



National Animal Welfare Advisory Committee

Proposal to regulate the sale and use of snares May 2020

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Background

Traps are not required to be approved under the Animal Welfare Act 1999 (the Act). Any trap could be developed and sold until the point that it is regulated against (if required).

Sections 32-36 of the Act contain the provisions that regulate the use of traps. Any trap can be used on an animal except when there is a regulation in effect, made by an order in council, declaring that trap to be prohibited or restricted. If such a regulation is in place, a prohibited trap cannot be used or made available for sale and a restricted trap may only be used or sold in the way permitted by the regulation. A prohibition or restriction may be general or may relate to a particular trap or class of trap. A regulation for a restricted trap or class of trap may relate to its use in relation to a particular species or type of animal, or a specified geographic location.

The only traps currently regulated against are leg-hold traps and glueboard traps:

<http://www.mpi.govt.nz/protection-and-response/animal-welfare/traps-and-devices/>

A function of the National Animal Welfare Advisory Committee (NAWAC) is to provide advice to the Minister on whether a trap or device should be prohibited or restricted under section 32 Act.

NAWAC has also created a guideline to assess the welfare performance of restraining and kill traps, Guideline 09:

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

However, there are no legal requirements for trap manufacturers or suppliers to submit traps for testing and, to date, snares have not been put through the NAWAC assessment (with the exception of the Possum Master and the Nooski trap, discussed below).

The Minister must, in deciding whether or not to recommend the making of an Order in Council under section 32(1), have regard to the matters outlined in section 33 of the Act (Appendix 1). Snares are analysed with respect to these criteria in the sections below.

In summary, NAWAC proposes that:

1. All leg snares are prohibited unless they are hand-held leg snares.
2. All neck snares are prohibited with the exception of those snares which are:
 - a. Hand-held restraining neck snares; or
 - b. Killing neck snares; and,
 - c. Power activated; and,
 - d. Voluntarily activated, e.g. by the animal pulling on a bait / trigger (as opposed to walking through a noose by chance); and,
 - e. Incorporated as one component within a device which also includes safeguards to ensure (as far as possible) both target animal and capture location (around the neck) specificity.

(a) The nature and purpose of the trap or device (section 33A)

A snare is defined as a trap under the Animal Welfare Act 1999.

The Animal Welfare Act 1999

- ***Trap-***

- (a) *Means a net, cage, **snare**, pen, pitfall, or mechanical or adhesive thing used for the purpose of killing, entrapping, capturing, entangling, restraining, or immobilising an animal.*

- ***The definition of hunting or killing, in relation to animals, includes-***

- (a) *Hunting, fishing, or searching for and animal and killing, taking, catching, trapping, capturing, tranquilising, or immobilising any animal by any means.*

- (b) *Pursuing or disturbing any animal.*

Nature

A traditional snare is a running noose with the free end attached to something sufficiently substantial that acts as an anchor while the other end forms a loop. The loop (noose) draws up around the neck (or torso, leg or foot as intended) of the captured animal and tightens as the animals struggles to stop it escaping. Snares can be live (restraining) or killing snares, though it is important to note that depending on the snare design, the species captured and the manner in which the snare is deployed, it can be hard to clearly place a particular snare in one category.

Traditionally simple snares are made of wire or cord, though other materials can be used including plant and animal fibres, and placed along existing animal travel routes, or along the anticipated path of travel an animal may use when approaching bait or other attractant.

Degrees of selectivity and efficiency are dependent on the skill and proficiency of the operator. Traditional snares have no specific mechanical features designed to facilitate capture of an animal by only one specific body portion. User-controlled deployment details such as: location / capture area; the height the snare is suspended above the ground; noose size; loop orientation; attractants; and, natural or unnatural 'guides' to direct animal movement can to an extent, dictate specificity of both species and body part captured.

Most simple snares are 'activated' when an animal moves through the snare and becomes entangled, tightening the noose by its own action, i.e. they are involuntary or passively activated, with the animal not having to take a bait or other to trigger the snare (where animals have to take bait or other to trigger the snare, it is considered voluntarily activated). Modern adaptations of the snare include a considerably more elaborate design and component make-up, and can rely on power-activation to increase the speed of loop closure or to directionally propel the snare onto an animal's body. For example, the Possum Master kill trap¹ used to catch possums, mustelids (ferrets, stoats and weasels), feral cats and rats. When an animal sets off the trap (by pulling on a lure / bait), the spring-loaded trap

¹ <http://www.possummaster.co.nz/>

applies approximately 15 kilograms of pressure to the circumference of the animal's neck via a noose. An optional cat-stop face plate is available to prevent cats being trapped or non-target captures can be avoided by baiting the trap with fruit rather than meat. The website advises setting the trap on a tree to avoid catching ground-dwelling birds when setting the trap in the bush.

Traditional Māori hunting and fishing practices involve hand-held 'attended' snares. Here the snare is tightened through the action of the handler, who is then able to immediately attend to the trapped animal. Incorporation of snare mechanisms into hand held devices is also apparent in animal management, such as the Ketch-All² catchpoles that can be used for dealing with dangerous or difficult wild or domestic animals, and are designed for short term attended use (e.g. sea lions may be caught using a catchpole to restrain them for the removal of fishing nets before being released; stray dogs that are dangerous to handle can be caught and restrained in a safe manner). In terms of welfare compromise, with these methods it is intended that the animals are released or dispatched by means other than the action of the snare and hence hand-held restraining snares are not recommended for prohibition.

It is important to note that depending on the snare design, the species captured and the manner in which the snare is deployed, it can be difficult to determine whether a snare is a live (restraining) or killing snare. Some examples of snare designs are shown in Figure 1 below.

Killing snares aim to cause fast death through the action of the snare. There are two types of killing snares (both asphyxiate and potentially occlude blood flow):

- a. A self-locking snare that tightens as the animal pulls to escape and does not slacken off when the animal stops struggling.
- b. A power snare that uses spring power to quickly tighten a noose and increase its strength.

Effective killing ability depends on species, size, snare type, and the skill of the individual setting the snare.

The purpose of a restraining snare is to reliably capture and hold the animal unharmed with the minimum of stress until the trap is checked and the animal can be killed or released. Restraining snares do not require gravitational energy or the energy retained in a spring for their actions. There are three different varieties of restraining traps:

1. Free running snares: Free running snares are designed to hold the target animal alive until the operator returns to humanely dispatch or release it. They are designed to tighten when a captured animal struggles, but slacken off if the animal stops struggling; reducing the chance of strangulation.
2. Stopped neck snares: Some snares have a fixed stop that prevents closure of the noose beyond a certain limit / diameter so that although the animal is held securely it will not be strangled.

² <https://www.ketch-all.com/>

3. Foot or Leg-hold snares: these snares require the action of a spring to tighten the noose around the leg / foot. They are placed horizontally (compared to neck snares which are vertical).

Figure 1: Examples of snare designs from simple to incorporated within the Possum Master Trap.



Whilst snares can be very primitive (e.g. a piece of wire made into a noose), there are also a number of components which can be used in their construction to try and improve the selectivity and efficiency of the snare (note - not all parts would be present in each snare) (Association of Fish and Wildlife Agencies 2009):

- A snare cable – forming the loop of the snare;
- The anchor – either fixed or with some mobility;
- The eye – through which the cable passes to form the noose;
- A locking mechanism - create and maintain a loop at a fixed diameter and / or can prevent the loop from re-opening to a diameter that allows a caught animal to escape;
- A breakaway device - any device incorporated into a snare or snare component that allows the loop to break open, and an animal to escape completely free of the snare, when a specified amount of force is applied;

- A loop stop - preventing the cable loop from either opening or closing beyond a specified point
- Swivel - useful when an animal twists or rolls, to allow such movement whilst preventing the wires or strands in a cable from kinking, separating or breaking.

Purpose

Whilst little information is available on current use of snares in New Zealand, they do not appear to be widely used.

Pest Control

Snares do not appear to have significant application as a pest management tool.

National Pest Control Agencies do not have any knowledge on the use of snares in New Zealand³, and exclude snares from best practice requirements.

A Landcare Research representative believes that there is very little use of snares for capturing animals in New Zealand. They commented that the limited number of snares in use fell into two categories: (1) Foothold snares for pigs and deer and (2) killing neck snares that individuals make for catching possums and rabbits.⁴ For example, the *Possum Master* kill trap⁵ incorporates a snare mechanism within a wider trap design.

Hunting

Where snares do appear to be more frequently used is in hunting or bushcraft application, where current suppliers and online advice reference 'survival' applications for capturing wild animals to eat; though again this use is still limited.

Hunting and Fishing were not aware of snares being used for hunting in New Zealand and had no knowledge of any snares being stocked in stores.⁶

Wild Game Trapping Supplies NZ sell a live capture leg snare for the capture of wild deer, feral pigs and goats⁷. This trap has a spring pressure plate, alleging to prevent small non-target animals being captured. High grade rope is used rather than wire cable – aiming to avoid cutting the animals leg. The trap is designed to be chained to a tree or staked to the ground. The company also sells 'self-locking' (designed to be a) neck snare for deer and pigs⁸.

The New Zealand Deerstalkers' Association Code of Ethics guidelines for a fair chase include that "*an animal must not have been restrained, i.e. in a snare, trap, fence, etc*"⁹.

Save Barn sell a crayfish noose, but no hunting snares.

³ Maurice Kennedy, National Coordinator, National Pest Control Agencies. Contacted 14 April 2015.

⁴ Bruce Warburton, Research Leader, Landcare Research. Contacted 15 April 2015.

⁵ <http://www.possummaster.co.nz/>

⁶ Andy Tannock, Store Founder, *Hunting and Fishing*. Contacted 15 April 2015.

⁷ <http://wildgametrappingnz.synthasite.com/>

⁸ <http://wildgametrappingnz.synthasite.com/other-products.php>

⁹ <https://www.deerstalkers.org.nz/code-of-ethics-and-field-guidelines.html>

Forum discussions on snare use in hunting appear to be inactive.

Māori Hunting

Snare trapping was traditionally used as a hunting technique to trap native birds and fish by Māori. Te tāhere manu (bird catching) was an important part of traditional Māori life as birds provided an important source of protein and their feathers were also used for adornment. A variety of birds were hunted, but kereru, kākā, Weka and tūi were particularly important.

Birds were caught using two methods: tākiri and tāhei¹⁰. In the tākiri method, a single snare is put on a perch while the hunter watches. Birds are usually caught by their feet in the snare when the hunter pulls an attached cord. This method was used for catching Weka; a noose would be held on the end of a rod and when the bird puts its head through the loop, the hunter flicked the rod upward. In the tāhei method the snare is unattended. A row of snares tied with slipknots are attached to a cord or a rod secured horizontally between branches. The snares are set close to a straight branch or perch. The birds would sit on the branch or perch and be caught by their necks. As they struggled, the slipknot would tighten and catch them¹¹.

At the end of the 19th century, various legislation was passed to control the hunting of native birds. In 1865, a law was passed against using snares and traps to catch native birds – shooting was the only approved form of hunting. The law was repealed in 1866, but reinstated in 1907 under the Animals Protection Act 1907. The Animals Protection Amendment Act 1910 extended protection to all indigenous bird species. Throughout this time, Māori argued that Article II of the Treaty guaranteed their right to “full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries” and therefore, this guaranteed their right to hunt native birds¹². However, the government did not accept this argument and the Animals Protection and Game Act 1921-1922 prohibited the hunting of all indigenous birds. This was reiterated under the Wildlife Act 1953.

The extent of the use of snares in cultural harvest, as currently practiced in New Zealand, is not known. As the customary use for capturing native birds is now largely prohibited, it is unlikely that snare use is widespread. Formal consultation is needed to ascertain whether snares are still used for cultural harvest.

Conclusion

The use and availability of snares in New Zealand appears to be minimal. While limited, snares seem to be more frequently used in hunting or bushcraft applications. The role of snares in traditional Māori hunting needs consideration during consultation.

¹⁰ <http://www.teara.govt.nz/en/te-tahere-manu-bird-catching/page-3>.

¹¹ More details of Maori snares, with different naming conventions but similar principles can be found here: <https://www.tepapa.govt.nz/discover-collections/read-watch-play/maori/traditional-maori-food-gathering> Whilst the principle of a snare still apply, i.e. a noose tightens, the designs are different to modern snares.

¹² James W Feldman, Treaty Rights and Pigeon Poaching, Alienation of Maori Access to Kereru, 1864–1960, (Waitangi Tribunal Publication), 2001.

(b) Whether any pain or distress that the trap or device is likely to cause would be unreasonable (Section 33B)

An ideal pest animal control or hunting method should be effective, humane, target specific, efficient, cost-effective and both practical and safe for humans to use (Littin et al. 2004). The use of snares has raised concerns about animal welfare from groups interested in the welfare of animals, including NAWAC, the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA), and the New Zealand Veterinary Association (NZVA)¹³. The RNZSCPA 2014 and 2020 proposals to prohibit the sale and use of snares “considers the level of potential pain and distress suffered by animals caught in snares to be unacceptable and at odds with New Zealand’s animal welfare strategy”. Best practice guidelines for monitoring and control of pest hares and feral pigs refer to snares, stating them to be inefficient and unlikely to meet reasonable animal welfare standards.¹⁴

Several key reviews have addressed the use and humaneness of snares, including Iossa et al. (2007), Rochlitz (2010) and the Independent Working Group on Snares (IWGS) (2005 and 2011). There is however a lack of research undertaken on animal welfare impacts of snare use within New Zealand. The few findings from countries where this research has been completed (such as Europe and North America) are used to illustrate the potential animal welfare impact of snare use, although it should be noted that the New Zealand situation is likely different. Much of the snare use reported in the scientific literature appears to be from North America where their use has been assessed for canid control and fur harvesting. Much of the UK literature considers snares used to catch foxes, hares and rabbits. Snare designs are likely to differ to some extent in each context, and different species will be implicated.

The criteria considered when assessing the degree of pain or distress experienced are:

- how the animal is caught in the trap (for example which body part is held),
- any injuries sustained during and after the initial action of the trap (for example, injuries resulting from a struggle),
- the time taken between capture and inspection of the trap (for restraining traps) and
- the long term survivability for an escapee individual.

For killing snares, the time from the snare catching an animal to the onset of irreversible unconsciousness is also considered.

For all snares there should be a low risk of non-target capture. However, a key criticism of snares is that they are indiscriminate, commonly catching non-target species (IWGS 2005; Iossa et al. 2007; Scottish SPCA, 2007). When non-target animals are caught they are subject to the same risks as target species. This is potentially exacerbated if the snare is not set up for that species, i.e. the noose might be set with a stop for a target species head, but be of an initial size which allows a non-target species to be caught around the stomach.

¹³ NZVA Policy 13a “Wild and feral mammal control” states that “to ensure humane pest control by trapping, with minimum stress, the NZVA prefers the use of species-specific kill traps that have passed animal welfare impact testing according to criteria set by the National Animal Welfare Advisory Committee.”

¹⁴ <https://www.bionet.nz/assets/Uploads/A10-Feral-Pigs-2018-04-LR.pdf>
<https://www.bionet.nz/assets/Uploads/Publications/A7-Pest-Hares-2015-Nov-HR.pdf>

Whilst some studies suggest that improvements to the selectivity and efficiency of snares can be achieved (Short et al. 2012), they remain largely indiscriminate and both the degree of selectivity and efficiency are dependent on the skill and proficiency of the operator and to some extent chance, i.e. unusual animal positioning when the trap is sprung.

Within New Zealand, snares set around residential dwellings and in other areas such as public walkways and picnic areas increase the risk of injury to pets (see Figure 2). The SPCA have been in contact with the Ministry for Primary Industries (MPI) regarding concerns over the use of home-made neck snares catching and killing companion animals.

Figure 2: Examples of pet animals trapped by snares (images kindly provided by the RNZSPCA).



How the animal is caught in the trap (for example which body part is held)

How the animal is caught in the snare is a function of a number of factors, including the species caught, how and where the snare is set, the closure speed of the noose and how it is baited.

Snares are most often designed to catch animals by a limb or around the neck. Depending on the species caught or the animal positioning on entering the snare, animals can be caught in a variety of ways across various body parts, and evidence from the literature suggests that injuries are more likely to occur when the snare catches a non-target species around the wrong part of the animal (Murphy et al. 2009; Proulx et al. 2015).

Muñoz-Igualada et al. (2010) compared two neck snare types for catching foxes in central Spain; traditional non-locking Spanish Snares (which include a loop stop of 8cm) and modern Wisconsin Cable Restraint (built with a relaxing type lock, two swivels, a breakaway S-hook and a 6.54cm stop). The modern snare was similar to that recommended for catching foxes in the UK. Traps were set in an 'alar' - essentially piles of brush and branches with snares in 10cm interval gaps, set at 20cm above ground level. Wisconsin Cable Restraint snares were also set in fauna trails. In all cases, snares were set to prevent entanglement. 35% of all captures for both snares were around the body, not the neck. The addition of a swivel and breakaway hook did not improve the snare performance – injuries were

similar for all methods and loop placements. Overall, 9.4% of animals had indicators of poor welfare by ISO criteria (severe injury).

Traps, such as the Possum Master, require the animal to set off the trap by pulling on a lure / bait, with the intention that this will go some way to ensuring that the correct species and body part is presented within the snare noose.

Any injuries sustained during and after the initial action of the trap (for example, injuries resulting from a struggle)

The type of snare used, and its intrinsic properties, impact upon injuries sustained when an animal is caught / held in a snare. However, injury is also in part dependent on the reaction of the animal (e.g. an animal which does not stop struggling is likely to experience greater injury).

The Independent Working Group on Snares (IWGS), reporting to the UK Government in 2005, identified a long list of harm caused to animals caught in snares, which are used predominantly for control of fox and rabbit populations in the UK (IWGS 2005). Adverse impacts (ranging from mild to severe) included (for both target and non-target species):

- the stress of restraint, which could include frustration, anxiety and rage;
- fear of predation or capture whilst held by the snare;
- friction, penetration and self-inflicted skin injuries whilst struggling against or fighting the tether;
- pain, thirst, hunger and exposure when restrained for long periods;
- pain, injury and reduced ability to survive that could persist following escape (e.g. injuries such as pressure necrosis of tissue are hard to identify until days after release);
- stress of capture and handling before despatch by the snare operator; and
- pain and injury associated with killing by the snare operator if unconsciousness is not immediate.

Iossa et al. (2007) reviewed the welfare performance of killing and restraining traps in Europe and North America (used to kill furbearers and mammals) and concluded that many of the practices commonly used to trap mammals cannot be considered humane. They noted that there was a lack of data on the use of snares, which made it difficult to assess their welfare impact. More studies had evaluated the humaneness of leg-hold snares than neck snares. Serious injury was reported as uncommon when neck snares were set correctly, though reports of misuse were frequent and mortality higher than for leg-hold snares or box (cage) traps. Leg-hold snares appeared to have acceptable short-term effects on welfare, with little target species mortality. However, both neck and leg-hold snares commonly caught non-target species, even when set correctly – with high morbidity and mortality.

Rochlitz (2010) reviewed the scientific literature on snare use and, as with Iossa et al. (2007), emphasised that the lack of data on snares made it difficult to accurately assess their impact on welfare. More work has been completed on leg-hold traps and leg snares than neck snares, and within that more on spring powered neck snares than on traditional neck snares. Based on the studies which

were reviewed, the resulting report concluded that neither restraining nor killing snares were humane, and that their use could not be justified regardless of benefits.

- Mortality and morbidity of animals caught in snares is higher than with most other restraining traps.
- Snares are inherently indiscriminate; non-target species are commonly caught.
- Snares can cause severe injuries, pain, suffering and death in trapped animals (target and non-target).
- Free-running mechanisms are easily disrupted and likely to fail, causing injury, pain suffering and death.
- Stopping of snares may not prevent injury or death in trapped animals.
- Legally, animals can be left in a snare for 24 hours – this increases the risk of exposure, attack by predators, thirst etc.
- Death on release / escape due to injuries sustained whilst caught.
- Injuries such as pressure necrosis of tissue are hard to identify until days after release.
- Monitoring of correct snare use is difficult if not impossible.
- Neck snares are cheap and require minimum efforts to set and maintain – this means that they are open to abuse and reports of misuse are common from within the UK.
- Methods used to kill animals caught in traps may not be humane.

Proulx et al. (2015) also reviewed killing neck snares used to capture canids in Canada, finding manual (animal provides the energy to tighten the noose) and power (energy provided by one or two springs) killing snares to be non-selective and to seriously compromise the welfare of non-target animals in a manner similar to that of steel leg-hold traps. Even when well set, it was difficult to always catch an animal in the correct location needed for a humane kill. Power-assisted snares were not always successful in achieving the compression needed to kill the animals or at least render it unconscious within five minutes. ‘Jelly head’ is a term used by trappers in some countries to refer to instances where despite a neck snare cutting off blood to the heart via the jugular vein, the carotid artery continues to pump blood into the brain, causing swelling and eventually rupture of the vascular system. Proulx et al. (2015) advised that all killing snares that did not kill quickly and consistently should be phased out. Whilst efficient at capturing canids, the snares reviewed were not selective.

Even where modifications or adaptations have been put in place to try to reduce injury from snares, such as the use of stopping and free running mechanisms, these fail. Instances of snare malfunction either in set-up or action are evident in the literature and on campaign sites, e.g. <http://www.snarewatch.org/report-a-snare>. For example, the efficacy of stops in snares are dependent on the size of the animal caught. Whilst they may prevent injury in target animals, this is not always true of non-target animals, bigger than expected target animals, or those caught around their body rather than neck or foot (Frey et al. 2007; Murphy et al. 2009; IWGS 2011). Self-locking snares are prohibited in the UK, due to the risk of severe injuries from their continuously tightening action. A free-running snare is supposed to slacken when the animal stops struggling, while a self-locking snare can only become tighter. However, these terms are not clearly defined and a rusted, kinked or knotted free running snare effectively becomes self-locking and can lead to strangulation

(DEFRA 2005). The action of a free-running snare is also dependent on the animal ceasing to struggle which may not always be the case.

Entanglement is also a high risk where snare location was not carefully considered, impacting on both visible injury and death in restrained animals (Short et al. 2012). Frey et al. (2007) looked at the use of neck snares to live-trap foxes (included a swivel, 10-12cm min stop). Two out of 21 captured foxes had deep damage to their throats – these animals were also bigger than had been expected. One fox was found dead one month after capture. There was also a tendency for foxes to wrap their snare line around trees and woody vegetation (entanglement). Overall mortality was 14%. Foxes avoided the snare location once released, suggesting they had a negative experience.

The time taken between capture and inspection of the trap

By law, traps intended to capture animals alive must be inspected within 12 hours after sunrise on each day the trap remains set, beginning on the day immediately after the day on which the trap is set. Trappers could choose to minimise adverse animal welfare outcomes through checking traps more frequently. However, this is not related to the type of trap used.

The long term survival and fecundity for an escapee individual

Snares are likely to compromise the welfare and / or survival of target and non-target animals that escape injured. Injuries such as pressure necrosis of tissue are hard to identify until days after release.

Time from the snare catching an animal to the onset of irreversible unconsciousness (killing snares)

Killing snares might be considered more humane if they kill quickly, or the time to irreversible unconsciousness is rapid so the animal is not left in pain, shock, dehydrated, or at risk of predation. However, killing snares may not kill quickly and may cause suffering or injury to animals.

Locking snares were classified as killing devices in Canada (Fur Institute of Canada), but were unable to kill red foxes within 300 seconds (Neave 1981). Following on from this, power snares were examined to determine if they could be modified to kill within 5 minutes (Proulx and Barret 1990). Power snares have a ratchet device that tightens the noose around the animal's neck when it is caught. Trials with this device showed that although it was possible to get irreversible unconsciousness within 6 minutes, it was not always achieved, and capture location on the animal was hard to control and not always ideal as the device tended to capture some individuals around the body or head.

The context in which trapping is conducted

The context in which trapping is conducted could be considered when assessing whether or not pain or distress is experienced is unreasonable. For example, trapping using snares proposed to be prohibited by NAWAC could be considered reasonable if the outcome sought is eradication of a threat to endangered species, particularly if that species were extremely rare and valued. This could be contrasted with catching animals for their meat or fur. However, to use such a method of control, it would have to be demonstrated that there was no alternative trap or device that would achieve the outcome sought (including at a similar cost).

Internationally there has been debate over the use of snares on animal welfare grounds, which has led to the prohibition or restriction on the use of snares in different countries.

The UK is one of a small number of countries in Europe that permits the use of snares as a wildlife management technique, with legislation to govern their use. Snares are used to catch foxes, rabbits and hares. The Wildlife & Countryside Act 1981 and Wildlife (Northern Ireland) Order 1985 impose certain conditions on the use of snares for conservation reasons and prohibit their use to catch species of conservation concern such as badger, otter, wild cat etc. Snares may only be set with the landowner's or occupier's permission. Self-locking snares are prohibited, so that strangulation risk is reduced, and non-target animals can be set free. Anyone setting a snare must inspect it (or cause it to be inspected), at least once every day at intervals of no more than 24 hours to see whether an animal is caught in it and to ensure that it is free-running. Within England and Wales, White et al. (2003) found that the general public and practitioners regarded snaring as one of the least acceptable means of control. Codes of best practice in both England and Wales both emphasise that non-lethal and other lethal methods of solving the problem with foxes must always be considered, and snares only used if 'the alternatives are impractical, prohibitively expensive, or would not be effective'.

Scotland has the most detailed and comprehensive legislation on snaring in the UK. The Nature Conservation (Scotland) Act 2004, the Conservation Amendment (Scotland) Regulations 2007, and the Snares (Scotland) Order 2010 dictate working practices which must be complied with when using snares, as well as restricting use, in order to alleviate conservation and humaneness concerns. For example, snares should not be set in places where the animal might become suspended or drown and stops must be used to prevent the noose tightening beyond a certain circumference. The Snares (Training) (Scotland) Order 2012 also makes accreditation and training of all snare users a legal requirement under The Wildlife & Natural Environment (Scotland) Act 2011. Courses are run by organisations approved by the Scottish Government. Individual ID numbers must be tagged onto every fox and rabbit snare, with snare locations, relevant dates and animals caught all recorded. Since April 2013, it has been illegal in Scotland to set any snare without an ID number and without having been accredited on a training course. The Deer Act 1991 and the Deer (Scotland) Act 1996 prohibit the use of snares to take deer.

Other EU countries that generally permit snaring or which regulate snaring within particular regions or for particular species, include Belgium, Finland, France, Ireland, Spain and Sweden. Switzerland (not in the EU) has a complete ban on the use of snares (Casamitjana and Kennedy 2017).

Snare use and / or prohibition within the US and Australia varies by state.

In the American Veterinary Medical Association (AVMA) Euthanasia Guidelines (2020), kill traps (snares not specified) are considered controversial as they do not always render a rapid or stress-free death and selectivity and efficiency are dependent on the skill and proficiency of the operator. A preference for live traps followed by other methods of euthanasia is stated, though it is acknowledged that the use of live traps is not always possible or less stressful. Kill traps should be used only when other acceptable methods are not practical or have failed. Individual testing is recommended to be sure that a trap is working properly.

Conclusion

Snares can inflict pain and distress. Instances of welfare compromise and concern over both the use of restraining and killing snares are reported. The amount of pain and distress caused depends on a number of factors including how the snares are set and the design of snares used. Determining the reasonableness or otherwise of this includes consideration of whether there is high likelihood of severe injury, and whether less injurious alternatives that give the same or similar trapping results are available. Alternatives will be discussed more fully in section (e).

Internationally and within New Zealand, concerns have been expressed about whether snares are humane. New Zealand is one of the minority of countries in the world which permits the use of snares and has no regulations around their use. A ban or restrictions put in place for the use of snares in New Zealand would be in keeping with international developments in animal trapping.

(c) Whether the use of other instruments under this Act, or instruments under other Acts, are adequate to manage the effects of the trap or device on animal welfare (Section 33C)

Codes of Welfare

Part 5 of the Animal Welfare Act allows for issuing codes of welfare. A code of welfare establishes minimum standards and recommends best practice to be observed in caring for the types of animals covered by the code.

A code of welfare is not considered to be appropriate because they relate only to animals that are owned or are in the charge of a person. Snares are used for the control of animals in a wild state.

Currently the only legislative obligations of snare use are the requirements under sections 36 and 30D

- Section 36: Obligation to check traps within 12 hours from sunrise and either remove any live animal found, or attend properly to the care of the animal or, without delay, kill the animal NB. This does not cover killing snares.
- Section 30D Animals captured in a wild state: The Act applies to a person in charge of an animal, and section 12c applies in relation to the killing of an animal.

Other Acts

The Customs and Excise Act 1996 could be used to prohibit the importation of snares but would not stop manufacture within New Zealand or by individuals. No other statutes provide an alternative means of regulating snares and, consequently, prohibition or restriction, subject to Section 32 of the Animal Welfare Act, is considered the most appropriate mechanism.

NAWAC Guidelines / Codes of Practice

NAWAC has developed guidelines for testing traps. These guidelines could be used to test snares and further guidelines could be developed in relation to the use of snares in different circumstances. However, guidelines do not come with a penalty and so the likelihood of them being observed and their effectiveness in ensuring better welfare outcomes is debatable.

In 2005, DEFRA adopted a Code of Practice (CoP) developed by the IWGS for the use of snares in fox and rabbit control. Key details included within the CoP can be found in Appendix 2. The CoP is not mandatory and has no legal status; the only statutory requirement within it is that snares must not be self-locking (a statutory requirement under the Wildlife and Countryside Act 1981), though the definition of this has not been clarified by case law. In 2011, the degree of compliance with statutory requirements and the DEFRA CoP was reviewed. A combination of survey and field visit data from rabbit and fox practitioners showed that welfare problems with snare use could not be eliminated by best practice (IWGS, 2011). Despite good awareness and knowledge of the code, there was a lack of compliance regarding snare use and, despite best practices, the level of non-target captures were still high. There were two main areas of non-compliance: hardware / snare design (CoP-compliant fox snares could not be purchased “off the shelf”, and for rabbit snare users, a persistent failure to use stopped snares) and operating practices (e.g. use of cluttered sites). It should be noted here that in the UK there is a much higher cultural use of snares for the trapping of foxes and rabbits, compared to the use in New Zealand.

Generally Accepted Practice

Changes to the Animal Welfare Act in May 2015 clarified that reckless and wilful ill-treatment of a wild animal is an offence, with a defence of following 'generally accepted practice' in New Zealand for the hunting or killing of wild animals of that type or animals in a wild state of that type. NAWAC is currently developing a list of issues considered grey areas or which come up in the wider community as concerns regarding generally accepted practice. The use of snares could be included within this consideration.

Conclusion

An Order in Council under the Animal Welfare Act can be used to set clear rules on the use of snares in New Zealand. Non-regulatory mechanisms or guidelines are likely to have a smaller role in promoting best practice around snare use where allowed.

(d) Whether the trap or device conforms to any relevant New Zealand standard within the meaning of the Standards Act 1988 (Section 33D)

There is no New Zealand Standard for snares.¹⁵

The International Organisation for Standardisation (ISO) has finalised two standards relating to traps. They are:

- ISO 10990-4 Animal (mammal) traps – part 4: Methods for testing killing-trap systems used on land and underwater (1999); and
- ISO 10990-5 Animal (mammal) traps – part 5: Methods for testing restraining traps (1999).

These standards present information on how to test traps, but do not provide any criterion that indicates whether a trap passes or fails the standards.

To enable the welfare performance of traps to be assessed in a standardised way, NAWAC has developed a trap-testing guideline¹⁶ based on the international standard. Traps are assessed against effective restraint and effective kill, as applicable¹⁷. Traps are also tested for selectivity and user safety (Guideline 09, Appendix E). Animal welfare is based on physical trauma, and does not include psychological or physiological distress.

Whilst snares have not been put through the criteria set by NAWAC, other than in the case of the Possum Master and Nooski trap, in their proposal to prohibit the sale and use of snares, the RNZSCPA stated that they felt neck snares (with or without a stop) would be unlikely to meet NAWAC's criteria. NAWAC holds the view that there are likely to be unacceptable welfare impacts on snared animals in New Zealand.

The Possum Master has been tested as a kill trap for possums and ferrets using the NAWAC trap-testing guideline, and failed for both species (i.e. not rendering sufficient animals irreversibly unconscious within adequate time frames and escapes being recorded; however of 15 possums that it held 13 were rendered irreversibly unconscious within 3 minutes and 2 between 3-5 minutes). It was also tested on feral cats, but failed on account of a leg capture. However, the times to loss of consciousness of 6 neck-caught cats were within the 3-minute timeframe, suggesting that a kill trap based on a snare mechanism could be developed to meet the NAWAC criteria. The Nooski trap passed the guideline, rendering 9 out of 13 Norway rats unconscious in less than 30 seconds and the remaining ones unconscious in less than 40 seconds.

¹⁵ Contacted Standards New Zealand who completed a search of their catalogue (date 09.06.15).

¹⁶ <https://mpigovtnz.cwp.govt.nz/dmsdocument/8521/send>

¹⁷ Restraining trap systems are assessed via physical trauma or injury received (classified into four trauma categories: mild, moderate, moderately severe, and severe trauma). Guidelines stipulate what proportion of trapped animals is allowed to have trauma exceeding certain categories to pass. Kill traps are assessed via the time to loss of corneal reflex. To pass, stipulated proportions of trapped animals must be rendered irreversibly unconscious within 3 minutes (welfare performance class A) or 5 minutes (welfare performance class B).

(e) The availability and cost-effectiveness of, and the feasibility of a transition to, other means of achieving the purpose of the trap or device (Section 33E).

Several methods and devices (including other trap types) are available for controlling or eradicating animal populations. Methods that do not involve trapping include toxins, shooting and biological controls.

Any restrictions or prohibitions of snares may result in a switch to alternative means of control, or use of a different trap. However, this discussion will focus on alternative traps as envisaged by the wording of the legislation.

In order to be acceptable alternatives to the banned snares, alternatives must:

- Promote acceptable animal welfare outcomes;
- Be readily available and cost-effective;
- Be easy to use; and
- Have acceptable capture efficiency;

when compared with the snares that are proposed to be banned.

These criteria are measured as follow:

- *Acceptable animal welfare outcomes:* The trap or device must (preferably) pass NAWAC's trap testing guidelines (noting that not all traps or devices have been subject to this testing) or at least have better animal welfare outcomes overall than the snares proposed to be prohibited. The latter is difficult to measure.
- *Readily available and cost effective:* The traps or class of traps must be of a price comparable with the snares proposed to be prohibited, and can become or are available in New Zealand.
- *Easy to use:* The traps or class of traps must be able to be set with at least similar ease to the snares proposed to be prohibited. This includes factors such as trap weight and portability.
- *Acceptable capture efficiency and selectivity:* The traps or class of traps must successfully catch and hold target animals and exclude or minimise captures of non-target animals at least at a similar rate to that of the snares proposed to be prohibited. For captures of non-target animals that are generally not valued (e.g. pest animals that were not the specific target of the trap) the welfare outcomes criteria may apply if some rate of capture is unavoidable and otherwise acceptable.

What is considered acceptable capture efficiency may depend on the reasons for conducting a trapping operation. For example, conservation control of possums requires more effective control than commercial fur trappers would necessarily seek.

Promote acceptable animal welfare outcomes

The comparison between snares and their alternatives within New Zealand will be undertaken once current use of snares in New Zealand, and hence alternatives, have been identified through consultation.

Availability and cost-effectiveness

Wild Game Trapping Supplies New Zealand sell a live capture, leg snare trap for the live capture of Wild Deer, Feral Pigs and Goats at a cost of \$250.00 each with free postage within New Zealand.¹⁸

Possum Master Kill Trap costs \$55 with an additional \$5 for a faceplate.¹⁹

Snare wire is likely to be available at a reduced cost and could be used to make a very primitive snare. A number of alternative traps are available through New Zealand suppliers and off the internet. Indicative prices are as follows:

- **Leg-hold traps** – prices range from approx. \$8-50.
- **Kill traps** vary in price. The Timms trap retails for around \$36.
- **Cage traps** also vary in price, with models retailing from around \$60 to \$110.

The sale and use of leg-hold traps are restricted in New Zealand under the Animal Welfare Act 1999, by size and type²⁰. Use is also restricted to protect pets. Ministerial approval can be granted for the sale or use of an otherwise restricted trap or device, in certain limited situations where it is in the public interest and there is no viable alternative in the circumstances.

The financial impact of a prohibition or restriction on individual users will depend on various factors, including the number of snares currently owned and used, and if a phase out period is allowed for.

Currently, the use of snares in New Zealand appears very limited. If this is the case, prohibiting or regulating snares at this stage is likely to be associated with a lower cost than waiting for their use to become an issue and then trying to implement a change. In addition if snares were to become more widely adopted, in order to prohibit or regulate them, it would be necessary to prove other alternate methods were as effective, and allow continued use if they were not.

Ease of Use

Depending on their design, simple snares:

- Are relatively lightweight and easy to carry;
- Do not require animals to enter a cage or bite bait to be caught (though they may);
- Are relatively inconspicuous;
- Do not rely on toxins;

¹⁸ <http://wildgametrappingnz.synthasite.com/>

¹⁹ <http://www.possummaster.co.nz/index.php?/Order-traps>

²⁰ <https://www.mpi.govt.nz/protection-and-response/animal-welfare/traps-and-devices/>

- Sometimes allow the release of non-target animals; and
- Are relatively cheap (varying on complexity).

Other non-lethal and kill traps may be bulkier and heavier. Size and portability is a significant practical consideration for trappers, especially for large scale operations or those conducted in rugged and remote areas.

Acceptable capture efficiency

Simple snares are indiscriminate and reports of non-target animal captures are common.

Few studies have compared the capture efficiency of leg-hold traps and leg-hold snares. International literature suggests that leg-hold snares are less effective for canid control than leg-hold traps (Mowat et al. 1994; Fleming et al. 1998; Nocturnal Wildlife Research Pty Ltd 2008).

Conclusion

Comprehensive information on the advantages and disadvantages of alternative methods is not available as not all traps have been assessed fully. Viability of alternatives depends to an extent on the scale of the trapping operation and specific context in which snares are used, though for the species which currently appear to be targeted with available snares, alternative control measures do exist. Wider input is sought through consultation.

(f) Whether the trap or device could be modified, or the method of use controlled, to avoid unacceptable effects on animal welfare (Section 33F)

Modifications

As presented in section a, snares are made up from a number of components. How the animal is caught in a snare is a function of the individual components and external factors such as how and where the snare is set, and how and whether the snare is baited.

Modifications to try and minimise the snaring of non-target species and reduce injury, include:

- use of a stop to prevent the noose from closing below a specific size;
- use of a breakaway system that releases non-target animals (Short et al. 2012);
- use of a diverter set at the appropriate height to allow non-target animals to push the snare away prior to contact (Gardner 2010);
- incorporating a Kevlar cuff in a wire foot snare (IWGS 2005) and
- a considered selection of trap site, lures and loop diameters (Knopff et al. 2010).

Modifications to restraining snares for foxes were able to improve both the selectivity of snares and the welfare of the animals trapped when used in conjunction with ensuring that the snares were not set where entanglement could occur (IWGS 2011; Short et al. 2012).

The use of tranquilizers have also been considered as modifications to make traps more humane, with variable results (Pruss et al. 2002; Marks et al. 2004). Whilst such drugs may help to reduce the activity over the period an animal is trapped, and so reduce injury and distress in some instances, the use of sedatives also leaves the animal open to the risk of predation (exacerbated by reduced frequencies of trap checking), and agents used need to be quick acting in order to improve welfare outcomes. The delivery of a rapidly acting, humane, lethal drug may result in better welfare outcomes, although identification of the latter is problematic.

Despite such modifications, it is possible that non-target species will continue to be snared and modifications or adaptations can fail (IWGS 2005; Murphy et al. 2009), e.g. requiring a stop on a snare has no effect if a different species is captured or an animal is caught by a different body part than intended, lock mechanisms may not work as designed if they become tangled in an animal's fur, or entanglement occurs (where the snare cable becomes wrapped around trees or other objects, providing leverage to tighten the noose, or preventing the release of tension). Physical modifications to the snare components also do not remove risk of injury caused by human error, e.g. setting a snare in close proximity to obstacles in which animals can become entangled or hang when caught.

Modifications undertaken after the manufacture of a snare can also be easily reversed, a concern which has previously been discussed in the context of leg-hold traps.

Control

Codes of Practice and guidelines could be developed for snare use. However, the likelihood of them being observed and their effectiveness in ensuring better welfare outcomes is debatable. They may be better used to promote effective use of other methods with acceptable animal welfare outcomes.

Currently section 36 of the Act specifies that live-capture traps should be inspected within 12 hours of sunrise. In most countries in the developed world, trap inspection periods of at least once per day are a minimum standard.

A positive relationship exists between the periods of time held in captivity and the degree of injury and stress (Powell and Proulx 2003). The current time limit around inspections could be decreased to within a shorter time period from sunrise to reduce the amount of time an animal might be held or suffer within a snare, and to check for ground obstruction, rust and general condition. However, the IWGS (2011) found no welfare benefits in shortening the inspection interval from 24 to 16 hours, and it is unlikely that this would be considered outside of the context of all traps.

Kill traps are not included within this specification, and so kill snares would not need to be inspected accordingly.

Conclusion

Rules relating to modification are unlikely to ensure better welfare outcomes.

An Order in Council under the Animal Welfare Act can be used to set clear rules on the use of snares in New Zealand. Non-regulatory mechanisms or guidelines are likely to have a smaller role in promoting best practice around snare use where allowed.

(g) The consultation conducted under section 32(1) or section 32(6), as the case may be, and any consultation conducted under section 184(1) (Section 33G)

Before deciding whether to make an Order in Council prohibiting or restricting a trap or device, section 184(1) of the Act requires that the Minister consult, to the extent that is reasonably practicable, having regard to the circumstances of the case, such persons as the Minister believes are representative of the interests likely to be substantially affected by a prohibition or restriction.

NAWAC recommends that a consultation with affected parties is required on the proposal above.

Possible questions to be considered:

1. Do you (or your organisation) use snares? If so, what are the key reasons for their use? What kind of snares do you prefer to use?
2. What impact would the proposed prohibition have on you (or your organisation)?
3. If a prohibition on specified snare types is put in place, should this be for all species or for named species or types of animal only? Why?
4. How can criteria be set up that distinguish between the types of snare to be prohibited and those unaffected?
5. Should killing and restraining snares be treated differently? Should leg and neck snares be treated differently? Why / why not? Are there other snare types which should be treated differently?
6. What safeguards should be put in place to ensure that snares are set correctly?
7. Do you consider that the pain and distress caused by snares is likely to be unreasonable? Why / why not?
8. Do you agree that an Order in Council is the most effective way of setting clear rules relating to the use of snares? Why / why not?
9. What are the alternative mechanisms and what are their advantages / disadvantages?
10. Do you agree that there will be a suitable alternative to snares for commercial use? Why / why not?
11. Do you agree that there will be a suitable alternative to snares for domestic or small-scale use? Why / why not?
12. Will modifications be effective in ensuring better animal welfare outcomes? Why / why not? How can they be monitored and checked? Should they be introduced pre-or post-manufacture?
13. Should a phase out period be put in place for snares? Why / why not?
14. If a phase out period is appropriate, what is the optimum length of time for this?
15. Should any Order in Council prohibiting the use of snares allow for exemptions? Why / why not?
16. If exemptions are permitted, what kind of exemptions should be allowed? Would restrictions or a prohibition be a better means of providing for any exemptions?
17. What specific issues, if any, do the proposed prohibitions raise for Māori stakeholders?

Conclusion

To be confirmed post consultation.

(h) Any other matter considered relevant by the Minister (Section 33H)

Māori Hunting Techniques

While it is unknown whether snares are commonly used, a ban on snare traps may impinge on traditional Māori hunting techniques. The Treaty of Waitangi gives the Crown the right to govern, but in return requires the Crown to protect the tino rangatiratanga (full authority) of iwi and hapū in relation to their 'taonga katoa' (all that they treasure). Taonga can include physical things such as land, waterways, flora and fauna, but can also include cultural and intellectual treasures. A restriction on snaring, a customary hunting technique, may be considered a restriction on a cultural taonga.

In 1991 a claim, Wai262, was laid with the Waitangi Tribunal that concerned the place of Māori culture, identity and traditional knowledge in contemporary New Zealand law, policy and practice. It was laid by Māori who felt that New Zealand law, policy and practice did not incorporate Māori Mātauranga (language, science and technology, laws, history, systems of property and value exchange, and rituals and ceremonies). After a whole-of-government enquiry, a report was published in 2011 with recommendations from the Waitangi Tribunal. The Tribunal called for a partnership between Māori and Government when making policy. NAWAC recommends that a thorough consultation with Māori and other affected sectors is conducted, before implementing any restrictions on snare trapping.

It should be noted that 'attended' snares were most popular in traditional Māori hunting. If a restriction on snares was imposed but an exemption made for hand-held snares this might be a way to not impose on traditional hunting and would also allow for the provision that a snared animal can be immediately killed in appropriate manner or released uninjured.

Fishing for marine crustaceans

Hand-operated lassoes are used for harvesting rock lobster, and work in a very similar mechanism to a snare. Research suggests that this method, when properly used, causes fewer injuries than hand gathering (Powrie and Tempero 2009). However, the Fisheries (Amateur Fishing) Regulations 2013 prohibit the use of spring-loaded loops or lassoes and constructions which could damage the lobster²¹.

As these hand-operated lassoes are used in fishing, a ban on snares under the Animal Welfare Act would not impact upon this practice and such snares could be excluded from this discussion, but it may be important to articulate this within any proposed prohibition / restriction.

Enforceability of rules

Much trapping occurs in remote areas or areas away from urban settlements. It is possible that rules pertaining to the use of snares may be difficult to enforce. Without a complete ban on snares it may be difficult to identify incidents of illegal snaring.

²¹http://www.legislation.govt.nz/regulation/public/2013/0482/latest/DLM3630170.html?search=sw_096be8ed81910173_loop_25_se&p=1&sr=2

Research, Testing and Teaching

An Order in Council under sections 32-36 of the Animal Welfare Act does not prevent research being conducted in accordance with Part 6 of the Act.

Importation restriction on snares

The Act does not contain provisions to prohibit or restrict imports. If such prohibitions or restrictions are needed, they could be made under section 54 of the Customs and Excise Act 1996. Any such restriction is only valid for three years at a time.

Phase out period

A phase out period has the advantage of potentially improving support from users for a transition to alternatives, recognises the cost imposed by any prohibition, and gives a period where trappers can be fully informed of the impacts of any new rules relating to traps.

However, it would mean that any traps considered inhumane with respect to the criteria in section 33 of the Act would still be in use throughout the transition period.

Exemption from a prohibition

NAWAC notes that it may be necessary for some potential users to be able to obtain exemptions from any prohibition. For example, a prohibited trap might be required to control a specific pest species that is posing a threat to an endangered species or when eradication of a pest is attempted. A blanket prohibition in these cases may give insufficient flexibility.

However, if the trap is found to cause unnecessary and unreasonable pain and suffering as per section 33 of the Animal Welfare Act 1999, exemptions should not be permitted.

Restricting snares that may still be needed under exceptional or special circumstances is an alternative to exemptions. However, difficulties experienced with this option and glueboard traps for rodents make it unlikely that this would be a feasible option.

Conclusion and Proposals

Currently it does not seem that snares are widely used in New Zealand.

There are concerns, both in New Zealand and overseas, that snares are indiscriminate and inhumane; both depend on snare design and how it is set. Whilst some snare designs have been found to improve efficiency and selectivity, these results are largely controlled by the competence of the individual setting them. The latter is especially hard to control, leaving both killing and restraining snare use open to severe welfare risk. Capture and injury to non-target and injury to target animals are commonly reported.

It seems that even with good practice guidance in place it is very difficult to minimise the risk of adverse welfare impacts resulting from snare use. Key issues include the indiscriminate nature of snares and the pain and suffering caused to animals. Pain or distress caused by snares is likely to be unreasonable if alternative mechanisms or traps are available that serve the same purpose, but which lessen or eliminate this pain and distress. The lack of data available on the use of snares within New Zealand, and particularly on their welfare impact, is problematic both in making cost/benefit assessments about when the use of snares is justifiable, and also in developing good practice guidelines.

However, completely prohibiting the use of snares, if not clearly defined, may remove the ability of developers to create humane traps around the concept of a snare.

Consideration of Options

Option 1: The status quo

There are likely to be unacceptable welfare impacts on snared animals, even with the current trap inspection rules. Welfare impacts are influenced by the type and set of the snare and the species/size of the animal captured.

The risk with remaining with the status quo is that snares may become more widely used. It would then be more expensive to prohibit them if necessary in future.

Option 2: Status Quo + Issue a Code of Practice

Evidence suggests that non-compliance would remain and so this would be unlikely to reduce the suffering of animals. There is currently no legal avenue to motivate an individual to comply.

Option 3: Restriction or Modification

As a minimum, restrictions/modifications which do go some way to protecting the welfare of the animals include: a requirement that snares are not set at sites cluttered by obstacles or where entanglement may occur; modifications to avoid catching non-target animals, etc.

Option 4: Use of specified snares is prohibited

Ensuring that the snares most likely to be unduly injurious are adequately controlled is most likely to be achieved by the way of an Order in Council under the Animal Welfare Act.

One concern with a complete prohibition is that innovation in trap design may be stifled, at the detriment of welfare in the future. In addition, a complete prohibition may impact the use of traditional hand-held Māori hunting techniques or the use of hand-held restraining devices for wild and domestic animal management purposes.

With the current knowledge held, NAWAC is proposing the following as the best approach in both safeguarding animal welfare and allowing innovation in future trapping methods:

1. All leg snares are prohibited unless they are hand-held leg snares.
2. All neck snares are prohibited with the exception of those snares which are:
 - g. Hand-held restraining neck snares; or
 - h. Killing neck snares; and,
 - i. Power activated; and,
 - j. Voluntarily activated, e.g. by the animal pulling on a bait / trigger (as opposed to walking through a noose by chance); and,
 - k. Incorporated as one component within a device which also includes safeguards to ensure (as far as possible) both target animal and capture location (around the neck) specificity.

Option 5: The Minister may approve a person to use or sell an otherwise prohibited snare.

This option can be explored further, as in the Animal Welfare (Glueboard Traps) Order 2009.

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Appendix 1

Criteria in section 33 of the Animal Welfare Act 1999

- (a) The nature and purpose of the traps or device; and
- (b) Whether any pain or distress that the trap or device is likely to cause would be unreasonable; and
- (c) Whether the use of other instruments under this Act, or instruments under other Acts, are adequate to manage the effects of the trap or device on animal welfare; and
- (d) Whether the trap or device conforms to any relevant New Zealand standard within the meaning of the Standards Act 1988; and
- (e) The availability and cost- effectiveness of, and the feasibility of a transition to, other means of achieving the purpose of the trap or device (whether by means of another trap or device or by different means): and
- (f) Whether the trap or device could be modified, or the method of use controlled, to avoid unacceptable effects on animal welfare; and
- (g) The consultation conducted under section 32 (1) or section 32 (6), as the case may be, and an consultation conducted under section 184 (1); and
- (h) Any other matter considered relevant by the Minister.

Appendix 2

IWGS code of practice (CoP) for the use of snares in fox and rabbit control, subsequently adopted by DEFRA.

The code of practice includes but is not limited to the following:

- Snares MUST be set only at sites likely to be used by the target species – there must not be evidence of regular usage by non-target species.
- Snares must only be used as a restraining device for foxes
- Snares must not be set in sites cluttered by obstacle such as saplings, hedges, fences, gates etc.
- Snares must be free running, have a fixed permanent stop and should include a strong swivel near the anchor point, be supported by a suitable tealer²², and be firmly anchored.
- Guidelines around construction, height and positioning.
- The desirability that animals are dealt with as soon as possible. During winter, in order to comply with best practice, snares must be inspected as soon after sunrise as practicable, and should again be inspected near dusk. In summer snares must be inspected before 9am, and a further inspection be conducted in the evening.

²² Holds the snare loop at the correct height and square across the run, so that it catches the animals head correctly.