



The Hon Mark Furner MP
Minister for Agricultural Industry Development and Fisheries
and Minister for Rural Communities

Our ref: CTS 14258/22
Your ref: A925541

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14 September 2022

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Services
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 17 August 2022 enclosing a copy of Petition 3745-22 lodged in the Queensland Legislative Assembly regarding making suitable shade shelter mandatory for all farmed animals.

The Palaszczuk Government is committed to ensuring legislation and standards which protect the welfare of all animals in Queensland and the reputation of Queensland's animal industries, but also meet community expectations.

The *Animal Care and Protection Act 2001* (the Act) provides high levels of care and protection to all animals in Queensland. The duty of care provisions of the Act require people to provide appropriate accommodation or living conditions for animals. In deciding what is appropriate, regard must be given to:

- the species, environment and circumstances of the animal
- the steps a reasonable person in the circumstances could be reasonably expected to have taken.

In deciding how to meet their duty of care to livestock in their charge, the provision of appropriate shade is one of the factors that a person should consider.

The recently introduced Animal Care and Protection Amendment Bill 2022 (the Bill) will further strengthen the current duty of care provisions through the proposed introduction of a new offence of 'aggravated' breach of duty of care with the same maximum penalty of 2 000 penalty units or three years imprisonment as that which applies to a cruelty offence. It provides for circumstances where a person breaches section 17 of the Act and the breach results in the death, serious deformity, serious disability, or prolonged suffering of an animal. This is intended to cover breaches of duty of care where the animal may be subjected to significant or gross neglect in circumstances where a person has failed to provide the animal with adequate food and water over a prolonged period, or where a person has not taken appropriate measures to treat an animal.

The Act adopts Codes of Practice (Codes) as agreed standards of animal welfare and recognises the Codes as primary references in establishing what appropriate accommodation or living conditions are for each species.

I can advise that Queensland was the first Australian state or territory to adopt the Australian Animal Welfare Standards and Guidelines for Cattle, the Australian Animal Welfare Standards and Guidelines for Sheep and the Australian Animal Welfare Standards and Guidelines for Saleyards and Depots (Standards) as compulsory Codes under the Animal Care and Protection Regulation 2012 (the Regulation). Each Code requires a person in charge or the operator of a depot or saleyard to take reasonable actions to minimise the risk of harm to livestock from extremes of weather, fires, floods, disease and injury.

A national public consultation process was undertaken for each of the Standards prior to their agreement by the state and territory governments. All persons with an interest in the development of the Standards were invited to make submissions at the time. For more information on the national consultation undertaken on the Standards, please visit <https://www.animalwelfarestandards.net.au/>.

If you require further information, please contact my office on 07 3719 7420.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Furner'.

MARK FURNER MP

**Minister for Agricultural Industry Development and Fisheries and
Minister for Rural Communities**