



Empowering Global Ambassadors for Animals One LLM Degree at a Time – Aotearoa New Zealand

Bianka Atlas

LLM Hons., MSc, BA, LLB Hons.

29TH ANNUAL ANIMAL LAW CONFERENCE
TRANSFORMING OUR RELATIONSHIP WITH ANIMALS



Pig farming in New Zealand

- 100 commercial pig farms
- 800,000 pigs raised & killed annually
- 60% indoors
- Only about 1% free range
- 2.4 litters per year on average – up to 15 piglets per litter (wild sows: 3-5 piglets per litter)
- Breeding sows killed at around 4 years of age (natural lifespan: 15-20 years)



Farrowing crates

- Small, barred metal cages
- Just enough room to stand & lie down – cannot turn around
- No bedding or stimulation – unable to express natural behaviours
- Leads to boredom & distress
- Manifested in tail biting & other aggressive behaviours
- Up to 5 days before giving birth until piglets are weaned at around 4 weeks of age



Do farrowing crates save lives?

- One or two piglets on average are saved per litter compared to outdoor farms
- Around 12% of piglets die in caged farming; about 17% in outdoor farming
- Causes of death differ according to farming system
- Animal welfare trade-off: 'sow vs piglet welfare'?
- Other safety issues

Farrow crate use 'saves piglet lives'

By Sally Rae



Farming > Other News

3 Comments



The New Zealand Animal Law Association v The Attorney-General (NZALA v AG)

Applicants

- The New Zealand Animal Law Association (NZALA)
- Save Animal from Exploitation (SAFE)

Respondents

- Minister of Agriculture
- The National Animal Welfare Advisory Committee (NAWAC)

The first time a code of welfare has been challenged in court.



Green Acres Farm Sanctuary – Silverton,
OR, USA (Oct 2019)

NZALA v AG – Background

- **Regulations 26 & 27 of the Animal Welfare (Care and Procedures) Regulations 2018 (“Regulations”)**
 - Regulation 26 set minimum requirements for the use of pig farrowing crates.
 - Regulation 27 prohibited confining pigs to sow stalls other than for mating.
- **Minimum Standards 10 & 11 of the Code of Welfare: Pigs (2018) (“2018 Code”)**
 - 2018 Code allowed for use of crates and stalls as a minimum standard of practice.
- Farrowing crates & sow stalls have always been considered to be non-compliant with the Animal Welfare Act 1999, but were historically allowed by the Act under an **“exceptional circumstances” exception.**
- **Animal Welfare Amendment Act 2015** removed this exception & set up a transitional scheme to phase out non-compliant practices.



NZALA v AG – Decision

Held

- The two regulations and amendments to the minimum standards “circumvent Parliament’s intention in enacting the 2015 Amendment, are contrary to the purposes of the Act, and are thereby invalid.” – *NZALA v AG*, at 8.
- Since the 2018 Code and the Regulations allowed for farrowing crates and mating stalls without any indication of when they would be phased out, it undermined Parliament’s intention that non-compliant practices such as this would and should be phased out.
- Since it undermined Parliament’s intention, it was *ultra vires* and thus unlawful.

Directed

- Minister to consider enacting new regulations that will phase out the use of mating stalls and farrowing crates.



Five-year phase-out

Government to phase out use of farrowing crates in pork farming by 2025

EXCLUSIVE

16/12/2020



Zac Fleming



Live export trade

- Almost 3 million terrestrial animals exported in 2020
 - 2.5 million day-old chicks
 - 110,000 cows
- Sheep, goats, alpacas, llamas, deer, pigs, bees, aquatic animals (eels, crayfish)
- Only cows are exported by sea
- 2003 *Cormo Express* disaster – led to suspension of live export of sheep for slaughter
- 2007: conditional prohibition ('ban') extended to all livestock (cattle, sheep, deer & goats)
- No livestock exports *for slaughter* since 2008 – export *for breeding* has continued



Lead-up to the ban

- 2019: *ABC News* exposé on Sri Lankan farms
- June 2019: Government review announced
- SAFE petition – over 30,000 signatures presented to Parliament
- 2 September 2020: *Gulf Livestock 1* disaster
- Temporary suspension of live export by sea + another review into the welfare of animals during sea voyages
- October 2020: live export resumed with some new regulations



Ban on live export by sea

- 14 April 2021: ban announced on live export by sea – ‘wind down’ period of up to two years
- TVNZ’s *Sunday* programme: widespread suffering onboard *Yangtze Harmony*
- 16 July 2021: export of live animals by sea will continue until 30 April 2023



Ongoing work for animal lawyers

- Review of existing codes of welfare and regulations
- Ongoing review of codes to ensure consistency with Animal Welfare Act and scientific evidence
- Litigation
- Advocacy for:
 - Increased funding for enforcement and policy development
 - Commissioner for Animals
- Specific areas of interest:
 - Live export – during ‘wind down’ period & animals exported by air
 - Aquatic animals – farmed, live export





Thank you!

*Ehara taku toa i te toa takitahi, engari
he toa takitini.*

My strength is not as an individual, but
as a collective.

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