

Thursday 20<sup>th</sup> May 2020

Attn: Manager, Animal Care and Protection Act Review  
Animal Biosecurity and Welfare,  
Biosecurity Queensland  
GPO Box 46,  
Brisbane QLD 4001

## PROPERTY RIGHTS AUSTRALIA

### Submission into the review of the *Animal Care and Protection Act 2001*

Property Rights Australia (PRA) was formed in 2003 to protect the property rights of those unfairly targeted by the *Vegetation Management Act 1999*. We are a non-profit organisation of primary producers and small businesspeople mostly from rural and regional Queensland who are concerned about continuing encroachments on the rights of private property owners. The organisation was formed to seek recognition and protection of the rights of private property owners in the development, introduction and administration of policies and legislation relating to the management of land, water and other natural resources. Set up in South West Queensland, PRA's membership now extends across most states and multiple major rural industries. PRA is not affiliated with any political party.

Through consultation and feedback activities with members of PRA we tender the following issues for consideration into the review of the *Animal Care and Protection Act 2001*:

#### Issue 1: Increasing Regulatory Burden Resulting from this Legislative Review

PRA is supportive of efforts by Government to develop effective regulation that achieves society's legitimate needs without imposing unnecessary burdens on businesses and individuals.

Regulatory burdens impact on primary producers' capacity to operate their businesses through the time and energy required for compliance activities being diverted away from running their enterprises and seeking further productivity and profitability improvements.

The regulatory burden within Australian agriculture is effectively a cumulative one; resulting from the impact of many individual regulations of which each regulation, seen in isolation, does not appear to represent a significant imposition. Queensland agriculture was affected by regulation contained within over 75 Acts and

**CHAIRMAN** - Joanne Rea || **Vice Chairman** – Jim Willmott || **TREASURER** – Shay Dougall

**SECRETARY** – Dixie Nott

**BOARD MEMBERS** - Dale Stiller, Neville Stiller

Regulations covering over 17,590 pages This does not include Council by-laws, associated Codes or Federal legislation.

## **Issue 2: Compliance and Enforcement**

The potential to introduce PIN (penalty infringement notices) that allows for compliance action without criminal prosecution will add additional regulatory burden onto rural landowners. The use of PIN must include an automatic right to appeal in a Magistrate Court. If this is not the case, the use of PIN would be totally unacceptable. All enforcement and compliance decisions must be open to scrutiny and appeal.

The current *Animal Care and Protection Act 2001* allows for employees of RSPCA to be engaged as Inspectors with powers delegated under this Act to investigate and enforce compliance. It has been publicly recognised that a number of RSPCA engaged volunteers have previously participated in illegal farm invasions and have known links with animal activist groups. Given this, the potential risk of other employees within the RSPCA structure also having similar links is cause for concern. The use of PIN by RSPCA employees with delegated compliance authority could give rise to the weaponising of PIN to support ideological beliefs expressed and acted upon by animal activist groups. More rigor and vetting of all Public Servants, Police Officers and externally Appointed Inspectors needs to occur to ensure they have no known links to animal activist organisations or support the ideological intent expressed by these organisations. This is a critical issue to ensure the general public has confidence in compliance and enforcement actions undertaken by people appointed to investigate and enforce compliance under this act and all other local, State and Federal legislation.

## **Issue 3: Externally Appointed Inspectors**

Currently Biosecurity Officers employed by DAFF and Inspectors employed by the RSPCA or Police Officers can be appointed to investigate and enforce compliance. Given that RSPCA also has an advocacy role and some of its employees have played an active role in illegal farm invasions PRA advocates that only a Queensland Public Servants or Police Officers be given delegated powers to investigate and enforce compliance.

Currently it is up to RSPCA to ensure their officers abide by the code of conduct for the Queensland Public Service. RSPCA is a charity and not a government entity and therefore not open to the level of public scrutiny or accountability in regards to the operation of their officers/Inspectors. This is more concerning knowing that some RSPCA employees have known links to animal activist's organisations.

The risk of animal activism influencing government policy and regulatory systems to the detriment of agricultural industries has been a costly exercise for governments. No other case is more relevant than the shutdown of the Live Export Industry in 2011 and the resulting decision by the Federal Court in 2020 ruling against the then government decision making and right to compensation awarded to affected landowners.

PRA does not support the continued use of employees of RSPCA to be externally appointed Inspectors. PRA considers only Queensland Public Servants and Police Officers that have been appropriately vetted are given delegated compliance and enforcement powers under any new legislation produced from this review process.

#### **Issue 4: The Use of Dogs for Managing and Guarding Stock and Properties**

There are over 270,000 stock herding dogs working across rural Australia with many breeds not just having an ability to work but an instinctive desire to do so. Working dogs are critical to the day to day running of farms and they are seen as much more than a tool. Rural communities see working dogs as companions and work colleagues who are highly valued members of countless farm enterprises and rural businesses.

PRA does not support any future legislative restrictions resulting from this legislative review that will restrict or hinder the use of dogs for working and guarding stock and properties.

#### **Issue 5: Feral Animal Management**

PRA members are extremely concern about the implications this review may have on feral pig management and the use of dogs in feral pig management strategies.

The use of dogs for feral pig management within inaccessible and accessible crops and pastures is a highly effective, cost effective and humane way of managing feral pest animals and without this option the effectiveness of feral pig management strategies will be compromised. These restrictions would increase the impacts generated by feral pig populations on agricultural production and biodiversity protection. Pig hunters need to be recognised for the important role they play in protecting our state's flora and fauna. Thousands of hunting enthusiasts act as volunteer pest managers across the State.

To prevent the use of dogs for this purpose would only increase the rapidly expanding feral pig population in Queensland. Any future restrictions that hinder or restrict the community's response and capacity to undertake integrated feral pig management should be balanced with the potential economic, social and environmental impact that would come from an exotic disease outbreak. Feral pigs are the key vectors of exotic disease spread and governments have a responsibility to ensure the use of hunting and working dogs for feral pest control is not prevented or hindered through this legislative review.

Section 42 of the current *Animal Care and Protection Act 2001* permits the killing of feral or pest animals so long as the act is done in a way that causes the animal as little pain as is reasonable and the control complies with any conditions prescribed under a regulation. PRA does not support a legislative ban or further restrictions placed on the use of hunting and working dogs, trapping, baiting and shooting for the control of animals scheduled as restrictive biosecurity matter under *The Queensland Biosecurity Acts 2014*.

## **Issue 6: Regulation of Common Surgical Procedures used in Commercial Livestock Production**

Property Rights Australia 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.

PRA believes the current Act provides the balance between humane control and the flexibility to implement a range of control methodologies for the humane destruction of feral animals.

Regards

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**Chair**

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