

GUIDELINE 06: Fulfilling NAWAC's advisory function to the Minister

1. Purpose

This guideline describes how NAWAC operates to fulfil its purpose to advise the Minister on issues relating to the welfare of animals in New Zealand (section 55(2)(a)).

2. Context

The Animal Welfare Act 1999, section 57 (a) elaborates on this function to provide advice to the Minister on any matter relating to the welfare of animals in New Zealand, without limitation, but including areas where research into the welfare of animals is required, and legislative proposals concerning the welfare of animals. This function often competes for Committee time with other functions, especially that regarding codes of welfare but is no less important for New Zealand's animal welfare system.

NAWAC may provide advice to the Minister relating to proposals developed by MPI. Additionally, occasionally, NAWAC will identify issues within the Animal Welfare system that compel it to act pro-actively in providing advice. The principles of good regulatory practice that NAWAC articulates in Guideline 1 Appendix 2 regarding developing and reviewing Codes of Welfare apply equally in these circumstances. Understanding Ministerial expectations and priorities ensures a receptive strategic environment for NAWAC's advice. Seeking input from MPI as the regulator and as well as other Animal Welfare partners and stakeholders ensures NAWAC's advice is based on a well-rounded understanding of issues, including practicality and economic considerations, and associated evidence.

3. Considerations

3.1 Reactive advice

NAWAC encourages open and transparent engagement to improve the New Zealand animal welfare system. To be able to advise the Minister on legislative proposals, NAWAC is available to participate in Ministerial, Parliamentary or MPI-led legislative proposals during any stage of the legislative process. NAWAC may also provide reactive advice on any issue for which the Minister requests such advice.

3.2 Pro-active advice

Matters affecting the welfare of animals in New Zealand may be brought to NAWAC's attention by the Minister, members, MPI, or stakeholders. NAWAC's issues register is used to identify and monitor matters that potentially warrant NAWAC focus, but which have not yet been formally adopted into the NAWAC work programme. NAWAC members continually monitor news media, publications and other intelligence sources on the matters identified in the issues register. NAWAC reviews the issue register at each general meeting to consider new developments and whether any issue being tracked is sufficiently important that it pro-actively deserves NAWAC's action. Action can take the form of incorporation into a current, future, or re-prioritised Code development or review process, or through providing advice to the Minister.

3.3 Transparency through the NAWAC work programme

NAWAC's work programme is developed by considering priorities of work and resourcing. The work programme is published on the NAWAC website. The intention to provide significant resource to advising the Minister on animal welfare matters should be included in the work programme. If matters arise outside the annual work programming cycle that NAWAC considers to be sufficiently important to warrant its attention, the Minister should be consulted, and the work programme updated. Pillar I activities for Code development and review typically take priority. Therefore, proposed Pillar II (advisory activities) should be justified to the Minister through clear framing of the issue, the process, and intended outcome.

3.4 Bespoke but pre-agreed process best suited to the issue being considered

NAWAC discussion of any issue being considered is the starting point for most advice, either reactive or pro-active. In both cases, NAWAC decides on a process of exploration, drafting and engagement for framing and developing advice for the issue being addressed. In its simplest form, this may involve a discussion and capturing of NAWAC's position. For more complex issues, it might involve appointing a NAWAC member, group of members, or a sub-committee to lead development of drafts, plans for engagement, and final advice. In all cases, drafts used as the basis for stakeholder engagement, engagement plans, and final advice will be brought back to the full NAWAC Committee for approval.

NAWAC's development of advice is not subject to statutory obligations regarding consultation, in contrast to obligations regarding NAWAC's role in Codes of Welfare development and review. Targeted engagement of MPI, Animal Welfare partners and stakeholders is decided by NAWAC with reference to good regulatory practice as discussed in NAWAC Guideline 1 and principles of consultation in NAWAC Guideline 2, including seeking a range of views. For efficiency, livestock sector stakeholder engagement should make use of existing bodies such as the Farm to Processor Animal Welfare Forum. If solicited during execution of an agreed engagement plan, the views of parties NAWAC engages with will always be given full consideration, and important differences of opinion reflected in final advice to the Minister.

3.5 Approval, transparency and consistency

When NAWAC provides advice to the Minister it must be finally approved in accordance with the meeting process described in Schedule 1 of the Animal Welfare Act.

The Minister is the audience for NAWAC and will receive such advice directly from the NAWAC Chair.

All requests for information held by NAWAC are managed under the Official Information Act. The Minister may also decide that specific NAWAC advice should be published on the NAWAC website.

NAWAC advice cannot be rescinded. However, new evidence may arise, other strategic considerations may be brought to NAWAC's attention, and NAWAC's membership may change, any one of which may result in NAWAC wishing to update previous advice. The development of updated advice should firstly carefully consider the process and outcomes of previous deliberations, and the rationale for re-visiting the matter. The process for updating any previous advice should also follow these guidelines.

This guideline was approved by NAWAC on 12 March 2025. This guideline is not a legal interpretation of the Animal Welfare Act 1999. It is anticipated that this guideline will be updated from time to time in light of experience gained by NAWAC during its deliberations.