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To Whom it May Concern,

Please find my responses to the questions asked Northern Territory Animal Protection Act Legislative Review 2024. I have added some additional comments at the end.

Thank you for providing this opportunity for me to have my say.

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

No. They are far too lenient to provide satisfaction in terms of retribution, or deterrence.

Q2. Should the NT penalty provisions be amended?

Yes.

Corporations

- There should be specific (higher) penalties that apply to businesses / corporations.
- Vicarious liability should be imposed by the Act upon and employer.
- Where a company is found to have committed an offence, the Act should extend liability to the individual directors of the company unless the directors can demonstrate that the offence did not result from a failure to exercise reasonable diligence to avoid the commission of the offence.

The aims of punishment should not only be retributive and aim to deter but also to rehabilitate. Provision of education, information and 'giving offenders a chance' is not rehabilitation.

Incarceration

- The maximum jail term should be increased and imposed. Minimal jail sentences should be legislated.

Fines

- Financial risks and costs should clearly outweigh potential profits that could be made from cruel practices (e.g. gambling profits and ticket sales to events that involve cruelty, poor animal husbandry (failure to provide adequate feed, preparing for and responding to fires, overstocking, crowding etc).

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

Available data and community reports suggest low numbers of welfare complaints are investigated, low rates of conviction and extreme leniency in imposing of penalties across all jurisdictions in Australia – this suggests there is no legislation in any Australian state or territory that can be held up as an example of best practice.

That said, the best are those that:

Include corporate as well as individual penalties.
Have the highest maximum jail time and fines (currently Queensland).

In my opinion the RSPCA guidance an Animal Welfare Legislation represents best practice
https://kb.rspca.org.au/wp-content/uploads/2024/05/PP-GP1-Animal-Welfare-Legislation-2024.pdf

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

Some powerful industries (e.g. pastoralism, racing) have entrenched attitudes that differ from wider community expectations regarding acceptable treatment of animals. At the same time these industries actively try to influence community expectations (e.g. through promoting rodeos and racing as entertainment). Individual education and information are unlikely to have significant impact in changing such entrenched subculture views, wider community campaigns and penalties must also be put in place and enforced - behaviour change theory is clear on this.

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

Yes, a minimum level of care should be a strict liability offence. This reflects the fact that duty of care offences are no less serious than animal cruelty offences.

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

Yes. An amendment should be made to the "elements of an offence" to lower the burden of proof.

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

Permitting of immediate entry could increase confidence in, and within, local business. I work in health – unannounced visits by accreditors without a warrant are common. These visits build trust – all employees, clients, funders etc know the organisations has nothing to hide and that they are not going to unknowingly participate in anything that is unlawful.

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

This requirement should definitely be removed – potential offenders should not be given time to conceal or destroy evidence.

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

No. In some cases buildings function as both residential and commercial e.g. buildings on some pastoral leases.

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

Yes, officers should be able to enter vehicles to alleviate risk of, or actual, suffering.

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

Yes. This should extend to all animals, including stock.

Q12. Do you have a view to amending this section to propose that a dog be properly restrained to

A dog could easily fall from inside the vehicle if not restrained and the windows are down.
A solution could be
(1) A person commits an offence if:
(a) the person transports a dog by a motor vehicle
(b) 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 regards to Section 34(1)?

Why is it okay to endanger a dog on a private road or while they are at work (assisting the movement of stock)?
This protection should extend to all animals, not just dogs – including wild caught animals and stock being transported.

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

Zero tolerance.

Officers who respect animals as sentient beings and are prepared to stand up to people in positions of power / industries that have a notorious track record relating on animal welfare (racing, pastoral, pest management, gambling etc).

The Act should make it an offence to hinder or assault an inspector

- The Act should make it an offence to hinder or obstruct an inspector in the course of the inspector's duties. This offence should include the provision of false or misleading information to an inspector, and failure to comply with a lawful written direction given by an inspector.

- The Act should also make it an offence to, or to attempt to, assault, threaten, abuse, harass, insult, or intimidate an inspector.

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 non-compliance and the responsiveness of the offender?

No, leniency should not be the go-to method for enforcing community standards. People who have failed in their duty of care or been cruel to animals should be punished.

This absolutely applies to corporations.

The Court should be provided with a power to order a defendant who has committed animal cruelty or breached their duty of care to undergo psychological counselling. This sentencing avenue is very important in light of the confirmed connection between animal cruelty and human violence. Adequate state funding should be provided to ensure the defendant is able to comply with any such order.

Victoria maintains an online record of prosecutions, listing details of some prosecutions, a version of this expanded to all prosecutions, should be legislated in the NT. The Act should provide a mechanism for recording the personal details of individuals who have been found guilty of offences under the Act on a national register. The Register should be accessible to members of state, territory and Commonwealth police forces, relevant state and local government agencies, RSPCA Inspectorates and other authorised non-government organisations.

Q16. Would using infringement notices (fines) for more seriousness compliance breaches provide a better alternative to enforcement before initiating prosecution?
No, people who abuse animals should be prosecuted.

FURTHER COMMENTS

Major threats not addressed in the Act:

- There are no legal protections for wild animals or stock in relation to wild fire, this is of mounting concern in light of the increasing frequency, intensity and spread of fire in the NT.
- Animal protection related to clearing of habitat - especially pastoral land clearing.
- Wild animals do not have a right to water.
- Fireworks, especially residential fireworks, also cause significant harm which is unjustified.
- The Act should protect animals from unskilled, unprofessional hunters who couldn't shoot straight if their life depended on it.
- Sharing of images / videos of animal cruelty on social media should be addressed and penalties ascribed - some 'hunting' sites administered from the NT are nothing more than sites where

animal cruelty can be shared and normalised.

I also have views on the following sections under the Act that I would like to communicate:

Part 1 Preliminary matters
3 Objects of Act

I would like the objects of the act be amended to explicitly:

- recognise that animals are sentient beings with intrinsic value
- encourage and promote the welfare of animals, including positive states of welfare

This would recognise reflects developments in community attitudes in moving beyond simply 'using' or valuing animals for their instrumental worth.

Part 3 Care and protection of animals
Division 1 Obligations and offences
27 Administering Poison
28 Laying poison
29 Traps

Lethal control methods should not be lawful if they are

1. Cruel

⇒ 1080 and many other pesticides are inhumane

⇒ Bow and soft jawed traps are capable of inflicting pain and suffering when animals are caught. Traps may be set in remote areas where there is no possibility of checking them daily, and dogs (or other, non-target, species) can potentially remain caught in a trap for several days until they are killed.

2.Their use is not justified by a rigorous evidence base

⇒ The NTg's own research concludes lethal control of wild dogs/dingoes does not reduce stock from attacks

29 Traps

(b) in relation to an offence against subsection (3), the trap is possessed solely for display, as a curio or as part of a collection.

31 Spurs

(7) Subsection (5) does not apply in relation to the possession of spurs solely for display, as curios or as part of a collection.

⇒ Claims that such traps and spurs are being bought for display or curios or as part of a collection only would be almost impossible to prove. This form of possession should therefore be made illegal and – if people want to see such objects (of torture) they can go to a museum.

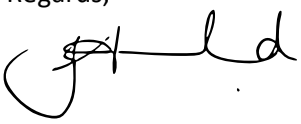
32 Prohibited activities

(6) Subsections (1), (2), (3) and (5) do not apply in relation to the following conduct:

(a) the rehabilitation of native animals for release into the wild;
(b) the keeping and display of animals the normal diets of which include live food;
(ba) the feeding of live food to animals if that live food is their normal diet and essential to their survival;
(c) the mustering and working of stock animals.

⇒ Recklessness in relation to any of these circumstances is not acceptable.
⇒ (a) and (c) should not be exempt from the prohibited activities ‘hunted or caused suffering by a person or another animal’.

Regards,



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