

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

**Submission No:** 443  
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**Publication:** Make my submission and my name public  
**Attachments:** See attachment  
**Submitter Comments:**



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# QUEENSLAND ANIMAL CARE AND PROTECTION AMENDMENT BILL 2022

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SUBMISSION: DR MEGAN DAVIDSON



MAY 28, 2022

## Introduction

Thank you for the opportunity to make a submission on this Bill. My interest in animal welfare stems from my background as a CEO of Wildlife Victoria (2018-2020), and member of the Wildlife Health Australia Bat Health Group (2019-2021). I have been involved in flying fox conservation for over 20 years.

The focus of my submission is on the use of netting on domestic fruit trees that trap and kill a range of birds and mammals, including flying foxes.

## The Problem

The use of wide-aperture netting on domestic fruit trees trap, injure and kill wildlife, including birds, reptiles, and mammals. While householders do not intend to cause suffering and death of native animals, this is the inevitable result of the use of such netting. Flying foxes are particularly vulnerable to being trapped in fruit-tree netting. Fifty-five percent of all flying fox roosts are now located in urban areas (Timmis et al 2020) and netting entanglement has been identified as the most frequent cause of presentation of flying foxes to a wildlife veterinary service in Victoria (Scheelings & Frith, 2015). In Queensland 7.2% of admissions to a wildlife hospital were for all-cause entanglement (netting, fencing, fishing line) (Taylor-Brown et al 2018). Flying foxes accounted for 51% of entanglement-related presentations, and birds 27.4%. In New South Wales (Mo et al 2020) all-cause entanglement was the primary anthropogenic cause of flying fox rescues. Tidemann and Nelson (2011) reported that entanglement in fruit-tree netting caused 5.8% of deaths in banded Grey-headed flying foxes. In Victorian data (Sheelings & Frith 2015) netting entangled flying foxes had a mortality rate of 38%.

Netting entanglement of flying foxes has been noted as a risk to human health by creating opportunities for human-bat contact and therefore transmission of Australian Bat Lyssavirus (Iglesias et al 2021; O'Connor et al 2022; Si et al 2016).

All four species of *Pteropus* in Australia occur In Queenbsland:

- Grey-headed flying fox (*Pteropus poliocephalus*)
- Little red flying fox (*Pteropus scapulatus*),
- Black Flying Fox (*Pteropus Alecto*)
- Spectacled Flying Fox (*Pteropus conspicillatus*)

While flying foxes are the most impacted by fruit tree netting entanglement, birds, possums and reptiles are also commonly found entangled (RSPCA S.A. 2019; RSPCA Qld 2020).

## The Solution

The Victorian Government banned the sale and use of netting with an aperture larger than 5mm by 5mm at full stretch in domestic settings (Prevention of Cruelty to Animals Regulations 2019). The regulation came into force on 1 September 2021. In the ACT work is under way for similar regulation of wildlife-unsafe netting.

Arguments for the regulation of wildlife-unsafe netting in Victoria were based on animal welfare benefits, reduced cost of rescue and care of wildlife, reduced risk to human health, reduced cost to the healthcare system and reduced distress for people finding injured or dead wildlife (Ernst & Young, 2019).

The Victorian Government banned the sale and use of netting with an aperture larger than 5mm by 5mm in domestic settings (Prevention of Cruelty to Animals Regulations 2019). The regulation came into force on 1 September 2021. In the ACT work is under way for similar regulation of wildlife-unsafe netting and in NSW is also considering such regulation.

Arguments for the regulation of wildlife-unsafe netting in Victoria were based on animal welfare benefits, reduced cost of rescue and care of wildlife, reduced risk to human health, reduced cost to the healthcare system and reduced distress for people finding injured or dead wildlife (Ernst & Young, 2019).

In the current Bill there is a reference to “prohibited nets”

### *Division 6 Possession or use of prohibited nets*

#### **37B Possession or use of prohibited nets**

*(1) A person must not possess a net prescribed by a regulation (a prohibited net) unless the person has a reasonable excuse.*

*Maximum penalty—30 penalty units.*

*(2) A person must not use a prohibited net unless the person has a reasonable excuse.*

*Maximum penalty—100 penalty units.*

The clause “A reasonable excuse” is problematic and makes enforcement difficult or impossible

## Recommendations

1. Legislation to prohibit the sale and use of unsafe nets in domestic situations (i.e. fruit trees) should be urgently enacted. Only nets with aperture no greater than 5mm by 5mm at full stretch should be permitted.
2. “A reasonable excuse” (Division 6, 37B) must be clearly and carefully defined with reference to specific “reasonable excuses” under specific Acts and Regulations.

## References

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