

Animal Welfare Science
Ministry for Primary Industries
PO Box 2526
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New Zealand

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By Email

Submission on behalf of the New Zealand Veterinary Association regarding changes to the Code of Welfare for Dairy Cattle

The New Zealand Veterinary Association (NZVA) is the only membership organisation representing veterinarians in New Zealand. It supports members through leadership, education, standard setting, and wellbeing support.

The NZVA is making this submission on behalf of its members in response to the proposed changes to the Code of Welfare for Dairy Cattle. The NZVA hosted a copy of MPI's consultation survey on SurveyMonkey and members were given the chance to respond. We collected 54 responses to create the following submission. Committee members from the Society of Dairy Cattle Veterinarians, the Society of Sheep and Beef Cattle Veterinarians, the Epidemiology, Food Safety, Animal Welfare and Biosecurity Branch, and the Members Advisory Group were invited to review this document prior to submission.

The NZVA would like to thank the National Animal Welfare Advisory Committee (NAWAC) for their effort in putting together this proposal. Animal welfare is a principle foundation of veterinary medicine. All survey participants expressed their desire for improved welfare outcome, however there are significant concerns about some of the proposals.

The NZVA found many inconsistencies, crossovers, and contradictions within the proposed Code. These provide further barriers that prevent us from fully assessing the impact of the changes being proposed. Many of the proposed changes do not provide sufficient discussion within the supplementary documents to give the NZVA a thorough understanding of the necessity of the changes or the wording used within the Code. Concerned members also questioned the degree of evidence provided within the supplementary documents.

The NZVA also identified changes that were not included in the survey content which prevented us from gathering holistic feedback on these changes.

The volume of changes proposed in the Code made it difficult to determine how the changes would impact dairy farming systems as whole. This is concerning to the NZVA as the changes do not appear to align with the NAWAC's [Guidelines for Writing Codes of Welfare](#). The guidelines state that codes are to be written in plain language, use short sentences, and avoid verbose language and unnecessary detail. In addition, the guidelines state that codes should not contain so much material that they become challenging to read and understand.

The NZVA found the following criteria for minimum standards, examples indicators, and recommended best practices in the guidelines:

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Minimum standards:

- must be applicable practically across the entire range of production systems.
- should avoid being prescriptive.
- cannot totally prohibit an activity, although they can impose restrictions.
- should describe the intended welfare outcome for the animal and be capable of measurement or assessment.

Example Indicators:

- Demonstrate in a factual way whether the minimum standard has been complied with or not.

Recommended Best Practices:

- Practice identified by research or accumulated experience that is of a higher standard than the minimum standard. Recommended best practice is likely to be undertaken by the leading members of the group of animal owners in question.

Some of the minimum standards, example indicators, and recommended best practices in the proposed changes do not meet the criteria listed above.

Due to the volume of proposed changes, a lack of understanding behind the intent, the purpose and wording of some of the proposals, and the brief timeframe for consultation, the NZVA has posed many concerns and questions in the following submission.

The NZVA is looking forward to collaborating with NAWAC and MPI in the next round of consultation.

Yours sincerely,



Kevin Bryant
Chief Executive Officer
New Zealand Veterinary Association

Answers to consultation questions

Code update: Use of Electricity

Q1. Do you support the proposed standard that electroimmobilisation devices must not be used?

The NZVA agrees that electroimmobilisation devices should not be used, however members raised some concerns about the methods available to stockpersons in cases of aggressive or dangerous animals. The NZVA is concerned about the health and safety of both persons and animals (for example cows risk injuring their limbs when aggressively kicking at rails). There are also concerns that people may resort to force such as sticks or tail jacking to avoid injury to themselves and the animal.

Q2. Do you support the proposed standard that electrified backing and top gates must not be used? Why / why not?

The NZVA supports the wording, “Electrified backing gates and top gates should not be used”. The National Animal Welfare Advisory Committee’s (NAWAC’s) Guidelines for Writing Codes of Welfare (2009) state that minimum standards in a code cannot totally prohibit an activity, although they can impose restrictions. Prohibitions can only be made in the Act.

The NZVA agrees with the disuse of electricity in backing gates. However, we believe the misuse of non-electrified backing gates causes as many – if not more – poor welfare events and that prohibiting electricity does not address these welfare concerns.

Top gates have a different purpose than backing gates. Some styles of top gates require electricity to function (eg drop down chains which allow cows to escape through the vertical chains, therefore reducing opportunities for abuse. Top gates should be separated from backing gates due to the different uses and designs.

Banning electricity does not address the more common issue of overuse or improper use of the backing gate itself. The outcome of this minimum standard should be to reduce misuse to backing gates with or without the use of electricity.

Recommendations:

- Solid gates that have been electrified and do not allow animals to move away must not be used.
- Top chain gates must be used sparingly in a manner that minimises distress, injury, or pain.

Q3. Do you support the proposed standards on electroejaculation? Why / why not?

NZVA members found this question difficult to answer due to lack of specific information provided by the NAWAC and MPI regarding the proposed changes.

Recommendations:

- Electroejaculation should not be used repeatably to collect semen for insemination.

Proposed regulation: Electroimmobilisation

Q54. Do you agree with NAWAC’s proposal to develop a regulation to prohibit the use of all electroimmobilisation devices?

The NZVA does not support a regulation to prohibit the use of all electroimmobilisation devices. The NZVA has not seen enough evidence to suggest electroimmobilisation devices are widely used. In

situations where they are used, the NZVA is concerned that other undesirable restraint techniques could be used instead.

Q55. Do you agree with NAWAC's recommendation for the regulation to come into effect without a transition period?

N/A

Proposed regulation: Electrified top and backing gates

Q56. Do you agree with NAWAC's proposal to develop a regulation to prohibit the use of electrified top and backing gates used to move dairy cattle in dairy yards?

The NZVA supports regulating use of electricity on backing gates. Backing gates can cause distress and injuries such as lameness when used improperly, and electrifying backing gates only increases the negative impact.

The NZVA is aware of certain top gate designs that allow for cattle to escape with minimal negative impact. Top gates serve a different purpose than backing gates and should not be categorised together.

Recommendations:

- Solid gates that have been electrified and do not allow animals to move away must not be used.
- Top chain gates must be used sparingly in a manner that minimises distress, injury, and pain.

Q57. Do you agree with NAWAC's recommendation for the regulation to come into effect without a transition period?

The NZVA agrees that electrified backing gates should never be used and therefore it is sensible for the regulation to come into effect without a transition period.

Electrified top gates function differently and allow cattle to pass through them. If this regulation is successful, there would need to be a transition period to allow for changes in infrastructure.

Q58. Please place any further comments you have about this section in the box below.

Top gates and backing gates serve two different purposes. Cows can generally pass through electrified curtains of individual chains (top gates). These are less likely to cause lameness, crushing, or injuries than a solid gate that animals cannot escape from regardless of electrification. Top gates may be useful with safety protocols such as dead man switches.

There are some set ups that would need to install an alternative system because their current system simply would not work without electricity. This would take some time to implement.

Proposed regulation: Electric prodders – change to Regulation 48

Q78. Do you support the proposed review of regulation 48? Why / why not?

The NZVA is concerned about the unintended consequences of banning electric prodders when used responsibly by trained stockpersons and veterinarians, specifically when alternative methods carry high welfare concerns for cattle and humans.

NZVA members expressed concerns about farmers resorting to using sticks and dogs to move these animals, which would have more severe welfare implications than a correctly applied, brief electric stimulation. For example, trained veterinarians and veterinary technicians use electric prodders when teat sealing heifers in trailer systems. The risk of poor welfare outcomes (eg crushing, casting, kicking, broken legs and euthanasia) when heifers are not able to be effectively moved through these systems will be increased if trained veterinarians and veterinary technicians are not allowed to apply electrical stimulations to keep heifers moving in the right direction.

Although electric prodders are not frequently needed, having the option available to use in emergencies prevents severe injuries and accidents to cattle and humans.

Recommendations:

- Electric prodders should be allowed in the rarest occasions when not using them would result in worse welfare outcomes for the animals and people.

Code update: Body Condition Scoring (BCS)

Q6. Do you support the proposed changes to BCS requirements? Why / why not?

The NAWAC's Guidelines for Writing Codes of Welfare states that minimum standards should avoid being prescriptive. If a minimum standard does "*prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.*"

The proposed minimum standard does not outline a clear outcome or provide evidence for changing the prescribing minimum standard from a BCS of 3 to a BCS of 3.5. The NZVA notes that BCS in the individual animals may not be reflective of the nutritional status of the herd.

The wording "Body condition score must not fall below 3.5" does not account for cows that become acutely ill (eg with lameness, ketosis, metritis) and rapidly lose weight but recover to a normal BCS with treatment. The NZVA recommends that animals that fall below a 3.5 BCS should have a documented plan to assess and improve their health, including an expected time at which BCS recovery of above 3.5 should be attained. If the cow is not making progress to recovery, the cow should be euthanised.

Some NZVA members also raised concerns that the proposed changes do not cover the accommodations available for transporting cows with a BCS of 3.5 during period of drought. There is also little information about upskilling or changes in training programs for body condition scoring in cases under 4 and assessing changes in 0.5 increments.

Recommendations:

- Retain the existing wording, "Urgent remedial action must be taken to improve condition," to account for animals that drop below 3.5 BCS due to disease or injury. These animals will need to be under the care of a veterinarian with a plan for recovery or euthanasia.
- Change wording of "cows must not fall below" to "cows should not fall below".
- Include a herd average score to identify herds more at risk of having animals fall below 3.5 BCS.

Q7. Do you support the proposed example indicator for transport of end-of-life cattle with a BCS below 3.5? Why / why not?

The NZVA supports the proposed example indicator for transport of end-of-life cattle with a BCS below 3.5, but with several key concerns.

Comments:

- Is there provision for long lasting drought conditions where delay in slaughter times has resulted in decreased BCS beyond the farmers control?
- Is it the intention of this example indicator to recommend on-farm euthanasia to all animals below a 3.5 BCS?
- What training will be provided to farmers regarding BCS, given that the current DairyNZ booklets only score a 3 and 4 BCS?
- Unintentional consequences could be that animals with a BCS of 3.5 or lower cannot be transported to better grazing, and that animals destined for culling are kept alive longer to increase body weight for transport.
- There is concern that an animal can lose weight during transport and could arrive at slaughter plants with a BCS lower than the stipulated 3.5, which could result in penalties beyond the farmer's control.
- Use of technology to determine BSC should be researched to potentially provide improved consistency in scoring.

Recommendations:

- Update industry training to include body condition scoring using 0.5 increments.
- Require verification veterinarians to become BCS accredited and to view cattle from the ground.
- Provide allowances for prolonged drought conditions.
- Provide specific direction for what outcome is expected for cattle under BCS 3.5.
- Research technology to determine BSC.

Code update: Winter Grazing

Q9. Do you support the proposed standards, example indicators and recommended best practices relevant to intensive winter grazing? Why / why not?

NZVA members expressed concerns about the proposed standards, example indicators, and recommended best practices relating to facilities, water, lying space, feed, and scanning. See Q10 for a summary of their feedback.

Q10. Is there a different approach to ensuring the welfare of animals within intensive winter grazing systems that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

The NZVA supports specific parts of the proposed standards, example indicators, and recommended best practices, however there are concerns about the following aspects of the proposed changes.

Water

Having water 20m from the grazing face is impractical and would be counterproductive to the intent of the proposal. The troughs would need to be emptied each day to be moved with the grazing face. This would increase mud at the grazing face due to adding to soil moisture in the area where the cows are most closely standing while eating. Dominant cattle will guard water when located at the grazing face, creating more mud in this area.

Recommendations:

- Portable or permanent water troughs should be used to provide access to water for cattle while grazing. Clean water should be easily accessible to all stock. Access to water should not be hindered by deep mud, difficult terrain, or by excessive distance.

Feeding

The NZVA reviewed the Wagner 2018 article that was cited as the source for the proposed 60% cut-off for fodder beet. The NZVA is concerned about creating an example indicator based on a study with

such small numbers (only three cows remained in the straw-fed cohort). The findings in the study do not support the conclusion drawn that 60% is an upper limit of fodder beet in a diet. The study stated that, *“Two cows fed fodder beet (60%) with silage had a rumen pH of 4.81 and 4.99 at 16:00 hours on Days 5 and 6 and were given 250 g of magnesium oxide which resulted in a rapid return to normal pH values”*.

The NZVA also has concerns about the amount of time spent transitioning the cattle in the study (two weeks); this is not consistent with the more widely practiced three weeks used to transition cattle onto fodder beet. The study by Edwards et al. 2020 found that *“Almost all farmers (98%) transitioned cattle on to FB, over an average of three weeks.”*

Edwards et al. 2020 also described the age differences in susceptibility of acidosis when fed on fodder beet crop: *“Young stock are not as prone to rumen acidosis as adult cows, as they have different intake patterns (Gibbs et al. 2015), however, they have a higher requirement for protein and minerals to support growth.”*

The NAWAC’s Guidelines for Writing Codes of Welfare states that *“scientific knowledge... is not haphazard or anecdotal; it is generated by rigorous and systematic application of the scientific method, and the results are objectively and critically reviewed before acceptance.”*

Recommendations:

- The example indicator should focus on the total ration nutrition balance required by the stock class being fed rather than upper thresholds of feeding percentages. This will meet the welfare outcome desired for all feed types and all stock types.

Facilities

The NZVA is not clear about the intention of this section, particularly around the provisions for lying times, lying space, and acceptable surfaces.

Following feedback from members, the NZVA tried to investigate the evidence behind the provision of 10m² for lying space. We were unable to identify the scientific research that supports this number in the NAWAC Evaluation Report or in any supporting evidence in published research.

Members expressed concern about the practicality of providing compressible, well-drained, sheltered areas with no mud for calving during adverse weather events. Herd size greatly alters the applicability of some of the proposed conditions, and there are practical and economic factors that need to be considered.

The NZVA also has concerns about the unintended consequences to welfare that may occur with some of the proposed practical solutions, such as indoor housing.

Recommendations:

- Transparency on the scientific evidence for the provision of 10m² for lying space.
- Clarity on practical recommendations to meet the requirement for a compressible, well-drained area that is mud free, effluent free, and provides adequate shade and shelter.
- Clarity on the current availability of the recommendations for all NZ farmers and herd sizes.

Proposed regulation: Wintering

Q59. Do you agree with NAWAC on the proposed regulation for the provision of lying space for all cattle in intensive winter grazing systems? Why / why not?

The NZVA does not support the proposed regulations as there are no current practical solutions available that meet all conditions of the regulation. This is especially concerning if the regulations were to be implemented without any transition time.

During adverse weather events, all surfaces including paddocks become muddy, which makes this regulation difficult to implement. It is virtually impossible to provide cattle with a dry lying surface outside during prolonged wet or adverse weather conditions.

This would be a particularly big change for Southland farming operations, especially those wintering off-farm. Currently very few farms could comply with the proposed regulations and there would need to be large changes to systems to make this happen. Farmer consultation and help with practical solutions is needed to ensure calf welfare and reduce metabolic disease in cows.

Recommendations:

- Transparency on the scientific evidence for the provision of 10m² for lying space.
- Clarity on practical recommendations to meet the requirement for a compressible, well-drained area that is mud free, effluent free, and provides adequate shade and shelter.
- Clarity on the current availability of the above recommendations for all NZ farmers and herd sizes.
- Clear guidelines around what classifies as adverse weather, considering the differences between region, topography, and soil type.
- Change the wording of the minimum standard to “Cattle kept in intensive grazing systems should have access to well-drained lying areas as much as practical.”

Q11. Do you support the proposed amendments to the standard relating to the provision of shade or other means to minimise the risk of heat stress? Why / why not?

The NZVA supports the proposed amendments in principle only. While the NZVA supports the use of shade to prevent heat stress, the methods used need to be practical and effective. On most farms, it is not currently possible to provide shade for entire herds at all times unless the farming systems transition the cattle to intensive indoor housing.

There would need to be major infrastructure changes throughout the country, which may or may not provide the intended welfare benefits to all dairy animals depending on the diverse weather conditions across New Zealand. An adequate timeframe to implement the proposed regulations would need to be considered. Furthermore, it is not clear how the proposed regulations would be enforced.

There is a lack of scientific data, research, and available technology that allows assessment of heat stress in individual animals. This makes it challenging to give accurate feedback on this proposal. The proposed changes could have unintended consequences, including:

- environmental impacts
- negative welfare outcomes of housed cows
- increase in mud, faeces, and nitrogen when cows camp together under natural shade
- geographic and topographical feasibility
- immense economic impact.

The NAWAC’s Guidelines for Writing Codes of Welfare states that the NAWAC should have regard to economic aspects when deciding on timeframes for change. It goes on to state that “*economic analysis must include the consumer as well as the producer... economics may constrain the speed of implementation of a change NAWAC desire, or it may prevent it.*”

Recommendations:

- All dairy cattle should be provided with shade or other means of shelter as much as is practical to minimise the risk of heat stress due to warm and/or humid conditions.
- Economic and environmental evaluations of all practical solutions currently available, with a concurrent review of their ability to meet the proposed changes.
- A study to investigate the feasibility of all practical solutions in the diverse geographic and weather condition for each region of New Zealand.

Q12. Do you support the proposed amendments to the standard relating to the provision of shelter or other means to minimise the risk of cold stress? Why / why not?

The NZVA supports the proposed amendments in principle only.

Cows are more resilient to cold temperatures than hot, with few regions in New Zealand reaching temperatures cold enough to cause cold stress to adult dairy cattle. International research shows that adult cattle with clean, dry winter coats will not suffer cold stress in temperatures above -7°C.

The NZVA is not clear what the term “suitable shelter” means, or which shelter options meet the proposed recommendations.

Members also expressed concerns about cow and calf covers, which present their own health and welfare risks:

- They need to be checked frequently to ensure they are not too tight.
- They need to be removed regularly to give the skin a chance to dry out and breathe.
- Covers can become tangled around the cow’s neck or limbs because of misadventure.

Recommendations:

- Research the risk of cold stress in cattle in each region of New Zealand to minimise unneeded infrastructure.
- Clarify the meaning of the term “suitable shelter”.
- Perform a risk evaluation on whole-herd cow cover use.

Q13. Do you support the proposed standard relating to photosensitive animals? Why / why not?

The NZVA supports the provision of shade to animals with clinical signs of photosensitivity.

Recommendations:

- Covers may provide additional irritation or pain to animals with damaged skin.
- Complete shade is required for clinically affected animals.
- Preventing facial eczema should be a focus area, as prevention will have higher welfare outcomes.

Q14. Is there a different approach to shelter that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

NZVA members provided the following alternative approaches to shelter.

Shelter from heat stress is not possible without major investments in on-farm structures, which would completely change the way farming is done in New Zealand.

The proposed changes require further consultation with stakeholders and time for phasing in. Providing trees reduces available pasture and can cause boggy areas. Barns will need to be able to address cow comfort and New Zealand is nowhere near ready for this.

The timeline should allow for fencing and trees to grow by 2030. If a farm has no trees or shelterbelts, then strawbales or stacked bales could be set up in paddocks to provide shelter from prevailing wind, though it is unclear whether sheltered areas would also need adhere to the proposed 10m² for lying space.

Adjusting milking times and adding cooling aids during milking is another possible solution.

Recommendations:

- Establish which regional climates would require heat mitigation strategies based on an evidence-based measurement.
- Review current practical shelter options available in New Zealand against the proposed criteria.
- Review the cost of implementing the proposed changes.
- Review how the proposed infrastructure would improve welfare outcomes in New Zealand.

Proposed regulation: Heat stress

Q73. Should this area be regulated? Why / why not?

The NZVA supports advancements in technology to establish thresholds for heat stress in cattle. As there is currently insufficient scientific evidence to effectively set thresholds, a regulation cannot proceed until criteria have been defined, researched, and determined to be applicable to all farms in New Zealand in all weather conditions.

Q74. How do you think this area could be regulated?

The NZVA acknowledges this is a difficult area to regulate given the variable weather patterns and provision for shelter on each farm. We recommend research funding is allocated to determining whether a reliable, effective real-time system can be designed for all farms in New Zealand.

Q75. Is the current issue being managed adequately by codes of welfare or other instruments under this Act?

The majority of NZVA members do not believe the current issue is being managed adequately.

Q76. Are there any non-regulatory options that would be more effective?

A combination of regulatory and non-regulatory options would be preferred.

Working examples of best practice and how to achieve it in real life would be valuable to farmers. Farmers learn best from their peers and positive reinforcement will do more to encourage change than regulations that do not consider practical solutions.

Technology that monitors cow temperature or activity typical of heat stress may become commonplace with new advances in collar technology. A standalone solution for heat stress is likely to be useless unless it is extremely affordable.

More research into negative effects and how these affect milk production and profit is needed. Focus groups could facilitate discussions on how to manage the impact of heat stress. NZVA members suggested partnering closely with Dairy Australia and providing education through dairy companies. Heat stress management could be incorporated into schemes like Co-operative Difference.

Q77. Do you think that, once sufficiently advanced, a HLI threshold could be used to regulate a cut-off for when shade or heat mitigation strategies must be provided? Why / why not?

The NZVA does not support a HLI threshold regulation without further clarification and understanding of the reliability and practicality of the HLI. The NZVA supports further research into the viability of a heat threshold indicator.

Even with further research, the tool may not be able to account for variations in duration and degrees of impact. Some members questioned whether the magnitude of the infrastructure change would be as significant as the HLI itself.

Differences in breeds and systems need to be considered before anything is regulated. Cattle can experience different levels of discomfort at certain HLIs depending on factors such as diet, production level, and wind. Behavioural signs would be a more applicable measurement.

A HLI threshold may be helpful as a guideline for farmers rather than a regulation.

Code update: Farm Facilities, Equipment and Technology

Q4. Do you support the proposed standards and recommended best practice for Minimum Standard No. 10 to address virtual fencing? Why / why not?

The NZVA supports the proposed standards, however further clarification on the term “aversive training techniques” is needed. Many members noted that current electric fencing could be considered an aversive training technique.

Recommendations:

- Clarity on the NAWAC’s definition of aversive training techniques and the scope of intent for this to be applied.

Q5. Is there a different approach to address virtual fencing that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

The NZVA supports the continued research into developing technology and the ways in which technology can be used to increase functionality, profitability, and welfare on farms in New Zealand.

Regulation of virtual fencing devices should be via the product manufacturers to ensure animal welfare and health is safeguarded.

Users should not be able to use the technology in any way other than for the purpose it has been designed.

Recommendations:

- Technology research and manufacturing licences should be required to protect against misuse.

Q15. Do you support the proposed amendment to the standard for farm facilities, equipment and technologies? Why / why not?

The NZVA supports the proposed amendment. See Question 4 for our recommendations on the proposed amendment.

Q16. Do you support the proposed standard for providing dairy cattle that do not adapt to new technologies with alternative management? Why / why not?

The NZVA supports this proposal, however many members expressed concern that the most realistic alternative management system would be to sell or cull the cow.

Q17. Do you consider that the proposals cover emerging technologies sufficiently? Why / why not?

NZVA members agree that the proposals cover known emerging technologies well, but many recommended this section be reviewed frequently as new technology is constantly arising.

Q18. Is there a different approach to farm facilities, equipment and technologies that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Emerging technologies for managing cattle behaviour need to be assessed by experts and an overview provided to the NAWAC. New Zealand has the expertise for assessing the effects of emerging technologies. Member suggestions included Professor Kevin Stafford (animal welfare and behaviour), Dr James R. Webster (Ag Research), and Tui Turnwald (Agricultural Advisor).

A technology review process (similar to drug registration) would ensure rules are targeted at the problem rather than a myriad of other factors that dilute the impact.

Recommendations:

- NAWAC and MPI consider technology a rapidly emerging sector of farming and agriculture that requires a specific review process by experts in the field to ensure the products being developed meet the requirements of the farmer and the welfare of the cattle.

Code update: Off-Pasture Management

Q19. Do you support the proposed revision of the standard for the provision of appropriate lying areas? Why / why not?

The NZVA supports the proposed revision for lying areas when kept off pasture, however there needs to be clarification about duration times. Some producers stand cows off for four to six hours before releasing them onto pasture until milking. After milking, they then stand the cows off for another four to six hours. The proposed revision will be a large capital outlay that may have significant consequences within the industry.

Q20. What do you consider an appropriate time (e.g. hours/consecutive days) for dairy cattle to be held in off-paddock facilities without access to well-drained compressible lying areas?

The majority of NZVA members agreed that it was appropriate to hold dairy cattle in off-paddock facilities without access to well-drained compressible lying areas for up to 12 hours.

Q21. Do you support the proposed standard relating to the use of river stones in off-paddock facilities? Why / why not?

The NAWAC's Guidelines for Writing Codes of Welfare states that "*Minimum standards in a code cannot totally prohibit an activity.*" The NZVA is concerned that the statement "*River stones must not be used as a surface cover or bedding substrate in off-paddock facilities*" is prohibitive and not consistent with NAWAC's guidelines.

Recommendations:

- Amend the minimum standard to describe the qualities of suitable substates for off-pasture bedding and housing.

Q22. Is there a different approach to stand-off that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

NZVA members suggested a combination of a concrete feed pad (unfit for lying) with a paddock or well-drained pad and access to shelter belts. They also suggested housing with access to paddocks. Due to the topography and other infrastructure on-farm, it is unlikely one central open barn would be sufficient year-round under current farming designs.

Code update: Colostrum, Hand Rearing and Weaning

Q23. Do you support the proposed standard relating to offering colostrum/colostrum replacer after removal from the dam? Why / why not?

The NZVA supports the proposal to offer colostrum/colostrum replacer after removal from the dam but the requirement to feed all calves two hours after pick-up caused several concerns.

Farmers can easily identify calves that have already fed from the dam. Force-feeding these calves more colostrum right away to meet the requirement is counterproductive to their health. Overfeeding can cause abomasal overflow of milk into the reticulorumen resulting in rumenitis, discomfort, and nutritional scours (Van den Borne et al. 2006).

Although calves benefit from having colostrum as early as possible, the most important aspect is feeding them sufficient levels of high-quality colostrum. Prioritising time over quality may not improve outcomes as much as this standard intends. If better quality colostrum can only be obtained after fresh cows have been milked, then higher quality colostrum should be prioritised over time, especially if calves have already suckled from the cow.

In a system that picks up calves twice a day, the calves are picked up before milking. Once the calves are picked up, the cows are separated and milked last with the colostrum cows. The time it takes to obtain fresh, high-quality gold colostrum may exceed two hours which means the farmer either would have to feed the calves lower quality stored colostrum or risks not meeting the requirement to prioritise higher quality fresh colostrum. An unintended consequence of this requirement could be that farmers are incentivised to pick up once a day instead of twice a day to meet the two-hour feeding regulation.

Recommendations:

- Focus on the outcome of improving passive transfer rates on-farm (through measuring decreasing numbers of failure of passive transfer animals), which is more indicative of improved welfare. This is a measurable welfare benefit and will go further to meeting the Act than a requirement that does not measure outcomes.
- Farmers and veterinarians should be allowed to create a fit-for-purpose calf feeding protocol on each farm to improve passive transfer rates. A one-size-fits-all model will not achieve this outcome.

Q24. Do you support the proposed standard on feeding calves up to 3 weeks of age? Why / why not?

The NZVA supports feeding sufficient levels of high-quality colostrum in a timely fashion. Some members expressed concern about the proposed standard of milk being fed at 20% of body weight (BW) for the first three weeks of life. Some members believe this volume to be excessive for new-born calves. Most of the research presented by the NAWAC (Jasper and Weary 2002, Borderas et al. 2009, Khan et al. 2007) involved trials where animals were fed either adlib or more than twice a day.

Recommendations:

- Conduct trials of 20% feeding twice a day in a New Zealand system to confirm low risk of nutrition scours.

Q25. Do you support the proposed amendment to the standard on weaning? Why / why not?

The NZVA supports the current system of using weight as the indicator for readiness for weaning.

Research shows that calves on a diet of 20% BW milk eat less solid feed and are less prepared to transition to solid diets compared to calves of the same age being fed 10-15% BW milk. Research also found that weaning has the best welfare outcomes when step down or similar weaning techniques are used concurrently to 20% BW milk feeding. Individual consumption rates, as proposed in the example indicator, are not reliably measurable in group housing and outdoor systems. The practical way to measure consumption in group housing situations is through solid feed intake estimates based on mob level average intakes.

This minimum standard only addresses one piece of this recommended practice, which could lead to poorer welfare outcomes if calves cannot be transitioned properly in group and outdoor systems. In addition, the minimum standard requiring weaning to be after six weeks of age would be difficult to monitor and enforce.

Recommendations:

- Amend the minimum standard to focus on ensuring calves are successfully transitioned from milk to solid feeds in group and outdoor housing systems. Breed-specific weights should be used as the criteria for readiness for weaning.
- Amend the example indicator to reflect practical farming practices in group and outdoor housing models. Consumption in group housing situations should be measured through solid feed intake estimates (1kg of meal) based on mob level average intakes.

Q26. Is there a different approach to colostrum, hand rearing and weaning that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

The NZVA is concerned that the proposed standards do not equate to increased welfare outcomes. Farmers could comply with the proposed standards without improving welfare outcomes. Encouraging the colostrum management, colostrum storage, and testing for Failure of Passive Transfer (FPT) is a much more outcomes focused program.

There are different ways of rearing calves successfully. These minimum standards do not include allowance for the use of fortified milk, or any suggestion around the use of meal and/or roughage to allow for optimal rumen development. Rather than putting absolute numbers on this, it would be more effective to educate farmers around hunger behaviour and setting minimum standards around this.

Minimum weaning weight guidelines would be more beneficial than a minimum timeframe. There are breed differences that make it difficult to be so prescriptive.

Code update: Selection and Breeding

Q27. Do you support the proposed standard and recommended best practices on selection and breeding? Why / why not?

The NZVA supports this proposed standard and recommend practice with the following recommendation.

Recommendations:

- Change the wording to “Breeding decisions should include consideration for health and welfare traits alongside other selection criteria.”

Q28. Is there a different approach to selection and breeding that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

The NZVA would like further clarification on how this will be monitored and enforced.

Code update: End-of-Life Management

Q29. Do you support the proposed standard on end-of-life management? Why / why not?

The NZVA supports the intent of the proposed standard but notes that it lacks clarity and crosses over with legislation already in place under the Land Transport Act. Members note that the current wording does not reflect the lack of control many farmers have when scheduling cow culling.

Q30. Is there a different approach to end-of-life management that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

NZVA members expressed concern that farmers cannot control the scheduling of processing plants. At certain times of year, it can be difficult to send cattle off in a timely manner and farmers often get short notice of availability from the processing plant.

Recommendation:

- Communication within the supply line for end-of-life animals needs to be improved before standards become punitive to farmers.

Q31. Do you support the proposed standard relating to time limits for holding dairy cattle off green feed prior to transport? Why / why not?

The NZVA supports the proposed standard for time-limits, however one member questioned the applicability of this regulation when it comes to transporting recently dried off cattle to nearby off-farm grazing.

Q32. Do you support the proposed standard on provision of water and roughage until the point of loading? Why / why not?

The NZVA supports the basic principle of the proposed standard but questions the practicality and recommends changes to the wording.

Loading yards are often not equipped or big enough to accommodate feed availability for all the animals. Dairy cows are often loaded straight off the dairy platform onto transport.

Members noted that it is not practical to supply roughage in loading yards when animals spend less than half an hour there. It is also not clear whether fed cows would be held longer at processing plants prior to slaughter if they are waiting for feed to be passed out.

Recommendations:

- Cows must be fed roughage up until two hours before transporting and have water available at all times until loading.

Q33. Do you support the proposed standard on mineral supplementation? Why / why not?

The NZVA supports the proposed standard on mineral supplementation. Many members requested clarity on the criteria that will be used to determine “effective” supplementation.

If a cow becomes recumbent during transport or lairage, it is not clear whether pre and post blood samples would be required to accurately determine supplementation levels and verify the amount of mineral supplementation given was sufficient at the time of leaving the farm.

Same day slaughter of lactating dairy cattle needs to be addressed at the slaughter premises as it is beyond the control of the farmer or veterinarian writing a transport certificate.

Q34. Do you support the proposed standard on milking and the recommended best practice on dry-off prior to transport? Why / why not?

Although the majority of NZVA members support the proposed standard, many members questioned this practice. Some members do not agree that cows should be dried off three weeks before transport, as these cows will not have received dry cow antibiotic and will therefore be at risk for mastitis. The farmer would need to graze these animals for at least three weeks at their own cost. Lactating cows are not a major risk for transport, provided farmers can manage nutrition, water, and mineral status before transportation.

Dry-off three weeks before transport is not going to happen on many farms. With the inability and uncertainty of getting cows off farm to processing plants, farmers are often not given enough notice to even contemplate drying off. Sometimes farmers are contacted within 24 hours of collection despite booking animals weeks in advance.

Recommendations:

- The NZVA supports the minimum standard reflecting EU requirements for lactating cattle to be milked as close to transport as possible, with the current minimum standard becoming a recommended best practice. This provides a less prescriptive timeframe while emphasising the importance of cow comfort for transport.

Q35. Is there a different approach to pre-transport selection and preparation that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

The NZVA recommends a holistic approach to end-of-life management and transportation of cattle in New Zealand. Technology should be used to improve communications about specific cases and provide recordkeeping to ensure on-farm veterinarians are meeting their compliance responsibilities and improving welfare outcomes for the cattle involved.

Stop and start points need to be in place for accountability, which will require improved technology and expedited communication channels throughout the entire system.

On-farm veterinarians would need access to veterinarians working in the slaughter plants when their services are required.

Proposed regulation: End-of-life cow transport

Q62. Do you agree with the regulation recommendation that end-of-life cattle to be transported to slaughter or saleyards must be adequately prepared for the intended journey as outlined above? Why / why not?

The NZVA agrees with the regulation proposal to limit transport time, exclude transport of lactating cattle across the Cook Strait, and slaughter within 24 hours of last milking if the supply chain can meet

these conditions. Farmers and veterinarians should not be held accountable for lairage and slaughter delays.

Q63. Do you agree that such a regulation should come into force without a transition period? Why / why not?

The NZVA believes a notice period needs to be given to farmers and stock agents that have pre-existing contracts in conflict with this regulation. In addition, a transition time will be required for the transport and slaughter chain systems to adapt to changes.

Q64. Do you agree with the regulation recommendation for an 8-hour transport limit for end-of-life dairy cattle? Why / why not?

The NZVA agrees with the regulation recommendation for an 8-hour transport limit for end-of-life dairy cattle.

Q65. What do you consider an appropriate transition period for such a regulation, if any?

The majority of NZVA members believe a transition period of one to two years would be appropriate.

Q66. Do you agree with the regulation recommendation for a limit to lairage time (i.e. slaughter within 24 hours of last milking on farm)? Why / why not?

The NZVA agrees with the intent that a limited lairage period would have improved welfare outcomes but does not believe it is appropriate to regulate this until it is an industry wide standard.

Farmers cannot be held responsible for what happens during transport and at the slaughter premises. Many slaughter premises only offer same-day service for animals with veterinary certificates. There are no provisions for situations when animals are in transit and there are unavoidable and unexpected operational issues at the slaughter plant.

Q67. Do you agree that such a regulation should come into force without a transition period? Why / why not?

The practicality of this regulation is beyond the scope of this Code of Welfare alone. It is not practical to enact a regulation solely in this Code when other codes have more direct impact on the animals in question and do not include these regulations. The NZVA believes this needs to be an industry wide change which is beyond the ability for this Code alone to regulate.

Q68. Do you agree with the regulation recommendation to restrict the transport of lactating end-of-life cattle across the Cook Strait? Why / why not?

The NZVA supports the restriction on transporting lactating cattle across the Cook Strait but would like clarification on circumstances when transport times are shorter crossing the Cook Strait or during adverse events (eg drought or natural disaster) that restrict access to slaughter facilities on the same island.

Q69. What do you consider an appropriate transition period for such a regulation, if any?

NZVA members were split on this question. Around 50% of respondents who answered this question did not believe a transition period would be required, while others believed a transition period ranging from six months to three years would be appropriate.

Q70. Are there any exemptions or defenses that should apply to prevent worse welfare outcomes?

Slaughter plants have become increasingly unpredictable, with large delays in processing during the Covid-19 pandemic. Slaughter plants simply refuse to take animals when they do not have the capacity, even if they have signed a contract with the farmer. The farmer is then responsible for sourcing additional feed for the animal. This puts pressure on the rest of the stock, especially during periods of drought, cold or other seasonal issues that affect food supply.

If a slaughter plant is not competitive with their price, plants could take advantage of this regulation. An exemption should be made if closer facilities are not available and keeping the animal would negatively impact the animal's welfare.

Exemptions should apply if there has been a demonstrated lack of space at facilities in the South Island for a maximum of five years.

Exemptions should apply if there are catastrophic reasons and no other alternatives, as long as a veterinarian has assessed the animals in question and approved they are fit for transport. There should be exemptions if the Government has declared a climatic emergency in a certain area.

Q71. Do you agree with the regulation recommendation to restrict transport of lactating end-of-life cattle to slaughter via saleyards? Why / why not?

The NZVA agrees with the intent of this regulation but notes that only regulating in this Code is beyond the scope of the Code. Regulations must apply across the industry before coming into effect.

Q72. What do you consider an appropriate transition period for such a regulation, if any?

The NZVA believes that a transition period of six months to two years is required before this regulation comes into effect.

Code update: Disease and Injury Control

Q36. Do you support the proposed standard and example indicator for having a working relationship with a veterinarian? Why / why not?

The NZVA supports the proposed standard for having a working relationship with a veterinarian but acknowledges some common concerns among NZVA members.

The Code of Professional Conduct for Veterinarians does not define a working relationship between veterinarians and clients. MPI needs to consider how compliance would be measured and enforced.

The requirement for sighting all animals on-farm once a year is not practical as many stock classes move on- and off-farm at different times of the year. Animal welfare also cannot be determined from one annual visit as it is too infrequent to make a sound assessment. Furthermore, each stock class has different welfare concerns. Good welfare in one class is not indicative of good welfare in others.

The NZVA questions the purpose of Minimum Standard No.24 (d) (h) which states that veterinary advice must be sought when an affected animal must be humanely killed. Stockpersons are legally able to humanely destroy animals on-farm without veterinarian approval. This minimum standard does not align with Minimum Standard No. 25 (a) which states "When dairy cattle, including calves, are

being killed on farm, it must be done by persons suitably trained and competent in handling and killing of dairy cattle and death must be confirmed by inspection of the animal.”

Recommendation:

- Remove Minimum Standard No. 24 (d)(h), as it does not reflect current practice and is not consistent with Minimum Standard No. 25 (a).

Q37. Do you support the proposed definition of a ‘working relationship’? Why / why not? If not, what definition would you support?

The NZVA notes that the Code of Professional Conduct for Veterinarians does not define what constitutes a working relationship between veterinarians and clients. Though we support the concept of a working relationship, most members do not consider annual visits to be a working relationship with a client.

Without direction from the Code of Professional Conduct for Veterinarians, the NZVA does not believe the Code of Welfare should define a working relationship for veterinarians. Veterinarians are highly skilled professionals and should be able to determine the degree of interaction needed to determine a working relationship with their clients.

Q38. Is there a different approach to disease and injury control that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

Conflicting interests between veterinarians and clients can result in increased stress for the veterinarian and potentially worse welfare outcomes for the animals when clients do not appreciate the severity of the issue. When developing processes, consideration should be given to the inherent conflict between client-veterinarian relationships, privacy protection, regulators, and the welfare outcomes for all involved parties.

Code update: Contingency Planning

Q39. Do you support the proposed standard on contingency planning? Why / why not?

The NZVA supports the proposed standard on contingency planning but is concerned about the extent and scope of writing documented plans for all events. Members agree that adverse weather and events should be planned for, however the phrase “any and all” is too vague.

Members commented that the amount of time it will take to create this document will provide little practical return on welfare outcomes. Minimum standards are intended to be written for specific welfare outcomes and the NZVA is unsure which specific welfare outcomes are being met by this minimum standard.

Q40. Is there a different approach to contingency planning that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

It is important that farmers work with their veterinarian to create an animal health plan. Clients cannot plan for every contingency, but they can plan for big events and use their close relationship with their veterinarian or clinic to navigate anything else. Farmers cannot be expected to be experts in everything, but they can recognise when things are not right and call for help.

There could be more community guidance on this, including set protocols for events such as earthquakes, tsunamis, wildfires, and tornados.

Clarification is also needed about whether the person in charge or the farm itself needs to have the plan. If a farmer moves properties, it is not clear whether they need to create a new document or whether the plan stays with the farm for the new owner to take over.

Code update: Welfare Assurance System

Q41. Do you support this proposed standard on a Welfare Assurance System for dairy cattle? Why / why not?

The NZVA supports the intent of the proposed standard, but many members expressed considerable concerns about the wording and practicality of this proposed standard.

Members are concerned about the a high level of paperwork required, noting that documentation does not equate to better welfare outcomes for the animals. Any system focused on improving welfare should focused on the animals themselves rather than a paper trail.

It is not clear who would determine the correct process that needs to be followed, or who would be considered competent and proficient enough in animal welfare to complete the audits. Without a standardised documentation guide, farmers would have to create their own and there would be little consistency. Substantial effort will be put in without correct guidance. It is not clear what support will be offered to farmers and veterinarians who are creating, maintaining, and auditing these documents.

Members noted that similar systems are occurring via the milk processors. These systems are more effective at improving welfare as farmer compliance will be higher.

The NZVA is also concerned that this level of prescription is beyond the intention of minimum standards. The NAWAC's Guidelines for Writing Codes of Welfare states, "As far as possible, minimum standards should avoid being prescriptive." Additionally, the list of proposed minimum standards in this section does not indicate the welfare outcomes being achieved by following the minimum standard.

Recommendations:

- All minimum standards should have a clear and measurable outcome for the welfare of the animals the minimum standard is addressing.
- The minimum standard should be practical and demonstrate effective improved welfare outcomes.

Q42. Do you currently adopt an industry generic quality assurance system for welfare and/or husbandry procedures? If yes, please provide details of this system.

The majority of NZVA members who responded to this question use Welfarm, although some use Fonterra/Synlait or clinic animal health plans.

Q43. Do you think self-auditing is a sufficient method to monitor a Welfare Assurance System and ensure compliance? Why / why not?

The NZVA does not support self-auditing of Welfare Assurance Systems. It is not clear how compliance would be regulated with a self-auditing system. Members noted that farmers with the worst welfare outcomes are unlikely to improve with a self-auditing system.

The NAWAC's Guidelines for Writing Codes of Welfare state, "*A minimum standard should, as far as possible, describe the intended welfare outcome for the animal and be capable of measurement or assessment.*" The minimum standards fail to accurately describe the intended welfare outcome and a self-auditing system would fail to measure the minimum standard.

Q44. Is there a different approach to welfare assurance for dairy cattle that could be considered? Please provide your reasoning and any information or evidence that this different approach would meet the minimum requirements of the Act.

A self-audit risks becoming a 'tick box' exercise for farmers. A welfare plan needs to be a continual active exercise with measurable outcomes. An industry-led disease recording and surveillance scheme that reports on the actual national disease status would be more beneficial. National benchmarking can demonstrate measurable outcomes of progress and areas that need further attention. There are commercially available welfare monitoring tools available.

Proposed regulation: Calving cows

Q60. Do you agree with NAWAC on the proposed regulation for preventing calves born into unsuitable conditions? Why / why not?

The NZVA agrees with the underlying intent that calves should not be born into environments where they are submerged in water and/or mud. The NZVA does not agree with the generalised terms of "surface water" and "mud" without qualifying the extent to which they are unacceptable. Even well-drained bark chip calving pads would not be suitable in periods of prolonged rain under the proposed regulations. To regulate something like this, there need to be practical, scalable alternatives.

Calving season in New Zealand coincides with increased rain which causes surface water on all outdoor surface areas. Mud will be present when there is rain and cows are on pasture. A minimum standard that requires no surface water or mud to be present in the calving area is not achievable in an outdoor system.

Farmers cannot stop all cows giving birth in unsuitable areas, even if they take them out of the winter paddock. As long as the farmer's intention is to avoid it, there needs to be allowance for the odd mishap to occur.

There are a lot of other welfare factors to consider including metabolic issues in cows with access to too much grass pre-calving. Practical solutions and time for farmers to implement them are needed.

Recommendation:

- Amend the wording to reflect the intent of the minimum standard, which is to prevent calves from being born into unsuitable conditions. Unsuitable conditions should be defined as levels of water and/or mud that would cause the calf to be partially or totally submerged at birth or prohibit the calf from being able to stand and feed.

Q61. Do you agree with NAWAC's recommendation for the three regulations to come into effect without a transition period?

The NZVA does not agree that the three regulations should come into effect with no transition period. NZVA members raised several considerations that the NAWAC has not accounted for in suggesting no transition time be allocated.

- Implementation of these regulations would need to be planned to ensure lying area was available and enough feed was on hand to bring cows back onto the dairy platform 14 days or more following the scanned calving date.
- These regulations may require modification of the farming system. Springer paddocks get muddy when it is wet and it is not clear from the current wording whether the regulations refer specifically to crop paddocks or not.
- Farmers will need time to plan and prepare for these changes. Many farmers have cows in calving groups and group them into transition mobs 10-14 days before their expected calving

dates; however requiring "no muddy areas where calves are born" will need infrastructure and planning which cannot be enforced without a transition period.

- Many farmers have already dried off their cows, sent them to grazing, and/or set their paddock schedule. Having to move cows 14 days before calving will impact farmers greatly and could change their planned schedule drastically.
- Farmers plan their winter grazing paddocks close to 12 months out from calving so they will not be able to make the changes immediately.

Recommendations:

- Amend the wording to clarify what is meant by "surface water and mud", accounting for the weather and outdoor nature of most calving paddocks in New Zealand.
- A transition period of no less than one year before the next calving season should be given to allow for paddock preparations, cattle transportation, and feed allocations to be planned appropriately.

Proposed regulation: Painful Procedures

Q79. Do you support the proposed review of regulation 53? Why / why not?

The NZVA supports a review of the regulation but suggests Surgical and Painful Procedures apply to cattle and sheep in general rather than by production purposes.

Summary Questions

Q45. Do you agree that the minimum standards in this Code, including those that have not changed, are the minimum necessary to ensure that the physical, health, and behavioural needs of dairy cattle will be met? For example, do the minimum standards reflect good practice (not just current practice), current scientific knowledge and available technology? If not, what alternative(s) do you suggest? Please state your reasons.

These regulations will continue to evolve in a sustainable way and bring the farming industry along with them. There may be push-back and widespread non-compliance if they are introduced too quickly, which would lead to worse outcomes for the animals.

It is good to consider changes regarding new technology and public or export sentiment but it is also important to be commercially sensitive so farming improves sustainably and economically. Some proposed changes are too prescriptive without having practical, scalable industry solutions.

Many of the new changes go beyond the scope of the Act and overstep the purpose of the Code. Some of the proposed standards are overreaching and not backed by science.

The NZVA has concerns about the wording of many of the minimum standards, many of which do not appear to fit within the description of the NAWAC's Guidelines for Writing Codes of Welfare. See Appendix 1 for a summary of NZVA recommendations.

Q46. Do you agree the example indicators given in this Code are appropriate to describe how to measure or assess the achievement of the intended outcome of the minimum standards? If not, what alternative(s) do you suggest? Please state your reasons.

The NZVA does not believe all the example indicators are appropriate or practical. Consultation with a veterinary specialist in cattle health or cattle behaviour is needed.

Some of the example indicators are quite vague, particularly around how they will be measured or assessed. There is no uniform method to audit outcomes, many of which are subjective. The Code is a framework to use for minimum standards so guidance and enforcement can be executed when they are not met.

There is a focused target on the standards, but the wording includes a much broader range of activities that make them almost impossible to action. The example indicators should be defined more prescriptively.

Recommendation:

- A full review of the example indicators in this proposal to ensure they meet the standards of the NAWAC's Guidelines for Writing Codes of Welfare.

Q47. Do you agree that the recommendations for best practice in this Code are appropriate? If not, what alternatives do you suggest? Please state your reasons.

The NZVA suggests changes to the following Recommended Best Practices:

Dairy cattle should be allowed to forage and select feed according to individual requirements and preferences and be offered a variety of feed with different tastes and textures providing there is no negative impact on their health and welfare.

Recommendations:

- Individual feeding preferences cannot be accounted for in every farming system. The NZVA recommends the focus should be on providing a diet that meets the nutritional needs of the cattle.

Where calves are not naturally weaned, cows should be kept out of sight, sound and smell of newly weaned calves.

Recommendations:

- The NZVA has not found research to suggest this practice is necessary or best practice.

Teat-cup liners should be promptly replaced when damaged/cracked or worn and cows should not be over or under-milked.

Recommendations:

- The NZVA recommends changing the Recommended Best Practice to "Cows should be milked in accordance with industry best practice."

Q48. Do you have anything further you wish to say on the Code from an animal welfare perspective?

Many NZVA members struggled to understand the scope and prescriptiveness of the proposed standards. The NZVA is concerned the revised Code will not achieve the desired outcomes, particularly around the push towards artificial shelter systems which have significantly worse outcomes in terms of lameness, respiratory disease, and mastitis.

There was no opportunity to discuss electric prodders, which many members believe have a place in the industry. On-farm, the use of electric prodders is usually the difference between life and death. Before a prodder is used, every other avenue has been explored to get a cow up, often from a dangerous position. Veterinarians use them on teat seal trailers on rare occasions when an animal panics and gets stuck; sometimes the animal needs extra motivation to move. The welfare risk of banning them outweighs the welfare risk of keeping them but using them sparingly.

Q49. Do you see any barriers to the implementation of the proposed Code? If so, what are they and how might they be resolved?

The NZVA has identified multiple barriers to the implementation of the proposed code, which we have categorised below.

Economics

There are many economical factors to consider, including current restrictions on farming and massive inflation. Costs have increased significantly in recent years, with many farms spending \$50k or more to maintain their calf sheds each year. Specific standards, such as feeding calves 20% BW each day, would be a financial barrier to many systems.

Economics should never be an excuse for promoting or turning a blind eye to poor welfare but should be considered when moving from a position of good welfare to great welfare.

Time periods

Some of these changes will take a number of years to implement on farms. With the proposed Code becoming more prescriptive, it will need better definitions on the proposed requirements. Timeframes for making changes to on-farm facilities and infrastructure need to be considered.

Practicality

Practical implementations need to be considered, particularly around prolonged adverse weather events. Distributing the new changes to all dairy clients in a way they can easily understand would be a challenge. Adequate time, resources, education, and HR capacity need to be given to farmers to successfully make changes that will work on their farm.

Many of the recommended changes will not get any stakeholder buy-in. It appears stakeholders were not adequately involved in developing the changes, some of which are impractical or vague. Many of the changes overstep the Animal Welfare Act and should be up to the dairy companies to implement and monitor.

Vagueness of Code

Much of the Code and some of the proposals are quite vague. More concrete numbers are required. It is also not clear who will be enforcing the Code and whether it will be included in the shed inspection. The guidelines need to be clear so farmers are not caught up with cows in a paddock after a wet night.

Resistance to too much change

Farmers may put up their own barriers to change if they find this too hard. The proposed changes would require more compliance paperwork, which would need to be made as simple and clear as possible.

Lack of evidence

The NAWAC has not provided sufficient evidence for the proposed regulations, so it is difficult to ascertain whether they reflect current scientific knowledge. As a broad overview, the proposed regulations are not aligned with current knowledge of housed cattle systems, particularly shelter. Regulation without sound scientific evidence is a recipe for bad intentions and mistrust. Every change needs to be backed up with good science or very strong public opinion.

Regulations need to be focused on outcomes rather than methods; this promotes innovation and allows for practical considerations as opposed to a one-size-fits-all approach.

Q50. What benefits do you see from having this proposed Code? Benefits may include, for example, increased certainty about animal welfare requirements.

The NZVA believes the intent of the proposed welfare Code has significant merit for the improved welfare of dairy cattle in New Zealand. Many NZVA members commented that the Code provides better social licence with non-rural communities and the potential for improved trade agreements.

The NZVA is concerned that the intended outcomes may not be achievable with the current wording of the proposed Code. We also have concerns about how the Code will be received by farming communities and the practicality of applying the Code.

Q51. Do you see any unintended consequences from the proposed code? If so, what are they and how might they be mitigated?

NZVA members identified the following unintended consequences from the proposed Code:

- Most farms in New Zealand have higher standards than most of the recommendations but will now have to document it all to appease the NAWAC and MPI. This could be mitigated by focusing on the obvious changes that can and should be made, such as establishing more shade and shelter for cows. Getting a few things done is better than trying to overhaul the entire Code. Feeding calves gold colostrum and banning electric backing gates do not have the same value from a welfare viewpoint.
- Regulations for a particular environment or circumstances may end up inappropriately impacting non-problematic situations such as calf rearing systems or winter grazing. There needs to be some flexibility to allow for geography, climate, and current practice, particularly when there are no problems evident.
- A lot of changes will affect farms in the South Island more than the North Island, which could create unfair economic disadvantages.
- Farmers with good intentions that are doing their best but cannot meet all the requirements could be prosecuted or sell their farms. Animal welfare must be at the forefront and if enough people can meet these standards, they seem reasonable.
- By requiring off-farm facilities, the changes could push farmers toward a more intensive system with negative environmental impacts.
- Farms may be understaffed which could put under-skilled workers under additional pressure.
- The requirement to administer colostrum within two hours of pick-up may mean pick-up moves to 5am so calves are ready for the feeder. Workers are already busy and tired, and more calves could be left out overnight, which could lead to higher rates of neonatal death. It is not clear whether this has been considered.
- Unnecessary culling of animals that could otherwise be helped back to full performance.

Q52. What broader impacts do you think this proposed Code could have on New Zealand society, the economy, and the environment?

NZVA members identified the following broader impact of the proposed Code:

- Making the Code more stringent contributes to the divide between rural and urban communities about 'bad farming'. It could disillusion a lot of people and force them out of the industry if they feel like they are being attacked and cannot keep up. It could falsely lift New Zealand up in the eyes of our marketplaces and open us up for more external audits; if this becomes another tick-box exercise, this could cause problems with our trade partners.
- There may be increased market access for dairy products.
- The changes could provide better social licence with non-rural communities.
- Hopefully the changes will lead to better cow welfare. However, they could lead to farmers hiding cows in paddocks away from roads if their front paddocks do not meet standards for shelter for example. The changes could make dairy farming more expensive, further adding to price increases for basic food products.
- It could improve the wider community's understanding of animal welfare in the area.
- Farmers may feel more regulated and less heard.

- Barn systems will increase GHG emissions. There does not seem to be much economic benefit, although the proposed regulations will increase costs to farmers.
- The Code needs to be harmonised with the other standards out there so there is a consistent message. It currently feels very punitive and could trigger a backlash instead of building a culture of care.
- There may be an improved perception of farmed animals and greater public and consumer acceptance of how the animals are managed.
- The regulations on shelter and shade could result in more trees being planted.

APPENDIX 1 – Summary of NZVA recommendations not covered in consultation questions

Topic	Area of change	Comments and recommendations
Animal handling	<p>MINIMUM STANDARD Dairy cattle must not be struck or prodded in sensitive areas.</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> Change the wording to “Short flexible cattle sticks should only be used to move cattle. Cattle must not be struck or prodded excessively.”
	<p>MINIMUM STANDARD Dairy cattle must not be struck or prodded with a goad in the udder, anus, genitals or eyes.</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> Include a definition for goad. The NZVA suggests, “sharp sticks made of wood or metal”.
	<p>MINIMUM STANDARD Animals that are tethered other than for particular husbandry procedures.</p>	<p>A definition of tethering is needed. The NZVA supports LIC’s definition, “to connect the animal by the head or neck with a chain, rope, collar or halter to an object which limits the animals range of movement.”</p> <p>Recommendations:</p> <ul style="list-style-type: none"> Include a definition of tethering.
	<p>MINIMUM STANDARD Nose rings must not be used as the single means of restraint.</p>	<p>Nose rings are the main way of safely moving and working bulls for semen collection. Placing requirements for additional restraint (eg halters on bulls) risks personal injury and is not practical.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> Remove the minimum standard about nose rings.
Drinking Water	<p>MINIMUM STANDARD All dairy cattle must have easy access to palatable and high quality drinking water sufficient for their needs and that is not harmful to their health.</p>	<p>The phrase “high quality” is ambiguous and assumes water must be tested regularly to meet this standard.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> Remove the phrase “high quality”, as the statement “not harmful to their health” suitably covers the quality required.

Feed	<p>MINIMUM STANDARD Body condition score <i>must not fall below 3.5</i> or go above 8 (on a scale of 1-10).</p>	<p>The NAWAC’s Guidelines for Writing Codes of Welfare state: <i>Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.</i></p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Retain the wording from the 2019 document “urgent remedial action must be taken to improve condition” to account for animals that drop below 3.5 BCS due to disease or injury. These animals will need to be under the care of a veterinarian with a plan for recovery or euthanasia. • Change wording of “cows must not fall below” to “cows should not fall below”. • Include a herd average score to identify herds more at risk of having animals fall below 3.5 BCS.
	<p>MINIMUM STANDARD Body condition score at calving is 5 for a cow and 5.5 for a heifer and no more than 7 for either, to minimise calving and metabolic problems.</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Change the wording to “<i>Optimal body condition score at calving is 5 for a cow and 5.5 for a heifer and no more than 7 for either to minimise calving and metabolic problems.</i>”
Providing for Behavioural Needs	<p>MINIMUM STANDARD Dairy cattle must have access to a <i>compressible well-drained surface</i>, so they are able to lie and rest comfortably for sufficient periods each day to meet their behavioral needs.</p>	<p>The NAWAC’s Guidelines for Writing Codes of Welfare state: <i>Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.</i></p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Clarify the term “compressible well-drained surface” and provide examples of surfaces that would comply with this standard year-round, as pasture does not meet the standard during times of dry or wet conditions.

	<p>MINIMUM STANDARD Lying is not impeded by mud, surface water, effluent accumulation or by the hardness of the surfaces.</p>	<p>The NAWAC's Guidelines for Writing Codes of Welfare state: <i>“Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.”</i></p> <p><i>“Minimum standards must be clear and precise so that people can be certain what they must/must not do to meet their obligations. An investigator should be able to easily assess or measure non-compliance with a minimum standard. Likewise, a defendant should be clear about what must be done to demonstrate that a minimum standard was met or exceeded. Minimum standards must be applicable practically across the entire range of production systems.”</i></p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Change the wording to “Mud, surface water, effluent accumulation or hard surfaces should be minimised so as not to impede lying.”
	<p>MINIMUM STANDARD Where artificial lighting is provided to alter the diurnal light pattern lighting levels must be between 160 -215lux for no more than 16 hours per day.</p>	<p>The NAWAC's Guidelines for Writing Codes of Welfare state: <i>“Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.”</i></p> <p>The NZVA is unaware of why alterations to the diurnal patterns of cattle would be practiced in New Zealand. The NAWAC has not provided evidence of this practice in New Zealand or evidence to support why this practice would be desirable in New Zealand.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Remove the minimum standard, which seems unnecessary in the New Zealand context.

<p>Colostrum, Hand Rearing and Weaning</p>	<p>MINIMUM STANDARD A calf must be given suitable liquid feeds that satisfy Minimum Standard 6a, until the rumen has developed sufficiently to allow it to utilise solids as the sole feed source, but must not be fully weaned off milk before 6 weeks of age.</p>	<p>The NAWAC’s Guidelines for Writing Codes of Welfare state: <i>Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.”</i></p>
<p>Milking</p>	<p>MINIMUM STANDARD Udder management must not cause unnecessary pain, injury or distress.</p>	<p>Liners should be replaced in accordance with milking machine standards unless they become damaged/cracked or worn, when they should be replaced promptly.</p> <p>Undermilking has been found to be beneficial as part of an efficient milking routines.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Provide a definition for the term “udder management”.
<p>Calving in Dairy Cattle</p>	<p>MINIMUM STANDARD Controlled traction must only be used if the operator has diagnosed an unrestricted birth canal and the calf is in the normal position for delivery. <i>Where no progress is made after 5 minutes of controlled traction, veterinary advice must be sought.</i></p>	<p>The NAWAC’s Guidelines for Writing Codes of Welfare state: <i>Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.</i></p>
<p>Caring for Recumbent Cows</p>	<p>MINIMUM STANDARD Cow covers and bedding animals on baleage will assist to keep recumbent cows warm.</p>	<p>The NZVA cannot find evidence to support the claim that baleage serves to provide warmth to recumbent cattle.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Change the sentence, “<i>Cow covers and bedding animals on baleage will assist to keep recumbent cows warm</i>” to reflect current practice. The NZVA recommends changing the statement to “<i>Cow covers and suitable material, such as straw, is used to keep recumbent cows warm.</i>”
<p>Welfare Assurance System</p>	<p>MINIMUM STANDARD The documented system must identify:</p> <ul style="list-style-type: none"> • Positions of individual persons who are responsible for carrying out specific tasks; and • Methods and procedures the owner or person in charge of animals will implement to achieve 	<p>The NAWAC’s Guidelines for Writing Codes of Welfare state: <i>Minimum standards should avoid being prescriptive. If a minimum standard does “prescribe a necessary facility, input or arbitrary limit, the introductory section to that minimum standard should make it clear what outcome the minimum standard is intended to achieve.</i></p>

	<p>specified tasks; and</p> <ul style="list-style-type: none"> • Process and frequency of checks on animals, facilities and equipment; and • Training, competence and supervision of persons carrying out specified tasks; and • Procedure for recording numbers and circumstances for all animal deaths and injuries on farm and the corrective actions taken; and • Responses to significant injury or disease and persistent/chronic pain; and • Corrective actions that will be taken in the event of non-compliance with the requirements of the system. 	
<p>Hip Clamps</p>	<p>MINIMUM STANDARD Hip clamps or other lifting devices must not be used to move cows.</p>	<p>The NZVA agrees that hip clamps should not be used to move cattle. The NZVA does not agree that slings should not be allowed to move recumbent cattle. Slings provide a mechanism to move recumbent cattle out of situations that are detrimental to their health and welfare. Not allowing farmers a mechanism to move cattle to improved environments is counterproductive to the desired outcome of this document.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Change the wording to, “Hip clamps must not be used to move cows.”
<p>Calving in Dairy Cattle</p>	<p>MINIMUM STANDARD Calving cows must be provided with a compressible well-drained surface and effective shelter at least 14 days prior to scan-dated calving to prevent calves being born into unsuitable conditions, including surface water or mud.</p>	<p>The NAWAC’s Guidelines for Writing Codes of Welfare states, “<i>Minimum standards must be clear and precise so that people can be certain what they must/must not do to meet their obligations. An investigator should be able to easily assess or measure non-compliance with a minimum standard. Likewise, a defendant should be clear about what must be done to demonstrate that a minimum standard was met or exceeded. Minimum standards must be applicable practically across the entire range of production systems.</i>”</p>

<p>Selection and Breeding</p>	<p>MINIMUM STANDARD The animal welfare impacts of animal selection and breeding objectives must be monitored for favourable and unfavourable consequences, and the results incorporated into future objectives.</p>	<p>Productions systems are designed to select for desired genetics, so there needs to be clarification about the desired outcome of this statement that extends beyond standard production system selection.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Rewrite this minimum standard in plain language that outlines how an assessor and producer would be able to meet this standard.
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