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Te Whare Māngai o Aotearoa

Primary Production Committee
Komiti Whiriwhiri Take Ahumatua

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Animal Welfare (Regulations for Management of Pigs) Amendment Bill

207—1

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Animal Welfare (Regulations for Management of Pigs) Amendment Bill

Recommendation

The Primary Production Committee has examined the Animal Welfare (Regulations for Management of Pigs) Amendment Bill and recommends by majority that the bill proceed without amendment.

About the bill

The bill would amend the Animal Welfare Act 1999 and the related Animal Welfare (Care and Procedures) Regulations 2018.

The bill's primary intent is to address the imminent expiry of regulations 26 and 27—which relate to the use of farrowing crates and mating stalls—on 18 December 2025. The main amendments proposed in the bill would extend by 10 years the transition period for current regulations related to pig farrowing crates and mating stalls, so they would expire on 18 December 2035. New regulations proposed in the bill would come into force immediately after those regulations expire.

By extending the expiry date and specifying new regulations, the bill seeks to provide certainty for pig farmers so they can make decisions about the transition. The regulatory framework proposed in the bill seeks to strike an appropriate balance between sow welfare, piglet survival, and industry viability. Specifically, the bill would amend the Act to change the regulations as follows:

- Regulation 25 (minimum lying space for grower pigs)—increasing the minimum space requirements for grower pigs by 13.3 percent.¹
- Regulation 26 (farrowing requirements)—
 - requiring sows in any farrowing system to be provided with “manipulable and deformable” materials for use in nesting behaviour
 - decreasing 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 four days post-farrowing
 - decreasing the maximum period nursing sows may be kept in farrowing crates from one week to 36 hours.
 - requiring records to be kept on compliance with these requirements
- Regulation 27 (other requirements relating to management of pigs)—
 - reducing the time sows may be confined in mating stalls from seven days per reproductive cycle to three hours at a time
 - requiring that a sow not be confined again in a mating stall for at least three hours after being released.

¹ See page 5 of the departmental report for an explanation of how the space allowance is calculated relative to the weight of the pig.

Background

The use of farrowing crates and mating stalls to confine pigs has long been controversial, in New Zealand and overseas. Prior to 2015, their use was enabled as an “exceptional circumstances” exemption in the Animal Welfare Act. The 2018 regulations on farrowing crates and mating stalls were considered to meet the purposes of the Act. This was challenged in 2020,² and after judicial review the High Court found that regulations 26 and 27 and minimum standards 10 and 11 were unlawful, given that there was no transition or phasing out of such practices as Parliament had intended.

In response, in December 2020 Cabinet agreed to new regulations with a phaseout period, allowing the continued use of current farrowing crate and mating stall systems by the pork industry for five years, until 18 December 2025. This transition period was intended to allow the National Animal Welfare Advisory Committee (NAWAC)³ time to review the Code, set new requirements, and allow the sector time to shift towards compliant practices.

NAWAC initiated a review of the code of welfare for pigs in 2021 and undertook broad public consultation in 2022. However, no changes were made to the regulations, so pork farmers did not have the certainty needed to transition to new practices. It is not possible to extend the transition deadline further by regulation. This bill is therefore proposed, to extend the regulations, set new requirements, and provide time for the industry to adapt to the new requirements.

Legislative scrutiny

As part of our consideration, we have examined the bill’s consistency with principles of legislative quality. In particular, we considered the retroactivity of proposed new section 203, which would be inserted by clause 8 of the bill. It states that regulations 25 to 27 “are and always have been validly made” under the Act. The retroactivity of this proposed provision was also drawn to our attention by the Regulations Review Committee. That committee stated:

These retroactive provisions do not directly contradict the High Court’s determination, but they appear to aim to avoid the risk of similar determinations which would be based on the status of the applicable law at the time.

We have considered the provisions closely and the majority of us are satisfied that the provisions are warranted.

Overview of submissions

Excluding duplicates, we received about 8,200 unique submissions on the bill, of which about 50 were from organisations and the rest from individuals. Nearly 90 percent of submitters opposed the bill. A small number supported it, while the views of about 10 percent were unclear. Concerns about animal welfare and animal cruelty were the most common reason given for opposing the bill; also raised were concerns about the legal

² By Save Animals From Exploitation (SAFE) and the New Zealand Animal Law Association.

³ NAWAC was established under the Animal Welfare Act to provide independent advice to the Minister responsible for animal welfare.

process. Those supporting the bill considered that it would balance the welfare of sows and piglets, and provide needed certainty for farmers.

Submitters fell broadly into four groups: those associated with the industry (farmers, veterinarians, and pork processors); animal advocacy organisations; those associated with the legal profession; and members of the public. The departmental report from the Ministry for Primary Industries (MPI), available on the Parliament website, lists in its appendices the submitters who provided in-depth comments on the bill and those who provided oral submissions.⁴ A detailed analysis of the submissions is provided on pages 12 to 31 of the departmental report, together with MPI's responses to the points raised.

Points raised by opponents of the bill

The main points raised by opponents of the bill were as follows:

Animal welfare concerns

- Farrowing crates should be phased out sooner than the bill's proposed 2035 deadline.
 - Scientific evidence shows that crates restrict sows' normal nesting behaviour, causing stress and negative effects for both sows and piglets.
- Continued use of farrowing crates lacks social licence. The bill fails to take account of public opposition to farrowing crates, the use of which many individual submitters consider a cruel practice. (Separate polls commissioned by the SPCA and SAFE suggested that between two-thirds and three-quarters of New Zealanders oppose farrowing crates.)
- The bill's proposals match those put forward by the pork industry and do not reflect NAWAC's advice.

Legal concerns

- Using primary legislation to issue regulations undermines the Act and is contrary to good legislative practice.
- The bill would legitimise practices ruled unlawful by the High Court and appears designed to avoid the risk of future judicial review.
- The bill is contrary to Parliament's original intent, which was to phase out practices that do not meet the purposes of the Act.
- Concerns were expressed about MPI's neutrality in developing the proposed regulations, and the risk of "regulatory capture" (that is, influence on MPI from the pork industry).

Concerns about the process

- The bill is only needed because the 2020–2025 transition period was mismanaged.
- The bill's proposals should have been consulted on more widely with other stakeholders.
 - In particular, failure to consult the SPCA before the bill's introduction ignores its role as a co-regulator under the Act, and the largest and oldest animal-welfare organisation in New Zealand.

⁴ See Ministry for Primary Industries, Departmental Report, pp 38–39.

- The two-week period for preparation of submissions was insufficient for meaningful public participation.
 - Submitters were not given enough time to review information released by MPI—some of it only 24 hours before the submission deadline.

New Zealand’s reputation and alignment with international standards

- The bill would harm New Zealand’s reputation for having high standards of animal welfare and taking a humane, science-based approach.
- New Zealand risks falling behind trading partners and losing goodwill with consumers.

Points raised by supporters of the bill

Submitters in favour of the bill made the following points:

- **Animal welfare**—Supporters maintain that the new regulatory standards provided for in the bill will achieve good welfare outcomes for sows and piglets.
- **Certainty**—The bill would give farmers the needed certainty and time to plan for, finance, and implement the necessary investments and changes to farm infrastructure and practices.
- **New Zealand’s reputation and alignment with international standards**—Supporters consider that the requirements to be met in 2035 would place New Zealand among countries with high standards, and well above the standards of many countries that supply New Zealand’s pork imports.

Other issues raised by submitters

Financial support for the transition

Both supporters and opponents of the bill suggested that support may be needed for farmers to undertake the capital investment involved in transitioning away from farrowing crates. They pointed out that, in other countries, farmers receive financial support to subsidise the costs they face in this transition. We were informed by a range of submitters and advisers that estimates of the capital investment needed for a 350-sow farm could range from \$678,000 to meet the proposals in this bill, up to \$1.557 million per farm to meet proposals from NAWAC.

Regulatory standards should also apply to pork imports

A common recommendation across the range of submitters was that the proposals should also apply to pork imports, or that low-welfare pork imports should be banned. It was pointed out that applying the same standards to imports would help to level the playing field, which could help New Zealand pig farmers transition to the new standards. Some submitters also called for improved country-of-origin labelling of imported pork products.

Summary of the science regarding welfare of sows and piglets

Although views differ over where the balance should be struck between animal and human welfare (including farmers’ economic welfare), all parties agree that animal welfare science is critical in developing regulatory standards. A considerable body of scientific research has been drawn on by MPI in developing the bill, and by animal welfare groups in developing

their views and submissions. These parties' views differ, particularly in relation to how best to balance the welfare of sows and piglets.

Evidence on the welfare of sows and piglets was presented by many submitters in relation to nesting behaviours and nesting materials, minimum farrowing pen size, and piglet mortality. During the period for submissions on the bill, MPI released a "Summary Science paper"⁵ setting out scientific evidence including for farrowing systems and grower pig space. Regarding farrowing systems, it drew the following conclusion:

the literature suggests that temporary crating systems, in which farrowing crate use is limited to 2 to 3 days pre-farrowing until four to five days post-farrowing and providing sows with deformable and manipulable materials with which to build a nest allows the sow to display normal patterns of behaviour, thereby limiting sow stress while reducing peri and post-natal piglet mortality including by crushing and savaging.⁶

The submission from NZ Pork agreed that "nest building is a strongly motivated behaviour, recognised as being important for sow welfare" and that providing suitable manipulable material in any farrowing system improved outcomes. It outlined the benefits of limited sow confinement for both piglets and the staff handling them. It also referenced "evidence across different types of farrowing systems (i.e. crates, loose pens, and outdoor systems) that sows spend most of their time (80–90%) at rest in the days immediately after farrowing".

Other organisations presented scientific evidence with different conclusions. The SPCA told us the Summary Science paper's conclusions on normal sow behaviour and grower pig space needs were out of step with contemporary animal welfare science. It referenced studies that indicated "sows cannot perform normal nesting behaviour without room to turn, move, and arrange material". The submission challenged analysis that piglet mortality would increase in indoor free-farrowing systems, and highlighted NAWAC's evaluation report showing that, where pens provided at least 5m² for the sow and nesting material, there was no significant increase in piglet mortality. Other studies cited informed the SPCA's view that "the management and design of free farrowing systems has improved to the point that the incidence of crushing has been demonstrated to be comparable, or indeed improved, compared to farrowing crate systems".

The submission made by a group of animal welfare scientists outlined detailed findings from recent studies, and a view that:

- a well-designed and -managed system with even shorter confinement periods can achieve the same performance
- the provision of nesting materials and freedom of movement shortly before farrowing enhances welfare and reduces piglet mortality
- alternatives to crates, such as group housing and temporary pens, have shown promising results in trials across Europe and Australasia.

We acknowledge the different positions held in relation to animal welfare science from these submitters and many others. Some of us felt that the shortened time frame did not allow the

⁵ MPI, Summary Science paper—farrowing systems and space allowance.

⁶ Ibid, page 1.

committee enough time to thoroughly analyse and understand the varying scientific evidence for the purposes of recommending changes to the bill.

Conclusion

As with submitters, views among our members were divided. The majority of us consider that the bill will provide the necessary regulatory certainty and path forward for New Zealand's pig farmers, and recommend that the bill be passed without amendment.

New Zealand Labour Party differing view

The Labour Party does not support the Animal Welfare (Regulations for Management of Pigs) Amendment Bill.

First, the bill delays any improvements to animal welfare standards for pigs, by a further 10 years, and only makes minimal improvements. The improvements outlined in the bill are weaker than what was consulted on in 2022 when Labour was in Government.

Secondly, the process followed by the Government has been unacceptable. The Minister introduced this bill at the eleventh hour and failed to adequately consult with stakeholders such as the SPCA. The SPCA, New Zealand's largest, most reputable animal welfare organisation that is mandated through legislation to investigate matters under the Animal Welfare Act 1999, have advised the committee that they feel "sidelined" through this process. Labour believes that keeping the SPCA out of the consultation process was a mistake and sets a poor precedent for stakeholder engagement on matters relating to animal welfare.

Furthermore, the National Animal Welfare Advisory Committee (NAWAC)'s role appears to have been minimised, and the minor improvements to animal welfare for pigs in the bill do not reflect NAWAC's advice to the Minister in February 2024.

Labour Party members on the committee voted against the decision of the committee to shorten the report back timeframe for this bill. We also voted to extend the submission period. Given the legal and scientific complexities of the bill, and the need for long-term certainty, we are disappointed that the select committee has opted to limit scrutiny of the bill in this way.

Science

Throughout the select committee process the committee heard varying points of view regarding sow and piglet welfare. Labour believes the committee should have considered the bill for a longer period of time, in order to thoroughly analyse the science related to sow and piglet welfare.

Nesting before farrowing

The committee was advised that sows have a strong instinct to build a nest before giving birth. This behaviour becomes most intense in the 24 hours before farrowing, and they need enough room and proper nesting material to do it. A crate prevents this entirely: the sow cannot turn, move, or build a nest and becomes frustrated and distressed.

NAWAC has previously advised that any system that restricts nest building, such as confining sows for several days before farrowing or offering only token materials like a hessian sack tied to the crate, does not meet welfare needs and risks breaching the Animal Welfare Act.

Piglet mortality

Due to the truncated process, the committee has not had adequate time to consider the science and engage with industry, scientific experts, and animal welfare advocacy groups to fully understand the issues around sow and piglet welfare.

Piglet mortality is influenced by many factors, including pen size, design, stockpersonship, access to milk, warmth, hygiene, litter size, and genetics. The committee was advised that modern research shows that when free-farrowing pens are well designed, large enough, and well managed, piglet mortality can be the same as or lower than in farrowing crates.

By contrast, temporary crating systems can have higher mortality rates when pens are too small, poorly designed or lack nesting material. Crates are therefore not the only, or the best, way to protect piglets. Larger pens, especially those of at least 6.5 m² and ideally 7.8 m², with good creep areas, nesting material, and anti-crush features, support careful maternal behaviour and reduce losses.

Grower pigs

Space is equally critical for grower pigs. The bill proposes a very low space allowance that does not give pigs enough room to lie down at the same time, move away from aggression, create separate lying and dunging areas, or regulate their body temperature. This level of crowding restricts normal behaviour and increases the risk of welfare issues such as tail biting. NAWAC has recommended larger space allowances that better reflect the needs of modern pigs and New Zealand's temperatures, and these were intended to allow more than just lying room. Increasing space improves welfare and also supports better growth and productivity.

Retroactivity

Labour does not support the retroactive elements of the bill, specifically new section 203, inserted by clause 8 that states "that regulation 25 is, and always has been, validly made under section 183A(1), and regulations 26 and 27 are, and always have been, validly made under section 183A(2)." Parliament's Regulations Review Committee advised the committee that: "The wording 'always has been' is retroactive. It asserts that a certain legal status existed formerly, despite that the law at that point in time in the past may have provided for a different effect."

Labour agrees with the Regulations Review Committee that these clauses create uncertainty in law and undermine the role of the courts in interpreting law. Given the uncertainty already facing the industry, this is not a helpful approach to provide certainty to pig farmers and animal welfare stakeholders.

Summary

Labour acknowledges that a legislative gap has emerged and that the Government needed to respond to this, and take steps to prevent a legal risk to industry.

However, this bill is not the appropriate response to that legislative gap. Labour would have willingly worked with the Government to temporarily extend the existing rules, and worked in a bipartisan way to develop lasting animal welfare regulations for pigs.

Labour believes that industry and the animal welfare sector need certainty, and that the best way forward is for industry, animal welfare organisations, and all political parties to work together to create a sustainable way forward for pig animal welfare.

Green Party of Aotearoa New Zealand differing view

Introduction

The Green Party strongly opposes the Animal Welfare (Regulations for the Management of Pigs) Amendment Bill. The bill seeks to re-authorise systems for the confinement of pigs that the High Court ruled unlawful in November 2020, by amending the Animal Welfare Act 1999 to permit practices that are fundamentally incompatible with the Act's purposes and obligations.

We are concerned that the Minister and the Ministry for Primary Industries have exclusively prioritised the pork industry's preferred and insufficient proposals, and the Minister has failed in his primary statutory responsibility of protecting the welfare of animals.

Furthermore, because the bill is inconsistent with the purposes of the Animal Welfare Act, and contradicts the strong public sentiment against the caging of mother pigs, the bill will, in any event, give no certainty to industry about the future of minimum conditions for farmed pigs.

Egregiously poor process

The development and consultation on the bill have been egregiously poor. The process has been flawed, lacked transparency, and has unnecessarily truncated and prevented meaningful public and independent expert engagement, and parliamentary scrutiny. There was insufficient consultation on the proposed new regime, particularly with the public and animal welfare experts, during the past three years and during development of the bill. The core consultation in the most recent years was exclusively with the pork industry. This was not a fair or even-handed process for developing animal welfare regulations, nor the process that has been followed with all of the other animal welfare regulations.

The Government's urgency to make these regulations has arisen entirely because of their own failure to prepare for the expiry of the transitional period for ending the use of farrowing crates.

The additional 10-year transitional period proposed for the use of farrowing crates is extraordinary, given that MPI's released documents indicate that MPI and even NZ Pork thought that five years was sufficient.

Cruel to mother pigs and piglets

The proposals are cruel to animals. If enacted, the bill would continue to allow the status quo confinement of mother pigs in farrowing crates so restrictive that they cannot turn around, nest build, or maternally bond and care for their piglets. Only after another 10 years will a shortened period of confinement be required—rather than an end to caging of mother pigs.

Extensive and well-established evidence shows that confinement causes physical injury, psychological stress, and frustration to intelligent, social animals. The confinement in farrowing crates also harms piglets, with confinement leading to higher stillbirth risk, reduced growth rates, and poorer maternal care.

Following the High Court's important 2020 ruling, NAWAC and MPI initiated a comprehensive code review leading to public consultation in 2022 on proposals for a new Pig Code of Welfare and replacement regulations. After reviewing the submissions and evidence, NAWAC concluded in May 2023 that neither the status quo nor temporary crating systems could meet the purposes of the Animal Welfare Act. It recommended a full transition to free-farrowing systems, with a minimum indoor farrowing space of 6.5m². This was supported by the international scientific consensus that these provide better welfare outcomes for both mother pigs and piglets. This bill disregards the evidence-based independent advice.

Inconsistent with public morals

The New Zealand public have consistently and strongly expressed an expectation that mother pigs are not caged. Of the 6,600 submissions on the bill to the Primary Production Committee, 89 percent were opposed. Of submitters that opposed the bill, 87.3 percent felt the bill would be harmful or cruel to animals and 7.4 percent listed legal concerns.

Polling commissioned by the SPCA in October 2025 shows that most New Zealanders oppose the use of farrowing crates. Two-thirds (66 percent) believe farrowing crates should be phased out. When asked about alternatives, only 38 percent support the use of temporary farrowing crates. In contrast, support for free farrowing pens is high: 77 percent of adults agree with their use, including 44 percent who strongly agree, and 74 percent believe they should be introduced to replace farrowing crates.

Public sentiment is also clear regarding the Government's current proposal to allow farrowing crates for another 10 years, until 2035: 61 percent disagree with it, and three-quarters (75 percent) think crates should be phased out immediately or within five years. Unfortunately, only 19 percent are aware of the proposals at all, as the law is rushed through Parliament. There is no social licence for the weak welfare provisions proposed by this bill.

Threat to New Zealand's reputation

The proposals in the bill risk causing significant harm to New Zealand's international reputation. Increasingly, governments and industry across the world are recognising that farrowing crates undermine animal welfare. Several countries have already banned farrowing crates, including Sweden, Switzerland, and Norway. Many more are making progress towards phasing out or banning the building of new traditional farrowing crate systems, including Germany, Austria, Denmark, Finland, and the United Kingdom. If passed, this bill could harm New Zealand's international reputation, by causing us to fall behind our

trading partners and damaging our global standing as an evidence-informed, animal welfare focused nation.

Legally problematic

The bill's proposed provisions directly contradict the 2020 finding of the High Court that the use of farrowing crates does not comply with the Animal Welfare Act, and the Court's clear directive that they should be phased out in accordance with the transitional timeframes in the Act. Rather than completing the scheduled phase-out of these systems by 18 December 2025, the bill would amend the Act to postpone any change at all for 10 years, and would then permit the use of farrowing crates indefinitely.

The proposed new regulations in the bill, to come into effect on 19 December 2035, are set out in Schedule 2 of the bill. These regulations would still be non-compliant with the Animal Welfare Act, if made in the usual way. Instead, they are unusually being introduced through legislation. This is only necessary because these regulations would otherwise be unlawful. The bill gives these regulations explicit exemption from compliance with the purposes of the Act.

The reasons why the proposed new regulations will still not meet the animal welfare purposes and obligations set out in the Act are clear:

- They perpetuate the use of farrowing crates, and the High Court held that any use of farrowing crates *at all* is a non-compliant practice.
- NAWAC is of the view that confining a sow in a farrowing crate for up to 7 days (over 9 days in the case of nurse sows) per litter will still not meet the animal welfare purposes and obligations in the Act, *especially the key nest-building behavioural need. A farrowing crate (around 4.3m²) simply does not provide enough space.* This is clear from NAWAC's recommended draft Pig Welfare Code dated 3 May 2023 (and its accompanying "Final Report, Pigs"), and its letter to the Minister dated 5 April 2025.

Import restrictions broadly supported

Whilst outside the scope of this bill, it is notable that submissions across diverse perspectives, from industry to animal welfare advocates, expressed that imported animal products should be required to meet New Zealand's welfare standards. The Greens encourage all members to support the Animal Products (Closing the Welfare Gap) Amendment Bill, currently in the Member's Bill ballot. That bill would ensure that animal products sold in New Zealand meet standards equivalent to our animal welfare regulations, whether produced domestically or overseas.

Conclusion

The Green Party supports the banning of farrowing crates and all cruel containment of mother pigs. The Animal Welfare Act recognises the sentience of animals and the Green Party would ensure farming practices are truly consistent with the Animal Welfare Act and meet the highest standards of the five domains of animal welfare.

Appendix

Committee procedure

The Animal Welfare (Regulations for Management of Pigs) Amendment Bill was referred to the committee on 7 October 2025. The House instructed us to report the bill back no later than 9 February 2026.

The committee agreed by majority to bring forward the date for reporting back to the House to 20 November 2025.

This decision was made in the meeting of Thursday, 16 October 2025, with proceedings as follows:

Rachel Boyack moved, That the call for public submissions be extended to Thursday, 6 November 2025.

On the question, That the motion be agreed to, the votes were recorded as follows:

AYES 3 Steve Abel, Rachel Boyack, Helen White

NOES 4 Mike Butterick, Mark Cameron, David MacLeod, Suze Redmayne

The motion was not agreed to.

Suze Redmayne moved, That the committee report the Animal Welfare (Regulations for Management of Pigs) Amendment Bill back to the House by 20 November 2025.

On the question, That the motion be agreed to, the votes were recorded as follows:

AYES 4 Mike Butterick, Mark Cameron, David MacLeod, Suze Redmayne

NOES 3 Steve Abel, Rachel Boyack, Helen White

The motion was agreed to.

We called for submissions with a closing date of Thursday, 23 October 2025. We received and considered submissions from 8,223 interested groups and individuals. We heard oral evidence from 55 submitters, and from the Minister in charge of the bill, Hon Andrew Hoggard. We appreciate the efforts of submitters and thank them for their engagement.

We received advice on the bill from the Ministry for Primary Industries. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office was available to assist with legal drafting. The Regulations Review Committee wrote to us about clause 8.

Committee members

Mark Cameron (Chairperson)

Steve Abel

Miles Anderson

Rachel Boyack

Mike Butterick

Hon Jo Luxton

Suze Redmayne

Dana Kirkpatrick participated in our consideration of the bill.

Related resources

The documents that we received as advice and evidence are available on the [Parliament website](#).