

Inquiry into the Animal Protection and Related Legislation Amendment Bill 2025

Submission from Sentient, The Veterinary Institute for Animal Ethics

To the Legislation Scrutiny Committee.

Thank you for alerting us to this important inquiry. We appreciate the opportunity to provide commentary.

Sentient is an independent Australian veterinary association dedicated to animal welfare advocacy based on the ethical implications of animal sentience and the findings of animal welfare science. Our members are represented in academia, private practice (companion, equine and large animals), non-government, government and industry settings, with expertise in many fields including animal welfare, animal behaviour, clinical medicine, zoo and wildlife medicine, epidemiology and the use of animals in teaching and research. A number are qualified specialists in particular disciplines or have extensive experience within industries such as live export, horse racing and greyhound racing. Sentient has presented at international and national conferences, published papers, contributed numerous submissions to state and federal government inquiries, and provided evidence at parliamentary public hearings. We also host final year veterinary science students for Public, Industry and Community placements in animal welfare advocacy. Sentient is registered with the Australian Charities and Not-for-profits Commission.

Sentient commends the committee for many of the following amendments and requests that our suggestions be incorporated:

Animal Protection Act 2018

- **Section 5(1)(a)** Meaning of 'animal' as member of a vertebrate species, other than fish, which may include amphibians, birds, mammals and 15 reptiles.

Commentary: The explicit exclusion of "fish" from the definition of a vertebrate animal is scientifically and logically indefensible. Decades of research have established that fish are sentient beings, capable of feeling pain¹, stress, and fear - and these facts exist regardless of the context in which fish live or whether they do or do not provide utility to humans. The RSPCA² advocates for fish to be included in all State and Territory animal welfare legislation.

¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC2929749/>

² <https://kb.rspca.org.au/knowledge-base/are-fish-protected-by-animal-welfare-legislation/>

- **Clause 6. Section 23** (Minimum level of care): Clause 6 amends section 23 to increase the maximum penalty prescribed for the offence where a person, who is in control of an animal, intentionally does not provide that animal with at least a minimum level of care, resulting in the animal not receiving the required level of care. The current prescribed maximum penalty of 100 penalty units or imprisonment for 12 months will be increased to 200 penalty units or two years imprisonment respectively

Commentary: Sentient supports the increased penalty for failure to provide a minimum level of care to an animal.

- **New section 23A** imposes an obligation on a person in control of an animal to provide access to clean water and shelter at any time the person keeps an animal on premises. This is to apply to each animal on the premises. For example, if two animals are kept on a premises both animals must be able to access clean water and shelter at the same time. The new offence is a strict liability offence with a maximum penalty of 50 penalty units with a prescribed infringement notice offence of 3 penalty units inserted into Schedule 3 of the Animal Protection Regulations 2022 (Regulations) (refer also to clause 28). This new offence is considered reasonable and proportionate to the nature of the offence, and important in achieving animal protection objectives.

Commentary: We note for Section 23A that access to “shelter at any time the person keeps an animal on premises” must apply to stock animals who are routinely exposed to hot sun in paddocks. This should require an amendment to the *Animal Protection Regulations 2022* mandating provision of sufficient shade through tree plantings, shade sails or built shelters.

- **New section 23C** imposes an obligation on a person in control of an animal to seek treatment for the animal if the animal is diseased, injured, or suffering.

Commentary: Section 23C, which imposes an obligation on a person in control of an animal to seek treatment - understood to be for the purposes of avoiding suffering - should be logically extended to requiring the use of pain relief for all procedures known to inflict pain on animals, including routine farm procedures such as cattle disbudding and castration.

- **23D: Confining or restraining animal** (1) A person in control of an animal commits an offence of strict liability if: (a) the person confines or restrains the animal; and 25 (b) the animal is not able to move in a way that is appropriate for the animal because of the confinement or restraint. Maximum penalty: 50 penalty units. Example for subsection (1) An animal in a crate that cannot stand or turn around. Part 2 Amendment to animal protection legislation Division 1 Animal Protection Act 2018 Animal Protection and Related Legislation Amendment Act 2025 4 (2) In deciding if an animal is not able to move in a way that is appropriate for the animal because of confinement or restraint, regard must be had to the animal's age, physical condition and size.

Commentary: Sentient supports this amendment, and we advocate that it should automatically prohibit the keeping of livestock in intensive confinement. Examples include, but are not limited to, sow stalls, battery cages for hens, turkeys or other birds, and cattle kept in feedlots or individual stalls.

- **Clause 8. Section 24** amended (Cruelty to an animal) Clause 8 amends sections 24(1) to (7) omits and inserts new penalty maximums of 300 penalty units or imprisonment for 3 years. Clause 8 also undertakes a minor amendment to section 24(2) of the Act to insert the words “or suffering” after the word “harm” to better clarify the offence where an animal is beaten, and the beating constitutes cruelty.

Commentary: We support the increased penalty to imprisonment from 2 to 3 years and note the inclusion of the term ‘suffering’ is welcome, as this is consistent with the contemporary view of animal welfare as being based on an animal’s overall mental state.

- **Clause 10. Section 31** amended (Spurs) Section 31(1) and (2) make it an offence for a person to intentionally attach a spur (with sharpened or fixed rowels) to an animal (e.g. cock fighting) or use such spurs on an animal 5 (e.g. horse or bull riding). Other offences created include the intentional selling of spurs, and/or possession of these types of spurs. Section 31(9)(a) defines the meaning of spur. Clause 10 undertakes a minor amendment to the definition of ‘spurs’ to provide that only the intentional possession, selling and using of spurs with sharpened rowels used on an animal (e.g. horse or bull riding) be an offence.

Commentary: Spurs cause unnecessary pain to animals and training with the use of positive rather than negative reinforcement should be promoted. We recommend this provision should continue to apply to fixed spurs, not only those with sharpened rowels.

- **New section 31A** :Prong collars 5 (1) A person commits an offence of strict liability if the person uses a prong collar on a dog. Maximum penalty: 20 penalty units. (2) A person commits an offence of strict liability if the person possesses a prong collar. 10 Maximum penalty: 10 penalty units. (3) In this section: prong collar means a collar that: (a) is designed for use on a dog; and (b) consists of a series of links or segments with prongs, teeth or 15 blunted open ends turned towards the skin of a dog so that, when the collar is tightened, the collar pinches the skin around the dog's neck.

Commentary: Sentient fully supports and welcomes this new section in the legislation. Prong collars cause severe physical and psychological damage to dogs and encourage the use of aversive training methods.³

- **Clause 12. Section 32** amended (Prohibited activities) Section 32(1) makes it an offence for a person, who is in control of an animal, to intentionally use the animal, or permit the

³ <https://kb.rspca.org.au/knowledge-base/are-pronged-collars-harmful-to-my-dog/>

animal to be used in a prohibited activity (e.g. dog or rooster fights) and the person is reckless in relation to the circumstances. Further offences apply to intentionally organising or conducting a prohibited activity (section 32(2)); for the owner, manager or occupier of a premises that intentionally allows a prohibited activity to take place (section 32(3)); and a person or member of the public who intentionally attends a prohibited activity (section 32(5)). Prohibitions under section 32(6)(a)-(c) do not apply to: the rehabilitation of native animals for future release into the wild; the keeping and displaying of animals whose normal diets include live food (e.g. providing snakes with live frogs); and the mustering and working of stock animals. Section 32(7)(a)-(d) defines what is meant by a 'prohibited activity' which includes (in part) the release of an animal from confinement for the purposes of being hunted by persons or another animal; use of animals to fight a person or another animal; and the using (and/or killing) of an animal as a lure. **Clause 12 inserts an additional paragraph (d) and (e) after section 36(6)(c) to provide a prohibition for the use of horses and cattle at a 'campdraft' event; and the use of bovine (i.e. cattle, banteng and buffalo) or equine animal species (horses) at 'rodeos' events.** Clause 12 further amends section 32(7) to insert a definition of 'campdraft event' to mean a competition or public event that involves a person riding a horse to work cattle for sport. A definition of 'rodeo' has also been inserted to mean a competition or public event that involves the riding or bucking of bovine and equine animals; or the catching, wrestling, roping or tying of bovine or equine animals; or any combination of those activities. Clause 13.

Commentary: We support the above prohibitions. However, it is unclear whether amendment clause 12, 36 (d) and (e) refers to including rodeos and campdrafting events as prohibited activities or is exempting them from such prohibition. Regional community events such as campdrafts and rodeos must not be exempted from being prohibited under the Act. The evidence for the cruelty to horses and livestock during both events is well documented – this cruelty involves fear and intense distress, pain, and risk of severe injury, including death. Rodeos are poorly regulated and there is no transparency about the fate of the animals used. The RSPCA has documented all this extensively.⁴ Sentient urges the committee to prohibit these events. Legally, it appears they should already be specified as prohibited given they involve “the release of an animal from confinement for the purposes of being hunted by persons or another animal.” We submit that not only should rodeos and campdrafting events be prohibited, but that offences should apply to any persons who organise or attend them. It is outrageous that animals in rodeos are not protected by animal welfare legislation. Prohibition by the Northern Territory would set a humane example for the rest of the nation.

- **Section 34** replaced (Transport of dogs) Clause 13 replaces and inserts new section 34, with the heading titled 'Transport of dogs' to modernise the offence for failing to properly secure a dog when transporting the animal on the tray of a motor vehicle or in trailer on a public street. Clause 13(1) makes it an offence if the person transports a dog on the tray of

⁴ <https://kb.rspca.org.au/knowledge-base/what-are-the-animal-welfare-issues-with-rodeos/>

a motor vehicle or trailer on a public street and the dog is not secured in a way that prevents the dog: from falling off; or out of the tray or trailer; moving off the tray or trailer; or being injured by the movement of the vehicle. Clause 13(2) clarifies that this offence does not apply in relation to a dog used to assist in the movement of stock animals (i.e. musters). The offence remains a strict liability offence with a maximum penalty of 50 penalty units with an associated infringement notice of 3 penalty units inserted into Schedule 3 of the Regulations (refer to clause 28). This is considered reasonable and proportionate to the nature of the offence, and important in achieving animal protection objectives. Clause 13(3) inserts a new offence if the person transporting a dog on the tray of a motor vehicle or trailer on a public street and the dog is secured in a way that causes unjustifiable, unnecessary or unreasonable suffering to the dog. An example may include having a dog tethered in the back of the utility for the entire day in the extreme NT sun without shelter or providing clean water and the dog sustaining burnt paws and/or heat stress. The new offence is a strict liability offence with a maximum penalty of 50 penalty units and an associated infringement notice of 3 penalty units inserted into Schedule 3 of the Regulations (refer to clause 28). As above, this is considered reasonable and proportionate to the nature of the offence, and important in achieving animal protection objectives.

Commentary: Sentient supports this but we object to the exemption: “if the dog is being used to assist in the movement of stock animals”, which is scientifically and ethically unjustifiable.

- **Section 36 amended** (Definitions) Section 36 insert animal includes a live: 15 (a) non-human member of a vertebrate species; and (b) cephalopod.

Commentary: Section 36 fails to include other animals scientifically understood to be sentient, including decapod crustaceans, and even some insects, such as bees. We refer to the UK’s legislative definition, updated in 2022 to reflect our current understanding of animal sentience: In this Act “animal” means— (a) any vertebrate other than homo sapiens, (b) any cephalopod mollusc, and (c) any decapod crustacean.⁵

Criminal Code:

- **Clause 32(1)** amends section 125A of the Criminal Code to insert a new definition of “animal sexual abuse or animal crush material”, for the purposes of the new section 125DA offence. The definition is a two-pronged definition to reflect the seriousness of this new offence. “Animal sexual abuse or animal crush material” means material that “depicts, describes or represents” a person sexual involved with an animal OR an animal being “crushed, burnt, drowned, suffocated, impaled or otherwise killed or subjected to serious injury or torture”

⁵ <https://www.legislation.gov.uk/ukpga/2022/22>

- **Clause 35. Section 125DA** inserted Clause 35 of the Bill amends the Criminal Code by inserting a new section 125DA offence entitled “Animal sexual abuse or animal crush material”. Proposed new section 125DA(1) provides that a person commits an offence if they: • intentionally produce, sell, distribute or possess or offer or advertise for sale or distribution, material; AND • that material is “animal sexual abuse or animal crush material” as defined in new section 125A. The maximum penalty for this offence is to be 5 years imprisonment for an individual, or 5000 penalty units for a body corporate.
- Amendment of the *Criminal Code* to insert a new “animal sexual abuse or animal crush material” offence relating to material depicting animal sexual or physical abuse for gratification purposes and increasing the maximum penalty for the section 208N offence (sexual involvement with an animal) from seven years to 10 years

Commentary: Sentient supports these amendments and commends the Committee’s attention to such a serious animal welfare issue, which no doubt has connections to human abuse.

Regarding terms of reference: **(i) whether the Assembly should pass the bill; and (ii) whether (ii) whether the Assembly should amend the bill;** we submit that the Assembly should consider incorporating our suggested revisions before passing the Bill in its current form.

We are available for further consultation on these matters and are committed to assisting the Committee to strengthen the current amendments to produce a Bill that reflect contemporary values and current evidence from animal welfare science.

11/8/2025

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