

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

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**Attachments:**

**Submitter Comments:**

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08 June 2022

State Development and Regional Industries Committee  
Parliament House  
George Street  
BRISBANE QLD 4000  
Email: [SDRIC@parliament.qld.gov.au](mailto:SDRIC@parliament.qld.gov.au)

Dear Committee,

**Re: Animal Care and Protection Amendment Bill 2022**

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep & wool producers. The cane, beef, grain and sheep & wool industries in Queensland generated around \$7.8 billion in on-farm value of production in 2019-20. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,400 farmers, individuals and businesses provide support to AgForce through membership. Queensland producers provide high-quality food and fibre to Australian and overseas consumers, and contribute significantly to the social fabric of regional, rural and remote communities.

Thank you for the opportunity to provide comment on this Bill.

In general, AgForce accepts the majority of the proposed amendments, however our reservations and the opportunity to provide feedback is noted on four (4) of these amendments, being of particular interest to AgForce membership and primary producers of Queensland.

If you have any questions, please don't hesitate to contact Livestock Policy Officer Michael Allpass on [REDACTED].

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mike Guerin'.

Mike Guerin  
Chief Executive Officer

## Submission on Animal Care and Protection Amendment Bill 2022

### Introduction

AgForce would like to thank the Parliamentary Committee for the opportunity to make a submission to the Animal Care and Protection Amendment Bill 2022.

AgForce's submission focuses on four (4) of the proposed legislative changes, aiming to provide constructive feedback to the Committee to support their deliberations on the implications of the proposals to our members and our industries.

**Table 1: Proposed Amendments of Specific Interest to AgForce**

Section of the Bill	Existing section of the Act by the Bill Amendments Proposed	Act section
Clause 5	<i>Prescribing a new aggravated offence provision for a breach of duty of care to an animal which causes death, deformity, serious disability, or prolonged suffering of an animal.</i>	17
Clause 13	<i>Inclusion of new section (Transporting dogs)</i>	33
Clause 14	<i>Inclusion of new section (Possession or use of prohibited devices – in relation to prescribed restraint devices for dogs)</i>	37A
Clause 16	<i>Amendment of section (Feral or pest animals) – to prohibit CSSP</i>	42

### Comments on Amendments to Individual legislative sections

#### Clause 5

Amends Section 17 of the Act:

- Proposes to prescribe a new aggravated offence provision for a breach of duty of care to an animal which causes death, deformity, serious disability, or prolonged suffering of an animal.

A maximum penalty of 2000 penalty units or 3 years imprisonment is prescribed.

#### Comments

AgForce seeks greater consultation to discuss exemptions in the event of extenuating circumstances. For example, natural disasters of fire and floods are unpredictable, where it may be impossible for a livestock owner to inspect and deal with suffering animals in a timely manner. These situations are likely to cause death and/or prolonged suffering of an animal.

AgForce considers that the Act should include an exemption for extenuating circumstances that are beyond human control.

#### Clause 13

Inclusion of new Section 33 of the Act:

- Proposes to prohibit the transportation of an unsecured dog on the back of a tray of a vehicle, or a trailer attached to a vehicle, except for dogs assisting in moving livestock, and prohibits the transportation of a dog whose body other than its head is protruding from a moving vehicle.

#### Comments

AgForce agrees with the intent to include an exemption to having an unrestrained dog on the back of a vehicle, or a trailer attached to a vehicle, where dogs are being used to assist with moving livestock, but with the consideration to add 'or activities associated with care, health, and welfare of livestock'.

However, AgForce does question whether the definition of the term "vehicle" also pertains to motorbike and all-terrain vehicles such as side-by-sides.

**Clause 14**

Inclusion of new Section 37A of the Act:

- Proposes to prohibit, without a reasonable excuse, the possession and use of a prong collar or another prescribed restraint device.

**Comments**

AgForce considers that the wording of this amendment could have a broad interpretation. AgForce needs a better insight in the actual listing process and the list of 'prescribed' restraint devices alerted to in this Section.

Restraint devices, described as "collars and leads", are used to either train a dog, teaching a dog over time to have self-control, making safe and informed decisions for itself; or, to control an untrained dog, to reduce and prevent attacks that may occur if an untrained dog escaped human control.

Legislation should enable dog owners' access to humane and effective training tools, through the use of collars and leads, which will provide improved outcomes for trained dogs both psychologically and physiologically.

AgForce recommends greater consultation to improve the way the proposed Section has been drafted and would seek active industry consultation in the defining of prescribed restraint devices indicated in the Clause.

**Clause 16**

Amendment of Section 42 of the Act:

- Proposes an amendment to exclude from the offence exemption, acts that involve the use of a poison that includes the ingredients of carbon disulfide and phosphorus.

**Comment:**

AgForce opposes the proposal to prohibit the use of the feral pig control toxin known as CSSP.

AgForce advises Committee Members that no public consultation has occurred regarding this proposed amendment to the Act, where the Queensland Government Guide to Better Regulation May 2019 states that:

The COAG Best Practice Principles For Regulation Making include:

- a) Consulting effectively with affected stakeholders at all stages of the regulatory cycle.
- b) Ensuring that government action is effective and proportional to the issue being addressed.
- c) Considering a range of feasible policy options including self-regulatory, co-regulatory and nonregulatory approach.
- d) Adopting the option that generates the greatest net benefit for the community.

AgForce advises Committee Members that during the May 2021 Discussion Paper phase, AgForce were advised that a particular toxin used for feral pig concern was "of concern" to the Government, yet AgForce could not, or would not, be advised which particular toxin it was, nor was AgForce provided with any explanation on why the toxin was of concern.

AgForce again asked in January 2022, when the Department of Agriculture and Fisheries (the Department) provided a briefing on the draft amendments, what was the toxin referred to in May 2021? Again, the Department advised that they were not able to provide the toxin's name or reasoning as to why it was of concern. During this briefing, AgForce asked if it were SAP, also known as CSSP, to which a reply could not, or would not, be given.

AgForce did not become officially aware that the of concern toxin was CSSP until the Minister's media statement dated May 12, 2022; at which time AgForce first reviewed the draft amendment within the Bill that proposed to prohibit the use of poisons that include the ingredients carbon disulfide and phosphorus.

AgForce sought clarification from the Department via email dated 24 May 2022, posing the below questions:

1. What research is the Government relying on to demonstrate CSSP's inhumanness?
2. What research is the Government relying on to demonstrate the level of secondary poisoning caused by CSSP; and to which bird and animal species is secondary poisoning occurring?
3. How many incidents of abuse, with regard to the use of CSSP, has the Department investigated; and how many offences have been prosecuted as a result of these investigations?
4. With the exotic diseases of African swine fever (ASF), Lumpy skin disease (LSD) and Foot and Mouth Disease (FMD) nearing Australia's borders, and where control of feral pig populations may become critical in the containment and eradication of these diseases should they reach Australia's shores, can the Department advise which control toxins will be used to reduce the feral pig population?

In a response from the Department, AgForce were referred to a research paper completed by Industry & Investment NSW's Vertebrate Pest Research Unit titled *A model for assessing the relative humaneness of pest animal control methods, Second edition June 2011*, to consider alternative methods for feral pig control; and that no previous prosecutions had occurred, because the existing legislation allows use of CSSP as an exemption from offences.

The research paper *A model for assessing the relative humaneness of pest animal control methods, Second edition June 2011*, claims that:

- the model was not designed to provide an absolute measure of humaneness but will allow a judgement to be made about the impact of a specific control method on the target animal; and
- after compiling information for each of the pig control methods, the authors concluded that there was insufficient research data to conduct a humaneness review using the five-step framework<sup>1</sup>.

Furthermore, the research paper states on page 33 under the heading "*Can we achieve overall assessment of humaneness of pest animal control methods?*" (that), "considering the above examples and the literature, it becomes apparent that assessing the humaneness of pest animal control methods is a complex and difficult task"; and, on the same page, "Unfortunately, in the area of pest animal control, much of the data that is needed to objectively assess welfare are lacking or still to be researched".

The Committee should also note that the research paper *A model for assessing the relative humaneness of pest animal control methods, Second edition June 2011* does not provide any commentary specific to the use of CSSP, other than a graph on page 118 that claims that the "Mode of death" is of *high suffering* to the animal, yet the "Welfare impact prior to death" claims *less suffering* to the animal.

AgForce have also conducted analysis of an April 2005 review completed by the Australian Pesticides & Veterinary Medicines Authority (APVMA) being, *The Reconsideration of Registrations of Products Containing Carbon Disulfide and their Associated Labels*.

This review was mainly completed because of concerns that product labels did not contain adequate instructions in relation to safe handling of the product and first aid needs; and the scope of the review did not cover the issues of non-target animal effects, or product efficacy.

The findings of APVMA's review were that continued registration of CSSP Pig Poison is unlikely to result in risks to workers, subject to label changes being made; and that, from a toxicological viewpoint, the continued use of the pig poison in accordance with revised label instructions, would not pose an undue hazard to human health.

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<sup>1</sup> The five steps of the humaneness review framework are:

- (1) consider the capacity of the species to suffer;
- (2) anticipate the likely effect of the poison;
- (3) determine the type, intensity and duration of effects, and the percentage of animals affected;
- (4) determine the degree of welfare compromise caused by each effect; and
- (5) assess the humaneness of the poison.

As an outcome of the review the APVMA proposed the following recommendations:

- label approvals be varied to strengthen use information, safety instructions and improve personal protection requirements; and
- the continued registration of C.S.S.P. Phosphorus Pig Poison (41130) be affirmed.

Based on the above-mentioned recommendations, the Manufacturer of CSSP complied with the recommended changes to the label instructions. CSSP is registered for use in Queensland and the Northern Territory.

AgForce also assessed the Manufacturer's product instructions that provides advice to the product user *"to bait carcasses in the evening, because feral pig activity is higher at night because feral pigs will avoid movement during the heat of the day"*. This advice aligns to PESTSMART's January 2014 Factsheet *"Poison baiting for feral pig control in Australia"*, which also suggests that the risk of non-target species impact is reduced because pigs will usually consume baits overnight before other animals have access to it.

CSSP is used when there are known large populations of feral pigs in a geographical area. During these times there is reduced probability of non-target species poisoning because in most situations' feral pigs, the targeted species, will be the first at the bait. Bait placement is often in the chest cavity of an animal carcass (sheep, cattle, pigs, goat, kangaroo), therefore target specific to feral pigs. Very few non-target species will eat a baited carcass.

AgForce canvassed our membership, and was also approached by Goondiwindi Regional Council, all of whom spoke highly of the effectiveness of the toxin CSSP for feral pig control and raised objections to the Government's intentions to prohibit use of CSSP. In particular, comments were raised about the close proximity to Australia of exotic diseases like African Swine Fever, Lumpy Skin Disease, and Foot and Mouth Disease and the immediate need to control the feral pig population in north Australia when these diseases are found uncontrolled on Australian shores.

In the event of an exotic animal disease outbreak within Australia, governments and rural landholders will require every control tool available to control the feral pig population.

AgForce recommends that greater consultation with the general public, local governments, APVMA pesticide regulator and industry is completed before this amendment to the Act is agreed to, or implemented.

AgForce Member comment:

Quilpie area:

*"It is used a lot. Works better and easier to use than 1080."*

Southern Downs area:

*"Used by quite a few in our area, especially the ones that are proactive with Pig control. Another tool in the tool belt in terms of control methods - so disappointing to hear it may be taken away"*.

Longreach area:

*"It is a fantastic product, handy for the control of pigs, all you need is a dead animal and it works a treat. I had a carton and I'm down to a couple of tins. Very handy and convenient to use. It should be kept at all cost, in my opinion"*.

Western Downs area:

*"SAP is widely used in this area by all commodities. A particular favourite of the grain growers to protect crops from extensive damage"*.

**References regarding proposed amendment of Section 42:**

Sharp, T and Saunders, G Vertebrate Pest Research Unit – Industry & Investment NSW June 2011, *A model for assessing the relative humaneness of pest animal control methods Second edition*

Australian Pesticides & Veterinary Medicines Authority April 2005, *The Reconsideration of Registrations of Products Containing Carbon Disulfide and their Associated Labels*

<https://apvma.gov.au/sites/default/files/publication/14561-carbon-disulfide-pfr.pdf>

PESTSMART January 2014, Factsheet *Poison baiting for feral pig control in Australia*

techMAC Pty Ltd (Technology Management, Assessment and Commercialisation) February 2014, *CSSP Pig Poison – Environmental Fate and Secondary Poisoning*

[http://feralpig.com/images/documents/CSSP\\_env\\_fate\\_2nd\\_poisoning.pdf](http://feralpig.com/images/documents/CSSP_env_fate_2nd_poisoning.pdf)

CSSP Phosphorus Pig Poison label

<https://websvr.infopest.com.au/LabelRouter?LabelType=L&Mode=1&ProductCode=41130>

Ends