

Animal Protection Act 2018

Update

On 30 October 2018, the Animal Protection Bill 2018 was passed by the Northern Territory's (NT) Legislative Assembly. The **Animal Protection Act** ('the Act') received assent from the Administrator of the NT on 22 November 2018.

Commencement of the new Act will not take place until the supporting Animal Protection Regulations ('the Regulations') have been drafted and approved by Government. Drafting of these Regulations are close to finalisation. Codes of practice, to be adopted or prescribed under the Regulations, will come into operation on the same day the Act and the Regulations commence. This is to ensure that the defence provided under clause 21(2) of the Act, if a person's interactions with an animal are in accordance with an adopted or prescribed code of practice, is made available to that person. It is expected the new Act and Regulations will commence in the last quarter of 2020.

Background on animal welfare regulation in the NT

Animal welfare in the NT is currently regulated under the **Animal Welfare Act (1999)**. This Act came into effect in March 2000 and covers the welfare of animals in the care of humans, as well as those in their natural environment. The Department of Primary Industry and Resources' (DPIR) Animal Welfare Branch (AWB) is the administrative arm of the current Animal Welfare Authority. Each year the AWB receives more than 500 reports relating to matters of animal welfare. The branch averages between seven and 11 successful prosecutions for animal welfare offences each year.

Overview of the Animal Protection Act 2018

The new Act builds upon the previous regulatory framework but now includes more clearly defined rights, roles and responsibilities for government, industry and the community. Some of the key new initiatives are outlined below.

- The new Act assigns administrative power to the Chief Executive Officer (CEO) of the regulatory agency, rather than an Animal Welfare Authority. This is to increase accountability and transparency of decision-making.
- The statutory requirement for the Minister to establish an Animal Welfare Advisory Committee (AWAC) is retained.
- The existing definition of '*animal*' has been broadened to now cover fish, crustaceans and cephalopods, irrespective of whether or not they are in captivity.

Note: It is a defence under the new Act if a person's interaction with an *animal* (as defined under the Act) is in accordance with an adopted or prescribed code of practice. For example a person can take a fish for consumption, but before processing the fish (e.g. bleeding, filleting or gutting) it needs to be humanely killed in accordance with practices set out in a code e.g. brained spiked and/or rendered senseless with a strong blow to the head with a blunt object.

- Individual scientific users of animals for scientific purposes need to be registered, rather than the current practice of only licensing premises.

- Accredited animal ethics committees will have increased oversight for research projects they approve, and it will be an offence to contravene a condition of a project approval granted by a committee.
- Ensuring that the rights of Aboriginal Territorians to undertake traditional cultural, hunting and fishing practices in accordance with Aboriginal laws and customs have been protected.
- Regulations are the tool used to prescribe and enforce codes of practice and standards relevant to animal welfare.
- Animal welfare directions and improvement notices can be issued to anyone providing inadequate care to animals, with penalties for those who do not comply.
- Under controlled circumstances, authorised officers have the power to enter land surrounding a building, without a warrant or written consent from the occupier, to check on the condition of animals at risk. Prior to an entry authorised officers must first take reasonable steps to try to contact the occupier.
- Authorised officers have the power to enter premises where a registered person is keeping or using animals for scientific purposes, or where those premises are used for greyhound racing or related purposes, without the occupier's consent or a warrant provided that entry is undertaken at a reasonable time.
- Where racing greyhounds are kept, it is now an offence to keep other animals on the premises that may be used for blooding greyhounds (e.g. rabbits and possums).
- An animal will be automatically forfeited from anyone found guilty of a cruelty or a related offence against that animal. A person can apply to the DPIR Chief Executive Officer to have the animal returned if they agree to comply with stringent conditions imposed to protect the ongoing welfare of the returned animal.
- A person convicted of three animal cruelty or related offences within a five year period will automatically be banned from being in control of an animal for five years.
- Drivers are required to appropriately restrain dogs riding on the tray or back of motor vehicles while travelling on public roads.
- Under controlled circumstances, an authorised officer has the power to destroy an animal (or have it destroyed) humanely and without unnecessary additional suffering, if the animal is so severely injured, diseased or in such poor physical condition that it is cruel to keep it alive.
- The maximum term of imprisonment under the new Act increases from two to five years and the maximum fine will increase from 200 penalty units (currently equating to \$31,400) to 500 penalty units (equating to \$78,500). Note that one penalty unit currently equals \$157.

Further information

The new Act can be viewed on the [DPIR's website](#)¹. Copies of the Explanatory Speech and the Explanatory Statement, along with the Act can be viewed on the [Northern Territory Legislation website](#)².

For any further information, please contact DPIR by calling (08) 8999 2394 or emailing info.dpir@nt.gov.au.

¹ <https://dpir.nt.gov.au/primary-industry/animal-welfare-branch>

² <https://legislation.nt.gov.au/>