

## Proposed Changes to the Animal Welfare Act

On 8 May 2013 the government introduced a Bill to change the Animal Welfare Act 1999 and improve the New Zealand animal welfare system. The changes are intended to enhance the operation of the Act, rather than alter the fundamental principles of it.

The Bill passed through its first reading on 27 August and at the same time, in response to widespread public protests, a supplementary order paper was introduced by Hon Trevor Mallard to amend the Bill and prohibit the use of animals in researching or testing any substance to which the Psychoactive Substances Act 2013 applies.

### Public Submissions

Public submissions are now being invited on the Animal Welfare Amendment Bill. **The closing date for submissions is Friday, 4 October 2013.** Following that, the Primary Production Select Committee will consider the submissions before reporting back to government by February 2014.

If you are an animal lover, animal owner, or conduct business involving animals (for instance veterinarians, animal research, live animal exports, farm operations) you ought to fully review this Bill to understand its implications for you. This article considers a few of the changes introduced by the Bill, however there are many more.

We are able to assist with reviewing the Bill to identify issues that you should submit on. Our specialist Resource Management team has extensive experience in preparing submissions to Select Committees and appearing at their hearings.

### Objectives

Key objectives of the Bill include to provide clear and enforceable standards of animal welfare, to increase the range of enforcement tools available to address low to medium level offending (for instance by introducing compliance orders and a new infringement regime), and to clarify obligations of animal owners and people in charge of animals.

### Enforcement

The Bill provides for compliance orders that will allow an animal welfare inspector to require a person to stop doing something that would contravene an animal welfare law, or to do something to bring the person into compliance with an animal welfare law. Failure to comply will be an offence.

The Bill also clarifies that it is an offence to willfully or recklessly ill-treat an animal in the wild. The amendment will enable deliberate or reckless acts of cruelty that are outside of generally accepted hunting or killing practices in New Zealand to be prosecuted more efficiently. It will not affect usual and accepted hunting, fishing, or pest management and native species management practices, or limit the development of improved practices.

### Transparency

The Bill makes the criteria that the National Animal Welfare Advisory Committee (NAWAC) consider when developing codes of welfare more transparent by explicitly including "practicality" and "economic impact" as second-tier considerations. This will allow economic and practical factors to be considered alongside, but not to outweigh, animal welfare issues.

The Bill increases the transparency of animal use statistics by requiring animal ethics committee approval for the humane killing of animals for the purpose of performing research, testing, and teaching on their body or tissue. Currently, this type of research does not require ethics approval and is not required to be reported in official statistics.

### Other changes

The Bill provides guidance for the court when considering whether to impose an order disqualifying a convicted offender from owning or being in charge of animals. The Bill also enables the court to order forfeiture of animals and disqualification from owning or being in charge of animals for people who have been found unfit to stand trial on animal welfare charges (currently the court cannot use the forfeiture or disqualification provisions because these people are not convicted).

Other changes in the Bill are: to clarify the process to be followed before an animal is destroyed to prevent unreasonable or unnecessary pain or distress, to create an express ability for the Ministry for Primary Industries to audit approved organisations, and to clarify the search powers of animal welfare inspectors.

### **Regulations**

Many of the policy objectives set out in the Bill will be implemented through detailed regulations that will be developed after the Bill is passed into law. For example, the regulations will set mandatory animal welfare standards relating to the care and conduct towards animals, such as requirements for layer hen housing or the use of sow stalls (this detail is currently contained in codes of welfare which are not directly enforceable under the Animal Welfare Act). The regulations will also create offences and an infringement regime.

There will be an opportunity for the public to submit on the content of those regulations. We recommend that people owning and working with animals should also carefully review these regulations when they are produced and consider submitting on them.

If you require any further information or advice about the Bill or submissions then please contact one of our Resource Management team.