

Animal welfare submission for the Advanced draft Cabinet paper (pre-departmental consultation)
– Emergency Management System reforms

MPI has previously made submissions on the proposed Emergency Management Bill on animal welfare in emergencies, specifically around classifying animals as property and animal rescue. We also submitted that the powers in sections 87 and 92 of the Civil Defence Emergency Management Act 2002 (CDEM Act) should apply in situations when a state of emergency is not declared, since potentially there can be some impact of an adverse event, in an undeclared emergency ie. that animals could be 'seized' to save their lives, prevent injury, for the relief of suffering or distress etc. We note that in NEMA's '**Modernising the emergency management framework**' document (February) it was noted that there is 'no clear legislative direction for animal rescues operations in emergencies'. The following proposals were noted (following our earlier submissions):

- Animals are covered (in addition to people and property)
- Clarify that animals can be 'seized' for their safety/rescue
- Clarify that entry on premises is allowed to rescue animals, as it is to rescue humans

s9(2)(h)

NEMA has subsequently advised in its June Trifecta update that NEMA will not be progressing the original animal welfare proposals as in NEMA's view 'the existing legal mechanisms are adequate and introducing new powers would require further consideration of the NZ Bill of Rights Act implications.'

We would seek clarification on what the existing legal mechanisms are to address the issues that have been raised by MPI and recognised by NEMA in the '**Modernising the emergency management framework**' document.

We have previously submitted that we believe the additional powers we are seeking fit best into the scheme of the CDEM Act, since they are specific to an emergency situation, rather than the Animal Welfare Act 1999.

We would reiterate that by recognising animals expressly in the CDEM Act, they could be included in the Controller's objectives, in a response and thus afforded a high priority in preserving their lives in an emergency response.

s9(2)(h)

In 2015, animals were legally recognised as sentient beings in an amendment to the Animal Welfare Act 1999. Sentience is not defined in the Animal Welfare Act but takes its ordinary meaning. It is accepted that animals have feelings, both positive and negative. To leave sentient animals behind on a premises in circumstances that may lead to suffering, injury or death, would be deemed unacceptable by the New Zealand public and animal advocacy groups. It could also be seen to be

contrary to the policy and philosophy which supported the addition of sentience into the Animal Welfare Act.

We strongly believe not to address potential threats to animal welfare from an emergency, in respect to the advice that we have given, will be raised during the select committee process by Opposition parties, the New Zealand public and animal advocacy groups. We have already seen challenges to legislation and regulations and to the High Court by animal advocacy groups, about the legitimacy of secondary legislation. There needs to be clear reasons why the animal welfare issues we have raised have been rejected.

We would request an opportunity to discuss further with NEMA.

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