




Speech By
Hon. Mark Furner

MEMBER FOR FERNY GROVE

Record of Proceedings, 12 May 2022

ANIMAL CARE AND PROTECTION AMENDMENT BILL

Introduction

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (11.54 am): I present a bill for an act to amend the Animal Care and Protection Act 2001, the Animal Care and Protection Regulation 2012, the Disability Services Act 2006, the Racing Integrity Act 2016, the Veterinary Surgeons Act 1936 and the Veterinary Surgeons Regulation 2016 for particular purposes. I table the bill and explanatory notes and a statement of compatibility with human rights. I nominate the State Development and Regional Industries Committee to consider the bill.

Tabled paper: Animal Care and Protection Amendment Bill 2022 [649](#).

Tabled paper: Animal Care and Protection Amendment Bill 2022, explanatory notes [650](#).

Tabled paper: Animal Care and Protection Amendment Bill 2022, statement of compatibility with human rights [651](#).

Today, I am pleased to introduce the Animal Care and Protection Amendment Bill 2022. For many Queenslanders, animals are members of our families; are integral to agricultural production; are involved in sport and recreational activities; and provide valuable assistance to individuals and services in quarantine, detection and inspection. Animals are also important to the economy, international trade and research. The Palaszczuk government is committed to providing standards and legislation that protect the welfare of all animals and meet community expectations. Queenslanders love their animals, support high animal welfare standards and consider that there should be strong laws in place to protect them.

While the Animal Care and Protection Act 2001 already provides a strong framework for animal welfare in Queensland, it has been operating for 20 years without a significant review. That is why in late 2020 the Palaszczuk government committed to a review of the Animal Care and Protection Act. The intent of the review was to ensure the legislation keeps pace with contemporary animal welfare standards and practices and community expectations.

The Royal Society for the Prevention of Cruelty to Animals Queensland and other key stakeholders have been engaged in the review of the act. The public was also consulted through a discussion paper that was released for public and stakeholder comment between April and May 2021. There was an overwhelming response to the discussion paper, with a total of 2,353 responses received. This was a thorough, inclusive and representative consultation process. More than half of the responses to the discussion paper came from rural and regional areas of Queensland.

Participants from a range of age groups, representing a wide range of interest groups and involvement in different animal activities, including agriculture, animal welfare and advocacy; community, compliance and enforcement; education and research; professionals—for example, veterinary professionals—horse sport; recreation and entertainment; and other animal related industries provided feedback to the discussion paper. In December 2021, a consultation outcomes paper was released to provide a summary of all the responses to the discussion paper.

The Queensland government remains committed to improving the safeguarding of animal welfare in Queensland and this bill will achieve this by strengthening the framework of the act, introducing new penalties and enhancing inspectors' powers. The bill will also implement key Queensland government commitments including some of the recommendations from the Martin inquiry and the recent audit by the Queensland Audit Office on regulating animal welfare services.

The bill introduces a new offence that will apply to a person who commits an 'aggravated' breach of duty of care. This is an extension of the existing breach of duty of care offence under the act and will apply in circumstances where the breach results in the death, serious deformity, serious disablement or prolonged suffering of an animal. This offence carries a maximum penalty of 2,000 penalty units, or three years imprisonment, in recognition that an animal suffers significant pain and distress when it dies from malnutrition, dehydration or neglect of injuries.

This maximum penalty aligns with the maximum penalty under the act for animal cruelty and is intended to cover situations such as those we saw in late 2019 where a number of horses died after prolonged neglect. This bill will ensure that our animal welfare legislation meets the expectations of Queenslanders. The bill will introduce a provision that prohibits a person from performing firing or blistering on the leg of a horse or dog, that is, applying extreme heat or cold, acid or caustic chemicals to the leg of a horse or a dog for the purpose of causing tissue damage or scar tissue around the tendons and ligaments of the leg. While intended to induce healing by creating inflammation, there is no scientific evidence that it provides any benefits. These procedures have long been considered by veterinarians and horse owners to cause unnecessary pain, and to be an obsolete practice. The Australian Veterinary Association and the Australian rules for thoroughbred and harness racing do not support firing or blistering, and the procedure has been prohibited in other jurisdictions.

The bill will clarify that rodeos are not prohibited events by removing the current provision, as it is not clear that under these provisions all events conducted at a rodeo would not be considered as a prohibited event. Therefore, this amendment will make it clear that rodeos will not be a prohibited event. However, the conduct of rodeos will continue to be subject to the code of practice for rodeos, which commenced earlier this year.

The bill prohibits the possession and use of prong collars without a reasonable excuse. Prong collars are considered to be inappropriate as a training aid because they cause pain and fear in dogs and are used as a punishment. Research has shown that using aversive training methods, including the use of prong collars, can cause pain and distress and can compromise the dog's welfare. Prong collars can also cause physical injuries such as bruising, scratching and puncturing the skin of the dog. Over time, this may lead to scar tissue developing on the dog. In extreme but rare cases, prong collars can be associated with spinal cord injuries and other severe injuries. I know that there have been views expressed on those provisions by certain animal trainers.

The bill will amend the act to prohibit the use on feral or pest animals of poisons that include the ingredients carbon disulphide and phosphorus—that is, CSSP pig poison. Carbon disulphide and phosphorous are toxic to a wide range of bird and animal species. It is generally slow acting and inhumane and causes a long, painful death. It can cause secondary poisoning of non-target animals. There are other poisons on the market that can be used to control feral pigs.

The bill will enhance the enforcement powers of inspectors and address specific risks to animal welfare. New powers will be provided to allow for inspectors to enter a place other than a residence without consent to provide relief to an animal from adverse weather conditions or another animal that is aggressive. This extends the existing powers of entry to provide food or water or to disentangle an animal and, importantly, avoids any delay in responding to situations where animal welfare is clearly at risk. This does not, however, provide an inspector with unlimited access. The inspector must reasonably suspect that the animal is exposed to extreme weather conditions or is at risk of being injured or killed by another animal acting aggressively towards it and that the person in charge of the animal is not at the place. Inspectors must leave a notice with their contact details and details of actions taken.

The bill will provide provisions to expand the use of animal welfare directions for inspectors to give directions in circumstances where an inspector considers that a code of practice requirement, such as a protrusion in an empty livestock truck, needs to be removed to prevent injury to animals that will be loaded onto that truck.

The bill will require a person who has been supplied an animal that has undergone a regulated procedure, such as tail docking and debarking, to retain a signed veterinary surgeon's certificate stating that the regulated procedure has been performed in accordance with the act and to make the certificate available to an inspector upon request. The act already requires that the supplier provide the certificate, so adding an obligation on the receiver to keep the certificate will increase his or her accountability and

is also expected to act as a deterrent to persons requesting animals that have undergone a regulated procedure and a person responding to a demand by continuing to perform such procedures other than for welfare reasons. An exemption will apply to a pound or shelter if it is not provided with a veterinary surgeon's certificate when they take possession of an animal.

The bill will clarify provisions related to abandonment of an animal by removing any doubt that the person in charge of an animal remains responsible, even in circumstances where another person such as a neighbour is temporarily providing the animal with food and/or water.

The bill will prohibit the transportation of unsecured dogs 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. Although current cruelty provisions in the act implicitly cover the appropriate transport of animals, including dogs in vehicles, this amendment will make it clear that the welfare of the dog being transported must be protected by ensuring they are appropriately secured. The bill does not, however, provide any new restrictions that would impact on the use of dogs for livestock management on farms or for feral pest management.

The bill will make some changes to provisions relating to the use of animals for scientific purposes to extend the term of scientific use registration to a maximum of four years from the current fixed three-year term, providing flexibility and alignment with independent audit cycles. Amendments will also be made to align the definition of 'scientific purposes' with the scientific use codes and require the scientific use registration holder to notify the chief executive of any changes to the information provided in their registration application.

An offence exemption for a veterinary surgeon who may be required to euthanise a sick or injured animal where the owner cannot be readily located will be provided under the bill. This is to allow veterinary surgeons who are unable to find the owner of the dog to euthanise an animal whose pain and suffering would otherwise be prolonged or exacerbated if there were a delay in euthanising the animal because the owner could not be located. The veterinarian will be required to make reasonable attempts to locate the owner prior to euthanising the animal.

The bill will implement some of the key recommendations from the Queensland Audit Office audit on regulating animal welfare services to enhance the oversight and accountability of inspectors and deliver high-quality animal welfare services under the act. The amendments will apply to all inspectors appointed under the act, and the grounds on which an inspector's appointment may be cancelled or suspended will be defined. The bill introduces requirements for an inspector to declare a conflict or potential conflict of interest and to undertake prescribed training. The bill will also introduce restrictions on the commencement of prosecution proceedings under the act to provide that they may only be commenced by a person authorised by the chief executive.

In 2019 the Palaszczuk government acted swiftly by establishing the Martin inquiry in response to unacceptable cruelty towards retired racehorses in Queensland that was reported on by the ABC's 7.30 in November 2019. The bill will implement six recommendations from the Martin inquiry by amending the Animal Care and Protection Act 2001 and the Racing Integrity Act 2016. Two new obligations for livestock slaughter facilities that process horses will be created under the Animal Care and Protection Act. There will also be a new power of entry to a livestock slaughter facility by an inspector. Livestock slaughter facilities will be required to use closed-circuit television equipment at all critical animal handling and processing points to record clear surveillance of animals from arrival to slaughter, but only when horses are at the facility. Requirements of the CCTV equipment, use and signage, as well as the storage and retention of recordings, are also included in the bill.

The bill will introduce requirements for the owner of a livestock slaughter facility to give the chief executive officer notice of the arrival of any horse at the facility no later than two business days before the horse arrives at the facility. A new power of entry for an inspector will be introduced that will allow an inspector to enter a livestock slaughter facility without consent. This power may only be exercised during regular business hours and when horses are being unloaded, handled and slaughtered.

The bill will amend the Racing Integrity Act 2016 to extend the purpose and functions of the Queensland Racing Integrity Commission to protect the welfare of retired racehorses while they are still in the care of racing industry participants. It will clarify that a standard for a breeder licensing scheme for a code of racing can be made for horses.

The bill imposes reporting obligations on suppliers of horses to a livestock slaughter facility and imposes recording and reporting obligations in relation to horses on the owners of the livestock slaughter facility to enable the Queensland Racing Integrity Commission access to information to verify whether retirement and rehoming requirements for retired racehorses have been reported correctly. These amendments will ensure the greater protection of the welfare of retired racehorses.

The bill includes amendments to the Animal Care and Protection Act 2001 and the Veterinary Surgeons Act 1936 that will provide cattle producers with a greater choice of service providers for the two key animal husbandry procedures of pregnancy testing and spaying by establishing new provisions for the approval of cattle procedures accreditation schemes. Pregnancy testing of cattle plays an important role in enabling international market access for live exports of Queensland cattle. It assists in herd management and can contribute significantly to the productivity of beef and dairy herds. These changes will be important in remote areas of the state where access to veterinarians to provide these services can be limited. However, the amendments will ensure that the service providers approved under these schemes will be competent and the welfare of the animals is appropriately protected. I want to thank AgForce for its contribution in advocating lay pregnancy testing for our cattle industry, in particular President Georgie Somerset as well as Bim Struss and cattle board chair Will Wilson.

The bill will also make further amendments to the Veterinary Surgeons Act 1936 to allow non-veterinarians to perform acts of veterinary science—for example, administering anaesthetics on animals used for scientific use purposes, provided they are performed in accordance with the Australian Code for the Care and Use of Animals for Scientific Purposes and under the supervision of an animal ethics committee. This will create greater flexibility for research institutions that have had difficulty in accessing veterinary services to assist with conducting routine procedures while providing appropriate oversight of researchers to prevent or minimise any risks to animal welfare.

Recognising that disability services workers may work directly with animals or assist their clients to care for their animals, the bill will also make amendments to the Disability Services Act 2006 to prescribe the new offence of aggravated breach of duty of care as a current serious offence under schedule 2. Queenslanders expect strong animal welfare laws that are practical, enforceable and have appropriate penalties. The amendments in this bill will ensure that the framework for animal welfare law in Queensland remains strong and meets community expectations. Animal welfare laws work best when they reflect what the community expects. I want to thank the thousands of Queenslanders who made submissions to the review of the Animal Care and Protection Act or completed surveys to make their views known. I commend the bill to the House.

First Reading

Hon. ML FURNER (Ferry Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (12.11 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to State Development and Regional Industries Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the State Development and Regional Industries Committee.