

 12/9/12.

AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE

Report No. 5 on the *Animal Care and Protection and Other Legislation Amendment Bill 2012*

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 2 July 2012 the Agriculture, Resources and Environment Committee (the Committee) tabled its report (No. 5) in relation to the *Animal Care and Protection and Other Legislation Amendment Bill 2012* (the Report).

The Queensland Government response to the Report's recommendations and clarification on matters raised by the Committee are provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1 -

The Committee recommends that the communication and implementation strategy for the provisions contained in the Bill, if passed, should be amended to provide a twelve month grace period for enforcement of the Animal Care and Protection Act 2001 in respect of acts done under Aboriginal tradition or Torres Strait Islander custom.

Queensland Government response:

The Government agrees with the Committee's recommendation and will extend the grace period for enforcement of the amended *Animal Care and Protection Act 2001* to 12 months, except where there are serious or deliberate breaches of animal welfare obligations.

Recommendation 2 -

The committee recommends that the Animal Care and Protection and Other Legislation Amendment Bill 2012 be passed.

Queensland Government response:

The Government thanks the Committee for its consideration of the Bill and appreciates the Committee's recommendation that the Bill be passed.

Recommendation 3 -

The committee recommends that the Minister seek the support of the House for the committee to review the legislation twelve months after its commencement.

Queensland Government response:

The Government believes that a review of the legislation by the Committee 12 months after its commencement would be of questionable value if there is a 12 month period of grace for enforcement of the amended Act.

Recommendation 4 -

The committee notes that the wording in proposed section 41A(2) in clause 10 is consistent with the Act but has concerns, and recommends that the proposed section be amended if possible to ensure that clear wording is substituted and clear examples of permissible hunting methods are included. This would remove some of the ambiguity and give individuals and community groups a clearer understanding of their obligations under the legislation.

Queensland Government response:

The Government acknowledges the Committee's concern that communities and individuals need a clear understanding of their obligations under the legislation.

Clause 10 is proposed to be amended to describe some practices that do not cause as little pain as is reasonable. This will remove any doubt that such practices will not be tolerated.

However, it is not proposed to provide examples of hunting practices that cause as little pain as is reasonable because there might be circumstances where the acceptable methods highlighted could not reasonably be expected to be used in all circumstances. Also, any such examples could become outdated given, for example, that there are several proposed trials of methods of killing turtles that could be found to cause less pain than those currently used. The current wording of the proposed section 41A(2) deals effectively with these circumstances.

General guidance about acceptable practices is proposed to be provided when the Bill is implemented. As consensus develops on acceptable hunting methods over time, guidance may be able to be formalised, for example, in a code of practice made by regulation under the Act.

RESPONSE TO ADDITIONAL MATTERS RAISED BY THE COMMITTEE**Clause 3(2) of the Bill**

The Committee sought clarification and assurances in relation to the proposed clause 3(2) of the Bill.

In response to feedback from Aboriginal and Torres Strait Islander stakeholders, the Government proposes to amend the Bill to remove clause 3(2).

The Department of Department of Aboriginal and Torres Strait Islander and Multicultural Affairs and the Department of Environment and Heritage Protection will be discussing alternative means of managing the transport of turtle and dugong products through agreements reached with traditional owners.

Advice to be provided

The Committee sought assurance that the consultation on the provisions in the Bill will include specific, detailed advice to all affected individuals and community groups

regarding appropriate methods for killing animals that will cause the least amount of pain that is reasonable under their local circumstances.

The Government does not intend to impose particular practices on communities, but to encourage communities to work with scientists, animal welfare groups and others to agree on acceptable hunting practices based on science and practicality, while recognising tradition and custom. The grace period for enforcement of the legislation will allow time for this to occur. Some trials of alternative methods of killing turtles are already proposed.

Over 70 stakeholders were invited to participate in consultation meetings on the Bill in Brisbane, Townsville, Cairns and on Thursday Island during July 2012.


During the grace period, further consultation on the amended legislation will be undertaken with affected communities. General advice will be provided on the pain likely to be caused by some methods compared to others. In particular, consultation will emphasise the importance of ensuring an animal loses consciousness with minimum pain and as quickly as possible when it is killed. If a community or individual is comfortable to talk about their hunting practices, there could be more specific discussion about the pain likely to be caused by particular methods.

Consultation during the grace period will also provide an opportunity for discussion of hunting practices that are never likely to be found to have caused as little pain as is reasonable. Hunters will also be reminded that care and skill in using a particular method can also affect whether it causes as little pain as is reasonable.

Validity of the Bill

The committee also invited the Minister to provide assurances that clause 8 can be legislatively effective having regard to the *Native Title Act 1993* (Cth) and section 109 of the Commonwealth Constitution.

The Government's view is that clause 8 would be valid under subdivisions M and N of the *Native Title Act 1993* (Cth). Thus no inconsistency between Commonwealth and State legislation would arise.

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	Member: <i>Hon. M. Knight</i>	
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