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NAWAC Secretariat  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140

FROM: New Zealand Animal Law Association  
[workstreams@nzala.org.nz](mailto:workstreams@nzala.org.nz)

SENT BY EMAIL TO: [nawac@mpi.govt.nz](mailto:nawac@mpi.govt.nz)

To the National Animal Welfare Advisory Committee (**NAWAC**)

## **FEEDBACK ON THE CODE OF WELFARE FOR SHEEP AND BEEF CATTLE**

1. The New Zealand Animal Law Association (**NZALA**) has been invited by NAWAC to provide views on the current Code of Welfare for Sheep and Beef Cattle (**Code**) in order to assist NAWAC with preparing a draft code for public consultation.
2. NZALA is grateful for the opportunity to be involved in this review, and we trust that our feedback below is of assistance. We look forward to being further involved as this review, and the reviews of the other codes of welfare, progress.
3. This feedback first provides general comments on the Code, highlights areas of particular concern in terms of inconsistency with the Animal Welfare Act 1999 (**Act**), and then steps through each Part of the Code.

### **General Comments**

#### *Clarity and Detail*

4. As a general comment, we consider that parts of the Code are vague, and that a lack of clarity and detail for many of the standards makes them difficult to follow and enforce.

#### *Areas with no minimum standards*

5. NZALA are concerned that, for Parts 5 (Behaviour), 7.1 (Selection and Breeding), and 7.4 (Weaning), the Code sets Recommended Best Practice (**RBP**) but not minimum standards (**MSs**).

#### *Consistency with Code of Welfare for Dairy Cattle*

6. There are a number of matters that are better provided for in the Code of Welfare for Dairy Cattle (**Dairy Code**) than in this Code. Given the overlap of animal welfare issues, these two Codes should be checked for consistency, and where there is inconsistency the higher animal welfare standards should be adopted for both Codes. Where applicable to this Code, we reiterate our feedback on the Dairy Code dated 23 November 2020.

7. This includes adding a section on quality management and assurance, so as to ensure that any on-farm animal welfare incidents are recorded, investigated to an appropriate extent, and learned from.

### **Inconsistencies with the Act**

8. NZALA has concerns that a number of standards set by the Code are, or may be, inconsistent with the Act. For this reason, NAWAC should give particular consideration to the matters including the following, and whether they should be the subject of recommendations made under section 183A(2) of the Act:
  - a. inadequate provision for the expression of behavioural needs (e.g. lying down, playing, grooming, maternal behaviours and foraging to explore, consume and select feed);
  - b. inadequate provisions relating to stocking density and mixing of animals;
  - c. inadequate provision for shelter requirements and extreme weather events;
  - d. permitting high (25 ppm) levels of ammonia;
  - e. practices associated with intensive farming systems;
  - f. a lack of adequate limitations on the use of electric prodders and restraint (including ; electroimmobilisation devices and tethering);
  - g. lack of requirement for trained persons to conduct pregnancy examinations;
  - h. lack of minimum standards preventing premature birthing induction; and
  - i. permitting hot branding and other identification techniques without sufficient pain relief requirements.

### **Code Introduction**

9. We also consider that it may be helpful for at least the Introduction to the Code to include references to relevant sections of the Act so that Code-users are directed to the statutory purposes the Code serves, and the statutory requirements it is required to meet.

### **Part 2: Stockmanship and Animal Handling**

#### *2.1 Stockmanship*

10. The introduction to the Code states that its purpose includes "[a]dequately maintaining the welfare of sheep and beef cattle requires experience, training and the observance of high standards." However, there are no specific training requirements to become involved in sheep or beef farming, and we understand that the available training (i.e. that referred to in this Part) is very limited. More work is required in training stock-persons in low stress stock handling.

11. The reference to on-the-job training by competent supervisors under "*General Information*" is problematic, both because it is unclear how competence is determined, and it is unclear how the quality of on-the-job training is to be validated.

12. The Code should direct that persons in charge of animals receive a particular level of training, require expert assistance to be called upon when dealing with situations that are outside of their expertise.

## 2.2 *Animal Handling*

13. For reasons of clarity, and to address the fact that ears and noses are sensitive areas, in MS 2 we recommend removing (ba) and changing (b) to the following:

(b) Dairy cattle must not be struck, or prodded with a goad, in sensitive areas including the udder, anus, genitals, ears, nose or eyes.

14. The use of electric prodders should be much more closely regulated, including specifying a maximum voltage to ensure minimal pain to the animal, and requiring multiple applications to be spaced - in line with the recommendations of the Humane Slaughter Association.<sup>1</sup>

15. To align with the Dairy Code, and address the overuse of electric prodders, we consider that MS 2(d) should be changed as follows:

d) Electric prodders must not be used on animals, except beef cattle that weigh over 150 kg, and are being stubborn or recalcitrant. Where permitted to be used, an electric prodder may be used only on the muscled areas of the animal's hindquarters or forequarters, and the animal must have sufficient room to move away from the prodder. Electric prodders should not be applied for more than one second at any time. If the desired effect is not achieved after four or five attempts, their use should be discontinued.

16. We consider that stock whips and alkathene pipe/hoses should never be used for moving animals, given the harm they can cause. This should be provided for in MS 2.

17. Likewise, we consider the following RBP should be incorporated into MS 2, given the high animal welfare risks:

- a. allowing a 20 to 30 minute calming period after mustering (c);
- b. separating animals where aggressive behaviour problems occur (g);
- c. prohibiting lifting or twisting tails (i) or using vehicles to physically push animals (l); and
- d. electric prodder controls (n and o – see above).

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1 Humane Slaughter Association "Humane Handling of Livestock" (2016).

### 2.3 *Mustering and Droving*

18. We consider that there should be a more detailed MS for droving, as there is in the Dairy Code, and that this should include the following:

Animals should be moved at such a pace where they can see where they are going and where to place their feet.

19. The Dairy Code also provides guidance on the pace that cattle should be driven at. Such guidance or standards should also be provided here.

### 2.4 *Restraint and Facilities*

20. It is highly problematic that electroimmobilisation devices may be used by those not fully conversant with safe operating procedures, particularly as the Code recognises that "[e]lectroimmobilisation devices do not block pain and may be aversive to animals", and "NAWAC has recommended that they be declared restricted devices."<sup>2</sup>

21. Electroimmobilisation devices are designed and used in order to prevent animals from exhibiting normal responses to pain. Their purpose is to temporarily paralyse the animal in order to allow handlers to carry out painful husbandry procedures. Therefore, the reference to allowing animals to demonstrate "*normal responses to pain*" in MS 4(d) is contradictory.

22. The Australian RSPCA believes that electroimmobilisation is not justifiable on welfare grounds.<sup>3</sup> The devices can cause suffocation and profound cardiac and emotional effects, and can reduce the use of pain relief.

23. Our position is that the use of electroimmobilisation be prohibited, or at least have tighter restrictions around its use, for example, that they should only be used by veterinarians.

24. At a minimum, MS 4 should require that electroimmobilisation devices should:

- a. be maintained in good working order;
- b. only be used by operators who are fully trained in, and follow, safe operating procedures; and
- c. only be used on adult cattle.

25. If electroimmobilisation is to continue to be permitted under the Code, RBP should include that electroimmobilisation devices should be checked by a registered electrician at least once per year. MS 4 should in turn require that electroimmobilisation devices must not be used if found to be faulty.

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<sup>2</sup> Code of Welfare (Dairy Cattle) 2019 at 22.

<sup>3</sup> RSPCA Australia "What is electro-immobilisation and what impact does it have on animal welfare?" (8 October 2019) <<https://kb.rspca.org.au/knowledge-base/what-is-electro-immobilisation-and-what-impact-does-it-have-on-animal-welfare/>>.

26. MS 4 should provide for limits on how long animals can be tethered for, and require regular inspection of tethered animals.

### **Part 3: Feed and Water**

27. The Code should provide for remedial action to be taken where an animal's body condition score goes too high.
28. We consider that RBP (a), (c), (g) and (h) in particular should be incorporated into MS 5. We also consider that MS 5 should require farmers to clean troughs regularly, ensure water is palatable, ensure the water supply meets peak demand and monitor the water quality, all of which is crucial to the health of the sheep and beef cattle and should not be optional in any way.
29. As with the Dairy Code, the Code should ensure that all new-born calves receive sufficient colostrum, particularly within six and twelve hours of birth. This is appropriate given the Codes detail the importance of calves receiving colostrum and how it can affect their ability to fight disease. To make the administering of colostrum optional in any way places the welfare of the calves at severe risk.

### **Part 4: Shelter**

30. In our view, MS 6 should provide metrics to improve the certainty and enforceability of shelter requirements. It should be clear that shelter must be available at all times.
31. Further RBP or MSs could also be included to assist with reducing heat and cold stress, including minimising time spent in the yard; the use of computerised collars to measure animal temperature; and clarification of what shade and shelter can mean. Contingency plans should also be mandatory, so as to better ensure animal welfare in extreme weather events such as floods, storms and droughts.
32. Further, the Code should require farmers to have contingency plans for floods, storms, droughts, and other extreme weather events, particularly in relation to meeting minimum food, water and shelter requirements.

### **Part 5: Behaviour**

33. The Code requires amendment to ensure that behavioural needs are met. The goal should be for farm system to enable animals to express their natural behaviours as much as possible, as that achieves the best wellbeing outcomes.
34. As a starting point, we consider that the RBP should be adopted as a MS, and our feedback on the Dairy Code should be applied, where applicable. This includes providing for grooming, playing, grazing, feeding, foraging to explore, select and consume feed, rumination and maternal behaviours (such as isolating cows for calving).
35. MSs should also set maximum stocking densities, and emphasise the need to minimise introduction of new cattle into a herd, so as to avoid increased aggression.

## **Part 6: Health, Injury and Disease**

36. We consider that MS 7(a) should be adjusted as follows:

Signs of ill-health or injury must result in timely preventative or remedial action, as appropriate and as soon as is reasonably practicable.

37. Further, at the very least RBP (d) should be incorporated into MS 7.

## **Part 7: Husbandry Practices**

### *7.1.1 Testing to Aid Selection and Breeding*

38. Veterinary care or supervision should be required for the sporodesmin toxin treatment provided for in RBP (a).

### *7.1.2 Reproductive Technologies*

39. The RBP here should be incorporated into MS 9.

### *7.2 Lambing and Calving*

40. We strongly consider that moving vehicles and must not be used for providing traction when lambing or calving, regardless of whether they allow for the immediate release of tension.

41. We also consider that much of the General Information in this Part should be incorporated into MS 10 or RBP, and that the additional calving matters provided for in the Dairy Code MS 15 and RBP should be incorporated into MS 10 in this Code. This includes requiring:

- a. pregnancy examinations by trained and competent operators;
- b. inspection of animals close to lambing or calving at least once every 12 hours, unless the animals are unaccustomed to daily supervision;
- c. remedial action if lambing or calving is not proceeding safely;
- d. inductions to be conducted only for therapeutic reasons, and under the direct supervision of a veterinarian;
- e. those inexperienced in stock management to obtain immediate expert advice if they find an animal having difficulty lambing or calving; and
- f. controlled traction to only be used by a trained operator, and in order to address a diagnosed issue – where no progress is made after 5 minutes of controlled traction, veterinary advice must be sought.

### 7.2.1 *Colostrum and General Health*

42. As with MS 5, MS 11 should go further by providing for the provision of colostrum within six and twelve hours of birth, given the decline in benefits over time.

### 7.3.2 *Fostering and Artificial Rearing*

43. MS 12 should provide minimum timeframes for inspecting fostered lambs and calves to ensure their welfare needs are being met.

### 7.4 *Weaning*

44. The RBP under this Part should become a MS.

### 7.5 *Animal Identification*

45. What is meant by "*competent operator*" should be clarified, along with the training or skills that are required.

46. It should be stipulated *when* pain relief should be given, and there should be guidance, or references to guidance, on the amount of pain relief required, how long it takes to come into effect, or a requirement to ensure that pain relief has taken effect before undertaking hot branding or other painful procedures.

47. Therefore, MS 13(b) should be changed to:

Hot branding must not be used without first administering effective pain relief and allowing for sufficient time for it to come into effect.

48. MS 13 should be further added to state that animals must not be branded on sensitive areas, such as the head, and to prohibit the use of hot branding in situations where less painful methods of identification are suitable.

49. As noted in our feedback on the Dairy Code, we are not aware of any discussion by NAWAC of the science behind allowing ear tagging and freeze branding without requiring pain relief or anaesthetic, or the science behind the pain relief required in relation to hot branding. These provisions are in need of review in light of the best available science in this area.

### 7.6 *Shearing, Dagging and Crutching*

50. What is meant by "*severe cuts or injuries*" is unclear. We consider that MS 14(b) should be amended as follows:

All ~~severe~~ cuts or injuries must be treated immediately, unless it is not reasonably practicable to do so, in which case they must be treated as soon as is practicable.

## 7.7 *Managing Flystrike*

51. The following measures under "*General Information*" should be incorporated as MS:
- a. frequent inspection;
  - b. prevention or early treatment of injured or diseased skin; and
  - c. application of insecticide at strategic intervals and monitoring to ensure treatments remain effective.
52. The following measures under "*General Information*" should be incorporated as RBP:
- a. control of pasture and internal parasites; and
  - b. providing plants containing condensed tannins and/or ryegrass.

## 7.8 *Intensive Systems*

53. We refer to our comments on "*Off-Paddock Facilities*" and "*Winter Grazing*" in our feedback on the Dairy Code, and the findings and recommendations of the Winter Grazing Taskforce.
54. The Codes do not appropriately address current intensive farming systems, and the Taskforce recognised that they are:<sup>4</sup>

not aligned with emerging scientific understandings of sentience. There are no enforceable regulations that directly address access to water, shelter and requirements for lying, depth of mud, and proper nutrition when winter grazing.

55. At a minimum, we consider that the RBP and "*General Information*" in this Part should be considered for incorporation into MS 16, 17 and 18, in order to mitigate the particular welfare concerns in intensive systems.
56. In terms of housing sheep and beef cattle, the allowable ammonia concentration should be reduced to 20 ppm or less,<sup>5</sup> and the Code should provide a precise means of measuring ammonia concentration. Additionally, the Code does not, but should, require farmers to measure this regularly or to document their measurements.

## 7.9 *Pre-transport Selection and Management*

57. The RBP in this Part should be incorporated into MS 19, and the "*General Information*" on "[g]ood husbandry practices during the transport period" should become RBP. We also note that the Code should ensure that collection areas provide adequate shelter and comfort for animals, as addressed in our feedback on the Dairy Code.

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4 At 5.

5 P Herbut, S Angrecka, "Ammonia concentrations in a free-stall dairy barn" (2014) 14 *Ann Anim Sci*, 153 to 166 citing Scottish Farm Buildings Investigation Unit, *Report of Working Group on Climatization of Animal Houses* (Aberdeen, Scotland, 1984) 72 at 29.



## **Conclusion**

58. Having provided the above feedback, we look forward to continuing to work with NAWAC as it progresses its reviews of this Code, and the rest of the codes of welfare.
59. NZALA is particularly keen to help with consideration and addressing of the issues which involve concerns of inconsistency with the Act.
60. We are happy to provide further comments on any of the above, answer any questions, or discuss next steps in the review process.

Yours faithfully

The New Zealand Animal Law Association