

House of Representatives

Supplementary Order Paper

Thursday, 26 June 2014

Animal Welfare Amendment Bill

Proposed amendments

Mojo Mathers, in Committee, to move the following amendments:

Clause 4

After *clause 4(5)* (page 6, after line 34), insert:

- (6) In section 2(1), insert in their appropriate alphabetical order:
- “**cosmetic**—
 - “(a) means any substance, mixture of substances, or article, used or represented for use for the purpose of cleansing, protecting, beautifying, improving the attractiveness of, changing the appearance of, perfuming, or deodorising the skin, hair, nails, or other external parts of the human body, teeth, or the mucous membranes of the mouth; and
 - “(b) includes—
 - “(i) any ingredient or component for use in a cosmetic; and
 - “(ii) any substance, mixture of substances, or article 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; and
 - “(ii) any substance, mixture of substances, or article declared not to be a cosmetic by regulations made for that purpose under section 183
- “**substance** has the same meaning as in section 2(1) of the Medicines Act 1981”.

New clause 31B

After *clause 31A* (page 18, after line 32), insert:

31B New section 82A inserted (Prohibition on use of animals in research, testing, and teaching for making cosmetic)

After section 82, insert:

“82A Prohibition on use of animals in research, testing, and teaching for making cosmetic

“(1) Animals must not be used in any research, testing, or teaching that is for the purpose of developing, making, or testing a cosmetic.

“(2) A person commits an offence who contravenes **subsection (1)**.”

New clause 35A

After *clause 35* (page 20, after line 15), insert:

35A Section 119 amended (Penalties)

In section 119, after “section 82(2) or” insert “**section 82A(1) or**”.

Clause 55

After *clause 55(1)* (page 36, after line 9), insert:

(1A) After section 183(1)(d), insert:

“(da) declaring a substance, mixture of substances, or article to be, or not to be, a cosmetic:”.

Explanatory note

This Supplementary Order Paper supersedes Supplementary Order Papers Nos 356 and 423. It amends the Animal Welfare Amendment Bill (the **Bill**) to include a prohibition on the use of animals in research, testing, or teaching relating to cosmetics. The Animal Welfare Act 1999 (the **principal Act**) imposes certain restrictions and controls on all research, testing, and teaching involving animals, but there is no prohibition relating to cosmetics. In some jurisdictions, including the 28 member states of the European Union, Israel, India, and recently the Brazilian state of Sao Paulo, legislative bans have been introduced on animal testing of cosmetic products and ingredients. In Israel and the European Union the ban has now been extended further, to the marketing, sale, and importation of cosmetics that have been tested on animals. Legislative measures are under discussion in Australia, the US, China, Brazil, South Korea, Canada, and beyond. In New Zealand it is claimed that no cosmetic testing on animals is currently taking place. However, there is nothing to prevent this from happening in the future. It is time that New Zealand also prohibited this practice.

This Supplementary Order Paper does 3 things. First, it amends *clause 4* of the Bill to insert a *new definition of cosmetic* in section 2(1). There is a def-

inition of cosmetic in the Medicines Act 1981 but it is not wide enough, and does not, for example, cover ingredients. The definition of cosmetic also allows for substances to be declared to be or not to be cosmetics for the purposes of the principal Act. A related amendment is also made to the regulation making power section 183 to empower such regulations. Secondly, this Supplementary Order Paper adds a *new clause 31B*, which inserts a *new section 82A* prohibiting any research, testing, or teaching relating to cosmetics, and makes non-compliance an offence. Thirdly this Supplementary Order Paper adds a *new clause 35A* amending section 119, which imposes penalties for offences under Part 6 of the Animal Welfare Act 1999, to include a reference to the *new section 82A*.
