

Animals Need Shade
No Animal Should Suffer



**BAN DOG
CHAINING
.ORG**



Suggested survey responses for

Community consultation

Have your say

Review of the

Animal Care and Protection Act 2001

<https://daf.engagementhub.com.au/animal-welfare>

Question #	Questions about the ACPA	Your Response	Follow-up Question	Your Reasons
7	<p>One of the purposes of the ACPA is to "...achieve a reasonable balance between the welfare needs of animals and the interests of people whose livelihood is dependent on the animals..."</p> <p>This purpose is still suitable with increased animal welfare expectations and consumer preferences.</p>	Strongly disagree	If you disagree, what do you think the purpose should be?	<p>The Act must recognise the sentience of non-human animals and the community's obligation to protect animals from suffering and cruelty. Basic welfare rights include 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. Any reference to "balance" between animal and human interests should be removed.</p>
8	<p>The current prohibited event provisions are appropriate.</p>	Strongly disagree	If you disagree, what would you change?	<p>Rodeo and calf roping must be specifically included in this list. Greyhound racing and horseracing must also be included. These events must be prohibited and prohibitions enforced. The Act's intent must be reflected in all subsidiary codes and regulations. This is not happening at the moment as evidenced by the fact that an "event in which people attempt to catch, fight or throw animals" and "causes an animal pain" is a prohibited event but it happens at every rodeo.</p>
9	<p>Veterinary professionals should have obligations under the ACPA to report suspected incidents of animal cruelty or neglect to authorities.</p>	Somewhat agree	If you disagree, please explain why?	<p>Vets must report cruelty and be protected when they do so. While animal cruelty (including neglect) must be reported, there is a concern that the perpetrators of that cruelty will not take their animal to a vet for medical care if they think the vet will report them for doing so.</p>
10	<p>The current list of surgical procedures restricted to veterinary surgeons is appropriate.</p>	Strongly disagree	If you disagree, what procedures should be added or removed?	<p>Debarking and all listed procedures must be banned. They are cruel and unnecessary. Surgical procedures on any animal should only be performed for medical reasons and must be done by qualified vets.</p>

Question #	Questions about the ACPA	Your Response	Follow-up Question	Your Reasons
11	The current provision on tail docking of dogs is appropriate	Strongly disagree	If you disagree, please tell us how you think the provisions should change.	Docking of a dog's tail for perceived cosmetic reasons is cruel and unnecessary. It must be prohibited. In the case of a serious medical condition (as assessed by a qualified vet) it must be performed by a qualified veterinary surgeon only.
12	The current provisions for the supply of animals that have undergone a regulated surgical procedure are appropriate.	Neither	If you disagree, please tell us how you think the provisions should change	This section should read "for ear cropping, cat claw removal, docking a horse tail and debarking, it is an offence to supply to another person 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 for a medical reason." Reference to RSPCA requirements must be removed. There must be provision for rescue animals who may not have certificates if the procedure was done before their rescue.
13	The current provisions for traps and spurs are appropriate.	Strongly disagree	If you disagree, please tell us how you think the provisions should change.	Other traps must be added: Opera house trap (lethal for platypus) already banned in Vic and NSW; glue traps (see Pocta reg 62 Vic); unpadded steeljaw traps; both functioning and dismantled traps should be prohibited; spurs should not be used at all when in contact with animals. Regulations should not be able to contradict the Act.
14	The current offences relating to the use of dogs to kill or injure another animal are appropriate.	Strongly disagree	If you disagree, what would you change?	These provisions must be expanded and strengthened. The use of dogs to catch, harm or kill wild pigs, foxes, rabbits or any other wild animals must listed and prohibited. In addition, the dogs themselves are often injured and lost to the local environment, abandoned or shot. The 'use' of dogs to cause harm and be harmed in this manner is exactly the type of cruelty the Act is trying to prevent.

Question #	Questions about the ACPA	Your Response	Follow-up Question	Your Reasons
15	The current offence relating to confining a dog is appropriate.	Strongly disagree	If you disagree, what should be changed?	Inhumane & Impossible to monitor & enforce Dogs should not be kept in closely confined spaces(except when prescribed by vet - medical reasons) Unsupervised tethering must be banned.No person is permitted to tether a dog to a stationary or inanimate object as a means of confinement or restraint unless that person is outside with the dog, and the dog is always visible to that person. Dogs kept outside must be in a fenced yard with sufficient space for the dog to exhibit natural behaviours. eg run access shade water.
16	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		On ute or truck trays, dogs should be safely tethered or kept in large cages. It should not be an offence for dogs to protrude from open windows, provided they are restrained or the window aperture is small enough to prevent the dog from falling/jumping out. Dogs must be sheltered from the elements while driving.
17	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.	No Answer		
18	Other provisions in the APCA relating to the scientific use of animals are appropriate.	Strongly disagree	If you disagree, what should be changed?	Animals must not be for a scientific purpose unless there is a net benefit for the individual involved. Section 92 must also include cosmetic testing; and the power of the chief executive to grant an exemption under s 92 must be removed. In the interim: there must be more transparency about animals used and public registers are required. Any animal used in any type of research or teaching facility must be offered for adoption at the end of their "use".

Question #	Questions about the ACPA	Your Response	Follow-up Question	Your Reasons
19	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	If you disagree, what should be changed?	To allow effective prevention of cruelty to animals, authorised officers and inspectors should have the power to enter and inspect premises where animals are kept for commercial purposes without warrant and without notice. The animals' welfare (NOT animal production) must be the sole focus of the work officers and inspectors.
20	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.	Strongly disagree	If you disagree, please tell us why?	The Act must establish an Independent Animal Protection Agency to set, regulate and enforce adequate animal welfare standards. This role must not be left to a charity that depends on donations to operate and a Department of Agriculture and Fisheries that is charged with safeguarding animal welfare in animal-use industries while fostering those industries' economic productivity.
21	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	If you disagree, what standard of accountability should they be subject to?	The RSPCA is not subject to Freedom of Information. It is not independently funded and depends on donations from outside organisations. Enforcement bodies must be accountable and transparent. For this reason an independent office of animal welfare must be established with law enforcement powers. This office would also advocate for animal protection, educate the public on responsible pet and farm animal ownership. The RSPCA should continue to operate animal shelters, supporting injured wildlife.
22	The current suite of compliance options (not including PINs, as discussed below) for responding to breaches of animal welfare under the ACPA is comprehensive.	Somewhat Disagree	If you disagree, what should be changed?	Most current compliance options are appropriate. Prohibition orders / bans should be available as a compliance option before court. They should also include the recognition of interstate ban orders as well as entry in a public register of ban orders. Animal Welfare Directions need to include keeping animals alive and in the recipient's possession.
23	PINs should be introduced as a compliance option under the ACPA for clearly defined, low range animal welfare offences.	Strongly Disagree	If you disagree, please tell us why?	PINs are intended to serve as a deterrent where prosecution is unlikely or inappropriate. The Animal Justice Party is 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.

Question #	Questions about the ACPA	Your Response	Follow-up Question	Your Reasons
24	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		
25 26 no answer	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.	Strongly agree	What other cost recovery arrangements should be considered?	
27	The maximum penalties for animal welfare offences under the ACPA are appropriate.	Somewhat Agree	If you disagree, how should they be changed?	Maximum penalties are not imposed by courts. Penalties are useless if they are not enforced. Some are woefully inadequate, eg: cropping of dog's ear or docking tail; abandonment of animal; close confinement; use of baits and allowing animal to injure. Financial penalties must be significantly higher for corporations under s 209. Clarification needed when the offence includes multiple animals. An offence punishable by 1 year imprisonment or more should include a mandatory lifetime ban on keeping or working with animals. Min time Frame of 1 month reporting sighted cruelty sighted must be extended if evidence available.