



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

# **Inquiry into the Animal Protection and Related Legislation Amendment Bill 2025**

August 2025



# Inquiry into the Animal Protection and Related Legislation Amendment Bill 2025



Legislative Assembly of the Northern Territory

Parliament House

State Square

Darwin NT 0800

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## Chair's Preface

This report details the Committee's findings regarding its examination of the Animal Protection and Related Legislation Amendment Bill 2025. Building on the existing regulatory framework, the Bill seeks to strengthen existing policies, improve effectiveness of animal welfare governance, and contribute to greater protection of animals in the Northern Territory.

The Committee received 44 submissions to its inquiry, all of which supported the intent of the Bill. While a number of submissions put forward suggestions as to how the Bill could be improved, others sought clarification regarding the intended operation of various provisions within the Bill. In a number of instances, submitters proposed amendments that were beyond the scope of the current Bill including, for example, removal of cultural exemptions, recognition of animal sentience, and regulation of large-scale breeding such as puppy farms.

Following its examination of the Bill and consideration of the evidence received, the Committee has recommended that the Assembly pass the Bill with the proposed minor amendment to the wording of Item 1(1) in clause 27 as set out in recommendation 2, which seeks to ensure that the Bill is unambiguous and drafted in a sufficiently clear and precise manner.

On behalf of the Committee, I would like to thank all those that took the time to provide submissions to the Committee's inquiry. The Committee also thanks the representatives from the Department of Agriculture and Fisheries and the Attorney-General's Department that appeared before the Committee at a public briefing on the Bill. I also thank my fellow Committee members for their bipartisan commitment to the legislative review process.



**Mrs Oly Carlson MLA**

**Chair**

## Committee Members

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

## Committee Secretariat

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## Acknowledgments

The Committee acknowledges all those that provided written submissions to its inquiry and the representatives from the Department of Agriculture and Fisheries and the Attorney-General's Department that appeared before the Committee at a public briefing on the Bill.

## Acronyms and Abbreviations

AAI	Ark aid Inc
ACA	Animal Care Australia
AVA	Australian Veterinary Association
CFANT	Crocodile Farmers Association of the NT
PIC	Pet Industry College

# Terms of Reference

## Sessional Order 14

### *Establishment of Legislative Scrutiny Committee*

- (1) The Assembly appoints a Legislative Scrutiny Committee
- (2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.
- (3) The functions of the scrutiny committee shall be to inquire into and report on:
  - (a) any bill referred to it by the Assembly;
  - (b) in relation to any bill referred by the Assembly:
    - (i) whether the Assembly should pass the bill;
    - (ii) whether the Assembly should amend the bill;
    - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
      - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
      - (B) is consistent with principles of natural justice; and
      - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
      - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
      - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
      - (F) provides appropriate protection against self-incrimination; and
      - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
      - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
      - (I) provides for the compulsory acquisition of property only with fair compensation; and
      - (J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and
      - (K) is unambiguous and drafted in a sufficiently clear and precise way.

- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
  - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
  - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
  - (C) authorises the amendment of an Act only by another Act.
- (4) The committee will provide an annual report of its activities to the Assembly.

Adopted 15 October 2024

# Recommendations

## Recommendation 1

The Committee recommends that the Legislative Assembly pass the Animal Protection and Related Legislation Amendment Bill 2025 with the proposed amendment set out in recommendation 2.

## Recommendation 2

The Committee recommends that Clause 27 be amended by removing the reference to 'crocodile' in Item 1(1) Electric stock prod of Schedule 2 Excluded electrical devices.

# 1 Introduction

## Introduction of the Bill

1.1 The Animal Protection and Related Legislation Amendment Bill 2025 (the Bill) was introduced into the Legislative Assembly by the Minister for Agriculture and Fisheries, the Hon Gerard Maley MLA, on 30 July 2025. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee for inquiry and report by 27 August 2025.<sup>1</sup>

## Conduct of the Inquiry

1.2 On 30 July 2025 the Committee called for submissions by 11 August 2025. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations.

1.3 As set out in Appendix 1, the Committee received 44 submissions to its inquiry. On Friday 8 August 2025, the Committee held a public briefing with representatives from the Department of Agriculture and Fisheries and the Attorney-General's Department (see Appendix 2).

## Outcome of Committee's Consideration

1.4 Sessional Order 14 requires that the Committee after examining the Bill determine:

- (i) whether the Assembly should pass the bill;
- (ii) whether the Assembly should amend the bill;
- (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
- (iv) whether the bill has sufficient regard to the institution of Parliament.

1.5 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill with the proposed amendment set out in recommendation 2.

### Recommendation 1

**The Committee recommends that the Legislative Assembly pass the Animal Protection and Related Legislation Amendment Bill 2025 with the proposed amendment set out in recommendation 2.**

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<sup>1</sup> Hon Gerard Maley MLA, Minister for Agriculture and Fisheries, *Draft Daily Hansard – Day 2 – 30 July 2025*, <https://hdl.handle.net/10070/1006784>, p. 8

## **Report Structure**

- 1.6 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement.
- 1.7 Chapter 3 considers the main issues raised in the evidence received.

## 2 Overview of the Bill

### Background to the Bill

- 2.1 The current *Animal Protection Act 2018* (the Act) and the Animal Protection Regulations 2022, which replaced the outdated *Animal Welfare Act 1999* and associated regulations, provide the:

regulatory framework to ensure animals in the Territory are treated humanely and regulate individuals using animals for scientific research purposes.<sup>2</sup>

To ensure the legislation continues to meet community expectations, a review of the framework was undertaken in 2024, which included a four-month public consultation campaign.<sup>3</sup>

- 2.2 As highlighted by the Minister, the proposed amendments respond to community concerns regarding the need for better compliance oversight of premises used for commercial purposes, such as animal boarding kennels, doggy day care centres, cattle holding yards, and facilities used for training and racing animals, and the recent prosecution of an individual for extreme physical and sexual abuse of an animal.<sup>4</sup>

### Purpose of the Bill

- 2.3 Amending the *Animal Protection Act 2018*, the *Criminal Code Act 1983* (Criminal Code) and the Animal Protection Regulations 2022, the Explanatory Statement notes that the purpose of the Bill is:

to ensure the Northern Territory (NT) animal protection laws remain fit for purpose, are achieving their objectives and meet ever-changing community expectations with regards to the protection and treatment of animals.<sup>5</sup>

- 2.4 Building on the existing regulatory framework, the Bill seeks to strengthen existing policies, improve effectiveness of animal welfare governance, and contribute to greater protection of animals in the Northern Territory by:

- Inserting or increasing appropriate and proportionate penalty offences with regards to minimum level care and cruelty offences, in accordance with Part IIAA of the Criminal Code, and including prescribing infringement notice offences.
- Provide a new offence for possession and use of prong collars.
- Clarifying the use and exempted use of electrical devices on animals (namely on face, udders, genitals or anus of the animal); restraining of dogs when riding in the back of a utility vehicle or trailer; and ensure regional

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<sup>2</sup> Hon Gerard Maley MLA, Minister for Agriculture and Fisheries, Draft Daily Hansard – Day 2 – 30 July 2025, <https://hdl.handle.net/10070/1006784>, p. 5

<sup>3</sup> Hon Gerard Maley MLA, Minister for Agriculture and Fisheries, Draft Daily Hansard – Day 2 – 30 July 2025, <https://hdl.handle.net/10070/1006784>, p. 5

<sup>4</sup> Hon Gerard Maley MLA, Minister for Agriculture and Fisheries, Draft Daily Hansard – Day 2 – 30 July 2025, <https://hdl.handle.net/10070/1006784>, pp. 5 & 8

<sup>5</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 1

community events such as campdrafts and rodeos are exempted from being a prohibited activity under the Act.

- Clarifying authorised officer's powers in relation to: seeking additional information to formally identify a person; enter a locked vehicle in an emergency to free an animal in distress; clarify entry and inspection of premises used for racing or training animals; insert a new power to enable the taking of samples from animals and things in connection to an offence.
- Adopt prescribed codes of practice relating to animal welfare.
- Amend 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 to 10 years.<sup>6</sup>

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<sup>6</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 1

## 3 Examination of the Bill

### Introduction

- 3.1 The Committee received 44 submissions to its inquiry, all of which supported the intent of the Bill. Of these, 31 were classified as proforma submissions. Proforma submissions were further classified into three distinct types:
- Proforma A (10): Submitters registered their strong support for all aspects of the Bill and recommended that it be passed without amendment.<sup>7</sup>
  - Proforma B (11): While supporting the intent of the Bill, submitters opposed provisions relating to the prohibition of prong collars and electric training collars operated by remote control devices.<sup>8</sup>
  - Proforma C (10): Submitters strongly supported the Bill but recommended strengthening of penalty provisions. This group of submitters also suggested additional amendments which were beyond the scope of the Bill including, for example, removal of cultural exemptions, recognition of animal sentience, and regulation of large-scale breeding such as puppy farms.<sup>9</sup>
- 3.2 Taking into consideration advice provided by the Department of Agriculture and Fisheries (the Department), the following discussion considers the main issues raised in submission regarding the proposed amendments in the Bill and provides some points of clarification on the intended operation of the Bill.

### Confining or Restraining an Animal

- 3.3 Proposed section 23D introduces an offence of strict liability with a maximum penalty of 50 penalty units (\$9,450), and an associated infringement notice of 3 penalty units (\$567), where a person in control of animal confines or restrains the animal in a manner that does not allow the animal to move in a way that is appropriate for the animal's age, physical condition or size.<sup>10</sup>
- 3.4 However, as noted in the Explanatory Statement, this provision will not apply where, for example, it may be necessary to confine or restrain an animal for its own welfare upon veterinary medical certification or advice.<sup>11</sup> To clarify the intended operation of the proposed section, the Explanatory Statement further notes that:

An additional example where the new provision would unlikely apply is keeping an animal in a backyard or a residence such as a house or apartment – unless the animal is stopped from moving freely, has no access to appropriate shelter or clean water, is unreasonably tethered or chained to a

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<sup>7</sup> Proforma Submission A, p.1

<sup>8</sup> Proforma Submission B, p.1

<sup>9</sup> Proforma Submission C, p.1

<sup>10</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 4

<sup>11</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 4

pole, or placed in a small cage (relevant to its size), in the back yard of premises and mostly exposed to the elements.<sup>12</sup>

3.5 Noting that the proposed section 23D lacks any measurable criteria, Ark Aid Inc (AAI) recommended:

- Defining minimum space requirements
- Establishing time-based thresholds for confinement
- Ensuring tethering allows freedom of movement and access to shelter, food and water.<sup>13</sup>

### **Committee's Comments**

3.6 Given that the Act covers all animals as defined in section 5, the Committee notes that it would not be practical to incorporate the level of detail recommended by Ark Aid Inc in the body of the legislation. However, as is the case elsewhere in Australia, this type of information can be found in the relevant standards, guidelines and codes of practice that are adopted or prescribed by regulation as set out in Schedule 1 of the Regulations.

3.7 Apart from the codes of practice currently specified in Schedule 1 of the Animal Protection Regulations 2022, the Committee further notes that Clause 26 of the Bill amends Schedule 1 to include a number of new or additional animal welfare codes of practice such as the *Australian Animal Welfare Standards and Guidelines for Poultry*, and the *Standards and Guidelines for Best Practice Boarding Facilities/Establishment and Doggy Day Care Centres*.

## **Cruelty to an Animal**

3.8 Clause 8 amends sections 24(1) to (7) by increasing the maximum penalties for cruelty to animal offences from 200 penalty units (\$37,800) or imprisonment for 2 years to 300 penalty units (\$56,700) or imprisonment for 3 years. While the proposed amendments to the offence penalties were welcomed, a number of submitters registered their disappointment that they had not been increased further and did not include provision for infringement notices.<sup>14</sup> Similarly, a number of submitters expressed the view that, as has occurred recently in South Australia, the maximum penalty for Aggravated Cruelty should be increased to '10 years to reflect community expectations and allow for proportionate sentencing in severe cases.'<sup>15</sup>

3.9 City of Palmerston also suggested that:

the Act could be stronger as a deterrent if disqualifying animal ownership was included as an additional penalty. This would prevent repeated offending and further harm to other animals.<sup>16</sup>

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<sup>12</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 4

<sup>13</sup> Ark aid Inc, Submission No. 35, pp.1-2

<sup>14</sup> Ross Bohlin, Submission No. 16, p.1; Proforma Submission C, p.2

<sup>15</sup> Proforma Submission C, p.2; see also *Animal Welfare Act 2025 (SA)*, s. 7

<sup>16</sup> City of Palmerston, Submission No. 22, p. 1

### Committee's Comments

- 3.10 The Committee notes that, with the exception of South Australia and Western Australia where the offence carries a maximum of 5 years imprisonment, the proposed penalty for cruelty to animal offences is higher than all other jurisdictions.<sup>17</sup> Similarly, with the exception of South Australia where a maximum of 10 years imprisonment applies, the penalties for aggravated cruelty in the NT are the same as, or higher than, other jurisdictions.<sup>18</sup>
- 3.11 With regards to the City of Palmerston's comments, the Committee notes that section 113 of the Act provides for the forfeiture of animals in certain cases; section 114 provides that the court may order that an animal be seized from a person if they are found to be guilty of an offence against the Act and the person is in control of the animal; and section 115 provides that the court may make orders preventing a person from owning, possessing or being in control of an animal.

### **Prong Collars**

- 3.12 Proposed section 31A introduces new offences regarding the possession and use of prong collars on dogs. Under subsection 31A(3), a prong collar is defined as:
- a collar that is designed for use on a dog and consists of a series of links or segments with prongs, teeth, or blunted open ends turned inwards towards the skin of a dog so that, when the collar is tightened, the collar pinches the skin around the dogs neck.<sup>19</sup>
- 3.13 Both possession and use of prong collars are strict liability offences. Possession of a prong collar attracts a maximum fine of 10 penalty units (\$1,890) with an associated infringement notice of 1 penalty unit (\$189). Use of a prong collar carries a maximum fine of 20 penalty units (\$3,780) with an associated infringement notice of 2 penalty units (\$378).<sup>20</sup> In presenting the Bill, the Minister noted that the proposed introduction of offences for the possession and use of prong collars is 'in direct response to community and stakeholder consultation feedback.'<sup>21</sup>
- 3.14 While the majority of submissions supported the proposed amendment, a number of submitters expressed the view that prong collars should remain available for

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<sup>17</sup> *Animal Welfare Act 1992* (ACT), s.7; *Prevention of Cruelty to Animals Act 1979* (NSW), s.5; *Animal Care and Protection Act 2001* (Qld), s. 18; *Animal Welfare Act 2025* (SA), s. 7; *Animal Welfare Act 1993* (Tas), s. 8; *Prevention of Cruelty to Animals Act 1986* (Vic), s. 9; *Animal Welfare Act 2002* (WA), s. 19

<sup>18</sup> *Animal Welfare Act 1992* (ACT), s.7A; *Prevention of Cruelty to Animals Act 1979* (NSW), s.6; *Animal Welfare Act 2025* (SA), s. 7; *Animal Welfare Act 1993* (Tas), s. 9; *Prevention of Cruelty to Animals Act 1986* (Vic), s. 10

<sup>19</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025* (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 5

<sup>20</sup> Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025* (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 5

<sup>21</sup> Hon Gerard Maley MLA, Minister for Agriculture and Fisheries, Draft Daily Hansard – Day 2 – 30 July 2025, <https://hdl.handle.net/10070/1006784>, p. 7

use by certified professional trainers.<sup>22</sup> For example, Animal Care Australia (ACA) noted that:

Research shows when used appropriately by trained professionals, prong collars are a safe and humane tool for managing severe behavioural issues, such as leash reactivity and aggression.<sup>23</sup>

3.15 Acknowledging that the misuse of prong collars can be harmful, ACA and others suggested that:

Professional regulation rather than prohibition ensures animal welfare while retaining critical options for behaviour modification.<sup>24</sup>

ACA subsequently recommended that the NT:

Allow the use of prong collars under strict conditions, including by qualified professions or under veterinary supervision, to prevent unnecessary euthanasia and promote behaviour rehabilitation.<sup>25</sup>

3.16 However, as indicated in the evidence provided to the Committee, limiting the use of prong collars to qualified professionals will not necessarily ensure that they are not misused:

I unknowingly allowed a local dog trainer, that is still in business to date, to use a prong collar on my dog to control and manage behaviour. I allowed this to occur in my presence and was told by the trainer that because they knew how to use them, it would not be of any harm to my dog.

The high pitch yelps from my dog, was just the beginning. It made her more reactive, counter to what I thought was the purpose of the tool. Furthermore, beyond the sheer fear in my dog's eyes every time it was used or the trainer approached her with it, she had to receive ongoing veterinary treatment from injuries caused by it.

While the device is not sharp in each of its edges, the pressure from the trainer and the repetitive use caused the skin around her neck to puncture and the wounds were so deep, they required surgical intervention and multiple courses of medication to stem infection. Further to this, she suffered extensive muscular damage to her neck and injury to her trachea.<sup>26</sup>

3.17 Similarly, Dr Roslyn Barker noted that:

Over my 10+ years in the Territory I have seen hundreds of injuries present to clinics as a direct result of these devices used by dog trainers and the broader community. I have personally managed the recovery of injuries of animals requiring surgical intervention of these devices, which could have been prevented with a ban of these devices.<sup>27</sup>

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<sup>22</sup> Proforma Submission C, p.1.; The Pet Industry College, Submission No. 31, pp. 1-2

<sup>23</sup> Animal Care Australia, Submission No. 19, p. 1

<sup>24</sup> Animal Care Australia, Submission No. 19, p. 1

<sup>25</sup> Animal Care Australia, Submission No. 19, p. 2

<sup>26</sup> Mary Lukas, Submission No. 39, p.1

<sup>27</sup> Dr Roslyn Barker, Submission No. 8, p.1

### **Committee's Comments**

- 3.18 The Committee heard that Animal Welfare Officers have reported that the possession and/or use of prong collars is becoming more evident in the NT.<sup>28</sup> The Committee notes that the proposed amendment is consistent with provisions in Victoria, Tasmania and Queensland,<sup>29</sup> and many other jurisdictions internationally.<sup>30</sup>
- 3.19 The Committee is advised that, should the amendment be agreed to, the Department will undertake a community education campaign that will include a grace period during which people will be able to surrender prong collars in their possession for disposal.<sup>31</sup>

### **Prohibited Activities**

- 3.20 As set out in the Explanatory Statement, section 32 of the Act currently provides that it is:

an offence for a person, who is in control of an animal, to intentionally use the animal, or permit the 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)).<sup>32</sup>

AAI suggested that promoting or betting on prohibited activities should also be an offence.<sup>33</sup>

- 3.21 Clause 12 of the Bill amends section 32(6) to clarify that the aforementioned offences do not apply in relation to:

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 'rodeo' events.

Clause 12 also amends section 32(7) to provide that a 'campdraft' event means 'a competition or public event that involves a person riding a horse to work cattle for sport.' Similarly, clause 12 defines a 'rodeo' as 'a competition or public event that involves the riding or bucking of bovine and equine animals; or the catching,

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<sup>28</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 5

<sup>29</sup> *Animal Care and Protection Act 2001* (Qld), s.37A; *Animal Welfare Act 1993* (Tas), s.8; *Prevention of Cruelty to Animals Regulations 2008* (Vic), s.9

<sup>30</sup> Evie's Bark, Submission No. 43, p. 6 points out that prong collars are illegal in Germany, Austria, Switzerland, France, Spain, New Zealand and Quebec.

<sup>31</sup> Committee Transcript, Public Briefing – 8 August 2025, p. 5

<sup>32</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 5

<sup>33</sup> Ark Aid Inc, Submission No. 35, p. 2

wrestling, roping or tying of bovine or equine animals; or any combination of those activities.’<sup>34</sup>

3.22 While acknowledging the cultural significance of these events, AAI also recommended:

the inclusion of minimum welfare standards for participating animals. These should include:

- Mandatory rest periods
- On-site veterinary oversight
- Prohibition of excessive force or harmful equipment.<sup>35</sup>

### **Committee’s Comments**

3.23 In response to AAI’s suggestion regarding additional offence provisions for prohibited activities, the Committee notes that promotion and advertising of a prohibited activity is captured under the offence provisions set out in section 32(2)(a) of the Act and carries a maximum penalty of 200 penalty units (\$37,800) or 2 years imprisonment. The Committee further notes that betting on a prohibited activity is an offence under section 199 of the *Racing and Wagering Act 2024* (NT) and carries a maximum penalty of 215 penalty units (\$40,625).<sup>36</sup>

3.24 In relation to minimum welfare standards for animals participating in ‘campdraft’ and ‘rodeo’ events, the Committee notes that clause 26 of the Bill amends Schedule 1 (Codes of Conduct) of the Animal Protection Regulations 2022 to include the *Rules of Campdrafting, Code of Conduct for the Care and Treatment of Campdraft Livestock and Code of Practice for Committees Operating a Campdraft*. With regards to ‘rodeo’ events, Schedule 1 provides that such events are subject to the *Standards of Care and Treatment of Rodeo Livestock*.

3.25 The Committee further notes that pursuant to section 21(1) of the Act, ‘evidence of compliance or non-compliance with a code of practice adopted or prescribed by regulation is admissible in proceedings as evidence of whether or not a duty or obligation under this Act has been complied with.’

## **Power of Entry**

3.26 Section 83 of the Act provides that an authorised officer has the power to enter premises to undertake an inspection to ensure that provisions of the Act are not being contravened. The Act currently limits an authorised officer’s power of entry to premises that an officer believes on reasonable grounds are being used for greyhound racing or any training or other practice or purpose relating to greyhound racing; premises where a registered person is keeping or using animals for scientific purposes; or premises where an animal welfare direction has been issued to the occupier.

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<sup>34</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 6

<sup>35</sup> Ark Aid Inc, Submission No. 35, p. 1

<sup>36</sup> *Racing and Wagering Act 2024* (NT), ss 199 & 200

3.27 In response to community and stakeholder concerns regarding the need for improved regulatory oversight, clause 16(1) amends section 83 to provide that an authorised officer is now able to provide advanced ‘reasonable notice’ to undertake an inspection of premises that they believe on ‘reasonable grounds’ is being used for or in connection with a business involving animals including, for example, boarding kennels, doggy day care facilities, cattle holding yards, and premises used for training and racing animals.<sup>37</sup>

3.28 ACA and The Pet Industry College (PIC) expressed the view that the phrase ‘reasonable grounds’ should be defined to include:

- Credible complaints or reports from witnesses
- Observations or documentation indicating immediate or ongoing welfare concerns
- History of previous breaches or warnings.

Without the above definitive basis of reasonable grounds any entry could be stated as being reasonable.<sup>38</sup>

### **Committee’s Comments**

3.29 With regards to an authorised officer’s power of entry, the Committee notes that the reference to ‘reasonable grounds’ relates to an officer’s belief that the premises are being used for or in connection with a business involving animals, as opposed to whether an offence may have necessarily been committed on the premises. As indicated in the Explanatory Statement, this amendment is designed to improve regulatory oversight by allowing authorised officers to undertake routine compliance inspections irrespective of any complaints, welfare concerns or history of previous breaches or warnings.

## **Powers of Inspection**

3.30 ACA also raised concerns regarding clause 17 which amends section 88 (Powers of inspection), to provide that an authorised officer may take samples from an animal or thing where the officer believes on reasonable grounds it is connected to an offence. As noted in the Explanatory Statement:

An example may include taking a sample of blood or urine from an animal or a sample of a substance where there are reasonable grounds the animal may have been supplied with an illegal narcotic to enhance race performance.<sup>39</sup>

3.31 In registering their opposition to the proposed amendment, ACA pointed out that:

Physical or digital evidence collection (such as photograph or video) by an authorised officer is one thing, however medical or biological evidence collection by a non-medical professional is a completely different matter. The requirement of legally binding medical evidence collection cannot be assured under this circumstance in the same manner medical or biological evidence

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<sup>37</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 7

<sup>38</sup> Animal Care Australia, Submission No. 19, p. 3; The Pet Industry College, Submission No. 31, p. 3

<sup>39</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 8

must be collected by specifically trained forensic officers, the coroner or other medical professionals in cases involving human beings.

Taking of samples such as blood must ONLY be performed by a veterinarian – no matter the circumstance. Authorised officers must bring a vet with them if they have intentions of taking samples.<sup>40</sup>

### **Committee's Comments**

- 3.32 In relation to the proposed amendment to section 88 (Powers of inspection), the Committee acknowledges the concern raised by ACA regarding the taking of samples such as blood. The Department has advised that an authorised officer in this instance would most definitely need to be accompanied by a qualified veterinarian and noted that Animal Welfare Officers do not have the necessary training or qualifications to take blood samples.

## **Codes of Conduct**

- 3.33 Clause 26 amends Schedule 1 Codes of Conduct to provide for the inclusion of a number of new or additional animal welfare codes of practice. With regards to the addition of the *Standards and Guidelines for Best Practice Boarding Facilities / Establishment and Doggy Day Care Centres*, Evie's Bark recommended that the Bill be amended to incorporate a transitional period for affected businesses noting that:

Specific structural upgrades – such as improvements to animal housing – may place significant financial pressure on pet boarding kennels...

Incorporating a clearly defined phase-in period will allow facilities to adapt to the new standards without undue hardship, while ensuring that the intended animal welfare improvements are fully realised.<sup>41</sup>

### **Committee's Comments**

- 3.34 The Department has advised the Committee that following introduction of the amended legislation, they will undertake an educational campaign with affected stakeholders and work with service providers to advise them as to what they need to do to ensure that they are compliant. The Committee notes that it is acknowledged that it will take some time to ensure that all providers have made any necessary improvements to facilities or changes to practices and procedures.
- 3.35 The Department further advised that should they receive any complaints during this period, Animal Welfare Officers have the option of issuing an improvement notice and providing a timeframe within which any amendments to facilities or practices must be implemented.
- 3.36 In light of this advice, and noting that the Regulations may be amended from time to time to accommodate new Codes of Conduct, the Committee does not consider it is necessary to include transitional arrangements for the *Standards and*

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<sup>40</sup> Animal Care Australia, Submission No. 19, p.3

<sup>41</sup> Evie's Bark, Submission No. 43, p.13

## **Excluded Electrical Devices**

3.37 Section 30(6)(b) of the Act provides that a person commits an offence if they intentionally use an electrical device on an animal, other than a device excluded by regulation 9 and listed in Schedule 2: Excluded electrical devices. As noted in the Explanatory Statement,

For the purposes of section 30(6) and regulation 9, clause 27 repeals and inserts a new Schedule 2 using a modern drafting approach to prescribe items of excluded electrical devices on an animal, their purpose of use, and the conditions of use on an animal.<sup>42</sup>

3.38 Proposed Regulation 5(a) and (ab), further clarifies that use of an electrical device, unless otherwise provided for in Schedule 2, constitutes an act of cruelty if it is used against the anus, face, udders or genitals of an animal, or the device is used on an animal less than 3 months old.<sup>43</sup>

3.39 A number of submitters raised concern that the use of remotely controlled electric training collars is prohibited under Schedule 2 Excluded electrical devices of the Regulations.<sup>44</sup> ACA and PIC expressed the view that the NT should:

Permit the use of remote-operated e-collars under regulated conditions including professional use, owner consent, and compliance with best practice guidelines.<sup>45</sup>

3.40 The Crocodile Farmers Association of the NT (CFANT) raised concerns regarding the wording of Item 1 Electric stock prods and Item 6 Electro-stunners in Schedule 2 as set out in clause 27 of the Bill. As noted in the Explanatory Statement, item 1(1):

prescribes an electric stock prod to be an excluded device that may be used on cattle, crocodiles, buffalo, camels, swine, goats or sheep for the purpose of driving, herding, mustering or controlling those animals.<sup>46</sup>

3.41 However, as CFANT pointed out in their submission:

Whilst it is noted that item 6 refers specifically to the use of “Electro-stunners” for crocodiles, CFANT is concerned there may be confusion caused by keeping a reference to crocodiles within Item 1. This is on the basis that crocodile handling practices differ fundamentally from terrestrial livestock management. In crocodile operations, electrical stunning is not used for “stock prodding” but as a precise, controlled method for restraint – minimising stress, risk of injury to the animal, and danger to handlers.<sup>47</sup>

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<sup>42</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 10

<sup>43</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 8

<sup>44</sup> Proforma Submission C, p.1.; Animal Care Australia, Submission No. 19, p.2; The Pet Industry College, Submission No. 31, p.2;

<sup>45</sup> Animal Care Australia, Submission No. 19, p.2; The Pet Industry College, Submission No. 31, p. 2;

<sup>46</sup> Explanatory Statement, Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32), <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>, p. 10

<sup>47</sup> Crocodile Farmers Association of the NT, Submission No. 23, p. 2

3.42 As such, CFANT recommended that the Bill be amended to:

remove [the] reference to “crocodile” under Item 1 given the recognition and permission set out under Item 6 of the use of electrical devices for crocodile handling in accordance with evidence-based welfare standards. This ensures the legislative alignment with practical, humane management methods currently endorsed by experts.<sup>48</sup>

3.43 CFANT further noted that under proposed Item 6(2), it is prohibited to use an electro-stunner against the face, anus or genitals of a crocodile. However, CFANT raised concerns that:

While this intent appears aimed at preventing inhumane practices, the term “against the face” when referenced in respect of crocodiles is ambiguous and could unintentionally prohibit positioning of electrodes in a manner that is recognised as humane and effective.<sup>49</sup>

3.44 As CFANT explained, this is because the optimal positioning of electrodes for effective, humane restraint and operator safety is across the cranial plate, above the brain of the crocodile, which may, to a lay reader, be misconstrued as being against the face.<sup>50</sup> As such it was recommended that the Bill be amended to:

remove the ambiguity and explicitly permit “positioning of electrodes across the cranial plate, above the brain, when used for humane restraint or stunning of crocodiles in accordance with recognised animal husbandry practices,” supported by relevant diagrams and current scientific literature.<sup>51</sup>

### **Committee’s Comments**

3.45 With regards to the prohibition on the use of remotely controlled electric training collars, the Department advised the Committee that this is not a new exclusion. Rather, these devices have actually been illegal in the NT since 2000. The Committee notes that they are also illegal in NSW and South Australia and their use in Victoria and Western Australia is strictly regulated.<sup>52</sup>

3.46 Given that the use of electro-stunners, as opposed to electric stock prods, is the preferred electrical device for crocodile handling, the Committee agrees that the Bill should be amended to remove the reference to ‘crocodile’ in Item 1(1) of Schedule 2: Excluded electrical devices. The Committee further notes that, following a review of previous iterations of the Animal Welfare Regulations, the reference to ‘crocodile’ in relation to the use of electric stock prods does not appear in Schedule 2 of the regulations until they were re-made as the Animal Protection Regulations in November 2022.

3.47 While the Committee appreciates CFANT’s concerns that a lay person could potentially misinterpret the recommended positioning of electro-stunner electrodes as being ‘against the face’, it does not consider that the proposed

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<sup>48</sup> Crocodile Farmers Association of the NT, Submission No. 23, p. 2

<sup>49</sup> Crocodile Farmers Association of the NT, Submission No. 23, pp. 1-2

<sup>50</sup> Crocodile Farmers Association of the NT, Submission No. 23, p. 2

<sup>51</sup> Crocodile Farmers Association of the NT, Submission No. 23, p. 2

<sup>52</sup> Prevention of Cruelty to Animals Regulations 2025 (NSW), Schedule 3; Animal Welfare Regulations 2012 (SA), s. 8; Prevention of Cruelty to Animals Regulations 2019 (Vic) ss. 25 & 26; Animal Welfare 9General0 Regulations 2003, s. 7

amendment to the Bill is necessary. As the Department pointed out, a similar concern could be raised in relation to the use of Electric stunning devices used on cattle and other animals for the purposes of stunning them in an abattoir.

#### **Recommendation 2**

**The Committee recommends that Clause 27 be amended by removing the reference to 'crocodile' in Item 1(1) Electric stock prod of Schedule 2 Excluded electrical devices.**

## Appendix 1: Submissions Received

1. Lasal Cunnington
2. Dr Roslyn Rowen
3. Liana Tighe
4. Alma Hanna
5. Diane Hughes
6. Hannah Ruess
7. Lori Roberts
8. Dr Roslyn Barker
9. Aurelie Girard
10. Kayleigh Royle
11. Kristy Teunissen
12. Kirsten Beames
13. Bronwyn Mullins
14. Leana Watermeyer
15. Sharon McIntyre
16. Ross Bohlin
17. Kerrie Crowfoot
18. Dr Cindy Dudgeon
19. Animal Care Australia
20. Helga's Pet Resort
21. Australian Veterinary Association Ltd
22. City of Palmerston
23. Crocodile Farmers Association NT
24. Greyhound Rehoming Association NT
25. Natalie Carey
26. Tammy Clarke
27. Breanna Duncan
28. Elsa Perry
29. Vicky Napier
30. Annabelle Dickson
31. The Pet Industry College
32. Sigourney Williamson
33. Aussie Pooch Nutrition and Well being
34. Dr Vicki Munster
35. Ark Aid Inc
36. Stephen Mulholland
37. Sentient
38. James Murdoch
39. Mary Lukas
40. Sara-Jane Hamilton
41. Cat Association NT
42. Darwin Obedience Club
43. Evie's Bark

44. Janet Curriez

**Note:** Copies of submissions and public briefing transcript are available [here](#).

## Appendix 2: Public Briefing

### Darwin - 8 August 2025

#### *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 Burrige: Principal Biosecurity Legislation Officer

#### *Attorney-General's Department*

- Roslyn Chenoweth: Senior Policy Officer

**Note:** Copies of submissions and public briefing transcript are available [here](#).

## Bibliography

*Animal Care and Protection Act 2001 (Qld)*

*Animal Protection Act 2018 (NT)*

*Animal Protection Regulations 2022 (NT)*

*Animal Welfare Act 1992 (ACT)*

*Animal Welfare Act 1993 (Tas)*

*Animal Welfare Act 2025 (SA)*

*Animal Welfare Act 2002 (WA)*

*Animal Welfare (General) Regulations 2003 (WA)*

*Animal Welfare Regulations 2012 (SA)*

Explanatory Statement, *Animal Protection and Related Legislation Amendment Bill 2025 (Serial 32)*, <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/32-2025>

*Prevention of Cruelty to Animals Act 1979 (NSW)*

*Prevention of Cruelty to Animals Act 1986 (Vic)*

*Prevention of Cruelty to Animals Regulations 2019 (Vic)*

*Prevention of Cruelty to Animals Regulations 2025 (NSW)*

*Racing and Wagering Act 2024 (NT)*