

## Inquiry into the Animal Care and Protection Amendment Bill 2022

**Submission No:** 454  
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**Submitter Comments:**

This Bill offers some important improvements for animal welfare in Queensland, and this is one step forward. However, community expectations around animal welfare have changed significantly over the years due in fact that most people have much easier access to information and animal welfare abuse and cruelty is much more documented. The public are also demanding accountability from governments whether that be state or federal as to what is acceptable practice now. The Australian public want a democracy where their voices are heard which has been recently tested in the results of the federal election.

Something that was acceptable decades ago may not be in line with the community's views now. Unfortunately, this Bill does **not** represent contemporary animal welfare legislation or the rapidly changing community expectations around animal welfare.

I welcome the following amendments to the Bill:

- (5) New breach of duty of care offence.
- (6) New unreasonable abandonment offence.
- (9) Ban of tail docking.
- (14) Ban of prong collars (possession & use). This should be further extended to include other cruel devices including tethering while unattended, electric collars, and other cruel training devices.
- (14) Ban on firing or blistering.
- (15) Allow for euthanasia of animals by vets where owner can't be located.
- (16) Ban of CSSP pig poison. However, I question why this is limited to CSSP pig poison and recommend that this be extended to include other cruel poisons including 1080 which has adverse effects on our wildlife.
- (32) Recognition of interstate prohibition orders.
- (44) Expanding QRIC's powers to include retired racehorses in possession of a racing participant.

I urge the committee to consider changes to the following amendments:

- (3) I welcome the inclusion of all Cephalopoda in the Act under the definition of animals. However, I would like to see inclusion of some Malacostraca such as crabs, crayfish, lobsters, and prawns, in line with modern animal welfare science. All these animals feel pain and suffering which science has proved eg the practice in prawn farming where **prawns have their eyes cut off become disoriented, flick their tails and rub the traumatised area** — all behaviours associated with pain. Research has found that, given the right environment, female prawns will breed without having their eye cut off. The government must be led by the 'science' to enact animal welfare standards that truly are progressive.

- (7) **Calf roping should and must be banned.** Rather than changing the Act to specifically allow what would be acts of animal cruelty at rodeos, the Bill should instead seek to ban calf roping as a prohibited event *completely* from rodeos. In calf-roping events at rodeos, young animals running at full speed sustain trauma to their necks when they're lassoed with a rope, violently jerked back, and slammed to the ground. The force of being lassoed by the neck causes many calves to become airborne before human adults throw themselves on top of the terrified animals and tie them up with rope. Calves, who are just babies, find this extremely stressful and are sometimes so badly injured that they need to be carried out of the arena.

Calf roping is already banned in South Australia and Victoria, and rodeos are banned outright in the Australian Capital Territory. It's time for Queensland to do the same.

A new study 'The legality of calf roping in Australia' ([Stonebridge, UQ Law Journal, 2022](#)) confirms that "beneficial contributions of calf roping do not justify the harm caused to the calves and that calf roping would therefore likely not be legal if the standard of unnecessary harm applied". This follows several recent Australian scientific studies ([Sinclair et al, 2016](#) and [Rizzuto et al, 2020](#)) that confirm that this event causes significant stress to vulnerable calves.

- (10) I have strong concerns that allowing spaying surgery on cattle to be performed by non-vets and allowing pregnancy tests by laypersons is a backward step for animal welfare.
- (12) The restrictions on debarking and supply of 'debarked' dogs is a good thing. However, I would recommend the committee listen to advice from rescue organisations and shelters when considering obligations places on those that care for dogs. In particular, the penalty for supplying a dog from a shelter without a certificate being greater than the penalty for illegally performing debarking procedures on a dog in the first place seems disproportionate.
- (22) CCTV required at 'livestock slaughter facilities' - The definition of livestock slaughter facilities should be expanded to include **all facilities that slaughter livestock and not just horses**. I note this is based on

recommendations from the Martin Inquiry, where the scope of the inquiry was limited to racehorses. However, there seems to be a lack of any scientific justification for CCTV use on horses yet not recording other animals who are just as capable and likely of suffering. I also urge for an independent monitoring regime to be put in place to monitor the CCTV footage. If the CCTV recordings are only accessed on the basis of a complaint, then they are largely meaningless and will result in minimal animal welfare improvements if any. CCTV recordings must be reviewed and assessed regularly at **all** slaughterhouses to ensure that these businesses are compliant and in line with proper humane procedures for slaughtering **all** animals. An independent Animal Welfare Office of Compliance would ensure all animals are treated humanely and with dignity with minimal pain at point of slaughter. Animals processed for food should be considered as not just products but sentient feeling animals that feel pain and suffering just like companion animals.

- Similarly, powers for inspectors to enter a slaughterhouse without a warrant or permission from the owner should not be restricted to only when horses are at the facility. It is vital that inspectors have the power to enter **all** slaughterhouses (as well as factory farms) without notice. On the spot checks for compliance occur in many industries- education, child care etc so slaughterhouses or factory farms should not be exempt.

- I question the rationale for changes to s178. This appears to be a backward step for animal welfare and removes any possibility of private prosecution or even the ability of RSPCA Qld to independently decide to prosecute without permission from the Department (chief executive). This is a backward step for animals and concentrates all power to prosecute in one person. Notably, the person who authorises prosecution also has responsibility for the viability and growth of animal agriculture industries, which may at times represent a conflict of interest. Instead, s178 (3) should be amended to explicitly allow private prosecution of animal cruelty offences, as well as by Queensland Police and RSPCA Qld. s178 (b) should also be amended to increase the statute of limitation of animal cruelty offences (currently 12 months, or 2 years in some circumstances). I note that some animal cruelty investigations currently take close to 12 months, so the current statute of limitation is completely unworkable. Currently, if someone commits a horrendous act of cruelty, but it is not discovered until 2 years later, they cannot be prosecuted under the Act. This fault in the legislation means that offenders can and do keep reoffending and the defenceless animals continue to suffer. It has been noted that most acts of cruelty and violence occur first with animals before the offender/predator attacks people. Protect animals with stronger laws and independent enforcement through the Queensland Police and RSPCA Qld who are properly funded to investigate, remove, and protect animals through successful prosecutions with no time limits set would go a long way to improving animal welfare standards in Queensland.

I strongly urge the government to commit to further reviews and amendments to the Act and to properly consider:

- An Independent Office of Animal Protection, separate from the Department of Agriculture. Currently, conflicts of interest exist where the Department who regulates the industry for economic viability is also responsible for animal welfare.
- Ban calf roping and other cruel events in the name of entertainment.
- extend the statute of limitation for animal cruelty offences.
- ban 1080 poison.
- Consider mandatory reporting of suspected animal cruelty cases.
- Specifically acknowledge the sentience of non-human animals in the Act.
- Make meaningful changes to factory farming and other farmed animal welfare for all animals, including transport or slaughter, and ensure codes of practice do not provide excuses for committing acts of cruelty.
- Initiate major changes to monitoring and enforcement of animal welfare, particularly for farmed animals. This should also include increased transparency and accountability around enforcement action taken by the Department of Agriculture. These major changes around protecting our voiceless animals are needed now to reflect the changed community expectations on this long overdue neglected issue. Turning a 'blind eye' to animal suffering in Queensland and indeed all of Australia is not acceptable.

Yours sincerely

Janice Haviland