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Parliament House
The Agriculture, Resources & Environment Committee Chair
The Honourable Ian Rickuss MP
George Street
BRISBANE QLD 4001

Attention: The Honourable Ian Rickuss

Dear Sir

REVIEW OF THE AGRICULTURE AND FORESTRY LEGISLATION AMENDMENT BILL 2013

Council acknowledges your correspondence of 27th May 2013 inviting submission on the Agriculture and Forestry Legislation Amendment Bill 2013 (the Bill).

On behalf of Logan City Council, the Bill has been reviewed and endorsed by Committee members, with the attached comments provided herewith.

If you require any clarification or further information on the comments provided please do not hesitate to contact Council's Animal Management Program Leader, Ms Kathryn Dyble on phone (07) 3412 5381.

Yours faithfully



Jim McDonnell
Environment & Sustainability Manager
(on behalf of Chris Rose, Chief Executive Officer)



LOGAN CITY COUNCIL SUBMISSION ON THE REVIEW OF THE AGRICULTURE AND FORESTRY LEGISLATION AMENDMENT BILL 2013

Contact Officer: Kathryn Dyble, Animal Management Program Leader Phone: 07 3412 5381
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Logan City Council appreciates the opportunity to consider the proposed amendments to the *Review of the Agriculture and Forestry Legislation Amendment Bill 2013*, specifically the *Animal Management (Cats and Dogs) Act 2008* {AMCDA}, and provide the following comments:

1. Amendment of the *Animal Management (Cats and Dogs) Act 2008* concerning review processes for regulated dog declarations and destruction orders.

While Logan City Council has no objection to the amendment which will allow a local government to issue a regulated dog notice and a destruction order as a concurrent process, it should be noted that this proposed amendment still fails to fully address the excessive costs incurred by the Local Government during the Regulated Dog Appeal / Review process.

Further review of AMCDA is required to impose maximum periods of time an appeal through the Queensland Civil and Administrative Tribunal (QCAT) may take, or alternatively, implement a simple process to allow local governments to seek cost recovery of holding a dog in an Animal Management facility from the owner or keeper of the animal. With costs recovered being for the housing and welfare of the animal for the duration of stay, for the period including the internal or external review of a proposed regulated dog declaration, a regulated dog declaration, or a destruction order of a regulated dog. This amendment is required to prevent unnecessary cost to rate payers arising from lengthy reviews of decisions and actions made legally by local government, where an animal is held in a facility at the cost of the local government, for periods of several months to a year.

2. Amendment of the *Animal Management (Cats and Dogs) Act 2008* to remove mandatory State-wide cat registration requirements.

Logan City Council strongly opposes the removal of mandatory cat registration.

One of the stated objectives driving the introduction of the AMCDA was to manage unwanted cats and dogs and reduce euthanasia rates. Removing the requirement for owners to register cats, which is vital to the identification and rehoming process will most certainly impact on euthanasia rates for cats.

Wandering, unidentifiable, unknown cats cause nuisance by causing dogs to bark, fighting with other cats, mating, sleeping on neighbours vehicles, urinating and defecating and menacing or killing domestic birds, poultry and native animals. Even well fed cats hunt instinctively. Nuisance cats often find themselves in the Animal Management Centre, and while many appear well socialised with humans, if they are unregistered, the chance of reuniting them with their owner is significantly reduced. While microchip information helps, they are not infallible and owners often forget to update details when they relocate. If an owner or alternative home cannot be found, many cats are eventually euthanised.

In addition to retaining mandatory cat registration, Logan City Council proposes the introduction of mandatory state-wide desexing of all cats, other than approved breeders, to address the vast problem and subsequent euthanasia, of roaming, unidentified and unwanted cats.

Consultation on the amendments to the AMCDA to remove mandatory State-wide cat registration requirements was conducted with input from the Queensland Division of the Australian Veterinary Association, Animal Welfare League of QLD, RSPCA, Queensland Feline Association, Dogs Qld, Local Government Association of QLD, and Department of Local Government, Community Recovery and Resilience, and Animal Management Officers from: Blackall Tambo Regional Council, Cairns Regional Council, Central Highlands Regional Council, Charters Towers Regional Council, Gold Coast City Council, Longreach Regional Council, Moreton Bay Regional Council, Southern Downs Regional Council, and Toowoomba Regional Council.

No consultation has been mentioned (or sought) from larger Council's such as Logan City Council, or Brisbane City Council. The result is a perceived bias of support for the removal of mandatory cat registration requirements, as most of the Council's consulted are of a smaller nature, and thus have limited funding with which to allocate staff to ensure registration of cat numbers.

The stated aim of bringing Queensland "in line" with other States which do not impose state-wide cat registration requirements is fundamentally flawed. Currently four of the six States (the majority): Queensland, New South Wales, Victoria and Western Australia have compulsory cat registration requirements. Queensland was following a trend towards additional regulation of cats, with Logan City Council's Animal Management Strategy identifying an overall community desire for government to address the issue of stray cats, of which registration and microchipping are key points.

3. Additional changes required to the *Animal Management (Cats & Dogs) Act 2008*.

Over the past four years, the South East Queensland Regional Animal Management Group (SEQRAMG) has been lobbying the Queensland State Government to implement changes to the AMCDA. Representations have been made to Minister Desley Boyle, Minister Paul Lucas and Minister John McVeigh.

While it is gratifying to see that amendments to the AMCDA can occur, it is somewhat frustrating that the further amendments proposed by Councils have been overlooked.

Logan City Council is again requesting comprehensive review of the AMCDA to address issues identified by Council's through the SEQRAMG forum. While many of the amendments requested by Councils relate to the management of dogs involved in attacks, there are a number of additional issues relating to registration and a lack of enforcement tools. For example,

- The only enforcement tools available to Councils are Penalty Infringement Notices (PINs) and prosecution under the AMCDA. There are no direction orders or notice to comply tools.
- There is an inability to refuse or cancel/revoke a registration.
- There is an inability to issue a notice to require a person to register an animal.
- There needs to be a requirement to register an animal at the point of sale. This would ensure organisations such as pet shops, shelters and RSPCA etc registered the animals when they are sold to a new owner.

A comprehensive list of recommended amendments to the AMCDA is listed in the following table.

Key Issue	Synopsis	Proposed Solution
No definitions of attack in the AMCDA	Without such a definition, an attack becomes a matter of conjecture and is open to varying degrees of interpretation, both within animal management and in the court system, leading to confusing and unreliable outcomes of investigations and prosecutions.	Definition of attack to be provided in the AMCDA.
Issuing PIN's under the AMCDA	No provision to issue PIN for moving/hiding a dog after an attack. As a penalty for an attack	Range of offences with penalties including: - Moving a dog after an attack.
Issuing a PIN for 'fear' related incidents	Councils currently cannot issue a PIN when a dog causes fear to another animal – only tool is prosecution. Community expectation is for issues to be resolved in a timely manner (with natural justice still applicable). The current situation does not allow for this.	AMCDA to be amended to allow Councils to issue a PIN for fear offences against another animal.
Drafting amendments for dangerous dog fees vs permits	<p>There appears to be an error with the drafting as it is not the intent of the legislation to have dangerous and menacing dog permits – only restricted dog permits (confirmed by DIP). The AMCDA in some places refers to dangerous dog permits which need to be removed.</p> <p>Additionally, if a dog is registered and then is declared dangerous in the months after, there is no ability to seek further registration costs from the owner until the next renewal period. There are substantial costs to Council in declaring a dog dangerous which need to be recouped under obligations in the <i>Local Government Act 2009</i> where the fee won't be higher than the cost of undertaking the regulatory service.</p>	<p>AMCDA amended to remove wording of dangerous dog permits.</p> <p>AMCDA amended to allow Councils to collect additional fees in the same year (prior to renewal) if the status of the dog changes from normal registration to declared dangerous.</p>
Regulated Dog Database	In addition to errors with the database itself (timeout issues), Councils were promised comprehensive reports from the information inputted into the database (for their own council). Council is now being told that no reports are available.	Request the Department of Infrastructure and Planning to ensure reports are available to councils immediately upon request.

Key Issue	Synopsis	Proposed Solution
Menacing Dogs	The AMCDA recognises that menacing dogs pose a significant threat to public safety and requires the owner of a menacing dog to construct an enclosure to the same specifications as that required for a dangerous dog. However the AMCDA then appears to contradict itself by not requiring a menacing dog to be muzzled when brought into a public place	Amend the AMCDA so that menacing dogs are muzzled in public.
Obligations of registration for regulated dogs	For declaration of a dog during the registration period and where a dog which is currently registered is declared during a registration period, Council has required the dog owner to pay the gap between the 'unregulated' dog fee and regulated dog fee. There is no provision within the AMCDA which gives local government the ability to do this. The issue is compounded when local governments allow three year registration periods – this issue was brought to the attention of the Gold Coast City Council (GCCC) legal team and they confirm that they would not be comfortable should we consider taking legal action against a dog owner for failing to pay the 'regulated' dog fee.	Amend the AMCDA to facilitate this process as the higher fee covers the cost to ensure that the regulated dog owner complies with their obligations to keep a regulated dog. Agree to resolve using the permit structure.
Minor Attack provisions	In instances of a more minor attack, the AMCDA contains no provision for anything other than a declaration. In some cases the dog might not require declaration if the owner could be compelled to take the dog to training. Alternatively Council may seek to impose a fine - the AMCDA does not allow this to occur.	Recommend incorporating 'grade of attacks' that were work-shopped at the Australian Institute of Animal Management (AIAM) Conference.
Provisions for Role Responsibilities pertaining to microchipping.	Council would like to include provisions clarifying the roles and responsibilities for microchipping enforcement at the point of sale. Presently, the legislation does not specify this despite the State Government's position that this is a responsibility of Local Government.	Local Government is not prepared or resourced to assume this role. Recommend the State Government take the lead in endorsing this policy.

Key Issue	Synopsis	Proposed Solution
<p>Desexing for declared dogs under Local Laws</p>	<p>Desexing: Legal advice provided the requirement for desexing is only triggered by the application of section 70 of the AMCDA. They are of the opinion that the plain English language of s70(1)(a) requires the desexing of a dog which is a declared dangerous dog within 3 months after the dog is declared as a dangerous dog, not within 3 months after the commencement of s70(1)(a). They also cite that while there are relevant transitional provisions for Local Law declared dangerous dogs (e.g., fencing), they do not include a requirement to desex such dogs. For example, dogs forced to be desexed, after transition period – no right to.</p> <p>Fines are not sufficiently deterring, due to ability to recoup from breeding income.</p>	<p>Amend the Act to include the requirement of desexing for dogs declared under Local Laws, prior to the implementation of the AMCDA.</p> <p>Suggest introducing permits to include desexing as a condition.</p> <p>Recommend that the regulation be changed to ensure breeding does not occur during the proposal and appeal period. This would become an offence.</p>
<p>Permits vs registration fees</p>	<p>Permits for keeping declared dangerous or menacing dogs should be required under the AMCDA. The current system which allows Councils to impose higher registration for these dogs creates inconsistency across the state relating to fees. Use of registration fees which are required for all dogs and cats essentially "normalises" regulated dogs. They are regulated for a reason and their status should be clearly identified as something separate to all other dogs. This should include a substantial fee as a financial disincentive to keeping animals which have been proven to constitute a threat. Additionally as dogs cannot be seized for failure to pay registration the current restrictions in the AMCDA denote that dog owners can simply choose to not pay the higher registration fees and Council's only recourse is to prosecute with the associated costs and difficulties involved when people hide/move dogs.</p>	<p>Implement a permit system for all regulated dogs and include all conditions as part of permit process.</p>

Key Issue	Synopsis	Proposed Solution
Continued - Permits vs registration fees	The decision to keep declared dogs equates to a decision to impose a risk on the community; the AMCDA should a.) require owners to pay for that risk and b.) enable Council to seize and destroy dogs where owners do not meet all conditions, including payment of permit fees.	
Lifetime registration with provisions to ensure updated information	Remove the provision that places a three year maximum on registration periods as it does not allow life time registration with interim information updates.	Require a mechanism to ensure registration data is up to date
Clarify discrepancy of enclosure requirements	Noted discrepancy between the wording of the enclosure requirements in the schedule and those listed under Part 4 for conditions of keeping a regulated dog: That the dog must not be kept at a place other than the place stated in the registration notice as the address.	Recommend removing the words 'usual' and 'without reasonable excuse'. Enclosure requirements to be maintained at all places where the dog is kept.
Destruction Order clarification	Ambiguity around the circumstances in which a regulated dog can be destroyed.	Clarification is sought.
Definition of "Minor"	Regarding Ownership: Minors – age inequality. Person under 18 years of age renting a property and responsible for a dog – but is unable to register.	Age of 'minor' needs to be defined or removed. Minor is defined as under 18.
Enforcement for failure to register	Registration: No mention is made in the AMCDA for a person who refuses to register/fails to maintain registration.	Recommend implementing compliance notices or amend the registration provisions to allow Local Government to seize/remove.
Subsequent infringements for failure to register	Ability to issue multiple infringements (for ongoing failure to register) for registration offences as per Sections 44 and 57 of the AMCDA.	Recommend incorporating the ability for Local Government to implement multiple infringements.
Working Dog registration requirements	Working Dogs – are exempt from fee. Obligation to register, however free of charge. Section 95 - location.	Reading of law needs to be clear to clarify that although they are exempt, they are still required to be registered.

Key Issue	Synopsis	Proposed Solution
<p>Provisions for a working dog to be declared</p>	<p>Declaration of working dog as dangerous or menacing</p>	<p>The Act needs to be amended to facilitate the process in the event this occurs as:- The requirements contained in the declaration/information notice (contained in Section 95) state that the subject dog is to be kept at the place stated in the registration notice (working dogs are not required to be registered) Schedule 1 of the Act states that the subject dog is to be usually kept at the relevant place (Section 6 of Schedule 1) however relevant place is defined as (for dangerous and menacing dogs) the place stated in the registration notice as the address for it (again workings are not required to be registered).</p>

CONCLUSION

Logan City Council in principle supports the State Government's proposed amendments to the *Agriculture and Forestry Legislation Amendment Bill 2013*, and therein the *Animal Management (Cats and Dogs) Act 2008*. However, Logan City Council does not support the removal of mandatory cat registration. Additional clarification is sought on a number of concerns raised above, to ensure effective administration, operation and intent of the legislation is achieved.

