

# House of Representatives

# Supplementary Order Paper

Tuesday, 18 March 2014

## Animal Welfare Amendment Bill

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### *Proposed amendments*

Mojo Mathers, in Committee, to move the following amendments:

#### *Clause 4*

After *subclause 4(5)* (after line 6 on page 6), insert:

- (6) In section 2(1), after the definition of **controlled surgical procedure**, insert:

“**cosmetic—**

- “(a) means any substance, mixture of substances, or article, used or represented for use for the purpose of cleansing, protecting, beautifying, improving the attractiveness of, altering the appearance of, perfuming, or deodorising the skin, hair, nails, or other external part of the human body, teeth, or the mucous membranes of the mouth; and

- “(b) includes any ingredient or component of a substance, mixture of substances, or article specified in **paragraph (a)**.”

#### *New clause 31A*

After *clause 31* (after line 20 on page 14), insert:

**31A New section 82A inserted (Prohibition on use of animals in research, testing, and teaching relating to a cosmetic product)**

After section 82, insert:

“**82A Prohibition on use of animals in research, testing, and teaching relating to cosmetic product**

- “(1) Notwithstanding any other provision in this Act, no person may carry out research, testing, or teaching involving the use of animals if the research, testing, or teaching relates, wholly or in part, to a cosmetic product as defined by section 2 of the Medicines Act 1981.

“(2) A person commits an offence who contravenes **subsection (1)**.”

*New clause 35A*

After *clause 35* (after line 31 on page 15), insert:

**35A Section 119 amended (Penalties)**

In section 119, after section 82(2) insert “**section 82A(1) or**”.

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### Explanatory note

This Supplementary Order Paper amends the Animal Welfare Amendment Bill (the **Bill**) to include a prohibition on the use of animals in research, testing, or teaching relating to cosmetics. The Animal Welfare Act 1999 (the **principal Act**) imposes certain restrictions and controls on all research, testing, and teaching involving animals, but there is no prohibition relating to cosmetics. In some jurisdictions, including the 28 member states of the European Union, Israel, and recently India, legislative bans have been introduced on animal testing of cosmetic products and ingredients. In Israel and the European Union the ban has now been extended further, to the marketing, sale, and importation of cosmetics that have been tested on animals. Legislative measures are under discussion in China, Brazil, South Korea, Canada and beyond. In New Zealand it is claimed that no cosmetic testing on animals is currently taking place. However, there is nothing to prevent this from happening in the future. It is time that New Zealand also prohibited this practice.

This Supplementary Order Paper does 3 things. First, it amends *clause 4* of the Bill to insert a *new definition of cosmetic* in section 2(1). There is a definition of cosmetic in the Medicines Act 1981 but it is not wide enough, and does not, for example, cover ingredients. Secondly, this Supplementary Order Paper adds a *new clause 31A* which inserts a *new section 82A* prohibiting any research, testing, or teaching relating to cosmetics, and makes non-compliance an offence. Thirdly this Supplementary Order Paper adds a *new clause 35A* amending section 119, which imposes penalties for offences under Part 6 of the Animal Welfare Act 1999, to include a reference to the *new section 82A*.

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