



Report of the Primary Production Committee

Petition of Frances Clement: Apply equal animal welfare standards to imported and New Zealand farmed pork

June 2023

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Steph Lewis
Chairperson

Petition of Frances Clement

Recommendation

The Primary Production Committee has considered the petition of Frances Clement—Apply equal animal welfare standards to imported and New Zealand farmed pork—and recommends that the House take note of its report.

Request for equal standards

The petition was presented to the House on 11 May 2022. It requests:

That the House of Representatives urges the Government to apply the same animal welfare standards to imported pork as is required by New Zealand pork producers.

Comments from NZ Pork on behalf of the petitioner

NZ Pork, the New Zealand Pork Industry Board, told us that almost two-thirds of the pork consumed in New Zealand comes from overseas. New Zealand's welfare and environmental standards are more stringent than those in most countries from which New Zealand imports pork. This country's enforcement regimes are also stronger.

We heard that New Zealand-farmed pork is much more expensive than imported pork, because of higher animal welfare standards, food costs, and biosecurity costs. NZ Pork said that some New Zealanders prefer to buy locally raised pork despite the higher price. We also heard that the Consumer Information Standards (Origin of Food) Regulations 2021 do not clearly differentiate between New Zealand and imported pork.

NZ Pork said that the Government's draft of a new Code of Welfare for Pigs will also require farmers to ensure a higher, more expensive standard of living for pigs than animal welfare requirements in other countries do. We heard that the new code will send some New Zealand pork farmers out of business, and increase the price of local pork beyond the reach of many consumers.

Comments from the Ministry for Primary Industries

We sought information from the Ministry for Primary Industries (MPI) about international trade and animal welfare. MPI told us that New Zealand's approach in negotiations for free trade agreements (FTAs) is that animal welfare standards need to be viewed within the relevant domestic contexts. It is not always appropriate to impose New Zealand's standards on imports. This is in line with New Zealand's obligations under the General Agreement on Tariffs and Trade (GATT), discussed below.

MPI said that the Consumer Information Standards (Origin of Food) Regulations apply to minimally processed products with clear ingredients, as well as to cured pork. The regulations came into force on 12 February 2022, and as they are relatively new, time is needed before their effectiveness can be assessed, and any changes considered.

Comments from the Ministry of Foreign Affairs and Trade

We were interested in the prevalence of animal welfare requirements in the trade agreements of other countries. The Ministry of Foreign Affairs and Trade (MFAT) told us that it considered the petition as it pertains to international trade agreements, including New Zealand's existing obligations and responsibilities under international law. MFAT also considered the broader trade context, and New Zealand's trade policy settings.

Animal welfare requirements in trade agreements

Out of New Zealand's 12 FTAs, only two include provisions on animal welfare. These provisions focus on cooperation and information-sharing, rather than prescribing particular outcomes or approaches. There is currently no example of an existing FTA which makes the enforcement of animal welfare provisions a condition for granting trade preferences. MFAT noted that FTA provisions on the environment, agriculture, or sustainability may be deemed to include coverage of some aspects of animal welfare.

Non-discrimination obligations

In both the GATT and New Zealand's FTAs, New Zealand has obligations not to treat domestic products more favourably than "like" (similar) imported products.

The GATT's "national treatment" provision requires that member countries do not discriminate between foreign products and domestic products where those products are "like" each other. Under the "most-favoured nation" provision, member countries are also not allowed to discriminate between "like" products from different countries.

MFAT told us that these obligations have traditionally been interpreted as extending to the products' process and production methods. In large part, this is because the final product will still be "like", regardless of the differences between countries' process and production methods. MFAT noted that this interpretation has not yet been tested in World Trade Organization (WTO) case law.

We heard that a legal assessment of the measure proposed by the petitioner would be needed. The assessment would analyse the extent to which the proposed imposition of animal welfare requirements on imported pork would be consistent with New Zealand's WTO obligations. MFAT said that any advice of this kind would be legally privileged. It could not be provided to a select committee unless the Attorney-General granted a limited waiver of privilege.

MFAT said that any move by New Zealand to introduce requirements concerning another country's method of production could undermine government efforts to limit other countries' application of non-tariff barriers that could affect this country's agricultural exports.

Our response to the petition

We acknowledge the petitioner's detailed submission. We understand that the New Zealand pork industry faces particular challenges. We encourage the Ministry for Primary Industries to continue its work with New Zealand pork farmers to facilitate production under current regulations. We strongly encourage that MPI, when it assesses the effectiveness of the Consumer Information Standards (Origin of Food) Regulations 2021, considers whether the

regulations need to require the labelling of New Zealand pork and imported pork to be more clearly differentiated.

We thank the Ministry for Primary Industries and the Ministry of Foreign Affairs and Trade for clear and helpful information. While we understand the petitioner's view, we accept that it would not be appropriate to impose domestic animal welfare standards on imported products. To do so would be contrary to New Zealand's international obligations. We thank the petitioner for bringing this matter to our attention.

Appendix

Committee procedure

The petition was referred to us on 30 June 2022. We met between 30 June 2022 and 1 June 2023 to consider it. We received written submissions from NZ Pork and the Royal New Zealand Society for the Prevention of Cruelty to Animals. We heard oral evidence from NZ Pork on behalf of the petitioner. We received written submissions from the Ministry for Primary Industries and the Ministry of Foreign Affairs and Trade.

Committee members

Steph Lewis (Chairperson from 16 February 2023)
Jo Luxton (Chairperson and member until 2 February 2023)
Mark Cameron
Nicola Grigg
Anna Lorck
Hon Todd McClay (from 29 March 2023)
Soraya Peke-Mason (from 16 February 2023)
Angela Roberts

Evidence received

The documents we received as evidence in relation to this petition are [available on the Parliament website](#).

A recording of our hearing can be accessed online at the following link:

- [Hearing of evidence](#) 9 March 2023.