

Proposed changes to the existing legislation to better protect native wildlife from cruel and inhumane practices – by anyone

There is a need for the Queensland Government to introduce regulations that would overcome what is plainly a tragic gap in the Queensland Animal Care and Protection Act legislation's purpose.

Our Society believes that at the outset the authorities would not have been drafted the Act to allow otherwise protected animals to endure excruciating pain, mutilation and live amputation procedures. This would certainly be the case with respect to any Commonwealth or State Legislation that deals with so-called traditional owners *or any other group for that matter!* All cruelty to animals is abominable to all mankind.



A marine turtle with its intestines pulled out.
Note the hole in the middle of the shell.

In logically arguing the above, it is convenient to refer to the *Queensland Animal Care and Protection Act 2001*. [*"The ACT"*].

Sec 3 ... THE PURPOSES of the Act

The purposes of this Act are to do the following:

- (a) promote the responsible care and use of animals
- (b) provide standards for the care and use of animals that:
 - (i) achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals; and
 - (ii) allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals.
- (c) protect animals from unjustifiable, unnecessary or unreasonable pain;

(d) ensure the use of animals for scientific purposes is accountable, open and responsible.

Sec. 3 (c) does not require expanding: its focus is obvious, many of these so-called *traditional hunters* simply ignore it, preferring to hide behind unfortunate gaps in the Legislation.

So, with that in mind as to the **purpose** of the Act, and to the extent under Section 5, aboriginal people **ARE** included (see immediately below), **the Legislation is missing its purpose!**



A marine turtle with its intestines pulled out.

Section 5... the Act BINDS ALL PERSONS

(1) Subject to sections 6 to 8, **this Act binds all persons**, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

(2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.

How would the Government *achieve the Act's purposes?* Obviously by way of implementing regulations.

Section 4 ... HOW PURPOSES are to be primarily ACHIEVED

The purposes are to be primarily achieved by the following:

- (a) providing for regulations about codes of practice for animal welfare;
- (b) allowing regulations to require compliance with codes of practice;
- (c) imposing a duty of care on persons in charge of animals;
- (d) prohibiting certain conduct in relation to animals;

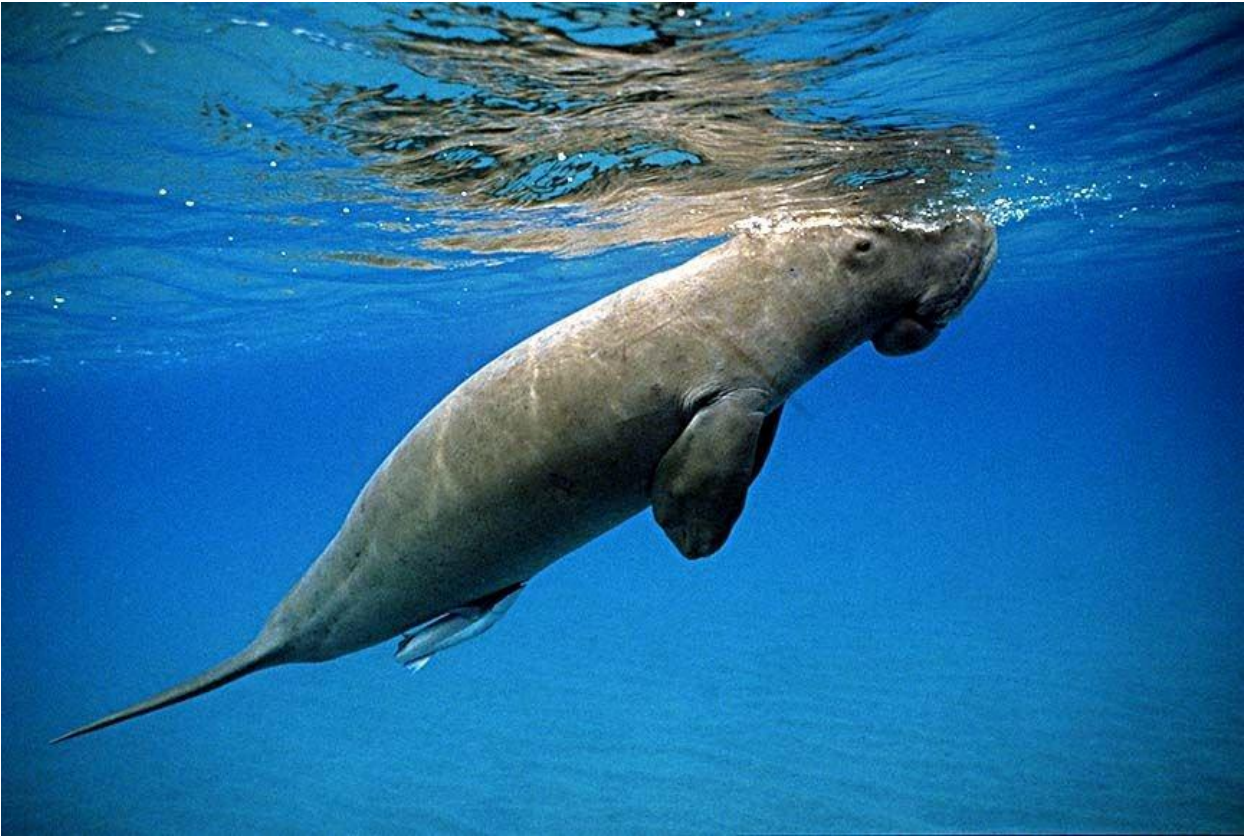
- (e) requiring a person using an animal for scientific purposes to comply with the scientific use code;
- (f) providing for the registration of certain users of animals for scientific purposes;
- (g) providing for the appointment of authorised officers to monitor compliance with compulsory code requirements and the scientific use code;
- (h) providing for the appointment of inspectors to investigate and enforce this Act;
- (i) allowing the Minister to establish an animal welfare advisory committee or another body to advise the Minister on animal welfare issues.

The power to make regulations is immediate, and is found under **section 217 of the Act** headed 'Regulation-making power'.

Our Society believes that members of the former Queensland government have stated, *that it can't be done*. Amongst other peculiar excuses, is the observation that the *Commonwealth Native Title Act 1993* prevents this; which is simply not true.



Dugong caught and roped ready to be pulled along behind the boat till it drowns.



Baby dugong

See Sec 8. (Effect of this Act on State or Territory laws). “This Act is not intended to affect the operation of any law of a State or a Territory that is capable of operating concurrently with this Act.”

The following are examples of regulations that would achieve the purposes of the Act, introduce a balanced measure of fairness and control for all groups and, above all, *stop the senseless widespread cruelty to protected sea turtles and dugongs by anyone, including indigenous people.*

ANIMAL CARE AND PROTECTION ACT REGULATIONS

This Regulation applies to and affects acts or omissions made by an Aborigine under Aboriginal tradition, or a Torres Strait Islander under Island custom, and outlines codes of practice to be followed in the taking of any wild animal from the sea or the land.

- (1) Any person who:
 - a. wounds, mutilates, tortures, abuses, or terrifies an animal, or causes it to die slowly or in unreasonable pain;
 - b. captures an animal by way of any net or trapping device that may cause prolonged suffering to the animal; or
 - c. kills an animal in any way that is inhumane, or causes it to die slowly or in unreasonable pain; or
 - d. conveys an animal, or confines an animal in circumstances which are likely to cause the animal pain or suffering; or
 - e. sells, offers for sale, purchases, or otherwise uses an animal for commercial purposes; or

- f. takes an animal from its natural surroundings for a purpose other than for immediate consumption, or slaughters any animal without reasonable cause such as for non personal use; or
- g. engages in traditional or non-traditional hunting methods of a barbaric nature that causes an animal to suffer unnecessarily or unreasonably.

IS GUILTY OF AN OFFENCE UNDER THE “ANIMAL CARE AND PROTECTION ACT 2001”

Maximum penalty - 20 penalty units and or two years imprisonment

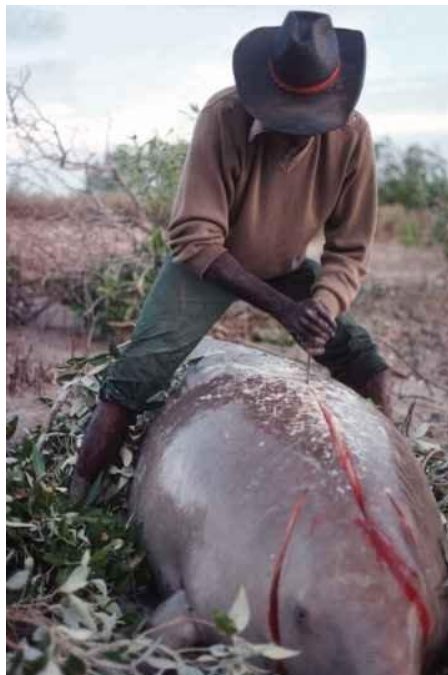
2) IN THIS REGULATION:

“animal” is as defined under section 11 of the Animal Care and Protection Act 2001

“reasonable” means fair, appropriate and rational in the circumstances

“unreasonable” means not reasonable in the circumstances and includes senseless, excessive, unjustified and unwarranted

“unnecessarily” means pointless, non-essential and avoidable



A dugong being butchered

Our Society calls on the Queensland Government for something constructive to be done immediately to fully protect these endangered species, apart from wasting money on spurious expenditure such as *‘funding to provide further support regarding the involvement of traditional owners in the sustainable use of dugongs, marine turtles and other marine resources in Queensland ...’*

[Quoted from the office of Marine Biodiversity Policy Branch Canberra, re the recent announcement of \$5 million in funding for this purpose.]

The Wildlife Preservation Society of Australia calls for clear accountability at all levels of government.