



National Animal Welfare Advisory Committee

28 January 2025

Hon Andrew Hoggard
Associate Minister of Agriculture (Animal Welfare, Skills)
Parliament Buildings
Wellington 6160

Cc: Ministry for Primary Industries

Tēnā koe Minister Hoggard

NAWAC advice in response to the *MPI Engagement Paper: Analysis of the Proposed Animal Welfare Requirements for the Export of Livestock by Sea*

Thank you for your request on 6 December 2024 to NAWAC to provide advice and feedback on the *MPI Engagement Paper: Analysis of the Proposed Animal Welfare Requirements for the Export of Livestock by Sea*. We very much appreciate being invited to participate at an early stage in this process. NAWAC had formed a Sub-Committee in preparation, which I have chaired. The Sub-Committee met with MPI on 13 December to receive a briefing on the matters within the Engagement Paper and to discuss the process to develop our advice. The Sub-Committee met on 18 December and 21 January 2025. NAWAC received a draft for written feedback, and on 28 January 2025 met virtually to approve this advice.

Live animal exports has relatively recent history that includes consultation processes on prior regulatory proposals. NAWAC's present advice should be read in conjunction with our previous Submission on the review of livestock exports, of 22 January 2020¹. The MPI proposal includes risk management in areas that NAWAC previously noted as major concerns, in particular: on-board conditions, monitoring and reporting systems, animal welfare standards in destination countries, and contingency planning. NAWAC's willingness to continue to offer advice on risk management, including in these areas, should not be interpreted as indicating that the current proposal fully overcomes our concerns.

In developing this present advice, NAWAC has been conscious of potential conflicts of interest amongst our members, particularly arising from dual roles (where NAWAC members belong to other organisations with stated positions or participating in the MPI engagement in parallel) or predetermination (where NAWAC members have a publicly stated position). Declarations were made at the start of our meeting on 28 January 2025, the meeting during which our advice was finally agreed. I opened this discussion by reminding members that they are appointed by the Minister in an individual capacity to provide independent advice. After recording the declarations and noting that no members held pecuniary interests in animal exports, I invited all members to participate in the deliberations and contribute to the advice based on their independent perspective and assessment, rather than being bound to represent any other organisation's perspective or a previously stated position.

¹ [NAWAC submission on livestock exports](#)

Our advice below is structured to firstly consider the overall design of the regulatory framework for live animal exports, then to respond sequentially to each part of the MPI Engagement Document. As some aspects of the proposal are not yet specific, we look forward to providing additional advice as details become available.

Regulatory design

1. In many areas, the risk management proposals are conceptual and remain to be fully expounded. In these cases, our indication of “in principle” support for the proposal should be interpreted as confirming the potential for beneficial risk management. Our advice on the risk management effect achieved requires the opportunity to comment on the detail of a fully expounded proposal.
2. The proposed framework to amend the Animal Welfare Act (AWA), develop a specific regulation, codify statutory instruments with technical standards, and oblige exporters to have an Animal Welfare Export Plan fills existing gaps between the AWA and Animal Welfare Export Certificates (AWEC) in a way that will support transparency, consistency and enforceability.
3. Developing the regulatory framework under the AWA in this way ensures animal welfare-specific competencies for Exporters, Approved Organisations, and Verifiers can be described and considered, rather than relying on requirements derived from other legislation (e.g. Animal Products Act).
4. While the statutory prohibition has applied to specific species of livestock exported by sea, the regulatory framework to be developed should be generalisable to potentially all live animal exports so that other categories of exports (e.g. species, classes of livestock, conveyances) deemed high risk for animal welfare can be managed through the same framework, if deemed necessary.
5. NAWAC remains interested in the development of the Regulation and the model to be followed. Approaches under animal-based legislation in New Zealand vary: we have high-level frameworks such as the Animal Products Act Regulations; and we have detailed prescriptions such as the AWA Care and Conduct Regulations. Given the direct enforceability of Regulations, we encourage sufficient clarity and prescription within the Regulation so that these can be relied on to prosecute non-compliance and for negative decisions to withstand technical, legal and procedural challenge, with tertiary standards providing additional supporting and interpretive context.
6. New Zealand has a comprehensive set of AWA Regulations and Codes of Welfare. NAWAC supports the full use of these through direct incorporation, cross-referencing or technical alignment. Any exclusions or departures from these for exported animals should be justified by explaining why the circumstances of exported livestock, as compared to other animals in New Zealand, oblige different standards for meeting physical, health and behavioural needs.
7. NAWAC recommends a specific mechanism within the Regulation that enables definitions or generalisable decisions not to export to countries, on routes or at times if there are concerns about animal welfare. For instance, there may be concerns regarding a country’s animal welfare standards and their implementation. World Trade Organisation (WTO) rulings have clarified that animal welfare is a legitimate moral consideration for international trade. NAWAC would like to see this consideration reflected in New Zealand’s legislative framework because of the extra-territoriality restrictions that are noted within Part 8. Reporting. Other examples include when a particular shipping route is known to be subject to security concerns, delays, or

weather conditions that create animal welfare risks, which may be exacerbated during certain calendar periods.

8. NAWAC recommends that animal welfare outcomes are more explicitly used in the regulatory framework. At present there is prescription of certain input parameters, and our comments below may refer to these. Stating animal welfare outcomes provides a means to ensure outcomes are factored into monitoring, performance assessment and compliance.
9. In conjunction with animal welfare outcomes, the regulatory framework should clearly describe a measurement, reporting and verification framework that includes animal-based indicators. At present, the only animal-based indicator that is documented is mortality, which NAWAC considers to be a very poor one in that it masks a great deal of sub-lethal pain, distress and suffering, and offers no value in relation to positive welfare. Greater reliance on animal welfare outcomes and animal-based indicators could assist risk management across the entire supply chain (preparation, loading, on-board, on-arrival) and at all parts of facilities, including vessels.

Part 1. Sourcing and preparation

10. We note the proposal that all cattle are minimum Body Condition Score (BCS) 4 at loading. NAWAC's Dairy Cattle Code of Welfare review has proposed that farmers must have a remedial plan for cattle at BC3 or below. The MPI Chief Scientific Officer believes this should be BCS 2.5 or below. As an example illustrating point 6 above, NAWAC would like to understand the evidence and justification for the proposal, and whether MPI considers that consistency for such requirements is important.
11. NAWAC notes that MPI could not provide evidence for the BCS proposal, such as data on weights or BCS at loading and disembarkation, suggesting a reliance on heuristics and a general concern that livestock will lose condition during voyages, despite certain exporters claiming the opposite. Introducing BCS as an animal-based indicator with a measurement, reporting and verification framework that included either weighing or condition scoring all or a sample of livestock prior to and at the end of their journey would offer dual benefits of monitoring welfare outcomes for specific voyages and exporters, as well as overcoming the lack of data to set requirements.
12. NAWAC notes the intention to develop and implement an Export Cattle Pregnancy Testing Scheme and sees this as beneficial for animal welfare risk management, in principle.

Part 2. Land Transport

13. NAWAC notes and appreciates the cross-reference to the Transport Code of Welfare, without exclusions.

Part 3. Management of livestock prior to export

14. NAWAC strongly supports the introduction of a mechanism to define animal welfare-specific monitoring pre-export, thereby enabling definition of specific animal welfare outcomes and requirements over-and-above those necessary for animal health official assurances e.g. size consistency in groups.

Part 4. Vessel selection and preparation

15. Of particular concern, NAWAC notes that the proposed facilitation of exports involving Tier 1, 2 and 3 vessels undermines earlier political rhetoric that the trade would resume in new, purpose-built, environment-controlled vessels.
16. Regarding the proposed Vessel Assessment Scheme, while noting the description indicates reasonable objectives and criteria, we reserve our opinion on whether Tier 2 and Tier 3 vessels will achieve acceptable animal welfare risk management until we fully understand how MPI intends to apply the criteria.
17. The additional risk management requirements that are intended to apply to Tier 2 and 3 vessels seem somewhat arbitrary. We would like to understand the evidence and logic used to derive the various parameters, from a perspective of assessed risk to animal welfare, and risk mitigation achieved.
18. From the limited description provided, NAWAC understands that the Vessel Assessment Scheme is proposed as a paper-based process relying on exporter-declarations for verification, at least until the vessel is at port in New Zealand and the declared criteria can be physically verified. Notwithstanding our reserved opinion on tiers, NAWAC believes there should be an early opportunity to physically verify the criteria identified for all vessels, and this should not be left until the vessel is present at port in New Zealand. Leaving physical inspection and verification of criteria until a vessel is in (or *en route* to) New Zealand will inevitably result in economic pressure within decision-making processes. Economic considerations should have no weight in specific voyage approvals, even accepting their application in the over-arching policy decision to resume trade. NAWAC suggests that there should be an opportunity for physical verification of a vessel as meeting the requirements incorporated into the process to apply for and approve an Animal Welfare Export Plan before any implementation of voyage preparations.

Part 5. Planning a consignment

19. NAWAC notes the emphasis placed on contingency planning. However, we contend that any contingency planning process must be based on clearly defined risk mitigation performance standards, for all parties to transparently and consistently interpret what is “appropriate”, including during objective evaluation and approval. This is effectively what is included in the specifications for additional feed and bedding for Tier 2 and 3 vessels, but this only addresses one aspect of animal welfare risk.
20. For a power or mechanical failure, risk mitigation performance standards should define the acceptable outage and resumption time limits for on-board electricity and locomotion.
21. For a feeding or watering system failure, risk mitigation performance standards should define acceptable outage and resumption time limits, and back-up arrangements for manual feeding and watering during outages of longer than certain durations.
22. For effluent management systems, risk mitigation performance standards should define acceptable outage and resumption time limits, as well as arrangements when interventions to improve pen surface conditions are deemed necessary. This should be linked to a clear definition of outcomes for pen conditions, as further discussed above and below.

23. To avoid dis-embarkation being unnecessarily delayed after arrival or that consignments are rejected for any reason, exports should only occur to countries when a government-to-government bilateral agreement is in place that achieves prioritisation of vessel clearance procedures, confirmation that disembarkation will be allowed to proceed into suitable isolation facilities, and prioritised re-provisioning during unavoidable delays.

Part 6. Loading and on-board management.

24. NAWAC acknowledges use of K values is reasonable as an input-based requirement to clearly define space allowances. We note the space requirements described are much less than those proposed to be introduced for indoor and outdoor dairy cattle in Codes of Welfare currently under review (1cow/10m²). As noted previously, there should be a clear justification for this based on different circumstances for any species-based standards. NAWAC suggests complementing the input-based requirement with an outcome-based requirement of enabling all cattle to lay down, rise and move freely without risk of injuries or disturbances, given the importance of lying behaviour for cattle. Indicators and monitoring could be developed accordingly.
25. Regarding drainage and bedding, again, NAWAC suggests outcome-based standards would complement the input-based prescription of bedding material volumes. For instance, such standards could ensure the state of the floor surfaces within pens provides relatively dry loafing conditions, does not inhibit lying behaviour, nor result in coating animals with effluent.
26. Regarding ventilation, NAWAC contends that defining a maximum ammonia level of less than 25ppm is not acceptable. Codes of Welfare across livestock sectors are aligning on a maximum limit of 15ppm. Greater prescription of monitoring requirements will be important to provide consistency across all locations, given likely variability in enclosed spaces reliant on ventilation systems, including at head height of lying/loafing animals.
27. NAWAC indicates in principle support for the proposed accreditation of head stock person and on-board veterinarian, and we will remain interested in how the training and competency aspects are described for all persons with livestock contact and responsibility roles.
28. Regarding monitoring and reporting, we support the intention of specifying these enhancements as regulatory requirements. However, as discussed earlier in relation to animal-based indicators and associated measurement, reporting and verification processes, we believe this needs to be significantly developed from the proposal to ensure consistent interpretation.

Part 7. Verification

29. NAWAC supports the intention of incorporating animal welfare-specific verification through designation of Approved Organisations with animal welfare competencies, in principle.
30. Similarly, we support performance-based verification allowing for demonstrated consistent good performance in audits to result in reduced audit frequency, in principle.

Part 8. Reporting

31. The proposed additional post-arrival reporting at 30 and 90 days provides a still very limited means of addressing NAWAC's concerns regarding differing animal welfare standards in importing countries.

32. NAWAC would prefer to see the regulatory framework support active approval of countries or supply chains, such as developed by Australia within their Export Supply Chain Assurance System.
33. Noting the statement in the discussion document on “extra-territoriality”, NAWAC considers this a statement of fact but also a “red herring”. A less generous interpretation could see it as disingenuous in deliberately and wrongly suggesting there is nothing New Zealand can do about our concerns in relation to animal welfare standards in countries we export live animals to. WTO rulings have clarified that countries can legitimately apply animal welfare as a moral concern when making decisions on trade in animals and animal products. The New Zealand policy position of choosing not to do this out of reciprocity concerns (or more specifically, concerns importing countries may apply similar considerations to New Zealand exports of animal products) should be more clearly stated and debated in this policy process.

If you require any additional information, please feel free to contact me directly. I am also at your service if you would like to meet to discuss any matter raised above or concerning animal welfare in New Zealand.

Ngā mihi,

A handwritten signature in black ink, appearing to read 'M Stone', with a stylized flourish at the end.

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