

Serial 32

Animal Protection and Related Legislation Amendment Bill 2025

Mr Maley

A Bill for an Act to amend the *Animal Protection Act 2018*, the *Animal Protection Regulations 2022* and the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

ANIMAL PROTECTION AND RELATED LEGISLATION AMENDMENT ACT 2025

Act No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

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An Act to amend the *Animal Protection Act 2018*, the *Animal Protection Regulations 2022* and the Criminal Code

[Assented to [] 2025]
[Introduced [] 2025]

10 The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Animal Protection and Related Legislation Amendment Act 2025*.

15 2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 26 July 2027, it commences on that day.

20 Part 2 Amendment to animal protection legislation

Division 1 Animal Protection Act 2018

3 Act amended

This Division amends the *Animal Protection Act 2018*.

4 Section 4 amended (Definitions)

Section 4, definition *animal*

omit, insert

animal:

- 5 (a) for Part 4, see section 36; or
- (b) otherwise – see section 5.

5 Section 5 amended (Meaning of *animal*)

- (1) Section 5(1)(a)

omit, insert

- 10 (a) member of a vertebrate species, other than fish; and

- (2) Section 5(1), at the end

insert

Note for subsection (1)(a)

15 Vertebrate species of animals may include amphibians, birds, mammals and reptiles.

6 Section 23 amended (Minimum level of care)

Section 23(1), penalty provision

omit, insert

Maximum penalty: 200 penalty units or imprisonment for 2 years.

7 Sections 23A to 23E inserted

After section 23

insert

23A Provision of water and shelter

25 A person in control of an animal commits an offence of strict liability if:

- (a) the person keeps the animal on premises; and

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

Maximum penalty: 50 penalty units.

23B Provision of hygienic environment

5 A person in control of an animal commits an offence of strict liability if:

- (a) the person keeps the animal on premises; and
- (b) the place on the premises where the animal is kept is unhygienic for the animal.

10 Maximum penalty: 50 penalty units.

Examples for paragraph (b)

1 *Faeces not removed from the place.*

2 *Vermin infestation.*

23C Provision of treatment

15 A person in control of an animal commits an offence of strict liability if:

- (a) the animal is diseased, injured or suffering; and
- (b) the person fails to treat, or seek treatment for, the disease, injury or suffering.

20 Maximum penalty: 50 penalty units.

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.

- (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.

23E Abandoning animal

- 5 (1) A person in control of an animal commits an offence of strict liability if the person abandons the animal.

Maximum penalty: 50 penalty units.

- 10 (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant releases a native animal into the wild after the rehabilitation of the animal.

8 Section 24 amended (Cruelty to an animal)

- (1) Section 24(1) to (7), penalty provision

omit, insert

15 Maximum penalty: 300 penalty units or imprisonment for 3 years.

- (2) Section 24(2)(b), after "harm"

insert

or suffering

9 Section 26 amended (Notification of injury to domesticated animal)

20

Section 26(1), at the end

insert

Note for subsection (1)

Dog, cat, horse, goat and sheep are examples of a domesticated animal.

25

10 Section 31 amended (Spurs)

Section 31(9), definition **spurs**, paragraph (a)

omit

or fixed

11 Section 31A inserted

After section 31

insert

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

15 (b) consists of a series of links or segments with prongs, teeth or 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.

12 Section 32 amended (Prohibited activities)

- (1) Section 32(6)(c)

20 *omit*

animals.

insert

animals;

- (2) After section 32(6)(c)

25 *insert*

(d) the use of horses and cattle at a campdraft event;

(e) the use of bovine and equine animals at a rodeo.

(3) Section 32(7)

insert

campdraft event means a competition or public event that involves a person riding a horse to work cattle for sport.

5 **rodeo** means a competition or public event that involves:

- (a) the riding or bucking of bovine or equine animals; or
- (b) the catching, wrestling, roping or tying of bovine or equine animals; or
- (c) any combination of those activities.

10 **13 Section 34 replaced**

Section 34

repeal, insert

34 Transport of dogs

(1) A person commits an offence of strict liability if:

- 15
- (a) the person transports a dog on the tray of a motor vehicle or a trailer on a public street; and
 - (b) the dog is not secured in a way that prevents the dog from:
 - (i) falling or moving off, or out of, the tray or trailer; or
 - (ii) being injured by the movement of the vehicle or trailer.

20 Maximum penalty: 50 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if the dog is being used to assist in the movement of stock animals.

(3) A person commits an offence of strict liability if:

- 25
- (a) the person transports a dog on the tray of a motor vehicle or a trailer on a public street; and

- (b) the dog is secured in a way that causes unjustifiable, unnecessary or unreasonable suffering to the dog.

Maximum penalty: 50 penalty units.

Example for subsection (3)(b)

5 *A dog is restrained by a leash on the tray of a motor vehicle for a long journey and the dog is exposed to the sun and heat causing the dog heat stress or other pain.*

- (4) In this section:

public street, see section 3(1) of the *Traffic Act 1987*.

10 ***trailer***, see section 3(1) of the *Traffic Act 1987*.

14 Section 36 amended (Definitions)

Section 36

insert

animal includes a live:

- 15 (a) non-human member of a vertebrate species; and
(b) cephalopod.

*Examples for definition **animal***

Fish, amphibians, reptiles, birds and mammals.

15 Section 81 amended (Power to require name and address)

20 Section 81(1), after "address"

insert

and produce evidence of the person's identity

16 Section 83 amended (Power of entry)

(1) Section 83(2)(b)

omit, insert

5

(b) subject to subsection (2A), the authorised officer believes on reasonable grounds that the premises are being used for animal racing, or any training or other practice or purpose in relation to animal racing, and the entry is:

(i) to ensure the provisions of this Act are not being contravened; and

10

(ii) undertaken at a reasonable time; or

(ba) subject to subsection (2A), the authorised officer believes on reasonable grounds that the premises are being used for, or in connection with, a business involving animals and the entry is:

15

(i) to ensure the provisions of this Act are not being contravened; and

(ii) undertaken at a reasonable time; or

(2) After section 83(2)(e)

insert

Examples of animal racing for subsection (2)(b)

20

1 Greyhound racing.

2 Horse racing.

Examples of businesses involving animals for subsection (2)(ba)

1 Boarding kennels for cats and dogs.

2 Sale-yards or holding yards for cattle.

25

Examples for subsection (2)(e)

1 An authorised officer enters a locked motor vehicle to retrieve an animal that is suspected to be suffering from heat stress.

2 An authorised officer enters a burning building that is locked to retrieve an animal.

30

(3) After section 83(2)

insert

(2A) An authorised officer entering premises under subsection (2)(b) or (ba) must not enter premises, or part of premises, that are residential premises.

(4) Section 83(3)

omit

at least 48 hours advance

insert

5

reasonable

(5) Section 83(3)(b) and (c)

omit, insert

(b) the officer is acting under subsection (2)(a), (c) or (e).

17 Section 88 amended (Powers of inspection)

10

(1) After section 88(2)(f)

insert

(fa) take samples from an animal or thing that the officer believes
 on reasonable grounds is connected with an offence;

(2) Section 88(2)(g)(ii), after "documents"

15

insert

or things

(3) After section 88(2)

insert

Note for subsection (2)(fa)

20

*A sample of an animal or thing may include a sample of blood or urine from an
animal or a sample of a substance.*

18 Part 7, Division 3 inserted

After section 129

insert

**Division 3 Transitional matters for Animal Protection and
Related Legislation Amendment Act 2025**

130 Offence provisions – before and after commencement

- (1) Sections 23, 24 and 34 as amended by the amending Act, apply only in relation to offences committed after the commencement.
- (2) The offence provisions, as in force before the commencement, continue to apply in relation to offences committed before the commencement.
- (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.
- (4) In this section:

amending Act means the *Animal Protection and Related Legislation Amendment Act 2025*.

commencement means the commencement of Part 2, Division 1 of the amending Act.

Division 2 Amendment of Animal Protection Regulations 2022

19 Regulations amended

This Division amends the *Animal Protection Regulations 2022*.

20 Regulation 4 replaced

Regulation 4

repeal, insert

4 Adoption of codes of practice

For section 20 of the Act, the following documents are adopted as codes of practice relating to animal welfare:

- (a) the documents specified in Schedule 1, Part A, as in force on 1 November 2022;

- (b) the documents specified in Schedule 1, Part B, as in force on the day section 19 of the *Animal Protection and Related Legislation Amendment Act 2025* commences.

21 Regulation 5 amended (Cruelty – electrical device)

5 Regulation 5(a)

omit, insert

- (a) using an electrical device, other than an excluded electrical device, against the face, udders, anus or genitals of an animal;
- 10 (ab) using an electrical device, other than an excluded electrical device, on an animal that is less than 3 months of age;

22 Regulation 6 amended (Cruelty – other conduct)

(1) Regulation 6(1)

omit, insert

- 15 (1) For section 24(5)(b) of the Act, conduct involving feeding or applying a foul or noxious substance is prescribed as constituting cruelty.

(2) Regulation 6(2), example

omit, insert

20 *Examples for subregulation (2)*
Oral or topical treatment for worms or lice.

23 Regulation 9 replaced

Regulation 9

repeal, insert

25 **9 Excluded electrical devices**

For section 30(6) of the Act, definition **electrical device**, paragraph (b), an electrical device specified in Schedule 2 is an excluded device if the device is:

- 30 (a) made or adapted for and used for the purpose specified for the device in Schedule 2; and
- (b) used on an animal specified for the device in Schedule 2; and

- (c) used in accordance with any conditions specified for the device in Schedule 2.

24 Regulation 10 amended (Membership)

- (1) Regulation 10(1)(a)

5

omit

RSPCA Darwin Regional Branch Incorporated

insert

RSPCA Northern Territory Incorporated

- (2) After regulation 10(1)(h)

10

insert

(ha) one person appointed by Animal Management in Rural and Remote Indigenous Communities Ltd ACN 152 429 279;

25 Regulation 14 amended (Ministerial termination of appointment)

15

Regulation 14(1)

omit

regulation 10(1)(a) to (h)

insert

regulation 10(1)(a) to (ha)

20

26 Schedule 1 amended (Codes of practice)

- (1) Schedule 1

omit

Item

Code of Practice

insert

Part A

Item

Code of Practice

(2) Schedule 1, after item 15

insert

Part B

Item	Code of Practice
1	<i>Australian Animal Welfare Standards and Guidelines for Poultry</i> , Department of Agriculture, Fisheries and Forestry (Cth), 2022.
2	<i>Australian Animal Welfare Standards and Guidelines. Exhibited Animals – General</i> (Edition 1), Department of Primary Industries (NSW), July 2019.
3	<i>Rules of Campdrafting, Code of Conduct for the Care and Treatment of Campdraft Livestock and Code of Practice for Committees Operating a Campdraft</i> , National Campdraft Council of Australia Incorporated, 1 September 2022.
4	<i>Minimum Standards and Guidelines for Equine Welfare</i> , Thoroughbred Racing NT Incorporated, 28 February 2025.
5	<i>Northern Territory Racing and Wagering Commission: Policy for the Welfare of Racing Greyhounds</i> , Northern Territory Government, 1 July 2024.
6	<i>Standards and Guidelines for Best Practice Boarding Facilities/Establishment and Doggy Day Care Centres</i> , Pet Industry Association, June 2016.

27 Schedule 2 replaced

5 Schedule 2

repeal, insert

Schedule 2 Excluded electrical devices

regulation 9

Item	
1 Electric stock prod	
(1)	An electric stock prod may be used on cattle, crocodiles, buffalo, camels, swine, goats or sheep for the purpose of driving, herding, mustering or controlling those animals.

Item

- (2) An electric stock prod must not be used:
 - (a) against the face, udders, anus or genitals of an animal; or
 - (b) on an animal that is less than 3 months of age; or
 - (c) on an animal that is diseased, injured or suffering.
- (3) Subject to the conditions mentioned in clause (2), an electric stock prod must be used in accordance with the manufacturer's instructions.

2 Electric stunning device

- (1) An electric stunning device may be used on cattle, buffalo, sheep, goats or swine for the purpose of stunning those animals in an abattoir.
- (2) An electric stunning device must not be used:
 - (a) against the face, udders, anus or genitals of an animal; or
 - (b) on an animal that is less than 3 months of age.
- (3) Subject to the conditions mentioned in clause (2), an electric stunning device must be used in accordance with the manufacturer's instructions.

3 Electric training collar (excluding collar operated by remote control device)

- (1) An electric training collar (excluding a collar operated by a remote control device) may be used on dogs for the purpose of training dogs.
- (2) An electric training collar (excluding a collar operated by a remote control device) must not be used:
 - (a) against the face, anus or genitals of a dog; or
 - (b) on a dog that is less than 3 months of age.
- (3) Subject to the conditions mentioned in clause (2), an electric training collar (excluding a collar operated by a remote control device) must be used in accordance with the manufacturer's instructions.

Item

4 Electro-ejaculator

- (1) An electro-ejaculator may be used on cattle, buffalo or sheep for the purpose of collecting semen from conscious cattle, buffalo or sheep.
- (2) An electro-ejaculator may be used on any species of animal, including cattle, buffalo and sheep, for the purpose of collecting semen from a tranquillised or anaesthetised animal.
- (3) An electro-ejaculator must not be used:
 - (a) against the face, udders or anus of an animal; or
 - (b) on an animal that is less than 3 months of age.
- (4) Subject to the conditions mentioned in clause (3), an electro-ejaculator must be used in accordance with the manufacturer's instructions.

5 Electro-immobiliser

- (1) An electro-immobiliser may be used on cattle or buffalo for the purpose of restraining the cattle or buffalo.
- (2) An electro-immobiliser must not be used:
 - (a) against the udders or genitals of cattle or buffalo; or
 - (b) as an alternative to analgesia or anaesthesia if one of those options is the preferred procedure under appropriate animal husbandry practices.

6 Electro-stunner

- (1) An electro-stunner may be used on crocodiles for the purpose of restraining crocodiles.
- (2) An electro-stunner must not be used:
 - (a) against the face, anus or genitals of a crocodile; or
 - (b) as an alternative to analgesia or anaesthesia if one of those options is the preferred procedure under appropriate animal husbandry practices.

Item

7 Electronic fencing systems using collars and transmitters

- (1) An electronic fencing system using collars and transmitters may be used on dogs or cats for the purpose of containing dogs or cats.
- (2) An electronic fencing system using collars and transmitters must not be used:
 - (a) against the face, anus or genitals of a dog or a cat; or
 - (b) on a dog or a cat that is less than 3 months of age.
- (3) Subject to the conditions mentioned in clause (2), an electronic fencing system using collars and transmitter must be used in accordance with the manufacturer's instructions.

8 Virtual fencing systems using collars and GPS systems

- (1) A virtual fencing system using collars and GPS systems may be used on livestock for the purpose of containing livestock.
 - (2) A virtual fencing system using collars and GPS systems must not be used against the face, udders, anus or genitals of livestock.
 - (3) Subject to the conditions mentioned in clause (2), a virtual fencing system using collars and GPS systems must be used in accordance with the manufacturer's instructions.
-

28 Schedule 3 amended

- (1) Schedule 3, after entry for section 17(1)

insert

section 23A	3 penalty units
section 23B	3 penalty units
section 23C	3 penalty units
section 23D(1)	3 penalty units
section 23E(1)	3 penalty units

- (2) Schedule 3, after entry for section 31(5)

insert

section 31A(1)

2 penalty units

section 31A(2)

1 penalty units

- (3) Schedule 3, entry for "section 34(1)"

omit

5 section 34(1)

insert

section 34(1) or (3)

Part 3 Amendment of Criminal Code

29 **Act amended**

10 This Part amends the Criminal Code.

30 Section 1 amended (Definitions)

Section 1, definition ***sexually involved with***

omit, insert

sexually involved with, in relation to an animal, see section 208GD.

31 **Part V, Division 2 heading replaced**

Part V, Division 2, heading

omit, insert

Division 2 Child abuse material and other offensive material and articles

32 Section 125A amended (Interpretation)

(1) Section 125A(1)

insert

animal sexual abuse or animal crush material means material:

5 (a) that depicts, describes or represents:

(i) a person sexually involved with an animal; or

(ii) an animal being crushed, burned, drowned, suffocated, impaled or otherwise killed or subjected to serious injury or torture; and

10 (b) that a reasonable adult would regard in all the circumstances as being intended or apparently intended to:

(i) excite or gratify a sexual interest; or

(ii) excite or gratify a sadistic or other perverted interest in violence or cruelty.

15 (2) Section 125A(1), definition **indecent article**, paragraph (b)(iv)

omit, insert

(iv) a person sexually involved with an animal; or

(3) Section 125A(1), definition **indecent article**, paragraph (b)(i) to (iii), at the end

20 *insert*

or

33 Section 125AB amended (Child abuse material and related articles may be destroyed)

(1) Section 125AB, heading, after "**material**"

25 *insert*

, **animal sexual abuse or animal crush material**

(2) Section 125AB(1)(a), (b) and (c), after "material"

insert

or animal sexual abuse or animal crush material

34 Section 125AC amended (Article containing child abuse material may be returned)

- (1) Section 125AC, heading, after "**material**"

insert

5

or animal sexual abuse or animal crush material

- (2) Section 125AC(1) and (2), after "material"

insert

or animal sexual abuse or animal crush material

35 Section 125DA inserted

10

After section 125D

insert

125DA Animal sexual abuse or animal crush material

- (1) A person commits an offence if:

15

(a) the person intentionally produces, sells, distributes or possesses, or offers or advertises for sale or distribution, material; and

(b) the material is animal sexual abuse or animal crush material and the person is reckless in relation to that circumstance.

Maximum penalty:

20

(a) for an individual – imprisonment for 5 years; or

(b) for a body corporate – 5 000 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

25

(a) is a member or officer of a law enforcement agency or a court who has animal sexual abuse or animal crush material in the member's or officer's possession in the exercise of a power or performance of a function conferred or imposed on the member or officer by or under an Act or law; or

30

(b) has animal sexual abuse or animal crush material in the defendant's possession in the exercise of a power, or performance of a function, relating to the classification of the material that is conferred or imposed on the defendant by or

under an Act or law; or

- (c) has animal sexual abuse or animal crush material in the defendant's possession for legitimate medical or health research purposes.

5 (3) In a prosecution of a person for an offence against subsection (1), each of the following is evidence that animal sexual abuse or animal crush material was in the person's possession:

- (a) proof that the material was in or at a place of which the person was the occupier;

10 (b) proof that the material was in or at a place, the management or control of which the person was concerned in.

(4) Subsection (3) does not apply to a person if the person neither knew nor had reason to suspect that the animal sexual abuse or animal crush material was in or on that place.

15 (5) A court that finds a person guilty of an offence against subsection (1):

- (a) may order the forfeiture and destruction of any animal sexual abuse or animal crush material in respect of which the offence was committed; and

20 (b) may order the forfeiture and destruction of any other articles seized at the same time as the animal sexual abuse or animal crush material in respect of which the offence was committed.

36 Section 125E amended (Criminal liability of executive officer of body corporate – legal burden of proof on defence)

25 Section 125E(1)

omit

or 125D

insert

, 125D or 125DA(1)

30 **37 Section 125F amended (Court proceedings)**

Section 125F(1)(a)

omit

125B or 125D

insert

125B(1), 125D or 125DA(1)

38 Section 208N amended (Sexual involvement with animal)

Section 208N, penalty provision

5

omit, insert

Maximum penalty: Imprisonment for 10 years.

Part 4 Repeal of Act

39 Repeal of Act

This Act is repealed on the day after it commences.