



Hon Paul Lucas MP

Our ref: 542356/1; AG/11/06347

Your ref: Petitions

5 JAN 2012

Mr Michael Ries
Acting Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Ries

Re: Petition No. 1761-11

Thank you for your letter dated 9 December 2011, to the Honourable Paul Lucas MP, Attorney-General, Minister for Local Government and Special Minister of State, regarding petition number 1761-11, received by the Queensland Legislative Assembly on 29 November 2011, expressing concern about the use, sale and promotion of pronged collars on dogs in Queensland.

The Queensland Government shares the community's outrage about animal cruelty and condemns this abhorrent conduct.

On 13 October 2011, the Queensland Government introduced legislation into Parliament strengthening existing animal cruelty laws. The amendments are contained in the Criminal and Other Legislation Amendment Bill 2011 (the Bill).

The Bill amends Queensland's Criminal Code by inserting a new offence of serious animal cruelty. The offence will carry a maximum penalty of seven years imprisonment to reflect the gravity and seriousness of this type of offending. The new offence will apply to a person who kills, seriously injures or causes an animal prolonged suffering and does so intending to inflict severe pain or suffering on the animal – in effect, the torture of an animal.

While Queensland's Criminal Code already provides for up to three years in jail for a person who unlawfully kills, maims or wounds an animal 'capable of being stolen', and up to seven years where the death or injury was inflicted on commercial livestock, the offence is limited in its application with regards to many animal cruelty cases because, for example, the offence does not capture cruelty inflicted upon a wild animal nor does it capture a person who injures an animal that they own.



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The new offence of serious animal cruelty will resolve these issues and with a maximum penalty of seven years imprisonment, will allow a sentencing court to impose a punishment that appropriately denounces such abhorrent conduct in line with community expectations.

Additionally, section 18 of the *Animal Care and Protection Act 2001* contains an animal cruelty offence which carries a maximum penalty of \$100,000 (1,000 penalty units) or two years imprisonment. Currently, the majority of acts of animal cruelty in Queensland are prosecuted under this section. Section 18 makes it an offence to be cruel to an animal. It is a very broad provision and can extend to deliberate cruelty or reckless conduct. The Bill amends section 18 to increase the maximum penalties for that offence to \$200,000 (2000 penalty units) or three years imprisonment.

The use of a pronged collar may result in a breach of the cruelty and duty of care provisions under the Animal Care and Protection Act. Although pronged collars are not prohibited in Queensland, where it is alleged that the use of a pronged collar is having an adverse impact upon an animal, the matter will be investigated by the RSPCA or Biosecurity Queensland. If the investigation reveals that the use of the pronged collar has caused the animal unreasonable pain or suffering, appropriate action will be taken against the person in charge of the animal.

Biosecurity Queensland has advised that consideration will be given to a prohibition on the use of pronged collars when the Animal Care and Protection Act is reviewed in the future.

The Australian Animal Welfare Strategy sector group for companion animals is currently drafting a national dog animal welfare standard. This standard will inform jurisdictions on uniform standards for the keeping and management of dogs as companion animals. Queensland will provide input into the development of the standards and once finalised will mandate the standards under the ACPA. The use of prong collars will be addressed in the development of the standard.

In terms of the other amendments contained in the Criminal and Other Legislation Amendment Bill with regards to animal cruelty, the Bill strengthens the prohibition orders scheme contained in the Animal Care and Protection Act to ensure the adequate protection of animals from abuse. Prohibition orders are orders that prevent a person from possessing, purchasing or otherwise acquiring an animal. The Bill amends the Animal Care and Protection Act to require the court to make the prohibition order unless satisfied it would be unjust to do so in the circumstances. The onus will be on the offender to satisfy the court that the order shouldn't be made.

Additionally, the Bill imposes a mandatory prohibition, of at least two years, upon a conviction for the offence of injuring an animal under the Criminal Code and the new offence of serious animal cruelty.

This raft of amendments is designed to reflect the importance of animals and the obligations that we, as a society, have to protect them from suffering.

I trust this information is of assistance.

Yours sincerely



ANNASTACIA PALASZCZUK MP
Acting Attorney-General,
Minister for Local Government
and Special Minister of State