

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

15th Assembly

LEGISLATIVE SCRUTINY COMMITTEE

Public Briefing Transcript

Animal Protection and Related Legislation Amendment Bill 2025

2.00 pm – 3.00 pm, Friday, 8 August 2025

Litchfield Room, Level 3, Parliament House

Members: Mrs Oly Carlson MLA, Chair, Member for Wanguri
Mr Andrew Mackay MLA, Deputy Chair, Member for Goyder
Justine Davis MLA, Member for Johnston
Mr Clinton Howe MLA, Member for Drysdale
Mr Chanston Paech MLA, Member for Gwoja

Witnesses: *Department of Agriculture and Fisheries*
Mr Jed Matz: Acting Chief Executive Officer
Mrs Lorraine Corowa: Senior Executive Director, Biosecurity and Animal Welfare
Mr Charles Drury: Director, Animal Welfare
Mr Anthony Burridge: Principal Biosecurity Legislation Officer

Attorney-General's Department
Ms Roslyn Chenoweth: Senior Policy Officer

The committee convened at 2 pm.

INQUIRY INTO THE ANIMAL PROTECTION AND RELATED LEGISLATION AMENDMENT BILL 2025
Department of Agriculture and Fisheries
Attorney-General's Department

Madam CHAIR: Good afternoon, on behalf of the committee I welcome everyone to this public briefing into the Animal Protection and Related Legislation Amendment Bill 2025.

I welcome to the table to give evidence to the committee from the Department of Agriculture and Fisheries Jed Matz, Acting Chief Executive Officer; Lorraine Corowa, Senior Executive Director, Biosecurity and Animal Welfare; Charles Drury, Director, Animal Welfare; Anthony Burridge, Principal Biosecurity Legislation Officer; and from the Attorney-General's Department, Rosyln Chenoweth, Senior Policy Officer. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee, and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public briefing and it is being webcast through the Assembly's website. A transcript will be made for the use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

Could you please each state your name and the capacity in which you are appearing.

Mr MATZ: Jed Matz, Acting Chief Executive Officer for the Department of Agriculture and Fisheries.

Mrs COROWA: Lorraine Corowa, Senior Executive Director, Biosecurity and Animal Welfare.

Mr BURRIDGE: Anthony Burridge, Principal Biosecurity Legislation Officer, Department of Agriculture and Fisheries.

Mr DRURY: Charles Drury, Director, Animal Welfare.

Ms CHENOWETH: Rosyln Chenoweth, Senior Policy Lawyer, Attorney-General's Department.

Madam CHAIR: Thank you. Mr Matz, would you like to make an opening statement?

Mr MATZ: I would like to make a short statement. First, I thank the committee for the opportunity to appear today to brief you on the Animal Protection and Related Legislation Amendment Bill 2025.

The proposed legislative reforms in the Bill have been considered over quite a period of time, being informed through direct engagement and consultation, including a full, public Have Your Say campaign where 229 submissions were received from a range of stakeholders, including the RSPCA; animal welfare organisations, including Evie's Bark; local councils; legal experts; universities; and community members, some of whom are in the room today. I thank them for supporting these amendments and for their contributions to the consultation process.

To assist the committee in its consideration I will now provide a short overview of the proposed amendments contained in the Bill to the *Animal Protection Act 2018* and the Animal Protection Regulations 2022. The main elements of the Bill are as follows:

- In relation to the existing duty of care or minimum level of care offence in section 23 of the Act, the maximum penalties are to be increased from 100 penalty units or one year imprisonment to 200 penalty units or two years in prison.
- Inserting new strict liability specific minimum level of care offence categories, such as failing to provide water and shelter to animals at the new section 23A and failure to provide appropriate treatment to new section 23C. These new lower-level offences are aimed at providing greater compliance and enforcement flexibility, including the ability to issue infringement notices.
- In relation to serious animal cruelty offences in section 24 of the Act, the maximum penalties are being increased from 200 penalty units or two years' imprisonment to 300 penalty units or three years in prison.

- A new offence is being inserted at section 31 relating to the possession and use of prong collars on dogs.
- Section 34 of the Act is being repealed and replaced to modernise it, to ensure it applied to the need to restrain a dog when travelling in the back of a utility vehicle or trailer.
- Clarifying and providing new authorised officer entry and inspection powers, including amending section 81 of the Act to provide the ability to seek additional information to better identify a person as part of an investigation of an offence or issuing compliance and enforcement notices.
- Clarify the ability for an authorised officer to enter a locked vehicle or premises in an emergency to rescue an animal in distress—that is, heat stress.
- Provide in section 83 for a new authorised officer's inspection powers where a place is being used for commercial purposes, including the keeping of animals—that is, boarding kennels—and where the premises is used to train or race animals. This amendment is aimed at providing the agency's compliance and enforcement powers but is limited to ensure that these powers can be used appropriately in relation to residential premises.
- An amendment to section 88 provides a new power to take samples from animals and things connected to an offence—that is, blood samples from racing animals suspected of being provided with an unauthorised substance.

Miscellaneous amendments in the Bill also include:

- inserting an inclusive definition of 'animal used for scientific purposes' to ensure the Act now aligns with the definition of 'animal' in the Australian Code for the Care and Use of Animals for Scientific Purposes
- clarifying membership and other Animal Welfare Advisory Committee governance and administrative matters
- inserting additional animal welfare codes of practice and standards with regard to campdrafts, rodeos, animal boarding kennels and racing of greyhounds and horses.

The regulations are being amended to provide for more clarification about the use of electrical devices on animals. This will provide more guidance and certainty to the industry while ensuring animals are better protected. Additionally, the regulations will insert new code of practice for regulating campdrafts and other areas to ensure that campdrafts, along with rodeos, can continue to operate effectively and safely.

The Bill also amends the Criminal Code to introduce a new serious offence in section 125DA of the Criminal Code to cover production, dissemination and possession of animal crush material or/and material relating to sexual involvement with an animal, with a maximum penalty of five years or 5,000 penalty units for a corporation. It also amends the *Criminal Code Act* to increase the maximum penalty for the offence, sexual involvement with an animal—that is, the old bestiality offence—from seven years to 10 years.

The department supports the important function the committee performs in ensuring the legislative reforms in this Bill are fully considered in a transparent way and finalised as they should be.

In terms of answering questions, Mrs Lorraine Corowa, Senior Executive Director for Biosecurity and Animal Welfare with the Department of Agriculture and Fisheries, will take the majority of your questions, including ones to do with strategic legislative policy or content. In terms of operational matters and the actual functions of the legislation and the proposed amendments in the Bill as it will be applied, Mr Charles Drury, Director of Animal Welfare, will take those questions. Technical legislative questions will be referred to Anthony Burrige, principal legislation officer. Ms Roslyn Chenoweth, Principal Policy Lawyer, Attorney-General's Department, is here to answer any technical questions with regard to amendments to the Criminal Code.

Madam Chair, we are happy to take any of your questions and thank you for the opportunity to be here today.

Madam CHAIR: I forgot to introduce the committee members. My name is Oly Carlson, the Chair and Member for Wanguri. I have with me the Member for Goyder, Andrew Mackay, and Justine Davis, the Member for Johnston. Online we have the Member for Drysdale, Clinton Howe.

I will open it up for questions.

J DAVIS: Thank you for appearing today. Thank you to whoever prepared a very good explanatory statement, which was really helpful. I have a few questions.

You made reference to the consultation process. I wonder whether in that process most of the submissions were satisfied with the existing content of the legislation and whether there were any suggestions for amendments that were not taken up. Could you comment on that?

Mrs COROWA: Yes, there was a range of different responses. There is a lot of support for strengthening of the *Animal Protection Act*. Of course, that was on the back of the offending by Mr Adam Britton. There was a lot of support for strict liability offences as well, and providing animal welfare officers the option of issuing infringement notices rather than purely having only the capacity to prosecute through courts which, as you can appreciate, is quite an expensive and time-consuming option. There was a lot of support for those things.

There were also submissions from Evie's Bark, Aussie Pooch and many others around the need for some control over the operations of kennels and doggy day care providers. We made those changes as best we can within our constraints. There is certainly the option now of having the new standards applied to the regulations, which give us a benchmark for kennel providers and doggy day care, where our inspectors, our animal welfare officers, can go in and compare the care that is being given to the animals in the kennels against those standards. It give us the capacity now to benchmark that and provide improvement notices and/or take appropriate actions.

There were also some submissions that were advocating for the definition of 'animal' to change to include the concept of sentience. However, on balance and looking at where other jurisdictions are in the country, the Australian Capital Territory is the only jurisdiction that has gone with that concept. Looking at where the Territory sits, the concept of sentience was not included. We looked at the current definition of 'animal' as being fit for purpose in the Territory context.

J DAVIS: On that definition, I am a little unclear. Does it exclude wild fish?

Mrs COROWA: What we have done in these amendments is align the definition of 'animal for scientific use purposes' only. It is in Part 4 of the Act. It is not the primary definition which sits in the definition section in the Act. Just for the purposes of scientific use, we have amended the definition to include fish, sharks et cetera. That is to align with the Australian code for scientific use and research. That was at the request of the Animal Ethics Committee from Charles Darwin University. They wanted to align with the code in order to approve research projects that were wanting to happen in the Northern Territory in the fish space.

J DAVIS: That is in Part 4 in the definition, which I think is section 14. Are wild fish not included?

Mrs COROWA: No.

J DAVIS: Are there any other wild animals that are not included?

Mrs COROWA: The definition of 'animal' covers all animals, but fish are not included in that definition—except in captivity, sorry, and dependent on people for food. If there were fish in an aquarium dependent on somebody for food, then it would be covered.

J DAVIS: Is there a reason why wild sea life is not included?

Mrs COROWA: Yes, Member for Johnston, there is. Amendments were made to the *Animal Protection Act*—I will say a couple of years ago—to remove fish because fish were originally included in the original *Animal Protection Act* in 2018. The fish were excluded by an amendment to the Act by the then government because there was not enough clarity around how it could be policed and regulated. Whilst there was no clarity, the government of the day wanted to exclude it. We have not sought to include it.

J DAVIS: I have one more question and then I will give someone else a go.

In relation to what you were talking about in terms of regulations and enforcement et cetera, will these amendments place an additional burden on the current workforce of animal welfare officers? If so, are there additional resources for that?

Mrs COROWA: The animal welfare officers will have greater flexibility in how they go about responding to complaints. They respond to about 700 complaints per annum. As mentioned earlier, under the current Act, we can only respond to matters that require an action with prosecution. They will now have additional tools

in their toolkits to allow them to issue infringement notices. We believe that will have a large impact upon the performance of animal welfare in our community. It will also allow our animal welfare officers to be more efficient and effective.

J DAVIS: The hope is that it will be less of a resourcing input because they will have greater capacity and more flexibility in how they respond; is that right?

Mrs COROWA: That is correct, Member for Johnston. They are very hardworking people.

J DAVIS: Yes.

Mr MACKAY: Thank you for appearing today. I have a question relating to Schedule 2, Excluded electrical devices. This is something I just cannot get my head around, so I apologise in advance if it is a silly one. Item 3 is 'Electric training collar (excluding collars operated by remote control device)' and item 7 is specifically 'Electronic fencing systems using collars and transmitters'. I cannot get my head around what an electric collar without a remote control device that is not a fencing system actually is or how it would function. Is there any reason that item is still in there? I am having a hard time finding an example of an electric collar that does not involve a remote control that is not a fencing system. Apologies if it is a stupid question.

Mr BURRIDGE: Basically the rewrite of Schedule 2 was a mapping from the original Schedule 2, but with more of a modern approach with the way that the actual electric device exclusions were operating through that Schedule. I can take that on notice and double back to Parliamentary Counsel.

Mr MACKAY: Thank you. To clarify, the collars that people allegedly have in use where they issue a shock to a dog through a remote control system, under the previous Act it was already against the rules; is this just updating the wording and modernisation of that?

Mr BURRIDGE: That is correct, Member for Goyder.

Mr MACKAY: With regard to the use of prong collars, I note in the explanatory statement it says animal welfare officers have been finding an increasing number of them. Can elaborate on what the purpose of those prong collars is and why they are now being banned?

Mr DRURY: I am kicking myself for not bringing one to this committee meeting. There is one in my desk now that was seized. Basically, it is a chain and underneath the chain is filled with two hard coiled prongs that sit right around it. When pressure is applied it restricts and the prongs stab into the neck. It is like putting your hands there and then pushing in to ensure compliance. It is like a training method when all other methods are failing. That was one of the big-ticket items that was requested by Aussie Pooch whose members are sitting in the gallery today.

Mr MACKAY: With regard to choker chains—the metal that you pull—under these changes, they are still 100% aboveboard?

Mr DRURY: Yes. A prong collar has specific additions to a simple choker chain that you can buy off the shelf in any retailer at the moment.

Mr MACKAY: Under this Act, what would happen to the existing prong collars that people have? Would there be a surrender period or disposal because it makes it illegal to have one? What happens to the people who have one?

Mr DRURY: Yes, definitely there would be a period of grace where people could surrender. If that law was to be passed, no doubt we would do some education around the use and possession of those items. Given the stuff we have, it is pretty evident to see whether that unit has been possessed and hung in the shed and covered in cobwebs or it has hair affixed because it is used. Do you know what I mean? There would be specific elements being used from an operational perspective about the outcome of possession in the shed, hanging up that no-one noticed, as opposed to having hair on it, which would be dealt with entirely differently.

Mr MACKAY: With regard to both prong collars and the electronic training collars with a remote control device, is there an exemption for working dogs for that purpose?

Mr MATZ: No, there is no intention to have any exemptions for working dogs.

Mr MACKAY: Before we jump back—I could talk about this for ages—with regard to the dogs in trays, is there an understanding under the previous legislation why it is now being strengthened in this way?

Mrs COROWA: I will start this one, then Charlie might add to it.

The way it was in the Act was actually a bit confusing and difficult to apply the wording. The wording was quite confusing in its application. We have modernised and made it clear around the offences for not restraining dogs on the back of utes, and also adding some care of the animals, especially dogs, on the back of utes and on hot trays. That was something that was raised during the submission period by a number of people who said they were concerned about dogs on the back of utes on hot trays. We have taken that up and acknowledged that it is an area that needed to be strengthened and further explained.

Charlie, would you like to add anything?

Mr DRURY: Yes, it was basically what we would call in legislation modernise the way that part of the Act is constructed. In doing so, we have the ability to expand on that section of the Act regarding that an animal cannot be conveyed on the back of that ute in a way which would cause unjustifiable, unnecessary or unreasonable suffering.

Again, from what Lorraine was saying, it is about those animals that suffer injuries, whether that be on a slippery surface getting slid around or whether they get burnt paws. It covers off on that, which was brought up during the public submissions.

Mr MACKAY: With regard to the standards and guidelines for best-practice boarding facilities/establishments and doggy day care centres by the Pet Industry Association that is being inserted in Schedule 1, is there any requirement for boarding facilities to mandatorily report or notify any government department when an animal is severely injured or passes away at the facility? Is there any transparency reporting around that included in that standard?

Mr DRURY: That sort of requirement already exists in the current legislation. I think from memory it is under section 26, where there is a requirement to report an injury to an animal that is not in your control or under your ownership.

Madam CHAIR: I let everybody know that the Member for Gwojra has joined us now. I might check with him to see if he has any questions.

Mr PAECH: No, thank you, Chair. I had some technical difficulties getting on.

Madam CHAIR: I will also check with Clinton, the Member for Drysdale. Do you have any questions?

Mr HOWE: I do. My question is plain and simple. I have a dog and we are going away and I want to put them into a boarding facility. I get on Google, I see the facilities. How can I trust those advertising a facility so that I know their welfare will be looked after? Can you plainly talk me through that process?

Mrs COROWA: There are no controls or mechanisms within the *Animal Protection Act* to provide you with the level of comfort that you are seeking. What we were able to do is insert a standard for the operation of kennels and doggy day care providers which we will measure their performance against. If we receive any complaints and/or wish to inspect those kennel providers, then that is the standards with which we will be measuring their performance and facilities. There is no registration or deregistration system. To establish a system like that would take quite a change and the implementation of a new regulatory framework and control and licensing.

Mr HOWE: That is okay. Currently I know for any boarder out there, if there are reports of problems the department will go and inspect—correct?

Mrs COROWA: That is correct. We will respond to any complaints or concerns from members of the public. We are hopeful that over time the good operators will stay in business and those that are not so good will hear from us a lot more often and be subject to some improvement orders and regular inspections.

Mr HOWE: If we focus on that, which is great—let us focus on how we deal with, say, an ongoing problematic business. We get reports, inspections are being done. With these changes is there discretion? Can you increase the penalties or would you just apply the pressure?

Mrs COROWA: There is a range of different tools that our animal welfare officers can use to address non-performance and nonconformance. They will be subject to penalties in the Act, but also there are various sections of minimum level of care—that is a strict liability offence—that could be applied maybe in some circumstances, depending on what the issue is that we find. There is a greater level of flexibility now with these changes to allow us to apply a different set of tools to the problem.

Mr DRURY: I suppose the short answer for that question is if these amendments were to be passed we would have more step-down offences under the minimum level of care. I suppose the ones that would be most relevant to a boarding facility would be that you, as a customer, would want to be sure that the facilities provided are hygienic for your animal to be in. We would have the ability to assess the hygienic environment for that animal and the provision of treatment, ensuring that the animal is not injured or suffering in any way. If there are issues with that animal, it would receive the appropriate treatment.

Is that the answer you are looking for? That is what these amendments ...

Mr HOWE: Yes. That is good. For me and most people in my area, it is the minimum of what we are hoping for. I was curious to see how that will be implemented and enforced.

Mrs COROWA: We have also increased the penalties as well. There will be more significant fines attached to poor performance in the animal welfare space. That will have a financial impact upon those that are not conforming.

Mr HOWE: Do you mind talking through that nonconforming? Is there a Schedule attached to that?

Mrs COROWA: There is a number of increases throughout these amendments that we are proposing. For example, with the minimum level of care offences, it is proposed to increase the maximum fine from 100 penalty units to 200 penalty units. That was some of the offences that Charlie was just speaking to before about providing water, shelter and a hygienic environment. That 100 penalty units is \$18,900 and 200 penalty units is \$37,800, so it is increasing the fines that are applicable to quite a substantial level. For nonconforming kennel providers it would be quite a substantial financial hit.

Mr HOWE: That is great—fantastic; thank you.

Mr MACKAY: With regard to the provision of water and shelter, section 23A, it is in clause 7 of the Bill Paragraph (b) is:

at any time when the animal is on the premises, the animal does not have access to water or shelter.

Is there a definition of 'shelter'? For example, let us say in my back paddock there is just grass. The horse goes in the grass because I am mowing in the front paddock. There is no shelter in that paddock. Would that be a breach under this Act in the definition? That is what I am asked.

Mr DRURY: No, that provision would be animal specific. Horses, cattle, livestock, we know they live in the paddocks. The answer to your question would be no, that horse would be fine in the paddock. The intention of that would be more for an animal that cannot seek shelter for whatever reason. That would be appropriate to the species of animal that we are referring to.

J DAVIS: I want to clarify the changes now include campdrafts and rodeos as prohibited activities; is that—no, wrong. Can you please explain that to me?

Mrs COROWA: No, they are not prohibited activities. In these amendments we are making it clear that campdrafts and rodeos are an allowable event, very much a part of the fabric of our rural area and popular in terms of what people want to experience. There was some potential for confusion around the release and capture of animals. The amendments we are putting through actually clarify that campdrafts and rodeos are not prohibited events.

Mr BURRIDGE: It does not mean that campdrafts and rodeos would not be subject to all the provisions of the *Animal Protection Act*. They will be subject to minimum level of care and cruelty offences and everything else in between.

We also inserted into Schedule 1 or 2 the benchmark codes of practice for both of these community events that happen in the Northern Territory. For that sheer reason, to start to get a benchmark, and to keep working with the different organisations over time, and through the Animal Welfare Advisory Committee, to basically

make sure that everybody is on the same standards and protections are being met with regard to those animals used for those kind of events.

J DAVIS: The current prohibited events are things like dog and rooster fights and bleeding for greyhounds; is that right?

Mrs COROWA: Member for Johnston, you are correct. That is exactly right, the prohibited events—cockfighting, dogfighting and bleeding greyhounds.

J DAVIS: I think you gave the number of complaints was 700. I have that written down. Do you know how many of them were in relation to those kinds of activities?

Mrs COROWA: We do not have those statistics. In my experience, there are very few. The majority of our complaints are about cruelty to companion animals and/or people concerned about horses—we get some cattle as well. We can come back to the committee, if you would like, with the actual number. However, it is a small number, yes.

Mr BURRIDGE: Basically, somebody who is organising a cockfight or a dogfight is going to be pretty good at it. If we get intel, obviously, then we will be involving the police too in amongst this. They are usually held possibly late at night or secluded. It is the same with bleeding greyhounds. It is not until we get some intel what may be happening, then you can start to act.

Madam CHAIR: I have one question in regard to the increase in penalties. Previously there were obviously penalties set. By increasing and capturing some of those where the penalties were not strong enough, how many more animals would be protected because of this?

Mr BURRIDGE: Obviously, the dramatic increase in the penalties came through loud and clear through the public response campaign and the matter of prosecution and sentencing of Mr Britton.

The most important thing is that the penalties are aligning with what is available in other jurisdictions. Most importantly, it sends a strong deterrent message that we will not tolerate cruelty to animals—full stop. That is another reason why we try to work in a lot of flexibility within the amendments to give more tools to the Director of Animal Welfare to have a range of tools in his toolkit to get compliance, with a scaled-up enforcement approach to getting compliance. It is all about achieving outcomes with the minimal level; using an educational lens is enough and then we can scale up from there.

I am not sure whether that answers the question, but we are trying to get a strong message out there. We definitely are aligning with other jurisdictions.

J DAVIS: If this Bill is passed, will it just apply to any offences that are committed post the passing of the Bill, or will there be something retrospective?

Mr BURRIDGE: Yes, that is correct. There is a clause—I cannot remember; it will be the new section 130 of the Act when it comes into play. As you know, there is a transitional clause with regard to the new prong collar, for the new minimum level of care offences and a few other ones as well. Any offences that occur after the commencement of the Bill will be under the new.

Madam CHAIR: We have no more questions.

Would you like to make a closing statement, Mr Matz?

Mr MATZ: If you would not mind, Madam Chair. On the record, I say thank you to my team for all the work they did to prepare these amendments. Animal welfare is a difficult job, defending animals without a voice. They do a good job in difficult circumstances. I want to put it on record and say thanks to everyone.

Thank you for the opportunity to be here.

Madam CHAIR: Thank you, everybody, and to everybody in the department as well. On behalf of the committee, thank you for coming before us today.

The committee concluded.
