

Animal Care and Protection (Code of Practice about Rodeos) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 173

made under the

Animal Care and Protection Act 2001

General Outline

Short title

Animal Care and Protection (Code of Practice about Rodeos) Amendment Regulation 2021

Authorising law

Sections 3, 13, 14, 15 and 217 of the *Animal Care and Protection Act 2001*.

Policy objectives and the reasons for them

Rodeos inject significant economic and community/social benefits into rural and regional Queensland communities, attracting a high percentage of visitors from outside the immediate community. However, there is increasing public concern about the welfare of horses and cattle used in rodeos, and Queensland is the only Australian jurisdiction without laws specific to rodeos.

The policy objective of the *Animal Care and Protection (Code of Practice about Rodeos) Amendment Regulation 2021* (Amendment Regulation) is to provide minimum animal welfare requirements for the care, handling and use of animals at rodeos.

Achievement of policy objectives

The Amendment Regulation will achieve its objectives by inserting a new schedule 3B (Code of practice about rodeos) under section 13 of the Act and making its requirements compulsory code requirements under section 15 of the Act.

The *Code of practice about rodeos* (Code of Practice) will provide clear minimum standards on persons responsible for the care, handling and use of horses and cattle used in rodeo events. The Code of Practice will prescribe the responsibilities and the experience, knowledge and skills to carry out the responsibilities of each person involved in a rodeo event – the organisers, veterinarians, animal welfare officers, protection clowns and the competitors.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the purposes in section 3 of the Act which are to:

- (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.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

An alternative to achieve the policy objectives would be to rely on the industry to 'self-regulate' and/or rely on voluntary compliance with the Code of Practice to ensure people meet minimum standards for the care and use of the rodeo animals. However, it is considered that these approaches would not be as effective a means of ensuring the welfare of animals used in rodeos.

The Queensland public in general, and numerous animal welfare groups in particular, consider there should be more effective regulation of the welfare of rodeo animals and greater transparency in how that regulation is applied. Not prescribing compulsory code requirements would be unlikely to meet increasing community expectations about the way animals are cared for and used, including rodeo animals.

The Code of Practice reflects the available knowledge, current practice and community expectations to protect the welfare of animals used in rodeo events and ensures that all persons caring for, handling and using animals used in rodeo events can demonstrate they are complying with recognised welfare standards. The Code of Practice achieves a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals, consistent with the objectives of the Act.

Benefits and costs of implementation

The main benefit of prescribing the Code of Practice in the Amendment Regulation as compulsory code requirements is to reduce the risk to the welfare of the animals used in rodeos, including by prescribing the responsibilities of persons who are caring for, handling and using rodeo animals at a rodeo, including the provision of food and water and appropriate treatment including veterinary treatment by the rodeo veterinarian to any animal that becomes lame, unwell or distressed.

Another benefit of a compulsory code of practice is that the rodeo industry is reducing the risk to the welfare of the animals used in rodeos in a transparent manner that meets community expectations.

Overall, a minor impact on stakeholders is expected from implementing the Code of Practice, as current practices are generally already consistent with the requirements of the Code.

It is considered that any potential costs to individuals in imposing this requirement are far outweighed by the benefit of increasing the public's confidence that risks to animal welfare are being appropriately managed.

All implementation costs and associated compliance activities associated with the amendment regulation will be funded from within existing departmental resources.

The amendment regulation will commence on 1 January 2022 to afford industry time to become familiarised with the requirements under the Code of Practice. The commencement is timed to occur just following the closure of the Queensland rodeo season for the 2021 calendar year.

Consistency with fundamental legislative principles

The Amendment Regulation is generally consistent with fundamental legislative principles (FLPs) detailed in section 4 of the *Legislative Standards Act 1992*. A potential breach of FLPs is addressed below.

Section 4(2) of the *Legislative Standards Act 1992* provides that legislation must have sufficient regard to the rights and liberty of individuals. This is generally understood to include that legislation should not, without sufficient justification, unduly restrict ordinary activity, including the right to conduct business without interference.

A potential breach of FLP arises because the Code of Practice has the potential to unduly restrict the right to conduct business without interference. However, the Act already prescribes a duty of care on persons in charge of an animal to provide for the needs of the animal including food, water, accommodation and veterinary care. The Code of Practice provides minimal standards to demonstrate how those requirements may be met which are justified on the basis that they reflect community values and expectations about how rodeo animals should be cared for and handled.

Consultation

Consultation on the standards that form the basis of the Amendment Regulation was undertaken through working groups established by the Department of Agriculture and Fisheries.

The Rodeo Standards Advisory Group included representatives from the following entities:

- the Australian Rodeo Federation (which includes the Australian Professional Rodeo Association, the Australian Bushman's Campdraft Association, the Central Rodeo Cowboys Association Inc, the National Rodeo Association, the Professional Bull Riders Australia, the Australasian Team Roping Association,

Rodeo Services Association, the Queensland Rodeo Association and the National Rodeo Council Of Australia);

- the Australian Veterinary Association Qld Division;
- the Royal Society for the Prevention of Cruelty to Animals Qld (RSPCA);
- Animal Welfare League of Queensland;
- Animal Liberation Queensland; and
- Animals Australia.

All parties that participated on the working groups are highly supportive of introducing laws to provide greater certainty to relevant businesses and assurances to the community that appropriate animal welfare standards are being maintained by rodeos in Queensland. However, some of the animal welfare groups are ultimately seeking for rodeos to be banned in Queensland.

While there is widespread agreement among key stakeholder groups on the adoption of appropriate animal welfare standards for rodeos, the rope and tie event remains contentious. It is, therefore, intended that the rope and tie provisions in the Amendment Regulation will be reviewed in five years after making of the Amendment Regulation to ascertain any welfare implications for calves used in the rope and tie event to determine whether they need to be re-examined.

The Australian Rodeo Federation support the rodeo standards, including the continuation of the rope and tie event, subject to the additional measures outlined in the Amendment Regulation aimed at providing greater assurances for the welfare of animals used in this event.

Animal Liberation Queensland, the Animal Welfare League of Queensland and Animals Australia are supportive of a complete ban on rodeos. If rodeos are not banned, then they agreed with the majority of the rodeo standards that form the basis of the Amendment Regulation. However, they have expressly stated they do not support the continuation of the rope and tie event and are campaigning to have the event banned.

The RSPCA is supportive of the majority of the rodeo standards, however, it also does not support the continuation of rope and tie events and is of the belief that rope and tie events should be banned.

The Department of Agriculture and Fisheries consulted the Office of Best Practice Regulation (OBPR) in 2020 when it was within the Queensland Productivity Commission. A preliminary impact assessment was submitted to OBPR for assessment and the OBPR subsequently advised that the proposal is unlikely to result in significant adverse impacts and no further regulatory impact analysis is required under the Queensland Government Guide to Better Regulation.