

Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 858
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Attention: State Development and Regional Industries Committee

Regarding: Community Consultation – Animal Care and Protection Amendment Bill 2022

Overall, this Bill does not represent contemporary animal welfare legislation or the rapidly changing community expectations around animal protection. I am troubled that the Bill as it stands will not improve animal protection in Queensland but is designed rather to benefit other stakeholders, mainly animal users and the Government.

I support the following amendments to the Bill:

Clause (5) New breach of duty of care offence.

Clause (6) New unreasonable abandonment offence.

Clause (14), Division (7) Ban on firing or blistering.

Clause (15) Allow for euthanasia of animals by vets where owner can't be located.

Clause (19, 20, 21) I support the proposed administrative amendments.

Clause (23, 24, 25) I support the amendments regarding cancellation/suspension of an Inspector's appointment. **Note** typo in s 118B(1) - Change inspectors to inspector's.

Clause (32) Recognition of interstate prohibition orders.

Clause (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:

Clause (3) I welcome the inclusion of all Cephalapoda 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.

Clause (7) The amendment to s 20 should include an explicit ban on rodeos, or at least calf roping. Allowing these events to continue is inconsistent with the purpose of the Act to 'protect animals from unjustifiable, unnecessary or unreasonable pain'. Calf roping is already banned in the ACT, Victoria and South Australia.

Clause (9) I support the ban on the docking of a dog's tail by laypersons, however I disagree with the penalty (100 PUs) being set much lower than other acts of cruelty under s 17 (2000 PUs). It is also absurd that the penalty for docking a dog's tail (100 PUs) is lower than for the mere failure to have the relevant signed veterinary surgeon's certificate (150 PUs).

Clause (10) I strongly oppose allowing spaying surgery on cattle to be performed by non-vets. This practice is surgical in nature and should not be exempted under the *Veterinary Surgeons Regulation 2016*. I also oppose allowing pregnancy tests by laypersons, and consider this a backward step for

animal welfare. Note that the Australian Veterinary Association is opposed to these practices being conducted by laypersons.

Clause (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. I also recommend this information be recorded on the microchip register.

Clause (13) I am concerned by the removal of the explicit obligation to exercise closely confined dogs. I understand that prosecution for failure to exercise dogs may be possible under s 18 but am concerned that the removal of s 33 sends an unwelcome message to the community. I suggest that the Department supports an education campaign regarding the tethering and confinement of dogs. I support the proposed safety requirements for transporting dogs but oppose the blanket exemption for working dogs. It may be possible to safely transport an unsecured dog on the back of a ute travelling slowly in a paddock but the exemption should not apply on public roads.

Clause (14) I support a ban on pronged collars, but strongly oppose the qualifying terms '*if the person has a reasonable excuse*' in relation to the use of the collar. There can be no reasonable excuse for using a pronged collar - s37A(2). The prohibition should be extended to electric collars in the Act. I support a ban on the possession and use of certain nets but recommend that nets, such as the opera house nets, fruit netting with a weave exceeding 5mm x 5mm, and any others for which there is already ample evidence that they cause non-target animals to suffer, be included in the relevant section of the regulations immediately.

Clause (16) I support a ban of CSSP pig poison. However, I question why this is limited to CSSP pig poison which is rarely used, and recommend that this be extended to include other cruel poisons including 1080 which is used extensively.

Clause (18) I support the clarification of what constitutes the use of animals for scientific purpose, but am disappointed that bird banding and fish tagging continue to be exempt practices. I object to the use of any animals for scientific purposes.

Clause (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 such as cattle and sheep who are the predominant animals in slaughtering facilities and just as capable of experiencing 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 on the basis of a complaint, then they are largely meaningless and will result in minimal animal welfare improvements if any. 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.

Clause (28) I support the expansion of powers of entry to provide relief to an animal. However, these powers should be expanded further to any situation where an animal is at imminent risk of injury or

death. This could include situations where the animal is about to drown, choke, be electrocuted, or injured by machinery, etc. These scenarios cause as serious a risk as those mentioned and require similarly swift intervention.

Clauses (29, 30, 31) I recommend that inspectors be given powers to also issue animal welfare directions in cases where a person has failed to comply with the requirements of an accreditation scheme.

Clause (32) I support the recognition of interstate prohibition orders. However, recommend the Bill should provide for the creation of a register of animal offenders/prohibition orders and for the sharing of information with other jurisdictions. Both are essential to reciprocate with other jurisdictions wanting to recognise Queensland offenders.

Clause (33) 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.

Clause (35) I am concerned by the extra obligations imposed on Inspectors to disclose information relevant to investigations. This could have serious consequences for the privacy of complainants and reduce incentive to report cruelty. At the very least, the extra burden imposed on the RSPCA by this obligation and others incorporated in the Bill must be addressed by proper funding and resources for investigations.

In addition to the points raised above, I am most disappointed that the following points were not mentioned in the bill and 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.
- Banning calf roping and other cruel events in the name of entertainment.
- Give further consideration to 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, including transport or slaughter, and ensure codes of practice do not provide excuses for committing acts of cruelty.
- 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.

- Prohibiting steel jaw and glue traps used for management of introduced animals
- Ending the use of dogs for pig hunting
- The right to release for animals used in scientific experimentation

Thank you for the opportunity to comment on the Animal Care and Protection Amendment Bill 2022. I hope the Palaszczuk Government take on board the concerns of the community and allow Queensland to be a leader in addressing the fundamentals required for genuine animal protection.

Regards,

Mackenzie Severns