



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, 16 MARCH 2016

Brisbane

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Committee met at 12.27 pm

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

CLARKE, Ms Marguerite, Director, 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: I welcome the officers from the Department of Agriculture and Fisheries. This is a follow-up briefing and it is designed for you, the officers who have worked on the bill, to respond if you can to issues raised by witnesses during the hearing. I remind honourable members that these officers are here today to assist the committee with information and not to provide opinions or comments on government policy. Questions about government policy related to the bill need to be asked of the minister. Officers, are there any issues you would like to respond to?

Dr Bunce: We spoke to the bill at the initial hearing on 24 February. I am happy to leave the briefing at that and take any questions that the committee might have.

CHAIR: So no-one picked up on any comments during the hearing?

Ms Clarke: We certainly have issues that we would be happy to respond to, if you want us to go that way.

CHAIR: Yes, most certainly.

Ms Clarke: There was some mention of cattle traceability, reptile traceability and so forth, so perhaps we will start there. In terms of the National Livestock Identification System, which was mentioned, there are a lot of incentives for stock owners to participate in that system. Principally it is around keeping export markets open. In fact, it is a system set up nationally, and Meat & Livestock Australia administer that system. Although it is reflected in Queensland law and we do enforce it, essentially there is a very high impetus for voluntary compliance with that system. Yes, every movement of cattle has to be notified and so on, so you have lifetime traceability of cattle.

The difficulty of setting up a comprehensive system for dogs is that there is not the same incentive for people to comply. They do not get much out of it except that if they lose their dog in a storm and so forth then it will be able to be identified by scanning the microchip. Without high levels of voluntary compliance, it is very difficult to ensure that they make a record or that they keep those records and the microchip database up to date. We are very conscious that we could create a comprehensive tracking system for dogs at every point from the breeder all the way through their sales, but without that impetus for dog owners to comply it probably would not be highly effective. We are conscious that this is not a perfect system, but we think it will go a fair way to addressing the main issue, which is the difficulty of identifying dog breeders.

CHAIR: After you have addressed each issue, if the committee has any questions relating to those comments we might ask you at each interval.

Mr SORENSEN: If the breeder has microchipped the dog, it would save the councils a lot of money if they could identify the dog. At the end of the day, most people do the right thing. It is only certain people who do not. Being able to track that dog and track the owner of that dog is so important to councils' operations and the costs of those operations. If a breeder microchips the dog before he moves on from the farm, at least you have some trackability without having to put the dog down at the end of the day.

Ms Clarke: Is that in relation to working dogs?

Mr SORENSEN: No, all dogs including working dogs.

Ms Clarke: It is a legal requirement for them to microchip. There are a few exceptions, one of which is working dogs. Otherwise it is a legal requirement to microchip before you supply a dog or, if you are not supplying, to microchip before 12 weeks of age. They should be microchipped already. There needs to be a high level of voluntary compliance or it is difficult to enforce. There is a high level of voluntary compliance because people want to be reunited with their pet, but it is not perfect.

CHAIR: Is it a tough thing as well just getting that message out to the general community that you should not be buying a dog unless it has a microchip in it?

Dr Bunce: In terms of the bill, part of the education and awareness campaign will be to only purchase a dog where you have a breeder ID and that dog is microchipped with the breeder ID recorded against that information. That is certainly part of what we are proposing to do.

CHAIR: Like anything, it is not going to happen overnight, but as time goes on it becomes one of those things where people just know. This needs to be ongoing.

Dr Bunce: It comes down to consumer awareness. Consumer awareness campaigns have always been quite proactive and quite successful, but it will change over time and build up over time. As more people become aware, other people, by a flow-on effect, become aware as well.

Mr BENNETT: Without a scanner, how are you going to know if the dog—

Dr Bunce: That is one of the challenges.

Mr BENNETT: 'Yes, it is microchipped—trust me.'

Dr Bunce: Mark Townend from the RSPCA spoke about other new technologies coming out that might be better systems.

Mr BENNETT: Put it in an iPhone.

CHAIR: Take a photo of it and see—

Dr Bunce: We are limited by current technology, but things are improving and changing all the time. It may be that in time there will be other systems in place that will rely on microchips.

Ms Clarke: That is one of the advantages of the breeder ID. You do not need to scan the microchip. The person is required to advise the breeder ID in any advertisements and also to give you information about the breeder ID when they supply the dog to you. It is a bit of a workaround I guess.

CHAIR: How will that come about? Is it a licence or is it a bit of paper that they will have to show?

Dr Bunce: There are certain details they will have to provide. It is set out in the bill the information that will be required. It is just certain information they have to provide. They can provide it on a piece of paper, for instance, or a record. When a dog is microchipped, there will be a new field—we talked about a new form. They will have to record the breeder ID on that form. That is then submitted to the registry.

CHAIR: I just want to know what it is because I could see a labrador advertised today with permit number B501—'I have a couple of dogs that I have just bred. I am just going to put in my ad B501.' When I go up to buy it, how are they going to prove to me that they are B501?

Ms Clarke: That is a good question. If you will forgive me, I will meld the answer with an answer to another question which is around what will be publicly available on the internet about breeders. Although the register will contain lots of information—the name, the address and so forth—and that information will be accessible to enforcement officers, only what is defined in the bill as the publicly available part of the register will be available online for people to look up. That does not include the residential address of the breeder. There is no risk that someone will go looking for puppies and find out where some good addresses are to go and steal things. The information available online would include the local government area and contact details—either email or a telephone number—nominated by the breeder. We have not actually got down to the fine detail of our communication message, but it would probably be something like, 'Check that there is a breeder ID and phone the number or send an email to check that they are selling this puppy.'

CHAIR: Is there not a simple solution like a card with their photo on it that says, 'I am a recognised breeder'? When they turn up to sell the dog, they pull out their card and it has their number on it that they put in the ad.

Ms Clarke: Blue card for puppies.

CHAIR: ‘My name is Glenn Butcher. I am breeder B501,’ and you say, ‘That is good. Thank you very much.’

Dr Bunce: I note one of the submissions did make a suggestion about linking it to driver’s licence identification. I think that is something we need to get advice on in terms of fundamental legislative principles and what we can require people to provide in terms of information. It is something we can take advice on. I am not able to provide a comment today.

CHAIR: We might make it as a recommendation.

Mr BENNETT: We used to tattoo, so wouldn’t you do the microchip in some visible way? The microchip is not tangible until you scan it. Wouldn’t we do something else that is more visual from a consumers’ perspective?

Dr Bunce: I am aware that there are some issues with tattoos as well. None of these systems are perfect. Again, ultimately, hopefully we will get something like facial recognition technology that is going to be foolproof. At the moment we are constrained by—we do not have a perfect system at this point in time. Tattoos over time can fade. They can move. They can distort. It is very hard to confirm an animal from a tattoo.

Ms Clarke: Just to clarify an answer earlier, section 43ZF requires that when you give a person a dog you have to give them a notice that says the name of the supplier of the dog and the relevant supplier number for the dog—so the breeder ID. Essentially when you give a dog the person supplies their name and the breeder ID.

CHAIR: Can they still make that, though?

Ms Clarke: Yes, but essentially that is why we are encouraging people to contact the breeder and make sure it is them selling it.

Ms Termonen: And check the register to make sure that the name matches up with the number.

CHAIR: To me that seems like too much work for mum and dad when they are getting a dog for their kid.

Dr Bunce: It comes back to the issue that we are doing this to try to stop puppy farms.

CHAIR: I know that, but 90 per cent of kids when they have a little puppy sitting in their arms do not care about who the breeder is. They just want the puppy and want to take it home.

Ms Clarke: We are not pretending this is perfect. I think the same is true to say that when the puppy is sitting in their arms are they going to ask to see their card if we produce a card?

CHAIR: No. I think it would be a lot easier for old mate who is selling a dog out of the back of a car at the markets to say, ‘Here’s my card. Take my dog.’ That would be a lot easier than relying on a bit of paper and having to go home and check and then you go back to the market and old mate is nowhere to be seen.

Mr BENNETT: It is more regulation. I think that is what we have to be careful of because you force everyone to go around it instead of through it and to work with us.

Mrs GILBERT: One of the earlier submitters here today was talking about the problem in the south-east corner with dogs coming across the border. Does this bill require interstate people to register here for their litters to come into Queensland?

Dr Bunce: There is a provision in the bill that if there is someone interstate who is supplying a dog into Queensland then they need to either be registered with a corresponding law in that jurisdiction or be registered as a breeder in Queensland. If dogs are coming from interstate and being supplied into Queensland, the suppliers will be required if there is a breeder registration scheme in that state to be registered; otherwise they will need to register in Queensland. That is to ensure that we can have that breeder ID on the microchip information of that dog. We do not want to provide any system where people can be getting dogs from elsewhere that do not have that information. It provides a loophole for puppy farmers to potentially exploit.

Ms Clarke: I should clarify, though, that we can only enforce Queensland law in Queensland. If they take a day trip across the border to pick up a puppy then we cannot enforce them to provide a breeder ID.

Mrs GILBERT: Or the other way around, if they are coming into Queensland.

Ms Clarke: Yes, that is right. For example, dogs get flown into the airport to be picked up. That certainly does happen. There we could enforce it. It brings us to another issue that was raised a number of times which is what happens if you legitimately have a dog in Queensland that has no breeder ID number either because, for example, you bought it interstate or you moved here or somehow you ended up with it. In the bill there is provision to apply for an exemption number, which is essentially a number you can put in place of a breeder ID if for some reason you do not have a breeder ID. You do have to apply for it. It is really just to flag to us that there is such a dog. There will be no forensic investigation as to how you came to have that dog because it would not be worth those resources, but it does flag to us that there is such a dog. It gets it into the system. The Australian Veterinary Association were concerned about what if a member came in and they wanted to microchip it but it did not have a number for a legitimate reason. They can apply for an exemption number and that resolves that issue.

Dr Bunce: A person cannot apply for an exemption number if they are a dog breeder. You need to be a person who has not bred the dog and you cannot be a dog breeder. The other point I was going to make is that there were a number of comments made earlier about working dogs. If someone were a primary producer and they subsequently supplied that dog to a person as a pet, what would they be required to do? That is where the exemption number comes in again. They can apply for an exemption number and have that applied to that dog and then that dog can be supplied as a pet to somebody.

Mr BENNETT: Would you be able to expand on the working dog exemption for the committee? We have had some discussions about that over the last couple of hours. That originated somewhere in history, I assume.

Dr Bunce: I will start with the background. Currently there is an exemption in the Animal Management (Cats and Dogs) Act for working dogs. There is an exemption there from the requirement to microchip a working dog. There is a definition in there of what a working dog is. The person needs to be a primary producer. They can be an employee of someone who is a primary producer. It needs to be kept on rural land. It needs to be kept for certain purposes which include droving, tending and caring for stock. That was a matter that was considered by parliament at that time. It is not appropriate for the department to comment or pass judgement on that.

The bill therefore recognises that there is a current exemption for working dogs. To make the system workable, we need to recognise that and have a similar exemption in terms of the requirements here. If there was a requirement for working dog breeders to be registered and display a breeder ID and record it on the microchip, they do not have a requirement to microchip those dogs currently under the act. It does not sit well with the current exemption. That is why the bill proposes to continue that exemption, recognising that currently working dogs are exempted from the microchip requirement.

Ms Clarke: It would be workable to require them to have a breeder ID and to advertise that, but without changing the microchip exemption we could not do it.

Mr MADDEN: I am curious about microchipping. Under this legislation the puppy will have a microchip that has the breeder ID. We will have this database for every puppy born in Queensland. Am I right?

Dr Bunce: There are already databases that exist. There are registry databases. They exist.

Mr MADDEN: This is where I am headed. We are going to have this database for every puppy born in Queensland. It just seems logical to me that this database could have another column—that is, the owners database that is put in by good councils. The Ipswich City Council offers this as a free service but they currently have to use a company to do that—HomeSafeID. Has it not been looked at that this database could at least offer this service?

Dr Bunce: The database would be for registered breeders. It is just the breeders. It is not storing the details of the dogs that they breed or produce. It is just the breeders' details. It is just their name, their address, their local government area, their telephone number and their email address et cetera. It does not track how many dogs they are breeding, how many they are producing, how many have been sold. None of that information is contained in that register. It is purely a details register.

Mr MADDEN: It is just a list of the breeders' information.

Dr Bunce: The microchip registry will store the information about the microchip details of that dog. We are asking them to include an additional field in that registry which is the breeder ID. It is a separate registry. In a perfect world maybe those two databases would talk.

Ms Clarke: We can certainly get the data out of those two things and crossmatch them.

Mr MADDEN: Will the breeders or their vets get a box of microchips?

Dr Bunce: There are approved implanters, essentially—vets and other people. They are approved and licensed to implant microchips into dogs. They will need to go to an implanter—typically it is a vet—and that vet will then implant the microchip into that dog. They will have the form where they fill in the details and that then gets submitted to one of the registries.

Mr MADDEN: They will have their own microchips? The microchip that the vet has will be programmed with the—

Dr Bunce: The microchip is just a number. It is a unique identifying code. It is a unique number with a certain number of digits and there are some letters in there as well. They are produced by companies all around the world. The vet will purchase the microchips from a company. When they record the details on the form they record that microchip number and the registry then logs that as this number—this is the breeder, this is the owner of the dog.

Ms Clarke: It might help to explain that there are two sorts of microchips. There is a microchip on which you can put information. When you read it, you look at your device and it tells you all the information about that microchip. Then there are microchips that essentially just give you a number and you have to go to some external data source to get what that number means. The sort of microchip that is implanted in animals, whether it is cattle or dogs and cats in this circumstance, is the one that just has the number. There are these external registries that keep the data. Say it is a shelter. They pull up a number and they contact the registry, who says, 'That is a dog that belongs to this person,' and so on.

The reason there are a number of databases is that it is not a perfect national system. It is a sort of attempt at a national system. There are databases around the country that recognise that dogs move between jurisdictions. In Queensland we recognise—we think it is six, but we will confirm that for you—six of these places with whom people who microchip in Queensland are allowed to register the details against the microchip.

CHAIR: If I find a dog and I can find out that tag, do I have to go through six different systems to see if that number comes up?

Dr Bunce: Ideally, they should be sharing information between the registries. You contact the registry—HomeSafeID and there is also another thing called Pet Address—and they will be able to supply the information for that. Again, it is not—

CHAIR: So the answer to my question is, yes, I have to go through—

Dr Bunce: Essentially, it is yes. Essentially you should be able to go to one. Obviously, there are information-sharing requirements, but how well that sharing occurs is another consideration.

Ms Clarke: That is what some comments were about—how well that sharing occurs, even though it is required.

Mr MADDEN: Some microchips just have a number and some have information?

Ms Clarke: Not for dogs and cats. For animals in Queensland, essentially they are just numbers.

Dr Bunce: One of the submissions spoke about the compliance strategy and a view to having that compliance strategy finalised. The department is developing a draft of the compliance strategy. A working group has been established for progressing that. It includes representatives from local government and the RSPCA, and Dogs Queensland have asked to be involved in that as well. Obviously, though, we cannot pre-empt decisions of parliament, so until these laws have been passed we cannot really design a compliance strategy. It is not law yet. Until it is law, we cannot finalise that compliance strategy, but we do have a working group established and they are working on it.

Mr MADDEN: Are you consulting with the LGAQ about that compliance strategy?

Dr Bunce: Yes, we are.

Ms Clarke: It might help to explain, too, the different role of the Animal Care and Protection Act compared to the Animal Management (Cats and Dogs) Act. The Animal Care and Protection Act is obviously around animal welfare. Local government officers are not appointed under that; it is the RSPCA, as was mentioned a number of times generally, along the coast and in urban areas. Outside of that, the department has officers who are inspectors under the Animal Care and Protection Act.

The Animal Management (Cats and Dogs) Act is around animal management. That is where local government officers are appointed and where local government responsibility is clear. I guess there are some times when local governments have chosen to become a little involved in animal welfare. Some of the council breeder permit schemes are an example of that. You would have heard a mixture of messages today. On the one hand, some are not wanting the state government to involve them in animal welfare but then clearly some councils have taken the initiative to be involved in animal

welfare. It is a bit of a tricky line and that is where a lot of the negotiation around the compliance strategy needs to occur. In a very general, broad sense, it is clear that councils are involved to an extent with animal management whereas animal welfare is the responsibility of the RSPCA and the department.

Mr MADDEN: You are talking about barking dogs versus an animal that is not being fed properly.

Ms Clarke: Exactly. There has to be good communication between the two, but there is sort of a line. Where it gets a little difficult is, for example, having excessive numbers of dogs on a property. Sometimes that can have animal welfare implications but it is often around barking dogs or planning legislation—all that sort of thing. It is a bit of a furry line and does need to be negotiated.

CHAIR: Are there any other points that you want to raise at all?

Ms Clarke: We probably should address some of the issues around the chicken meat submission.

CHAIR: Biosecurity?

Ms Clarke: Perhaps a little bit of history on this one would help. Under the existing legislation, someone who has a hundred or more poultry must register. On the face of it, that looks quite simple except that some time ago the definition of poultry was extended to include any captive bird. I have not been around long enough to know all the background or what consultation occurred at that time, but it appears that most owners of a hundred or more captive birds were not aware of that and have not complied. Currently, they would be required to register under Queensland law if they have a hundred or more captive birds of any sort.

Ideally, legislation should be straightforward and should say what it means. When the Biosecurity Act was being drafted, instead of saying that owners of a hundred or more poultry should register—when we realised that it picked up on any captive birds—we made it a hundred or more captive birds. It suddenly brought out this issue around the fact that there were a lot of people who are currently required to be registered who were not even aware that they were required to be registered and many of them had not registered. In fact, in our submission to the Biosecurity Act inquiry by the former committee we stated that this is an issue that has been raised a number of times by people who have aviary birds. They have been extremely concerned that they might have to register if they have more than a hundred birds. It is a bit of a tricky issue because on the face of it you could say, 'You are already required to be registered.'

CHAIR: What would be their concerns about being registered? Is it a cost thing?

Ms Clarke: There are a number of concerns. I think they have a fear that in an outbreak or something we will be knocking on their door.

Dr Bunce: We had the example of avian influenza and what the outcome was there.

Ms Clarke: The reality is that there could be some sort of consensus where, registered or not, that would be the action that we would be required to take.

CHAIR: They are probably not aware that that is going to happen anyway, from the results of what they said. If it is found to have avian influenza—

Ms Clarke: They are fairly aware of the New South Wales game.

Mr MADDEN: Are the key words here 'neither meat nor eggs are for human consumption'—this is the exemption. So where you have poultry but it is not meat or eggs for human consumption, that is the only exemption; is that correct?

Dr Bunce: The definition of 'designated birds' defines that these are birds are used for human consumption or to produce eggs for human consumption or released for free flight after being kept in captivity. Again, it is not a perfect system. It is just recognising that certain types of birds present a greater disease risk than other types of birds. Generally speaking, because caged birds are in a cage and are restricted and isolated, they do not interact with wild birds, which are the larger disease risk. By being in a cage, things like finches, wrens, budgies and parrots are a lower risk than other types of birds. We had the example earlier about backyard poultry, for instance. If they are in an open enclosure, that is probably not typically a cage. They would be a higher level of risk than aviary birds in a cage. The legislation is trying to reflect that you do not typically eat budgies or finches and that is why it has that definition in there.

Mr MADDEN: I guess I am trying to allay the fears of the poultry industry that this exemption under the words used must be birds where they are produced neither for meat nor eggs and are not for human consumption. Do you understand? That is the only exemption; that is the limit of the exemption. I just wanted you to say if that is correct.

Ms Clarke: The other thing that we should acknowledge is that it is very difficult to get to zero risk in biosecurity, so this is a compromise position. I think it would be fair to say that by allowing this exemption we do slightly increase the risk to the poultry industry in the way that they have highlighted, but it is about finding a balance and we think that is an acceptable accommodation of the concerns of the aviary bird keepers.

Dr Bunce: If there is an incident, the department has emergency powers under the act to respond, so we would still respond if there was an incident.

CHAIR: That is why I am saying that, whether they are registered or not, they are—

Dr Bunce: We will come knocking.

CHAIR: That is right. It just takes longer.

Ms Clarke: The presentation was correct: it would take that little bit longer. We acknowledge it is slightly increasing the risks for the industry.

CHAIR: Is there anything else that you picked up on? That brings the committee's meeting today to a close. Thank you to witnesses and briefing officers for assisting us and thank you to members of the committee. We did not have any questions on notice from the department, did we?

Ms Clarke: Did you want us to provide the information about how many microchip registries we have?

Dr Bunce: There are six licensed registries in Queensland.

Mr MADDEN: Yes, and a little bit of information about how they operate and what is different between them would be good.

CHAIR: Can you provide that by Tuesday, 22 March, please? We will make the proof transcript of the meeting today available from our website as soon as we are able. I now declare this meeting closed. Thank you everyone for your attendance.

Committee adjourned at 12.56 pm