

Challenges to implementing animal welfare standards in New Zealand

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Abstract

The New Zealand Animal Welfare Act 1999 imposes a duty of care on all owners and persons in charge, to provide for the physical, health and behavioural needs of the animals in their care. The Act provides for the development of codes of welfare by the National Animal Welfare Advisory Committee (NAWAC) and gives legal status to the minimum standards that they contain when issued by the Minister of Agriculture. Codes are used to promote appropriate behaviour, establish minimum standards of animal care and encourage best practice by those in charge of animals. One of the main challenges in developing codes of welfare is to integrate the various, and often conflicting, social, ethical, economic and production management value judgments, with the available science, in a way that does not stifle innovation or require frequent alteration of the codes. In New Zealand we believe this is best achieved using minimum standards which are designed as animal-orientated statements of desired welfare outcomes, accompanied by one or more indicators by which achievement of the outcome can be measured or objectively assessed. Codes are primarily directed at educating the owners or persons in charge of animals of their legal obligations, encouraging voluntary compliance, and supporting industries in the development of compliance and quality assurance programmes. The challenge is to develop a consistent, whole-of-system approach to animal welfare compliance that focuses on interventions which encourage voluntary compliance or deter non-compliance before offending becomes serious and animal welfare is unnecessarily compromised. The aim of this paper is to describe New Zealand's policy, which is to develop outcome-based welfare standards, to promote and demonstrate maximum voluntary industry compliance with them, and to ensure that any serious breaches are detected and responded to effectively.

Keywords: animal welfare, codes, compliance, implementation, New Zealand, standards

Introduction

New Zealanders' attitudes, like every nationality, are influenced by our history, the high value we place on our unique natural environment, the different ways we each use or interact with it, and the value we place on taking advantage of new and innovative opportunities. New Zealand has had balanced and comprehensive legislation covering animal cruelty since 1840. Since the 1980s, a series of organisations, groups and initiatives have been developed to form a strong animal welfare infrastructure in New Zealand. One such group was a ministerial advisory committee which developed voluntary codes of recommendations and minimum standards for animals. In the 1990s the legislation was reviewed in response to changing practice, advances in scientific knowledge and shifts in societal values. The Animal Welfare Act 1999 (MAF 1999) recognises that we are a nation dependent on agriculture and our unique environment. This means the export of animal products and animals, environmental protection and the use of animals, whether in research, testing and teaching, entertainment or as companions, are the subject of contemporary and progressive primary legislation (Animal Welfare Act 1999), with supporting regulations (secondary legislation) and

tertiary legislation. Codes of Welfare are deemed to be regulations and are subject to parliamentary review. They are empowered by tertiary legislation and must follow the principles and policies of law established in the primary Act. New Zealand is fortunate in having a 'One Minister, One Act, One Ministry' situation in relation to animal welfare policy and practice (Bayvel & Cross 2010).

The Act imposes a duty of care on all owners and persons in charge, to provide for the physical, health and behavioural needs of the animals in their care and to ensure that unnecessary and unreasonable pain and distress are alleviated. The definitions of the physical, health and behavioural needs in the Act paraphrase the five freedoms promulgated by the UK Farm Animal Welfare Council (FAWC 1979). The definitions include:

- adequate shelter;
- proper and sufficient food and water;
- the opportunity to display normal behaviour;
- appropriate physical handling which minimises the risk of unreasonable or unnecessary pain or distress; and
- protection from, rapid diagnosis of and treatment of injuries and disease.

The Act does not expand on these obligations: for example, it does not detail what constitutes an appropriate amount of food or water for a particular species. To do so would result in lengthy and unwieldy legislation. It would also reduce the flexibility to make amendments as knowledge improves or as society's expectations change. The detailed minimum standards of care are therefore given in the codes of welfare.

New Zealand standards

New Zealand codes of welfare are an integral part of the framework and philosophy of the Animal Welfare Act. They may be quite detailed as they are used to establish minimum standards, promote best practice in relation to animals owned or in a person's charge, and inform and identify future directions through research and development. These codes cover a variety of practices and procedures both within and outside farming and are designed to reflect the views of New Zealand society.

The codes and the minimum standards are not enforceable regulations in their own right but have a force in law, to the extent that failure to meet the minimum standards of a code may be used as rebuttable evidence that an offence under the Act (eg failing to meet an animal's physical, health or behavioural needs) has occurred. Conversely, meeting a minimum standard can be used in defence against a prosecution for an offence under the Act. A prosecution has to have evidence of a poor welfare outcome not just failure to observe a particular minimum standard.

The National Animal Welfare Advisory Committee (NAWAC) is appointed by the Minister of Agriculture to provide him/her with independent, soundly based advice on animal welfare law, policy and practice. Members serve in a personal capacity representing particular areas of expertise including veterinary, animal, agricultural, medical and veterinary science, the commercial use of animals, ethics, conservation, animal welfare advocacy, companion animals, education and public interest. A key role for this ministerial advisory committee is the development and recommendation of codes of welfare. Codes do not simply codify current thinking and practice. The Act requires NAWAC to have regard to scientific knowledge, good practice (not current practice), available technology and submissions received from industries and the public. To ensure the range of views held within the community is taken into account, a public consultation process is required when codes are being developed. It is usual for aspects of the draft code to be challenged during this process, including from both industry and animal welfare organisations.

To date, fourteen codes of welfare have been issued covering broiler chickens, circuses, commercial slaughter, companion cats, dairy cattle, deer, dogs, layer hens, painful husbandry procedures, pigs, rodeos, sheep and beef cattle, transport within New Zealand, and zoos. See <http://www.biosecurity.govt.nz/regs/animal-welfare/stds/codes> for further information on codes of welfare in New Zealand.

Challenges in developing standards

The challenge is to develop standards which find a balance among the often conflicting social, ethical, economic and practical management considerations. They need to be formulated in a way that does not stifle innovation and they should remain relevant in an environment of constant change. There are significant challenges to developing codes that achieve welfare outcomes consistent with current scientific thinking, meet societal expectations for the welfare of animals, are readily understood and accepted by those who must abide by them and are effective tools for those who have to enforce and ensure compliance with them.

NAWAC believes that this can best be done by defining the welfare outcomes for the animal that any system must meet (O'Hara & O'Connor 2007) and offering readily observable and measurable welfare indicators which provide guidance on measures to use in assessing whether the standards have been met or not. We focus on defining welfare outcomes for animals based on known needs in a manner that requires those outcomes to be delivered, rather than prescribing the facilities and management systems that should be provided.

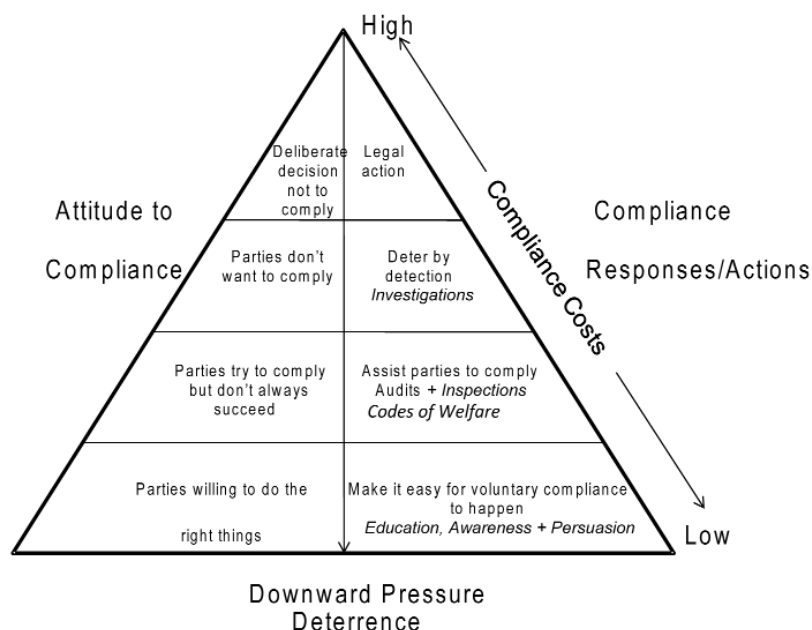
Our experience with facilities-based standards (also referred to as systems-based, input-based or engineering standards) is that they are often predicated on an implied rather than a stated welfare outcome. This leaves room for debate as to the intended welfare outcome for the animal and whether the standard can be assessed or measured. Furthermore, they are often based on current practice, and therefore, lose relevance as knowledge and technology advance or societal expectations change. An advantage of outcome-based welfare standards is the freedom they afford owners to develop responses to meet the standard, rather than having an operational standard imposed. They are also likely to be more readily understood by the general public as they relate more directly to societal expectations than facilities-based regulations. However, this flexibility can also be a disadvantage for those people who want 'simple rules' and clear guidance to ensure compliance with standards.

This outcome-focused approach is being more widely adopted around the world (Petrini & Wilson 2005; Mellor & Bayvel 2007; Gavinelli *et al* 2008; Blokhuis *et al* 2010). As a result, one of the key issues in the development of standards is how welfare can be assessed in an objective, practical and cost-effective way. While science might only be one consideration in the development of the standards, it is key in the assessment of welfare against the standards.

New Zealand's animal welfare standards are backed by sound animal welfare science that is internationally recognised for its quality (O'Connor & Litten 2011). New Zealand has a comprehensive range of international relationships (eg The European Commission/New Zealand Animal Welfare Cooperation Forum) in order to keep abreast of international developments and to contribute actively in the development of international standards, guidelines and animal welfare science. New Zealand and Australia have a particularly strong collaborative relationship as exemplified by the OIE Collaborating Centre for

Figure 1

Animal welfare compliance intervention framework in New Zealand.



Animal Welfare Science and Bioethical Analysis. This multi-centre partnership between the New Zealand and Australian Governments and research institutions has the significant scientific expertise and wide experience in national and international science issues to assist in setting, implementing and training in animal welfare standards (<http://animalwelfare.massey.ac.nz/oie.html>).

Challenges to implementing standards

The challenge is to develop a consistent, whole-of-system approach to animal welfare compliance that focuses on interventions which encourage voluntary compliance or deter non-compliance before offending becomes serious when animal welfare is unnecessarily compromised.

New Zealand is currently implementing an animal welfare compliance plan (MAF 2010) that looks to improve compliance with the Act through working in partnership with organisations to support those individuals who genuinely want to comply with their animal welfare obligations, and to encourage or compel those who do not want to change their attitudes. The vision behind this approach is: 'Everyone taking responsibility for the welfare of animals'. The aim is to fully integrate the animal welfare compliance and enforcement system with participants having clear roles and responsibilities and undertaking complementary activities. In addition, the right tools and resources will be developed and available to encourage and compel compliance with the Act and standards. MAF has adopted a framework to guide its compliance interventions (O'Connor & Wilson 2009) based on different attitudes to animal welfare and individuals' willingness to comply. The framework (Figure 1) is based on accepted compliance theory, which involves using the lowest level of intervention to drive a desired change in behaviour, encour-

aging voluntary compliance and deterring non-compliance before offending becomes serious.

The left-hand side of the triangle looks at different attitudes to compliance while the right looks at the response and compliance actions that can be taken. Identifying where people sit on this framework leads to an appropriate level of response. Those who want to comply can be assisted by increasing the benefits and decreasing barriers to doing so, as well as making sure they know what needs to be done and how. Those who do not want to comply, or who deliberately choose not to, may also be compelled to comply if the benefits to doing so are increased and/or the barriers are decreased. However, this group may also require penalising or invoking legal action.

Codes of welfare are a valuable tool to provide advice for those who try to comply. They are primarily directed at educating the owners of animals or persons in charge and encouraging their voluntary compliance with minimum standards rather than facilitating enforcement of the Act. Codes are structured, to include general information and recommended best practices as well as minimum standards, so that they encourage people to comply voluntarily with their legal obligations and to support industries in the development of compliance and quality assurance programmes.

The greatest gains will be made through activities focused on the base of the triangle. In particular, by encouraging voluntary compliance through industry or consumer-driven welfare assurance programmes.

Welfare assurance

Consumers and the New Zealand public increasingly seek assurance that the welfare standards for our livestock and poultry required by the Animal Welfare Act, codes of welfare

and market place requirements, are actually being met (MAF 2011). Many of these people do not have first-hand experience of farming and rely on others to provide that assurance.

A stakeholder welfare assurance workshop with government and advisory group standard setters, animal welfare groups and industries was held in 2008 (NAWAC 2008). These discussions recognised a desire of farming industry organisations to develop and administer quality assurance programmes that incorporate animal welfare standards. The workshop attendees agreed that industry self-regulation is likely to be more acceptable to farmers than government-managed or imposed programmes. It was also recognised that NAWAC, MAF and animal welfare inspectors should have access to the results of audits of compliance with industry quality assurance programmes. This conclusion is in keeping with the concept of a partnership between government, as the standard setter and enforcer, and industry, as the implementer of quality assurance programmes.

The New Zealand industries accept the growing demand from consumers for assurances that production animals in New Zealand have a good standard of welfare and that industries are proactive in the development of the means to provide such assurances. For exported products, these programmes support New Zealand's high animal welfare standards and allow them to give the assurances required by their customers. There is a clear preference for assurance to remain the responsibility of the industries but to be supported by government as the standard setter.

Many farming organisations are exploring ways of providing assurances on welfare standards and consider them an important component of their overall quality assurance programmes. For example, New Zealand remains the world's largest and most advanced deer farming industry. As a relatively new, innovative industry it has led the way in quality assurance programmes. Operational standards for deer on-farm and during transport were developed in the early 1990s. These standards are based on animal welfare, animal health, food safety, traceability and the environment.

Key issues in the development of assurance programmes include determining how welfare can be measured or assessed in an objective and cost-effective way, how welfare standards can be integrated with other quality system requirements and how compliance with standards can be demonstrated. These programmes incorporate both regulatory and market access as well as customer-driven components. At this time, animal welfare assurance requirements are largely driven by retailers but there are a growing number of industry-led programmes.

Animal welfare implications

In order to maintain its international reputation and remain successful in key export markets, New Zealand is aware that it needs to not only have a comprehensive and well-monitored animal welfare regulatory system, but also be able to provide assurance that the system works to the benefit of all animals. The New Zealand approach is to promote and demonstrate maximum voluntary industry compliance with the applicable standards, to ensure that any

breaches are detected and effectively and appropriately responded to and to clearly demonstrate that the system works to improve the welfare of animals.

Conclusion

New Zealand's reputation for high animal welfare standards depends on compliance with legal requirements, a desire to embrace best practices and a drive towards continuous improvement. Non-compliance, be it unintentional or deliberate, damages this reputation and could ultimately affect the primary industries' abilities to satisfy the demands of international 'welfare-sensitive' markets for quality products. We are currently considering systems, involving government and industry, to benchmark or monitor animal welfare in New Zealand.

Animal welfare standards provide confirmation not only to New Zealanders but also to our international customers that animal welfare is a high priority for New Zealand. Codes of welfare send a clear message to market partners that New Zealand is serious about animal welfare and, in doing so, help us maintain our market position (especially in high value markets) and develop new market opportunities. They also place New Zealand agriculture, as a whole, in a strong position, given the increasing awareness of animal welfare as a global issue. Codes are primarily an expression of how we as New Zealanders expect all animals to be cared for.

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