

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 455
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Publication: Make my submission and my name public
Attachments: No attachment

Submitter Comments:

Overall, this Bill offers some important improvements for animal welfare in Queensland. However, it 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) and other cruel devices including tethering while unattended, electric collars, and other cruel training devices.- (14) Ban on firing or blistering.- (16) Ban of CSSP pig poison and I recommend that this be extended to include other cruel poisons including 1080. - (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 and some Malacostraca (such as crabs, crayfish, lobsters, and prawns) in the Act under the definition of animal in line with modern animal welfare science.- (7) Calf roping should 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. 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 in regards to allowing spaying surgery on cattle to be performed by non-vets and allowing pregnancy tests by laypersons. I believe these to be a backward step for animal welfare.- (22) CCTV required at 'livestock slaughter facilities' - The definition of livestock slaughter facilities should be expanded to include all facilities that slaughter livestock, 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 of suffering. I also urge for an independent monitoring regime to be put in place to monitor the CCTV footage in the interests of transparency.- 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 slaughterhouses (as well as factory farms) without notice.

- 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. In addition to the points raised above, I 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.- Enforce a prohibition against cruel practices that are widely conducted as 'industry standard practices' in factory farming and during the transport of non-human animals.- Revise the codes of practice so that do not continue to provide easily accessible exemptions from any prosecution for committing acts of cruelty in factory farming and during the transport of non-human animals.- Major changes to monitoring and enforcement of animal welfare, particularly for farmed animals. This should also include increased transparency around enforcement action taken by the Department of Agriculture and RSPCA. - Acknowledging the sentience of non-human animals in the Act.- Banning calf roping and other cruel events carried out in the name of entertainment. - Mandatory reporting of suspected animal cruelty cases.