

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

**Submission No:** 904  
**Submitted by:** Racing Queensland  
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**Submitter Comments:**

## **Racing Queensland Submission to Inquiry into the Animal Care and Protection Amendment Bill**

Racing Queensland broadly supports those amendments to the Animal Care and Protection Act 2001 of relevance to racing, including those giving effect to recommendations of the Martin Inquiry.

Racing Queensland wishes to make the following submissions in relation to the Animal Care and Protection Amendment Bill clauses, and Animal Care and Protection Act sections, specified below.

### **Part 2 Amendment of Animal Care and Protection Act 2001**

#### **1. CLAUSE 14 – Insertion of new s 37C – Suggested amendment**

##### **s 37C Firing or blistering on horses and dogs**

A person must not apply extreme heat or cold, or acid or another caustic chemical, to the leg of a horse or dog with the intention of causing tissue damage or developing scar tissue around the ligaments or tendons of the animal's leg.

Characterising the act of firing and blistering as one carried out with the intention of causing tissue damage or scarring around ligaments or tendons, subtly misrepresents the underlying physiology and may result in an undesirable limiting of the application of the provision.

The aim of firing or blistering is to stimulate an inflammatory response in order to invigorate or reinvigorate the healing process in the management of a chronic or unresolved injury. The desired final result of that healing process is to have as much "normal" tissue (whether that be collagen fibres within the tendon or ligament, or other cell types in the surrounding tissue) as possible. While some scarring (fibrosis) is often an inevitable part of resolution of the injury, because fibrotic tissue is less flexible, it can limit function and is susceptible to future tearing.

It may therefore be difficult to establish that firing or blistering was done with the intent of causing the development of scar tissue, as, to a degree, this is not an outcome that would be considered desirable. Suggest also that consideration be given as to the need to include intent as an element of the section at all.

The term thermocautery refers to the practice of firing. The term is used in other legislation (Victorian Prevention of Cruelty to Animals Act), in Australian Veterinary Association policy, and by the International Federation of Horseracing Authorities (IFHA) Article 6 C (Racing), which includes the following as prohibited practices:

- (G) The application of thermocautery to the skin over the musculoskeletal structures to cause a counter-irritant effect.
- (H) The application of a substance to cause vesiculation of the skin and underlying tissues.

However, thermocautery would not necessarily include the use of extreme cold (as *thermo* generally relates to heat) and so the existing “extreme heat or cold” is preferable, noting that the use of extreme cold is known to occur.

- Suggested amended wording:

**s 37C Firing or blistering on horses and dogs**

A person must not apply extreme heat or cold, or an acidic, caustic or other irritant chemical, to the leg of a horse or dog, to cause inflammation or tissue damage, in an attempt to treat an injury to a tendon, ligament or other musculoskeletal structure.

**2. CLAUSE 22 – Insertion of new Chapter 4B - Clarification sought as to the scope and operation of provisions related to slaughter facilities**

**s 93W Inspecting recordings (new provision)**

Section 93W (2) requires recordings to be kept for 30 days before erasure or destruction (unless an inspector, within the 30 days, requires that it not be destroyed earlier than 1 year 3 months).

- Clarification is sought as to whether 30 days is sufficient time for an allegation, in relation to a breach of the requisite duty of care to animals at the facility, to come to the attention of an inspector. Suggest that consideration be given to extending the requirement such that recordings are kept for 90 days.

**s 93Z Owner of livestock slaughter facility must notify chief executive of particular matters (new provision)**

Section 93Z requires notification of the arrival of any horse no later than 2 business days before the arrival (s 93Z (1)), or as soon as possible after the owner becomes aware, if that is later than 2 business days before the arrival (s 93Z (2)).

Section 108 (Power of entry) provides (at s 108 (c)) for an authorised officer to enter a place where an authorised officer has given the occupier of the place at least 48 hours notice of the proposed entry.

- It is suggested that consideration be given to amending s 108 (c) such that, pursuant to s 93Z (2), where the chief executive has been advised of the arrival of any horse less than 2 business days prior to the arrival, there is provision for a corresponding power of entry notice to be given with less than 48 hours notice, to enable an authorised officer to be present for the arrival of such horse or horses.
- Suggested amended wording:
 

s 108 (c) an authorised officer has given the occupier of the place at least 48 hours notice of the proposed entry, unless the entry relates to a livestock slaughter facility, and s 93Z (2) applies, in which case the authorised officer must give at least 24 hours' notice.

**Section 122 Power of entry Part 2 Powers of inspectors**

Section 122 (1) (i) (new provision) provides for a power of entry to livestock slaughter facility when a horse is present and during normal business hours.

- As slaughter facilities may operate outside of what is considered normal business hours in general terms, clarification is sought as to whether the provision allows for a power of entry during normal business hours for the slaughter facility.
- Suggested amended wording:
  - s 122 (1) (i) the place is a livestock slaughter facility and the entry is made when a horse is present at the facility and during normal business **or operating hours of the slaughter facility.**
- Consider if the new s 122 (1) (i) should be added to s 125 (Procedure for other entries without warrant), which currently provides for entry under s 122 (1) (d), (e), (f), (g) and (h).

### **3. CLAUSE 30 – Amendment of s 159 (Power to give an animal welfare direction)**

- Consider if provisions under s 159 (3) in relation to the action that a person may be directed to do, under the power to give animal welfare direction, should include to cease to do something.

### **4. EXISTING PROVISION - Suggested addition to s 23**

- Because removal of part of the ear may not be successful in making a dog's ear stand erect, suggest s 23 (Cropping dog's ear) be amended to include an attempt to make the ear stand erect.
- Suggested amended wording:
  - s 23 (3) In this section –
    - crop, a dog's ear, means to remove part of the ear to make, **or attempt to make**, the ear stand erect.

### **5. EXISTING PROVISIONS - Clarification sought as to the scope of provisions related to live baiting**

Provisions of relevance to the practice of live baiting are contained in *Part 5 Other prohibited and regulated conduct*. The relevant provisions are:

#### **Division 1 Other offences relating to dogs**

##### **s 30 Causing captive animal to be injured or killed by dog**

A person must not knowingly cause an animal in captivity to be injured or killed by a dog.

##### **s 31 Releasing animal for injury or killing by dog**

A person must not release an animal if the release is—

- (a) to allow the animal to be injured or killed by a dog; or
- (b) in circumstances in which the animal is likely to be injured or killed by a dog unless the person took reasonable steps to prevent the injury or killing.

##### **s 32 Keeping or using kill or lure for blooding or coursing**

(1) A person must not keep or use an animal as a kill or lure—

- (a) to give a dog a taste or sight of the animal's blood; or
- (b) to race or train a coursing dog.

#### **Division 4 Allowing animal to injure or kill another animal**

##### **s 37 Unlawfully allowing an animal to injure or kill another animal**

(1) A person in control of an animal (the first animal) must not unlawfully allow it to injure or kill another animal (the second animal).

'Coursing' is not a defined term. The term 'coursing' appears only in ss 32 (above) and 20 (Part 3 Prohibited Events).

**s 20 Meaning of a *prohibited event***

(1) A *prohibited event* means any of the following events—

- (c) coursing or another event in which an animal is released from captivity to be hunted, injured or killed by another animal.

The existing provisions would not appear to prohibit the use of an animal as a lure (or attachment of an animal to a mechanical lure), unless:

- that animal was injured or killed (either following release or by allowing the animal to be injured or killed); or
- was used in such a way as to give a dog a taste or sight of the animals blood; or
- was used to race or train a coursing dog.

As coursing is a prohibited event, the use to "race or train a coursing dog" would not appear to include training a greyhound for greyhound racing.

- Clarification is sought as to the whether the existing provisions would operate so as to effectively allow the use of an animal as a lure (where, for example, the animal is tethered or attached to a mechanical lure) to train a racing greyhound, as long as the animal is not injured, killed or otherwise bleeds such that the greyhound is able to see or taste the blood.
- It is noted that s 18 (2) (c) provides for the abuse, terrifying, tormenting or worrying of an animal, by a person, to be taken as being cruel to an animal. However, it is suggested that amendment to s 32 (1) (b) to include specifically include greyhounds, would strengthen the provisions of the Act in relation to live baiting.
- Suggested amended wording:  
s 32 (1) (b) to race or train a **greyhound or** coursing dog.
- Alternatively, suggest amendment to remove limited application to coursing dog:  
s 32 (1) (b) to race or train **a dog**.

**Part 3 Amendment of Animal Care and Protection Regulation 2012**

**6. CLAUSE 38 – Insertion of provisions related to CCTV equipment at livestock slaughter facilities**

**s 4B Requirements for maintaining CCTV equipment**

- Clarify if the requirement to make arrangements to repair CCTV equipment no later than 48 hours after identification of a malfunction (4B (2) (b)), means to make arrangements within 48 hours or have the equipment repaired within 48 hours.

**Part 5 Amendment of Racing Integrity Act 2016**

**7. CLAUSE 46 – Amendment of s 10 (Functions) – Suggested amendment**

**s 10 (1) – addition of (ia)** to extend the function of the QRIC to safeguard the welfare of an animal that has been involved in racing in Queensland or elsewhere and is in the possession of a person licensed under the thoroughbred or harness codes of racing.

- Suggest the new provision s 10 (1) (ia) (ii) be amended to include possession of a person licensed under the thoroughbred, harness or **greyhound** codes of racing.
- Clarify if ‘used to be involved in racing’ (s 10 (1) (ia) (i)) will operate to include animals that have been bred for racing but have not actually raced.
- Suggest the provision be amended to include **any animal for which the birth has been registered or notified with a principal racing authority**.

#### **8. CLAUSE 47 – Amendment of s 63 (Purpose of licensing schemes) – Suggested amendment**

**s 63 – addition of 63 (d) the responsible breeding of horses for racing.**

- Suggest that the new provision be amended to include the responsible breeding of horses **and greyhounds** for racing.

#### **9. CLAUSE 48 – Insertion of new Chapter 5A - Clarification sought as to the scope and operation of reporting and recording requirements for livestock slaughter facilities**

**s 210A Reporting requirements for supplier of horses to livestock slaughter**

Section 210A requires the supplier to provide:

- if the horse has a brand – a photograph or drawing of the brand (s 210A (a)); and
  - the horse’s microchip number (s210A (b)).
- Clarification is sought as to why, for consistency, s210A (b) does not reflect the wording of s210A (a) and refer to ‘if the horse has a microchip – the horse’s microchip number’.

**s 210B Records to be kept by owner of livestock slaughter facility**

Section 210B requires the owner of a livestock slaughter facility to keep a record of:

- the horse’s microchip number (210B (1) (b)); and
  - the information provided to the owner (by the supplier) under s 210A.
- Clarification is sought as to why the owner is not required to also keep a record of a horse’s brand (if a horse has a brand).
  - It is suggested that consideration be given to clarifying that a failure on the part of the supplier to provide the information required by s 210A (as required by s 210B (1) (c)), is not a reasonable excuse (pursuant to s 210B (1)) for the owner of the facility to not keep the requisite records about each horse that arrives at the facility.
  - Further, it is suggested that consideration be given to requiring that if a horse has a microchip and/or a brand, that a requirement to report that particular information be specified in s 210C (1) (a).

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