




Speech By
Hon. Mark Furner

MEMBER FOR FERNY GROVE

Record of Proceedings, 30 November 2022

ANIMAL CARE AND PROTECTION AMENDMENT BILL

Second Reading

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (4.38 pm): I move—

That the bill be now read a second time.

I am pleased to speak to the Animal Care and Protection Amendment Bill 2022 that I introduced into the Queensland parliament on 12 May this year. The bill before the House reflects the Palaszczuk government's commitment to ensuring Queensland's high standard of animal welfare is upheld in legislation whilst having regard to contemporary community expectations, scientific understanding and practices.

The bill will strengthen the framework of the Animal Care and Protection Act 2001, introducing new penalties and enhancing inspectors' powers. The Royal Society for the Protection of Cruelty to Animals Queensland, other key stakeholders and the committee were engaged and consulted in a review of the act in 2021 led by the Department of Agriculture and Fisheries.

The bill amends the Animal Care and Protection Act 2001, the Veterinary Surgeons Act 1936, the Racing Integrity Act 2016 and the Disability Services Act 2006 to: facilitate the ethical use of animals for scientific purposes while protecting their welfare; strengthen enforcement powers to address risks to animal welfare by clarifying or prescribing new offences; prohibit inhumane practices such as the firing or blistering of legs of dogs or horses, the use of prong collars and the use of certain poisons on pest animals; create an approved accreditation scheme which allows a non-veterinarian to perform certain procedures on cattle, including lay pregnancy testing; clarify legislation and remove redundant provisions; and implement recommendations of the Martin inquiry, including those related to the monitoring of livestock slaughter facilities.

I wish to highlight the introduction of an aggravated breach of duty of care offence, intended for circumstances where an animal has died or suffered prolonged suffering as a result of a person's failure to fulfil their duty of care. The offence now carries a significant penalty to reflect Queenslanders' expectations of how animal neglect should be managed. That is, an aggravated breach of duty of care will be equivalent to the penalty for animal cruelty.

The bill also implements recommendations of the Queensland Audit Office to strengthen oversight of RSPCA Queensland's provision of inspectorate services for the state. These amendments represent major improvements to the accountability of inspectors and will build greater public confidence in the delivery of animal welfare services.

Queenslanders are passionate about their animals. They form close bonds with their pet dogs or cats, they care for the animals they farm and they are caring towards the diverse wildlife that calls our state home. This legislation should reflect that passion and that level of care, not out of some ideological position but as a reflection of who we are as a community.

This bill is the result of significant consultation with Queenslanders. My Department of Agriculture and Fisheries put out a discussion paper last year and sought public views. A total of 914 written submissions and another 1,439 survey responses helped to inform the shape of the bill that I introduce into this chamber. I have heard passionate pleas for the legislation to include or exclude certain provisions. I believe that the legislation we have put forward takes as much of that feedback into account as possible and is a fair and true representation of what Queenslanders expect from their animal welfare laws.

I had the pleasure of catching up with a passionate group of dog lovers, Tiny Barks Big Hearts, at Stackpole Street dog park, Wishart, in the electorate of the member for Mansfield just the other week. We had a great chat about the additional protections afforded to Queensland animals via this bill. I know there has been plenty of discussion and debate across the state, with a range of views expressed on the individual provisions of this bill. One measure that has come under particular close scrutiny is the ban on prong collars. The previous federal government oversaw the laws that maintained a prohibition on the importation of prong collars. The ban was put in place because of the risk these collars pose to dogs. While there was strong advocacy against a ban from certain animal trainers, the advocacy did not outweigh the concerns that exist over these collars that cause pain and fear in animals made to wear them and that pain and fear is used as a punishment in a training setting.

The advocacy also did not outweigh the research showing that the use of aversive training methods—including the use of prong collars—causes pain and distress and can compromise animal welfare. Much of the advocacy for allowing prong collars centred on the notion the collars are effective and safe for animals if they are used correctly by a trained person who understands the risks of improper use. It is not practical to establish an expensive and bureaucratic regime of licensing for the use of prong collars when the risk of harm from improper use would remain high. The costs of such misuse include physical injuries such as bruising, scratching and punctures of the skin around the neck of the animal and, over time, the build-up of scar tissue in the areas affected by the collar. In extreme but rare cases, prong collars have been associated with spinal cord injuries and other severe injuries.

The argument was made that removing access to prong collars removes an option for the training of dogs that might otherwise be dangerous. Significant support for the banning of prong collars, however, shows that Queenslanders expect our dog owners and trainers to do better than putting animals at risk of this kind of injury.

This bill would insert a new section 37A into the Animal Care and Protection Act to prohibit the possession or use of a prong collar or other prescribed restraint device. The inclusion of 'other prescribed device' in the new provision makes it possible for any new device which is not a prong collar but which could cause similar levels of harm or risk to an animal to also be prohibited through regulation.

The bill inserts a new section 37B enabling certain types of tree netting used in protecting fruit trees to be prescribed. This aligns Queensland with recent provisions in Victorian regulations designed to minimise the harm to animals.

There has been public commentary around the role and powers of inspectors when doing their job supporting animal welfare. I welcome the recommendations of the Queensland Audit Office, which made constructive suggestions about how this system could work better by clarifying the powers of inspectors. We have a system that involves some inspectors working for the Department of Agriculture and Fisheries and some who work for RSPCA Queensland. The system has served us well; however, this bill will provide the clarity that was recommended by the QAO and make roles and responsibilities more clear.

Under this bill, the chief executive will have oversight of recommendations from inspectors for prosecutions and related proposals for charge and plea negotiations between defendants and prosecutors before cases reach court. It will give the chief executive access to all information collected by inspectors via investigations and prosecutions. The amendments put forward include requirements for managing any conflicts of interest and will require a publicly available fee schedule for reasonable costs in relation to animals that are seized and subsequently cared for.

I want to put on record that RSPCA Queensland does a remarkable job in contributing to the welfare of animals in this state, especially in our cities and major regional centres. These new measures will support the RSPCA and ensure that the standing and level of respect in which that organisation is already held is enhanced. The bill provides clarity on the power of inspectors to enter a premises to relieve the suffering of an animal that has been left in distress. Imagine a dog left tied up in the hot sun for hours with no access to water and suffering clear signs of heat stress and possible severe injury. These provisions clarify the entry powers for inspectors to provide relief to such an animal.

The Animal Care and Protection Act already contains provisions for significant penalties for cruel and damaging acts against animals. We know that deliberate acts of harm against animals occur. These acts are deplored by the vast majority of Queenslanders. The severe penalties available to courts in

these circumstances are both appropriate and supported by Queenslanders. We also know that harm can be caused to animals through neglect and disregard, with just as much impact as deliberate acts of cruelty. As minister I have been made aware of cases where more than a dozen horses have passed away on a Queensland property—not through deliberate abuse but through neglect and failure.

The bill before parliament creates a new offence of aggravated breach of duty of care to make it absolutely clear under the act that, where a duty of care for an animal exists, the responsible person has an obligation to ensure that duty is carried out and faces potentially severe consequences if they do not. Under these amended provisions to section 17, the aggravated offence will attract a penalty of up to three years imprisonment and fines of up to 2,000 penalty units, which right now equates to \$287,500.

The penalties are equivalent to the maximum penalties for aggravated cruelty to an animal, and for good reason. That reason is the impact on the animal. The aggravated offence provision which attracts the harsher penalty is in recognition that an animal suffers significant pain and distress when they die or are at risk of dying because they are starving, dehydrated or not being provided veterinary care. This new offence reflects the community's expectations that offences which subject animals to gross neglect should draw higher penalties. The maximum penalty is justified because of the seriousness of the offence and is consistent with the cruelty offence under section 18, 'Animal cruelty prohibited', which provides for the equivalent maximum penalty.

The maximum monetary penalty is higher than that imposed in most Australian states, while the three-year prison sentence is comparable with prison sentences for aggravated cruelty in other Australian jurisdictions and in New Zealand. The message to animal owners is clear: if you leave your animal to starve, if you fail to provide your animal with urgently needed veterinary care, if you knowingly fail to prevent the neglect of your animals and your animal suffers severe pain, disability or death as a result of your neglect, you will face serious consequences under these new, tougher laws.

Queensland's multibillion dollar cattle industry has advocated for some time for the government to allow laypeople to carry out certain procedures on cattle, including pregnancy testing. This bill makes provision for accredited people who are not veterinary surgeons to carry out procedures for the spaying or pregnancy testing of cattle. It gives the chief executive oversight of accreditation processes to ensure that only suitably trained and qualified people are allowed to carry out those procedures. The bill will make it an offence for a person who is neither a veterinary surgeon nor a suitably accredited person to carry out such a procedure, with a maximum penalty of one year imprisonment or a fine of 300 penalty units.

Through the consultation process, the Australian Veterinary Association raised concerns about proposals to allow laypersons in scientific research settings to conduct procedures otherwise restricted to veterinary surgeons, and acts of veterinary science and accreditation of laypersons spaying and pregnancy testing cattle. Their concerns centred around the capacity of non-veterinary surgeons to carry out procedures safely and respond to any emergencies that arise during the procedure.

With regard to lay spaying and pregnancy testing of cattle, it is considered that these concerns can be addressed by the Department of Agriculture and Fisheries working with accreditation scheme owners to ensure adequate input from veterinary surgeons into the training and assessment of lay spayers and pregnancy testers and encouraging the provision of on-call veterinary advice to lay spayers and pregnancy testers. There are significant benefits to industry in reduced veterinary travel costs and avoiding the opportunity costs of delays in accessing appropriately qualified pregnancy testing in a dynamic market.

The image of a farmer driving across the landscape with their loyal dog on the back of the ute is iconic, and a part of everyday life. Despite what some may have claimed when the review of the Animal Care and Protection Act was first announced, there was never any intention to stop people in our primary industries from having dogs on the back of their utes. There are many stories, however, of dogs suffering horrific injuries because they have not been safely secured to the back of a vehicle. Nobody wants that to happen to their dogs. The duty of care to our animals, therefore, dictates that we do what is required to keep them safe.

This bill inserts a new section 33 in the Animal Care and Protection Act prohibiting the transportation of an unsecured dog on the back or the tray of a vehicle or in a trailer attached to a vehicle. This also applies to situations where a dog is travelling inside a vehicle with more than just its head protruding through the window. The bill establishes a maximum penalty of 60 penalty units, underlining the potential for serious harm that this behaviour exposes our animals to. The maximum penalty will act as a deterrent for a person to transport an unsecured dog, and the provision is directed

at minimising the risks to a dog's welfare, and meeting community expectations that animal welfare risks are being appropriately managed. This provision explicitly provides an exemption for dogs participating in the movement of livestock.

New section 37C prohibits a person from applying extreme heat or cold, acid or caustic chemicals to the leg of a horse or a dog for the purposes of causing tissue damage or scar tissue around the tendons and ligaments of the leg. These procedures have long been considered by veterinarians and horse owners to cause unnecessary pain, and to be an obsolete practice. This bill will help to consign these procedures to history.

The bill also amends section 42 of the Animal Care and Protection Act to ban the use of a poison that includes ingredients such as those used in the poison CSSP. These ingredients are toxic to a wide range of bird and animal species, are generally slow acting and inhumane, and cause a long and painful death. They can cause secondary poisoning from the vomit or carcasses of poisoned animals. The poison has been used in Australia to control feral pig populations, but more humane alternatives are now available for controlling pigs.

The bill was referred to the State Development and Regional Industries Committee for consideration on 12 May 2022. I want to thank the committee for its comprehensive review of the bill and for listening to the views of many animal welfare stakeholders and members of the community. I especially want to thank the committee chair, the member for Bancroft. The committee's inquiry into the bill included a call for public submissions, a public hearing and a public briefing. I acknowledge all stakeholders who provided submissions to the committee and those who took the time to appear before the committee. Close to 1,500 submissions were made to the committee, and I know this high number reflects the importance of animals to many Queenslanders. Many submissions largely supported the proposals in the bill. However, this was balanced by some submissions that raised concerns about particular amendments and their potential impacts on some stakeholders and industries.

The committee tabled its report on 1 July this year. The committee made three recommendations. The first recommendation was that the bill be passed. I would like to thank the committee for its bipartisan support of the bill. I note that this support reflected the tone of submissions to the committee, which were generally supportive of the bill.

The second recommendation was that my department continues to work with the Australian government in relation to the prohibition on the import of dog collars that have protrusions designed to puncture or bruise an animal's skin. The third recommendation was that my department continue to implement the Queensland Audit Office recommendations in full, and actively monitor and assess the performance of RSPCA Queensland in meeting its obligations under any activity agreement for delivering inspectorate services for the state. I table a copy of the government's response to the report, which accepts the recommendations made by the committee in full.

Tabled paper: State Development and Regional Industries Committee: Report No. 23, 57th Parliament—Animal Care and Protection Amendment Bill 2022, government response [2015](#).

I note there was some stakeholder opposition and committee member reservations around particular inclusions of the bill—for example, the prohibition of yellow phosphorus pig poison and prong dog collars. I acknowledge the mixed views presented to the committee in relation to the bill's prohibition of prong collars. Many stakeholders and members of the community are in favour of the prohibition while some oppose it.

I further note the statements of reservation by three committee members—the member for Traeger, the member for Burleigh and the member for Lockyer—in relation to prong collars. The member for Traeger strongly opposed the prong collar ban. In their statement, the member for Burleigh and the member for Lockyer recommended that prong collars be prohibited, with the exception of trained users. Providing exemptions dilutes the effectiveness of the provisions, makes them vulnerable to loopholes and opens the door to more exemptions.

I thank the committee for their resolution that the drafting of the bill with respect to prong collars is appropriate. Allowing the use of a device that has been banned from importation by the federal government would be inconsistent and wrong. On the committee's second recommendation, my department will work with the Australian government, as appropriate, in relation to the prohibition of prong collar possession and use, and engage with stakeholders on implementation.

I note the statements of reservation by three committee members—the member for Traeger and from the opposition, the member for Burleigh and the member for Lockyer—that CSSP pig poison is a cost-effective tool to manage feral pig populations, particularly in the face of exotic disease incursions which threaten livestock productivity. As I have outlined, however, the cost of this poison to the welfare of pest and non-target species is too great when more humane alternatives are available. The

Palaszczuk government is committed to ensuring effective feral pest management and consideration of animal welfare in the management of invasive animals is essential. Effective alternatives to CSSP include 1080, sodium nitrite and ground and aerial shooting. The National Feral Pig Action Plan 2021-2031 emphasises integrated, best practice management of feral pigs, including the minimisation of animal suffering and use of the most humane methods of control. Australian Pork Ltd and the Queensland Farmers' Federation support the banning of CSSP.

The bill will implement the regulatory recommendations of the Queensland Audit Office's report No. 6 of 2021-22 titled *Regulating animal welfare services*. I also wish to put on the record that the department has also made a number of administrative improvements to implement the recommendations. The committee's third and final recommendation is for the department to continue to implement the Queensland Audit Office recommendations in full, and actively monitor and assess the performance of RSPCA Queensland in meeting its obligations under any activity agreement for delivering inspectorate services for the state. The department agreed to all recommendations in November 2021 and will continue to implement these. I note that the committee will maintain a watching brief over the implementation by the department and will report its findings to the Legislative Assembly in the future.

The committee, while making no recommendation on the matter, encouraged the department to review the drafting of the firing and blistering provisions to ensure any unintended consequences are avoided. I can reassure the House that, in drafting these provisions, my department sought advice directly from the Queensland Racing Integrity Commission and the Queensland division of the Australian Veterinary Association. The wording of the provision distinguishes from cauterising during surgery while an animal is under anaesthesia and would be insensitive to pain. It is, therefore, considered very low risk that these provisions would be misinterpreted.

I again thank the committee for its detailed examination of this bill, the report it produced and its recommendation that the bill be passed. I would also like to put on the record my heartfelt thanks to my Department of Agriculture and Fisheries and its many members who put their heart and soul into the first review of the Animal Care and Protection Act in a generation—thank you.

I encourage members to support the bill. These reforms represent a significant step forward for Queensland's animal care and protection laws. It will enable inspectors to manage animal welfare incidents more effectively with strengthened enforcement powers. It will better protect the welfare of animals used in research and education. It will drive improvements to the government's partnership with RSPCA Queensland and greater consistency with the regulation and enforcement of the act. It will make it easier for primary producers to access cattle pregnancy and spaying services whilst still protecting the welfare of their cattle.

The introduction of an accreditation scheme with appropriate monitoring, accountability mechanisms, animal tracing and training will offer significant benefits to accuracy, market access, animal welfare and biosecurity awareness and practices. It will implement key recommendations from the Martin inquiry, improving the regulatory and oversight arrangements for abattoirs and knackeries and the horses at those facilities, and clarify the jurisdiction and powers of the Queensland Racing Integrity Commission. Importantly, the bill prohibits inhumane practices such as the firing or blistering of the legs of dogs or horses, the use of prong collars and the use of inhumane feral pig poison.

This bill is an opportunity for our parliament to maintain Queensland's high standard of welfare and reflect contemporary community expectations, scientific understanding and practices. I commend the Animal Care and Protection Amendment Bill 2022 to the House.