

ANIMAL MANAGEMENT (PROTECTING PUPPIES) AND OTHER LEGISLATION AMENDMENT BILL

Introduction



Hon. LE DONALDSON (Bundaberg—ALP) (Minister for Agriculture and Fisheries) (12.37 pm): <I present a bill for an act to amend the Animal Care and Protection Act 2001>, the Animal Management (Cats and Dogs) Act 2008 and the Biosecurity Act 2014 for particular purposes. I table the bill and the explanatory notes. I nominate the Agriculture and Environment Committee to consider the bill.

Tabled paper: Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016.

Tabled paper: Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, explanatory notes.

Today, I am pleased to introduce the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016. The bill will reform the Animal Management (Cats and Dogs) Act 2008 to introduce a compulsory registration scheme for dog breeders. This amendment will provide the Department of Agriculture and Fisheries and the RSPCA with the tools to combat cruel puppy farms where breeders place profit before the welfare of their dogs.

The biggest barrier to shutting down cruel puppy farms has been the inability to locate these unscrupulous breeders. A compulsory breeder registration scheme that is supported by a public awareness campaign urging consumers to buy only from registered breeders will leave puppy farms nowhere to hide.

This bill delivers on the government's election commitment to protect puppies from cruelty by establishing a compulsory registration scheme for dog breeders. While the election commitment proposed a compulsory registration scheme for dog breeders who hold 20 dogs or more, there was strong public support for a more inclusive registration scheme.

020 The bill will require anyone who breeds a dog to register. Breeders will be issued with a unique breeder identification number and will be required to provide this number when advertising and supplying a dog. The Department of Agriculture and Fisheries will facilitate an online registration system to ensure the registration process is simple and quick to complete. Paper based registration will be available to those unable to register online. To ensure breeder details are up to date, breeder registration will be required to be renewed annually. Genuine breeders of working dogs will be exempt from registration. To be exempt, a breeder will need to be breeding from a working dog and the puppies they supply must be used as working dogs. A working dog is defined under the Animal Management (Cats and Dogs) Act 2008 and covers dogs usually kept by primary producers on rural land, primarily for droving, protecting and working stock.

The bill provides for a regulation to prescribe an 'approved entity'. Many breeders are already members of recognised dog breeder associations, such as Dogs Queensland. Members of an approved entity would not need to register with Biosecurity Queensland, limiting the impost on these breeders. Accredited breeders of an approved entity would instead need to display and supply their unique member accreditation number when advertising and supplying dogs. The bill requires that, before prescribing an 'approved entity', the chief executive of the department must be satisfied the entity will be able to provide details about its breeders—the names, addresses and accreditation numbers—at regular intervals to the department.

It is proposed that no breeder registration fees would be charged for two financial years from the proposed commencement—that is, no fees will need to be paid before 1 July 2018. This will help to encourage registration and compliance with the scheme. In the long run, registration fees would need to be introduced for cost recovery. Registration fees would be the subject of a public consultation process, including a regulatory impact statement.

The bill also introduces a requirement for the unique breeder identification number to be included in the data recorded about the dog by microchip registry companies. Mandatory microchipping already applies to most dogs from 12 weeks of age when supplied. The department has ensured that currently licensed registries can implement this requirement with minimal impost to their operations.

This bill is the first step in the introduction of a strategic multipronged approach to combat cruel puppy farms. The support of the public will be essential to help identify unscrupulous dog breeders who have failed to register. The public will be encouraged to report unregistered dog breeders who are advertising and supplying dogs, and this will remain a critical component of compliance activities. To encourage reporting, there will not be an offence provision for purchasing a puppy from an unregistered breeder.

The department will launch a public awareness campaign as part of the measure to raise community awareness regarding puppy farms and to encourage those wishing to acquire a puppy to only purchase from registered breeders. This will be key to driving breeder compliance and ensuring breeder registration. The public awareness campaign will make use of existing communication tools such as newsletters, email networks, website, social media and traditional media channels to provide information on the new breeder requirements to breeders and consumers.

Information on how the changes will improve animal welfare will be disseminated through a social media campaign in collaboration with the RSPCA. An education package providing all information needed for individuals to meet their obligations will also be produced and include factsheets, training sessions and newsletter articles. To ensure procedural fairness, the department will ensure the education campaign is conducted for at least three months before the commencement of the legislation. During this time the online registry will be available so that breeders are able to register in their own time before the legislation commences.

Local governments are currently responsible for regulating the registration, identification and supply of dogs within their areas in accordance with the provisions of the Animal Management (Cats and Dogs) Act 2008. The bill will expand this responsibility so that local governments are also able to regulate breeder registration. However, it is envisaged the department and the RSPCA would provide support for these activities.

The department and RSPCA staff, appointed under the Animal Care and Protection Act 2001 as inspectors, would continue to be responsible for ensuring the welfare of dogs used in breeding and their progeny. The department, the RSPCA and local government would be able to monitor advertisements for compliance with the dog breeder registration provisions. It is proposed that a compliance strategy be developed cooperatively between the department, the RSPCA and local governments to maximise the use of resources and avoid duplication of effort. As an example, partnerships could be developed to monitor online and newspaper advertisements and report noncompliance to the appropriate local government for action. As much as possible, it is proposed that local government activities will be conducted in conjunction with any existing responsibilities that local governments currently have under the Animal Management (Cats and Dogs) Act 2008 and animal management local laws, such as enforcing existing dog registration provisions or enforcing animal nuisance or behaviour provisions under local laws.

The election commitment included developing mandatory standards for breeders, to help ensure the welfare of breeding dogs and their puppies. There was strong community and stakeholder support for the development of mandatory dog breeder standards. This bill will enable the identification of cruel puppy farms. The proposed standards which would be developed in consultation with Dogs Queensland and the RSPCA and adopted by regulation under the Animal Care and Protection Act 2001 will provide defined measures of welfare. This is in keeping with other states which are also developing their own standards for the welfare of breeding dogs.

Compulsory standards would enable the chief executive to make a monitoring program, if desired, under the Animal Care and Protection Act 2001. Such a monitoring program would specify requirements for authorised officers under the act and allow for authorised officers to enter a place with or without the occupier's consent provided 48 hours notice is given for the purpose of monitoring compliance with the standards. This would enable authorised officers to enter premises where there are strong grounds to suspect that the mandatory breeder standards are not being complied with. A compliance and enforcement strategy will be developed to provide the framework about when and how a monitoring program will be implemented.

It is proposed that, once the standards are developed and included in regulation, the department will generally take an educative approach for the first 12 months after commencement. This will allow time for breeders to become aware of the new requirements and make adjustments to their breeding operations if necessary. However, breaches that constitute clear cases of animal cruelty will still be pursued.

The bill also includes an amendment to the Animal Care and Protection Act 2001 about blooding of racing dogs. The Animal Care and Protection Act currently provides for the RSPCA and the department to prosecute people for live baiting of greyhounds. The proposed amendment ensures that 'blooding' a dog includes both giving a dog the first and any subsequent taste or sight of another animal's blood.

The bill also provides a convenient opportunity for a number of amendments to the Biosecurity Act 2014 to be made before it commences on 1 July 2016. The Biosecurity Act represents a once-in-a-

generation reform of Queensland's biosecurity legislation. During preparation for its implementation, a number of minor deficiencies have been identified, which are proposed to be addressed in this bill.

Currently, the Biosecurity Act requires persons who keep more than the threshold number of 100 captive birds to register as a biosecurity entity, irrespective of whether the birds or their eggs are kept for human consumption or not. The proposed amendments are designed to provide an exemption to persons who have more than a threshold of 100 captive birds from registering as a biosecurity entity provided the birds or their eggs are not kept for human consumption and the birds are caged and not released for free flight. This is because birds which are not consumed by humans or are free to associate with other wild birds present less risk to disease transmission in the event of an avian disease outbreak. Biosecurity risks associated with birds kept in these circumstances are able to be managed without the need for the keeper to be a registrable biosecurity entity.

The bill will include an amendment to require authorised officers to give an information notice to a person to whom a biosecurity order has been given. It is common for most Queensland legislation to provide avenues to have decisions reviewed both internally and then externally by QCAT in the interests of administrative fairness. Giving a person an information notice allows them to apply for such reviews.

021 The bill also makes some changes to the terminology that relates to restrictions on feeding certain material to ruminants and certain material to pigs and poultry to facilitate the imposition of nationally agreed labelling requirements for animal feed. The bill will also amend provisions about what information the chief executive must keep on the biosecurity register and what information may be disclosed or published. The Biosecurity Act currently requires the publication of these registers on the department's website. However, as there is no public policy justification for the publication or release of all this information in every circumstance, the bill reduces the information that it is mandatory to publish while providing discretion to publish other information where appropriate.

Currently, the Biosecurity Act provides the power to make a declaration to address the ongoing biosecurity risks posed by a place and designated animals whilst they are at the place. For example, a declaration may restrict the use of the place for grazing cattle, and the cattle that had already been grazing on that property and had accumulated lead could be required to be withheld from slaughter or sale until such time as they no longer present a biosecurity risk. However, the Biosecurity Act does not allow restrictions to be placed on animals that may pose a risk if there is no risk associated with the place where they are being kept. For example, affected livestock may still pose a risk once they have left a contaminated place or after the contamination has been cleaned up. They may also pose a risk that is not associated with any place, such as where an animal has been fed restricted animal material and may be unfit for human consumption.

The Biosecurity Act does not allow restrictions to be placed on carriers at the place such as dirt covered machinery that needs to be decontaminated before it leaves a place to ensure disease is not spread. The proposed amendments would ensure that restrictions can be imposed on designated animals and designated biosecurity matter independent of restrictions on a place. They will also ensure that restrictions can be imposed on dealings with carriers at a restricted place.

The bill amends the prohibited matter and restricted matter schedules of the Biosecurity Act to reflect changes in the risk posed by some pests and diseases since the passage of the act. Prohibited matter comprises pests or diseases that are not present in Queensland and measures are required to continue to exclude them from the state. Restricted matter is found in Queensland and measures are required to limit the spread and impact. Fusarium wilt of bananas—Panama Tropical Race 4—would move from prohibited matter to restricted matter as this has been discovered in Queensland. The change does not lessen the Queensland government's commitment to limiting the spread and impact of the disease. The bill adds some plant diseases to the restricted matter list to reflect detections in other states. The bill removes the 'small hive beetle' from the restricted list as this species is now nationally regarded as endemic.

Finally, the bill lists nine recently endorsed weeds of national significance as restricted or prohibited to align Queensland's legislation with other states and territories. These particular weeds have been nationally prioritised based on their invasiveness, potential for spread, and environmental, social and economic impacts, and each jurisdiction has committed to legislate to ensure these plants are removed from sale. The Nursery & Garden Industry Queensland has advised that these species are not currently being sold in Queensland so the listing does not impact their members. I commend the bill to the House.

~~First Reading~~