



Australian Veterinary Association

Submission on the

Animal Protection Bill 2018

Northern Territory



The Australian Veterinary Association (AVA) is the only national association representing veterinarians in Australia. Founded in 1921, the AVA today represents 9500 members working in all areas of animal science, health and welfare.

Veterinary roles extend far beyond caring for the health and welfare of our pets and production animals. Veterinarians are the pathologists, field officers and inspectors that secure the safety of our food, ensure market access for our exports, and help to safeguard the human population from zoonotic diseases.

Animal Welfare in the Northern Territory

There have been several recent changes to the Northern Territory's approach to animal welfare in recent years. This was largely sparked by the incidents at Mataranka Station and the subsequent Ombudsman Investigation and the Parliamentary Inquiry. A number of the recommendations of these have been implemented, however many remained unaddressed. The Animal Protection Bill 2018 is a significant step forward in addressing these.

In particular, the AVA is very pleased to see that the new Bill retains the Animal Welfare Advisory Committee (AWAC) as a statutory body. We wish to thank the Minister for responding to concerns we raised regarding the earlier consultations in the review of the Act.

The AWAC is made up of key stakeholders and subject experts that allow access to expertise that may not be available within the government. In addition to this expertise, the AWAC includes key animal welfare stakeholders in the NT. This provides a convenient mechanism for engagement with stakeholders on animal welfare issues. These are roles that the committee takes seriously, and we are pleased to see it continue under the new legislation.

However, there are a number of areas where the Government and Parliament could improve on the current Bill. Below we recommend:

- An alternative title for the legislation
- Expanded objectives
- Expanded definition of an animal

Title and Objectives

While we appreciate the rationale for changing the name of the legislation from the *Animal Welfare Act* to the *Animal Protection Act*, the AVA favours the retention of the original title.

In recent decades most jurisdictions have shifted from 'Prevention of Cruelty to Animals' to 'Animal Welfare', part of the reason for this is a recognition that the welfare of animals requires not just the absence of harm, but a positive consideration of the animals' welfare. This is reflected in many of our animal welfare standards (including those adopted under this legislation).



We also support the inclusion of an animal welfare statement and a statement on sentience in the objectives of the legislation.

The AVA recognises that humans should strive to provide positive experiences to promote a good life for the animals in their care. We should strive for continuous and incremental improvement in the treatment and welfare of animals.

Animals are sentient beings that are conscious, feel pain, and experience emotions. Animals that are known to be both conscious and sentient include all of the vertebrates, and some classes of invertebrates such as cephalopods and probably some crustacea. Ongoing research may lead to inclusion of additional groups within this definition.

While they are not used for the primary interpretation of the legislation, objectives do provide a guidance in the broader intent.

Recommendation

- The title be amended to, 'Animal Welfare Act'
- A further objective be added, stating 'to promote the welfare of animals by requiring a person is to ensure the welfare of the animal'.
- A statement on sentience be added to the objectives.

Definition of Animal

While some jurisdictions around the world are experimenting with shifting the property paradigm with which society deals with animals to one more akin to guardianship, the legal definition of animals as personal property predominates, certainly within Australia. Domesticated animals are considered personal property of individuals (whether companion or production). Wildlife has been deemed, through common law, to be the property of the state.

The law has also recognised the special nature of animals through state-based animal welfare legislation, which generally imposes a duty of care upon the owner of an animal and a general prohibition of acts of cruelty to animals.

Different jurisdictions offer different definitions of animals and specific exemptions and conditions for specific classes of animal. The main area of difference appears to be in regard to fish.

Currently the NT Act includes only captive fish. The question raised in the discussion paper considers whether wild fish should be included within the definition of animal.

The Australian Animal Welfare Strategy Aquatics Working Group were committed to the inclusion of fish in this definition. They stated,

Currently science cannot definitively answer the question of whether fish feel pain. However, both sides of the scientific divide indicate that, regardless of the ability of fish to perceive pain, nociceptive stimuli have the ability to induce robust stress responses in fish that,



uncontrolled, are harmful to the overall wellbeing of the animals and that more research is required to identify appropriate welfare criteria.¹

Further to this, the current controversy over the maiming and culling of sharks highlights the need for the extension of these protections to aquatic environments. A further example is the treatment of a puffer fish that made the front page of the NT News².

Recommendation

- The Act should use the same definition of animal as included in the Code, that being: ‘any live non-human vertebrate, that is, fish, amphibians, reptiles, birds and mammals, encompassing domestic animals, purpose-bred animals, livestock, wildlife, and also cephalopods such as octopus and squid.’

Further information

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¹ Johnston and Jungalwalla (no date) Aquatic Animal Welfare Guidelines, National Aquaculture Council.
<http://www.australiananimalwelfare.com.au/app/webroot/files/upload/files/AA%20welfare%20guidelines.pdf>

² www.ntnews.com.au/lifestyle/fishing/angler-taunts-puffer-fish-before-kicking-it-into-ocean-before-shocked-tourists/story-fnkchy3h-1226877010283