

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Submission from Dr Paul Hardy-Smith, Veterinarian, Panaquatic Health Solutions Pty Ltd.

Dear Committee members

I am writing on behalf of my company, Panaquatic Health Solutions Pty Ltd. We look after the health and well being of fish and shellfish, primarily those that are farmed. We also have provided advice on aquatic animal health and biosecurity to both state and Territory governments and to the Federal government. I teach veterinary science students at the University of Melbourne and Charles Sturt University.

As you are likely aware, our knowledge regarding fish and shellfish welfare has increased dramatically over the last 10-20 years. We now understand that it is highly likely these animals are sentient – indeed, in the Queensland Government’s Queensland Code of Practice for Pet Shops, it states in Section 16 (Special needs for fish) that fish are capable of feeling pain and provides a list of important factors that should be addressed in the keeping of fish.

I was therefore very surprised, when reviewing your current animal welfare legislation (Animal Care and Protection Act 2001) (“the ACPA”) to note that in that Act, in Section 44, a person is EXEMPT from offence if they are using a live fish or invertebrate from the class Cephalopoda or Malacostraca as bait or lure to catch a fish.

What this means is that a person who puts a large hook through the back of a live fish and then releases that fish into the water, essentially wounded and restrained, cannot be prosecuted under the ACPA even though such an Act with a terrestrial animal would absolutely be considered a wanton act of cruelty.

I was, however, pleased to learn that in April 2021 the Queensland Government began a review of the ACPA which aimed “*to ensure the legislation keeps pace with contemporary animal welfare practices and community expectations*”.

Panaquatic Health Solutions Pty Ltd

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Unfortunately, I did not learn about this review in time to submit a comment during the Community Consultation period. However, on understanding that the Animal Care and Protection Amendment Bill 2022 had been drafted I was assuming that the exemption for use of live fish, cephalopods and crustaceans as bait would be removed.

If I have read the Bill correctly, it appears that there is no mention of this exemption being removed.

If this is the case, having an exemption to allow persons to use live fish, cephalopods and crustaceans as bait sends a clear message that the Queensland government still does not consider fish sentient or to be afforded the same protection under animal welfare as other animals.

Consistency is important here – in the Queensland government’s Code of Practice for Pet Shops, Queensland government state that fish fill pain and pet shops should be aware of this and look after fish accordingly. However, this is NOT the message being given to the general public or the recreational fishing sector, where it is considered quite OK to cause pain to a fish. I mention this also as a keen recreational angler – my fishing is a **recreational** activity. Why then would I want to seriously harm an animal in pursuit of a recreational activity? Not to mention that I can catch fish quite easily and successfully without the need to use live bait. Dear Committee members, this simply does not make sense.

If Queensland is to continue to exempt such an activity in legislation then in my opinion this strongly dilutes out the message that considering the welfare of aquatic animals is important in any of Queensland’s welfare legislation. I also struggle to understand how continuing to exempt such an *activity ensures that the legislation keeps pace with contemporary animal welfare practices and community expectations*, as the Queensland government has stated it would¹.

I would urge the Committee to reconsider this stance and to move to omit the specific exemption currently in Section 22 of the ACPA and therefore send a clear message that Queensland does see fish, cephalopods and crustaceans as animals deserving of protection from at the very least acts of cruelty (as using live baits can only be described as) under Queensland animal welfare legislation.

Yours sincerely



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¹ As noted at <https://www.daf.qld.gov.au/business-priorities/biosecurity/animal-biosecurity-welfare/welfare-ethics/review-of-the-animal-care-and-protection-act-2001>