

NAWAC news

Official Newsletter of the National Animal Welfare Advisory Committee



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From the Chair



I approached my first meeting of NAWAC with considerable trepidation because I had been out of the “animal welfare” loop for some time. I was aware of the formidable achievements of the Committee and assumed I would feel very much the ‘new boy’. I did not need to worry because I was made to feel very welcome and within the space of a couple of meetings I felt as though I had been there all along.

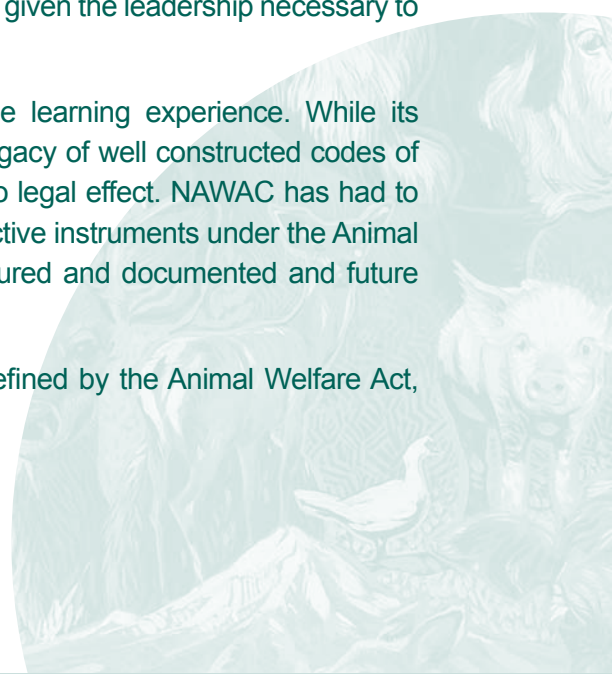
In his “Departing Chair’s reflections” David Mellor offers some personal reflections on the performance of the NAWAC committee and the contributions made by its members. I heartily endorse his comments. I have inherited an outstanding team. From my first meeting, I was struck by just how well this team of people of diverse backgrounds and experience work together. I am equally impressed by the close supportive relationship between the Committee and the members of the MAF Animal Welfare Group.

These things do not just happen. They require a clear sense of purpose by all members of both groups and they require leadership. NAWAC has been very fortunate to have had David Mellor as its first Chairman. Not only has he brought extensive knowledge of animal welfare matters and a highly developed scholarship to the committee table, but he has given the leadership necessary to meld the committee members into a high performing team.

The first six years of NAWAC’s existence has been a huge learning experience. While its predecessor, the Animal Welfare Advisory Committee, left a legacy of well constructed codes of recommendation and minimum standards, these codes had no legal effect. NAWAC has had to do the critical thinking that makes codes of animal welfare effective instruments under the Animal Welfare Act. Much of this learning experience has been captured and documented and future committees will not have to re-invent the wheel. It includes:

- developing working definitions of terms used in but not defined by the Animal Welfare Act, such as “good practice” and “scientific knowledge”;
- developing the structure and content of codes;

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- defining how the various ways of looking at animal welfare matters (biological functioning, affective state and natural state) can be integrated to make an informed balanced judgement on what constitutes good practice or unacceptable practice.

A particular challenge has been making judgements about alternative management systems. The Act does not provide for trade-offs among the five criteria set out in section 4 that define the “physical, health and behavioural needs” of animals and yet comparing management systems often delineates relatively better or poorer welfare outcomes in respect to each of these criteria. A balanced judgement, informed as far as possible by objective data, is needed to evaluate alternative systems. NAWAC does not recommend a change from one management system to another unless a clearly better welfare outcome can be identified.

Codes of animal welfare serve at least three purposes.

1. They set the minimum standards to which owners or persons in charge of animals must conform or demonstrate that they have achieved at least equivalent outcomes. As far as possible, minimum standards are written as outcomes to be achieved, not as prescriptions.
2. They serve to educate by informing and giving examples of recommended best practice.
3. They point the way to the future by suggesting improvements in welfare that should be actively sought through research, technology development or other means.

The Animal Welfare Act provides that anyone or any group may develop a code of animal welfare. If it were not for the efforts of such individuals or groups, NAWAC would not

have achieved as much as it has. The “writing group” is required by the Act to consult with parties that may be affected by the code and in doing so, some have unwittingly embroiled NAWAC, the Minister and even government in criticism of what they have proposed when in fact, neither NAWAC or the Minister have seen the draft code. The process of code development involves several more steps – NAWAC review of the draft code, public consultation on the revised code, NAWAC consideration of public submissions and a final review and sign-off by NAWAC before the final draft is sent to the Minister with an accompanying report that explains NAWAC’s decisions and recommendations. It is a long and exacting process but it ensures the end product is sound. History shows this to be the case.

Although the prime purpose of the Animal Welfare Act is to give effect to the wishes of New Zealanders for the welfare of our animals, it is gratifying to find New Zealand law and the way that it is implemented is very favourably regarded around the world and is often held up as a model. New Zealanders are at the forefront of the development of international standards and guidelines for animal welfare drawing on their New Zealand experience.

It was therefore very gratifying to be asked to chair NAWAC and I approach this task with a determination to maintain the very high standards that have been set already and perhaps to contribute in some unique way to their enhancement.

Peter O’Hara
Chairman

Departing Chair's reflections

Professor David Mellor retired as Chair of NAWAC in October 2005. Below are David's reflections at the time of his retirement from the Committee.



It has been my pleasure to serve as chairman of NAWAC for the first six years of its operation under the Animal Welfare Act 1999. NAWAC has done a great deal during that period and, as I prepare to move on to other activities, I would like to reflect on some of the Committee's achievements.

Before doing so, however, I must acknowledge a debt for the excellent work done by NAWAC's predecessor, AWAC, and by those who framed the Act. Without the firm foundations laid by AWAC over more than a decade, enhanced substantially by the Act, NAWAC could not have made the progress it has during the last six years.

NAWAC has increased the profile of animal welfare in New Zealand and has advanced our national animal welfare standards. Of course, our critics towards the "rights" end of the spectrum of thinking claim that, at best, we have not done nearly enough, while critics at the other end consider that we have moved too far too fast. In fact NAWAC's measured approach has led to progress in several ways and the chief vehicle for this has been the preparation of codes of welfare, which, under the Act, include minimum standards which now have legal standing.

How code writing has advanced animal welfare

The full participation of key stakeholders while they prepared draft codes, together with regular input from NAWAC, stimulated the particular animal-based sectors involved to undertake in-depth thinking about how their practices affect animal welfare. Beneficial shifts in sector-wide attitudes and a greater awareness of the intricacies of managing animals in a "welfare-friendly" manner have been evident to NAWAC as successive

drafts of each code of welfare have been prepared for particular industry sectors. Moreover, other sectors, while preparing their codes of welfare, have incorporated this evolved thinking into their early drafts, thereby consolidating and extending the related animal welfare developments.

Public participation in this process, provided for by the Act, has also been beneficial. It has alerted animal-based sectors to concerns the New Zealand public have about some of their practices, it has elicited searching sector and NAWAC re-evaluations of the justification for and welfare consequences of those practices, and it has increased public awareness of animal welfare issues. All of these are welcome developments.

Inclusion in codes of welfare of statements about changes to particular animal management approaches that NAWAC would like to occur, reinforced by calls for related research and the formal scheduling of early NAWAC re-evaluations of these issues, have also been influential. NAWAC's intention has been to alert key industry sectors to its concerns and stimulate action – both have occurred.

Practically implementing the Animal Welfare Act 1999

Developing the codes of welfare has challenged NAWAC to confront and work through significant issues relating to the practical application of the Act. Although this has been a remarkably complex and demanding task, its operational benefits for NAWAC were striking and will carry forward into the next six years of the Committee's work and beyond.

The issues included, but were not limited to, the following:

- finalising the general structure and content of codes of welfare;
- deciding on what NAWAC means by terms such as good practice, scientific knowledge, available technology, minimum standard and recommended best practice, referred to in the Act but not defined;
- clarifying different ideas about animal welfare and how such ideas relate to minimum standards;
- adopting the principle of focusing on animal welfare outcomes (where practicable) as opposed to husbandry inputs;
- developing legally robust, realistic and clearly expressed minimum standards, soundly based on good practice and scientific knowledge, and applying them throughout each code;
- while dealing with individual codes, identifying principles and details with application to all codes and incorporating them without the need for further lengthy deliberation;
- responding to legal argument about the Act and about details in early drafts of particular codes, which, in every case, led to improvements applicable to all codes;
- by all of these means, ensuring where possible consistency of approach and content between different codes.

Throughout, NAWAC has actively sought to clarify its processes and procedures and the rationale underlying the way it arrives at its recommendations, and has expressed these in the form of Guidelines. They cover most of the issues referred to above and are now freely available on the web at <http://www.biosecurity.govt.nz/animal-welfare/nawac/policies/index.htm>. These NAWAC Guidelines are works in progress and are updated as experience dictates. They currently total 10 and more are in preparation.

Controversial and difficult issues

NAWAC has been faced with a number of issues that were particularly challenging. The difficulty related to how the Committee could practically deal with opposing expectations and strongly-held views, as outlined in public submissions, on the animal welfare implications of centuries-old beliefs, on what constitutes acceptable and unacceptable treatment of farm animals, and on the weight that should be assigned to the economic viability of animal-based industry sectors and the financial impacts of animal welfare recommendations on individuals within those sectors. More specifically, these were the issues of religious slaughter, sow stall use, cages for layer hens, and the potential impacts, positive or negative, including economic ones, of NAWAC's recommendations about these matters.

All of these issues were given very careful consideration. Indeed, the care and dedication shown by all NAWAC members during these deliberations was really impressive. None of NAWAC's recommendations on these matters was made without huge effort, lengthy analysis and full engagement of committee members. This was especially so during NAWAC's attempts to resolve apparent conflicts between achieving acceptable animal welfare standards and being fair and reasonable to stakeholders.

Professional and open-minded consultation was a key feature of these deliberations. Although NAWAC's critics at both ends of the spectrum may claim that their view about particular matters on which they made submissions would have "won the day" if they had a chance for further input, as Chairman at the time I note with full confidence that each and every point made to NAWAC, verbally or in writing, whenever it was received before finalisation of a code, was evaluated and its merits assessed. No point made to the Committee was ignored, and a point made once was given equal consideration to a point made many times. In each case, the focus was on the issue, not on how many times it had been raised.

NAWAC has aimed for, and achieved, what it considers to be fair and consistent outcomes designed to advance animal welfare to the greatest feasible extent within the constraints imposed by the Act. The Committee has also taken a long-term view by laying the foundations for further developments when completed codes come up for mandatory review after 10 years, or earlier.

Other matters

Of course NAWAC has dealt with numerous other matters as well. The Committee has provided advice to the Minister and MAF on specific issues including: glue-board traps, electro-immobilisation devices, foie gras production, slaughter of crayfish and eels, vertebrate pest control and leg-hold traps, biological wool harvesting, slaughter of induced calves by concussion, body condition scoring of spent hens, dubbing of poultry, bobby lambs and goats, electronic dog collars, export of live cattle for slaughter, commercial cloning, import of captive cetaceans, high-tension compression bands for velvet antler removal, tail docking of dogs and horses, guidelines for aerial and ground shooting of feral animals, pelagic shark finning, recreational fishing, post-weaning

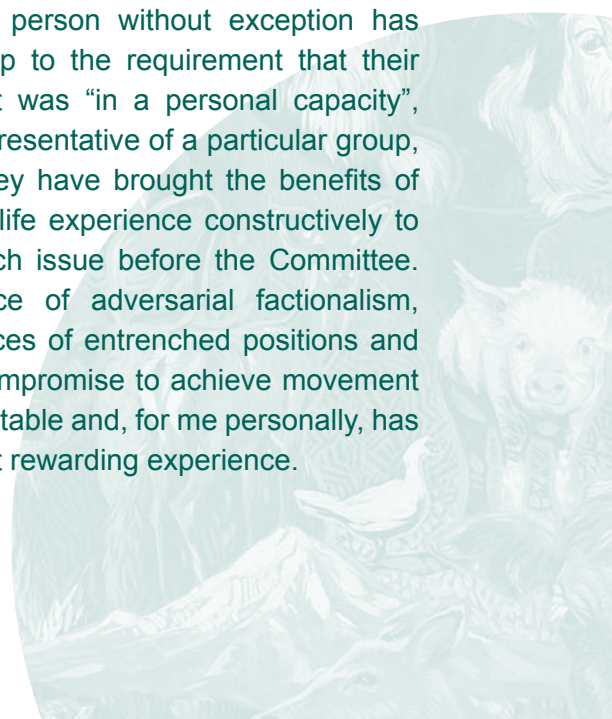
multi-systemic wasting syndrome of pigs, dairy cow udder tags and transport of sheep and cattle by sea.

Support

Without the outstanding support provided to NAWAC by MAF staff in the Animal Welfare Group, and other MAF sections, the list of achievements noted above would have been far shorter. In addition, the clear recognition within MAF, by the Director Animal Welfare, Assistant Director-General (Biosecurity) and the Director-General, and by the Minister, of the importance of NAWAC's role and the outstanding service offered to New Zealand by all committee members, most of whom have other jobs, has been a key factor in maintaining the momentum of the Committee's activities.

Personal reflections

On a personal level, one of the most outstanding features of my six years on NAWAC has been the affirmation, over and over again, of the principle that provided people with widely divergent backgrounds and views know that they themselves and their views are respected by the others in the group, they will be willing to considerately and flexibly work together to achieve consensus on controversial issues. Focusing on each person's integrity and sincerity from the outset is the key to how, around the NAWAC table, each person without exception has fully lived up to the requirement that their appointment was "in a personal capacity", not as a representative of a particular group, and how they have brought the benefits of their whole life experience constructively to bear on each issue before the Committee. The absence of adversarial factionalism, bitter defences of entrenched positions and grudging compromise to achieve movement has been notable and, for me personally, has been a most rewarding experience.



It is easy to see that the NAWAC team spirit has been outstanding. The ingenuity, incisiveness, clarity, expertise, wide perspectives, reflectiveness, respect, integrity, professionalism, drive, sheer hard work and commitment to getting the job done, that the NAWAC team has collectively brought to bear on all of its deliberations have been outstanding. I am humbled in the face of this, and really grateful that I have had the good fortune to share in it during the last six years.

Finally, I send my thanks and also my warm good wishes for the future to all members of NAWAC, and to MAF staff and all others associated with the Committee.

Professor David J Mellor

October, 2005

Editor's note: In July 2005, Professor Mellor was elected an Honorary Associate of the UK Royal College of Veterinary Surgeons, the first New Zealand resident to achieve such an honour. This well-deserved honour recognises an exceptional contribution, both in terms of scientific quality and personal commitment, to public service and the public good through teaching, scientific, veterinary and ethical disciplines. Our warmest congratulations to David.

NAWAC Operational Plan for 2006

NAWAC's Operational Plan for 2006 has been finalised. The Plan details NAWAC's operational priorities (with reference to its Strategic Plan for 2005-2009) and how they will be achieved during 2006.

OIE update

The next General Session of the OIE (World Organisation for Animal Health) will take place in May 2006, in Paris. At the General Session, representatives of the 167 member countries of the OIE will consider minor amendments to the four sets of animal welfare guidelines adopted unanimously at last year's General Session. The guidelines cover slaughter of animals for human consumption, emergency slaughter, land transport of animals and sea transport of animals.

The General Session will also consider and decide whether or not to support the revised text of a proposed United Nations Declaration for Animal Welfare. The Declaration is an initiative of the World Society for the Protection of Animals, whose Director-General, Major General Peter Davies, visited New Zealand in April 2006. It is led by a five-nation steering committee of countries representing the five regions included in the United Nations Economic and Social Council.

Painful Husbandry Procedures Code

The Animal Welfare (Painful Husbandry Procedures) Code of Welfare was issued by the Minister of Agriculture on 23 December 2005.

The code covers all procedures that involve physical interference with sensitive tissues that are carried out for reasons other than the treatment of injuries or diseases. As such it covers all procedures undertaken as part of normal farm husbandry which cause significant pain and distress.

While the code covers all painful husbandry procedures, specific information is provided for castration, tail docking and disbudding and dehorning only. The new provisions for castration and dehorning, which reduce the ages at which these procedures can be carried out without pain relief, replace requirements that have been in place since 1960. Tail docking of dairy cattle is no longer permitted, but farmers will be permitted to remove the last two-three vertebrae of the tail (which removes the switch). Other procedures referred to in the code are covered in other codes of welfare e.g. beak trimming of poultry, castration and tail docking of piglets.

Further procedures, such as mulesing, will be added to the code in the future. NAWAC is still reviewing this procedure and has yet to reach its final conclusions and recommendations.

NAWAC has not just given a big tick to procedures that are carried out now. The Committee recognises that the avoidance, alleviation or minimisation of pain is vital to animal welfare, and to enhancing the biology of the animal, especially growth and the immune system. On the other hand, however, failure to undertake some of these procedures can, in some but not all circumstances, lead to an increased risk of

compromises to animal health and welfare. NAWAC accepts that the farming community is responsible and diligent regarding animal welfare, and that such procedures are not undertaken lightly but regarded as necessary for efficient livestock management. However, NAWAC is encouraging farmers to review the reasons for carrying out painful husbandry procedures by developing management systems and breeding programmes that do not require them to be performed routinely. For example, breeding programmes to select for polled cattle and short-tailed sheep could phase out the need for some painful husbandry procedures in the future.

NAWAC wants to see the use of pain relief become routine where animals experience significant pain and therefore supports a move to the wider use of pain relief. NAWAC proposes gathering a number of parties together to discuss the wider use of pain relief, with a view to identifying a programme of work to develop effective, economical pain relief procedures. NAWAC will be liaising with the farming industries and producer groups, vets, drug companies and regulators to discuss this proposal.

The Committee has compiled an extensive report that backs up its recommendations. It has more than 180 references. The report can be viewed on the following website: www.biosecurity.govt.nz/animal-welfare



Codes of welfare update

The year 2004 marked the completion of the six codes of welfare revised under the transitional provisions of the Act. The Pigs, Layer Hens, Zoos, and Circuses Codes were issued by the Minister of Agriculture and came into force on 1 January 2005. (The Broiler and Rodeo Codes had been issued earlier.)

With the Painful Husbandry Procedures Code now also having been issued, NAWAC can focus on other codes. Codes of welfare for cats and deer are nearly complete and are expected to be recommended to the Minister by mid-2006. A second round of consultation on the Commercial Slaughter Code was recently completed and NAWAC anticipates being in a position to recommend the final code to the Minister before the end of 2006. Other future priorities include codes of welfare for land transport of animals, dairy cattle, dogs, sheep and beef. Draft codes for some of these are already being developed.

Thank you

The development of codes of welfare represents a huge effort on the part of many individuals, groups and organisations. Codes of welfare can be drafted by anyone or any organisation and represent a significant commitment to addressing the demanding issues which make animal welfare a complex and sometimes contentious subject.

NAWAC is extremely grateful to industry groups such as the New Zealand Pork Industry Board (Pig Code); the Egg Producers' Federation of New Zealand (Layer Hen Code); and Deer Industry New Zealand (Deer Code) who commit significant time and resources to the process.

Other codes are drafted by interest groups, or on behalf of MAF's Animal Welfare Group.

NAWAC is grateful for the enormous effort of the New Zealand Companion Animal Council in drafting the Cat Code. The support of members of the Australasian Regional Association of Zoological Parks and Aquaria in assisting with the Zoo Code is also gratefully acknowledged.

The code development process has two stages at which submissions are invited. The first stage involves consultation with representatives of those stakeholders likely to be affected by the draft code and is usually undertaken by the group preparing the draft code. The second involves the public notification of the draft code after it has been reviewed by NAWAC. NAWAC must take all these submissions into account when finalising the code.

Many submissions are very detailed and often represent a huge input on the part of those involved. NAWAC would like to express its thanks to all those who in particular have presented well reasoned submissions. Groups who contributed significantly to some codes include the Animal Rights Legal Advocacy Network, Australian and New Zealand Federation of Animal Societies, New Zealand Veterinary Association, Royal New Zealand Society for the Prevention of Cruelty to Animals, Save Animals From Exploitation, and The Great Ape Project N.Z. Inc.

Finally, thanks to the many individuals who have presented valuable insights or expressed their opinions.

NAWAC takes ownership of the codes and reviews and revises them according to the criteria detailed in the Animal Welfare Act. It is accountable for the advice it gives to the Minister.

This advice includes specifying any differences of view expressed in public submissions with the code or any provisions within it and the reasons for the Committee's recommendations.

Although reviewing all the public submissions is a time consuming process, the information presented is an invaluable part of the code development process and NAWAC is extremely grateful for the effort many went to.

<u>Code</u>	<u>No. of public submissions</u>
Broiler	1408
Rodeo	11
Pig	61,880
Layer hen	73,886
Zoo	26
Circus	957
PHP	17

Regulations Review Committee review of Layer Hen Code

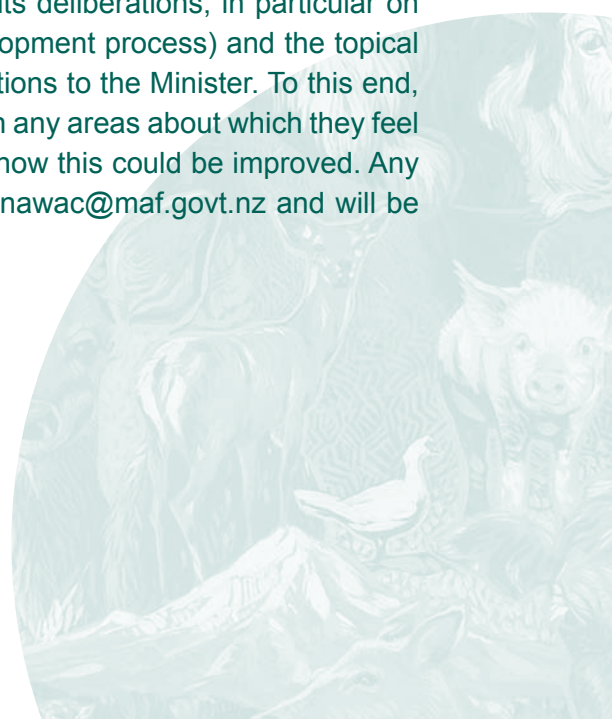
Parliament's Regulations Review Committee recently delivered its recommendation on a challenge by the Animal Rights Legal Advocacy Network (ARLAN) to the Layer Hen Code of Welfare, relating primarily to NAWAC's interpretation of the "exceptional circumstances" provisions of the Animal Welfare Act in respect of the continuing use of battery cages.

The RRC has recommended that aspects of the code be revised and that dates be specified for the phase-out of current non-complying cage systems and for the transition to alternative systems.

NAWAC will be considering the RRC's recommendations at its next quarterly general meeting.

Communication With stakeholders

NAWAC is concerned to maximise stakeholders' input into its deliberations, in particular on codes of welfare (including understanding of the code development process) and the topical issues on which it provides advice and makes recommendations to the Minister. To this end, NAWAC would greatly appreciate stakeholders' comments on any areas about which they feel they are not sufficiently informed or able to have input, and how this could be improved. Any suggestions should be emailed to the NAWAC Secretariat: nawac@maf.govt.nz and will be passed to the Committee for its consideration.



NAWAC guidelines

NAWAC is mindful of the crucial part it plays in the development of codes of welfare which have the potential to impact on the lives and livelihoods of many New Zealanders. Furthermore, the enormity of the task of reviewing the six deemed codes of welfare was not appreciated when the Animal Welfare Act was passed just over six years ago. Consequently, there have been occasions when NAWAC's efforts have attracted criticism from animal industries, animal welfare and animal rights groups, and the public.

In an effort to streamline the code development process, NAWAC has instituted subcommittees to deal with the initial parts of code development. In addition, code facilitators are also being used. As part of its ongoing performance review, NAWAC prepares guidelines, which do not have legal effect but which assist NAWAC in its activities. To date there are eleven guidelines (listed below), outlining the approach NAWAC takes and providing guidance for members working through complex and contentious issues:

1. Approach to the consideration of draft codes of welfare
2. Dealing with practices which might be inconsistent with the spirit of the Animal Welfare Act
3. Setting minimum standards where section 73(3) applies
4. Process for the development of codes of welfare
5. Role of science in setting animal welfare standards
6. Wider issues relevant to setting minimum standards
7. Taking account of societal expectations, technical viewpoints and public opinion
8. Justifying animal welfare trade-offs
9. Assessing the welfare performance of restraining and kill traps
10. Phasing out one animal management system in favour of another
11. Principles of consultation

The full text of the guidelines is available at: <http://www.biosecurity.govt.nz/animal-welfare/nawac/policies/index.htm>

FAWC Chairman's visit to New Zealand

Professor Christopher Wathes, current Chair of the UK Farm Animal Welfare Council, will visit New Zealand in August 2006. During his visit, Professor Wathes will take part in a programme organised by MAF's Animal Welfare Group, which will include seminars with NAWAC stakeholders.

Meanwhile, immediate past Chair of FAWC, Judy MacArthur Clark CBE, has been scaling new heights. Judy took up a post as Vice President Worldwide Comparative Medicine at Pfizer in late 2005. In February 2006, she climbed Mount Kilimanjaro, in a sponsored climb to raise funds for the RCVS Trust (the charitable arm of the Royal College of Veterinary Surgeons), which funds veterinary research and teaching projects for the improvement of animal health and welfare in Africa. Judy's efforts raised \$20,000 for the Trust.

EU Five-Year Action Plan

The European Commission recently adopted a five-year Community Action Plan on the Protection and Welfare of Animals. This is a useful, up-to-date overview, emphasising the EU's strategic commitment to continue to give priority to addressing its animal welfare agenda, both locally and internationally. The European Commission has indicated that it expects the Plan to have implications for non-EU trading partners.

The Plan's five core objectives are to: upgrade minimum standards for animal welfare; promote research and alternatives to animal testing; introduce standardised guidelines for welfare; improve information to animal handlers and the general public, and support international programmes to protect animals.

Key points related to the Plan:

- A similar plan for the period 2007-2012 is being prepared for animal health.
- The Plan emphasises the linkages between animal welfare, animal health and food safety.
- The Plan covers the use of animals in science and for recreation, in addition to agriculture.
- A European Animal Welfare Conference was held in March, under the Austrian Presidency.
- The EU will continue its lobbying efforts regarding the WTO and labelling.
- The EU will continue to support a science-based policy approach and the OIE international animal welfare initiative.
- The EU will continue to work closely with developing countries.
- The EU will continue to pursue bilateral agreements – specific reference is made to Chile and Canada.
- Framework 7 will provide ongoing support for research and development activities.
- The EU will continue to support the OIE's international role in animal welfare.



NAWAC comings and goings

Dr Peter O'Hara took up the chairmanship of NAWAC in November 2005. Peter is a retired veterinarian and had a lengthy and distinguished career with MAF, including being Chief Veterinary Officer (twice) and being a former Deputy Director-General.

Dr Cheryl O'Connor has resigned from NAWAC to take up the position of Programme Manager in MAF's Animal Welfare Group. Dr O'Connor was previously employed as pest control and wildlife toxicology team leader at Landcare Research Manaaki Whenua. She took up her new post at MAF in March 2006.

Dr Wayne Ricketts has moved from MAF's Animal Welfare Group to its Compliance and Enforcement Group, taking up a position as Compliance Team Manager. Dr Ricketts will remain associated with NAWAC as MAF's *ex officio* representative on the Committee, taking over from Dr David Bayvel, who has been MAF's representative on the Committee since 1989.

Members of NAWAC and MAF Animal Welfare Group wish Professor David Mellor all the best for the future after six years of outstanding service on the Committee.

This newsletter is produced for the information of those interested in animal welfare. It may be reproduced and distributed.

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