



ANIMAL WELFARE AMENDMENT ACT 2015

Update and early information for animal ethics committees (AECs)

May 2015

The Animal Welfare Amendment Act 2015 was passed by Parliament on 5 May 2015, and came into force by Royal assent on 10 May 2015.

The Animal Welfare Amendment Act makes changes to the Animal Welfare Act 1999 to improve the enforceability, clarity and transparency of New Zealand's animal welfare system.

Several changes have been made to Part 6 of the Animal Welfare Act that impact AECs. These are:

Changes now in effect

The use of animals to test cosmetic products or ingredients to be used exclusively in cosmetics

There is now an immediate ban on the use of animals to test finished cosmetic products or ingredients for use exclusively in cosmetics. The ban only includes ingredients where those ingredients are being tested for the exclusive purpose of developing a cosmetic. Ingredients that are to be tested for multiple purposes, for instance, medical and therapeutic purposes, as well as cosmetics, are not specifically banned and would be subject to the normal AEC processes under Part 6 of the Act.

The Animal Welfare Amendment Act includes the following definition of "cosmetic":

"cosmetic—

"(a) means any finished product that is used or represented for use for the primary purpose of cleansing, improving the attractiveness of, changing the appearance of, perfuming, moisturising, or deodorising the skin, hair, nails, or other external parts of the human body, human teeth, or the mucous membranes of the human mouth, whether or not the product is or contains any substance, mixture of substances, or thing; and

"(b) includes any substance, mixture of substances, or thing declared to be a cosmetic by regulations made for that purpose under section 183; but

"(c) does not include—

"(i) a medicine, as defined in section 3 of the Medicines Act 1981; or

"(ii) a medical device, as defined in section 3A of that Act; or

"(iii) a related product, as defined in section 94 of that Act; or

"(iv) an agricultural compound or a veterinary medicine, as those terms are defined in section 2(1) of the Agricultural Compounds and Veterinary Medicines Act 1997; or

“(v) a food, as defined in section 9 of the Food Act 2014 or a drink within the meaning of that section;

or

“(vi) toothpaste; or

“(vii) any substance, mixture of substances, or thing declared not to be a cosmetic by regulations made for that purpose under section 183”.

Prohibition

The specific wording of the prohibition within the Act is that:

“(1) A person must not use an animal in any research, testing, or teaching that is for the purpose of—

“(a) developing, making, or testing a cosmetic; or

“(b) developing, making, or testing an ingredient that is intended exclusively for use in a “cosmetic”.

The Animal Welfare Amendment Act also states that the prohibition does not apply to research, testing, or teaching in relation to an ingredient that is carried out for a purpose unrelated to the intended use of the ingredient in a cosmetic.

Changes that will take effect on 10 November 2015

Criteria to be taken into consideration by AECs

AECs will be expressly required to consider whether a proposal for a project has both adequately assessed the suitability of using non-sentient or non-living alternatives and replacement with such alternatives. Although this is something AECs have done implicitly through application of the Three Rs (i.e. replacement, reduction and refinement), the Animal Welfare Amendment Act will make this an explicit obligation.

There is a six month lead-in period before this requirement takes effect to allow sufficient time for AECs to update their processes in terms of the information that research, testing or teaching proposals must include to satisfy this new requirement.

Changes taking effect on 1 January 2018

Requirement for AECs to approve projects for new manipulations

The meaning of “manipulation” will change to include:

Animals killed for the purposes of undertaking research on their body parts or tissue; and the act of breeding an animal that may result in the birth of an animal more susceptible to, or in greater risk of, pain or distress during its life (for the purpose of using the offspring for research).

After these new manipulations come into effect (on 1 January 2018) any person intending to carry out these new manipulations must apply to their AEC for project approval accordingly.

Existing approvals of research, testing, and teaching projects that involve the new manipulations continue in force according to their terms and do not require re-approval. Similarly, any projects being lawfully carried out without the approval of an AEC before the commencement of amendments do not then require approval.

If the AEC notes that the code holder has not amended their code of ethical conduct to align with the new definition of “manipulation”, the AEC may recommend that they do so under section 99(1) (h) if this is appropriate.

There are also minor changes to s.100 to ensure that this section remains consistent with the new manipulations.

Changes to research, testing and teaching Regulations that will be developed over the next two years

The Animal Welfare (Records and Statistics) Regulations 1999 will need to be amended to reflect the new requirements for some animals in animal use statistics. This will include consideration of requiring statistics on the numbers of animals killed that were bred but not used for research.

The Ministry for Primary Industries will be working with the National Animal Ethics Advisory Committee on the changes required to these regulations and AECs will be consulted on any proposals developed. Timelines for this work have not been agreed yet, but consultation is likely to take part in the first half of 2016.