

From: [REDACTED]
To: [Agriculture and Environment Committee](#)
Subject: Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016
Date: Wednesday, 9 March 2016 11:57:35 AM
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[1603 Submission re Protecting Puppies Amendment Bill 2016 Final_090316.pdf](#)

Good afternoon,

Please see the attached LGAQ submission in relation to the *Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016*.

Please do not hesitate to contact us should you have any questions or concerns.

Kind regards,
Morgyn.



Morgyn Goodale

Administration Coordinator - Advocacy

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09 March 2016

Research Director
Agriculture and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Research Director,

Animal Management (Protecting Puppies) and other Legislation Amendment Bill 2016

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide a submission to assist the Agriculture and Environment Committee's detailed consideration of the *Animal Management (Protecting Puppies) and other Legislation Amendment Bill 2016 (the Bill)*.

The Bill proposes to amend the *Animal Management (Cats and Dogs) Act 2008*, the *Animal Care and Protection Act 2001* and the *Biosecurity Act 2014*. The objective of the Bill is to identify and locate breeders so that existing powers under the *Animal Care and Protection Act 2001* can be used to shut down cruel 'puppy farms' and protect dogs from cruelty. In addition, the proposed amendments to the *Animal Care and Protection Act 2001* is intended to clarify the offence of keeping or using an animal as a kill or lure for blooding or coursing a dog. Amendments to the *Biosecurity Act 2014* proposes to address a number of definitions, clarification and administrative issues to the Act.

The LGAQ supports strategies that contribute to the protection and welfare of dogs kept in conditions that fail to meet minimum hygiene and safety standards.

The LGAQ has consulted with Queensland councils that are actively engaged in a range of animal management compliance activities. The following comments and recommendations are provided for the Committee's consideration.

State wide dog breeder registration

The LGAQ supports a consistent approach to the registration, surveillance and management of dog breeders across Queensland.

In particular, the LGAQ supports the introduction of a state wide compulsory breeder registration scheme being managed by the State Government. The LGAQ acknowledges the difficulties associated with cross jurisdictional transport of dogs for sale and the existence of a state-wide registration and database is critical to manage and monitor the sale of these dogs.

The LGAQ acknowledges the explanatory notes that no breeder registration fees would be charged prior to 1 July 2018 and if registration fees are to be considered after this period that a Regulatory Impact Statement (RIS) would be completed. The LGAQ notes the problem with the introduction of registration fees and maintains that the State is best placed to respond to any compliance action relating to the non-payment of fees as part of the state-wide registration scheme. Council feedback has also suggested the introduction of registration fees after a two year moratorium may lead to the surrender or dumping of dogs and place an additional burden on the services of the RSPCA and local councils.



Council feedback has identified there is the potential for some confusion in relation to the definition of 'reasonable excuse' referred to in the explanatory notes. The Department of Agriculture and Fisheries (DAF) will need to develop a clear definition of what constitutes a 'reasonable excuse' to remove any doubt associated with the failure to comply with mandatory dog breeder registration obligations.

Further, if an organisation is to be given approval as an 'approved entity' as highlighted in the explanatory notes and do not require to have their members go through the proposed dog breeder registration process, it is crucial that those approved entities are bound to what is proposed under Section 43W of the Bill. These approved entities will be required to share their membership information with state and local governments and the RSPCA to ensure the compliance strategy can effectively deliver the objectives of the Bill.

Recommendation 1: The LGAQ supports the proposed management, administration and resourcing of the dog breeder registration database by the State Government and that local councils will have no role in the administration of licensing dog breeders.

Recommendation 2: The LGAQ recommends the resourcing of compliance action pertaining to the non-payment of registration fees to be managed by the State Government as part of the state-wide registration scheme.

Recommendation 3: The LGAQ supports the State Government commitment to complete a Regulatory Impact Statement (RIS) prior to the introduction of any dog breeder registration fees highlighting the potential cost and benefit impact on key stakeholders.

Recommendation 4: The LGAQ recommends the State Government develops clear definitions of what constitutes 'reasonable excuse' for failure to comply with dog breeder registration obligations referred to in the explanatory notes.

Recommendation 5: The LGAQ recommends the State Government ensures that all 'approved entities' share their membership details with the state and local governments and the RSPCA to ensure compliance with responsibilities under Section 43W of the Bill.

Education and Awareness Campaign

The LGAQ supports the commitment in the explanatory notes of DAF to resource, develop and implement a comprehensive State-wide education and awareness campaign to ensure success in achieving breeder registration and behavioural change.

The campaign will need to focus on members of the public being responsible pet owners and not purchasing from dog breeders advertising without a registered breeder number.

Recommendation 6: The LGAQ supports the State Government commitment to resource the development and implementation of a comprehensive education and awareness strategy in consultation with key stakeholders providing clear and consistent messaging across Queensland.

Compliance Strategy

The LGAQ broadly supports the development of a compliance strategy in partnership with local government. The compliance strategy will need a clearly identified scope and developed collaboratively between all parties. The successful implementation of this legislation is reliant on strong partnerships with local councils providing clarity around roles and responsibilities.

Given the priority importance of the compliance strategy, it should arguably be completed in parallel with the Bill. As such, the LGAQ reserves its support for the Bill and compliance strategy until key issues are addressed.



There are a range of issues that require further attention in the development of a compliance strategy. These include, procedures for dealing with registrations that lapse (reissuing previous breeder number), third party sales and offences for using someone else's breeder number. Compliance with these activities including the monitoring of advertisements will be a labour intensive task and will require a commitment from the department at a state-wide level.

Greater reliance on DAF and the RSPCA will be a fundamental component of the compliance strategy. The definition of 'authorised officer' to include authorised officers of DAF and other key agencies including RSPCA under the *Animal Management (Cats and Dogs) Act 2008* will ensure that adequate resourcing and responsiveness exists without a reliance on local governments.

Recommendation 7: The LGAQ recommends the State Government prioritises the development of a compliance strategy in partnership with local governments and key stakeholders.

Recommendation 8: The LGAQ recommends the State Government ensures the roles and responsibilities of DAF inspectors are appropriate to conduct investigations as authorised officers under the *Animal Management (Cats and Dogs) Act 2008* legislation.

Recommendation 9: The LGAQ recommends the State Government responsibilities to monitor the advertisement and sale of dogs by unregistered breeders should be reflected in the compliance strategy.

Welfare Issues

The primary intent of this legislation is centred around animal welfare concerns and not animal management. Inclusion of a compliance strategy that encourages agencies to work together to resolve often complex and difficult welfare matters is supported. The explanatory notes identify animal welfare as core business of DAF and as such are responsible to resource these investigations.

Local government resources are often limited and do not have capacity to resource joint inspections. As such, the ability for DAF and RSPCA officers to have authority under both the *Animal Management (Cats and Dogs) Act 2008* and the *Animal Care and Protection Act 2001* is critical. This would allow these agencies to investigate and resolve animal welfare investigations without requiring additional resourcing from local government.

The LGAQ supports DAF officers having authority under both the *Animal Management (Cats and Dogs) Act 2008* and the *Animal Care and Protection Act 2001*. This will also resolve the issue of conducting investigations in regional and remote areas across the state where RSPCA representation is often limited or non-existent.

Recommendation 10: The LGAQ recommends the State Government develops a strategy to respond to welfare issues particularly in regional settings where the capacity of the RSPCA is limited or non-existent.

If you have any questions regarding the matters raised in this submission, please do not hesitate to contact Mr Robert Ferguson, LGAQ - Senior Advisor – Environmental and Public Health, on (07) 3000 2212 or via email at Robert.Ferguson@lgaq.asn.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Greg Hoffman', is written over a light blue horizontal line.

Greg Hoffman PSM
GENERAL MANAGER – ADVOCACY