



Hon Tim Mulherin MP
Member for Mackay

Reference: 02335/11



**Minister for Agriculture, Food
and Regional Economies**

07 APR 2011

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Corner Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

Thank you for your letter of 10 March 2011 concerning Parliament of Queensland Petition 1631-11 and 1647-11 regarding stricter laws governing the sentencing for cruelty to animals.

The following wording is provided as the ministerial response for tabling, responding to the principal petitioner and publishing on Parliament's website.

"I acknowledge that incidents such as the ones you have identified are of great concern within the community. Please be assured that the Queensland Government is committed to ensuring that all animals in Queensland have appropriate standards of welfare. Acts of animal cruelty will not be tolerated and significant penalties are in place under the *Animal Care and Protection Act 2001 (ACPA)*. The ACPA is one of the world's most advanced pieces of animal welfare legislation and affords high levels of care and protection to all animals in Queensland.

The ACPA has significant penalties compared to equivalent legislation in other Australian states and territories and maximum penalties were increased in January 2009. A breach of the duty of care provisions or unreasonable abandonment or release of an animal can potentially result in a fine of \$30,000 or one year imprisonment. A breach of cruelty can potentially result in a fine of \$100,000 or two years imprisonment. The fines for a corporation can be up to five times these amounts.

Queensland's Criminal Code also prohibits the injuring of animals. Section 468 of the Code provides that any person who wilfully and unlawfully kills, maims, or wounds, any animal capable of being stolen is guilty of a crime. While the offence does not apply to a wild animal, the offence has been used in cases of cruelty concerning domestic animals. The offence carries a maximum penalty of up to three years imprisonment, depending on the circumstances. If the animal in question is stock, a maximum penalty of seven years imprisonment applies.

8th Floor Primary Industries Building
80 Ann Street Brisbane 4000
GPO Box 46
Brisbane 4001 Queensland
Telephone +61 7 3239 3000
Facsimile +61 7 3229 8541
Email agriculture@ministerial.qld.gov.au
ABN 65 959 415 158

Further, the Queensland Government has recently announced its intention to introduce a new offence of serious animal cruelty, with a maximum penalty of seven years jail, which will apply to anyone who intentionally inflicts severe pain or suffering on an animal. It is anticipated that the legislation to provide for the new offence will be introduced to Parliament by July 2011.

When considering the issue of sentencing it is important to note that the doctrine of separation of powers means that Government does not dictate to the judiciary how they are to sentence. Parliament determines the maximum penalty for offences, but it is for the courts to determine what sentence to impose in the particular circumstances.”

If you require any further information regarding this matter, please do not hesitate to contact Nicole Seils, Acting Principal Advisor in my office on telephone 07 3239 3000.

Yours sincerely

A handwritten signature in black ink that reads "Tim Mulherin". The signature is written in a cursive style with a prominent initial "T" and "M".

TIM MULHERIN, MP
Minister for Agriculture, Food
and Regional Economies
Member for Mackay