desired outcomes?</i></li> <li>- <i>is it likely that option will lead to updated practices where necessary?</i></li> </ul>
<b>Efficient</b>	Minimum necessary to meet the purposes of the Act; practically and economically viable that does not put unfair or unnecessary burden on responsible dog owners.	<ul style="list-style-type: none"> <li>- <i>is the option the minimum necessary to meet the purposes of the Act?</i></li> <li>- <i>is the option practical?</i></li> <li>- <i>is the option economically viable?</i></li> </ul>
<b>Equitable</b>	A proportional response does not unfairly burden one group over others.	<ul style="list-style-type: none"> <li>- <i>which groups will be affected by the option?</i></li> <li>- <i>are any groups affected more than other groups by the option?</i></li> </ul>
<b>Clear and Enforceable</b>	Specific and measurable actions or omissions that the public can understand, and AWIs can enforce.	<ul style="list-style-type: none"> <li>- <i>does the option prescribe acts and omissions which breach the requirement to ensure people comply with their obligations under the Act?</i></li> <li>- <i>does the option prescribe acts and omissions which do not contribute to good animal welfare outcomes?</i></li> <li>- <i>does the option address any confusion or lack of certainty?</i></li> <li>- <i>can the option in practice be enforced effectively by animal welfare inspectors?</i></li> <li>- <i>how much evidence will need to be collected to enforce the regulation?</i></li> </ul>



### What scope will options be considered within?

- 39 The SPCA requested the creation of infringement regulations to help AWIs to directly address the issue of prolonged tethering. Given this, the proposed regulations had to be developed within the constraints of the requirements for infringement regulations.
- 40 Infringement offences are the appropriate approach to prohibit the prolonged tethering of dogs. The purpose of infringement offences is to deter conduct that is of low to medium seriousness, are straightforward issues, and prevent the courts from being overburdened with a high volume of relatively straightforward and low to medium-level offending.<sup>5</sup>

Requirements for creating an infringement offence	Prolonged Dog Tethering
Low to medium seriousness	Prolonged dog tethering in most cases is considered low to medium seriousness. Under the status quo, it is rare for AWIs to consider the situation severe enough to progress and justify criminal prosecution.
Straight forward issue	The SPCA have said that AWIs can easily identify when prolonged tethering is creating negative welfare outcomes for the dog. They want these regulations to be able to match the simple nature of the everyday prolonged tethering cases they see.
High volume that would overburden the courts.	Without an infringement penalty, as under the status quo, it will continue to be too resource intensive to prosecute owners who prolongingly tether their dog. If all cases of prolonged tethering were instead advanced as criminal prosecutions, it would place a huge burden on both AWIs having to provide evidence and the courts handling the cases.

- 41 These proposed regulations had to be very specific and clear. A good example of an infringement offence is a parking ticket, where a person knows when they have breached a regulation, and an enforcement officer needs to be certain the offence has been committed when they issue the infringement notice.
- 42 Given this requirement for specificity and clarity, the initial SPCA proposal for prolonged tethering was a single regulatory option, based on physical indicators of mental distress, addressing the whole issue.
- 43 Analysis of the SPCA proposal found it to be overly complex, unclear, and any infringements being at risk of being successfully disputed. Given this, the approach taken to the initial policy development and into consultation was to propose several draft options which address different aspects of the issue. It was anticipated that, taken together, these proposed options would function to

<sup>5</sup> LDAC Guidelines: 2021 Edition. <https://www.ldac.org.nz/guidelines/legislation-guidelines-2021-edition/compliance-and-enforcement-2/chapter-25>

improve the conditions of dogs in situations of prolonged tethering. This meant that the issue of prolonged tethering most likely cannot be directly addressed with a single infringement regulation based on physical indicators of mental distress.

- 44 Six possible regulatory options were consulted on of which four were taken to the previous Associate Minister of Agriculture (Animal Welfare), who deferred a decision until after the 2023 election. The first set of regulatory options is made of three of those regulations that were taken to the Associate Minister of Agriculture (Animal Welfare, Skills).
- 45 In 2024, the Associate Minister for Agriculture (Animal Welfare, Skills) instructed officials to make the regulations more efficient and enforceable while still protecting dogs without unduly burdening dog owners. This led to officials developing regulatory option two, which contains two proposed regulations. The regulations are similar to two of those consulted on and taken to the Associate Minister of Agriculture (Animal Welfare) in 2023.

### What options are being considered?

#### Status Quo

- 46 Take no additional action. This would continue the current situation of limited, resource intensive tools that are usually not applied by AWIs. If the status quo was continued, the gap in enforcement would persist and the prolonged tethering of dogs would remain a problem that AWIs could not address effectively.
- 47 The SPCA and MPI have been working to make full use of the existing compliance tools on this issue. Current legislative settings only allow AWIs to respond to prolonged tethering by means of prosecution under the Act. However, prosecution in these situations is time and resource intensive for the SPCA, and so is only used in selected cases where the case is severe, and there is sufficient available evidence.
- 48 The SPCA also uses compliance notices. The SPCA consider compliance notices to be ineffective as a tool to address the problem as it is difficult to translate into a written compliance directive. Compliance notices are orders issued by the Court that direct people to care for their animals in accordance with the Act.
- 49 Compliance notices can and will be used by the SPCA where the problem confronting the inspector fits within their purpose. However, the welfare compromise experienced by the large numbers of dogs subject to tethering for prolonged periods of time in New Zealand is one that requires a nationally consistent solution.
- 50 The SPCA's first step is always educating owners about their responsibilities, and the requirements for a dog's health and behavioural and emotional wellbeing. From there, kennels, run-lines, and other supplies may be provided to provide the dog with a better environment and set expectations of the owner. The SPCA came to MPI with this problem requesting more tools because their existing approach was deemed insufficient in improving welfare outcomes for dogs that were being tethered for prolonged periods.



- 51 Kainga Ora are proposing changes to their Pets Policy so that inadequately fenced properties will not be considered suitable for keeping a dog, which may reduce risk of dogs being tethered for long periods. However, this will have a limited effect as most Kainga Ora properties are already fenced, and if a regulatory option is chosen the Pets Policy change will still occur.

**Regulatory option one – previously proposed regulations**

- 52 These proposals aim to improve the circumstances of dogs in these situations and capture those cases where there is a low to medium level of offending. The full proposed regulations are available in Appendix Two. The three proposals are:

- 52.1 Tethered dogs must get two separate continuous one-hour periods off tether each day.
- 52.2 Certain categories of dogs cannot be tethered;
- 52.3 A person must not tether a dog displaying certain physical signs of distress.

**Regulatory Option Two – New Proposed Regulations**

- 53 These regulations were developed by MPI in consultation with SPCA representatives, with the objective of making regulations that are more enforceable than regulatory option one. The full proposed regulations from regulatory option two are in Appendix Three. The two proposals are:

- 53.1 A person must not tether a dog in conditions associated with prolonged tethering;
- 53.2 Certain categories of vulnerable dogs cannot be tethered, with exemptions.

- 54 The infringement levels for these regulations are based upon comparable regulations in the Care and Procedure Regulations. It is considered that these offences have the potential to cause mild to moderate harm to the animal.

- 54.1 The first regulation is an infringement offence with a fee of \$500 or a maximum \$1,500 fine if imposed by the Court. This is consistent with fees for the neglect of animals leading to poor conditions, for example, animals with ingrown hairs, and failing to prevent injury.

- 54.2 The second has a fee of \$300, or a maximum \$900 fine if imposed by the Court. This is based on similar offending such as dogs left in vehicles, and dogs on moving motor vehicles.

- 55 The first proposed regulation directly prohibits the tethering of dogs displaying signs highly associated with prolonged tethering, such as compulsive barking, spinning, or over-grooming. The regulation builds on an earlier proposed regulation which prohibited tethering dogs with certain physical indicators from being tethered and is modelled on regulation 14 (dogs left in vehicles) of the Care and Procedures Regulations.

- 56 The intention of the first regulation is to protect dogs from being tethered in such a way that they are unable to display normal patterns of behaviour as required by section 4(c) of the Act, and consequently suffer physical pain and

mental distress. The proposed regulations would include exemptions to allow for the veterinary care and treatment of dogs, and temporary tethering for human and animal safety.

- 57 The second proposed regulation prohibits people from tethering certain classes of vulnerable dogs (such as dogs who are on heat, nursing, or under six months of age); and establishes exemptions to that prohibition. Exemptions to allow the tethering of dogs include:
- 57.1 long enough for the owner to complete a temporary task while under constant supervision;
  - 57.2 working dogs in certain circumstances under constant supervision;
  - 57.3 dogs under six months of age training to become working dogs under constant supervision;
  - 57.4 when used by an Animal Welfare Inspector or Dog Control Officer; and
  - 57.5 when a veterinarian advises tethering is necessary.
- 58 The intention of allowing dogs to be tethered for the duration of a temporary task is to allow owners to tether their dogs for only as long as necessary and reasonable to complete a task. The regulation is intended to allow tethering for situations such as when visitors, other animals, or tradespeople are on the owner's property, or when a gate that usually contains a dog must remain open.
- 59 Prolonged tethering is most frequently observed by the SPCA with companion dogs kept in urban areas. As such, exemptions to the second regulation are proposed for working dogs. Working dogs tend to have plenty of space to move and exercise and have sufficient time to display normal patterns of behaviour and fulfil their exercise needs.
- 60 Officials have been advised by Beef + Lamb New Zealand and Federated Farmers that there are times when tethering a dog under six months old forms a necessary part of its training. If the exemption was not provided, farmers tethering a dog under six months old on their farm could be infringed as the act would take place on the land/premises owned/occupied by the dog owner or person in charge of the dog. The SPCA have said it does not expect to infringe on farmers, and that their focus is on companion dogs in urban areas.

### Options that have been considered and then discounted

#### Non-regulatory options

- 61 Other non-regulatory options include using the Code of Welfare: Dogs or new education, guidance, or training. Non-regulatory options are unlikely to be effective.
- 62 Some dog owners who practice prolonged tethering would respond to the increased guidance, education, and training. If the only enforcement option is to use an act level criminal offence, the AWIs will continue to not be able to enforce action when owners do not change their behaviour.

- 63 Codes of welfare are not directly enforceable; there are no offences for breaching them. Codes of welfare reflect good practice, scientific knowledge, and available technology. However, a breach of a code of welfare can be relevant in a prosecution under the Act and demonstrating adherence to a code of welfare can be used to defend against or refute a prosecution.
- 64 A limit on tethering could be put into the Code. Either a time-limit or a less specific prohibition based on any of the regulations in this document could be introduced. As said, codes of welfare are not enforceable, but it could potentially make it easier for AWIs to prove a prosecution under the Act. However, without infringements, AWIs will still not be able to enforce expectations efficiently, and they will not have the resources to prosecute offenders and create behaviour change.
- 65 Non-regulatory options are likely to be more effective and efficient than the status quo, but they are considered unlikely to meet the policy objectives. Non-regulatory options will not give AWIs the tools to be able to enforce and create behaviour change in the public.

#### Regulating the types of tethers that can be used

- 66 Regulatory option one, when taken to the previous Associate Minister of Agriculture, had a fourth regulation that would have regulated the types of tethers that can be used to tether a dog. However, during the development of regulatory option two it was determined that making an amendment to the Care and Procedures Regulations would be a more effective way to regulate the kind of tethers used. Regulation 47 currently regulates the kinds of collars and tethers can be used. The intention is to prohibit the use of a tether or collar that creates a risk of injury (e.g. entanglement or choking).
- 67 Amending regulation 47 will involve adding dogs to the list of animals in that regulation that have requirements on tethers, and potentially adding more categories of banned tethers. A review of the Care and Procedures Regulations, including regulation 47, is also a separate piece of work which MPI plans to conduct in the near future. The preference is to not delay tethering regulations, as such, the fourth regulation has been removed from the regulatory options in this analysis.

#### How do the options compare to the status quo/counterfactual?

##### Impact analysis

- 68 Analysis of the options compares them as overall options rather than each individual regulation. **Appendix One** presents the full impact analysis of each option and each of the regulations in regulatory option one and two.
- 69 The options are being compared as overall options because each individual regulation does not stand on its' own. The mixing of regulations would not work to achieve the objectives of the proposed regulation as AWIs would not have adequate tools to enforce requirements.

### Options analysis

For a full table of analysis of each of the individual sub-options refer to **Appendix One**.

		<b>Regulatory Option One</b> Three regulations: (a) requiring time off tether; (b) prohibiting the tethering of certain categories of dog; (c) prohibiting the tethering of dogs displaying certain physical signs of distress; and/or	<b>Regulatory Option Two</b> Two regulations: (a) A person must not tether a dog in conditions associated with prolonged tethering; (b) Certain categories of vulnerable dogs cannot be tethered, with exemptions.
<b>Status quo:</b> Take no action			
<b>Overall</b>	0	√ Developing regulations prohibiting the prolonged tethering of dogs is likely to be more effective than the status quo, as animal welfare inspectors should be able to intervene in cases where these dogs are tethered. This should reduce the overall number of dogs under conditions of prolonged tethering and protect the welfare of vulnerable categories of dogs.	√√ Regulatory Option Two achieves a lot of the same benefits as Option One. However, without the time off tether requirement, and instead more heavily relying on signs of tethering. This option is more efficient and enforceable.
<b>Effective</b> – the desired change in outcome and/or updated practice be achieved	0 Taking no action will not result in a change in current outcomes — AWIs will not be able to intervene in clear cases of prolonged tethering.	√√ Developing regulations prohibiting the prolonged tethering of dogs is likely to be more effective than the status quo, as animal welfare inspector should be able to intervene in cases where these dogs are tethered. This should reduce the overall number of dogs under conditions of prolonged tethering and protect the welfare of vulnerable categories of dogs.	√√ The second set of regulatory options are likely to be similarly effective as Regulatory Option One at achieving the desired objectives.
<b>Efficient</b> – requirements are the minimum necessary,	0 Taking no action would not be the minimum necessary response, as there would be no change in outcomes.	√ This proposed regulation is likely to be as efficient as the status quo, as a prosecution under this proposed regulation would require proof that the dog has not been let off the tether for two separate	√√ This option will be similarly efficient to Regulatory Option One. It will be more efficient because will not rely on monitoring the dog over an extended

practical, economically viable and administratively efficient	Act prosecutions are resource intensive and not feasible to pursue with current tools.	hours in a 24-hour period. However, the regulations prohibiting the tethering of certain types of dog or dogs showing certain signs should be more specific, and, therefore, potentially less resource intensive to enforce than the status quo.	period to prove that a dog has not been let off its tether. Instead AWIs will be able to make more specific decisions based on observable conditions.
<b>Equitable</b> – the level of intervention will be a proportional response, not unfairly burdening one group over others	0 Taking no action will not be equitable, as there will be limited to no consequences for offenders not complying with their obligations. AWIs will continue to be unable to intervene in clear cases of prolonged tethering or caging. Public trust in SPCA will continue to be at risk.	√ Overall, this regulation should contribute to consistent animal welfare outcomes.  Offences and penalties under the Act will also be available for the most serious animal welfare offending.	√ Overall, this regulation should contribute to consistent animal welfare outcomes.  This regulation may be more equitable because of instead of relying on a difficult to measure requirement (time off tether) that may be difficult to apply consistently, they can focus on observable evidence.
<b>Clear and Enforceable</b> – the actions or omissions are specific, measurable, and understandable for owners and AWI, and evidence easily gathered and regulations enforced.	0 Taking no action is not clear - prosecution of prolonged tethering is possible, but the time and resources required mean that prosecution is only used in selected cases. In most cases, no action is possible. Expectations of owners is unclear.	√ These proposed regulations will provide clarity as to what conditions would constitute a breach of the requirements. This should help people comply with their obligations under the Act and contribute to good animal welfare outcomes and compliance action where needed. This would be difficult to enforce because it requires AWIs to gather a lot of difficult to gather evidence about time off tether.	√√ This option would provide even further clarity about what is expected. There would not be a specific number that dogs would have to be on or offer tether every 24 hours, instead expectations about conditions are clear. Owners will know they are violating the standards based on what they can observe themselves. While AWIs will be able to easily enforce these regulations based on observable evidence. SPCA AWIs were a part of the process developing these signs so that they are the most commonly associated with tethering, and not something that they see often in other circumstances.

### What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 70 In summary, the analysis shows that regulatory option two is most likely to best address the problem, meet the objectives, and deliver the highest net benefit.

#### Meeting the policy objectives

- 71 The policy objective is to improve animal welfare outcomes for dogs in situations of prolonged tethering and help ensure the credibility of the animal welfare regulatory system.
- 72 With these regulations, AWIs will be able to more often and more easily act in cases of prolonged tethering. The proposed regulatory options will prohibit specific acts or signs of poor welfare resulting from prolonged tethering, thereby lowering the threshold and allowing a greater scope of enforcement actions. With these regulations AWIs will be able to address negative welfare concerns, both through clear expectations set out in regulations, and infringements to enforce those expectations.
- 73 The straightforward evidential threshold will make it easier for AWIs to act in more cases. Infringement offences are for low-level offending and are intended to change behaviour. Where the situation is serious enough, a person could still be prosecuted for an offence against the new regulations or for an offence against the Act.
- 74 Regulations based on conditions and material evidence will be clear for AWIs to identify and collect. With infringements they can easily enforce those requirements and provide clear feedback and incentive for dog owners to change their behaviour.
- 75 The vast majority of dog owners and New Zealanders already understand that permanent tethering leads to poor welfare outcomes and offers limited opportunities for the dog to display normal behaviours. Regulations will reset the understanding of the portion of society that is not aligned with the majority's perspective that prolonged tethering is unacceptable.
- 76 Stakeholders have indicated concern that through regulating against prolonged tethering of dogs, but not simultaneously preventing the prolonged confinement of dogs, poor tethering may simply be swapped for cages. If the proposed regulations are agreed, MPI will explore the feasibility of developing regulations relating to prolonged and inappropriate confinement. Education will also be used to dissuade owners from swapping one poor practice for another.

#### Comparing regulatory option one and two

- 77 Regulatory option one and two are both more effective, efficient, equitable, and clearer than the status quo. However, option one presents some similar enforcement issues to the status quo, given difficulties proving that a dog has not been let off a leash for two periods of 60 continuous minutes in a given 24-hour period.
- 78 There will be a potential long-term benefit from increased trust in the SPCA and the credibility of our animal welfare system. As regulations are directly



enforceable, they are expected to provide a stronger incentive to people who continue to mistreat their animals.

- 79 Regulations will lead to better outcomes for dogs currently not released from tether. There will be fewer instances overall where an animal's physical, health and behavioural needs are not met because of prolonged tethering, and fewer instances of the tethering of inappropriate categories of dogs. Fewer dogs being never let off their tether will also lead to fewer callouts to deal with dogs, and fewer aggressive dogs that may harm people or other animals.
- 80 During consultation, regulation 1a (time off tether) was considered by many submitters to be too difficult to enforce, and in the analysis, there are similar enforcement challenges as under the status quo. In countries that have them, time limit bans are seen as labour-intensive and ineffective: the public often reports a dog being permanently tethered, but an attending official cannot spend 24 hours watching a house/dog to confirm the dog is not being released for the required period. This wastes resources and frustrates citizens worried about the dog's welfare.
- 81 Additionally, a time off tether requirement could confuse expectations, and make some owners believe that limited time off every 24-hours allows other bad conditions. Instead, with a list of conditions that an AWI or owner might be able to easily observe, it is clearer what is acceptable and when an offence has occurred.
- 82 Regulatory option two establishes similar expectations as regulatory option one, but is clearer and more easily enforceable. Working with the SPCA, officials developed a list of physical, environmental and behavioural signs highly associated with prolonged tethering (Appendix Three). Therefore, AWIs will be able to use these indicators to make an infringement; significantly reducing the evidence gathering requirements on AWI. Over time we expect to see fewer of these indicators associated with prolonged tethering as dog owners adjust their behaviour.
- 83 This proposal is modelled on the approach taken in regulation 14 of the Care and Procedures Regulations concerning dogs left in vehicles. The regulation will create an infringement offence for cases where pain or distress caused by prolonged tethering can be identified by environmental and behavioural indicators, as supported by science. Indicators like these are easier for AWIs to identify, gather evidence for, and prove than a time-limit.

#### **Consultation and targeted engagement**

- 84 During the initial public consultation process on the six possible regulations to prohibit prolonged tethering, most submissions broadly supported the proposed regulations. Concerns were raised with the enforceability of regulation 1a, and the Associate Minister for Agriculture (Animal Welfare, Skills) agreed more enforceable and efficient regulations could be identified.
- 85 Officials developed regulatory option two with assistance and feedback from the SPCA. On 27 November 2024, MPI and the SPCA met with a range of key stakeholders that provided substantial feedback during previous consultation rounds: Beef + Lamb New Zealand, Companion Animals New Zealand (CANZ), the Department of Internal Affairs (DIA), Federated Farmers, Kāinga Ora (KO), and the New Zealand Veterinary Association (NZVA).

- 86 All groups supported regulatory option two. They supported the simpler approach and agreed they would be more easily enforceable than the regulations initially proposed and consulted. None of those consulted with believed that the regulations would negatively affect themselves or their stakeholders.
- 87 The exemptions for working dogs were further tested with groups which use working dogs. These groups included government agencies, farming organisations, and groups representing disabled people. All groups endorsed the proposed regulations and stated they did not believe that their tethering practices would be impacted by these regulations.

**Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?**

- 88 Yes.

**What are the marginal costs and benefits of regulatory option two?**

- 89 Benefits of these regulations outweigh the costs.
- 90 Benefits are largely not fiscal or monetary, they are primarily benefits to society in caring well for its companion animals. This is something that matters to the wider community and forms an important part of how New Zealanders see themselves.
- 91 The costs are considered low, both to the relevant agencies (MPI, SPCA) and the public/dog owners. Information on the economic costs associated with the proposed regulations are outlined below.

**Summary**

- 92 As exact figures are not available, the cost-benefit analysis for these two sets of proposals is carried out using the following assumptions:
- 92.1 Low economic impact – a likely economic impact of up to \$2 million across New Zealand.
- 92.2 Medium economic impact – a likely economic impact amounting to between \$2 million and \$5 million across New Zealand.
- 92.3 High economic impact – a likely economic impact amounting to over \$5 million across New Zealand.

Monetised Costs and Benefits			
Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Tethered dog owners	Some dog owners will need to make one-off financial purchases to comply with the regulations. Some of these costs will fall on owners and some with the SPCA.	Low	Low — equipment required will vary between dog owners, prices will vary over time, and how dog



	Using the SPCA estimate of 11,400 dogs being kept in situations of prolonged tethering or caging, and applying a \$50 cost the estimated total Present Value (PV) of the compliance costs to owners is \$568,696		owners change their behaviour
Tethered dog owners	Some dog owners will remain non-compliant and will have to pay infringement fees.  A range of assumptions have been used to create an estimated upper bound for the total cost of infringement fees.  The estimated total Present Value (PV) of the monetised cost to owners from infringement will total \$209,198.60 over 10 years following enactment.	Low	Medium – The number of dogs being tethered is an estimate based on compliance for a previous regulation. It is unknown how owners will change their behaviour to react to new requirements, and what the average infringement fee will be.
Regulators (MPI and SPCA)	No additional financial costs identified — no changes assumed in compliance activities by AWIs.	Low	Medium
<b>Total monetised costs</b>		<b>Medium</b>	<b>Low</b>
<b>Additional benefits of the preferred option compared to taking no action</b>			
Dog owners	No additional financial benefits identified	None	Medium
Regulators (MPI and SPCA)	No additional financial benefits identified	None	High
Government Finances	Monetised benefits to the governments central finances will be proportional to the infringement costs. Money from infringements goes into the Government's Consolidated Fund.	Medium	
<b>Total monetised benefits</b>		<b>Low</b>	<b>High</b>

<b>Non-monetised Costs and Benefits</b>			
<b>Affected groups</b>	<b>Comment</b>	<b>Impact</b>	<b>Evidence Certainty</b>
<b>Non-monetised costs</b>			
Tethered Dogs	Some dog owners instead of improving their tethering owners will instead keep their dog indoors, caged or permanently kennel their dog, let them run loose, or put them down.	Medium	Low
Tethered Dog Owners	Dog owners will have to improve as owners, get rid of their dog and not get a	Medium	Low

	new one, keep them indoors, or put them in a kennel/cage.		
Regulators	No additional non-monetised costs identified.	None	Medium
<b>Non-monetised benefits</b>			
Tethered Dogs	Have improved opportunities to display normal patterns of behaviour.	High	Medium
Regulators	Clear offences and penalties and the introduction of an infringement fine system will better support AWIs to respond to animal welfare issues.	Medium	Medium
Wider Public	There are two categories of benefit to the wider public, firstly increased welfare and reduced stress to the public from knowing that fewer animals are suffering. Secondly, reducing the number of frustrated and unreasonably aggressive dogs that are known to bark a lot, and to attack people or other dogs.	Medium	Medium

## Costs

### Costs to dog owners

- 93 The number of complaints about dogs tethered for prolonged periods received by the SPCA as a proportion of the total number of companion animals in New Zealand is very small. This serves to illustrate that the level of offending against the number of animals we have in New Zealand is low.
- 94 The code of welfare for dogs sets out minimum recommended standards, and it is reasonable to assume that most owners are complying with minimum standards. For these people there will not be any additional costs associated with the requirements set out in most of the proposed new regulations.

### Compliance Cost

- 95 For those people who do need to change the mechanism by which they confine their animals, we anticipate the cost of this change will largely be one-off and minimal. As part of their approach to educating and encouraging good animal welfare practice, the SPCA often offer this equipment when they see or are informed of dogs living in poor conditions. As such, some of these costs will fall on owners and some on the SPCA.
- 96 Assumptions in this calculation:
- 96.1 On average an owner must spend \$50 to comply with the regulations. This could include but does not require the purchasing of equipment or changes to their property to let the dog off tether.
  - 96.2 The SPCA estimates there are 11,400 dogs currently being tethered for prolonged periods.

- 96.3 The dog owners that are non-compliant in the same period have not spent that \$50 to comply with the regulations. Non-compliant is defined as those who face a “valid” complaint.
- 97 Using these assumptions, the present value of the compliance costs on dog owners is approximate \$568,695.88. This means the total impact is considered low. The model and assumptions used are available in **Appendix Four**.
- 98 MPI acknowledges that this cost could be relatively large for low-income households, and so is proposing a delayed implementation of the proposed regulations of six months to help these dog owners make the required purchases or alternative arrangements. This is also the preferred approach of the SPCA.

### *Infringement Costs*

- 99 Following the implementation period, some dog owners will remain non-compliant with new requirements after the six-month implementation period and will be issued infringements. This estimation is based on data provided by the SPCA on their approach to enforcing compliance of regulation 13 of the Care and Procedure Regulations.<sup>6</sup>
- 100 Assumptions used in this calculation:
- 100.1 Infringement cost is \$400. \$400 is the average of the two infringement fees created by this regulatory option.
- 100.2 There are 1500 complaints<sup>7</sup>; the number of complaints the SPCA received about tethering or confinement in 2020/21, will be the number of complaints received after the regulations are enforced.
- 100.3 3.8% of those complaints are valid and these dog owners resist changing their practices and receive infringement fines.
- 101 Using these assumptions the PV of the cost of infringements will total \$209,198 over the 10 years following enactment. The model and assumptions used is available in **Appendix Four**.

### **Costs to the government**

- 102 There will likely be low or no fiscal costs to the government arising from ensuring compliance with the proposed regulations for dog tethering. Potential costs include costs of education and raising awareness of the new regulations, costs of enforcement activity, and administration costs for issuing and collection of fines. These costs will sit with both the SPCA and MPI as the two enforcement agencies under the Act.

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<sup>6</sup> Animal Welfare (Care and Procedures) Regulations 2018: Regulation 13: “Dogs must have dry and shaded shelter”

<sup>7</sup> In reality, it is likely there will be an initial increase in the volume of complaints but, over time as dog owner behaviour changes, there will be a decrease in the number of complaints being reported.

- 103 We also expect that the proposed regulations for prolonged dog tethering will result in an increase in the levels of prosecutions undertaken under the new regulations.
- 104 There will not be any cost from training AWIs. AWIs will carry out regular duties but will now be able to give an infringement when other options do not work.
- 105 There will be no additional cost for the six-months between introduction and enforcement. The SPCA will continue regular activities. The difference will be what they are educating the public on, rather than increasing cost or workload.

*Impact on the court system*

- 106 Once the new regulations for prolonged tethering come into force, we expect that the number of infringements or regulatory prosecutions will rise slightly. There are no statutory defences available for infringement offences, but a defendant may write to the issuing authority or a District Court asking for a review of the decision to issue. There are limited statutory defences available for regulatory prosecutions. In all, we anticipate that only a few infringements and prosecutions will be challenged by the defendant, largely by way of letter requiring a review of the circumstances that led to issue of the original fee.
- 107 In addition to the cost of proceeding with infringements and regulatory prosecutions there are potential costs to the justice sector in respect of infringements that are appealed or for prosecution offences as they proceed through the courts process.
- 108 Although the costs of taking regulatory prosecutions will be lower than the costs incurred when taking prosecutions under the Act, all prosecutions must still be considered in the context of the Solicitor-Generals' Prosecution Guidelines. Cases will only be taken where there is a high probability of success – making appeals less likely.
- 109 The new regulations are expected to drive the behavioural change required to reduce low to medium level offending. There will be reduced court time to enforce tethering compared to the status quo. Previously if the SPCA wanted to enforce requirements to keep dogs in a safe and humane environment they needed to prosecute the offender in court. In theory the SPCA and courts now require fewer resources to reach the same end-state. However, the SPCA has taken very few dog owners to court.

*Fiscal implications*

- 110 The implementation of the proposed option around dog tethering may put pressure on SPCA baselines to fund activities to raise awareness of the new regulations and to fund enforcement activities.
- 111 At this stage it is proposed to manage ongoing fiscal costs within baseline. If substantive additional volumes of enforcement activity escalate costs to a point where this is no longer manageable, additional funding may need to be sought.
- 112 MPI and the SPCA reached terms for the current funding agreement on 29 August 2022. Under the agreement, MPI provides the SPCA with \$2.56 million per annum for the next three years, in addition to the current agreement of

\$2.54 million per annum (total \$5.1 million per annum). SPCA funding will be reviewed and renewed in August 2025, before the regulations come into force.

### Non-monetary costs

- 113 There is a potential that some dog owners instead of improving their tethering owners could instead keep their dog indoors, cage or permanently kennel their dog, let them run loose, or put them down.
- 114 Dog owners who currently permanently tether their dogs will have a range of possible options in response to the new regulations. Some will improve as owners, others will opt to keep their dog indoors, while others may cage or permanently kennel their dog, let them run loose, or put them down. All these potential outcomes come with non-monetised cost.

### Benefits

#### Monetised benefits

- 115 It is not anticipated that there will be any significant direct fiscal benefits or revenues to the Crown arising from the implementation of regulatory option two.
- 116 The government will achieve marginal additional revenues associated with the new enforcement option that are available because of these regulations. As with most fiscal penalties imposed in the criminal justice system, those revenues will revert to the central pool and will not be directly available to the enforcement agency responsible for imposing them.
- 117 The monetary benefit to government will be proportional to the monetary costs of infringement on dog owners. The PV of the cost of infringements will total \$209,198 over the 10 years following enactment. Full calculation of the estimated benefits of infringement to the government is available in **Appendix Four**.

#### Other benefits

- 118 Clear offences and penalties and the introduction of an infringement fine system will better support AWIs to respond to animal welfare issues.
- 119 While there is generally no financial benefit to society in caring well for its companion animals, this is something that matters to the wider community and forms an important part of how New Zealanders see themselves. Animals work alongside us, entertain us and provide us with companionship. These relationships and uses are generally accepted, if they are humane. Animals are sentient and can feel pain and distress. Animals also enrich our human and social capital through their companionship.
- 120 There are two categories of more direct benefit to the wider public and neighbours of tethered dogs:
- 120.1 The New Zealand public value good animal welfare outcomes. When outcomes improve, fewer members of the public will be disturbed by distressed dogs which cause a public nuisance. Animal advocates will have improved trust in New Zealand's animal welfare system and the SPCA.

120.2 Additionally, reducing the number of dogs permanently tethered will also reduce the number of anti-social, aggressive dogs. Dogs who have been tethered for a prolonged period commit a disproportionate number of dog attacks on both humans and other dogs.

121 Over time, as expectations for dog-ownership and dog tethering change, costs are likely to go down and benefits up:

121.1 Potential long-term benefit based on increased trust in the SPCA and the credibility of our animal welfare system.

121.2 As regulations are directly enforceable, they should provide a stronger incentive to people who continue to mistreat their animals and will change the behaviour of more people over time.

121.3 Existing costs are expected to fall over time as new standards and expectations are set for owners tethering their dogs. The SPCA will spend fewer resources enforcing regulations, educating dog owners, and providing them with assistance.

Proactive Release



## Section 3: Delivering an option

### How will the proposal be implemented?

- 122 Any new regulations would need to be given effect through the making of regulations by Order in Council by the Governor-General on the recommendation of the Minister, under the Act.
- 123 Once implemented, the SPCA will have responsibility for the enforcement of the regulations.
- 124 MPI will have responsibility for the ongoing operation of the regulations and will work with stakeholders including the SPCA, NZVA, VCNZ, NZVNA, B+LNZ, LGNZ, DIA, and Federated Farmers to make sure that educational and communications material is developed to help people understand, and ensure they are able to comply with their obligations.

#### Implementation risk

- 125 Where the new regulations affect the Code of Welfare: Dogs, amendments will be made to align with the regulations. A lack of alignment could lead to misalignment between requirements under regulations and recommended practices under the Animal Welfare Act 1999.

#### Delayed commencement

- 126 Any new regulations relating to the prolonged tethering of dogs should have a delayed commencement date of six months. This is to allow enforcement agencies time to raise awareness of the new tethering requirements and allow affected dog owners time to make the required changes. This will reduce the impact on owners and lead to better outcomes without having to infringe on owners or uplift dogs.

#### Enforcement

- 127 The Act is primarily enforced by MPI and the SPCA. The SPCA is an approved organisation under section 121 of the Act which allows them to have AWIs who enforce the Act.
- 128 The SPCA focuses on enforcement of regulations relating to companion animal welfare issues.
- 129 The proposed regulations introduce new offences, however, prosecution or issuing an infringement may not be appropriate in all cases. For example, educational material may be more appropriate for a first offence where there was a genuine lack of knowledge, and the offending was minor. In other situations, depending on the specific circumstances, if a defendant had a reasonable excuse for their actions under section 21(1) of the Act, an infringement notice would not be issued, or a prosecution taken.

### How will the proposal be monitored, evaluated, and reviewed?

#### Monitoring

- 130 MPI and the SPCA have databases that record when breaches of regulations are detected and the outcome of the investigation of those breaches. Analysis of the databases is undertaken to identify compliance trends. Those databases will be adapted to include the new regulations to assess

compliance and enforcement issues. However, it should be noted that compliance activity is largely reactive to complaints received.

#### **Review and evaluation**

- 131 MPI proposes to review the performance of the regulations after a period of three to five years following commencement of the regulations. This review will look at whether the regulations are achieving their objectives, stakeholder awareness of their obligations, and whether there are any barriers to implementation.
- 132 MPI and the SPCA will continue to engage on these regulations and the issue of prolonged dog tethering to ensure that the regulations achieve their purpose. If some regulations, or aspects of the regulations, were not working as intended, those regulations would be reviewed for efficacy. This would be followed by actions undertaken as appropriate and necessary to ensure the purposes of the Act are being met.
- 133 MPI regularly engages with stakeholders to assess issues to do with animal welfare, and the workability of the animal welfare framework in general (including codes of practice and regulations). These forums provide an opportunity for stakeholders to raise concerns or issues about the proposed regulations.



Appendix One: Impact analysis table of options to address prolonged tethering of dogs

Key:

XX	Much worse than status quo
X	Worse than status quo
0	Same as status quo
√	Better than status quo
√√	Much better than status quo

	Status quo: Take no action	Non-regulatory options: i.e., codes of welfare, education, training, and guidance	Regulatory Option One			Regulatory Option Two	
			Option 1a Proposed regulation – time off tether	Option 1b: Proposed regulation – Prohibiting the tethering of certain categories of dog	Option 1c: Proposed regulation – physical indicators	Option 2a: A person must not tether a dog in conditions associated with prolonged tethering.	Option 2b: Certain categories of vulnerable dogs cannot be tethered, with exemptions.
Effective – the desired change in outcome and/or updated practice be achieved	0 Taking no action will not result in a change in current outcomes — AWIs will not be able to intervene in clear cases of prolonged tethering.	√ Non-regulatory options would be more effective than the status quo, as there would be some changes in animal welfare outcomes from those who inadvertently mistreat animals through a lack of knowledge. Unlikely to change behaviour of those outliers that continue to mistreat animals.	√ Developing this proposed regulation may be more effective than the status quo. Where a lack of time off tether could be proven, AWI should be able to intervene in cases of prolonged tethering.	√ Developing regulations prohibiting the tethering of certain categories of dogs is likely to be more effective than the status quo, as AWIs should be able to intervene in cases where these dogs are tethered. This should reduce the overall number of dogs under conditions of prolonged tethering and protect the welfare of vulnerable categories of dogs.	√ Developing regulations prohibiting the tethering of dogs displaying certain physical indicators is likely to be more effective than the status quo, as AWIs should be able to intervene in cases where these dogs are tethered. This should reduce the overall number of dogs under conditions of prolonged tethering.	√√ Where AWIs can prove that a dog is suffering in conditions associated with tethering then they can take action with an infringement.  A wide range of behavioural, physical, and environmental signs developed with the SPCA based on the latest science and their observations. Will make it clear to owners the conditions that are acceptable for a dog, and re-set expectations about what it means to care for a dog.	√ This regulation is the same as 1b.
	Status quo	Non-regulatory options	Option 1a	Option 1b	Option 1c	Option 2a	Option 2b
Efficient – requirements are the minimum necessary, practical,	0 Taking no action would not be the minimum necessary response, as	√ Education and training can be resource intensive and unlikely to reach all outliers.	√ This proposed regulation is likely to be more efficient than the status	√√ Regulations prohibiting the tethering of certain types of dogs should be more specific, and, therefore, potentially less	√√ Regulations prohibiting the tethering of dogs displaying certain physical indicators should be more specific, and,	√√ This regulation is largely the same as 1c.	√√ This regulation is the same as 1b.

economically viable and administratively efficient	there would be no change in outcomes.  Act prosecutions are resource intensive and not feasible to pursue with current tools.		quo at achieving objectives. While infringements/ prosecutions for tethering would remain rare, some people will nevertheless change their behaviour due to these requirements. However, this regulation would require proof that the dog has not been let off the tether for two separate hours in a 24-hour period. This is hard to enforce and not a very efficient way to achieve requirements.	resource intensive to enforce than the status quo.  Developing these regulations may be much more efficient than the status quo, as these regulations should give AWIs practical grounds to intervene.	therefore, potentially less resource intensive to enforce than the status quo.  Developing these regulations may be much more efficient than the status quo, as these regulations should give AWIs practical grounds to intervene.		
	Status quo	Non-regulatory options	Option 1a	Option 1b	Option 1c	Option 2a	Option 2b
<b>Equitable</b> – the level of intervention will be a proportional response, not unfairly burdening one group over others	0  Taking no action will not be equitable, as there will be limited to no consequences for offenders not complying with their obligations. AWIs will continue to be unable to intervene in clear cases of prolonged tethering or caging. Public trust in the SPCA will continue to be at risk.	0  Non-regulatory options would be as equitable as the status quo, as AWIs would continue to be unable to intervene in these cases. Public trust in the SPCA would continue to be at risk. Dog owners who choose to respond to these non-regulatory options will incur more costs than those dog owners who choose not to respond.  Limited consequences for offenders not complying with their obligations. Act prosecutions are difficult to pursue for this level of offending.	√  Developing regulations requiring two separate one-hour periods off the tether each day could be more equitable than the status quo, if it can be proven that time off-tether was not provided.  Overall, this regulation should contribute to consistent animal welfare outcomes.  Offences and penalties under the Act will also be available for the most serious animal welfare offending.	√  Developing regulations prohibiting the tethering of certain types of dogs should be much more equitable than the status quo, as these regulations can set infringement fees for breaching the requirements, which are proportionate to the offence and consistent with penalties for breach of other regulations, where comparable.  Offences and penalties under the Act will also be available for the most serious animal welfare offending.  Exemptions are included so that working dogs, farm dogs in training, and animals that require vet treatment are not being disproportionately	√√  Developing regulations prohibiting the tethering of dogs displaying certain physical indicators should be much more equitable than the status quo, as these regulations can set infringement fees for breaching the requirements, which are proportionate to the offence and consistent with penalties for breach of other regulations, where comparable.  This regulation should contribute to consistent animal welfare outcomes.  Offences and penalties under the Act will also be available for the most serious animal welfare offending.	√√  This regulation is largely the same as 1c.	√  This regulation is the same as 1b.

				negatively affected, without the benefit, by this regulation.			
	Status quo	Non-regulatory options	Option 1a	Option 1b	Option 1c	Option 2a	Option 2b
Clear and enforceable – the actions or omissions are specific and measurable	0 Taking no action is not clear - prosecution of prolonged tethering is possible, but the time and resources required mean that prosecution is only used in selected cases. In most cases, no action is possible. Expectations of owners is unclear.	0 Non-regulatory options would be as clear as the status quo, because while there will be some voluntary provisions addressing the negative effects of prolonged tethering, there will still be cases where the burden of proof is not enough for prosecution. Expectations of owners remains unclear.	√ This regulation will provide clarity as to what conditions would constitute a breach of the requirements. This should help people comply with their obligations under the Act and contribute to good animal welfare outcomes and compliance action where needed.  However, proving that a dog has not been allowed off tether for two separate hour-long sessions could be difficult.	√√ Regulations prohibiting the tethering of certain types of dogs should provide greater clarity than the status quo as to what conditions would constitute a breach of the requirements. This should help people comply with their obligations under the Act and contribute to good animal welfare outcomes and compliance action where needed.	√ Regulations prohibiting the tethering of dogs displaying physical indicators should provide greater clarity than the status quo as to what conditions would constitute a breach of the requirements. This should help people comply with their obligations under the Act and contribute to good animal welfare outcomes and compliance action where needed.	√√ This regulation is similar to reg 1c.  This regulation was developed with the SPCA to build a list of conditions, whether physical, behavioural, or environmental that are commonly associated with tethering. This list is more complete and wider ranging than what was planned in regulation 1c.	√√ This regulation is the same as 1b.

## Appendix Two: Regulatory Option One

a) Tethered dogs must get time off tether for a minimum of two continuous one-hour periods each day.	
<b>Proposal</b>	<p>The owner of, and every person in charge of, a dog that is tethered must ensure that the dog gets time off the tether daily, for a minimum of two separate continuous one-hour periods.</p> <p>An exemption is proposed for when a veterinarian advises, in writing, that the dog should be tethered.</p> <p>Tethering an animal involves any form of restraint that secures an animal to an object.</p>
<b>Penalty</b>	<p>Infringement offence with a fee of \$500 or a maximum \$1500 fine if imposed by the Court. No criminal conviction.</p> <p>It is considered that the offence has the potential to cause mild to moderate harm to the animal.</p>
<b>How will regulation help</b>	<p>Putting the requirement into regulation intends to make it directly enforceable.</p> <p>MPI considers that this is a difficult area to regulate and that there will be difficulties with enforcing this regulation if progressed. MPI considers that when included as part of the suite of regulatory proposals it assists in setting clear expectations for owners who tether their dogs as a means of confinement, and in ensuring the welfare of the dogs involved, by allowing AWIs to discuss this requirement, and the possible attending infringement fine, with relevant dog owners.</p> <p>It is already an offence under the Dog Control Act 1996 for failing to ensure a dog receive adequate exercise. To MPI's knowledge this offence is not easily proven and so the penalty is of limited use.</p>
b) Certain categories of dog must not be tethered.	
<b>Proposal</b>	<p>The owner of, and every person in charge of, a dog must not tether that dog at the land/premises owned/occupied by the dog owner/person in charge, if the dog is:</p> <ol style="list-style-type: none"> <li>under six months of age;</li> <li>third trimester of pregnancy or is whelping<sup>8</sup>;</li> <li>nursing;</li> <li>in heat; or</li> <li>where a veterinarian advises, in writing, that the dog should not be tethered.</li> </ol> <p>Exemptions are proposed for:</p> <ul style="list-style-type: none"> <li>the temporary tethering of a bitch in heat under constant supervision if it is a dog involved in managing livestock and is:             <ul style="list-style-type: none"> <li>working solo;</li> <li>working as part of a team of all female dogs; or</li> <li>working as part of team of neutered male dogs.</li> </ul> </li> <li>the temporary tethering of a dog under six months of age under constant supervision if it is training to become a working farm dog;</li> <li>when a veterinarian advises, in writing, that the dog should be tethered;</li> <li>when the tether is used under constant supervision to prevent injury to any human or animal during veterinary treatment or handling;</li> </ul>

<sup>8</sup> Finalised regulation will need to specify certain whelping behaviours.

	<ul style="list-style-type: none"> <li>when the tether is used under constant supervision to facilitate handling of the dog for therapeutic purposes, including preventative treatment; or</li> <li>when a tether is used by               <ol style="list-style-type: none"> <li>an inspector or auxiliary officer while performing or exercising their functions, duties, or powers under the Animal Welfare Act 1999; or</li> <li>a dog control officer, dog ranger, or warranted officer performing or exercising their functions, duties, or powers under the Dog Control Act 1996.</li> </ol> </li> </ul> <p>Tethering an animal involves any form of restraint that secures an animal to an object.</p>
<b>Penalty</b>	<p>Infringement offence with a fee of \$300 or a maximum \$900 fine if imposed by the Court. No criminal conviction.</p> <p>It is considered that the offence has the potential to cause mild to moderate short-term harm to the animal.</p>
<b>How will regulation help</b>	<p>The categories of dog identified are at greater risk of welfare compromise from tethering. For example:</p> <ul style="list-style-type: none"> <li>dogs routinely tethered under six months are more likely to be unsocialised. An exemption has been added to ensure dogs training to become farm dogs are provided an opportunity to become accustomed to temporary tethering;</li> <li>the dog code of welfare requires that bitches that are due to whelp, or are whelping, must be provided with a suitable whelping area in a safe, warm, and quiet environment. A tether risks stress to the bitch and is unlikely to provide a suitable environment;</li> <li>tethered nursing bitches may be unable to reach their puppies and, thus, care for them appropriately; and</li> <li>a bitch in heat is susceptible to harassment from roaming males. It is reported that tethered bitches are at high risk of being found pregnant. Exemptions have been added to ensure that working bitches in heat are protected.</li> </ul> <p>Requirements within the draft proposal are reflective of how tethering has been controlled within other jurisdictions.</p> <p>Putting the requirements into regulation makes them directly enforceable.</p>
<p><b>c) Dogs displaying two or more of the following physical signs must not be tethered.</b></p>	
<b>Proposal</b>	<p>The owner of, and every person in charge of, a dog must not tether that dog, if the dog is displaying two or more of the following:</p> <ol style="list-style-type: none"> <li>Fly bite dermatitis;</li> <li>Moderate or severe muscle wastage/atrophy; and / or</li> <li>Pressure sores or callouses or overgrown nails.</li> </ol> <p>Exemptions are proposed for:</p> <ul style="list-style-type: none"> <li>when a veterinarian advises, in writing, that the dog should be tethered;</li> <li>temporary tethering of a dog where the dog is under constant supervision</li> <li>when the tether is used under constant supervision to prevent injury to any human or animal during veterinary treatment or handling;</li> <li>when the tether is used under constant supervision to facilitate handling of the dog for therapeutic purposes, including preventative treatment; or</li> <li>when a tether is used by               <ol style="list-style-type: none"> <li>an inspector or auxiliary officer while performing or exercising their functions, duties, or powers under the Animal Welfare Act 1999; or</li> </ol> </li> </ul>

	<p>ii. a dog control officer, dog ranger, or warranted officer performing or exercising their functions, duties, or powers under the Dog Control Act 1996.</p> <p>Tethering an animal involves any form of restraint that secures an animal to an object.</p> <p>Constant supervision is defined as a person supervising is 16 years or older, and in the immediate vicinity of the dog for the duration of the period of tethering.</p>
<b>Penalty</b>	<p>Infringement offence with a fee of \$500 or a maximum \$1500 fine if imposed by the Court. No criminal conviction.</p> <p>It is considered that the offence has the potential to cause mild to moderate short-term harm to the animal.</p> <p>This regulation applies to a range of situations including someone tethering their dog to a fixed point for an hour on their property and to someone tethering their dog permanently to a fixed point.</p>
<b>How will regulation help</b>	<p>Whilst this proposal does not directly prohibit dogs being tethered for prolonged periods, prohibiting the tethering of dogs who display the proposed physical indicators is intended to protect dogs from being tethered in such a way that they are unable to display normal patterns of behaviour, and that results in physical signs. Exemptions are proposed to allow veterinary care and treatment of these dogs, and temporary tethering for human safety where required.</p> <p>Putting the prohibition into regulation enables it to be directly enforced.</p>



## Appendix Three: Regulatory Option Two

1. A person must not tether a dog in conditions associated with prolonged tethering	
<b>Overview of Proposal</b>	<p>This proposal expressly prohibits the prolonged tethering of dogs by requiring the owner or person in charge of a dog to ensure that their dog is not displaying signs highly associated with prolonged tethering, such as compulsive barking, spinning, or over-grooming.</p> <p>This proposal is modelled on the approach taken in Regulation 14 of the Animal Welfare (Care and Procedures) Regulations 2018 concerning dogs left in vehicles. The aim is to create an infringement offence for cases where pain or distress caused by prolonged tethering can be identified by environmental and behavioural indicators, as supported by science.</p> <p>Exemptions are proposed to allow veterinary care and treatment of these dogs, and temporary tethering for human safety where required.</p>
<b>Proposal details</b>	<p>This regulation will ensure that the owner or the person in charge of a dog that is tethered can only tether that dog temporarily.</p> <p>This regulation will achieve this by requiring that the owners or persons in charge of dogs that are tethered must ensure that the dog/s and/or the environment around the dog do not display <b>two or more</b> of the following signs consistent with prolonged tethering:</p> <ol style="list-style-type: none"> <li>heavily worn surfaces within the tether area;</li> <li>faecal build up or a strong smell of ammonia within the tether area;</li> <li>excessive destruction of the ground or objects (such as bedding, shelter, food/water containers etc) within the tether area;</li> <li>is tethered using a collar or other tether that is either locked or cannot be released without the use of tools;</li> <li>tether related injury;</li> <li>pressure sores, fur loss or skin abrasions caused by the collar and or tether;</li> <li>fly bite dermatitis;</li> <li>excessive frustration (compulsively barking, pacing, over-grooming, or self-mutilating)...</li> </ol> <p>This regulation will create an exemption from the requirements above in situations where:</p> <ul style="list-style-type: none"> <li>a veterinarian advises, in writing, that the dog should be tethered; and</li> <li>the tether is used under constant supervision to prevent injury to any human or animal during veterinary treatment or handling.</li> </ul>
<b>Offence and penalty</b>	<p>A breach of this regulation will be an offence. The maximum penalty for committing this offence will be \$1500.</p> <p>The offence will be an infringement offence. The fee that can be imposed in an infringement notice will be \$500. Infringement offence with a fee of \$500 or a maximum \$1,500 fine if imposed by the Court. No criminal conviction.</p>

<b>How the regulation could help</b>	<p>This proposal directly prohibits dogs from being tethered in a manner that causes them to display signs of distress associated with prolonged tethering. The intention is to protect dogs from being tethered in such a way that they are unable to display normal patterns of behaviour, and that results in physical signs. Exemptions are proposed to allow veterinary care and treatment of these dogs, and temporary tethering for the duration of a temporary task.</p> <p>Putting the prohibition into regulation enables it to be directly enforced.</p>
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<b>2. Certain categories of vulnerable dogs cannot be tethered, with exceptions</b>	
<b>Overview of proposal</b>	<p>This proposal prohibits the temporary tethering of certain categories of vulnerable dogs at the land or premises owned/occupied by the owner/person in charge of the dog, to prevent certain known harms that can occur as a result of them being tethered. The prohibition will not apply where the dog and its owner are away from their main premises.</p> <p>There will be exemptions to the prohibition (as set out below). Exemptions will be provided to enable veterinary care and treatment. Exemptions, with safety measures, will also be provided for working dogs and dogs training to be working dogs.</p>
<b>Proposal details</b>	<p>This regulation will provide that the owner or the person in charge of certain categories of vulnerable dogs must not tether their dog at land or premises that are owned/occupied by the owner/person in charge of the dog. The categories of vulnerable dogs are as follows:</p> <ul style="list-style-type: none"> <li>(a) Dogs under six months of age;</li> <li>(b) Dogs in their third trimester of pregnancy or is whelping</li> <li>(c) Dogs that are nursing;</li> <li>(d) Dogs that are in heat; or</li> <li>(e) A dog in respect of which a veterinarian has advised, in writing, that the dog should not be tethered.</li> </ul> <p>The following exemptions will apply to the requirement above:</p> <ul style="list-style-type: none"> <li>(a) a person may temporarily tether a dog described above for a period that is no longer than necessary for the person to complete a temporary task and only if the dog is under constant supervision.</li> <li>(b) a person may temporarily tether a dog in heat if that dog is a working dog involved in managing livestock only if the dog is under constant supervision and is: <ul style="list-style-type: none"> <li>(i) working solo;</li> <li>(ii) working as part of a team comprising only female dogs and/or neutered male dogs.</li> </ul> </li> <li>(c) a person may temporarily tether a dog under six months of age only if the dog is under constant supervision and if the dog is training to become a working dog;</li> <li>(d) a person may temporarily tether dog described above when a veterinarian advises, in writing, that the dog should be tethered;</li> <li>(e) a person may temporarily tether a dog described above when the tether is used under constant supervision to prevent injury to any human or animal during veterinary treatment or handling;</li> </ul>



	<p>(f) a person may temporarily tether a dog described above when the tether is used under constant supervision to facilitate the handling of the dog for therapeutic purposes, including preventative treatment; or</p> <p>(g) The following persons may temporarily tether a dog described above:</p> <ul style="list-style-type: none"> <li>(i) an inspector or auxiliary officer while performing or exercising their functions, duties, or powers under the Animal Welfare Act 1999; or</li> <li>(ii) a dog control officer, dog ranger, or warranted officer performing or exercising their functions, duties, or powers under the Dog Control Act 1996.</li> </ul> <p>The Regulations will define the term “working dog” in the same way that s2 of the Dog Control Act 1996 defines that term.</p> <p>Therapeutic purposes include but are not limited to preventative treatment, pain relief for ongoing conditions or trauma, and rehabilitation to help with pain relief and recovery.</p>
<b>Offence and penalty</b>	<p>A breach of this regulation will be an offence. The maximum penalty for committing this offence will be \$900.</p> <p>The offence will be an infringement offence. The fee that can be imposed in an infringement notice will be \$300.</p> <p>It is considered that the offence has the potential to cause mild to moderate short-term harm to the animal.</p>
<b>How the regulation could help</b>	<p>The categories of dog identified are at greater risk of welfare compromise from tethering. For example:</p> <ul style="list-style-type: none"> <li>• dogs routinely tethered under six months are more likely to be unsocialised. An exception has been added to ensure dogs training to become farm dogs are provided an opportunity to become accustomed to temporary tethering;</li> <li>• the dog code of welfare requires that bitches that are due to whelp, or are whelping, must be provided with a suitable whelping area in a safe, warm, and quiet environment. A tether risks stress to the bitch and is unlikely to provide a suitable environment;</li> <li>• tethered nursing bitches may be unable to reach their puppies and, thus, care for them appropriately; and</li> <li>• a bitch in heat is susceptible to harassment from roaming males. It is reported that tethered bitches are at high risk of being found pregnant. Exceptions have been added to ensure that working bitches in heat are protected.</li> </ul> <p>Requirements within the draft proposal are reflective of how tethering has been controlled within other jurisdictions.</p> <p>Putting the requirements into regulation makes them directly enforceable.</p>

## Appendix Four: Cost-Benefit Analysis Models

### Information From the SPCA

One way to estimate a figure would be to create a model based on data on how the SPCA's compliance approach to r13 (shelter/water/hygiene) has rolled out.

The data below is an analysis of the 2024 Regulation 13 complaint data (1 Jan – 31 Dec). It should provide a reasonably good indication of the likely operational response to the prolonged tethering regulations. Ultimately, a relatively small percentage of complaints result in an infringement notice being issued as SPCA takes the approach of encouraging behaviour change prior to infringing.

1. How many complaints did SPCA receive about a possible r13 breach?
  - In 2024 there were 2906 complaints related to suspected r13 offences reported to SPCA.
2. How many of those were found to be valid?
  - The SPCA database does not record if a complaint is found to be “valid”. However, in 2024, of the 2906 r13 complaints received, 1301 received an outcome of “education handout” or higher. *44.77% valid*.
  - The range of r13 investigation outcomes in 2024 were: education handout, education letter, warning letter (for infringement offence), infringement notice, written warning and a court order.
3. How many infringement notices were issued?
  - In 2024 of the 1301 “valid” r13 complaints, 111 infringement notices were issued. This represents an *8.5% infringement rate*.
    - Of note is that 170 of the 1301 r13 complaints received a “warning letter (for infringement offence)” which shows inspectors are continuing to use their discretion when deciding whether to issue an infringement notice or an alternative. *Rate of 13.07%*.
    - For reference, taken as a total of the 2906 r13 complaints received in 2024, 111 infringements represent a *3.8% infringement rate*.

### Assumption for all models:

- 2% Treasury Recommended Social Discount Rate. Applied from period of enforcement.
- That 1500 complaints, the estimate from the SPCA about how many complaints they received about tethering or confinement in 2020/21, will continue to be the number of complaints received.
- Using compliance for r13 as an example, 44.77% of those complains are considered “valid” and therefore 671.55 would receive an education handout or higher.
  - Of those, 87.77 would receive a warning letter (for infringement offence).
  - 57.08 receive infringement fines.

**Total Cost to owners of infringement fees (PV, \$)**

Period	Nominal Total	Present Value
0	\$22,832.70	\$22,832.70
1	\$22,832.70	\$22,385.00
2	\$22,832.70	\$21,946.08
3	\$22,832.70	\$21,515.76
4	\$22,832.70	\$21,093.89
5	\$22,832.70	\$20,680.28
6	\$22,832.70	\$20,274.78
7	\$22,832.70	\$19,877.24
8	\$22,832.70	\$19,487.49
9	\$22,832.70	\$19,105.38
Total	\$228,327.00	<b>\$209,198.60</b>

*Assumptions in this model*

- Quantity of infringements = 57.08. This is based on 1500 complains and a 3.8% infringement rate.
- Infringement fee is \$400. This is derived from the average of the two infringement fees contained within these regulations ( $300 + 500 / 2 = \$400$ ).

**Total Cost to owners of equipment/property change (PV, \$)**

Period	Purchases	Non-compliant owners	Nominal Total	Present Value
0	10,728	671.55	\$536,422.50	\$536,422.50
1	336	335.78	\$16,788.75	\$16,459.56
2	168	167.89	\$8,394.38	\$8,068.41
3	84	83.94	\$4,197.19	\$3,955.10
4	42	41.97	\$2,098.59	\$1,938.78
5	21	20.99	\$1,049.30	\$950.38
6	10	10.49	\$524.65	\$465.87
7	5	5.25	\$262.32	\$228.37
8	3	2.62	\$131.16	\$111.95
9	1	1.31	\$65.58	\$54.88
10	1	0.66	\$32.79	\$26.90
11	0	0.33	\$16.40	\$13.19
Total	11400		\$569,983.60	<b>\$568,695.88</b>

*Assumptions in this model*

- Quantity of people required to purchase equipment/make change = 10,728.45 = estimate of how many dogs are tethered (11,400), subtracting the number of dog owners that are non-compliant in the same period (671.55)
- Non-compliant is defined as those who face a “valid” complaint = 671.55
- Cost of purchasing new equipment of making changes so that dogs can be let off tether, after assistance from the SPCA = \$50.

- Of that 671.55, it is assumed that half improve their behaviour in each period. As such, only those who face a valid complaint each period have to purchase equipment in each period.
- It is assumed that new owners of dogs instead have appropriate situations so that new dogs are not going into situations of prolonged tethering.

#### *Partial Sensitivity analysis*

The estimate of 11,400 dogs tethered is low confidence, and it's considered to be conservative. To test how much of an impact that estimate has and if it would impact our analysis, we will examine how changing one variable affects total cost while keeping other variables constant.

Using an extreme test and assuming there are instead twice that many dogs being tethered, and all other assumptions hold, the total estimated cost of \$1,137,087.06. This amount, as it is still below \$2million is still within the low impact category. As such, does not impact our analysis.

Period	Purchases	Non-compliant owners	Nominal Total	Present Value
0	22128.45	671.55	\$1,106,422.50	\$1,106,422.50
1	335.78	335.78	\$16,788.75	\$16,459.56
2	167.89	167.89	\$8,394.38	\$8,068.41
3	83.94	83.94	\$4,197.19	\$3,955.10
4	41.97	41.97	\$2,098.59	\$1,938.78
5	20.99	20.99	\$1,049.30	\$950.38
6	10.49	10.49	\$524.65	\$465.87
7	5.25	5.25	\$262.32	\$228.37
8	2.62	2.62	\$131.16	\$111.95
9	1.31	1.31	\$65.58	\$54.88
10	0.66	0.66	\$32.79	\$26.90
11	0.33	0.33	\$16.40	\$13.19
Total	22800		1,139,983.60	\$1,138,695.88