

Summary of Submissions: Consultation on Guidelines for the Issue of Animal Welfare Export Certificates

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Executive Summary

The Animal Welfare Act 1999 requires that any person planning to export live animals from New Zealand by ship or aircraft must apply to the Director-General for the issue of an Animal Welfare Export Certificate (AWEC), unless an exemption applies. When considering whether to issue an AWEC, the Director-General must be satisfied that the applicant will take all necessary steps to protect the welfare of animals being exported.

The guidelines for making an AWEC application provide exporters of live sheep, cattle, goats or deer with the following:

- clear expectations about what information the Director-General requires when deciding whether or not to issue an AWEC; and
- specific detail on the matters the Director-General must have regard to, under the Animal Welfare Act, when considering an application for an AWEC.

The proposed guidelines are divided into two parts. All applicants must complete Part A of the guidelines. The Director-General may also request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. The range of information that requests may be selected from is covered in Part B of the guidelines. Proposals such as sea voyages greater than 21 days, or airfreight requiring one or more stopovers will usually prompt a request for further information. In some cases, the Director-General may seek information that is not specified in Part B of these guidelines.

The guidelines were developed with reference to the World Organisation for Animal Health (OIE) *Terrestrial Animal Health Code* recommendations for the welfare of animals during sea and air transport. They will apply to international sea or air voyages of any length.

On 16 December 2008, MAF released a discussion document entitled *Consultation on proposed guidelines for the issue of Animal Welfare Export Certificates*. Submitters addressed a range of issues. Some issues related specifically to the guidelines. Others related to broader topics.

MAF revised the proposed guidelines in response to the submissions received and with reference to relevant scientific literature and internationally recognised standards.

On 27 July 2009, MAF released the revised guidelines for a second round of consultation. MAF received nine submissions. This document summarises those submissions.

Introduction

Under the Animal Welfare Act 1999, any person planning to export livestock must apply to the Director-General of the Ministry of Agriculture and Forestry (MAF) for an Animal Welfare Export Certificate (AWEC). Applicants must satisfy the Director-General that they can adequately manage the welfare of the animals during export. To ensure that this occurs, the Director-General can impose conditions on the proposed journey.

MAF is developing guidelines for use by AWEC applicants. The guidelines will outline the information the Director-General *may* require when considering whether to grant an AWEC. The Director-General assesses each formal application on a case-by-case basis, taking into account the relevant sections of the Animal Welfare Act.

The guidelines formalise the process that exporters must follow when applying for an AWEC. Previously, exporters received an “in principle” AWEC upon notifying MAF of their intention to export. A government veterinarian would then inspect the animals and facilities onboard the ship or aircraft and if satisfied that the exporter had complied with the appropriate standard (MAF Sea Standard or International Air Transport Association regulation), would grant an AWEC.

The revised process requires that all applicants address Part A of the guidelines when applying for an AWEC. An “in principle” AWEC is not issued until the Director-General is satisfied that the animal welfare considerations have been met. The Director-General may, at his or her discretion, request additional information in order to be satisfied that the applicant can protect the animals’ welfare during export. Part B of the guidelines deal with the provision of extra information. An official inspection is still required at the time of departure before a final AWEC is granted.

Issues Raised in Submissions

On 16 December 2008, MAF released a discussion document entitled *Consultation on proposed guidelines for the issue of Animal Welfare Export Certificates*. MAF received 23 submissions on the proposed guidelines, over an 11-week consultation period. Submitters addressed a range of issues from those related specifically to the guidelines, to others of a more general nature.

MAF revised the proposed guidelines in response to the submissions received and with reference to relevant scientific literature and internationally recognised standards.

On 27 July 2009, MAF released the revised guidelines for a second round of consultation and received nine submissions in response.

Submitter comments were grouped into the following categories:

- 1 General comments on the guidelines.
- 2 Specific comments on Part A of the guidelines:
 - a. Capability, skills, and experience of the applicant.
 - b. Species, number, ages, pregnancy and fitness status of animals.
 - c. Type of transport proposed and the facilities provided.
 - d. Length and nature of the proposed journey.
 - e. Susceptibility of the animals to harm and distress on the proposed journey.
- 3 Specific comments on Part B of the guidelines:
 - a. Capability, skills, and experience of the applicant.
 - b. Species, number, ages, pregnancy and fitness status of animals.
 - c. Type of transport proposed and the facilities provided.
 - d. Length and nature of the proposed journey.
 - e. Susceptibility of the animals to harm and distress on the proposed journey.
- 4 Governance issues.
- 5 Position on the trade.

Following the close of submissions, MAF considered the points raised and made further amendments to the guidelines. During this process, MAF engaged with representatives of the Live Animal and Germplasm Trade Association (LAGTA) on a number of technical issues.

Submitters

Submitter

New Zealand Live Animal and Germplasm Trade Association

B Thomson

J Allison (for Awassi New Zealand)

Federated Farmers of New Zealand

PGG Wrightson

Brownrigg Agriculture

R Fraser (for PGG Wrightson Consulting)

World Society for the Protection of Animals

M Scheffer (for Algoa Ltd)

Summary of Submissions

General Issues

Eight submitters made general comments on the guidelines. These included:

- Asking whether live animals in transit to another destination via New Zealand would fall under the jurisdiction of the AWEC guidelines.
- Commenting that many of the questions asked throughout the draft guidelines demonstrated a lack of understanding of both maritime and international contract law.
- Commenting that the title of “Guidelines” was misleading, as the only “guidance” provided was on how to apply for an AWEC and on the likely information requirements of the Director-General. The submitter recommended that the document be renamed “Procedures”.
- Commenting that the guidelines needed to clearly distinguish between information requirements for sea and air.
- Commenting that the revised version of the AWEC Guidelines did what they set out to do.
- Commenting that the guidelines represented a “step up” in terms of the welfare management of exported animals and suggesting that the guidelines put more pressure on exporters to provide monitoring and management plans.

Four submitters commented on the criteria for requesting further information from Part B of the guidelines. Submitters commented that:

- In principle, they accepted Part A as it clearly accommodated regular live animal exporters operating in regular export markets; however, the reason for the division into Parts A and B needed to be explained.
- The classification of sea voyages as being “up to 21 days” and “greater than 21 days” was arbitrary and there was little apparent logic in adopting them to determine which information was required under Part A or Part B. Much of the information required under Part B would be relevant to any voyage or transport to an overseas market.
- There should not be any voyage length classification and the information required for shipments should be clearly specified according to clear guidelines. This should be undertaken in a workshop environment with a number of industry personnel contributing. LAGTA would be the most appropriate organisation to be involved.
- Space per animal and the efficiency of the ventilation system were more important criteria for concern than the length of the voyage.
- Much of the information which “may” be required by MAF would be of little use for the assessment of an AWEC application.
- MAF must only request information that would allow them to make a reasoned assessment of the conditions for animals during transport, when making a decision on the issue of an AWEC.
- A well-managed shipping plan would cater for voyages up to 35 days. The review of the Algoa Ltd appeal in February/March 2009 clearly stated that there was no correlation between voyage length and mortality rate.

One submitter commented that the proposed Part A and Part B regime introduced an additional element of uncertainty into the process. Commercial commitments would need to be managed with regard to this uncertainty and it would be important for the Director General to provide the “in-principle” AWEC as soon as possible. It was suggested that where the exporter had a good track record, the “in-principle” AWEC could be provided within five working days.

Another submitter commented that MAF needed to change the wording around its response time to “shall respond to applications for routine exports within 5 working days from when the application is received”. The submitter also suggested that the descriptor “routine” was not definitive and asked how an intending exporter could classify as “routine”, given that it appears to be advantageous. They also noted that “a more complex voyage” was not defined, and that without such a definition, MAF could absolve itself from any obligation to respond within 5 days.

One submitter commented that sections 3, 4 and 5 of the guidelines could be condensed by “round table” discussions to identify practical solutions to MAF’s information requirements.

Specific comments on Part A of the guidelines: Capability, skills, and experience of the applicant

One submitter commented that MAF should have a database that contained previous voyage reports and detailed information about health and injury problems. The implication was that MAF might be in a better position to obtain this information than the exporter.

Specific comments on Part A of the guidelines: Species, number, ages, pregnancy and fitness status of animals

No specific comments were received on this section of the guidelines.

Specific comments on Part A of the guidelines: Type of transport proposed and the facilities provided

Two submitters commented this section. Comments included:

- That the information asked for in this section was excessive.
- That much of the information requested would add little value to animal welfare and might not assist MAF officials with an AWEC assessment. More detailed information requirements, considered to be of marginal relevance, would place considerable additional burden on exporters.
- That exporters used ships that met maritime safety standards and when applying for an AWEC, it could be impractical for the ships administration to provide the information required by clause (a).
- That clauses (b), (c), (d) and (f) were acceptable.
- That reputable carriers would have appropriate capability, so MAF did not need to know equipment details (clause e). Questions were also raised over MAF’s ability to assess this information.
- That MAF should use or develop a global weather database. Reference was made to “LiveCorp”, a group within Meat & Livestock Australia, which had developed a computer programme to facilitate the planning of live sheep voyages.
- That clause (g), which required a reputable and independent engineer to provide certification before granting an AWEC, could be difficult and was unnecessary.
- That clauses (h) and (i), relating to managing environmental influences, should be mandatory for reputable carriers.
- That the ability to make running repairs in clause (k) was not required, as reputable carriers would have the requisite ability.

Specific comments on Part A of the guidelines: Length and nature of the proposed journey

Two submitters commented on this section. One submitter supported the proposal, while the other argued that specific parameters relating to individual journeys were difficult to predict. The development of a global weather database, operated by MAF, was also raised in this section.

Specific comments on Part A of the guidelines: Susceptibility of the animals to harm and distress under the conditions of transport proposed

Three submitters commented on this section. Comments included that:

- Most of the information required under this category was necessary, especially space per animal. It was suggested that MAF should assume all animals were preconditioned to eat pelleted feed and that in most cases a veterinarian would be present on the voyage.
- With regard to clause (c), representatives of the importer and exporter were always present when a consignment arrived.
- The logic underpinning the requirement of clause (g) was unclear, given that the ship's Master manages the ship and crew (including the ship's veterinarian), and is subject to maritime law. The relevance of human health and safety regulations (OSH) to animal welfare was also questioned. It was suggested that if noise and vibration did adversely affect animal welfare, then information supporting the use of OSH criteria in such situations should be identified and made available.

Specific comments on Part B of the guidelines: Capability, skills, and experience of the applicant

Two submitters commented on this section. The first submission commented that:

- The questions were relevant for any shipment of live animals to any destination and that distinction based on journey length was not justified.
- Data on the last five journeys should be sufficient for MAF to make a decision on the granting of an AWEC.
- To avoid exporters having to repeatedly provide the same information, MAF should develop a register of ships used in the live animal trade.
- That MAF appeared to have limited understanding of the operational issues around exporting livestock and consequently would have limited ability to assess the value, or otherwise, of "third party" reports.
- Veterinarians from the destination country are not usually involved in the live export process. The question posed should be "will there be a veterinarian accompanying the animals for the proposed shipment". It was suggested that this question be asked for every export proposal.

The second submission asked the question "in circumstances where Part B is not invoked, what process will be undertaken by MAF to verify, or otherwise be confident, that the information provided by an applicant is accurate"?

Specific comments on Part B of the guidelines: Species, number, ages, pregnancy and fitness status of animals

Two submissions were received on this section. The main comment made was in relation to the usefulness of the required information to MAF, it being argued that the information was more relevant to NZFSA VA officials at the time of departure. With regard to disease and the immunisation status of livestock, it was argued that this information was relevant to all proposed journeys.

Specific comments on Part B of the guidelines: Type of transport proposed and the facilities provided

Two submitters commented on this section. One suggested that MAF, in conjunction with the livestock industry, should establish a database holding "all information on all carriers". They also suggested that all carriers must present vessels cleaned to NZFSA VA requirements and that no ship entering a New Zealand port could depart without certification by a New Zealand Maritime Surveyor.

The other submitter commented that, in their view, there was no need to specify the length of voyage. Comments were also made regarding the apparent overlap of information between Parts A and B of the guidelines, as well as MAF's questionable ability to assess matters relating to the maintenance and operations of live export vessels and aircraft. Apparent disparities were noted with the quality of feed required for long journeys versus shorter journeys and it was argued that all reputable carriers would have provision to ensure acceptable quality of drinking water.

It was also suggested that biosecurity concerns were relevant to all journeys, not just the long ones, as were details surrounding the equipment and facilities to deal with animal health issues.

Specific comments on Part B of the guidelines: Length and nature of the proposed journey

One submitter commented on this section, noting that many live animal export contracts have "free on board" or "cost, insurance and freight" terms, meaning that once the vessel had left New Zealand, there was little ability of the New Zealand exporter to exert control.

With respect to clause (a), comment was made that no exporter, transport operator or staff member wished to prolong the length of time that animals spent in transit. Again, the point was made that the required information was just as relevant for voyages less than 21 days as it was for longer journeys.

With respect to clause (b), the submission argued that for the trade in sheep for slaughter, journeys are planned with no stops *en route*. In the past, there were occasions where vessels stopped in Perth, but it is understood that the Australian Quarantine Inspection Service is no longer intending to allow New Zealand livestock to transit *en route* to the Middle East.

Specific comments on Part B of the guidelines: Susceptibility of the animals to harm and distress under the conditions of transport proposed

One submission addressed this section of the guidelines. Key comments included:

- Pre-conditioning is an operational requirement for all animals transported by sea, including voyages of less than 21 days. It was suggested that MAF did not need this information, as pre-conditioning operations could be viewed in NZ by verifying veterinarians (and indeed other MAF staff should they wish).
- That if information concerning provisions to protect animals from adverse weather and conditions was truly required, this should be required for all voyages, as emergencies such as fire were not exclusive to voyages of a particular length (i.e. longer than 21 days). It was also argued that such information would be of little use to MAF when considering an AWEC application.
- That the Bilateral Arrangement between New Zealand and Saudi Arabia, currently under negotiation, would address MAF's concerns over provisions for emergency off-loading during transit.

Governance Issues – Submitter Comments

Six submissions were received in relation to governance of the live animal export trade. Key comments included:

- That the effectiveness of the guidelines would depend on how they were applied, noting that MAF needed to be sufficiently resourced to thoroughly assess AWEC applications, ask questions, verify information, require more information where necessary and pursue prosecutions for breaches of the Act.
- That objective assessment and a working understanding of all concerns, including animal welfare, government and exporters' viewpoints were required to achieve acceptable working outcomes.
- The need for all AWEC application assessments to be documented and made publicly available.
- That New Zealand should adopt the same standards and guidelines as Australia for live animal exports.
- A view that MAF is charged with the responsibility to establish criteria to regulate the export of livestock and that MAF should ensure that the rules do not inhibit economic activity, but support it with sustainable systems that foster good long-term outcomes for the New Zealand economy.

Comments relating to live animal export welfare standards included:

- The view that the setting of animal welfare standards was becoming a moving target in an effort to ensure that trade in live animals did not occur, irrespective of an exporter's ability to meet or exceed OIE standards. It was felt that, as a signatory to the OIE, New Zealand should only require exporters to meet the OIE's standards. This view was supported by another submission suggesting that animal welfare standards should not be used to satisfy political demands.
- Support for robust management programs in the livestock export trade that minimise the risks inherent with such trade.

Comments relating to the granting of an "in-principle" AWEC included:

- A question as to why MAF only grants an "in-principle" AWEC, rather than a full AWEC with conditions to be met by a given date.
- That issuing an "in-principle" AWEC showed little appreciation of the commercial realities involved in developing contractual arrangements to facilitate live animal exports from New Zealand.

Comments relating to post arrival considerations included:

- There being no requirement for the exporter to provide information on the likely welfare of the animals following arrival at their destination. It was argued that MAF could prevent an export by declining an AWEC application where welfare conditions in the country of destination were unacceptable or unknown. It was suggested that comprehensive and up-to-date research into the legislative and cultural protections against cruelty prevailing in the country of destination should be fundamental to consideration of an AWEC application. The question of where MAF's jurisdiction over the export process ended, i.e. at the point of disembarkation, was also addressed by three other submitters, all of whom opposed the export of live animals to countries with perceived low animal welfare standards.
- That exporters have a strong empathy for animal welfare and agree with MAF that the utmost care should be taken when exporting live animals. The same submitter also

expressed the view that MAF's overriding aim was to restrict certain areas of the animal export trade without scientific or objective information on which to base this position.

Comments in relation to the role of the New Zealand Live Animal Germplasm Trade Association (LAGTA) were received from three submitters. Key points included:

- A request for a LAGTAC representative to be directly involved in the evaluation of an AWEC application, where information was requested by MAF under Part B of the guidelines.
- The need to bring the development of the guidelines to a rapid and workable conclusion, without ignoring the considerable experience available within the industry.
- That engaging with industry through LAGTAC in a positive manner would be of great benefit to all. The need for "good faith" negotiations was highlighted, as was the need for discussions to progress promptly.

Position on the Trade

Two submitters commented that:

- Live animal exports were beneficial to New Zealand farmers, as they introduced competition for stock, thus increasing prices. It was suggested that it was in both farmers and New Zealand's interest to maintain the trade as an alternative to reliance on the European lamb market.
- Since live animal exports for slaughter were banned, the price for sheep stock had diminished.
- There appeared to be a concerted political and animal rights effort to ensure that the live trade of livestock from New Zealand was not reinstated.

Appendix 1: Revised Draft Guidelines

These guidelines are published by the Director-General of the Ministry of Agriculture and Forestry (MAF), under section 41(1) of the Animal Welfare Act 1999. They outline the information required by the Director-General when he or she assesses an application for an animal welfare export certificate (AWEC).

Any person planning to export livestock (i.e. sheep, cattle, goats or deer) must apply to the Director-General for the issue of an AWEC, under section 42 of the Animal Welfare Act. These guidelines have been drafted in accordance with the criteria listed in Section 43 of the Act (see Appendix One for these sections in full).

All AWEC applicants must complete Part A of the guidelines.

The Director-General may request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. This additional information is covered in Part B of the guidelines. **Sea voyages greater than 21 days or air freight requiring one or more stopovers will usually prompt a request for further information.** In some cases, the Director-General may seek information that is not identified in Part B of these guidelines.

An AWEC application must:

- be made on the application form (on MAF's website), at least 20 working days before the date on which the applicant proposes that the animal/s leave New Zealand;
- be accompanied by the required information (all of Part A and requested sections of Part B); and
- include a signed *Declaration of Purpose for Export of Live Animals from New Zealand*.

Exporters should contact MAF early in the export planning process to discuss their proposed voyage and prospective application. Exporters may seek, at this pre-application stage, an indication of any concerns the Director-General could have about the proposed voyage, and ascertain what information the Director-General may require as part of the application process. The Director-General will assess a formal application on its merits, on a case by case basis, taking into account the relevant factors under the Animal Welfare Act.

MAF aims to respond to applications for routine exports within five working days from when the application is received. The Director-General will make a decision within the 20 working days set out in the Act. For more complex voyages, MAF will provide regular progress updates on the evaluation of the application until a decision is reached. If the Director-General grants an application, the applicant will be provided with an "In-Principle" AWEC. This will specify, in writing, conditions that must be met before the New Zealand Food Safety Authority Verification Agency Port Veterinarian issues the final AWEC on the day of export.

The Director-General will, as a minimum, impose conditions requiring:

- that the livestock are fit and healthy for the journey; and
- that the ship or aircraft and other relevant aspects of the export comply, as appropriate, with the MAF sea transport standard(s) or the IATA Live Animals Regulations; and
- that the applicant submit a voyage report to the MAF Animal Welfare Directorate within 10 working days of completing the journey.

Part A: Information required as part of the AWEC application

All applications must include the following information. Applicants may, at their discretion, provide relevant additional information from Part B of the guidelines in their initial application.

1) Capability, skills, and experience of the applicant in relation to live animal exports

Provide a brief description of your experience with live animal exports. This should include a short summary of the previous five export voyages undertaken. Each previous livestock export described should state the date(s) of export, the port(s) exported to, the name(s) of the ship(s) used, the species exported, the health and injury problems, and the mortality rates.

2) The species, number, ages, pregnancy, and fitness status of animals

Describe the following details concerning the animals in the proposed export:

- (a) species, number, and sex of animals;
- (b) approximate age of each category of animals;
- (c) average weight of each category of animals;
- (d) if pregnant, date of first mating.

3) The type of transport proposed and the facilities provided

Describe, if relevant, the following aspects of the proposed transport and facilities provided:

- (a) the ship's maritime safety authority approval(s);
- (b) the ship's fresh water storage capacity (metric tonnes);
- (c) the ship's fresh water production capacity (metric tonnes per day);
- (d) the ventilation and other environmental control systems;
- (e) the weather forecasting system and the communication equipment for contact with external parties;
- (f) the risks of exposure to extreme conditions (e.g. temperature $> 30^{\circ}\text{C}$, $< 0^{\circ}\text{C}$; humidity > 80 percent, and ammonia levels > 25 ppm);
- (g) an assessment, by a qualified person such as a ship's engineer, of the ability of the ship's environmental systems to cope with such extremes;
- (h) other measures which could be employed to mitigate extreme environmental conditions;
- (i) the method for monitoring of the ventilation system (e.g. 24 hour watch by ship personnel, electronic monitors with alarms);
- (j) what amount of surplus fodder and water (in days) will the ship be carrying;
- (k) the ship's provision to make running repairs of the propulsion and livestock support systems (ventilation, feeding, watering, and effluent/manure disposal systems) including carriage of critical spare parts.

4) The length and nature of the proposed journey

The applicant should answer the following questions:

- (a) the date on which it is intended that the animals leave New Zealand

- (b) what is the anticipated length of the journey;
- (c) what is the proposed route;
- (d) are there any stopovers during the journey;
- (e) the anticipated weather during the proposed export.

5) The susceptibility of the animals to harm and distress under the conditions of transport proposed

The applicant should answer the following questions:

- (a) What is the area per head, in square metres, being allocated (sea voyages only)?
- (b) Will the animals have undergone a pre-conditioning feeding programme to accustom them to the shipboard diet?
- (c) Will any company representative be present at the port of unloading when the shipment arrives?
- (d) Describe the number, qualifications, and experience of the stockmen and veterinarians proposed for the journey.
- (e) If there are no veterinarians accompanying the consignment, will a New Zealand veterinarian, with experience in the relevant species, be contactable during the voyage? If so, what would be the means of communication between the ship and the veterinarian?
- (f) Describe the plans, which ensure that all animals will be loaded in a manner enabling easy monitoring during the voyage, and the details of the monitoring programme, including frequency of inspection.
- (g) Describe plans to monitor, and adjust, noise and vibration levels to a level specified by the relevant human occupational and health safety regulations for the vessel.

Part B: Additional information that may be requested as part of the AWEC application

The Director-General may request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. This additional information is covered in this section of the guidelines. **Sea voyages greater than 21 days or airfreight requiring one or more stopovers will usually prompt a request for further information.** Applicants should initiate contact with MAF as soon as practicable to ascertain what information the Director-General is likely to request.

1) Capability, skills, and experience of the applicant in relation to live animal exports

- a) The applicant should provide the following:
 - *Date registered with the MAF Exports Group as a live animal exporter.*
 - *Complete record of previous livestock exports, stating date(s) of export, port(s) exported to, name(s) of ship(s) used, species exported, health and injury problems, and mortality rates.*
 - *The name, qualifications, and previous experience with live animal export for each third party providing advice to the applicant for the proposed export.*
 - *The extent and duration of the advice being provided by each third party.*
 - *Will veterinarians from the destination country be supervising the preparation of, or accompanying, the animals for the proposed shipment?*
- b) The number, ability, knowledge and competence of the stockmen and veterinarians proposed for the journey should be consistent with the requirements of relevant MAF sea transport standard(s) or the International Air Transport Association (IATA) *Live Animals Regulations* for airfreight.

2) The species, number, ages, pregnancy, and fitness status of animals

- a) The Director-General may require the applicant to provide details of the buyer's selection criteria, e.g. location(s) in New Zealand where the animals will be sourced, Body Condition Score, absence of illness and injury, fitness for travel.
- b) The Director-General may require the applicant to provide details of the immunisation status for any diseases, not mentioned as part of the export conditions, but which could be of concern as a consequence of long distance transport.

3) The type of transport proposed and the facilities provided

- a) The Director-General may require the applicant to provide documentation confirming the following, particularly for journeys greater than 21 days:
 - *the previous performance of the vessel proposed for the journey, including any major breakdowns that have occurred;*
 - *the current status of the vessel with respect to any overdue maintenance;*
 - *the previous route, and cargo, of the proposed ship or aircraft prior to arrival in New Zealand, and plans for cleaning and disinfection prior to loading;*
 - *a description of the shipboard medical care for the livestock personnel and crew;*
 - *the quality control measures to ensure the fodder is free of any foreign material or toxic plant material that could have a deleterious effect on the livestock;*

- *an assurance that food in pellet form contains the appropriate ingredients in the correct proportions;*
- *the quality control measures in place to ensure the water for the animals is of an acceptable quality, and not harmful to their health; and*
- *the medication, equipment, and facilities on board for the treatment of injured or sick animals, and if necessary, their humane destruction and means of disposal.*

4) The length and nature of the proposed journey

- a) Describe how the loading, transport route, and unloading has been planned to ensure the animals spend the least time possible on the journey.
- b) For journeys where one or more stops are necessary for additional supplies of fuel, water, or fodder, applicants should provide evidence that appropriate plans have been made. Where relevant, the Director-General may require the applicant to provide documentation confirming the following:
 - approval, from the appropriate government authority in the importing country, for transit via the proposed third country, or countries, concerned. This would include approval for provision of food and water in the country(s) being transited should that be necessary;
 - approval, from the appropriate government authorities of the proposed stop(s), that permission for the stop(s) has been granted;
 - an undertaking from the suppliers of fuel, water, and fodder at the proposed stopover point(s) that the necessary amounts of these resources will be available when required, and the fodder contains ingredients appropriate to the New Zealand breeds of animal being exported e.g. salt content;
 - plans to ensure adequate ventilation during the stop(s);
 - contingency plans to address any shortfalls in fuel, water, and fodder; at the proposed stopover(s);
 - contingency plans to address breakdown of the ventilation system, or any running repairs to the ship or aircraft necessary to enable the journey to continue; and
 - for airfreight, if the livestock are travelling without the provision of food and water, plans to ensure food and water will be provided in the event that the completion of the journey is delayed beyond 24 hours from the time of departure from New Zealand.

5) The susceptibility of the animals to harm and distress under the conditions of transport proposed

- a) The Director-General may require the applicant to provide documentation confirming the following, particularly for journeys greater than 21 days:
 - for sea freight, plans for the animals to undergo a pre-conditioning feeding programme for adaptation to the ship's diet, and evidence of the expert nutritionist advice obtained for the pre-conditioning feeding programme, and the shipboard diet;
 - measures to be used to protect the animals from injury and distress in the event of exposure to prolonged adverse weather or sea conditions;
 - measures to be used to protect the animals from injury and distress in the event of an emergency (e.g. fire) during the journey. For each emergency event, plans should document the actions to be taken and the responsibilities of all parties involved, including communications and record keeping;

- arrangements for any unplanned or emergency off-loading of the animals during transit;
- plans to ensure that inspection and unloading of the livestock at the port of destination will be conducted in an expeditious manner, into vehicles appropriate for the weather conditions and type and size of the animals. Evidence of contingency plans if these unloading arrangements are disrupted should also be provided;
- estimated time from arrival in country of destination to the start of unloading and the completion of unloading; and
- plans that take account of any government-to-government agreement pertaining to the procedures for inspection, unloading, and dispute resolution if the importing country deems the animal(s) unacceptable. A compliance plan of this type may be required, depending upon the history of New Zealand's trade in live animals with the country concerned or previous experience of trade in the region.

Appendix 2: Relevant Sections of the Animal Welfare Act 1999

Section 38 – Purpose

The purpose of this Part is to protect the welfare of animals which are being exported from New Zealand and which are being transported by ship or aircraft by ensuring that the risks faced by such animals are minimised.

Section 42 – Application for animal welfare export certificate

- (1) Any person may apply to the Director-General for the issue of an animal welfare export certificate.
- (2) The application must—
 - (a) be made on a form provided by the Director-General for the purpose; and
 - (b) contain, or be accompanied by, such information as the Director-General requires; and
 - (c) be accompanied by the prescribed fee (if any); and
 - (d) be made to the Director-General at least 20 working days before the date on which the applicant proposes that the animal leave New Zealand.
- (3) The Director-General may permit an application to be made other than in accordance with subsection (2)(d) if he or she is satisfied that unforeseen or unusual circumstances prevented the application from being made in accordance with subsection (2)(d).
- (4) Where an application made in accordance with subsection (2)(d) or subsection (3) does not comply in any material respect with subsection (2)(a) or subsection (2)(b), the Director-General may request the applicant to make good the deficiencies in the application.
- (5) If the deficiencies are made good at least 20 working days before the date on which the applicant proposes that the animal leave New Zealand, the Director-General must proceed to deal with the application.
- (6) If the deficiencies are not made good at least 20 working days before the date on which the applicant proposes that the animal leave New Zealand, the Director-General may deal with the application only if he or she is satisfied that there is sufficient time to give proper consideration to the application before that date.

Section 43 – Consideration of application

The Director-General must, in considering any application under section 42, have regard to such of the following matters as are relevant:

- (a) the manner in which the welfare of any animals previously exported by the applicant was attended to on the journey between New Zealand and the country to which they were exported;
- (b) the capability, skills, and experience of the applicant in relation to the export of animals;
- (c) the species or type of animal and the number of animals proposed to be exported;
- (d) the ages, and the physiological state, of the animals proposed to be exported;
- (e) the mode of transport proposed and the facilities provided;
- (f) the length and nature of the journey proposed;
- (g) the susceptibility of the animal to harm and distress under the conditions of transport proposed;
- (h) any New Zealand requirements in relation to the export of the animal;
- (i) any requirements of the country into which the animal is being exported;
- (j) any relevant international standard;

- (k) the date on which it is intended that the animal leave New Zealand:
- (l) any other matters that the Director-General considers relevant to the welfare of the animal.

Section 45 – Conditions

- (1) The Director-General may, in granting an application for an animal welfare export certificate, impose, as conditions of that certificate, all or any of the following conditions:
 - (a) a condition that the animal or the ship or aircraft be inspected before the animal is loaded or after the animal is loaded or both before and after the animal is loaded by a person authorised by the Director-General:
 - (b) a condition that the animal receive specified preconditioning before travel:
 - (c) a condition that a person authorised by the Director-General certify in writing that the animal is fit to travel:
 - (d) a condition that an animal health certificate be issued by a person authorised by the Director-General:
 - (e) a condition that the animal be loaded onto the ship or aircraft in a particular manner and in accordance with particular requirements:
 - (f) a condition that the animal be accompanied on the ship or aircraft by a particular named person:
 - (g) a condition that the animal be accompanied on the ship or aircraft by a person approved by the Director-General to undertake the work:
 - (h) a condition that the animal be accompanied on the ship or aircraft by a person who has certain qualifications or skills:
 - (i) a condition specifying the manner in which, and the extent to which food and water is to be provided to the animal while it is on the ship or aircraft:
 - (j) a condition that the animal be provided on the ship or aircraft with facilities specified by the Director-General:
 - (k) a condition specifying the manner in which the animal is to be managed on the journey:
 - (l) any condition specified in any relevant international standard:
 - (m) such other conditions as the Director-General considers appropriate for the welfare of the animal.
- (2) The Director-General may at any time before the departure of the animal amend or add to the conditions imposed under subsection (1).
- (3) The amendment or addition must be effected by giving written notice of the amendment or addition to the person to whom the animal welfare export certificate has been issued.
- (4) Except where the amendment or addition is necessary to meet the requirements of the country to which the animal is being exported, the Director-General may not, under subsection (2), amend the conditions or add to the conditions in such a way as to impose on the person to whom the animal welfare export certificate has been issued requirements that, at the time of the amendment or addition, that person cannot reasonably be expected to meet before the date of the departure of the animal.