

Inquiry into the Animal Care and Protection Amendment Bill 2022

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The Animal Care and Protection Amendment Bill 2022 has been tabled in Queensland Parliament by Hon Mark Furner (Minister for Agriculture). The Bill falls far short of a 'full review' and we call on the government to do much more to strengthen the state's animal welfare laws - particularly for farmed animals.

The bill does not protect animals sufficiently in many ways, but the most glaring omission is its failure to ban calf roping which is an unnecessary and outdated practice of animal cruelty.

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.

This Bill does offer *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 and governments must be in step with the public's expectations, who are demanding accountability from governments whether that be state or federal as to what is acceptable practice now.

I do 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.

However, it must be recognised that animal practices that were 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 therefore urge the committee to consider changes to the following amendments and improve animal welfare further in these areas:

- (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 -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. Also tearing live lobsters and crabs limb from limb, ripping their heads off, impaling animals on spikes, and dumping them into boiling water is cruel. In the journal 'Science', researcher Gordon Gunter described this method of killing lobsters as 'unnecessary torture.' The latest research indicates that crabs and lobsters feel pain when being cooked, according to a new study.
- (7) As mentioned above -**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.

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 based on 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. All factory farmed animals must be farmed with better animal welfare standards in place-pigs in sow crates no bigger than their body, hens on A4 paper size cages represent cruel practices. The Animal Care and Protection Amendment Bill 2022 must address the cruelty in factory farming. The standards which animals are kept on factory farms in Queensland does not reflect acceptable animal care and protection. This Bill must address this cruelty and set new standards, legislated through laws to raise animal welfare on factory farms.

- 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 and factory farms without notice. On the spot checks for compliance occur in many industries- education, child- care etc so slaughterhouses and factory farms should not be exempt. If breaches of animal cruelty occur on these farms and slaughterhouses, they must be shut down until standards have improved and premises are inspected again for re-issuing of licenses to operate.

- 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). It 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 Queensland 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.
- An Independent Animal Welfare Office of Compliance- to enforce the law and prosecute animal cruelty cases.
- 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.

The Animal Care and Protection Amendment Bill 2022 in its present form does not address the overall poor animal welfare standards across factory farming and slaughterhouses where most offences of animal cruelty still occur. The Bill has neglected this group of animals (sheep, goat, dairy cows, cattle, pigs, hens) completely.

True commitment to animal care and protection must deliver better animal welfare standards for all animals in Queensland. The Bill must address this issue through an Independent Office of Animal Protection properly funded to bring about real reforms in animal agriculture.

Yours sincerely

Martin Derby