

Animal Welfare (Restriction on Docking of Dogs Tails) Bill

17 August 2004

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
Animal Welfare (Restriction on Docking of Dogs Tails) Bill

1. We have considered whether the Animal Welfare (Restriction on Docking of Dogs' Tails) Bill (the "Bill") is consistent with the New Zealand Bill of Rights Act 1990 ("Bill of Rights Act"). The Bill is a Member's Bill in the name of Diane Yates MP. The Bill was introduced on 5 August 2004, and is currently awaiting its first reading. The next Members' day is scheduled for Wednesday, 25 August 2004.
 2. We have concluded that the Bill appears to achieve overall consistency with the Bill of Rights Act.
 3. The Bill seeks to amend the Animal Welfare Act 1999 to ensure that the docking of dogs' tails cannot be performed for cosmetic or prophylactic reasons. The Bill, however, will not prohibit the tail docking of dogs altogether. It will simply restrict the procedure to veterinarians, or veterinary science students under the supervision of a veterinarian, where the docking of the tail is necessary for the welfare of the animal because the tail has been damaged by injury or disease.
 4. The amendment will also impact on the docking of horses' tails by clarifying that such a procedure can only be performed if it is necessary for the welfare of the horse because the tail has been damaged by injury or disease.
2. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. Copies are also attached for referral to the Minister of Agriculture and Forestry and Dianne Yates MP, if you agree.

Roger Palairet
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Office of Legal Counsel

Stuart Beresford
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Bill of Rights/ Human Rights Team

cc Minister of Justice
Minister of Agriculture and Forestry
Dianne Yates MP

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Tails) Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.