

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 487
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Publication: Make my submission and my name public
Attachments: See attachment
Submitter Comments:

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My Submission dated 29 May 2022

I am grateful for the opportunity of contributing my comments to the above bill.

I note that the bill contains long-needed improvements to animal welfare in Queensland.

However, the bill would be further improved in order to match legislation in other jurisdictions both in Australia and worldwide.

I grew up on a farm, and I understand very well the husbandry that goes on, much of which still does not provide pain relief, even though it is available nowadays. It should be mandatory.

As the committee would be aware, animal welfare is now uppermost in the minds of all Australians. Most of them have pets, and people are becoming much more knowledgeable about the welfare needs of both companion animals and farm animals, the latter most obvious in the burgeoning sales of plant-based products, as people turn away from eating meat and dairy. Australians realise that animals raised for meat share the same sentience (personalities, needs and requirements as their beloved family pets) Plant-based foods will expand further as people worry about global warming and animal welfare.

Having said that, I mention that I approve of a number of clauses in the bill, as numbered below – namely:

- 5 New ‘breach of duty of care’ offence
- 6 New unreasonable abandonment offence
- 9 The ban on tail docking
- 14 The ban on prong collars (both possession and use)

However, clause 14 must also include the banning of tethering while the animal is unattended; as well as banning electric collars and cruel training devices.

- 14 The ban on firing or blistering
- 15 Allowing euthanasia of animals by vets where owner cannot be located
- 16 The ban on CSSP pig poison.

I believe also that clause 16 must include the banning of other cruel poisons including 1080. I include a link below describing the horrific effects of 1080 on cats, for example. However, 1080 has similar effects on all animals.

The link is entitled ‘Killing Schrodinger’s Feral Cat’, by Dr Clive Marks, Animal Studies Journal (2013), It discusses laboratory experiments on cats to determine the effects of 1080. This link should be compulsory reading for those who claim 1080 is humane.

<http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1071&context=asj>

Dr Marks also describes 1080 in the link below, a quote from which states:

“We’ll never have a tool as good as 1080,” says the ecological modeller. He calls it a tool rather than a poison; it is another interesting euphemism for something that kills. “That’s why we use it and that’s why we must protect it” he says. He has never seen a cat die from 1080 poisoning ... To him I’m dealing only with individual animals, and this is the big picture. It matters little on the scale of populations and ecosystems. It is ... ecological management after all, chemotherapy for the environment. More and more Australians ... are demanding a say in how Australia’s wildlife is managed and the significance of animal suffering per se ... the acceptability of many current pest control management practices largely depends on the community not being confronted with the poor animal welfare outcomes ... many approaches would be seen as falling well short of community expectations.”

https://www.researchgate.net/publication/275192545_How_much_suffering_is_OK_when_it_comes_to_pest_control

Returning to the Bill, I also welcome

32 Recognition of interstate prohibition orders.

44 Expanding QRIC's powers to include retired racehorses in possession of a racing participant.

MY SUGGESTED ADDITIONS TO IMPROVE THE BILL ARE BELOW IN NUMBERED CLAUSES:

3 The inclusion of all Cephalopoda is welcome. However, 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. Without strict independent continuous monitoring, CCTV does not achieve its purpose.

Furthermore, 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 fail 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).

That is a stark conflict of interest, because 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 will escape prosecution.

FINALLY

I would recommend the following improvements being made to animal welfare. Please review the Act to include:

1. Creating of an Independent Office of Animal Protection, separate from the Department of Agriculture
2. Banning calf roping and other cruel events in the name of entertainment.
3. Mandatory reporting of suspected animal cruelty cases.
4. Acknowledging prominently in the Act, the sentience of non-human animals, as other jurisdictions both here and abroad have done.
5. Introducing urgent reform of intensive farming practices and other farmed animal welfare, including transport and slaughter, and ensuring codes of practice do not allow 'excuses' for acts of cruelty.
6. Introducing major and real changes to monitoring and enforcement of animal welfare, including for farmed animals.
7. Increasing transparency in enforcement action taken by the Department of Agriculture.

I appreciate having an input.

I trust my recommendations will be duly considered by the committee and accepted so that animal welfare, including welfare improvements for farm animals come into place as soon as possible.

Thank you.

Jan Kendall
29 May 2022