

Departmental Disclosure Statement

Animal Welfare (Regulations for Management of Pigs) Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for Primary Industries.

The Ministry for Primary Industries certifies that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

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24 September 2025

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Part One: General Policy Statement

The legislative framework for pig welfare in New Zealand has three key elements

The Animal Welfare Act 1999 (the Act) requires owners and people in charge of animals, to take all reasonable steps to ensure the physical, health, and behavioural needs of the animals are met according to good practice and scientific knowledge.

The Animal Welfare (Care and Procedures) Regulations 2018 include requirements for shelter, minimum lying space, farrowing, and other management matters relating to pigs.

The Code of Welfare: Pigs (the Pigs' Code) includes minimum standards and recommended best practices for pigs.

High Court judgment – Animal Welfare (Care and Procedures) Regulations 2018 and Minimum standards 10 and 11 of the Code of Welfare: Pigs 2018

On 13 November 2020 in NZ Animal Law Association v Attorney-General the High Court of New Zealand ruled that Regulation 26 (relating to farrowing crates) and Regulation 27 (relating to mating stalls) and the associated minimum standards in the Pigs' Code, were unlawful and invalid.

In response, on 14 December 2020, Cabinet agreed to new regulations, with a phase out period, that allowed the continued use of current farrowing crate and mating stall systems by the pork industry for five years, until 18 December 2025. Cabinet's intent at that time was that new regulations which complied with the Act would come into effect by 18 December 2025. This transition period was designed to give the sector time to shift towards compliant systems and allow NAWAC time to review the Pigs' Code and associated regulations.

The National Animal Welfare Advisory Committee (NAWAC) reviewed and consulted on changes to the Code and the associated regulations to align pig welfare standards with the Act, including farrowing systems.

Across the submissions from the pork industry, suggestions for the transition period ranged from 10 to 25 years due to the scale of changes required to comply with NAWAC's proposals.

Section 183A of the Act allows for a single transition period of up to ten years for the regulations relating to farrowing requirements and other requirements relating to management of pigs (including the use of mating stalls), with a possible five-year extension. However, this option was exercised when Cabinet set the current five-year transition period in 2020. As a result, extending the transition period further by regulation is not possible.

To extend the current transition period for farrowing crates and mating stalls to allow farmers more time to meet the new requirements, the regulations must be made through an amendment to the Act.

Objectives of the Bill

The objective of the Bill is to support a legally compliant and welfare-focused transition for New Zealand pig farmers following the expiry of regulations 26 and 27 of the Animal Welfare (Care and Procedures) Regulations 2018 on 18 December 2025. The new regulations will ensure locally produced pork products meet good animal welfare practices whilst providing the industry with certainty and maintaining productivity for the sector.

The Bill extends the transition period of the current regulations related to farrowing crates and mating stalls to 18 December 2035, providing farmers sufficient time to transition to the new requirements. If these regulations are not extended before the current expiry date, they will be revoked, meaning farmers who continue to use current farrowing crates and mating stall practices may be vulnerable to court action.

The Bill amends the following regulations through an amendment to the Act:

Regulation 25 (minimum lying space for grower pigs) to:

- increase the minimum space requirement by 13.3 percent via an increase in the k value^a from 0.03 to 0.034.

^aThe area for static space allowance for pigs is calculated from metabolic liveweight using the model equation:

$$a = k \times b^{0.67}$$

where—

a is the minimum area per pig (in m²)

b is the liveweight of the pig (in kg)

k is a constant.

Regulation 26 (farrowing requirements) to:

- require sows in any farrowing system to be provided with manipulable and deformable materials;
- decrease the maximum period sows may be kept in farrowing crates from a total of 33 days to a maximum of three days prior to farrowing and a maximum of four days post-farrowing;
- decrease the maximum period nursing sows can be kept in farrowing crates from one week to 36 hours; and
- require records be kept on compliance with these requirements.

Regulation 27 (other requirements relating to management of pigs) to:

- reduce the time sows may be confined in mating stalls from seven days per reproductive cycle to three hours at a time; and
- require that after a pig has been released from a mating stall, the pig is not again confined in stalls for a period of at least 3 hours.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<p>Evaluation of the Code of Welfare: Pigs 2021 (Draft for consultation), National Animal Welfare Advisory Committee, April 2021: https://www.mpi.govt.nz/dmsdocument/50926/direct/</p> <p>A Five Domains Model assessment of the relative impacts of a range of farrowing and mating management options on the welfare state of sows and piglets, National Animal Welfare Advisory Committee, April 2021: https://www.mpi.govt.nz/dmsdocument/50929-NAWAC-five-domains-analysis-report/</p> <p>Economic Analysis of proposed changes to Code of Welfare Pigs, Peter MacIntyre & Ashley Milkop (Sapere), 17 February 2022: https://www.mpi.govt.nz/dmsdocument/50920-Economic-Analysis-of-proposed-changes-to-Code-of-Welfare-Pigs/</p>	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Regulatory Impact Statement: Regulations to improve the welfare of pigs, Ministry for Primary Industries, 16 July 2025.</p> <p>The Regulatory Impact Statement was presented to Cabinet with the Cabinet paper on this policy (August 2025).</p> <p>The Regulatory Impact Statement will be published, subsequent to introduction to the House, at: https://www.mpi.govt.nz/legal/regulatory-impact-statements/ and https://www.regulation.govt.nz/our-work/regulatory-impact-statements/</p>	
2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO

The Regulatory Impact Statement identified above did not meet the threshold for receiving an independent opinion on the quality of the Regulatory Impact Statement from the Regulatory Impact Analysis Team based in the Ministry for Regulation.

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	YES
The policy options in the Bill are the same as those analysed in the regulatory impact statement, however the transition period for all changes is extended to 19 December 2035 to allow industry sufficient time for pig farmers to adapt their facilities and practices to the new requirements.	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The estimated costs and benefits of the policy options in the Bill are provided on page 23-25 of the Regulatory Impact Statement and will be available, subsequent to introduction to the House, at https://www.regulation.govt.nz/our-work/regulatory-impact-statements/	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
The Bill will extend and introduce new obligations that pig farmers will be required to comply with. Most of the costs will fall on indoor pig farmers. The new requirements will incur one-off capital expenditure costs for pig farmers. Additional ongoing operating expenditure costs are expected to be low. It will also incur an ongoing cost of compliance activity for the regulator (Ministry for Primary Industries), however this is likely to be a minimal increase upon current activities.	
Also see the response to question 2.5.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
MPI has engaged with the Ministry of Foreign Affairs and Trade throughout the process of developing the regulatory changes presented in this Bill. No specific concerns have been identified regarding inconsistency with New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?
No specific issues were identified in the policy process that may have implications for the rights and interests of Māori protected by the Treaty of Waitangi.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	NO

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
The Bill extends the current offences for the current Regulations 25, 26 and 27 of the Animal Welfare (Care and Procedures) Regulations 2018 until 19 December 2035.	
The Bill will impose offences for breaches of new Regulations 25, 26(1)(b) and 27(1)(b) to take effect from 19 December 2035. The penalties remain at the same level as the current offence provisions for breaches of Regulations 25 – 27.	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
The Ministry of Justice was consulted during the policy development process and had no feedback on the changes proposed in the Bill.	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO
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3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>Page 14 of the Regulatory Impact Statement: Regulations to improve the welfare of pigs, Ministry for Primary Industries, 16 July 2025, outlines the consultation that was undertaken on the policy proposals that led to the development of the Bill. This includes proposals from NAWAC on a revised Pigs' Code and proposals from the Ministry for Primary Industries on revised associated regulations. The link to the Regulatory Impact Statement is provided in the response to question 2.3.</p> <p><i>Summary of feedback received</i></p> <p>The feedback received during consultation was varied, from those generally supportive of supportive of the proposals, to those opposing any large-scale changes to current practices.</p> <p>Many stakeholders supported banning farrowing crates and increasing space requirements. This included strong backing from Save Animals From Exploitation (SAFE) and the Society for the Prevention of Cruelty to Animals (SPCA). New Zealand Pork (NZ Pork) and some pork industry submitters opposed the proposals. Cultural perspectives on the importance of sourcing products locally, and the significance of pork for celebratory events were also received.</p> <p>During NAWAC's targeted consultation with key stakeholders, there was broad support for limiting the use of mating stalls and requiring the provision of manipulable materials for sows. While animal welfare advocates supported the proposals, pig farmers raised concerns about the practical and economic impacts of limiting the use of farrowing crates, increasing space requirements for grower pigs, and establishing a minimum weaning age for piglets, and questioned the scientific basis of the proposals.</p> <p>Concerns were also raised about increased safety risks to people working with farrowing sows, if farrowing crates practices were changed. Farmers generally supported alternative proposals put forward by NZ Pork, which animal welfare advocates opposed.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
<p>The Bill will impose strict liability offences for breaches of the following amended regulations that take effect from 19 December 2035:</p> <ul style="list-style-type: none"> • Regulation 25: increases the minimum floor space requirement for grower pigs in which they can lie down by 13.3 percent, via an increase in the k value from 0.03 to 0.034; • Regulation 26(1)(b): requires that a sow in a farrowing crate must be able to avoid all of the following: <ul style="list-style-type: none"> (i) touching both sides of the crate simultaneously; (ii) touching the front and the back of the crate simultaneously; (iii) touching the top of the crate when standing. • Regulation 27(1)(b): requires that pigs are not confined in stalls unless— <ul style="list-style-type: none"> (i) the confinement is for the purpose of mating; and (ii) the pigs are released from the stalls as soon as practicable after mating or after a period of no more than 3 hours (whichever is earlier); and (iii) after their release, the pigs are not again confined in stalls for a period of at least 3 hours. <p>These strict liability offences are consistent with the approach in the existing regulations.</p> <p>We consider that the use of a strict liability offence is reasonable. A person who fails to comply with regulations will be in the best position to provide a “reasonable excuse” to justify their apparent wrongdoing.</p>	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person’s rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
<p>However, the Bill provides that standards and recommendations in a code of welfare (which are delegated legislation) must be treated as complying with the purposes of the Act if they are needed to give effect to, or for consistency with, regulations 25 to 27. This is necessary to ensure that standards and recommendations can be aligned with the regulations 25 to 27 as made by this Bill.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>The Bill amends Regulations 25, 26, and 27 of the Animal Welfare (Care and Procedures) Regulations 2018 and extends the current transition period for Regulations 26 and 27. Amending the regulations through primary legislation rather than Order in Council means that the regulations can be introduced through a single process before 18 December 2025. This provides the industry increased clarity in the regulatory settings.</p> <p>For Regulation 26 and Regulation 27, a further extension is not legally available under section 183A without an amendment to the Act (see Part One: General Policy Statement).</p> <p>To provide certainty over the legal status of the regulations, the Bill validates Regulations 25 to 27 by providing that Regulation 25 is, and always has been, validly made under section 183A(1) and that Regulations 26 and 27 are, and always have been, validly made under section 183A(2). This validation ensures that the legal status of the new regulations is clear and that the Bill's amendments do not have an unintended impact on the lawfulness of the regulations, both as made and as amended.</p> <p>The Bill extends the current transition period for Regulations 26 and 27, allowing current farrowing crate and mating stall practices to continue until 18 December 2035. This gives pig farmers sufficient time to transition to the new requirements.</p> <p>The amendments to Regulations 25, 26, and 27 come into effect on 19 December 2035.</p> <p>As the regulations will be made through an Act of Parliament, they are not required to be notified in the <i>New Zealand Gazette</i> and the 28-day rule does not apply.</p> <p>The Bill also provides that standards and recommendations in a code of welfare (which are delegated legislation) must be treated as complying with the purposes of the Act if they are needed to give effect to, or for consistency with, regulations 25, 26 and 27. This is necessary to ensure that standards and recommendations can be aligned with regulations 25, 26 and 27 as made by this Bill.</p>	

