



**Submission by the
Royal New Zealand Society for the
Prevention of Cruelty to Animals Inc.**

on

**Animal Welfare (Regulations for Management of
Pigs) Amendment Bill**

23 October 2025



“So I say to the chairman of the select committee, as you go into your deliberations, remember that animals have a right to live alongside us on this Earth. They feel pain, and we need to protect them.”

Hon John Banks, ACT Party leader
[First Reading of the Animal Welfare Amendment Bill 2013](#)

Executive Summary

- SPCA submits that this Bill should not have been introduced at all, and its very existence points to systemic failings in the animal welfare regulatory system.
- Given that it does exist, we make recommendations, including: that the transition period must lead towards practices fully compliant with the Act (i.e., reflecting NAWAC’s latest proposals), and there should be an inquiry or review into the development of secondary legislation under the Animal Welfare Act 1999 to ensure that a process like this does not happen again.
- The response to SPCA’s submission campaign on this Bill was immediate and overwhelming, with thousands voicing their concerns. This strong public backlash shows how deeply New Zealanders care about pig welfare - and makes clear that something has gone seriously wrong with the Government’s proposal.
- SPCA outlines the history of New Zealand’s animal welfare legislation, much of it advanced under National governments, and explains how this Bill undermines the spirit and intent of the Animal Welfare Act. It raises serious concerns about whether meaningful progress for farmed animals is possible while industry lobby groups retain the power to overturn science-based reforms and sideline NAWAC.
- We analyse deficiencies in the economic analysis and MPI science summary, released quietly by MPI halfway through the consultation period.
- SPCA’s science team has summarised the latest research on piglet mortality, minimum farrowing pen sizes, time spent in crates, nesting material, and space allowances to assist the Committee.



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Introduction

The following submission is made on behalf of The Royal New Zealand Society for the Prevention of Cruelty to Animals (trading as SPCA).

SPCA is the preeminent animal welfare and advocacy organisation in New Zealand. The Society has been in existence for over 150 years with a supporter base representing more than 100,000 New Zealanders across the nation.

The organisation includes 27 Animal Welfare Centres across New Zealand and approximately 60 inspectors appointed under the Animal Welfare Act 1999.

SPCA welcomes the opportunity to submit on the consultation for the Animal Welfare (Regulations for the Management of Pigs) Amendment Bill.

This submission will be in two main parts: one section to cover process and policy, and one to provide a summary to the Committee of the science on the issues presented in the Bill.

We have also attached a previous Policy Brief on this issue as Appendix One, a survey report of 1,044 New Zealanders conducted in October 2025 as Appendix Two, and a media summary as Appendix Three.

Recommendations

SPCA submits that this Bill should not have been introduced at all, and its very existence points to systemic failings in the animal welfare regulatory system. However, given that it does exist, we make the following recommendations:

- **That public input on this Bill is prioritised as much as possible.** Animal welfare organisations, as representatives of the public interest, must be invited to present to the Primary Production Select Committee.
- **That there is an independent review or Parliamentary Inquiry into the process for developing secondary legislation under the Animal Welfare Act 1999.** This would simultaneously fulfil the coalition's goal of reforming NAWAC, address the



(unanswered) Regulations Review Committee recommendation, manage the real or perceived risk of lobbying and/or regulatory capture, and prevent an unnecessarily delayed, incoherent and controversial process like this from occurring again.

- **That the transition is toward NAWAC's latest proposed options.** SPCA could accept an extension - as short as possible - if it was towards practices which are compliant with the Animal Welfare Act (nesting material, however, must be introduced immediately).
- **That there is an immediate ban on the building of new farrowing crate systems in this Bill.** This would align New Zealand with other nations like Austria, Germany, United Kingdom and Denmark who are also navigating their move away from crates through legislation or industry-led initiatives.
- **That the clauses restricting NAWAC's advice on Codes are removed from the Bill.**
- **That transition support is provided for the pork industry, on the condition that a transition is set that moves towards free farrowing systems.** SPCA is supportive of grants, research into free farrowing systems, and pathways under any reformed RMA to make it easier to build high-welfare infrastructure. The public and NAWAC are also supportive of transition support if it is helping farmers move to free-farrowing pens.
- **That low-welfare imports of pork are banned,** either now under the Animal Welfare Act or by adopting the member's bill "*Animal Products (Closing the Welfare Gap) Amendment Bill*".

Part 1: Policy & Positions

SPCA wants to see a thriving and sustainable local pork sector

For the avoidance of doubt, SPCA reiterates that our organisation actively supports high-welfare pig farming: we want New Zealand's pork industry to thrive in a way that's sustainable for animals, people, and the environment. In a global environment where animal welfare is



increasingly scrutinised, our organisation believes that maintaining animal welfare standards in line with public expectations will enable the sector to benefit long-term.

SPCA works collaboratively with industry and government to achieve high welfare standards for farmed animals, using evidence-based positions. We do not call for an end to animal farming but instead advocate for improving the lives of farmed animals.

Our SPCA Certified assurance programme certifies New Zealand's largest pig farm, and we support NZ Pork's calls for restrictions on low-welfare imports and clear country-of-origin labelling (SPCA New Zealand 2018, 2022). We know that farmers share our values for animal welfare, and we are committed to working with them to ensure better lives for pigs.

While we support high welfare pig farming, SPCA unequivocally opposes farrowing crates due to the overwhelming evidence that they significantly impact both sow and piglet welfare. Our organisation advocates for systems in line with current science and public expectations, such as well-designed indoor free-farrowing pens or outdoor farrowing.

There is significant public interest in this issue

Minister Hoggard stated on 8 October 2025 that he makes “zero apologies for talking to the people that regulations in this House will affect the most” (New Zealand Parliament, 2025). (He also made a misleading point on piglet mortality, relying on one industry-led review paper which has been overtaken by more recent science – we intend to write to him about this).

SPCA is not concerned that the Minister has consulted with industry. Of course he should consult with them. We are concerned that he and his Ministry appear to have consulted with them almost exclusively, and in doing so ignored the public, the advisory committee set up for providing him expert advice, animal protection organisations, and the High Court.

SPCA also emphasises that those most affected by his decisions are the pigs themselves. As noted by a leading researcher in this field, Dr Emma Baxter (Baxter et al., 2022), the primary users of farming systems - those who occupy them 100% of the time - are the animals.



In terms of public interest, polling by Horizon (of 1,0444 adults, weighted to match the NZ adult population), commissioned by SPCA in October 2025, shows that most New Zealanders oppose the use of farrowing crates. Two-thirds (66%) believe farrowing crates should be phased out altogether. When asked about alternatives, 38% support the use of temporary farrowing crates. In contrast, support for free farrowing pens is high: 77% of adults agree with their use, including 44% who strongly agree, and 74% believe they should be introduced to replace farrowing crates.

Public sentiment is also clear regarding the Government's current proposal to allow farrowing crates until 2035 - 61% disagree with it, and three-quarters (75%) think crates should be phased out immediately or within five years. Unfortunately, only 19% are aware of the proposals at all, as the law is rushed through Parliament. See Appendix Two for the full report.

New Zealand's animal welfare strategy, *Animal Welfare Matters* (Ministry for Primary Industries, 2013), recognises that all New Zealanders have an interest in how New Zealand protects the welfare of its animals, and states that the public should participate in setting animal welfare standards. One of the key roles of Government is listed as: *"providing opportunities for people to participate in decision-making."* According to the Ministry for Primary Industries' website (Ministry for Primary Industries, 2025a), animal welfare policy and law should be implemented with the aim of *"supporting society's expectations for the welfare and humane treatment of animals."*

The way these Regulations and this Bill have been developed has fallen well short of these intentions.

It has been deeply flawed and lacks transparency. We still do not know the exact standards we are being asked to comment on when the updated Code of Welfare for Pigs has yet to be released, and we find ourselves responding to seven documents dumped unceremoniously on consultation pages created in 2022—midway through a 2025 consultation, and then 12 additional documents uploaded 24 hours before consultation closed. This chaotic approach undermines meaningful public input and makes it impossible to provide the informed, high-quality feedback that these decisions demand.



The absurdity of introducing a Bill that, as legal scholar Marcelo Rodriguez Ferrere has described, “makes a mockery of our democracy” (Rodriguez Ferrere, 2025) cannot be overstated - particularly when it is being done for the sake of fewer than 80 commercial pig farms, of which only 44 farms use farrowing crates. To upend legal principles, override the findings of independent scientific experts, and erode public trust in democratic process for the convenience of a small handful of producers is indefensible. New Zealanders expect better from their lawmakers than to see the rule of law rewritten to suit the interests of so few.

The response to SPCA’s campaign encouraging public submissions on this Bill was immediate and overwhelming. Thousands of people took the time to share their views. The strength of this reaction makes it clear that New Zealanders feel deeply about the way pigs are farmed, and the scale of public backlash to the Government’s proposal suggests that something has gone seriously wrong with its development. Many of our supporters have told us they feel their voices and concerns have not been heard.

Despite asking multiple times for an update on the Code of Welfare for Pigs, SPCA as the nation’s largest and oldest animal welfare organisation was not included in any consultation after 2022, under the current government, and the current proposals were never put to us.

The unexpectedly short, two-week consultation period has placed significant strain on SPCA’s capacity to respond. The truncated timeframe, announced without warning, has limited our ability to conduct the level of analysis and engagement that such an important issue deserves. This has been deeply frustrating for our organisation, given the serious animal welfare implications of the proposed changes – not just for pigs, but for the entire Animal Welfare Act and the future of the animal welfare system.

This Bill undermines the purpose and spirit of the Animal Welfare Act 1999

These regulations are the first example of a phased transition under s 183A(2), the pathway created by a National Government in 2015 to provide for transitions. Clearly, its implementation has been a dismal failure.



The Animal Welfare Act itself was introduced under a National Government in 1999. As then-Minister for Food and Fibre, John Luxton, stated regarding codes of welfare:

“The codes will be developed in a consultative manner allowing the community's views to be taken into account. In this way the standards developed will reflect the expectations the New Zealand public has for the welfare of animals.” (Beehive, 1999).

According to Eric Roy, then-Chair of the Primary Production Committee when he commended the Animal Welfare Bill to the House, the legislation was *“a world leader”* - particularly in the way that it established the National Animal Welfare Advisory Committee to *“approve and sanction”* codes of welfare (New Zealand Parliament, 1999).

As the outgoing Chair of the NZ Pork Board in 2025, however, Roy was not so complimentary of NAWAC. Once they had recommended a phased, supported end to farrowing crates - following decades of signalling that farrowing crates were inconsistent with the Act, and a High Court case - he seemed proud to say that *“NAWAC have now been sidelined”*, because their work was *“not very flash”*: instead, MPI would look at the science and develop a code of welfare for pigs. He further stated that the code of welfare would need to be *“scientifically proven, so that any of the animal rights people who are going to take this to Court will need to know that they're not going to win”* (Roy, 2025).

At the time of the interview, he already knew that MPI was fully committed. The Prime Minister's Chief Science Advisor, John Roche, chaired a group - including Deputy Director-General Karen Adair, Director Carolyn Guy, and Animal Welfare Manager Kerry Jones (now Minister Hoggard's private secretary) - that reconsidered the code and may have prepared new scientific summaries to replace NAWAC's, working in coordination with NZ Pork and Eric Roy (Williams, 2025). SPCA comments on the quality of the Ministry's input below.

The pork and poultry industries were on the radar of the Primary Production Select Committee even back in 1999 when the original Act was considered. The final Select Committee report on the original Animal Welfare Bill stated (emphasis added):



*“The poultry and pork industries said management changes to limit the confinement of stock would have major economic effects and require time [...] Both industries supported the inclusion in clause 9 of the words “in accordance with established practice and scientific knowledge” on the assumption that the words “established practice” would sanction their existing management practices. This interpretation is not consistent with the intent of the clause as drafted. **We believe the behavioural needs of pigs and poultry being intensively farmed are not being fully met** and that such practices are contrary to the obligation in the clause. To clarify the intent of the clause we recommend that the words “established experience” be replaced with the words “good practice”.*”

In 2015, again under a National Government, the Animal Welfare Act received a major amendment. The Animal Welfare Amendment Bill 2015 introduced directly enforceable regulations, including transitional regulations. Hon Nathan Guy, then-Minister for Primary Industries, was proud to introduce the Bill, which enjoyed cross-party support. He stated - ten years after NAWAC had first identified farrowing crates as non-compliant (Guy, 2014):

*“The bill now provides that transitional regulations can give an industry a maximum of 10 years to become compliant with the Act, with a once-only ability to extend this for up to an additional 5 years. **The presumption will be that industries must become compliant within 10 years.** It will be only in very limited circumstances that an extension could be given. Concern was also expressed by submitters about provisions in the bill allowing for regulations to authorise indefinite exemptions. The committee has recommended tightening these provisions so that an indefinite exemption will be available only for specific religious or cultural practices.”*

In 2025, as the Select Committee considers a Bill allowing farrowing crates to remain in use for three decades beyond their identified non-compliance, it raises serious questions about whether current policymakers are prioritising industry interests over the Act’s purpose, public expectations, and established scientific evidence.



At that same Reading, Hon John Banks, then leader of the ACT Party lamented (Banks, 2013):

“The problem we have is that notwithstanding the select committee process that I was witness to 14 years ago, the then Minister ran roughshod over public sentiment and submissions to the select committee and barrelled on on the advice of the officials. I told the Government of the day that that was wrong and the people told the Government of the day that it was wrong, and here we are trying to fix that wrong [...] Animals are living beings—I think all New Zealanders can agree on that sentiment. Animals also feel pain, and we have a duty to protect them.”

Those words should ring loudly in the ears of today’s MPs. Once again, a Minister - this time Andrew Hoggard - is *“barrelling on on the advice of officials,”* and this Committee now faces the same mistakes: a Minister and Ministry ignoring submitters, sidelining experts, and embedding weak standards that future Parliaments will have to fix.

This Bill seeks to declare a selection of regulations legal regardless of scientific evidence or expert advice (except, perhaps, for MPI’s input – discussed below). If NAWAC’s guidance can be so readily ignored, what, then, is the purpose of having an independent advisory committee at all? We are left to question the value of SPCA presenting scientific evidence to this Committee, given that NAWAC’s scientific advice appears to have had little impact to date.

NAWAC recognised farrowing crates as not meeting the purposes of the Act in 2003 (*New Zealand Animal Law Association v Attorney-General*, 2020). They recognised that space allowance for grower pigs would need to increase significantly in 2010 (National Animal Welfare Advisory Committee, 2010), and they recommended an **immediate** introduction of nesting material for sows in 2022, after a failed attempt to regulate nesting material in 2016 (Ministry for Primary Industries & National Animal Welfare Advisory Committee, 2022).

As the pigs face another decade of the status quo instead, we are deeply sceptical of the Government’s assurances around the proposed transition timeline. How can New Zealanders have any confidence that this ten-year plan will actually result in change – after all, it can be extended again, no matter what the law says today. Why should we believe that any cruel practice will ever be outlawed again under the Animal Welfare Act? Obviously, bringing a



judicial review for any given practice doesn't seem to be an option anymore: not as long as there is a lobby group ready to overturn it.

The fact is that transitioning away from the status quo will always be difficult and expensive, and there will always be a disaffected group railing against it.

But there is hope: it is possible. New Zealand has moved away from gestation stalls and battery cages (without the regulatory pathway under s 183A(2)).

A credible, enforceable strategy is essential. Industry opposition cannot justify indefinite delays to humane practices.

If the Government is serious about animal welfare - as it has clearly been in the past - it must prioritise the needs of animals above industry convenience and set out a clear, legally binding plan towards free farrowing systems which includes reporting and an immediate commitment not to allow the building of new farrowing crates.

SPCA considers that this Bill puts forward standards that would otherwise be illegal, and calls for NAWAC's proposals to be implemented instead

SPCA does understand and accept that there is a requirement for an extension – pig farmers cannot pivot by December. Early Cabinet papers even from 2020 acknowledged that the transition period may need to be extended by five years. We also understand that this extension must be done via a Bill, because the transition period was so mismanaged by MPI.

And to be clear, the 2020-2025 period was always a transition away from crates. The emergency regulations set in 2020, consulted with SPCA, were clearly framed as an end to the current use of farrowing crate systems. As stated in a 3rd December 2020 briefing just after the judicial review (Ministry for Primary Industries, 2020):

“The regulations propose a phase out period of five-years to ensure that the animal welfare benefits, of transitioning to alternative systems, are realised as soon as possible.”



However, the regrettable need for extending the transition period is where SPCA's agreement ends. The proposals in this Bill to be adopted after 2035 are simply not good enough. As advised by NAWAC in their letter of 3rd April (National Animal Welfare Advisory Committee, 2025), they do not meet the requirements of the Act.

Presumably this is a key reason why these Regulations are in primary legislation, alongside statements which state that they are, and always have been, compliant: because otherwise, they would be vulnerable to legal challenge, and MPI, Crown Law and Minister Hoggard know it: confirmed in point 30 in B25-0291 which was uploaded with failed redactions (Ministry for Primary Industries, 2025b).

We have covered the science and our view on appropriate farrowing systems and space allowances below, but in summary, SPCA could support the proposals put forward by NAWAC to Ministers in 2023 and 2024 (National Animal Welfare Advisory Committee, 2024).

MPI's science summary is deficient

Minister Hoggard referred repeatedly to these proposals being "science-based" and "informed by expert advice and good practice" during the First Reading (Hoggard, 2025a).

However, with NAWAC sidelined and public submissions having been received on an entirely different proposal (Appendix One), he appears to be referring solely to MPI's science summary which was uploaded quietly to a 2022 consultation page halfway through this consultation. According to an undated letter sent to NAWAC (Hoggard, 2025b), the Minister confirmed that he considered a "Science Summary" prepared by MPI in formulating his proposals.

Noting the limited time to comment, SPCA would highlight the following key concerns with the Science Summary (Ministry for Primary Industries, 2025c):

- The conclusions on normal sow behaviour and grower pig space needs are out of step with contemporary animal welfare science.
- The evidence is extensive and consistent: NAWAC (2021, 2023, 2025), the European expert body EFSA (2022), the EU Reference Centre for Animal Welfare (Pigs) (2025),



policy papers by international experts (Baxter et al. 2025), and the British Veterinary Association & Pig Veterinary Society joint statement (2025) all provide science-based recommendations that contradict MPI's analysis.

- The paper's suggestion that animal welfare is subjective or "urbanite-driven" betrays a poor understanding of animal welfare science and of New Zealand's own Animal Welfare Strategy, which recognises animals as sentient and animal welfare science as a robust scientific discipline.
- New Zealand has world-class expertise in this field — for example, in the Massey Animal Welfare Science and Bioethics Centre, AgResearch, Lincoln and more, plus NAWAC — which should be informing high standards, not dismissed.
- The paper wrongly implies that economics can override welfare. The courts have already ruled otherwise: welfare obligations must first be met, with cost and practicality only moderating how standards are implemented, not whether they exist.
- The Science Summary claims, without references, that crating with nesting material supports "good sow welfare" and "most natural behaviours." In reality, sows cannot perform normal nesting behaviour without room to turn, move, and arrange material: a point already confirmed by NAWAC.
- The claim that no welfare benefit exists beyond a k value of 0.03 confuses economic optimisation with welfare outcomes. At $k = 0.03$, pigs cannot even lie fully stretched without overlapping. 0.03 is widely acknowledged as the space allowance observed by Edwards et al. (1988) for optimal economic performance on slatted systems, not optimal welfare.
- SPCA understood that this paper was meant to highlight the research since NAWAC's Code of Welfare for Pigs Evaluation Report was written in 2021, but the review is outdated: most citations pre-date 2021, and just one 2024 study is included. It fails to provide the current, comprehensive science it purports to summarise.

SPCA has also noted technical errors in the Regulatory Impact Statement attached to this Bill, and we intend to write to the Ministry of Regulation with our concerns. We are still analysing the 12 new Cabinet papers and briefing papers, which were proactively released **24 hours** before the closing of these submissions (22nd October 2025). SPCA has summarised the science



for this Committee in Part 2 below - but again, we note that NAWAC has already done this work for the Minister.

Assumptions underlying the economic analysis are incorrect

Minister Hoggard has repeatedly referred to the estimated costs to industry as the reason why ten more years is required to transition to practices which are still not compliant with the Act. He has also repeatedly referenced the fear of industry that higher animal welfare standards will lead to the death of the local pork sector. The industry also feared a significant impact during the five-year transition away from gestation crates from 2010 (PigProgress, 2010), but the Minister at that time, David Carter, was firm in his view that that the ban would help protect the long term sustainability of the pork industry (Beehive, 2010): *“The reality is, worldwide there is increasing opposition to highly intensive systems of pig farming and New Zealand has a role to play in leading the way.”*

On reviewing the economic analysis (Ministry for Primary Industries, 2023), conducted in 2023 but only released last week on the 16th of October, SPCA has significant concerns about the quality of the analysis.

Due to the extremely short consultation period, we have been unable to conduct a full and detailed response. However, we highlight NAWAC’s concerns for the Committee here. They noted that economic analysis is problematic because it relies on mortality assumptions that are not transparently justified or consistently derived from the underlying scientific data. While NAWAC’s 2021 Evaluation Report (National Animal Welfare Advisory Committee, 2021) shows a wide range of pre-weaning mortality rates for different housing systems, the analysis simply assigns fixed values (15% for NZPork/MPI proposals, 19% for the NAWAC proposal) without explanation.

These selected values strongly influence the results, accounting for 95% of the projected differences in annual cash flows, meaning the economic conclusions are highly sensitive to assumptions that are not supported in evidence.



In 2022, SPCA submitted the following on an earlier version of Sapere’s economic analysis, and we repeat it here as we believe it still stands:

“SPCA acknowledges that there will be significant costs to some producers in order to bring their systems in line with the Animal Welfare Act 1999, but rejects the economic analysis provided with the consultation documents as a useful tool to understand these costs.”

We highlighted the following concerns about flawed assumptions underlying the model:

- **That piglet mortality will increase to 19% in indoor free farrowing systems:** The largest commercial datasets to date on the performance of indoor farrowing pens are from countries where farrowing pens (not crates) are the default. The Swiss and Norwegian statistics show live-born mortality of 11.1 per cent and 12 per cent respectively (Baxter, 2022b; Weber et al., 2020). In Sweden, mortality has risen to close to 17%, but this is thought to be because of litter size not farrowing housing (Olsson et al., 2018). NAWAC’s evaluation report also does not support the assumption that piglet mortality will rise. In all papers considered by NAWAC where the pens provided at least 5m² for the sow and nesting material, there was no significant increase in piglet mortality. The 19% figure may have been based on the performance of outdoor systems, which range between 15-25% mortality. However, the analysis is not modelling a shift to outdoor systems – it’s modelling a shift to indoor pens, and should have used mortality data that suited this scenario. Most of the predicted increased costs appear to be coming from this increase in mortality, which is not explained anywhere.
- **Zero spending on infrastructure in the status quo:** The analysis assumes that the costs of upgrading farms will not occur under the status quo. This is not a safe assumption; many sheds are aging and will need replacement or upgrading within the next two decades.
- **That the average farm is a 350 sow fully slatted indoor operation:** Nearly half of farms in New Zealand are free farming systems which farrow outdoors and use eco-



barns or similar for the grow-out period. To apply the findings from this model to all farms is misleading.

The 2023 analysis estimates that between 76 to 87 per cent of the fall in expected net cash earnings compared to the status quo is the result of a fall in pork production under the three different approaches. This results from higher rates of pre weaning piglet mortality caused by the new regulations for farrowing crate use (Minimum Standard 10).

Our understanding is that NZ Pork data was the main source of information to MPI and Sapere in earlier versions of this analysis (the 2023 copy is the third iteration that SPCA has seen). SPCA notes that a total of \$125,843.99 (excluding GST) have been spend of the three economic analyses by Sapere.

SPCA certainly hopes that the pre-weaning piglet mortality assumptions can be supported by MPI and Sapere. Otherwise, the economic conclusion could rest on a false premise.

This Bill is another example of why external oversight of MPI's animal welfare function is required

24 hours before the closure of submissions, MPI uploaded 12 relevant briefings and Cabinet papers to their website. While the time to review these was short, some of the statements in these documents are concerning.

It appears that years of insulated conversations between only NZ Pork and MPI led to poor advice to the Minister and Cabinet, framed in a manner which left out relevant risks and background - and was sometimes outright technically incorrect.

For example:

- Several statements suggest that the economics and practicality clause in section 73(3) allows standards to be set below the level necessary to comply with the Act. This is incorrect and has been addressed in the judicial review of the pigs Code. As noted by Nathan Guy when introducing this clause (Guy, 2013):



*“The bill also makes it explicit that the National Animal Welfare Advisory Committee may consider the practicality and economic impact when developing minimum standards and codes of welfare. **These factors will not be able to override animal welfare considerations**, but making them explicit in the Act will ensure that minimum standards are realistic and achievable.”*

- Excerpts from the flawed science summary, which do not align with other experts or current science (discussed above), are included in multiple pieces of advice.
- The 2020–2025 five-year transition is often described merely as an extension of the status quo, allowing farrowing crates for another five years. In reality, it was the only legally available transition period away from crates, and these transitions were deliberately designed not to be easily extended.
- A failure to describe why NZ Pork and MPI's regulatory proposals were developed and considered for economic analysis and regulation in the first place. These proposals appear to have been developed and analysed starting prior to the 2023 election.

MPI may have benefited from different perspectives or considering the views of the public. SPCA has consistently asked for regular meetings between the Ministry and advocacy organisations to enable better communications, as per existing forums like the Farm to Processor Animal Welfare Forum for industry.

Animal organisations, industry representatives, and the public already had concerns about independence, transparency and effectiveness in the animal welfare system.

Issues include demonstrated discrepancies between the Act and its delegated legislation (NZALA 2021), regulatory inertia and inability to act decisively on animal welfare issues, a preoccupation with reputational impacts and trade (Duffield 2020), a lack of transparency, and insufficient independence. These are established indicators of regulatory capture (Goodfellow, 2016), alongside weak enforcement (Rodriguez Ferrere, 2025) and delegation of functions to industry (Rodriguez Ferrere, 2017).

In 2023, the Regulations Review Committee released a report, “Briefing on Animal Welfare Secondary Legislation” (New Zealand Parliament, 2023), which recommended that the



Government conduct a prompt and substantive review of the process for developing secondary legislation under the Animal Welfare Act 1999. They noted that the volume of complaints received has highlighted issues with the process for developing secondary legislation. This recommendation has still not been answered by the Government, despite the requirement to respond in 60 days (as outlined in the Cabinet manual).

SPCA has raised concerns about the development of secondary legislation repeatedly, particularly in terms of a perceived conflict of interest within the Ministry for Primary Industries and the risk of regulatory capture. We have raised this in submissions for the dairy, deer, pigs and sheep and beef cattle codes; in letters directly to MPI; in advice to Ministers Hoggard and McClay in April 2025 with the New Zealand Animal Law Association; and to the Ministry for Primary Industries' Inspector-General in May 2025.

The strong public and media response to this Bill has amplified these concerns, and SPCA considers that the time has come for independent oversight or review of MPI's animal welfare function - if only to restore public confidence following significant interest (Appendix Three).

Part 2: Scientific Justification

Piglet mortality

Farrowing crates were introduced to reduce piglet mortality from overlays (crushing) in commercial pig production; crushing is the biggest cause of piglet mortality in all systems (Edwards, 2002). However, our knowledge of the management and design of free farrowing systems has improved to the point that the incidence of crushing has been demonstrated to be comparable, or indeed improved, compared to farrowing crate systems (EFSA, 2022; Baxter, 2025; Loftus et al., 2020; Kilbride et al. 2012; Baxter et al., 2011; Weber et al., 2020; Kinane et al., 2021; Hemsworth et al., 2023; Weber et al., 2009).

Numerous studies show that mortality in temporary crating systems may actually be higher than in farrowing crates when there is not enough space, the pen design is poor, no nesting



material is provided and stock persons have not been trained in the system (EFSA, 2022; Condous et al., 2016; Ceballos et al., 2020; Kinane et al. 2021; Yun et al., 2018; Ceballos et al., 2021; Chidgey, 2016). Chidgey (2016) found that mortality in a temporary crating system, where the sow was crated for three days pre-farrowing and four days post-farrowing, with a pen 5.85m², live-born to weaning piglet mortality was significantly higher (10.23%) than in crates (6.10%), and more piglets died from four days post-farrowing until weaning in the pens (38.8%) compared to crates (30.43%). The Government's proposal to move to temporary crating may in fact be detrimental to piglet mortality. Given that piglet mortality in fully free-farrowing systems can be the same as that in crated systems when they are well designed with enough space and well managed, it's clear that temporary crates offer little in terms of improving welfare or piglet mortality.

The most commonly reported measures of pre-weaning mortality in studies comparing free farrowing pens and farrowing crates (including temporary crates) are stillbirths, total live-born mortality and mortality due to crushing. Stillbirths (including mummified piglets) are a significant cause of piglet losses and are found to be the same or lower in free farrowing systems compared to temporary crating and farrowing crate systems (Chidgey et al., 2016, Condous et al., 2016, Cronin et al., 2000, Hales et al., 2014, Morrison & Baxter, 2015, Weber et al., 2007, King et al., 2019, Ison et al., 2015, Zhang et al., 2020, Loftus et al., 2020; Hukkinen et al., 2024; Zhang et al., 2020; Kilbride et al. 2012).

It is important to understand that a number of other factors **beyond the system** affect piglet mortality. For example, Glencorse et al. (2019) found in a meta-analysis of the literature that there is a large variation in mortality between studies as a result of factors other than just the system. While they found that mortality was overall 14% higher in farrowing pens compared to farrowing crates across the included studies (they didn't include several important studies of large commercial data sets such as Kilbride et al. (2012), Weber et al. (2007) and Weber et al. (2009)), they also found that nearly 60% of studies found lower rates of stillbirth in farrowing pens, 40% of studies found higher pre-weaning piglet mortality in farrowing crates, and 66% of studies found a higher number of piglets were weaned in farrowing pens. This study shows that while piglet mortality can be higher in some farrowing pen systems compared to some



crate systems, mortality rates come down to the interaction between a number of factors at the level of the individual farm, and not the system as whole. Hence, this paper, which has limitations, has been misinterpreted by the Minister and the MPI Science Summary.

Factors that significantly affect piglet mortality include management and stockmanship (Kirkden et al., 2023), litter size and sow parity (Heidinger et al., 2022; Weber et al. 2007; Andersen et al., 2011; Baxter et al., 2024; Marchant et al., 2000; Weber et al., 2009), access to colostrum and milk, access to the creep and cold stress, poor pen hygiene (Cronin, 2014) and selecting for good maternal behaviour (which is a highly effective method of reducing crushing; Ocepek et al., 2017; Nguyen et al., 2021).

In addition, there are other significant causes of mortality for piglets (reviewed in Muns et al., 2016) that are not directly linked to farrowing housing. These include starvation (Keilland et al., 2018; Olsson et al., 2018; Kilbride et al. 2012), chilling (Pedersen et al., 2013), low viability (Tucker et al., 2021; Keilland et al., 2018; Kilbride et al. 2012; Lipori et al., 2025), low birth weight (Baxter et al., 2009; Keilland et al., 2018; Olsson et al., 2018), savaging (Chidgey et al., 2015) and infection (Keilland et al., 2018; Jacobson, 2022; Kilbride et al. 2012).

Therefore, crating sows during and after farrowing is not the only, nor the best, solution to improving piglet survivability. Piglet survivability can be as good, or better, in indoor free farrowing systems, while the welfare of both the sow and the piglets is also improved.

Minimum pen sizes for farrowing systems

SPCA supports only permitting free farrowing systems, with at least 5.5 - 6.5m² for the sow, with an additional 1 – 1.2m² creep area for optimal piglet survivability and sow welfare. SPCA only supports the use of temporary crating systems where the sow is crated after the completion of the nesting period for a maximum of 72 hours, and the pens provide at least 5 - 6.5m² for the sow, with an additional 1 – 1.2m² creep area. This is the balance of sow welfare and piglet survivability that regulation should be capturing.



The space allowance of the pen should be calculated based on the size of the largest sow in the herd and allometric equations. For example, some sows can reach 2m in length and weigh 350kg – the turning diameter for a 2m-long sow is 4m². Baxter et al. (2011) found that a 350kg sow needs at least 2.44m² of floor space to get up and lie down comfortably and at least 4.9m² for nest site seeking and creating functional areas. Based on allometric equations alone, the minimum space for a sow to turn freely and create functional areas for feeding and dunging is 5.9m² (CIWF, n.d.).

The risk of crushing is high if the pen is of poor design and is too small. EFSA (2022) carried out a detailed analysis of pen size and found that the risk of crushing is highest in pens under 5m². An optimal size is a pen with 6.6m² for the sow (with around a 1 – 1.2 m² creep area) – large enough to allow the sow to express 23% of unrestricted locomotor activity, turn around and create functional areas, while protecting piglets from crushing and achieve the same mortality as crates (EFSA, 2022; Baxter et al., 2025).

EFSA (2022) found that a pen of below 4m² is restrictive for sow behaviour and increases pre-weaning mortality 1.42 times the mortality in farrowing crates. If existing farrowing crates are opened after the proposed seven days of temporary crating, this would offer between 3 – 4m² which is far too small for optimal piglet survivability. EFSA (2022) found that even at 4.92m², piglet mortality increases 1.27 times the mortality in farrowing crates. The use of temporary crating systems should not be permitted unless the pens in a temporary crating system are of optimal design and size to protect the piglets and allow sows to express maternal and nesting behaviours, turn freely and lie down including with legs outstretched (Baxter et al., 2022).

It is vital to note that it is not just the size of pen that is crucial for reducing piglet mortality. Pens must be well designed – offering an attractive and easily accessible creep to prevent chilling and escape the sow when necessary (Baxter et al., 2022; Free Farrowing, 2021). Also, anti-crush features, such as sloping walls and anti-crush bars, protect the piglets when the sow descends into a lying position (Baxter et al., 2022; Free Farrowing, 2021).



In addition, stock people must be trained in managing a new system, and sows must be habituated to a new system. Studies show that piglet mortality reduces over time as the stock people and sows adjust to the system (Baxter et al., 2021; Baxter et al., 2024; AHDB, n.d.).

Length of time in the crate

SPCA supports only permitting free farrowing systems, where sows are not crated. If the use of temporary crating systems is allowed, sows should only be crated after the completion of the nesting period, for a maximum of 72 hours to protect neonatal piglets.

Sows are intrinsically motivated to build a nest, and nest building is therefore a behavioural need (Algers and Uvnas-Moberg, 2007; Wischner et al., 2009); crating the sow for any length of time before the completion of nest building behaviour is unacceptable and non-compliant under the Animal Welfare Act (1999).

In the 2-3 days prior to farrowing, sows will begin nest site seeking behaviour (Jensen, 1986). Sows then begin nest building behaviour in the 24 hours prior to farrowing, with the behaviour becoming the most intense between 12 – 6 hours prior to parturition (Jensen, 1986). Therefore, sows should not be confined in crates for three days prior to farrowing as is being proposed. That nest building is an intrinsically motivated behaviour and is most intense 24 – 4 hours prior to parturition is even acknowledged in the aide-memoire to Andrew Hoggard (MPI, 2025).

Research has shown that the sow cannot build a nest if she is confined in a cage – she does not have space to turn and move to create the nest (Damm et al., 2003; Jarvis et al., 2002, 2004; Hansen et al., 2017). Even if substrate is provided, the material can get out of reach and so she can no longer access it – exacerbating her negative emotional state (EFSA, 2022). A crate does not and cannot allow a sow to fully express nest building behaviour and meet this intrinsic behavioural need.

Upon the completion of nest building, the sow could then be crated to protect the neonatal piglets for the most vulnerable days (the first 72 hours) where the risk of crushing is highest (Nicolaisen et al., 2019; Mousten et al., 2013).



Nesting material

Nesting substrate needs to be provided 24-48 hours prior to farrowing in order for sows to carry out nest building behaviour (Baxter et al., 2025; EFSA, 2022). Provision of nesting substrate is crucial for satisfactory and full nest building (Arey, 1992). Sows kept in barren environments without nesting material re-direct their nest building behaviours towards the floor, bars and drinkers, becoming frustrated and distressed (Baxter et al., 2011). Nest building behaviours have been shown to increase sow carefulness, reducing crushing events (Valros et al., 2003; Herskin et al., 1998; Yun et al., 2013, 2014) and provision of nesting materials has been found to reduce pre-weaning mortality and stillbirths (reviewed in Monteiro et al., 2023). Nesting material is not only vital for the sow to express nest building behaviour, but also for piglets to forage and explore (EFSA, 2022).

The Bill proposes that sows be provided with “manipulable and deformable materials” in farrowing systems. In the Regulatory Impact Statement (2025), ‘manipulable and deformable materials’ are defined as “organic materials (such as straw, hay, wood, sawdust or peat), or objects such as ropes, or hessian sacks”. However, EFSA (2022) concluded that a jute / hessian sack is not a suitable nesting substrate as it cannot fully satisfy all functional nest building behaviours, based on studies from Plush et al. (2021) and Markland et al. (2023). Hessian / jute material may only be appropriate if it is loose in the pen and provided in sufficient quantity to allow carrying and formation of a nest (EFSA, 2022). van de Weerd and Ison (2019) defined ‘manipulable’ as “pigs can change the material’s location, appearance and structure”, and ‘deformable’ as being “chewable... and destructible”, so that “pigs can manipulate the material by biting and chewing”. While the proposed definition is mostly acceptable under van de Weerd & Ison’s definition, it is important that sows can change the location of the substrate, as is acknowledged in the aide-memoire to Andrew Hoggard (MPI, 2025); hessian sack or rope attached to the walls of the pen or front of the crate is not acceptable as nesting substrate, which is also acknowledged by the aide-memoire to Andrew Hoggard (MPI, 2025): “Hessian sacks attached to the front of the crate are not a suitable material to satisfy sows’ needs for nest building behaviour”.



Long-stemmed straw is considered the most suitable nest building material for sows (EFSA, 2022; Baxter et al., 2011; Rosvold et al., 2018, 2019), which is acknowledged by the aide-memoire to Andrew Hoggard (MPI, 2025). Other suggested acceptable materials include sawdust / wood chips, short-chopped straw and shredded newspaper (Chaloupkova et al., 2011; Yun et al., 2014; Swan et al., 2018). However, there is no consensus in the research as to how effective these are for eliciting full nest building behaviour and they are likely beneficial when combined with long-structured substrates (European Commission, 2008a, b; EFSA, 2022). SPCA agrees that other objects such as chains, toys and blocks of wood are not appropriate as nesting substrate.

EFSA (2022) concluded that a deep layer of long-structured material, such as long-cut straw or hay, on the floor or in racks is optimal for sows to carry out nest building and should be provided at least one day prior to farrowing. Nest building involves rooting to create a hollow in the ground, followed by forming a nest with grass, leaves and branches (Jensen, 1986). Therefore, nesting substrate needs to be provided in sufficient quantity and depth to allow sows to root, move and manipulate the substrate into a nest. Sows require more than 2.25kg to build a basic nest (Arey et al., 1992), ideally having at least 15-20kg (Westin et al., 2015).

There are serious practical considerations with providing nesting material regarding blocking the slurry system. However, designing pens with floors with partially slatted flooring for the dunging area and solid flooring in the nesting area allows nesting substrate to be provided, reducing how much substrate is entering the slurry system (European Commission, 2008a, b). In addition, Monteiro et al. (2025) have recently tested a soluble, biodegradable biopolymer-based material which is structurally similar to natural fibres, which is a promising solution.

In well-designed free farrowing systems, providing enough space for the sow to create a dunging area over an area of slatted flooring and the nesting area over an area of solid flooring, providing appropriate nesting material (i.e. long-cut straw or hay) is entirely feasible, and may reduce the incidence of crushing through improved maternal behaviours.



Space allowances for grower pigs

In the 2022 proposed Code of Welfare (MPI & NAWAC, 2022), NAWAC proposed two options: option A, using a k value of 0.047 and option, B using a k value of 0.72. However, the Bill proposes using a k value of just 0.034. A k-value of 0.047 provides only enough space for all pigs to lie in a lateral position (lying recumbent on their side with their legs extended) without overlaying each other (Petherick and Baxter, 1981; Petherick, 1983). The increase in space proposed by NAWAC in the draft Minimum Standard for space allowance was intended to allow for the expression of normal behaviour other than just lying – i.e. the calculation of useable space for normal behaviours including lying, movement and social interactions, which should not include space for the dunging area, feeding troughs or wet areas around drinkers. Even at $k = 0.047$, expression of normal behaviours (beyond just lying behaviour) is restricted – let alone $k = 0.034$ as is being proposed. SPCA is deeply concerned that lying behaviour was the only behaviour assessed in the MPI Scientific Summary.

A k value of 0.034 does not provide enough space to allow for normal patterns of behaviour (EFSA, 2005) – it does not allow for pigs in the group to lie down at the same time (Ekkel et al., 2003; Averos et al., 2010), at $k = 0.034$ pigs are restricted in feeding and the creation of separate dunging and lying areas is only possible above $k = 0.036$ (EFSA, 2005). Therefore, a k value of 0.034 is not compliant with the Act, nor with Regulation 25 which requires pigs to have an unobstructed floor space which includes “unobstructed feeding or dunging floor space”.

In addition, the delay in the changes to space allowance is unacceptable. NAWAC recommended more space in 2010: this delay means that more space is not being provided for **25 years** after that acknowledgement.

Numerous studies show that space allowance has an effect on growth rate in grower pigs (e.g. Anil et al., 2007; Hyun et al., 1998; Johnston et al., 2017). Carpenter et al. (2018) found that average daily gain was significantly lower in pigs with a space allowance of $k = 0.0336$. Similarly, Rossi et al. (2008) found that increasing space allowance from $k = 0.033$ to $k = 0.047$



is associated with better average daily weight gain. Therefore, there is a productivity benefit to increasing space allowance to $k = 0.047$.

Sufficient space is vital for pigs to thermoregulate. If temperatures will not exceed 25°C, the minimum space allowance can be $k = 0.036$ for 110kg pigs – however if temperatures are likely to exceed 25°C, or pigs are larger than 110kg, $k = 0.047$ must be used to avoid heat stress (EFSA, 2005). This calculation also did not provide enough space for social interactions, including escaping aggression (EFSA, 2005). As temperatures in New Zealand can exceed 25°C and there is no guarantee that pigs will not be exposed to >25°C, a k value above 0.047 must be used to calculate space allowance.

A lack of space prevents pigs from performing important normal behaviours, including drinking and feeding, exploration, social interactions (including escaping aggression), resting and lying, thermoregulation and creation of functional areas, and leads to damaging behaviours, principally tail biting (EFSA, 2005; EFSA, 2022; Carpenter et al., 2018; Larsen et al., 2018; Larsen et al., 2022; Li et al., 2021; Bulens et al., 2017; Brandt et al., 2020; Munsterhjelm et al., 2015; Vermeer et al., 2014). Tail biting is a serious issue in commercial pig farming. While tail docking is currently permitted under the Code of Welfare, it should only be considered a secondary measure to use during outbreaks when preventative strategies have failed due to the highly complex nature of tail biting. Providing pigs with a suitable environment (i.e. enough space and substrates with which to express important normal behaviours) is vital to reducing the incidence of tail biting. NAWAC determined that a k value of 0.047 was the minimum value so that space allowance was not a significant driver for tail biting. A k value of less than 0.047 makes it almost impossible for farmers to comply with Minimum Standard 18.

Conclusion

SPCA appreciates the opportunity to contribute to the Animal Welfare (Regulations for Management of Pigs) Amendment Bill, which Labour MP Rachel Boyack accurately described as *“a shocker and a terrible indictment on this House, on this Government's lack of commitment to animal welfare.”* We wish the Select Committee well as it undertakes the difficult task of addressing the challenges created by this process.



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