

Animal Welfare (Treatment of Animals) Amendment Bill

Member's Bill

Explanatory note

General policy statement

There has been considerable disquiet, in recent times, about the Animal Welfare Act 1999 (the **principal Act**) allowing practices to continue in New Zealand, even when they breach key sections of the principal Act.

For example, the National Animal Welfare Advisory Committee (**NAWAC**) acknowledges in the Code of Welfare for Pigs (2005), that the use of dry sow stalls for extended periods does not fully meet the obligations of the principal Act. Nevertheless, NAWAC has allowed this practice to continue by using the “exceptional circumstances” exception in section 73 of the principal Act.

This contradiction undermines confidence in the principal Act, and in its ability to protect the welfare of animals.

This Bill clarifies that practices that breach key sections of the principal Act, but which are still permitted in a code of animal welfare under the “exceptional circumstances” exception, must be phased out within 5 years.

In line with international practice, the Bill also clarifies that the definition of **physical, health, and behavioural needs** includes animals having freedom of movement, that is not restricted in such a way as to cause them suffering or injury, and sufficient space to express nor-

mal patterns of behaviour such as being able to turn around easily and walk about.

The Bill also provides the Minister responsible for the administration of the principal Act with the power to amend or revoke an animal code of welfare, or any minimum standard contained in such a code of welfare, where the Minister considers this is necessary to prevent suffering or injury to any animal.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Animal Welfare Act 1999.

Clause 4 states the purpose of the Bill, which is to ensure that the key provisions of the principal Act are promoted and to allow any exceptions to these to apply only for a reasonable period of time.

Clause 5 amends section 4 by inserting an additional factor in the definition of **physical, health, and behavioural needs**.

Clause 6 amends section 73 by inserting *new subsections (3A) and (3B)* relating to matters to be considered in relation to codes of welfare made under the principal Act.

Clause 7 amends section 76 by adding *new subsection (3)* to provide the Minister with the power to amend or revoke a code of welfare, or any minimum standard contained in a code of welfare, in certain circumstances.

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Animal Welfare (Treatment of Animals) Amendment Act **2010**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Principal Act amended**
This Act amends the Animal Welfare Act 1999.

4 Purpose

The purpose of this Act is to ensure that the key provisions of the principal Act are promoted, and to allow any exceptions to these to apply only for a reasonable period of time.

5 Definition of physical, health, and behavioural needs 5

Section 4 is amended by inserting the following paragraph after paragraph (c):

“(ca) freedom of movement that must not be restricted in such a way as to cause suffering or injury, and includes having sufficient space to display normal patterns of behaviour such as being able to turn around easily and walking:” 10

6 Matters to be considered

Section 73 is amended by inserting the following subsections after subsection (3): 15

“(3A) The making of an assessment of exceptional circumstances under subsection (3) may include an assessment of the feasibility and practicality of effecting a transition from current practices to practices compliant with the obligations of the Act. This may include assessment of any adverse effects and the economic effects that may result from such a transition. Where a minimum standard in a code of welfare is based on such an assessment, the minimum standard is deemed to apply only for a reasonable period to enable a transition to full compliance with the requirements of the Act to be effected. In any case a reasonable period must not be longer than 5 years. 20 25

“(3B) Any existing minimum standard based on an assessment of exceptional circumstances as described in **subsection (3A)**, prior to the **Animal Welfare (Treatment of Animals) Amendment Act 2010** coming into force, is deemed to have been made on the date that Act comes into force, and to lapse after the expiry of 5 years from that date. No reassessment of any such assessment or renewal of any minimum standard based on such an assessment is permitted either during or following that 5-year period.” 30 35

7 Amendment or revocation of code of welfare

Section 76 is amended by adding the following subsection:

- “(3) Despite subsections (1) and (2), the Minister may at any time amend or revoke a code of welfare, or any minimum standard contained in a code of welfare, where the Minister considers this is necessary to prevent the suffering of or injury to any animal.”
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