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SOCIAL POLICY SCRUTINY COMMITTEE

Public Briefing Transcript

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Litchfield Room, Level 3, Parliament House, Darwin

Inquiry into the Animal Protection Bill 2018

- Members:** Ms Ngaree Ah Kit MLA, Chair, Member for Karama
Ms Sandra Nelson MLA, Member for Katherine
Mrs Lia Finocchiaro MLA, Member for Spillett
- Witnesses:** Alister Trier: Chief Executive, Department of Primary Industry and Resources
Michelle Rodan: Director Biosecurity and Animal Welfare, Department of Primary Industry and Resources
Peter Zeroni: Director Policy and Legislation, Department of Primary Industry and Resources
Peter Phillips: Director Animal Welfare, Department of Primary Industry and Resources.

ANIMAL PROTECTION BILL 2018

Department of Primary Industry and Resources

Madam CHAIR: Good afternoon, everyone. My name is Ngaree Ah Kit. I am the member for Karama and the Chair of the Social Policy Scrutiny Committee. I am joined today on the phone by committee representative, Sandra Nelson, the Member for Katherine, and to my right I have Lia Finocchiaro, the Member for Spillett. We have apologies from two other committee members—the Members for Araluen and Namatjira.

I ask everyone to take a moment to ensure that your phones are on silent before we proceed.

On behalf of the committee, I welcome everyone into this public briefing into the Animal Protection Bill 2018. I start by acknowledging that this public briefing is being held on the land of the Larrakia people and pay respect to Larrakia elders, past and present.

I welcome to the table to give evidence to the committee from the Department of Primary Industry and Resources Alister Trier, Chief Executive, Michelle Rodan, Director Biosecurity and Animal Welfare, Peter Zeroni, Director Policy and Legislation and Peter Phillips, Director Animal Welfare.

Thank you for coming before the committee this afternoon. We appreciate you taking the time to speak to the committee and we 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 is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If at any time during the briefings today you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

I will ask each witness to state their name for the record and the capacity in which you appear. I will then ask you to make a brief opening statement before proceeding to the committee's questions. Could each of you state your name and the capacity in which you are appearing.

Mr PHILLIPS: Peter Phillips, Director Animal Welfare Branch.

Mr ZERONI: Peter Zeroni, Director Policy and Legislation.

Mr TRIER: Alister Trier, Chief Executive, Department of Primary Industry and Resources.

Ms RODAN: Michelle Rodan, Director of Biosecurity and Animal Welfare.

Madam CHAIR: Thank you very much. Would someone like to make an opening statement?

Mr TRIER: Madam Chair, Thank you very much for the opportunity today to provide you and other members of the committee and attending public members with an overview of the Animal Protection Bill, which was introduced into the Legislative Assembly on 8 February 2018 by the Minister for Primary Industry and Resources.

As the committee may recall from the minister's introductory speech, the purpose of the introduced Bill is to create a new *Animal Protection Act* to strengthen policies applying to animal welfare and protection and to ensure governance of such matters are undertaken more effectively in the Northern Territory.

The introduced Bill aligns and builds upon the regulatory framework in the Northern Territory and puts in place clearly defined rights, roles and responsibilities for government, industry and the community on matters of animal welfare. If passed, the Bill will repeal and replace the existing *Animal Welfare Act*, which has been in operation for close to 20 years.

Following is an overview of the key and new initiatives contained in the Bill:

- Under a new Act, the administrative power is assigned to the Chief Executive Officer of the regulatory agency, rather than to the animal welfare authority. This is to increase accountability and transparency of decision making.

- The statutory requirements for the minister to establish an Animal Welfare Advisory Committee, as required under the current Act, is to be retained under the proposed new Act.
- Individual scientific users of animals for scientific purposes will need to be individually registered, rather than the current practice of only licensing premises.
- Accredited animal ethics committees will now be given increased oversight for research projects they approve and it will be an offence to contravene a condition of a project approval granted by such a committee.
- Regulations may be used to prescribe and enforce codes of practice and standards relevant to animal welfare.
- Animal welfare directions and improvement notices may now be issued to persons who provide inadequate care to animals, with penalties imposed for those who do not comply.
- Under controlled circumstances, authorised officers will now have the power to enter land surrounding a building without a warrant or a 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 will now 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 will now be an offence to keep other animals on the premises that may be used for blooding greyhounds—for example, rabbits or possums.
- An animal will now be automatically forfeited from a person found guilty of a cruelty or related offence against that animal. A person can apply to the Chief Executive Officer of the Department of Primary Industry and Resources to have the animal returned if they agree to comply with stringent conditions.
- A person convicted of three animal cruelty or related offences within a five-year period will now be automatically banned for five years from being in control of an animal.
- Drivers will now be 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 will now have the power to destroy an animal humanely if the animal is so severely injured, diseased or in such poor physical condition that it is inhumane to keep it alive.
- Penalties will increase for animal cruelty and related offences, including failing to provide an animal with an adequate level of care.
- The maximum term of imprisonment under a new Act will increase from two to five years and the maximum fine will increase from 200 penalty units—which is the current equivalent of \$30 800—to 500 penalty units—which is \$77 000. That is based on a penalty unit currently being at \$154.

Over the past 18 months, the Department of Primary Industry and Resources has been working with the Animal Welfare Advisory Committee and other key stakeholders on developing this Bill. A summary list of organisations consulted has been provided to the committee secretariat.

Again, I thank the committee for the opportunity to attend today and welcome any questions you have on the Bill and the process undertaken in its development.

Madam CHAIR: Thank you very much for that. That was very informative and answered a lot of the questions that I have in front of me.

Alister, you mentioned that there was an extensive consultation process. Could you go into a bit more detail about who was consulted, how long they were consulted and any concerns that were raised by those?

Mr TRIER: Certainly. I can give an overview and I will refer to Peter Zeroni and Michelle Rodan to maybe provide a bit more detail that I do not have.

In 2014, there was a public release of a discussion paper reviewing the *Animal Welfare Act*. On release of that paper there were submissions received from the following stakeholders: Voiceless; the RSPCA; New South Wales Young Lawyers; the Australian Veterinary Association Northern Territory Branch; the Animal Management in Rural and Remote Indigenous Communities, commonly known as AMRRIC; Animals Australia; the Charles Darwin University Animal Ethics Committee; and Animal Welfare Awareness Group.

In 2016 and 2017, consultations were held with the Animal Welfare Advisory Committee, established under Part 7 of the Act, which contains members from a number of local associations and organisation, as well as Northern Territory and local government agencies. The groups involved were:

- RSPCA Darwin Regional Branch
- Australian Veterinary Association Northern Territory Branch
- Northern Territory Cattlemen’s Association
- Charles Darwin University’s Animal Ethics Committee
- Pet Industry Association of Australia
- Animal Management in Rural and Remote Indigenous Communities
- Parks and Wildlife Commission in the Department of Environment and Natural Resources
- Local Government Association of the Northern Territory
- Animal Welfare Branch within the Department of Primary Industry and Resources.

All AWAC membership organisations were provided with an unofficial working copy of the draft Bill, along with a detailed table comparing key provisions and offences in the current Act with those proposed for inclusion in the draft Bill.

Other key community stakeholder groups consulted included: the Northern Territory Livestock Exporters Association; the Amateur Fishermen’s Association of the Northern Territory; the Northern Territory Seafood Council; Darwin Greyhound Racing Northern Territory; Thoroughbred Racing Northern Territory; and the Northern Territory Pig Dogging and Hunting Association.

The four land councils—the Northern, Central, Tiwi and Anindilyakwa Land Councils—have been contacted regarding the draft Bill and individual briefings have been offered.

Is there any further detail you would like to add?

Mr ZERONI: No, that is really comprehensive.

Mrs FINOCCHIARO: Were any breeders consulted? Or whether they perhaps were not consulted, but in the responses to the 2014 discussion paper, any dog breeding organisations or cat breeders—anyone like that—participated?

Mr TRIER: My understanding is not directly. We have gone through the representative organisations and, I suppose assume—for want of a better word—that issues would flow through those processes.

Mrs FINOCCHIARO: Did you receive many submissions from individuals?

Mr TRIER: You answer that.

Mr ZERONI: I think in 2014 we had six submissions from individuals, but that was it in 2014.

Madam CHAIR: Alister, you mentioned that should an individual be found guilty of animal cruelty on three occasions they would be banned from owning animals?

Mr TRIER: The wording was banned from controlling or taking care of an animal—I think for three years from memory.

Madam CHAIR: So, how is that monitored or mandated to make sure people are complying?

Mr TRIER: I will hand over to Peter Phillips in a second, but first, the CEO of the department has discretion whether to hold that ban or provide a mechanism to allow a person to retain an animal, but under strict conditions. In monitoring ...

Mr PHILLIPS: In monitoring, in the past where there has been a court order stipulating that a certain individual is not to be in control of an animal, the Animal Welfare Branch, through its mechanisms of investigations and monitoring, has been able to determine whether those court orders are not being adhered to. So, I guess the same system will happen now.

We are very lucky in the Northern Territory that we have a very close-knit community that is very supportive of animal welfare, so we get a lot of information from the public. That assists us in the monitoring program.

Madam CHAIR: Thank you very much.

Mrs FINOCCHIARO: Sorry. Back on the consultation, I was interested that this Bill will authorise officers to have the power to enter premises without a warrant. Were there any—let me go back a step. There was the discussion paper which invited people to come to the department.

Then there was the 2016 process where you engaged a lot of organisations. Was there any proactive seeking of comment and discussion? I am thinking about the ability of officers to enter a premises without a warrant. Perhaps the Law Society or some of those civil liberty-type organisations—were they actively contacted to perhaps discuss that section of the Bill that changed the power?

Mr ZERONI: As you will see in 2014, the Young Lawyers of New South Wales put in a submission ...

Mrs FINOCCHIARO: Oh, was it about that? And they commented on that particular—okay.

Mr ZERONI: The answer is specifically no in the later consultations. But we spoke at length with police, and police obviously had some concerns. We worked through those concerns.

It is important to understand that there are some very strong powers of entry under the current Act. The reasons—entry without consent in emergency situations—we tried to do under the proposed Act, the introduced Bill, is put safeguards in place.

In relation to stakeholders, the power to enter a greyhound facility at a reasonable time was discussed at length with the Greyhound Association and they are comfortable with what has been proposed there.

At CDU, the Northern Territory Animal Ethics Committee spent a lot of time working on this as well, and helped structure the way scientific user of animals are regulated. We picked up a lot of their suggestions because they do a lot of our work. It will be an obligation that if you use animals for scientific purposes, you should not really be shutting out authorised officers from coming in and undertaking an inspection during reasonable hours

Ms RODAN: To add to that, in those discussions with the Northern Territory Police, we went through several hours of consultation on clause 83 and other opportunities to use that. We provided a number of amendments, which are now in the current draft, to address the Northern Territory Police concerns.

Mrs FINOCCHIARO: Great. Thank you.

Madam CHAIR: My electorate in Karama has a lot of animals and pets. I want to check regarding concerns about animal welfare in my electorate. This would be covered under this Bill? At the moment, we have a lot of—this morning I was woken up; early by a dog that was barking for hours and hours consistently. Is this something that can be supported under this Bill?

Mr TRIER: That would be ...

Madam CHAIR: We would go to council and we are asked to keep a diary of barking dogs ...

Mrs FINOCCHIARO: A bark register.

Madam CHAIR: ... when you are worried about barking dogs versus the management, safety or protection of an animal, how do we ...

Mr TRIER: You have just articulated it quite clearly. The primary purpose of this Bill is about the welfare and condition of animals. Barking dogs is not a welfare issue for the animal—or it could if that dog is barking because it is distressed—then certainly it is an animal welfare issue. But a barking dog just barking might not be a distressed animal and is not part of this Bill. So, there is still that point where some of these things reside with council. But this is about the protection and welfare of animals. If an animal is in distress and barking as a result of that, then that would sit under this Bill.

Madam CHAIR: Great.

Mr PHILLIPS: To add to that, the Animal Welfare Branch has a fairly good relationship with local councils, so we work in tandem and hand-in-hand. They will tell us if there are animal welfare issues with a barking dog complaint. That is basically how we deal with it—we work together.

Mrs FINOCCHIARO: I have a question on the dog restraint laws about vehicles. You might want to explain it further. You were saying trays on backs of vehicles. Was it now in open air it had to be restrained? Is that ...

Mr TRIER: That is correct. I am not exactly sure what happened, but at a point in time that was a regulation. Then, through some administrative changes that piece of regulation dropped off.

Mrs FINOCCHIARO: I was going to say I thought that was the law.

Mr TRIER: Yes ...

Mrs FINOCCHIARO: Yes, okay.

Mr TRIER: It was and then it dropped off ...

Mrs FINOCCHIARO: Right.

Mr TRIER: I do not think a lot of people realised it. That is obviously a very sensible requirement.

Mrs FINOCCHIARO: It will just bring that back in place.

Mr TRIER: It is for animals that can, potentially, be thrown out the back of a vehicle as they are going around a corner, or whatever. They are restrained and do not run the risk of harm.

Ms RODAN: Again on that, there are exemptions when the vehicle is not on a public street and the animal is being used for mustering stock and those issues. It is a practicality thing.

Madam CHAIR: I have one more question in regard to dogs that are locked in cars. What can we do, or cannot do, to make sure they are rescued? We see queries on a regular basis, 'Can I break someone's window?' It is 40° out there. It is quite muggy even today. It is quite muggy for the safety of an animal. What can we do, or cannot do, to make sure an animal is protected if they are locked in a car at a supermarket?

Mr TRIER: That is a really good question and very pertinent. I could have a go at answering it, but you will get better detail from these guys.

Mr PHILLIPS: A very good question. It is a common occurrence in Darwin. We respond to complaints regarding dogs in hot vehicles probably once a month, I suppose. The best thing, if someone sees a dog in a vehicle, is to ring Animal Welfare Branch or Northern Territory Police. Police are ex-officio animal welfare inspectors as well. Nine times out of 10, police can get there before we can, because they are always mobile.

In regard to taking action into your own hands, there are a lot of issues involved with that. In the past, we have always been able to attend in time to rescue the dog. The citizens of the Northern Territory—as I said before—are very aware of animal welfare. That is why we get a lot of complaints regarding dogs in locked vehicles. So, it is quite beneficial in that regard.

Madam CHAIR: Thank you for that. Are there any further questions from the committee? Member for Katherine?

Ms NELSON: Yes, I have a couple of questions. The first is a pretty simple one. Have the changes to this Act—I am assuming it will affect some of the resources you have. Have there been costings done to implement some of the things we are looking at changing in this Act?

Mr TRIER: The Act itself does not have any direct resource implications. It is making sure the Act is contemporary, looking at some gaps that were in the Act and strengthening some provisions. In resourcing implications, that does not have a direct effect. It just gives the animal welfare officers—both in the animal welfare team and ex-officio officers in the police—a more contemporary legislation and more ability to deal with issues that arise.

Ms NELSON: Okay. I see. All right, thank you. It was just how that would work.

Ms RODAN: One further comment on that. Some of the new clauses in the Act—especially around direction notices—enables the animal welfare officers to give a direction notice up front, which they have not been able to do before. That alleviates a significant amount of work in proving an offence and going to prosecution. So, you can immediately give someone a direction notice, which directs them to undertake an action like feed the animal or do something within 24 hours—whatever it is. Therefore, you can then do a fine against the direction notice if it is not followed. It is a lot simpler in many ways for implementing the Act than it has been under what is probably outdated legislation that does not have those mechanisms in it.

Ms NELSON: Okay. You said at the beginning that there was some significant consultation done about the Bill. It was first discussed in 2014 and consultation was done at that time. Is that right? Or began at that time?

Mr TRIER: Yes, that is correct.

Ms NELSON: Were there recent consultations done?

Mr TRIER: Yes, that is correct. The Bill was initially developed under the last term of government and a lot of consultation happened during that period. Unfortunately, the Bill did not make the floor of Parliament in the term of government, so it lapsed. So, given that there was a reasonable period of time between when the new government came in and when the initial consultation occurred, we undertook another round of—actually quite a deal more—consultation to ensure that we had covered as best we could.

Ms NELSON: Okay. Sorry. I had a bit of difficult hearing at the very beginning. I heard someone mentioned consulting with the councils. Is that right?

Mr TRIER: Yes, I can re-read the groups that have been consulted through one mechanism or another. The RSPCA in Darwin, the Australian Veterinary Association from the Northern Territory, the Northern Territory Cattlemen's Association, Charles Darwin University Animal Ethics Committee, the Pet Industry Association of Australia, AMRRIC, Parks and Wildlife in the Department of Environment and Natural Resources, the Local Government Association. Also the Livestock Exporters Association, the Amateur Fishermen's Association, the Northern Territory Seafood Council, Darwin Greyhound Racing Northern Territory, Thoroughbred Racing Northern Territory and the Northern Territory Pig Dogging and Hunting Association. We also made contact with the land councils—all four—and have offered them individual briefings.

Mr ZERONI: I add that what we did from March last year—actually from December the year before—all members of the Animal Welfare Advisory Committee had a full unofficial copy of the draft Bill. It is rare that you get the opportunity to see the writing on the page structured like a Bill. Then, copies of that unofficial draft Bill were provided in March and July to most of the organisations that Alister just listed. So, the wording on the page has been around for quite a while.

We had some written and verbal feedback, but there were not a lot of submissions coming and going through each part of the Bill saying X, Y, Z, that they were happy with this or not. So, it was quite a thorough opportunity for people to put in submissions.

From that unofficial draft Bill to the one we have here today, there has not been much change.

Ms NELSON: Okay.

Madam CHAIR: I have one final question in regard to education for animal welfare. We can be reactive and tell people that what they are doing is wrong. What level of information is out there to help educate people who want to be in control of animals?

Mr PHILLIPS: Will you take the question?

Mr TRIER: Animal welfare is a people issue. First, it is focused on people and educating people. Absolutely spot on. Yes, we need legislation to address significant, deliberate or just irresponsible issues. We need to do that. Fundamentally, we need to educate people as a part of this process. That is something we in the department feel very strongly about. I will now hand over to Peter.

Mr PHILLIPS: Community engagement is a passion of mine as well. It is part and parcel of animal welfare in the Territory. There are a number of schools and communities we have attended. We try to get the message out to the community. Also, when we attend individual jobs our first port of call is to educate the owner, rather than take regulatory action as such. Education is one tool of the whole regulatory framework which we put forward.

Madam CHAIR: Are there any ...

Ms NELSON: Sorry, Madam Chair. To follow up on your question regarding education. It is not built into this Act, though, is it?

Mr TRIER: That is correct. It is not built into the Act.

Ms NELSON: This is operational practice?

Mr TRIER: Yes, that is correct.

Ms NELSON: Okay, thanks.

Madam CHAIR: Are there any further questions from the committee? No further questions from the committee.

That concludes our public briefing on the Animal Protection Bill. I thank you all for taking the time out of your busy schedules this afternoon to answer some of our questions. We look forward to receiving submissions from the public on this Act/Bill in the near future.

The committee suspended.
