

However, ambiguities in the current legislation, along with the evolution of new approaches as a result of experience, mean that current practice does not fully align with the provisions in the legislation.

The provisions in the Bill relating to the use of animals in research, testing, and teaching are more comprehensive and detailed than the current law. This is to provide the necessary legal standing to current practice along with greater transparency and accountability. Increasingly, the use of animals in research, testing, and teaching is being subjected to public scrutiny. The provisions are now more comprehensive and, with a small number of exceptions, they simply provide legal standing to current practice.

The provisions covering research, testing, and teaching are contained in a stand alone part of the Bill (*Part 6*). Provided animals are used in accordance with *Part 6, Parts 1 and 2* covering such matters as the duty of care, surgical procedures, and ill-treatment do not apply. This means, for example, that scientists or others who are not veterinarians may carry out surgical procedures, and obligations relating to the care of the animals or alleviation of pain and distress may not need to be met in cases where this would compromise the objectives of the research.

Any use of animals occurs, however, within a framework of controls that will minimise the impact on the animals involved. The Bill carries over the current requirement that all institutions wanting to use animals in research, testing, and teaching must have an approved code of ethical conduct. Codes set out the procedures and policies that an organisation and its Animal Ethics Committee (AEC) will follow. Each AEC includes a minimum of 3 people from outside the organisation who can act as watchdogs to ensure compliance with the legislation. Provision is made for a person to operate under another person or organisation's code and AEC.

All project proposals must be considered and approved by an AEC before commencement. The Bill requires AECs to consider whether the benefits have been maximised (e.g. by good experimental design, use of the minimum number of animals) and any harm minimised (e.g. by use of anaesthetics) and whether the anticipated benefits outweigh any harm to the animals.

Part 6 contains some new provisions. It provides for an independent review of each code holder and its AEC prior to renewal to assess compliance with the legislation and with the code of ethical conduct. Another provision enables the Minister to approve a project without the need for AEC approval when manipulation of animals is considered necessary in the national interest. A further provision provides for the Minister to declare any procedure not to be a manipulation for the purpose of the Act (and thus not within the ambit of the research, testing, teaching provisions). This is to enable procedures that started out on a small scale, and which were regarded as unusual, to be covered by the general provisions of the Act if they subsequently become well established and regarded as normal management practice.

24.10 Approved organisations

The current Act authorises the Minister to appoint Inspectors who may be either Ministry of Agriculture and Forestry or non-Ministry employees enforce the legislation. A new provision in the Bill authorises the Minister to declare

organisations to be approved organisations for the purposes of the Bill. Such organisations will then be able to recommend non-Ministry employees for appointment as Inspectors (e.g., the Royal New Zealand Society for the Prevention of Cruelty to Animals).

Inspectors have considerable coercive powers, and it is important that such powers are exercised in an impartial and informed way. In deciding whether to recognise an organisation, the Bill provides that the Minister must be satisfied that an organisation meets specific criteria including adequate provision for training of Inspectors, robust accountability, financial and management arrangements and absence of conflicts of interest.

The Bill deems the Royal New Zealand Society for the Prevention of Cruelty to Animals to be an approved organisation at the time the Bill comes into force.

A new provision in the Bill provides for the appointment of auxiliary officers who will have more limited powers than Inspectors. This is to cover people who work in animal shelters and require powers to destroy or rehome animals but do not undertake the wider duties of Inspectors.

24.11 Authorisation for approved organisations to destroy or rehome animals

Historically, the RNZSPCA has cared for a large number of injured or abandoned animals and either destroyed or rehomed them. However, in some situations, the RNZSPCA does not have the statutory power to take such actions.

The Bill now makes it clear that an approved organisation is able to sell, rehome, or destroy an animal after it has been in its custody for at least 7 days, provided reasonable steps have been taken to identify the owner.

24.12 Application of the Bill to animals in a wild state

The Bill does not apply to hunting, fishing, and pest control. This carries over the specific exemption in the current law but with 3 qualifications. Where animals are captured alive, for reasons other than their imminent destruction, the general obligations relating to the care of the animals and prevention of their ill-treatment apply. Where animals are caught alive (other than those caught by fishing,) for the purpose of their imminent destruction, they must be killed humanely. The Bill also provides for traps or devices used in the course of hunting or fishing to be restricted or prohibited by Order in Council (except for the purpose of reducing the risks of fishing to non-target species). The Bill contains a list of matters that the Minister must have regard to before recommending any such order and requires prior consultation.

24.13 Enforcement mechanisms

A new mechanism is introduced which enables Inspectors to apply to the District Court for enforcement orders where a person is in breach of the Act, or a code of ethical conduct or the conditions imposed by an Animal Ethics Committee on the carrying out of research, testing or teaching. Such orders will require compliance and