

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

**Submission No:** 485  
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**Submitter Comments:**

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

### Submission May 2022

Thank you for the chance to make comments on the bill.

Although it contains important improvements for Queensland animal welfare, the bill fails to match contemporary animal welfare legislation, both in Australia and around the world.

Most importantly, it does not take account of the fast-changing community expectations about animal welfare.

#### **I welcome the new clauses below:**

- 5 New 'breach of duty of care' offence
- 6 New unreasonable abandonment offence
- 9 Ban on tail docking
- 14 Ban on prong collars (both possession and use)
  - **BUT** clause 14 must also include banning tethering while the animal is unattended; electric collars and cruel training devices.
  
- 14 Ban on firing or blistering
- 15 Allow euthanasia of animals by vets where owner cannot be located.
- 16 Ban on CSSP pig poison.
  - **BUT** clause 16 must be extended to ban 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 ask that the committee consider the changes I suggest to the clauses below:**

- 3 The inclusion of all Cephalopoda is welcome. BUT I recommend including Malacostraca such as crabs, crayfish, lobsters, and prawns, in line with modern animal welfare science.
  
- 7 Calf roping must be banned – it should be included in 'prohibited events'.

([Stonebridge, UQ Law Journal, 2022A](#) - 'The legality of calf roping in Australia' – points out 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".

Other recent Australian scientific studies ([Sinclair et al, 2016](#) and [Rizzuto et al, 2020](#)) confirming that calf roping causes significant stress.

10 Allowing spaying surgery on cattle to be performed by non-vets and allowing pregnancy tests by laypersons is unacceptable.

12 Although I agree with restrictions on debarking and supply of 'debarked' dogs, I ask the committee to heed advice from rescue organisations and shelters when considering obligations placed on dog carers. The penalty for supplying a shelter dog without a certificate incurring a higher penalty than for illegally performing debarking procedures is disproportionate.

22 CCTV required at 'livestock slaughter facilities' - The definition of 'livestock slaughter facilities' must include any facilities that slaughter livestock, not just horses. All livestock should be protected from cruelty in slaughterhouses. Independent full-time monitoring of CCTV is vital. Without strict monitoring, CCTV does not serve its purpose.

Inspectors must be able to enter slaughterhouses without a warrant or permission from the owner regardless of whether or not there are horses at the facility. This applies also to intensive farming operations. Inspectors must have the power to enter these places without notice.

Changes to section 178 are a backward step for animal welfare by removing the possibility of private prosecution or even the ability of RSPCA Qld to independently decide to prosecute without permission from the Department (chief executive).

There is a conflict of interest in that the person who authorises prosecution also has responsibility for the viability and growth of animal agriculture industries.

Section 178 (3) should be amended to allow private prosecution of animal cruelty offences and by Queensland Police and RSPCA Qld.

Paragraph (b) should also be amended to increase the statute of limitation of animal cruelty offences - currently 12 months, or 2 years in some circumstances.

Since some animal cruelty investigations currently take nearly 12 months, the current statute of limitation is unworkable. If someone commits a shocking act of cruelty, that is discovered 2 years later, they escape prosecution.

## **Conclusion**

There are other improvements to animal welfare - long overdue - but necessary, including urgent reviews of the act to include:

- Creating of an Independent Office of Animal Protection, separate from the Department of Agriculture
- Banning calf roping and other cruel events in the name of entertainment.
- Mandatory reporting of suspected animal cruelty cases.
- Acknowledging in the Act, the sentience of non-human animals.
- Introducing long overdue changes to intensive farming practices and other farmed animal welfare, including transport and slaughter, and ensuring codes

of practice do not provide excuses for acts of cruelty.

- Introducing major and real changes to monitoring and enforcement of animal welfare, particularly for farmed animals.
- Increasing transparency in enforcement action taken by the Department of Agriculture.

Thank you for the opportunity to have input. I hope you will accept my recommendations to further improve animal welfare, including farm animals

Charles Davis  
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