

Review of the

Animal Care and Protection Act 2001

CONSULTATION OUTCOMES REPORT

Accessibility



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Executive summary

On 4 April 2021 the Department of Agriculture and Fisheries (the department) released a discussion paper¹ to initiate the review of the *Animal Care and Protection Act 2001* (the ACPA). The review marks 20 years since the ACPA commenced and is aimed at ensuring the legislation continues to meet contemporary animal welfare standards and community expectations.

The discussion paper provided a framework for stakeholder and community feedback on current provisions of the ACPA and proposals for new or amended provisions. The discussion paper sought feedback on the following issues:

- purposes of the legislation
- prohibited events
- mandatory reporting by veterinary professionals of animal welfare concerns
- regulated surgical procedures
- the possession and use of traps and spurs
- restraining dogs in open utility vehicles, trucks and open windows
- the use of animals in science
- inspector powers and arrangements for externally appointed inspectors
- the management of animals seized during an animal welfare investigation
- compliance and enforcement options
- penalties for animal welfare offences, including whether a penalty infringement notice scheme should be introduced under the ACPA.

Stakeholders and the community were able to provide feedback by completing a survey about the issues raised in the discussion paper or uploading a written submission via the department's Engagement Hub website. Written submissions could be made about any aspect of the ACPA. Consultation closed on 21 May 2021.

A total of 1439 survey responses on the discussion paper were completed by stakeholders and the community. A total of 914 written submissions were received, including 79 written submissions from organisations and groups involved with animals or with an interest in animals.

Key findings

The consultation found that while there are varying views about the way in which animal welfare may be regulated, Queenslanders support high animal welfare standards and feel there should be strong legislation to protect the welfare of animals.

The views of people around the state were well represented, including from regional and rural areas. Survey responses were also well spread across age groups. A range of animal interest groups with varied involvement of animals in their work and hobbies responded to the survey.

A selection of key findings from the consultation process (relating mainly to the issues that were raised in the discussion paper) are outlined below. Not all the comments or findings from the consultation could be included.

- The community strongly supported the introduction of mandatory requirements for veterinary professionals to report suspected incidents of animal cruelty or neglect. This was tempered by opposing views raised in written submissions. There were

¹ Visit daf.qld.gov.au and search 'ACPA review' to [download a copy of the discussion paper](#).

significant concerns that such a requirement may deter animal owners from seeking essential treatment for fear of being reported to authorities.

- There was strong support to introduce provisions to require the restraint of dogs while travelling on vehicle trays and trailers, with useful insight from rural stakeholders about considerations for transporting working dogs on properties.
- There was mixed feedback on whether the current powers of inspectors appointed under ACPA are appropriate. However, there was strong support for the Queensland Government to appoint inspectors from non-government organisations, provided these inspectors are subject to the same measures of accountability as inspectors from the public service.
- Commentary varied on the current compliance and enforcement options under the ACPA, however there was strong community support for the introduction of a penalty infringement notice (PIN) scheme under the ACPA. This support was balanced by concerns around the administration and application of PINs.
- A large proportion of participants felt the maximum penalties under the ACPA, though the highest in Australia, are not effective because sentences for serious animal welfare offences do not reflect these maximum penalties.

Issues other than those contained in the discussion paper were raised in some written submissions. These issues included:

- the recognition of animal sentience under the ACPA
- the five domains model
- wildlife welfare
- the use of baits and substances on animals
- feral pig hunting
- tethering animals
- providing shade to animals
- oversight and governance of animal welfare in Queensland.

Feedback on these issues is summarised at the end of this report.

Any feedback received on matters contained in the Animal Care and Protection Regulation 2012 (the Regulation), including the codes of practice, will be considered when the Regulation is reviewed and remade.

This report presents general comments provided in the surveys and written submissions, with a selection of representative statements and quotes included. No personal or identifying information is shared. The information in this report is not an indicator of whether the proposals outlined in the discussion paper will be progressed as amendments to the ACPA. The report is intended to provide a representative overview of the feedback received during consultation on the discussion paper.

Background

Queensland's primary animal welfare legislation, the *Animal Care and Protection Act 2001* (the ACPA), sets the minimum standards for the welfare of animals, maximum penalties for offences and provides powers to inspectors to act when people's actions fall below the minimum standards.

While the ACPA provides a strong framework for animal welfare in Queensland, it has not had a significant review for 20 years. The Queensland Government is committed to ensuring that our animal welfare laws, standards and penalties reflect modern community expectations while allowing animal industries to continue to operate appropriately without unnecessary regulatory burden.

In April 2021 the department released a discussion paper and commenced a six-week community consultation program to gather feedback on the review of the ACPA.

This report summarises the outcomes of the consultation. Not all views and opinions provided by respondents to the survey or submissions are captured in this report. This report presents responses to the survey questions and representative samples of comments made in written submissions. A selection of statements and quotes are also included for each of the issues raised in the discussion paper to represent the varying views of respondents.

How we consulted

Consultations were held with stakeholders and the community to provide an opportunity to share comments and feedback as part of the review of the ACPA.

The discussion paper was released to provide a framework for the review and to set out high-level policy proposals for amendments to the ACPA. Some of the proposals suggested maintaining current provisions, while other proposals raised options for change and the introduction of new provisions. Stakeholders and the community could comment on any topic raised in the discussion paper, as well as any aspect of the ACPA.

A communication campaign promoted the consultation opportunity, including via media and social media. Key stakeholders were notified by email and encouraged to share the consultation opportunity with their networks and members. Key stakeholders were also offered meetings with the department and an ACPA Review Reference Group was established.

The consultation period was open from 4 April to 21 May 2021. Stakeholders and the community could complete an online survey or upload a written submission on the department's *Engagement Hub* website.

Over 2000 responses to the discussion paper were received during the consultation period. A total of 1439 survey responses were submitted by participants representing a wide range of interest groups and involvement in different animal activities, from across Queensland and a range of age groups.

In addition, a total of 914 written submissions were received. This included 79 submissions from groups and organisations involved in animals, or with an interest in animals. The groups and organisations were represented by the following areas of interest (the number of submissions received in each category is provided in brackets):

- agricultural (8)
- animal welfare and advocacy (26)
- community-based (5)

- compliance and enforcement (4)
- education and research (7)
- other animal-related industries (11)
- professional (7)
- sports, recreation and entertainment (11).

The remaining 835 written submissions were made by individuals.

Scope of the discussion paper and ACPA review

The discussion paper did not seek comment on the codes of practice or fees contained in the Animal Care and Protection Regulation 2012 (the Regulation). Also, the discussion paper did not seek feedback on or propose any changes to other Queensland legislation² that includes animal welfare related provisions.

How to read this report

This report provides a summary of the responses to the survey questions along with a sample of remarks made in written submissions and survey comments. The pie charts represent data from the surveys only. The outcomes of the survey and written submissions provided in this report are not indicators of whether the proposals outlined in the discussion paper will be progressed as an amendment to the ACPA. The purpose of this report is to provide the community with a summary of the responses received during the consultation period on the discussion paper.

Where applicable, responses from the written submissions have been collated to align with the issues raised in the discussion paper and are also included in the text. Some written submissions raised issues that were not included in the discussion paper. Feedback on some of these issues is summarised at the end of this report.

Respondents were able to respond to all or a selected number of questions in the survey. To assist with interpretation of the responses, the graphs show the number of respondents for each survey question, as well as the percentage as a proportion of the total number of responses for that question.

Next steps

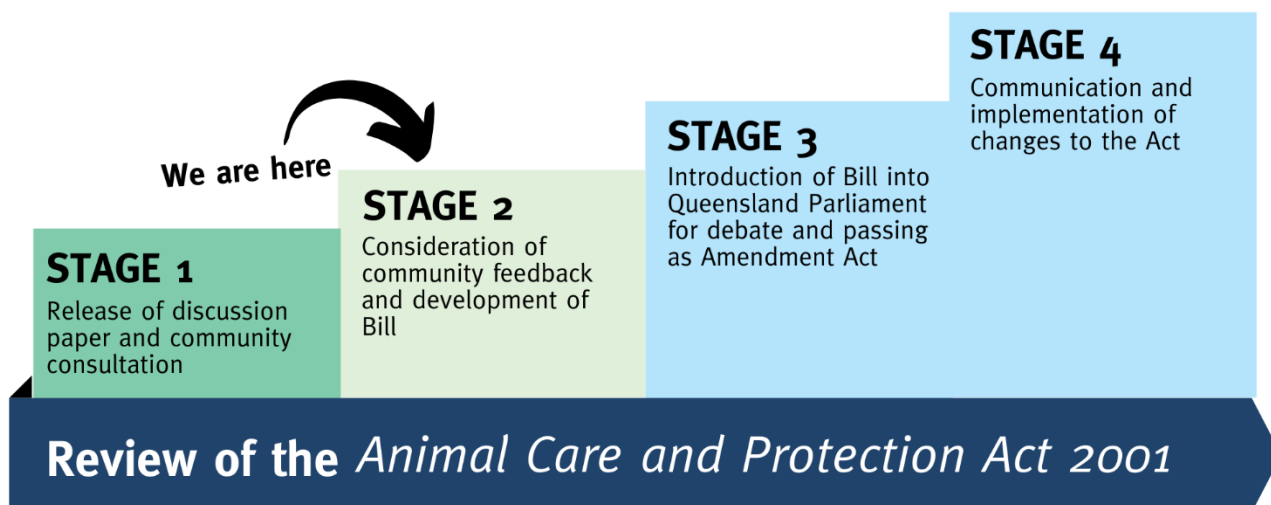
The department thanks all community members and stakeholders for providing valuable feedback on the review of the ACPA.

All feedback received during consultation is now informing the development of draft legislation under the ACPA to be considered by the Queensland Parliament.

A summary of the indicative stages of the review are included in Figure 1.

² *Animal Management (Cats and Dogs) Act 2008, Criminal Code Act 1899 (Qld), Exhibited Animals Act 2015, Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, or the Veterinary Surgeons Act 1936.*

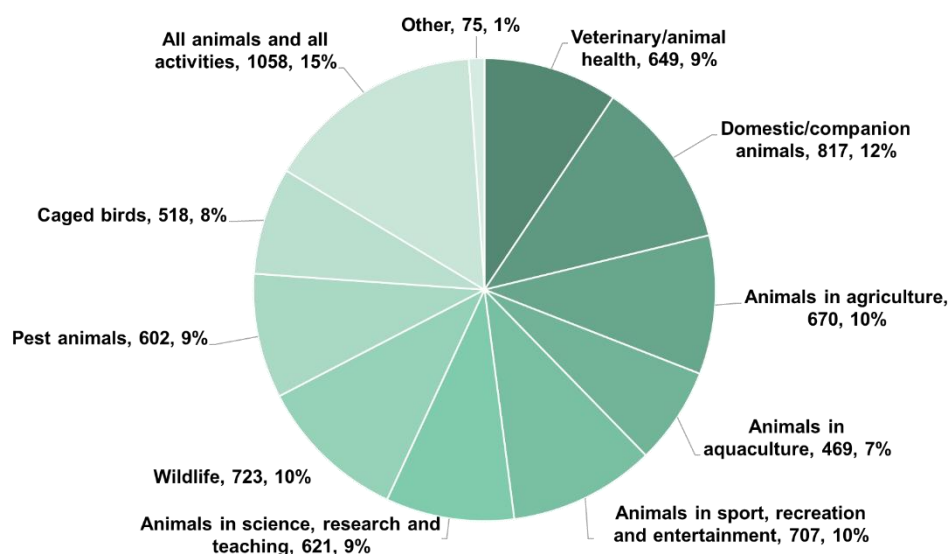
Figure 1 - Summary of stages and progress to date for the review of the *Animal Care and Protection Act 2001*.



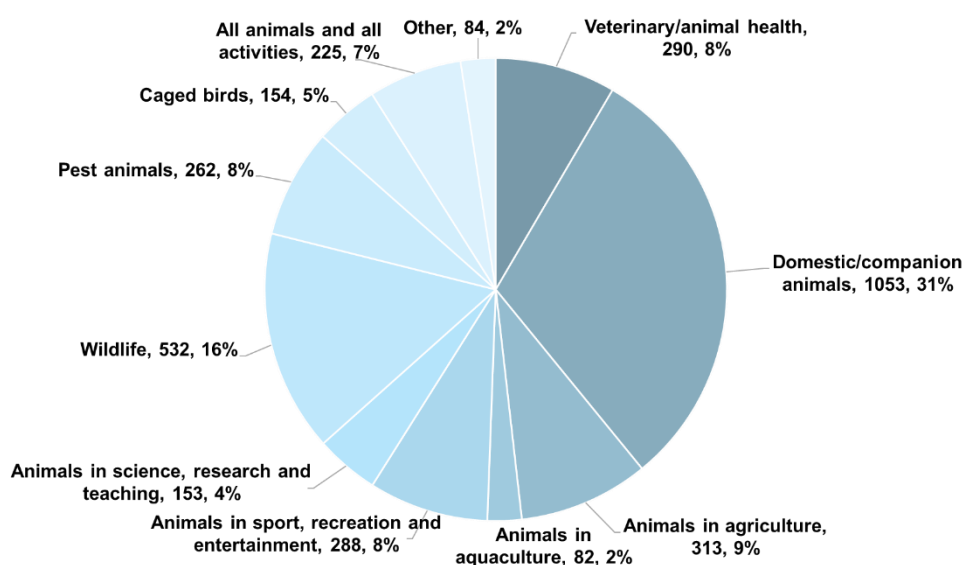
About the survey participants

Survey respondents were asked to provide information about their location, age group and interests and involvement with animals. Providing this information was optional and responses were used by the department to determine whether the consultation had reached a large representation of people across the state. The data indicates³ survey participants came from a range of animal interest groups with varied involvement with animals in their work and hobbies.

Primary interest in animals



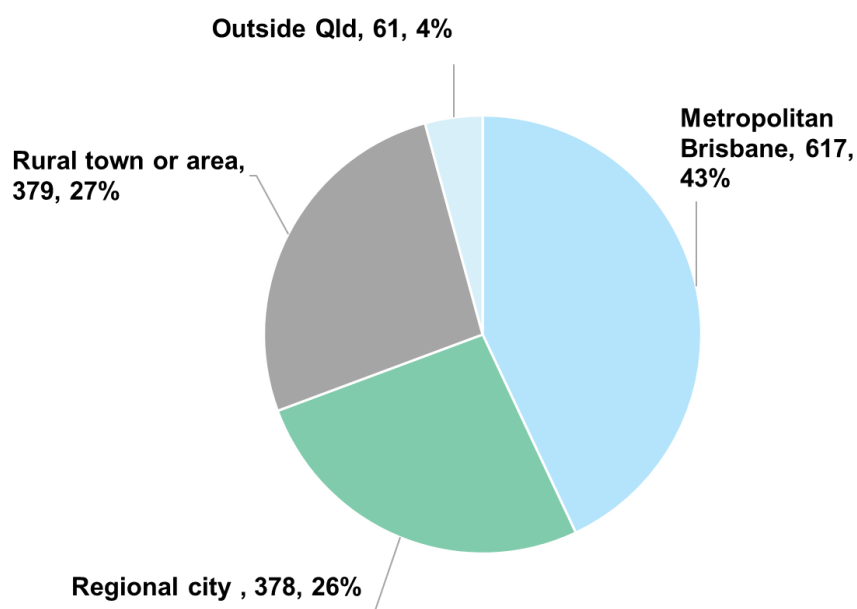
Primary involvement with animals



³ Providing demographic information was optional for survey participants and not all participants responded to this question. Demographic information was not collected as part of written submissions.

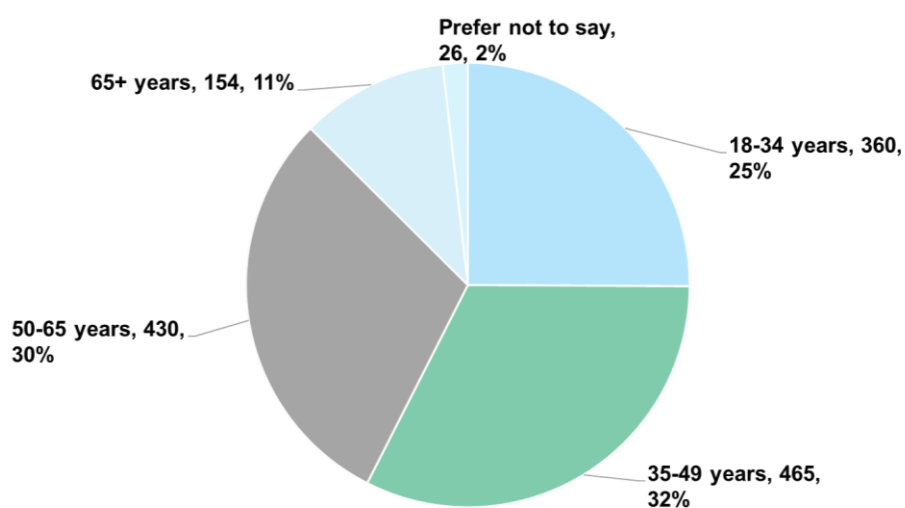
Where survey respondents live

Participants were also well spread by location in Queensland (i.e. rural, regional and metropolitan), indicating the views of regional and rural Queensland were well represented.



Age of survey respondents

Participants were also well spread by age group.



Overview of consultation feedback

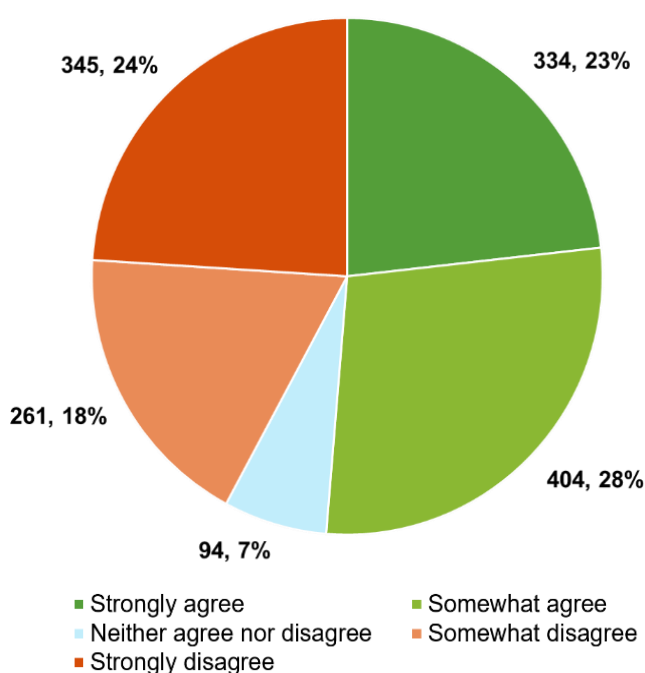
Purposes of the ACPA

Views on one of the purposes of the ACPA – *to achieve a reasonable balance between the welfare needs of animals and the interests of people whose livelihood is dependent on the animals* – and whether this purpose was still suitable with increased animal welfare expectations and consumer preferences were spread relatively evenly across the response options.

Just over half (51%) of the survey respondents either strongly or somewhat agreed with the current purpose while 42% of respondents either strongly or somewhat disagreed. A small proportion (7%) of respondents neither agreed nor disagreed.

Of the written submissions received, 12% of submissions included comments on the purposes of the ACPA. Two thirds of these submissions indicated they did not agree with the current purpose.

Some survey comments and written submissions suggested that the ‘balance’ needs to be more in favour of animal welfare.



Section 3(b)(i) should be updated to make clear, at a bare minimum, that the purpose of the legislation is primarily to protect the welfare of animals, and that if animals are to be used in ways that risks their welfare then this implies justification, transparency and accountability.

Education and research organisation

The welfare of animals is important, but things have gone way too far and it impacts greatly the effectiveness of farming animals.

Survey respondent

It is critical that the quality of science that influences regulatory decisions on food production is maintained to a very high standard.

Agricultural organisation

The Act should endeavour to remove unnecessary regulatory burden and provide the necessary regulatory structure to encourage supply chain participants to respect and care for the animals within their control.

Other animal-related industry organisation

I agree that people's livelihoods are important, however not if animals are made to suffer as a result.

Survey respondent

[We] find that this purpose is still suitable. The question in relation to this section, extending an emphasis on animal welfare expectations and consumer preferences is problematic. Influences based on overseas preferences rather than Australian animal welfare science is often taken into consideration.

Consumer preferences can also be skewed by the impact of supermarkets who reduce the choice for consumers by policy to cut out one [animal] production system of the market based not on demand but on pressure from animal welfare groups who have influence through other accreditation programs promoted by supermarkets.

Agricultural organisation

[We] believe the purpose should be broadened to ensure it encompasses other interactions and relationships between people and all animals, not only those between owners and/or handlers of domestic pets or livestock or those from which a livelihood is gained.

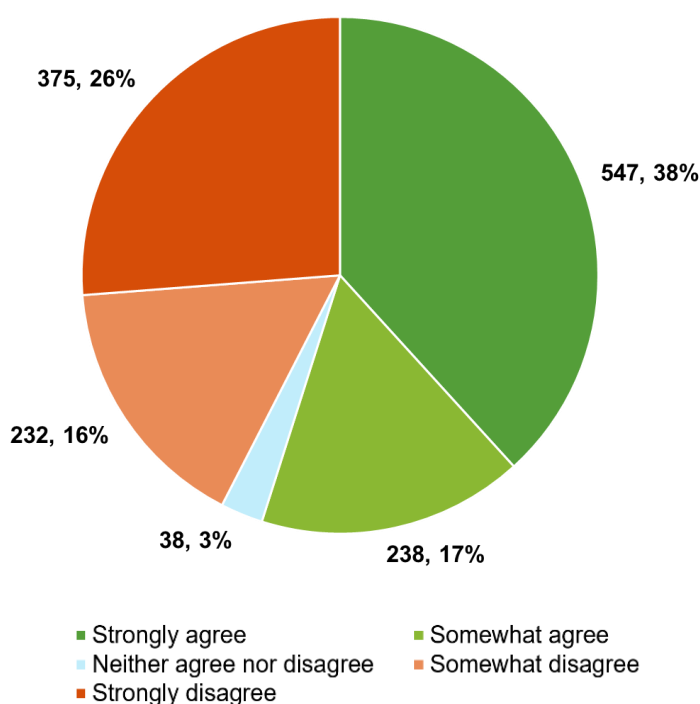
Animal welfare and advocacy organisation

Prohibited events

Just over half (55%) of respondents in the survey strongly or somewhat supported the current prohibited event provisions, while 42% either strongly or somewhat disagreed. There was 3% of respondents who neither agreed nor disagreed.

Many respondents suggested an expansion of the current list of prohibited events to cover additional activities that involve animals in entertainment and recreation.

Of the written submissions received, 24% included feedback on the prohibited event provisions. Most respondents expressed a view that the current provisions needed to change in some way, while others indicated support for the current provisions without change.



We recommend that the prohibited activities in other states and territories that are not classified as prohibited events in Queensland be consolidated into the ACPA to bring the Queensland legislation in line with the remainder of Australia. It is not logical that certain activities are prohibited, and therefore considered cruel, simply based upon the location in which they occur in Australia. We propose that these activities should be prohibited, regardless of their location.

Animal welfare advocacy organisation

...consider the addition of the following:

- breeding an animal with known and avoidable genetic problems*
- failing to take reasonable steps to mitigate suffering caused to an animal after hitting the animal with a vehicle.*

Education and research organisation

Clearer and stricter use of animals used for events/entertainment.

Survey respondent

It is appropriate to call out these specific activities in this section however other activities that some may believe need to be included can be appropriately managed through other Parts of the Act such as Part 1 Breach of duty of care and Part 2 Cruelty offences.

Sports, recreation and entertainment organisation

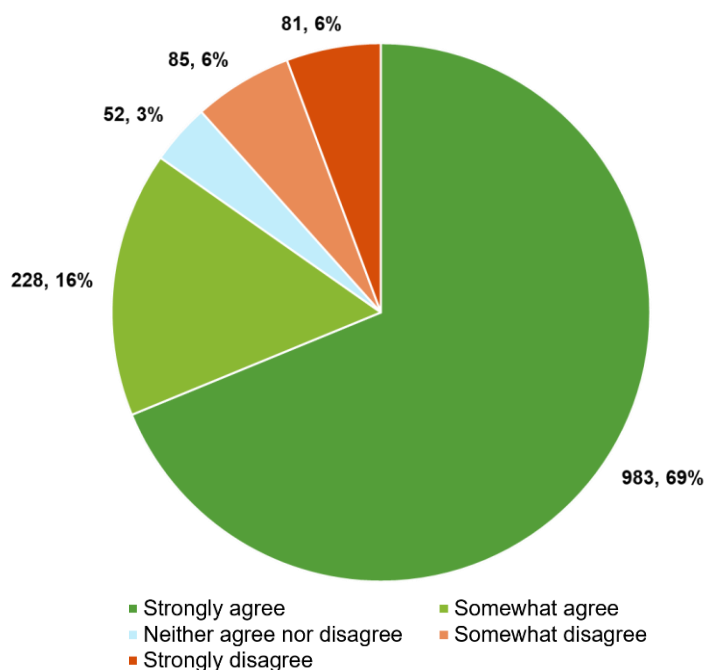
Reporting of animal welfare concerns by veterinary professionals

There was strong support for this proposal among the survey participants. Most survey respondents (85%) either strongly or somewhat agreed that mandatory reporting by veterinarians should be introduced, while only a small proportion strongly or somewhat disagreed (12%) to the proposal. Only a small number (3%) of respondents neither agreed nor disagreed.

This issue was also addressed in 10% of the written submissions, representing a mix of stakeholder organisations and individuals. Of these submissions just over half indicated support for the proposal.

Some respondents thought this was already a requirement while others considered that existing professional guidelines should provide a sufficient framework for reporting animal welfare concerns. The strong support by survey respondents for this proposal was somewhat tempered by comments provided in both the survey and written submissions. Some respondents supported the proposal but also raised concerns about possible adverse consequences for animal welfare if this proposal was adopted.

Some respondents considered that the obligation could discourage some animal owners from seeking treatment for their animals because of fears of being reported. Concerns were raised for the safety of veterinarians if they were required to report. There were also suggestions that the obligations should extend to other animal service providers, such as groomers, farriers and dental technicians.



We need the people who mistreat animals to be reported by any vet who discovers such mistreatment – just as teachers and doctors are obligated to report mistreatment of children and the elderly.

Survey respondent

There should be mandatory reporting of animal abuse and cruelty by veterinary professionals and training programs given to veterinary health professionals to help recognise signs of animal abuse and domestic violence.

Written submission – Individual

...mandatory reporting requirements may dissuade people from seeking veterinary attention and exacerbate a welfare situation.

Education and research organisation

I don't feel the need to make it mandatory. I am sure vets have the best interest of the animal at heart so if they feel the need to report they would anyway.

Survey respondent

Anything 'mandatory' places an undue burden on veterinary professionals in terms of compliance time, money and effort, which takes away from their primary care of animals role. It might mean that failure to meet any reporting obligation could result in prosecution under the Act.

Written submission – Individual

...veterinary professionals operate under strong animal ethic codes that result in reporting of any suspected animal cruelty without a legal obligation. In my view the greater imperative is to ensure appropriate systems and responders are in place to investigate and act upon such reports, as the availability of these services and likelihood of action being taken is what impacts the decision of a professional to report.

Survey respondent

The onus put on the Veterinary profession under this has implications regarding the client relationship, from a community and commercial point of view, and ignores the fact that there are many other animal service providers who witness issues of poor animal welfare who would have no obligation under the act to report these incidents.

Written submission – Individual

My main concerns relate to those vets who work in rural and regional areas of the State.the local vet is a highly trusted professional, whose tact, confidentiality and advice is greatly valued. Their views carry a great deal of weight, and they are always listened to by animal owners and farmers... this has always proved highly beneficial in promoting best practice animal care and education.

Instead of confiding in the vet, or seeking their advice, people would be more inclined to take a defensive, possibly hostile, stance. Many would think twice about calling the vet in certain situations, such as if they found an injured animal on their property, for fear they would be suspected of being responsible and reported to authorities and possible cop a hefty penalty.

Written submission – Individual

If there is a direct reporting consequence of them approaching the veterinarian for treatment for their animal, clients will not do so. This will have consequences for animals that may have been fed the wrong diet making them obese, or a thin cat that may be able to be fixed up by a prescription diet for a sensitive stomach avoiding approaching the veterinarian for valuable tests that will detect early disease such as kidney problems, diabetes or other life-threatening conditions.

Written submission – Individual

...veterinarians play a facilitatory educational role to address animal welfare concerns. Where the situation is one of ignorance but with good intentions, there would be a greater benefit if the veterinarian were able to educate the client through the process rather than report them. In severe cases, veterinarians already voluntarily report abuse if they believe it to be necessary. If they felt that they would be ineffective in this facilitatory process and there was cruelty involved, it would be referred to inspectors in the great majority of cases.

Professional organisation

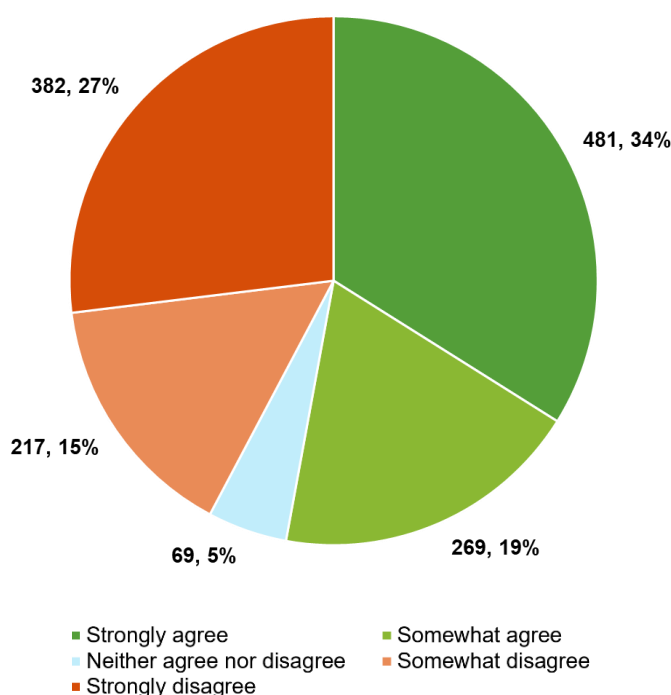
Regulated surgical procedures

Current list of regulated surgical procedures

There was 53% of respondents to the survey who either strongly or somewhat agreed that the current list of regulated surgical procedures was appropriate, while 42% strongly or somewhat disagreed. The remainder of respondents (5%) neither agreed nor disagreed.

Of the written submissions received, 10% included feedback on this issue. Just over half of the respondents in these submissions indicated they do not support the current provisions for regulated surgical procedures.

Respondents who did not support the current provisions considered other procedures (e.g. animal husbandry practices) should be added to the list of regulated surgical procedures.



[We] would oppose the regulation of common procedures used in commercial livestock production. Procedures such as castrating male cattle and spaying female cattle are widely used by very experienced producers to manage their herds. Such procedures are often carried out in very large numbers and remote locations. Most often, no vet would be available within any reasonable distance nor in sufficient numbers with the necessary skill set (most vets specialise in a small area such as dogs and cats) to ensure the smooth running of a livestock operation.

Other animal-related industry organisation

[We] believe current list of surgical procedures is appropriate. While there may be other procedures some may want added to the list, we advise caution whilst considering any additional inclusions. Consideration must be given to increases in costs associated with any additional inclusions and the impact it may have on the farming community and the flow on effect to the broader general public. Current provisions for supply are appropriate.

Sports, recreation, and entertainment organisation

I have major concern regarding the cruelty in animal use industries where procedures are performed without pain relief and not by a trained vet.

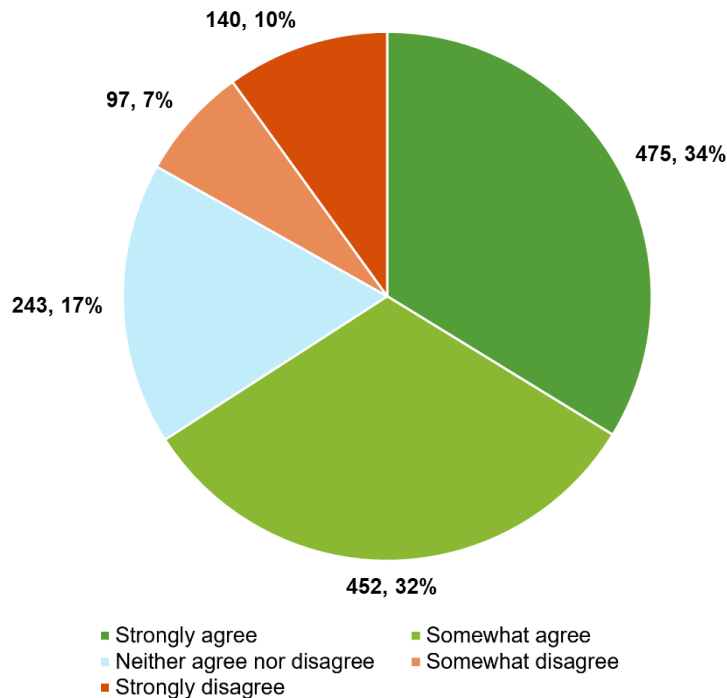
Written submission - Individual

All procedures to any species of animal should be performed by a veterinary surgeon for veterinary medical reasons only, not for cosmetic reason, convenience, or profit.

Survey respondent

Provisions for the supply of animals that have undergone a regulated surgical procedure

Most survey respondents (66%) either strongly or somewhat agreed that the current provisions for the supply of animals that have undergone a regulated surgical procedure are appropriate. A smaller proportion (17%) strongly or somewhat disagreed with the proposal. The remainder of respondents (17%) neither agreed nor disagreed.



...should also be an offence to receive an animal that has undergone this type of procedure unless it is accompanied by a certificate from a veterinary surgeon stating the procedure was performed according to the requirements of the ACPA.

Survey respondent

If the animal had these procedures performed and then after that were taken in by a rescue organisation this should not apply, otherwise I agree.

Survey respondent

It would be good for these documents to also be sighted by Council at the time of registration, with requirement for an additional coloured tag to be worn on the collar by the animal for ease of identification that the surgery is lawful (and hence enable informed whistleblowing by the general community).

Survey respondent

It is unfair to animals who have undergone these procedures illegally who need to be rehomed for legitimate reasons if they will not be taken in by good homes without a certificate. I suggest that new owners need to make a legal declaration that they did not perform these procedures and get this signed off by a vet within the first 3 months of ownership.

Survey respondent

Tail docking of dogs

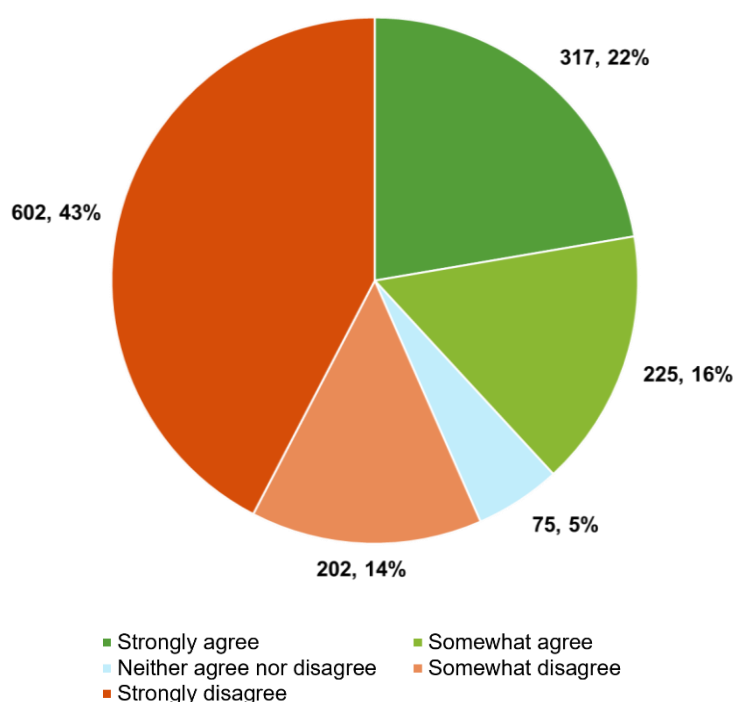
The current provisions for tail docking of dogs allows for a person other than a veterinary surgeon to dock a dog's tail if performed in the way prescribed by regulation. No regulation has ever been prescribed.

Most survey respondents (57%) either strongly or somewhat disagreed that the current provisions for tail docking were appropriate, while a smaller proportion (38%) strongly or somewhat agreed. There was 5% of respondents who neither agreed nor disagreed.

Of the written submissions received, 7% included comments on this issue, with most disagreeing with the current provision.

Some respondents in both the written submissions and survey supported this procedure only being performed by a veterinary surgeon. Some respondents commented that docking a dog's tail was cruel and unnecessary unless it is done in the best interest of the animal's welfare.

Feedback indicated the current provisions could be clarified, because the legislation is unclear as it currently allows for people other than veterinarians to dock a dog's tail if the docking method is prescribed by regulation. However, no such regulations have ever been prescribed.



Tail docking must only be undertaken for the health and well-being of the animal and must not be undertaken for cosmetic purposes. Tail docking in dogs should be undertaken with the appropriate use of anaesthetics depending on the dog's age and size.

The use of anaesthetics on animals is an act of veterinary science and under the Veterinary Surgeons Act 1936 can only be performed by a veterinary surgeon. Veterinarians are best placed to determine whether tail docking in a dog is required to improve the health or well-being of the dog and are also best placed to competently and safely perform the procedure.

Professional organisation

Only a veterinarian should be able to alter a dog's tail. As it says anyone can for cosmetic reasons. This should not be allowed. This is a cruel and unnecessary procedure.

Survey respondent

Prescribe regulations for tail docking since there are not any.

Survey respondent

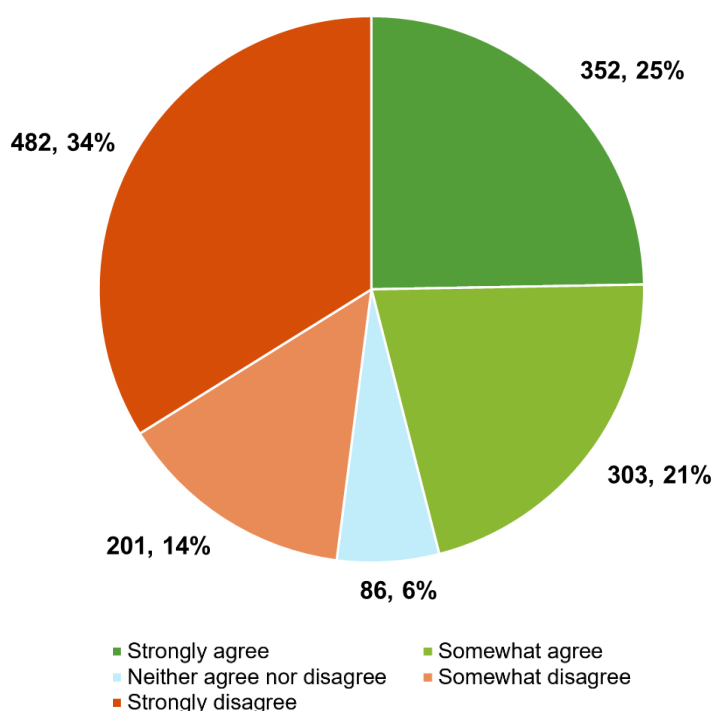
Possession or use of certain traps and spurs

Respondents were almost evenly divided on whether the current provisions for traps and spurs are appropriate.

A large proportion (48%) of survey respondents either strongly or somewhat disagreed with the current provisions, while 46% strongly or somewhat agreed they were appropriate. Only 6% of respondents neither agreed nor disagreed.

Only 9% of all written submissions included comments on this topic. Of these, just over half of the respondents indicated support for the current provisions without change, while the rest suggested they needed additional provisions. For example, many submissions proposed prohibiting the use of serrated foothold/steel jaw traps, opera house traps and sticky/glue traps.

Respondents in some written submissions commented on the importance of traps in controlling vertebrate feral pests where baits or control by firearms may not appropriate, or as part of multi-pronged control programs.



The current provisions are appropriate but more needs to be added including opera house traps, steel jawed traps and glue boards for rodent control.

...steel-jaw traps don't kill - they snap shut on the leg or other body part when the victims stand on them. Unless trappers very regularly check their traps and kill trapped animals, the victims will die slowly of dehydration, starvation, or infection.

Professional organisation

Any traps that result in restriction of movement of a limb (e.g. steel jaw traps) as well as opera house fish traps that trap platypuses must be banned.

Survey respondent

Currently the ACPA has no prohibited traps or spurs are currently prescribed in the regulations, these items should be separate and defined. A code of practice should be written to define regulated traps such as soft jawed leg hold traps and cage traps etc.

Compliance and enforcement organisation

Traps that cause significant pain and suffering should be prohibited. Examples include (but may not be limited to) serrated steel-jaw leghold traps and Conibear traps.

Education and research organisation

Queensland councils currently invest \$45 million per annum to control invasive plants and animals and to effectively control feral animals, rely on a range of different tools and methods including trapping, baiting using Schedule 7 poisons and shooting. The continued ability to use a range of different control methods to suit the circumstances will be vital to ensure continued agricultural productivity and the preservation of natural assets and biodiversity...

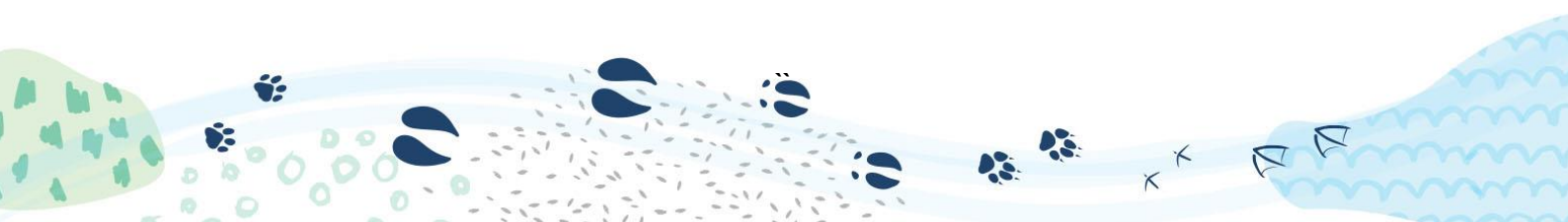
Other animal-related industry organisation

Trapping has long been used as an effective tool for management of populations and hunting purposes. If correct equipment is used and checked regularly, it is ethically sound. Such trapping should not be impeded by more regulation.

Sports recreation and entertainment organisation

The safe, humane, and responsible use of traps also constitutes a vital tool for landowners to combat wild dogs particularly those that frequently kill or maim livestock surplus to an abundance of alternative prey, and those dogs among the population that have learned to avoid baits.

Agricultural organisation

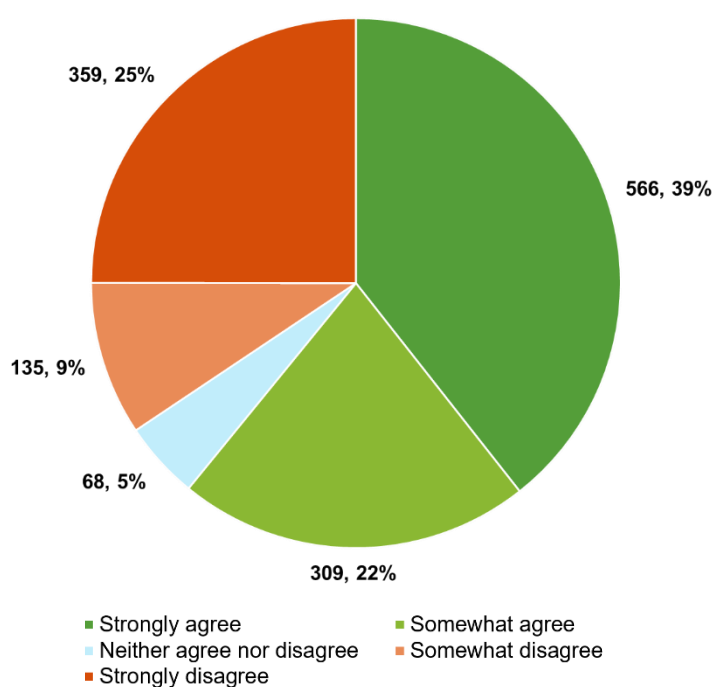


Dogs

Use of a dog to injure or kill another animal

Most survey respondents (61%) either strongly or somewhat agreed the current offences relating to the use of dogs to kill or injure another animal were appropriate. Whereas 34% strongly or somewhat disagreed that the current offences were appropriate. There was 5% of respondents who neither agreed nor disagreed.

Only a small proportion (7%) of all written submissions included feedback on this issue, with mixed comments. Some respondents referred to the use of dogs in hunting of pigs and considered they were effective in pest control operations. Some respondents suggested that the use of dogs in hunting could be clarified in the legislation to ensure standards are clear and enforceable. Other respondents raised concerns about the risk to the welfare of both the dog and the hunted animals during hunting.



Whilst we agree with the inclusion of the three listed offences, these should be expanded to including the use of dogs to hunt other animals. The widespread practice of pig dog hunting, for example, is extremely cruel to feral pigs, places dogs and humans in danger and cannot be effectively monitored.

Animal welfare and advocacy organisation

Dogs should not be used to kill animals while hunting. They should only be used to track and/or retrieve an already deceased animal.

Survey respondent

Feral pig hunters who use dogs, like the vast majority of hunters, have a respect for their quarry and follow a code of ethics. Using dogs to hunt feral pigs is also an effective part of pest eradication.

Sports, recreation, and entertainment organisation

We strongly agree that the current offences relating to the use of dogs to kill or injure another animal are appropriate, and do not believe they need to be altered in any way.

Other animal-related industry

Queensland should create a "Code of Practice for the Welfare of Animals in Hunting". This Code should aim to prevent cruelty and encourage the considerate treatment of animals that are hunted or used for hunting.

Written submission – Individual

In the management of feral pig populations, trained dogs are sometimes used to detect and flush out pigs prior to shooting. [We] acknowledge and endorse the standards outlined within the Model code of practice for the humane control of feral pigs. [We do] not support the use of dogs to hold, attack, injure or kill feral pigs.

Agricultural organisation

I believe that the use of holding dogs in pig hunting should be clearly legislated. I understand the need for protection for both the dog and the pig however I believe that the removal of pigs is required for the betterment of the environment, habitat and native and domestic animal welfare.

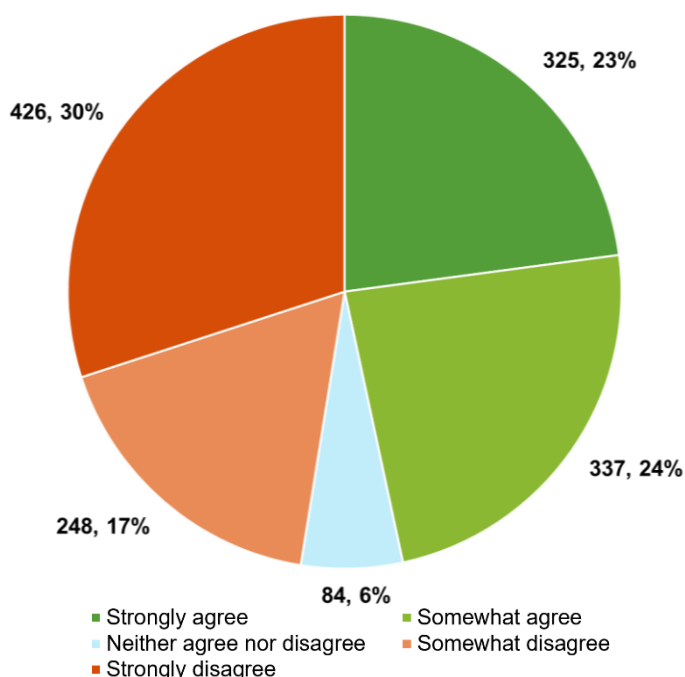
Survey respondent

Closely confining a dog

Consultation on the current provision relating to closely confining a dog showed the community and stakeholders were polarised. Just under half of the respondents (47%) either strongly or somewhat agreed and the same percentage of respondents (47%) either strongly or somewhat disagreed with the current provisions. There was 6% of respondents who neither agreed nor disagreed.

A small proportion (7.5%) of the total written submissions raised this issue. Of these, most indicated they did not support the current provisions.

Respondents across the submissions and survey raised concerns about the current length of time a dog can be confined without exercise, with some suggesting it should be reduced to under 24 hours. Others sought clarification on what is meant by 'closely confined' and thought the provision was vague. Some submissions highlighted the behavioural and psychological issues and physical injuries that can result from long term confinement and included comments about tethering. Other respondents highlighted the need to accommodate confinement in relation to veterinary treatment.



Definition of closely confined is too vague.

Survey respondent

Although reference is made to the dog's physical condition some reference should be made to there being an exception when the dog's confinement relates to medical or chiropractic treatment requiring a degree of confinement.

Other animal-related industry organisation

Dogs should be given 1 to 2 hours of exercise after 12 hours of confinement, not 24 hours. 24 hours is far too long.

Survey respondent

...in a pet boarding environment, dogs may be confined to their rooms which are large enough for them to turn, stand on hind legs, walk and even run up and down their room length. We would like clarification on the terminology closely confined which should give examples within to make it clear of the expectation.

Other animal-related industry organisation

...in its current form the section is unclear and would be extremely difficult to enforce. Closely confined needs to be defined-is this a crate or a kennel or a run?

Animal welfare and advocacy organisation

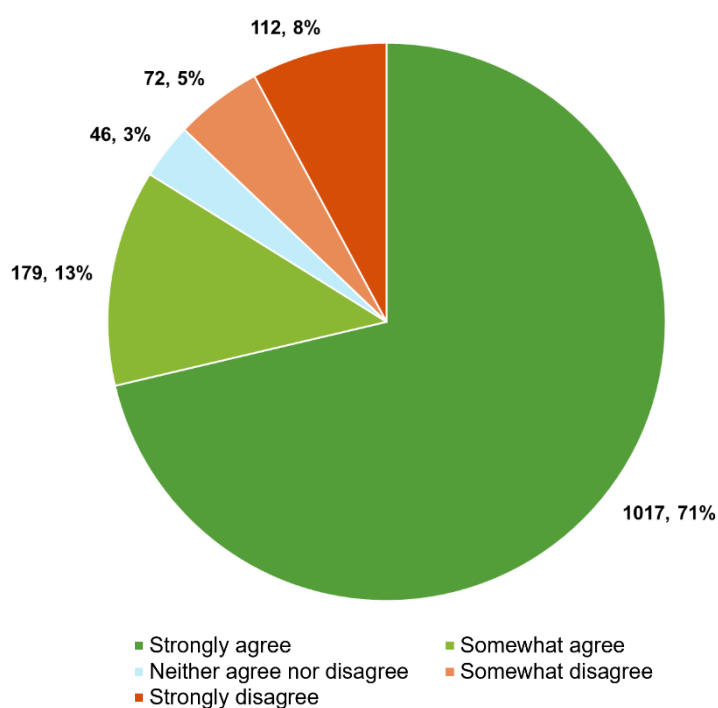
Restraint of dogs in open vehicle trays, trailers and open windows

The consultation showed strong support for the introduction of a specific offence for transporting an unrestrained dog in the back of an open utility, tray or truck or from an open window.

Most respondents to the survey (84%) either strongly or somewhat agreed to the proposal, while only a small proportion (13%) strongly or somewhat disagreed. There was 3% of respondents who neither agreed nor disagreed.

Of the written submissions received, 8.3% included feedback on this issue with most of the submissions supporting the proposal.

Some respondents suggested that exemptions for working dogs travelling around and from one property to another in rural areas should be considered. Other submissions considered that dogs should still be allowed to put their head out a vehicle window, provided they are safely restrained inside the vehicle.



Need further clarification about open windows.

Professional organisation

Dogs should be tethered by harness not collar. Lead needs to be short but long enough for the dog to lie down. Shade should be provided. Better still a secured dog crate on the back allows movement but safely confines the dog.

Written submission - Individual

Other considerations that must be addressed along with this issue is the practice of transporting dogs in ute trays with no floor covering, dogs travelling on the back of utes can burn their footpads or bodies on the tray as these can get very hot in the sun.

Compliance and enforcement organisation

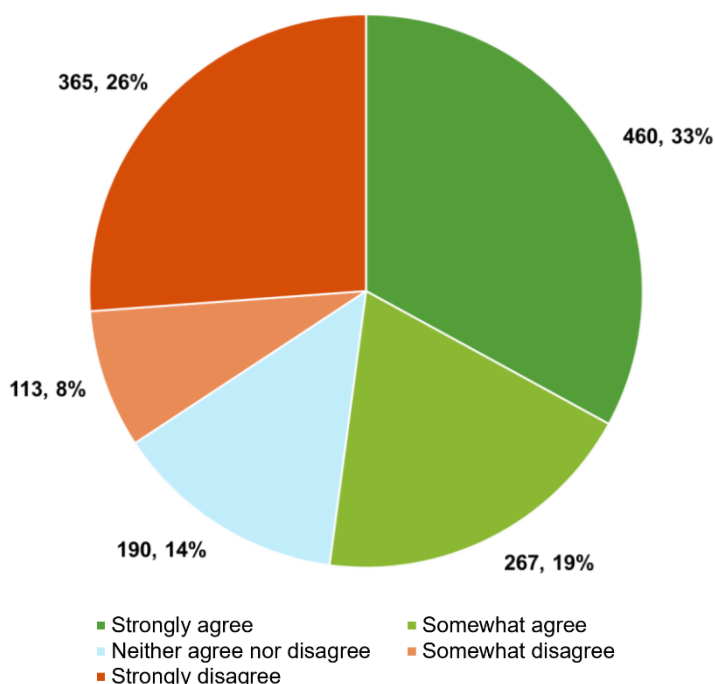
It is a very different case when a farmer has a working dog unrestrained in a vehicle. In this circumstance it should not be a requirement to have the dog restrained where it may be the case that the dog is on and off the vehicle regularly to manage livestock.

Sports, recreation and entertainment organisation

Using animals for scientific purposes

Just over half of the survey respondents (52%) either strongly or somewhat agreed to aligning the scope of when an animal is used for scientific purposes under the ACPA to the Scientific Use Code. While 34% strongly or somewhat disagreed to the proposal and 14% neither agreed nor disagreed.

Only 10% of the written submissions included feedback on the issue of using animals for scientific use. Of these, over half expressed some objection to the scientific use of animals, including general objection to the use of animals for scientific purposes because of the availability of non-animal alternatives.



[We] disagree in principle because animals should not be used for scientific purposes. But while the practice continues, [We] agree that the definition of animal used for scientific purpose needs to be broadened to align with the Code for some type of regulation.

Animal welfare and advocacy organisation

The proposal to expand the scope of when an animal is used for scientific purposes so as to be aligned with the Scientific Use Code is strongly supported.

Education and research organisation

All [our] research involving the use of animals is reviewed in accordance with the Australian Code for the care and use of animals for scientific purposes, 2013 (scientific use code).

Education and research organisation

...the ACPA may be amended to mirror the wording in the Scientific Use Code by way of insertion of a provision in chapter 4 stating that "when animals are specifically bred for scientific purposes, the breeding program must be managed in accordance with current best practice to ensure the wellbeing of the colony, herd or flock, and all animals involved..." in order to ensure consistency.

Animal welfare and advocacy organisation

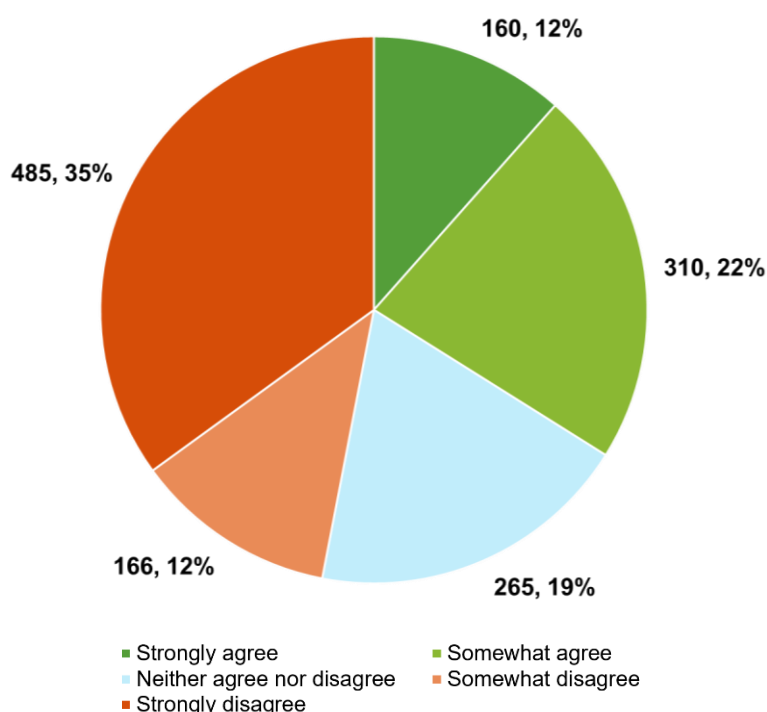
... all research institutions who use animals should be required to provide a Replacement Plan to demonstrate investment in and increased use of replacement strategies, to reduce the total number of animals used over time and ultimately phase out their use, unless the research is to benefit the animal used.

Animal welfare and advocacy organisation

The discussion paper raised issues about the use of animals for scientific purposes by the community. Many respondents to the survey submitted that scientific use of animals should be prohibited, while others suggested there should be an increase in transparency around the scientific use of animals given the strong public interest in animal testing. Other respondents submitted that given the availability of alternative testing methods that do not involve animals, more emphasis is needed to encourage other ways of gathering data rather than using animals.

Some respondents submitted that certain tests or practices should be prohibited, including the swim test, antibody production, bird banding and fish tagging.

Almost half of respondents (47%) either strongly or somewhat disagreed that other scientific use provisions are appropriate, while 34% either strongly or somewhat agreed that the provisions are appropriate. A moderate proportion of respondents (19%) neither agreed nor disagreed that the current provisions are appropriate.



Adopt the precautionary principle wherever science is not conclusive. Legislation should err on the side of caution and assume a level of sentience and ability to suffer.

Written submission - Individual

There also needs to be clarification of the regulation of the use and supply of animals for scientific purposes, including ensuring that unapproved use is subject to general cruelty provisions under the ACPA.

Animal welfare and advocacy organisation

... there are presently far more progressive and accurate methods of testing and research. The alternatives include in-vitro tests using human cells and tissues, in-silico modelling using advanced computer-modelling techniques, and far more relevant studies with actual human volunteers. There is a decline in the requirement to use animals for scientific purposes, and legislation should be updated to reflect this.

Animal welfare and advocacy organisation

The laws relating to the scientific use of animals are inappropriate. There should be increased accountability and reporting. There is a strong public resistance to animal testing. Data must be regularly published by the Department in a timely and transparent manner.

Written submission - Individual

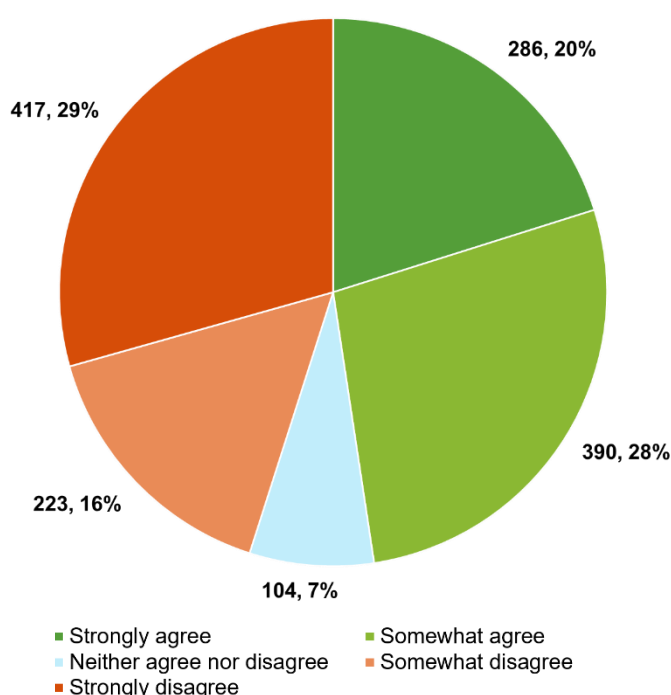
Inspectors

Powers of inspectors

Almost half (48%) of the survey respondents agreed that inspectors have sufficient powers to effectively deal with animal welfare incidents, while 45% of respondents strongly or somewhat disagreed. There was 7% of respondents who neither agreed nor disagreed.

Only 10% of written submissions received included feedback on inspector powers. Of these submissions, just over half indicated a preference for an increase in inspector powers. The remainder suggested support for maintaining the current powers.

A key theme from respondents who considered inspectors should have greater powers was to provide inspectors with the ability to address animal welfare issues without delay.



Amend to remove possible delay in cases where animals are left with their owners despite very poor conditions.

Survey respondent

[We] strongly agree that powers are sufficient to effectively deal with animal welfare incidents.

Professional organisation

Entering private residences needs to be balanced with privacy and should only be granted where there is genuine concern of animal cruelty.

Survey respondent

Inspectors should be given explicit powers to enter any commercial facilities as part of routine and unannounced inspections. By commercial facilities we refer to any location where animals may be held for the purpose of profiting from them (including for example: intensive farms; feedlots; saleyards; slaughterhouses; other animal agricultural farms; racing facilities including tracks, training, stables and kennels; places where captive animals are held or exhibited; animal testing facilities; places where animals are bred for sale; places where animals are sold).

Animal welfare and advocacy organisation

...the current powers of inspectors under the ACPA are sufficient however the available resources to enforce the ACPA are limited (both DAF & RSPCA) and there is a lack of uniformity in allocation of resources across the state.

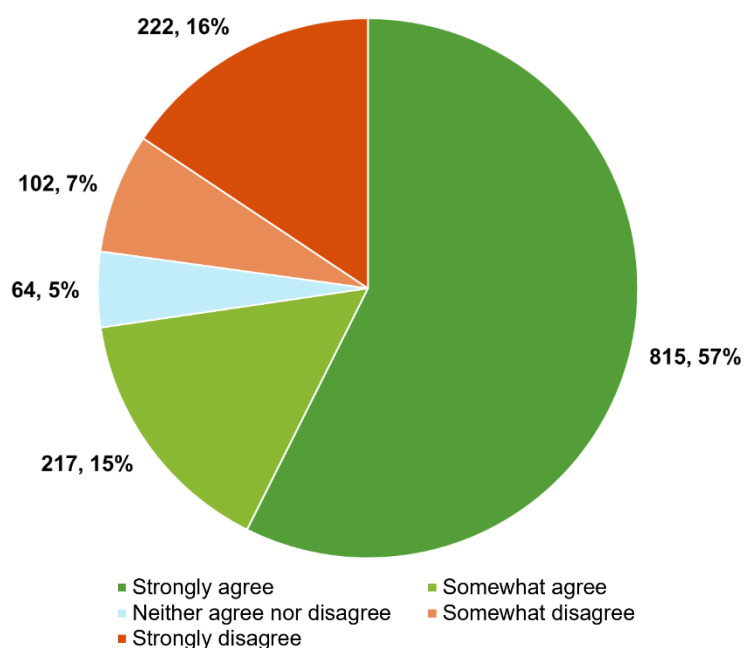
Professional organisation

Externally appointed inspectors

There was strong support for the Queensland Government to appoint non-government organisations, such as the RSPCA, as inspectors and conduct prosecutions under the ACPA. Most survey respondents (72%) either strongly or somewhat agreed while 23% strongly or somewhat disagreed. There was 5% of respondents who neither agreed nor disagreed.

Only 9% of written submissions received commented on this issue. Of these, there was an equal split between support for the appointment of inspectors from non-government organisations and not supporting these types of appointments.

Respondents that disagreed with the appointment of non-government inspectors raised concerns about conflicts of interest where charities are relying on public donations to fund the investigation of animal welfare cases. Others considered that as long as non-government inspectors are properly trained and subject to the same accountability requirements as public servants, it is appropriate for them to be appointed.



...ensuring that they are providing fair investigation methods will help to prevent unnecessary, unfair, and possible unlawful prosecution or harassment by the employees of the non-government organisation who is given this power.

Other animal-related industry organisation

The RSPCA performs an important role, and such appointment is acceptable.

Survey respondent

The inspector needs to be a public servant and will follow protocol without bias.

Survey respondent

We need more independent agencies able to enforce animal welfare laws and legislation. It is a conflict of interest for industry departments such as Agriculture and Fisheries department to be auditing their own industries for animal welfare when it is also in their interest to increase output of products = efficiency leaves no room for welfare and pain relief.

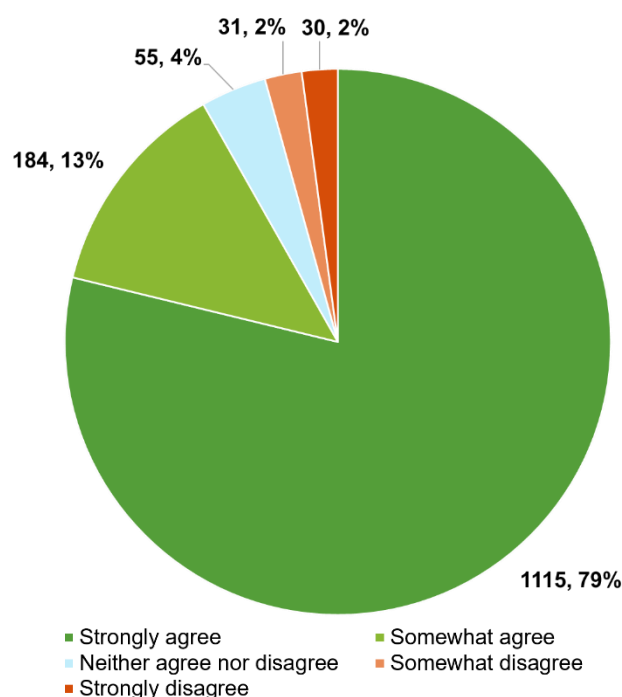
Survey respondent

Accountability of externally appointed inspectors

There was very strong support for the proposal that people from non-government organisations appointed as an inspector under the ACPA should be subject to the same accountability as public servants in terms of ethics and code of conduct.

Most survey respondents (92%) either strongly or somewhat agreed, while only 4% either strongly or somewhat disagreed and 4% neither agreed nor disagreed.

A significant number of written submissions (22% of all submissions received) suggested an Independent Office of Animal Protection be established to investigate and prosecute animal cruelty offences.



Non-government organisations can often be biased to a certain point of view and push their own agenda. The government should be responsible for ensuring officers comply with the appropriate standards.

Survey respondent

We strongly agree that there should be appropriate accountability for all inspectors. But more importantly, such accountability needs to be overseen in an independent way (independent from DAF).

Animal welfare and advocacy organisation

Whatever ACPA inspectors are held to is what the RSPCA should be held to.

Survey respondent

[We are] of the firm belief that any person from a non-government organisation that is engaged to act as an inspector, must undertake training that is consistent with a government employed person, and that they can demonstrate a sound ability to undertake the role and have a strong understanding of livestock.

Agricultural organisation

...complaints against RSPCA inspectors are usually handled internally within the RSPCA inspectorate and the government has limited oversight of the way they are conducting their duties. Government also investigates their own complaints. This has the potential for abuse of powers to go without correction.

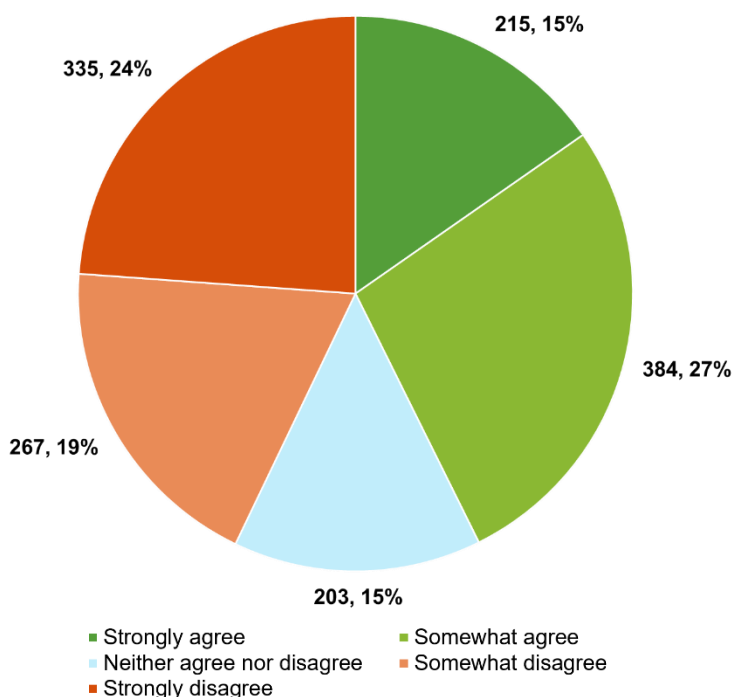
Professional organisation

Compliance and enforcement

Current provisions

Responses were mixed on whether the current suite of compliance and enforcement options under the ACPA is appropriate. Under half (42%) of respondents either strongly or somewhat agreed that the current suite of compliance options (not including penalty infringement notices, as discussed below) for responding to breaches of animal welfare under the ACPA is comprehensive. A similar percentage (43%) of respondents strongly or somewhat disagreed. There was 15% of respondents who neither agreed nor disagreed.

This issue was also raised in 9% of written submissions. Of these submissions, respondents were equally split in support and against the current provisions. Many of the written submissions commented on the need for mandatory prohibition orders for repeat or serious offenders to prohibit those individuals from owning or being responsible for any animal for life.



There is a huge gap between education and prosecution.

Survey respondent

There needs to be mandatory prohibition orders for repeat or serious offenders to prohibit those individuals from owning or being responsible for any animal for life.

Written submission - Individual

Comprehensive, however punishment should be harsher.

Survey respondent

Queensland must be able to enforce prohibition orders from other states. Most other states and territories can enforce Queensland prohibition orders.

Written submission - Individual

[Our organisation] supports greater transparency and public reporting on animal welfare enforcement and compliance activities.... Greater public disclosure regarding the administration of the Act will help to build confidence within the community that the legislation is being actively administered and compliance monitored.

Animal welfare and advocacy organisation

[We] consider where non-compliance is not intentional or malicious, the ACPA should require a warning be issued in the first instance.

Agricultural organisation

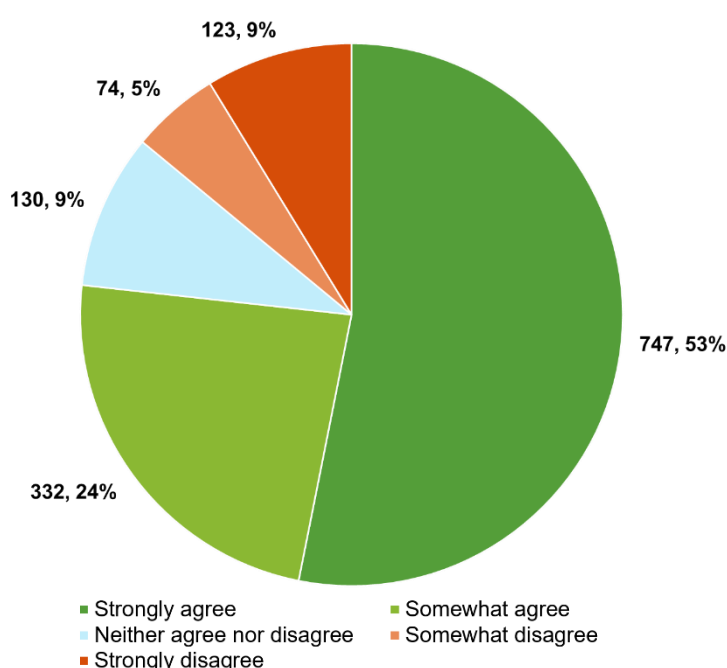
A PINs scheme under the ACPA

There was strong support from respondents for introducing a penalty infringement notice (PIN) for clearly defined low range animal welfare offences. This was somewhat tempered with comments about PINs not being suitable in all circumstances.

Most respondents (77%) either strongly or somewhat agreed, while 14% of respondents strongly or somewhat disagreed with the proposal. The remainder (9%) of respondents neither agreed nor disagreed.

Most of the respondents in a small number of written submissions (7% of all submissions) supported the proposal. However some agricultural organisations did not support the introduction of PINs.

There were concerns the introduction of PINs may have adverse animal welfare outcomes if they are used in situations that require stronger enforcement options and for repeat offenders.



PINs can provide an additional option for Inspectors where more comprehensive charges are not appropriate. However, PINs should only be for very low level offences. Where offenders continually repeat, stronger action is necessary.

Survey respondent

Introduction of Penalty Infringement Notices (PINs) will introduce more ambiguity and subjectivity for inspectors. Therefore, our organisations strongly disagree with the introduction of PINs as a compliance option under the ACPA.

Agricultural organisation

PINs are intended to serve as a deterrent where prosecution is unlikely or inappropriate. [We are] concerned that the reliance on PINs will not dissuade institutional perpetrators (e.g. animal production facilities) who will view it as an operating cost. On the other hand, where neglect is due to lack of education or economic power the provision of a PIN is not appropriate and might push the perpetrator into further financial trouble, also impacting the animal.

Animal welfare and advocacy organisation

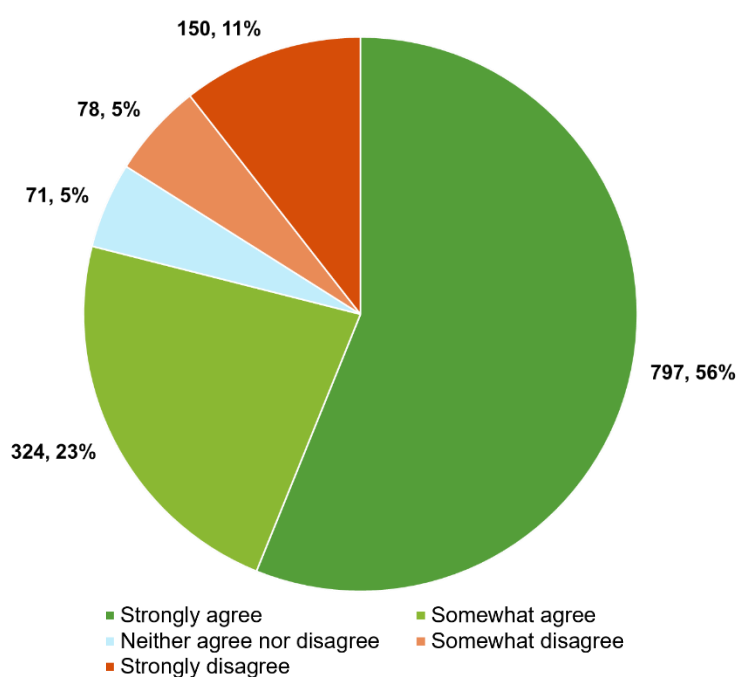
If the Government decides to introduce PINs, the trigger points for imposition of fines, and how they would be implemented would need to be discussed in detail with industry, to ensure that they are well defined, and will result in positive animal welfare outcomes.

Other animal-related industry organisation

Orders relating to animal welfare offences

Selling or rehoming

Most respondents (79%) either strongly or somewhat agreed the introduction of a provision that would allow a court to decide to sell or rehome seized animals prior to court matters being finalised is reasonable, while a small proportion (16%) of respondents strongly or somewhat disagree with the proposal. There was 5% of respondents who neither agreed nor disagreed. The benefit of the presumption of innocence was a strong theme in written submissions.



[We] consider that if there has been no judgment or verdict made, the animal(s) are still under the ownership of the primary animal carer, enjoying the presumption of innocence, which does not justify the court to decide to sell or rehome seized animals unless the primary carer relinquishes the animals to the seizing entity or agrees to the sale of these animals.

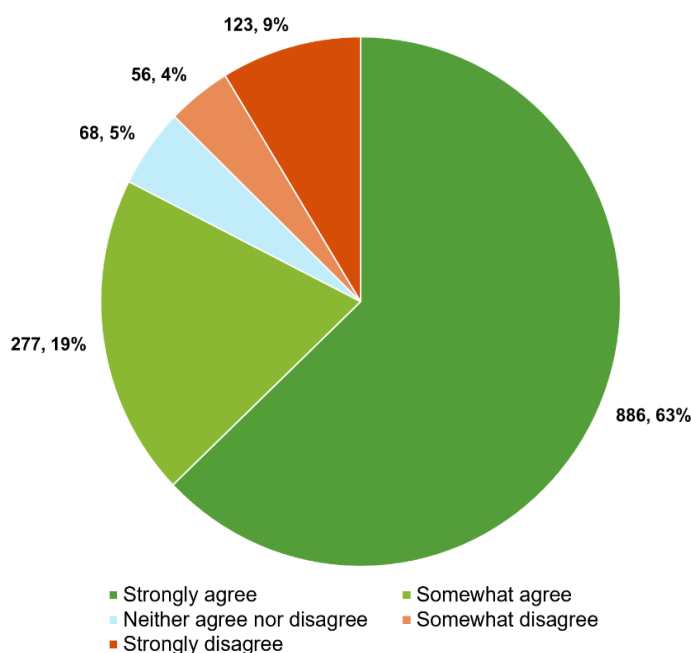
Agricultural organisation

Streamline dispute/court process to reduce time that they are in care.

Survey respondent

Bonds and securities

Most respondents to the survey (82%) either strongly or somewhat agreed 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, while a small proportion (13%) of respondents strongly or somewhat disagree with the proposal. There was 5% of respondents who neither agreed nor disagreed.



A small proportion (9%) of written submissions included feedback on options for the management of seized animals. Other options for cost recovery from respondents to the survey and in written submissions included sanctuary adoptions, funding through PIN revenue and low interest payment plans. Some respondents raised concerns about the decision-making process and the impacts these proposals may have on the owner of the animal.

The RSPCA and authorised animal welfare organisations should be permitted to rehome seized animals more quickly. Animals are often forced to wait years in RSPCA care before they can be legally rehomed. Given that these very animals are the focus of the legislation, this requires urgent attention. The laws must ensure that seized animals are protected from further harm and are able to live their lives in a home where they are safe and well cared for.

Written submission - Individual

Our opposition is in support of farmers whose livelihood will be jeopardised and for the welfare of their animals. There are sufficient mechanisms in place to ensure the protection of animals during any court proceeding making this type of provision unnecessary. The sale or rehoming of animals will only create unnecessary stress on the animals during the transportation process. Then, should the court action find in favour of the owner of the animals, then the animals are only going to be subjected to additional unnecessary stress when they are returned to the owner.

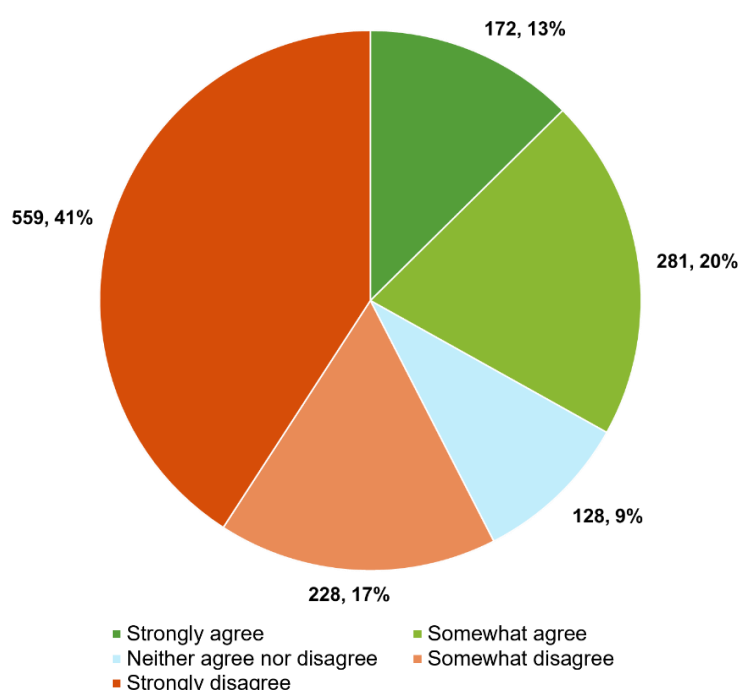
Sports, recreation and entertainment organisation

Establishing appropriate penalties

Most survey respondents (58%) either strongly or somewhat disagreed that the current maximum penalties under the ACPA are appropriate. A smaller proportion (33%) either somewhat or strongly agreed the penalties are appropriate, while 9% neither agreed nor disagreed.

There was 16% of written submissions which included comments on this issue. Of these, most indicated the current penalties were inappropriate.

Some respondents considered that although Queensland's animal welfare penalties are the highest in the country, this was not necessarily reflected in the sentences being given to offenders.



It is good to see jail terms included in the maximum penalties, however these are not often invoked. Maximum penalties should be increased so that; as is usually the case; when the magistrate hands down a penalty that is less than the maximum, the punishment is still severe enough to deter future infringements.

Written submission - Individual

...it is pointless to have a substantial maximum fine if the judiciary does not opt for the maximum when sentencing. It begs the question of how bad does cruelty to an animal or how much suffering must the animal endure, for the maximum penalty to be handed down.

Animal welfare and advocacy organisation

Penalties must be strong enough to act as a deterrent and need to include mandatory bans for repeat or serious animal cruelty offenders. Financial penalties must be significantly increased for corporations, so they do not simply see a small penalty as part of the cost of doing business in Queensland and continue to use cruel practices to maximise profit.

Written submission - Individual

While [we] strongly agree the maximum penalties for animal welfare offences under the ACPA are appropriate, education of the judiciary on the importance of animal care and prevention of cruelty should be respectfully undertaken, including the community expectation, as well as emphasising the expectation that they use the full weight of the provisions for sentencing where required.

Professional organisation

Additional issues raised during consultation

The consultation allowed respondents to make written submission on any issues about the ACPA that were not considered in the discussion paper. Respondents raised a number of issues and the most prevalent are summarised below.

The five domains model

The ACPA is based on the five freedoms model which focuses on minimising negative experiences. Respondents in 57 written submissions submitted that the five domains model should be adopted as it is based on more contemporary animal welfare science. The five domains model provides that for an animal to have a life worth living an animal should be provided with opportunities to have positive experiences in addition to minimising any negative experiences.

Respondents in almost half (427) of the written submissions called for animal sentience to be explicitly recognised in the ACPA. Respondents considered that it is important to recognise that non-human animals are capable of being aware of their surroundings, relationships with other animals and humans and of sensations including pain, hunger, heat and cold.

A small proportion of these submissions suggested Queensland should follow the lead of other jurisdictions such as New Zealand and the Australian Capital Territory, which already recognise animal sentience, and the United Kingdom and Victoria which have signalled an intention to explicitly recognise sentience in their respective animal welfare legislation.

There was only one submission that opposed explicit recognition of animal sentience in Queensland legislation.

Wildlife

A small proportion of written submissions (18) included feedback on the welfare of native wildlife. Some feedback suggested the application of the ACPA could be clarified to clearly define the welfare requirements to native animals.

Other feedback was more specific, relating to the welfare of flying-foxes and the use of netting on fruit trees and barbed-wire fencing. Large aperture mesh netting (greater than 5mm x 5mm), while not intended to entrap animals, was reported to result in serious injuries to some wildlife.

The use of baits and substances on animals

Some respondents in written submissions (51)) included comments on the use of baits and substances for feral animal and pest control. Respondents who did not support the use of baits and substances considered it had a negative impact on animal welfare.

Some of the 51 respondents supported the use of baits and substances because of its use in pest control programs where other methods (such as trapping or shooting) are not considered to be feasible.

Hunting of feral pigs

There were 46 written submissions that raised the issue of feral pig hunting. Just over half of these indicated humane feral pig hunting should continue because it is considered as an effective means of controlling feral pig populations, minimising crop and stock losses and environmental damage.

The remainder of the respondents considered hunting was a cruel practice, with some raising concerns about the use of dogs in pig hunting and the impact on the welfare of both the dogs and pigs. Some respondents commented that native mammals and birds can be accidentally killed or wounded during hunting.

Tethering animals

There were 21 written submissions that included comments on the issue of tethering. Respondents considered that tethered animals should be supervised.

These respondents raised objections to tethering as it was considered as being a form of confinement and presents risks of entanglement, frustration, starvation and stress if the animal is unable to move freely to access shelter, food or water.

Providing shade to animals

The need to provide shade to all animals (including farmed animals) was raised in 28 written submissions. Respondents considered that some animals spend time all of their time in open paddocks and are unable to seek relief from sun, wind and rain.

Some submissions also suggested that species-specific minimum standards for shade and shelter be included in codes of practices.

Oversight and governance of animal welfare in Queensland

A quarter of (227) written submissions proposed the establishment of an Independent Office of Animal Protection to address a perceived conflict of interest for the Department of Agriculture and Fisheries in regulating and enforcing animal welfare in animal-use industries, while fostering those industries' economic productivity.

Respondents raised concerns regarding the accountability of inspectors under the ACPA and that greater transparency involving cruelty complaints and enforcement measures could be addressed through an independent office.

Respondents also commented that having an independent statutory entity solely responsible for animal welfare would have clear benefits for animals.

Relevant e-petitions

Petitioning is one of the traditional methods by which members of the public can make a formal request to the Parliament. There were six animal welfare related e-petitions that were tabled in the Legislative Assembly during the consultation period. Issues raised in these e-petitions (listed below) are also being considered as part of the ACPA review process.

- Make suitable shelter mandatory for all farmed animals (Petition no. 3499-21)
- Tethering of dogs must be prohibited (Petition no. 3501-21)

- Continue the use of all methods, including dogs, to control feral pigs (Petition no. 3515-21)
- Ban the use of shock collars on dogs (Petition no. 3526-21)
- Illegal to import - Prohibit the use of prong collars in Queensland (Petition no. 3530-21)
- Prohibit the use of choke collars in Queensland (Petition no. 3531-21).

Closing remarks

The Queensland Government is committed to maintaining strong and effective animal welfare laws. It is important that the community and stakeholders have an opportunity to comment on animal welfare laws.

The department thanks everyone who responded to the survey and made submissions. All the feedback gathered as part of the consultation process is being considered for the next part of the review of the ACPA which is preparation of amendments to the ACPA.

Learn more about the progress of the review of the ACPA by visiting daf.qld.gov.au or call 13 25 23.

