

AJP Policy Document

Legislative Foundations

To create a comprehensive and effective Animal Protection Policy, a new legislative framework must be established. This framework should address animal welfare, conservation, ethical treatment, and the enforcement of laws to ensure that animals are protected from cruelty and exploitation. Below is a proposed structure for legislative foundations that could guide the formulation of such a policy:

1. Define animal sentience in legislation
2. Strengthen legal protections recognising animals as sentient beings
3. Propose a new legislative framework with positive welfare obligations
4. Constitutional rights for nature: advocate for legal personhood for ecosystems and species
5. Abolish the legal classification of animals as property and grant animals legal rights

This will be achieved through dialogue, research, analysis and solutions-based reform proposals to inform legislative and policy change and to enable greater political accountability and more inclusive and just governance.

Law and policy reforms will be secured to create an animal welfare governance system that is transparent, in line with contemporary science and public expectations, and focuses on the wellbeing and protection of animals. These reforms in New Zealand will have the potential to set a precedent for the creation of large-scale change globally.

Sentience

The acknowledgement of animals as sentient in an amendment to the Animal Welfare Act 1999 (the “Act”) in 2015 was the first of its kind in a common law jurisdiction. However, its location in the long title is telling – it simply states what the Act is about and is not defined or incorporated into the offence sections. The New Zealand Government

has openly stated it is a “symbolic” change only and creates no legal or enforceable responsibility.¹

Property

Domestic and wild animals are extremely vulnerable members of New Zealand society, and therefore require stringent legal protection. They are entitled to the same level of protection and rights under the law as humans and it is the antithesis of social justice that their vulnerability is not adequately legally protected.

Currently classed as the property of humans, animals have no legal rights, and therefore require AJP’s advocacy, to ensure that they receive the full protection of the law.

Interim measures, while we work towards legislative change, include:

- Communication with politicians to secure reform commitments, writing submissions and reports to Select Committees, the National Animal Welfare Advisory Committee (NAWAC) and the National Animal Ethics Advisory Committee (NAEAC) on Acts, Regulations, Codes of Animal Welfare and other laws and policies affecting animals
- Reviewing current animal welfare laws and providing proposals to ensure modern animal welfare policies and legislation, using available “best practice” models, and internationally appropriate precedents as guidance
- Drafting national strategies, regulations and/or codes of practice as necessary
- Developing deterrent penalties and more effective enforcement systems
- Developing educational materials for politicians and the public

¹ Ferrere, M.B. R. (2022). *The (Symbolic) Legislative Recognition of Animal Sentience*, 28 Animal L. Rev. 117 Available at: <https://lawcommons.lclark.edu/alr/vol28/iss1/6>