Animal Welfare (Treatment of Animals) Amendment Bill

18 August 2010

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
ANIMAL WELFARE (TREATMENT OF ANIMALS) AMENDMENT BILL

1. We have considered whether the Animal Welfare (Treatment of Animals) Amendment Bill ('the Bill'), a Member’s Bill in the name of Sue Kedgley MP, is consistent with the New Zealand Bill of Rights Act 1990. The Bill was introduced into the House of Representatives on 5 August 2010 and is currently awaiting its first reading. We understand that the next Members’ day is scheduled for Wednesday, 25 August 2010.

2. The Bill amends the Animal Welfare Act 1999 ('the Act') by clarifying that:

- practices that breach certain sections of the Act, but which are still permitted in a code of animal welfare under “exceptional circumstances”, must be phased out within 5 years
- the definition of physical, health, and behavioural needs includes animals having freedom of movement (not restricted in such a way as to cause them suffering or injury and sufficient space to express normal patterns of behaviour such as being able to turn around easily), and
- the Minister responsible for the administration of the Act has the power to amend or revoke an animal code of welfare, or any minimum standard contained in such a code, where the Minister considers this is necessary to prevent suffering or injury to any animal.

We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

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