

## Explanatory Statement

### ANIMAL PROTECTION AMENDMENT BILL 2022

#### SERIAL NO. 56

LEGISLATIVE ASSEMBLY OF THE  
NORTHERN TERRITORY

MINISTER FOR AGRIBUSINESS AND FISHERIES

#### **GENERAL OUTLINE**

This Bill amends section 5 of the *Animal Protection Act 2018*, 'Meaning of animal', to remove the broad definition of 'fish', which includes bony or cartilaginous fish, cephalopod or crustacean that is in the possession or under the control of a person and replace with 'fish', but only if the fish is in captivity (and dependent on a person for food) and crustaceans for retail sale, which mirrors the requirements under the current *Animal Welfare Act 1999*.

Increased certainty within the seafood industry, recreational fishers, aquatic research organisations, animal ethic committees and the public on recreational fishing, standard commercial fishing practices, scientific research and teaching in marine biology and the undertaking of environmental assessments that involve marine life and aquatic environments will be supported.

This amendment will also support the rights of fishers to undertake a legitimate form of food collection and recreation, and encourage industry growth in the commercial and tourism sectors by providing certainty that unethical practices and interference to marine animals would be dealt with via an amendment to the *Fisheries Regulations 1992*.

Prior to this amendment, the meaning of 'animal' in section 5(1) of the *Animal Protection Act 2018* stated:

- 1) An animal is a live:
  - (a) Member of a vertebrate species, including an amphibian, bird, mammal and reptile; and
  - (b) Bony or cartilaginous fish, cephalopod or crustacean that is in the possession or under the control of a person.
- 2) Despite subsection (1) (a), an animal does not include a human being.
- 3) For subsection (1) (b), a fish, cephalopod or crustacean is not in the possession or under the control of a person by reason only that it has been caught with fishing gear permitted under the *Fisheries Act 1988*, but is still in its usual aquatic or other habitat.

#### **NOTES ON CLAUSES**

##### **Clause 1. Short Title**

This is a formal clause which provides for the citation of the Bill. When passed, the Bill will be cited as the *Animal Protection Amendment Act 2022*.

**Clause 2. Commencement**

This is a formal clause which states when the Act will commence. In this instance it will be on the date fixed by the Administrator.

**Clause 3. Act amended**

This Act amends the *Animal Protection Act 2018*.

**Clause 4. Section 5 amended (Meaning of animal)**

This clause defines the meaning of 'animal' for the purposes of the Act by omitting section 5(1)(b) which states 'bony or cartilaginous fish, cephalopod or crustacean that is in the possession or under the control of a person' and inserted with 'fish in captivity or dependent on a person for food; or crustacean if it is on premises where food is prepared or is offered for retail sale'. This clause clarifies that for the purposes of the Act, it will only apply in circumstances where a fish is in captivity or dependent on a person for its food. Clause 5(c) also ensures that the definition of 'animal' under the Act extends to live crustaceans on commercial purposes associated with human consumption, for example, seafood restaurants where crayfish are kept in tanks.

Subsection (2) remains, ensuring an 'animal' does not include a human being.

**Clause 5. Repeal of Act**

This clause defines when the Act will be repealed which will be on the day after it commences.