



Petition

Registration No.	14
Title	Action when animals deliberately and maliciously harmed, injured or killed
Presented on	23 November 2017
Presented by	Hon Kezia Purick MLA
Referred to	Minister for Primary Industry and Resources
Date referred	24 November 2017
Response due	8 May 2018
Response received	5 April 2018
Response to be presented	1 May 2018

Petition

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WE THE UNDERSIGNED RESPECTFULLY SHOWETH that we are strongly supportive of amendments to the Animal Welfare and Youth Justice Acts such that penalties for acts of cruelty and aggravated cruelty are increased and that people charged under these provisions also are made to pay any costs of animal rehabilitation and loss of animals. Further, we are strongly supportive of changes to youth diversion such that people charged under the Animal Welfare Act do not receive youth diversion and are punished appropriately.

YOUR PETITIONERS THEREFORE HUMBL Y PRAY that the Northern Territory Government take heed of the community outrage when animals are deliberately and maliciously harmed, injured or killed

AND YOUR PETITIONERS, As IN DUTY BOUND, WILL EVER PRAY

Response

Included herewith is my response to the three requests for action which support amendments of the *Animal Welfare Act* and *Youth Justice Act* such that:

1. Penalties for acts of cruelty and aggravated cruelty are increased

Amendments to the *Animal Welfare Act* are being proposed as a result of feedback from a discussion paper released for public consultation in 2014, and recent targeted stakeholder engagement, which was undertaken on a confidential basis. Stakeholders generally favoured increases to penalties across animal welfare offences, including those for cruelty and aggravated cruelty. Following the introduction of any Bill into the Legislative Assembly, it is referred to a scrutiny committee for public consultation, which opens up a new opportunity for public submissions.

2. People charged under the above provisions are made to pay any costs of animal rehabilitation and loss of animals

The *Animal Welfare Act* contains provisions for recovery of reasonable costs a person incurs by seizure and care of an animal or thing in relation to such actions as possession, transport, providing the minimum level of care of an animal or alleviating suffering. This includes appropriate treatment for disease, injury or suffering, which may refer to animal rehabilitation. The Act provides for orders for reimbursement of the costs. These provisions include if a person has been charged with an offence against this Act with which the animal or thing is connected. In this case an application to the appropriate Court for the order may be transferred to the Court hearing the charge. The Court has the jurisdiction to hear and determine the matter. The cost to cover loss of animals is a matter for which civil action would normally be pursued and is outside the scope of the *Animal Welfare Act*.

3. Changes to youth diversion are made so that people charge under the *Animal Welfare Act* do not receive youth diversion and are punished accordingly

The *Youth Justice Act 2006* (the Act) 1) falls under the portfolio of the Attorney General and is very clear in relation to youth offending. Section 39 includes a presumption for diversion and unless the offending is excluded under Part V or VI of the *Traffic Act*, all offending must be considered for diversion. The *Animal Welfare Act* is not excluded and all offending youths must be considered for diversion. The Youth Justice Act states:

- a) give the youth a verbal warning;
- b) give the youth a verbal warning;
- c) cause a Youth Justice Conference involving the youth to be convened;
- d) refer the youth to a diversion program

The decision to proceed by way of diversion is mandated by the *Youth Justice Act 2006* and is not influenced by victim impact statements, nor can it be influenced by anyone outside of the investigation. An assessment of the youths involved is conducted by an external non-Government provider for the NTPF Youth Diversion Unit, where all available information is taken into account, with a determination made regarding the suitability for diversion.