



Animal Welfare
League Qld
Est. 1959

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The Manager,
Animal Care and Protection Act Review
Animal Biosecurity and Welfare
Biosecurity Qld
GPO Box 46, Brisbane, QLD 4001

By Online Submission: ACPAREview@daf.qld.gov.au

Dear Panel,

**Animal Welfare League Qld Submission
to Review of the Animal Care and Protection Act**

Thank you for the opportunity to provide a submission to the Queensland Government's Review of the Animal Care and Protection Act 2001.

Animal Welfare League Qld (AWLQ) is a leading companion animal welfare organisation, caring for 10 000 stray and surrendered companion animals per year and returning to owner or rehoming 92% of these. We are the only state-based organisation providing national practical assistance programs to **prevent stray and abandoned companion animals** i.e. the National Desexing Network (NDN) supporting the general public to find low cost desexing; and Getting to Zero supporting local governments and animal shelters to implement effective strategies.

We are pleased to be able to provide this input to the review on behalf of our 186 staff, 750 volunteers and 83 000 supporters.

We have found the Discussion Paper questions very limiting, particularly in comparison to the broader review carried out by the Victorian Government of their equivalent Act, and therefore have made some more overarching proposals below.

What AWLQ would like to see is a general overhaul of the ACPA to ensure that its name reflects how all animals are treated, regardless of their use. It should recognise the sentience of animals as is proposed and supported by the public in Victoria, and already in place in the ACT and a number of countries internationally including New Zealand, and soon to be in place in the UK. The Qld government should be working with other states for consistency in ethical Standards which protect the needs of all sentient beings to prevent suffering and enable quality of life. All governments should be working with animal industries and consumers to support these Standards with all stakeholder groups sharing the necessary economic costs to support ethical procedures and practices for the care and protection of all animals.

In a Background Information Brief to Parliament in 1993 for the review of the 1925 Animal Protection Act which resulted in the Animal Care and Protection Act in 2001 the motivation and needs were very similar:

“The Animal Protection Act 1925 is being reviewed in Queensland. This review was initiated in response to changing community attitudes towards animal welfare matters, advancements in scientific knowledge and animal behaviour, and to encourage consistency in animal welfare legislation throughout Australia.” p.41.

So now, almost 30 years later, AWLQ would like to see the Qld Government:

- 1. Recognise the sentience of all animals in the Animal Care and Protection Act, and therefore the community’s obligation to protect the basic requirements of animal welfare (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) and enable animals to experience positive lives.**
- 2. Establish an Independent Office of Animal Protection to address inconsistencies in the care and protection of animals based on their use, due to conflict of interest with the Department of Agriculture’s main aim which is to foster the economic productivity and profitability of agriculture, fisheries and forestry.**
- 3. Develop consistently high compulsory Standards and proactive inspections for the care and protection of animals based on their sentience, instead of their human use, and work with other states to achieve consistency in the application of these across Australia.**

In addition, please find our responses to the review questions below:

3. Purposes of the Animal Care and Protection Act (ACPA)

One of the purposes of the Act: “to achieve a reasonable balance between the welfare needs of animals and the interests of people whose livelihood is dependent on animals ...” This purpose is still suitable with increased animal welfare expectations and consumer preferences.

STRONGLY DISAGREE

This purpose should be removed. The definition of “reasonable” is vague and often unfairly weighted toward economic benefit rather than what is ethical, informed by animals’ scientifically proven sentience and capabilities.

It favours the maintenance of the status quo, since the people whose livelihoods depend on animals have a direct and therefore greater say than animals, who cannot represent themselves and are still considered “property” under the law. When animal welfare groups present scientific evidence, which justifies consistency in laws to protect all animals’ well-being, their views are given less importance. Livelihoods based on animal use are currently weighted more heavily than the welfare of the animals used, despite acknowledgement of animals’ similarity of needs and interests e.g. in their usefulness as human substitutes in scientific research projects. This inconsistent care and protection of different animals depending on the economic benefits of their use or destruction, means the current ACPA lacks integrity and does not inspire community respect.

The government’s focus must be on requiring and helping people who use animals to adapt, to ensure the Act does what it says – cares and protects animals. Humans have the capacity to adapt and create new less harmful ways of living. The Queensland government can show leadership by setting standards that reflect the sentience of all animals, proactively monitoring compliance, and offering information, training and incentives to shift to ethical livelihoods that provide positive lives for animals.

AWLQ also recommends some changes to other current purposes of the Act as follows:

Regarding (a) “promote” the responsible care and use of animals” “Promote” is insufficient and separating “care” from “use” enables the current situation of animal use without responsible care to continue.

Instead, the revised Animal Welfare Act should **“require the care of animals to meet their physical, mental and behavioural needs and enable a good life”**.

The public are aware of the legalised cruelty and inconsistencies in our current use of animals e.g. providing more care for companion animals by not allowing the docking of dog’s tails; or castration or teeth-pulling without anaesthetic, yet allowing the docking of pig’s tails, castration and removal of teeth without anaesthetic in intensive farming systems. These intensive systems cause the tail chewing and injury, and thus the justification for docking of tails and pulling of teeth. Similarly, these procedures are justified to be performed without anaesthetic for economic benefit. Instead of altering the animals to fit the system, the farming systems need to be altered, as they not only impose negative impacts on animals from procedures and modifications but also by restricting normal behaviour throughout their lives.

Regarding Purpose b(ii) “to provide standards for the care and use of animals that allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals”;

AWLQ recommends: “provide standards for the care of animals that are consistent with the scientific understanding of animal sentience and consciousness, changes in the expectations of the community and ethics.”

Scientific Understanding

In the 20 years since this Act was created, knowledge of the sentience of animals i.e. their capacity to feel not only pain, but a range of emotions, has grown dramatically. Not only our companion cats and dogs, but all animals, whether used in farming, research, rodeos or racing, and wild animals, even those regarded as pests, have a need for quality of life, and protection from cruel practices.

Animals’ consciousness is a scientific fact. “The weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Nonhuman animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.” The Cambridge Declaration on Consciousness 2012
<http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf>

This recognition of consciousness ethically requires protection of the basic requirements for all sentient animals’ welfare – freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom from fear and distress and freedom to express normal behaviours. Farm Animal Welfare Council, Five Freedoms.

While the focus of these 5 Freedoms is mainly on prevention of harm, the freedom to express normal behaviours indicates humans’ responsibility to provide environments where animals can express normal behaviours i.e. room to move and play and socialise in appropriately sized groups to enable well-being. Positive behaviours have been further highlighted in the 5 Domains Model. (Mellor DJ et al. The 2020 Five Domains Model: Including Human–Animal Interactions in Assessments of Animal Welfare. *Animal Welfare*. 2020 10: 10.)

The Qld Government should recognise the need to provide for the 5 Freedoms, and the 5 Domains, to ensure a satisfying life for all sentient beings, and should be working toward these being consistently recognised in animal welfare legislation across Australia.

Ethics

While animal welfare science informs ethics, ethics provides the principles by which we should decide what we should do. There are two fundamental aspects of sentient beings which provide a **scientific basis for ethics**: a) sentient beings' desire for survival and well-being and b) our interdependence which requires consideration of others' needs to maximise survival and well-being. These facts require us to respectively, avoid doing harm and to be fair. For laws to be ethical, they must strictly adhere to these principles for all sentient beings. Yet in many cases the law allows harm to be deliberately caused to reduce costs for human economic benefit.

Neuroscience and evolutionary biology are increasingly identifying the elements of the brain and hormones in both human and non-human animals which show our capacity to be ethical. Emotional empathy is one of the most basic elements of ethics. However, human decision-making is also influenced by unconscious thoughts, unthinking custom and practice, and our decision-making preferences e.g. focusing on outcomes or relationships. Just like other capacities such as running or remembering, the capacity to be ethical can be developed, by increasing ethics knowledge, and skills in moral sensitivity, moral judgment and moral motivation to build moral character.

Community Expectations

A 2018 review of "Australia's shifting mindset on farm animal welfare" commissioned by the Australian Government Department of Agriculture and Water Resources indicated that "the Australian public's view on how farm animals should be treated has advanced to the point where they expect to see more effective regulation. In Australia today, 95% of people view farm animal welfare to be a concern and 91% want at least some reform to address this." p.4

<https://www.outbreak.gov.au/sites/default/files/documents/farm-animal-welfare.pdf>

"The major driver of this shift is an increased focus on animals' level of sentience and related capabilities. Research indicates a fundamental community belief that animals are entitled to the protection of relevant rights and freedoms, closely aligning with activist sentiment. The public has a clear expectation for effective regulation to uphold these freedoms and expect highly transparent practices, regulation and enforcement." p.4

In the recent Victorian Government review of their POCTA there was broad support for recognising animal sentience in Victorian legislation. **This needs to be incorporated into the purpose, application and definitions of the new Qld Act.** All animals included in the Act need to have their well-being protected regardless of their use by humans and inconsistencies in treatment removed for the integrity of the legislation.

Regarding Purpose c): *protect animals from unjustifiable, unnecessary or unreasonable pain;*

The terms "unjustifiable", "unnecessary" and "unreasonable" are vague and should be removed from the new Act. Anyone can argue that a behaviour is justifiable, necessary and reasonable for economic benefit, which makes the Animal Care and Protection Act a misnomer, as it is currently largely a short-term focussed Human Care and Protection Act.

c) should be changed to : "Protect animals from pain and distress" which is the Act's expectation for companion animals such as dogs, and should be the same for all other sentient animals such as pigs and cattle, chickens and fish, rats and mice used for scientific purposes and animals categorised as wild or pests.

Regarding Purpose d): *ensure the use of animals for scientific purposes is accountable, open and responsible.*

It is inconsistent that there is a focus just on animals for scientific purposes in this introduction to the Act when all other statements apply to animals generally. Use of animals for farming, breeding for

companions, and entertainment as well treatment of wild animals and animals classified as “pests” should also be accountable, open and responsible.

d) should be changed to: *ensure all users of animals are accountable, open and responsible for ensuring a good life for sentient animals.*

4. Prohibited events

The current prohibited events provisions are appropriate.

SOMEWHAT DISAGREE

A number of other events or activities need to be prohibited.

1. Calf roping needs to be added to the list of prohibited events in the Act.

Calf roping has been prohibited in Victoria since 1986 and in South Australia since 2007. Rodeos are banned altogether in ACT.

In the ACPA, a prohibited event includes:

e) an event prescribed under a regulation held **for public enjoyment or entertainment**, with or without charge to anyone present, at which **anyone participating in the event causes an animal pain.**

Example of causing an animal pain for paragraph (e)—

someone does, or attempts to, catch, fight or throw the animal.

Calf roping is such an event as it involves chasing, catching and throwing young animals to the ground. A 2016 University of Queensland study showed calf roping causes significant stress to the calves even without the presence of a crowd. Researchers found increased concentrations of stress hormones in calves' blood after roping, as well as behavioural evidence, and concluded that the roping event was stressful for both experienced and naïve calves, which therefore had implications for animal welfare. (Behavioural and Physiological Responses of Calves to Marshalling and Roping in a Simulated Rodeo Event *Animals* 2016, 6, 30; doi:10.3390/ani6050030). Regarding community expectation, a 2019 survey of a representative sample of Queensland residents showed that only 15% of Queenslanders agree with calf roping events at rodeos and 54% disagreed, with 31% neither agreeing or disagreeing. Animal Liberation Qld. Community attitudes to rodeos and calf-roping in Queensland 2019 https://alq.org.au/sites/default/files/article_files/ALQ%20Calf%20Roping%20Report%20FINAL.pdf

2. All current rodeo events that require animals to buck and charge should also be prohibited as they are already contravening the following prohibited event in the Act:

a) a bullfight or **organised event held for public entertainment in which a person provokes a bull in a way that is likely to cause it to charge;**

Scientific evidence of the way animals should be handled has changed dramatically since the ‘wild west’ days of using force and domination over animals. Most rodeo events are not aligned with quiet calm handling techniques recognised to be best practice. The Model Code of Practice for the Welfare of Animals - Cattle 2004 states: “Cattle should be handled quietly.” P.16 The Meat and Livestock industry recommend it: “Low stress livestock handling has productivity benefits for farming enterprises. It will deliver improved livestock health and production, and better meat quality to the customer. It will also improve occupational health & safety. Stress can be minimised by:

- Avoiding sudden jerking movements and loud noises.
- Behaving in a calm and controlled manner.
- Calmly speaking to livestock while you work with them can have a calming effect (avoid shouting, yelling or other sudden loud noises).
- Avoiding rushing livestock, give them time to assess a situation.”

<https://www.mla.com.au/research-and-development/animal-health-welfare-and-biosecurity/husbandry/animal-handling/#>

3. The use of animals for racing and gambling e.g. horse and greyhound racing should be prohibited, as it leads to overbreeding, cruel practices and misuse of animals.

4. The use of live bait fish, crustaceans and cephalopods to lure and catch fish should be also prohibited. It is similar to using small animals as lures in greyhound racing, which is already prohibited.

5. Compulsory reporting of animal welfare concerns by veterinary professionals

Veterinarians should have obligations under the ACPA to report suspected incidents of animal cruelty or neglect to authorities.

SOMEWHAT DISAGREE

Ideally veterinarians should report abuse or neglect of animals, as is the case for reporting child abuse or neglect by medical professionals. However, AWLQ recognises that this can exacerbate harm, as some owners may be discouraged from seeking treatment for their animals, and reporting may put veterinarians, their staff, or those who are seek support for an abused animal at risk, particularly if pets in domestic violence situations.

As current legislation allows veterinarians to report and professional guidelines encourage reporting, it is at least possible and likely that veterinarians will report animal abuse. AWLQ accepts that it may therefore be better if veterinarians can use their discretion and not report if they feel there would be even greater risks of harm.

However, veterinarians should be encouraged and supported to address systemic and individual cases of animal suffering with more training in ethics skills particularly moral sensitivity and moral judgment, to empower them to speak out and implement changes to address current animal management practices that cause suffering, and prevent stress from being exposed to ethical issues.

The Qld government should engage in proactive prevention of animal abuse through:

- Consistency in the requirement for high standards of animal welfare in legislation across Australia based on a good life for sentient animals, regardless of their use.
- Compulsory government inspections paid for by the animal user in all intensive farming and breeding facilities. These inspections must be by independent authorised officers to require compliance with practices that meet the needs of animals, prior to issuing of a licence;
- 'routine' rights of inspection (without notice) to any facility/area where animals congregate or are kept in large numbers i.e. intensive farms e.g. feedlots, piggeries, egg producers, saleyards, abattoirs, companion animal breeding facilities etc.
- providing more intervention, support and facilities to protect women, children and their pets from domestic violence

6. Regulated Surgical Procedures

The current list of surgical procedures restricted to veterinarians is appropriate.

STRONGLY DISAGREE

While AWLQ agrees with the current list of regulated procedures restricted to veterinary surgeons and only done, if in the best interests of the animals' welfare, other procedures should be regulated, or prohibited to be ethically consistent. These include debeaking of hens, mulesing of sheep, docking of pigs' tails, pulling of pigs' teeth, castration without anaesthetic etc. There should be a requirement and incentives for farmers to move toward alternative farming techniques to meet animals' behaviour needs e.g. to reduce overcrowding that leads to animals pecking or biting each other.

Economic concerns should not be used as an excuse for animal suffering. The following arguments given by the Qld Government in 2004 for banning the docking of dogs' tails Australia wide are equally valid points for the banning of practices which cause similar or greater animal suffering in farming, research and entertainment i.e.:

- the weight of scientific opinion about the negative effects of tail docking
- changing community expectations about unnecessary surgical procedures on animals
- the agreement of all Australian states and territories to implement the ban.

Research indicates that consumers of animal products are dissatisfied that legislation has not already been more proactive in animal welfare and want clearer labelling to ensure that they can avoid products which involve animal suffering. Cornish A.R. et al. 2016. What We Know about the Public's Level of Concern for farm Animal Welfare in Food Production in Developed Countries. *Animals* 6 (11) , 74. There are many alternatives to cruel farming practices available now. If there are none, more must be developed. If these procedures must be done in the interim, then a vet should do the procedure e.g. mulesing, under anaesthetic.

The current provision on tail docking of dogs is appropriate.

STRONGLY AGREE with the current legislation that it is an offence for anyone to dock a dogs' tail other than a veterinarian and only if in the best interests of the dog's welfare. There should be no allowance for regulations to enable the docking of dogs' tails for any other purpose.

The current provisions for supply of animals that have undergone a regulated surgical procedure are appropriate.

STRONGLY AGREE. It should remain an offence for anyone to supply to another person an animal that has undergone a prohibited surgical procedure such as ear cropping, tail docking, cat claw removal, or debarking, unless it is accompanied by a certificate from a veterinarian stating the procedure was performed according to the requirements of the ACPA in the best interests of the animal's welfare. It should also be an offence to send an animal out of the country for these procedures or to import animals bred overseas so that these offences can be avoided.

7. Possession or use of certain traps and spurs

The current provisions for traps and spurs are appropriate.

STONGLY DISAGREE

AWLQ believes that most traps including any steel-jawed or leg hold traps currently allowed to trap wild animals regarded as "pests" such as wild dogs, are an unacceptable means of catching or restraining an animal. These traps should be listed as prohibited in the new ACPA.

Conventional steel jawed traps are currently illegal in most jurisdictions (ACT, NSW, NT, Tasmania and Victoria) but are not in Queensland, SA and WA. In 2010 the Qld Government held consultations with industry and animal welfare representatives to consider a proposal to amend the ACPA to phase out the serrated jaw traps, by 2013. While there was general support some concerns were raised about viable alternatives so this phasing out has never occurred. The government and industry have had 8 years to progress alternatives so the legislation should now change.

Padded jaw traps also cause suffering when animals are caught and should be prohibited. A captured animal may injure itself trying to escape or be attacked by other animals, and in remote areas where there is no possibility of checking daily, both target and non-target species may remain caught for several days before they die or are killed. Some traps incorporate strychnine-laced cloth and are even less humane than poison baiting of any kind. RSPCA cannot prosecute this cruelty as pest animal control legislation overrides the provisions of animal welfare legislation.

Using 1080 or strychnine poison is deliberately cruel and should be prohibited.

Cage traps are acceptable to assist with programs that are going to help the animal e.g. desexing or relocation programs, but only if strict protocols are used to monitor the trap constantly, and when an animal is caught, covering the trap to reduce stress, and removing the animal for desexing and returning as soon as possible. Care must be taken that relocation sites are suitable for both existing and relocated wildlife.

AWLQ recognises that wild dogs can cause substantial suffering to livestock when they kill or injure sheep, calves and lambs. However, other strategies such as appropriate fencing or guard dogs can be used. Converting from livestock farming to other less harmful land uses may be necessary.

8. DOGS

Use of a dog to injure or kill another animal

The current offences relating to the use of dogs to kill or injure another animal are appropriate

STRONGLY DISAGREE

There is a need to remove an offence exemption for using dogs to kill wild animals categorised as “feral” or “restricted matter” e.g. deliberately using packs of dogs to set upon a wild pig. It is hypocritical to allow such hunting practices for equally sentient animals, especially when similar practices are banned e.g. releasing an animal to be killed, or using an animal as a kill or lure. The ACAPA states that these practices are to be done in a way “that causes the animal as little pain as is reasonable”, yet the definition of “reasonable” i.e. “reasonable means reasonable in the circumstances” is circular (i.e. using the word to define itself). Since use of a dog to chase injure or kill another animal in similar circumstances is an offence, it is unreasonable to expect that chasing a feral animal will cause the hunted animal or the hunting dogs as “little pain as is reasonable”.

Closely confining a dog

The current offence relating to confining a dog is appropriate.

SOMEWHAT DISAGREE

Animals should not be confined so closely that they are unable to exercise themselves, unless sick or injured and needing confinement for rest and recovery. Caging dogs continuously e.g. for intensive breeding or the racing industry is not appropriate. If animals are used for breeding, they should be living in family home environment with plenty of exercise and socialisation with humans and other animals.

The Queensland Animal Welfare Standards and Guidelines for Breeding Dogs and their Progeny contain recommended cage sizes for different sizes of dogs, but there is no required inspection system to ensure compliance. Inspections should be required to assess compliance with standards which enable quality of life, before a person can be licensed to breed or keep animals for profit. To make such inspection programs possible and fair, affordable and sustainable, breeders and farmers of animals should be required to pay a fee for an independent local government inspection (as in the City of Gold Coast Breeder Permit system for the breeding and keeping of cats and dogs) . Breeders should undergo random unannounced inspections during working hours. All sentient animals, regardless of use, should be kept where they can move comfortably, socialise according to their particular needs, and enjoy life. Ultimately this benefits breeders and producers who are meeting ethical standards based on animal’s sentience and public expectation in terms of maintaining their markets. There should also be similar Standards and Guidelines for the breeding of cats and other companion animals to ensure sufficient space and socialisation for a good life. Standards should also be provided for pounds and shelters, including standards for the housing of animals trapped and impounded due to categorisation as ‘pests’, to prevent suffering.

Restraint of dogs in open vehicle trays and trailers and open windows

Transporting an unrestrained dog in the back of an open utility, tray of a truck or from an open window should be made a specific offence under the ACPA.

STRONGLY AGREE

9. Using animals for scientific purposes

The scope of when an animal is used for scientific purposes should be aligned with the Scientific Use Code. In particular, it should be expanded to:

- **accommodate advances in science such as the creation and breeding of new animals where the impact on the animal’s wellbeing is unknown or uncertain, and**

- **add other practices that involve the use of animals for science, including diagnosis, product testing and production of biological products.**

SOMEWHAT DISAGREE

While it is useful to have alignment with the Scientific Use Code to encourage greater justification and Reduction, Replacement and Refinement in the use of animals, it is insufficient. The Scientific Use Code was developed by the institutions which use animals in research and condones the use and suffering of animals for human benefit, ironically because their system responses are so similar to humans. Despite one of the main aims being to **replace the use of animals**, the use of the Code has not been very effective in progressing replacement innovation to reduce the numbers of animals used overall - in fact they have been increasing, with the creation and breeding of new genetically modified animals predisposed to various human physical or mental illnesses.

Other provisions in the APCA relating to the scientific use of animals are appropriate.

SOMEWHAT DISAGREE

It is appropriate that all research facilities are required to be registered and all research projects must be approved and monitored by Animal Ethics Committees and numbers of animals used reported to the Qld Government.

However, since replacement is one of the main objectives, all research institutions who use animals should be required to **provide a Replacement Plan** to demonstrate investment in and increased use of replacement strategies, to reduce the total number of animals used over time and ultimately phase out their use, unless the research is to benefit the animal used, and is non-harmful e.g. environmental studies to assess effects of water pollution on fish. These plans should be published and readily available. As well, researchers and their institutions should be required to demonstrate methods used to improve the quality of lives of animals used in research, so that the animals have the opportunity to experience predominantly positive and enjoyable experiences over their life span.

10. Powers of inspectors

The powers of inspectors under the ACPA are sufficient to allow inspectors to effectively deal with animal welfare incidents and do not require strengthening.

SOMEWHAT DISAGREE

In terms of responses to incidents, the right of entry should be strengthened, particularly if inspectors suspect an abandoned animal. Also an inspector should be able to enter without notice during normal working hours to check if a prohibition order preventing a person who has committed an offence from keeping animals is being adhered to.

However, inspections should not just be reactive to complaints or reported incidents. Breeding and farming facilities with large numbers of animals currently can continue practices that are not ethical or consistent with how other similarly sentient beings are allowed to be treated in the Act. Studies have shown these inconsistencies to be unacceptable to the general public. Therefore, for breeding and farming facilities, firstly, inspections should be preventative inspections (paid by the animal user) to demonstrate capacity to meet the needs of sentient animals, prior to obtaining a licence.

Secondly, for openness and accountability, government inspectors should be able to conduct random unannounced inspections at breeding and farming facilities to determine compliance, provide advice and enforce compliance if necessary. This should not be seen as an intrusion on privacy but an opportunity to demonstrate and maintain best practice as assurance for the general public. This ultimately benefits animal breeders and farmers by assuring markets. These random inspections should be part of licencing conditions and the costs built into the original application for a licence to breed or farm animals for profit.

Externally appointed inspectors

It is appropriate for the Queensland Government to authorise non-government organisations, such as the RSPCA, to undertake investigations and conduct prosecutions under the ACPA.

SOMEWHAT DISAGREE

Animal welfare standards reform and proactive inspections should be undertaken by an independent Office of Animal Protection, set up as a statutory body by the Qld or Australian government, separate from the Department of Agriculture, due to the conflict of interest between meeting the needs of sentient animals and the current purposes of the Department i.e. "DAF works to achieve a productive and profitable agriculture, fisheries and forestry sector by promoting sustainability and innovation. We provide leadership for the sector which adds value to the economy and community."

<https://www.daf.qld.gov.au/our-organisation/about-us> .

The CEO and staff of this independent statutory body should have expertise in animal welfare science, ethics and law, and the purpose and commitment to achieve consistency in meeting the needs of sentient animals, regardless of use or status e.g. animals used as companions, for farming, research, and entertainment, as well as wild animals and those categorised as "pest" animals or "restricted matter".

For too long the inspection system has been poorly funded and has relied on fundraising by the non-government institutions. This is totally unacceptable for a comprehensive proactive inspection system, as outlined earlier. Commercial animal users should pay a fee to cover costs of proactive inspections of commercial animal user facilities based on standards which meet the needs of sentient animals, and to cover costs of information, training and incentives to improve. This in turn benefits commercial farmers and breeders by resolving public concerns which increases markets. Programs which support owners/carers of domestic animals to desex their animals and keep their animals contained should be required by local government as more economical than reactive impounding and killing unwanted animals.

People from non-government organisations who are appointed as inspectors under the ACPA should be subject to the same accountability as public servants in terms of ethics and codes of conduct.

STRONGLY AGREE

Inspectors should be subject to scrutiny and the same accountability as public servants. They should be subject to monitoring and review and provide public access to information.

11. Compliance and Enforcement

The current suite of compliance options (not including PINs, as discussed below) for responding to breaches of animal welfare under the ACPA is comprehensive.

STRONGLY DISAGREE

The current suite of compliance options should be more proactive i.e.

In commercial animal breeding and farming facilities, **inspections should be proactive**, and required **prior to granting of a licence** to show capacity to comply with the 5 freedoms for animals and the 5 domains, **plus follow-up random inspections to enter without notice** to ensure standards of animal welfare are maintained. This concept of proactive inspections was proposed by the Victorian Government in their recent review of their equivalent legislation and the majority of survey respondents supported or partly supported proactive monitoring.

For owners/carers of companion animals, assistance and financial support along with education/information is often needed, where failure to meet an animal's needs is not intentional or malicious. Failure to comply is often due to financial or other disadvantage e.g. mental illness, or drug addiction, lack of mobility, or lack of ability to manage the number of stray animals taken in out of compassion. Providing assistance with desexing, parasite control, rehoming of excess animals is more effective in improving animal welfare than a fine, which only adds to the animal owner's disadvantage

and exacerbates the problem. The Queensland Government should put in place support programs in the first step of compliance options to enable those who are disadvantaged to comply.

Penalty Infringement Notices (PINs) should be introduced as a compliance option under the ACPA for clearly defined, low range animal welfare offences

SOMEWHAT DISAGREE

Adding Penalty Infringement Notices to the current penalties will add another regulatory process and cost. There are already penalties in place which can be promoted and strengthened as a deterrent or warning. Instead of fines, implementing a user-pays licencing system with compulsory initial proactive, then random unannounced, inspections to provide information and support (where failure to meet an animal's needs is not intentional or malicious) would be more effective to improve animal welfare.

12. Orders relating to animal welfare offences

The introduction of a provision that would allow a court to make a decision to sell or rehome seized animals prior to court matters being finalised is reasonable.

STRONGLY AGREE

Waiting time for seized animals being held due to behaviour or neglect is far too long through the QCAT appeals process e.g. up to 2 years. The QCAT decision-making process needs to be faster for the welfare of the animal. Animals who have been seized due to neglect should be able to be rehomed as soon as possible. Seized dangerous dogs, and dogs who have attacked causing significant harm need to be considered more quickly for either euthanasia, or if the risk is low, given back to owner if capable.

The introduction of a provision that would allow a court to impose a bond or security on the owner of seized animals for the care of their animals prior to court matters being finalised is reasonable.

SOMEWHAT AGREE

If an animal has been seized for neglect, then a bond or security from the owner may not be possible. These animals should be able to be rehomed as soon as possible for the welfare of the animals. If an owner of a neglected animal appeals the case the court should impose a bond or security for the animal's care whilst court matters are being decided.

If an animal has seized as a dangerous dog or a dog which has attacked causing significant harm, the court should be able to impose a bond or security on the owner for the care of the animals prior to court matters being finalised, particularly if the owner appeals the decision and extends the process.

What other cost recovery arrangements should be considered?

If a seized animal requires veterinary treatment which led to its being seized e.g. a dog fighting offence, or a dog attack, or develops an illness while it is seized, the court should be able to require the owner to pay for the veterinary treatment.

13. Establishing appropriate penalties

The maximum penalties for animal welfare offences under the ACPA are appropriate.

STRONGLY DISAGREE

If you disagree, how should they be changed?

Penalties are too low. There should be mandatory prohibition orders for repeat or serious offenders to prohibit those individuals from owning or being responsible for any animal for life and sufficient follow-up to ensure that they can be monitored with powers of entry without prior notification.

The penalty for participation in or presence at a prohibited event such as dog or cock fighting should be increased to at least 3 years imprisonment or 2000 penalty points (same as penalties for cruelty).

Leg-hold traps and 1080 and strychnine baits should be prohibited, and penalties of 3 years imprisonment or 2000 penalty points introduced, as the suffering caused is deliberate and cruel.

The penalty for not exercising closely confined dogs should be increased significantly and monitored through proactive and random unannounced inspections for dogs kept in commercial breeding facilities. Codes / Standards which allow close confinement of animals used for farming need to be changed. The public are aware that obligations to a pig or a hen should be same as a dog in terms of providing an opportunity to exercise and experience normal behaviour e.g. creating a nest, exploring and foraging, and research is showing high levels of community dissatisfaction with these inconsistencies. Cornish A.R. et al. 2016 What We Know about the Public's Level of Concern for farm Animal Welfare in Food Production in Developed Countries. *Animals* 6 (11) , 74. The Qld government through an independent Office of Animal Protection should show leadership by requiring a move to farming methods that meet the physical, social and mental needs of animals, honest labelling for consumers and providing incentives for farmers who are proactive in this regard.

CONCLUSION

This submission has highlighted the need for broader reforms in the Animal Care and Protection Act to include the following:

- 1. Recognise the sentience of all animals in the Animal Care and Protection Act, and therefore the community's obligation to protect the basic requirements of animal welfare (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) and enable animals to experience positive lives.**
- 2. Establish an Independent Office of Animal Protection to address inconsistencies in the care and protection of animals based on their use, due to conflict of interest with the Department of Agriculture's main aim which is to foster the economic productivity and profitability of agriculture, fisheries and forestry.**
- 3. Develop consistently high compulsory Standards and proactive inspections for the care and protection of animals based on their sentience, instead of their human use, and work with other states to achieve consistency in the application of these across Australia.**

As well, there are **some important prohibitions and amendments** to be made within the Act.

Just as Australia is reaching the tipping point for responding to climate change through scientific knowledge, ethical understanding and public expectation, and is starting to tackle the difficult and heavily contentious issues of job replacement for those who work in polluting industries and the costs of transitioning to more sustainable energy systems, so too are we reaching the tipping point where animal welfare legislation must respond honestly and consistently to the scientific knowledge of animals' sentience, of ethics (through neuroscience and evolutionary biology), and public expectations of animal welfare.

AWLQ looks forward to contributing further to the development of Queensland's animal welfare legislation.

Yours sincerely,



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