

GUIDELINE 04: Activities that use animals for Exhibition, Entertainment, and Encounter (the 3Es)

1. Introduction

In New Zealand animals may be used for the purposes of exhibition, entertainment, and encounter (the 3Es). Under the Animal Welfare Act 1999 (the Act), the National Animal Welfare Advisory Committee (NAWAC) has a mandate to provide Ministerial advice on animal welfare in Aotearoa New Zealand which includes any animals used in the 3Es. (Note some use of animals in the 3Es may be for the purposes of research, testing and teaching. Any such use must have the approval of an ethics committee established under part 6 of the Act).

Section 57 of the Act specifies NAWAC's functions as advising the Minister on any matter relating to the welfare of animals in New Zealand, including the making of recommendations to the Minister concerning the issue, amendment, suspension, revocation, and review of codes of welfare which may concern the use of animals in the 3Es. This can be challenging, given that these activities are undertaken in the first instance not for economic benefit but rather for social benefit.

In its consideration of animals used in the 3Es, NAWAC notes that Section 4(d) of the Act requires "physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress", implying that Parliament has accepted there are some situations and circumstances (as is appropriate to the species and environment) where pain or distress of a certain kind or degree may be reasonable or necessary. This may cause tension between various views held within society. For example, some people will value animals having the freedom to behave naturally, while others may accept their behaviour being manipulated or constrained to varying degrees for the purposes of the 3Es.

While acknowledging that NAWAC's focus is the welfare of animals, the Act requires NAWAC to have regard to good practice and scientific knowledge, which take account of the evolution of attitudes towards animals and their care. It is therefore beneficial for NAWAC to gain a broad understanding of why society engages in a 3Es activity.

NAWAC may develop this understanding through submissions received on Codes of Welfare, targeted stakeholder engagement, and through public enquiries and discussion. Considerations such as why society engages with an activity, and the social license of an activity (that is, society's acceptance of an activity and its animal welfare impacts), are important supplementary information for NAWAC when deliberating on its animal welfare advice. In this sense it reflects different aspects of current public opinion.

This information can aid NAWAC in exploring the availability of, and the recommendation of, alternative activities that may provide similar benefits to society but reduce or eliminate animal welfare concerns. Also, it can inform NAWAC's animal welfare advice to the Minister by flagging the wider implications of that advice and identifying avenues that the Government may need to further explore (e.g. the economic value of a 3Es activity to rural communities, the knowledge and awareness of conservation needs, or providing for community wellbeing through human-animal bonds) as an extension to NAWAC's advice which focusses on the animal welfare assessment of the activity.

2. The 3Es Principles

As part of its consideration of how society engages with the 3Es and acknowledging that under New Zealand law animal use in the 3Es is generally acceptable within certain limits, including that animal welfare considerations take precedence, NAWAC has developed a set of principles that will underpin its decision making for 3Es activities.

The principles inform responses to ways of using animals in 3Es activities and aim to remain relevant as animal uses continue to evolve. These principles would be used alongside an animal welfare impact assessment when considering the involvement of animals in the 3Es.

The principles:

1. *The animal and its welfare are paramount.*
2. *While the activity may provide certain benefits that society seeks from it, the available scientific knowledge and good practice demonstrate that negative animal welfare impacts are able to be minimised.*
3. *There are no viable alternatives to the activity that provide the same or similar benefit to society but pose less of a risk to animal welfare.*
4. *The activity is periodically reviewed to reduce or eliminate any remaining negative animal welfare impacts.*
5. *The available scientific knowledge and good practice demonstrate that the activity allows opportunities for positive animal welfare when the whole life of the animal is considered.*

3. How society engages with animals in the 3Es

NAWAC has identified the following general categories of how society engages with animals in the 3Es. These areas of engagement can be valued differently within society and can hence evoke both positive and negative responses:

- **Education** - *the activity* as an education tool (e.g., teaching stockpersonship, species conservation, husbandry, environmental conservation, scientific advancement).
- **Wellbeing** - how *the activity* influences wellbeing (e.g. relaxation, companionship, animal-assisted therapy, competitive participation), including its entertainment value (e.g., family/social activity, human-animal interactions, spectator sport).
- **Financial opportunity** - what *the activity* offers as a financial opportunity (e.g.,

employment, local economic benefit, gambling, prize share, national economic benefit).

- **Traditions/Heritage** - *the activity viewed as a tradition* (e.g., a family tradition, business tradition, community tradition, historical tradition).
- **Cultural values** - *the activity from a cultural perspective* (e.g., how the activity provides for Mātauranga Māori (Māori knowledge) and tikanga (Māori custom and practices)).

NAWAC may refer to these categories in its high-level planning when determining the scope of engagement in relation to any review concerning a 3E activity.

4. Interested parties

NAWAC has identified the following general categories of parties that will likely be interested in 3Es activities, (and acknowledges that some individuals may fit into multiple categories):

STAKEHOLDERS DIRECTLY AFFECTED

The following categories of stakeholders may be asked to join a code working group if one is formed:

- **Regulatory Partners** – government appointed compliance and enforcement officials (e.g. RIB, Animal Welfare Inspector, Biosecurity Officer, Authorised Organisations for certifying disability assist dogs under the Dog Control Act).
- **Owner/PIC** - a person or organisation that provides the delivery of the 3Es activity (e.g., an industry body, racing club, rodeo organiser, petting zoo owner).
- **Activity Official** – a person engaged by the Owner/PIC to manage aspects of the activity (e.g. Race Steward, Rodeo Animal Welfare Officer, event veterinarian, Zookeeper)

OTHER STAKEHOLDERS

The following categories of stakeholders may also be pro-actively engaged in the process, for instance during the identification of key issues, and during consultation processes:

- **Active participant** – a person directly involved with the animals used in the activity (e.g., jockey, rodeo competitor).
- **Passive participant** – a person who watches the activity but who does not participate with the animal use (e.g., arena spectator; broadcast audience).
- **National value (NZ Inc.)** – a person or organisation who has an interest in the wider New Zealand image, story, the NZ public, and/or the national economy.
- **Local community** – a person who has an interest in the image, story, residents and/or economy of the local community where the activity is held.

- **Interest group** – a person or organisation who has no direct connection to the activity but may be indirectly interested in the activity (e.g., animal rights' advocates; veterinarians; animal rescue organisations).
- **Other interested** party – a person or organisation who does not fall into any of the above categories but who participates or engages with the activity.

This guideline was approved by NAWAC on 6 August 2024. This guideline is not a legal interpretation of the Animal Welfare Act 1999. It is anticipated that this guideline will be updated from time to time in light of experience gained by NAWAC during its deliberations.