

## Animal Welfare (Layer Hens) Code of Welfare.

### Summary of Submissions from Public Consultation

#### Submission numbers

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|-------------------------------|--------------|
| SPCA standard letter          | 110          |
| Green Party e-cards           | 745          |
| Kapiti Animal Welfare Society | 144          |
| SAFE standard letter          | 66           |
| SAFE e-card                   | 10911        |
| SAFE postcard                 | 22681        |
| Change.org petition           | 1276         |
| Individual submissions        | 210          |
| <b>Total</b>                  | <b>36143</b> |

Kapiti Animal Welfare Society also sent in a petition with 724 signatures collected from 2007-2011, the majority of signatures were collected outside the submission period. The petition sheets had several different headings:

- *Petition calling for an end to Factory Farming of Chickens in New Zealand*
- *Free caged hens now – Petition requesting that caged hen egg production be banned immediately*
- *New Zealanders against production of eggs from battery hens – supporting CAFF, campaign against factory farming*

## General comments

| No. of submissions received                         | Complete submission   | NAWAC Response |
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| <p><b>745</b><br/>Green Party e-cards</p>           | <p>We don't allow dogs to be locked up in cages all their lives. Why do we allow hens to be? Locking up hens in barren and cruel cages should not be allowed in a civilised society. We call on the government to phase out all cages.<br/><i>[Additional personal messages could also be added]</i></p>  | <p>Noted</p>   |
| <p><b>110</b><br/>SPCA standard letter</p>          | <p>I am writing to you today to express my opposition to the proposal to introduce enriched cages as per the Draft Code for Animal Welfare - Layer Hens released by The Ministry of Agriculture and Forestry (MAF) on Tuesday 8 February 2011. I believe keeping animals in conditions where they cannot exhibit their instinctive behaviour is unacceptable and is deemed inhumane as per the Animal Welfare Act 1999.<br/>Cage free egg producers affiliated with the SPCA Blue Tick programme are already successfully using barn and free-range methods, proving there is insufficient economic reason for delaying the ban on the use of these cruel caging systems. The proposal for so-called `enriched` cages or colony cages will put us 20 years behind our EU counterparts, who are phasing out cages from 2012, and will bring a whole new level of `economic` dispensations. Once these units have been installed industry will be entitled, because of their economic investment, to ask for a further 20 years to phase them out and I do not agree with this.<br/>Please implement a phase-out system in New Zealand and require a complete ban on caged systems by 2015.</p>   | <p>Noted</p>   |
| <p><b>144</b><br/>Kapiti Animal Welfare Society</p> | <p>Submission seeking to Ban all Caged Hen Production<br/>I/We write to state our opposition to your agency's suggested proposals to ultimately move from battery cages to so-called "enriched colony systems" cages that would perpetuate extreme suffering for layer hens. It is ludicrous to believe that the New Zealand public will endorse these enriched colony system cages which would increase the cramped space of 550 sq.cm a wretched factory farm hen is allotted to a mere 750sq.cm.<br/>You have acknowledged publicly, in a Dominion Post article on February 16, 2011, that "battery cages are cruel" so why would an agency set up to advise the government on animal "welfare" rather listen to the president of the Egg Producers Federation who not only advocates this equally cruel system but suggests to NAWAC that there should be a 20-year phase-in period!<br/>Parliament's regulations review committee investigated the position of layer hens in 2006 and unequivocally concluded that <i>the law should be changed to ensure that layer hens received the full protection of the Animal Welfare Act 1999 and that battery cages should be phased out.</i><br/>Why can't we follow the example of the European Union-wide ban on battery cages that is to take effect next year, especially in view of the results of a Colmar Brunton survey taken some years ago which revealed that 8 out of 10 New Zealanders were prepared to pay more for eggs that did not come from battery cages.</p> | <p>Noted</p>   |

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|   | <p>New Zealand will no longer tolerate cruel farming practices, as we have seen following media exposure of the living conditions endured by factory-farmed pigs.</p> <p>We call on NAWAC to support the immediate phasing out of caged hens, be they battery cages or “enriched colony system” cages.</p>  |              |
| <p><b>66</b><br/>SAFE<br/>standard<br/>letter</p> | <p>I agree that battery cages for hens need to be phased out, as they do not allow the hens to express their normal patterns of behaviour and are therefore in breach of the Animal Welfare Act (AWA). I ask for a timeframe of no more than five years for a phase out. Battery hen farmers have known for many years that a change would be required and have had ample time to research alternatives. A five-year phase out would be reasonable and preferred.</p> <p>I wish to emphasise that colony cage systems also do not provide an adequate minimum standard of welfare, and are not a satisfactory alternative to battery cage farming. Colony cage systems do not fully address hens' needs and create the same welfare problems as battery cages for the animals: space restriction, overcrowding and behavioural frustration, with associated health consequences.</p> <p>A hen is not able to stretch her neck with only 45cm of height, and the 600cm<sup>2</sup> of usable individual space is barely more than what the hens presently suffer in. The hens still cannot walk about, wing flap or turn around without difficulty. The supposed nest boxes, perches and litter areas provided in colony cages are of such minimalist design that they fail to satisfy the hens behavioural needs. Hens are private birds when laying eggs and the 'nest' areas are not large enough for true nesting. The perches are only 7cm off the cage floor and have been shown to be used as an escape from standing on wire than for true perching behaviour. 'Sham' dustbathing is not indicative of satisfied hen behaviour.</p> <p>I believe there is no excuse for denying a hen the ability to truly display its necessary behaviours of nesting, foraging and dust bathing. Besides this, all farmed hens should have space to run and access to outdoor areas. In my view NAWAC has avoided its responsibilities by not commissioning economic analysis of transferring to barn or free range farming systems. NAWAC needs to recommend good welfare for farming hens and to limit its scope to the welfare of cage hens is reprehensible. Alternative systems to cages already make up 10 per cent of the egg production market and has proven itself to be a practical solution.</p> <p>The economic analysis does not take into account the growth of free range as a market, and promotional benefits. There is an economic cost to New Zealand as being known as a country that introduces new kinds of cages. The introduction on a large scale of colony cage systems in my view would cause damage to New Zealand's reputation as a leader in animal welfare and would create risks to export markets. On the other hand a removal of cage systems would certainly add to New Zealand's international branding and reputation.</p> <p>Most of all we should be aiming to provide best welfare conditions for hens into the future. NAWAC should consider the economic effects of any transition, but this should not then override welfare considerations. It has a duty make a recommendation to the Agriculture Minister based on that. I strongly ask NAWAC to recommend to the government to not allow any kind of cage farming of hens.</p> | <p>Noted</p> |
| <p><b>10911</b><br/>SAFE e-</p>                   | <p>Dear Prime Minister</p> <p>I urgently seek your help to protect caged hens in New Zealand.</p>   | <p>Noted</p> |

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| <p>cards<br/>+<br/><b>22681</b><br/>SAFE<br/>postcards</p> | <p>Three million hens spend their entire lives in cramped cages that provide less than an A4 sheet of paper of living space per bird. This extreme confinement denies a hen the opportunity to carry out her normal behaviour, something that is required under the Animal Welfare Act (AWA). The Layer Hen Code of Welfare is currently under review and I strongly oppose the continued use of battery hen cages.</p> <p>I also call on NAWAC to ban the use of colony cages. These cages still do not meet a hen's welfare requirements and do little to alleviate their suffering. This is my submission calling on NAWAC to uphold the principles of the AWA and ban all battery hen cages immediately. Battery hens have suffered for too long. Prime Minister, please pass my submission on to NAWAC, and I ask you to use your influence to ensure that hens no longer have to live in cruel cages. Thank you.</p> <p><i>[Additional personal messages could also be added]</i></p>   |                              |
| <p><b>1276</b><br/>Change.org<br/>petition</p>             | <p>I write you in opposition of the Draft Code for Animal Welfare concerning layer hens and ask you to ban all types of hen cages.</p> <p>As you know, the new code will require current battery cages to be replaced with enriched cages. However, the new cages are not acceptable and are still inhumane.</p> <p>The new cages will still provide each hen a space smaller than an A4 sheet of paper. Enriched cages prohibit hens from practicing natural behaviors and subject them to injuries and disease caused by confinement and lack of exercise.</p> <p>Enriched cages are already banned in parts of Europe because they violate animal cruelty laws. I do not agree with battery cages or enriched cages.</p> <p>Nearly 80 percent of people in a recent poll believed battery cages were cruel and support a ban. Additionally, the same percentage would gladly pay higher prices for eggs if the eggs were produced by humanely treated, cage-free hens.</p> <p>The most humane option for layer hens is a cage-free environment. Implementing a cage-free system is not only economical, but largely supported by the public.</p> <p>Please act humanely and set an example of animal welfare by phasing out battery cages.</p> | <p>Noted</p>                 |
| <p><b>Submission number</b></p>                            | <p><b>Comments</b></p>  | <p><b>NAWAC Response</b></p> |
| <p>1</p>   | <p>I have 4 hens and they have a 4m x 4m enclosure to live in (when they are not completely free ranging.) Stop pandering to greedy farmers - who want to do as little and spend as little as possible, for the greatest return. I expect this e-mail will be a complete waste of time, but you should know that MANY people feel the same as me about lack of speedy action, when it comes to working on behalf of animals, who rely on us for their necessities. Come on, you don't need years of draft this and draft that. Animal lovers want ACTION.</p>   | <p>Noted</p>                 |
| <p>2</p>   | <p>I would like to be able to buy eggs at the supermarket knowing that the hens that they came from are leading a happy and healthy life. At the moment, the way eggs are produced results in animal cruelty.</p>   | <p>Noted</p>                 |
| <p>4</p>   | <p>After reading the NAWAC proposal for replacing current battery hen cages with an "enriched version", I am</p>  | <p>Noted</p>                 |

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|    | <p>appalled. The differences between the cages is so minimal and still, these cages do not allow a hen to do what comes naturally in the fresh air and on fresh soil. Who does NAWAC think they are fooling with this ridiculous attempt to justify battery hen farming as acceptable?</p> <p>Surely there must be space on these chicken farms externally that provides a scratching yard where these chickens can run around, dust bathe and scratch whilst being outdoors in the fresh air? How difficult can it be? If the sheer numbers of chickens is the issue, perhaps this too requires some further investigation into why farmers are allowed to farm so intensively? Greed again is the driving force here.</p> <p>There is also a lack of information in the new proposal comparing the difference in quality between an egg laid by a free range chicken compared to a battery hen. I imagine this is because it is well documented that an egg laid by a free range chicken is far superior in shell and yolk quality than an egg laid by a battery hen. The nutritional benefits are being ignored in favour of financial benefits. It appears the common thread again is greed &amp; laziness.</p> |       |
| 6  | Support adoption of all policies construed as an improvement on existing practices by NAWAC.  | Noted |
| 8  | Please help stop the madness. No matter how you look at it and what seemingly economic logic it makes, if we check into ourselves we all know its wrong...plus, its a cellular scientific fact that we are what we eat, so that in itself should be enough for your own or your families sake to not go there. There's not much time left, you have a power to make the change from economic to eco. Stuff worrying about the bloody votes, a wee step, if we have to covert their freedom to life to enhance our own, at least let them have some form of what they and everyone deserves  | Noted |
| 9  | I am 14 and live in Central Otago Cromwell. We have eight hens, one rooster and six chicks and they are all free range. They love to wander around, peck at the ground and be happy hens. THIS IS CRUEL. How would you like to live your whole life in a 1m by 1m cage; you wouldn't! Every time I see the campaign against it on T.V I break down in tears thinking how horrible life must be for those hens. I HOPE OTHER NEW ZEALANDERS ARE SPEAKING UP. WE WILL MAKE OUR OPINIONS HEARD!  | Noted |
| 11 | New Zealanders have shown in the supermarkets they don't worry about cages hens producing their eggs. I think the committee is doing a disservice to the people of New Zealand. When I was working on the poultry farm the cages hens were ok and did not require antibiotics to stop disease which is a problem with the free range hens. Also when I had to go through the growing sheds there were often dead chickens lying on the floor. Henpecked is not just a saying it is a fact.  | Noted |
| 12 | I am pleased that the code of welfare for layer hens is being reviewed. It is obvious that the current standards for layer hens are far below what is needed to meet the Animal Welfare Act (AWA) and are inhumane. It does not make sense to replace an <i>extremely</i> poor standard with merely a <i>very</i> poor one. Such a move would not be in the interests of the hens that the standard is meant to protect, nor, in the longer-term, in the interest of the farmers. It would be better to instead put in place a standard that is durable in the long-term. New Zealand is well-placed to take this approach, with a relative wealth of available land and a public that is supportive.   | Noted |
| 17 | As you consider changing the welfare code for chickens, I ask you to also consider the welfare of mothers who might not have the luxury of the refined ethical sensibilities of animal rights activists.  | Noted |

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| 19 | I am appalled at the release of the recent Draft Code. This is yet another attempt to circumvent the Animal Welfare Act 1999 in favour of commercial interests over the welfare of the animals concerned. Animals have the right to express their natural and instinctive behaviour – any proposal which tries to ignore this section of the Act cannot be allowed. You are also aware that this is simply a further attempt to ingratiate the government with the egg industry, who have for too long dictated the code of welfare for poultry in this country.                      | Noted  |
| 24 | I support the complete ban of battery cages. I accept for the short term that barn laid eggs, in conditions acceptable to the SPCA, may be necessary, but believe the long term solution would be to have all chickens free range.  | Noted  |
| 25 | I am not an animal rights activist, nor am I a vegetarian etc, however I do believe that we should treat these animals with more respect than we do currently. I don't understand why in a country like New Zealand we have Sheep and Cattle roaming free over the country side yet we have chickens and pigs caged up in conditions which people would find abhorrent if they were applied to sheep or cattle etc. I believe that pigs and chickens should be kept outside (with shelter provided in times of wind/rain/cold etc) with a certain number of square metres per animal. | Noted  |
| 26 | I support the complete phasing out of cages for layer hens. As someone who keeps free range chooks, I know the difference (in look and taste) between a commercially produced egg and the eggs my chooks lay. It is obvious that a contented chook, able to practice “normal patterns of behaviour” with a varied diet, will produce a more nutritious egg than a hen confined to a small cage.   | Noted  |
| 30 | It is an appallingly cruel practice for these birds – which have lovely personalities if they are allowed to wander naturally – to be kept in cages where they have only the area of a sheet of A4 paper to live out their lives. I ask you if anyone in your organisation in conscience could eat an egg from a hen that had not led a natural life?   | Noted  |
| 41 | It is a well researched phenomenon that if consumers are presented <i>at the point of sale</i> with graphic images and the facts of the conditions that caged chickens endure, a significant proportion of consumers will not purchase caged chicken eggs that day. I wish for the government to make it compulsory for the suppliers and retailers of battery chicken eggs to have to display to the consumer at the point of sale information both graphically and in words the actual conditions the caged chickens have to endure throughout their lives.                         | Noted, though not the purpose of a code of welfare |
| 42 | Cages of any type should be banned under any new purported Code of Animal Welfare and phased out in the shortest possible time - this time to be decided, not by factory egg farm owners, but by people with a more unbiased approach, who are aware of what can be done very rapidly when there is a genuine will and committees such as NAWAC have members who view their role as protectors of animals and not mere 'rubber stampers' for the Producer Boards.   | Noted  |
| 49 | The established free range egg industry has so far not been sufficiently included in this review by NAWAC who have made some significant changes to the code severely affecting our industry. In an attempt to allow a hasty phasing out of cage farming we must not make the mistake to allow the establishment of such free range farming alternatives which will in the long run result in similarly appalling animal welfare conditions to those that are currently opposed to by the majority of the New Zealand public. It would  | Noted  |

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|    | indeed be no progress if one failed production system is replaced by another which is doomed to fail also.   |          |
| 50 | I'm currently rescuing caged weekly hen from a caged farm place them in my back yard, they are alot happy than they were in the cage. My opinion is that they would be better off dead than in the state they are in cages. I'm a 16 year old boy with a voice, please hear it. Is this fair I repeat is this fair cruelty absolutely place your self in the hens position see how the animal hurts feel its pain THIS IS ILLEGAL ON SO MANY LEVELS I ASK YOU AGAIN IS THIS FAIR   | Noted    |
| 54 | We do not need "cheap eggs". This country has very high levels of bowel cancer, heart-disease, obesity, diabetes and so on. The main cause of theses types of diseases is excessive consumption of animal products. Vegetarians and especially vegans have drastically lower levels of these ailments and tend to live longer more healthy lives than non-vegetarians.   | Noted    |
| 55 | I agree that battery cages for hens need to be phased out, as they do not allow the hens to express their normal patterns of behaviour and are therefore in breach of the Animal Welfare Act (AWA). While I have not made a decision whether I will employ colony cages or move to a free range or barn system or combination I can see real problems in this transition.  | Noted    |
| 59 | We submit that no system less than loose housing can meet the criteria of the AWA. It is therefore disturbing to note that the NAWAC simply because it was publically exposed and subsequent to that, called into question by Parliaments Regulation Review Committee is still kowtowing to the egg industry by favoring a colony system. I quote a statement made in the NAWAC draft "there is a need to maintain the egg supply for New Zealanders, particularly those reliant on eggs as a major source of protein". Firstly with eggs (yoke) being 70% saturated fat and containing approx 182mg of cholesterol, no one regardless of dietary requirements should be dependant on eggs as a principle source of protein. There is in fact a sickening market place glut on eggs much to the demise of consumer health.<br>It is true to say the NAWAC are not only guilty of sanctioning an immoral and faulty law, thus guaranteeing the continuation of a living hell for millions of birds, but also for contributing to the overwhelming burden of disease and obesity by propagating adle-brained, propagandist comments. We foresee the NAWAC railroading public opinion and protecting the egg producers as they have always done. Being transgressors of the law they should be brought to trial on charges of animal abuse. | Disagree |
| 60 | WSPA strongly welcomes the decision to phase out of conventional cages for layer hens and commends NAWAC and the egg industry for the agreement to do so. And the improvements in animal welfare that will result.   | Noted    |
| 62 | I ask you to do what you can to see that all out animals are freed as well as possible. This is an urgent matter. Animals are suffering now.   | Noted    |
| 65 | We support, albeit with a large degree of reluctance, the EPF submission with regards to the layer hens draft code on the proviso that Behaviour – Minimum standard No 11 (b) allows for a <b>minimum</b> implementation period of 20 years from 2014. We respect the advice given by our representatives on the Egg Producers Federation that agreeing to move to enriched cages is the best way to deal with negotiations with NAWAC however we personally see no reason to do so.   | Noted    |

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|    | <p>It has been shown that the welfare of chickens in conventional cages is of a high standard, the birds have adapted to these cages and a move to enriched cages allowing birds to technically meet the five freedoms comes at the cost of other welfare outcomes (disease, injuries and mortality).</p> <p>The bottom line being that the last review of the Code of Welfare for Layer Hens resulted in significant welfare benefits for the chickens as well as providing benefits to the farmers.</p>   |       |
| 66 | <p>The farmers need laws set by the NZ govt. New Zealanders want this is. Companies are greedy and will adjust. Farming has to move with the time we are living in, it's now 2011 and we know what's best for us and chickens. Please make your decision a wise, kind one.</p>  | Noted |
| 67 | <p>The status quo is unethically unacceptable - changes need to happen at the soonest possible date. Ideally, a Government should never have to ask for public input on whether it ought to act as ethically as it can. The fact that these animals are unable to speak out against the injustices that our agricultural sector imposes on them is no reason to continue to abuse them. I will genuinely like to believe that the incumbent NZ government can make ethical decisions and not hide behind weak cost arguments that favour animal cruelty.</p>  | Noted |
| 71 | <p>Firstly, thank you NAWAC for recognising the need for change in the welfare provisions for layer hens and taking action towards this, since existing conditions are far from adequate and for too long have not met acceptable welfare standards.</p>  | Noted |
| 72 | <p>NAWAC is to be congratulated in producing a draft code which is a major step forward from its 1995 predecessor. I have no doubt that a code of welfare is necessary and is the most appropriate vehicle under current legislation to effect the changes in the industry demanded by the public.</p> <p>The 1995 code has been criticised by some as being too much dictated by the industry (which produced the early drafts). The dilemma for NAWAC at the time was the conflict between the desire to see a fundamental change in the way the majority of hens were housed and the lack of solid scientific evidence and appropriate technology to set out a specific direction for change. To a large extent these deficiencies have been addressed. The outcome focus of the minimum standards and the associated example indicators in this draft and the style of presentation shows that NAWAC rather the industry is in control of the current process.</p>  | Noted |
| 77 | <p>I would also like to add that I find the contradictory nature of the 2011 draft code whereby hens should be treated humanely unless money is involved, a shameful and poor reflection on the members of NAWAC.</p> <p>I would like the point out though there is greater awareness in the public arena which I have identified as 3 groups:</p> <ol style="list-style-type: none"> <li>1. the fastest growing group that are voicing their revulsion and choosing with their wallets (housewives, young urban professionals, supposed cat "dotty" women like myself)</li> <li>2. those that while finding certain farming practices distressing, choose to put reality out of their mind and/or are happy to believe the egg producer's propaganda</li> <li>3. those who do not care - and they exist in all aspects of society (the heartless, hunters, self serving battery chicken farmers...)</li> </ol> <p>Battery farming of chickens is no better than that of bear bile farms or fur (cat/dog/mink) farming. Like it or not this change is inevitable and I would urge you to take this opportunity to be one of the few countries to outlaw</p> | Noted |



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|    | this practice, have a radical and much improved welfare code and have it done so promptly.  |       |
| 80 | I eat only eggs from free range chickens but I am realistic enough to recognise that battery hens will not disappear anytime soon. Hens need to be able to move around, flap their wings and live in relative peace. Given that humans benefit so much from eggs, I believe that demonstrating a little respect towards the hens is the least that we can do!   | Noted |
| 81 | As a former member of NAWAC (2001-2006) I was involved in writing the 2005 code of welfare, and base my comments on knowledge gained from that experience, along with my continued interest in animal welfare plus a consumer's perspective. It is confusing to talk about the "phasing out of cages" when what is meant is "phasing out of <b>current</b> (or <b>existing</b> ) cages". Enriched or colony cages are still cages.  | Noted |
| 85 | I wish to make known my strong feelings about the practice of intensive farming.<br>Famous people have said that if you want to know the people of a country look at the way they treat their children and their animals. Well all I can say is that this country has a terrible record of child abuse and a terrible record of animal cruelty and worst of all some of that animal cruelty i.e. battery farming is currently legal. How bad is that? and so what if there is less meat and there are less eggs available by going free range, people have to manage with less. Giving a chicken a tiny bit more room can barely be called an improvement. I think I am right in saying that murderers and rapists in a prison at least get some time in the fresh air in some kind of exercise yard. What kind of society are we that we can treat our animals this way? | Noted |
| 89 | AUSA calls for the double standard between the treatment of domestic pets and hens to be removed. New Zealand lags behind European countries such as Switzerland which banned battery cages in 1992. NAWAC must look beyond cages, AUSA recommends that NAWAC commission an economic analysis of barn and free range farming systems.   | Noted |
| 91 | I am disgusted at the comments made by Michael Guthrie (Egg Producers Federation) that current battery cages are "not cruel and enriched cages provide excellent conditions for birds". I am certain that the views of the SPCA are more credible than NAWAC when considering acceptable conditions and timelines for change.   | Noted |
| 92 | I am appalled by the comments made by John Hellstrom of NAWAC that the industry should have no less than 20 years to move from battery to enriched cages to prevent a 10% rise in egg prices. Clearly this man is driven by profit margins not animal welfare.  | Noted |
| 93 | My publication record and experience is evidence that I have a broad and deep understanding of science, law, ethics and policy. I therefore ask that NAWAC take my submission seriously, and not dismiss it in the patronising way they are inclined to deal with submissions from the general public.<br>It is my contention that all cages, including colony cages, must be discontinued, on scientific, ethical and legal grounds. All cages, including colony cages should therefore be phased out in 2 years. This being enough time for any present battery hens to complete their production cycle.  | Noted |
| 96 | I do not believe that a colony cage gives the hens enough space to be able to flap and extend their wings at all times. They should be able to all flap their wings at the same time and not get tangles up and hurt each other. Hens like to naturally lay their eggs in the morning and will take a couple of hours sitting in the nest box to lay them. One nest box per 60 hens is not going to be sufficient for them at all. If anything, this will only cause more   | Noted |

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|                              | aggressive and harming behaviour competing for the nest box.  |  |
| 100                          | My wife and I have been Egg producers in Canterbury for 21 years. We farm 18,000 hens in cages. We basically support the EPF submission on the Draft Code.  | Noted  |
| 101                          | <p>Keeping hens in battery cages is contrary to accepted ethical principles as discussed above. These are the principles that freedom is more important than security, that animals should be given moral consideration, and that the wishes of the general public should be respected. Although science can be of enormous help in resolving animal welfare problems, the driving force behind this science is society's ethical concern about the quality of life experienced by farm animals</p> <p>Ongoing research is necessary to continue to improve alternative systems. An increased understanding of hen behaviour and preference will result in improvements to system design and layout, which will enhance use of facilities and impact production efficiency. Genotype research may serve to provide a genetically suitable layer strain that is calm, not aggressive or inclined to feather peck, and produces well. Developments to free range and outdoor systems will enhance hen welfare while ensuring food safety. Finding the appropriate alternative system will require time and practice but will ultimately better synthesise the needs of the hen, the producer, the industry and the environment.</p> <p><i>[Reference list provided + Appendix 1: Economic Analyses of free range and mixed production systems by the University of Reading, UK]</i></p> | Noted  |
| 103                          | William Blake said "A robin redbreast in a cage puts all heaven in a rage". Hens are also birds and do not belong in cages. You have an opportunity to put an end to the suffering of millions of hens by an enlightened approach to a new Code of Welfare. Please don't pass up this chance to make a real difference.   | Noted  |
| 105                          | My husband and I are also concerned about the recent purchase of Tegal Enterprises by Chinese investors, as generally the Chinese farming habits are less than acceptable to us Kiwi's. I believe they will abuse the animals bred in cages more than Kiwi farmers have done in the past. Evidence for this comment is the recent televised media portrayal of the Chinese dog farming practices where the animals are held in 10 cage high environments, unable to get out, walk, and do normal dog behaviour.   | Noted, though Tegel is a meat chickens company |
| 113                          | Generally supports the Draft Code   | Noted  |
| 114                          | Since eggs are not required in the human diet, and especially since the nutrients they contain are readily available from cheaper and healthier non-animal sources, egg production for human consumption is itself unnecessary, and thus so is any particular practice employed in such production. The alternative always exists not to farm hens at all.  | Noted  |
| 116 (+ SAFE standard letter) | This tiny adjustment to the cage, is in NO WAY ACCEPTABLE! Battery cages are horrific, torturous, barren structures, which not only suppress the natural behavior of a hen, but cause her incredible pain and suffering. You have heard it all before I'm sure. You are no idiot to the facts, when it comes to the plight of the battery hen. This is why I am so surprised at this GOD Awful, RIDICULOUS proposal to "ban" battery cages. When we both know full well there is shit all difference. You are doing that just to make the public shut up. Well it's not good enough. I am so revolted by the lack of moral, that I almost want to send a bomb threat (or something equally as ridiculous) to parliament, just to get your goddamn ATTENTION!  | Noted  |

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|                | It is NOT good enough. And I can promise you it will not stop. The activism, the protests, the outrage, will only increase if this issue is not taken seriously!   |       |
| 117            | I support the call from many of the world's most respected animal welfare organisations (SAFE, Compassion in World Farming (UK), Royal Society for the Prevention of Cruelty to Animals (UK), Society for Prevention of Cruelty to Animals (NZ), Humane Society of the United States, Humane Farming Association (UK), Animal Welfare Institute (US), World Society for the Protection of Animals) to have all caged systems for hens banned.  | Noted |
| 119 ( and 127) | The draft Animal Welfare (Layer Hens) Code of Welfare 2011 is in breach of the law.<br>In my opinion, all of the economic analysis released with the Draft Code of Welfare for Layer Hens is severely flawed and should not be relied on in producing a Final Code.  | Noted |
| 120            | Hens that produce an unnaturally high number of eggs tend to have far shorter lives than those of their free-roaming cousins.  | Noted |
| 121            | They cannot forage for food and are thus denied a natural, healthy, balanced diet but are limited to overprocessed mash, made with genetically modified corn containing bacillus thuringiensis toxins and the dna which produces these can be assimilated by their gut bacteria and thence the toxins will be produced in even greater numbers thus poisoning and damaging their tissues. All this suffering to produce eggs which are unnatural and unhealthy for humans causing arteriosclerosis, heart disease, stroke and diabetes<br><i>[website references included]</i>   | Noted |
| 122            | I wish to make a submission to NAWAC on the Draft Animal Welfare (Layer Hen) Code of Welfare in my professional capacity as a social scientist and trans-species psychologist who has written on the natural behaviour of Gallus gallus, and the welfare of domesticated chickens used for egg farming. I am the author of two books on chickens, one called <u>Chicken: A Natural and Cultural History of Gallus gallus</u> , the other called <u>Chickens</u> .  | Noted |
| 132            | I live near to a very large egg producing factory farm, I note that this business is constantly searching and advertising for staff, why? Because no one wants to work there and they can't retain the staff who go to work for them. It is such an unpleasant smelly and horrible place to work, there are plenty of people who are looking for work in our area but most of them couldn't handle the terrible conditions, if people hate this place how do you think the hens feel? We can keep ignoring the cruelty and low quality environment which are behind the doors of these factory farms, it's time for a change.  | Noted |
| 133            | The New Zealand Animal Welfare Act 1999 stipulates that animals are provided with the "Five Freedoms" as promoted on the MAF website. The most glaring breach of the law in relation to cage systems for layer hens is the opportunity to display normal patterns of behaviour. The handling of these birds would also be in question as when millions of hens are removed from the cages after 18 months of limited movement it would be virtually impossible to take them out of the cages in such a gentle manner than none of the hens suffer pain or distress. If these hens were kittens, dogs or even our revered kiwi this breach of the Animal Welfare Act would have serious consequences. The sole fact that chickens lay eggs is what overrides the protection of the Animal Welfare Act and allows this law to be flaunted. The time has come for New Zealand to turn its back on battery hen farming. This system of farming not only causes great suffering for animals but is fraught with moral and | Noted |

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|     | <p>ethical pitfalls. Let us not condemn millions of New Zealand hens to a life dictated by profit. Let us include hens in the protection of the Animal Welfare Act as the spirit of the Act intends.</p> <p>Reference: <i>An evaluation of scientific evidence that hens suffer in battery cages; Morris M.C.</i></p>   |       |
| 140 | <p>The SPCA thanks NAWAC for the opportunity to make this submission. As has been indicated in this submission, the SPCA believes that there is a significant need for the draft code to provide more stringent minimum standards to protect the welfare layer hens. We would also like to see the format of future codes modified so that the wording of minimum standards are meaningful and analogous to the wording of that used in the AWA as far as this is possible. The SPCA would welcome the invitation to provide an oral submission to the committee and hereby submit a request to do so.</p> <p><i>[reference list included]</i></p>  | Noted |
| 141 | Lifetime confinement of any animal will never meet a reasonable welfare standard.   | Noted |
| 142 | "We are what we eat" and battery hens with depleted calcium levels (as evidenced by their brittle bones caused by an inability to exercise) will also lead to mineral depleted eggs.  | Noted |
| 144 | <p>Is a co-operative company of independently owned and operated layer hen farms comprising over 30% of egg production in NZ. Whilst IEP acknowledges the need to transition from the current cage system, it strongly recommends</p> <p>a) that NAWAC allow the individual IEP farmers collectively to present their submissions in person and</p> <p>b) a timeframe for implementation of colony systems of no less than 20 years.</p>  | Noted |
| 145 | <p>The farm is most likely the oldest remaining poultry farm in New Zealand, I purchased it from the original owner in 1994. I am proud of the contribution my business makes to my community and I am proud of the farming practices we follow. I speak on behalf of my family, my staff and their families, my suppliers and their families and my customers and their families. The birds I farm are not subject to any cruelty at all.</p> <p>I suggest to the review panel that they take note of those making presentations who are paid to be doing so and discount their argument accordingly. The discussion here centers on the claim by an extremely small segment of the population who believe that it is cruel to farm birds in cages. Nothing will change these peoples opinions however it is clear that the vast majority of New Zealanders do not think that way. In our democracy it is great that these fanatics can express themselves safely but a democracy is all about the majority.</p> <p><b>I ask</b></p> <ul style="list-style-type: none"> <li>○ That you decide in favour of the status quo.</li> <li>○ That you act in the best interests of the majority of New Zealanders.</li> <li>○ That you do not take away the right of the majority of New Zealanders that choose not to eat eggs with the health risks associated with free ranging poultry.</li> <li>○ That you carefully consider the impact the closing of small and medium farms will have on staff, the community and the general public.</li> <li>○ That any decision you make resulting in change comes with a robust financial assistance package to enable my business to survive.</li> </ul> | Noted |
| 152 | Apart from the sections on space allowances, which are measurable, this Code could profitably be summarised   | Noted |

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|     | <p>as</p> <ol style="list-style-type: none"> <li>1) Follow the stocking densities in MS 5</li> <li>2) Conventional Cages are banned after 20XX</li> <li>3) Follow the breeder company's guide</li> </ol> <p>In the case of 3, where NAWAC has tried to "improve" on advice in the Breeder Company Guides, in most cases, all that they have succeeded in doing is to provide niggling, largely unverifiable, irritations (some discussed in this submission) to operations at the margins of what has developed into a very successful and (especially the free range sector) diverse farming system that provides the lowest cost high-value (i.e. with a good amino acid profile for humans) protein source for consumers. These "improvements" are often ill thought out, and given the effort expended on developing them do not represent good value for the taxpayers' dollar, and will lead to further downstream costs due to arguments with overzealous auditors, and possibly, defending malicious welfare complaints.</p>                                 |       |
| 154 | <p>The basis of my submission is that the Government should do nothing that will increase the price of eggs. Hens have being caged in battery cages for generations and with rising food prices and increasing poverty this is not the time to change something which has been acceptable to New Zealanders for generations.</p>   | Noted |
| 156 | <p>Commenced farming free range hens in 2005, seen the shift in the market toward greater volumes of free range eggs being purchased, and had spent considerable time searching for a suitable site to establish a free range hen farm. We recognize the different management practices required when farming free range in comparison to cage farming and have completed ITO courses to train both ourselves and some of our staff. The benefit of the ITO course is realized only when it is followed up with practical application. While we have achieved some excellent results we are constantly aware of the challenges facing free range farmers, in caring for the hens.</p>  | Noted |
| 158 | <p>Perhaps you have heard about my roadside vigil. I have been living in a steel cage on the side of State Highway 1 in Waikouaiti, Otago from the 29th of March, until today, the 29th of April. My submission has more of a focus on the morality and ethical dimensions of the Code and the review.</p> <p>It is definitely true that we do not need to keep Layer hens in cages. Therefore, on what grounds can we justify it? I certainly do not believe that economic convenience is sufficient. Slightly less bad, is not the same thing as good <i>[in reference to the introduction of colony cages]</i></p> <p>I urge you all, the members of NAWAC, to reconsider the draft code and to make Free range - That is Genuine, High standard, Free range - the minimum standard for Layer hen farming in New Zealand. I would like to see the entire draft Code rewritten with a view to implementing a complete industry-wide conversion to Free range systems. This code would probably then need to be made available for further public consultation.</p> | Noted |
| 159 | <p>There are other, bigger picture issues that should be considered. One of the foremost is peak oil, the end of cheap fossil fuels, effects of which have begun to show in the consistently raising fuel prices (damped somewhat by the global recession). All high intensity, large scale farming methods that rely on large inputs that have to be imported and/or transported, require lots of energy for operation, create waste, and rely on products to be transported to markets over large distances, will simply not be viable under a restricted energy reality of the future. Hens are one of the most versatile animals to be introduced in sustainable, low input farming methods.</p>   | Noted |

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|     | <p>This is where animal welfare meets human prosperity and sustainability.<br/>I request that NAWAC champions solutions that will lead to a sustainable, prosperous and healthy future for New Zealanders and good living conditions for animals.</p>  |       |
| 161 | <p>As an innovator, capacity builder and ideas-generator, Voiceless plays a leading role in the development of a cutting edge social justice movement, animal protection. Overall, Voiceless is very disheartened by the proposed code. Not only does it fail to properly take into consideration the welfare needs of layer hens, it seeks to rely upon biased advice given by industry and an economic analysis that fails to consider the economic impact of converting battery cages systems to barn or free range systems, clearly the most beneficial in terms of welfare needs of layer hens. The public demands better welfare conditions for layer hens and the proposed code fails to deliver.</p>   | Noted |
| 162 | <p>The mandate of NAWEM is not to provide comment on which option(s) under the draft code are acceptable, but to ensure whatever option is pursued includes effective emergency management requirements.<br/><i>[References cited]</i></p>   | Noted |
| 165 | <p>The current practices favours economics over animal welfare, economics over health of its animals and its population. The current practices promote cheap mass produced product over quality, and ethically produced food. Like the proposals for housed dairying this is to suit the supplier for mass produced food, rather than quality or ethics. There is a growing demand due for barn raised and free range eggs and providers. New Zealand does not want to be like the UK, where food is contaminated by bacteria and is a risk to consume.</p>  | Noted |
| 170 | <p>Current scientific knowledge has proven to us that any animal not farmed in a manner as close to it's natural state as possible begins to suffer in some way because of the farming practice. For example, although New Zealand cows are free range, calves are torn away from mothers at birth leaving the calf and the mother clinically depressed. This is because cows have a very strong sense of family and are intelligent enough to express specific emotions such as happiness and sadness. Hens also suffer mentally when confined. The cluck of a free range hen versus that of a confined hen is very different. Confined hens will often either keep extremely quiet or will cluck in a screaming manner, both out of the fear they feel from being trapped.</p>   | Noted |
| 171 | <p>Broadly supports the thrust of the Animal Welfare Code as published. We fully support the Egg Producers Federation of New Zealand (EPFNZ) submission and reiterate the financial impact on our business.</p>  | Noted |
| 173 | <p>We welcome the specific definitions defining free range and see these providing a level playing field to the farmers for the first time, and reducing the confusion for the customer.</p>   | Noted |
| 175 | <p>The Egg Producers Federation of New Zealand (EPFNZ) broadly supports the thrust of the Animal Welfare (Layer Hens) draft Code of Welfare 2011 dated 8 February 2011, as published. In this document we provide details of this support and also raise some lingering concerns. The EPFNZ membership consists of 128 commercial layer hen farmers, of whom 47 are cage farmers, 75 are free-range and 6 are barn.<br/>The industry has, since before the 2005 Code, actively sought alternatives to conventional cages that better meet welfare standards and affordability criteria. The industry has invested in research and development at significant cost to it and individual operators. It has demonstrated goodwill on this issue (despite criticism to the contrary) and has earned the right to be properly treated by the regulator.</p> | Noted |

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|     | Public opinion is an important consideration and the EPFNZ has commissioned consumer research on public perceptions of production systems and welfare issues. The qualitative marketing and research specialists company, QZone Group Ltd, undertook this research. An analysis of that research will be provided to NAWAC. Public opinion is important, but science must remain the key reference point.  |   |
| 177 | <p>The NZVA is generally supportive of the provisions of the code which would appear to reflect a step forwards in terms of welfare for the industry. It is suggested that it would be appropriate to standardise some minimum standards across the Layer Hen and Meat Chicken codes e.g. Handling and Catching, Loading and Transport, Management of Health and Injury, Emergency Humane Destruction and Hatchery Management and Chick Transport. Lighting is mentioned specifically below.</p> <p>In a number of places through the document a single Recommended Best Practice is unnecessarily labeled (a) – e.g. P13.</p> <p>The example indicators should be consistently either sentences or phrases and should either all have full-stops or not.</p>  | <p>Noted, minimum standards have been standardised where appropriate</p> <p>Disagree</p> <p>Agree, changes made</p> |
| 178 | <p>In the wild hens will naturally produce about 20 eggs per year. However by using various manipulations we have turned hens into constant egg-laying machines for our convenience and profit.</p> <p>In one study of hens kept in NAWAC'S proposed modified battery cages, more than one out of every 30 hens was killed and eaten by other hens (Weitzenburger, 2005).</p>  | Noted   |
| 179 | <p>I am writing to you on behalf of UK-based animal protection organisation <i>Uncaged</i>, to urge you to prohibit cage systems for laying hens. Such systems cause intense suffering and should have no place in a civilised society. The European Union is scheduled to ban barren battery cages and pressure continues to outlaw all cage systems. New Zealand has the opportunity now to put itself at the forefront of global animal welfare and be part of an international dynamic that can encourage the EU and other regions to end such severely cruel egg production systems.</p>  | Noted   |
| 180 | <p>SAFE is a national animal welfare and rights organisation, with a 76-year history in New Zealand. SAFE has over 25,000 members and supporters nationwide. With offices staffed full-time in Auckland, Wellington and Christchurch, SAFE has local contacts and grassroots campaigners throughout the country. SAFE's primary roles are education and campaigning for the rights of animals. SAFE is fundamentally opposed to all forms of animal abuse and actively campaigns to educate the public as to how they can prevent animal suffering. SAFE opposes the use of barren battery ('conventional') cages, because they restrict the hens' natural behaviour and because lack of exercise leads to associated physical problems such as cage layer osteoporosis and fatty liver haemorrhagic syndrome and requires clarification that conventional cages will be phased out. SAFE opposes the use of colony cages on the basis that they have comparable welfare issues as conventional cages and considers that the Egg Producers Federation has had ample warning over the last nineteen years that cages are unacceptable from a welfare point of view, and that the industry should not be given a long phase out period. SAFE considers that most of the example indicators and recommended Best Practices should be incorporated into Minimum Standards.</p> | Noted   |

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| 181 | New Zealand's leading producer of quality eggs and egg products. We produce a wide range of shell eggs through to processed eggs – pasteurised, cooked and dried. Our company is vertically integrated to ensure control of the complete process from the production of feed and the rearing of day old chicks' right through to the manufacture of the finished egg product. Operates both cage and free range production systems based on best practice techniques from the UK and Europe. Farms around 1 million layer hens the majority in modern current cages and has one of the largest free range farms in the country. Was instrumental in supporting NAWAC and MAF in providing a fully commercial enriched colony cage system, which has given invaluable experience of these systems in a New Zealand management context. Has embraced change and as far back as 2006 had invested in personnel making visits to European egg companies to learn about enriched cage systems and modern free range management. Our company at considerable expense invested in a 47,000 bird 60 bird enriched colony cage shed. Together with the Egg Producers Federation we were successful in obtaining a MAF Sustainable Farming Fund grant in 2007 to assess the feasibility of enriched colony cage systems for the New Zealand egg market. This would not have been possible had we not made the investment in this new shed and embraced change. | Noted |
| 186 | Surveys have shown that 80% of NZers are opposed to the keeping of hens in cages and therefore you should pay attention and realise how popular you would become with kiwis if you released these birds and allowed them the chance to free-range.   | Noted |
| 192 | At present we run 25000 cage birds and 2000 barn birds. In January 2008 we had to replace cages at a cost of \$500,000 to remain in business. We would need a 15 year phase out period before we could be in a position to exit the industry. We love our animals; dogs, horses, cats, goats, sheep, cattle and our chickens and consider the way we farm them to be humane. Our cage birds have always outperformed barn and free-range   | Noted |
| 196 | Briefly we are a third generation, family owned and operated, egg producing farm operating since 1950. I do hope that a common sense approach is taken before the final code is presented to the Minister. I agree pertinent regulations must be in place particularly with regards to food safety and bird welfare, but please remember that we are dealing with a not particularly intelligent life form here in the shape of a hen. I am astounded at the lengths some people go to as they continually anthropomorphise this creature. I hasten to add I love poultry and have had a lifelong association with them, right from childhood with show birds and then running the family farm from mid 1970s. Currently my son and I are farming 40,000 hens in cages and 15,000 free-range on 45Ha block. I am really astounded that no mention and very little notice with regard to recommended policy has been adopted by NAWAC with regard to all the work and effort, let alone cost, put into the survey report entitled Comparative Assessment of Laying Hen Welfare in NZ.   | Noted |
| 197 | The point why I'm writing to you is about the poultry policy that gives the owner the "right" to refuse someone to buy their chocks when they don't serve the egg production anymore. I find an abuse to the individual choice and sensitivity to receive a NO full-stop to the compassionate and generous and fair request to buy some chocks. To give them the chance to live decently the rest of their tormented life, avoiding the end part, often happens through very brutal handling braking bones and wings to be murdered painfully even more when they rise up the neck and the disgraceful chocks have to die fully conscious by hot water.  | Noted |



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| 198 | NZ should not demean itself by treating hens in such a despicable manner as to cage them in crowded abusive ways. To have them in any form of unnatural constraint is unacceptable.   | Noted |
| 204 | My son is spending a month in a cage on the roadside in Waikouaiti. It may be worth noting that he has had, and continues to get a phenomenal response on local, national and international levels.   | Noted |
| 205 | I have made one of those bills on the 'explore parliament for students' and its all about animal cruelty. This Act is the Caged Animal Cruelty Act 2006. It's purpose is to stop caged animal farms in NZ to prevent animal cruelty. The reason I am sending you this email is because I am strongly against Animal Cruelty. Mostly caged animal cruelty. I do eat a lot of meat but not caged animal meat! I hope you take this in to consideration and do something about it <i>[note: submitter is 13 years old]</i> | Noted |
| 208 | Had I been able to stay longer at my stall yesterday I would have come away with many many more submissions but the weather was playing havoc with our papers. Even as a returned from loading my car there was a line of people asking if they could "sign something". You exercise great power Mr Hellstrom and I would ask that you and your colleagues look to your consciences and make decisions which are right and fair.  | Noted |

### Comments on the code

| Section  | Subsection | Submission No. | Comment   | NAWAC response  |
|--|------------|----------------|---|---|
| Quick reference guide to Minimum standards (pg3) |            | 60             | <p><b>“CONVENTIONAL cages</b></p> <p>To attempt to restrict use of the term ‘cage’ only to conventional cages is incompatible both with common usage and with the statement that “A colony system may also be referred to as a furnished or enriched cage.” Appropriate changes will also be needed in the rest of the Code.</p> <p>These pages could helpfully be simplified as follows, especially as the Minimum Standards have just been listed on page 2.</p> <p>Conventional cages, Colony systems: All MSs except 3, 9, 10<br/> Barns: All MSs except 3, 10<br/> Free range: All MSs</p> | Agree, changes made   |
| 1. Introduction                                  | 1.3        | 60             | “This code applies to all layer hens (as defined in Appendix I ...)” Layer hens are not currently defined in the appendix.  | Agree, definition added   |
|  | 1.3        | 177            | We find the various terms used for poultry through the document confusing. While this is a code for “layer hens”, this term is not actually defined, while the term “hen” is defined as “a chick, chicken (including roosters), pullet or layer hen”. Although the Introduction states that the code “also applies to roosters”, these are not mentioned again until the glossary. The use of the word “chicken” creates some confusion   | Agree, definition added and ‘chicken’ now not used in this code and wording |

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|                 |                  |     | throughout the document. At times it is used as a general term; at others as interchangeable with “hen” (as on P 5 – “chickens at the end of the laying cycle”) or with chicks (as on P 17 in the introduction – “newly hatched chickens”).   | changed.  |
|                 | 1.5              | 60  | “Appendix V” is a mistake: “Appendix III” is intended.  | Agree, corrected                                  |
| 2. Stockmanship | Intro            | 177 | The NZVA appreciates the placement of Stockmanship at the forefront of the code. We acknowledge that the effective management of, and stockmanship within any commercial layer system, be it free range, barn or colony systems, are essential in delivering improved hen health and welfare. The studies undertaken within New Zealand have shown that the biggest variable within the farming systems has been stockmanship.  | Noted   |
|                 | MS 1 (b)         | 140 | As with previous codes, the SPCA is concerned with the ambiguity of the phrasing of minimum standards that include such statements as “...appropriate ability...” and “...suitably trained...” We believe it is necessary for all staff working in such facilities to be part of a licensed training scheme whereby their knowledge base can be proven by means of documented evidence of training. We also believe that good management practice requires operational procedures to be documented in order to allow both audit procedures and contingency plans where necessary.<br>The SPCA therefore submits that Minimum Standard 1 – Stockmanship, have the following additional clauses:<br>“(c) Operational procedures must be documented and kept on site for auditing purposes.<br>(d) A register of training methods and evaluation for all staff who are to be part of the rearing and production process must be kept on site for the period of that persons employment for auditing purposes.” | Disagree  |
|                 | MS 1 (b)         | 162 | Amend (b) to:<br>(b) Staff must be suitably trained and maintain competency in emergency management.  | Disagree, though wording changed                  |
|                 | MS 1 (b)         | 196 | Is clause b really necessary? I consider this another example of over regulation. In an emergency situation eg. fire, simply dial 111 and exit buildings.   | Disagree  |
|                 | MS 1 (a) and (b) | 180 | SAFE are in general agreement on the importance of stockmanship. We therefore consider that the vague wording of the minimum standard needs to be tightened by a requirement for a recognised qualification. We suggest the following rewording:<br>a) Layer hens must be cared for by personnel who have passed the National Certificate in Poultry Husbandry, level 3 (or equivalent).<br>b) Staff must be suitably trained by a recognised educational provider in emergency   | Disagree, though training information added to GI |

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|  |                 |              | responses.  |  |
|  | MS 1            | 98, 175, 181 | The EPFNZ supports the Introduction and the General Information in relation to stockmanship. The EPFNZ supports Minimum Standard 1 as it is currently worded and the Example Indicators.  | Noted  |
|  | MS 1            | 164          | An extremely well designed system will still fail to provide a humane environment for chickens to live in if Stockmanship is not up to standard. We strongly support the emphasis the code places on good standards of stockmanship. With this in mind we propose that Minimum Standard No. 1 – Stockmanship be extended to include a reference to a specific qualification.<br><i>Layer hens must be cared for by personnel who possess the appropriate ability, knowledge and professional competence to maintain their health and welfare in accordance with the Minimum Standards listed in this Code and must have obtained a the National Certificate in Poultry Husbandry (Level 3)</i><br>With regard to emergency response the Green Party Submits that Minimum Standard No. 1 (b) be amended to:<br><i>Staff must be suitably trained in emergency response and be able to demonstrate familiarity with established procedures.</i>   | Noted<br><br>Disagree<br><br>Disagree, though training information added to GI |
|  | Indicator 5     | 162          | Amend to: There is evidence of staff trained and kept current in emergency management.  | Disagree, though wording changed   |
|  | Indicator (new) | 176          | Add EI: An emergency response plan for all animals should be in place, for instance, in the occurrence of a fire or earthquake.   | Disagree, though contingency planning section added                            |
|  | Gen Info        | 162          | Emergency management means the reduction of risk, readiness for and responding to emergencies and recovery following an emergency. Risks shall include fire, and includes other hazards relevant to the site.<br>EMQUAL (formerly the Fire & Rescue Services Industry Training Organisation) list a number of workplace fire and emergency management qualifications for those seeking formal qualifications in emergency response. <a href="http://www.emqual.org.nz">http://www.emqual.org.nz</a><br>Massey University offers courses in emergency management, including animal emergency response.<br>Rationale: The National Civil Defence Emergency Management Strategy, formulates the Governments Strategy for emergency management in New Zealand (Ministry of Civil Defence & Emergency Management, 2008). The Code of Welfare needs to reflect this strategy and ensure it is consistent in terminology and direction. Emergency Management is more than just “response” and the hazards that threaten the welfare of layer hens are not limited to fire. | Agree some of this information added   |

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| 3. Food and Water | MS 2 (a)       | 132 | I also believe that the diet they are feed as cage birds in completely inadequate, hens like access to greens and this is part of their natural diet for health and wellbeing.   | Disagree                      |
|                   | MS 2           | 180 | All example indicators and recommended best practices should be incorporated into the minimum standard.  | Disagree                      |
|                   | MS 2           | 140 | The SPCA believes that the supply and maintenance of good quality food and water rates as one of the most critical areas of animal care, a need that is made more critical when the animals in question may be contained to extremely small areas and are completely reliant on human staff to ensure their needs are met. For this reason we see no reason why the expected minimum standards should not be as high as possible.<br>The SPCA submits that as a minimum standard, a management plan covering such issues must be in place at all such operations.<br>The SPCA therefore submits that Minimum Standard 2 – Food and water have the following clauses added:<br>“(g) Feed particle size must be appropriate for the age and size of hens to which it is provided<br>(h) Representative samples of hens in the same group must be weighed on a regular basis, have their body condition assessed, and these records kept on site for a period of no less than 6 months for auditing purposes.”<br>(i) Corrective action must be taken if the average sample weight of a group of hens is more than 10% less than the previous weighing<br>(j) Feed and water mechanisms and availability must be monitored and corrective action taken where necessary on a daily basis.” | Noted<br><br>Disagree         |
|                   | MS 2           | 98  | We feed four times a day, timing these feeds to benefit the welfare of the hen with regards to laying down of calcium etc. Agrees with and exceeds these standards.  | Noted                         |
|                   | MS 2 (c)       | 72  | Minimum Standard 2(c) includes input specifications which should be included in the example indicators rather in the Minimum Standards. I understand they have been included at the industry’s insistence but their inclusion defies logic. I suspect they have more to do with intra-industry disputes than with animal welfare.  | Agree, change made            |
|                   | MS 2 (c) (i)   | 152 | I have seen a number satisfactory free-range feeders that do not provide 10cm of space per hen; it should be remembered that these birds are <i>ad-lib</i> fed and a strict adherence to a number such as this is unnecessary.<br>Move the dimensions to best practice.  | Agree, dimensions moved to EI |
|                   | MS 2 (c) (iii) | 152 | In nipple or cup drinking systems the flow rate is as important as the number, especially for free range and barn systems, where birds will crowd the nipples with the highest pressure. A comment about flow rate is needed in recommended best practice  | Disagree                      |

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|  | MS 2 (new)     | 162      | <p>Add to standard: (g) An emergency supply of feed and water shall be maintained on site, sufficient for the maximum hen capacity for at least 72 hours in case of an emergency.</p> <p>Rationale: Natural disasters are no longer seen as “acts of god”. An emergency declared under the Civil Defence Emergency Management Act 2002 does not affect the obligations of animal owners (or persons in charge) pursuant to the Animal Welfare Act 1999 (Glasse, 2010). The onus to continue care, including the provision of food and water is still obligatory.</p>   | Disagree, but added as EI |
|  | Ex Indicator 3 | 60       | <p>“Representative samples of hens in the same age group per shed are weighed on a regular basis AND body condition monitored (eg by feeling keel, on a scale of 1=thin, through 3=normal to 5=obese), and results are recorded.”</p> <p>Justification: Weighing is essential (including for the next Example Indicator). Condition scoring is a useful addition and takes little time if birds are already being handled for weighing, so this should be carried out as well. The current phrasing, with no requirement for record keeping, is too vague for the farmer to be clear about what is needed.</p>   | Disagree                  |
|  | Ex Indicator 4 | 60       | <p>“Corrective action is taken if the average sample weight is more than 2% less than the previous weighing.”</p> <p>Justification: If the sample is representative, as required in the previous indicator, no weight loss at all is expected, and an average loss of 10% (with some birds therefore losing <u>much</u> more) would be extremely severe.</p>   | Agree, change made        |
|  | Ex Indicator 4 | 176      | <p>The threshold in the following indicator is too high: “feed nutrients are checked promptly if more than 10% of hens display negative behaviours (e.g. feather peaking, cannibalism.)” For instance, in a farm of 5,000 hens, over 500 hens would have to be displaying negative signs before a farm became legally obligated to act.</p> <p>The appropriate threshold should be 1%. This would mean, for instance, that in a farm of 5,000 hens, the duty to check feed nutrients would materialise as soon as 50 hens displayed signs of negative behaviour. Anything short of this threshold would constitute neglectful practices that compromise hen welfare</p>      | Agree, change made to 2%  |
|  | Ex Indicator 5 | 175, 181 | <p>In relation to the Example Indicator, 5th bullet point, this requires that water derived from sources not subject to local authority control is shown to be potable and tested for microbiological contamination every six months.</p> <p>A number of free range farmers have noted that they currently test three-yearly and drink the same water as their hens. The test results are always below detection levels for all contaminants. Their testing regime is endorsed by the NZ Food Safety Authority (now MAF) as part of the egg Risk Management Programme. There is concern about inconsistency of requirements between Codes of Welfare and Risk Management</p> | Agree, change made        |

|                      |                    |     |  |   |
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|                      |                    |     | Programmes. Therefore it is recommended that this Example Indicator read “that the testing for microbiological contamination is undertaken as per the RMP”.  |   |
|                      | Ex Indicator 7     | 60  | “Feed nutrients are checked promptly if more than 2% of hens display negative behaviours (e.g. feather pecking, cannibalism).”<br>Justification: Similarly, if 10% are showing cannibalism this would be catastrophic, and action should be taken earlier.   | Agree, wording changed                                |
|                      | Ex Indicator (new) | 162 | Means to manually distribute food and water is available on site (e.g. wheel barrows).   | Disagree  |
|                      | RBP (new)          | 162 | Recommended best practice addition: (d) Automated feed and water systems are protected from power interruption and able to independently operate for at least 72 hours.  | Disagree, though a contingency planning section added |
|                      | GI                 | 177 | Midnight feeding. The reference to Minimum Standard (MS) 5 is inapplicable. There appears to be no further reference to “midnight feeding” in the text or the Glossary.  | Agree, deleted  |
|                      |                    |     |  |   |
| 4. Shelter and Shade | MS 3               | 156 | We support the changes introduced in this standard relating to shelter. One of the biggest challenges we have faced is the presence of predators, mainly hawks, attacking the hens. The shelter we have introduced has assisted in reducing the incidence of these shocking attacks.   | Noted   |
|                      | MS 3               | 180 | Recommended best practice should be incorporated into the minimum standard.  | Disagree  |
|                      | MS 3 (a)           | 60  | “All hens must have access to shelter, TO PROTECT THEM from adverse weather that is likely to cause heat or cold stress, and to manage the risk of predation.”<br>Justification: The current phrasing does not have a logical link between the clauses.  | Disagree  |
|                      | MS 3 (a)           | 196 | Surely in adverse weather hens simply go indoors.  | Disagree  |
|                      | MS 3 (b)           | 72  | Minimum Standard 3(b) includes input specifications which should be included in the example indicators rather in the Minimum Standards. I understand they have been included at the industry’s insistence but their inclusion defies logic. I suspect they have more to do with intra-industry disputes than with animal welfare.  | Agree, deleted  |
|                      | MS 3 (b)           | 94  | We oppose Min Std 3 (b) – Shelter. 4m <sup>2</sup> per 1000 hens is insignificant. We propose a figure 10 times this amount  | Disagree, but deleted                                 |
|                      | MS 3 (b)           | 95  | 4m <sup>2</sup> per 1000 hens is an insignificant number which would provide no where near a decent amount of space for birds to get out of the weather, particularly in hot weather it would mean the birds would stay inside and thus defeat the purpose of them being free-range. Also hens need to have access to trees or other shelter to escape from predators such as hawks. We would suggest a figure of ten times this amount. | Disagree, but deleted                                 |

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|  | MS 3 (b) | 139 | Disagree with code. Do not understand the science behind specific measurement of 4m <sup>2</sup> per 1000 hens or that shelter needs to be distributed 30-50m from perimeter of house. Not all perimeters of range are that distance from shed. Suggest specification that shelter be provided away from sheds but not enforced in actual measurements.   | Agree, deleted        |
|  | MS 3 (b) | 152 | Apart from the vague "indicator" that windbreaks are evident in exposed areas, the minimum standard provides for 4m <sup>2</sup> / 1000 hens for shade (vertical shelter), but nothing is prescribed for lateral wind protection.<br><i>How is the shade area measured?</i><br>If it is an artificial canopy then 2m x 2m would obviously comply with the MS, but for shade from more irregular natural features (trees), is the area to be measured by the area of shade thrown on the ground on a sunny day? A reasonable supposition as the intent is to provide protection from the sun. If so, then this area varies with the height of the sun in the sky. If the aim of the shelter is to provide protection against predators, this can be done in other ways – a few ropes or open netting strung across a paddock will deter hawks but provide little shade. This MS needs rethinking as to purpose and detail; it is something that picky auditors can pick all sorts of meaningless holes in many a well set-up farm, and more clarity is needed.   | Noted, deleted        |
|  | MS 3 (b) | 196 | Clause b has some merit. However adequate time must be given for trees to become established on the range.  | Agree, deleted        |
|  | MS 3     | 140 | Free range systems should attempt to maximise hen welfare by providing a variety of natural and quasi natural shelter areas. Ideally these should include different types of environmental modifications such as trees, straw bales and well placed vegetation. Consideration should also be made of a minimum shaded area to be prescribed by the code as birds will not access uncovered range areas in the heat and will limit their use of the range when there is no cloud cover – a natural instinctive behaviour to protect them from predators. The SPCA therefore submits that Minimum Standard 4, Shelter and Shade, have the following additional minimum standards added:<br>“(c) A variety of shade and or shelters e.g. shelter trees, covered sand baths, fallen tree branches, or straw bales must be provided throughout the range area to encourage the hens to use the whole of the range area and feel safe to move away from the perimeter of the housing facility.<br>(d) A minimum permanent shading area (roofing, shade cloth or evergreen canopy) of 20% of the minimum range stocking density (900 hens per hectare) must be provided for the hens.” | Noted<br><br>Disagree |
|  | MS 3     | 173 | We agree that birds need unrestricted access to outdoors if the public are to have confidence in this code. Although this will please the hen and finally give the public what it expects is a genuine free range egg, it will also create the following problems if  | Disagree              |

|  |                                  |          |   |   |
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|  |                                  |          | not mitigated ahead of time. The hens in these conditions will naturally gorge themselves on the available grasses, and if their internal organs are not developed and enlarged during rearing when they should have access to pasture, they risk crop compaction, where long fibrous grasses form knots at the base of their gizzards are then forced into a gut that is too small. The result is that the gut is blocked and the hen slowly starves to death.   |   |
|  | MS 3                             | 175, 181 | The EPFNFZ supports Minimum Standard 3 and the Example Indicators. The EPFNFZ particularly refers to Minimum Standard 3(b) and the requirements for a defined area of natural or artificial shade or shelter. The EPFNFZ notes that it is an essential requirement to encourage birds to range, and that appropriate shade and shelter is provided. The EPFNFZ submits that 3(b) gives a guarantee that such range usage will occur if shade and shelter is provided. The EPFNFZ also supports the Recommended Best Practice and the comments under Introduction and General Information. | Noted, but MS 3 (b) deleted                       |
|  | Indicator 4                      | 60       | “Overhead shade or shelter (at least 4m <sup>2</sup> per 1000 hens) is provided”<br>Justification: To clarify that the windbreaks mentioned in the next Example Indicator cannot be included in the required area.  | Disagree  |
|  | Indicator (new)                  | 176      | The following indicator should be added: There is evidence that the access to the outdoor area is not blocked and that hens are able to move freely through.  | Disagree, though MS and EI added on access points |
|  | RBP (a)                          | 152      | Fallen trees and straw bales are all very well in lifestyle magazines and Te Radar’s hen farm, but fallen trees especially, encourage the hens to lay outside, which is not a good idea. Bales of straw outside become mouldy, which increases exposure to Aspergillus.   | Disagree  |
|  | RBP(a)                           | 196      | The suggestion of straw bales on the range is very silly indeed as it would encourage hens to nest there. Grazing stock would consume the straw.  | Disagree  |
|  | 4.1 Housing and Equipment Design |          |   |   |
|  | MS 4                             | 72       | Minimum Standard 4 includes input specifications which should be included in the example indicators rather in the Minimum Standards. I understand they have been included at the industry’s insistence but their inclusion defies logic. I suspect they have more to do with intra-industry disputes than with animal welfare.  | Disagree  |
|  | MS 4                             | 180      | Example indicators 5-12 and recommended best practice to be incorporated in the minimum standard.   | Disagree  |
|  | MS 4                             | 98       | Has Big Dutchman Multi-deck Cages which are monitored twice daily, documented for cleaning, temperature control, and water consumption also including various alarms. Agrees with the standards that pertain to multi-deck caging & exceeds these   | Noted   |



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|  |          |          | standards.  |   |
|  | MS 4 (e) | 177      | Should there be some explanation of what this plan might involve? The EI refers only to power failure but should include fire and natural disasters. We note that the National Animal Welfare Emergency Management Group (NAWEM) has made a substantive submission on greater requirements for emergency situations. As a member of NAWEM, NZVA fully supports the submission.  | Disagree, though information added to new Contingency planning section  |
|  | MS 4 (f) | 164, 180 | The Green Party submits that Minimum Standard No.4 (f) be amended to:<br>Housing for hens, with the exception of cages, must provide facilities for roosting (e.g. perches) at a sufficient height to prevent roosting hens from being pecked by hens on the ground, litter material for pecking and scratching, and a discrete nesting area.   | Disagree  |
|  | MS 4 (g) | 177      | Does (g) not cover (k)?   | Agree, (g) deleted  |
|  | MS4 (i)  | 162      | Amend standard:<br>(i) Controlled environment housing must have alarms that warn of power failure and significant temperature variance and have a back up power supply capable of maintaining ongoing environmental control for at least 72 hours.<br>Add to standard:<br>(m) All sites must have an approved Fire Risk Plan by the New Zealand Fire Service, unless the National Commander provides an exemption.<br>(n) All sites must have a source of water suitable for fire fighting, appropriate to the size and construction type of the housing.<br>(o) All sites must comply with the requirements of the Fire Safety & Evacuation of Buildings Regulations 2006 (or subsequent regulation).<br>(p) Structural mitigation of natural hazards should be applied during housing design, construction and maintenance.<br>Rationale:<br>According to the National Fire Protection Association, half of barn fires involved the entire building. Information received from the New Zealand Fire Service indicates a concern with a lack of available water supply suitable for fighting such large fires and lack of response pre-plans (Fire Risk Plans) at poultry farms. Failure to address this issue of fire safety will continue to put the lives of not only animals, but staff and fire-fighters at risk too.<br>Seismic cage restraints for sites within earthquake prone areas also requires attention. During the September 2010 Canterbury earthquake, 3000 chickens were killed when their cages collapsed. It is highly likely that sufficient structural mitigation would have avoided this loss of life and business interruption.<br>From lessons learned from emergency exercises in Ontario it would be appropriate to | Disagree<br><br>Disagree, though new contingency planning section added |

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|  |                       |     | ensure site identification means is improved. In addition to Rural Addressing (RAPID numbering), GPS and Topo map locations should also be filed on emergency plans. The leading cause of civil defence emergency in New Zealand is flooding. Site operators should liaise with local emergency management officials to access hazard maps for their area and plan their emergency management based on these risks. In selecting a site for a facility, consideration should be given to sites that are not exposed to flood risk. Sites already in known flood areas, should give consideration to agreements with flood protection barrier suppliers such as Hydro Response ( <a href="http://www.hydroresponse.com">www.hydroresponse.com</a> ). There is already case precedence in New Zealand, highlighting the obligations of farmers to protect their stock from natural hazards such as RNZSPCA v [REDACTED] & [REDACTED]<br><i>References given</i> |                                    |
|  | MS 4 (j)              | 196 | Surely it is just common sense not to position feeders underneath perches where expensive feed will be wasted. I believe that it is far better to have an enclosed area covered with slats where the birds cannot enter. It should not be a requirement for additional linear perching as well although we do use a combination of both. It could be seen as an advantage to incorporate perches over the entry points of slatted areas to help avoid congestions. Hardly worth legislating though!   | Disagree                           |
|  | MS4 (l)<br>Cages (i)  | 1   | Why is there any reference as to how much room and whatever else is suggested for caged birds??? We don't want caged birds, that's the whole point.   | Noted                              |
|  | MS4 (l)<br>Cages (ii) | 60  | "Manure must be removed from under the cage before it ACCUMULATES SUFFICIENTLY TO TOUCH the cage floor."  | Agree, change made                 |
|  | MS 4 (l)<br>Colony    | 164 | The Green Party doesn't support the use of cages, or colony cages and therefore supports the removal of all reference to cages and colony cages from Minimum Standard No. 4 (l).beyond that referring to the transition period as cages and colony cages are phased out. Should the final decision allow for Colony cages then the Green Party Submits that Minimum Standard No 4. Colony Systems iii) be amended (respectively) to read:<br><i>iii A colony height of at least 56cm other than in the nest area2</i><br>and add the following:<br><i>vii The nest box be large enough such that at least 90% of all eggs laid are laid in the nestbox</i><br><i>viii A loose litter area or "dustbath" is provided such that pecking and scratching are possible</i>   | Disagree<br><br>Disagree           |
|  | MS4 (l)<br>Colony     | 60  | If colony systems are to be used, requirements for nests and dust bathing areas need to be specified, comparable to those for Barns (vi/vii/viii).<br>The maximum group size should also be specified, for example as 30 hens. Above this   | Agree, wording changed<br>Disagree |

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|  |                         |   | there is more chance of injurious pecking, while in smaller groups there is more possibility of avoiding beak trimming.  |          |
|  | MS4 (I)<br>Colony       | 70, 80  | Whilst colony cages are a minor improvement on battery cages, they cannot possibly fulfil the behavioural needs of 40 to 60 hens supplied with two nesting areas and a small scratching area. These are token gestures. Either the number of allowable hens per colony needs to be drastically reduced or the very basic requirements of private nesting areas and litter scratching areas need to be increased.   | Disagree |
|  | MS4 (I)<br>Colony (iii) | 7, 16, 22,<br>28, 33,<br>41, 45,<br>47, 48,<br>82, 101,<br>102, 105,<br>116, 121,<br>124, 126,<br>136, 159,<br>163, 178,<br>209 | Colony cages are of insufficient height and do not allow the hens to perform a normal range of head movements  | Disagree |
|  | MS 4 (I)<br>Colony      | 122   | The requirement of a minimum height of 45cm is not adequate to meet the welfare needs of hens. A greater cage height is needed to ensure normal behaviours such as head stretching and body shaking can occur. Both of these activities result in stronger wing bones and improve the health and wellbeing of hens. Research by Marian Stamp Dawkins, one of the leading poultry researchers in the world, has shown that “any cage lower than 46cm at the front and 37 cm at the rear will be shunned” by hens. Measurements of cage height should begin from the perch, since hens will be stretching here. Therefore, if measured from the perch (which is usually 7 cm off the ground), colony cages should be required to have a minimum height of 63cm. Otherwise hens are prevented from perching properly within colony cages. | Disagree |
|  | MS 4 (I)<br>Colony      | 122   | Hens are still unable to easily perform basic natural activities such as walking, running, wing-flapping and turning around. Because they lead enforced sedentary lives and have been selectively bred to produce up to 300 eggs per year, caged hens suffer from calcium deficiencies leading to weak bones and fractures (also called ‘cage layer fatigue’). In Europe around a fifth of hens in caged flocks have broken legs by the time they are collected for the slaughterhouse. Caged hens also suffer from deformed feet and claws, fatty livers, mouth ulcers, bronchitis, egg peritonitis, ascites, lung and heart damage, and are more prone to developing tumours. Colony systems do not address these health issues sufficiently.  | Noted    |

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|  | MS 4 (l)<br>Colony (iv) | 152 | The prescription of a minimum aisle width could further increase costs to those farmers who may decide to convert to enriched cages, but with negligible impact on hen welfare. An existing house that could contain 3 (banks) of cages with an aisle width of 88cm may be economical to convert, but not if it can contain only two. The word tier refers to a horizontal structure, - this should be a bank of cages. In my 2009 comparative welfare survey, distances between banks of cages ranged between 80cm and 140cm, often reflecting in the case of older houses, the previous layout of pits. Remove references to a set distance between banks of cages – the code should say that the aisles are wide enough to ensure that birds can be put in and taken out of the without injury – which it does already in MS 4 (g). Existing aisle widths should be allowed for the duration that the cages comply with other aspects of the Code. Does the minimum distance from the floor apply to mezzanine floors in colony cages?  | Agree, deleted<br><br>Disagree, but deleted |
|  | MS 4 (l)<br>Colony (iv) | 196 | I am rather puzzled as to why NAWAC consider it necessary to stipulate exterior dimensions to the new colony cage set-up. What benefit this would give to bird welfare is beyond me. Surely legislating these areas as well could be a hindrance to install colonies into existing sheds, let alone being completely irrelevant  | Agree, deleted                              |
|  | MS 4 (l)<br>Colony (vi) | 196 | With regard to claw shortening pads has any consideration been given to Neil Christensen’s finding of coccidiosis bacteria present on such areas? I presume that these aspects were not in NAWACs brief. Something to ponder though.   | Noted                                       |
|  | MS 4 (l)<br>Colony (vi) | 177 | “claw shortening devices” should be defined in the Glossary. The need for this requirement should be explained.  | Agree, added                                |
|  | MS 4 (f)<br>Colony      | 161 | In respect of provision for nesting in colony cages, this Standard simply requires that there be a discrete nesting area. There is no mention of nest design (apart from the mention of the floor area being covered with a ‘suitable substrate’), minimum size requirements, maximum number of hens per nest or specific location of nests.<br>(vii) Research suggests that hens prefer to lay in a discrete enclosed nest site with loose material such as straw or a flexible nest lining. However, no single type of nest can cater for the different requirements of all hens. Some designs of ‘enriched’ or ‘colony’ cages fail to provide a satisfactory nest from a hen’s perspective. It has also been recognised that some hens may be prevented from laying in nest boxes due to competition from other hens. Hens may be interrupted while using the nest or be prevented from using the nest at all. Due to the time of egg laying being synchronised, with the majority of hens laying in the morning, many hens will be likely to use the nest box at the same time. Also, the limited space in the proposed colony cages is likely to be insufficient to allow hens sufficient time (on average, 45 minutes) if hens want to lay at the same time.<br>(viii) In order to provide a satisfactory nest, it is recommended that | Disagree                                    |

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|  |                      |                 | <p>(A) a minimum of one nest is required for 5 hens;<br/> (B) all nests should be at floor level at the start of laying and raised progressively once production has started and the hens are using the nests;<br/> (C) a nest of 25cm x 48cm (large enough for two hens) be provided in a cage housing four to five hens. This equates to a minimum of 240cm<sup>2</sup> of nest area per hen, much greater than the nest area currently provided in 'enriched' or 'colony' cages.</p>   |  |
|  | MS 4 (f)<br>Colony   | 161             | <p>In respect of roosting, this Standard requires '<i>suitable perches that provide at least 15cm of space per hen...</i>'. This Standard fails to define what a '<i>suitable</i>' perch is. Research shows that perches are very important to hens, especially prior to nightfall. Generally 15cm of space per hen is adequate for most types of hen but heavier birds may require greater space. In saying that though, the design of the perch is an important factor - some perches are constructed in a crossover design which makes parts of the perch inaccessible and effectively reduces the length of perch available<sup>18</sup>. The other concern with perches in colony cages is the height at which perches are erected. The proposed height of 45cm means that perches will not be able to be situated more than a few centimetres from the floor level of the cage. A perch positioned 5cm above floor level is '<i>not considered as a perch and has no attractive nor repulsive value</i>'. Hens prefer higher perches and as hens may spend a considerable amount of time on perches, it is recommended that cage height should be measured from the perch rather than from the floor. If, as Dawkins found, hens make use of vertical space up to a height of 56cm and perches are usually set around 7cm above floor level, the height of a cage should be 63cm (56cm + 7 cm).<br/> (xi) In order to satisfy a hen's need for perching, the housing system must be able to provide:<br/> (A) sufficient length of perching space to allow all birds to perch at the same time; and<br/> (B) sufficient elevation of the perches to satisfy the hens' requirements for a perceived safe roosting place at night</p> | <p>Disagree, though wording changed and information added to GI</p> <p>Agree, wording changed<br/>Disagree</p> |
|  | MS4 (l)<br>Barns (i) | 57, 175,<br>181 | <p>The definition of a perch in Appendix 1 could easily be interpreted to include slats, but the MS specifically excludes perches by stating there must be a 'horizontal distance between the perches of at least 30cm'. At a stocking rate of 7 birds per m<sup>2</sup> with ample area of suitable designed slats and ample area for discrete nesting then the elevated structure allowing hens to roost off the ground will more than satisfy the birds need for perching.<br/> Recommend addition to MS 4: Alternatively, perching on a raised slatted floor can be provided as long as the available stocking density in the housed area does not exceed</p>   | <p>Agree, wording changed and information added to GI</p>  |

|  |                                     |     |   |   |
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|  |                                     |     | 7 birds per square meter and the slatted area is at least 1/3 of the internal living space  |   |
|  | MS 4 (l)<br>Barns (i)               | 140 | We believe that a spacing of 15cm per bird is inadequate. When reared in barns or free-range conditions, hens begin to perch shortly before dark, and can show considerable competition for favoured sites, which tend to be the higher perches. If there is insufficient perch space for the whole flock to perch when roosting at the same time, then this competitive behaviour can become “vigorous”, indicating that perching at night is important to hens. Change to: (i) Suitable perches providing at least 25cm of space per hen and with a horizontal distance between the perches of at least 30cm and between the wall and the perch of at least 30cm to allow the hens to grip without risk of trapping their claws. <i>References provided</i> | Disagree, but wording changed and information added to GI |
|  | MS4 (l)<br>Barns (i)                | 156 | This would appear to exclude raised areas as roosting areas. If this is the intent it would be restrictive. Our experience is that we provide both raised area and perches with both being used continually by the hens.  | Agree, wording changed and information added to GI        |
|  | MS4<br>Barns (iii)                  | 196 | The draft forbids any more than 4 tiers. Where is the logic in this? One can only assume it is considered dangerous for the birds to be able to jump or fly too far. I have seen aviaries in EU that have considerably more levels and the birds appear very well adapted.  | Agree, deleted  |
|  | MS4 (l)<br>Barns (vi)<br>and (viii) | 98  | We support these minimum standards which refer specifically to barns and are our area of expertise.   | Noted   |
|  | MS4 (l)<br>Barns (vii)              | 152 | Why are barns with wire-floored nests singled out for a requirement that a matting substrate be put down? Free range and cage, including colony cages are not so restricted. Remove the requirement to have matting on wire floored nests in barns  | Disagree, colony cages have same requirements             |
|  | MS4 (l)<br>Barns (i)                | 161 | The same issues arise in barn systems as in cages when it comes to perches. This standard requires perches in barn systems at a ' <i>height that allows hens to use them easily and without risk of injury</i> '. This requirement risks being interpreted loosely. Due to the need for hens to roost at high levels, Voiceless considers it necessary that a minimum height for perches be clearly expressed in this Standard.   | Disagree  |
|  | MS 4 (l)<br>Barns (new)             | 140 | Minimum standard 4 – Housing and Equipment Design, Construction and Maintenance – Barns, have the additional minimum standard added:<br>(x) “Documented evidence of routine cleaning, preventative maintenance for facilities and equipment, and disease and / or parasite outbreaks must be kept on site for a period of no less than 6 months for auditing purposes”.   | Disagree  |
|  | MS4 (l)<br>Free range<br>(iv)       | 156 | While our farm is compliant with the wording in this clause, we recognize that openings “evenly distributed along each side of the building” would be impractical for many small free range sheds. This wording is workable for flocks of 2000 plus hens, but is  | Agree, wording changed                                    |

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|  |                               |          | unnecessary for small flocks where sufficient opening at the end of the shed applies. With the restriction on the size of the opening it becomes impossible to spread one opening evenly along the sides of the building.   |                                  |
|  | MS4 (l)<br>Free range<br>(iv) | 173      | That pop holes be provided at the rate of 4 metres per 100 square metres of shed to allow adequate and safe moving of the birds in and out of the sheds, especially when disturbed or frightened.   | Disagree, though wording changed |
|  | MS4 (l)<br>Free range<br>(iv) | 196      | Advised on having a low opening and only enough to facilitate the movement of birds in and out of the shed. Too large or too many openings encourage wild birds to enter with disastrous consequences. Birds should be able to move in and out of the shed in a crouched position. It is not possible to have popholes on both sides of our shed because the nesting area and slatted manure pits are against one wall and openings on the other. I do not consider that having openings as the draft stipulates will do anything towards preventing smothering or injury. I believe that this clause should be omitted.  | Disagree, though wording changed |
|  | MS 4<br>Free range            | 140      | Amended to read:<br>“The openings to the outdoor area or between the covered veranda and the housing facility must be a minimum of 1 m wide and 45cm high, and evenly distributed along each side of the building providing a total of 4m per 1000 hens to allow free access without risk of smothering or injury.” Also comprehensive record keeping be mandated in layer hen systems with the purpose of facilitating easier auditing and / or investigative practices.   | Disagree, though wording changed |
|  | MS4<br>Free range             | 175, 139 | In relation to free-range systems, the EPFNFZ notes that the housing requirements for free-range are as for barns. These requirements require free-range sheds to have a litter area. The EPFNFZ questions whether this is necessary when the birds have access to the range every day. The EPFNFZ also notes that movable sheds do not have a scratch area and would therefore not comply. There are also some sheds which have all slatted floors and these would also not comply. The wording for free range housing requirements must therefore be amended to address this issue.   | Agree, wording changed           |
|  | MS 4<br>Free range            | 181      | In relation to free range systems, notes that the housing requirements for free range are as for barns. This requires such sheds to have a litter area which believes this is a key priority for meeting hen’s behaviour needs and priorities and preferences. The question may be raised by those operating all slatted floor systems for free range that is this necessary when the birds can access the outside? Feels strongly that whether the birds are free range or barn there should be access to a litter area inside the shed or provided via an adjacent “winter garden” area. Not all of the free range birds will venture outside, if the weather is extremely inclement, the range poorly managed for example, this reduces the ability of the birds to dust bathe and forage. The potential | Noted, wording changed           |

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|  |                 |     | <p>for adverse behaviours such as aggressive feather pecking and cannibalism are increased. As cage producers will be faced with management and cost impacts with the new code then so should the alternative system producers to ensure birds can carry out their priority natural behaviours. A consideration may be required for those very small sheds that are fully mobile that have no litter – perhaps even a large “cat litter” type tray can suffice?</p> <p>Notes that the EU Directive specifies the same housing conditions for both barn and free range which includes access to a defined litter area as part of the shed.</p>  |                                  |
|  | Indicator 12    | 177 | <p>Example Indicators (EI) – the NZVA applauds the final indicator, which we assume relates to (a) in the MS, given the deaths incurred by toppling cages in the Christchurch earthquake.</p>  | Noted, though wording changed    |
|  | Indicator 12    | 175 | <p>The 12<sup>th</sup> Example Indicator states that “cage units are secured to the floor to prevent toppling”. This Example Indicator appears, at first reading, to provide a solution to a risk. However, in discussions with industry the EPFNZ has received information making it clear that the proposal in the Example Indicator would actually potentially cause more damage than it would prevent. The EPFNZ is working through the issues that have been identified and will forward a summary as soon as possible.</p> <p>In our view the 12<sup>th</sup> Example Indicator, as currently worded, should be deleted.</p>   | Disagree, though wording changed |
|  | Indicator 12    | 181 | <p>The 12<sup>th</sup> indicator stated that “cage units are secured to the floor to prevent toppling.” Submit that securing the feet of every cage to the floor would be a major undertaking and would have absolutely no advantage in the event of an earthquake. The legs would tear out of the bolted feet because of the weight of the hens in the cages. In the vertical plane the cages are very strong, but nowhere near as strong in the horizontal plane. It would be actually preferable to leave the feet of the cage to leave the floor slightly in the event of a good shake, and re-settle again when the shaking had stopped. This would be impossible if the cages were bolted to the floor. The most stable type of cage in the event of an earthquake is actually 6 or 8 tiers which have a steel walkway at either side halfway up the block of cages. The walkway gantry is secured to the shed walls and is made of structural steel work. It is extremely strong in the horizontal plane, and would prevent a cage stack toppling in all but the most catastrophic earthquake. Recommends that this example indicator is deleted.</p> | Disagree, though wording changed |
|  | Indicator (new) | 162 | <p>Example indicators addition:</p> <ul style="list-style-type: none"> <li>• A Fire Risk Plan is maintained and available.</li> <li>• Sufficient water supply is available in case of fire.</li> <li>• Cages are seismically restrained in earthquake prone areas.</li> <li>• Housing sites avoid flood prone areas.</li> <li>• Site access is easy to identify for emergency services.</li> </ul>   | Disagree                         |



|                        |                        |        |   |                                  |
|------------------------|------------------------|--------|---|----------------------------------|
|                        |                        |        | Example indicators amendments:<br>Emergency management plan is developed in accordance with standard 19 (NAWEM's proposed new MS for emergency management)  |                                  |
|                        | Indicator (new)        | 176    | In multi-deck cage systems, excreta from above are not falling through to the cages below.  | Disagree                         |
|                        | RBP (new)              | 162    | Recommended best practice addition:<br>(d) Local fire services participate in site familiarisations and emergency exercises.<br>(e) Fire detection and suppression systems (e.g. sprinklers) are installed (in excess of any legal requirement).  | Disagree                         |
|                        | General Info           | 60     | Re. Perforated floors. Delete this text.<br>Justification: Allowing perforated floors as 'perching space' contradicts the definition of perch in Appendix I, is inconsistent with requirements for linear perching space elsewhere in the Code, and would not provide for normal resting and other perching behaviour.  | Disagree, though wording changed |
|                        |                        |        |   |                                  |
| 5. Facility Management | 5.1 Stocking densities |        |   |                                  |
|                        | MS 5                   | 72     | MS 5 is probably necessary given the transitional state of the industry <i>[but would prefer outcome based standards rather than prescriptive]</i> .  | Noted                            |
|                        | MS 5                   | 175    | The EPFNZ supports the stocking densities laid out in Minimum Standard 5 and the Example Indicators, and also agrees with the Introduction to Minimum Standard 5.   | Noted                            |
|                        | MS 5 (a)               | 180    | SAFE expresses concern that NAWAC are not treating the issue of space with the seriousness it deserves. The amount of space allowed by a hen has clear welfare implications both in terms of the hen being able to express normal patterns of behaviour, and in terms of gaining adequate exercise to strengthen bones. Although other factors such as food and water availability and protection from heat, cold and disease are equally important, the presence of these in no way excuses a producer from their obligations to provide sufficient space. Conversely, providing adequate space does not mean producers can skip on the other requirements. Section four of the Animal Welfare Act makes it clear that ALL welfare needs are important, and ALL need to be provided for.<br>a) Delete row headed "all laying cages from 1 January 2014." | Noted<br><br>Disagree            |
|                        | MS 5 (a)               | 164    | The Green Party doesn't support the use of cages, or colony cages and therefore supports the removal of all reference to cages and colony cages from Minimum Standard No. 5 beyond that referring to the transition period as cages and colony cages are phased out.  | Noted                            |
|                        | MS5 (a)                | 60, 81 | We urge retention of the requirement in the current Code for 550 sq cm per hen from   | Noted                            |

|  |                                   |   |  |          |
|--|-----------------------------------|---|--|----------|
|  | Cages                             |   | 2014. This will improve the welfare of millions of hens during the phase-out period.   |          |
|  | MS5 (a)<br>Cages                  | 98  | Reduced stocking density many years ago to conform to the 550sqcm per bird. We achieve very good production and almost non-existent mortality from this stocking density. The health & wellbeing of our hens is paramount to us and our records show we have achieved the right level of health and happiness in our flocks.   | Noted    |
|  | MS 5 (a)<br>Cages                 | 72  | In my view, the requirement to increase current cage size to 550cm <sup>2</sup> by 2014 should not be considered further as it contributes very little to the objective of enabling hens to display priority behaviours. Thus, in considering the transition from present systems, cages regardless of their size should be replaced and producers should not be required to alter cages beyond what has been required up to now. To require producers to complete the changes to cages required by the 1995 Code when such changes go almost no way to achieving the welfare objectives makes no sense.   | Disagree |
|  | MS 5 (a)<br>Colony                | 71  | My request is that the proposed minimum standard for stocking density in a colony system is at the very least 1000 cm <sup>2</sup> per hen ( <i>but would prefer to ban colony cages entirely</i> )  | Disagree |
|  | MS 5 (a)<br>Colony                | 7, 22, 36<br>41, 47,<br>48, 82,<br>89, 101,<br>102, 105,<br>126, 158,<br>159, 163,<br>176, 178,<br>187, 194,<br>209 | 'Enriched' cages do not provide the hens with sufficient space. The 600 square centimeters of usable space (still smaller than an A4 sheet of paper) is barely larger than the space the hens have in existing cages. The hens still cannot walk about, wing flap or turn around without difficulty. Research shows that almost all normal hen behaviour requires more space than the 600 cm of usable space per bird in 'enriched' cages. [Note: the 600cm <sup>2</sup> of 'usable space' comes from the EU directive "at least 750 cm <sup>2</sup> of cage area per hen, 600 cm <sup>2</sup> of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm <sup>2</sup> "] | Disagree |
|  | MS 5 (a)<br>Colony                | 101   | Space restriction is still an issue, with some recent studies showing any space of less than 5000sq cm leads to constraints on behaviour.  | Noted    |
|  | MS 5 (a)<br>Colony                | 161   | The proposed colony cages do not allow hens to engage in natural behaviours and therefore they are in clear breach of the Act. With a stocking density of 13 hens per square metre (maximum) or 750 square centimetres (minimum), clearly the stocking density is too high. The same can be said for conventional battery cages.   | Noted    |
|  | MS 5 (a)<br>Barns                 | 57  | We support the stocking density specified for layer hens older than 19weeks in a barn system   | Noted    |
|  | MS 5 (a)<br>Barns &<br>Free-range | 152   | 7 hens per m <sup>2</sup> in barns and 10 hens per m <sup>2</sup> in FR, implies that to even up daytime welfare outcomes when the birds are not asleep, 30% (3 out of 10) of the hens must be outside at any one time. Where is the research to justify these figures, or what other assumption has been made to justify the differences between the two systems?   | Disagree |

|  |          |     |  |                         |
|--|----------|-----|--|-------------------------|
|  | MS 5 (a) | 140 | As previously mentioned the SPCA is committed to the complete phase out and banning of all cage systems by the year 2018. To this end we would submit that the section on Minimum Standard 5 – Stocking Densities that relates to cages from the date of 1 January 2014 be removed.  | Disagree                |
|  | MS5 (b)  | 49  | Maximum Stocking Rate of 875 hens per hectare. The introduction of a new maximum outdoor stocking rate of 2500 hens per hectare represents almost a trebling of the currently accepted stocking rate of 875 hens per hectare (350 hens per acre) which is adhered to almost industry wide. The stocking rate of 350 hens per acre (875 hens per hectare) – although sadly not reflected in the current layer code – is an internationally accepted figure (IFOAM, Soil and Health Association) and based on long term experience and as such has been accepted here in New Zealand for many years by the main marketers (Eco Egg Co Ltd and FRENZ) as well as organisations such as AsureQuality (organic free range standards) and the RNZSPCA. The suggested stocking rate increase will severely damage an already successfully established industry which has managed to enter export markets and is being viewed as an ethical and trustworthy industry. New Zealand is blessed with an abundance of fertile and suitable farmland and there is simply <u>no need to change</u> the way free range eggs are already successfully produced here. | Disagree, but RBP added |
|  | MS5 (b)  | 94  | We strongly oppose Min Std 5 (b) – Stocking densities. 2500 birds/ ha will enable 'factory farms' A density of 500-1000 birds/ha is more reasonable and aligned with free-range ideals.  | Disagree, but RBP added |
|  | MS5 (b)  | 95  | This standard density of 2500 birds per ha will enable more 'factory farms' with big sheds and small outdoor areas. This goes against the concept of free-range in that there will be no access to pasture as it will be destroyed due to the high density of birds. There will be no pasture left in winter as it will all be mud, and in summer it will be all dried dirt, a big dust pit. Access to pasture is a huge part of the free-range system. Birds are also less likely to venture outside with no pasture to roam and graze on, a higher density of birds to compete for space with, and less appealing conditions. A density of 500-1000 birds per ha is far more reasonable and aligned with the free-range ideals.  | Disagree, but RBP added |
|  | MS5 (b)  | 139 | Disagree with code. Unsure of basis of 2500 hens / hectare. We provide less than that currently and due to our climate in the north we spend a lot of time mowing the grass. The hens cannot cope with the amount of space they have now let alone more.   | Disagree, but RBP added |
|  | MS 5 (b) | 140 | In the current code NAWAC mentions that a commonly use stocking density is 11m <sup>2</sup> per bird; the SPCA agree that this stocking density is within reasonable parameters to ensure the welfare of all hens is maintained, and see no reason why such a figure can not be used as a minimum standard.  | Disagree, but RBP added |

|  |          |     |  |                         |
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|  |          |     | Minimum standard 5(b) be amended to read:<br>"5(b) Stocking of the outdoor ranging area in free range systems must not exceed 909 hens per hectare, or must provide at least 11m <sup>2</sup> per hen".  |                         |
|  | MS 5 (b) | 152 | Stocking density of free range birds 2,500 birds per hectare. How does this relate to MS 10c – range management? I have 2,500 hens on a hectare which is divided into 3 x 1/3 <sup>rd</sup> ha paddocks for my range management plan and all 2500 birds are on 3,300m <sup>2</sup> at any one time. Is this compliant? Clarification is needed, not least for auditors.  | Noted                   |
|  | MS 5 (b) | 156 | We support the introduction of a stocking density of the outdoor range area. While we have maintained the recommendation from the 2005 code of 11 sq.m per bird we have, in the past year trialled 4 sq.m per bird with no adverse effect on the grass cover or ground conditions. Careful management of different soil types will be necessary to achieve the outcome of this clause.   | Noted                   |
|  | MS 5 (b) | 164 | The Green Party submits that Minimum Standard No.5 be amended to:<br>Stocking of the outdoor ranging area in free-range systems must not exceed 833 hens per hectare or must provide at least 12m <sup>2</sup> per hen   | Disagree, but RBP added |
|  | MS 5 (b) | 169 | I urge NAWAC to reconsider this range density and impose an absolute maximum of 2,500 per Ha and include an example of a Range Management Plan. Currently the majority of free range farmers who are members of the EPF use a density of under 900 hens per Ha. This is supported by the two main free range marketing groups (Eco Eggs and FRENZ). It is also supported by international groups such as IFOAM, Soil and Health Association and AsureQuality (organic free range standards). The concern is that the figure of 2,500 per Ha is not sustainable and will lead to a series of consequences: loss of vegetation; increase in soil borne parasites; aggressive behaviour; less birds actually going to the range; large scale disease potential.   | Disagree, but RBP added |
|  | MS 5 (b) | 173 | At the sensible and sustainable level of 850-1000 birds per Hct the industry has the opportunity to provide the poultry industry and New Zealanders a sustainable and genuine Free Range future. The Draft's recommendation of 2500 birds per Hct is three times the sustainable level that has been used by genuine free range farmers including organic farmers over the last 30 years, there will undoubtedly be serious long and short term ramifications if this is past. Consider 30,000 plus bird sheds (which exist now) exiting the sheds during showery weather onto the surrounding pasture which is quickly turned to mud. This mud will hold, and build up future diseases that could threaten the entire poultry industry. With added diseases and worm burdens, feed companies will be forced to use more drugs to maintain these intensive conditions. We welcome the specific definitions defining free range and see these providing a level playing field to the farmers for the first time, and reducing the confusion for the customer. | Disagree, but RBP added |

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|  |          |          | If NAWAC have used the overseas model to get the 2500 birds per Hct they need to take into account the very different outdoor conditions. Already the UK have publicly acknowledged the deterioration of the health of there national layer flock with higher mortality, greater need for vaccination and less efficient production.   |                         |
|  | MS 5 (b) | 196      | When will we as farmers ever get some consistency with this? In the current code there are no regulations. Prior to this there were, along with rotational grazing of paddocks. In our free-range operation we have 3 x 5000 bird flocks at present. We are fortunate to have 45Ha at our disposal. In our experience 1Ha per 5000 birds is adequate on sandy loam country which we predominantly have. Our range paddocks are never devoid of all pasture, care has to be taken over the immediate areas outside of the shed. I support a minimum area, but believe the NAWAC requirement is far too high. I suggest 1 Ha per 5000 birds would be more sensible   | Disagree                |
|  | MS 5 (b) | 158, 180 | SAFE commend NAWAC for stipulating the minimum required outdoor area for free range producers. This will provide more certainty for consumers purchasing eggs labelled "free range" that the hens do actually have adequate outdoor space. SAFE consider, however, that 4sq m per hen is too small. We recommend a minimum stocking density of 12sq m per hen. This will bring the Code in line with the standard insisted on by FRENZS, which in turn is based on New Zealand Standard NZS 8410-2003 for organic free range farming. FRENZS export free range eggs on the basis of their welfare reputation. A slightly smaller space of 11sq m is also mentioned in the operational Code as a "commonly used stocking density."<br>Amend to: (b) Stocking densities of the outdoor ranging area in free range systems must not exceed 833 hens per hectare, or must provide at least 12sq m per hen. | Disagree, but RBP added |
|  | MS 5 (b) | 175      | The EPFNZ also supports the setting of an upper limit of stocking density on the outdoor ranging area in Minimum Standard 5(b). The figure of 2,500 hens per hectare, or at least 4 square metres per individual hen, is in line with the European Union directive. It is EPFNZ's view that this maximum stocking density of 2,500 hens per hectare provides an important balance between welfare and economic sustainability for free-range production systems in New Zealand.  | Noted                   |
|  | MS 5 (b) | 181      | We note that there may be some sectors of the free range industry that wish to set a maximum flock size. Our review of the science can find no research to substantiate small flocks have higher welfare than larger flocks. There is no maximum flock size in the EU Directive. Flock size is purely a marketing issue which is how it is dealt with in Europe and in particular the UK alternative market. We note that comments may also be made with regard to the range maximum stocking density. We believe this is an adequate density it has been in operation in the EU for the past 15 years. In the UK the stocking density was controlled by a marketing directive that the RSPCA Freedom  | Noted                   |

|  |            |     |   |   |
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|  |            |     | Foods laying hen standards adopted. Under pressure from UK producers they have now changed from the 1000 birds per hectare to 2000 birds per hectare to align their standards to the EU Directive. We feel that the minimum standards ensure free range is sustainable and commercially viable. We note that comments may be presented in relation to the indoor stocking density for barn birds that this should be the same as for free range birds. Supports the wording in the minimum standard and although this is one area we do differ from the EU Directive we feel strongly that barn birds should have more indoor space, because barn birds have no outside ranging area. Research from the UK (DEFRA AW1132) showed the welfare outcomes of barn birds to be the most at risk. Any submission to increase the stocking density of barn birds to that of free range is done for commercial reasons to increase the numbers of birds in existing sheds. We should focus on the welfare outcomes and take note of the overseas research in particular to mortality levels and incidences of old bone fractures.   |   |
|  | MS 5 (new) | 180 | (c) Eggs from hens labelled "free range" must comply with minimum standard 5b).   | Disagree, not the role of a code of welfare |
|  | MS 5 (new) | 49  | Introduction of a Maximum Hen Number of 5000 Hens per House. A Maximum Hen Number per House is already well established and widely accepted as an important aspect of any successful free range egg farming by the established industry in New Zealand. The current layer code distinctly lacks this important standard. This lack of prescription allows the set up of large scale industrial farms in gigantic single sheds which will result in: overcrowding at exits (pop holes), the lack of outdoor use, the loss of vegetation at the interface of shed and outdoors, an increase of smothering incidents, an increase of soil borne parasites and potential large scale disease outbreaks, aggressive behaviour of the hens (feather pecking and cannibalism). This industrialisation of free range egg farming in New Zealand will result in: single sheds with 50,000 hens or more, a growing consumer distrust in NZ free range egg products, the undermining of established export markets for existing cottage type free range eggs. Any shed housing more birds than 5000 hens will be extremely difficult to manage indeed and sooner or later lead to major animal welfare issues. It furthermore will require a degree of automation, including large scale ventilation and feeder/ drinker systems, which in return present the potential risk of catastrophic incidents of malfunction resulting in a high number of bird losses. | Disagree                                    |
|  | MS 5 (new) | 122 | The number of hens within flocks on free range farms should, for the welfare of the chickens, be restricted in order to avoid undue stress and bullying. Birds raised for commercial purposes, because of the numbers involved, are "in a constant state of trying to establish a hierarchy but never achieving it". Only smaller flocks really enable  | Disagree                                    |

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|--|-----------------|--------------|---|--|
|  |                 |              | chickens to behave as they would in nature, because they can recognize individual flock-mates and maintain peck orders for safe social interactions.  |  |
|  | MS 5 (new)      | 169          | The draft code does not address the maximum number of birds that may be kept in one flock. As there has never been such a definition it has already led to some producers in New Zealand raising layer hens in sheds containing 5,000 to 20,000 birds. Whilst this is becoming common practice overseas there are already concerns being raised that the vast majority of the hens in such large flock actually never leave the shed and should be more properly called "barn raised". Given the codes recommendation to allow 2,500 hens per Ha this could lead to 20,000 hens sharing only 8 Ha. At a stocking density of 10 hens per sq m within the shed it would only require one shed of 2000 sq m. Indeed on my smaller farm of 44 Ha I could, in theory, raise 110,000 hens in a single shed 105 m square. Again I urge the Committee to include a maximum number of birds that can be held in any one flock. My advice is to use an absolute figure of 5,000 but add an indicator similar to the Min Standard 3 "Free range hens are observed to use the outside range regularly". This should be rewritten to include the phrase "The majority of Free range hens are observed to use the outside range regularly". This minimum standard would ensure that the shed design and range management would have to well considered. | Disagree<br><br>Agree, EI added        |
|  | MS 5 (new)      | 173          | Limiting the sheds to a max of 4000 birds the industry has the opportunity to provide the poultry industry and New Zealanders a sustainable and genuine Free Range future.  | Disagree                               |
|  | Indicator 1     | 60           | Distribution and behaviour of birds using the facilities is monitored and recorded on a regular basis, to identify problems such as crowding and competition for facilities, whether these are local or general and associated with bird number and density, and possible solutions.<br>a board at the house entrance prominently displays area of enclosures, bird numbers and densities."<br>Justification: The current Example Indicator is too vague to be useful. And it is important to check that stocking density has been calculated and can be verified.  | Agree, wording changed<br><br>Disagree |
|  | Indicator (new) | 176          | Birds are not displaying symptoms of overcrowding, such as excessive pecking or distressed cries.   | Agree, EI added                        |
|  | 5.2 Lighting    |              |   |  |
|  | MS6             | 98, 175, 181 | The Minimum Standard and the Example Indicators are supported by the EPFNZ. The Introduction and General Information are also supported by the EPFNZ.   | Noted                                  |
|  | MS6             | 122          | The lack of sunlight in colony cage systems is unacceptable in terms of animal welfare. It is a breach of the Animal Welfare Act that the requirement for natural lighting is not   | Disagree                               |

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|  |                 |     | considered a minimum standard of welfare for all farmed birds. However, since it is unlikely that natural lighting will be considered a priority welfare consideration for the egg farming industry, it is therefore <u>essential</u> that hens obtain at least 8 hours of complete darkness in a 24 hour period.   |                                    |
|  | MS6 (b)         | 161 | Despite Voiceless's general dislike for hens being housed in an environment with only artificial lighting, the reference to chicks and pullets being exposed to ' <i>short periods of darkness</i> ' after placement should be clarified. What is a ' <i>short period</i> '?  | Disagree                           |
|  | MS6 (c)         | 129 | Hens kept in a colony system will not be provided with the eight hours of darkness that allows them to express the normal behaviour of extended night-time sleep or rest.   | Disagree                           |
|  | MS 6 (c)        | 173 | That free range hens be given 8 hours of undisturbed darkness to avoid them having more than 16 hours light when they are outside all day in summer.  | Disagree                           |
|  | MS 6 (c)        | 180 | SAFE is pleased that this minimum standard recognises that hens are a diurnal species that require a light dark cycle for wellbeing. We recommend that section c be replaced with the following, to bring it in line with research previously discussed in the SAFE 2010 submission on the draft Code of Welfare for broilers.<br>c) Where layer hens do not have access to daylight they must be given lighting of no less than 20 lux over a period of at least eight hours per day and a maximum of 16 hours per day in each 24 hours.<br>Example indicators should also be incorporated into minimum standards. | Disagree, though changed to 20 lux |
|  | MS 6 (c)        | 196 | I do not agree with the draft proposal in c where a minimum continuous period of 8 ours darkness is stipulated. No reason for this is given. Over the hot summer period a lights-on program of 1 extra hour, 2 hrs after lights off has been followed in our cage operation for most of my working life (midnight feeding). This allows hens to take in more feed at a cooler time of day. We do not follow this in our free-range sheds as the birds would then need a dimming period to roost. Instead we increase their lighting to 17hrs uninterrupted. This new clause is ridiculous and should be omitted.    | Disagree                           |
|  | MS 6 (d)        | 177 | 5 lux seems very low. In the draft Meat Chicken code, 10 lux is required as a minimum. There is also inconsistent use of numerals through this MS – "eight" vs "7" etc  | Agree, changed                     |
|  | MS 6 (d)        | 164 | The Green Party submits that Minimum Standard No. 6 be amended to read:<br>Lighting levels during the light phase must not be lower than 20 lux at ground level so that chickens can see one another and their surroundings.  | Agree, changed to 20 lux           |
|  | MS 6 (new)      | 162 | Add to standard:<br>(g) Automatic emergency lighting shall be available to ensure ongoing safe access and operation of facility, for at least 72 hours.   | Disagree                           |
|  | Indicator (new) | 162 | Example indicators addition:<br>Fixed automatic emergency lighting is installed and maintained, including indicating emergency exits.   | Disagree                           |



|  |                                 |          |   |   |
|--|---------------------------------|----------|---|---|
|  | Indicator (new)                 | 176      | Add EI: There are no injuries caused by changes in the light intensity.   | Agree, EI added   |
|  | RBP (new)                       | 162      | Recommended best practice addition:<br>d) Automated lighting systems are protected from power interruption and able to independently operate for at least 72 hours.   | Disagree  |
|  | Gen Info                        | 60       | “changing to coloured lights ... can be beneficial in reducing the continuation of cannibalism and feather pecking if these start.”<br>Justification: The current text could be read as recommending permanent use of coloured lights, which would be inappropriate. “Incidence” is a technical term (number of cases per year) which is not intended here.   | Disagree, though wording changed                          |
|  | 5.3 Air Quality and Ventilation |          |   |   |
|  | MS7                             | 98       | Use large extraction fans to try to maintain a constant comfortable temperature in the sheds. It must be said that we are beholden to outside ambient temperatures, but use wind speed to control the temperature to the best of our ability. Daily cleaning of the sheds reduces the dust levels improving air quality in the sheds. Removal of the manure on a seven day cycle also improves air quality as it does enable ammonia levels to rise.  | Noted   |
|  | MS 7                            | 175, 181 | The EPFNZ supports Minimum Standard 7 and the Example Indicators. There is also support for the Recommended Best Practice and the Introduction and General Information content.   | Noted   |
|  | MS7 (b)                         | 164      | The Green Party submits that Minimum Standard No.7 Ventilation (b) be amended to read: Immediate remedial action must be taken if ammonia levels greater than 10ppm are detected at hen level, or if hens exhibit signs of heat stress, respiratory distress or distress from humidity, dust or noxious gases. Furthermore the Green Party requests that NAWAC seek more information on the maximum level of ammonia that would still allow hens to live in comfort with a goal to incorporating this into future revisions of the code.  | Disagree, though changed to 20ppm and RBP of 10ppm added  |
|  | MS 7 (b)                        | 140      | Ventilation and the control of ammonia build up in layer hen sheds is crucial to the health and well being of the animals. For this reason the SPCA believes that it should be a requirement of all operators to maintain a register of temperature, humidity and ammonia levels in their sheds. The SPCA also feels that the allowable level of 25ppm in the draft code is too high to guarantee good animal welfare outcomes. There is evidence to suggest that hens are more adversely affected by ammonia levels than humans. The SPCA therefore submits that minimum standard 7 – Ventilation (b) be amended to read: “Immediate remedial action must be taken if ammonia levels greater | Disagree, though changed to 20ppm and RBP of 10 ppm added |

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|--|-----------------------|----------|---|---|
|  |                       |          | than 15ppm are detected at hen level, or if hens exhibit signs of heat stress, respiratory disease or distress from humidity, dust or noxious gas.” And that minimum standard 7 – Ventilation have the following additional clause added:<br>“(c) Air quality parameters including ammonia must be monitored and weekly records kept on site for a period no less than 6 months for auditing or investigative purposes.”  | Disagree  |
|  | MS 7 (b)              | 180      | Ammonia levels up to 25 ppm are allowed in the draft Code, but a recent study has shown that hens preen, rest and forage significantly less in an atmosphere containing 25ppm ammonia than in fresh air. Aversion tests have shown that broilers chickens find concentrations of ammonia of 10ppm to be aversive. The allowable level of 25ppm is therefore likely to be too high. In Switzerland, the recommended limit is 10 ppm. Until further research can provide more information on the maximum level of ammonia that would still allow the hens to live without discomfort, SAFE considers that the Swiss regulation be followed as an achievable limit.b) Delete “25ppm” and substitute “10ppm.” The recommended best practice to be incorporated in the minimum standard. | Disagree, though changed to 20ppm and RBP of 10 ppm added<br><br>Disagree |
|  | Indicator 1           | 176      | Change to: There are <i>no</i> signs of discomfort, distress or disease (e.g. panting and wing-stretching if hot, huddling if cold, sneezing) at least once a day on inspection.  | Agree, change made  |
|  | Indicator 2           | 60       | “eye and nasal irritation indicative of ammonia level over 25 ppm or other air quality problems are not detected by stock handlers either in the birds or in themselves (at hen level) during daily inspection. records are kept of these checks.”<br>Justification: Stock handlers need to be reminded to make sufficient checks and to record the outcome. The current text does not make it clear whether the problems are to be detected in the birds or the handlers: it should be both.   | Agree, wording changed  |
|  | Gen Info              |          | Add: “If air quality is unpleasant for humans, it is also likely to be a problem for hens.”<br>Justification: This is a useful rule of thumb.   | Disagree  |
|  | 5.4 Temperature       |          |   |   |
|  | MS8                   | 98       | Monitors and records minimum and maximum daily temperatures. Agrees with these standards.   | Noted   |
|  | MS 8                  | 180      | The recommended best practice should be incorporated into the minimum standard.   | Disagree  |
|  | MS 8                  | 175, 181 | The EPFNZ supports Minimum Standard 8 and the Example Indicators. It also supports the Recommended Best Practice and the Introduction and General Information.  | Noted   |
|  | 5.5 Litter Management |          |   |   |
|  | MS 9                  | 175, 181 | The EPFNZ supports Minimum Standard 9 and the Example Indicators. It also supports the Introduction, General Information and Recommended Best Practice.   | Noted   |
|  | MS 9                  | 180      | SAFE have addressed the issue of litter management and its importance in preventing   | Disagree  |

|  |                      |     |   |                     |
|--|----------------------|-----|---|---------------------|
|  |                      |     | hock burn in their submission on the broiler chickens Code of Welfare. We endorse the minimum standard and also request that example indicators 2-7 and the recommended best practice be incorporated into the minimum standard.  |                     |
|  | MS9 (b)              | 152 | Worm parasites build up on range and are tramped into the shed, irrespective of how the litter is managed. Most respiratory disease has no epidemiological connection to litter quality. MS 9b is aspirational, but cannot be reasonably enforced or audited.   | Disagree            |
|  | MS9 (new)            | 162 | Add to standard:<br>(c) An emergency supply of litter shall be maintained on site, sufficient for the maximum hen capacity for at least 72 hours in case of an emergency.   | Disagree            |
|  | Ex Indicator 5       | 60  | “If wood shavings are used they are dry, from non-treated timber and free from toxic contamination.”<br>Justification: The current wording could suggest that use of wood shavings is required.   | Agree, change made  |
|  | Ex Indicator 6       | 152 | What is the justification that litter should be used for one laying cycle only? If it is managed as in MS (b) then there is no justification for change   | Agree, moved to RBP |
|  | Ex Ind (new)         | 162 | Example indicators addition:<br>Means to manually distribute litter is available on site (e.g. wheel barrows).  | Disagree            |
|  | RBP                  | 60  | “Litter depth should be maintained at a minimum depth of 10cm and built up further over the first few months of use.”<br>Justification: Current wording could suggest that a depth of 10cm is only required after several months, which would mean chicks are initially on nearly-bare concrete floors.   | Agree, change made  |
|  | 5.6 Range management |     |   |                     |
|  | Intro                | 60  | “If hens are afraid to use the range this may increase stress inside the shed and can lead to negative behaviours such as injurious feather pecking.”<br>Justification: Most injurious feather pecking is not aggression.   | Agree, change made  |
|  | MS 10                | 113 | Any expansion of the free range sector will have considerable environmental impact especially in the build up of excess nutrients in the soil from the hen manure in the range area. A paper titled “ <i>Is free range egg production environmentally sustainable?</i> ” by Matt Redding outlines the problems that can be encountered. The committee should give consideration to herbage and soil testing for the range areas on free range systems to ensure that nutrient loading is not excessive causing palatability or health issues from grass ingested by the free range birds. | Disagree            |
|  | MS 10                | 180 | The recommended best practice should be incorporated in the minimum standard.   | Disagree            |
|  | MS 10 (c)            | 60  | “A range management plan must be in place that addresses pasture quality, vegetation (including setting an appropriate target percentage of area to be covered by vegetation), and control of parasites and diseases.<br>Justification: A target percentage cover is needed, otherwise little attempt may be  | Disagree            |

|  |           |          |  |                                  |
|--|-----------|----------|--|----------------------------------|
|  |           |          | made to maintain any vegetation at all. Conditions in New Zealand are sufficiently variable that it would be difficult to set the same target for all farms, so we propose allowing farms to set their own appropriate targets.  |                                  |
|  | MS 10 (d) | 60       | “Access to the range must be available during daylight hours and at least for a minimum of 8 hours, unless prevented by bad weather or veterinary advice, in which case records of reasons must be kept.”<br>Justification: Without records, there would be no indication of whether this standard had been met, and therefore little pressure to meet it.   | Disagree, though wording changed |
|  | MS 10 (d) | 196      | Why stipulate a minimum period of 8 hours range access? We prefer not to open pop holes until 11am to ensure the majority of birds have finished laying before ranging. The eggs are generally cleaner if this procedure is followed. Could be an issue in winter months when days are shorter.  | Agree, wording changed           |
|  | MS 10 (d) | 177      | Suggest adding the word “on” before “veterinary advice”.   | Agree, change made               |
|  | MS 10 (d) | 175, 181 | The EPFNZ supports Minimum Standard 10 and the Example Indicators.<br>The EPFNZ particularly notes 10(d) which requires that access to the range is available during daylight hours and for a minimum of 8 hours. This addresses a perceived concern that birds only have a limited amount of time out on the range. A minimum time frame for access to the range now becomes a mandatory requirement and the EPFNZ supports this statement.<br>It has been raised by those farmers who farm in free range production systems south of Latitude 45 degrees S, i.e. Otago / Southland, that in June, July and August 6 hours is more appropriate, as often frost has not melted until 10 am and dusk can be as early as 5pm in mid-winter. In contrast, in mid-summer there will be up to 14 hours of daylight. The EPFNZ suggests that the Minimum Standard is amended to read “ <u>6 hours daylight is available for hens during June, July and August south of latitude 45 degrees S</u> ”. The EPFNZ also supports the Recommended Best Practice, Introduction and General Information. | Disagree, though wording changed |
|  | MS 10     | 98       | This is also not relevant to our operation, but we agree with the standards set for free range production. The examples of indicators for minimum standards are fantastic and should be implemented in all free range farms. The free range farms I have visited do not do any of these things to enhance the welfare of their hens  | Noted                            |
|  | MS 10 (d) | 173      | Recommendation: That birds have unrestricted access outdoors during all weather and farmers provide sufficient shelter to make this sustainable and safe for the hens.<br>“Free Range” means – ‘unrestricted access to pasture’ These scenarios [keeping birds inside when weather is bad] will bring intensive free range into disrepute in the public eye as customers complain about hens being locked indoors, yet the eggs being  | Disagree                         |

|              |             |     |   |                                       |
|--------------|-------------|-----|---|---------------------------------------|
|              |             |     | produced are still sold as “free range”.  |                                       |
|              | Indicators  | 152 | <p>The example indicators attached to this MS appear to have been written by people with little practical experience of free range.</p> <ul style="list-style-type: none"> <li>- Most range contains pugged areas or puddles, or dusty conditions in high summer.</li> <li>- Contaminated with what?</li> <li>- Vegetation does not contain harmful species (toxic plants/ weeds!!!) Who decides what is a weed?</li> <li>- What does “Rotation of artificial shelters” mean? It sounds as though NAWAC wants farmers to install beach umbrellas or patio shelters.</li> <li>- “Vegetation on the range is maintained in good condition”. Much range has no vegetation at all, and over time (years) weeds especially malva, thistles nettles and doc leaves tend to predominate. What can NAWAC do about it?</li> </ul> <p>The example indicators are a recipe for farmers to have problems with picky auditors, and should be reviewed.</p> | Disagree, though some wording changed |
|              | Indicator 8 | 173 | Will the rain or showers forecasted over winter allow the farmer to keep the birds inside off the mud surrounding his shed because he has chosen too many birds? Showers and rain are part of what makes the N/Z climate so unique, providing us with green grass and fodder outside all year round, and why we can't just copy overseas models.  | Noted                                 |
|              | RBP (b)     | 177 | Recommended Best Practice (RBP) (b) – Suggest an alternative wording – “The range should be wide enough in front of the pop hole to help manage range quality”.   | Agree, change made                    |
|              | GI          | 152 | What reference can NAWAC provide that a hen's health has ever been harmed by access to a muddy paddock?   | Noted                                 |
| 6. Behaviour | Intro       | 65  | I have spent hours searching the internet reading university and industry based research with regards comparisons between various cage systems. My husband and I also attended the seminar Christine Nicol presented on the Bristol University Research Project. It is clear to me that there is no research that clearly shows enriched cages offer better overall welfare than conventional cages. There are aspects they offer, such as nesting, scratching and perching opportunities but these can come at a cost such as increased keel bone fractures, higher instance of disease and depending on what research you read, higher mortality. There is no reason to enforce a change of system on farmers as what is gained in one area is lost in another. Analysis of the research shows huge variances and suggests the biggest impact on animal welfare is made by management practises.  | Disagree                              |
|              | Intro       | 60  | WSPA believes that this section should be revised to require opportunity for layer hens to show all the normal behaviour that can reasonably be achieved in the farm environment. This will involve phasing out all cages in favour of barn and free range systems.   | Disagree                              |

|  |       |     |  |   |
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|  |       |     | Justification: The Animal Welfare Act's requirement of "opportunity for layer hens to show normal behaviour" is not met by allowing only the "priority patterns of behaviour" listed. This list has questionable inclusions (notably "Standing erect over all of the available floor space" and the value judgment that "sham dust bathing is an acceptable alternative" – whereas bathing in loose material has physical as well as behavioural functions) and cannot be regarded as definitive. Other behaviours are also important, such as extensive locomotion and fully expressed foraging and dust bathing.   |   |
|  | Intro | 122 | <p>Dust-bathing is an important naturally programmed behaviour in chickens which functions to remove dust, mites and loose feathers. Hens need to perform this activity every couple of days for around 20-30 minutes or they become stressed and miserable. So-called 'enriched' cages – in this case, colony cages – do not provide the appropriate space or litter substrate to adequately perform dust-bathing. Dutch researchers have shown that hens in 'enriched cages' take shorter dust-baths, mainly due to disruption and competition from cage-mates. They also appear frustrated due to insufficient time and space to dust-bathe, and from the lack of proper litter for dust-bathing activities. In the Draft Code it states that "sham dust bathing (dust bathing on a solid surface) is an acceptable alternative" to actual dust-bathing. <u>This is not the case.</u> In fact, studies have shown that caged hens are so desperate to dust-bathe in dust or dirt-like material they would forgo food in favour of this activity.</p> <p>Experiments have shown that hens are highly motivated to arrange a nest before laying. Typically colony cages contain only one nest box for up to 60 birds. Inadequate provision of nests in colony systems leads to stressed birds and bullying behaviours. Hens tend to lay their eggs early in the morning, and this is therefore when competition for space in nest boxes is at a maximum. Any egg farming system needs to provide multiple nests and space for several hens at once to perform nesting behaviours prior to egg laying. Nest preparation can not occur without undue stress in an environment where hens are competing for space and where nests themselves are limited. Competition for space is likely to result in individual hens spending shorter periods of time on nests for laying and may result in health issues. One of the worst conditions affecting commercial layer hens, prolapsed uteri, results from caged birds straining to lay eggs quickly, and in situations</p> <p><i>References provided</i></p> | <p>Disagree, though wording changed</p> <p>Disagree</p> |
|  | Intro | 129 | As the consultation document that accompanies the draft code makes clear, the recommendations of the draft depend on re-interpreting the Animal Welfare Act's minimum standard – that layer hens must have the opportunity to express 'normal patterns of behaviour' – as meaning that hens must be able to express 'priority' behaviours. This is a tendentious and controversial interpretation, since priorities for  | Disagree, though wording changed                        |

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|  |                   |     | <p>hens will vary according to whether they are confined or free, stressed or relaxed, crowded or allowed space. In fact, the description of priorities in the draft code is based – as the whole document is – on the assumption that hens will continue to be confined and crowded together. They are therefore the priorities of those who are invested in confined-housing systems, not those of the hens.</p> <p>Although the consultation document refers to ‘evidence’ that ‘certain priority behaviours are more important to hens than others’, this evidence is not provided. In particular, what is the evidence that ‘[s]ham dust bathing ... is an acceptable alternative’ to real dust bathing?</p>  |   |
|  | Intro             | 158 | <p>The piece of Astroturf for scratching and „sham dust bathing“ is nothing but a sad joke. The very notion of such a device being deemed to be adequate seems absurd to me.</p> <p>The problem is encapsulated in the very name of the behaviour - „Sham“. How would we feel if we stepped into the shower, turned the taps on, and no water came out? Would we be content to pretend that we are lathering up and rinsing off, while standing in a dry shower cubicle? Would we feel our needs had been satisfied?</p>   | Disagree  |
|  | Intro             | 164 | <p>The framework provided by the Animal Welfare Act 1999 specifically refers to behaviour in Part1 Section 10. This is the main basis for the Green party’s objections to the use of caged systems for housing layer chickens. Taking this into account the Green Party supports the extension of this Minimum standard to more explicitly describe behaviour.</p>   | Noted   |
|  | MS 11 (a) and (b) | 180 | <p>This is a critical standard as it is the lack of behavioural opportunities that provide the main reason for a ban on cages. SAFE therefore recommend that this minimum standard be reworded to clarify this, and to emphasise the importance of dust bathing and other natural behaviour.</p> <p>a) Chicks, pullets and layers hens must be housed and managed in a manner that provides them sufficient opportunities to express normal patterns of behaviour. These must include (but are not restricted to):</p> <ul style="list-style-type: none"> <li>i) standing erect over all available floor space</li> <li>ii) extending and flapping the wings</li> <li>iii) laying eggs in a discreet nesting area</li> <li>iv) perching at a sufficient height to avoid being pecked by birds on the ground</li> <li>v) pecking and foraging</li> <li>vi) dust bathing in real dust</li> </ul> <p>b) Existing cages (including colony cages) must be discontinued within five years of the date of issue of this code.</p> | <p>Disagree, though wording changed</p> <p>Disagree</p> |

|  |           |  |   |          |
|--|-----------|--|---|----------|
|  |           |  | c) No new cages (including colony cages) must be used after the date of issue of this code.   | Disagree |
|  | MS 11 (a) | 140  | “(a) Chicks, pullets and layer hens must be housed and managed in a manner that provides them sufficient opportunities to express their priority patterns of behaviour. For layer hens, these include, but are not limited to: standing erect over all available floor space, extending and flapping the wings, laying eggs in a discrete nesting area, perching on perches compliant with minimum standard 4(i), and expressing foraging and dustbathing behaviour in actual dust.   | Disagree |
|  | MS11 (b)  | 60   | “Minimum Standard 11(a)” is a mistake: “Minimum Standard 11(b)” is intended.  | Disagree |
|  | MS11      | 11, 134, 145, 192, 196   | Our overall belief is that we see no compelling reason to change the current animal welfare code for layer hens, and we continue to support conventional cages for now. The support for colony systems is based on a scientific rather than practical approach of what is seen as a chooks natural pattern of behaviour. We question whether colony cages offer a quantifiable superior welfare outcome. Meanwhile the proposed change has far reaching consequences to many, and to us the costs seem to outweigh the benefits. The 2009 MAF report ‘Comparative Assessment of Layer Hen Welfare in New Zealand’ backs up our belief that there should be no major change to the current code. <i>‘It is reasonable to deduce that animals producing well, showing low prevalence of morbidity and/or mortality, and normal behaviours are suffering little physiological stress.</i><br>We concur in most cases with the EPF view on cage hens as detailed in their submission. However we strongly disagree with Minimum Standard 11 on Behaviour as we <b>oppose</b> the move to colony cage systems. | Disagree |
|  |           | 22, 24, 30, 34, 50, 52, 53, 63, 66, 69, 73, 76, 77, 82, 84, 86, 88-90, 106, 109, 125, 133, 138, 142, 146, 159, 163, 171, | Battery cages fail to meet the AWA and should be banned [note: no mention of colony cages]  | Agree    |



|  |  |  |   |          |
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|  |  | 182, 184,<br>186, 191,<br>199, 200,<br>202, 206,<br>210,   |   |          |
|  |  | 1-5, 7, 9,<br>10,<br>12-16,<br>18-21,<br>26-29,<br>31-33,<br>36-40,<br>41-43,<br>44-48,<br>50, 51,<br>54,<br>59-60,<br>75, 82,<br>85,<br>91- 94,<br>96, 99,<br>101-105,<br>108, 110,<br>111, 112,<br>114- 121,<br>123, 124,<br>126, 157,<br>128-130,<br>131, 132,<br>136, 137,<br>140, 141,<br>143, 146,<br>148, 150,<br>151, 158,<br>164, 180,<br>183,<br>163 -168, | <p>Colony cages fail to satisfy the hens behavioural needs and should not be used to replace battery cages. They fail to meet requirements of the AWA as hens are unable to express their natural behaviours. The supposed nest boxes, perches and litter areas provided in 'enriched' cages are of such minimalist design that they fail to satisfy the hens behavioural needs. <i>[note: these people also want battery cages banned].</i></p> <p>I urge NAWAC to drop its plan to transition to colony systems and to begin investigating cage-free systems as a more viable animal welfare alternative. <i>[References used in this submission]</i></p> <p>██████ visited a trial 'colony cage' in Dunedin, to assess this method's viability as an alternative to battery cages. Based on this visit, and viewing colony cages at first hand, the Green Party opposes the use of colony cages, as well as battery hen cages, and considers them both to be a breach of the Animal Welfare Act.</p> | Disagree |

|  |           |   |   |          |
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|  |           | 170, 176,<br>179, 180,<br>187-189,<br>190, 193,<br>194, 195,<br>203, 204,<br>205,207,<br>208, 209 |   |          |
|  |           | 68, 79,<br>87,118,<br>129, 158,<br>201  | Free-range is the only acceptable method of keeping chickens, commercially or otherwise. I would like to see barn systems phased out.<br>All poultry should be allowed to do all the natural things that make them happy and healthy. Roam in a safe, protected area, pecking and scratching at grass and soil, dusting, soaking up sun and rain, preening, nesting and roosting. Free-range hens enjoy all this and their eggs have much more colour and nutrient content.<br>We have the space in New Zealand for all hens to be free range. That is what most New Zealanders want. They do not want to feed their families colourless eggs packed with dyes and hormones from exhausted and diseased hens yet they struggle to pay the higher prices for the healthier, more nourishing free-range eggs they yearn for.  | Disagree |
|  | MS 11 (b) | 72, 175,<br>181   | I am satisfied that colony systems are acceptable methods for housing layer hens. They offer the opportunity for display of the behaviours which research has shown the birds accord high priority to while retaining most of the health and protection benefits of current cages.  | Agree    |
|  |           | 139   | Agree [with the code] in theory and if we lived in a perfect world. But we don't so believe issue of colony housing needs more thought and proof that welfare is not compromised (through increased pecking, competitiveness etc) before turning the industry upside down. We believe wholeheartedly in consumer choice and we are excited that more and more people are choosing to buy free range eggs. However this view is also balanced by the practicalities of the market and the fact that free range accounts for a small 12% share. A whopping 88% of consumers in NZ choose to buy cage eggs. With this in mind we see no compelling case at the present time to commit to a colony cage system in the future. We ask that the decision on colony housing be postponed until the next review, to allow more evidence to be presented to prove this is the best long term option. | Disagree |
|  | MS11 (b)  | 28, 35,<br>36, 41,<br>52, 61,   | Immediate ban on battery cages.   | Disagree |

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|  |          | 76, 199   |  |   |
|  | MS11 (b) | 74  | All hens should be housed extensively by 21 <sup>st</sup> June 2012.   | Disagree  |
|  | MS11 (b) | 54, 68, 93  | Two years should be enough time to phase out current systems-of-cruelty if sufficient effort, resources etc are devoted to the task  | Disagree  |
|  | MS11 (b) | 25, 30, 48, 125, 148, 180, 195  | I think battery cages should be phased out as soon as possible. Therefore, the proposed time-frame of five years to phase out caged hens is more than is needed in the circumstances. The Egg Producers Federation has had ample warning over the last nineteen years that cages are unacceptable from a welfare point of view, and that the industry should not be given a long phase out period. | Disagree, though some cages will be phased out within 5 years |
|  | MS11 (b) | 19, 83  | Please implement a phase-out system in New Zealand and require a complete ban on caged systems by 2015.  | Disagree, though some cages will be phased out by 2015        |
|  | MS11 (b) | 84, 86, 88, 109, 111, 142, 146, 182- 186, 202   | Battery cages should be phased out over a 5 year period. <i>[no mention of colony cages]</i>   | Disagree, though some cages will be phased out within 5 years |
|  | MS11 (b) | 7, 9, 15, 16, 21, 22, 29, 32, 33, 37, 40, 41, 43, 44, 45, 46, 47, 51, 56, 59, 82, 89, 94, 96, 99, 102, 105, 107, 108, 116, 119, 124, 126, 127, 128, 130, 131, | Cage free in 5 years Battery cages should be phased out over a 5 year period, colony cages should not be introduced as an alternative.   | Disagree, though some cages will be phased out within 5 years |

|  |           |   |  |   |
|--|-----------|---|--|---|
|  |           | 136, 141, 143, 146, 159, 163, 165, 170, 178, 193, 194, 204, 176 |  |   |
|  | MS11 (b)  | 24  | The long term solution would be to have all chickens' free range. Cage-free by 2015, with all hens to have access to the outside by 2020   | Disagree, though some cages will be phased out by 2015    |
|  | MS 11 (b) | 140   | Existing caged housing systems, including colony cages, must be phased out completely by 2018  | Disagree, though some cages will be phased out by 2018    |
|  | MS11 (b)  | 164   | In our view, the industry's lack of preparedness should not be rewarded with an extended phase-out period. The Green Party would tolerate a 5-10 year phase out, providing there was a firm commitment to using only free-range or barn systems after the phase out period.  | Disagree, though cages will be phased out within 10 years |
|  | MS11 (b)  | 26, 27, 63, 67  | Whilst I would prefer to see all hens free range, of the options offered in your draft I support Option 2 – staged phase out of cages by 2015 – 2020.  | Disagree, though most cages will be phased out by 2020    |
|  | MS11 (b)  | 81, 55  | I support Option 3: staged phase out of existing cages by 2020-2025. This seems to me to be a reasonable compromise between increasing hen welfare and reducing human welfare (because eggs will become more expensive).   | Agree, though the staged phase out will be by 2022        |
|  | MS11 (b)  | 72  | I favour a shorter rather than a longer lead-in time and suggest 2020 as the cut-off. Current cages which reach the end of their life before that time should be replaced only by the approved housing systems. There may need to be provision for extension of time for individuals facing genuine hardship (to be defined but likely to include delay in obtaining resource consent or access to finance). Any such extension would need to be for a negotiated period and be contractually bound. Government should consider how it might facilitate the change such as by reducing or removing regulatory barriers (e.g. resource consent processes) and/or by having a role in assisting producers to access finance. | Disagree, though most cages will be phased out by 2020    |
|  | MS11 (b)  | 35, 36,   | I submit that New Zealand should adopt your Option 5 as quickly as possible  | Disagree  |

|             |              |                                  |   |          |
|-------------|--------------|----------------------------------|---|----------|
|             |              | 58, 122                          | (completely free range)   |          |
|             | MS11 (b)     | 60                               | <p>WSPA urges adoption of Option 5 in your cover letter: the phasing out of all systems where hens are not loose-housed. We do not believe enriched cages provide satisfactory welfare for hens, as explained below. Adoption of the other options outlined in this code could see New Zealand falling well behind the EU in terms of animal welfare for layer hens. If that is not agreed, WSPA suggests that a mixture of Options 2 and 3 will be needed. We also understand that a 10 year phase-out of conventional cages seems difficult because anyone installing alternative systems early in that period would be disadvantaged financially. However, we wish to draw your attention to the availability of conventional cages designed to be convertible to enriched cages, used successfully in Europe. We therefore suggest:</p> <ul style="list-style-type: none"> <li>• From 2015, no new conventional cages unless they are convertible to enriched cages, and</li> <li>• From 2025, no conventional cages to be used.</li> </ul> | Disagree |
|             | MS 11 (b)    | 175, 181                         | The EPFZN supports Minimum Standard 11, but notes 11(b) the date should read “by 2031”. The Recommended Best Practice, General Information and Introduction are also supported by the EPFZN.  | Disagree |
|             | MS11 (b)     | 98, 100, 144, 155, 171, 174, 192 | Option 4 – minimum 20 years phase out. We believe that option 4, with a staged phase out of cages by 2030 is the only realistic option based on the economic analysis and the effect on both farmers and consumers. We see 20 years as an acceptable time period.   | Disagree |
|             | MS11 (b)     | 134, 135, 139                    | In terms of the conventional vs. colony cage systems proposal, we ask for a 30 year phase out period to allow maximum return on the investment of our current equipment. This would also allow colony cage systems time to prove themselves in the market place and give farmers more confidence in converting.   | Disagree |
|             | MS11 (b)     | 196                              | Ideally I would much prefer for the status quo to remain as there is no scientific evidence to suggest that current cages are cruel. Instead of stipulating a final date, I contend that existing cages should be allowed to be farmed until they reach the end of their economic life and require replacement. Any new cages installed are to be colony systems.   | Disagree |
|             | Ex Indicator | 60                               | <p>“Layer hens show types and frequencies of activities that are normal for their age. Written comments are made on a monthly basis for comparison between successive flocks.”</p> <p>Justification: The current phrasing is too vague for the farmer to be clear about what is needed.</p>   | Disagree |
| 7. Handling |              |                                  |   |          |

|  |                           |     |   |                                  |
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|  | 7.1 Handling and catching |     |   |                                  |
|  | MS12                      | 72  | MS12 is a good example of the appropriate formulation of a [outcome based] minimum standard and the example indicators.   | Noted                            |
|  | MS 12 (a)                 | 161 | This Standard does not provide the minimum necessary standard to ensure the physical, health and behavioural needs of layer hens are met. Firstly, it only requires that hens be handled ' <i>in a manner that minimises the risk of pain and distress...</i> '. This is not sufficient. A minimisation of risk of pain and distress could be achieved whilst still causing a layer hen significant pain and distress. A preferred standard might be that hens be handled ' <i>in a manner that avoids as far as possible the risk of pain and distress</i> '. Albeit there is still a risk of loose interpretation here by the use of the words ' <i>as far as possible</i> ', Voiceless feels that the standard worded in this manner caters for a higher standard of welfare for layer | Agree, wording changed           |
|  | MS 12 (a)                 | 177 | Suggest reword as "...that minimises distress and avoids injury and pain". Note extra comma at end of 12(d).  | Agree, wording changed           |
|  | MS 12 (c)                 | 196 | I am rather amused by clause c which maximizes the number of birds carried in each hand. Perhaps it depends on the size of one's hands. I think that this is a very silly clause and should be omitted. Clause e covers what is intended in clause c  | Disagree                         |
|  | MS 12 (c)                 | 180 | Amend to: c) No more than one hen must be carried in each hand.   | Disagree                         |
|  | MS 12 (d)                 | 161 | Voiceless questions whether it is sufficient to state that ' <i>stress of handling, especially at depopulation, must be minimised by appropriate design of the facilities</i> '. What is ' <i>appropriate design</i> '? Who determines whether facilities are appropriately designed? The meaning of the phrase ' <i>appropriate design</i> ' is open to interpretation and can therefore lead to facilities being considered to be appropriately designed when in fact they are not. At a minimum, this Standard needs to provide or refer to examples of appropriately designed facilities.   | Disagree                         |
|  | MS 12 (d)                 | 152 | Whilst not having personally been involved in depopulating a whole flock from a dual-width 60 bird colony (one that opens onto two aisles), I have caught a couple of hundred birds in such a system, and I doubt if these systems could be said to comply with this standard. Single width colonies would be comparable with conventional cages and compliant. This should be considered along with the supposedly overwhelming welfare benefits of colony cages.  | Noted                            |
|  | M S 12 (e)                | 161 | What does it mean to be ' <i>suitably trained in the handling of layer hens</i> ' as required by paragraph (e)? Who determines what ' <i>suitably trained</i> ' is? The meaning of this phrase, ' <i>suitably trained</i> ', is open to interpretation and can therefore lead to someone being considered to be suitably trained when in fact they are not. At a minimum, this Standard needs to state in what respect someone is suitably trained to handle layer  | Disagree, though wording changed |

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|  |                |     | hens. For example, is someone deemed to be suitably trained if they have successfully completed poultry training through Agriculture ITO? And to what level – level 2, 3, 4 or 5?   |                        |
|  | MS 12 (e)      | 180 | Amend to: e) All members of the catching team must have passed the National Certificate in Poultry Husbandry, level 3 (or equivalent). All members of the catching team must be responsible under the Animal Welfare Act for supervising, monitoring and maintaining high welfare standards throughout the catching process. Example indicators three and four and recommended best practice should be incorporated into the minimum standard.  | Disagree               |
|  | MS 12 (e)      | 140 | We would submit that the industry itself puts in place a training scheme that is accredited by MAF, to allow for all staff who will be involved in the handling of hens to learn the necessary skills required to perform these tasks as humanely as possible. We further submit that the entire process must be documented and records kept for auditing purposes, and that the phrase “must be suitably trained” be clarified so as to remove any doubt as to the competence of staff members to carry out this critical procedure.<br>The SPCA therefore submits that minimum standard 12 – Handling and Catching (e) <i>be deleted and replaced</i> with the following clause:<br>“All members of the catching team must have undergone and successfully completed a certified course in animal care or handling that includes methods of hen capture and handling and be aware of signs of distress in hens.<br>And that minimum standard 12 – Handling and Catching have the following additional clauses added:<br>(g) A senior staff member who has successfully completed a certified course in animal care or handling that includes methods of hen capture and handling and who is aware of signs of distress in hens, must be responsible for supervising, monitoring and maintaining high welfare standards throughout the catching process”.<br>(h) “During depopulation a record must be kept of staff involvement, including individual certification, and records of numbers of birds, injuries and fatalities kept on site for a period of no less than 6 months for auditing and / or investigative purposes”. | Disagree               |
|  | Indicator 1    | 176 | Change to: Injuries attributable to handling are not occurring.   | Agree, wording changed |
|  | Indicator 3    | 60  | “Any injured or unfit hens identified during the catching process are immediately and humanely destroyed. Records are kept, including the cause of injury where known.”<br>Justification: Records are important for monitoring and improvement. Causes may include handling, which will allow assessment of the first Example Indicator.  | Disagree               |
|  | Ex Indicator 4 | 152 | What property of a trolley does the apostrophe signify?   | Agree, wording         |

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|  | (4 <sup>th</sup> line – trolley's) |     | The irony of a lot of this is that a number of farmers use trolleys fabricated from old-fashioned California cages with small openings, so the birds are put into cages that were banned because of supposed welfare issues at depopulation.  | changed                          |
|  | GI                                 | 177 | Suggest second sentence be reworded "Therefore catching procedures that minimise handling will be beneficial for hen welfare".  | Agree, change made               |
|  | 7.2 Loading & Transport            |     |   |                                  |
|  | Intro                              | 177 | Suggest first sentence be reworded "...to ensure chickens do not suffer unnecessary distress..."  | Agree, change made               |
|  | MS13                               | 60  | Insert as Minimum Standard 13(a), re-lettering other paragraphs accordingly:<br>“(a) The person with overall responsibility for hen welfare at each stage of loading and transport must be clearly identified.”<br>Justification: Clarity is needed of responsibility among farm staff, loaders, drivers and others, including transfer of that responsibility at appropriate stages.   | Disagree                         |
|  | MS 13 (a)                          | 180 | Amend to a) Persons responsible for the loading and transport of hens must have passed the National Certificate in Poultry Husbandry, level 3 (or equivalent).  | Disagree                         |
|  | MS 13 (a)                          | 140 | As stated above we feel that a certified training program should be established without delay in order to standardise the skill levels of all staff involved in the handling of poultry in the industry. This would be beneficial for the industry, the staff involved and more importantly, increase animal welfare standards. The SPCA therefore submits that minimum standard 13 – Loading and Transport (a) be deleted and replaced with the following clause: “Persons responsible for the loading and transport of hens must have undergone and successfully completed a certified course in animal care or handling that includes methods of hen capture, handling and transport, and be aware of signs of distress in hens. | Disagree                         |
|  | MS 13 (a)                          | 161 | This Standard suffers from the same problem as Standard No. 12 (e) in that it again uses the phrase <i>'suitably trained'</i> .   | Disagree, though wording changed |
|  | MS 13 (b)                          | 140 | Furthermore we feel that the size requirements stipulated for layer hen transport crates are insufficient. Given that the draft code has the minimum standard 13(b) “Hens must be placed into the transport crates in a manner that allows them to rapidly regain an upright position”, we are concerned that, at a minimum crate height of 21cm, a layer hen is unable to stand erect, and we submit that the minimum height of such crates be at least 30cm.<br>Minimum standard 13 – Loading and Transport (d) be amended to read:<br>“Crate height for hens must be at least 30cm, with minimum floor space of 175cm <sup>2</sup> per kg”.  | Disagree, though moved to EI     |
|  | MS 13 (d)                          | 98  | Transportation does cause distress & discomfort to the hens. I get a great sense of   | Disagree, but                    |



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|  |             |     | pleasure seeing the new birds quickly transferred from the transport cages & immediately flap their wings, stretch and start to eat. Prior to depopulation we do not with hold feed, giving the hens nutrition for their final journey. Agrees with the standards but would suggest that in standard (d) a greater floor space be implemented, maybe 250-300 cm <sup>2</sup> for better comfort of the hens, new and end of lay.  | deleted                          |
|  | MS 13 (d)   | 177 | Would the floor space measure be more meaningful per hen rather than per Kg?  | Disagree, though deleted         |
|  | MS 13 (e)   | 161 | This Standard provides in paragraph (e) that ' <i>Conveyances and containers must have sufficient ventilation... to prevent the build-up of concentrations of gases or water vapour harmful to the hens</i> '. This creates a risk that the phrase ' <i>sufficient ventilation</i> ' could be interpreted in a manner that fails to ensure that the welfare needs of layer hens are met. Thought should be had as to whether there is any way to define or give examples of ' <i>sufficient ventilation</i> '.  | Disagree, though wording changed |
|  | MS 13 (g)   | 180 | For road transport, a major welfare issue is thermal stress, particularly heat stress. Thermal stress in chickens is related both to temperature and humidity. When humidity is high, birds cannot tolerate such high temperatures. The combination of temperature and humidity is measured as Apparent Equivalent Temperature (AET). An AET of less than 40°C and a dry bulb temperature of more than 10°C is considered safe for chickens. An AET of 65°C or more is considered to be a danger limit. These figures are for broiler chickens, and given that layers are a different breed, further research is necessary to determining optimal temperatures. However, the temperature range for broilers is given as a useful approximation.<br>g) Temperature and humidity must be monitored continuously. Temperature and humidity must be adjusted so that the Apparent Equivalent Temperature (AET) is less than 40°C and the dry bulb temperature is greater than 10°C. | Disagree, though wording changed |
|  | MS 6 (new)  | 180 | h) A space allowance of 180-200sq cm per bird must be available for all journeys greater than 12 hours.   | Disagree                         |
|  | MS 13 New   | 140 | And that minimum standard 13 – Loading and Transport have the following additional clause added:<br>(h) "All loading and transport procedures must be documented and include staff involvement and certification, records of injuries and fatalities, and contingency plans, with these records kept on site for a period of no less than 6 months for auditing and / or investigative purposes".   | Disagree                         |
|  | Indicator 1 | 176 | Documented evidence should show <i>no hens</i> dead or injured while alive  | Disagree                         |
|  | RBP (a)     | 60  | "Temperature for pullets and layer hens during transport within a container should be kept between 8 and 26°C, assuming a space allowance of 180-200cm <sup>2</sup> / bird and journey duration no greater than 12 hours."  | Disagree, but moved to EI        |

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|           |                                |     | Justification: The current text is very unclear and appears to mis-use the term 'comfort zone.'  |   |
|           | RBP (a)                        | 177 | If transport is to be included in this code because the transport code is not yet released, then this RBP should be a minimum standard.  | Disagree, but moved to EI               |
| 8. Health |                                |     |  |   |
|           | 8.1 Disease and Injury Control |     |  |   |
|           | Intro                          | 161 | Voiceless notes the references in the introduction to this Standard to ' <i>all persons responsible for the care and management of poultry</i> ' needed to be ' <i>competent to recognise signs of ill-health</i> '. If this is the category of persons that fit within the meaning of ' <i>suitably qualified person</i> ' or the persons responsible for carrying out ' <i>detailed inspections</i> ', then this should be made clear. If not, then the appropriate category of persons responsible for these tasks should be clarified. | Disagree                                |
|           | MS14                           | 98  | Employs Ag ITO trained staff. Everyone does level two training to ensure they have a good sound training in bird management. Feed & water systems are checked twice daily whilst checking the hens. Vaccinates for: infectious bronchitis, salmonella, avian encephalomyelitis, fowl pox, Infectious laryngotracheitis & EDS. Where necessary we consult. Agrees with these standards.   | Noted                                   |
|           | MS 14 (a)                      | 180 | Amend to:<br>a) A detailed inspection of all hens must be undertaken at least once a day and steps taken to address any abnormalities in the flock. Such an inspection must include temperature, light levels, availability of feed, feeding systems, water and air vents.<br>(a) (i) Where problems are encountered during the inspection, appropriate immediate remedial action is taken to protect the welfare of the hens, and this is recorded.   | Disagree, though wording changed        |
|           | MS 14 (a)                      | 161 | This Standard makes reference to ' <i>a detailed inspection</i> ' but does not specify the appropriate person to carry out such inspection. It also refers to ' <i>appropriate intervention</i> ' being undertaken by a ' <i>suitably qualified person</i> '.  | Disagree, though wording changed        |
|           | MS14 (b)                       | 60  | "Mortalities, including culls, must be monitored and recorded, (including causes, where known) and dead hens removed from the flock daily."<br>Justification: Identifying causes of death is important for addressing and reducing them in future.   | Disagree                                |
|           | MS 14 (f)                      | 152 | This is nuts! In a multi-age layer house, whether a small number of cages is disinfected or not will have no impact on the exposure of incoming hens to disease causing organisms – they are exposed by contact with the existing inhabitants.   | Agree, disinfection requirement deleted |

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|  | MS 14 (f)          | 196 | Experience has shown that one has to be careful over the use of disinfectants entering the watering systems which can be harmful and render vaccines ineffective. Many cage-laying facilities are multi-age so any perceived advantage in disinfecting would be negligible. The requirement of disinfectants should be omitted.  | Agree, disinfection requirement deleted |
|  | MS 14 new          | 140 | We believe that the current draft minimum standard is well meaning in its intent but lacks the necessary detail to ensure hen welfare is maintained to suitable levels. Operators must be fully aware of common notifiable and avian diseases that they would be likely to encounter and regular checks on flocks should be made by an independent specialist poultry veterinarian. This allows for rapid diagnosis of any significant illness or disease as prescribed under section 4(e) of the Animal Welfare Act 1999. We also feel strongly that any good industry operator should maintain records of disease, illness and mortalities in the flock and keep these records on site so as to allow for comparison, and implementation of changes where necessary. The welfare of the animals in question is the key reason why these codes are developed and the SPCA strongly believes that the onus must be placed on the operator to prove that welfare standards are consistently maintained at high levels. The SPCA therefore submits that minimum standard 14 – management of Health and Injury have the following additional clauses added:<br>“(g) Persons responsible for the welfare of hens must be fully competent to recognise common notifiable and avian diseases that are likely to occur in a commercial layer he operation.<br>(h) A documented health plan must be in place at all operations and must include the provision for regular checks of the flock to be made by an avian specialist veterinarian.<br>(i) Disease outbreaks, health problems, mortalities and any remedial actions taken must be recorded and these records kept on site for a period of no less than 6 months for auditing and / or investigative purposes.” | Disagree                                |
|  | 8.2 Beak Treatment |     |  |   |
|  | Intro              | 60  | “The incidence of cannibalism and feather pecking can be reduced by management strategies including beak treatment. If these behaviours start, severity may be limited by reducing light levels or using coloured lights ...”<br>Justification: Permanent use of low or coloured light would be inappropriate.   | Disagree                                |
|  | Intro              | 177 | Beak “Treatment”. We object to the use of the word “treatment” in this context as it implies something wrong with the beak rather than a procedure to assist management, and could be seen to be being used as a euphemism to increase acceptability. The old term “tipping” is more correct (we note that the term “tipping” appears in the glossary - as “beak treatment/tipping” - but not in the text).  | Agree, change made                      |

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|  | Intro | 181 | Supports the requirement that beak treatment must now be done by use of an infrared beam, which has become standard practice within the New Zealand industry. We note the opinion of the Farm Animal Welfare Council to the UK Government <a href="http://www.fawc.org.uk/pdf/beaktrimming.pdf">http://www.fawc.org.uk/pdf/beaktrimming.pdf</a> (October 2008) advising the government to defer the ban on beak trimming and advising use of infra red until such a time hens can be managed without beak treatment to mitigate the adverse effects of aggressive pecking and cannibalism.   | Noted                  |
|  | MS 15 | 176 | In accordance with our recommendation that beak treatment be banned, we also advise that the recommended best practice be adopted as an example indicator. That is, farms should provide different enrichment stimuli to prevent birds from pecking one another in boredom or frustration. Note that a ban on colony cages would also help to achieve this objective. If beak treatment is not banned, we recommend the following minimum standard and example indicator be added:<br>- Birds are provided anaesthesia prior to beak treatment.  | Disagree               |
|  | MS 15 | 180 | Beak trimming is used to prevent hens from pecking each other. It involves cutting the nerve tissue at the tip of the beak. Physiological and anatomical studies have shown that this is intensely painful, leading not only to short term pain, but to long term chronic "phantom limb" pain. Beak trimming is common in non-cage systems, but it is also used in conventional cages, and especially in colony cages. The <i>LayWel</i> report concluded that beak trimming reduced mortality. However, a more recent systematic review did not find any correlation between mortality and beak trimming. In any event, cannibalism and feather pecking can be reduced by husbandry techniques, including those listed in the operational Code. Hens that have been genetically selected to be less aggressive are also available, and research into genetics of behavioural traits has progressed significantly. In New Zealand, the FRENZS free range egg company has a policy of not allowing beak trimming, and they have also achieved low rates of mortality. SAFE therefore considers that beak trimming should be banned, and other means should be used to control cannibalism and feather pecking.<br>Delete and replace with: Beak trimming is prohibited. | Disagree               |
|  | MS 15 | 88  | They can die from health complications when they have their beaks removed as chicks  | Disagree               |
|  | MS 15 | 98  | Perhaps something could be added to this standard about Beak Treatment machines being regularly checked & certified to ensure they are removing the correct amount of beak. Thousands of chicks go through these machines every day without any external checks being done   | Disagree               |
|  | MS 15 | 152 | IRBT has proved the biggest advance in welfare in the past decade, and there is a case to be made for it to be compulsory for all except conventional cage birds (and most of these benefit too). The views on the Code of organisations many of which   | Agree, is already a MS |

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|  |           |          | promote themselves as pro-welfare, but are against IRBT should be viewed in the light of their opposition to this welfare advance, and discounted accordingly. I have occasionally suggested that certain farmers tip the beaks of hens that have responded poorly to IRBT. IRBT should be a recommended best practice.   |                          |
|  | MS 15     | 161      | Beak trimming is a cruel and inhumane procedure, even with the use of an infrared beam. Indeed, beak trimming has been banned in Finland, Sweden, Norway and Switzerland. The UK Government has also enacted a ban on beak trimming. This was due to come into force on 1 January 2011 but, unfortunately, the ban has been deferred to a provisional date sometime in 2016. Voiceless understands that the industry relies upon beak trimming as a means of diminishing the issue of pecking and cannibalism in laying hens. It has been shown however, especially in the European countries mentioned above, that other management practices diminish or resolve this issue. It is clear that the UK Government is committed to banning beak trimming and New Zealand and other countries should follow the UK's (and the EU's) lead. | Disagree                 |
|  | MS15      | 170, 178 | Contrary to belief, hens have very sensitive beaks as do most birds since their noses are situated within the beak. When their beaks are clipped, it causes them extreme pain and suffering. Because eradicating beak clipping would lead to increased violence amongst hens in such close proximity, free range is again the only solution here. Some hens never fully recover from it, being poor eaters throughout their lives due to residual pain.   | Disagree                 |
|  | MS 15     | 196      | I applaud the use of IRBT at the hatcheries before delivery to farms. It is essential that beaks be treated to help prevent cannibalism, particularly in free-range systems.  | Noted                    |
|  | MS 15 (a) | 161      | Despite the need for an ultimate ban on beak trimming, there are issues with the way in which this Standard is drafted, the main issue being the requirement that beak trimming must only be carried out by ' <i>competent, trained operators</i> '. What is a ' <i>competent, trained operator</i> '? Voiceless agrees with the SCARM Working Group that skill is required since poor procedure can have long-term consequences for welfare and that anyone performing beak trimming should be accredited to do so. At a minimum, a ' <i>competent, trained operator</i> ' ought be someone who has proper industry training and qualifications in beak trimming of layer hens and this should be made clear in this Standard.   | Disagree                 |
|  | MS 15 (b) | 161      | The allowance to carry out beak trimming up to ' <i>10 days of hatching</i> ' despite the introduction providing that beak trimming be carried out on ' <i>day old chicks</i> ', which in actual fact is not a day old chick by its literal meaning but ' <i>chicks up to 72 hours of age (surviving on their internal yolk sack)</i> '   | Agree, changed to 3 days |
|  | MS 15 (c) | 161      | The allowance to beak trim chicks older than 10 days in an emergency with veterinary approval and supervision ' <i>to help control outbreaks of cannibalism during the laying</i>   | Disagree                 |

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|  |                  |     | <i>period</i> . Rather than allow this procedure on hens, which will result in an increased level of pain and trauma on the hen in question, there should be greater emphasis on the employment of other means of reducing incidents of pecking and cannibalism.  |                        |
|  | MS15 (b) and (c) | 60  | “(b) Beak treatment, when undertaken, must occur within 3 days of hatching using an infrared beam.<br>(c) The treatment of beaks of individual hens after 3 days of age may be undertaken in an emergency ...”<br>Justification: Infrared beak treatment can only be performed on chicks up to 3d old (see FAWC’s letter on beak trimming)  | Agree, changed         |
|  | MS 15 (d) (iii)  | 177 | The mandible forms the lower beak; the maxilla the upper beak.  | Agree, wording changed |
|  | MS15             | 113 | A Hen who lacks the tip of her beak lacks one of her natural means to perceive and manipulate her environment. Even were the trimming itself painless, the victim of the procedure is still left with a frustrating permanent disability. Since traditional chicken farming did not employ them, and as some modern farmers manage without ever resorting to them, there is no excuse for those others who continue to use these practices. This practise is unnecessary.   | Disagree               |
|  | MS15             | 122 | Supporters of contemporary poultry farming argue that the aggressive actions such as feather and vent pecking that result from hostile living conditions are controlled within intensive operations. Management methods sometimes include ‘beak trimming’. This procedure, whereby the tips of hens’ upper beaks are removed and cauterized to halt bleeding, is considered more economical if performed rapidly and without anaesthesia or pain relief. Yet beaks are sensitive organs comprising free nerve endings that act as sensory receptors, and beak-trimmed hens are often left with chronic pain, compromised eating ability and weakened senses of taste, smell, temperature and touch. Already illegal in Sweden, Norway and Finland, and to be banned in the United Kingdom from 2011, beak trimming should also be abandoned in New Zealand. If the environmental conditions of layer hens are improved, and greater space permitted for ranging of individual chickens, then damage to hens from pecking is more effectively and humanely reduced. <i>References provided</i> | Disagree               |
|  | MS 15            | 164 | The Green Party Submits that:<br>The practice of de-beaking or beak treatment is prohibited.  | Disagree               |
|  | MS 15            | 140 | There is much empirical evidence to show that feather pecking is more prevalent in certain breeds and that it is often the result of over stocking and a lack of enrichment stimuli. With this in mind we are disappointed to again see terminology such as “competent operator” included in the minimum standard when the draft itself includes as an example indicator that staff training records must be documented. Given that this  | Disagree               |

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|  |                |     | <p>section of the code deals with a procedure that is acknowledged to pose a risk of possible health and welfare issues, and is technical in nature, the SPCA strongly believes that all possible measures should be taken to reduce the chances of any such welfare issues arising.</p> <p>Beak tipping, as opposed to trimming, involves simply removing the tip of the upper part of the beak, and has shown some promise in reducing vices. Nevertheless, the SPCA believes that this should only be allowed as a short-term measure, since some stress is still likely to be experienced through handling, and because accidents may occasionally cause more serious injury. It is the opinion of the SPCA that beak tipping should be permitted only until 2015, which would allow the industry time to initiate a breeding programme and to conduct more research into environmental enrichment.</p> <p>Minimum Standard No. 15 – Beak Treatment</p> <p>(a) be amended to read: All operators must have successfully completed a training course in the use of any machinery used in the beak treatment process</p> <p>(c) be amended to read: The treatment of beaks of hens over 10 days of age must only be carried out in an emergency with veterinary approval and under veterinary supervision to help control outbreaks of cannibalism during the laying period.</p> <p>And further submit that minimum standard 15 – Beak Treatment have the following additional clauses added:</p> <p>(e) All records and documentation, including staff training records must be kept on site for a period of no less than 6 months for auditing and / or investigative purposes</p> <p>(f) Any chicks or hens showing signs of pain and / or distress at anytime during the beak treatment process must receive veterinary attention or be humanely euthanised”.</p> | <p>Agree, wording changed</p> <p>Disagree</p> |
|  | MS 15 (new)    | 177 | We suggest that there should be a MS stating that IRBT (with T = tipping rather than treatment) is the only acceptable form of beak treatment in chicks less than 10 days old, and that “treatment” be changed to “tipping” through the MS.   | Agree, is already a MS and wording changed    |
|  | RBP            | 177 | Suggest some examples of enrichment stimuli.  | Disagree                                      |
|  | RBP            | 101 | Feather pecking and cannibalism can be controlled in non-cage systems without resorting to beak-trimming, through the use of appropriate strains and selective breeding to further reduce the hens’ propensity to feather peck, and through the adoption of a range of preventive management practices. Preventive management is dependent on providing hens with opportunities for foraging, dustbathing and perching, which are not adequately provided for in colony cages.  | Disagree                                      |
|  | Ex Indicator 2 | 152 | What makes NAWAC think that veterinarians are more capable of supervising beak trimming operations than an experienced farmer? In truth, the advent of Infra-red beak trimming has lead to the removal of this as a welfare issue. I have occasionally  | Disagree                                      |

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|  |                      |         | suggested that certain farmers tip the beaks of hens that have responded poorly to IRBT. I have no intention of sitting there watching them doing it. What is needed is a system of documenting advice from farmers to hatcheries of poor IRBT, so that the hatchery can re-calibrate the IRBT machine, and this should be an example indicator.  |   |
|  | 8.3 Induced Moulting |         |   |   |
|  | Intro                | 177     | “Alternative strategies” are mentioned in the Introduction. We suggest that some information should be included in GI on these.   | Disagree, though section deleted  |
|  | MS16                 | 60, 140 | WSPA believes that induced moulting should be banned, and that the Minimum Standard should be “Induced moulting should not be undertaken.”<br>Justification: This is a Welfare Code and the case that available methods for Induced moulting are humane has not been made. On the contrary, the requirement for “adequate nutrition” in MS16e seems to be incompatible with the intention of restricting some or many nutrients to induce moulting. The statement that “Induced moulting ... should only be carried out as a last resort when alternative strategies cannot be applied” is unclear, but its meaning is more transparent in MS16a, that “Induced moulting must be used only when replacement hens are not available.” Such business considerations should not be allowed to over-ride protection of hen welfare. We believe induced moulting is rarely used in New Zealand anyway, so a ban should cause little if any difficulty to the industry. | Agree, MS added   |
|  | MS 16                | 180     | As discussed in the RNZSPCA 2002 submission on the operative <i>Code of Welfare</i> , induced moulting is in breach of section 4a) of the Animal Welfare Act because it deprives hens of essential nutrition. It is also totally unnecessary for egg production. SAFE therefore suggest deleting the minimum standard and replacing with:<br>Induced moulting is prohibited.  | Agree, MS added   |
|  | MS16                 | 60      | Alternative proposal: If a complete ban is unachievable at present, NAWAC should include a statement that if the industry wishes to use Induced moulting, it must demonstrate that available methods are humane. In the absence of scientific evidence to that effect, the practice will be banned in five years’ time. Meanwhile, Induced Moulting should only be carried out after consultation with MAF.   | Agree, MS added (but can still be performed under veterinary supervision) |
|  | MS16                 | 86, 88  | Many are starved by farmers to get them to lay more eggs  | Disagree, but MS added  |
|  | MS16                 | 98      | <u>Does not</u> and <u>has never</u> Force Moulded. We believe that this standard is not necessary as Induced Moulting should never be used. There is no need to use this very old fashioned production tool.   | Agree, MS added   |
|  | MS16                 | 122     | Hens farmed for eggs are usually killed before eighteen months of age and replaced with a new flock of pullets. However some are spared for a second laying season,   | Agree, MS added   |



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|              |              |     | although this requires forced molting: in the past this has involved depriving hens of food and sometimes water for several days imposes the hormone change responsible for both new plumage and the resumption of laying after only a few weeks rather than four or more months as would occur naturally. Outlawed in both the UK and US since 2006, this practice should be abandoned altogether as it so obviously breaches a code of welfare for chickens because of the stress it places on hens' bodies forced to moult unnaturally. Any continuation of this practice is also against the interests of New Zealand's farming reputation.  |                               |
|              | MS16         | 152 | The old books talk about a weight reduction of 25% as being the target for induced moulting, but with modern light hybrids, 12-15% is probably more than adequate, and can be achieved provided a 24 hour feed withdrawal period is allowed. MS 10 in the 2005 Code (MS 10d) allowed a 24 hour withdrawal of feed and water, with the sensible proviso that where there is a risk of heat stress (MS 10e), total deprivation of water should not be used. The proposed MS 15 allows induced moulting under the same circumstances (unavailability of replacements), but removes the means to do it effectively. This is likely to result in partial moult, where the birds undergo much of the stress associated with a moult but chances of a farmer achieving a successful outcome are reduced. Use the MS10 in the current 2005 Code. It is clearer and more direct as well as allowing for sensible proven programmes. | Disagree, but section deleted |
|              | MS 16        | 164 | The Green Party Submits that:<br>The practice of induced moulting is prohibited.   | Agree, MS added               |
|              | MS 16 (b)    | 177 | This implies that the veterinarian is on site during moulting?   | Disagree, but section deleted |
|              | MS16 (b)     | 152 | What is meant by veterinary supervision? I do not much of the layer veterinary work in NZ, but no one from NAWAC in making the change from the current MS 10 has asked me whether I am consulted over this issue, and what I would recommend if asked. It should be noted that farmers restrict water on a short-term basis for a variety of valid management related reasons.<br><i>[Has included a moulting programme he recommends farmers follow]</i>  | Disagree, but section deleted |
|              | MS 16 (c)    | 152 | Where does the 74 weeks come from? Induced moulting is rarely economically viable as farming strategy; and whilst it is true that best results are achieved before 60 weeks, the farmer often has no control over unavailability of a replacement flock. Tying up the heat stress provision with the less than 74 weeks provision in 2c is not a good idea, as prominence should be given to the heat stress avoidance.  | Disagree, but section deleted |
|              | Ex Indicator | 152 | The key indicator is weight loss, but a requirement to weigh the birds is not included. Include records of age, weight and feed in the example indicators.   | Agree, but section deleted    |
| 9. Emergency |              |     |  |                               |

|                    |                  |     |   |                            |
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| Humane Destruction |                  |     |   |                            |
|                    | Intro            | 177 | On P 29, in the Intro, the first sentence should read “Humane destruction of hens and chicks...” – not “including”.   | Agree, change made         |
|                    | MS 17            | 180 | SAFE considers that all personnel must be trained in accordance with proposed minimum standard one. Example indicators should be incorporated into minimum standards.   | Disagree                   |
|                    | MS17 (a)         | 161 | This Standard suffers from the same problem as Standards 12, 13, 14 and 15 in respect of the reference to someone being ‘ <i>appropriately trained</i> ’. The meaning of this phrase, ‘ <i>appropriately trained</i> ’, is open to interpretation and can therefore lead to someone being considered to be appropriately trained when in fact they are not. At a minimum, this Standard needs to state in what respect someone is appropriately trained to euthanise layer hens. For example, is someone deemed to be appropriately trained if they have successfully completed poultry training through Agriculture ITO? And to what level – level 2, 3, 4 or 5?   | Disagree                   |
|                    | MS17 (d) and (e) | 161 | The failure to mention the method of gassing in terms of the type of container used or the method to be used depending on the number of hens / chicks to be killed, such as frequent injection of CO2 into the chamber to maintain appropriate levels where a large number of hens / chicks are to be killed. Such further detailing of procedures are imperative to ensure that hens / chicks are killed in the most ‘humane’ way possible; The prescribed mixture of gas being 70% CO2 in air or 70% CO2 and 30% nitrogen or inert gas, such as argon. It has been advised that carbon dioxide is acidic and thought to be highly aversive to birds at concentrations above 25% and that a preferred alternative is argon gas, which is non-aversive. Specifically in terms of chicks, it is advised that argon and nitrogen do not cause any respiratory discomfort and should therefore be the preferred gases to use. Further consideration needs to be had as to the most ‘humane’ methods of killing poultry | Agree, RBP added           |
|                    | MS17 (d) and (e) | 177 | Formulae are super- rather than subscripted.  | Agree, but wording changed |
|                    | MS17 (d) and (e) | 162 | In our scan of literature, Raj et al (2008) reported concerns about carbon dioxide being used as a mass humane destruction methods for poultry.   | Noted                      |
|                    | MS 17 (new)      | 162 | Amendment to standard:<br>(f) Each facility must have on site the equipment and procedures required to humanely destroy the maximum possible hen population within 24 hours.  | Disagree                   |
|                    | MS17 (e)         | 152 | I doubt if 4 minutes is required after the 35 seconds exposure to gas.<br>Commercial slaughter code MS 17c requires<br>“The procedure must be sufficient to ensure collapse of every bird within 35 seconds of  | Agree, change made         |



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| Chick Transport |                 |          |  |  |
|                 | MS18            | 98       | Agrees with the standards set out, but would like to see the use of some sort of moisture osmosis block being put in the transportation boxes as a mandatory standard for day old chicks, especially if they are being kept over night before transporting. 48 hours is too long to be without food & water for a day old chick. This should be reduced.   | Disagree, though MS included in MS 2     |
|                 | MS18            | 140      | Processes involving very young animals and neonates are known to be open to severe welfare issues by virtue of the helpless nature of the animals involved. Staff training levels need to be high and supervision needs to be constant to ensure instances of abuse, either accidental or intentional are minimised. The SPCA also believe that access to water for chicks needs to be constant and the specified time period for newly hatched chicks of "...no more than 48h" is too long.<br>The SPCA therefore submit that minimum standard 18 – Hatchery Management and Chick Transport (a) be amended to read:<br>“(a) the interval of time from hatching to first feed and drink must be as short as practicable and no more than 24 hours”.<br>And furthermore that minimum standard 18 – Hatchery Management and Chick Transport have the following additional clauses added:<br>“(h) A register of training methods and evaluation for all staff who are to be part of the hatchery management and chick transport process must be kept on site for the period of that persons employment for auditing purposes.<br>(i) An appropriately trained supervisor must be on site at all times when staff are operating to ensure appropriate behaviour and handling of chicks | Noted<br><br>Disagree, though MS deleted |
|                 | MS 18           | 180      | Example indicators should be incorporated into minimum standards   | Disagree                                 |
|                 | MS 18           | 175, 181 | The EPFNZ sees it as appropriate that issues around transport are included in this draft Code. This ensures that there is one document covering the range of processes undertaken from the raising of layer hens from hatchery through to transportation.  | Noted, information include in MS 14      |
|                 | Indicator 6     | 60       | “Where chicks are moved on conveyor belts, the maximum height between consecutive conveyor belts does not exceed 20 cm.”<br>Justification: For chicks to be routinely falling 40cm is inhumane.  | Disagree                                 |
|                 | Indicator (new) | 176      | We recommend that the following example indicator be added:<br>Evidence that final inspection takes place as a mandatory routine practice to ensure that none of the destroyed chickens are alive or partially alive after gassing or instant fragmentation.   | Disagree                                 |
|                 | GI              | 177      | IATA should be in full or in the Glossary.   | Agree, change made                       |

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| 11. Welfare Assurance                  |              |     |   |            |
|  | MS (new)     | 140 | <p>The SPCA believes that it should be standard practice for all layer hen farms and facilities to have an animal welfare quality assurance system in place. The New Zealand public and consumers of poultry goods deserve to know that New Zealand producers are doing their utmost to ensure the animals at their facilities are treated to the highest welfare standards possible. Given the level of public interest in animal welfare at this time, and in layer hens in particular, we feel it would benefit the industry as a whole to have all operators sign up to a good quality assurance scheme as detailed in the recommended best practice section of the draft.</p> <p>The SPCA therefore submits that a new Minimum Standard – 19 Welfare Assurance System, be created which reads:</p> <p>“(a) To help ensure that standards of animal welfare and husbandry are maintained, each commercial layer hen facility must implement a quality assurance system that provides for written procedures regarding hen welfare</p> <p>(b) The elements of the quality assurance system must provide for the minimum standards the indicators relevant to each, and recommendations for best practice of this code.</p> <p>(c) The quality assurance system must require continual review of existing systems and procedures that could enhance the welfare of layer hens.</p> <p>(d) The quality assurance system must provide for all incidents resulting in significant sickness, injury or death of birds to be fully investigated and documented. Where the results of an investigation may have implications for current industry management practices, a report outlining the incident and implications must, as soon as it is available, be forwarded to the appropriate industry body for consideration.</p> | Disagree   |
|  | MS (new)     | 180 | <p>Recommended best practices should be incorporated into a new Minimum Standard. Any reviews and commissioning of research into hen welfare as described in recommended best practice c) must include provisions for independent research to be carried out, with no funding or influence from the industry. Similarly, incidents and investigations as described in d) must be conducted by independent agencies. The disproportionate influence that industry exert over government regulatory bodies and political decision making regarding animal welfare is a major bone of contention with SAFE.</p>  | Disagree   |
| 12. Emergency Management Systems (new) |              |     |   |            |
|  | No reference | 162 | <b>19.1 Emergency Management</b>  | Agree, new |

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|  | in code - new | <p><b>Introduction</b><br/> Layer hens are highly vulnerable to disasters. Facility operators have a responsibility to afford appropriate care and attention to these animals, including protecting them from all hazards such as fire, earthquake, floods, intruders, and the like. The implementation of emergency management systems reduces their vulnerability, whilst protecting the livelihoods of their owners.</p> <p><b>Minimum Standard No. 19 – Emergency Management</b></p> <ol style="list-style-type: none"> <li>a) Site specific hazard analysis is undertaken and documented.</li> <li>b) Emergency Management Plans are developed and documented.</li> <li>c) Emergency Management Plans are comprehensive, and include reduction (mitigation), readiness (preparedness), response and recovery.</li> <li>d) Emergency Management Plans are risk based through hazard analysis.</li> <li>e) Emergency Management Plans are developed in consultation with key stakeholders.</li> <li>f) Emergency Management Plans ensure each site can operate self sufficiently following an emergency for at least 72 hours.</li> <li>g) Waste management plans for an emergency are documented and meet regulatory requirements.</li> </ol> <p><b>Example indicators for Minimum Standard No. 19 – Emergency Management</b></p> <ul style="list-style-type: none"> <li>• Emergency Management Plans are developed by or under supervision of a qualified person.</li> <li>• Mutual aid agreements are in place with other farmers to provide support during an emergency.</li> <li>• Sufficient resources are held on site to enable emergency response and recovery.</li> <li>• Insurance policies are current and provide sufficient coverage in case of an emergency.</li> <li>• Annual emergency management exercise (table top or otherwise) is held with all key staff to ensure familiarity with the emergency plan.</li> </ul> <p><b>Recommended Best Practice</b></p> <ol style="list-style-type: none"> <li>a) Emergency Management Plan is developed in consultation with the local Civil Defence Emergency Management Group.</li> <li>b) Emergency Management Plans comprise of [based on NFPA1600 (2010)]: <ol style="list-style-type: none"> <li>I. Programme Administration</li> <li>II. Programme Coordinator</li> <li>III. Advisory Committee</li> <li>IV. Programme Evaluation</li> <li>V. Hazard Analysis</li> </ol> </li> </ol> | contingency planning section added, though not all as detailed in submission |
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|  |  |  | <p>VI. Incident Prevention<br/> VII. Reduction/Mitigation<br/> VIII. Resource Management and Logistics<br/> IX. Mutual Aid<br/> X. Planning<br/> XI. Incident Management<br/> XII. Communications and Warnings<br/> XIII. Operational Procedures<br/> XIV. Facilities<br/> XV. Training<br/> XVI. Exercises, evaluations and corrective actions<br/> XVII. Crisis Communication and Public Information<br/> XVIII. Finance and Administration</p> <p>c) Functional or Full Scale emergency exercises including involvement from external factors such as the New Zealand Fire Service are periodically held to test emergency plans.</p> <p>d) Facility Managers undertake specific training and/or education in emergency management, including studying of the Coordinated Incident Management System (CIMS).</p> <p><b>General Information</b><br/> In the event of a major disaster, NAWEM should be contacted as additional support (rescue and veterinary etc) may be offered (subject to availability). This offer does not remove the responsibility of the facility owner/operator to have sufficient mutual aid agreements in place to ensure adequate response and recovery resources are provided for.<br/> NAWEM can provide advice on suitably qualified persons for the purposes of emergency planning.<br/> The National Fire Protection Association has issued <i>NFPA150: Standard on Fire and Life Safety of Animal Housing Facilities</i>. This standard provides advice on animal housing facility emergency management. The NFPA standard is available from <a href="http://www.nfpa.org">www.nfpa.org</a>.<br/> Information on animal waste management following flooding events has been developed by the North Carolina Cooperative Extension (2011) and is available from <a href="http://disaster.ifas.ufl.edu/PDFS/CHAP06/D06-10.PDF">http://disaster.ifas.ufl.edu/PDFS/CHAP06/D06-10.PDF</a></p> |  |
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|   |            |          | <p>The Government of Canada (2011) have also produced a brochure on emergency preparedness for farm animals. This is available from <a href="http://www.getprepared.gc.ca/fl/pub/ep-gd-lvstck-eng.pdf">http://www.getprepared.gc.ca/fl/pub/ep-gd-lvstck-eng.pdf</a></p>  |   |
|   |            |          | <p><b>Rationale</b><br/> The role of NAWEM is to provide advice on animal emergency management. It is the view of NAWEM that Codes of Welfare need to incorporate emergency management concepts to reduce the vulnerability of animals to hazards and by doing so, improve the welfare of these animals. The secondary benefit of implementing effective animal emergency management, can have great benefits to the guardians of these animals, including improvement of business continuity (leading to greater economic recovery following disasters), reduction in public criticism (which can lead to economic loss) and improving the wellbeing safety of humans (from reduction in psycho-social impact and risks associated with rescue operations).</p> |   |
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| <b>Appendices</b>                         |            |          |  |   |
| Interpretation and Definitions (glossary) | Appendix I | 60       | Although the draft Code attempts to restrict use of the term ‘cage’ to conventional cages only (pp 3, 34), this is incompatible both with common usage and with the statement that “A colony system may also be referred to as a furnished or enriched cage.” It may also lead to misleading statements along the lines of ‘New Zealand is banning cages.’   | Agree, definition changed                                       |
|   |            | 60       | The definition for Layer hens, referred to on page 5, is missing.  | Agree, added to hens  |
|   |            | 60       | Definition of owner: this is incomplete, referring only to those less than 16 years old.   | Disagree, as defined in the Act                                 |
|   |            | 177      | The Glossary has only hens, pullets and chicks defined and it is suggested that these be the terms used, with perhaps the word “poultry” used if an overarching term is required.  | Agree, definitions clarified and consistent use throughout code |
|   |            | 177      | In the box calling for comments (pg 21, MS 11), the term “loose-housing” is used. If it is to be included in the final code, a definition would be useful.   | Noted, and not used   |
|   |            | 175, 181 | The EPFZ supports the definitions contained under Appendix 1. However, the EPFZ notes that resolution and certainty needs to be established for definitions of “chicks”, “hens” and “pullets”.<br>The EPFZ notes that there is duplication relating to definitions of “hens”, “pullets” and “day-old chicks”. The EPFZ recommends that the appropriate definitions for “chick”,  | Agree, definitions changed                                      |



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|  |  |  | <p>“day – old chicks”, “hen” and “pullet” are as follows:</p> <p><b>Day –old chick:</b> as in draft Code i.e. “<i>chicks up to 72 hours of age (surviving on their internal yolk sac)</i>”</p> <p><b>Chick:</b> “<i>day – old chicks up to 7 weeks of age</i>”</p> <p><b>Hen(s):</b> “<i>a chick, pullet or layer hen</i>”</p> <p><b>Pullet:</b> “<i>young hen from 7 weeks of age to point of lay</i>”</p> |  |
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## Response to specific questions

| Qn  | Submission | Response   |
|-----|------------|--|
| Qn1 |            | <i>1. Do you consider a code of welfare for layer hens to be necessary? Are there any alternatives which would achieve the same outcome as having a code of welfare? If so what are they?</i>  |
|     | 25         | In the absence of any significant revisions to the animal welfare act or any sustained consumer power enforced transition on the food industry I agree that a code of welfare is the best way to protect animal rights. However I do feel that a change in the actual Act, and making the issue more of an election issue would help to get real change.   |
|     | 60, 164,   | Yes, the detail that can be conveyed in a code is invaluable, and as this detail could not itself be included in legislation, we are not aware of any alternative way of giving it formal, legal status.   |
|     | 72         | NAWAC is to be congratulated in producing a draft code which is a major step forward from its 1995 predecessor. I have no doubt that a code of welfare is necessary and is the most appropriate vehicle under current legislation to effect the changes in the industry demanded by the public.  |
|     | 101        | <p>Generally speaking, the way the Codes of Welfare have been applied have been extremely disappointing. They were designed to protect animals by providing for minimum standards, but in practice they give legal sanction to appalling cruelty such as sow stalls for pigs and battery cages for hens.</p> <p>In drafting the Code, NAWAC has consistently placed the economic interests of farmers above the welfare of layer hens. It is submitted that the code writing process needs to be made more independent, so that industry groups with vested interests are not permitted to draft the Code. The Minister of Agriculture &amp; Forestry should also be given the power to amend the Codes where public demand calls for this, without the necessity to consult with NAWAC.</p> <p>The Code is intended to encourage all those who care for farm animals to adopt the highest standards of husbandry. Without good stockmanship, animal welfare can never be adequately protected. It is agreed that adherence to these recommendations will help flock keepers reach the required standard; however the Code needs to be made enforceable to ensure that the standards are actually complied with.</p> |
|     | 108        | <p>I consider that the way humans treat the animals on which we rely for our food, is an ethical matter and reflects on our own sense of who we are. Humans have a responsibility to ensure that these animals are warm, have adequate food and water, and plenty of space so they can behave in natural ways. We have an Animal Welfare Act, which lays down conditions under which domesticated animals must be cared for. However in my opinion those who drew up the existing code of welfare, the egg producers and those whose responsibility it is to enforce the Animal Welfare Act, all fail to meet the conditions of the Act, and this reveals inconsistency at the heart of the legislation and regulations. If the marketing and labelling of egg cartons clearly reflected the actual housing conditions of the hens, shoppers could make a more informed choice. As it is the labelling on the egg cartons can be very misleading, the word "cage" never appears. But even if the labelling was factual some people sadly might be indifferent to the hens' welfare. <b>I support having a code of welfare since without one there is the potential for those</b></p>                                 |

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|  |  | <b>rearing the animals to treat them cruelly.</b>  |
|  | 117  | I am keen to see the Minister of Agriculture given the power to amend any Code of Animal Welfare to prevent the suffering of animals, and include an animal's freedom of movement as a physical need.  |
|  | 119, 127                                       | As outlined above, the codes of welfare have in practice not been drafted or applied in the way envisaged by the statute. Instead of providing protection for animals, they are used in practice to provide a legal defence to practices which would otherwise be unlawful due to failure to comply with the basic principles of the Animal Welfare Act.<br>It is my view that all codes of welfare should be required to comply with the basic section 4, 10 and 29 principles of the Animal Welfare Act 1999. If this is not to be the case, there is little point in having an Animal Welfare Act since millions of New Zealand farmed animals are beyond its protection  |
|  | 126  | Yes, I definitely consider a code of welfare for layer hens to be necessary. Even with a code, the welfare of the hens is neglected by many.   |
|  | 98, 134,<br>139, 144,<br>156, 169,<br>192, 196 | Yes. It is essential to have a written guide for all poultry farmers regarding welfare and it assists in providing a level playing field for the industry.   |
|  | 155  | We believe a code is necessary to give a minimum bench mark to all farmers and prospective farmers as a reference point to work from. This is important not only from a practical perspective but also to ensure the outcome of good welfare for the birds. We have worked in this industry for 30 years and only since 2005 have we had a mandatory code that has sought to bring some certainty to the future of the layer hen industry. We are looking to this revised code of welfare to give us confidence in planning and investing in the future for the good of the hens and the industry.   |
|  | 161  | Codes or standards for the welfare of layer hens are absolutely necessary. It is imperative however, to properly ensure the welfare of layer hens (and indeed other farm or stock animals), that they be consistent with the <i>Animal Welfare Act 1999 (Act)</i> (specifically sections 4 and 10) and that they are drafted via an independent process. Codes are also most beneficial when they are enforceable, i.e. non-compliance with a code amounting to an offence.<br>The proposed code is not consistent with the Act as it fails to ensure that the proposed standards are the minimum necessary to ensure that the purposes of the Act are met, mainly that owners and persons in charge of animals take all reasonable steps to ensure that the physical, health and behavioural needs of layer hens are met <sup>1</sup> .<br>Codes of welfare are not drafted via an independent process. Currently, initial drafts of animal welfare codes or standards are drafted with heavy reliance upon advice received from industry groups. The main concern of industry groups is the protection of their economic interests, not the welfare interests of animals. NAWAC says that animal welfare is the key issue that it takes into account <sup>2</sup> . That is clearly not the case here as the proposed code still allows battery cages and allows other styles of cages (colony or enriched cages) that are not consistent with the Act. Further, NAWAC has reviewed the proposed code in consultation with representatives of egg producers <sup>3</sup> . Representatives of egg producers are an industry group. They do not have the welfare interests of layer hens at heart. Their main concern, as always, is their own economic interests. With such heavy reliance upon industry groups, as is the case here, codes of welfare are not drafted via an independent process. |
|  | 170  | I do believe that the code is necessary. The code provides a structure against which farmers and producers can evaluate themselves to ensure the hens are receiving the best possible treatment. However, if the code does not fit directly with the   |

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|  |     | Animal Welfare Act 1999 then it becomes weak and contradictory. If the code deviates too far from the act, it should be considered illegal and be rejected by Government until sufficient improvements are made.   |
|  | 188 | I cannot argue legal technicalities but in my view It would be difficult for a welfare organisation to succeed with a charge laid in respect of a commercial farming enterprise. It seems that a breach of the MS is not, in itself, an offence against the Act, and that the consequences of the non-compliance may be difficult to establish.  |
|  | 59  | Yes. The shocking reality is that NAWAC has for decades acted illegally under the AWA so that there has never been a tenable code of welfare with minimum standards for layer hens.  |
|  | 140 | <p>We found, as with most codes of welfare, that often the best practice or example indicator points were those that should be considered a minimum standard for that particular section.</p> <p>We feel that the existence of a code of welfare should not only encourage good animal welfare, but assist in enforcing minimum standards, as well as aiding animal welfare inspectors whose job it is to enforce the Animal Welfare Act. It is understood that the code of welfare is about more than just the minimum standards, which are the only legally enforceable parts of the code; however, we feel it would be beneficial if the minimum standards were worded so that their use in investigations can run alongside the use of the Act.</p> <p>A suggestion may be that future codes are constructed in a similar manner to the way they are currently, but with any minimum standards being listed in such a manner that they can run alongside the wording of the AWA 1999. Maybe each minimum standard could even be paired with a specific charge or section of the Act through which it is enforceable.</p> <p>The reason these codes are written is to ensure the welfare of the animals in question, not to provide “ideas” as to how this might be achieved. For this reason, we feel it is only sensible that the minimum standards being laid down for the care of these animals are able to be successfully enforced, either through compliance checks or court action.</p> <p>We feel it detracts from the point of such regulations, as the codes of welfare are, if compliance with the regulations cannot be enforced due to poorly worded standards that cannot be easily recognised as ingredients of an offence.</p> |
|  | 158 | <p>It is my belief that your Code of Welfare for Layer hens is an extremely important document. It will determine how tens of millions of birds are to spend their lives over the next decade or two. If the document is just, they could have at least reasonably acceptable, (albeit short), lives. If it is unjust, then millions of sentient creatures will continue to suffer the torments of hell for a long time to come. And no, I do not believe the former statement is being overly melodramatic. I cannot imagine how we could make life much worse for the birds in the battery cages, without actually making a conscious effort to do so.</p> <p>I believe that changing the Code is critical. The very nature of the Capitalist system we live in requires competition. There is no denying that competition has benefits. But in any form of competition, while there are always winners, then by definition there must also be losers. In the case of any intensive farming, the producer wins with better profit margins, the consumer wins with cheaper prices. It is always the animals that lose however, <i>and invariably, they lose badly!</i></p>  |
|  | 177 | Codes of welfare contain the minimum standards necessary to enable compliance with the Animal Welfare Act 1999 to be assessed. Compliance with industry quality assurance schemes is only useful under the Act if such schemes incorporate the minimum standards set in the codes of welfare. There is, then, no practical alternative to a code of welfare for layer hens. The NZVA welcomes MAF’s current emphasis on compliance and enforcement which should enable greater scrutiny on compliance with the standards set in codes of welfare.  |

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| 175, 181                                  |   | <p>The EPFNZ considers that a code of welfare for layer hens is essential. The draft Code of Welfare gives a written guide for layer hen farmers to achieve welfare outcomes for hens in all production systems. It is important that this is a mixture of outcomes and prescription to ensure certainty and consistency.</p> <p>A code of welfare is important for regulators to ensure that a national system of welfare standards is applied. It gives confidence to consumers that there are welfare standards which have been independently set for the guidance of layer hen farming.</p> <p>We are not aware of any alternative to a code of welfare which would achieve the same outcomes.</p>  |
| 176                                       |   | <p>A code of welfare for layer hens is necessary as we need a concrete document that can be referred to, which specifies the basic rights of layer hens. However, as the code is deemed to be a regulation it has the force of law but not necessarily the authoritative impact it would have, had it been through Parliament as a Bill.</p> <p>At the very least it establishes basic ground rules and legal standards, the breaching of which we as a society will not condone. A code can achieve a lot in this capacity, however there is some scope for other measures, to act as supplements for the Code rather than substitutions.</p> <p>Other alternatives to a code of welfare (and alternatives to regulation in general) include market-based instruments (e.g. tax breaks and tradable permits) and information approaches.</p>   |
| Qn2                                       | <p><i>2. Do you agree that the minimum standards in this code are the minimum necessary to ensure that the physical, health, and behavioural needs of layer hens will be met? For example, do the minimum standards reflect good practice (not just current practice), current scientific knowledge and available technology? If not, what alternative(s) do you suggest?</i></p> |   |
| 25, 101, 126, 161, 170, 108, 178, 59, 176 |   | <p>No, I contend that the minimum standards in the draft code are not adequate to ensure that the physical, health and behavioural needs of the layer hens are met. It does not matter how the minimum standards are drafted; the opportunity for hens to express normal patterns of behaviour in a caged environment is impossible</p>   |
| 67  |   | <p>I think that you should consult specialist advice from the likes of the SPCA and HUHA NZ. While most submissions will be from the likes of caring individuals who can see that battery cages are simply cruel, most (like me) are unable to comment specifically on the behavioral needs of the hens. I appreciate that you are attempting to collect opinions that are external to MAF but you must do this through other avenues. My recommendation is that you consult with SPCA inspectors at your earliest convenience- they will be only too willing to offer their advice. Someone like myself can offer useful input by observing the animals in their new environment but if you are trying to get it right in one go, please consult independent advice from the SPCA.</p>   |
| 72  |   | <p>It is no accident that the first minimum standard in the code deals with stockmanship. This is consistent with the philosophy that the persons responsible for caring for the hens should use their knowledge and experience and powers of observation to determine whether the welfare of the birds meets the welfare <u>outcomes</u> set out in the minimum standards using whatever indicators are appropriate to do so and to act to correct any deviations from these outcomes. Persons investigating an alleged breach of the AW Act would use a similar chain of logic to assess whether there are grounds for an action against the owner/person in charge. Measuring adherence to input specifications is not measuring an outcome and is, at best, a second order step in the process in the process of exercising stockmanship skills or assessing an alleged breach. My criticism of</p> |

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|  |          | <p>including input specifications in minimum standards is as follows</p> <ol style="list-style-type: none"> <li>1. There is usually no direct relationship of a specified input to a welfare outcome e.g. birds not receiving sufficient potable water will be observed to showing behaviours consistent with thirst which may or may not be the result of their waterers not meeting the specifications. Measuring compliance with input specifications will not guarantee the outcome of birds getting sufficient water.</li> <li>2. Failure to comply with an input specification is unlikely to be prima facie evidence of a breach of the AW Act and for this reason should not be included in a minimum standard.</li> </ol> <p>What is the basis for selecting the specifications – science? good practice? Are the measurements absolutes or means and if the latter, what are the standard deviations? I suspect they have no greater standing than recommendations.</p>   |
|  | 98       | Yes the minimum standards are very good standards and are achievable by all types of egg production. The extra standards put into free range farming are excellent, as they are currently sorely lacking. As stated in Q1 farmers are able to use these standards as a base line and improve above these practices.   |
|  | 119, 127 | The minimum standards do not reflect good practice, current scientific knowledge or available technology. There is ample evidence available both within New Zealand and internationally of the detrimental impact on layer hens of cruelly confined lives in battery cages. Conversely, there is clear evidence of the benefits to layer hens of a free range lifestyle. If it is considered that further information about these benefits is required, it can easily be obtained from New Zealand's free range egg producers.  |
|  | 134, 139 | We think the current code is sufficient and are not aware of any alternatives.  |
|  | 155, 156 | We view these proposed standards as good standards and believe minimum standards are required as the base line and should be the standard to which all farms are audited. Progressive farmers will achieve higher than the minimum standard and will benefit from this. Recommended best practices are “indicators” where farmers can achieve better results, but these should not be regulated.  |
|  | 178      | <p>While a set of minimum standards are essential and long overdue, in reality what egg producers would bother to follow them. The battery egg farmers work behind closed doors with no unheralded inspections to check if they are complying with the animal welfare law. As in the past, egg producers will do exactly what they like because there is no independent policing of their activities. It will be left to the activists to break in and expose the farms. This is most unsatisfactory, and the government should ensure that they implement a strong system of regular ‘unheralded inspections’ of all egg-producing farms. In contrast, free range farms welcome unexpected visits from the public because they have nothing to hide and are generally proud of their facilities and providing hens with a good quality of life.</p> <p>Rest assured that however the industry tries to hide the cruelties of factory farming there will be more and more members of the public ready to expose these cruelties - through the national media, through protests and in other ways. There is a growing passion in NZ and around the world to liberate animals from the cruel systems we have imposed on them, to take them out of concentration camp conditions and provide them with the healthy, natural life to which they are entitled.</p> |
|  | 196      | I do not believe that the draft has adopted all the ‘scientific knowledge and good practice’ available to it. Ignoring the Assessment of the Layer Hen Welfare in NZ (Christensen and Black) is an example. I believe a predetermined approach has  |

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|     |   | been taken by NAWAC, particularly in regard to MS 11.   |
|     | 158   | I would like to see Free range as the minimum standard. I am of the opinion that a Barn is just a very big cage. The birds still do not go outside. They still do not have the opportunity to enjoy a truly stimulating and diverse environment. Yes, barns are much better than the Cage systems, but I'm sure we can do even better than that. I believe that true Free range systems, with low density stocking rates, genuine uninhibited access to the outdoors, and high quality indoor and outdoor areas, are the minimum standard we should insist upon. As I have already stated, it must surely be obvious to any intelligent person, that slightly less bad is not the same thing as good. |
|     | 177   | The minimum standards in the code systematically address the legal welfare obligations in the Animal Welfare Act. In all intensive farming operations there is some compromise of animal welfare. This code seeks to, and will if properly implemented, minimise welfare compromises and achieve a balance between the benefits of intensive systems and the innate loss of freedom which is inherent in such systems. While many current systems do not satisfy behaviour requirements, the planned transition away from these will improve this situation.  |
|     | 175, 181  | We believe that the Minimum Standards should be seen as just that – minimum – with farmers free to innovate above this minimum. Minimum Standards should be good welfare standard, and in our submission the Minimum Standards in this draft Code are good welfare standards. While recommended practices may be referenced, they should not be regulated.  |
| Qn3 | <i>3. Do you agree that enriched colony systems will provide hens with an adequate minimum standard of welfare? If not, what alternative do you suggest? Please state your reasons.</i> |   |
|     | 13  | Hens in colony systems are more fearful than those in cage-free systems. Several studies have found higher levels of fear in hens confined in battery cages than those in Cage-free systems, and the only study I know of to compare fear in colony systems and cage-free systems found the birds in colony systems experienced similarly high levels of fear. [References used]  |
|     | 13, 86, 88, 111, 178, 186, 140, 180   | Colony systems restrict hens' ability to exercise, creating serious health concerns. The chronic lack of exercise in cages of any variety has been linked to increased rates of osteoporosis, bone fragility, and impaired bone strength. Another study found that hens in cage-free systems had lower rates of abdominal and cardiac fat mass and fatty liver than hens confined in colony systems.  |
|     | 4, 7, 12, 15, 28, 33, 54, 70, 25, 71, 82, 89, 94, 96, 99, 101, 105, 107, 108, 111, 112, 113, 116, 117, 120, 123, 124, 126,  | Colony systems do not allow hens to express natural behaviours. Only barn and free-range systems should be allowed. Colony cage systems do not fully address hens' needs and create the same welfare problems as battery cages for the animals: space restriction, overcrowding and behavioural frustration, with associated health consequences. The supposed nest boxes, perches and litter areas provided in 'enriched' cages are of such minimalist design that they fail to satisfy the hens behavioral needs  |

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|  | 129 - 131,<br>132, 136,<br>137, 141,<br>143, 146,<br>157, 159,<br>163, 164,<br>165, 166,<br>167, 168,<br>170, 178,<br>187, 188,<br>190, 193,<br>195, 204,<br>208, 176,<br>180 |  |
|  | 60, 161   | <p>No, WSPA believes that welfare is not satisfactory in enriched cages, and that all cages should be replaced by loose-housed systems (barn and free range). Enriched cages provide an unacceptably restrictive amount of space per bird; severely restrict many important physical activities, including running, flying, and wing-flapping; and do not permit unrestrained perching and dust bathing. The severe restriction of the hens' ability to exercise is likely to lead to frustration, bone weakness and osteoporosis – clear indicators of poor welfare.</p> <p>The draft Code states (p21) “that certain priority behaviours are more important to hens than others.” However, the specific list of priorities given is unavoidably based on value judgments rather than science (illustrated by the statement that “sham dust bathing is an acceptable alternative”). We do not believe that this list is adequate to meet the requirement of the Animal Welfare Act that animals should have the “opportunity to display normal patterns of behaviour.” This can only be properly met in loose-housed systems with extensive areas of litter or, preferably, outdoor access and pasture.</p> |
|  | 67  | My feeling is that these systems cannot be a step backwards for the animals. I suspect that they will be beneficial but again, I urge you to consult with the SPCA for specialist advice.  |
|  | 70, 209   | Colony cages should also only be a transition phase to eventual freer systems such as straw yards and of course free range.  |
|  | 72  | I am satisfied that colony systems are acceptable methods for housing layer hens. They offer the opportunity for display of the behaviours which research has shown the birds accord high priority to while retaining most of the health and protection benefits of current cages. Barn and free-range systems give opportunity for birds to display a wider range of behaviours (good and bad) but do so at the cost of lower health and protection outcomes. For these reasons I support the direction set out in the code of specifying these housing systems for hens in the long term. Each system can give layer hens an objectively-determined “acceptable” level of animal welfare, each has its welfare benefits and risks and overall none can be said to be “better” than the others but all are “better” than current cages  |
|  | 98  | Yes enriched colony systems will provide hens with adequate minimum standards, although I’m sure it has been proven that more injuries occur in the colony system than in conventional cages. Enriched colony cages enable birds to fulfill the freedom of natural patterns of behaviour, where conventional cages do not.   |



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| 101           | They will be standing on an uncomfortable sloping wire floor and will never enjoy sunshine or the ability to live as nature intended. Sunbathing has biological benefits for hens. Folsch et al state “Daylight controls and triggers many of their physiological processes. It also stimulates their metabolism, plays an important part in the formation of red and white blood cells and of vitamin D, and promotes the secretion of hormones necessary for growth and reproduction”.  |
| 101, 140, 180 | The HSUS report mentions the importance of “exploratory behaviour”. It appears as if exploratory behaviour among hens is in the same category of enjoyable behaviour as dustbathing, since hens will continue to explore and peck their surroundings even when there is plenty of food available. Complexity in cage-free systems offers more opportunities for hens to engage in exploratory behaviour, and this is particularly true of free-range facilities, as the day-to-day changes in an enriched outdoor environment offer a degree of diversity and novelty that indoor conditions cannot provide. The rich outdoor environment stimulates exploratory behaviour and elicits pecking and scratching, satisfying the biological drive to investigate, manipulate, and interact daily with a variety of natural stimuli. In contrast, cage confinement can lead to greater inactivity: Hens confined in furnished cages spend more time simply standing and sitting than birds in non-cage systems. |
| 119, 127      | No, I do not agree that the minimum standards in the proposed code are the minimum necessary to ensure that the physical, health and behavioural needs of layer hens will be met. On the contrary, the proposals would result in an indefinite continuation of grossly cruel treatment of layer hens, with them being kept in conditions which do not meet the basic requirements of the Animal Welfare Act. The proposal is that New Zealand should at an unspecified time phase out battery cages and move to colony cages. This would be entirely unsatisfactory. Colony cages provide only very marginally better conditions for layer hens than do battery cages. In colony cages, hens would still be unable to be outside, to experience night and day, to roam freely, to scratch properly, to fly, to take dust baths, to sunbathe or to scratch in the soil.  |
| 129, 178      | Hens in colony systems will have to compete for the inadequate nesting and scratch spaces provided; because proper nesting is a behavior requiring relative quiet, space and time, none but the most dominant inmates of the cages will be able to express this behavior  |
| 134           | We question whether colony cages offer a quantifiable superior welfare outcome [to conventional cages]. Meanwhile the proposed change has far reaching consequences to many, and to us the costs seem to outweigh the benefits. This decision will directly affect people’s livelihoods and the public’s pocket. We believe that the minimum standards in the current code are adequate. They provide a base for the farmer to build on, with most setting the bar higher and meeting recommended best practices as well. Minimum standards should equate to good farming practices.  |
| 139           | At first glance, yes, however would like to see scientific proof through further study of all systems used in NZ i.e. similar to Black and Christensens report for MAF but with the addition of colony cages. As with most farming activity, it seems there are compromises in welfare throughout all systems.  |
| 144           | Whilst there exists a view (from some IEP shareholders) that the current Animal Welfare (Layer Hen) Code of Welfare achieves a sufficiently high standard of welfare for the hens, IEP (the company) acknowledge the ground swell in public opinion both nationally and internationally opposing cage farming which fails to provide hens the ability to express priority patterns of behaviour. As a result, there is general acceptance that a housing method which allows the expression of these behaviours (whilst retaining the benefits of a cage system) should be introduced as the future model.  |
| 149           | I consider that the proposed code undermines current science, which acknowledges the high intelligence and emotional capacity of chickens. Research conducted by Dr. Chris Evans, a professor at Macquarie University in Sydney, found that   |

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|                    |  | chickens live in stable social groups, have complex communication patterns, and are good problem solvers. His research concluded that many of their mental capacities go beyond those of small children. Evans' research is vindicated by a study that emerged recently from scientists at the University of Bristol which concluded that, like humans, chickens can feel empathy.   |
| 152                |  | <p>Whilst I recognise that it is a <i>fait accompli</i>, I do not believe that endorsement of enriched colony cages by NAWAC has been made for the right reasons; and that consideration of welfare and economic factors has been superficial, and unduly driven by activist groups. Undoubtedly public opinion, if asked in the correct way, supports a move away from the use of conventional cages, but I doubt if this same public is aware of all the reasons for putting birds in cages in the first place; the welfare advantages of cage systems in almost all non-emotive measures such as lower mortality, higher production, lower feed consumption (this helps save the planet by reducing the industry's carbon footprint), and lower land and ultimately effluent disposal requirements.</p> <p><b>Enriched cages retain many of these advantages, but not all</b></p> <ul style="list-style-type: none"> <li>▪ The requirement to have scratch pads exposes the birds to coccidiosis, and indeed one of the SFF trial flocks suffered noticeable mortality from coccidiosis, which cannot be treated in lay without discarding eggs.</li> <li>▪ The difficulties of removing birds from aisle-to-aisle through enriched cages suggests that these systems will struggle to comply with MS 12d.</li> <li>▪ I have seen individual colonies that have literally gone berserk – rushing up and down and damaging their feathers worse than any conventional cage flock. The size of the colonies promotes the mad behaviour.</li> <li>▪ Overseas and local research has shown that birds in enriched cages do suffer from a higher level of furculum (wish bone) breaks than do birds in conventional cages. This is despite having denser bones and the other advantages that come from more movement.</li> </ul> |
| 155, 156, 174, 196 |  | We support the enriched colony system as it has been shown to meet more adequately, the welfare of the birds, by allowing the birds to exhibit natural behaviors while maintaining the benefit of a controlled environment. While all systems have different limitations the colony system offers a good compromise to the long term solution of supplying lower cost eggs to the people of New Zealand.   |
| 157, 178           |  | Enriched cages are condemned internationally on the grounds of animal cruelty. 'Enriched' or colony cages have already been banned in Germany and Austria for cruelty concerns. Moreover, the ban on caged egg systems in California and Michigan included bans on colony cages. Welfare organisations within New Zealand also condemn the use of enriched cages as does an increasing proportion of the general public.   |
| 164                |  | <p>We share the concerns of Compassion in World Farming that colony cages do not provide for the animal welfare needs of hens and are not an acceptable alternative to battery hen cages. We attach their paper to our submission.</p> <p>We believe most consumers would agree, if they were able to visit factory farms where colony cages are in use, that they are not acceptable from an animal welfare perspective.</p> <p>The Green Party consider free-range or barn systems are the only viable alternatives, as they provide for animal welfare of hens; do not breach the animal welfare act, and are supported by consumers. They are therefore the only alternatives for the industry that, we believe, will create long-term investment certainty within the industry.</p>   |

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| 59  |  | No. A colony or barn system is also an intensive system, similar to current practice in which the MS of welfare would again be breached. This being the reason for its abolition over seas. The only acceptable option is a transition to free range whereby the birds are free to roam and behave normally.   |
| 65  |  | <p>It has been shown that the welfare of chickens in conventional cages is of a high standard, the birds have adapted to these cages and a move to enriched cages allowing birds to technically meet the five freedoms comes at the cost of other welfare outcomes (disease, injuries and mortality).</p> <p>It seems a “politically correct” move that is lost on the general public, hated by the Greens and of no value to either farming practices or the welfare of chickens. We have achieved excellent production results with the conventional cages we have in place, we provide excellent care to our chickens and put enormous value on their welfare. We see no benefit to us or the chickens in a change from conventional to enriched cages.</p>   |
| 93  |  | <p>There is clear and unequivocal scientific evidence from recognised leaders in their field that battery cages, including so-called “enriched” or “colony cages” are in violation of the Animal Welfare Act in that they do not allow hens to display normal patterns of behaviour. Whenever there is a great deal of money to be made out of exploiting animals, other humans or the planet, there is never any shortage of scientists and veterinarians ready to prostitute their art for the purpose of making a quick buck and telling the industry what it wants to hear.</p> <p>However, the consensus among scientists who are independent of industry interests is that battery cages and colony cages are inherently inhumane because they do not allow hens to display any of their normal patterns of behaviour, at any time. It is therefore my conclusion, based on science, that <b>non-cage systems should be managed by stringent requirements for good husbandry</b>, including regulations on space allowed, breeds to be used, siting of nest boxes, and other methods that prevent cannibalism and bullying. Personally I am opposed to any form of animal exploitation, even free range. However I accept that at the present time it is not politically feasible to totally ban all forms of animal production.</p> <p>On the other hand, <b>cages, including colony cages, should not be allowed at all</b>, because it is against all the laws of physics to expect that a hen can display any form of normal behaviour in a space less than the size of an A4 piece of paper. Details of scientific evidence supporting my case can be found in the SAFE submission on this draft code, and in my 2006 publication (see bibliography).</p> |
| 140 |  | <p>The SPCA is of the opinion that a caged system of layer hen management can in no way be considered humane, regardless of the “enrichments” provided. As with standard conventional battery cages, enriched cages provide an unacceptably limited amount of space per bird. The birds are prevented from performing many important locomotory activities, including running, jumping and flying; and only allow very limited wing-flapping, perching, scratching and nesting.</p> <p>The proposed new “colony” cages offer each bird an area of 750cm<sup>2</sup>, including a height of no less than 45cm, other than in the nesting area. In real terms this is a marginal improvement of 200cm<sup>2</sup> per bird in total useable area and 5 cm in height from the current systems. The SPCA submits that this is still deficient and unreasonable. Studies of Natural spacing behaviour in which the distance between “nearest neighbours” is measured, indicate that when given the opportunity, hens prefer to have relatively large amounts of space between them.</p>   |

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|  |     | <p>In one study (Keeling and Duncan Applied Animal Behaviour Science 323:205-17) of small flocks of a medium hybrid strain the distance observed between two birds varied from 0.35 m (1.15 ft) when the birds were standing and ground pecking, to more than 3.3 m (10.8 ft) when they were moving while foraging. This clearly indicates the natural foraging and spacing behaviour of hens, a behaviour that it is impossible to allow in such a confined space.</p> <p>Hens require different levels at which to roost, particularly at night. This is a natural innate behaviour of a prey animal in order to attain a level of security from predators. Studies have shown that hens prefer higher perches when compared to perches closer to ground level. Cage systems limit this ability as the minimum distance from perch to roof is limited by size restraints.</p> <p>Nesting behaviour is so important to the laying hen that it is often used as a prime example of a behavioural need. To address this need, furnished cages are equipped with nest boxes. However, the degree to which nest boxes in cages adequately satisfy the needs of hens is questionable. Hens normally remain on the nest for 1-2 hours during egg-laying under natural conditions. They also usually lay their egg early in the morning, and nest box use is proportionally greater during this time period. This situation may create competition for the nest box when all hens need lengthy access during the same short time period. Studies have shown that hens in non cage systems spend time selecting nest sites, and individuals vary in their ideal choice for a site. Some birds show remarkable levels of interest in finding a suitable site, even prying open closed off sites in order to lay their eggs. This kind of behaviour clearly indicates the complex behaviour patterns of these animals which can only be frustrated by caged systems.</p> |
|  | 177 | <p>The enriched colony systems which are proposed incorporate the welfare advantages of conventional cage and floor systems. They address the behavioural restrictions of conventional cage systems which do not allow them to meet the requirements of the Animal Welfare Act while maintaining advantages of cages in terms of managing bird aggression which can be a feature of floor and free range systems, and also factoring in the issue of sustainability.</p>  |
|  | 175 | <p>The EPFNZ submits that enriched colony systems do provide hens with an adequate minimum standard of welfare. They give hens the ability to express a range of natural behaviour patterns such as nesting, scratching and perching. Independent research, in particular the MAF Comparative Assessment of Layer Hen Welfare Report, shows that conventional cages offer a number of welfare benefits in comparison to alternative systems. Nevertheless, it is acknowledged by the EPFNZ that conventional cages do not meet the freedom to express natural patterns of behaviour that is a feature of other production systems, i.e. enriched colony cages, free-range and barn. Freedom to express natural patterns of behaviour is a fundamental element of the Animal Welfare Act and enriched colony systems cages provide that, whilst maintaining the welfare benefits of conventional cages identified in the MAF Comparative Welfare Assessment Report.</p> <p>The MAF Comparative Welfare Assessment Report shows that alternatives systems have a number of welfare issues, and to recommend that they should be the only alternative cannot be supported.</p>   |
|  | 181 | <p>Mainland Poultry has been very proactive in stating its belief to NAWAC at the commencement of the Code consultation process that there should be a transition from conventional cages. Independent research, in particular the MAF Comparative Assessment of Layer Hen Welfare, shows that conventional cages offer a number of welfare benefits in comparison to alternative systems. Nevertheless, it is acknowledged by Mainland that conventional cages do not meet the freedom to</p>  |

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|     |  | <p>express natural patterns of behaviour that is a feature of other production systems, i.e. enriched colony cages, free range and barn. Freedom to express natural patterns of behaviour is a fundamental element of the Animal Welfare Act and therefore, with a realistic, commercially viable and welfare-friendly option of enriched colony cages now being available, it is Mainland's position that there should be a transition from conventional cages.</p> <p>Mainland Poultry believes that the enriched colony systems are an acceptable alternative to conventional cages. Credible independent animal welfare advice (e.g. EU Laywel Study, DEFRA Project AW1132, and F.A.W.C. 2007 Opinion) is that they provide all the welfare benefits of conventional cages while giving an ability to the birds to express natural patterns of priority behaviours.</p>   |
|     | 176  | <p>A 2007 Compassion in World Farming report "Laid bare" concluded that 'enriched' or colony cages could not meet the behavioural needs of hens. The author of the report, Heather Pickett, quotes a range of studies showing:</p> <ul style="list-style-type: none"> <li>• There is an unacceptably high mortality rate in non-beak trimmed hens in 'enriched' cages due to cannibalism.</li> <li>• A space allowance of less than 5000 m<sup>2</sup> per hen imposes at least some constraint on free expression of behaviour.</li> <li>• Hens in cages suffer from chronic stress because they are unable to form normal social relationships with other hens.</li> <li>• Hens show extensive locomotive behaviour when given the opportunity to do so, and hens in cages are extremely limited in this ability. The resultant inactivity contributes to bone weakness in battery hens.</li> <li>• Perches need to be elevated well above floor level in order for hens to perceive them as a safe roosting spot at night, and this is not possible in a cage-based system.</li> </ul>   |
|     | 180  | <p>Enriched cages described in the EC regulations allow an unfurnished space of only 600sq cm. The addition of the dust bath and nest box increases the total minimum space allowance per hen to 750sq cm, the same as that stipulated in the Draft Code. The unfurnished space is still smaller than the actual cross sectional area of a hen, and the small areas set aside for nesting and dust bathing are totally inadequate, considering the crowded nature of the cages. Recent reviews provide more evidence that colony cages are an inadequate substitute for conventional cages. Perching, nest building, wing glapping and dust bathing behaviours are all either inhibited, curtailed, or restricted. Perches, for example, are too low for roosting hens to feel comfortable in, and if the perching height is too low, roosting hens can be pecked at by hens on the ground. Nest boxes and areas for dust bathing are often too crowded to allow any meaningful activity While leg strength is higher in colony cages than their conventional counterparts, hens still cannot fly or flap their wings, so the wing bones are still weak and prone to cage layer osteoporosis. Space restriction is still an issue, with some recent studies showing that any space of less than 5000sq cm leads to constraints on behaviour</p> |
| Qn4 | <p><i>4. Do you agree the example indicators given are appropriate to describe how to measure or assess the achievement of the intended outcome of the minimum standards? If not, what alternative(s) do you suggest? Please state your reasons.</i></p> |   |
|     | 10   | <p>I would support the minimum standards, yet I do feel maximum standards of kindness would be even better.</p>   |
|     | 25, 67, 98, 134, 139, 155, 156, 161, 177,  | <p>Yes I think for the minimum standards set out the example indicators are sufficient to monitor how they are being achieved.</p>  |

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|     | 175, 181   |   |
|     | 72   | The 1995 code has been criticised by some as being too much dictated by the industry (which produced the early drafts). The dilemma for NAWAC at the time was the conflict between the desire to see a fundamental change in the way the majority of hens were housed and the lack of solid scientific evidence and appropriate technology to set out a specific direction for change. To a large extent these deficiencies have been addressed. The outcome focus of the minimum standards and the associated example indicators in this draft and the style of presentation shows that NAWAC rather the industry is in control of the current process.  |
|     | 119, 127   | No, I do not. All animal husbandry practices should be required to comply with the basic principles set out in sections 4, 10 and 29 of the Animal Welfare Act. Practices which do not comply with those principles should be illegal – as was plainly Parliament's intention when the Animal Welfare Act was passed.   |
| Qn5 | <i>5. Do you agree that the recommendations for best practice in the proposed code are appropriate? If not, what alternatives do you suggest? Please state your reasons.</i> |   |
|     | 25   | The best practices seem appropriate for the minimum standards you have outlined. However as I do not agree with your minimum standards I therefore don't really feel the "best practice" recommendations are very appropriate.  |
|     | 98, 155, 156   | Yes we agree that the recommendations for best practices are appropriate. They are a firm guideline to work towards.  |
|     | 134, 175, 181  | Yes we do, however we are concerned that some suppliers are insisting that farmers meet all recommended best practices in the Act as a condition of supply. Recommended standards should be just that – recommended – but not enforceable.  |
|     | 139  | Yes, however some seem to be a little pedantic.   |
|     | 144  | IEP farms have always been fully committed to best practice in terms of animal husbandry and animal welfare as it ultimately translates into high quality and efficient egg production  |
|     | 161  | Voiceless does not agree. They certainly have potential but overall, due to the general failure of the proposed code to ensure the physical, health and behavioural needs of layer hens are met, they are not appropriate in most respects.   |
|     | 170  | No. Best practice involves a comprehensive free range system. To exhibit natural behaviour, hens require a free range system  |
|     | 59   | Not all the RBPs are acceptable. Food should not be withheld prior to transport, maceration of day old chicks is a barbarism and should be banned, other mutilations like debeaking and claw extractions should be banned.  |
|     | 158  | In the radio interview with John Hellstrom which I allude to earlier, the difference between minimum standards and „best practice" was discussed. If „best practice" methods are going to produce better animal welfare outcomes than minimum standards, why would we want to settle for anything less? It would seem obvious to any rational person that „best practice" and minimum standards should be one and the same thing!   |
|     | 176  | We consider that the "best practice" requirements are fundamentally flawed as they stipulate standards of welfare necessary to ensure the basic well-being of layer hens but are not made legally binding. Appendix I, Interpretation and Definitions, of the draft code holds that the best practice requirements 'will be particularly appropriate where it is desirable to promote or encourage better care for animals than is provided as a minimum standard.' We consider that it is always desirable to promote better care of animals, and the very presence of these standards is an implicit acknowledgement that the minimum standards do not adequately fulfil the welfare needs of hens. |

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|     |   | For this reason, we consider that many of the best practice recommendations, such as providing shade and shelter for hens (best practice for minimum standard no. 3), and not undertaking beak treatment (best practice for minimum standard no. 15) or induced moulting (best practice for minimum standard no. 16) should be the <u>minimum standards</u> . Otherwise, it is unlikely that such practices will be employed.  |
| Qn6 | <i>6. What barriers do you see to the implementation of the proposed code and how might they be resolved?</i> |  |
|     | 25  | The economic interests of people involved in the industry, and the economic concerns of consumers of eggs.   |
|     | 60  | Some of the Example Indicators are insufficiently specified, which will hinder both implementation of Minimum Standards by producers and assurance that these Standards are being met.   |
|     | 67  | As with any new legislation, there will be cases of rogue operators. Random inspections could help avoid this and there will need to be harsh enough penalties to discourage a resistance to the new code. To reduce strain on government officials on conducting investigations, the code could allow for on-site visits by corporate consumers who may then report rogue operators to a well-advertised MAF hotline.   |
|     | 70  | It is concerning that the Animal Welfare Act 1999 in Section 73(3) provides that NAWAC may in exceptional circumstances recommend <u>minimal standards that do not fully meet the obligations to ensure that the physical, health and behavioural needs are met.</u><br>These provisions are wide ranging and make a mockery of the <b>purpose</b> of The Act, which is to prevent animal suffering. If an industry exploiting animals for financial gain cannot be conducted in an ethical and humane manner, then it should not be allowed to continue.<br>Until the purpose of The Animal Welfare Act is separated from economics very little improvement will occur, as has been demonstrated in the last 25+ years.   |
|     | 98  | The barriers to the implementation of the code are the transition time frame for us to firstly pay off our conventional cages that we have and secondly save up to purchase new enriched colony systems. This will need a substantial capital investment which to be honest I am not sure we will make. I maybe one of the farmers who decide to exit the industry before or at the end of the transition period. Another barrier is if the recommendation to change to colony cages goes ahead and the industry invests the enormous capital required to do this, there should be no opportunity to overturn this decision at a later date.   |
|     | 108   | The main barriers to the implementation of the code are<br>i) the unwillingness of egg producers and some consumers to acknowledge that battery cages and colony cages do not provide adequate welfare for hens<br>ii) the economic cost to the producers in moving to barn or free range egg production if the NAWAC accepts that colony systems do not provide adequate welfare for hens<br>iii) the increase in the cost of eggs as a result of the change which will probably result in a drop in consumption of eggs.<br>This can be mitigated by government public education campaigns which highlight the improvement in the health and welfare of hens in a barn or free range system and on the nutritional value of eggs in a healthy diet. As eggs can be seen as part of the discretionary spending in the household budget they are competing with less healthy consumers goods |

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|          |  | promoted by large corporates on large advertising budgets. The government needs to accept responsibility for promoting healthy diets and regulating advertising of less healthy foods as the effects of a poor diet are reflected in increased health costs.   |
| 119, 127 |  | <p>The three principal barriers that I see to the implementation of the proposed code are the following –</p> <ul style="list-style-type: none"> <li>• Public resistance – opinion polls over the past decade have demonstrated great public disquiet about the appalling conditions in which battery hens are kept. A move to widespread use of colony cages would improve conditions for layer hens by only the minutest fraction. Accordingly, a public backlash against such a move can be expected.</li> <li>• Political backlash – the Government receives a large volume of correspondence about animal welfare issues and is sensitive to public views. This was demonstrated when the Minister of Agriculture moved further in relation to the phasing out of sow stalls than had been proposed by NAWAC in the Animal Welfare (Pigs) Code of Welfare released in 2010. The Government is accordingly unlikely to view favourably a proposal that there should be a move to a widespread use of colony cages at a future time yet to be set. The Minister of Agriculture in an interview with me in 2011 January stated in relation to the review of the Animal Welfare (Layer Hens) Code of Welfare that “I think that industry again is going to find that public concern around some poultry industry practices has moved and industry is going to have to move with that.”</li> <li>• Legal challenge – as outlined above, NAWAC and the Minister will be open to legal challenge by way of judicial review proceedings if the code does not comply with the Animal Welfare Act.</li> </ul> <p>These barriers could be overcome by abandoning the draft code and writing a new one providing for the banning of battery and colony cages.</p> |
| 134      |  | If the proposed code is implemented the major barrier will be the timeframe given to farmers to transition from conventional cages. We urge that consideration is given to granting the maximum time frame possible. An ineffective or rushed roll out will place stress on the farmer, the egg supply and the industry as a whole. If change occurs it must have a ‘time guarantee’ that will give farmers confidence in the huge investment they may be forced to make.  |
| 139      |  | The most significant is the timing around the introduction of colony housing. The maximum timeframe possible is needed to give all producers and consumers time to adjust to changes in the marketplace.   |
| 144      |  | <p>The major barriers to implementation of the proposed Code are as follows:</p> <p>Ability of farms to endure the financial impact of the conversions and/or to source investment capital. The degree this impact can be mitigated is directly related to the required time frame of implementation, thus the greater the time frame, the lesser the impact. In a worst case scenario, a resultant marked drop in production will deprive the NZ public of an exceptionally nutritious, affordable staple food which in turn could create both health and economic impacts for society as a whole</p> <p>Ability of farms/suppliers to pass on the resultant cost increases given the duopoly position of the supermarket sector (in which the power is held by the buyer) and thus erode industry profitability/viability</p> <p>In terms of a smooth transition, it is recommended that the public are kept fully informed via an active PR campaign</p>  |
| 155      |  | <p>In 2005 the industry was given 9 years to implement the changes in the code to allow 550 cm<sup>2</sup> per hen by 2014. We borrowed and invested large amounts to ensure we were compliant with these changes. As a result we still have a considerable mortgage to pay, and are now facing further capital expenditure to meet the changes in the proposed new code.</p> <p>It would be unreasonable to expect the time frame for colony cages to become mandatory to be less than 20 years when the effect of this on the industry is taken into account, particularly those in the industry who invested to comply with the 2014</p>  |



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|     |  | regulation.   |
| 161 |  | The biggest barrier will be public resistance to the proposed code. The proposed code is heralded to be a document which <i>'meets the requirements of the Animal Welfare Act'</i> <sup>38</sup> . In reliance upon the submissions above, it clearly does not. Due to perceived economic impacts, the welfare of layer hens remains severely disregarded. The biggest issue with the proposed code is the continued allowance of cages, whether the conventional battery cage or the new 'colony' cage. Globally, there is overwhelming disdain for caged housing systems. An April 2002 survey by Colmar Brunton found that 78 percent of the New Zealand public considered battery cages unacceptable and wanted them banned as soon as possible <sup>39</sup> . A recent Australian survey reveals that 86% of Australians think keeping egg laying hens in cages for their entire lives is unacceptable <sup>40</sup> .<br>(b) The only way this barrier can be resolved is by further amending the code so that it does in fact ensure the physical, health and behavioural needs of layers hens are met, in the main by disallowing any type of caged housing system.  |
| 164 |  | The Green party acknowledges the sunk costs that egg producers have in existing infrastructure that has been designed to comply with current practice. In recent years we have seen both growing consumer awareness about animal welfare issues, and moves within the industry towards a more humane method of egg production than battery cages. Additionally moves away from battery cages have occurred in Europe and in parts of North America. The consultation carried out in New Zealand in 2003 canvassed strong public support for a shift away from battery cages and this was signalled in the operative Code that cages do not meet the legal requirements currently laid out in the Animal Welfare Act.  |
| 170 |  | A lack of respect for the welfare of animals is evident within the industry and within Government. Economic benefit should never be an excuse for treating an animal with disrespect. Animals have the same right to life as humans and should be farmed as close to their natural state as possible to ensure their happiness and welfare. There needs to be a culture shift towards respect for all animals, not just the ones we don't eat. Why should a cow be treated differently from a dog? Intelligence is not a factor since cows, pigs, hens and sheep all exhibit high levels of intelligence. Children will bond just as easily with a goat or lamb as with a dog, as will many adults given the chance. However our wrongly culture dictates that only a select few animals can be protected from consumption.<br>Constant fussing over economic implications will also be a major barrier. Switching to free range will not put farmers out of pocket and will not majorly affect the industry. Consumers can easily absorb the price and it is safe to assume that they will not protest to bring back caged eggs given that generally, all people want animal welfare regardless of how they reflect that in their purchasing patterns. |
| 196 |  | I hope that the biggest barrier NAWAC has is to have the current draft adopted into law   |
| 59  |  | We foresee the NAWAC railroading public opinion and protecting the egg producers as they have always done. Being transgressors of the law they should be brought to trial on charges of animal abuse. Subsequent to this an independent regulatory body accommodating members of the public should be set up to police the egg producing industry.  |
| 93  |  | Any law in a democratically accountable country like New Zealand, must be based on science AND values. The science tells us that hens suffer in cages. Public values have been codified into a law, the Animal Welfare Act, which has at its core the ethical proposition that animals should not be made to suffer for trivial reasons of maximising profit. These are the values held by the public, and these can be contrasted with the "deeply held values" of the industry. The latter are the capitalistic values that profit must be maximised at all costs, and that the suffering of animals and the concerns of the public can be sneeringly dismissed providing the industry can make more money. To this end, the factory farming industries have alternatively lobbied,   |

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|     |   | bullied, flattered and cajoled government officials ever since their inhumane practices started to be exposed. I have detailed incidences of this bullying in my publications (see bibliography) and in the SAFE submission.   |
|     | 177   | The initial barriers will be arguments around economic sustainability which are being addressed by NAWAC. NAWAC's proposal to allow time to "farm out" old systems is the best way to address this. The effective implementation of the code will require robust and ongoing verification mechanisms undertaken by knowledgeable and experienced auditors.   |
|     | 175, 181  | <p>The major barrier to the implementation of the proposed draft Code, in relation to replacement of conventional cages, is an adequate and fair transition time frame for the draft Code to be implemented. The EPFNZ also believes that, due to the huge financial burden that will be placed on just 47 farmers who supply 88% of New Zealand's egg requirements, the transition time frame must be appropriate.</p> <p>Another potential major issue is that the changes will only apply until the next Welfare draft Code review date. At that point the decision to phase in enriched colony cages over a 20 year period may be revised or overturned. Whilst the EPFNZ acknowledges the need to review Codes regularly to ensure best practice, without a guarantee of certainty on enriched colony cages there will be real financial viability issues facing the industry. Therefore the EPFNZ requests that, while draft Code reviews continue to ensure best practice is maintained, a mandate is put in place whereby, for 30 years following the issue date of the draft Code (i.e. a 20 year phase-in period, plus a portion of the lifespan of the equipment), the enriched colony cage issue is not reviewed.</p> <p>The EPFNZ also believes that the proposals for more detail on free-range definitions are appropriate. This will give certainty to free range egg producers and consumers.</p> |
|     | 176   | A significant barrier will be continual campaigning by animal welfare activists who oppose colony cages, as they only provide a moderately higher standard of living for layer hens than battery cages. Such campaigning will continue until a ban on all cage systems is achieved. Moreover, it is likely to attract strong media attention and have a profound impact upon the New Zealand public in a similar manner that sow stalls did. It is therefore likely that New Zealand egg farmers will ultimately be forced to phase out all cage systems in the long run in order to meet public expectations. Thus, in order to resolve these issues and prevent the costs associated with two large transitions, we propose a phase-out all cage systems simultaneously. A concurrent ban can be reasonably achieved by 2015.  |
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| Qn7 | <i>7. What benefits do you see from having this code? Benefits may include, for example, increased certainty about animal welfare requirements or market gains.</i> |  |
|     | 4, 32, 37, 86, 128, 131, 132, 143, 157, 159, 163,   | New Zealand is known widely for its farming culture, and as a clean green nation it behoves us to seek best practice in our agricultural systems especially given that both our historic and current practice do not live up to our branding which presents a substantial risk to a significant industry within our national economy. It would show that New Zealand is serious about animal welfare if all cages are banned. It is not in our best interests to be seen by the rest of the world as a country that condones cruelty to animals  |

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| 164, 167, 178, 195, 209, 176 |   |
| 161, 170, 59                 | Voiceless does not see any real benefit from having the proposed code. Overall, cruel practices for layer hens will continue to be enshrined and further welfare improvements for layer hens delayed.   |
| 57                           | While clearly defining the various layer hen egg production systems is probably outside the requirements of NAWAC, it is good to see that the Code is going to ensure free range will be more likely true to label. We also support free range changes being implemented at the earliest possible time.   |
| 60                           | WSPA welcomes the fact that this Code will lead to the phasing out of conventional cages for layer hens, and the improvements in animal welfare that will result. In the discussions associated with finalising the Code, we urge NAWAC and the egg industry to agree that all cages should be phased out, including enriched cages, with further benefits to animal welfare. In outlining detailed standards and indicators for layer hen husbandry, the Code will foster many additional improvements in animal welfare, also to be welcomed.                         |
| 67                           | Implementation of new legislation of any kind tends to have an initial cost and therefore an associated payback period -over time will be recouped. My first and foremost concerns are for the highest welfare possible for these animals. I am not at all opposed to market gains as a consequence and I am confident that these will ensue when individuals like me regain enough confidence in the system to purchase eggs and other products. As it stands however, I and countless others simply boycott all these products on grounds of animal welfare concerns. |
| 134, 196                     | None major enough to justify the upheaval on the individual and the industry.   |
| 139                          | A general lifting of standards throughout all systems.  |
| 144                          | The key benefits of the proposed Code are as follows: <ul style="list-style-type: none"> <li>o Increased pride within the industry given the proactive approach taken by the farms to improve animal welfare outcomes</li> <li>o Provision of best possible balance in terms of maximising animal welfare whilst retaining the benefits of cage housing systems (i.e. production efficiency, low mortality rates, disease protection etc)</li> <li>o Greater public approval of the industry</li> </ul>   |
| 152                          | The few farmers with the new systems that I have spoken to, do feel that birds are “happier” in enriched cages, and this should be given due weight, but I wonder if some of that comes from their own feelings of working in wide-aisled, modern houses as compared to some of the claustrophobic conventional houses.   |
| 155, 156                     | This industry needs certainty for the future and will benefit from the implementation of this code if it results in improved welfare for the hens and gives confidence to the industry for the future. With huge capital investment it will remain a concern if major changes can be considered in future reviews.  |
| 177                          | The code aims to address the issue of behavioural restriction that has up to this point meant that current standards do not meet the obligations under the Animal Welfare Act 1999. The benefits then would appear to be related to improving the behavioural needs of the largely cage housed national layer flock.  |
| 175, 181                     | The EPFNZ sees a number of benefits in this draft Code. It gives increased certainty about animal welfare requirements with its mixture of outcomes-based requirements and prescription, where appropriate. It ensures that all production systems in New   |

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|     |  | Zealand are set to meet the same standards and requirements as the EU, which is seen as setting the most animal welfare-friendly requirements in the world. This could be used for market access for export.   |
|     | 176  | <p>The proposed changes to the draft code provide some benefits, although these are limited. In particular, the proposed phasing out of battery cages for layer hens and a move to the colony system is an improvement on the existing code. Benefits of the proposed code include:</p> <ul style="list-style-type: none"> <li>• A greater attempt to uphold the minimum animal welfare standards outlined in the Animal Welfare Act 1999 (AWA).</li> <li>• The new code requires farmers to fulfil their obligations under the AWA and does not rely on the precarious exception of section 73(3) of the AWA to justify less-than-minimum welfare standards</li> <li>• A slight improvement to the welfare of hens. Under the proposed code, hens will purportedly have the ability to exhibit some “priority behaviours” as outlined in Minimum Standard 11. This is a fundamental aspect of the well-being of hens and should not be compromised in the Welfare Code.</li> <li>• The proposed code will bring our standards closer to jurisdictions such as the European Union who passed legislation in 1999 to phase out and ban battery cages.</li> </ul> <p>This said, the benefits of the new code are only a small step towards the humane treatment of hens in the egg production industry. Enriched cages are an improvement on battery cages, but, in practice, still do not meet hens' behavioural and welfare needs. Only a complete ban of all cage systems and a move to free-range production methods will allow hens to fully exhibit their natural “priority behaviours” and display New Zealand’s commitment to the humane treatment of animals.</p> |
| Qn8 | <i>8. What impacts will the proposed code have on your business or on your work?</i> |  |
|     | 49   | <p>This industrialisation of free range egg farming in New Zealand will result in: single sheds with 50,000 hens or more, a growing consumer distrust in NZ free range egg products, the undermining of established export markets for existing cottage type free range eggs. It will forever destroy the opportunity New Zealand has as a country free of many major avian diseases to establish an international reputation as a source of first class free range egg products.</p> <p>Free Range Egg Farming - if set up correctly has an enormous export potential – in particular with an emerging affluent consumer class in our closest export market Asia where there have already been several outbreaks of major avian diseases not so long ago.</p>   |
|     | 139  | <p>The impact to us could be very significant should cage farms choose to convert to free-range rather than colony cages. Large free-range units with their potential economies of scale could put a lot of smaller free-range farms out of business. Large free-range units would also not meet the public's perception of 'free-range' which will cause further conflict.</p>  |
|     | 57   | <p>Most NZ barn hen farmers use an open plan terrace design with specially designed plastic slats raised above the floor level and those farmers have not been consulted about the change to perches (either directly or indirectly through EPF). This is a significant change and it is not feasible for an immediate transition to the new perch requirements as many of the existing barn systems in NZ would need to be totally replaced with the more intensive aviary or perchery systems.</p>   |
|     | 60   | <p>Our work is the protection of animals, supported by ever-increasing public concern for animal welfare. Improvements in the</p>  |

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|  |     | welfare of millions of layer hens are important both in themselves and because such improvements tend to lead the way towards better care for other animals, both in farming and elsewhere.  |
|  | 98  | The impacts are huge for our business, firstly if we decide to stay in the industry we will need an enormous capital investment resulting in a significant loss of cash flow. Firstly raise the height of the existing sheds and or possibly build new sheds to house the new colony system. How will we carry on with existing production whilst we are altering the sheds is another question we must ask? If we are to scrap our existing cages in our existing sheds where will we get the production from to sustain our markets? Next we have to buy the new colony system. We will have to re train all the staff. We will need to change the branding of our packaging. These are the major things but the list goes on. On the flip side, if as a business we decide to exit the industry we will need to close everything down, lay off all our staff and find another producer who is willing to stay in the industry and is willing to spend more money to put on the birds we are taking away from the production pool. |
|  | 113 | Use the existing sheds and replace the current cages with colonies at an estimated cost of \$1,200,000 and a drop in bird numbers of 20,000 birds in lay.<br>Given the uncertainty around the industry and its often volitional returns it is difficult to make a case for such a substantial investment. Especially with the outcome estimated to reduce our annual turnover by approximately \$1,000,000 per annum   |
|  | 134 | The impact to us and other affected parties is significant. It will affect almost every facet of the business from financial to staffing and operating procedures. It will have a flow on effect to other parts of our business. We believe in moving with the times and have done so over the years with automation, increased cage size, quality assurance and improvements to business and farming practice. We also support animal welfare through excellent farm and husbandry practices. We do not think the timing is right for a change this substantial and we will need to reassess the future viability of our farm if the proposed code goes ahead.  |
|  | 135 | We are a family farm and as such we take enormous pride in what we do and how we do it. We treat our staff well and we treat our chooks well. We employ local staff and supply our local area. The market is competitive but we have continued to grow our business by being efficient and looking after our investment in equipment. We have and always will be keen to move with the times and adopt new ideas when commercially viable.<br>As a current generation poultry farmer I need to ensure we can move forward with a clear directive – of both investing in the future and being able to continue our supply to a competitive market. I believe the decision needs to be a compromise between what is best for me as a business owner, my staff, my chooks and my customers.   |
|  | 139 | Although the proposed code addresses concerns around welfare issues, it also raises real concerns around affordability of the egg, market upheaval and stability of the industry. The effect on the environment may be slightly worse with more shedding, electricity use etc required   |
|  | 144 | The proposed Code is likely to result in a reduction in the total number of farms and particularly, a reduction in the number of smaller family farms. This will impact IEP from both a cultural and economic perspective, as the broad mix of small and large farms is integral to both company philosophy and marketing. Further to the above, farm consolidation is likely to result in a future industry landscape of a few large cage/colony farms  |
|  | 145 | I will be exiting the industry once my farm of over 90 years becomes an illegal enterprise.<br>This will result in yet another SME closing down in a rural community with all the impact that has on staff, their families, suppliers and the general community as well as nationally.   |

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| 155  | <p>The introduction of the code without a long phase in period would have major impact on our business. We have a small land holding that would not allow us to build any more sheds on the property. This would mean investing in more property to re-establish the same number of hens in the colony system which requires larger sheds to house the same number of birds.</p> <p>As we have invested and now meet the requirements of the 2014 regulations we would require a long phase in period to allow us to get the benefit of that investment from the potential life of the cage.</p>   |
| 171  | <p>We support the move to colony cages as the best balance between animal health and animal welfare. However with a transition period of less than 20 years we would exit the layer part of our business - our equipment and buildings are reasonably new and easily have an economic life of 20 years.</p>  |
| 173  | <p>When we export eggs overseas, we are really exporting N/Z and its perceived image. A welfare code must support that perceived image for us to stand out from the world wide intensive norm.</p>   |
| 174  | <p>Although we can depreciate these [conventional] Cages in the next 15 years they defiantly will not be fully funded and repaid by then. This will take another 23 years until 2034. Giving our farm a slow phase out time, gives us time to repay our existing systems and to replace to the New Enriched Colony System. 20 years will provide me with the adequate time to fund the Re-Developed our farm. This would help to provide a smooth transition into The New Enriched Colony Cages. Without the necessary time to re-developed our farm would definitely have to Close Down our Business and farm as no bank would provide us with the necessary funds to do the re-development required.</p>   |
| 196  | <p>Absolutely and totally bloody disastrous.</p>   |
| 59   | <p>Peace of mind knowing hens are no longer forced to suffer for a species that are not worth it.</p>  |
| 65   | <p>Whilst we are unique within the industry, our business was severely impacted by the 4 September 2010 earthquake. Since September we have spent \$92,000 buying in eggs to keep our business operational. In addition we have had increased feed costs and higher mortality (refer above re light years in difference between old cages and new conventional cages). It will be October 2011 before we are back fully operational and by this time we estimate the cost of the earthquake on our business, over and above what is covered by insurance, will be over \$100,000. We need time to recover from this serious set-back Mother Nature imposed on us.</p> <p>Further, to install enriched cages on our farm we would need to build/rebuild a shed to maintain the same number of chickens we currently have. This process would be subject to building consent and we are not confident how the Selwyn District Council will respond given the large number of life-style properties as opposed to farms that have become a reality in our immediate vicinity over the last eight years. In addition, we would have to add-on to our rearing sheds as we would need to change from six flocks to five flocks per year.</p> |
| 175, | <p>The draft Code will have a major impact on conventional cage farmers. It will require substantial capital investment in new equipment for current cage farmers. An investment will also be required in animal husbandry and management of the new production systems, knowledge and expertise.</p>  |
| 181  | <p>The capital cost for Mainland to convert from current cages to enriched colony cages will vary from \$45 million to re-house existing sheds &amp; additional new build to house birds displaced from the existing sheds, to all new housing at a capital outlay of \$65 - \$70 million. This capital outlay is set against an industry that makes very low margins and assumes that all of the spare</p>  |

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|     |  | cash the business generates is put into cage conversion. The ability for a business to raise capital is also questioned with the current economic climate. What this situation generates is a disadvantage to existing producers opening the door to new entrants who will not be loaded with the repayment of capital against existing sheds and equipment. There is also an increase in annual costs estimated at between 10-14% with an equivalent increase in the cost of eggs to consumers.  |
|     | 176  | Our mission is to protect and advance the interests of animals through the legal system. Because the proposed code allows for the use of colony cages, which do not adequately fulfil hen welfare, the proposed code will require us to continue lobbying for a ban of colony cages, as well as inhumane practices such as beak treatment.  |
| Qn9 | <i>9. What impacts do you think the proposed code will have on New Zealand society, the economy and the environment?</i> |   |
|     | 25   | Very little. As the changes are very small in reality. The price of eggs may go up a little bit. I don't think that the quantity of eggs consumed in the economy will change a lot. Maybe some jobs will be lost in the sector, but this transition will not go far enough to begin the serious transition that the industry requires to truly become an ethical industry respecting animals  |
|     | 49   | Any changes made now which are purely driven by economic pressure will send the wrong signal and will lead to long lasting problems and ongoing animal welfare issues and will be opposed vigorously by the New Zealand public and potential export markets in future.  |
|     | 54   | It's not possible for a human being to experience genuine internal peace whilst inflicting suffering on to another creature. This applies whether the person is directly or indirectly causing the unpleasant experience for a chicken. Many academic studies show a high correlation between tendencies towards animal abuse and domestic violence. In NZ we exploit/abuse animals on a vast scale. If we could reduce this abuse then our shockingly high levels of domestic violence would almost certainly fall significantly. Ref. Tuttle, W. <i>The world peace diet</i>  |
|     | 55   | I don't believe that the introduction of colony cages will have any economical cost to other industries or New Zealand reputation, it is worldwide practice. The 3 million plus layer birds running around our pastures would have more of an impact let alone the Resource Management Act nightmares. A lot of land will be required and there is no guarantee that the minimum standards now will also hold in future (birds per hectare).  |
|     | 60   | The adoption of <b>Option 5</b> will result in minimal direct effects on the economy, but indirect effects on New Zealand society and the economy are likely to be positive, strengthening the image of New Zealand as a leader in animal welfare. Environmental comparisons between systems are complex, but free range can be beneficial in two ways: pasture can both sequester carbon, and substitute for part of the grain-based diets of poultry that release greenhouse gases in production. Claims are sometimes made that intensive layer systems are more sustainable than extensive, but these are simplistic and must be considered in a context where many aspects of the livestock industry, including its size, must be assessed for environmental sustainability. |
|     | 67   | A Government that is more in tune with the concerns of the general public will have positive knock on effects for the NZ society and economy. Of course, the converse is also true –a Government that is out of tune with the ethical concerns of the public will slowly lose the public's confidence and respect.  |
|     | 75   | Transparent practices that reflect our clean green image such as promoting and, if necessary, subsidizing free-range poultry initiatives would be an admirable step in the right direction in making NZ a place that every Kiwi is proud to call home.  |

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|  | 98, 139, 192 | The impacts on society are also huge it is my firm belief that if this process is not managed in the correct way there will be a huge short fall in New Zealand's best source of protein. Eggs currently are that affordable source of protein and farmers will need to be able to recoup some of the new capital that they have been forced to invest. Will this make eggs affordable to only those that can afford it and not the lower socio economic part of society that depends on eggs for a large part of their protein.  |
|  | 100          | Typically, recent events in Christchurch have starkly shown the need and desire by consumers for no-nonsense, cheap, reliable food, in our case eggs. In our experience consumers are concerned about food safety, and animal welfare, which we believe, and so do they, that we already comply with. Also, consumers in this part of the world appreciate the most efficient and cost effective product being made available to them, and the option to choose that.   |
|  | 108          | <p>The only new issue I would introduce at this point is one of antibiotic use. In battery cage egg production antibiotics are given to hens in their food on a regular basis as an essential part of management. This wide use has the long term effect of increasing the resistance of many pathogens to antibiotics so reducing their effectiveness in the public health system. Reducing the overcrowding of hens through free range egg production would result in antibiotics only being used to treat hens which had an infection. This would slow the development of resistance of bacteria to antibiotics.</p> <p>The issue of overseas competition and import substitution is part of a much bigger issue of free trade agreements. These agreements preclude the imposition of tariffs which would ensure fair competition with the NZ egg producer. Under an FTA would it be possible to preclude the importation of eggs produced by a system that was outlawed in New Zealand, eg battery cages? One thing that would be essential if eggs were imported into New Zealand is strict health controls to ensure no poultry diseases came into the country and Country of Origin labelling so consumers knew where any eggs came from.</p>   |
|  | 113          | In any case we believe that the proposed welfare code of practice will see the demise of the family owned egg farm as it currently exists within the industry and see the dominance of corporate control.   |
|  | 129          | As various parts of the world (especially Europe) move away from cage systems and consumers become increasingly educated about the ethics of food production, it is vital for New Zealand to embrace the best possible ethical standards in order to be able to compete internationally. The proposed code does not cater for these considerations.   |
|  | 133.         | <p>As an animal advocate who has been working as an educator at the SPCA and SAFE in New Zealanders for over 16 years (promoting the importance of compassion and respect to all animals) the practise of keeping hens in cages is an appalling indictment of how little those who have been granted the responsibility for offering legal protection for animals in New Zealand care about certain animals. Hens and pigs in particular are not only mistreated – they are legally abused in our current system. This exposes a hypocritical attitude towards animals that is morally confusing for young people to understand. It also poses questions in their minds in regards to governance and fairness.</p> <p>Young people who grow up reading farmyard stories in children's where animals live outdoors find it difficult to comprehend that we actually treat animals this way.</p> <p>The educational materials provided by the Egg Producers Federation is very careful to exclude any factual information on how hens are farmed in New Zealand.</p> <p><i>The Chook Book</i>, produced by the EPF does not explain the welfare implications for hens living in cages and in fact attempts to promote the system as welfare friendly. It is interesting to note that in this full colour glossy publication packed with photos, changes tack when describing the cage system for hens where they use a small line drawing. This is a sickening example of Corporate brain-washing</p> |



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| 134 |  | There is no doubt that this decision will change the face of the egg industry. Some farmers will close the doors, not willing to take the risk of conversion. Those that do remain will face a huge financial burden which will not be off-set by higher egg prices. There will be short term price volatility and readjustment of the parameters around supply agreements and market share. The environment is no better or worse off with the change, as the current system already has a minimal impact on the environment. 88% of the public currently buy cage eggs, is that not a strong enough statement to retain the status quo?   |
| 143 |  | I am embarrassed to bring children up in a country where this is still acceptable and wonder what legacy we leave our children through these practises and how they will judge us.  |
| 149 |  | I consider that the proposed code runs against the global movement away from cages. The entire European Union began phasing out battery cages back in 1999 and Germany and Austria have subsequently banned colony cages. Several U.S. states have followed suit. For instance, in addition to banning the use of battery and colony cages in 2008, last July California's then governor Arnold Schwarzenegger outlawed the sale of any caged eggs in his state, prohibiting imports from countries such as New Zealand that maintain poor welfare standards. Michigan also included colony cages in its ban of caged systems.  |
| 153 |  | I absolutely take issue with the description of the Egg Producers Federation as the key representative of those 'affected by the code'. Certainly the egg producers are most affected financially, but I, and many others, are profoundly affected at the most fundamental level of values and emotions by the absolute inhumanity of the battery cage system of egg production. It depresses my mood on a daily basis to think about these animals spending their entire lives in these conditions. I envy the egg producers their sangfroid; for them it is all just about money.   |
| 155 |  | <p>We believe the probable outcome of the introduction of the code will be that the industry will change from the current position of being mainly small and medium sized family farms to one or two large corporate farms.</p> <p>Long term this would not be good for the consumer or NZ as a society and will see egg prices rise. The egg industry has, until recent times, been owned by farming families with limited capital but a strong resolve to get the work done and look after the animals in their care.</p> <p>With the newer cage systems and the new enriched colony system there is a greater ability to control the effects of environmental damage caused by leaching of nitrogen and phosphorus into the soil.</p> <p>Last year we attended the PIX (Poultry Industry Exchange) Conference in Brisbane where there was a paper from the University of Sydney presented on the effects of soil contamination with poultry manure. Their research was aided by the soil analyzer buggy used by NASAR on the moon. This highlighted the result of poor management of the range area on a particular free range farm. This could result in ongoing environmental problems if the majority of caged birds were to be re-established in free range farms.</p> |
| 156 |  | <p>If the transition to colony cages was to occur over a short period of time, the potential for large free range farms being set up by inexperienced operators could result in negative welfare issues, negative effects on the environment and outbreaks of diseases that are currently kept under control. While this is speculative there is the potential for this to become reality.</p> <p>We believe the probable outcome of the introduction of the code will be that the industry will change from the current position of being mainly small and medium sized family farms to one or two large corporate farms.</p> <p>Long term this would not be good for the consumer or NZ as a society and will see egg prices rise. The egg industry has, until recent times, been owned by farming families with limited capital but a strong resolve to get the work done and look after the animals in their care.</p>  |

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| 161      | Layer hens will continue to be treated inhumanely with total disregard for their sentience and welfare needs. New Zealand society will remain dissatisfied with the Government's failure to improve welfare conditions for layer hens. New Zealand will remain behind the EU in respect of welfare conditions for layer hens. The industry will continue to prosper from its cruel treatment of layer hens. The environment will continue to suffer due to impacts associated with intensive farming conditions.  |
| 170      | I believe that New Zealand society will be disappointed in the current code. It falls incredibly short of real welfare for hens and gives far too much bias to the farmer, who could easily switch to free range within five years. Farmers who have chosen to side with animal welfare and farm free range will continue to suffer because the market unfairly favour poor welfare practice rather than applauding good welfare practice. If free range farming reduced egg quantities in the market, then the environment would potentially benefit from a reduction in egg consumption resulting in more available land and a shift towards an egg free diet.  |
| 196      | High egg prices, an unstable market and short supply of eggs and egg farmers.   |
| 59       | The answer will depend expressly on the NAWAC, MAF and the egg board. I suspect the NAWAC will continue to manipulate the code for its own self interests.  |
| 65       | I refer you to WATT Poultry news release dated 29 April 2009 – <i>“The UN Food and Agriculture Organisation has forecasted the world's demand for food will double by 2050. FAO expects a 10% increase in production from increased cropping intensity, <b>but the remaining 70% increase in food output will have to come from increased adoption of either existing or new agriculture technologies.</b> This paper presents an argument for continuing to adopt new technologies which improve production of crops and livestock so that an ample supply of food is available to feed and fuel the world. Failing to apply these technologies would result in moving food prices out of reach for billions of the world's poorest consumers, according to this analysis.”</i><br>This means intensifying how we do agriculture – not taking additional land to do what we already do well [therefore the code should not require a transition to colony systems] |
| 177      | The economic evaluations which have been undertaken predict that the cost of table eggs to consumers will increase in the medium term. Environmental impacts are likely to be minimal other than the requirement for more land to house the national layer flock due to the increased bird space requirement for birds in enriched colony systems or transition to barn or free-range systems.  |
| 175, 181 | The EPFNZ believes this draft Code will be accepted by people with a credible and balanced view of animal welfare in line with world class standards and the Animal Welfare Act. It will also enable eggs to be produced at a cost which will ensure they remain as one of New Zealand's leading sources of protein. Layer hen farming is noted for its minimal impact on the environment, in particular greenhouse gas emissions, and this draft Code will ensure that continues.  |
| 181      | Layer hen farming is noted for its minimal impact on the environment, and this Code will ensure that continues. Indeed recent research from the UK (DEFRA and Cranfield University) on life cycle analysis demonstrated that free range systems for egg production used 15% more energy compared to all housed systems.<br><br>The emission factor for ammonia has also been shown to be considerably less in a housed system with weekly manure removal compared to a deep pit system such as barn where manure is removed at the end of the flock (Scottish Environmental Protection Agency). Enriched cage systems, therefore, provide as the FAWC opinion stated an acceptable balance between animal welfare, the environment, food safety and affordability.  |

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|  | 181 | <p>Mainland strongly believes that maintaining the affordability of eggs as an important protein source is an important social consideration for the health &amp; diet of New Zealanders. Many New Zealand children can never be sure of receiving three meals a day, and often resort to filling their tummies with water from the school water fountain. This has a major effect on their ability to learn and prevents them from reaching their full potential. In 2010, our business partnered with Otago Polytechnic Food &amp; Hospitality Department launched 'Project Egg' – aimed at working with local, low decile schools to ensure their children's basic nutritional needs were met.</p> <p>Eggs are extremely versatile, highly nutritious and have well researched health benefits. <u>They are a staple food source.</u> Society has a moral obligation that they are affordable for all consumers and readily available.</p> |

## Response to economic questions

| Qn  | Submission   | Response   |
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| Qn1 | <i>1. Do you agree that the draft economic analysis has adequately taken into account all necessary factors? If not, what else should be included?</i>   |  |
|     | 97, 89, 101, 116, 124, 126, 131, 136, 146, 178, 187, 188, 204, 158, 176  | Alternative systems to cages already make up 10 per cent of the egg production market and has proven itself to be a practical solution. NAWAC has avoided its responsibilities by not commissioning economic analysis of transferring to barn or free range farming systems. NAWAC needs to recommend good welfare for farming hens and to limit its scope to the welfare of cage hens is reprehensible. The economic analysis does not take into account the growth of the free range market and promotional benefits.  |
|     | 25   | No. Should include: 1) The economic impact of New Zealand being a society that treats animals with respect and fairness.<br>2)The economic impact of bringing some vegans back to eating eggs if they saw that eggs were produced in an ethical manner<br>3)The fact that in reality the current system of caging chickens will not last forever, and that the economic costs of the transition from this to a more ethical system will only grow over time. We should be analysing the economic impact of what the transition will be if we delay it further and assuming that at some point we are going to transition |
|     | 47, 50, 82, 83, 96, 97, 101, 105, 115, 116, 119, 120, 122, 123, 126, 127, 130, 136, 143, 146, 148, 159, 163, 178, 188, 189, 190, 194, 207, 209, 158, 176 | The introduction on a large scale of colony cage systems would cause damage to NZ's reputation as a leader in animal welfare and create risks to export markets. Removal of cages systems would certainly add to NZ's international branding and reputation.<br>There is an economic cost to NZ as being known as a country that introduces new kinds of cages.  |
|     | 49   | Free Range Egg Farming - if set up correctly has an enormous export potential – in particular with an emerging affluent consumer class in our closest export market Asia where there have already been several outbreaks of major avian diseases not so long ago. Allowing industrial free-range farms may harm this.  |
|     | 54   | Both cage-types should be outlawed. "Our economy" in the short, medium and long term includes "natural capital" which  |

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|                                       |  | includes – potentially- lots of happy healthy humans and other creatures and ecosystems. Thus, because it directly causes suffering on so many levels, keeping layer hens in cages is directly injurious to our economy.  |
| 60                                    |  | <p>We are well aware that changes in layer systems will have economic impacts. However, we believe that the analyses you present has overstated these in three ways, thereby favouring conservative changes including the rejection of Option 5.</p> <p>1. The summary analysis says (p2) that for “the industry [to convert] from cage to colony systems ... the increase in annual costs, in the long term, are estimated at being between 10% and 14%.” It later says (p3) that MAF “estimates that the price [of eggs in the shops] will increase by between 10% and 14%.” This complete linkage between production cost and retail price is not explained (either here or in the MAF paper), but clearly follows the same assumption as elsewhere in the MAF paper (p28) that “the percentage increase in farm gate prices [will filter] through as the same percentage increase in retail egg price.” This assumption does not have to hold, as retail price includes grading, packing, transport and so on, which are similar in cost for all producers. It has often been the case that packers or retailers or both have marked up eggs from alternative systems for a higher profit, but if this is avoided, the impact of changing layer systems on retail price and sales will be less than that stated.</p> <p>Similar doubt attaches to the statement (p3) that “price increases could be in excess of 30% in the short term.”</p> <p>2. There are two other reasons why the effect of price changes will be less than suggested. First, the MAF paper emphasises that the demand for eggs is inelastic: eggs are not readily interchangeable with other items in the diet and purchasers tend to buy a set number whatever the price. As such, the statement (p3) that “further price volatility could be expected as consumers look for relatively cheaper sources of protein” is unlikely to be correct.</p> <p>3. Second, the market for eggs in New Zealand is largely self contained. In countries such as those in Europe, increased cost of fresh eggs in one country may lead to purchase from another. That is not allowed in New Zealand (and although powdered egg can be imported, this is a minority of the market). This combines with the inelasticity of the market to mean that the NZ egg industry has considerable security, and could readily make greater changes than have been made in Europe, without fear of large shortfall of income, or instability.</p> |
| 72                                    |  | The economic analyses are based on assumptions which pertain to the general case with variations related to producer size. I would like to see some case studies which could serve to test the assumptions being made.  |
| 98, 134, 155, 156, 174, 196, 175, 181 |  | We believe the draft economic analysis undertaken by MAF, but also the economic analyses undertaken by Nimmo-Bell and LECG for the EPFNZ, give a comprehensive overview of the necessary factors that should be taken into account in an economic analysis. It is pleasing to note the concurrence of view amongst all the parties involved in the economic analyses as to the economic impacts that will occur, and the importance of an appropriate and balanced transition timeframe.  |
| 100                                   |  | Also to consider would be the real possibility of imported eggs making their way onto the New Zealand market. Currently Australian systems lag our own, and thus would put less stringently audited, but cheaper, eggs into our market. Who will answer the question: What have we achieved by exporting another industry off-shore?  |
| 101                                   |  | <p>A summary document of case studies across the European Union providing practical alternatives to battery cages for laying hens is available at the following link:</p> <p><a href="http://www.ciwf.org.uk/includes/documents/cm_docs/2008/p/practical_alternatives_to_battery_cages_2004.pdf">http://www.ciwf.org.uk/includes/documents/cm_docs/2008/p/practical_alternatives_to_battery_cages_2004.pdf</a></p> <p>Farm Survey Report, pg 13, indicates that demand for eggs and egg products has increased on the back of high profile welfare campaigns led by celebrity chefs resulting in stronger demand that has been satisfied by the growth in the numbers of free range hens.</p>   |

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|     |  | <p><b>Consumer Surveys in the United States of America</b><br/> Consumers report a willingness to pay more for eggs that are labelled with welfare assurances or for perceived substantive improvements in animal welfare. Research suggests consumers are willing to pay an average of between 17-60% percent more for eggs from non-cage systems.</p> <p><b>Consumer Surveys in the United Kingdom</b><br/> The 2005 Eurobarometer survey on the welfare of farmed animals found that a majority of European citizens state that they are willing to pay more for eggs sourced from an animal welfare friendly production system. 25% of respondents state that they can accept a 5% price increase, 21 % an increase of 10%, and 11% are prepared to accept an increase of 25% or more. These figures reflect the fact that, in answer to another question in the survey, 58% of respondents rated the welfare of laying hens as very or fairly bad</p> <p><b>Consumer Perceptions</b><br/> As indicated by these surveys, consumer perception of animal welfare should be an important factor in the producers' choice of housing systems.<br/> For instance, although furnished cages have some welfare advantages over non-cage systems, these surveys indicate that consumers do not recognise a larger, modified cage as a significant improvement over conventional battery cages. Eggs from hens confined in furnished cages thus do not enjoy the market premium of cage-free eggs.<br/> In New Zealand also, battery eggs are given misleading labels such as "country life," "farm fresh," "farmer Brown," and "vegetarian eggs." In the absence of a clear requirement to label eggs with their production method, it is not possible to infer that shoppers are fully aware of how the hens are treated, based on the eggs that they purchase. It is a requirement in the EC that eggs are labelled with their production method. A similar labelling law requiring the label "battery cage" to be used is in force in the Australian Capital Territory (Eggs (Labelling and Sale) Act 2001). There are no labelling requirements in New Zealand.</p> |
| 113 |  | <p>Egg prices are extremely supply sensitive. However many of these effects are mitigated by the farmers needing long term relationships with their major customers so therefore these effects are masked for the consumer. Our business is similar to many of its peers in that we maintain a section of our customer base with which we can quickly price our way into and out of sales. A practical example for us is that a New World supermarket is a long term relationship which requires consistency in price and supply that outweighs the short term benefit from a price increase from a temporary shortage. Especially when the shortage may be particular to your farm or area and any increase may allow competition to become the long term supplier to that store.</p> <p>However if the transition in production systems caused by the draft Code of Practice means a domestic universal shortage of eggs that will be in place for some months, particularly when the farms that are still producing eggs have incurred considerable costs in meeting the new requirements you would see increase in the prices of eggs that could be measured by dollars not cents per dozen.</p> <p>These circumstances would be compounded in the event of a shortage by demand inspired price increases. Businesses that require eggs would and could afford to pay much higher prices to keep producing. With 60% of the eggs in NZ being used in the Foodservice sector a major baker faced with paying considerably higher prices for a key ingredient or not being able to operate their business will outbid the general public especially when the increase in egg prices may represent only a few cents extra per</p>   |

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|  | 119, 127,<br>161 | <p>unit of output.</p> <p>In my opinion, all of the economic analysis released with the Draft Code of Welfare for Layer Hens is severely flawed and should not be relied on in producing a Final Code.</p> <p>The Nimmo-Bell &amp; Company report and the LECG report were both commissioned and paid for by the Egg Producers Federation. This means that the Egg Producers Federation set the framework for the reports and that the federation was the report authors' client. The members of the Egg Producers Federation support the retention of battery cages and have a financial vested interest in maintaining the status quo. The reports cannot therefore be considered to be either objective or independent. The March 2010 Nimmo-Bell &amp; Company Ltd report is described as a "Final" report. No information is provided as to whether an earlier edition of the report was provided to the report commissioner and changes were made in response to feedback provided by the Egg Producers Federation.</p> <p>The MAF report used Nimmo-Bell &amp; Company's analysis (see paragraph 6, page 1 of Summary of the Economic Analyses on the Draft Layer Hen Code of Welfare). This is entirely unsatisfactory. As explained above, reports commissioned by industry groups with a vested financial interest in the status quo cannot be regarded as objective or independent. MAF had a duty to produce an independent economic analysis. It has not done that and accordingly its economic analysis cannot be relied on. A further shortcoming in the economic analyses relied on in producing the Draft Code is that not one of the reports contains any information at all from free range egg producers. This seems an astounding oversight and clearly demonstrates a failure to come to the task of drafting a new code with an open mind. Financial information from free range egg producers would have been of clear relevance if the code drafters had been contemplating the option of moving entirely to free range production of eggs. The fact that no such information was sought shows that, in effect, the code drafters began their work with some possible options already ruled out of consideration.</p> <p>The reports also contain no information at all about retail prices for free range eggs. Producers both in New Zealand and overseas have demonstrated increasing concern about animal welfare issues. This has translated into growing sales of free range eggs and free range pork. Free range products typically attract a price premium over battery eggs and sow stall pork. The economic analyses should accordingly have included details of retail prices for free range eggs. Economic modelling could then have been done to determine how much egg producers' incomes would increase if they moved from production of battery eggs to production of free range eggs. That additional income would offset some of the capital costs of the move from battery to free range production.</p> <p>It would also be instructive for MAF to obtain information from retail outlets about consumer preferences in relation to battery and free range eggs. Victoria Park New World supermarket in Auckland began labelling its eggs about five years ago, dividing the shelf segments into "free range," "barn" and "battery" eggs (there has been some alteration to these descriptions over time with the word "caged" being used in place of "battery"). Since the labelling began, consumers have demonstrated a stronger and stronger preference for the purchase of free range eggs, and these have come to occupy more and more shelf segments, while battery eggs have occupied fewer segments. In February 2011, for example, only seven of the 30 shelf segments contained battery eggs. Consumers have accordingly clearly demonstrated that they are prepared to pay a premium for free range eggs.</p> <p>The economic reports fail to make any attempt to calculate the damage to New Zealand's reputation internationally and consequent threat to export earnings from a continuation of the use of battery cages. New Zealand is an agricultural nation,</p> |
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|  |     | heavily reliant for its income on dairy and other agricultural products and tourism. All of these industries rely on the international promotion of a “clean, green” image for New Zealand. Cruel treatment of animals is entirely inconsistent with such a brand. In compiling economic data relating to the draft code, MAF should consider the benefit to this country’s reputation from being able to promote itself as Number One internationally for animal welfare if cruel animal practices were banned. This would be an immensely valuable brand for New Zealand to work towards and one which would inevitably bring economic rewards. |
|  | 120 | There are economic benefits for even the farmers who might care little for the welfare of their birds. A healthy hen may lay less eggs per day than a battery-caged one but its life is likely to be greatly extended, therefore still providing a profit over the course of its life. There would also be less bird fatalities and therefore less ‘replacement costs’ for farmers. The quality of the eggs will arguably be of a higher quality, too, which will obviously appeal to consumers and generate more sales over time.  |
|  | 129 | I do not agree that the economic analysis undertaken has been adequate, since the economic cost of option five has not been considered (Consultation document, p. 5). Although this is obviously the most radical of the options provided, economic analysis should still be undertaken if NAWAC is to do its job properly, and such analysis should include not merely the costs to industry and increased prices to consumers, but also the opportunities created by the changed demands for labour and husbandry of non-cage-based systems.  |
|  | 153 | It is stated that MAF is not investigating the option of phasing out all systems where hens are not loose-housed because it considers that the colony system allows hens’ behavioural needs to be met.<br>This fundamental omission rather forces one to suspect that MAF’s restriction of the economic analysis brief is based on what industry representatives have said the industry is prepared to do, rather than on the principles of the Animal Welfare Act under which NAWAC is mandated.   |
|  | 159 | That NAWAC commissions an economic analysis of transferring of all battery type hen farming to barn or free range farming systems. There are several alternative systems that have been successfully introduced in New Zealand and elsewhere in the world. One system that particularly offers itself to New Zealand farming conditions is the introductions of free range hens into sheep, cow and pig free range farming (by running hens in paddocks following other stock). This can significantly increase soil health, reduce parasite loading and assist with the overall sustainability of farming systems.                               |
|  | 169 | I was disappointed to see that both the independent report commissioned by the EPF and prepared by Nimmo Bell and the report commissioned by the Ministry of Agriculture and Forests (MAF) also commissioned by Nimmo Bell failed to address the consideration of economic impact of changing the complete egg production of New Zealand to free range. Whilst this would likely be a long term aim it would give good comparison figures for government to consider alongside the cost of conversion to enriched cages.  |
|  | 59  | No. A steady price rise in staple foods like bread, milk etc has never precluded consumers purchasing them. Why should eggs be an exception?<br>Free range farms are more labour intensive and therefore provide more employment opportunities.<br>Free range farms are humane, hygienic, and environmentally friendly and offer healthy working conditions.<br>The summary of economic analysis makes no mention of the dramatic improvement free range would make to animal welfare, or to the health of the human being.<br>Overall the draft is biased, misleading and paints a particularly bleak picture                                    |



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|     | 177 | The NZVA does not have the expertise to adequately critique the economic analysis.  |
|     | 176 | The economic analysis takes a conservative approach, noting that it does not want to underestimate effects when considering whether changes to the code would result in the industry shutting down. For example, it assumes elasticity values (which represent how closely linked price and demand/supply are) which are about three times <sup>[1]</sup> that suggested by studies (-1 for supermarkets and other retailers, and -1.5 for industrial users), and at the elastic end of the spectrum when the analysis recognises that the relationship is inelastic. Such an overly conservative approach is likely to give an untrue picture of the economic impact of changes to the code. More likely values of elasticity are considered in the sensitivity analysis, but use of the inflated values in the main body of the analysis suggests that they represent the most likely outcome |
|     | 180 | SAFE believes the <i>Economic Analysis</i> report, that suggests that the industry may experience economic hardship due to a ban on cages, is irrelevant. The egg industry has had ample time to adjust to cage-free systems, particularly in light of new scientific knowledge that reiterates compromised welfare issues with cage systems.   |
| Qn2 |     | <i>2. Are the assumptions in the draft economic analysis reasonable? Some of the main assumptions include the cost to farmers of converting and operating their farms, consumer responsiveness to increases in egg prices, and the degree of overseas competition and import substitution. If not, what assumptions do you suggest? Please state your reasons.</i>  |
|     | 24  | No eggs allowed to be imported unless certified by the country of origin to be free range.<br>Any substantiated proof that the certification is false would lead to the indefinite banning of eggs from that country. (Effectively freshness of eggs would mean that they would have to be air-freighted which would probably remove cheap competition).  |
|     | 25  | I don't think it takes into account the potential for new policy to be introduced by the government which could prevent eggs being imported to the country which don't meet the new minimum standards. I also don't believe that consumer demand will change that much as eggs are essentially a necessity for various essential food stuffs and meals in the home.   |
|     | 72  | The greatest risk to the industry would be a change to the biosecurity rules which currently largely protect it from foreign competition. If these rules were to change, the negative impact on the industry could be very significant. The actual working life of current cages needs to be clarified. The Nimmo-Bell analysis assumed cages had a working life of 25 years. The MAF analysis assumed 8 years but this is based on depreciated value rather than an actual working life. In my view, a prime determinant factor of the change-over date is the working life of the cages.  |
|     | 98  | Yes the assumptions are reasonable. It is my understanding that some of the fact to form these assumptions comes from data provided by farmers.   |
|     | 100 | Further to the point regarding choice, we feel there is a danger of creating fewer and larger farms, if care enforcing the new code is not taken. If this were to result, then competition could reduce, thus unnaturally pushing up the price of eggs, perhaps beyond the reach of families already struggling to provide themselves with adequate nutrition. This is a crucial point, and we believe must be given careful consideration.   |
|     | 101 | Government investment in egg production through grants would help solve funding issues, and market size will not reduce if such investment is made. Market volatility is a given, whether eggs are supplied by caged or free range hens. Improving communication between consumer and producer through positive campaigns could provide more stability. Returns should improve with a switch to free range systems, as free range eggs always command a better price than caged.  |
|     | 113 | New Zealand has a unique status in the world being free from the major avian diseases. This is of considerable importance, not  |

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|  |     | <p>only to the poultry industry, but to the general society in NZ as our unique bird wildlife would have no immunity to the arrival of diseases such as Avian Influenza, Newcastle's Disease, or Infectious Bursal Disease.</p> <p>This unique status means that the importation of eggs is extremely difficult because of the risk from one or more of the above diseases.</p> <p>These factors mean any impacts on New Zealand's egg producing sector have to be carefully considered as, unlike other parts of the world that have made similar changes to their domestic egg industry, we cannot simply purchase any shortfall in production from another country.</p> <p>In effect the suggested changes in the Code of Practice will stop the retail of the eggs from the production system(s) not allowed by the Code of Practice. To our knowledge this is not the case in any other circumstances where similar changes in farming systems have been made overseas.</p>   |
|  | 134 | <p>We did not participate in the EPF survey regarding economic analysis. We are not sure how many farmers did respond therefore we cannot comment on the validity of the information. We are concerned that assumptions are heavily weighted toward scientific studies rather than the practical realities.</p>  |
|  | 145 | <p>The calculations I have seen regarding the extra costs and resulting egg price increases are grossly underestimated as no-one has accounted for the supply and demand factor. Once the small farms such as mine, who cannot afford to change without a price increase are forced out the remaining larger companies who have the luxury of gradually changing their system and writing the cost over a much larger flock will have a market so short of eggs that they can charge what they like. The banks would be unlikely to fund extra capital costs if the only plan for recouping these costs is to hope enough other farmers go broke so I can increase my average sales price.</p>   |
|  | 152 | <p>The second aspect of a move to ban conventional cages is the effect it will have on imports of eggs. Liquid egg (pasteurised) for processing uses can be imported now, and compared to the poultry meat sector, the scientific phytosanitary case to restrict imports of shell egg is not strong. Lobbying by our supermarket sector, much of which is Australian owned, could remove this protection, if the price of shell eggs rises too much as a result of an egg shortage due to farmers exiting the industry, or the costs of installing compliant equipment. Recent experience with MAF attitudes to imports of fresh turkey and pork show that MAF's commitment to upholding past levels phytosanitary protections is now being re-evaluated against lower standards. The experience of the pork industry with consumers' attitudes to imported pork produced under conditions that would not be allowed in New Zealand does not fill me with confidence that public opinion regarding eggs produced in conventional cages will translate into purchasing behaviour if cheaper eggs are available from overseas sources.</p> |
|  | 164 | <p>The Green Party consider free-range or barn systems are the only viable alternatives, as they provide for animal welfare of hens; do not breach the animal welfare act, and are supported by consumers. They are therefore the only alternatives for the industry that, we believe, will create long-term investment certainty within the industry.</p>   |
|  | 196 | <p>A lot of the assumptions seem to be nothing more than pure conjecture. Any thing less than allowing farmers to fully utilize their plant until it's economic life is over will make for very lean times indeed. It is all very well to assume that a significant rise in the price of eggs will compensate for an earlier changeover to alternative poultry housing but we do not operate in a cost-plus environment with regard to egg returns. A significant rise in pricing will only occur if an egg shortage eventuates due to farmers closing down. Perhaps then we will see the import ban on eggs lifted and product will flow in from Asia.</p>  |

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|     | 59  | The assumption that 'loose housing' would accrue higher costs than colony or barn systems is an out right lie.   |
|     | 175, 181  | We believe the assumptions of the draft economic analyses are reasonable and the main assumptions are agreed. A detailed survey was undertaken of all EPFNZ cage production farmers. The responses were gathered on the basis that the information would be confidential. The survey responses were forwarded to an independent third party. The third party then forwarded that information to Nimmo-Bell Ltd to analyse and prepare their report. This information was then provided to MAF to ensure that comprehensive, current information was available to underpin their economic analysis.   |
|     | 176   | The assumptions regarding the consumer response to changes in egg prices appear quite reasonable in terms of the inelasticity of demand of consumers. It is a reasonable assumption to make that supermarket demand, which accounts for almost 50% of demand, and other retail, accounting for about 37%, is quite inelastic. An estimated cost increase of 10-14%, set out in the analysis, is unlikely to result in a drastic downturn in demand. Eggs are among the top selling supermarket foods in New Zealand, and are key ingredients in many recipes. Also other well-known protein sources such as meat and nuts can often be quite expensive. The assumed demand elasticity of supermarkets and other food retailers is quite conservative, at three times the elasticity suggested by studies, so the lesser elastic assumption used in the sensitivity analysis is preferred, as it more likely reflects real consumer reaction to changes in egg prices.<br>Industrial users of eggs are likely to be more elastic than other consumers as they do have the option of substituting fresh eggs with imported, powdered egg if the price changes. However, further information is needed about the price and availability of this substitute before assuming their higher elasticity. |
| Qn3 |   | <i>3. The draft economic analysis estimates, depending on the transition process to colony cages, an increase in the price of eggs from caged systems of between 10% and 14% and a decrease in the availability of caged eggs of between 10% and 13%. The total cost for producers and consumers is estimated to be between \$16 million and \$21 million per annum, or between \$6.01 and \$8.24 per bird per annum. What is your view on the size of these impacts?</i>  |
|     | 2, 19, 86, 88, 101, 133, 158                                      | In 2002 a Colmar Brunton survey found that nearly eight out of ten New Zealanders would be willing to pay more for their eggs if battery cages for hens were banned.   |
|     | 7, 53, 87, 105, 106, 117, 142, 146, 157, 193, 206                 | I am quite happy to pay the true cost for eggs from hens that are given a good quality of life.  |
|     | 14, 16, 26, 28, 30, 34, 45, 77, 96, 114, 124, 136, 146, 170, 204, | I appreciate that welfare improvements must be balanced against the costs of their implementation. However, I maintain that these costs are insufficient reason for continuing to engage in such cruel practices. I believe that such mass-scale cruelty is unjustifiable, and we (the producer and consumer) need to be willing to either foot the bill for humanely-raised produce or go without. My primary concern is with the welfare of the hens, not with the price of eggs. I believe it is essential the welfare of the animal has priority over economic benefits for the egg producers.   |

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|  | 93, 158    |   |
|  | 17         | Rises in the cost of food places families under pressure. Eggs are a staple food and they do not seem to be affected by global pricing the way milk and butter are. Improvements to the quality of life to hens is only desirable if this can be achieved without inflating the price of eggs.  |
|  | 21         | No battery or colony cages should be allowed. The economic consequences of this may be difficult, so the government should help farmers to make these transitions. I would be willing to help pay for these transitions in taxes.   |
|  | 24, 78, 84 | Since free range eggs are already reasonably close in price to battery ones, increased competition is more likely to drive that price down. If the battery eggs were no longer an option in supermarkets and more ranges of free range eggs became available, perfect competition would reduce their cost over time which would not make them a luxury item and I'm sure we would be able to sleep easier.  |
|  | 25         | I think the NZ economy can cope with these transitional costs. I also believe they (predicted costs) are larger than the costs that will actually be felt   |
|  | 55         | Alternative systems to cages already make up 10 per cent of the egg production market and while there is looking like some further increases there is still 90% market buying the caged eggs, these are in my opinion superior in quality to the alternative system because of the less risk of disease and antibiotics required, there is also the price factor. I see more farmers farming by these systems and price decreasing in a normal market (margin between systems closer) as it is. With New Zealand only this system this price I'm sure will be beyond the current purchase level of a large number of New Zealand families. What will that impact be on health and eating habits?  |
|  | 72         | Consumers will have to bite the bullet of price rises to meet their demands for higher welfare standards. I agree with the LECG analysis that the risks of import or market substitution are low. The recent movement in the prices of alternative protein sources suggest that a 10-14% price rise for eggs would not be out of the way. However, short term price volatility would be problematic.  |
|  | 81         | That is, the continued provision of eggs and egg products to the whole population of this country at an affordable price, recognising that eggs are a highly nutritious food, forming an important part of a healthy diet. While it may be argued that in an ideal world, all hens could enjoy optimum free range conditions, the result in New Zealand would be to put eggs out of the price reach of ordinary families, thus severely impacting on their welfare.   |
|  | 98         | Yes depending on the transition period the cost to both the farmer and consumer are significant. As a farmer if I decide to stay in the industry and therefore reduce my cash flow to put aside funds to go towards transitioning to the colony cages, I am going to want that money back and some. I am sure that every farmer is going to want a substantial increase to cover the forced extra investment.   |
|  | 101        | The presumption that changing to more humane non-cage systems will be costly for farmers is based on the assumption that consumers will not be willing to pay extra for eggs from non-cage systems and therefore that (i) farmers will have to bear the additional costs alone and (ii) consumers will turn to imported eggs produced in cages. Based on a costs prediction of \$20 million and a population estimate of 4,5 million, each New Zealand citizen would only have to pay approximately \$4.60 per year to transition to a colony cage system. A similar form of economic analysis should be carried out with respect to a transition to a free range system to enable this to be considered as an option.<br>Although the industry makes much of the fact that changing to barn and free-range systems will increase production costs, it fails to point out that those increased costs are more than compensated for by the appreciably higher margins that producers |

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|  |     | can obtain for barn and free-range eggs.   |
|  | 113 | <p>The decision making on this issue will be by the owners of the 47 farms that supply almost 90% of New Zealand's eggs. It requires only a small proportion of those farms to not upgrade and considerable volatility will occur in the New Zealand egg market. While the volatility will mean high prices for a considerable period of time as seen by the consumer, it will still be short when seen in perspective with the economic life span of the enriched colony system from the farmer's point of view. If the transition is not successful the impact on the general population of NZ will be significant.</p> <p>Any disruption to the supply of eggs will have at the very least a major impact on the price of eggs and possibly further downstream effects on other businesses such as the food manufacturing sector.</p> <p>The average household is facing pressure on their disposable income with food price increases already part of this problem. The majority of macroeconomic analyses expect this to be a continuing global trend, even in the long term. Eggs are an acknowledged value for money food source especially for lower income households. Any increase in the cost of eggs may have a disproportion effect on household diets because of the factors already in play.</p> <p>Market pressure as above will self correct. The higher prices will initially reduce demand, perhaps with an impact on household diet, and eventually increase the supply of eggs. However there is considerable lag to increase production.</p> |
|  | 134 | <p>As one of the 47 farms affected who provide 88% of New Zealand's egg supply, the costs are prohibitive. The cost to the consumer is of equal significance with concern that a hike in prices will put eggs off the menu and out of reach of lower income earners. Consider the average kiwi household. A decision now that signals major change to an affordable diet staple is ill timed. The country has no money, families are struggling, the price of milk and fuel is up, and generally times are tough. The NZ public have made it clear what is acceptable to them through their buying behaviour, with 88% buying eggs produced from cage hens. While the majority of average kiwis will not make a formal submission on this issue, they are clearly voting through their pockets.</p>  |
|  | 135 | <p>After farming both free-range and cage hens my opinion is that there is room for both systems to co-exist in the marketplace. The growth of free-range is mainly limited by consumers' affordability. Only a small proportion of the population can afford free-range eggs. The majority of the population continues to buy cage eggs and we need to be able to continue to effectively supply this market with an affordable egg.</p>  |
|  | 152 | <p>At the same time NAWAC appears to ignore the stated aims of activist groups that they will not be satisfied with the enriched cages, and indeed that all intensive agriculture should be proscribed. Given the lack of backbone to public sentiment on conventional cages (88% of eggs sold in NZ are produced in conventional cages) when it comes to purchasing decisions, NAWAC is in danger of wrecking a solid industry for minimal gain, both in the eyes of the activist groups, who will not be satisfied with the proposed changes, and consumers who will pay more for a staple protein source, not to mention the farmers and their staff, and the ancillary industries (feed mainly) who will lose their livelihoods.</p>   |
|  | 153 | <p>Similarly, an increase in the price which the consumer must pay for eggs if they are produced more humanely needs to be kept in perspective. In the developed world we pay less for food as a proportion of our income than at any time in history. People will get used to a higher price in a relatively short period of time, and if the higher price does translate into lower consumption, no consumer is going to be worse off in any significant way.</p>  |
|  | 154 | <p>Actions such as banning battery cages will only make matters worse, pushing eggs out of the reach of so many New Zealanders. Most of the public prefer battery eggs to free range; they have been produced like this for generations, now is not</p>  |

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|  |     | <p>the time to take an action most people don't want, namely banning caged egg production. The media tends to focus on the minority view giving protestors excessive coverage which can result in public opinion being misgauged. That is why the only true measure of public opinion is the buying habits of the public. With free range eggs freely available people have a choice. The way they exercise that choice is the measure of public opinion that is relevant.</p> <p>By far the majority of NZers do not support a change in animal welfare codes as is evidenced by their buying preferences. I ask that NAWAC and the Government are not swayed by a small minority of people who by their calls for the banning of cages show a callous disregard for the ever growing population of poor in this country. Eggs are an important part of a child's diet and taking an action that will take eggs off the tables of so many would be cruel.</p>  |
|  | 174 | <p>I believe that with the removal of Conventional Cages, the current systems, and if the proposed ECCS cages were not approved [ie. total ban on cages] this will increase the current egg price to the average New Zealand public between 60 % to 80 %, due to the current free range and barn egg prices. This will make it basically unaffordable to the NZ public. Eggs being a necessary and basic food staple will cause protein shortage for these buyers.</p>  |
|  | 196 | <p>Nothing more than pure conjecture. It seems to me this whole line of theory of what may or may not happen is a little like playing the futures market, except one could be ore certain with futures. The only cost that can be predicted with some degree of accuracy is that of converting to alternative equipment and housing based on today's prices. This is why we must be able to farm out our existing cages before replacing with new systems with NO final time imposed.</p>   |
|  | 140 | <p>In terms of consideration toward the potential impact of any transition away from cage systems on the consumer, the SPCA strongly disagree with the statement that "...although consumers may express a preference for one housing system over another, evidence shows this may not translate into purchasing behaviour". In fact, it is noticeable that, since supermarkets have begun labelling their eggs "free range" or "cage free" the amount of free range and barn eggs provided in supermarkets has steadily increased, whereas the amount and range of caged eggs have decreased.</p> <p>The increase in sales of free range product has consistently out-stripped predicted sales by the New Zealand Egg Producers. Supermarket sales of free range eggs increased by 49% in the year to September 2009 and a further 30% to May 2010.</p> <p>The SPCA does not believe that any consumer will suffer unduly from the price increase should cage system farming be phased out. The Government's recent decision to completely phase out sow stalls by 2015 was welcomed by the vast majority of New Zealanders and Minister David Carter stated "[There is] increasing opposition to highly intensive systems of pig farming and New Zealand has a role to play in leading the way". He further stated "...there was an opportunity for the pork industry to position itself as adopting some of the toughest welfare conditions in the world, and to persuade consumers to buy pork produced with humane methods".</p> <p>Both these statements are admirable and the SPCA continues to wonder what it will take for the Minister to apply the same logic to layer hens. There has been no consumer uproar to the phasing out of sow crates and the associated "rise in prices", quite the opposite, and we feel there is no need to see egg prices any differently.</p> <p>The New Zealand consumer copes with regular meat, milk, butter and cheese price increases with no protection from Government leaving the question as to why interference at this level should be afforded to sustain an industry that does not</p> |

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|          |  | comply with the Animal Welfare Act.   |
| 158      |  | <p>Some people will object to a ban on all cages because eggs will cost more for the consumer. It is definitely likely that in the short term at least, the extra costs borne by the industry will have to be passed onto the consumers, and the price of eggs will increase a bit. Ultimately however, in the long term the market will settle down again.</p> <p>Many people will of course claim that they cannot afford the Free range eggs. And there is no question that they are, on average, more expensive than Cage farmed eggs. But only slightly more expensive. Many people object to this extra cost, and ask "Why are Free range eggs so dear?" But they ask the wrong question. Instead it should be, "Why are the Cage eggs so cheap?" The reason they are cheap is because the industry exploits the animals to the very limits that the law will permit (and even beyond that limit in a few cases). This is why the law must be changed.</p> <p>In most cases the price becomes an invalid argument anyway. Most of the people who seem to object to the higher price of Free range eggs, usually seem to be able to find money for luxury items easily enough. Luxuries such as cigarettes, alcohol, fizzy drinks, chocolate, or crisps, for example. There is no way that these can be considered necessities. The difference between a dozen Free range eggs and a dozen Cage farmed eggs is usually only about the cost of a cup of coffee. Most people can afford the extra cost if they really want to.</p> <p>However, some people will legitimately point out that there are a small number of Kiwi families that truly do struggle, and can't afford any luxuries. I am on a very low income myself, and can definitely appreciate that. The first thing I think of in response to this argument though, is this: "If there are people among us who are truly that desperate, then what is wrong with our society? Can't we do better than that?" The next thing I think of is, "How do we help these people?" But that would be a long discussion. Perhaps this is a question we should be asking our politicians in this election year: "What are they going to do to address the growing gap between the rich and the poor?"</p> <p>Essentially, the solution is not to confine birds so poor people can afford their eggs. The solution is to address poverty. It is important to realise however, that whether we are rich or poor, the fact is we do not even need eggs at all to be healthy or happy. There are many adequate, nutritious and affordable plant sources of protein. Many people around the world get ample protein in their diet with a mixture of Rice &amp; Beans, for example. And perhaps if we are genuinely struggling to make ends meet, then we could just eat fewer eggs. Instead of buying a dozen Cage eggs each week, perhaps we could buy 1/2 a dozen Free range eggs. Yes, most of us like eggs, but we do not actually need them. To my knowledge, no-one has ever died from „Egg deficiency syndrome“. And if they are not actually a necessity, how can we then justify keeping the hens in such misery on any grounds?</p> |
| 175, 181 |  | <p>The draft economic analyses give an overview of potential costs. These are substantial costs when one takes into account that there are only 47 current cage farmers. These farmers produce 88% of the current egg market.</p> <p>The issue of food costs for consumers is always important. An increase in the price of eggs of between 10% to 14% is substantial. This reinforces the need for an orderly transition process.</p>  |
| 176      |  | <p>The size of these impacts is overstated. Firstly, a 10% to 14% increase in price will only have a negligible impact on individual households, even those that widely consume eggs. For instance, a household that spends \$10.00 per week on eggs will still only spend between \$11.00 and \$11.40 per week. Therefore, the impact of the price increase will be widely spread amongst individual consumers and producers so that it is minimally felt.</p>   |

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|     |   | <p>Secondly, the higher price of eggs will be proportional to the slightly higher value they will have. By switching from battery to colony cages, consumers will be purchasing eggs which are moderately healthier and more humane. The slight price increase reflects the slight increase quality of these eggs.</p> <p>It is important to note that this same analysis would apply in relation to a transition from battery cage systems to free-range systems. That is, a change to free-range systems would increase egg prices but this would reflect the higher quality of these eggs, which would meet considerably higher welfare standards and be more environmentally-friendly than eggs from either battery or colony systems. Furthermore, it is widely acknowledged that the health benefits and taste of free-range eggs is much greater than those in caged systems, as the hens are exposed to a more natural environment. These significant benefits to the consumer would be reflected in the higher price paid for the eggs. In other words, consumers would not be paying a higher price for the same egg but purchasing a different type of egg altogether.</p> |
| Qn4 | <i>4. Farms need time to plan changes to their systems, secure resource consent and financing, source new cages, and train staff. Do you have any information or views on this issue?</i> |   |
|     | 11  | The farm I worked on had free range and battery facilities so for him to change it would not cost much. It seems normal New Zealanders will pay more to ease the conscience of the people at the SPCA.  |
|     | 25  | I've never owned a farm so I have little understanding of how long it will take to convert. I think it should be done as soon as possible.  |
|     | 12, 40, 83, 96, 157, 159, 137, 141, 168, 178, 190, 140, 158,  | In the interest of the farmer, it would be more far-sighted to ban cages now, resulting in a one-off outlay, and providing him with many more years of productivity from his farming system. It appears unreasonable and unfair to encourage farmers to invest in colony cage systems when consumer presume may well mean that this standards if adopted now may have to be reviewed again in not too distant future.   |
|     | 55  | <p>Other than the obvious cost, sales disruption etc outlined by the Egg Producers Federation, local Govt resource consent is a nightmare. Existing consents would need to be replaced and in my case a council that is not willing to make this easy. 22 months ago I bought a property to develop a free range farm, after 6 months of drawing up an application I've spent the next 10 months trying get neighbour support to have just one non support, going back to council it has been another 6 months of hitting head against wall and while my application has been in it still hasn't been notified.</p> <p>I think that the case of the Europe change over is an example of problems involved. Some countries are not able to meet the deadlines, manufacturers having long delays supplying equipment, producers been financially disadvantaged and sales lost, price increases and consumption decreases. The shorter the time frame the greater the plant depreciated and therefore income effected in shorter period rather than spread of wider time</p>   |
|     | 67  | I am of course suspicious of your wording at the end which suggests that the option may not be feasible (option 2) for economic reasons. It is listed as an option because there is reasonable chance that it can be achieved. If farmers are told that they have to meet the deadline, they will find a way to do it. MAF has to take a firm stand if it wants to be perceived as being serious about animal welfare.  |
|     | 68  | NAWAC is empowered to represent the people of New Zealand who expect husbanded animals to be treated with proper  |



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|  |     | consideration of their welfare, and not just as disposable 'units' for economic gain. It is unfortunate that many producers in the egg industry have been led into confining hens in a brutally cruel manner, but now that we fully understand what this means for the hens, we must move away from such industrialised confinement of sentient animals. It is absolutely repugnant.  |
|  | 72  | <p>The clock started ticking in 1995. Producers who chose to ignore the signals from the 1995 Code and the subsequent events such as the review of the Code by the Regulations Review Committee should not be rewarded for burying their head in the sand.</p> <p>The 1995 Code provided a series of transition steps for cages in an attempt to make incremental progress but they were largely discredited by the Regulations Review Committee because they contributed very little to achieving the behavioural objectives – a view I agree with.</p> <p>I believe fundamental structural changes are inevitable. It has long been considered that banning cages would force smaller players out of the industry with the “slack” being taken up by the larger players.</p> <p>The decision on the cut-off date should be influenced more by the needs of medium and larger players rather than the small players. I found the MAF analysis which takes account of both producer and consumer likely behaviour to be the most creditable estimate of what might happen.</p>                                    |
|  | 81  | Finally, although it is clearly not NAWAC's role to act as a public relations adviser to the egg industry, I think it would be helpful to make the general public aware of the realities of egg production in New Zealand compared with other countries. European countries that have banned conventional cages have the easy option of maintaining a supply of cheaper eggs by importing them from other countries that have not introduced such a ban. This country does not have such an option (at least under present biosecurity restrictions), so the economic impact of changes to our current cage system is much greater.   |
|  | 98  | At this stage I have not investigated any thing towards transitioning to colony cages other than knowing the significant extra costs of increasing shed size and the colony systems.  |
|  | 101 | Producers should not be left to bear the higher production costs themselves. The increased costs can be met by a combination of government support and consumers paying a little more for eggs, which as indicated above, will only be a few cents per week.  |
|  | 113 | <p>Even if we embarked on the update of our cages to colonies immediately this project would take a considerable time. To minimise disruption to current egg production we would change a row every laying cycle in each shed. With laying cycles changing every 20 weeks it would take an estimated two years to complete the changeover.</p> <p>Issues with finance, consent, sourcing chickens, purchasing equipment (especially from USA or Europe where there is difficulty in getting manufacturing space due to domestic need for similar systems), building and assembly of rearing equipment then laying equipment, rearing to point of lay (itself taking 18 weeks) all means that we allow 18 months from initiating a production increase to start of lay.</p> <p>There will still be disruption to egg supply if all the farms decide to upgrade due to the effect of making the physical changes. We believe that the proposed welfare code of practice will see the demise of the family owned egg farm as it currently exists within the industry and see the dominance of corporate control.</p> |
|  | 114 | New Zealand has very generous bankruptcy laws, a social welfare system, state funded health system and other social services to protect anyone from the consequences of job loss or business failure. While the perpetrators of battery farming and beak trimming would face no real hardship if these cruel practices were banned immediately, millions of existing victims of these   |

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|  |     | practices, and perhaps tens of millions of new victims, would be deprived of their basic welfare, liberty, and bodily integrity during a phase out period.   |
|  | 128 | We need to be leaders in animal welfare and ban all cages for layer hens. Yes it may be costly but if it means 3 million hens do not have to live in a cramped cage their entire life and instead get to roam greater distances, go outdoors (if on a free range farm) and therefore live more natural, happy lives then it is worth it.   |
|  | 132 | New Zealand has plenty of land and a relatively mild climate there is no reason layer hens can not be kept on free range farms with all day access to the outdoors. Many of my hens choose to sleep out doors all year round in trees where they feel safe from predators, they do not appear to worry about rain or cold wind.  |
|  | 134 | An extensive timeframe is crucial to farms that opt in, along with access to expertise help and training resources e.g. planning, resource consents, equipment supply. Farmers that choose to convert within an earlier timeframe need to be reasonably incentivised by the Government.  |
|  | 134 | It is also of concern that colony housing has not produced consistent results in the EU. Their experience indicates that we may wish to exercise caution in specifying conversion to colony housing. It has changed the face of their egg industry and some EU countries are experiencing real problems such as shortage of eggs, market volatility and lack of support from farmers. Some farms closed the doors rather than absorb the changeover cost. Some have simply chosen not to convert and it is estimated up to a third of chooks in the EU will still be in conventional cages when regulations change. Leading German retailers are refusing to sell eggs from any cage system, whether battery or colony. This has forced farmers into a situation where they cannot find a market for their eggs despite having converted to colony housing, and they now face further conversion to barn or free range. Austria has stated they will phase out colony housing by 2020. We recognise how the animal welfare movement and public perception of conventional cages has gained momentum over the years. However we also recognise the ardent animal welfare campaigners are a small group with a loud voice. NZ already has a very good reputation regarding animal welfare and one which is streaks ahead of many countries. Most countries in the world operate conventional cages. The EU is being held up as an example we need to follow, yet our closest neighbour Australia is not, even though we follow their example in many things including quality assurance for eggs. Why we feel the need to follow the EU is questionable. |
|  | 139 | Some farms will start to put in colony cages on the back of this codes intention. Some already have. The proposed change will result in considerable upheaval for individual farmers and the NZ egg industry, not to mention uncertainty and probable volatility in the market which in turn will affect the end consumer. Before any final decision is made we support additional practical research into whether the health and condition of hens caged in colony systems is actually superior to those in cages. As the colony cage eggs enter the market let the public make their own choice as to which system they support – conventional cage, colony cage, barn or free-range.  |
|  | 144 | There is genuine and significant concern regarding the viability for IEP farms to convert to a colony system. Whilst this varies from farm to farm depending on factors such as age of current cages, availability of land, existing levels of debt, cost and revenue structures, cash flow requirements etc (see individual submissions), the key issues are as follows:  |

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|  |     | <ul style="list-style-type: none"> <li>○ Cost of converting existing cages/sheds prior to reaching end of economic life</li> <li>○ Ability to source additional land for those farms already constrained for space</li> <li>○ Cost to purchase additional land (including RMA requirements)</li> <li>○ Cost to purchase new sheds &amp; cages</li> </ul>  |
|  | 145 | <p>To change from my existing cages to the proposed colony style is no doubt expensive, as I am sure other submissions will quantify. When you add that to the fact that I may be forced to scrap existing cages with possibly 30-50% of their capital life left, I cannot see myself being able to afford to throw away a valuable asset plus invest in new cages and the necessary extra buildings and plant required to maintain my bird numbers.</p> <p>The turmoil following any requirement to change to enriched cages without compensation will create a very unfair playing field and force out farmers that would otherwise have remained in the industry.</p> <p>Even if you do allow a phase out period of 20 years the existing cages in the industry are not all the same age and therefore it will give an unfair economic advantage to those with large farms or newer non-colony cages, as small farms with older cages will be forced to invest far earlier in the more costly plant and equipment than those with newer cages or large farms with their economies of scale.</p>  |
|  | 153 | <p>It is further stated in the consultation overview document that 'Farms need time to plan changes to their systems, secure resource consent and financing, source new cages, and train staff.' It is important that this case is not over-stated. Producers can hardly claim that the requirement to move to more humane systems has hit them with the full force of revelation. Significant resistance on ethical grounds to 'factory farming' methods of producing animal products has been evident for about the same length of time as the methods themselves, and it is very basic good business management practice to monitor and pro-actively respond to societal shifts affecting business. If the response of individual producers or the industry as a whole has been to make no change, and/or to adopt practices which seek to address a problematic public image but do nothing for the welfare of the birds (e.g. become increasingly cloistered and use P.R. to obfuscate the issues), this has been a business choice from which battery farmers have profited. They cannot now expect to be granted excessive periods of time in which to initiate change. There would be some who would simply take this as license to continue business as usual before exiting the industry shortly before the date by which prescribed changes need to have occurred.</p> |
|  | 155 | <p>The biggest issue we see is that approximately 47 farms will face an investment of up to \$150 million over the next 20 years. Given the small number of farms to share in that capital investment this is a huge ask of any industry.</p> <p>After 30 years of farming one would expect that we should have built up an asset that would be a saleable business, as we are heading toward the age of retirement. However, due to the volatility of the layer industry caused by the numerous regulatory changes that have been forced upon us, we once again find ourselves in a situation where our business will require a further \$5 million investment to meet these new requirements.</p> <p>In the last ten years we have invested around \$3 million to keep abreast of the 2005 regulations and we now feel this is in jeopardy, not knowing if we will be given adequate time to realize a return on that investment. We question if there is any guarantee by us investing a further \$5 million that we could find ourselves in a similar situation in 15 years time. This industry must have assurance to move forward with confidence in the future of egg farming.</p>   |
|  | 164 | <p>The Green Party opposes the proposed 20 year phase out of battery hen cages. This is an unacceptably long period of time, as</p>   |

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|  |     | <p>the industry has known for many years that battery hen cages are completely unacceptable from an animal welfare point of view, and breach the Animal Welfare act, and they have had decades to prepare for such a transition.</p> <p>We note that the industry is seeking an alternative to the battery hen cage, which it will be required to phase out (in an unreasonably long time-frame of 20 years). We further note that the industry is wanting certainty, so that any new investment in alternatives to cages will be an enduring solution.</p> <p>In our view, colony cages will never provide this certainty, or an enduring alternative, as animal welfare groups will continue to oppose them, as will a growing number of consumers who are increasingly concerned about animal welfare.</p> <p>It would therefore be foolhardy for the industry to invest in them, as there is a significant capital cost in investing in these new systems. It would be an expensive mistake, and would simply prolong the uncertainty that the industry has been experiencing.</p>   |
|  | 170 | <p>This code should be concerned with the welfare of the hens, not with the economic implications of changing the system. These implications can be easily absorbed by the market, especially over time. It is commendable that the welfare indicators incorporate the natural behaviours of animals and current scientific practice and technology, but deplorable that these factors are shunned as soon as it might cost something to someone. I believe that it would be easy for farmers to change systems and train staff by 2016</p>  |
|  | 196 | <p>If we farmed out our current cages there would be a more orderly changeover to new systems without all the financial hardships and risk of damaging the egg market and pricing structure. Changes will happen as I cannot envisage any farmer purchasing new conventional cages in today's uncertain climate. Conventional cages as we know them will eventually go but please, not before they have finished their economic life.</p>  |
|  | 208 | <p>It appears that you are listening to the plea of the factory farmer who considers only the economic gains there are in production of eggs. It is clear that they have [illegible] you with talk of the time, money and difficulty involved in adopting to free-range systems. If you will forgive me I say this is simply 'poppycock'. If legislation ordered that systems change they have the means to afford these changes.</p>  |
|  | 59  | <p>Battery egg producers are not farmers. They have no sound knowledge or basic skills where humane farming practices are involved. Any transition that actually forces their resignation would invariably advantage the industry.</p>   |
|  | 93  | <p>The industry has had plenty of warning that public sensibilities are changing (see SAFE submission and bibliography), so a long phase out claiming "exceptional circumstances" would not be appropriate. Sadly, industry greed and duplicity and government capitulation to this is in no way "exceptional".</p>  |
|  | 140 | <p>To this end, although we have some understanding and sympathy for the costs involved to farmers who need to transition, we feel that the knowledge that layer hen farming in battery cage systems has been non compliant with the Act has been known, by both NAWAC and the industry as a whole, ever since the Act came into effect more than 10 years ago. Therefore the SPCA finds it hard to harbour much sympathy, as the years go by, and farmers make their profit as tens of thousands of animals are treated in such a manner that is intrinsically illegal in our country.</p> <p>Due to the pain, suffering and psychological trauma cage systems inflict on hens, the SPCA would prefer an immediate ban on all cage systems. However, to ensure that the economic impact of transition from cage systems to alternative systems is minimised, the SPCA accepts the need for a limited lead-in period.</p> <p>This would also allow for producers to undergo training and gain knowledge on alternative systems and would give breeders sufficient time to selectively breed birds more suited to barn and free-range conditions. Although these are moves the industry</p> |

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|  |     | should have been making for many years already, the SPCA is confident, based on international research and the structure of the national egg market, that a <b>seven-year period for the phasing out of all cage systems</b> will minimise both economic uncertainty and infrastructure disruption to egg producers in New Zealand. This also ensures minimum disruption to egg production for both producers and the public.   |
|  | 158 | <p>I can understand the reluctance of the farmers to change. They have a lot of capital invested in their operations. While I do sincerely feel sorry for any egg farmer who might face major financial difficulty as a result of industry reform, the bottom line is I feel much sorrier for the birds. Ultimately, I am of the opinion that no degree of financial hardship in NZ, can compare to the degree of suffering of the birds in their cages. Any cages.</p> <p>If the worst came to the worst for a farmer, and they ended up bankrupt, ultimately they would still be better off than the birds. Yes, it would be hard for them. But probably no harder than for the thousands of other families in NZ who are already living on the breadline. At least they would still have their freedom and autonomy. And surely if all cages are banned, then none of the farmers are going to face economic loss of that degree anyway.</p>                       |
|  | 175 | Farmers need an extensive time frame to plan changes to their systems, address resource consent issues and finance issues. The EPFZN has information on these issues. National Resource Management Act planning company Harrison Grierson has undertaken an analysis of the Resource Management Act implications, and this information was included as part of the Nimmo-Bell & Co Ltd economic analysis. Options to assist farmers in relation to the Resource Management Act are being considered by Harrison Grierson for the EPFZN. Training resources for farmers changing from conventional cages to enriched colony systems are also being developed by the EPFZN.   |
|  | 181 | All of the reports assume that all of the cash generated goes back to financing the transition and makes no allowance for a reasonable return to share holders. This is not a realistic assumption. Ability to raise capital may not be feasible in the current economic climate for an industry which historically operates on very low margins. The ability to source new equipment is likely to be affected by the changes happening in Europe there are still millions of hens in conventional cages yet to be changed to enriched systems. Finding and keeping skilled staff for the egg industry is a potential issue. There are no specific poultry training colleges and it is a challenge to get young people interested in this industry as a career. Indeed many of the family farms could be faced with succession issues as younger generations look to other career paths away from the egg industry faced with huge financial and legislative burdens. |
|  | 176 | Given global trends away from caged systems and growing opposition within New Zealand, most egg farmers will have anticipated a ban on caged systems. Many will therefore have already researched appropriate sources for changes to their systems, such as new cages. This means that a significant portion of the required research will have been completed before the phase-out period begins. We thus consider that a five-year phase out period would provide egg farmers with ample time to transition to more humane options. We also note that such a time period was applied to the recent ban on sow stalls, which house much larger animals.  |
|  | 180 | SAFE maintains that the egg industry should certainly not be rewarded for their lack of preparedness by a long phase out time. As already noted in our 2010 submission on the <i>Code of Welfare for Pigs</i> , a phase out of battery cages is likely to have positive economic outlooks for the country as a whole, including increase in employment, and more export opportunities due to our  |

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|     |             | <p>“clean green” image. “Exceptional circumstances” provisions should not apply in this case to justify a long phase out. The Regulations Review Committee already established that NAWAC were expanding the notion of “exceptional circumstances” well beyond the intent of the Animal Welfare Act. The select committee that approved the Animal Welfare Act in 1999 made it clear that the “exceptional circumstances” clause should apply to circumstances that were genuinely exceptional.<sup>14</sup> It cannot be used as a general opt out clause to cover industry short sightedness, intransigence or greed.</p>  |
| Qn5 |             | <p><i>5. In light of the reports and available information, what do you consider is an appropriate cut-off date for a transition from cages to colony systems or other housing systems?</i></p>  |
|     | 177         | <p>In purely animal welfare terms, our preference is clearly for Option 2. If NAWAC chooses a longer lead in time, we would suggest an additional requirement – that the space in the current cage systems is further increased by the removal of a further bird from each cage, at a specified date. We understand that this would provide a further 100-150cm/bird. While there are economic costs to do this and it does not provide adequate space to allow birds to express normal behaviours, it may allow a more acceptable transition period, since it is very likely there will be polarised views on what is an acceptable transition period.</p>  |
|     | 175 (EPF)   | <p>The appropriate cut-off date is 2031, being 20 years. This time frame, as the economic analyses demonstrate, will allow farmers to meet their current financial issues and be in a position to transition to the new system. In the view of the EPFNZ, these economic analyses are absolutely crucial in the deliberations on the cost and time frames of transition. The estimated capital cost to the industry of converting from cage to colony systems is between \$45 million and \$150 million, depending on the time frame. The increase in annual costs is estimated at between 10-14% with an equivalent increase in the cost of eggs to consumers. As the three economic analyses make clear, a short time frame could lead to capital redundancy and greater price variability. Therefore a longer time frame is required to ensure the significance of these impacts is lower. Currently 88% of eggs produced commercially in New Zealand come from hens housed in conventional cages. There is significant capital investment required to replace those existing current cages, especially if the change is made before the end of their useful (economic) life and the additional cost of colony systems.</p> <p>The EPFNZ believes that the significant capital cost means that a transition time frame of 20 years is necessary to enable farmers to cope with the transition. It is important to understand that, until the date the draft Code is enacted, farmers are operating totally legally with current cages. The changes proposed under the draft Code are a significant cost and impose a dramatic penalty on 47 farmers who supply nearly 90% of New Zealand’s eggs. Fairness and equity requires a reasonable transition period, and the information supplied makes it clear that 20 years is the appropriate time frame.</p> <p>A sensible and realistic transition time is also important for egg supply. The proposal to change to colony systems will potentially change the profile of the industry. There is a real concern that farmers may consider the cost too onerous and exit the industry at the end of the transition time frame, leading to a major shortfall in New Zealand’s most affordable protein source. It is therefore critical that the transition time frame not only allows farmers to meet the standards, but allows them to establish a viable egg farming operation under the new regime.</p> |
|     | 16, 21, 37, | <p>NAWAC should consider the economic effects of any transition, but this should not then override welfare considerations. It has</p>  |

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| 40, 45, 47, 105, 131, 159, 163, 170, 178, 188, 180 | a duty make a recommendation to the Agriculture Minister based on that. I strongly ask NAWAC to recommend to the government to not allow any kind of cage farming of hens. A five year phase-out would be reasonable and preferred.  |
| 7  | I am quite happy to pay the true cost for eggs and chicken meat from hens that are given a good quality of life. I support the banning of battery hen cages within a reasonable time period (maximum of 5 years).  |
| 17   | Improvements to the quality of life for hens are only desirable if this can be achieved without inflating the price of eggs. Otherwise, we should delay making changes until families can afford it  |
| 18, 19, 43, 83, 89, 99                             | The SPCA Blue Tick programme is already successfully using barn and free-range methods, proving there is insufficient economic reason for delaying the ban on the battery cages. Free range makes up about 10% of the market and is a humane and viable way to farm chickens for eggs. Require a complete ban by 2015  |
| 24   | All new egg farms to be cage free. All existing farms to be cage free by 2015, and all to allow access to outdoors for chickens by 2020.   |
| 25, 71   | I don't see any evidence to suggest that the mild change of moving to a colony system would be unachievable by the end of 2014   |
| 26   | Whilst I would prefer to see all hens free range, of the options offered in your draft I support Option 2 – staged phase out of cages by 2015 – 2020.  |
| 35   | In particular, I do not accept the economic argument brought forward again and again over the years to justify continued cruelty. Cages should never have been permitted in the first place. Farmers and successive weak governments have bought the economic problems on themselves, and should solve them now without perpetuating further cruelty to animals. NZ should adopt Option 5 as quickly as possible, and Option 2 by 2012 in the interim.   |
| 54   | Two years should be enough time to phase out current systems-of-cruelty if sufficient effort, resources etc are devoted to the task  |
| 55   | We should be aiming to provide best welfare conditions for hens into the future, doing so that it is viable as well as reasonable and beneficial to farmers, consumers and country. I therefore support the method best to do this, phase out cages by 2025.   |
| 72   | I favour a shorter rather than a longer lead-in time and suggest 2020 as the cut-off. Current cages which reach the end of their life before that time should be replaced only by the approved housing systems.  |
| 81   | I support Option 3: staged phase out of existing cages by 2020-2025. This seems to me to be a reasonable compromise between increasing hen welfare and reducing human welfare (because eggs will become more expensive).   |
| 98   | The differences between the 2005 code and the new proposed code are the abolishment of conventional cages and the implementation of colony cages. A transition time frame of 20 years is necessary to enable the industry to sustain such a change in production methods. Just thinking about blows my mind as to how on earth we on this farm, will do such a monumental task. One can not stick ones head in the sand and say it will never happen, so I applaud this process. The impact on our business regarding this decision is huge. We will either significantly tighten our belts to make the change to the colony system or exit the industry before the final transition date. |

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|  |          | I believe a 20 year transition period would enable us to pay off existing debt, plan how to do it, put money aside and start the process of changing over to the colony system. It is a huge task to undertake. Possibly small farms like ours will consolidate into one and on another site.  |
|  | 100      | Emphasis on support for Option 4. In support of this option, I would point out that we have completely upgraded our farm to current code cages over the last 5 years. Our gear is still very new, and has been a large capital cost commitment.<br>Finally, in response to concern for Hen welfare, we believe that a 20 year transition time to enriched cages, from the base line of the current modern setups that are universal, is acceptable. Hens in the current system, while not as free as in enriched cages, do provide a level of comfort and safety far above those of only a few years ago. We believe anything less than a 20 year changeover period would be unjust for all concerned. |
|  | 101      | Keeping hens in conditions where they cannot exhibit their instinctive behaviour is unacceptable and in breach of Section 10 of the Animal Welfare Act 1999. Therefore, battery cages should be phased out, over a timeframe of no more than two years. Producers have had plenty of time to adjust to changed consumer preferences, new scientific knowledge on welfare issues in cages, and latest research on ways to improve husbandry in alternative systems. In these circumstances, a two year phase out is reasonable  |
|  | 113      | The longer the transition time selected the more likely it is to be successfully completed without major disruption.   |
|  | 119, 127 | The alternative I suggest is that New Zealand should ban both battery and colony cages and move to entirely free range egg production from 1 January 2016. New Zealand could market itself as the first country to do this, allaying a good animal welfare image to its "clean, green" brand.  |
|  | 134      | If colony housing has already been decided on and submissions are merely a formality I support Option 4 to allow us sufficient time to minimise the impact and ensure the future of our farms and our employees. If the proposed code is accepted we believe a transition of 30 years is appropriate.  |
|  | 135      | In terms of the conventional vs. colony cage systems proposal, we ask for a 30 year phase out period to allow maximum return on the investment of our current equipment. This would also allow colony cage systems time to prove themselves in the market place and give farmers more confidence in converting.  |
|  | 145      | If you do not stay with the status quo you will be inflicting economic hardship on a large segment of the population that has voted with its dollars that they are happy with the status quo.<br>Any change without financial assistance will put further burden on the consumer.<br>Any change without financial assistance to the producer will result in unemployment and the resulting further social and economic troubles that will ensue.<br>Any change without financial assistance to the producer will create chaos in the market place.   |
|  | 149      | I believe that a <b>five-year phase out time is reasonable</b> given the transition has been anticipated by egg farmers for some time and that a similar time frame was applied in relation to bans in other jurisdictions (such as Germany) and in relation to sow stalls in New Zealand  |
|  | 152      | The EU has banned conventional cages from 1 <sup>st</sup> January 2012, but current indications are that over 50% of production in some countries will not comply. As the EU has lead the charge to ban conventional cages, NAWAC should wait and see how the Commission, individual member states and activist groups respond to their laggards before taking a <i>dirigiste</i> attitude to our own industry.  |



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|  |          | As the move to ban conventional cages is a <i>fait accompli</i> , NAWAC should have the courage to not only provide for a very long transitional period, but also provide for a reversal of the decision if the appetite for change dissipates in Europe or at home, or if the industry's viability is threatened by imports of caged eggs from overseas.  |
|  | 153      | The specified date for the implementation of meaningful improvement in the conditions under which layer hens are kept needs to be the earliest possible, not at the convenience of the industry.   |
|  | 155, 156 | <p>With regard to the five suggested options on transition time from conventional cages to colony cages, we believe that option 4, with a staged phase out of cages by 2025 - 2030 is the only realistic option based on the economic analysis and the effect on both farmers and consumers. We see 20 years as an acceptable time period.</p> <p>From a welfare point of view, we are aware of the pressure being placed on the industry and NAWAC by welfare groups and, as a compromise to the longer transition period requested by our industry, we suggest the following:</p> <ul style="list-style-type: none"> <li>- At 2020 birds housed in conventional cages (not old wire battery cages) must have 600 cm<sup>2</sup> per hen.</li> <li>- At 2025 birds housed in conventional cages must have 750 cm<sup>2</sup> per hen, being the same space as colony cages.</li> <li>- At 2030 all caged birds must be housed in furnished colony cages.</li> </ul> <p>We believe the above will assist with the transition to colony cages, while allowing the investment in conventional cages to be realized. It will also prevent a mass exodus of farmers from the industry at 2030 guaranteeing continuity of supply of eggs. If the time frame for the introduction of colony cages was any less than 20 years the above scenario would not be feasible.</p> |
|  | 161      | The only appropriate outcome in consideration of animal welfare (and public demand), being the key consideration that NAWAC alleges it has taken into account, is to ban any form of caged housing system by 1 January 2019, with cost increases being met not just by industry but by the government and consumers.   |
|  | 164      | In our view, the industry's lack of preparedness should not be rewarded with an extended phase-out period. The Green Party would tolerate a 5-10 year phase out, providing there was a firm commitment to using only free-range or barn systems after the phase out period.  |
|  | 192      | If cages are to go then a 15 to 20 year phase out period would be required.  |
|  | 196      | If cages are to be replaced with another system anything less than fully utilizing their full economic life would be untenable. No final date should be set and any new equipment installed be colony, barn or free-range. This would enable an orderly transition with no disruptions to farmers and the general public.  |
|  | 209      | The maximum stocking rate should be 18 birds/m <sup>2</sup> from 1 Jan 2012 and a transition to colony cages should be complete by 1 Jan 2014. The use of all caged housing for the purposes of egg production should then be completely phased out by 1 Jan 2020. This would use section 73 of the AWA appropriately; allowing businesses time to transition to humane forms of egg production, and would bring the code for layer hens to meet the obligations of the AWA.   |
|  | 59       | 2015 and no later for a transition to loose housing. Egg producers have had 17-20 years to prepare for a transition when the public at that time deemed intensive caging cruel and thus unacceptable.  |
|  | 93       | All cages, including colony cages should therefore be phased out in 2 years. This being enough time for any present battery  |

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|     |   | hens to complete their production cycle.  |
|     | 140   | The SPCA is confident, based on international research and the structure of the national egg market, that a <b>seven-year period for the phasing out of all cage systems (by 2018)</b> will minimise both economic uncertainty and infrastructure disruption to egg producers in New Zealand. This also ensures minimum disruption to egg production for both producers and the public.   |
|     | 181   | In light of the reports and the available information, the appropriate cut-off date is 2031, being 20 years from 2011.<br><br>As the three economic analyses make clear, a short time frame could lead to capital redundancy and greater price variability. Therefore a longer time frame is required to ensure the significance of these impacts is lower. Currently 88% of eggs produced commercially in New Zealand come from hens housed in conventional cages. There is significant capital investment in terms of replacing the existing current cages before the end of their useful life and the additional cost of colony systems.               |
|     | 176   | For these reasons, we consider that a reasonable compliance time would be five years. This time period takes into account the fact that it is expensive to transition away from battery cages and that egg farmers need time to factor in the extra costs of compliance. The MAF Review of Animal Welfare (Layer Hens) Code of Welfare shows that replacing the 550 square centimetre requirement with a colony cage before 1 January 2019 will result in a marginally lower increase in egg price, industry exits and lower decrease in egg production than even a 1 January 2022 requirement for colony cages after the move to 550 square centimetres. |
| Qn6 | <i>6. What actions can be taken to minimise disruption and volatility through the transition?</i> |   |
|     | 24  | No eggs allowed to be imported unless certified by the country of origin to be free range.<br>Any substantiated proof that the certification is false would lead to the indefinite banning of eggs from that country. (Effectively freshness of eggs would mean that they would have to be air-freighted which would probably remove cheap competition).  |
|     | 72  | There may need to be provision for extension of time for individuals facing genuine hardship (to be defined but likely to include delay in obtaining resource consent or access to finance). Any such extension would need to be for a negotiated period and be contractually bound. Government should consider how it might facilitate the change such as by reducing or removing regulatory barriers (e.g. resource consent processes) and/or by having a role in assisting producers to access finance.  |
|     | 98  | To minimise disruption and volatility maybe tax incentives or government subsidies could be offered to farmers to stagger the transition. If farmers decide to not do anything until the last moment and then exit the industry there will be an enormous short fall in eggs to sustain a growing market. Possibly those who change early can reap the benefit by charging more for their enriched eggs. This has not been properly tested in the market place. Will the market sustain such a premium when the economic climate is so depressed?   |
|     | 101   | We urge the Government and the New Zealand egg industry to develop a strategy, informed by research and development as indicated below, that would enable producers to change to more humane non-cage systems. This strategy would need to be composed of a number of interlocking components, including consumers, retailers, food manufacturers and the food service sector.<br>The Ministry of Agriculture and Forestry should take the lead in bringing together all the key players – the industry, consumer bodies, retailers, food manufacturers and the food service sector – and persuade them of the desirability of supporting a ban on        |

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|     |  | <p>all cage systems in New Zealand and a move towards free range farming.<br/> A New Zealand wide public information campaign should be implemented well in advance of the cage ban in order to encourage consumers to support this important welfare reform by buying non-cage eggs.<br/> Supermarkets should be encouraged to adopt a policy of only selling non-cage eggs and of only using such eggs in processed products.<br/> The key role that can be played by supermarkets is stressed in the European Commission’s 2004 report, which states that “change will be very much market driven” and that in particular “the attitude of retailers and consumers could be highly important in that (potentially consumer led) moves away from caged eggs by retailers with a substantial market share would have a significant impact on the sector”.</p> <p>The Commission’s report also points out that retailers were instrumental in ensuring that the Swiss transition to a system with no cage production progressed as planned. The report states that Switzerland’s move to only using non-cage systems “was greatly enhanced by the fact that from the early 1990s onwards the two dominant supermarket chains in Switzerland saw it as a major means of enhancing their marketing strategy and image to provide consumers with eggs from alternative systems. They thus invested heavily in the promotion of eggs produced in alternative systems and thereby contributed to a change in consumer demand patterns”.</p> <p>It is essential that the food processing and food service sectors are urged to play their part in enabling producers to change to more humane non-cage systems. Food manufacturers, food service operators and retailers should be encouraged to fulfil their corporate social responsibility in this field by committing themselves to only sourcing free range eggs and egg products.</p> <p>Corporate social responsibility is defined as “a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis”. Key food manufacturers and food service operators should now be encouraged to extend their policies to include animal welfare. There is both an ethical case and a business case for so doing. In particular, they should be persuaded that playing their part in enabling producers to switch to more humane non-cage systems is in their long-term interest as it will have a favourable impact on their business. It will enhance their reputation and, if skilfully marketed, help win new customers.</p> |
| 134 |  | <p>This will depend on the individual farmer and when or if they decide to convert. Assistance and incentivisation in any shape or form will help to minimise disruption.</p>  |
| 145 |  | <p><b>If you mandate in favor of enriched cages then I suggest <u>a levy per dozen caged eggs sold be introduced to run for the length of the phase out period.</u></b></p> <p>This levy would give the smaller farms and those in the industry who will need to change to the new cages earlier than the average, a fighting chance at survival.</p> <p>This levy would enable caged egg producers to lessen the financial and social impact of the decision and fund the extra costs required to meet the changes.</p> <p>Then if I need to change my cages early in the phase out period I can at least show the banks that the levy will help me fund the extra costs and if I do not need to change my cages until the end of the phase out period I will have the extra funds required.</p> <p>Surely even those who want the regulations changed would not deny my staff and their families an income and all that entails.</p>   |

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|  |     | Picture the impact any regulation would have on the life of you and your family if it took away your livelihood. Not providing financial assistance will result in the anticipated price increases being even larger than necessary as you take out the element of competition and create massive shortages.   |
|  | 170 | Provided a farmer won't become bankrupt or face similar extreme disruption, I see no reason why free range farming shouldn't be in place for all farmers by 2016. In more difficult cases, the Government could step in and provide grants or loans to farmers so as to assist them with the shift, however most farmers could easily cope with the change.  |
|  | 171 | If you do choose to set a transition period of less than 20 years for us to stay in the layer business we would have to have some sort of compensation from the government to facilitate us to setup colony cages.   |
|  | 59  | MAF must stop breaking the law   |
|  | 175 | <p>To minimise disruption and volatility throughout the transition, farmers should be encouraged to transition prior to the 20 year time frame proposed. The EPFNZ has a major concern that, should the farmers all exit at the same time, this would have a huge impact on egg supply and, thus, availability of this critically important protein source for New Zealand consumers. The EPFNZ believes that all possible assistance, including Resource Management Act policy changes and taxation policy changes, should be considered to assist in incentivising a staggered transition, thereby reducing disruption and volatility throughout the changeover.</p> <p>The EPFNZ advocates a managed transition. The nature of that transition and the management required needs further work. The EPFNZ has already initiated such work and has engaged a reputable rural financial and business advisory company, PolsonHiggs, to assist in this regard. In this section of the EPFNZ's submission some of the possible elements of a managed transition are considered.</p> <p>In undertaking this work the EPFNZ has considered four options which are not necessarily mutually exclusive:</p> <ol style="list-style-type: none"> <li>1. Seek a Government subsidy, outside the tax system, to incentivise producers to shift to colony systems;</li> <li>2. Seek interest-free loans, outside the tax system, to incentivise producers to move to colony systems;</li> <li>3. Seek concessionary tax treatments which are industry-specific via the tax system to incentivise producers to move to colony systems;</li> <li>4. Seek changes within the tax system, which can be seen to be equitable to all taxpayers, which provide producers with a better tax outcome than would currently be the case.</li> </ol> <p>While all these options are possibilities and all may come into play in later considerations, the EPFNZ has focused its initial attention on options associated with number "4". The EPFNZ recognises that some are more politically and economically acceptable than others. These changes are desirable irrespective of the length of the transition.</p> <p>The conversion from traditional cages to colony systems will likely require the scrapping of cages and associated plant, possible demolition of buildings and construction of new ones and purchase of plant and colony systems. In the conversion it is important to make sure that the tax system does not unfairly disadvantage those farmers who choose to make the move to colonies.</p> <p>We have looked at possible amendments within current policy settings and a brief summary of our considerations are set out below. We would make the point that these are complex matters and are still being considered and this does not represent the</p> |

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|     |  | <p>final position of the EPFNZ:</p> <ul style="list-style-type: none"> <li>▪ <b>Buildings</b> <ul style="list-style-type: none"> <li>○ A tax deduction should be allowed for loss on “disposal” of buildings as a result of demolition required from the change</li> <li>○ A tax deduction should be allowed for the costs incurred in demolishing buildings required from the change</li> <li>○ Alternatively both of these costs could be included in depreciation of new buildings</li> <li>○ A depreciation determination is issued for laying sheds.</li> </ul> </li> <li>▪ <b>Resource Management Consents</b> <ul style="list-style-type: none"> <li>○ A tax deduction should be allowed for any costs relating to consents</li> </ul> </li> <li>▪ <b>Stock Valuation</b> <ul style="list-style-type: none"> <li>○ A standard value for laying hens for tax purposes should be introduced</li> </ul> </li> <li>▪ <b>Industry Specific Provisions</b> <ul style="list-style-type: none"> <li>○ Subpart DO of the tax regulations which applies to farming or agricultural business should be amended to allow “like” expenditure such as fences incurred in transitioning from cages to colonies as a deductible expense</li> <li>○ Alternatively, the transitional costs should be able to be capitalised and amortised under subpart DO, over a specified period</li> </ul> </li> <li>▪ <b>Activity Specific Provisions</b> <ul style="list-style-type: none"> <li>○ Part D be amended to allow expenditure incurred in transitioning from cages to colonies as a deductible expense</li> <li>○ Alternatively, the transitional costs be capitalised and amortised, over a specified period</li> </ul> </li> </ul> <p>The option of the provision of a specific National Environmental Standard for poultry farming should be considered to assist in Resource Management Act application issues. The EPFNZ is developing policy on this issue to enable the matter to be considered further as part of the consultation process relating to the draft Code.</p> |
| 176 |  | <p>In order to minimise disruption and to ensure that the welfare of layer hens is maintained throughout the transition, it is important that the Ministry of Agriculture adequately monitors the transition. This will require setting aside adequate funding so as to ensure an appropriate number of officials oversee the process. This should include mandatory routine inspections of farms undergoing the transition and frequent dialogue with relevant animal welfare groups. Such a process may require a greater commitment to the animal welfare budget of the Ministry of Agriculture.</p>  |

### Legal Opinions

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| <b>Submission</b> |  |
| 140               | Section 10 of the Animal Welfare Act 1999 lays out the obligations for owners and those in charge of the animal in relation to the |

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|          | <p>“physical, health, and behavioural needs of the animal” NAWAC has already conceded that the keeping of layer hens in cage confinement breaches this section of the Animal Welfare Act and the SPCA further submits that any continued allowance of cage systems, enriched or not, would also constitute a breach of Section 28(a) of the Act.</p> <p>The Animal Welfare Act Amendment Act 2010 made improvements to the Act in order to reflect the seriousness with which the public of New Zealand views animal welfare. The inclusion of the offence of reckless ill treatment allows for heftier sentences to be handed to owners or persons in charge of animals who “... knew or appreciated the risk could well happen, and unreasonably took that risk”. The SPCA submits that the wording of Section 28(a) 1(d) being that “the animal is seriously injured or impaired” can be applied to caged layer hens in that the serious impairment to their physical and behavioural needs involves “prolonged pain or suffering”.</p>  |
| 119, 127 | <p>The draft Animal Welfare (Layer Hens) Code of Welfare 2011 is in breach of the law.</p> <p>The preamble to the Animal Welfare Act 1999 states that it is an act –<br/> “(a) To reform the law relating to the welfare of animals and the prevention of their ill-treatment; and, in particular, -<br/> (i) To require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals...<br/> (v) To provide for the development and issue of codes of welfare and the approval of codes of ethical conduct.”</p> <p>There is nothing here which provides that the economic interests of egg producers are to be elevated to the primary consideration under the law. Nothing in the rest of the legislation permits that to be done either.<br/> On the contrary, the legislation sets out basic principles and minimum requirements in sections 4 and 10. Section 4 states that the term “physical, health and behavioural needs,” in relation to an animal, includes –<br/> Proper and sufficient food and water<br/> Adequate shelter<br/> Opportunity to display normal patterns of behaviour<br/> Physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress<br/> Protection from, and rapid diagnosis of, any significant injury or disease.</p> <p>Section 10 provides that –<br/> “The owner of an animal, and every person in charge of an animal, must ensure that the physical, health and behavioural needs of the animal are met in a manner that is in accordance with both –<br/> Good practice; and<br/> Scientific knowledge.”</p> <p>The draft code fails to comply with these requirements. It proposes that battery cages should be replaced by colony cages at an unspecified date. However, colony cages would provide only a very minimal improvement in living conditions for layer hens. Colony cages – like battery cages – would continue to be in breach of the Animal Welfare Act on the following grounds –</p> |

They do not allow layer hens the opportunity to display normal patterns of behaviour (section 4(c))  
They do not provide for physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress (section 4(d))  
They do not provide for protection from, and rapid diagnosis of, any significant injury or disease (section 4(e)) – since the cramped conditions of the layer hens make it almost impossible for individual birds to be observed and promptly attended to  
They do not ensure that owners and persons in charge of animals meet the physical, health and behavioural needs of the animals in a manner that is in accordance with both good practice and scientific knowledge (section 10). Both good practice and scientific knowledge clearly demonstrate that layer hens suffer grossly when permanently confined.

Draft Minimum Standard No 5 - Stocking Densities proposes that cages built from January 2005 would allow 550 square centimetres per hen; that all laying cages from January 2014 would allow 550 square centimetres per hen; and that colony cages would allow 750 square centimetres per hen. All of these proposals would be unlawful. They do not comply with the basic requirements of the Animal Welfare Act as outlined above.

Page 21 of the draft code states that –

“The opportunity for layer hens to show normal behaviour in a farm environment is an important welfare consideration that the Animal Welfare Act requires of owners and persons in charge. There is evidence that certain priority behaviours are more important to hens than others. These are –  
Standing erect over all of the available floor space  
Extending and flapping their wings  
Laying their eggs in a discrete nesting area  
Perching  
Scratching a surface and exhibiting foraging and dust bathing behaviours (sham dust bathing is an acceptable alternative).”

Given this recognition of the importance of normal patterns of behaviour, it is puzzling that the National Animal Welfare Advisory Committee (NAWAC) would then produce a draft code which fails to allow layer hens to engage in such behaviour.

NAWAC states at page 21 that “the use of layer hen cages providing less than 750 square centimetres per hen and no perches, discrete nesting areas or scratching surfaces does not fully meet the obligations of the act.” I agree with that statement. However, it is also my opinion that providing only 750 square centimetres of space per hen does not comply with the act.

Page 22 of the draft code states that –

“NAWAC is relying on the application of section 73(3) of the Animal Welfare Act in order to recommend the use of housing systems that do not meet the purposes of the Animal Welfare Act, until the date that will be given in Minimum Standard 11(a).”

However, it is my view that this is incompatible with the law for two reasons. First, as outlined above, the colony cages which NAWAC proposes should replace battery cages would themselves breach the Animal Welfare Act.

Secondly, NAWAC is purporting to apply section 73(3) in a way which does not comply with the law. Section 73(3) states that NAWAC may “in exceptional circumstances” recommend minimum standards and recommendations for best practice that do not fully meet the obligations of sections 10 or 11 or the obligations a person would need to observe to avoid committing offences under sections 12, 21, 22, 23, or 29.

In law, “exceptional circumstances” mean just that: they must be out of the ordinary. This is not the way in which NAWAC has applied section 73(3). Rather, NAWAC has relied on section 73(3) to elevate the economic interests of egg producers to a primary position above all of the animal welfare considerations in the Animal Welfare Act. An “exception” cannot relate to the permanent state of affairs that NAWAC and egg producers believe that a ban on battery and colony cages would be harmful to the economic interests of egg producers. (This assumption is in any case untested – see the section of the submission relating to the economic reports).

Public law principles require that delegated legislation such as a code of welfare not be inconsistent with the primary legislation – the Animal Welfare Act. Delegated legislation cannot allow conduct which would not be permitted under the main statute.

A further significant concern about the code drafting process is its lack of independence. NAWAC has in the past relied on industry groups such as the Egg Producers Federation and the New Zealand Pork Industry Board to produce initial drafts of codes of welfare. This is completely unsatisfactory and lays the entire code writing practice open to legal challenge. The process should be an independent process and NAWAC should not be relying for advice and assistance on industry groups with a clear vested interest in preserving the status quo and protecting the economic interests of farmers at the expense of animal welfare and New Zealand’s international reputation.

NAWAC has continued to grant egg producers a privileged position in the drafting of this latest code. Page 1 of the document Consultation on draft Animal Welfare (Layer Hen) Code of Welfare and Draft Economic Analysis states that “The draft code has been reviewed in consultation with representatives of egg producers.” Once again, there is nothing in the statute to authorise such an approach. On page 2 of the document NAWAC states that “From consultation with the Egg Producers Federation, as the key representative of those affected by the code..” (my italics). This is a plainly nonsensical statement. It is not egg producers who are the most affected by the code: it is plainly the animals who are most affected. On the basis of NAWAC’s reasoning it is accordingly animal welfare advocates who should be granted primary input into the code drafting process, not industry groups.

Page 3 of the document states that “Animal welfare is the key issue that NAWAC takes into account.” This is clearly incorrect. If animal welfare was the key consideration taken into account by NAWAC, it would be recommending an immediate ban on battery and colony cages. NAWAC has in the past, and continued to do so in the drafting of this code, subordinated the welfare of animals to the economic interests of farmers, an approach for which there is no legal authority.



**issues relating to the public draft of the Animal Welfare (Layer Hens)  
Code of Welfare 2011**

**Part 1 - submission as to the legal principles governing the Draft  
Code and the Committee's obligations**

***The purposes of the Act***

6. The long title of the Act, together with ss 9 and 27, makes it clear that the main purpose of the Act is to reform and improve the law relating to the welfare of animals, prevent their ill-treatment, and ensure that their welfare is properly attended to by those who own or are in charge of animals. The making of codes of welfare under the Act by the Committee is intended to promote these purposes, as s 68 confirms. The overriding objective is animal welfare, not protection of existing intensive farming practices or consumer interests.

***Key obligations imposed by the Act on those who own or have  
charge of animals***

7. A fundamental obligation imposed by the Act on owners and persons in charge of animals is that in s 10 relating to physical, health and behavioural needs:

“The owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both –

- (a) Good practice; and
- (b) Scientific knowledge.”

8. The phrase “physical, health, and behavioural needs” is defined in s 4 as follows:

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

- (a) Proper and sufficient food and water;
- (b) Adequate shelter;
- (c) Opportunity to display normal patterns of behaviour;
- (d) Physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress;
- (e) Protection from, and rapid diagnosis of, any significant injury or disease, being a need which, in each case, is appropriate to the species, environment and circumstances of the animal.”

9. The factors identified in (a) to (e) of the definition are inclusive but not exhaustive. The reference to “environment and circumstances” in s 4 means that in assessing the physical, health, and behavioural needs of an animal, regard must be had to the fact that it is, for example, a captive farm animal. But within that broad parameter each of the defined needs must be met in accordance with good practice and scientific knowledge.

10. "Good practice" does not mean established or current practice. This was made clear by the Select Committee when considering the Animal Welfare Bill (No 2)  
"[The poultry and pork] industries supported the inclusion in clause 9 of the words "in accordance with established practice and scientific knowledge" on the assumption that the words "established practice" would sanction their existing management practices. This interpretation is not consistent with the intent of the clause as drafted. We believe the behavioural needs of pigs and poultry being intensively farmed are not being fully met and that such practices are contrary to the obligation in the clause. To clarify the intent of the clause we recommend that the words "established experience" be replaced with the words "good practice"."

A "good" practice is one of high quality. As the Select Committee recognised, certain established practices, particularly in the context of intensive farming of poultry and pigs, fall well short of that standard. Further, the term "practice" denotes an evolving and improving standard.

11. Section 12(a) makes it an offence to fail to comply with s 10. Under s 29(a) it is an offence to "ill-treat" an animal, and under s 29(h) it is an offence to counsel, procure, aid or abet any other person "to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress". "Ill-treat" is defined in s 2 as follows:

"...causing the animal to suffer, by any act or omission, pain or distress that in its kind or degree or in its object, or in the circumstances in which it is inflicted, is unreasonable or unnecessary:"

The reference to "distress" as well as to pain indicates that ill-treatment is not limited to an act causing physical pain but also extends to an act which causes an animal to suffer other forms of intense physical discomfort, as well as mental and emotional harm such as stress, fear, anxiety, or the exhibiting of stereotype behaviours.

***The Committee's functions and obligations.***

12. The Committee's statutory functions are prescribed in s 57 of the Act. These include advising the Minister on *any matter (without limitation) relating to the welfare of animals in New Zealand* (s 57(a)) and making recommendations to the Minister concerning the "issue, amendment, suspension, revocation, and review of codes of welfare" (s 57(e)). The Committee is established under the Act as a specialist body charged with improving and safeguarding the welfare of animals in New Zealand.

*The Committee's obligation under s 73(1) to be "satisfied" that proposed standards are the minimum necessary to comply with the Act*

13. Section 73(1) of the Act imposes a key obligation on the Committee. It states that:

"(1) The National Animal Welfare Advisory Committee must, in considering the content of a draft code of welfare, and before deciding whether to recommend to the Minister the issue of that code,-

(a) Be satisfied that the proposed standards are "*the minimum necessary to ensure that the purposes of this Act will be met*;and"

(b) Be satisfied that the recommendations for best practice (if any) are appropriate." (Emphasis added)

14. The obligation to be “*satisfied*” of the matters in s 73(1) is a significant obligation, which the Courts will assess objectively having regard to the statutory context and the material before the Committee. As the Supreme Court reaffirmed in *Discount Brands v Westfield (New Zealand) Ltd* [2005] 2 NZLR 597, a requirement to be “satisfied” is not merely a matter of “fine judgment”, rather it is a “pointer to additional conviction and the need for caution” Its proper fulfilment is also a statutory pre-condition to the making of a valid recommendation by the Committee to the Minister. The information gathering and consultation powers and obligations conferred on the Committee in ss 72 and 73(2) (including the power to have regard to any ‘relevant “ matter), as well as its broad powers to advise the Minister in s 57, further underline the need for the Committee to have sufficient and adequate (not merely “some”) information in order to be “satisfied”. As the Supreme Court noted in *Discount Brands, supra*<sup>7</sup>, the Court will on a judicial review application “carefully scrutinise” the material on which a decision is based to determine whether the decision-maker could reasonably have been satisfied of the relevant matters. *The exception in ss 73(3) and (4)*. Public law principles also require that delegated legislation (such as a welfare code) may not be inconsistent with the empowering statute under which it is made: delegated legislation cannot permit that which the empowering statute prohibits.

15. There is a limited exception to the Committee’s obligations under s 73(1).

Sections 73(3) & (4) provide:

“(3) Despite subsection (1), the National Animal Welfare Advisory Committee may, in *exceptional circumstances*, recommend minimum standards and recommendations for best practice that do not fully meet

(a) The obligations of section 10 or section 11; or

(b) The obligations that a person would need to observe in the treatment... of animals if that person were to avoid committing an offence against section 12(c) or section 21(1)(b) or section 22(2) or section 23(1) or section 23(2) or section 29(a).

(4) The National Animal Welfare Advisory Committee must, in making recommendations under subsection (3), have regard to -

(a) The feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition:

(b) The requirements of religious practices or cultural practices or both:

(c) The economic effects of any transition from current practices to new practices.” (Emphasis added)

16. These provisions confer on the Committee a discretionary power, in effect, to sanction non-compliance with ss 10 & 11 and behaviour that would otherwise constitute an offence. A decision by the Committee to invoke ss 73(3) & (4) therefore has *significant consequences*. These provisions enable minimum standards to be issued that do not meet the obligations in the Act; and once issued, they may be relied on as a defence to a prosecution (see for example s30(2)(c)). Despite this, the ‘exemption’ contained in ss 73(3) & (4) appears to have been routinely invoked by the Committee . That is not what Parliament intended. The legal principles governing the proper application of these statutory provisions, and which the Committee is obliged to observe, are as follows:

(a) Sections 73(3) & (4) impose an *onerous test*, and therefore place on the Committee a heavy responsibility and a need for caution. The phrase “exceptional circumstances” has been held by the New Zealand Courts, in various other statutory contexts, to denote something “distinctly out of the ordinary”, “well outside the normal run of circumstances”. It is intended to be a difficult requirement to satisfy. That is especially so in the present statutory context given that, if established, it would permit practices that would otherwise be a serious breach of the Act, illegal, and subject to significant pecuniary and custodial penalties.

This was recognised by the Regulations Review Committee in its 2006 Report:

“We accept that the meaning of exceptional circumstances generally depends on the particular statutory provision and facts of the situation. We are of the view that exceptional circumstances must mean something that is truly exceptional, as in something that is quite out of the ordinary.”

This is supported by the legislative history of s 73(3). The Select Committee, in recommending the inclusion of the term “exceptional circumstances” in what later became s 73(3) stated<sup>10</sup>:

“We think it is desirable to clarify the intent to avoid clause 65 being used routinely as an “opt out” clause to justify the continuation of current practices that do not meet the obligations of the Animal Welfare Act. We expect that this provision would be used rarely and that, in most cases, would relate to production animals which were unable to display normal patterns of behaviour (but have all other physical needs met). We recommend that clause 65(3) be amended to make it clear that this power should be used only in exceptional circumstances”

(b) The factors listed in ss 73(4)(a) to (c) are mandatory relevant factors – they must (where present) be taken into account by the Committee. They are not, however, stated to be exhaustive. There may be other countervailing factors that, having regard to the scheme and purpose of the Act, are also relevant. Furthermore, the criterion of “exceptional circumstances” remains the *overriding test*. It is not enough for the Committee merely to show, for example, that there may be difficulties in effecting a transition from current practices to new practices; or that there may be adverse effects resulting from such a transition; or that there may be adverse economic effects. Whenever a new minimum standard is introduced that restricts or prohibits an existing farm practice or system, some practical difficulties, adverse effects, or economic effects will ordinarily occur. There would be nothing exceptional about that. The factors in paragraphs (a) to (c) must be of a *very significant magnitude and degree*, and must clearly *outweigh the adverse welfare effects of non-compliance with the requirements of the Act*, in order to satisfy the overriding requirement of “exceptional circumstances”.

(c) The need to show “exceptional circumstances” applies in relation to each and every minimum standard that fails to comply fully with the obligations and purposes of the Act.

(d) Further, even in circumstances where the Committee considers that there are “exceptional circumstances” the Committee still has a

residual discretion under s 73(3) whether or not to recommend to the Minister the minimum standard in question.

17. Public law principles require that in exercising its powers under the Act, including the Committee must act within the statutory parameters (including including being “satisfied” of the matters in s 73(1), and applying the correct legal test of “exceptional circumstances” in s 73(3), where that exemption is invoked); on a sufficient and correct factual basis;<sup>11</sup> reasonably; for authorised purposes; in good faith; and with regard to relevant considerations and in disregard of irrelevant considerations.

18. If the above principles are not observed, the Committee’s recommendation to the Minister under ss 73 and 74 will be unlawful and able to be challenged by judicial review, and any Code containing non-complying minimum standards issued by the Minister in reliance on that recommendation will similarly be vulnerable to legal challenge.

#### **Part 2 - submission as to the timing of phasing out of conventional cages**

##### ***Committee’s incorrect application of the exception in ss 73(3) & (4)***

19. The Committee’s position as to the minimum space per hen that must be provided to meet the obligations of the Act has a sorry history. In summary:

- The Committee, in recommending the current 2005 Code (which came into force on 1 January 2005) recognised that cages providing 450 or 500 cm<sup>2</sup> per hen did not meet the obligations in the Act. Surprisingly, the Committee judged that a space of 550 cm<sup>2</sup> or more did, however, meet the Act’s requirements.
- The Committee therefore purported to invoke the “exceptional circumstances”<sup>12</sup> provision to allow (a) the continued use of cages with only 450 cm<sup>2</sup> (if built prior to 1 January 2005) for a period of 3 years until 1 February 2008, and (b) the continued use of existing cages with only 500 cm<sup>2</sup> for a period of 9 years until 1 January 2014. New cages built after 1 January 2005 had to provide 550 cm<sup>2</sup>. By 2014 all farms were to transition to the 550 cm<sup>2</sup> cages.
- The Committee has now revised its earlier judgment and decided that an area of 750 cm<sup>2</sup> is the minimum required to meet the obligations of the Act.
- In the Draft Code the need to transition to 550 cm<sup>2</sup> by 1 January 2014 is repeated in Minimum Standard 5. The minimum space for colony cages is stated as 750 cm<sup>2</sup>. There is no date specified for phasing out conventional cages of 550 cm<sup>2</sup>. Instead, Minimum Standard 11 specifies behaviour requirements and provides that existing housing systems that do not satisfy those requirements must be replaced with compliant systems by [a date to be specified]. It further provides that new cages constructed after the date of issue of the Code must meet the new behaviour requirements.

20. In a consultation letter accompanying the Draft Code the Committee has invited comment on options for transition and has indicated that Minimum Standard 11, and if necessary other affected minimum standards, will be amended following submissions and further consideration by the Committee. Five options have been put forward:

- retain the status quo;
- staged phase out of conventional cages by 2015 to 2020 (ie in 4 to 9 years);
- staged phase out of conventional cages by 2020 to 2025 (ie in 9 to 14 years);
- staged phase out of cages by 2025 to 2030 (ie in 14 to 19 years); or
- phase out all systems where hens not loose-housed.

21. The Committee has ruled out options 1 and 5. Significantly, option 5 has not even been investigated. Of those remaining, option 3 seems to be favoured by the Committee, although that is not clear.

22. It is submitted, with respect, that the above history and the present proposals relating to conventional cages, reflect a failure on the part of the Committee to appreciate what is required of it, in terms of the lawful performance of its functions and obligations under the Act. In particular:

(a) The Committee's extraordinary shifting position on what constitutes a sufficient minimum cage area to meet the Act's obligations, and its view that 550 cm<sup>2</sup> could ever have been enough, suggests an arbitrary industry-focussed approach, rather than the kind of careful, considered, informed and independent assessment that the Act, particularly s 73(1), demands (refer paragraph 14 above).

(b) It is not accepted that the now proposed minimum area of 750 cm<sup>2</sup> meets the purposes and requirements of the Act, or that the Committee can reasonably and lawfully be so "satisfied" pursuant to s 73(1). This issue is discussed further in Part 3 of this submission dealing with colony

Cages

(c) The lengthy time periods which the Committee regards as appropriate for phasing out existing conventional cages, both under the 2005 Code (3 years for 450 cm<sup>2</sup> cages and 9 years for 500 cm<sup>2</sup> cages) and under options 2, 3 and 4 being canvassed under the Draft Code, despite the

extremely negative welfare consequences inherent in conventional cages, indicates that the Committee is not correctly interpreting and applying the exception in ss 73(3) & (4). In particular:

(i) As stated above (paragraph 16) the exception is to be reserved for "exceptional circumstances", to be invoked only rarely and with caution, particularly given that the exception will 'excuse' conduct in breach of the Act, including offences. It was certainly not intended to be used routinely to preserve existing intensive farming practices.

(ii) The factors in ss 73(4) are mandatory relevant factors, to which the Committee must have regard in considering whether to make an exception. But they are not the only potentially relevant factors. Other factors may be relevant as a matter of necessary implication having regard to the scheme and purpose of the Act. Importantly, nor are the listed factors a test in themselves. The overall test, or question, is whether there are "exceptional circumstances" justifying a departure from the obligations of the Act. In deciding that question the Committee must necessarily weigh the s 73(4) express

factors (together with any further relevant factors) against *the welfare implications of the breach*. The Committee then has a residual discretion whether or not to invoke the exception, and if so, to determine an appropriate phase-out period as part of the exception.

(iii) The action of confining a hen, for the duration of her life, in a barren conventional cage comprising 550 cm<sup>2</sup>/hen, a sloping wire mesh floor and a height of only 35-40 cm constitutes such a flagrant breach of the obligations in s 10 that it is difficult to accept how, on any reasonable view, the economic effects of a phase-out could justify anything other than a very short transition period. This is reinforced by the fact that the conditions suffered by battery hens in such cages also amount to “ill-treatment” as defined in the Act (refer para...above). The Select Committee said that it envisaged that the exception would be rarely invoked, and even then only in relation to a failure to meet “behavioural” needs. It was not intended to be used to sanction conduct also constituting ill-treatment.

(iv) Quite how the Committee, in the 2005 Code, justified its earlier decision to allow a further 9 years, until 2014, to phase out 500 cm<sup>2</sup> cages, given the serious welfare implications for hens, is unclear. Even now, after, apparently, many years of research, the Committee is advancing options for phasing out existing 550 cm<sup>2</sup> cages over periods ranging from 4 to 19 years. The Committee is applying the wrong test and asking itself the wrong question. The economic impact is a relevant consideration, but not in itself determinative. The Committee has failed to undertake the necessary weighing exercise, which requires assessing the seriousness of the breach of the Act - the severity of the welfare impact on affected animals - against the economic consequences of transition. Instead, the Committee has incorrectly accorded paramountcy to the economic effects, particularly the economic life of battery cages purchased by farmers, whilst ignoring the appalling welfare consequences.

(v) On the information publicly available, the Commission does not appear to have adequate material before it to make a lawful determination to recommend other than, at most, a very short phase-out period. The negative welfare effects of conventional cages are indisputable and overwhelming. The breach of ss 10 and 29 is, as stated above, flagrant. The feasibility issues and economic consequences reported in the three economists’ reports do not begin to make a case that outweighs those welfare effects. Further, those reports are based on questionable assumptions and methodology, as well being insufficiently independent of intensive farming interests. Two of the reports were commissioned by the Egg Producers Federation (“EPF”), namely the Nimmo-Bell and LECG reports. The other was prepared by MAF and draws heavily on data and findings in the EPF’s reports. The Committee has not commissioned its own independent report, or even an independent review of the 3 reports. There does not appear to be any report (independent or otherwise) assessing the welfare effects on layer hens of the various phase-out options.

23. The Committee is not a body established to represent the interests of the intensive poultry farming sector, or the interests of consumers in purchasing eggs at the cheapest price. It is an independent body charged with the statutory responsibility of improving and protecting the welfare of animals in

New Zealand. It is submitted that it is time the Committee fulfilled those responsibilities in respect of battery hens.

**Part 3 - submission as to proposed introduction of colony cages**  
***Committee's non-compliance with s 73(1)***

25. It is implicit in the Committee's proposed introduction of colony cages as the eventual replacement system for conventional cages, and the proposed Minimum Standards 4, 5 and 11, that the Committee considers that such cages do "fully meet" the welfare purposes and specific obligations of the Act<sup>14</sup>. It is difficult to see how the Committee could reasonably and lawfully be "satisfied" of that, in terms of s 73(1). In particular:

(a) Colony cages necessarily – by virtue of their proposed minimum dimensions and specifications – raise significant welfare issues (described in detail in SAFE's main submission), including:

(i) They provide only marginally more space than the non-complying conventional cages. Minimum Standard No 5 states that hens in colony cages must be provided with a minimum space of 750 cm<sup>2</sup> per hen. That is only 200 cm<sup>2</sup> more than the current 550 cm<sup>2</sup>. The Committee is now of the view that 550 cm<sup>2</sup> does not meet the requirements of the Act. How can it sensibly be suggested that providing an additional space measuring 20 cm x 10 cm (a postcard size) overcomes that? The total minimum area per hen would still only be slightly larger (by approx 120 cm<sup>2</sup>) than the area of an A4 piece of paper. Indeed, the position appears to be even worse than that. Commercially available colony systems are advertised as having "750cm<sup>2</sup> surface per hen, with 600cm<sup>2</sup> useable area". Minimum standard 5 does not refer to "useable" area. If in fact the useable area in a colony system is only 600 cm<sup>2</sup> then the additional area is *a mere 50 cm<sup>2</sup>, an area of 5cm x 10cm*. How can the Committee

credibly conclude that an additional useable area of 50cm<sup>2</sup> will meet the physical, health and behavioural needs of hens (it being accepted by the Committee that 550 cm<sup>2</sup> does not)?

(ii) Colony cages are promoted as being "enriched" with "furnishings" that enable hens to express their "priority patterns of behaviour" such as extending and flapping the wings, laying eggs in a discrete nesting area, perching, and expressing foraging and dust bathing behaviour: Draft Code ,Part 6 "Behaviour". This is an incorrect and misleading portrayal:

- The stocking densities and minimum areas in Minimum Standard 5 will not allow hens to stretch or flap their wings at will.
- Colony cages contain only one "nesting" area, consisting of a very small square of rubber over the wire mesh floor in a rear corner of the cage with a rubber 'curtain', to be shared by all the hens in the overcrowded cage.
- The minimum cage height of 45cm in Minimum Standard 4 necessarily limits the ability to perch. The perches are a mere 7cm from the sloping wire mesh floor. Perches are too low to protect 'roosting' hens from being pecked. They also extend along the length of the cage so obstruct the hens' already limited ability to move within the cage.
- The scratching/'dust-bathing' area consists of nothing more than a very small rubber pad in the corner of the cage. No



dust bathing litter is provided.

**(iii)** The Committee has failed even to include in its list of the “priority behaviours” of a layer hen in Minimum Standard 11 the need to *physically move about*. In its commentary in the 2005 Code the Committee included “flying, running and walking continuously” among the “normal behaviours” of a hen. Common sense suggests that freedom to move about without unreasonable constraint is a necessary part of normal behaviour. The proposed stocking densities and minimum space requirements in Minimum Standard 5 inherently fail to allow fulfilment of that need. Adequate exercise is also necessary for good physical health, including sufficient bone density. The severe restriction of movement in colony cages means that the “physical, health, and behavioural needs” of hens cannot be fully met.

**(b)** The obligation in the Act is to ensure that hens can display “normal” patterns of behaviour (ss 4 and 10), which is wider than “priority” patterns of behaviour. The Committee, by now focussing on “priority” patterns of behaviour, is applying the wrong test.

**(c)** The fact that some overseas jurisdictions permit colony cages has no bearing on the essential question whether this system meets the obligations of the New Zealand Act. That is the question the Committee must ask, and be “satisfied” of. In any event, some jurisdictions that have permitted colony cages are now moving to ban them, for example Austria and Belgium. And recently the German Federal Constitutional Court, in a judicial review case, struck down legislation permitting colony cages. Switzerland has already banned both conventional and colony cages.

**(d)** Despite the obvious welfare issues that arise in relation to colony cages, it is unclear on what basis the Committee has concluded that they are compliant with the Act. No information has been provided by the Committee to submitters/consultees on this fundamental welfare issue.

**(e)** Importantly, the Committee has failed to consider the implications, welfare-related and economic, of a phase out of all cages, both conventional and colony, in favour of *loose-housing systems* such as aviaries, barns and free-range (option 5 above). In its consultation letter the Committee states that “NAWAC is not investigating this option because it considers that colonies allow hens’ behavioural needs to be met”. Colony cages are not compliant, for the reasons stated above. The Committee’s failure to investigate loose-housing systems, which would provide a compliant substitute for conventional cages, is a breach of its statutory and public law obligations, this being a clearly relevant consideration under both ss 73(1) and ss 73(3) & (4).

26. In summary, it is clear from the descriptions and specifications of colony cages that they cannot overcome the welfare problems inherent in the battery hen system. Birds in such cages will still be forced to endure intensive, barren and stressful conditions. On the information publicly available, the minimum standards of the Draft Code that endorse colony cages as an acceptable system (*Minimum Standards 4, 5 and 11*) would, if adopted, be in breach of ss 10 and 29(a) & (h) of the Act. A decision by the Committee to recommend these minimum standards would also be in breach of the Act and its public law obligations described in paragraphs 17 & 18 above.