


Inquiry into the Animal Care and Protection Amendment Bill 2022

Submission No: 892
Submitted by: 
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Submitter Comments:

A warning, this document contains images that may cause distress.

Thank you for the opportunity to make a submission to this very important review of the Animal Care and Protection Act 2001.

Unfortunately we do not believe that the proposed amendments the committee is now considering meet the standards required to attain the necessary legislative reform to protect animals.

We further believe the proposed amendments adopt a narrow approach that fails to address the compelling need for legislative reform. The proposed amendments fail to set higher standards for animal welfare and protection.

Dog collars

The prohibition of prong collars is a case in point. Shock and other collars that cause pain and suffering must also be banned.

While the amendments make prong collars a prohibited device, Division 5 37 (A) 2 says *“A person must not use a prohibited device on an animal unless the person has a reasonable excuse.”*

Can prong collars still be used if a person claims to have a *“reasonable excuse”*? Are there new definitions for *“reasonable excuse.”* It should also be noted that importation of prong collars is illegal in Australia.



Electric collars

The [Australian Veterinary Association](#) and the RSPCA oppose these devices. They say electric collars that deliver a shock to a dog's neck pose risks to animal welfare including physical and psychological harm.

[A 2021 RSPCA study](#) (Science update 71 Jan 2021) found that “*Electric collars cause unnecessary suffering without improving training outcomes*” causing dogs to develop fear, display anxiety, and become depressed. Many Australian and overseas studies support the RSPCA's objections.

Research from [Frontiers in Veterinary Science](#) says shock collars don't work and cause harm.

A recent [UK study](#) concluded that “the use of e-collars, even in accordance with best practice (as suggested by manufacturers) presents a risk to the wellbeing of dogs.

Researchers from [Utrecht University](#) found dogs trained with electric collars exhibited “*barks, squeals, avoidance redirected aggression*” associated with stress fear and pain.

This Queensland petition has already attracted more than 600 signatures. More than 1,500 people have signed earlier petitions tabled in March 2022 and May 2021.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Petitions/Petition-Details?id=3734>

The Animal Care and Protection Act 2001 (the Act) permits the use of electric (shock collars) that cause injury and pain to dogs. These collars deliver regular electric shocks with capacity to increase intensity. They rely on painful punishment and negative reinforcement to control dogs and stop barking. The RSPCA says if the collars stay on for long periods, they can become embedded in a dog's neck. Electric collars can malfunction, administering no shocks or nonstop shocks. The anxiety and confusion caused can lead to changes in a dog's heart and respiration rates. The Australian Veterinary Association says the pain and fear generated by electric collars go beyond short-term suffering, creating long-term stress. Dogs can develop anxiety, reduced motivation, increased and redirected aggression. This aggression can be dangerous for the public. The collars are now banned in Denmark, Norway, Sweden, Austria, Switzerland and Germany. The State of New South Wales has banned electric collars. In countries where animal welfare is paramount they are banned as an abusive form of control. RSPCA recommend in its publication Lead by Example, the practice of training dogs using pain and fear should be replaced with positive reinforcement.

RSPCA publish a list of collars that do not cause harm to dogs.



Given the quantity of research and community opposition, we believe electric collars should be banned in Queensland.

It should be noted that electric collars are already prohibited in New South Wales, South Australia and the ACT.

Choke collars

At your recent public briefing, the Departmental deputy director general and chief biosecurity officer, Malcolm Letts said

*“Research has shown that using aversive training methods such as **choke collars** or prong collars to train an animal can cause severe pain and distress to those animals. That is the reason for the proposal to prohibit the use of those collars. “*

We believe that choke and electric collars should also be specifically prescribed in the new legislation.

To date, almost 500 people have signed this petition. Almost 500 signatures were added to an earlier petition tabled in May 2021.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Petitions/Petition-Details?id=3735>

Queensland residents draws to the attention of the House that current legislation permits the use of Choke (slip) collars. Choke collars can cause serious injury and pain to dogs. Choke collars are placed to tighten around a dog's neck to cause rapid constriction and to choke the dog, especially when pulling on a lead. Choke collars are considered to be an abusive form of control based on pain and fear and cause dogs to become distressed, anxious and aggressive. The use of choke collars has been directly linked to whiplash, fainting, spinal cord injuries leading to paralysis, crushing of the trachea with partial or complete asphyxiation, crushing and/or fracture of bones in the larynx, dislocated neck bones, bruising of the oesophagus, bruising and damage to the skin and tissues in the neck, brain damage and prolapsed eyes caused by sharp increases in pressure in

the head, tracheal and esophageal damage, Severely sprained necks, transient foreleg paralysis, laryngeal nerve paralysis, hind leg ataxia.

The use of choke collars is not supported by the RSPCA and recognised dog training and welfare organisations. Research shows that choke collars suppress behaviour but does not change behaviour, and leads to emotional and behavioural issues which can lead to aggression.

Your petitioners, therefore, request the House to follow lead where choke collars are already banned, and ban the use of choke collars. All choke collars must be surrendered. Penalties must be introduced for their importation sale and use in Queensland.

Dog tethering and transport

We do not believe that tethering of dogs is adequately addressed in the Act's general section on animal cruelty. Tethering must be dealt with separately and prohibited as a specific form of abuse.

Tethering of dogs is a common practice (strongly opposed by the RSPCA). Dog owners who chain or tether their dogs, including the use of Ziplines, do so mostly as a way to control their dogs and avoid escape. They leave their dogs mostly unattended in the backyard. Often, the dogs are also unable to seek shelter from the elements or have access to fresh water. Chains, rope and ziplines can become a serious hazard, posing choking and tangling danger leading to serious injuries or painful, slow death. These dogs are alone for most of their lives and many suffer in silence, unseen or unheard unless there is a complaint.



(Image was published in the [Jimboomba Times](#) - this is what RSPCA inspectors found after investigating a complaint)

Close to a third of dog welfare complaints in a recent [retrospective study](#) were related to dogs that were confined or tethered. The study included 107,597 complaints received by RSPCA Queensland from 2008 to 2018. The number of complaints increased by 6.2 per cent each year.

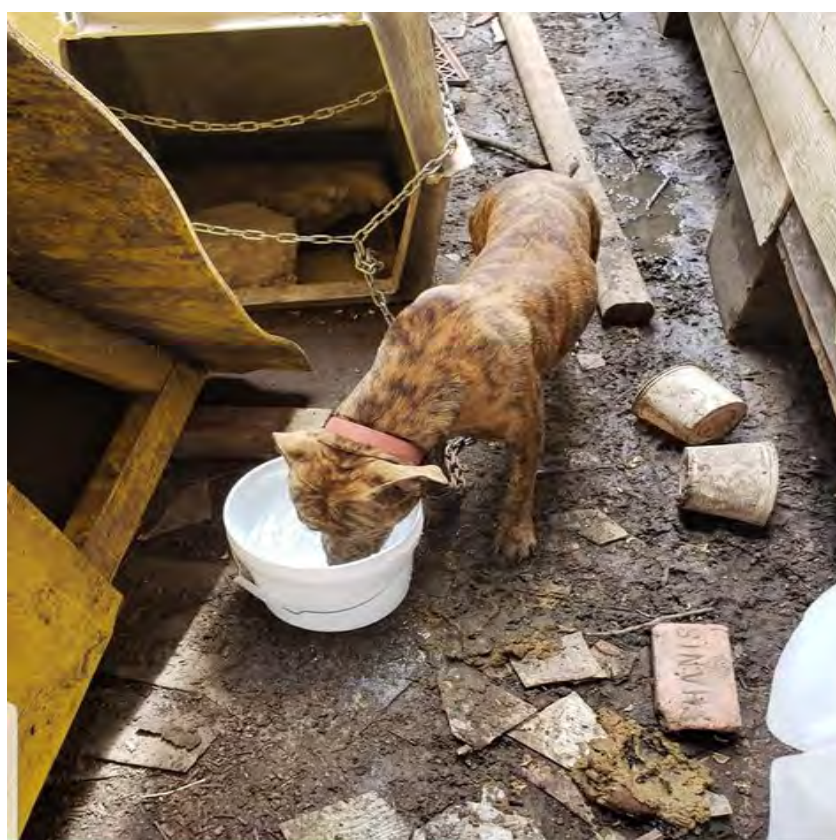
Dog tethering and confinement must be prohibited. Dogs must be kept in secure, fenced yards designed to suit the dog's size, age and species. Dogs must have ready access to shade/shelter and water at all times.

Animals Need Shade believes Queensland's current legislation does not protect dogs from cruelty and abuse. The new Animal Care and Protection Act must change this and ensure that:

No person is permitted to tether a dog to a stationary or inanimate object as a means of confinement or restraint unless that person is outside with the dog, and the dog is always visible to that person. Dogs kept outside must be in a fully fenced or secure yard with sufficient space for the dog to exhibit natural behaviours. Dogs must have access to adequate shade/shelter and water at all times.

The RSPCA, many American animal control agencies, and animal welfare groups all oppose unsupervised tethering as cruel and inhumane.

In addition, they argue that it makes dogs more aggressive. This has a flow on effect for the community through health and safety implications.



"Dogs tethering or chaining a dog can contribute to aggressive behaviour. Dogs should be kept in a fenced yard." [American Veterinary Medical Association](#)

Chained dogs are nearly three times more likely to attack than dogs not tethered, Centre for Disease Control and Prevention (CDC)

The Washington (D.C.) Humane Society says, *"Chaining, by definition, keeps a dog in solitary confinement, continually thwarting [the animal's] pack instinct to be with other animals or with [his or her] human pack".*

The [United States Department of Agriculture](#) recommended banning dog tethering more than 20 years ago, arguing it was not humane.

Chained dogs are often hanged or are choked after becoming entangled in chains or trying to leap over fences etc. Effects and injuries from long term tethering include:

- necks can become lacerated, sore and raw
- collars can painfully grow into their skin
- vulnerable to insect bites and parasites
- out of sight, they are often neglected and starved
- dogs can get tangled in a rope or chain and become so restricted that they are trapped in full sun unable to reach shelter or water, left exhausted, helpless and stressed
- boredom and neglect can result in aggressive behaviours

More than 800 Queenslanders have signed this petition. There were almost 2,300 signatures for petitions tabled in May 2022 and February 2021.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Petitions/Petition-Details?id=3744>

Queensland residents draws to the attention of the House s33 of the Animal Care and Protection Act 2001 (the Act) presently permits a person in charge to allow a dog to be confined by tethering to an inanimate object with ropes or chains for a continuous period of up to 24 hours without supervision, exercise or interaction. This practice has caused dogs to become entangled in ropes or chains restricting their capacity to access drinking water or shelter shade during heatwaves or shelter during extremes in cold weather, leading to prolonged suffering and even death from dehydration or hypothermia. Confined and tethered dogs for prolonged periods are denied healthy freedom of movement and often display high aggressivity.

Your petitioners, therefore, request the House to amend the provisions of the Act that permit prolonged unsupervised confinement/tethering of a dog. Short duration tethering must only take place when the person in charge is outside with the dog in its sight at all times. Dogs must be confined at all other times within a species specific fenced yard without tethering, or confinement by chains or ropes attached to a stationary inanimate object. The fenced yard must be of a size suitable for the breed and weight of dog to allow it to run in an unrestricted way and allow uninhibited freedom of healthy movement to access shelter, water and food at all times



16/142020

RSPCA policy and position re the tethering of dogs

RSPCA policies recognise that “all dogs must have the opportunity for regular, appropriate exercise to promote good physical and psychological health, provide contact with humans and allow socialisation with other dogs” (Policy A 8.4.1).

Tethering refers to where a dog is fastened by a chain/rope from a central anchor point to confine it to a particular area. If tethering is to be used it should only be for a minimal amount of time, involve supervision during the tethered period and should never be seen as a permanent solution to securing a dog.

Tethering poses many risks to the welfare of the tethered dog, particularly when they are left unsupervised. They include:

- tangling of the tethering chain/rope such that the animal is left with little or no room to move
- choking and other injuries as the tether tangles around the pole but also their bodies/legs
- no access to shelter due to the tangling and the dog being unable to reach shelter
- no access to water either due to the tangling or because the dog knocks the water container over
- increased stress levels as the dogs are unable to express many of their natural behaviours and are left with little social interaction with humans or other dogs

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Above – the RSPCA’s position on tethering. Our leading animal welfare agency strongly opposes this practice.

Transport

We also note that one of the [key amendments](#) in proposed changes to the ACPA is a requirement for dogs to be secured on a vehicle, with an exemption for working dogs.

The legislation, as the name suggests, is for the care and protection of animals. We do think working dogs should be exempted from this requirement. They must be afforded the same care as pet/domestic dogs.

Shade/shelter - codes and regulations

Some codes of practice and regulations that are enabled by the Act are in breach of its Duty of Care and Cruelty provisions. The proposed amendments to the ACPA do not address this. We do not believe that by adding the words “*based on good practice and scientific knowledge*” this problem will be rectified.



Cattle huddled together to try to find shade at a property in Beechmont. The temperature 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.

Pigs are highly susceptible to heat stress and sunburn. Victoria's Department of Agriculture says pigs should not be exposed to long periods of direct sunlight or extremes of temperature. Providing outdoor pigs with sufficient water and mud hole areas is extremely important when temperatures are above 25 degrees.

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. Research from the United States says cattle should not wait in processing areas longer than 30 minutes in hot conditions.

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.



Guidelines for species-specific shade/shelter for our farm animals must be detailed in mandatory codes. Inspectors must have the power to investigate and as necessary prosecute all breaches.

Instead, the Queensland Government is adopting the [Australian Animal Welfare Standards and Guidelines](#) for cattle and sheep as well as saleyards and depots. And latest correspondence from the department indicates that these standards are being adopted without change or improvement.

More than 800 Queenslanders have signed this current petition and 3,237 more signed earlier petitions tabled in May 2022 and February and May 2021.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Petitions/Petition-Details?id=3745>

Queensland residents draws to the attention of the House there is presently no mandatory requirement for the provision of shelter from extremes of weather for farmed animals in

the Animal Care and Protection Act 2001. Authorities lack power to prosecute offenders for neglect of duty of care.

The lack of suitable shelter leads to prolonged suffering and deaths of hundreds of thousands of farmed animals each year from hypothermia or exposure to sun during heatwaves. The effects of climate change will create greater risks for farmed animals and an increase in cruel and inhumane suffering and deaths.

Your petitioners, therefore, request the House to ensure legislation must include mandatory codes for provision of species-specific shelter and consider each species' capacity to tolerate extremes in weather. Mandatory codes will give power to inspectors to investigate and as necessary prosecute with penalties commensurate with the degree of neglect. Guidelines for shelter must be outlined within mandatory codes and could include natural belt tree planting with sufficient 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. Artificial structures must be durable and provide protection from strong UV rays. Shelters must 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.

Climate crisis

The current review of the ACPA has ignored the full effect of the climate crisis. This has put our animals in harms way/at risk.

The climate crisis has meant higher temperatures and longer periods where temperatures are elevated. Heat events have a direct impact on the health and welfare of the community when the immune system of animals are compromised. When an animal's immune system is compromised it is more prone to disease.

The CSIRO and Bureau of Meteorology advise that Australia is now 1.44 degrees hotter than when records began in 1910. Australia's warmest (and driest) year on record was 2019, and the seven years from 2013 to 2019 all rank in the nine warmest.

There were 33 days that exceeded 39 degrees in 2019, more than the number observed from 1960 to 2018 combined.

Spring and November 2020 were the warmest on record for Australia. Spring temperatures last year were 2.03 degrees above average. The average maximum temperature for 2020 was 31.21, an increase of 1.31.

Future climate trends

The Bureau of Meteorology says what we can expect in the future includes:

- A decrease in cool season rainfall across many regions of the south and east, likely leading to more and longer droughts
- Continued warming, with more extremely hot days and fewer extremely cool days
- Increased frequency and duration of heat waves

- Fewer tropical cyclones, but a greater proportion of high intensity cyclones, with ongoing large variations from year to year
- Fewer east coast lows particularly during the cooler months of the year

Impact on our animals

According to the RSPCA, “climate change puts the welfare of Australia’s estimated 800 million farm animals at risk. Heat stress has been described as one of the most pressing challenges facing animal agriculture”.

“In a changing climate, more farm animals across a wider area will be subject to heat related illness and associated negative affects”

The RSPCA reports that:

“Cattle, sheep and goats have unique physiology which makes them susceptible to a suite of complex animal welfare issues associated with climate change. Increased ambient temperatures place ruminants at higher risk of debilitating conditions. Higher ambient temperatures have been linked to painful lameness via mechanisms including: increased standing time, decreased time lying down, ruminal acidosis (increase in stomach acidity) from altered feed intake, respiratory alkalosis (decrease in blood acidity due to increased respiration rate) and altered energy balance. Higher ambient temperatures are associated with higher livestock mortality rates and in some cases, mass deaths”

Law enforcement

One of Biosecurity Queensland’s primary objectives is to protect the state’s agriculture industry. Unfortunately, we have a situation where the body charged with enforcing and regulating animal use industries is also invested in promoting the economic productivity of those industries.

Biosecurity and the RSPCA are jointly charged with policing animal welfare standards and uncovering breaches of those standards, including animal neglect and abuse. The department’s website has little detail about Biosecurity’s work on protecting and caring for our animals.

According to the [Department’s annual report for 2019/2020](#), there were only 1395 animal welfare investigations undertaken. In the same period 466 live animal export certificates were issued to “facilitate international market access for Queensland animals”.

The report does not detail any outcomes of its 1395 investigation. It says they were “to ensure high standards of animal welfare and support the ethical production of food products”.

Inadequate policing

We welcome the proposed “powers of entry” provisions for inspectors.

However, Queensland has a total land mass of 1, 729, 742 square kilometres. The RSPCA has 23 inspectors. They have difficulty recruiting and keeping inspectors. A lot of their work is with small farms and domestic animals.

The biggest part of Queensland where our animals are bred and raised on a large scale is not policed or inspected.

In 2019/2020 the RSPCA investigated 18,332 complaints. There were only 304 successful prosecutions.

Offences are handled by the Magistrates Court so any decisions are [not binding on future cases](#) and dealings in the Magistrates Court can often go unreported in the media.

Fear of getting caught can be a deterrent to offending but given the current policing arrangements, and the shortage of trained, dedicated inspectors it seems unlikely that acts of animal cruelty can be adequately reported, investigated or prosecuted. We believe these statistics and reports must be readily available to the public to act as a deterrent.

Failure to respond

One other current rule means that complaints from the public cannot be investigated by the RSPCA if it is outside of one month. A case which involved evidence (photographic) and witness accounts of abuse to dogs left in cages in full sun and other abuse to animals was ignored as it was outside of the one month period. This law needs to be reviewed as animals are still in the care of this individual.

Community views have changed

More than 2300 submissions were made to the ACPA review. Almost half called for animal sentience to be explicitly recognised in new Queensland legislation.

According to your [review summary](#) - "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".

We believe the proposed amendments fall well short of what people expect. They do not reflect changing attitudes to the care and protection of our animals.

Evidence of these changes was revealed in a [recent study](#) *Australia's Shifting Mindset on Farm Animal Welfare*, commissioned by the Federal Department of Agriculture.

"The research indicates a fundamental community belief that animals are entitled to the protection of relevant rights and freedoms, closely aligning with activist sentiment. The public has a clear expectation for effective regulation to uphold these freedoms and expect highly transparent practices, regulation and enforcement," the report said.

Australia's Shifting Mindset on Farm Animal Welfare found that:

- 95 per cent of people (surveyed) view farm animal welfare to be a concern
- 91 per cent want at least some reform to address this

The national study (which included Queensland focus groups) found only 10 per cent of respondents believed current regulation was adequate.

Importantly for the ACPA review, the research also found a distrust of industry and government when it comes to the welfare of farm animals.

"This distrust seems to be fuelled by the perception that there is a lack of transparency and that certain information may be kept hidden intentionally, or deliberately obscured."

The fallout when government and industry lose the community's confidence is described in terms of social licence.

[Social licence](#) is granted when industries behave in a manner that is consistent, not just with their legal obligations, but also with community expectations. Some argue that animal welfare has become the most crucial consideration underpinning social licence for Australian animal use industries.

In the report *Costs and Benefits of Improving Farm Animal Welfare*, researchers from the universities of Melbourne and Queensland looked at what happened when producers lost the community's trust.

The risk to those with farm animals under their care is that if they do not adequately address the public's concerns about the welfare of the animals, their right to own and use the animals for their commercial purposes may come into question.

In conclusion

We believe that the proposed amendments to the ACPA fall well short of community expectations and ignore the many people who, in good faith, took part in the review with the hope of improving the lives of our animals.

The proposed amendments fail to protect animals and ignore best practice legislation that has been successfully implemented internationally saving public money from community complaints and restoring a humane approach to caring for animals - eg (it is now unlawful to leave a dog unattended on a chain in Hungary, Malta and Germany, unlawful to use electric collars in NSW, SA, ACT).

The proposed legislation ignores arguments from the RSPCA, our largest animal welfare agency.

It has ignored scientific studies on collars and the pain, injury and suffering caused by dog chaining. It has ignored scientific evidence showing that chained dogs become more aggressive and a danger to society.

It has ignored scientific evidence and studies that show how important shade shelter is for an animal's immune system, health and wellbeing. It has ignored studies which show how domestic and farmed animals suffer without shade shelter when outside of their zones of comfort.

More information

Dogs in the Climate crisis - Numerous newspaper articles and reports of dogs dying in the heat have been documented -

<https://vet.tufts.edu/wp-content/uploads/tacc.pdf>

<http://www.animalsneedshade.org/dogs/>

<https://www.frontiersin.org/articles/10.3389/fvets.2020.00508/full>

Frontiers in Veterinary Science

https://www.researchgate.net/publication/278653804_Training_dogs_with_help_of_the_shock_collar_Short_and_long_term_behavioural_effects

Researchers at Utrecht University

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102722&fbclid=IwAR1clwUxnADjeva1F47VPsAo311fUjFx4l4dqgDzi3tjemmxpsLw9GJqA>

Recent UK study -collars

<https://www.ava.com.au/policy-advocacy/policies/companion-animals-dog-behaviour/use-of-behaviour-modifying-collars-on-dogs/>

<https://www.vetvoice.com.au/articles/shock-horror-electric-shock-collars/>

<https://bvajournals.onlinelibrary.wiley.com/doi/10.1136/vr.105681>

<https://kb.rspca.org.au/knowledge-base/is-the-use-of-electronic-dog-collars-legal/>

Michigan University – Thermoregulation

<https://www.canr.msu.edu/news/animal-welfare-at-the-fair-thermoregulation-and-thermoneutral-zone>

RSPCA – extreme heat- affects on animals

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

Australian Veterinary Association – shock collars

<https://www.ava.com.au/policy-advocacy/policies/companion-animals-dog-behaviour/use-of-behaviour-modifying-collars-on-dogs/>

Review of the Animal Care and Protection Act 2001

The following submissions are made by the community group Animals Need Shade.

Submission on shade/shelter May 2021

Heat stress and heat load are the terms used by researchers when studying the effects of high temperatures and humidity on farm animals. In this document we have followed that protocol.

However we do not believe these terms adequately describe the plight of animals that are denied a basic right to shade and shelter. Nor do they convey the suffering, pain and distress animals endure.

The temperature comfort zone for many farm animals like cattle, pigs and goats is much lower than it is for humans. Some animals spend their entire lives in open paddocks unable to find relief from sun, wind and rain. Others are confined to feedlots without adequate protection from the heat, unable to graze or move about freely. Holding pens and saleyards are also HIGH RISK ENVIRONMENTS for animals without shade and shelter.

This is inhumane and unacceptable treatment.

A warning, this document contains images that may cause distress.

Thank you for the opportunity to contribute to the review of the Animal Care and Protection Act 2001 (ACPA). [Animals Need Shade](#) is a volunteer organisation that has been operating since 2019 and in just two years has attracted almost 200,000 supporters and followers.

We are reassured that your discussion paper promises:

“The review will ensure the ACPA keeps pace with community expectations and modern welfare practices”.

A [recent study](#) prepared for the Federal Department of Agriculture found:

- 95 per cent of people (surveyed) view farm animal welfare to be a concern
- 91 per cent want at least some reform to address this

The national study (which included Queensland focus groups) found the major driver of this shift was *“an increased focus on animals’ level of sentience and related capabilities”*.

Research indicates a fundamental community belief that animals are entitled to the protection of relevant rights and freedoms, closely aligning with activist sentiment. The public has a clear expectation for effective regulation to uphold these freedoms and expect highly transparent practices, regulation and enforcement.

Importantly for the ACPA review, the research also found a distrust of the industry and government when it comes to the welfare of farm animals. This distrust seems to be fuelled by the perception

that there is a lack of transparency and that certain information may be kept hidden intentionally, or deliberately obscured. Only 10 per cent of respondents believed current regulation was adequate.

Twenty years on from the adoption of the ACPA, the government is right to expect and acknowledge that community expectations of animal welfare have changed significantly.

Study by Futureye

<https://www.outbreak.gov.au/sites/default/files/documents/farm-animal-welfare.pdf>

Shelter and the wellbeing of animals that live outdoors



Economic costs of failing to provide adequate shade/shelter

The often quoted and highly respected report “Economic losses from heat stress by US Livestock Industries” [St-Pierre 2003](#) showed heat stress cost US\$1.69 to \$2.36 billion annually. An average US\$369 million of that was attributed to the beef industry.

[More recent analysis](#) (2010/2014) put estimated losses for the dairy industry alone at US \$1.5 billion.

Dairy farming

[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.

Every 1 degree increase over 18 degrees equates to a daily loss of about 21,000 kg of protein. Research at one dairy farm (100 cows) estimated costs of milk losses due to heat stress from \$6,838 to \$11,986. The summer season also impacts on the animal’s resilience to seasonal infection and disease.

November 2017 was the second hottest November on record for Victoria with the third hottest November nights on record. The average temperature for the state was 3.1 degrees warmer than

the 1961-1990 average. These conditions resulted in a significant reduction in milk production. Between the first and last weeks of November there was a 12 per cent decline in total milk production. The estimated value of the lost production for the average Victorian dairy farm for that period alone was approximately \$3000.

Breeding Focus 2018 – Reducing Heat Stress

http://agbu.une.edu.au/PDFs/BFW2018/BF_2018_Abstracts.pdf

Sheep breeding

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 cost of heat stress varies from \$0 up to \$15.50 per ewe depending on the region, with the maximum dollar impact increasing to \$23.70 should temperatures increase by 3 degrees.

Beef production

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

[Meat and Livestock Australia](#), collected data from 2,795,754 beef carcasses from 20 feedlots over a 6 year period (2012 to 2017) and found that environmental conditions had a statistically significant impact on the incidence of dark cutting meat.

“Dark cutting” is the term used for meat that does not bloom or brighten when it is cut and exposed to air. Beef customers prefer beef cuts to be a bright pinkish colour at retail, they avoid dark coloured meat.

In Australia, the incidence of dark cutting is almost 10 per cent in beef. That equates to a potential loss for the industry of almost \$36 million a year.

The audits of MSA data suggested a greater incidence of dark cutting in feedlot cattle during summer due to environmental impacts like stress during hot, humid weather. Meat and Livestock says Australian temperatures are outside the normal cattle thermal comfort zones for many months of the year which is likely to have a physiological impact on the growing animal.

Holding pens, feedlots and saleyards are also **high risk environments** for animals without shade or shelter. In addition these animals have no ability to graze or move freely.

The best available research clearly demonstrates the significant negative economic outcomes for industry from not ensuring adequate shade/shelter for livestock.

Animals under stress

These are some of the many, documented behaviours that indicate an animal is suffering heat pain and stress:

- search for shade and water
- stay close to water - crowd around a water trough
- stop eating
- refuse to lie down
- become restless, agitated, frenzied or lethargic, depressed
- stepping, pawing the ground
- ears back
- laboured breathing, panting, tongue lolling, drooling
- head up, neck extended
- convulse, collapse

The temperature 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
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- 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.

[Pigs are highly susceptible to heat stress](#) and sunburn. Victoria’s Department of Agriculture says pigs should not be exposed to long periods of direct sunlight or extremes of temperature. Providing outdoor pigs with sufficient water and mud hole areas is extremely important when temperatures are above 25 degrees.

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. [Research from the United States](#) says cattle should not wait in processing areas longer than 30 minutes in hot conditions.

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.

Heat stress kills

In January 2014, vet [Jakob Malmo OAM](#) was called to a dairy farm in the Gippsland region where he witnessed something unseen in his 50-year practice as a vet. The region was suffering a heat wave and he'd already made several distressing call outs to tend heat-stressed animals.

But his reaction on arrival at this particular dairy farm was one of absolute horror – 80 cows strewn across the paddocks dead from an excessive heat load.

“I’ve seen ones and twos (die) but nothing like this devastation. We don’t want to see a repeat of this ever again.”

Climate change

The CSIRO and [Bureau of Meteorology](#) advise that Australia is now 1.44 degrees hotter than when records began in 1910. Australia’s warmest (and driest) year on record was 2019, and the seven years from 2013 to 2019 all rank in the nine warmest.

There were 33 days that exceeded 39 degrees in 2019, more than the number observed from 1960 to 2018 combined.

Spring and November 2020 were the warmest on record for Australia. Spring temperatures last year were 2.03 degrees above average.

Future climate trends

The [Bureau of Meteorology](#) says what we can expect in the future includes:

- A decrease in cool season rainfall across many regions of the south and east, likely leading to more and longer droughts
- **Continued warming, with more extremely hot days and fewer extremely cool days**
- **Increased frequency and duration of heat waves**
- Fewer tropical cyclones, but a greater proportion of high intensity cyclones, with ongoing large variations from year to year
- Fewer east coast lows particularly during the cooler months of the year



Impact on our animals

[According to the RSPCA](#), “climate change puts the welfare of Australia’s estimated 800 million farm animals at risk. Heat stress has been described as one of the most pressing challenges facing animal agriculture”.

“In a changing climate, more farm animals across a wider area will be subject to heat related illness and associated negative affective states including thirst, frustration and discomfort.”

The RSPCA reports that:

“Cattle, sheep and goats have unique physiology which makes them susceptible to a suite of complex animal welfare issues associated with climate change. Increased ambient temperatures place ruminants at higher risk of debilitating conditions. Higher ambient temperatures have been linked to painful lameness via mechanisms including: increased standing time, decreased time lying down, ruminal acidosis (increase in stomach acidity) from altered feed intake, respiratory alkalosis (decrease in blood acidity due to increased respiration rate) and altered energy balance. Higher ambient temperatures are associated with higher livestock mortality rates and in some cases, mass deaths,”

The Climate Council says climate change must be considered in all animal welfare legislation.

[Dairy Australia](#) notes that ours is the world's driest inhabited continent with the most variable climate. Climate change will exacerbate these conditions and the risks to dairy farm profitability. There is evidence that the 2040 scenarios for physical changes to climate are happening now in some dairy regions.

While the science is indisputable in the last quarter century or so, we've been making it even [harder for our animals to cope](#).

Selective breeding, nutrition and environmental controls, have aimed to make our animals “more productive”. The result is often fast growing and “high yielding” animals which already have higher, internal heat loads. All of this increases their sensitivity to hot environments.

Failure to provide/shade shelter is in breach of duty of care

[ACPA Chapter 3](#) General animal offences Part 1 Breach of duty of care 17

Breach of duty of care prohibited.

(3) For subsection (2), a person breaches the duty only if the person does not take reasonable steps to -

(a) provide the animal's needs for the following in a way that is appropriate—

(i) food and water;

(ii) accommodation including adequate shade/shelter or comfortable living conditions for the animal;

(iii) to display normal patterns of behaviour;

(iv) the treatment of disease or injury; or

(b) ensure any handling of the animal, including any confinement or transportation of the animal, by the person, or caused by the person, is appropriate.

(4) In deciding what is appropriate, regard must be had to—

(a) the species, environment and circumstances of the animal; and

(b) the steps a reasonable person in the circumstances of the person would reasonably be expected to have taken.

Animals Need Shade is calling on the government to amend its Duty of Care provisions to include “adequate shade/shelter” in accommodation or living conditions for the animal”. Shade/shelter must be mandatory. Living conditions must provide comfort and security for the animal.

Any handling, confinement, transportation of an animal must be done without causing harm. Treatment for disease or injury must be delivered in a timely and effective way. Animal welfare must not be limited to what is considered reasonable at the time.

Minimum (species specific) standards of shade/shelter (as required in accommodation) must be outlined in codes. They must consider each species' capacity to tolerate extremes in weather. 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.

Mandatory codes must empower inspectors to investigate and as necessary prosecute with penalties commensurate with the degree of neglect.

Codes must reflect higher standards

[ACPA Chapter 1 Part 2, Division 4](#) Purposes and application of the Act

As the ACPA is the enabling legislation for the formation of Codes etc, it must reflect a high standard of animal welfare. Rather than seeking the “balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals” the ACPA must prioritise responsible care of animals and this should be reflected in Codes.

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 role of code and other exemptions needs to be reviewed. The balance struck between human and animal interests in the codes is skewed against the interests of animals to an even greater extent than that fashioned in the head legislation.

[Dr Steven White](#) senior lecturer, Griffith Law School says that while codes of practice may be tabled in Parliament, as regulations they are generally subject to very little or no parliamentary scrutiny.

“This means that the issue of who authors the standards is very important. In Australia, both historically and under current processes, codes of practice are essentially made by those with a direct stake in the profitability of the agricultural sector – farm industry groups and agricultural departments.”

For example, the Queensland Government is adopting the [Australian Animal Welfare Standards and Guidelines](#) for cattle and sheep as well as saleyards and depots.

Animals Australia says the standards and guidelines [continue to permit cruel and outdated practices](#)

The Queensland Government has the ability to review and improve those standards before adopting them but has chosen not to do so, unlike the West Australian Government, which has [invited public discussion](#) and the ACT Government which is revising the codes before adoption.

Animals Need Shade is calling on the government to set higher standards of animal welfare within the ACPA and ensure those standards are reflected in the codes. Animals Need Shade opposes codes of practice that contain minimum standards developed by industry to circumvent proscriptions in animal welfare laws.

The [purpose of animal welfare laws](#) is not to facilitate the use of animals, but to protect them against it.

Shade/shelter standards

Guidelines for shelter must be outlined within mandatory codes. They must be species specific.

This 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.
- Andy shade structure must offer sufficient protection to reduce scattered solar UV rays.
- Adequate air flow must be provided in all shade structures.

Shade from trees can form part of a long-term strategy for managing climate variability. The shade and shelter provided by trees in paddocks and laneways [can reduce the radiant heat load](#) by 50 per cent and more. Tree belts provide shade and protection from wind and allow cows different options for cooling and better control over their heat loads.

Since providing shade can require [relatively minimal capital investments](#) which can be stretched over multiple years, financial gains associated with the reduction in heat stress and improvement in performance can offset and be greater than the cost of providing artificial shade, especially in areas that are prone to greater heat loads.

Benefits of shade/shelter

A [study of low vegetation](#), shrubs and hedgerows in Victoria found improved survival rates for lambs of up to 15 per cent for vulnerable twin lambs and 30 per cent for single births.

[Sustainable Farms](#) (part of Australian National University's ecology group) reports that in one study the presence of belt tree planting resulted in increased wool production by almost a third and a 21 per cent increase in sheep live-weight over a 5 year period.

According to [Meat and Livestock Australia](#) (MLA) shade alleviates mortality, fear and distress during heat wave conditions.

Further results from MLA studies:

- dairy cattle provided with increased shade under pasture situations during summer spent twice as much time under shade (25 per cent versus 50 per cent) and showed less aggressive interactions.
- Brahman cross cattle with access to roofed shade had reduced stress hormones, reduced respiration rate, improved hydration and greater feed intake, gain and efficiency.
- [Angus steers at a trial feedlot](#) found cattle with access to shade had 3 per cent greater dry food intake and a 1.9 per cent increase in hot carcass weight at the processing plant.
- Feeding cattle under shade over summer, results in a \$20 a head increase in profit.

The [Qld Department of Agriculture](#) advises producers to “allow access to shade throughout the day. Provide shade in feed-out areas, grazing areas and over the milking yards. **Shade can reduce a cow's heat load from the environment by up to 50 per cent**”

A [report cited by the MLA](#) found that during a New South Wales heat wave in 2000, shade reduced heat load related deaths - unshaded pens had a higher, 5.8 per cent mortality rate compared with shaded pens, 0.2 per cent.

This percentage of deaths in feedlots indicates that heat and no shade/shelter have a significant detrimental effect on animals. There are millions of animals in paddocks with no shade shelter at all.

Much more than numbers

It's clear that reduced mortality is a major benefit from shade shelter provision. It's equally clear that death is an absurdly crude measure of animal welfare.

[Animal welfare is multifaceted](#) and includes many other components beyond health and performance that should be considered in determining the need to provide shade.

It is now widely accepted that good welfare is not simply the absence of negative experiences, but is primarily the presence of positive experiences such as pleasure.

That means it is better to ensure joyful and contented behaviours rather than focusing on behaviours that represent needs that have to be fulfilled to avoid suffering.

Animal sentience

The Australian Capital Territory has become the first Australian jurisdiction to accept animal sentience - recognising that animals feel pain, fear, discomfort and pleasure.

The Victorian Government is also considering animal sentience in a review of its more than 30-year-old Prevention of Cruelty to Animals Act.

The Victorian Government says it is [“modernising animal welfare laws in line with community expectations”](#) recognising that “animal welfare includes the mental and physical health of an animal. Good animal welfare is achieved through humane, reasonable and respectful treatment”.

Animals Need Shade urges the Queensland Government to include recognition of animal sentience in the new ACPA. That is - animals are capable of being aware of their surroundings, their relationships with other animals and humans, as well as being capable of understanding their own bodily sensations including pain, fear, discomfort and pleasure.

Community expectations

A [national study](#) conducted by Futureye for the Federal Department of Agriculture found in quantitative research that 55 to 56 per cent of people surveyed believed cattle, sheep, goats and pigs were sentient.

“Consistent with this belief in sentience is the recognition that animals possess certain capabilities. Quantitative data revealed that 57 per cent believed animals had awareness of bodily sensations such as pain, heat, cold, hunger; 56 per cent believed they possessed the capacity to experience stress; 47 per cent felt animals had awareness of their surroundings; and 45 per cent felt animals had the capacity to experience joy and pleasure”.

Further, the report says “this sentiment is expressed in the quantitative results, revealing high levels of agreement on rights and freedoms for animals, particularly relating to freedom from pain and cruelty. Specifically, this included the right not to be subjected to unnecessary pain and suffering; freedom from thirst and hunger; pain, injury and disease; fear and distress and from discomfort by providing appropriate environment, shelter and comfortable resting areas”.

As the government has promised that the ACPA review will ensure the legislation keeps pace with community expectations and modern welfare practices, sentience must be part of the new ACPA.

This must not be restricted to companion animals and must be reflected in all codes and standards enabled by the ACPA.

In summary

Animals Need Shade appreciates the opportunity to take part in the review of the Animal Care and Protection Act 2001. Our volunteers and supporters believe that changes to the ACPA must include:

- mandatory shade shelter for all animals that are kept outdoors
- minimum, species specific standards set for shade shelter (natural and built)
- enforcement of requirements and standards
- regular inspections of the places where animals are kept to ensure animal welfare standards are being met
- a higher standard of animal welfare, reflected in all codes and regulations
- recognition of animal sentience

As previously noted the review of the ACPA is a rare opportunity to make significant improvements to the way animals are treated and to bring standards and codes into line with community attitudes. As the research indicates, thinking has shifted immeasurably since the Act was introduced 20 years ago. It's time the government responded.

In addition - as proof of its commitments to improve animal welfare in line with changing community expectations, Animals Need Shade urges that the government to review and invite public comment on the Australia Animal Welfare Standards and Guidelines.

Further references

Economic losses due to heat stress

http://agbu.une.edu.au/PDFs/BFW2018/BF_2018_chapter4_Meyer.pdf

<https://www.dairyaustralia.com.au/animal-management-and-milk-quality/animal-health/heat-stress#.YJPF59Uza00>

<https://www.thermo-heatstress.com/economic-losses-heat-stress/>

[https://www.journalofdairyscience.org/article/S0022-0302\(03\)74040-5/fulltext](https://www.journalofdairyscience.org/article/S0022-0302(03)74040-5/fulltext)

https://www.researchgate.net/publication/337706104_Influence_of_shade_on_panting_score_and_behavioural_responses_of_Bos_taurus_and_Bos_indicus_feedlot_cattle_to_heat_load

<https://www.sciencedirect.com/science/article/pii/S0022030203740405>

file:///C:/Users/Debra/Downloads/L.LSM.0024_Final_report_-_Stage_2.pdf

<https://www.mla.com.au/globalassets/mla-corporate/research-and-development/final-reports/2019/b.flt.0353-final-report.pdf>

http://agbu.une.edu.au/PDFs/BFW2018/BF_2018_chapter4_Meyer.pdf

Changing attitudes to animal welfare

<https://futureye.com/resources/>

Australian lot feeders association

<https://www.feedlots.com.au/faq#:~:text=Australian%20feedlot%20cattle%20spend%20around,%2D15%25%20of%20their%20lifespan.>

Effects of heat stress

<https://agriculture.vic.gov.au/livestock-and-animals/livestock-health-and-welfare/caring-for-animals-during-extreme-heat#h2-7>

Climate change

<https://academic.oup.com/af/article/9/1/3/5272569>

Steven White senior lecturer, Griffith Law School

<https://research-repository.griffith.edu.au/bitstream/handle/10072/384223/White213789Accepted.pdf?sequence=1&isAllowed=y>

Shade benefits

https://beeflambnz.com/sites/default/files/factsheets/pdfs/fact-sheet-174-shelter_0.pdf

Animal Defenders Office

<https://www.ado.org.au/submissions>

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Review of the Animal Care and Protection Act 2001

Submission on dog tethering May 2021

Thank you for the opportunity to contribute to the review of the Animal Care and Protection Act 2001 (ACPA). [Animals Need Shade](#) is a volunteer organisation that has been operating since 2019 and in just two years has attracted almost 200,000 supporters and followers.

The focus of this submission is dog tethering and confinement.

A warning, this document contains images that may cause distress.

Animals Need Shade believes Queensland's current legislation does not protect dogs from cruelty and abuse. The new animal care and protection act must change this and ensure that:

No person is permitted to tether a dog to a stationary or inanimate object as a means of confinement or restraint unless that person is outside with the dog, and the dog is always visible to that person. Dogs kept outside must be in a fully fenced or secure yard with sufficient space for the dog to exhibit natural behaviours. Dogs must have access to adequate shade/shelter and water at all times.

Animal Care and Protection Act 2001

Chapter 3, Part 5, Division 1, Section 33

Obligation to exercise closely confined dogs

- (1) A person in charge of a dog that is closely confined for a continuous period of 24 hours must, unless the person has a reasonable excuse, ensure the dog is exercised or allowed to exercise itself for—
- (a) the next 2 hours; or
 - (b) the next hour and for another hour in the next 24 hours.

Maximum penalty—20 penalty units.

- (2) In deciding whether a dog is closely confined for subsection (1), regard must be had to the dog's age, physical condition and size.

This means that under current legislation in Queensland, a dog can be tied to a rope or chain for 23 out of 24 hours a day. According to the [RSPCA](#) the most shocking result of this is dogs found dead or dying at the end of a chain, suffering exposure, thirst and starvation.

The RSPCA, many American animal control agencies, and animal welfare groups all oppose unsupervised tethering as cruel and inhumane.

In addition, they argue that it makes dogs more aggressive. This has a flow on effect for the community through health and safety implications.

Dog tethering and confinement must be prohibited. Dogs must be kept in secure, fenced yards designed to suit the dog's size, age and species. Dogs must have ready access to shade/shelter and water at all times.

Tethering can kill or injure a dog

Chained dogs are often hanged or are choked after becoming entangled in chains or trying to leap over fences etc. Effects and injuries from long term tethering include:

- necks can become lacerated, sore and raw

- collars can painfully grow into their skin
- vulnerable to insect bites and parasites
- out of sight, they are often neglected and starved
- dogs can get tangled in a rope or chain and become so restricted that they are trapped in full sun unable to reach shelter or water, left exhausted, helpless and stressed
- boredom and neglect can result in aggressive behaviours



These dogs were discovered after complaints to the [RSPCA](#).

Bundy had been chained for most of his life, 3 years. He had no access to bedding, enrichment or exercise.

Jadda was found tied in the sun with no access to water.

She was very ill and very emaciated but has since made a fully recovery.

Bundy had serious behavioural issues.

This must not be allowed to continue.



It has been found that owners who confined their dogs were less likely to clean their area of confinement, causing the dogs to eat and sleep in an area contaminated by urine and faeces.

The Washington (D.C.) Humane Society says, “Chaining, by definition, keeps a dog in solitary confinement, continually thwarting [the animal’s] pack instinct to be with other animals or with [his or her] human pack”.

The [United States Department of Agriculture](#) recommended banning dog tethering more than 20 years ago, arguing it was not humane.

RSPCA advice – don’t tether your dog

RSPCA inspector Penny Flaherty says dog owners should give up their pets rather than tether them all day. Inspector Flaherty made the public appeal after attending the third dog death in her region. [Fraser Coast Chronicle Feb 2017](#)

The latest tethering victim was on a chain attached to a runner. “He's got caught somehow in that. So he did have access (to water and shelter) but once he was tangled, he couldn't access it.” It’s not known how long the dog was left before being discovered.

"This incident could have been prevented if the dog had a proper enclosure. The cause of the death is yet to be confirmed, but heat was certainly a factor. The dog (a male staffy) also had injuries from struggling to free himself”.

The discovery comes only days after a large mastiff was found "with its organs boiling", tied up to a clothesline, amid a scorching heatwave in Hervey Bay.

Inspector Flaherty had also been called to a small poodle in Bundaberg that died under similar circumstances.

“Tethering shouldn't be a lifetime option for the animal, it's not a quality life, if you can't give it that, then re-home it, that's being responsible”

***See RSPCA policy below**

Tethering complaints in Queensland

Close to a third of dog welfare complaints in a recent [retrospective study](#) were related to dogs that were confined or tethered. The study included 107,597 complaints received by RSPCA Queensland from 2008 to 2018. The number of complaints increased by 6.2 per cent each year.

In a [recent complaint](#) about a dog that was left continuously tied to a clothesline, RSPCA inspectors found that the border collie dog had been tied that way for two years.

The RSPCA says tethering poses many risks to a dog’s welfare. Tethering for long periods also means dogs are unable to express their natural behaviours like social interaction with people or other dogs. This form of abuse can make once friendly dogs anxious, reactive and aggressive. They can then become a threat to people and especially children.

Dog attacks and some of the causes

Chained dogs are nearly three times more likely to attack than dogs not tethered,
Centre for Disease Control and Prevention (CDC)

[Dog ownership](#) in Australia has continued to increase over the last decade. Today, it has been estimated that 40 per cent of households live with a dog (Animal Medicines Australia 2019). As a result of increased numbers of dogs living in our society, [attacks by dogs](#) have risen in the last decade. These attacks can lead to hospitalisation and can even be fatal. It has been shown that our most vulnerable citizens, children aged 0-9 and the elderly are most at risk of dog attacks. Dog bite attacks have increased in Australia in recent years with over 2000 cases reported annually on average. Emergency hospital presentations after dog bites are associated with the public's increased awareness of the possibility of infections and the common need for surgical intervention.

"Dogs tethering or chaining a dog can contribute to aggressive behaviour. Dogs should be kept in a fenced yard." [American Veterinary Medical Association](#)

Tethering and aggression in dogs

"Virtually every dog that spends a significant amount of time tethered will suffer some temperament problems" [PETA](#)

One of the causes of attacks by dogs is associated with inadequate housing and socialisation. Limiting a dog's access to regular social and physical interactions with humans and other dogs can lead to serious behavioural changes which will affect their physical and psychological well-being. Dog owners who chain or tether their dogs, including the use of Ziplines, do so mostly as a way to control their dogs and avoid escape or damage to their property.

They leave their dogs mostly unattended in the backyard. Often, the dogs are also unable to seek shelter from the elements or have access to fresh water. Ziplines can become a serious hazard, posing choking and tangling danger leading to serious injuries or painful, slow death. These dogs are alone for most of their lives and many suffer in silence, unseen or unheard unless an attack happens or a concerned citizen reports them.

Often, such dogs are also denied adequate shelter, food or water, exacerbating the physical and psychological impact on these dogs and leading to a range of behavioural problems. It is therefore not surprising that chained or tethered dogs are at a high risk of developing serious behavioural issues, regardless of breed. In most cases, these dogs will become aggressive over time.

Ongoing barking or whining by tethered dogs may also lead to cruelty in misguided efforts to punish the dog for such behaviour. During 2019, four cases of dog chaining/tethering were prosecuted in court for severe abuse and neglect. However, the true number of cases remains unknown.

A [study of complaints in Queensland](#) to the RSPCA between 2008 to 2018 (cited earlier) found one of the most common complaints was associated with lack of exercise, confinement or tethering. This is potentially a serious issue for Queensland not just because of animal welfare issues but also the related healthcare and social burdens.

“In addition to frustration, the constant physical restraint promotes excessive territoriality, which may be manifested as aggression,” These attacks are unnecessary as they are easily preventable by using a secure fence for containment.” Veterinary neurologist [Elizabeth Shull](#)

US research on major factors in dog bites

[Journal of the American Veterinary Medical Association \(JAVMA\)](#)

Co-occurrence of potentially preventable factors in 256 dog bite-related fatalities in the United States (2000–2009).

The study found that the major factors in the fatalities studied include:

- absence of an able-bodied person to intervene (87.1 per cent)
- incidental or no familiar relationship of victims with dogs (85.2 per cent)
- owner failure to neuter dogs (84.4 per cent)
- compromised ability of victims to interact appropriately with dogs (77.4 per cent)
- **dogs kept isolated from regular positive human interactions (76.2%)**
- owners' prior mismanagement of dogs (37.5 per cent)
- owners' history of abuse or neglect of dogs (21.1 per cent)

Four or more of these factors were present in over 80 per cent of the dog bite related deaths.

Considering that over 75 per cent of dog bite related deaths were caused by a dog isolated from positive human interactions and usually kept chained outside, reducing this practice is a huge factor in preventing dog bites, as is neutering male dogs.

Social costs of dog tethering and neglect

Allowing people to restrain their dogs in this abusive manner frequently causes discord among neighbours, resulting in arguments, possible altercations. It can compel people to trespass to assist the dog or to even steal it. Below, media reports of neighbourhood reactions to dog tethering cases.

A warning, these sites contain images that may cause distress.

- <https://www.wfxtv.com/news/local-news/neighbors-speak-out-about-viral-video-appearing-to-show-dog-in-distress/>
- <https://www.knoxnews.com/story/news/local/2019/08/14/gary-bean-obituary-knoxville-man-wont-apologize-stealing-dog/2006268001/>
- <https://www.waaytv.com/content/news/Neighbors-concerned-about-tethered-dogs-in-Limestone-Co-506852391.html>
- <https://www.youtube.com/watch?v=Tb58SwmkxR8&list=PLmZKUnujWJHef3mk5am1aZKr1zrDAZkhd&index=3>
- <https://www.youtube.com/watch?v=ei350UG26u0&list=PLmZKUnujWJHef3mk5am1aZKr1zrDAZkhd&index=5>
- <https://www.youtube.com/watch?v=1VUGGD7uJOw&list=PLmZKUnujWJHef3mk5am1aZKr1zrDAZkhd&index=6>
- https://www.youtube.com/watch?v=mE-h8_N0-qk&feature=youtu.be

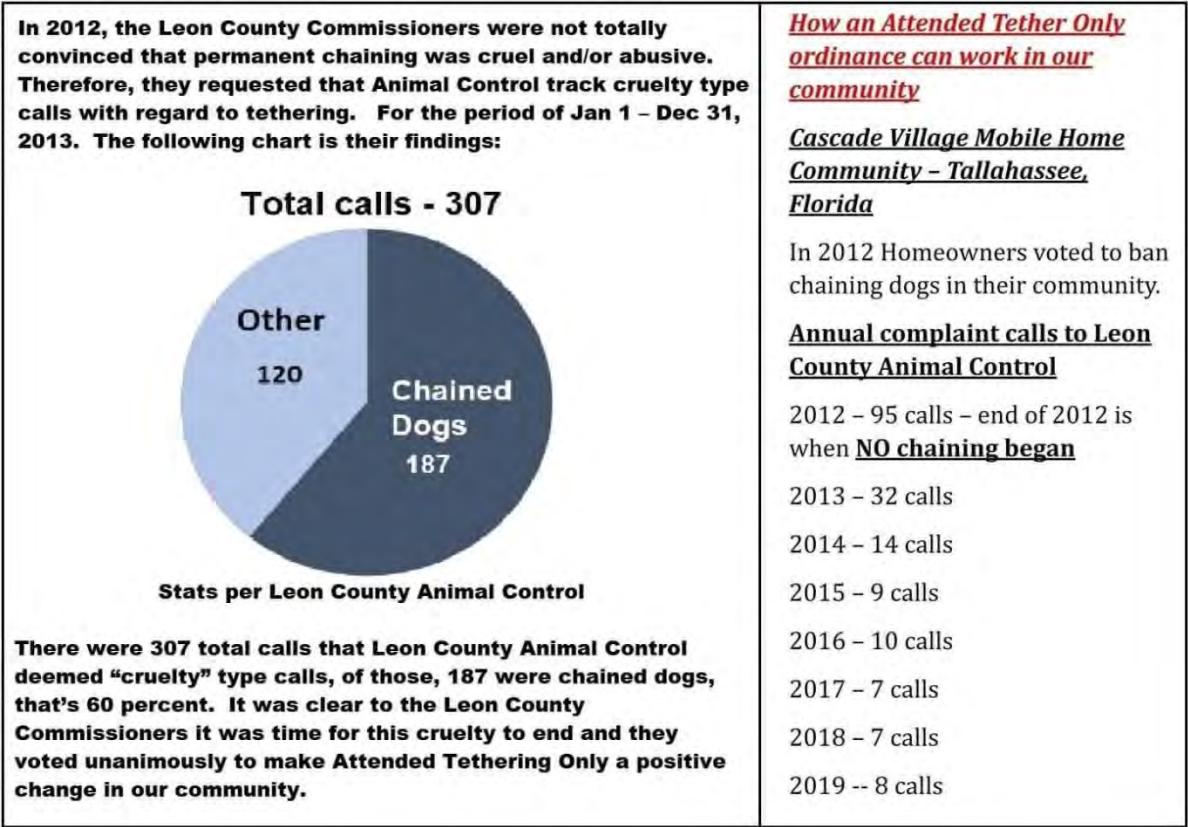
- <https://kfor.com/2018/12/03/concerned-resident-calls-in-neighborhood-dog-after-she-says-it-was-neglected/> (NO VIDEO)
- http://www.chathamstartribune.com/news/article_0bd07b60-6053-11e8-912c-972c8427a12c.html

Bans on tethering get results

Chaining or tethering has become unlawful in Germany, Hungary, Malta and other countries and is banned or controlled in [23 American states](#).

Animal welfare authorities in those states report:

- saved public funds from reduction in hospital, insurance, ambulance, psychological counselling, and other fees related to the trauma from dog bites comprising of injury and death
- created a safer community
- changed life for the better for many neglected dogs



Extracts of reports from state enforcement officers:

Animal Control Director: Daisy Brown North Carolina - the ordinance has been “absolutely good” for the dogs in the community. Dogs that are chained without human contact and love become problems for the community.

Animal Control Abatement Officer Connie Artym Carthage, Missouri

Some residents do not like the ordinance, but it has been good for the community. We receive less and less calls about chained dogs now. Some people will give up their dog instead of making different accommodation for the dog.

County Animal Services Director Dianne Sauve Palm Beach

We initially passed a time limit ordinance.....in my opinion it resulted in additional calls for follow up and resolution.

Chief Humane Officer Kathryn Destrezals New Orleans, Louisiana

Most of the residents were very much in favour of the ordinance. In some instances, there have been animals given up due to the resident not being able to comply with the ordinance because of financial constraints. The ordinance has been good in that it has helped with the pit bull fighting rings and with incidents of aggression. Chaining leads to aggression and a low quality of life for the dogs.

Climate change and weather extremes

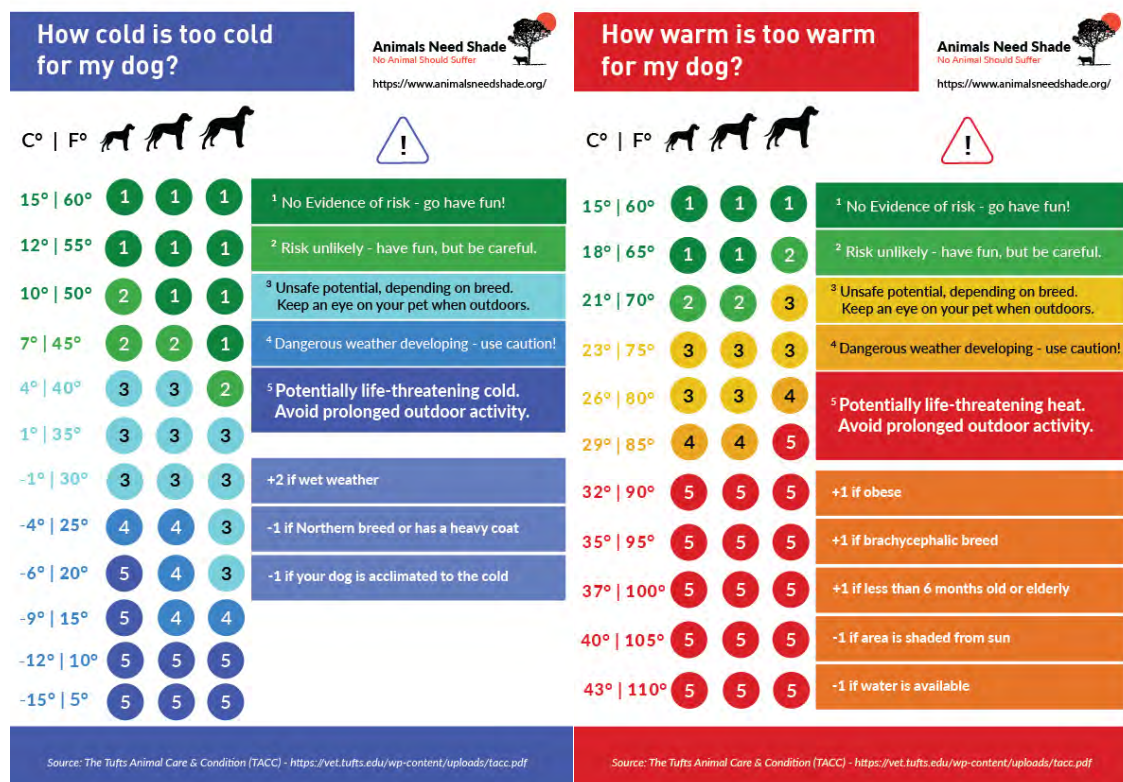
Heat stress was among the top animal cruelty [complaints the RSPCA](#) received last year. In 2020, 1,116 emergency calls to the Queensland RSPCA were related to animals suffering in hot conditions. The RSPCA says Queensland’s heat is deadly.

The [Climate Council](#) says climate change must be considered in all animal welfare legislation.

Tethered dogs at serious risk

Dogs that are left tethered are more vulnerable to the effects of heat pain. Even if shelter is provided, they often become entangled and can’t physically reach that shelter.

Dogs (like many animals) feel the effects of heat and cold before humans do.



As a general rule, a dog's preferred temperature range is between 10 to 20 degrees. However this is influenced by other factors like humidity, reflected UV rays, wind chill. The dog's breed, age, and general health will also affect how a dog copes with weather extremes. Young, old, pregnant or lactating animals are more vulnerable, as are those with pre-existing conditions.

The increase in temperatures and climate change are causing animal welfare issues. At 23 degrees there is already an unsafe potential for smaller to medium dogs and other breeds such as huskies. At 26 degrees there is dangerous weather developing. At 29 degrees it can be potentially life threatening. At that temperature all dogs should avoid prolonged outdoor activity.

ACPA review must ban dog tethering

It is time that the Queensland Government moved to protect dogs that live their lives 'Out of sight, out of mind'



As noted, the RSPCA Queensland does not recommend chaining or tethering a dog .

As part of its review of the ACPA, Animals Need Shade is urging the Queensland Government to ban dog tethering. This practice can kill. It can also make otherwise friendly dogs aggressive and therefore dangerous to the public.

Banning dog tethering will improve the lives of thousands of dogs that now spend every day at the end of a chain, exposed to the heat, wind and cold. These dogs suffer terrible neglect, unable to express their natural behaviours or to socialise with people and other dogs. They are forgotten and abandoned denied even basic animal welfare rights.

The ACPA review must:

Ban dog tethering

- End legislation that allows dogs to be left tethered/confined, without access to proper shelter, or the chance to display normal healthy movements like running or playing.
- Change the law to ensure unattended dogs are kept in secure, fenced yards suitable to their size and breed with adequate shelter and access to clean water and food.
- Educate the community to understand that tethering is not just bad for dogs, it's bad for people too. An otherwise friendly dog when kept continuously tied up becomes unhappy, anxious, neurotic and often aggressive. Children can be the innocent victims of a dog that has become aggressive because of this abusive treatment.
- Change the law to ensure short duration tethering only takes place when the person in charge is outside with the dog in their sight at all times.
- Ensure animal welfare investigators have the power to intervene if an unattended dog is left tethered or confined.
- Ensure dogs kept outside do not live in cages or crates.

Fenced yards must suit a dog's size and breed

A secure, fenced yard is recommended by the [RSPCA](#) for dogs that are kept outside. Yards must be large enough to allow for natural behaviours like running or playing. The size of a yard should be based on size and weight:

- Up to 13 kg – 12 sq m
- Up to 27 kg – 14 sq m
- Over 27 kg – 24 sq m

The dog's breed should also be taken into consideration when deciding things like the type of fencing. Dogs must not be able to jump over or get under a fence.

Enclosures need to allow dog(s) to move around freely, to urinate and defecate away from the sleeping and eating areas and be cleaned daily so that enclosures are free of faeces. All housing areas must be maintained in a safe, clean and hygienic condition at all times.

Dogs must have access to shelter and water at all times. Each dog must have its own feeding bowl and sleeping area.

Ensure dog shelters are adequate

A ban on dog tethering must not mean that dogs can be confined in small inappropriate cages or crates. Dogs kept outside must live in secure yards. Shelters must be provided within those yards to provide adequate protection from sun, wind, rain and cold.

Appropriate shelters not cages

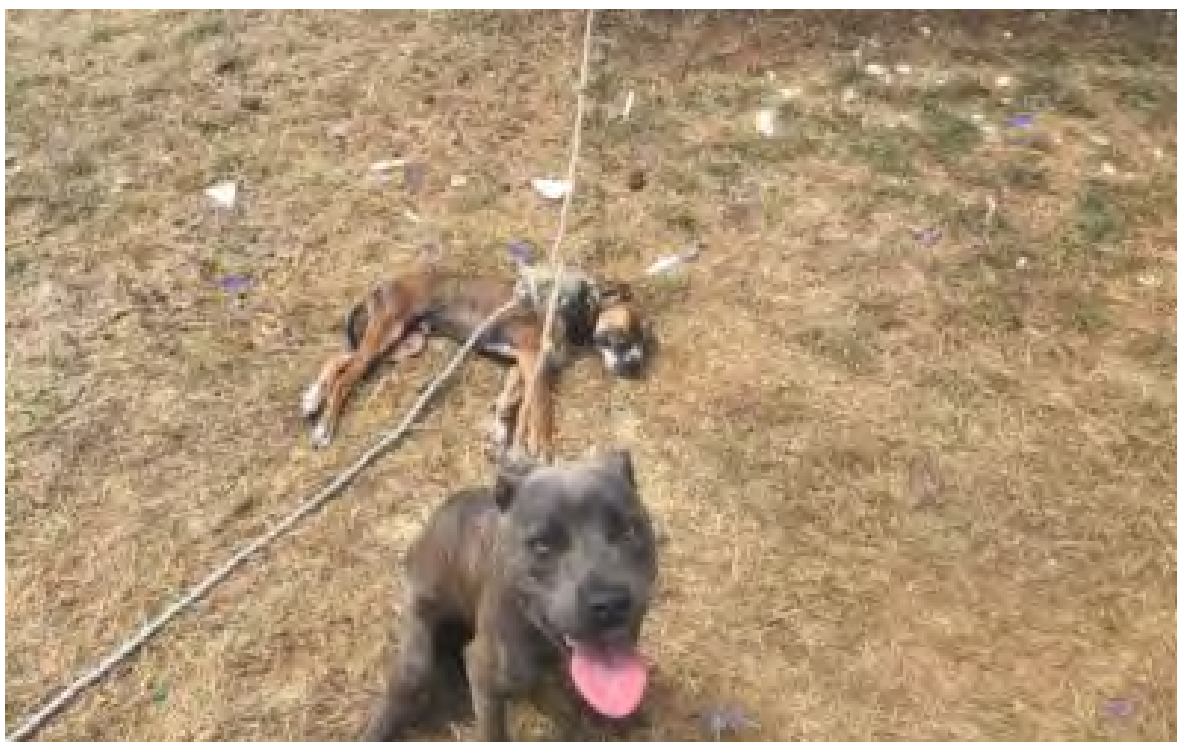
Shelters within secure yards should be sturdy, well ventilated and weatherproof with a door and a floor (raised 5 cm off the ground). They should allow a dog the ability to stand up, turn around, lie down with limbs outstretched and be easily entered and exited. The shelter must be placed in the shade particularly during summer and other warm months.

In temperatures below 7 degrees, shelters must have heavy flexible flaps to cover doors and windows and the floor must be covered with a minimum 5cm of clean, dry (quick drying) bedding.

Dangers of confinement

It should be noted that a dog house does not always offer respite from the heat particularly if it is built from tin (or other metals) or dark coloured metals that absorb heat or do not allow air flow. In those conditions, a dog house (or shelter) can become a dangerous heat storage chamber.

Lean-tos, metal or plastic drums, wire or airline carrier crates, cardboard boxes and abandoned cars are not suitable as dog shelters.



This is shocking and distressing. IT MUST STOP.

(Image was published in the [Jimboomba Times](#) - an actual RSPCA case)



16/142020

RSPCA policy and position re the tethering of dogs

RSPCA policies recognise that “all dogs must have the opportunity for regular, appropriate exercise to promote good physical and psychological health, provide contact with humans and allow socialisation with other dogs” (Policy A 8.4.1).

Tethering refers to where a dog is fastened by a chain/rope from a central anchor point to confine it to a particular area. If tethering is to be used it should only be for a minimal amount of time, involve supervision during the tethered period and should never be seen as a permanent solution to securing a dog.

Tethering poses many risks to the welfare of the tethered dog, particularly when they are left unsupervised. They include:

- tangling of the tethering chain/rope such that the animal is left with little or no room to move
- choking and other injuries as the tether tangles around the pole but also their bodies/legs
- no access to shelter due to the tangling and the dog being unable to reach shelter
- no access to water either due to the tangling or because the dog knocks the water container over
- increased stress levels as the dogs are unable to express many of their natural behaviours and are left with little social interaction with humans or other dogs

RSPCA Qld currently attends many addresses, following complaints, where tethered dogs are found in shocking conditions with no shelter, food or water within reach, or completely unsuitable shelters such as an old water tank in the middle of summer.

Currently under the *Animal Care and Protection Act, 2001*, a dog may be tethered for 23 out of every 24 hours. This is just not suitable and RSPCA Qld will be requesting a change in this section of the law in the upcoming review of the Act.

The Royal Society
for the Prevention of
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Queensland Inc.

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Patron: His Excellency the Honourable Paul de Jersey AC, Governor of Queensland

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Animal Medicines Australia

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Takocara D et al. Dog Tethering in Slovakia: Legal, Ethical and Behavioural Aspects and Dog Welfare Implications. Animals 2021 (11):

<https://www.mdpi.com/2076-2615/11/3/594>

Pet dog management practices

https://www.researchgate.net/publication/301728995_Pet_dog_management_practices_among_a_representative_sample_of_owners_in_Victoria_Australia

Ban dog chaining

<https://bandogchaining.org/>

Dog deaths and suffering reported recently in the local media – *some people may find these images distressing*

https://www.jimboombatimes.com.au/story/5805314/horror-pet-pic-shows-reality-of-heat-stress-rspca/?fbclid=IwAR3AeB9qb7cZ3i41_OOC0iuTPvOVCfzBU96JgrMjUdyXmyr6AkMpNqnDRY

<https://7news.com.au/news/qld/queensland-records-second-death-of-dog-from-suspected-heat-stress-in-as-many-weeks-c-569964>

<https://www.brisbanetimes.com.au/national/queensland/dog-suffers-horrific-death-as-heatwave-takes-hold-of-queensland-20170211-quaska.html>

<https://www.frasercoastchronicle.com.au/news/rspca-inspectors-left-speechless-after-grim-discov/3669533/>

<https://www.frasercoastchronicle.com.au/news/another-dog-found-dead-because-heat-fraser-coast/3143873/t/3143873/>

<https://www.news.com.au/lifestyle/home/pets/dead-pup-found-tied-up-in-hot-weather-prompts-warning-from-the-rspca/news-story/28c18d56e4cac152b4dbeeff9ec89810>

<https://www.brisbanetimes.com.au/national/queensland/dog-tied-to-fence-died-because-it-couldn-t-reach-shade-20191115-p53aw4.html>

<https://www.frasercoastchronicle.com.au/news/dog-found-boiled-alive-backyard/3142366/>

<https://www.abc.net.au/news/2017-01-17/malnourished-dogs-seized-alleged-puppy-farm-near-goondiwindi-qld/8187298>



Review of the Animal Care and Protection Act 2001

Submission on debarking May 2021.

Thank you for the opportunity to take part in this review which has the potential to significantly improve the welfare of animals in this state. The current Act is now 20 years old and no longer reflects community attitudes on the treatment of animals.

Many sections of the Act permit animal cruelty (eg. hunting, scientific experimentation, dog confinement and tethering, debarking) while others don't go far enough to protect animals (eg. the list of prohibited events fails to include rodeos and calf roping). The Act is silent on some issues that should be integral to any state's primary animal welfare legislation (eg, animal sentience).

Act permits cruel procedures

Under the Act, **Chapter 3, part 4 Division 1, Section 25**, debarking is permitted for a number of reasons, including where a nuisance abatement notice has been issued against the dog.

Therefore, surgery to remove a large amount of a dog's laryngeal tissue is acceptable. In the UK, this is [classified as mutilation](#).

There are [2 ways this procedure can be done](#).

Oral approach

The dog is given a general anaesthetic and lies on their brisket with the mouth held open. The surgeon uses a laryngoscope to gain access to the larynx via the open mouth. They then use a crushing instrument to destroy the vocal folds on one or both sides.

Laryngeal approach

This is a more invasive technique. The dog lies on their back and the fur is clipped over the throat and neck. If the dog is anesthetized using an inhalational gas (rather than a continuous rate infusion of an injectable anaesthetic agent) then a tracheotomy tube should be placed for the passage of anaesthetic gases. A skin incision is made over the larynx and the surgeon dissects down to the larynx. The vocal folds are then trimmed away with scissors, and the tissue stumps sutured against the larynx. The skin is sutured and the dog woken.

According to the Humane Society Veterinary Medical Association vocal cord removal is not minor surgery.

“It is an invasive procedure with the inherent risks of anaesthesia, infection, blood loss and other serious complications.

Furthermore, it does not appear to have a high efficacy rate since many patients have the procedure performed more than once, either to try to obtain more definitive vocal results or to correct unintentional consequences of their previous surgeries.

Their altered voices have been described with varying sounds ranging from lower, harsher, more muffled to raspy, wheezy, screechy and high-pitched”.

Suppressing natural behaviours is inhumane

The [American Veterinary Medical Association](#) says:

Barking is a normal canine behaviour. Auditory cues supplement visual and postural cues as a means of communication, especially if visual cues are obscured. Dogs may bark in play, as a greeting, as a warning, to gain attention, and while working (e.g., driving cattle). When barking is considered excessive and becomes a problem is highly variable among owners and influenced by many factors.

[Nicholas Dodman](#), BVMS, MRCVS, DVA, Diplomate of the American College of Veterinary Behaviourists and Diplomate of the American College of Veterinary Anaesthesiologists had this to say when asked to address Massachusetts State House on what he calls “devocalization of dogs (and cats) for the owners’ convenience”.

“As an animal behaviourist and former veterinary anaesthesiologist, I am writing to express my strong opposition to devocalization performed for nonmedical purposes. Dogs bark and cats meow; that’s what they do. There is always a reason that should be understood and addressed. Surgery is not the answer and furthermore, it is inhumane”.

Dogs use their barks to express joy, signal fear, call for help, indicate pain, and share countless other communications. Imagine losing your right to speak just because it annoyed someone?

Long term effects of debarking

[The Humane Society Veterinary Medical Association](#) reports long-term physical, psychological and behavioural risks to the pet if debarking is performed.

Physical effects:

- Compromised health with possible increased risk of aspiration pneumonia
- breathing difficulties, exercise intolerance, chronic coughing or gagging, etc.
- Increased risk of compromised airway access during future surgeries
- Increased risk of threats to physical safety because of the inability to ward off threats by vocalizing and alert others to threats or dangers
- Increased level of stress, contributing to a possible decline in overall health

Psychological/behavioural effects:

- Decreased ability to communicate intentions to other animals and people, leading to possible misinterpretation and harm by others or danger to self and/or others
- Increased level of frustration, leading to possible redirected behaviours such as destructive behaviour toward property or aggression toward animals or people

Animal welfare issue ignored

[The American Veterinary Association](#) says excessive barking is commonly associated with an underlying welfare issue with the dog. Reasons for excessive barking may include:

- poor training
- boredom
- social isolation
- response to external stimuli
- territorial protection
- behavioural problems, including anxiety, compulsive disorder and separation anxiety

Debarking reduces the noise but not the motivation or behaviour. It should not be an abusive solution for a problem that requires training, stimulation, love and care.

Debarking banned in many states

Some American states — like Pennsylvania, Massachusetts, Maryland, and New Jersey — have banned debarking under most circumstances.

Even in states where debarking surgeries are not illegal, many vets refuse to perform these operations because they serve no legitimate medical purpose.

Change the legislation in Queensland

The Animal Care and Protection Act must be amended to prohibit debarking operations, unless there is an underlying medical issue.

Chapter 3 Part 4, Division 3 of the Act should be amended. Supplying, including importing a dog that has had a debarking operation must be prohibited. The only exception should be for rescue animals if the procedure was done before their rescue.

Further information:

Humane Society Veterinary Medical Association – Devocalisation fact sheet

<https://www.hsvma.org/assets/pdfs/devocalization-facts.pdf>



Review of the Animal Care and Protection Act 2001

Submission on dog collars May 2021

Thank you for the opportunity to contribute to the review of the Animal Care and Protection Act 2001 (ACPA).

This submission seeks the banning of all collars that cause harm to dogs

Shock collars (e-collars)

The Animal Care and Protection Act 2001 presently permits a person in charge to use an electric collar on a dog to control the dog, including to restrict barking. Electric collars are a form of abusive control based on fear and pain. The RSPCA considers electronic collars (e-collars) that deliver a shock to a dog’s neck pose risks to animal welfare including physical and psychological harm.

[A 2021 RSPCA study](#) (**Science update 71 Jan 2021**) found that “*Electric collars cause unnecessary suffering without improving training outcomes*” causing dogs to develop fear, display anxiety, and become depressed.

They restrict a dog’s capacity to express normal behaviours eg. barking to display emotion such as excitement, guarding, attention seeking and anxiety, and lead to prolonged suffering and severe behavioural issues such as aggression and anxiety.

The use of electric collars is now banned in New South Wales. They are also banned in countries including Denmark, Norway, Sweden, Austria, Switzerland, Slovenia and Germany. The use of electric shock as punishment to control a dog’s barking does not take into account why the

behaviour is occurring and does not address the causes of the problem such as neglect, boredom, anxiety, discomfort, or pain.

Nor are shock collars effective as a training method. A [recent study](#) of 63 dogs with known of-lead behavioural problems found that positive reinforcement training was the most effective training method in every measure.

Dogs receiving positive reinforcement training (rewards for desired behaviour) were faster to complete the response, had the highest proportion of obeys after the first command, required fewer multiple commands and had shorter latency as training progressed.

There was no difference in the percentage of disobeys between training groups indicating that e-collars did not deter disobedience any more effectively. Trainers were just as effective when they did not use e-collars. **Overall, this study demonstrated that e-collars cause unnecessary suffering without improved training outcomes.**

We urge the govt to amend the Animal Care and Protection Act and prohibit all use of shock collars.

Pronged collars (pinch or restrictive collars)

The Animal Care and Protection Act 2001 presently permits the use of pronged collars (also known as pinch or restrictive collars) that cause injury and pain to dogs. Pronged collars have metal spikes that are placed around a dog's neck to inflict pain especially if the dog is pulling on a lead.



These collars are considered an abusive form of control based on pain and fear and cause dogs to become distressed, anxious and aggressive. Injuries caused by the collars can range from skin irritation and neck punctures to crushed and collapsed tracheas, spinal cord and back problems. The use of these collars is not

supported by the RSPCA and other recognised dog training and welfare organisations. Their research shows that pronged collars suppress behaviours, but don't change them. This leads to worse emotional and behavioural issues.

It is illegal to import the collars but not illegal to use them in Queensland. In the past year, seven times more collars were confiscated by [Australian Border Force](#) than in the previous 12 months.

The use of pronged collars is banned in Victoria. We urge the government to amend the Animal Care and Protection Act and prohibit all use of pronged collars. Penalties must be introduced for their sale and use in Queensland.

Choke collars (slip collars)

The Animal Care and Protection Act 2001 presently permits the use of choke (slip) collars. Choke collars can cause serious injury and pain to dogs. Choke collars are placed to tighten around a dog's neck to cause rapid constriction and to choke the dog, especially when pulling on a lead.

Choke collars are considered to be an abusive form of control based on pain and fear and cause dogs to become distressed, anxious and aggressive.

The use of choke collars has been directly linked to whiplash, fainting, spinal cord injuries leading to paralysis, crushing of the trachea with partial or complete asphyxiation, crushing and/or fracture of bones in the larynx, dislocated neck bones, bruising of the oesophagus, bruising and damage to the skin and tissues in the neck, brain damage and prolapsed eyes caused by sharp increases in pressure in the head, tracheal and esophageal damage, Severely sprained necks, transient foreleg paralysis, laryngeal nerve paralysis, hind leg ataxia.

The use of choke collars is not supported by the RSPCA and recognised dog training and welfare organisations. Research shows that choke collars suppress behaviour but does not change behaviour, and leads to emotional and behavioural issues which can lead to aggression.

We urge the government to amend the Animal Care and Protection Act and prohibit all use of choke collars. Penalties must be introduced for their sale and use in Queensland.

Further information

Dog training and e-collars <https://www.frontiersin.org/articles/10.3389/fvets.2020.00508/full>

RSPCA Lead by example <https://www.rspcasa.org.au/the-issues/lead-by-example/>

ACPA Survey

QUESTION 7

One of the purposes of the ACPA is to "...achieve a reasonable balance between the welfare needs of animals and the interests of people whose livelihood is dependent on the animals..."

Strongly Disagree

Sentience

The Act must recognise the sentience of non-human animals and the community's obligation to protect animals from suffering and cruelty. Basic welfare rights include freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviours; and freedom from fear and distress. Any reference to "balance" between animal and human interests should be removed.

Minimum baseline of animal welfare

The Act should also provide a minimum baseline of animal welfare to ensure that neither that Codes nor Standards and Guidelines can enable animal cruelty that would otherwise be prohibited under the Act. For example, some acts that if done to a cat or dog would be illegal, but are allowed to be performed on pigs, chickens, cows and other farmed animals if it is done in accordance with regulations including Codes of Practice or Standards and Guidelines.

An Independent Office of Animal Welfare

There is a direct conflict of interest for the Qld department of Agriculture to shape policy, inspect and prosecute, animal cruelty when it is also the primary body responsible for promoting activities associated with animals.

For this reason it is crucial that an independent Office/Agency of Animal Welfare whose sole purpose is the protection of animals be established to deal with the conflict of interest that exists with the

Department of Agriculture and Fisheries in enforcing and regulating animal use industries while promoting the economic productivity of those industries.

Mandatory bans for repeat or serious animal cruelty offenders

Queensland Australia allows serial offenders of serious animal cruelty to continue to have animals such as the case of the horses in Toowoomba where the owners of horses allowed horses to starve to death. This person will be allowed to own horses again in ten years. Six of the survivors still remain with the owner including cattle.

Calf roping

Calf roping: Banned in VIC and SA due to animal welfare concerns. An experienced vet describes the event as 'hideous and disgraceful' 60,000 Queenslanders signed a 2019 petition to have calf roping banned. 2 Australian studies have found that the event causes significant stress to vulnerable young animals. Whites of eyes, bellowing, tongues hanging out are just some of the behavioural indicators observed. Despite tens of thousands of letters to MPs the practice still continues. This is cause for great concern.

QUESTION 8

The current prohibited event provisions are appropriate.

Strongly Disagree

Rodeo and calf roping must be specifically included in this list. Greyhound racing and horseracing must also be included. These events must be prohibited and prohibitions enforced. The Act's intent must be reflected in all subsidiary codes and regulations. This is not happening at the moment as evidenced by the fact that an "event in which people attempt to catch, fight or throw animals" and "causes an animal pain" is a prohibited event but it happens at every rodeo.

QUESTION 9

Veterinary professionals should have obligations under the ACPA to report suspected incidents of animal cruelty or neglect to authorities.

Agree

Vets must report cruelty and be protected when they do so. While animal cruelty (including neglect) must be reported, there is a concern that the perpetrators of that cruelty will not take their animal to a vet for medical care if they think the vet will report them for doing so. However animals are vulnerable just as children and the elderly are and the same principle in reporting must be applied.

QUESTION 10

Regulated surgical procedures

The current list of regulated surgical procedures restricted to veterinary surgeons is appropriate.

Strongly disagree

Debarking and all listed procedures must be banned. They are cruel and unnecessary. Surgical procedures on any animal should only be performed for medical reasons and must be done by qualified vets.

QUESTION 11 Regulated surgical procedures

The current provision on tail docking of dogs is appropriate.

Strongly disagree

Docking of a dog's tail for perceived cosmetic reasons is cruel and unnecessary. It must be prohibited. In the case of a serious medical condition (as assessed by a qualified vet) it must be performed by a qualified veterinary surgeon only.

QUESTION 12 Regulated surgical procedures

The current provisions for the supply of animals that have undergone a regulated surgical procedure are appropriate

No answer

This section should read "for ear cropping, cat claw removal, docking a horse tail and debarking, it is an offence to supply to another person an animal that has undergone this type of procedure unless it is accompanied by a certificate from a veterinary surgeon stating the procedure was performed for a medical reason." Reference to RSPCA requirements must be removed. There must be provision for rescue animals who may not have certificates if the procedure was done before their rescue.

QUESTION 13 Possession or use of certain traps or spurs

The current provisions for traps and spurs are appropriate.

Strongly Disagree

Other traps must be added: Opera house trap (lethal for platypus) already banned in Vic and NSW; glue traps (see Pocta reg 62 Vic); unpadded steeljaw traps; both functioning and dismantled traps should be prohibited; spurs should not be used at all when in contact with animals. Regulations should not be able to contradict the Act. 1080 can also be seen as a trap and is inhumane and a danger to wildlife and other animals.

QUESTION 14 - use of dogs to kill another animals

The current offences relating to the use of dogs to kill or injure another animal are appropriate.

-Strongly Disagree

These provisions must be expanded and strengthened. The use of dogs to catch, harm or kill wild pigs, foxes, rabbits or any other wild animals must be prohibited. In addition, the dogs themselves are often injured and lost to the local environment, abandoned or shot. The 'use' of dogs to cause harm and be harmed in this manner is exactly the type of cruelty the Act is trying to prevent. 'pig dogging' is also dangerous for dogs and cruel to the animals being hunted, and difficult to monitor.

Further information: The RSPCA also opposes use of dogs for hunting. See <https://kb.rspca.org.au/knowledge-base/is-hunting-feral-pigs-with-dogs-legal-in-australia/>

QUESTION 15 - Closely confining a dog

The current offence relating to confining a dog is appropriate.

Strongly Disagree

Inhumane and impossible to monitor and enforce. Dogs should not be kept in closely confined spaces (except when prescribed by vet - medical reasons) Unsupervised tethering must be banned. No person is permitted to tether a dog to a stationary or inanimate object as a means of confinement or restraint unless that person is outside with the dog, and the dog is always visible to that person. Dogs kept outside must be in a fenced yard with sufficient space for the dog to exhibit natural behaviours. eg run, access shade water.

QUESTION 16 Dogs - Specific offence for unrestrained dogs

Transporting an unrestrained dog in the back of an open utility, tray of a truck or from an open window should be made a specific offence under the ACPA.

Strongly agree

On ute or truck trays, dogs should be safely tethered or kept in large cages. It should not be an offence for dogs to protrude from open windows, provided they are restrained or the window aperture is small enough to prevent the dog from falling/jumping out. Dogs must be sheltered from the elements while driving. This must be expanded to any animal - not just dogs.

Question 17 The scope of when an animal is used for scientific purposes should be aligned with the Scientific Use Code. In particular, it should be expanded to:

accommodate advances in science such as the creation and breeding of new animals where the impact on the animal's wellbeing is unknown or uncertain, and add other practices that involve the use of animals for science, including diagnosis, product testing and production of biological products.

No answer

Question 18 Other provisions in the ACPA relating to the scientific use of animals are appropriate.

Strongly disagree.

Data must be transparent. There needs to be increased reporting and accountability Exceptions for performing procedures should be removed. Procedures such as forced swim and antibody production should be prohibited.

QUESTION 19 Inspectors: Powers of inspectors

The powers of inspectors under the ACPA are sufficient to allow inspectors to effectively deal with animal welfare incidents and do not require strengthening

Strongly Disagree

Powers of inspectors should be increased. Entering private residences needs to be balanced with privacy and should only be granted where there is genuine concern of animal cruelty. But in the case of farmed or commercial use of animals, the Act should include very specific powers to enter private property such as farmland, intensive farms, slaughterhouses, or other agricultural or commercial premises without permission from landowner or a warrant for routine inspections or animal welfare concerns. Amend to remove possible delay in cases where animals are left with their owners despite very poor conditions, like the case of [cruelty to horses](#) in Toowoomba.

QUESTION 20 Inspectors: Externally appointed inspectors –

It is appropriate for the Queensland Government to authorise non-government organisations, such as the RSPCA, to undertake investigations and conduct prosecutions under the ACPA.

Strongly disagree

The RSPCA is not subject to freedom of information. Enforcement bodies must be accountable and transparent. There should be increased accountability for all enforcement bodies. Complete transparency around cruelty complaints and enforcement measures. There is a direct conflict of interest for the Qld department of Agriculture to shape policy, inspect and prosecute, animal cruelty when it is also the primary body responsible for promoting activities associated with animals. For this reason it is crucial that an independent Office/Agency of Animal Welfare whose sole purpose is the protection of animals be established to deal with the conflict of interest that exists with the Department of Agriculture and Fisheries in enforcing and regulating animal use industries while promoting the economic productivity of those industries.

QUESTION 21 Inspectors: Externally appointed inspectors

People from non-government organisations who are appointed as inspectors under the ACPA should be subject to the same accountability as public servants in terms of ethics and codes of conduct

Strongly agree

The RSPCA is not subject to Freedom of Information. It is not independently funded and depends on donations from outside organisations. Enforcement bodies must be accountable and transparent. There should be increased accountability for all inspectors, including those from government. For this reason an independent office of animal welfare must be established. This office would also advocate for animal protection, shape policy, direct community education for responsible farm and pet ownership. There should also be more transparency around cruelty complaints and enforcement measures taken and other outcomes. The RSPCA should continue to operate animal shelters, supporting injured wildlife.

QUESTION 22 - *The current suite of compliance options (not including PINs, as discussed below) for responding to breaches of animal welfare under the ACPA is comprehensive.*

Amend to reduce the risk of animals being left with owners who continually ignore compliance issues for long periods eg the horse cruelty case in Toowoomba.

QUESTION 23 Compliance and enforcement - - PINs

PINs should be introduced as a compliance option under the ACPA for clearly defined, low range animal welfare offences.

Strongly agree

PINs should only be for very low level offences. Where offenders continually repeat, stronger action is necessary. PINs are intended to serve as a deterrent where prosecution is unlikely or inappropriate. There is concern that the reliance on PINs will not stop institutional perpetrators (e.g. animal production facilities) who will look upon it as just another operating cost.

QUESTION 24 Orders relating to animal welfare offences

The introduction of a provision that would allow a court to make a decision to sell or rehome seized animals prior to court matters being finalised is reasonable.

Strongly Agree**QUESTION 25 Orders relating to animal welfare offences - - Bond or security**

The introduction of a provision that would allow a court to impose a bond or security on the owner of seized animals for the care of their animals prior to court matters being finalised is reasonable.

- Strongly agree

QUESTION 26 Orders relating to animal welfare offences

What other cost recovery arrangements should be considered?

Court orders for cost of care from the time the animal was seized should be imposed where someone is found guilty of animal welfare offences. But most importantly, prohibition orders must prevent offenders from obtaining further animals.

QUESTION 27 Establishing appropriate penalties

The maximum penalties for animal welfare offences under the ACPA are appropriate.

Strongly Disagree

Maximum penalties are not being imposed by courts. Penalties are useless if they are not enforced. Some are woefully inadequate, eg: cropping of dog's ear or docking tail; abandonment of animal; close confinement; use of baits and allowing animal to injure. Financial penalties must be significantly higher for corporations under s 209. Clarification needed when the offence includes multiple animals. An offence punishable by 1 year imprisonment or more should include a mandatory lifetime ban on keeping or working with animals. Min time Frame of 1 month reporting sighted cruelty must be extended if evidence available.

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Tethering of dogs.

The Act commences on the date of assent to the Act

- (1) The word “tether” means to tie a dog to a stationary or inanimate object with a rope, chain, or other means to restrict, confine, or restrain its movement.
- (2) A person must not tether a dog unless the person is physically present with and attending to the dog and the dog remains visible to the person at all times while tethered.
 - (a) A person must not tether a dog outdoors during severe weather, including, but not limited to, extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms, or hurricanes.
 - (b) A dog must not be kept outdoors during extreme weather conditions, including, but not limited to:
 - (i) in temperatures over (29°C-85°F)
 - (ii) In temperatures (7°C-45°F)
- (3) Paragraph (2)(a) does not apply to tethering a dog in a manner that does not jeopardize its health, safety, or well-being when:
 - (a) Attending, or participating in, a legal, organized public event in which the dog and the person is permitted as attendees or participants;
 - (b) Actively engaging in conduct that is directly related to the business of shepherding or herding cattle or farm animals or related to the business of cultivating agricultural products and tethering is reasonably necessary for its safety;
 - (c) Being treated by a veterinarian or serviced by a groomer;
 - (d) Actively being trained for or actively serving in a law enforcement capacity;
 - (e) Being cared for as part of a rescue operation during a natural or manmade disaster;
 - (f) Tethered for periods of no longer than 30 minutes while being kept in a bona fide humane shelter or at a licensed commercial boarding facility; or
 - (g) Tethered in accordance with the regulations of a camping or recreational area
- (4) A person who tethers a dog in contravention of this legislation shall be guilty of an offence and subject to the following
 - (a) For a first offence, a written warning and notice to comply within 14 calendar days. In temperatures over 25 without shade/shelter the dog must be removed to safely

immediately until adequate housing is erected.

- (b) For a second offence, subject to a fine of 25 penalty points and removal of dog.
- (c) For a third offence. Removal of dog and prohibited from owning a dog

Housing of outdoor & indoor dogs.

(1) Enclosures/confinement of dogs

- (a) Dogs kept outside must be in a fully fenced or secure yard with sufficient space for the dog to run, play, move about freely and exhibit natural behaviours.
- (b) Dogs must have access to adequate shade/shelter at all times. Shelters must be provided within those yards to provide adequate protection from sun, wind, rain and cold.
- (c) Dogs must not be confined in small inappropriate cages or crates either indoors or outdoors.
- (d) Minimum size enclosures for indoor dogs must follow Outdoor Enclosure minimum requirements for no longer than 12 hours at any one time (licenced emergency/temporary rehoming centres exempt)

(2) Outdoor Enclosures for a dog is; A fenced yard, kennel, or run and must include the following and must be adequate and suitable for a dog's size and weight.

- (a) For dogs minimum square Meter area for exercise based on weight (a visual estimation) :
 - 12 Square Meters (120 square feet) for a dog up to 13 kilos, (30lbs)
 - 14 Square Meters (150 square feet) for a dog up to 27kilos, (60lbs)
 - 24 Square Meters (250 square feet) for dogs over 27kilos, (60lbs)
- Additional dogs must have at least (14 Square Meters) (150) square feet per dog.

(3) SHADE IN OUTDOOR ENCLOSURES

- (a) an outdoor enclosure must include an area shaded from UV rays during all hours for all dogs without crowding.

(4) HEALTH AND HYGIENE WITHIN ENCLOSURES

An outdoor enclosure

- (a) Must be kept free from accumulated waste, trash, standing water, parasites and rodents.
- All housing areas must be maintained in a safe, clean ad hygienic condition at all times

- (b) Enclosures need to allow dog(s) to urinate and defecate away from the sleeping and] eating areas and be cleaned daily so that enclosures are free of faeces.

(5) WATER AND FOOD

A dog must be provided with adequate food and water

- (a) A dog must be provided access to a continuous supply of visibly clean water provided in a spill proof container sized appropriately for the dog's size and a sufficient supply of species
- (b) A dog must be provided with appropriate, wholesome food
- (c) Where more than one dog is accommodated, each dog must have a separate water and feeding bowl

(6) SHELTER/HOUSING

A dog must be provided with adequate shelter/housing

- (a) The shelter must be provided within the enclosure but will not be included as part of the allowed minimum enclosure size .

Adequate Shelter shall include, but is not limited to:

- (a) A sturdily constructed and enclosed, well ventilated , weatherproof structure with *four sides, a door, solid roof, and floor.
- (b) Allow a dog to have the ability to stand, turn around, lie down with limbs outstretched, and be easily entered and exited.
- (c) Must be raised at least 5 centimetres off the ground.
- (d) To avoid the shelter becoming a dangerous heat storage chamber, the structure must be placed in shade from September to May with adequate air flow and ventilation..
- (e) In temperatures 7 degrees celsius and below a shelter must have heavy flexible flaps to cover doors and windows, and floor must be covered with a minimum of 20 centimetres thick of clean, dry (quick drying) bedding.
- (f) All shelter areas must be maintained in a safe, clean and hygienic condition at all times.
- (g) A dog must have access to shelter at all times.
- (h) Where multiple dogs are homed, a dog must have its own sleeping area.

Inadequate shelters include, but are not limited to: lean-tos, metal or plastic drums, airline carrier crates, cardboard boxes and abandoned cars, porches, decks. Structures with wire, grid, or slat floors are prohibited.

(7) WEATHER CONDITIONS:

A dog must not be kept outdoors unattended during extreme weather conditions, including, but not limited to:

- In temperatures over (29°C-85°F)
- In temperatures (7°C-45°F)
- Cyclone watches or warnings. lightning, Severe storm warnings, Hurricanes or other extreme weather event.
- A public animal health warning must be declared at temperatures above 29 degrees. Once the Code has been declared, dogs must not be left unattended outdoors (except for brief walks and periods of exercise.) at temperatures above 32 degrees.(please refer to dog heat chart) Dogs must have access to a cooler/air conditioned area/cooler indoor area when outdoor temperatures reach over 32 degrees.

PENALTIES for offences for keeping in extreme weather conditions that cause harm

- First offence 14 days to ensure dog not left outside unattended or without access to cooler indoor conditions above 32 degrees.
- Second offence 5 points plus removal of dog to safe/cooler living conditions. Costs of alternative accommodation and court costs for violation to be paid for by owner

(8) ABANDONEMENT:

- (a) A dog must not be left unattended on vacant or abandoned property.
- (b) A dog shall not be left behind when the caretaker evacuates for cyclones, storms, drought, hurricane or other natural or manmade disaster.

(9) TRANSPORTING; When a dog is transported in a pickup truck or similar open-air vehicle with a metal bed, they must be provided protection from the metal bed and must be in a hard-shelled crate. The crate must be secured to the truck bed. The dog must be protected from the sun, rain, hail while being transported.

No dog shall be transported on or within an attachable trailer.

(10) THE BREEDING AND SALE OF DOGS MUST BE PROHIBITED IN REGIONS FOR THOSE BREEDS WHO EXPERIENCE HEATSTROKE IN TEMPERATURES ABOVE 29 DEGREES

The following dog breeds must not be bred and sold in regions that see temperatures consistently above 29 degrees. (please note this list is not comprehensive

- (a) All Brachycephalic dogs
- (b) Dogs with double coats such as huskies, chow chows and golden retrievers. A thick coat acts as insulation, trapping hot air and limiting heat loss if the dog overheats.
(Please refer to the list below with examples of dogs with double coats. Please note the list is not comprehensive)

(c) Giant dog breeds over 50 kgs (3 times more likely to suffer heatstroke)