

Animal Welfare (Regulations for Management of Pigs) Amendment Bill

Submission of the New Zealand Law Society Te Kāhui
Ture o Aotearoa

21 October 2025

1 Introduction

1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to comment on the Animal Welfare (Regulations for Management of Pigs) Amendment Bill (**Bill**), which seeks to extend by 10 years the period for transitioning to farrowing crate and mating stall systems which comply with the requirements in the Animal Welfare Act 1999 (**Act**).

1.2 This brief submission, prepared with input from the Law Society's Public Law Committee,¹ makes two recommendations on matters within the Law Society's remit to improve the clarity and the structure of the bill.

1.3 The Law Society does not wish to be heard in relation to this submission.

2 Validation of regulations (new section 203)

2.1 New section 203 in clause 8 of the Bill provides that regulations 25, 26 and 27 are, and always have been, validly made under relevant provisions of the Act.

2.2 It is not desirable for legislation to declare that a regulation is, and always has been, validly made. This is a question of fact which depends on whether applicable legislative requirements were met at the time.

2.3 The High Court has already determined regulations 26 and 27 to be unlawful and invalid, and Cabinet has agreed to new regulations (presumably having accepted the High Court's findings).² Against that background, it is not accurate to state that regulations 26 and 27 have always been validly made.

2.4 In our view, the intent of the Bill would more appropriately be achieved if new sections 203(2) and (3) were amended to provide that regulations 25, 26 and 27 are "deemed to be validly made" under sections 183A(1) and 183A(2) respectively.

3 Extension and revocation of regulations (new section 204)

3.1 New section 204(2) in clause 8 of the Bill provides for regulations 25, 26 and 27 to remain in force until 18 December 2035 (i.e., for a further 10 years). Given this provision relates to the *validity* of these regulations, it may be more appropriate to locate this subsection within new section 203 in clause 8 (which validates these regulations). The heading of new section 204 could then be revised to indicate that it only relates to the revocation of these regulations.



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Vice-President

¹ More about this Committee can be found on the Law Society's website:
www.lawsociety.org.nz/professional-practice/law-reform-and-advocacy/law-reform-committees/public-law-committee/.

² Explanatory Note of the Bill.