

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Animal Care and Protection Amendment Bill 2022

To whom it may concern,

I thank you for the opportunity to lodge my following submission:

The Bill provides some important, long-overdue improvements. However, in 2022, it lags well behind more well-informed community and international standards.

Please see the following -

a. Five key points I urge the Queensland Government to commit to, by way of its promise of a full review. A review that is more comprehensive and 2022 appropriate

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1 "...a majority of states across the world have enacted laws providing that nonhuman animals must be protected BECAUSE THEY ARE SENTIENT." - 'The Recognition of Animal Sentience by the Law' - C E Blattner. There is also ample scientific evidence proving sentience in non-human animals. Therefore, discriminating between species for human self-interest should be removed, & animal sentience should be applied across all species in the Act, & inc the "5 Freedoms" - 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.

Acknowledge the sentience of non-human species.

2 It is a ludicrous conflict of interest for the Department of Agriculture to be responsible for both animal welfare and the support and promotion of the animal agriculture industry.

An Independent Office of Animal Protection (IOAW) must be created. It is long overdue and urgently needed.

3 Further to point 1, the discrimination and double-standards where the treatment of some animal species is legal, but would be a criminal offence if inflicted on other animal species, e.g. companion animals. Atrocities such as mutilations & surgical procedures

on farm animals such as castration, dehorning, disbudding - www.aussiefarms.org.au/campaigns/goat-disbudding , tail cutting, mulesing, etc..... – overwhelmingly, without anaesthetic or pain relief, plus intensive confinement such as battery cages for hens and farrowing crates for mother pigs – i.e. legalised cruelty - <https://animalsaustralia.org/farming-animals>, and slaughter - [How are animals slaughtered in Australia? | Animals Australia](#) www.animalsaustralia.org › [features](#) › [how-are-animals-slaughtered-australia](#). – all inflicted to minimise effort and maximise profits for the animal agriculture industry, as though these conscious individual lives are just commodities, valued only for **what** their bodies can produce, not **who** they are.

Discrimination and double-standards must be removed. **Please take a moment to view the video links** in this section (3), and enshrine a consistent, minimum baseline of animal welfare to ensure ALL animals are protected from suffering and afforded a life worth living – Including for chicks 🐔 www.bit.ly/2QKpmEu ; for calves 🐄 www.bit.ly/2Ushwyt ; for pigs 🐖 www.bit.ly/2QqYael , etc.....



- 4 Mandatory life bans for repeat or serious animal cruelty offenders must be introduced, and prohibition orders to be recognised beyond state borders.
- 5 Calf roping and other cruel events, where humans violently brutalise animals, many just babies, for fun. For the amusement of adults, and worse – their children, all in the name of ‘entertainment’ must be banned. (See Amendment 7 below)



Whilst I welcome the following amendments to the Bill:

- (5) New breach of duty of care offence.
- (6) New unreasonable abandonment offence.
- (9) Ban of tail docking.
- (14) Ban of prong collars (possession & use).

Although, I would recommend the Bill go further and ban other cruel devices including tethering while unattended:



‘Missed opportunity’: Qld animal groups slam welfare review

Animal advocacy groups claim the state government has failed to make any meaningful changes to the first review of animal welfare laws in decades after it was tabled in parliament on Thursday.

- Courier Mail, 13.05.22

and electric collars, and other cruel training devices.

- (14) Ban on firing or blistering.
- (15) Allow for euthanasia of animals by vets where owner can't be located.
- (16) Ban of CSSP pig poison.

However, I question why this is limited to CSSP pig poison and **strongly urge you, please, to extend it to include other agonizingly cruel poisons including 1080.**

- (32) Recognition of interstate prohibition orders.
- (44) Expanding QRIC's powers to include retired racehorses in possession of a racing participant.

Further, in undertaking your commitment to a full review and the following amendments, I strongly urge you to please incorporate changes as listed:

- (3) I greatly welcome the inclusion of all Cephalopoda in the Act under the definition of animals. However, as the same science regarding the existence of consciousness and the ability of Malacostraca such as crabs, crayfish, lobsters, and prawns, to suffer, they must obviously also be included in this Act.

- (7) Calf roping should be banned. Rather than changing the Act to specifically allow what would be acts of animal cruelty at rodeos, the Bill should instead seek to ban calf roping as a prohibited event. (See my point 5 above)

A new study 'The legality of calf roping in Australia' ([Stonebridge, UQ Law Journal, 2022](#)) confirms that "beneficial contributions of calf roping do not justify the harm caused to the calves and that calf roping would therefore likely not be legal if the standard of unnecessary harm applied". This follows several recent Australian scientific studies ([Sinclair et al, 2016](#) and [Rizzuto et al, 2020](#)) that confirm that this event causes significant stress to vulnerable calves. Calves and other farm animals suffer trauma, plus physical injuries including broken bones, legs, injuries that can cause life-long damage, trauma and death. The horses are also not exempt from harm during rodeos.

- (10) Allowing spaying surgery on cattle to be performed by non-vets and allowing pregnancy tests by laypersons is clearly a backward step for animal welfare.

- (12) The restrictions on debarking and supply of 'debarked' dogs is welcome. However, I would recommend the committee listen to advice from rescue organisations and shelters when considering obligations places on those that care for dogs. In particular, the penalty for supplying a dog from a shelter without a certificate being greater than the penalty for illegally performing debarking procedures on a dog in

the first place seems disproportionate.

- (22) CCTV required at 'livestock slaughter facilities' - The definition of livestock slaughter facilities should be expanded to include all facilities that slaughter livestock and not just horses. I note, this is based on recommendations from the Martin Inquiry, where the scope of the inquiry was limited to racehorses. However, there seems to be a lack of any scientific justification for CCTV use on horses whilst not recording other animals who are equally capable of suffering and predictably, in slaughterhouses, **do** suffer. I also urge for an independent monitoring regime to be put in place to monitor the CCTV footage. If the CCTV recordings are only accessed on the basis of a complaint, then they are largely meaningless and will result in minimal animal welfare improvements if any.

- Similarly, powers for inspectors to enter a slaughterhouse without a warrant or permission from the owner should not be restricted to only when horses are at the facility. It is vital that inspectors have the power to enter all slaughterhouses (as well as factory farms) without notice.

- Changes to s178 is very concerning. This is a backward step for animal welfare and removes any possibility of private prosecution or even the ability of RSPCA Qld to independently decide to prosecute without permission from the Department (chief executive). Not only does this concentrate all power to prosecute in one person, that is the person who also has the authority and responsibility for the viability and growth of animal agriculture industries. This is a ludicrous conflict of interest.

Instead, s178 (3) should be amended to explicitly allow private prosecution of animal cruelty offences, as well as by Queensland Police and RSPCA Qld. s178 (b) should also be amended to increase the statute of limitation of animal cruelty offences (currently 12 months, or 2 years). I note that some animal cruelty investigations currently take close to 12 months, so the current statute of limitation is completely unworkable. Currently, if someone commits an horrendous act of cruelty, but it is not discovered until 2 years later, they cannot be prosecuted under the Act.

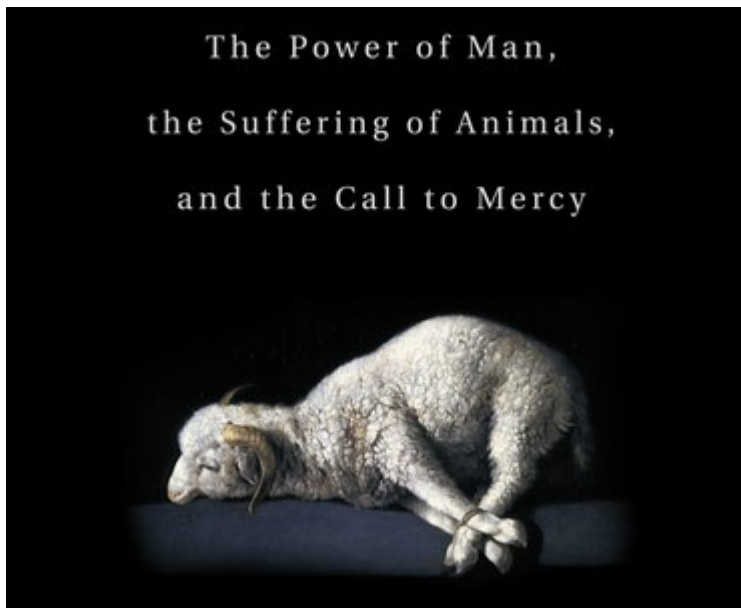
In addition to the points raised above, I urge the government to commit to further reviews and amendments to the Act and to properly consider:

- Mandatory reporting of suspected animal cruelty cases.
- Significant and meaningful changes to factory farming and other farmed animal welfare, including transport and slaughter, and ensure codes of practice do not provide excuses for committing acts of cruelty.
- Stringent and effective monitoring and enforcement of animal welfare, particularly for farmed animals. This should also include increased transparency around enforcement action taken by the Department of Agriculture.

This is the first time in 20 years that a significant number of amendments are being proposed to Queensland's Animal Care and Protection Act 2001. You now have the opportunity and privilege of joining with other enlightened nations around the world, and increasingly across Australia, to address the systemic abuse and atrocities inflicted daily by the animal users industries to maximise their profits, regardless of the fear, misery, pain and, sometimes mercifully, death that their practices cause. Indeed, their business model is built on animal cruelty. As the dominant species, humans have a duty of care to non-human species. They are totally at our mercy. Please show them that mercy.

Yours faithfully,

Cheryl Forrest-Smith



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