

# Animal Care and Protection (Use of Electrical Device on Horses) Amendment Regulation 2020

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries, provide this human rights certificate with respect to the *Animal Care and Protection (Use of Electrical Device on Horses) Amendment Regulation 2020* made under the *Animal Care and Protection Act 2001*.

In my opinion, the *Animal Care and Protection (Use of Electrical Device on Horses) Amendment Regulation 2020*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The main purposes of the *Animal Care and Protection Act 2001* 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; and
- (d) ensure the use of animals for scientific purposes is accountable, open and responsible.

Section 18(1) of the Act provides that it is an offence to be cruel to an animal. Acts which are taken to be cruel to an animal are listed in section 18(2) including the use of prescribed electric devices in paragraph (e).

The objective of the Amendment Regulation is to prescribe the use of electric prods on horses because it will implement a recommendation (recommendation 10.2.4) of the independent *Inquiry into animal cruelty in the management of retired Thoroughbred and Standardbred horses in Queensland* (the Martin Inquiry). Recommendation 10.2.4 required the Department of Agriculture and Fisheries to take steps to amend the *Animal Care and Protection Act 2001* to make the use of an electric prod on a horse an act of cruelty. Recommendation 10.2.4 was supported in full by the Queensland Government.

The Amendment Regulation will also protect horses from being subject to the unnecessary pain caused by the use of an electric prod and align Queensland animal welfare legislation with international standards with respect to the use of electric prods on horses.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The *Human Rights Act 2019* has been considered in regard to the Amendment Regulation and it has been determined that no human rights are limited by the Amendment Regulation.

## Conclusion

I consider that the *Animal Care and Protection (Use of Electrical Device on Horses) Amendment Regulation 2020* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**MARK FURNER MP**  
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES

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