

House of Representatives

Supplementary Order Paper

Tuesday, 26 July 2022

Animal Welfare Amendment Bill

Proposed amendments

Hon Eugenie Sage, in Committee, to move the following amendments:

Clause 5

In *clause 5(2), new section 40(2A)*, replace “or sheep” (page 2, line 22) with “sheep, or longfin or shortfin eels”.

Clause 7

In *clause 7, new section 41*, replace *subsection (1)* (page 2, lines 32 to 34):

- (1A) A person must not apply for, and the Director-General must not issue, an animal welfare export certificate for the export of —
 - (a) cattle, deer, goats, or sheep by ship:
 - (b) longfin or shortfin eels by—
 - (i) air:
 - (ii) ship.

In *clause 7, new section 41(2)*, replace “or sheep” (page 3, line 2) with “sheep, or longfin or shortfin eels”.

Clause 10

In *clause 10*, replace *new section 48(1A)* (page 3, lines 11 to 13) with:

- (1A) However, the Director-General must not exempt the export of—
 - (a) cattle, deer, goats, or sheep by ship:
 - (b) longfin or shortfin eels by—
 - (i) air:

- (ii) ship—
if the animals would leave New Zealand on or after 30 April 2023.

Schedule

In the *Schedule*, new clause 5(1), replace paragraph (a) (page 4, line 8) with:

- (a) authorises the export of—
 - (i) cattle, deer, goats, or sheep by ship:
 - (ii) longfin or shortfin eels by—
 - (A) air:
 - (B) ship; and

In the *Schedule*, new clause 5(2), replace paragraph (a) (page 4, line 12) with:

- (a) authorises the export of—
 - (i) cattle, deer, goats, or sheep by ship:
 - (ii) longfin or shortfin eels by—
 - (A) air:
 - (B) ship; and

In the *Schedule*, new clause 6(1), replace paragraph (a) (page 4, line 19) with:

- (a) relates to the export of—
 - (i) cattle, deer, goats, or sheep by ship:
 - (ii) longfin or shortfin eels by—
 - (A) air:
 - (B) ship; and

In the *Schedule*, replace new clause 6(2) and (3) (page 4, lines 21 to 27) with:

- (2) If the Director-General does not decide whether to grant or refuse the application before 30 April 2023, the application must be treated as withdrawn to the extent that it relates to the export of—
 - (a) cattle, deer, goats, or sheep by ship:
 - (b) longfin or shortfin eels by—
 - (i) air:
 - (ii) ship.
- (3) If the Director-General grants the application but does not issue or refuse to issue the animal welfare export certificate before 30 April 2023, the Director-General must be treated as refusing to issue the certificate to the extent that it relates to the export of—
 - (a) cattle, deer, goats, or sheep by ship:
 - (b) longfin or shortfin eels by—
 - (i) air:

(ii) ship.

In the *Schedule*, new clause 7(1), replace paragraph (a) (page 4, line 30) with:

- (a) applies to the export of—
 - (i) cattle, deer, goats, or sheep by ship:
 - (ii) longfin or shortfin eels by—
 - (A) air:
 - (B) ship; and

In the *Schedule*, new clause 7(2), replace paragraph (a) (page 4, line 35) with:

- (a) applies to the export of—
 - (i) cattle, deer, goats, or sheep by ship:
 - (ii) longfin or shortfin eels by—
 - (A) air:
 - (B) ship; and

Explanatory note

This Supplementary Order Paper amends the Animal Welfare Amendment Bill.

The longfin eel/tuna kuwharuwharu (*Anguilla dieffenbachiai*) is unique to Aotearoa New Zealand. It is one of the largest freshwater eels in the world. A female can grow to more than 2 metres long and live for more than a century. The shortfin eel (*Anguilla australis*) is native to Aotearoa New Zealand and found elsewhere in the South Pacific.

Almost all commercially harvested longfin and shortfin eel are exported, as whole frozen and live eels. The species are not usually differentiated. All four of New Zealand's eel processing plants export live eels. Markets have included Belgium, Germany, Italy, the United Kingdom, Japan, and the Netherlands. Exports to Korea have also increased significantly in recent years—the Parliamentary Commissioner for the Environment noted that in 2010/11, three-quarters of all New Zealand eels caught commercially were exported to Korea. NIWA has estimated the annual revenue from exporting eels to be around \$6.1 million for around 830,000kg of eels.¹ This increased to \$9 million in 2011/12, which amounts to around 0.6 percent of total export revenue for all fisheries in 2011/12.²

A 2019 petition by Erin Hampson-Tindale signed by 1,867 people called for the House of Representative to ban the live export of “our treasured native eels”. New

¹ <https://niwa.co.nz/te-kūwaha/tuna-information-resource/pressures-on-new-zealand-populations/commercial-tuna-fisheries>

² Parliamentary Commissioner for the Environment *On a pathway to extinction? An investigation into the status and management of the longfin eel* (April 2013) at p. 27.

Zealand has no control over how eels are treated or killed at their final destination. The practice is cruel and the export of live eels contributes to the depletion of eel populations in Aotearoa. Banning the export of live eels by sea or by air can help reduce consumer demand and assist eel populations, especially threatened longfin eels, to rebuild.

The definition of “animal” in section 2 of the Animal Welfare Act includes fish, so amending the bill to ban the live export of eels is simple.

Eels/tuna are an important part of the freshwater ecosystem because they are endemic species, they are apex predators and scavengers, and they are culturally important to Māori, both as a taonga species and as a food source.

There is increasing concern about the status and future of longfin eel stocks. In a 2013 report, the Parliamentary Commissioner for the Environment concluded that without active intervention the longfin eel “will continue on its low path to extinction”.³ The Commissioner, Dr Jan Wright, said that the only thing that could make a difference quickly was to reduce the pressure from fishing. She recommended that commercial fishing of longfin eels should be suspended until evidence shows that longfin eels have recovered to a sustainable level. While the quotas for shortfin eel and longfin eel have since been separated and the total allowable catch for longfin has been reduced, commercial fishing continues.

Eels were once found in large numbers throughout our rivers and streams. Both eel species have been badly affected by habitat destruction and degradation through wetland drainage, and disruption of natural river flow including dams and weirs which impede the upstream migrations of juvenile eels (elvers) and downstream migration of adult eels.

Both species grow slowly. Male longfins are typically around 25 years old, and females older than 40 years when they migrate to sea. They undertake an extraordinary ocean journey and are thought to spawn in a sea trench off Tonga. It has been estimated that the numbers of longfin eels migrating each year to breed is about 20% of what it was in the 1930s, before the construction of big hydro dams and commercial fishing, and that longfin numbers have declined more than any other native fish species.⁴

³ Ibid., at p. 67.

⁴ Ibid., at p. 45.