

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

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**Publication:** Make my submission public but keep my name confidential  
**Attachments:** See attachment  
**Submitter Comments:**

## Submission to the State Development and Regional Industries Committee review of the Animal Care and Protection Act – June 2022

### Summary of recommendations in this submission

- Ban calf roping
- Provide adequate shade and shelter for farm animals

Thank you for the opportunity to contribute to this important review. It's a rare opportunity to take part in a process that has the potential to create sound legislation that ends harmful practices, affords our animals genuine care and protection and reflects the changes in community attitudes to animal welfare.

A recent study commissioned by the Federal Department of Agriculture found 95 per cent of people surveyed were concerned about farm animal welfare. They were distrustful of industry and government and only 10 per cent of respondents believed current regulations were adequate.

The national study (which included Queensland focus groups) found a major driver of changing community attitudes was:

*“an increased focus on animals’ level of sentience and related capabilities”*

### First round of ACPA review

Almost half of the written submissions made in May at the start of the ACPA review process called for animal sentience to be explicitly recognised in the new Act.

<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/c058f7ef-9e92-401e-9888-a10c5aee49a4/acpa-review-consultation-outcomes-report.pdf?ETag=cbcf918fe954780dbfbba66c5bb022d1>

According to the department's Consultation Outcomes Report - “Respondents consider it is important to recognise that non-human animals are capable of being aware of their surroundings, relationships with other animals and humans and of sensations including pain, hunger, heat and cold”.

Successful new legislation would see the Act changed significantly to better reflect these community expectations.

The State's primary animal welfare legislation must recognise that animals have intrinsic value. It must protect them from pain and injury. It must afford animals the right to food, water and shelter. It must allow them to display natural behaviours including the opportunity to live their lives free from fear and distress.

## Rodeos and calf roping

The proposed amendments the committee is considering fail to rectify contradictory standards in the Act, including prohibited events.

### Animal Care and Protection Act 2001

### **Chapter 3, Part 3, Division 1, Section 20-**

Included in prohibited events is:

(e) an event prescribed under a regulation held for public enjoyment or entertainment, with or without charge to anyone present, at which anyone participating in the event causes an animal pain.

Example of causing an animal pain for paragraph (e)—

someone does, or attempts to, catch, fight or throw the animal

**(2) However, conducting a rodeo is not a prohibited event merely because of action taken in the rodeo to protect a competitor or other person from an animal being used in the rodeo.**

Under the Act, a rodeo is not a prohibited event even though animals are harmed, injured and sometimes killed – a breach of animal cruelty provisions that state, in part:

(1), a person is taken to be cruel to an animal if the person does any of the following to the animal—

(a) causes it pain that, in the circumstances, is unjustifiable, unnecessary or unreasonable;

(b) beats it so as to cause the animal pain;

(c) abuses, terrifies, torments or worries it;

(d) overdrives, overrides or overworks it;

(e) uses on the animal an electrical device prescribed under a regulation;

(g) kills it in a way that—

(i) is inhumane; or

(ii) causes it not to die quickly; or

(iii) causes it to die in unreasonable pain;

(h) unjustifiably, unnecessarily or unreasonably—

(i) injures or wounds it; or

(ii) overcrowds or overloads it.

### **Animals injured in the name of entertainment**

Rodeos put cattle (particularly calves – most are under 6 months old, they are babies!) and horses under unnecessary and prolonged stress. Rodeos can cause injuries and sometimes kill.

In calf roping a contestant on horseback chases the calf after it runs out of the chute, throws a rope around its neck to stop it, lifts it off the ground and then forces the calf onto its side and ties its legs. After being treated like this, calves often call out, salivate and have their tongues hanging out – all signs of distress. In addition, rodeos are a foreign environment for young calves. There can be noisy crowds, loud music and lights. And the calves can be kept in holding pens without proper shade for long periods while they wait their turn in the arena.

At worst, injuries caused by the force of lassoing and jerking to a halt, then being thrown can include tearing or stretching of ligaments, disc rupture, internal haemorrhaging to the thymus gland and trachea and subcutaneous tissue damage.

Calves can suffer broken legs, even broken necks, and research has shown that even though they get to their feet and leave the arena apparently unharmed, calves can still be suffering from internal haemorrhaging which is not visible without an autopsy.

This is permitted under the ACPA which is supposed to have animal care and protection as its focus.

See [Animals Australia](#) the [RSPCA](#) and [Animal Liberation Queensland](#) for more information – a warning these sites contain distressing images.

## Attitudes are changing

Calf roping is not permitted in Victoria, South Australia and the ACT. In the ACT however, calf roping and rodeo more broadly are explicitly prohibited by section 18 of the Animal Welfare Act. It is therefore an offence to operate or participate in a rodeo in the Australian Capital Territory. <https://www.mdpi.com/2076-2615/12/9/1071>

Petitions to stop calf roping in Queensland have attracted 40,000 signatures.

### **Calf roping must be prohibited under the Act**

## Shade and shelter for farm animals

The ACPA is the enabling legislation for the codes and regulations that govern the way our animals are treated in primary production.

The codes and regulations permit a huge range of animal practices including branding and the use of electric prodders.

Codes can be used as a defence to acts of cruelty (eg. allowing castration or teeth clipping without anaesthetic) that are not permitted for companion animals. This means farm animals are outside the protection afforded by main animal welfare legislation like the ACPA.

The Queensland Government is adopting the [Australian Animal Welfare Standards and Guidelines](#) for cattle and sheep. Unfortunately, it has chosen not to improve or review those standards and guidelines.

Animals Australia says they [continue to permit cruel and outdated practices](#)

The proposed amendments to the ACPA have not sought to remedy this. While there is an amendment to Section 13 – “Making codes of practice”, it is too general.

To improve the lives of farm animals, the Act’s duty of care provisions must be broadened. One example is the provision of good shade and shelter for farm animals.

The need to provide shade to all animals (including farm animals) was raised in 28 written submissions lodged in May 2021 as part of the ACPA review. Respondents considered that some animals spend all of their time in open paddocks and are unable to seek relief from sun, wind and rain. Some submissions also suggested that species-specific minimum standards for shade and shelter be included in codes of practices.

<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/c058f7ef-9e92-401e-9888-a10c5aee49a4/acpa-review-consultation-outcomes-report.pdf?ETag=cbcf918fe954780dbfbbba66c5bb022d1>

**In high temperatures, the comfort zone for many farm animals like cattle, pigs and goats is much lower than it is for humans.**

The [RSPCA describes a “thermo-neutral zone”](#) a preferred temperature range for animals:

- beef cattle (British breeds) 15 – 25 degrees
- beef cattle (tropical breeds) 16 – 27 degrees
- dairy cattle 5-20 degrees
- goats 10 – 20 degrees
- pigs 16 to 25 degrees
- sheep 21 – 31 degrees

For horses the range is 6 – 25 degrees.

[Dairy cattle will seek shade](#) (at temperatures above 21 degrees) and increase water intake by 1.2 litres for every degree above minimum ambient temperature indicating their need for additional water and shade.

As well as ambient temperature, radiant heat from dirt or concrete surfaces, reduced airflow and high humidity all increase the [suffering of animals under heat stress](#) in feedlots and holding pens.

Young, old, pregnant or lactating animals and those with pre-existing illnesses are even more vulnerable to the pain and stress of prolonged exposure to heat. Animals raised for dairy production spend their lives either pregnant or producing milk.

This creates genuine animal welfare issues. And for farmers, economic repercussions as well.

### **Production losses**

Heat stressed cattle and sheep don't eat, they don't breed and they produce less, poorer quality milk.

In Australia, it's estimated that heat stress costs the feedlot industry \$16.5 million annually.

[Dairy Australia](#) says milk production can drop by 10 to 25 per cent during heat stress. Milk composition is affected in high to severe heat stress with a decline in total proteins.

A [study on sheep reproduction](#) calculated the economic cost of heat stress according to two measures – (a) reduction in lambs born and (b) reduced birth weight due to sustained pregnancy heat stress. The annual national cost of heat stress is estimated at \$97 million for (a) and \$168m for (b) which increases to \$166 million for (a) or \$278 million (b) in a climate scenario of plus 3 degrees.

The sight of sheep and cattle huddled around a single tree in an otherwise bare paddock, trying to find relief from the sun is sadly too common.

Climate change will increase the frequency and duration of weather extremes. Tree planting can have positive benefits for the environment as well as for animals.

## Shade shelter must be mandatory with clear standards

Minimum standards of shade/shelter must be outlined in codes enabled by the ACPA. The standards must reflect best, **independent research** on planting of trees (and other vegetation) and construction of shade shelters. Shade shelter must be provided wherever animals live or are kept – including feedlots, saleyards and holding pens, open paddocks and yards. It should be species specific.

Guidelines for shade shelter could include:

- Natural belt tree planting that provides adequate foliage and canopy coverage for all paddocked animals to obtain shelter with capacity to lie down simultaneously without overcrowding, stand and move about freely under shade protection.
- Durable artificial structures that provide protection from strong UV rays. Shelters must also protect from wind chill, hail and sun, allow good airflow without overcrowding and the ability for all animals to lie down simultaneously, stand and move about freely.
- Materials used in artificial shelters must be light coloured to reflect the sun.
- Any shade structure must offer sufficient protection to reduce scattered solar UV rays.
- Adequate air flow must be provided in all shade structures.

## In conclusion

This submission seeks

### 1. Prohibition of calf roping at rodeos

### 2. Provision of mandatory shade and shelter for all animals kept outside

This review of the Animal Care and Protection Act 2001 is well overdue. Community attitudes to the way animals are treated have changed dramatically in 20 years. I urge the committee to ensure those changes are reflected in the new legislation and the codes and regulations that sit under it.

Hopefully we can look forward to updated and strengthened legislation (and regulations) that cares for and protects our animals, recognising that they are sentient beings with intrinsic value.

My thanks for the opportunity to take part in this important review.

## References

Australia's Shifting Mindset on Farm Animal Welfare

<https://www.sheepcentral.com/activists-aside-how-does-the-general-public-view-farm-animal-welfare/>

<https://spaces.hightail.com/space/FTB2E2os98>

Australian standards and regulations

Heat stress in beef cattle

<https://vetmed.iastate.edu/vdpam/about/production-animal-medicine/beef/bovine-disease-topics/heat-stress-beef-cattle>

Victorian Department of Agriculture

<https://vetmed.iastate.edu/vdpam/about/production-animal-medicine/beef/bovine-disease-topics/heat-stress-beef-cattle>

Dairy Australia

<https://www.dairyaustralia.com.au/resource-repository/2020/11/24/cool-cows---strategies-for-managing-heat-stress-in-dairy-cows#.YKb0Ercza01>

Dairy New Zealand

<https://www.dairynz.co.nz/animal/cow-health/heat-stress/>

Sheep breeding

[https://www.mla.com.au/contentassets/2feb8c20f4e144ffa4f521d199d54fea/l.lsm.0024\\_final\\_report\\_-\\_stage\\_1.pdf](https://www.mla.com.au/contentassets/2feb8c20f4e144ffa4f521d199d54fea/l.lsm.0024_final_report_-_stage_1.pdf)

Climate Change – RSPCA

<https://kb.rspca.org.au/knowledge-base/how-can-climate-change-affect-animal-welfare/>

Thermo-neutral zones RSPCA

<https://kb.rspca.org.au/knowledge-base/does-extreme-heat-affect-farm-animals/>

Rodeos calf roping

<https://www.rspca.org.au/take-action/animals-in-ropedos>

<https://kb.rspca.org.au/knowledge-base/rspca-policy-c08-ropedos/>

<https://kb.rspca.org.au/knowledge-base/what-are-the-animal-welfare-issues-with-ropedos/>

<https://www.mdpi.com/2076-2615/6/5/30/htm>

<https://www.mdpi.com/2076-2615/12/9/1071>