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AGRICULTURE AND ENVIRONMENT COMMITTEE

Members present:

Mr GJ Butcher MP (Chair)
Mr SA Bennett MP
Mrs J Gilbert MP
Mr R Katter MP
Mr JE Madden MP
Mr EJ Sorensen MP

Staff present:

Mr R Hansen (Research Director)
Mr P Douglas (Principal Research Officer)

PUBLIC BRIEFING—INQUIRY INTO THE ANIMAL MANAGEMENT (PROTECTING PUPPIES) AND OTHER LEGISLATION AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 24 FEBRUARY 2016

Brisbane

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Committee met at 8.31 am

CHAIR: Welcome, ladies and gentlemen. I declare this meeting of the Agriculture and Environment Committee open. I must declare that it is my first meeting as chair of the committee. I would like to acknowledge the traditional owners of the land on which we meet this morning. I am Glenn Butcher, the member for Gladstone and I am the chair of the Agriculture and Environment Committee. The other committee members with me today are: Stephen Bennett, member for Burnett and deputy chair; Julieanne Gilbert, member for Mackay; Robbie Katter, member for Mount Isa—he is not here at the moment, but I am told he will be here shortly; Jim Madden, member for Ipswich West, who is also a new member on the committee; and Ted Sorensen, member for Hervey Bay, and he is not here yet. These proceedings are being transcribed by our parliamentary reporters and broadcast live on the Parliament of Queensland's website.

The purpose of this meeting is to assist the committee in our examination of the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016. The bill was introduced into the parliament last week by the Hon. Leanne Donaldson MP, the Minister for Agriculture and Fisheries, and subsequently referred to the committee.

We are hoping that today's briefing will give a general overview of the bill and help to explain how it reflects the government's election commitment to shut down cruel puppy farms. The committee is due to report to parliament on the bill by 28 April this year. The committee's report will help the parliament when it considers whether the bill should be passed. I remind everyone that the bill is not law until it has been passed by the parliament. Today the committee will be briefed by officers from the Department of Agriculture and Fisheries.

BUNCE, Dr Ashley, Chief Inspector of Stock, Director, Animal Biosecurity and Welfare, Department of Agriculture and Fisheries

CLARKE, Ms Marguerite, Director, Legislation and Regulatory Reform, Department of Agriculture and Fisheries

COYNE, Mr Pat, Principal Policy Officer, Regulatory Policy and Reform, Department of Agriculture and Fisheries

TERMONEN, Ms Maarit, Principal Policy Officer, Legislation and Regulatory Reform, Department of Agriculture and Fisheries

CHAIR: Welcome everyone. Would you like to make a brief opening statement before we ask questions?

Dr Bunce: We have some statements to make, so I will start. I will provide the departmental briefing on the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016. I will begin by discussing the amendments to the Animal Management (Cats and Dogs) Act 2008 that relate to regulating dog breeders and my colleague Mr Pat Coyne will then talk to the amendments to the Animal Care and Protection Act 2001 and the Biosecurity Act 2014.

Significant animal welfare issues can arise if breeding dogs and their progeny are housed and/or managed in conditions that fail to meet the dogs' behavioural, social, psychological and/or physiological needs. The main problems include overbreeding, inbreeding, minimal or no veterinary care, poor hygiene, poor socialisation, poor nutrition, crowded housing conditions and high mortality rates. Puppies born in puppy farms may have long-term health and/or behavioural problems resulting from the conditions in which they were bred. As a result of inbreeding, they may have higher rates of genetic defects which can result in premature death or expensive veterinary treatment being required.

It has been estimated that there may be up to 100 puppy farms in Queensland. However, this estimate is largely based on anecdotal evidence, and the actual number of puppy farms and the extent of animal welfare problems is unknown. Although the Animal Management (Cats and Dogs)

Act 2008 requires all dogs to be registered, there is currently no statewide mechanism to identify puppy farms. RSPCA Queensland has previously advised that the main impediment to enforcement of animal welfare in puppy farms is the inability to identify their location.

Puppy farms and unscrupulous breeders are not easy to identify. Puppy purchase may occur at a location far from the puppy farm and potential buyers may be unaware of the welfare conditions at the location where the puppy was bred. The Department of Agriculture and Fisheries and RSPCA Queensland currently rely on complaints from the public to identify problem puppy farms. However, very few people may be aware that large numbers of puppies are being bred at a particular location.

In 2008-09, 12 large-scale puppy farms were investigated by animal welfare inspectors in Queensland and more than 750 dogs were rescued. RSPCA Queensland and the Department of Agriculture and Fisheries incurred millions of dollars in expenses caring for animals seized from puppy farms while legal proceedings were brought against the respective owners. For example, in one case involving 104 dogs seized from a puppy farm, the RSPCA Queensland incurred costs of almost \$1.8 million in boarding and veterinary expenses, with pro bono legal support valued at over \$500,000. However, there have been no seizures of dogs from puppy farms since 2008-09.

During the 2015 election, the government released the policy paper *Protecting puppies—Labor's plan to shut down cruel puppy farms*. The election commitment outlined the government's solution to protecting dogs from cruelty which included: a scheme of compulsory registration of dog breeders who hold 20 or more dogs will ensure that breeders of dogs in large numbers will be able to be tracked and located; all registered dog breeders will be issued with a breeder ID that will be displayed where puppies are sold, and it will be mandatory to include this information on the microchip implanted in each new dog 12 weeks after birth; registered dog breeders will be regularly monitored for compliance with breeding standards set by Dogs Queensland and RSPCA Queensland—female dogs which breed puppies will be protected from overbreeding by these same standards; and RSPCA Queensland has pledged to implement an education campaign for consumers to insist on seeing a breeder ID when buying puppies.

On 9 August 2015, the Premier and the former minister for agriculture and fisheries announced the opening of public consultation on options for regulating puppy farms. The public consultation was conducted principally through an online survey. However, written submissions were also received. The public consultation was open for 28 days and closed on 6 September 2015. More than 8,300 people completed the online survey and close to 500 email submissions were also received.

The key results from the public survey were: approximately 96 per cent of respondents either 'strongly agree' or 'agree' with a compulsory registration scheme for dog breeders; approximately 97 per cent of respondents either 'strongly agree' or 'agree' with dog breeders being required to display their breeder ID; approximately 91 per cent of respondents either 'strongly agree' or 'agree' that the breeder ID should be recorded against the microchip information on of the dog; and approximately 97 per cent of respondents either 'strongly agree' or 'agree' with the development of mandatory standards for dog breeders.

The survey also asked people whether the regulation of dog breeders should apply to breeders with different numbers of dogs. Approximately 74 per cent of respondents indicated that they felt that dog breeder regulations should apply to breeders with one or more dogs. Interestingly, only 156 respondents, or two per cent, indicated that they felt dog breeder regulations should apply to breeders with 20 or more dogs as originally outlined in the election commitment.

In addition to this public consultation, targeted stakeholder consultation was also undertaken through a series of face-to-face meetings and information sessions held in August and September 2015. The following groups were consulted as part of this process: RSPCA Queensland, Dogs Queensland, the Local Government Association of Queensland, the Brisbane City Council, the South East Queensland Regional Animal Management Group, Racing Queensland, the Australian Veterinary Association, AgForce Queensland, Animal Welfare League Qld, Animal Liberation Queensland, the Australian Federation of Livestock Working Dogs and the Pet Industry Association of Australia.

The RSPCA Queensland is generally very supportive of the proposed registration scheme. However, the RSPCA Queensland was originally opposed to the development of mandatory standards for dog breeders, raising concerns that the focus would potentially move away from the animal during an investigation and is expected to add to their compliance monitoring costs. The RSPCA Queensland has indicated that they would support the proposed approach and will assist with the development of the mandatory standards.

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Dogs Queensland is generally supportive of the proposal to end puppy farms but raised concerns that their members might be subject to further regulatory burden through duplicated registration requirements, the need to meet mandatory standards and that the legislation may capture all entire dogs even though these dogs may not be kept for breeding. Dogs Queensland also expressed concern that members' information provided to local governments may be used to assist in the enforcement of other provisions of the Animal Management (Cats and Dogs) Act 2008 and other local laws.

AgForce Queensland and the Australian Federation of Livestock Working Dogs Association acknowledge the need for a statewide breeder registration scheme to be effective in identifying and tracking puppy farms but expressed strong opposition to owners of working dogs to being required to register as breeders

The Local Government Association of Queensland raised concerns regarding local government officers undertaking compliance activities. It is intended that this will be addressed through the development of a compliance strategy in conjunction with local government and the RSPCA Queensland. A range of other minor issues were raised by stakeholders and where possible these have been addressed in the bill or will be considered through the development of the mandatory standards or the compliance strategy.

The Office of Best Practice Regulation within the Queensland Productivity Commission has advised that a regulatory impact statement is not required at this stage—the adverse impacts of the proposed regulation of dog breeders are not significant as no new fees are proposed to be charged until at least 1 July 2018. If fees are to be introduced at a later stage, they will be subject to consultation and a regulatory impact statement. The other amendments are either excluded from the regulatory impact statement requirements or will not have significant adverse impacts.

On 16 February 2016, the Hon. Leanne Donaldson MP, Minister for Agriculture and Fisheries, introduced the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016 to the Queensland parliament. The bill consists of a number of parts including part 2, which makes a minor amendment to the Animal Care and Protection Act 2001; part 3, which amends the Animal Management (Cats and Dogs) Act 2008 to establish a registration scheme for dog breeders; and part 4, which contains a number of miscellaneous amendments to the Biosecurity Act 2014.

The amendments to the Animal Management (Cats and Dogs) Act 2008 in part 3 deliver on the government's election commitment to establish a compulsory breeder registration scheme, require breeders to display their breeder ID when supplying a dog and record the breeder ID against the microchip information of the dog. Clauses 6 and 7 expand the purposes of the Animal Management (Cats and Dogs) Act 2008 to include 'promote the responsible breeding of dogs' through imposing registration obligations on dog breeders, regulating the supply of dogs and the advertising of dogs for supply, and providing for the sharing of information about dog breeders with particular agencies and entities that are responsible for animal welfare. These amendments also provide for the establishment of a breeder register.

While Dogs Queensland and a number of local governments currently operate registration schemes that identify some dog breeders, a statewide registration scheme would be required to help identify all dog breeders in Queensland. Expanding the existing local government registration schemes across all 77 local government areas is not considered practicable. It would be difficult to track the supply of animals across local government boundaries. Furthermore, it is likely to be met with strong resistance from local governments due to a lack of resources and capacity, particularly in regional and remote areas in the state.

It is therefore proposed that a statewide breeder registration scheme be established and administered by the Queensland government to facilitate the effective tracking of puppy farms and hence address animal welfare issues. This would require the development of a database for recording breeder details. That will facilitate information sharing among enforcement agencies, for example, the Queensland government, local government and the RSPCA Queensland, and, with an online public interface, enable potential buyers to verify that they are obtaining a puppy from a registered breeder.

Clause 8 inserts a new section to define what is meant by when a person breeds a dog to clarify situations where the person who may breed the dog may not necessarily be the owner of the dog or instances where the dog is kept by a child. The main changes to the Animal Management (Cats and Dogs) Act 2008 are in the amendments contained in clause 11. These amendments insert new chapters 2A and 2B which relate to the registration of dog breeders and the supply of cats and dogs. Chapter 2A places an obligation on a person who breeds a dog to be registered as a breeder.

If the person is not already currently registered they will have 28 days after the day the dog is born to apply to be registered as a breeder unless they have a reasonable excuse. This allows for accidental matings or instances of unintended breeding.

While the election commitment proposed a compulsory registration scheme for dog breeders who hold 20 or more dogs, there appears to be no evidence that the number of dogs kept by breeders is in itself a factor which determines animal welfare outcomes like breeding animals or their puppies. There is, therefore, just as much potential for animal cruelty in circumstances where breeders have fewer than 20 dogs. Furthermore, the public survey and stakeholder consultation also indicated strong public support for a more inclusive registration scheme that applies to breeders with one or more dogs. The scheme would apply to a person who breeds or intends to supply a dog regardless of whether they intend to sell, give away or exchange the dog. A registration scheme that only applies to a person who intends to supply a dog for sale but not a person who only gives away dogs is problematic because of a potential for barter and onselling.

Failing to register as a breeder or notifying of changes in details once registered will be an offence. The main impediment to the enforcement of animal welfare in puppy farms is the inability to identify and locate them. It is therefore essential that all dog breeders are registered and that their details are up to date so that they are able to be tracked and located.

The bill allows for some flexibility by allowing for potential exemptions from this registration obligation if the person is a primary producer who has bred a dog from a working dog for supply to another primary producer as a working dog or is an accredited or licensed breeder under a breeder accreditation scheme operated by an approved entity. The bill provides a regulation making power to define approved entities so that organisations that already register or license dog breeders, such as Dogs Queensland, may be an approved entity under a regulation or a member of a class of persons prescribed by regulation. The act defines the meaning of a working dog and currently provides an exemption from the requirement to microchip working dogs. The bill makes no changes to this exemption. The bill provides for a regulation to describe an entity as an approved entity only if the entity conducts an accreditation scheme for dog breeders, provides each accredited breeder with a unique identifying number, requires accredited breeders to update their information within seven days of any changes and that the entity would be able and willing to give the chief executive particular information regarding their accredited breeders.

When a person intends to breed or breeds a dog they will be required to apply to be registered as a breeder and this registration can be completed electronically using a simple online breeder registration system or in the approved paper based form for those unable to register online. The application must include the person's designated details which means the person's name, their address, local government area, telephone number and email address. Once registered the breeder will be issued with a unique breeder identification number and the person's designated details will be recorded in the register.

The bill allows for a registration fee to be prescribed by regulation. However, it is proposed that no fees will be charged before 1 July 2018 which will help to encourage registration and compliance with the scheme. In the longer term, registration fees would be the subject of a regulatory impact statement. Very preliminary estimates suggest that the proposed regulation of dog breeders, not including registration fees, would add about \$3.30 to the cost of a puppy if all costs were passed on to purchasers. To ensure that breeder details are updated regularly and remain current, the bill proposes that registration should be renewed annually. Experience with microchip registries indicates that despite a legal requirement for pet owners to update their details compliance is typically low, whereas local governments that require annual registration renewal in their area achieve a far greater level of compliance.

Chapter 2B relates to the supply of cats and dogs and places certain requirements on dog breeders to display their identification in all advertisements and when supplying a dog and to record their breeder identification against the microchip information. Breeders and suppliers, for example, pet shops, will be required to display breeder identification information in any advertisement and at the point of sale, giveaway or exchange. Interstate breeders selling dogs into Queensland will need to display breeder identification from that jurisdiction or register as a breeder in Queensland. Breeders accredited by an approved entity, such as Dogs Queensland, would be exempt from the breeder registration but would need to display their entity accreditation number when advertising and supplying a dog. Exemptions will also apply if a primary producer is supplying a working dog as a working dog to another primary producer or if a dog is supplied by a member of a prescribed class of persons. Pounds, shelters and rescue groups which are likely to come into possession of pregnant

females or abandoned puppies will need to be registered as breeders and display a unique breeder identification number when rehoming these dogs. The RSPCA Queensland have advised that they support this requirement.

Consistent with the government's election commitment, breeder identification would be required to be included in data recorded about the animal by the microchip registry. The system involves recording key details about an animal which has been implanted with a microchip with a unique number. Mandatory microchipping already applies to all dogs except government entity dogs, working dogs or other prescribed classes of dogs from 12 weeks of age or when supplied if earlier. The proposal involves adding one field to the permanent identification device data already required to be in the registry database.

Penalties will apply if a person advertises or supplies a dog without displaying the relevant breeder identification information. The bill anticipates situations where a dog may not have a relevant supply number or breeder identification number, such as a primary producer who may have received a working dog but intends to supply the dog to another person who is not a primary producer for purposes other than for use as a working dog or a dog may have been bred and supplied by a member of a prescribed class of persons and that person intends to supply the dog to another person or a person owns a dog but did not breed the dog and does not have the relevant breeder identification recorded against its microchip information. In these situations the owner will be able to apply for an exemption number for the dog and this number will be able to be recorded against the microchip information of the dog and displayed if the dog is sold, given away or exchanged.

Clause 13 inserts a provision allowing an authorised person to require information about an offence against this act if they reasonably believe an offence has been committed and the person may be able to give information about the offence. A similar provision already exists under the Animal Care and Protection Act 2001.

Clauses 14 to 18 provide details about the registers that the chief executive must keep under the act and includes a new requirement for the keeping of a register of persons who breed dogs, or the breeder register, and the information in the register must contain the publication of this information and who may inspect the register. Clauses 19 to 24 make minor changes to terminology used in the act to be consistent with these amendments.

Clause 26 inserts a new provision into the act allowing the chief executive to give information under chapter 2A or 2B to an inspector, authorised officer under the Animal Care and Protection Act, to a police officer, the chief executive of a local government or an authorised officer under the Racing Integrity Bill 2015 if the chief executive reasonably believes it would help that person to perform their functions.

Clause 28 provides transitional arrangements so that chapter 2A part 2 and chapter 2B part 3 as inserted by the amendment act will only apply in relation to a dog born after commencement. The amendments to the Animal Management (Cats and Dogs) Act 2008 are to commence on proclamation to allow time for a regulation to be made to prescribed entities, to ensure a registration database is available and to initiate public awareness raising prior to the commencement.

The election commitment included animal welfare standards for breeders and there was strong community and stakeholder support for mandatory standards. It is proposed that simple, outcome focused mandatory standards would be adopted under the Animal Care and Protection Act 2001 with a delayed commencement at 12 months after the standards were made. The Department of Agriculture and Fisheries has undertaken to work with RSPCA Queensland and Dogs Queensland in developing these standards.

In addition to these amendments to the Animal Management (Cats and Dogs) Act 2008 as just outlined, the proposed bill provides a convenient opportunity for a number of amendments to the Biosecurity Act 2014 to be made before it commences before or on 1 July 2016 and for the amendment to the Animal Care and Protection Act in relation to the bleeding of dogs. These proposed amendments are either technical or non-controversial. My colleague, Mr Pat Coyne, will talk to these other amendments.

Mr Coyne: Good morning.

CHAIR: Can I ask you to make it as brief as you possibly can because we are only here for another half an hour or so. If you take up most of your time with your statement we will not have too much time for questions so keep it as brief as you possibly can.

Mr Coyne: With the committee's agreement, a lot of what I was going to read out to you is actually covered by what is in the explanatory notes and there is very little in addition to that I could offer you so in order to give the committee the most amount of time to ask questions I would be happy to hand over to yourself to ask questions if that is okay.

CHAIR: That would be great. There was a fair bit of detail in the first opening statement by Ashley so if we repeat some of the matters in questions that you have already answered please try to answer as best you can. You mentioned a hundred or so farms that you surmise are out there. You made statements that they are very hard to find. How are we going to move forward and get these people registered if we are having trouble finding where they are now?

Dr Bunce: The figure of 100 puppy farms comes from the RSPCA Queensland. It is based largely on anecdotal information. We don't know how many there are so we cannot tell you how many puppy farms there are. As they advised, the biggest challenge to finding puppy farms is being able to know where they are. The proposed bill introduces a number of requirements which I just outlined. The main requirement is the requirement for all breeders of dogs to be registered and then for each person to be issued with a unique breeder identification number and for that number to be recorded against the microchip information of the dog. Therefore, if a puppy farm was not registered under this scheme and was supplying dogs they would not have a breeder ID they could record against the microchip of those dogs so if those dogs are then turning up not microchipped it is a way of identifying that, yes, there is a potential breeder out there who is not registered, that breeder could be a puppy farm and it is a way of essentially giving them nowhere to hide.

CHAIR: You are expecting that into the future people who buy dogs will have that expectation: that the only way they can buy a dog is if they have a chip from a registered breeder?

Ms Clarke: I was about to add that a really important aspect of this will be the public awareness campaign. Obviously our inspectors cannot be everywhere checking that people are registered, but it would be really important that members of the public have an expectation that you will be displaying your breeder ID and if they don't they potentially will alert us to breeders who are selling without a breeder ID. Hopefully it will essentially help dry up the market for people who are selling puppies without a breeder registration. It should give us hundreds and hundreds of people to assist in enforcing the requirement to be registered.

CHAIR: What defines a puppy farm? What is a puppy farm? It is mentioned quite a few times. I am interested in what you classify as a puppy farm.

Dr Bunce: We have not defined what a puppy farm is. Generally speaking, a puppy farm is a breeder that places profits before the welfare of their dogs. So typically they are dogs that are kept in poor conditions and don't have the appropriate behavioural, social or other interactions that are required. There is no definition of a puppy farm. It is about making sure that they meet the animal welfare standards in their duty of care to the dogs.

CHAIR: You mentioned that we have not had any seizures of dogs from puppy farms for a considerable amount of time. Is there a reason for that? I know you made comment that it cost quite a lot of money to find the last one. Is it financial reasons that we have not seized any dogs or is it just that we are not out there looking anymore?

Dr Bunce: Certainly we rely on complaints from members of the public. Whilst we have not seized any dogs since that time, there have been a number of investigations into potential puppy farms.

Ms Clarke: Another aspect of that is that, of the puppy farms that were found in 2008-09, some of those fines were opportunistic. There was a government enforcement agency calling at one property and happened to realise there were hundreds of dogs. That is just one example. Some of it was just luck that quite a number were found in that short period. There certainly have been some found since then.

Mr BENNETT: I have been looking at the explanatory notes over the last couple of days, and I refer to the fact that there is no regulatory impact statement. The fees and the costs associated with the implementation are estimates. I am not quoting from the explanatory notes, but they seem to be estimates and guesstimates about where we are going. The second part of that is the cost. You mentioned \$3.30 on each dog. The issue of veterinarian imposts should be considered in that. Why are we not doing a regulatory impact statement when we are not really sure about the intended costs for the department, the advertising campaign and maybe the cost to local governments that would have an enforcement role?

Dr Bunce: One of the difficulties in doing an estimate of the costs is knowing the number of dog breeders in Queensland. Currently there is no requirement for dog breeders to register. We do know that Dogs Queensland has approximately 7½ thousand members. We estimate that is a proportion of the number of dog breeders so the estimates have been based on an estimate of how many dog breeders there are in Queensland.

In terms of the veterinary costs you mentioned, those costs are already required by the dog breeder. We have looked at the costs of registration which is filling in an online registration system and getting a form. If people are breeding dogs then they should be getting a vet to check the dogs and vaccinate the dogs. The microchipping requirements already currently exist so we are not adding to that burden on people.

The advice that was received was that the amendments are considered not to be significant. Therefore, we did not require a regulatory impact statement. However, as you mentioned in terms of fees, if it is decided at a subsequently later point in time that fees will be charged, we will need to do consultation and a regulatory impact statement at that time.

Mr BENNETT: In regard to the fees in the 2018 proposal, history is dotted with cases where a voluntary uptake of compliance is sometimes successful and sometimes not. Is your expectation based on any analysis about why you believe that two-year grace period will be successful? We have an industry that needs regulatory reform, as this bill is trying to outline, so why do you think they would participate in a voluntary take-up of fees?

Dr Bunce: It is proposed, as you said, to have no fees for the first two years and that really is to encourage people to comply with the requirements. If fees were to come in, the intention is to keep the registration fee as low as possible so it is not a barrier to people wanting to register. The whole point here is to encourage people to comply so that we can then identify potential puppy farmers who may not comply with the registration. The intention is to keep the burden as low as possible on the people who are doing the right thing and then focus on the people who are not.

Ms Clarke: I should clarify that the scheme itself will not be voluntary for that period. It will still be an offence not to register, for example; it is just that you will not have to pay a fee for the registration.

Mr MADDEN: I am a former local government councillor and I can tell you that puppy farms are a huge issue in local government. It is incredible the number of phone calls I received from people on Sunday mornings saying, 'I saw somebody selling puppies at the Fernvale markets. You go down there and do something about it.' The way I see it, the two key elements of the legislation are to do with microchipping and how you relate with local government on a whole range of levels.

I want to get clarification with regard to microchipping. Currently I can get free microchipping done with Somerset Regional Council, have my name on it and have my address on it. When the breeder gets their microchip and it has their details on it, will that microchip track the life of that dog or is it simply a one-off thing?

Dr Bunce: Currently when someone supplies a dog it needs to be microchipped at 12 weeks of age or earlier. Breeders currently have to microchip their dogs when they supply them. What the bill proposes is that when they microchip that dog there is an additional field that is recorded in the database registry. Currently it records the owner of the dog and where they live. There will be another field which will show the breeder identification so it will be able to identify who bred that dog, and that will stay with that dog throughout its life.

Mr MADDEN: Is there a requirement to inform the body that will register the dog that the dog has passed away?

Dr Bunce: No, apparently there is no requirement.

Mr MADDEN: With regard to microchips, say a Somerset Regional Council enforcement officer goes to the Fernvale markets, runs a scanner over a dog and there is no microchip, what do they do?

Dr Bunce: I am assuming you are talking about a person who is there to sell the dog and the dog is not microchipped?

Mr MADDEN: Yes.

Ms Clarke: The bill clarifies an aspect of the current requirement that has been a little problematic. On the one hand, the act at the moment requires you to microchip your dog before you sell it and, on the other hand, it requires that a dog cannot be microchipped before eight weeks of age without veterinary approval essentially. There has been a grey area when people are selling dogs before eight weeks of age. Does it mean they do not have to have the dogs microchipped because they have not got veterinary approval to do that? It has always been the department's understanding

that the way those provisions are read together means essentially that if your dog is not suitable to be microchipped before eight weeks then you should not be selling it before eight weeks. However, there has been uncertainty and I understand some local government officers have been a bit reluctant to enforce that. So there have been a number of dogs sold without microchips and officers fearing enforcing the requirement because they are quite young dogs and it is a grey area.

The bill clarifies that if a dog has not been microchipped and there is not a good reason—and being younger than eight weeks of age is not a good reason—then it should not be sold. That will help clear up that area of uncertainty. Local government officers have enforcement powers under the existing Animal Management (Cats and Dogs) Act so if they were to scan a dog and it is not microchipped they would look at what would be appropriate compliance enforcement action.

Mr MADDEN: Will you give feedback to local government when somebody applies to register a dog so that the local government can ensure they have a development application as a dog breeder?

Dr Bunce: Under the registration database, local government will have access to the information contained in that. The intention in terms of compliance and enforcement activities is that the agencies involved in enforcement and compliance of the act will have access to the information in the database.

Mr MADDEN: Do you expect that local government will be the major enforcement officer in rural areas as opposed to the RSPCA?

Dr Bunce: It is proposed that we develop a compliance strategy in collaboration with local government and RSPCA Queensland, which is the other group that administers and enforces the act. We will look at sharing those responsibilities. As you would be aware, local government currently enforce a number of requirements. This is an additional thing that at the same time as they are doing those activities they can also enforce the breeder registration requirements. The distinction will be that offences under the Animal Care and Protection Act and more welfare offences would be enforced by either the department or RSPCA Queensland.

Mr SORENSEN: With the travelling population that we have in this country today, how are you going to enforce that with the travelling caravans and all that stuff going around the countryside?

Dr Bunce: If a dog is born interstate and it comes into Queensland, it is required to meet the requirements of that jurisdiction. It is only dogs born in Queensland after that date that are affected by what is proposed under the bill. If there is no requirement in that state for there to be a breeder ID, then that dog can come into Queensland and it will not necessarily have to have a breeder ID recorded against their microchip information. The registry will have who microchipped that animal and where it was microchipped, so we will be able to determine if it was from interstate and came into Queensland.

Mr KATTER: I am trying to get my head around how this works on a practical level. In the areas that I represent dogs are a big problem, but it is probably more in lower socio-economic areas that dogs just roam the streets breeding. Like the member for Ipswich West, I sat on the council and a big issue was always dogs, trying to get animals desexed and then covering the cost of doing that. We saw an opportunity for a lot more effort but obviously it came at a cost to the desexing programs. It is not so much a puppy farm issue; it is more just this uncontrolled area and they end up in the pound. The reality is a lot of dogs get destroyed. It is not a nice situation. In formulating this bill, I wonder whether the scope has been broadened to look at how that area could be managed.

Dr Bunce: The bill focuses on the government's election commitment which is around puppy farms. We have not looked at addressing other animal management activities. However, it does consider instances where there may be community dogs or dogs that people come into possession of that do not have a breeder ID recorded against them. If someone essentially found an abandoned dog, they took that dog as a pet and it does not have a breeder ID, they can apply for an exemption number and have that recorded against the microchip information of the dog.

Mr KATTER: I want to make a final comment that you might think is worthy of a response. I have had vets talk to me about being engaged in a desexing program in the community or if there could be some exercises with the council about animal control. It would be terrific to see that down the track because I would say that is just as much the issue in those areas that I see.

Dr Bunce: I am aware that a number of local governments currently run desexing programs and microchipping programs. RSPCA Queensland also runs a number of schemes where it offers subsidised desexing programs and microchipping. I am aware that they are looking at expanding that program.

Ms Clarke: The only way in which this act is relevant—I am not talking about the bill but the existing act—is that it provides for local governments to charge a much higher registration fee for animals that are not desexed than for animals that are desexed and the idea is to provide an incentive for getting animals desexed.

Mrs GILBERT: You said in your presentation that there are some councils that you are recommending should be exempt; is that right?

Dr Bunce: No, there is no exemption for local governments. There are exemptions around particular types of breeders that might be exempt—breeders of working dogs or breeders of an approved entity or a prescribed class of persons. There are some exemptions around that requirement, but there are no exemptions for particular local governments.

Mrs GILBERT: So it covers all councils?

Dr Bunce: It covers all councils—the entire state of Queensland.

Mrs GILBERT: Thank you for clarifying that. At the end of last year the committee did a roadshow out west looking at wild dogs and cluster fencing. Do you think that the provisions under this legislation may be tight enough to help combat that wild dog situation, or is that a totally different prospect? With the working dogs and—

Dr Bunce: The bill is really around the Animal Management (Cats and Dogs) Act. The wild dog issue that you are referring to is dealt with under other legislation and other activity so that is really outside the scope of what we are here to talk about today.

Mrs GILBERT: Thank you.

Mr SORENSEN: I think you said that the registration of these farms will be exempt for two years. Is that what you said?

Dr Bunce: There will be no fee. So there will still be a requirement for breeders to be registered once the act commences, but there will be no fee that will be charged for that registration.

Mr SORENSEN: I come from a local government background, like my two colleagues here. One of the biggest deterrents that I found in registration was the cost of registration. At one stage when I was the mayor we dropped it from about \$70 down to \$7 and the population of dogs doubled in Hervey Bay overnight. So affordability is something that is very crucial in this whole debate to make sure that we do get people volunteering to come forward and to be able to afford to register as well, because it reduces a lot of costs. I know in the pound at that time it reduced the costs because you had a registration tag on that dog and people could just ring in, especially after thunderstorms when dogs go running around the neighbourhood. But we found that those people who picked the dogs up would take them back to their owners, so this costs from both ways type of thing. I think we really have to be a little bit reasonable with the registration costs after that two-year program. What are your thoughts?

Dr Bunce: Yes, the scheme is dependent in large part on people being registered as breeders. Therefore, we do not want the cost of registration to be a burden on people and a barrier to them actually complying with the legislation. That is why we have said for the first two years it is proposed that there will be no fee charged. If at a later date it is decided that a fee does need to be charged, again the intention is to keep that fee as low as possible so it is not a barrier to people to do the right thing.

CHAIR: I just want to get my head around an issue. Just say I have a dog currently and I am not a breeder; I am just a mum and dad with a couple of kids and a dog and I have not done the right thing previously and had it desexed. If it has eight puppies and I am stuck with eight puppies and I want to try to get rid of them, what is the process that I take just as normal people at home with eight dogs that I cannot handle?

Dr Bunce: If your dog breeds and you have puppies and you wish to give those puppies away or sell them or exchange them, then you will need to register as a breeder. You have up to 28 days after the pups are born to register. The intention is to allow people who may not have planned or it may be unintentional or accidental to still have time to comply and become a breeder. The reason why that is required is because we need to have a breeder ID recording as a microchip of those dogs so we can determine that they have come from a legitimate source. It is not about trying to say to someone, 'You're now a dog breeder and you'll be a dog breeder from now on.' The registration is just for 12 months, so if you only do it once and then you decide to desex your dog you register to supply those puppies to other people and then that is the end of the requirement.

CHAIR: But the whole thing still sits around people doing the right thing. I could get on social media and try to get rid of them without having to do any of that, so there is nothing really in the legislation that will stop that type of behaviour.

Dr Bunce: That comes back to, again, the education and awareness campaign. The intention is to have a strong public awareness campaign to encourage people to only buy or obtain dogs from people who have a breeder ID. So we will be able to look at things like advertisements and social media in terms of compliance and enforcement and make sure that people are, when they are advertising those dogs, using their breeder ID as well.

Mr BENNETT: I notice there are some exemptions that have been identified already, and I assume that has been through feedback and your own knowledge, but I am just worried about some of the other entities out there that operate with dogs. Is there some flexibility that the department will consider? I am thinking about the sheep breeders who have already approached me with some concerns because they are not identified in this as an exemption. Though the practice of duck shooting has now ceased and is illegal, there is a huge industry out there that still mimics that activity because they love hunting dogs—those retriever type dogs—and I see this as really getting into the bleeding issue. If they do not do that activity, could they seek exemptions under the act currently or will this bill put them as a consequence somehow isolated with this bill?

Dr Bunce: Just to clarify, in terms of the hunting dogs, are you referring to the bleeding offences or are you referring to the breeder registration requirements?

Mr BENNETT: No-one is going to justify the bleeding as an acceptable practice, and obviously that is probably where a lot of this stuff is coming from. But there are people who still mimic that activity. You cannot shoot ducks in Queensland any more anyway, but they still mimic that activity and it is a reputable sport, as well as sheep dog people who breed dogs and participate in shows and things like that. Do you know the sort of people I am talking about? We talk about accredited breeder or a primary producer. These people are neither, are they? They are activities that continue and a lot of people participate in these sports. I am just looking for the exemption capacity for these people as an unintended consequence.

Ms Clarke: There is a capacity to prescribe a class of persons who would not be required to breed. However, there is no proposal to prescribe those sorts of people and the reason is quite simply that, even, say, dog breeds which are typically bred as working dogs, large numbers of them are also bred as pets. If we start exempting a particular breed or those sorts of things, it becomes very complex. You will get people who are legitimately supplying dogs without being required to be registered and yet they are in the pet trade sort of area. I understand your point that these people might be breeding dogs for a specific purpose, but it then becomes very difficult. When someone goes to the local markets, how are they going to know exactly what the purpose was that they were breeding whereas the one exemption that we have carved out quite clearly is a primary producer breeding from a working dog for another primary producer who is going to use it as a working dog. At this stage, although there is that capacity to prescribe a class of persons, there is no proposal to prescribe some of those hunting type social activities.

Dr Bunce: In terms of the prescribed class of persons, the intention there is really things like police dogs for instance. So for dogs that are government entity dogs that are used for those particular types of purposes, the intention is to allow an exemption if they seek to ask for one that they can be exempted under that requirement.

Mr MADDEN: Does this legislation in any way cover the greyhound industry?

Dr Bunce: Again, the greyhound industry can apply and have indicated that they probably will seek to be a prescribed class of persons. If we make a regulation to prescribe them as a class of persons, then they will not be required to register as breeders.

Mr MADDEN: My other question is just a general question. You mentioned that all dogs have to be microchipped. Do all dogs that are sold have to be vaccinated?

Dr Bunce: Most dogs have to be microchipped. I should clarify: there are some exemptions, again for government entity dogs and other types of dogs and working dogs. They are exempt from the microchipping requirements currently under the act. In terms of vaccination, the government does not mandate that people vaccinate their animals.

Mr MADDEN: Just getting back to what I spoke about previously about a Somerset compliance officer goes to the markets and there is somebody selling dogs, what will happen if the dog is not microchipped but the person selling the dogs says, 'I'm selling this as a working dog'?

Dr Bunce: They would have to be a primary producer—the person selling the dog. They would have to be able to demonstrate that they are a primary producer and they can only sell it to somebody who is a primary producer. So if they are found to be selling it to somebody who is not a primary producer, then that would be an offence.

Mr MADDEN: Thanks very much.

CHAIR: Just one final question from me. In the explanatory notes there seems to be quite a fair few issues to do with the fundamental legislative principles. Can you just run through some of the issues that you have come across with the FLPs?

Ms Clarke: Some of the main ones are in fact around prescribing approved entities or prescribing a class of persons by regulation. A fundamental legislative principle is that you should not be able to amend an act by, for example, a regulation. So you should not be able to amend who registration requirements apply to except in the act. What we have set out is basically to explain why we are providing for that to be done by regulation, and it is simply a matter of convenience. You would want to have some sort of checks and balances on what an approved entity was. For example, if someone simply had an accreditation scheme but was not willing to provide any of the details to the government about who their breeders were, that would not be acceptable. If we had written, for example, a particular dog breeder association into the act and then they refused to provide those details, we would be stuck in that situation. We have provided that that would be prescribed by regulation so that if there are problems we could potentially remove them as an approved entity. It is the same with a prescribed class of persons. So it is to provide flexibility and we think that justifies allowing that to be prescribed by regulation. I am just trying to think what the other ones were, if you will give me one moment. There are some in there where we have just highlighted the fact that someone could consider breeding dogs an ordinary activity and again a business could be involved in breeding dogs for sale, so it is necessary to justify having any regulation of an ordinary activity. We have just set out the reasons for doing that.

With regard to the level of penalty we have set, we have set 50 penalty units, for example, for not providing a breeder ID in your advertisements or to the person you are selling to or for not registering. We have contrasted that with the 20 penalty units which is the maximum penalty for failing to register with your local council and just explained that we felt that 50 was more appropriate given this is directed at animal welfare whereas the local council registration is about animal management. We have obviously included why we believe each of these things is justified. We are just, for completeness, setting out any potential fundamental legislative principles. I am not sure that I have covered all of them, but if there was a specific issue we would be happy to deal with it.

Mr BENNETT: I notice some of the unintended amendments talk about issues that I thought we dealt with in the Exhibited Animals Bill last year—the ruminants to pigs and other things. I am just wondering were they unintended amendments that were introduced, because I thought a lot of that stuff that we dealt with under the Exhibited Animals Bill are in here? Are they just other amendments that needed to be cleaned up in that bill as well in terms of the Biosecurity Act?

Ms Clarke: Your memory is right, but it was actually the Agriculture and Other Legislation Amendment Bill last year. We made quite a lot of amendments in relation to the ruminant feed ban and the prohibited pigs and poultry feed. The Biosecurity Act is an enormous act replacing, I think it is, six acts and parts of three other acts, so it has been a big process and it comes into force on 1 July. So we are at the pointy end now where they are literally designing forms and the regulations are quite significant. There has been a whole public consultation process and they will need to be made by 1 July. In that process of developing the regulations they are putting in place some nationally agreed labelling requirements around animal feed. It is a bit more complex than this, but the main issue has been that nationally they use the term 'restricted animal material'—RAM—and that is what they put in terms of the labelling requirements. When we made those amendments to the act last year unfortunately we had 'restricted animal material' for ruminants and 'restricted animal material' for pigs and poultry and it then becomes very messy when we have come to put in place these labelling requirements. So probably the biggest change is the fact that we are making 'restricted animal material' the one for ruminants and the restricted animal material for pigs and poultry is going to be renamed 'prohibited feed for pigs and poultry' which is more consistent with the national labelling requirements. That is really to facilitate some changes in the regulations. So they are quite technical changes, but the main changes—you are right—were made last year in the Agriculture and Other Legislation Amendment Bill.

CHAIR: There being no further questions, I thank you very much for your statements and the questions that you answered. They were very thorough. That brings the committee's meeting today to a close. There are no questions on notice, so I declare the hearing closed.

Committee adjourned at 9.28 am