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- (iii) To provide a process for approving the use of animals in research, testing, and teaching;
- (iv) To establish a National Animal Welfare Advisory Committee and a National Animal Ethics Advisory Committee;
- (v) To provide for the development and issue of codes of welfare and the approval of codes of ethical conduct;

(b) To repeal the Animals Protection Act 1960 [14 October 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Animal Welfare Act 1999.

(2) This Act comes into force on 1 January 2000.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Accredited reviewer” means a person accredited under section 109 to carry out independent reviews under section 105;

“Aircraft” has the meaning given to it by section 2 of the Civil Aviation Act 1990;

“Animal”—

(a) Means any live member of the animal kingdom that is—

- (i) A mammal; or
- (ii) A bird; or
- (iii) A reptile; or
- (iv) An amphibian; or
- (v) A fish (bony or cartilaginous); or
- (vi) Any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
- (vii) Any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of this Act; and

(b) Includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development; and

(c) Includes any marsupial pouch young; but

(d) Does not include—

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192. Codes of ethical conduct
195. Animal Ethics Committees

Amendments and Repeals
194. Related amendments to other enactments
195. Amendment to Ombudsmen Act 1975
196. Amendments to Local Government Official Information and Meetings Act 1987
197. Amendment to Customs Export Prohibition Order 1996
198. Repeals

Savings Provisions
199. Certain regulations to continue in force
200. Certain bylaws to continue in force
201. Saving
202. Expiry of section 201

SCHEDULES
Schedule 1
Provisions Applying in Respect of National Animal Welfare Advisory Committee and National Animal Ethics Advisory Committee

Schedule 2
Provisions Applying in Respect of Accreditation and Accredited Reviewers

Schedule 3
Agencies Authorised to Use Animals in Protecting Human Health or Safety or Enforcing the Law

Schedule 4
Codes Continued in Force as Codes of Welfare Issued under this Act

Schedule 5
Enactments Amended

Schedule 6
Enactments Repealed

Schedule 7
Regulations Continued in Force as Code of Welfare

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An Act—

(a) To reform the law relating to the welfare of animals and the prevention of their ill-treatment; and, in particular,—

(i) To require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals;

(ii) To specify conduct that is or is not permissible in relation to any animal or class of animals;

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Obligations of Owners and of Persons in Charge of Animals

10. Obligation in relation to physical, health, and behavioural needs of animals—The owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both—

- (a) Good practice; and
- (b) Scientific knowledge.

11. Obligation to alleviate pain or distress of ill or injured animals—(1) The owner of an animal that is ill or injured, and every person in charge of such an animal, must, where practicable, ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.

(2) This section does not—

- (a) Limit section 10; or
- (b) Require a person to keep an animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress.

Offences

12. Animal welfare offences—A person commits an offence who, being the owner of, or a person in charge of, an animal,—

- (a) Fails to comply, in relation to the animal, with section 10; or
- (b) Fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11; or
- (c) Kills the animal in such a manner that the animal suffers unreasonable or unnecessary pain or distress.

Cf. 1960, No. 30, s. 3 (b); 1983, No. 141, s. 3 (1)

13. Strict liability—(1) In a prosecution for an offence against section 12, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.

(2) Subject to subsection (3), it is a defence in any prosecution for an offence against section 12 if the defendant proves—

- (a) That, in relation to the animal to which the prosecution relates, the defendant took,—
 - (i) In the case of an offence against section 12 (a), all reasonable steps to comply with section 10; or
 - (ii) In the case of an offence against section 12 (b), all reasonable steps to comply with section 11; or

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National Animal Ethics Advisory Committee, declare any procedure, by notice in the *Gazette*, not to be a manipulation for the purposes of this Act.

(4) The Minister must, in deciding whether to publish a notice under subsection (3) in relation to a procedure, have regard to the following matters:

- (a) The nature of the procedure; and
- (b) The effect that the performance of the procedure will or may have on an animal's welfare; and
- (c) The purpose of the procedure; and
- (d) The extent (if any) to which the procedure is established in New Zealand in relation to the production of animals or commercial products; and
- (e) The likelihood of managing the procedure adequately by the use of codes of welfare or other instruments under this Act or any other Act; and
- (f) The consultation conducted under subsection (3); and
- (g) Any other matter considered relevant by the Minister.

Cf. 1960, No. 30, s. 2; 1983, No. 141, s. 2

4. Definition of "physical, health, and behavioural needs"—In this Act, unless the context otherwise requires, the term "physical, health, and behavioural needs", in relation to an animal, includes—

- (a) Proper and sufficient food and water;
 - (b) Adequate shelter;
 - (c) Opportunity to display normal patterns of behaviour;
 - (d) Physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress;
 - (e) Protection from, and rapid diagnosis of, any significant injury or disease.—
- being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.

Cf. 1960, No. 30, s. 3 (b)

5. Definition of "research, testing, and teaching"—(1) In this Act, unless the context otherwise requires, the term "research, testing, and teaching" means, subject to subsections (2) to (4),—

- (a) Any work (being investigative work or experimental work or diagnostic work or toxicity testing work or potency testing work) that involves the manipulation of any animal, or
- (b) Any work that—