

Animal welfare

12. We are very pleased that it is intended that the proposed Emergency Management Bill will address the issue of seizing animals that are under threat because of an emergency event. We think that the changes should be made in the Bill as it is more appropriate here as the policy rationale is the emergency nature of the activity.

Power to rescue animals

13. The Emergency Management Bill seems the best fit – the rationale for expanding search and seizure powers is the emergency nature of the event, rather than it being a more normal animal welfare matter.
14. Amending the Animal Welfare Act for this purpose could have legal implications – the entry to property, search, and seizure provisions of the Animal Welfare Act have been the subject of extensive commentary by the Courts and careful consideration would be required to develop a bespoke regime that did not interfere with judicial interpretation of the other provisions in a way that would create legal risk for MPI's compliance operations and

prosecutions. That careful consideration is not possible in the time available here. This proposal would also have resourcing implications for MPI because it requires Policy resourcing, prioritisation, etc.

Animal welfare – position of animals as property under CDEM Act

15. The paper does not deal with the issue MPI raised about the position of animals under the CDEM Act generally. The implications of this are not new – it is an existing problem. The implication is that we miss a chance to fix that existing problem and make the legislation “work” better for MPI, for animals, animal owners, and for animal rescue or welfare organisations.
16. Our legal team are keen to discuss further with DPMC – please liaise with 9(2)(a) MPI Legal.

Out of scope

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