

20th September 2024

Animal Welfare Branch
E: AnimalWelfare.DITT@nt.gov.au

RE: Animal Protection Act Review - 2024

Animal Care Australia is a national incorporated association established to consult with government in advocating for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

Animal Care Australia acknowledges the title of the Act was altered previously to Animal Protection however we **do not support** the naming of this legislation as ‘Animal Protection.’

Animal Care Australia reminds the Animal Welfare Branch of the Northern Territory Government that animal rights and animal welfare/animal protection are not the same thing.

In response to the Discussion Paper:

- Animal Care Australia is **TOTALLY OPPOSED the minimum level of care being a ‘strict liability offence’**

Animal Care Australia strongly recommends focused stakeholder consultation is needed moving forward to prevent unintended consequences.

Animal Care Australia provides the attached submission for further explanation of our position.

We respectfully request a meeting with you and look forward to working with you in the future.

Kind regards,

A handwritten signature in black ink that reads 'M Donnelly' in a cursive script.

Michael Donnelly
President
0400 323 843

Northern Territory Animal Protection Act (and regulations) Review – 2024

Animal Protection
Act Review

Public consultation

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NT



Animal Care Australia submission



CONTENTS

ACA Background 2
Opening statement..... 2
Responses to the Discussion Paper..... 3

Northern Territory Animal Protection Act (and regulations) Review – 2024



ACA Background

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

Opening statement

As a nationally recognised animal welfare organisation, Animal Care Australia continues to oppose the metamorphosis of the title of Animal Welfare Acts to Animal Protection or other iterations.

This is concerning for Animal Care Australia as it is a very clear animal rights-oriented influence.

Animal Care Australia reminds the Northern Territory Parliament and also the Animal Welfare Branch that **Animal Rights and Animal Protection IS NOT Animal Welfare.**

The very section responsible for overseeing the development of this Act is called **Animal Welfare** and yet the Act designed to ensure that welfare is maintained and enforced is NOT? How can this be?

Animal Welfare is much broader than just animal protection. It encompasses the whole of life and death experience for animals; from husbandry standards to prevention of cruelty, to humane euthanasia, to breeding programs. Animal Welfare Science forms the sound basis to guide the continual improvement of welfare legislation. The removal of the word 'welfare' from the name of the Act suggests that welfare is no longer THE priority to the Northern Territory government.

To be clear – there is an 'Animal Welfare Grant Fund' that will pay out monies for animal welfare improvements under an 'Animal Protection' Act?

Animal Protection is not synonymous with Animal Welfare but appears to be used this way throughout this Act. This is a grave mistake with serious potential unintended consequences.

Animal Rights/Animal Protection does not belong in animal welfare legislation.

Using the term Animal Protection in this legislation is misleading to the general public. Animal Welfare goes beyond just Prevention of Cruelty or the protection of animals...

**Animal Care Australia STRONGLY recommends the name of the Bill be renamed
"Animal Welfare Act 202_"**

Accordingly, animal welfare be re-instated within the Objects of the Act.

Responses to the Discussion Paper.

Q1. Do the penalty provisions in the Animal Protection Act 2018 reflect community expectations?

Community expectation is a broad statement and is subject to the varying beliefs and ideologies within the community. The animal rights community will adamantly be pushing for higher penalties, imprisonment, restrictions and bans while most pet/animal owners would agree the penalty provisions are meeting their expectations.

Q2. Should the NT penalty provisions be amended?

Animal Care Australia does not believe the provisions require amending. Animal Care Australia strongly encourages government to invest more in education than trying to increase regulations and subsequently penalties. Greater education equals greater understanding of animal welfare and the needs of the animals, which in turn equals less animal welfare issues or animal cruelty and therefore less prosecutions.

Q3. In your opinion is there a particular jurisdiction representing best practice penalty provisions?

At this point in time each State/territory has its good and bad aspects within their penalty provisions.

Q4. Are there factors unique to the NT that should be taken into account in determining penalties?

No. The keeping of animals with best animal welfare practices is – or should be – unilateral, considering species specific needs.

Q5. Should a minimum level of care be a strict liability offence?

Absolutely not! The burden of proof of an offence must remain with the prosecution. Under NO circumstances should a penalty be imposed where the burden of proof cannot be found or supported by evidence.

Animal Care Australia is TOTALLY OPPOSED the minimum level of care being a ‘strict liability offence.’

Q6. Would amending the elements of an offence in the Animal Protection Act 2018 better meet the objectives of the Act?

No. This line of questioning aligns with the ideological views of animal rights activism and is not in the best interests of the animals, rather it is in the best interests of increasing the number of prosecutions that can be commenced.

Northern Territory Animal Protection Act (and regulations) Review – 2024



Q7. Do you have a view regarding the impact on business if immediate entry was permitted under the Act?

Animal Care Australia opposes immediate entry of any kind without a warrant, consent or in order to attend to an animal that is in immediate danger or requires urgent care.

Animal Care Australia has no opposition to a business being entered during business hours. If the business is open to the public then the opportunity of sighting an act of cruelty or potential breach of care can be made by any member of the public and therefore would constitute a potential issue 'occurring in plain sight.'

However, we again reiterate our opposition to immediate entry outside of business hours without a warrant, consent, or immediate danger.

Q8. Do you have a view as to the removal of the requirements to provide 48 hours' notice?

We totally oppose the removal of 48 hours' notice for private premises outright or in the case commercial premises where the intended visiting time is to be after business hours in order to accommodate no disruption to trading.

Q9. Should there be different considerations for power of entry between residential and commercial premises?

Yes – see answer to Question 8.

Q10. Do you have a view on the need to change the "power of entry to vehicles" provisions in the NT, to alleviate suffering?

Animal Care Australia supports a provision that allows entry to a vehicle to alleviate **immediate** suffering.

Animal Care Australia does hold some concern with 'vehicle' including boats – including houseboats, caravans etc and accordingly we would want to review the exact wording of the proposal before fully supporting such a provision. Houseboats and caravans are a persons' residence and the differentiation of the circumstances of animal locked inside a closed-up car versus a caravan are substantial.

Q11. Should the NT adopt similar provisions as the ACT, regarding animals locked in vehicles?

Animal Care Australia has no objection to the ACT provision noting the inclusion of the words 'locked in a motor vehicle' which excludes the before mentioned other vehicle types, and the potential of abuse of power by officers to use the 'power of entry to a vehicle' to enter what are a persons' residence at their whim.

Q12. Do you have a view to amending this section to propose that a dog be properly restrained to prevent falling from a motor vehicle or be inside the passenger compartment of the vehicle?

Animal Care Australia supports the need to ensure an animal is secure when being transported.

Northern Territory Animal Protection Act (and regulations) Review – 2024



Animal Care Australia supports the proposed amendment to substitute the word ‘and’ with ‘or’ within Section 34(1) to read:

(1) A person commits an offence if:

- (a) the person transports a dog by a motor vehicle or trailer on a public street; and
- (b) the dog is not inside a passenger compartment of the motor vehicle, **OR**
- (c) the dog is not secured in a way that prevents it from being injured by falling from the motor vehicle or trailer

Q13. Is there anything further you wish to be taken into consideration in regard to Section 34(1)?

No.

Q14. Do you have a view as to your preferred approach to achieve animal welfare compliance outcomes?

Animal Care Australia supports the approach as outlined in the graphic below:



**Northern Territory Animal
Protection Act (and regulations)
Review – 2024**



Q15. Do you support regulatory compliance approaches which are predominately one of cooperation and persuasion, followed by progressively tougher sanctions depending upon the seriousness of the noncompliance and the responsiveness of the offender?

Animal Care Australia fully supports this approach.

Q16. Would using infringement notices (fines) for more serious compliance breaches provide a better alternative to enforcement before initiating prosecution?

Yes. Animal Care Australia supports the use of penalty infringement notices with a progressive increase in penalty for those who fail to comply. We do not support PIN's where there are aggravated animal cruelty offences.

Animal Care Australia welcomes any questions you may have as you continue to finalise this review. We welcome the opportunity to meet with the department, the Minister, and other members of parliament in order to ensure an appropriate animal welfare Act is produced.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,

A handwritten signature in black ink that reads 'M Donnelly'.

Michael Donnelly
President
Animal Care Australia

This submission has been developed in consultation with a range of members of Animal Care Australia.