



Hon Tim Mulherin MP
Member for Mackay

Reference: 01675/11

16 MAR 2011

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

Dear Mr ^{Neil}~~Laurie~~

Thank you for your letter of 18 February 2011 concerning Parliament of Queensland E-Petition 1600-10 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 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. While significant penalties are already in place under the *Animal Care and Protection Act 2001* (ACPA), 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 the provisions for this new offence under the Queensland Criminal Code (the Code) will be introduced to Parliament by July 2011.

When considering the issue of sentencing it is important to note that while Parliament determines the maximum penalty for offences, it is for the courts to determine what sentence to impose in the particular circumstances.

The current provisions under the ACPA include significant penalties compared to equivalent legislation in other Australian states and territories. 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.



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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.

Section 468 of the Code also 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 applies."

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



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