



National Animal Welfare Advisory Committee

Proposed Code of Welfare for Dairy Cattle and Associated Regulations

National Animal Welfare Advisory Committee Discussion Paper

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This publication is available at:

<https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

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1 Purpose of this discussion paper

The National Animal Welfare Advisory Committee (NAWAC)¹ is seeking your views on the revision of the Code of Welfare for Dairy Cattle (the Code) and associated recommendations for regulations. These proposals follow a full review of the Code undertaken by NAWAC.

This discussion paper is part of a suite of three documents that NAWAC is releasing for public consultation. The other two documents are

- the proposed new Code of Welfare for Dairy Cattle; and
- a Code Review Evaluation Report outlining reasons for the changes recommended by NAWAC.

In this discussion paper you will find

- instructions and options of how you can submit your feedback;
- the timeframe for feedback; and
- specific questions NAWAC would like your feedback on.

This discussion paper does not outline all changes made to the Code, but outlines key issues and preliminary regulation proposals. It is recommended that you also read the full draft Code and Code Review Evaluation Report. NAWAC is looking for feedback on the full Code.

The documents can be found here:

<https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

After the closing date for public comment, NAWAC will analyse all submissions to inform its separate advice to the Government on the new Code of Welfare for Dairy Cattle and the associated recommendations for regulations.

MPI will subsequently provide advice to the Minister on the proposals put forward by NAWAC as well as the matters that the Minister must consider when issuing a code of welfare. Any recommendations for regulation will be further progressed as a package by MPI, and will include a further consultation phase and opportunity for comment.

A summary of feedback received will be published alongside the final code of welfare on the MPI website www.mpi.govt.nz

1.1 HOW TO HAVE YOUR SAY

The best way to have your say on the draft Code and preliminary recommendations for regulations is to make a submission.

The deadline for submissions on this discussion paper is 30th June 2022

Making a submission is important. It provides NAWAC with evidence to help us ensure that the Code and associated recommendations for regulations reflect scientific knowledge, good practice and available technology, as well as economic considerations and changes in societal expectations where relevant. It is your opportunity to ensure that your views are heard.

¹ <https://www.nawac.org.nz/>

You can make a submission:

- by email animal.consult@mpi.govt.nz or
- online via our survey <https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle> or
- by post to Animal Welfare, Ministry for Primary Industries, PO Box 2526, Wellington 6140.

There are questions throughout this document that may help you structure your submission. Answering these questions is optional. A complete list of the questions is provided in Appendix Two.

If you send us an email, or a document, please include the following information:

- the title of this discussion paper;
- your name;
- your organisation's name (if you are submitting on behalf of an organisation); and
- your contact details (for example, your phone number, address, or email).

Additionally, please indicate which group you best associate with:

- Primary sector organisation
- Farming
- Member of the public
- Animal advocacy organisation
- Transport or livestock company
- Animal health professional
- Research institute
- Other – please specify
- Do not wish to say

Submissions are public information

Any submission you make, including online, becomes public information. Anyone can ask for copies of all submissions under the Official Information Act 1982 (OIA)². The OIA says we must make the information available unless we have a good reason for withholding it. You can find these grounds under sections 6 and 9 of the OIA.

Tell us if you think there are grounds to withhold specific information in your submission. Reasons might include that it is commercially sensitive, or personal information. However, any decision made to withhold information can be reviewed by the Ombudsman, who may require that the information is released, even where reasons to withhold information have been provided by submitters. Depending on the volume of submissions that we receive, we may not be able to inform you if your submission on this discussion document is released under the OIA.

2 Background

2.1 ANIMAL WELFARE IN NEW ZEALAND

Animals play an important role in many New Zealanders' lives. They provide companionship and income. They are used for food and fibre, education, and research. Animals work

² <https://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html?src=qs>

alongside us, entertain us, and are managed as pests. These relationships and uses are generally accepted, as long as they are humane.

Ideas of humane treatment evolve over time, and our standards of welfare need to keep pace with changes in scientific knowledge and good practice, available technology, and society.

New Zealanders have high expectations that animals under human care are well looked after.

Animal welfare policy and law in New Zealand are established and implemented to:

- address animal welfare risks;
- promote improved animal welfare outcomes; and
- support society's expectations for the welfare and humane treatment of animals.

Two ministerial advisory committees have an important role in helping set those policies and laws. These committees are the National Animal Welfare Advisory Committee (NAWAC) and the National Animal Ethics Advisory Committee (NAEAC)³.

NAWAC members are chosen for their expertise in veterinary, agricultural, and animal science, ethical standards in respect of animals, the public interest in animals, and environmental and conservation management.

MPI leads the management of animal welfare policy and practice in New Zealand. The way people care for and manage farm animals contributes to New Zealand's reputation as a responsible agricultural producer. New Zealand's animal welfare strategy *Animal Welfare Matters*⁴, highlights the importance of:

- meeting animals' needs and avoiding unreasonable or unnecessary harm;
- adding value to our exports and contributing to our reputation for integrity; and
- continuing to improve animal welfare.

MPI works within the legislative framework created by the Animal Welfare Act 1999. New Zealand's animal welfare laws go further than just preventing cruelty - they place a duty of care on people in charge of animals to meet their animals' needs.

2.2 THE ANIMAL WELFARE SYSTEM

Owners and/or people in charge of animals must comply with:

- the Animal Welfare Act 1999;
- regulations issued under the Animal Welfare Act 1999; and
- minimum standards for animal care and management in codes of welfare.

2.2.1 The Animal Welfare Act 1999

The primary legislation is the Animal Welfare Act 1999 (the Act). The Act recognises that animals are sentient, and sets a broad framework for protecting their welfare. Of key interest to this consultation are the obligations of owners and of persons in charge of animals set out in sections 10 and 11 of the Act⁵.

³ Both Committees are established under Part 4 of the Animal Welfare Act 1999.

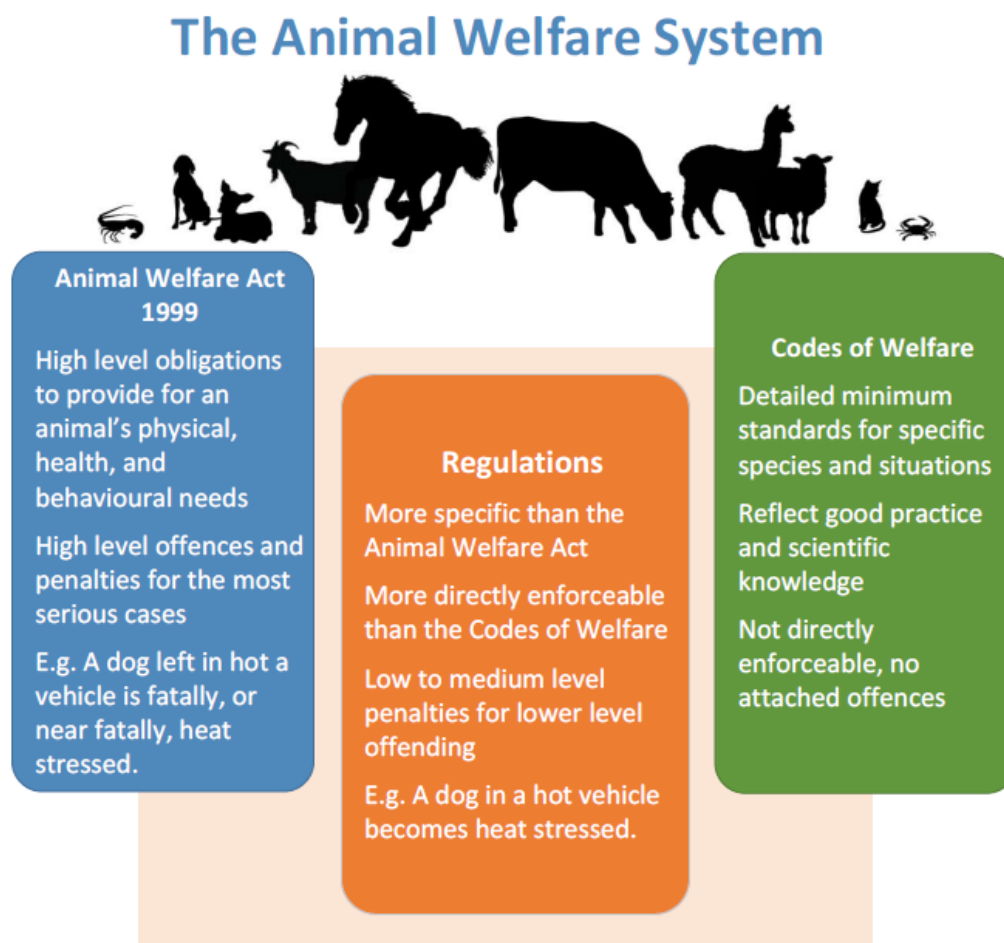
⁴ <https://www.agriculture.govt.nz/dmsdocument/3963-animal-welfare-matters-new-zealand-animal-welfare-strategy>

⁵ Relevant extracts from the Animal Welfare Act 1999 are included in Appendix One of this document.

2.2.2 Regulations

The Act provides for offences and penalties for serious animal abuse or neglect. Regulations fill the gap between the Act and codes of welfare as they:

- are more specific than the Act;
- are directly enforceable – unlike codes of welfare; and
- have appropriate penalties for low to medium offending.



2.3 REVIEWING THE CODE OF WELFARE FOR DAIRY CATTLE

The Framework for Action on Animal Welfare, launched by the Associate Agriculture Minister in 2018, set out plans for animal welfare in New Zealand that includes a review of all codes of welfare⁶.

The Code of Welfare for Dairy Cattle (the Code) was last amended in 2019. In late 2020, NAWAC confirmed the need to review the Code as a priority. Moving forward, the Code requires amendments to incorporate advances in animal welfare science, updates to dairy cattle farming systems and management practices, as well as to reflect changing views and expectations by the New Zealand public.

⁶ NAWAC's work programme can be found at <https://www.nawac.org.nz/>

The 2019 Code of Welfare for Dairy Cattle was initially reviewed by a working group comprised of representatives from DairyNZ, Dairy Industry Technical Advisory Group/ Dairy Companies Association of NZ (dairy companies), Federated Farmers, NZVA Dairy Cattle Veterinarians, Beef & Lamb, NAWAC and MPI (including Animal Welfare Compliance, Verification Services, Animal Welfare Science, Animal Welfare Sector Liaison and Animal Welfare Policy). The working group was tasked to bring a reviewed document to NAWAC. During a series of videoconference workshops, they discussed and proposed changes to update the standards in the Code.

NAWAC also extended an invitation to the New Zealand Animal Law Association (NZALA), SAFE, World Animal Protection (WAP), Guardianz Animal Law and the New Zealand Society for the Prevention of Cruelty to Animals (SPCA) to provide feedback on the 2019 Code.

The NAWAC Dairy Code Review Subcommittee further engaged with the members of the working group as well as representatives from the Meat Industry Association, ANZCO, Road Transport Forum NZ Inc – Ia Ara Aotearoa Transporting NZ, livestock agents, Fonterra, NZVA and the Deer Industry NZ to discuss recommendations for regulations.

NAWAC considered the draft from the working group, alongside feedback from industry and animal welfare organisations, and has proposed additional changes and clarifications in the final draft that has been released for public consultation.

NAWAC's Code Review Evaluation Report provides further detail on pre-consultation stakeholder engagement.

3 The Proposed Code of Welfare for Dairy Cattle and Associated Preliminary Recommendations for Regulations

3.1 INTRODUCTION

NAWAC has completed a review of the Code. When NAWAC reviews a code, it must consider good practice, available technology, and scientific knowledge. It may also consider any other matters that are relevant, such as practicality and economic impact.

In addition, the review aimed to evaluate the current Code focussing on the following:

- the need for any regulations including section 183A(2)⁷ transitions or exemptions;
- positive welfare and sentience;
- assurance programmes;
- on-farm/emergency killing;
- emergency management and preparation; and
- selective breeding.

The Code Review Evaluation Report titled "*Evaluation of the Code of Welfare: Dairy Cattle*" describes NAWAC's evaluation of the Code in order to identify changes required to ensure that the minimum standards will protect the welfare of dairy cattle in accordance with the purposes of the Act. The report does not attempt to provide an exhaustive summary to every section of the Code and should not be considered to represent NAWAC's final view, as it will be updated after this consultation process.

The Code Review Evaluation Report document can be found at:
<https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

⁷ This is the section of the Animal Welfare Act 1999 whereby regulations can be made under the Animal Welfare Act 1999, to enable activities that are inconsistent with the Act and then phased out within 10 – 15 years under s 183A(5) and s 183A(6).

3.1.1 The main areas of proposed change to the Code are:

- the use of electricity to manage animal behaviour
- body condition score
- intensive winter grazing
- shelter
- provision of lying surfaces and limit for time on hard surfaces in off-paddock facilities
- calf rearing
- end-of-life management

However, this is not an exhaustive list of all of the changes in the Code and the full document should be referred to at:

<https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

3.1.2 Other areas that are highlighted for consultation

- emerging technologies
- working relationship with a veterinarian
- selection and breeding
- painful husbandry procedures
- contingency planning
- welfare assurance systems

Recommendations for regulations are covered in Section 3.4 below.

The highlighted changes are not exhaustive; there are other changes to the Code. The entire draft Code can be accessed at:

<https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

3.2 PROPOSALS FOR CHANGE – MINIMUM STANDARDS, EXAMPLE INDICATORS AND RECOMMENDED BEST PRACTICES

NAWAC seeks your comment on the proposed changes to the Code. Please answer as many or as few questions as you wish.

In your answers please consider animal welfare, good practice, available technology, and any other matters you think relevant including practicality and economic impact.

NAWAC is also seeking general feedback on the Code itself. These questions are in section 3.3.

As noted above, the rationale and supporting evidence for the following proposals are contained in the Code Review Evaluation Report. The full wording of the proposals in the new proposed Code of Welfare is available at:

<https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

3.2.1 Electricity use to manage animal behaviour

In light of the aversive nature of electrical stimulation, NAWAC has concerns around the use of electricity for controlling dairy cattle behaviour, in particular regarding the potential for

misuse or abuse and potential malfunction of equipment if not designed, manufactured, used or maintained adequately.

NAWAC is therefore proposing new minimum standards relating to the use of electrified backing and top gates, electroimmobilisation and electroejaculation as per below:

- NAWAC is proposing a new minimum standard that electroimmobilisation devices must not be used (Minimum Standard No. 4o). NAWAC considers that this minimum standard should be made a regulation (see Section 3.4.4 below).
- NAWAC is proposing a new minimum standard that electrified backing and top gates must not be used (Minimum Standard No. 2j). NAWAC considers that this minimum standard should be made a regulation (see Section 3.4.5 below).
- NAWAC is proposing new minimum standards to safeguard the welfare of bulls during electroejaculation (Minimum Standard No. 21d-f).

NAWAC has discussed virtual fencing systems and considered that current systems appear to have various safeguards in place to prevent operators applying shocks to animals directly and therefore the risk of misuse and abuse would be considered low in comparison to hand-held devices, such as electric prodders. However, NAWAC is proposing to amend Minimum Standard No. 10a and to add a new minimum standard (Minimum Standard No. 10b) to safeguard the welfare of dairy cattle with regard to emerging technologies, which will also apply to virtual fencing systems:

- Farm facilities, equipment and technologies used with animals must be designed, constructed, maintained and used in a manner that minimises the likelihood of distress, pain or injury to animals (Minimum Standard No. 10a).
- Dairy cattle that do not adapt to new technologies must be provided with alternative management (Minimum Standard No. 10b).
- Aversive techniques for training animals to new technologies should not be used (Recommended Best Practice under Minimum Standard No. 10).

Q1. Do you support the proposed standard that electroimmobilisation devices must not be used? Why / why not?

Q2. Do you support the proposed standard that electrified backing and top gates must not be used? Why / why not?

Q3. Do you support the proposed standards on electroejaculation? Why / why not?

Q4. Do you support the proposed standards and recommended best practice for Minimum Standard No. 10 to address virtual fencing? Why / why not?

Q5. Is there a different approach to address virtual fencing that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.2 Body Condition Score

NAWAC considered that provision of immediate remedial action when body condition score (BCS) falls below 3, as required by the 2019 Code, was too late to address any underlying issues and in fact allowed for lower BCSs. It also considered that an increase to the BCS limit would not address this issue. NAWAC therefore reviewed the wording of this standard which now requires that

- BCS must not fall below 3.5 or go above 8 (scale of 1-10) (Minimum Standard No.6b).

The minimum standard that BCS for dairy cattle must not exceed 8 allows for best practice recommendations to avoid animal welfare consequences around calving. NAWAC acknowledges that most animals will sit within a lower range, with the recommended target calving BCS for cows and heifers being 5 and 5.5, respectively, but below 7 to minimise calving difficulties and metabolic problems.

NAWAC considers that dairy cattle that fall below a BCS of 3.5 are not fit for transport. NAWAC has added an example indicator to Minimum Standard No. 23 – Pre-transport Selection and Preparation that:

- End-of-life cattle with a BCS below 3.5 are not transported unless under veterinary advice.

Some concern has been raised regarding the consistency of scoring, in particular related to 0.5 increments. NAWAC believes that with the appropriate training this should not be an issue and is no different to having to learn to score a BCS 3.0.

Q6. Do you support the proposed changes to BCS requirements? Why / why not?

Q7. Do you support the proposed example indicator for transport of end-of-life cattle with a BCS below 3.5? Why / why not?

Q8. Is there a different approach to BCS that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.3 Intensive Winter Grazing

In order to address the recommendations by the Winter Grazing Task Force and the Winter Grazing Action Group, NAWAC is proposing amendments to existing standards and new minimum standards, relevant example indicators and recommended best practices throughout the Code. The main minimum standards, example indicators and recommended best practices relating to intensive winter grazing are outlined below:

- The following example indicators have been proposed under Minimum Standard No. 5: Drinking Water:
 - Water sources are within acceptable walking distance (e.g. within 20m in intensive systems and within 250m in more extensive systems)
 - Access to troughs is not impeded and troughs are located and managed to reduce mud, manure accumulation and pugging around them
 - For winter grazing systems, drinking water is readily available in the grazing area and portable drinking troughs should be as close to the grazing face as possible
- The following new minimum standard, example indicators and recommended best practices have been proposed for Minimum Standard No. 6 – Feed:

- Minimum Standard 6f: Where a change of feed is incorporated into the diet it must be introduced gradually and abrupt changes must be avoided.

Example Indicators

- Dairy cattle do not suffer from feed-related diseases or disorders
- The appropriate type and amount of supplements are fed and all animals have opportunity to access these
- Staff understand the risks associated with feeding, especially feeds other than pasture, including
 - * nutritional deficiencies and metabolic diseases
 - * health disorders that might arise from inappropriate feeding such as toxicities, rumen acidosis or metabolic diseases;
 and implement management strategies to prevent and manage these risks
- Fodder beet does not make up more than 60% of the diet of dry cows and growing cattle and no more than 30% in lactating cows, with the remaining feed provided through supplementary feed and/or pasture
- A plan is in place for animals that do not adapt to the winter forage crop diet

Recommended Best Practice

- Professional advice from a veterinarian, farm consultant or nutrition consultant should be sought when designing a supplement/winter grazing feed transition plan, and the plan should be followed.
 - Only paddocks which are suitable for stock class and forage type should be used for winter grazing to ensure that an adequate lying surface and shelter can be provided.
 - Grazing contracts should be in place where dairy cattle are grazed off-farm and include responsibilities for the grazier relating to feed management, animal health, transport and animal welfare.
- The following new minimum standards, example indicators and recommended best practice have been proposed for Minimum Standard No. 7 - Providing for Behavioural Needs:
 - Minimum Standard 7b: Dairy cattle must have sufficient space for all animals in a herd to lie down and rest comfortably at the same time.
 - Minimum Standard 7c: Dairy cattle must have access to a compressible well-drained surface so they are able to lie and rest comfortably for sufficient periods each day to meet their behavioural needs.

Example Indicators

- Cattle do not show signs of lying deprivation
- Lying is not impeded by mud, surface water, effluent accumulation or by the hardness of the surfaces
- Normal free movement and access to feed, water and lying areas is not impeded by space restrictions, excessive competition, mud, surface water

- Cattle in intensive winter grazing systems have at least 10m² per animal available on a suitable surface to allow for each animal to lie down comfortably

Recommended Best Practice

- Dairy cattle should be provided with the opportunity to lie and rest comfortably on a compressible, well-drained and clean surface for as long as they choose.
- The following new minimum standard, example indicators and recommended best practice have been proposed for Minimum Standard No. 18: Calving:
 - Minimum Standard 18c: Calving cows must be provided with a compressible well-drained surface and effective shelter at least 14 days prior to scan-dated calving to prevent calves being born into unsuitable conditions, including surface water or mud.

Example Indicators

- Calves are not born into mud or surface water
- Ground conditions are such that calves are not prevented from standing (e.g. slipping in mud)

Recommended Best Practice

- For winter grazing systems, animals should be drafted into mobs according to estimated calving date, and all relevant people should be able to access calving date records, to allow cows to be moved to well-drained areas prior to calving.
- The following new minimum standard, example indicators and recommended best practices have been proposed for Minimum Standard MS 24: Contingency Planning:
 - Minimum Standard 24: Persons in charge of dairy cattle must have a documented contingency plan in place to address any anticipated adverse events which can negatively affect the welfare of the animals.

Example Indicators

- A plan for protecting stock during adverse weather events is in place including for the provision of compressible well-drained areas for lying so dairy cattle can meet their daily lying needs

NAWAC is also recommending that three regulations be developed to ensure animals in winter grazing systems have access to clean water at all times within the grazing area, that all dairy cattle have sufficient well-drained lying space to meet their lying requirements and to prevent calves being born into surface water or mud (see Section 3.4.6 below).

Q9. Do you support the proposed standards, example indicators and recommended best practices relevant to intensive winter grazing? Why / why not?

Q10. Is there a different approach to ensuring the welfare of animals within intensive winter grazing systems that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.4 Shelter

It is NAWAC's opinion that the main consideration of standards around the provision of shelter should be the protection of animals from climatic extremes that may result in thermal stress, discomfort and associated welfare compromise. In this context it is NAWAC's position that the act of providing such protection (sheltering) has broader meaning than the traditional view of natural shelter in the pastoral farming landscape, and that appropriate provision of artificial means to mitigate thermal stress can have equivalent or better animal welfare outcomes.

NAWAC considers that shade and shelter are essential for the well-being of animals but allows that there are difficulties in setting standards providing specific thresholds for shelter provision or thermal stress in pastoral environments at which management action becomes necessary i.e. standards that will be suitable and effective for all dairy cattle in every farming system and that are enforceable.

The inclusion of standards and indicators with defined thresholds for heat loading, at which point remedial action would be required to mitigate any heat stress, was debated at some length by NAWAC. NAWAC considers that heat stress is a serious animal welfare issue, especially for lactating dairy cattle. NAWAC would therefore like to recommend amendments to Minimum Standard No. 9 – Shelter which now requires that:

- All dairy cattle must be provided with shade or other means to minimise the risk of heat stress due to warm and/or humid conditions (Minimum Standard No. 9a).
- All dairy cattle must be provided with shelter or other means to minimise the risk of cold stress due to cold and/or wet conditions (Minimum Standard No. 9b).

NAWAC also considered that greater protection should be provided for photosensitive animals and is proposing to include a new minimum standard:

- Photosensitive animals must be provided with protection from exposure to direct sunlight (Minimum Standard No. 9f).

NAWAC is also recommending a regulation be developed to address heat stress pending feedback from public consultation (see Section 3.4.8 below).

Q11. Do you support the proposed amendments to the standard relating to the provision of shade or other means to minimise the risk of heat stress? Why / why not?

Q12. Do you support the proposed amendments to the standard relating to the provision of shelter or other means to minimise the risk of cold stress? Why / why not?

Q13. Do you support the proposed standard relating to photosensitive animals? Why / why not?

Q14. Is there a different approach to shelter that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.5 Emerging Technologies

As outlined in the draft Code, NAWAC considers that modern technologies are increasingly being used on farm and that while these systems have advantages for stock management, there are also risks to animal welfare.

NAWAC proposes that the current minimum standard relating to farm facilities be amended to take into consideration emerging technologies. Minimum Standard No. 10 - Farm facilities, equipment and technologies has been amended so that:

- Farm facilities, equipment and technologies used with animals must be designed, constructed, maintained and used in a manner that minimises the likelihood of distress, pain or injury to animals (Minimum Standard No. 10a); and
- Dairy cattle that do not adapt to new technologies must be provided with alternative management (Minimum Standard No. 10b).

Q15. Do you support the proposed amendment to the standard for farm facilities, equipment and technologies? Why / why not?

Q16. Do you support the proposed standard for providing dairy cattle that do not adapt to new technologies with alternative management? Why / why not?

Q17. Do you consider that the proposals cover emerging technologies sufficiently? Why / why not?

Q18. Is there a different approach to farm facilities, equipment and technologies that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.6 Provision of lying surfaces and limit for time on hard surfaces in off-paddock facilities

In New Zealand, cows are predominantly kept on pasture. However, there are situations where cows are stood off (i.e. kept on other surfaces such as yards) for short-term periods (e.g. overnight for several subsequent days). This occurs particularly during wet weather so as to reduce soil damage and ground water contamination and reduce cows' exposure to the welfare impacts of wet and muddy surfaces. Dairy cattle may also be kept in specialised off-paddock facilities for longer periods, especially in the wetter and colder areas of New Zealand.

An important welfare consideration where dairy cattle are kept in off-paddock facilities (short and long-term) is the hardness of surfaces. Hard surfaces directly impact on the time cows can spend lying down comfortably and prolonged periods standing and walking on these surfaces affect cow comfort and leg health.

NAWAC has reviewed the minimum standard related to the provision of suitable lying surfaces for cattle in off-paddock facilities. In the 2019 amendment NAWAC considered that emergency situations could arise that may require farmers to keep cattle off-paddock for more than 16 hours a day for a number of days to minimise damage to soil and to protect cows (e.g. during extreme wet weather). NAWAC considered that cattle can only be managed off-paddock in these situations without the provision of drained lying areas for up to 3 days.

NAWAC is now proposing revisions to include a minimum standard (see Section 3.2.13) requiring contingency planning such that farmers need to plan ahead for emergency situations. As highlighted by the relevant example indicator, a plan for protecting stock during adverse weather events must be in place including for the provision of compressible well-drained areas for lying so dairy cattle can meet their daily lying needs.

The minimum standard for off-paddock facilities has been amended due to the code now requiring contingency planning and now reads:

- Where dairy cattle are kept in off-paddock facilities for more than 12 hours a day for more than three consecutive days:

- they must be provided with a well-drained lying area with a compressible surface or bedding, maintained to avoid manure accumulation, to ensure Minimum Standard 7(c) is satisfied.

NAWAC also does not consider river stones to be an acceptable lying or walking surface for any dairy cattle and is therefore proposing to include a new minimum standard:

- River stones must not be used as a surface cover or bedding substrate in off-paddock facilities.

Q19. Do you support the proposed revision of the standard for the provision of appropriate lying areas? Why / why not?

Q20. What do you consider an appropriate time (e.g. hours/consecutive days) for dairy cattle to be held in off-paddock facilities without access to well-drained compressible lying areas?

Q21. Do you support the proposed standard relating to the use of river stones in off-paddock facilities? Why / why not?

Q22. Is there a different approach to stand-off that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.7 Calf rearing

Calves rely on a sufficient and timely consumption of colostrum to prevent failure of passive transfer to reduce the risk of calf mortality and morbidity.

Factors contributing to an increased risk of failure of passive transfer include calves not receiving colostrum within the initial 12-24 hours of life/before gut closure occurs, receiving an inadequate amount of colostrum during this period, being fed colostrum with low levels of immunoglobulins, or being provided colostrum that is contaminated with bacteria.

While it is considered that calves should receive colostrum within the first 6 hours after birth to ensure adequate absorption of immunoglobulins, this is not always possible in pasture-based systems where calves may only be collected from the paddock once a day. However, calves may receive sufficient colostrum from the dam prior to being removed. To safeguard the welfare of those calves that may not receive sufficient colostrum from the dam, NAWAC is proposing a new minimum standard that:

- All newborn calves removed from their dam must be offered sufficient good quality colostrum/colostrum substitute as soon as possible after but within 2 hours of being removed, to ensure that any calves that have not sucked their dam receive colostrum within 24 hours after birth (Minimum Standard No. 12b).

The standard practice of providing calves a milk allowance equivalent to 10% of their body weight has been widely used as a strategy to reduce the feeding and labour costs associated with rearing young calves and as a way of increasing starter intake to promote rumen development and lowering weaning age. However, calves reared on such restrictive feeding programmes show increased signs of hunger. In addition, calves are not able to consume and digest sufficient quantities of calf starter in the first three weeks after birth for calf starter to be considered a separate meal.

NAWAC therefore considers that the management practice of feeding calves once daily on limited volume of liquid feed is not acceptable for the first 3 weeks after birth. It has proposed a new minimum standard requiring that:

- For the first 3 weeks after birth calves must be fed a suitable good quality liquid feed at a rate of no less than 20% of their body weight divided into no less than two feeds per day (Minimum Standard No. 12g).

NAWAC is also proposing to amend the minimum standard to require a minimum weaning age:

- A calf must be given suitable liquid feeds that satisfy Minimum Standard 6a, until the rumen has developed sufficiently to allow it to utilise solids as the sole feed source, but must not be fully weaned off milk before 6 weeks of age (Minimum Standard No. 12e).

Q23. Do you support the proposed standard relating to offering colostrum/colostrum replacer after removal from the dam? Why / why not?

Q24. Do you support the proposed standard on feeding calves up to 3 weeks of age? Why / why not?

Q25. Do you support the proposed amendment to the standard on weaning? Why / why not?

Q26. Is there a different approach to colostrum, hand rearing and weaning that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.8 Selection and Breeding

Selection objectives are inevitably a balance or compromise among animal traits and the ability of husbandry techniques to overcome any compromises. An unbalanced focus on production efficiency is associated with a risk of behavioural, physiological, physical, health and immunological problems and therefore compromises to animal welfare.

NAWAC is proposing a new minimum standard (Minimum Standard No. 20 – Selection and Breeding) that:

- The animal welfare impacts of animal selection and breeding objectives must be monitored for favourable and unfavourable consequences, and the results incorporated into future objectives, so as to minimise the risks to animal welfare.

Recommended best practices to encourage persons in charge to ensure selection practices should not include unbalanced selection for increased productivity if it is known or thought to unreasonably compromise animal health or welfare, that selection of breed and sire for mating to a female should minimise the risk of birthing difficulties, that breeding selection should include qualities to improve the welfare of animals and that animal genotype should be appropriate for the environment.

Q27. Do you support the proposed standard and recommended best practices on selection and breeding? Why / why not?

Q28. Is there a different approach to selection and breeding that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.9 End-of-life Management

NAWAC considered that all codes of welfare for production animals should cover end-of-life management to highlight the importance of animal welfare considerations for this vulnerable group of animals.

Early decision making is essential to ensure that welfare risks are minimised for cows to be culled from the herd and to prevent animal welfare issues from developing or worsening, especially where cull animals are transported off farm for sale or slaughter. Early culling decisions allow time to plan for and implement pre-transport preparation of the animals to reduce the welfare impacts of travel and minimise the risk of cows becoming recumbent either during the journey or in lairage after the journey.

NAWAC is therefore proposing a new minimum standard (Minimum Standard No. 22 – End-of-life Management) that:

- Animals to be culled from the herd must be identified in a timely manner so they can be selected and prepared for transport appropriately.

Q29. Do you support the proposed standard on end-of-life management? Why / why not?

Q30. Is there a different approach to end-of-life management that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.10 Pre-transport Selection and Preparation

The process of transport, especially loading and unloading, is stressful to animals. Animals therefore need to be adequately prepared and fit when being selected for transport in order to withstand the journey without suffering unreasonable or unnecessary pain or distress.

NAWAC has added new clauses to Minimum Standard No. 23 - Pre-transport Selection and Preparation relating to preparation of dairy cattle for transport to saleyards and slaughter.

Reduced feed intake and fasting prior to transport can lead to hunger and weakness. A new minimum standard is proposed requiring dairy cattle to undergo suitable preparation for the intended journey including a requirement that:

- Dairy cattle must not be held off green feed for more than 6 hours prior to transport if lactating or for more than 12 hours prior to transport if dry (Minimum Standard No. 23f(iii)).

It also added a new requirement that:

- Water and roughage must be available in collection areas at all times until the point of loading (Minimum Standard No. 23f(iv)).

In lactating dairy cattle hypocalcaemia and hypomagnesaemia may also occur increasing the risk of recumbency during and after transport. NAWAC has added a new requirement that:

- Dairy cows transported to saleyards or slaughter must receive sufficient and effective mineral supplementation prior to transport to prevent metabolic complications (Minimum Standard No. 23f(i)).

Lactation is a risk factor for reduced welfare during transport, and NAWAC has added a new requirement that:

- Lactating dairy cows transported to saleyards or slaughter must be milked as close to transport as possible (Minimum Standard No. 23f(ii)).

Due to the significance of the change to farm management and the potential welfare impacts of requiring all dairy cows to be dried off prior to transport to saleyards or slaughter NAWAC is not recommending a minimum standard for drying-off to be part of pre-transport preparation, however it is including drying-off at least 3 weeks prior to transport as a recommended best practice.

Q31. Do you support the proposed standard relating to time limits for holding dairy cattle off green feed prior to transport? Why / why not?

Q32. Do you support the proposed standard on provision of water and roughage until the point of loading? Why / why not?

Q33. Do you support the proposed standard on mineral supplementation? Why / why not?

Q34. Do you support the proposed standard on milking and the recommended best practice on dry-off prior to transport? Why / why not?

Q35. Is there a different approach to pre-transport selection and preparation that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

NAWAC considers that the proposed minimum standards relating to preparation for transport represent first steps in the development of a suite of regulations to address the issue of recumbency in end-of-life dairy cattle during and after transport to slaughter (see Section 3.4.7 below).

3.2.11 Working relationship with a veterinarian

The lack of professional oversight has been raised as an emerging risk by a report to the Farm to Processor Animal Welfare Forum identifying current and emerging welfare risks and recommended priorities for the code review.

NAWAC considered that veterinary oversight is an important aspect of preventing health and welfare issues from developing, especially where there is no existing industry oversight (e.g. small holdings/lifestyle blocks).

NAWAC therefore proposes a new minimum standard requiring that:

- Persons in charge of dairy cattle must have a working relationship with a practising large-animal veterinarian (Minimum Standard No. 24h).

A working relationship has been defined as the owner or person in charge of animals being a regular *bona fide* client of a large animal veterinary practice within a reasonable distance of the farm.

An example indicator has also been added that a veterinarian comes onto the farm and sights all animals at least once a year.

Q36. Do you support the proposed standard and example indicator for having a working relationship with a veterinarian? Why / why not?

Q37. Do you support the proposed definition of a 'working relationship'? Why / why not? If not, what definition would you support?

Q38. Is there a different approach to disease and injury control that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.12 Contingency Panning

It is essential for persons in charge of animals to have a plan in place to be prepared for any events that pose risks to the welfare of the animals under their care.

NAWAC considered that contingency planning should be included in all codes of welfare as part of its codes review programme to minimise the risks adverse events pose to animal welfare. It has therefore added a minimum standard (Minimum Standard No. 26 – Contingency Panning) to the draft code requiring that:

- Persons in charge of dairy cattle must have a documented contingency plan in place to address any anticipated adverse events which can negatively affect the welfare of the animals.

Q39. Do you support the proposed standard on contingency planning? Why / why not?

Q40. Is there a different approach to contingency planning that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.2.13 Welfare Assurance System

As part of its codes review programme, NAWAC considered a variety of aspects that would need to be considered as part of the review, including assurance programmes.

The previous code included a Part 8 on Quality Management. NAWAC is proposing that this section is replaced to include a new Minimum Standard No. 27 that requires a fully documented and auditable quality assurance system:

- (a) Each commercial farm must have a fully documented and auditable quality assurance system that ensures compliance with the minimum standards required by this Code of welfare.
- (b) The quality assurance system must be easily accessible to all personnel and they must adhere to it.
- (c) The documented system must identify:
 - i) Positions of individual persons who are responsible for carrying out specific tasks; and
 - ii) Methods and procedures the owner or person in charge of animals will implement to achieve specified tasks; and
 - iii) Process and frequency of checks on animals, facilities and equipment; and
 - iv) Training, competence and supervision of persons carrying out specified tasks; and
 - v) Procedure for recording numbers and circumstances for all animal deaths and injuries on farm and the corrective actions taken; and
 - vi) Responses to significant injury or disease and persistent/chronic pain; and

- vii) Corrective actions that will be taken in the event of non-compliance with the requirements of the system.
- (d) The documented system must be verified using performance-based audits on at least an annual basis. Corrective actions must be completed as required by the audits.

As outlined in the draft code, adoption or adaptation of an industry generic quality assurance system for welfare and husbandry procedures may meet the minimum standard.

NAWAC understands that farms may already have plans in place and considers that the inclusion of animal welfare criteria in these existing plans may be adequate to be compliant with the recommended minimum standard in the draft code (e.g. Integrated Farm Plans).

Q41. Do you support this proposed standard on a Welfare Assurance System for dairy cattle? Why / why not?

Q42. Do you currently adopt an industry generic quality assurance system for welfare and/or husbandry procedures? If yes, please provide details of this system.

Q43. Do you think self-auditing is a sufficient method to monitor a Welfare Assurance System and ensure compliance? Why / why not?

Q44. Is there a different approach to welfare assurance for dairy cattle that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

3.3 GENERAL QUESTIONS ON THE CODE

NAWAC is interested on your wider views on the Code and its development. Before you consider the questions below, we recommend you study the full Code and the rationale and supporting evidence for the revised Code, which are contained in the Code Review Evaluation Report at: <https://www.mpi.govt.nz/proposed-code-of-welfare-for-dairy-cattle>

Q45. Do you agree that the minimum standards in this Code, including those that have not changed, are the minimum necessary to ensure that the physical, health, and behavioural needs of dairy cattle 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? Please state your reasons.

Q46. Do you agree the example indicators given in this Code 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.

Q47. Do you agree that the recommendations for best practice in this Code are appropriate? If not, what alternatives do you suggest? Please state your reasons.

Q48. Do you have anything further you wish to say on the Code from an animal welfare perspective?

Finally, we are interested in any general comments you may have on aspects of the Code that you have not been able to raise in the feedback you have given.

We have provided the following questions as a guide for you.

Q49. Do you see any barriers to the implementation of the proposed Code? If so, what are they and how might they be resolved?

Q50. What benefits do you see from having this proposed Code? Benefits may include, for example, increased certainty about animal welfare requirements.

Q51. Do you see any unintended consequences from the proposed code? If so, what are they and how might they be mitigated?

Q52. What broader impacts do you think this proposed Code could have on New Zealand society, the economy, and the environment?

Q53. Do you have any other comments you would like to make?

3.4 PROPOSALS FOR CHANGE - REGULATIONS

3.4.1 Summary of proposed regulations

Under section 71(1)(d) of the Act, when consulting on a draft code, NAWAC must indicate any matters that it considers should be dealt with by regulations. NAWAC has indicated that it considers the following matters should be dealt with by regulations:

- Prohibit the use of all types of electroimmobilisation devices
- Prohibit the use of electrified top and backing gates used for moving dairy cattle in dairy yards
- Regulations relating to intensive winter grazing
 - Access to water in the grazing area at all times (for all animals including beef cattle, sheep and deer)
 - Provision of at least 10m²/animal of suitable lying space free of surface water pooling (all cattle)
 - Moving cows to an appropriate surface 10 days prior to scan-dated calving to reduce the risk of calving in unsuitable conditions (dairy cattle only)
- Regulations relating to transport to slaughter of end-of-life dairy cattle
 - Requirements for adequate preparation for transport
 - Restriction of transport time to 8 hours
 - Maximum time from last milking to slaughter of 24 hours
 - Prohibition of transport of lactating dairy cattle to slaughter via the Cook Strait and via saleyards
- Regulation relating to heat stress
- Regulation to prohibit the use of electric prodders on all dairy cattle (regulation 48. Use of electric prodders - to be re-assessed as part of the review of the Transport within New Zealand and Commercial Slaughter Codes of Welfare)
- Regulations relating to castration in cattle and sheep (review of regulation 53. Castrating cattle beasts and sheep – currently being undertaken as part of the Sheep and Beef Cattle Code Review)

Section 183A(1) of the Act enables regulations to be made that aid in the enforcement of animal welfare standards or requirements and can set penalties for non-compliance. Existing regulations are set out in the Animal Welfare (Care and Procedures) Regulations 2018⁸.

Section 183A(2) of the Act enables transitional periods to be created for non-compliant practices, where there is no viable alternative. These regulations can create a transitional period for the phase out of non-compliant practices⁹. Section 182A(2) sets a maximum phase out period of up to ten years. The Act allows further regulation to extend this period once only, for a further five years if considered reasonably necessary for a sector to transition away from current practice.

Section 183B(1) of the Act enables regulations to be made to prohibit specified surgical procedures and painful procedures on animals, prescribing requirements in relation to the performance of specified surgical and painful procedures and to declare that any specified surgical procedure is not a significant surgical procedure for the purposes of the Act.

Following recommendation by NAWAC, MPI is responsible for developing advice to Government on any proposed regulations. The advice will likely include whether regulations are necessary or can be practically implemented, and any economic impacts from the changes which may require a transition period.

In addition to animal welfare, NAWAC has included questions in this section that address a number of these elements to ensure that its recommendations for regulation are appropriate and viable.

3.4.2 Evaluating the need for the proposed regulations

MPI uses the following criteria to determine which of the minimum standards and additional matters would be appropriate to develop into regulations:

1. Effective – is there an identified problem? Is it likely that regulations will achieve the desired change in outcomes and/or update practice where necessary?
2. Efficient – if the regulations set a higher standard than the current minimum standards they should be the minimum necessary to ensure that the purpose of the Act will be met, be practical and economically viable.
3. Equitable – the level of the offence is proportionate to the lower-level penalties that are available under regulation.
4. Clear – the actions or omissions are specific and measurable. Regulations need to be clear and precise so there is no doubt when an offence is committed. This is especially so for infringement offences as they are intended to quickly and efficiently deal with minor offending. This value is lost if they are too open to challenge.

⁸ <https://www.legislation.govt.nz/regulation/public/2018/0050/latest/LMS22789.html?src=qs>

⁹ For example, the phased prohibition on use of conventional cages for layer hens - <https://www.legislation.govt.nz/regulation/public/2018/0050/latest/LMS22854.html>

3.4.3 Key questions to ask of each proposal

Generally, good regulations should address the following questions. NAWAC is seeking feedback on these questions for each proposal:

1. Should this area be regulated?
2. What would be the positive impacts of this regulation?
3. What would be the negative impacts of the regulation, including costs of complying?
4. Would a transitional or phase in period be required to manage these impacts? If so, how long would be appropriate?
5. Are there any unintended consequences?
6. Do you think the regulation will achieve its aim?
7. Is the current issue being managed adequately by codes of welfare or other instruments under this Act?
8. Are there any non-regulatory options that would be more effective?

3.4.4 Electroimmobilisation

NAWAC proposes that a new regulation is developed to prohibit the use of all electroimmobilisation (EI) devices (see Section 3.2.1).

NAWAC considers a regulation to restrict the use of EI devices is warranted in light of:

- the potential impact on the welfare and affective state of the animal, in particular due to the lack of control over its own body while being handled, and
- the small number of farmers using these devices, and
- available alternatives currently being used by the majority of NZ farmers, and
- the potential for misuse of the devices (i.e. use at high settings, use of faulty devices, prolonged use, use on immature and sick animals), and
- the limited research to support continued use of these devices, and
- the ability of farmers to manage stock with good stockperson skills and patience.

NAWAC recommends that the regulation should come into force without a transition period, as it does not anticipate any adverse effects that would result in an unreasonable impact on the sector.

NAWAC considered the potential use of EI devices for electroejaculation (see relevant section in the Code Review Evaluation Report) and acknowledges that there are situations where this use may be indicated. It therefore recommends electroejaculation be permitted, with relevant safeguards as outlined in Minimum Standard 21(d-f)), instead of being covered under the current proposal on electroimmobilisation devices.

In addition to the questions set out in section 3.4.3 -

Q54. Do you agree with NAWAC's proposal to develop a regulation to prohibit the use of all electroimmobilisation devices?

Q55. Do you agree with NAWAC's recommendation for the regulation to come into effect without a transition period?

3.4.5 Electrified top and backing gates

NAWAC proposes that a new regulation is developed to reflect the new proposal to prohibit the use of electrified top and backing gates used to move dairy cattle in dairy yards (see Section 3.2.1).

NAWAC considers that a regulation to prohibit the use of electrified gates in the dairy yard is warranted in light of:

- the impact on the affective state of the animal (e.g. pain, stress, potential injury and increased risk of lameness, aggressive interactions), and
- available alternatives are currently being used by the majority of NZ farmers (i.e. non-electrified gates), and
- the potential for misuse of the devices (i.e. wrong settings, forgetting to turn them off), poor design or malfunctioning and associated impact on animal welfare for large numbers of animals in a single event, and
- the ability of farmers to adequately manage stock with good stockperson skills and patience.

NAWAC recommends that the regulation should come into force without a transition period, as it does not anticipate any adverse effects that would result in an unreasonable impact on the sector.

In addition to the questions set out in section 3.4.3 -

Q56. Do you agree with NAWAC's proposal to develop a regulation to prohibit the use of electrified top and backing gates used to move dairy cattle in dairy yards?

Q57. Do you agree with NAWAC's recommendation for the regulation to come into effect without a transition period?

3.4.6 Intensive Winter Grazing

NAWAC is recommending three new regulations be developed to address welfare issues associated with intensive winter grazing:

- 1) NAWAC recommends that a regulation be developed requiring that where animals, including dairy cattle, are managed in intensive winter grazing systems, clean drinking water be available in the grazing area at all times.

NAWAC recommends that the regulation should come into force without a transition period, as it does not anticipate any adverse effects that would result in an unreasonable impact on the sector.

- 2) NAWAC recommends that a regulation be developed requiring that all cattle, including beef cattle, kept in intensive winter grazing systems must have access to a well-drained (i.e. no surface water pooling) compressible area of at least 10m² /animal so they can meet their daily lying requirements.

Cattle reduce lying times when exposed to surface water/mud, which is detrimental to their welfare.

NAWAC recommends that the regulation should come into force without a transition period, as it does not anticipate any adverse effects that would result in an unreasonable impact on the sector.

- 3) NAWAC recommends that a regulation be developed according to the Winter Grazing Action Group (WGAG) advice requiring calving dairy cows to be moved to a suitable calving area at least 14 days prior to scan-dated calving.

NAWAC considers it to be unacceptable for calves to be born into surface water or mud. Not only will this impact on the calf's welfare by reducing its ability to maintain body temperature and comfort, there is also an increased risk that the calf may not be able stand and feed due to ground conditions, leaving the animal hungry and increasing the risk of hypothermia and failure of passive transfer of immunity. Mud is also an inappropriate surface for a cow to give birth on.

Describing a surface/environment which is unsuitable to a newborn calf/cow giving birth in a prescriptive, enforceable manner would be difficult. Setting a time to move animals to a suitable calving location may be a possible alternative where pregnancy data is available (e.g. standard distribution of expected calving dates means 95% of calves are born within 10 days either side of expected calving). Scan-dated calving is commonly used in the dairy sector and NAWAC considers that farmers should be able to move most of their cows to a suitable calving area before they give birth. However, a percentage of calves would be expected to be born outside the 10 days window. The WGAG has recommended that animals should be moved to a suitable birthing area at least 14 days before their expected calving date. This would allow an additional 4 days to capture at least a percentage of calves born outside the 10-day-period.

Some animals may have to be transported in order for farmers to be compliant with such a regulation. Regulation 41. Restrictions of transporting animals in late pregnancy (Animal Welfare (Care and Procedures) Regulations 2018) restricts the transport of pregnant cattle in late pregnancy unless the animal is accompanied by a veterinary certificate that states that the animal is fit for transport or a veterinary certificate that specifies conditions that must be complied with to manage the animal welfare risks associated with transport. This needs to be taken into consideration when developing this regulation (i.e. transporting animals close to giving birth and potential welfare implications).

NAWAC recommends that the regulation should come into force without a transition period, as it does not anticipate any adverse effects that would result in an unreasonable impact on the sector.

In addition to the questions set out in Section 3.4.3 -

Q58. Do you agree with NAWAC on the proposed regulation for water provision for all animals in intensive winter grazing systems? Why / why not?

Q59. Do you agree with NAWAC on the proposed regulation for the provision of lying space for all cattle in intensive winter grazing systems? Why / why not?

Q60. Do you agree with NAWAC on the proposed regulation for preventing calves born into unsuitable conditions? Why / why not?

Q61. Do you agree with NAWAC's recommendation for the three regulations to come into effect without a transition period?

3.4.7 End-of-life cow transport

NAWAC considers that the new minimum standards proposed in the draft Code relating to selection and preparation for transport represent first steps in the development of a suite of regulations to address the issue of recumbency in end-of-life dairy cattle during and after transport to slaughter (see Section 3.2.10 above).

Along with a regulation relating to preparation for transport, NAWAC wishes to recommend a limit to transport times, a limit of time to slaughter from last milking, and a restriction of transport of lactating end-of-life cattle to slaughter across the Cook Strait and via saleyards.

It is likely that implementation of some aspects of these proposed changes require infrastructure development (e.g. the proposal that end-of-life cows are not transported across Cook Strait), and so may need a transitional period.

- 1) End-of-life dairy cattle need to be adequately prepared for transport to reduce the risk to animal welfare in this group of cattle.

NAWAC is recommending a regulation be developed requiring farmers/persons in charge to prepare end-of-life cattle for the intended journey:

- by providing feed (which can be roughage) and water up until the time of loading;
- by providing sufficient and effective mineral supplementation (as per example indicator this would require sufficient and effective calcium and magnesium supplementation) prior to transport; and,
- by milking any lactating cows as close to transport as possible (as per example indicator this would require milking within 2 hours prior to transport).

NAWAC recommends that the regulation should come into force without a transition period, but would like further feedback from the industry.

- 2) The process of transport, especially loading and unloading, is stressful to animals and research suggests that reducing transport times for end-of-life cows could be a simple but effective method of reducing the risk of recumbency at slaughter premises.

EU requirements are for travel times to be capped at 8 hours in a standard truck (no provision of water or feed during the journey).

NAWAC is recommending a regulation be developed setting an 8-hour limit for transporting end-of-life dairy cows.

As this would be a significant change for the industry a transition period of some years would be required for implementation.

- 3) Data from MPI Verification Services shows that 63% of cows becoming recumbent at slaughter premises have been in lairage overnight rather than being slaughtered on the day they arrive.

Lairage time has been identified by a New Zealand study as one of 3 main factors contributing to cows becoming recumbent and a reduction in lairage times to reduce the risk of recumbency has been recommended.

In order to reduce the welfare impact of holding end-of-life cows in lairage, NAWAC is recommending a regulation be developed setting a limit on the time from last milking to slaughter of 24 hours.

NAWAC recommends that the regulation should come into force without a transition period, but would like further feedback from the industry.

- 4) Transport of lactating end-of-life cows to slaughter that involves a Cook Strait crossing adds time to the journey prolonging exposure to the stresses of transport and increasing the number of loading and unloading events which are also stressful and increase the risk of injury.

In order to reduce the welfare impact of transport for lactating end-of-life cows, journeys from farm to the processing premises should be as short as possible and this is difficult to achieve if the journey includes a Cook Strait crossing.

NAWAC is recommending a regulation be developed prohibiting the transport of lactating end-of-life cattle to slaughter across Cook Strait as part of the suite of regulations for end-of-life dairy cattle transported to slaughter.

NAWAC acknowledges that there may be situations when transport to slaughter of lactating end-of-life cattle via the Cook Strait would currently be necessary to prevent worse welfare outcomes (e.g. reduced space at processing plants and inability of farmers to hold on to and feed animals until slaughter space is available as may be the case during drought conditions).

NAWAC anticipates that a transitional period would be required to allow the industry to put necessary infrastructure and processes in place to prevent these situations.

- 5) As with journeys that involve a Cook Strait crossing, travelling via saleyards to slaughter adds time to the journey prolonging exposure to the stresses of transport. Such a journey also adds loading and unloading events which are recognised as stressful in themselves and increase the risk of injury. Standing in a saleyard pen is likely to be a similar experience to lairage at slaughter premises with factors such as mixing groups of animals, standing for long periods on concrete, inability to rest, loud noises and unfamiliar odours adding to the stress caused by lack of feed, water and rest resulting from transport.

To further protect the welfare of end-of-life cows, NAWAC is recommending a regulation be developed to prohibit the transport of lactating end-of-life cattle to slaughter via saleyards.

NAWAC anticipates that a short transitional period may be required to allow the industry to put necessary infrastructure and processes in place.

In addition to the questions set out in Section 3.4.3 -

Q62. Do you agree with the regulation recommendation that end-of-life cattle to be transported to slaughter or saleyards must be adequately prepared for the intended journey as outlined above? Why / why not?

Q63. Do you agree that such a regulation should come into force without a transition period? Why / why not?

Q64. Do you agree with the regulation recommendation for an 8-hour transport limit for end-of-life dairy cattle? Why / why not?

Q65. What do you consider an appropriate transition period for such a regulation, if any?

Q66. Do you agree with the regulation recommendation for a limit to lairage time (i.e. slaughter within 24 hours of last milking on farm)? Why / why not?

Q67. Do you agree that such a regulation should come into force without a transition period? Why / why not?

Q68. Do you agree with the regulation recommendation to restrict the transport of lactating end-of-life cattle across the Cook Strait? Why / why not?

Q69. What do you consider an appropriate transition period for such a regulation, if any?

Q70. Are there any exemptions or defences that should apply to prevent worse welfare outcomes?

Q71. Do you agree with the regulation recommendation to restrict transport of lactating end-of-life cattle to slaughter via saleyards? Why / why not?

Q72. What do you consider an appropriate transition period for such a regulation, if any?

3.4.8 Heat stress

NAWAC is recommending a regulation be developed to address heat stress pending feedback from public consultation.

Development of a Heat Load Index (HLI) specific to New Zealand summer conditions that takes account of solar radiation as well as temperature and humidity, is feasible and can be validated against behavioural indicators of the onset of heat stress. This tool has value in meteorological predictions of risk of heat stress to allow farmers to adjust their management.

However, NAWAC considers that the emerging HLI technology is not sufficiently mature for it to be used as the basis for formulating a mandatory threshold at this point, but that it represents future opportunity to improve animal welfare.

At this stage NAWAC does not have a specific regulatory proposal for consideration but is still interested to hear from submitters on the following questions:

Q73. Should this area be regulated? Why / why not?

Q74. How do you think this area could be regulated?

Q75. Is the current issue being managed adequately by codes of welfare or other instruments under this Act?

Q76. Are there any non-regulatory options that would be more effective?

Q77. Do you think that, once sufficiently advanced, a HLI threshold could be used to regulate a cut-off for when shade or heat mitigation strategies must be provided? Why / why not?

3.4.9 Electric prodders - change to Regulation 48

NAWAC recommends regulation 48: Use of electric prodders be reviewed as it considers electric prod use on dairy cattle unacceptable. NAWAC recommends that regulation 48 be reassessed as part of the review of the Transport within New Zealand and Commercial Slaughter Codes of Welfare as the majority of animals impacted will be covered under that code (i.e. electric prodders are primarily used by transporters to load and unload animals).

Q78. Do you support the proposed review of regulation 48? Why / why not?

3.4.10 Painful husbandry procedures

NAWAC proposes that the pain relief requirements for regulation 53: Castrating cattle beasts and sheep be reviewed as it considers the age limit for pain relief after which pain relief is mandatory (i.e. 6 months), to be arbitrary and not in line with regulations on dehorning and disbudding which require pain relief at all times.

Regulation 53 applies to all cattle, i.e. dairy and beef cattle, as well as sheep. Since the sheep and beef sector would be more affected by any changes to this regulation (i.e. most bull calves born to dairy cows are sent to slaughter or farmed for beef), NAWAC considers that the recommendation for changes to regulation 53 should be considered during the review of the Sheep & Beef Cattle Code of Welfare, which is currently being progressed.

Q79. Do you support the proposed review of regulation 53? Why / why not?

3.4.11 Completeness of proposed regulations

NAWAC is interested in your views on the need for any other potential regulations that have not been identified at this time.

Q80. Do you consider that any of the other minimum standards, or additional matters, should become regulations? Please provide reasons for any proposals.

Appendix One: Relevant extracts from the Animal Welfare Act 1999

This appendix sets out relevant extracts from the Animal Welfare Act 1999. Please refer to www.legislation.govt.nz for the full Act.

Part 1 Care of animals

9 Purpose

(1) The purpose of this Part is to ensure that owners of animals and persons in charge of animals attend properly to the welfare of those animals.

(2) This Part accordingly—

(a) requires owners of animals, and persons in charge of animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with both—

(i) good practice; and

(ii) scientific knowledge; and

(b) requires owners of ill or injured animals, and persons in charge of such animals, to ensure that the animals receive treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering; and

(c) imposes restrictions on the carrying out of surgical procedures on animals; and

(d) contemplates that regulations will prohibit or impose requirements on the surgical or painful procedures that may be performed on animals; and

(e) contemplates that regulations will prescribe the persons or classes of persons who may perform surgical or painful procedures on animals; and

(f) specifies certain minimum conditions that must be observed in relation to the transportation of animals.

Obligations of owners and of persons in charge of animals

10 Obligation in relation to physical, health, and behavioural needs of animals

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.

12 Animal welfare offences

A person commits an offence who, being the owner of, or a person in charge of, an animal,

(a) fails to comply, in relation to the animal, with [section 10](#); or

- (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with [section 11](#); or
- (c) kills the animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.

Part 5 Codes of welfare

68 Purpose

The purpose of this Part is to establish procedures for the development, issue, amendment, review, and revocation of codes of welfare that—

- (a) relate to animals that are owned by any person or are in the charge of any person; and
- (b) establish minimum standards with regard to the way in which persons care for such animals and conduct themselves towards such animals; and
- (c) include recommendations on the best practice to be observed by persons in caring for such animals and in conducting themselves towards such animals.

69 Contents

A code of welfare may relate to 1 or more of the following:

- (a) a species of animal;
- (b) animals used for purposes specified in the code;
- (c) animal establishments of a kind specified in the code;
- (d) types of entertainment specified in the code (being types of entertainment in which animals are used);
- (e) the transport of animals;
- (f) the procedures and equipment used in the management, care, or killing of animals or in the carrying out of surgical procedures on animals.

70 Preparation of draft code

- (1) The Minister, the National Animal Welfare Advisory Committee, or any other person may prepare a draft code of welfare.
- (2) Where any person other than the National Animal Welfare Advisory Committee prepares a draft code of welfare, that person must forward the draft code to the National Animal Welfare Advisory Committee.

71 Public notification

- (1) The National Animal Welfare Advisory Committee must publicly notify a draft code of welfare if the Committee is satisfied that—
 - (a) the draft should proceed; and
 - (b) the draft complies with the purposes of this Act; and

- (c) the draft is so clearly written as to be readily understood; and
 - (d) the draft indicates any matters that the Committee considers should be dealt with by regulations under this Act; and
 - (e) representatives of the persons likely to be affected by the draft have been consulted about it; and
 - (f) the Minister has approved the notification of the draft.
- (2) If the Committee decides not to proceed with a draft code prepared by any person other than the Committee, it must—
- (a) give the person its reasons in writing for not proceeding; and
 - (b) notify the Minister of its decision.
- (3) The National Animal Welfare Advisory Committee must publicly notify the draft code of welfare—
- (a) by publishing, in 1 or more daily newspapers circulating in the cities of Auckland, Wellington, Christchurch, and Dunedin, a notice complying with subsection (4); and
 - (b) by giving such further notice (if any) as the National Animal Welfare Advisory Committee considers appropriate, having regard to the persons likely to have an interest in the draft code.
- (4) Every notice published or given under subsection (3) must—
- (a) contain a description of the draft code of welfare; and
 - (b) state that submissions on the draft code of welfare may be made in writing by any person; and
 - (c) state that every submission on the draft code of welfare should specify—
 - (i) those aspects that the submission supports; and
 - (ii) those aspects that the submission opposes; and
 - (iii) the reasons for supporting the aspects supported and the reasons for opposing the aspects opposed; and
 - (iv) any alternatives to provisions of the draft code that the person wishes to recommend; and
 - (d) a list of the places where the draft code may be obtained or inspected; and
 - (e) the closing date for the receipt by the National Animal Welfare Advisory Committee of submissions on the draft code, being a date no earlier than 30 working days after the date on which the notice is first published in a daily newspaper in accordance with subsection (3)(a); and
 - (f) the address of the place to which submissions on the draft code may be delivered or sent.

183A Regulations relating to standards of care

- (1) The Governor-General may, on the recommendation of the Minister, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing standards or requirements for the purposes of giving effect to [Parts 1 and 2](#) (other than [sections 30A to 30E](#)), including—
- (i) animal welfare standards or requirements relating to the care of animals by owners or persons in charge of animals;
 - (ii) animal welfare standards or requirements relating to the conduct of those persons towards animals owned by them or in their charge;
 - (iii) the prohibition of specified things or activities;
- (b) establishing any minimum standard that could be established under [Part 5](#), or amending, revoking, or replacing any minimum standard or any part of a minimum standard established under Part 5.
- (2) Without limiting the generality of subsection (1), regulations made under this section may prescribe standards or requirements that do not fully meet—
- (a) the obligations of [section 10](#) or [11](#); or
 - (b) the obligations that a person would need to observe in the treatment, transport, or killing of animals if that person were to avoid committing an offence against [section 12\(c\)](#), [21\(b\)](#), [22\(2\)](#), [23\(1\)](#), [23\(2\)](#), or [29\(a\)](#).
- (3) The Minister must not recommend the making of regulations in reliance on subsection (2) unless he or she is satisfied that either or both of the following apply:
- (a) any adverse effects of a change from current practices to new practices have been considered and there are no feasible or practical alternatives currently available;
 - (b) not to do so would result in an unreasonable impact on a particular industry sector within New Zealand, a sector of the public, or New Zealand's wider economy.
- (4) In deciding whether any impact is unreasonable under subsection (3)(b), the Minister must have regard to the welfare of any affected animals.
- (5) Any regulations made in reliance on subsection (2) in accordance with the considerations in subsection (3) must provide for the regulations to be in force for a period of time specified in the regulations (the **specified period**) that—
- (a) is reasonably necessary to enable a transition from current practice to a practice that fully meets the obligations specified in subsection (2)(a) and (b); and
 - (b) does not exceed 10 years (which period may, however, be extended once under subsection (6)).
- (6) The specified period may be extended once only by up to 5 years by regulations made under this subsection on the recommendation of the Minister if he or she is satisfied that the majority of participants in the sector concerned—
- (a) have made significant progress towards implementing compliant practice; and
 - (b) cannot reasonably be expected to become compliant before the close of the specified period, taking into account the steps that still need to be completed for implementation of compliant practice; and
 - (c) will become compliant within the extended period.
- (7) Despite subsections (3) to (6), if the Minister considers that requiring a practice to fully meet the obligations specified in subsection (2)(a) and (b) would impose an unjustifiable limitation on the requirements of a religious or cultural practice, the Minister may recommend the making

of regulations in reliance on subsection (2) for an indefinite period subject to review at 10-yearly intervals or shorter intervals specified in the regulations.

(8) In reaching a decision not to recommend the making of regulations in reliance on subsection (2), the Minister may consider any factors that the Minister thinks would make such regulations contrary to New Zealand's overall interests (including, without limitation, health, social, economic, international, or environmental interests).

(9) Nothing in this section obliges the Minister to recommend the making of regulations in reliance on subsection (2).

(10) The Minister must consult the National Animal Welfare Advisory Committee before recommending the making of any regulations under this section (other than regulations already proposed by the Committee), but nothing in [sections 71 to 75](#) applies in relation to the making of regulations under subsection (1)(b).

(11) If a person does or omits to do anything in reliance on regulations made under subsection (2) that would otherwise be a contravention of, or failure to comply with, any provision of [Part 1](#) or [2](#), the person has a defence to a prosecution for an offence under this Act in respect of the act or omission if the court is satisfied that the act or omission was authorised by the regulations.

183B Regulations relating to surgical and painful procedures

(1) The Governor-General may, on the recommendation of the Minister, by Order in Council, make regulations for all or any of the following purposes:

(a) prohibiting specified surgical procedures or painful procedures from being performed on animals:(b) prescribing requirements in relation to the performance of specified surgical or painful procedures on animals, including (without limitation) regulations that prescribe—

- (i) the classes of persons who may carry out a specified procedure:
- (ii) any skills, qualifications, approval, or experience that must be held by a person before he or she is authorised to carry out specified procedures:
- (iii) the types of pain relief or medication to be used for specified procedures:
- (iv) the forms of restraint and equipment to be used for specified procedures:
- (v) the procedures that may be performed only if in the best interests of the animal:
- (vi) any other standards or restrictions necessary to ensure the welfare of animals during the procedures:

(c) declaring that any specified surgical procedure is not a significant surgical procedure for the purposes of this Act.

(2) Before recommending the making of regulations under this section, the Minister must have regard to—

(a) whether the procedure has the potential to—

- (i) cause significant pain or distress; or
- (ii) cause serious or lasting harm, or loss of function, if not carried out by a veterinarian in accordance with recognised professional standards; and

(b) the nature of the procedure, including whether this involves—

- (i) a surgical or operative procedure below the surface of the skin, mucous membranes, or teeth or below the gingival margin; or
- (ii) physical interference with sensitive soft tissue or bone structure; or
- (iii) significant loss of tissue or loss of significant tissue; and

- (c) the purpose of the procedure; and
 - (d) the extent (if any) to which the procedure is established in New Zealand; and
 - (e) good practice in relation to the use of the procedure for animal management purposes or in relation to the production of animal products or commercial products; and
 - (f) the likelihood of the procedure being managed adequately by codes of welfare or other instruments under this Act; and
 - (g) any other matter the Minister considers relevant.
- (3) The Minister must consult the National Animal Welfare Advisory Committee before recommending the making of regulations under this section (other than regulations proposed by the Committee).
- (4) In the absence of evidence to the contrary, a particular procedure is presumed to be a surgical procedure or a painful procedure if regulations are made in respect of the procedure under this section.

Appendix Two: Questions for submitters

NAWAC invites you to answer the following questions. These questions are given as a guideline. Please present evidence, where available, to explain your views.

QUESTIONS: MINIMUM STANDARDS

NAWAC proposals:

Electricity use to manage animal behaviour	Electroimmobilisation, electric top and backing gates, electroejaculation, virtual fencing	Section 3.2.1
Body Condition Score	BCS range	Section 3.2.2
Intensive winter grazing	Summary of minimum standards, example indicators and recommended best practices relevant to intensive winter grazing	Section 3.2.3
Shelter	Updated standards requiring shade/shelter or heat/cold mitigating strategies to minimise the risk of heat/cold stress	Section 3.2.4
Emerging technologies	Future-proofing the code	Section 3.2.5
Provision of lying surfaces and limit for time on hard surfaces in off-paddock facilities	Limit stand-off on hard surfaces to 12 hours, river stones are not suitable walking or lying surfaces in off-paddock facilities	Section 3.2.6
Calf rearing	Provision of sufficient good quality colostrum, offering colostrum within 2 hours of removal from paddock, milk feeding 20% of body weight twice daily until 3 weeks	Section 3.2.7
Selection and breeding	Animal welfare impacts of selection and breeding monitored and incorporated in future objectives	Section 3.2.8
End-of-life management	New section on end-of-life management included	Section 3.2.9
Pre-transport selection and preparation	New standards on transport preparation	Section 3.2.10
Working relationship with a veterinarian	Working relationship with a practising large-animal veterinarian	Section 3.2.11
Contingency planning	Documented contingency plans in place	Section 3.2.12
Welfare Assurance System	Fully documented and auditable quality assurance on all farms	Section 3.2.13

NAWAC develops codes of welfare independently and must ensure that those codes reflect good practice, scientific evidence, and available technology.

Please answer questions 1 - 48 with this focus in mind.

Code update: Use of electric devices to manage animal behaviour

Q1. Do you support the proposed standard that electroimmobilisation devices must not be used? Why / why not?

Q2. Do you support the proposed standard that electrified backing and top gates must not be used? Why / why not?

Q3. Do you support the proposed standards on electroejaculation? Why / why not?

Q4. Do you support that the proposed standards and recommended best practice for Minimum Standard No. 10 to address virtual fencing? Why / why not?

Q5. Is there a different approach to address virtual fencing that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Body Condition Score

Q6. Do you support the proposed changes to BCS requirements? Why / why not?

Q7. Do you support the proposed example indicator for transport of end-of-life cattle with a BCS below 3.5? Why / why not?

Q8. Is there a different approach to BCS that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Intensive Winter Grazing

Q9. Do you support the proposed standards, example indicators and recommended best practices relevant to intensive winter grazing? Why / why not?

Q10. Is there a different approach to ensuring the welfare of animals within intensive winter grazing systems that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Shelter

Q11. Do you support the proposed amendments to the standard relating to the provision of shade or other means to minimise the risk of heat stress? Why / why not?

Q12. Do you support the proposed amendments to the standard relating to the provision of shelter or other means to minimise the risk of cold stress? Why / why not?

Q13. Do you support the proposed standard relating to photosensitive animals? Why / why not?

Q14. Is there a different approach to shelter that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Emerging Technologies

Q15. Do you support the proposed amendment to the standard for farm facilities, equipment and technologies? Why / why not?

Q16. Do you support the proposed standard for providing dairy cattle that do not adapt to new technologies with alternative management? Why / why not?

Q17. Do you consider that the proposals cover emerging technologies sufficiently? Why / why not?

Q18. Is there a different approach to farm facilities, equipment and technologies that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Provision of lying surfaces and time limit for hard surfaces in off-paddock facilities (including stand-off)

Q19. Do you support the proposed revision of the standard for the provision of appropriate lying areas? Why / why not?

Q20. What do you consider an appropriate time (e.g. hours/consecutive days) for dairy cattle to be held in off-paddock facilities without access to well-drained compressible lying areas?

Q21. Do you support the proposed standard relating to the use of river stones in off-paddock facilities? Why / why not?

Q22. Is there a different approach to stand-off that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Calf rearing

Q23. Do you support the proposed standard relating to offering colostrum/colostrum replacer after removal from the dam? Why / why not?

Q24. Do you support the proposed standard on feeding calves up to 3 weeks of age? Why / why not?

Q25. Do you support the proposed amendment to the standard on weaning? Why / why not?

Q26. Is there a different approach to colostrum, hand rearing and weaning that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Selection and Breeding

Q27. Do you support the proposed standard and recommended best practices on selection and breeding? Why / why not?

Q28. Is there a different approach to selection and breeding that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: End-of-life management

Q29. Do you support the proposed standard on end-of-life management? Why / why not?

Q30. Is there a different approach to end-of-life management that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Pre-transport selection and preparation

Q31. Do you support the proposed standard relating to time limits for holding dairy cattle off green feed prior to transport? Why / why not?

Q32. Do you support the proposed standard on provision of water and roughage until the point of loading? Why / why not?

Q33. Do you support the proposed standard on mineral supplementation? Why / why not?

Q34. Do you support the proposed standard on milking and the recommended best practice on dry-off prior to transport? Why / why not?

Q35. Is there a different approach to pre-transport selection and preparation that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Working relationship with a veterinarian

Q36. Do you support the proposed standard and example indicator for having a working relationship with a veterinarian? Why / why not?

Q37. Do you support the proposed definition of a 'working relationship'? Why / why not? If not, what definition would you support?

Q38. Is there a different approach to disease and injury control that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: Contingency planning

Q39. Do you support the proposed standard on contingency planning? Why / why not?

Q40. Is there a different approach to contingency planning that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code Update: Welfare Assurance Systems

Q41. Do you support this proposed standard on a Welfare Assurance System for dairy cattle? Why / why not?

Q42. Do you currently adopt an industry generic quality assurance system for welfare and husbandry procedures? If yes, please provide details of this system.

Q43. Do you think self-auditing is a sufficient method to monitor a Welfare Assurance System and ensure compliance? Why / why not?

Q44. Is there a different approach to welfare assurance for dairy cattle that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Code update: General questions

Q45. Do you agree that the minimum standards in this Code, including those that have not changed, are the minimum necessary to ensure that the physical, health, and behavioural needs of dairy cattle 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? Please state your reasons.

Q46. Do you agree the example indicators given in this Code 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.

Q47. Do you agree that the recommendations for best practice in this Code are appropriate? If not, what alternatives do you suggest? Please state your reasons.

Q48. Do you have anything further you wish to say on the Code from an animal welfare perspective?

QUESTIONS: PROPOSED REGULATIONS

NAWAC's recommendations for regulation:

	Transition recommendation	Section
Electroimmobilisation	None	3.4.4
Electrified top and backing gates	None	3.4.5
Intensive Winter Grazing	None	3.4.6
End-of-life cow transport	Transition periods recommended for some proposals	3.4.7
Heat stress	No finalised proposal	3.4.8
Electric prodders	To be considered during the Transport and Commercial Slaughter Codes review	3.4.9
Castration	To be considered during the Sheep & Beef Cattle Code Review	3.4.10

NAWAC can recommend regulations to make animal welfare obligations clear and enforceable or to phase out practices that are inconsistent with animal welfare legislation.

The development of this code and associated regulations are being run as separate processes with two rounds of consultation. This is because NAWAC would like to collect more information on the proposed areas for regulation before it finalises its recommendations. This consultation is therefore focussed on obtaining feedback on the changes to the code, and further information and clarity on the areas where NAWAC would like to recommend regulation. Following this, NAWAC will recommend a final set of matters that it considers should be dealt with by regulation. These will be progressed by MPI in a separate consultation phase.

Generally, good regulations should address the following questions. NAWAC is seeking feedback on these questions for each proposal:

1. Should this area be regulated?
2. What would be the positive impacts of this regulation?
3. What would be the negative impacts of the regulation, including costs of complying?
4. Would a transitional or phase in period be required to manage these impacts? If so, how long would be appropriate?
5. Are there any unintended consequences?
6. Do you think the regulation will achieve its aim?
7. Is the current issue being managed adequately by codes of welfare or other instruments under this Act?
8. Are there any non-regulatory options that would be more effective?
9. Are there any exemptions or defences that should apply?

Please answer questions 49-80 with this focus in mind.

Proposed code and regulations: General comments

Q49. Do you see any barriers to the implementation of the proposed Code? If so, what are they and how might they be resolved?

Q50. What benefits do you see from having this proposed Code? Benefits may include, for example, increased certainty about animal welfare requirements.

Q51. Do you see any unintended consequences from the proposed code? If so what are they and how might they be mitigated?

Q52. What broader impacts do you think this proposed Code could have on New Zealand society, the economy, and the environment?

Q53. Do you have any other comments you would like to make?

Proposed regulations: Electroimmobilisation

Q54. Do you agree with NAWAC's proposal to develop a regulation to prohibit the use of all electroimmobilisation devices?

Q55. Do you agree with NAWAC's recommendation for the regulation to come into effect without a transition period?

Proposed regulations: Electrified top and backing gates

Q56. Do you agree with NAWAC's proposal to develop a regulation to prohibit the use of electrified top and backing gates used to move dairy cattle in dairy yards?

Q57. Do you agree with NAWAC's recommendation for the regulation to come into effect without a transition period?

Proposed regulations: Wintering

Q58. Do you agree with NAWAC on the proposed regulation for water provision for all animals in intensive winter grazing systems? Why / why not?

Q59. Do you agree with NAWAC on the proposed regulation for the provision of lying space for all cattle in intensive winter grazing systems? Why / why not?

Q60. Do you agree with NAWAC on the proposed regulation for preventing calves born into unsuitable conditions? Why / why not?

Q61. Do you agree with NAWAC's recommendation for the three regulations to come into effect without a transition period?

Proposed regulations: End-of-life cow transport

Q62. Do you agree with the regulation recommendation that end-of-life cattle to be transported to slaughter or saleyards must be adequately prepared for the intended journey as outlined above? Why / why not?

Q63. Do you agree that such a regulation should come into force without a transition period? Why / why not?

Q64. Do you agree with the regulation recommendation for an 8-hour transport limit for end-of-life dairy cattle? Why / why not?

Q65. What do you consider an appropriate transition period for such a regulation, if any?

Q66. Do you agree with the regulation recommendation for a limit to lairage time (i.e. slaughter within 24 hours of last milking on farm)? Why / why not?

Q67. Do you agree that such a regulation should come into force without a transition period? Why / why not?

Q68. Do you agree with the regulation recommendation to restrict the transport of lactating end-of-life cattle across the Cook Strait? Why / why not?

Q69. What do you consider an appropriate transition period for such a regulation, if any?

Q70. Are there any exemptions or defences that should apply to prevent worse welfare outcomes?

Q71. Do you agree with the regulation recommendation to restrict transport of lactating end-of-life cattle to slaughter via saleyards? Why / why not?

Q72. What do you consider an appropriate transition period for such a regulation, if any?

Proposed regulations: Heat stress

Q73. Should this area be regulated? Why / why not?

Q74. How do you think this area could be regulated?

Q75. Is the current issue being managed adequately by codes of welfare or other instruments under this Act?

Q76. Are there any non-regulatory options that would be more effective?

Q77. Do you think that, once sufficiently advanced, a HLI threshold could be used to regulate a cut-off for when shade or heat mitigation strategies must be provided? Why / why not?

Proposed regulations: Electric prodders – change to Regulation 48

Q78. Do you support the proposed review of regulation 48? Why / why not?

Proposed regulations: Castration of cattle beasts and sheep - change to Regulation 53

Q79. Do you support the proposed review of regulation 53? Why / why not?

Completeness of regulations

Q80. Do you consider that any of the other minimum standards, or additional matters, should become regulations? Please provide reasons for any proposals.