

Parliamentary Debate

ANIMAL WELFARE BILL, ANIMAL WELFARE BILL (No. 2) : Consideration of Reports of Primary Production Committee

Wednesday, June 16, 1999

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PETE HODGSON (NZ Labour---Dunedin North): Here is the chequered history of these two bits of legislation. I will spell it out quickly for the House in order that we can understand how we got to this position.

The story began almost a decade ago when my colleague the Hon. Jim Sutton was Minister of Agriculture, and had in his ministry's work plan animal welfare development work. The policy was developed in the early 1990s, even after the change of Government. So by 1992 the Government of this land---it was at that time a National Government---had completed work begun by a Labour Government, and had taken a series of decisions in respect of new animal welfare legislation. That legislation was needed because it was, even then, 30 or more years old, and because it was outdated by anybody's standards.

When the Government had taken a series of decisions on animal welfare policy, all of a sudden nothing happened. For a number of years those of us in the House, including myself, who had anxieties about the progress or lack thereof of animal welfare legislation continued to ask questions about it. By 1997, after waiting all those years, I had had enough and introduced legislation in my own name, the Animal Welfare Bill.

The reason that that legislation came about was that a committee called the Animal Welfare and Behaviour Consultation Group had written to every member of Parliament under the pen of the chairperson, Dr Catherine Smith. That group said to every member of Parliament in this House: "Please can we have some progress on animal welfare legislation." I rang Dr Catherine Smith and said: "You get someone to write it, and I'll promote it."

Well, that was a big ask, but along came a person by the name of Neil Wells, a solicitor from Auckland, who has made something of a livelihood out of animal welfare matters. Indeed, his original thesis when he did his masterate in law was on animal welfare. He is a man who knows animal welfare legislation in this country and in other countries extremely well. He undertook to assist substantially in the writing of legislation, which was then introduced in my name in September 1997.

That legislation in my name is one of the Bills that we are discussing today. It did no more or less than put into statutory form the decisions taken by a National Cabinet back in 1992 following a couple of years of consultation. About 10 months later the Government introduced its own legislation, the Animal Welfare Bill (No. 2), and in that interim the Primary Production Committee basically hung on to mine and did little with it. There was some delay in getting the Government's legislation in. The reason for there being Government legislation at all was substantially that the Government wanted a wider scope than was provided for in my legislation, particularly in the areas of laboratory experimentation and of ensuring that animal welfare matters in respect of those issues would be properly handled in legislation, not by a series of codes.

The legislation is generally non-contentious. It is generally good legislation, whether it be the legislation in my name or the Animal Welfare Bill (No. 2). The latter Bill is more extensive. It is the legislation that the select committee has worked off. At the end of this debate the Bill in my name will be discharged, and the Government Bill will, one hopes, proceed and pass into law in due course and in the Government's own time. In fact it will be in the Government's own time, because leave has been granted for it to pass through only this stage in members' time.

There are, however, a number of points of contention, and in the brief time I have available to me I want to dwell on those. After the Hodgson Bill was introduced, an international group of scientists, philosophers, and lawyers, known as the Great Ape Project, advised me that it sought the right to life, the right to freedom from torture and vivisection, and so on, for the four species of great ape. Those people were concerned about issues of informed consent, voluntary euthanasia, and so on, and they had made progress in their thinking about how that might be managed in legislation.

This is a fascinating, mostly philosophical issue. It is one that seeks to redefine our relationship with other species. The committee explored those matters with considerable interest and in some depth. There was a range of viewpoints presented to the committee. There were some academics who felt that this legislation was unnecessary, that the issue of torture, for example, was already dealt with in animal welfare legislation, and that rights and welfare did not sit easily together. In the event, the committee has recommended in respect of the Government legislation---that being the only legislation that we amended---that the very few hominids that exist in New Zealand have the freedom not to be experimented upon in any way, which means there cannot be any form of vivisection.

This is not a minor issue. It means, for example, that if AIDS vaccine experimentation is carried on in New Zealand, we will need to front up with volunteers from our own species. It will not be lawful to front up with conscripts from the four main ape species. That is a significant change. It is a world first on the New Zealand statute book. It is somewhat less than what the Great Ape Project sought, but none the less it is something that advances that issue further than has been the case in any other statute as far as I am aware.

One of the key differences between the Hodgson Bill and the Animal Welfare Bill (No. 2) is that the Hodgson Bill allows for three types of codes to be developed underneath it, and the Animal Welfare Bill (No. 2) allows for only two codes. The two codes that are common to both Bills are animal welfare codes and codes of ethical conduct. They deal with, in the case of codes of animal welfare, issues such as the transport and farming of animals, raising pigs, transporting deer, and managing circus animals. The animal ethics codes are to do with how we manage animals that are being used for experimentation. The codes developed under both forms of legislation fall into one of those two categories.

But the Hodgson Bill had a third category; it is called codes of conduct and it requires a little bit of explanation. It is to do with hunting and fishing. A code of conduct is a contradictory or paradoxical concept in a sense---that perhaps being its downfall---because it says that the relationship between man and a wild animal being hunted and shot has to be different from the relationship between humans and animals in captivity. To give an example, the sorts of things that we do to a wild boar when we are killing it in the wild would be unacceptable in respect of domesticated animals. So codes of conduct allow for a different level---a second standard, shall we say---yet at the same time their function is to allow a constraint to be put on those behaviours, should that be the will of the public following a public consultation process.

In the event, the Government has decided not to proceed with codes of conduct. They will not form part of the legislation that proceeds beyond this point. I will not be putting amendments to attempt to reinsert codes of conduct, but I want to put on the record of the House my view that

within 10 years someone will note that there are issues concerning hunting and fishing that ought to have been addressed by codes of conduct but have not been addressed by them. It will be seen to have been, I think, a mistake not to allow codes of conduct through into legislation---probably the biggest gap in this legislation.

I want, in the very short time I have available, to touch briefly on the docking of dogs' tails. The Hodgson Bill allows the docking of dogs' tails to be phased out. The Animal Welfare Bill (No. 2) is silent on the issue. The question is whether the dogs of New Zealand will get around in the future with or without their tails. The Animal Welfare Bill (No. 2), which will proceed beyond this point, says that dogs will get along without their tails, that there is nothing illegal in tail-docking, that there is no animal welfare issue to be considered in tail-docking. I will propose in the Committee stage that Parliament consider reintroducing a phase-out of tail-docking. It will be, I hope, as far as possible, something of a free vote. This matter excites a great deal of attention---far more attention than it deserves---but, none the less, I am not prepared to stand by and let tail-docking continue take place, for indeed it is a cosmetic issue alone.

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