



# ***AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE***

**Members present:**

Mr IP Rickuss MP (Chair)  
Mr JN Costigan MP  
Mr SV Cox MP  
Mr S Knuth MP  
Ms MA Maddern MP  
Ms J Trad MP  
Mr MJ Trout MP

**Staff present:**

Mr R Hansen (Research Director)  
Mr M Gorringe (Principal Research Officer)

## **PUBLIC HEARING—INQUIRY INTO THE AGRICULTURE AND FORESTRY LEGISLATION AMENDMENT BILL**

**TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 7 AUGUST 2013**

**Brisbane**

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Committee met at 11.18 am

**DOWLING, Dr Laurie, Executive Officer, Queensland Division, Australian Veterinary Association**

**LOVELL, Dr David, Board Member, Veterinary Surgeons Board Queensland**

**MUSTAFAY, Ms Valerie, Registrar, Veterinary Surgeons Board Queensland**

**THOMAS, Dr Nigel, President, Queensland Division, Australian Veterinary Association**

**CHAIR:** Good morning. The vets are a very important part of agriculture and our primary industries, so it is good to have you present.

**Dr Thomas:** We are very glad to be here.

**CHAIR:** Could you give a bit of a synopsis of what you want to say.

**Dr Thomas:** Thank you for the opportunity to provide comments to you today on the bill. On the whole, the AVA supports most of the proposed amendments. However, I would like to comment on three aspects of the bill where the AVA has some concerns. These relate to cat registration and two aspects of the Veterinary Surgeons Act on the National Recognition of Veterinary Registration and the compulsory provision of emergency contact numbers of registered veterinarians.

Firstly, the AVA has some concerns over the impact of removing compulsory cat registration. Please note that we are not opposed to the proposed changes, but as outlined in our submission we want to sound a note of caution. Knowing the numbers and locations of both cats and dogs in Queensland is important for the control of diseases such as rabies, hydatids, leptospirosis and other diseases that can be transmitted to humans. The management of stray, feral and unowned cats becomes extremely difficult when different local authorities are allowed to impose different regulatory controls. Both registration and microchipping provide information about ownership and identification of animals. If cat registration is removed and compulsory microchipping remains, the microchipping system will need to be enhanced. This requires detailed examination as to the best way forward to achieve the outcomes of disease control and animal management.

Secondly, the AVA would like to comment on the inclusion of National Recognition of Veterinary Registration under the Veterinary Surgeons Act. The AVA strongly supports the recognition of veterinarians registered under other state and territory jurisdictions. There are a few issues that need to be worked out in relation to having different laws in different states, particularly in relation to offences. For example, if a vet is deregistered in their primary state, it is presumed that the deregistration will be recognised in other states. However, if the offence that the vet is deregistered for in one state is not an offence in the other state, can this be legally recognised in the state where it is not an offence? For national recognition to work effectively, ideally there should be similar legislation in each jurisdiction and the AVA urges the government to work with its interstate counterparts to achieve this. Overall, the AVA welcomes the move to national recognition in Queensland.

Thirdly, the proposal for the compulsory provision of emergency contact details of registered vets is a concern of the AVA. The AVA opposes the proposed changes to the Veterinary Surgeons Act in this regard. The proposed legislation is unnecessary, ineffective and breaches the fundamental legislative principles stated in the explanatory notes, that is, legislation should have sufficient regard to the rights and liberties of individuals. The AVA is strongly supportive of government communicating with the veterinarians, but believes it should do so within the privacy provisions of the law. This was stated in the Ombudsman's recommendation in the Hendra virus report. The AVA advises that the current system is already effective in reaching 90 per cent of the registered vets in Queensland who have opted to receive disease alerts, so we do not think that this additional requirement is needed, but it will add to government red tape. There are more details about our objection to this in our written submission.

That is the end of our formal presentation today. Both Dr Dowling and I are happy to take any questions or comments should the committee have any.

**CHAIR:** I have a couple of questions. How would you propose that the cat microchipping system could be enhanced? You have heard the old expression that it is like herding cats.

**Dr Thomas:** One of the main differences is that registration provides an annual update on the animal population. People pay their registration annually so you get an update on exactly what that population of animals is doing. Microchipping is a one-off lifetime event. My understanding is that by law they keep you on the microchipping database for two and a half times the expected lifetime. The cat might stay on the database for 40 years and there is no requirement for people to remove them. So the microchip database becomes a very large database, but does not really reflect what the actual animal population is doing at that time.

**CHAIR:** Dr Thomas, if you euthanase a cat, do you take it off the database?

**Dr Thomas:** That is the owner's responsibility. The relationship with the database and the microchipped animal is between the owner and the database.

**Mr TROUT:** My question, Dr Thomas, relates to the emergency phone numbers. I have had a direct Hendra issue on my property, so I would really like you to explain more why you are so against that when Biosecurity has to step in if human life is at risk potentially. It is very hard to gauge the situation potentially from Brisbane headquarters. A vet might be in one of three different locations very close to where this area is. I do not believe the act will mean we will have every vet's private number, but we at least need an emergency number for each veterinary clinic. I think that is an absolute necessity when human lives are at risk.

**Dr Thomas:** Certainly, we do not want to put lives at risk. Dr Dowling may like to comment further?

**Dr Dowling:** Yes. We agree that the clinic number would be a better way, but at this stage it is for individual numbers. You could have a vet doing after-hours work on the weekend, doing a whole lot of horse work in an area. They might get home at 11 o'clock at night. They are not going to open their private emails to see if they have a communication from the government so they'd say, 'Oh goodness, I was just out there where there was a Hendra case'—or an FMD case or something like that. A better system really needs to be looked at. All vets register their work address. They are going to need to know about it when they are at work, not when they are at home or on holidays or wherever they are after-hours. A register of clinics would be a great idea, so then they can disseminate to the vets on duty.

**Mr TROUT:** Do all clinics have an emergency number? Is that a requirement?

**Dr Dowling:** It is for individual veterinarians, personal emergency contacts.

**Mr TROUT:** Is it a requirement of veterinary surgeries across Queensland to have an emergency number, or not necessarily?

**Dr Dowling:** It is not a requirement, but all veterinary clinics normally have an after-hours number on which they can be contacted or refer on to another veterinary practice that can supply that after-hours service.

**CHAIR:** I have a supplementary question and, Laurie, you might know this as I imagine you work more on the ground. I do not actually get personal emails on my iPhone, but all my electorate emails come to my iPhone and I carry it around with me most of the time. You are saying that a vet is more likely to look at business emails or business contacts if he is working, rather than when he is not working, which is when he will look at his private stuff?

**Dr Dowling:** That is when they need to know, when they are working, because that is when they are out there and can possibly transmit a disease from one property to another. That is when they need to know. In fact, you probably do not access your emails as you are working, either. Probably a better way would be like the storm alerts, so that you get a 'ding' and a message says, 'Listen, there is an FMD outbreak suspected in this particular area'. Foot and mouth is far more important than Hendra, because Hendra does not spread quickly. Foot and mouth and equine influenza do spread quickly. If you opt in for an alert such as the weather alerts, that would be far more likely to get the attention of veterinarians out in the field than an email would.

**Mr KNUTH:** When you are called out, would you have the appropriate protection in case it is a Hendra case, as your life could be at risk as well?

**Dr Thomas:** Vets called out to equine cases should have that protection and be able to put it in place if they feel that Hendra virus is a likely issue on that property. That is for sure. I cannot speak for every vet in Queensland, but there has been a lot of training done around workplace health and safety and they should have that equipment and make sure that they are safe. Does that address your question?

**Mr KNUTH:** It does. In regards to what Laurie was saying as well, with that communication system being put in place—because I might have missed something there—if there is an outbreak and we need a vet out there as quickly as possible, what are you looking for? What do you believe to be the best way of going about this?

**Dr Thomas:** I think the vets need the information on the ground. Yes, from a practical point of view, if vets are on holidays and they are getting texts about there being an outbreak, they are not in any place to act on it. I think the experience is that it can be an issue getting the information from the government or from the source of power that knows about it. I know in my case you hear about Hendra outbreaks via media versus alerts and so forth. I think a lot more thought needs to go into how it will actually work. If you are sending it to emails, vets cannot be responsible for being on the ground 24/7. They are going to be in lots of different places and may not get that message until 24 hours later. I think it is something that needs to be really thought about. How is this going to get to vets as quickly as it can? I do not think there is a straightforward answer, because everyone will be different and using different forms of communication. The Veterinary Association and vets want to know about outbreaks if they happen, that is for sure. Our experience has been that there has been some delay. BJD was mentioned earlier. There was no communication before that was announced. I think there is a lot to be worked at there.

**Mr KNUTH:** I am very interested in this. There is a case, and the member for Barron River knows about this, of a sick horse. You may be called in but you may not know whether it has Hendra virus. It is a difficult situation. You hear about it in the media. A property owner may contact you and you must get there. It could be an after-hours call, I am not too sure. There are two sides to this. You have to be prepared for this because your life is at risk.

**Dr Thomas:** With the Hendra virus that is exactly right. I guess it is due to the Hendra virus that this has all come out. Hendra virus is not naturally a highly-transmissible disease. When we are talking about things like foot and mouth and equine influenza that travel very quickly it is a completely different situation. I take your point about information. Vets need training on that. Government vets on the ground and lab testing all come into play. Our concern would be that government cutbacks have increased the likelihood of those outbreaks happening because there is not the training and forethought put into planning and how we will address this. Not just vets but other people on the ground do not recognise the diseases.

**Mrs MADDERN:** I would like to go back a little bit. I think you said that 90 per cent of vets have provided an emergency contact number. Personally I do not see it as any big deal. If you have given an emergency contact number and somebody sends you a text if you are overseas you are going to ignore it but if you are in Australia and have a vet practice nearby you will go and do some research. You would probably say, 'This is affecting me. I need to take the next step which is to go back and get the information I need.' I think a text message to a number with an alert then puts the onus onto vets to research it if they need to or ignore it. We all ignore text messages that are not particularly relevant to us.

My concern is the 10 per cent. As you were saying, foot-and-mouth disease and equine influenza spread very rapidly. Where are those 10 per cent of vets? What is the likely impact of that? Ten per cent is a fairly big proportion, I believe, when you are dealing with a disease like foot and mouth.

**Dr Thomas:** The 90 per cent is from the Veterinary Surgeons Board. I do not know whether they have any figures on who the 10 per cent are.

**Ms Mustafay:** The 10 per cent include secondary registrants—that is people who have secondary registration in Queensland and have primary registration in another state.

**Mrs MADDERN:** So they are not likely to be practising in Queensland anyway?

**CHAIR:** So they could be in Tweed Heads and do work across the border?

**Ms Mustafay:** Yes. That is not the case for all of the 10 per cent. A third may be people who are registered in another state and come to Queensland intermittently or are practising overseas but have kept up their registration. You are probably looking at say 60 per cent of people. Since 2010

the percentage of current registrants who have provided either an email address or mobile number has increased. You will find that older vets or people who register quite some time ago are less likely to provide us with an email address or mobile number.

**Dr Thomas:** Some of those vets might be university lecturers or retired—members who keep up their vet board registration. They might not be people who are working on the ground.

**Mrs MADDERN:** How often would you anticipate you would get an alert like this? We have had maybe a dozen Hendra alerts.

**Dr Thomas:** Vets actually receiving the alert is not the real issue, it is the fact that it has been legislated that we have to give this information and will be penalised if we do not. I think the fact that 90 per cent of vets volunteer this information indicates that they are happy to be involved and recognise they have a role in an emergency and value that information. Vets want to receive that information. So it is not a matter not wanting to get it; it is a matter that there is big stick approach—that is, we will be penalised if we do not which is a perhaps really inappropriate.

**Mrs MADDERN:** I guess so. I take your point about the big stick approach. If we get mouth and foot then that is a much bigger problem, from my point of view.

**Dr Thomas:** That is right. It is about the role the Queensland government is playing in the big picture of preventing foot and mouth in Australia. To say that vets are going to take the brunt of the legislation is not right.

**Mr TROUT:** You said that this goes against the ombudsman's report. What did the ombudsman recommend in this regard?

**Dr Dowling:** I do not have it in front of me, but the recommendation was that we should provide the information but also take into consideration privacy issues. That was the actual recommendation.

**Mrs MADDERN:** So the privacy issue is that you do not want the numbers published in areas other than the biosecurity area where they would be alerting people of the risk?

**Dr Dowling:** A number of vets do not want their private details given out. The registrar would probably be better speaking to this. There may be domestic violence orders or those sorts of things against them. They might be quite happy to provide the address of where they work but may want to keep their private living arrangements private so they do not want that address used. As long as they have a contact number that they can be contacted on then that will fulfil—

**Mrs MADDERN:** That number could be secured in the sense that the only people who have access to it are the people who would be issuing the alert. It would not be public information.

**Dr Dowling:** It is going broader than just the department of agriculture; it is extending to the department of justice and other major departments. The more you spread it out the more access other people are going to have to it. The main objection we have is that we do not know any other group that has a legal requirement to provide an emergency contact number. We certainly want to be communicated with, but we would like that to be on a voluntary basis and on a number that we choose. It may be our work number not a home number that we want to be contacted on if there is an emergency.

**CHAIR:** So really the Veterinary Association would be more than happy if it was not a compulsory emergency number and they could provide a number of some sort for contact purposes?

**Dr Thomas:** That is one of the big points. It is not about not wanting to be involved and know about a foot-and-mouth outbreak. We want to know about it as soon as possible. We have a process in place at the moment where 90 per cent of vets have volunteered that information. Even with that in place there is a real issue in terms of the speed of that information on BJD and Hendra outbreaks getting out. The real issue in terms of that information getting out is not that the information is not supplied by vets, it is the back end and how the government accesses that information and gets it out to vets.

**CHAIR:** Would the Queensland Veterinary Association be happy to have national registration?

**Dr Thomas:** I think so. We are very supportive of that. You are probably aware that when different states have different acts governing vets then there are some peculiarities between states. If someone has faced disciplinary action in another state for something that is not covered in the Queensland act then perhaps they could be working here. How could we stop them working in Queensland when their action was illegal in another state but is not illegal in Queensland?

**CHAIR:** Are there many of those?

**Ms Mustafay:** Being the registrar of the Queensland board I have a very close relationship with the registrars in other jurisdictions. The states that have enacted NRVR already actually have provisions in their legislation to be able to provide us with notifications of every disciplinary proceeding that goes to the board. Then I think it is up to each individual board when they receive that report to make a decision about the suitability of that person for registration. We have the systems in place to look at that.

**Dr Dowling:** I would like to make a comment about deeming. Once this legislation goes through any vet in Australia can come and work in Queensland without notifying us that they are here. This goes back to why we need a rethink of emergency contacts. They will be in Queensland and will not be a part of our system. If we assume that 10 per cent are secondary registrations—now they pay a registration fee—they could possibly be in Queensland and be completely unaware of any emergency, unless they get that information through the media which is what happens now. That is another reason the emergency contact proposal is not going to be effective in its current form.

**Ms Mustafay:** It is not actually 10 per cent. Probably a third of those are secondary registrants. The board would agree that with NRVR there will be a significant portion of people running around the state we do not know about unless they come to us for disciplinary matters. The difficulty is how we get the information to those vets as well.

**CHAIR:** You have undoubtedly been talking with the department about this vet contact issues. I realise that we are playing at the fringes with the 90 per cent and 10 per cent. It is a difficult issue. I do not think any government wants to be taking away people's right to privacy. It is something that we have to look at. We have to work out how we can come up with a realistic solution that ensures safety but also gives vets the rights of others.

**Dr Thomas:** We appreciate your time. Thank you very much.

**Ms Mustafay:** As the board is separate to the AVA I point out that the board supports NRVR. It supports the issues raised by the AVA regarding people who are not registered in our system. Obviously we cannot get information out to them in terms of an emergency response. The board also supports the department's efforts in providing an emergency response to vets. The board feels that given the act is currently undergoing a review, it may be prudent to look at that issue in the bigger picture given that there is a penalty attached to it and vets have not been consulted about it.

**DYBLE, Ms Kathryn, Animal Management Program Leader, Logan City Council**

**JOHNSON, Ms Carolyn, Manager, Animal and Pest Services, Logan City Council**

**CHAIR:** I welcome the representatives from the Logan City Council. Would you like to introduce yourselves and make an opening statement?

**Ms Johnson:** Thank you very much for the invitation. My role today is to support Kathryn Dyble who is the animal management program leader. I need to say that my branch is very diverse in that it not only looks after animal management but the health operations program looks after feral cats, wild dogs and rabbit control. We have an interest in that. I wanted to clarify that Logan City Council was not part of the original consultation and if we had been we would have been quite forceful in our opposition to the optional opportunity to take away cat registration.

Logan City Council has been a really strong advocate for controlling cats and has implemented mandatory cat desexing within the city. So I think that is a huge step forward. It has also introduced the same rules for cats as it has for dogs and we service the community by controlling wandering cats. We put as much effort into cat regulation as we for dogs. So that is our opening statement and we welcome the opportunity to set the administrative record straight.

We also welcome any of the changes that we can see included in the animal management act in terms of the declaration of dangerous dogs. But you will notice that in our submission—and I am very persistent; I have been working since 2008 when the animal management act came into play—there is reference to the flaws that were immediately identified in the act. I think it would be such an opportunity missed if we cannot assist policy advisers to rectify some of those core issues that affect us operationally. Our staff are really affected operationally in terms of dog attacks and attacks on ponies.

Yesterday we had a case where a pony had been killed in a dog attack. We had a win yesterday but I suppose there is cynicism in me that says if the child had not been mauled to death in Deniliquin we may not have had the win. If that public response had not been there yesterday, we might not have won. But we need to speed up the process in terms of the time that elapses before that case is heard at QCAT. Sometimes I think, even though animals are sentient beings, there has to be a point where, if the evidence is clear and there is no doubt whatsoever, does that right still exist for an animal? Those of you who come from the land will know, and I know—I have had a dog killed because it had the taste of blood.

**CHAIR:** Carolyn, thank you.

**Ms Johnson:** I will hand over to Kathryn to make the valid points of our submission.

**Ms Dyble:** I will try to keep it brief. I know we have a short amount of time. First of all, I would like to open by saying we are in support of the first proposed amendment about having concurrent review processes for dangerous dog declarations and destruction orders. We think that will actually save a lot of time and save a lot of administrative process that is just an unnecessary burden at the moment. So I just put that on the record.

For the reasons that we have detailed in our submission, we do strongly oppose the deregulation of mandatory cat registration. For us it is simply a case of, when the animal management act was first introduced, it was introduced on the back of a discussion paper—that occurred in 2007—and it recognised that the lack of consistency in the way animal control was managed across the state was leading to a range of issues. Registration is really the key for managing the enforcement and regulation of cats. That encompasses the whole of responsible pet ownership. It is not just about having a tag around your animal's neck; it is about stopping it from wandering, stopping it from being able to breed in plague numbers, stopping those animals from becoming feral, stopping the hunting. There are whole populations of animals, I suppose, or species that have been hunted into extinction because of wandering and roaming cats. We simply see that registration is the key for that regulation. Making cat registration optional for councils will devalue that in the community and it will really push the message, I think, that some councils overregulate and some councils are money grabbers and that is why they pursue registration.

I caught the end of what Nigel was saying before about microchipping. Microchipping is a good system, but it is flawed. The reason that it is not perfect is that somebody will insert a microchip in a cat and then totally forget that they have done it and never update their details. We routinely come across animals that are microchipped and then we cannot locate the owners because the numbers have changed. They have moved. We euthanase far more cats every year than we do dogs on the back of that we cannot locate the owner. Again, going back to that

operational issue, although we are at the end of the line seeking to manage the problem, it is hard on staff. It is hard on staff to have to see hundreds of animals every year that we have no alternative for and we euthanase them. The animal welfare groups then often get quite annoyed at us, and we have had a series of Facebook campaigns and social media campaigns targeting us and our staff on those issues. So it is a hugely complex issue.

We also feel that the full operational impact of switching the inspection and regulation powers from the animal management act to the Local Government Act has widespread implications for our ability to go out and inspect these properties. So there are a range of issues there. We can appreciate that perhaps in some regional areas it is hard to enforce, but we would argue that there is a necessity for us to pursue this. That was recognised and that was why it was brought in in the animal management act in the first place.

**CHAIR:** I think it might be a good example if the Logan City Council and Pam Parker take the high moral ground then and make sure that they do implement mandatory cat registration.

**Ms Johnson:** The council has already.

**CHAIR:** Unfortunately with elected positions there will always be people who take different views of those sorts of issues and who try to grandstand on some of the issues about whether you should have it or not. But that is part of the process. I am not a big cat fan myself. That is my own personal view.

**Mrs MADDERN:** You made a comment that shifting the legislation to local government would limit your capacity. Could you explain that a little more please?

**Ms Dyble:** We have only just discovered this in the last week or so because one of my staff was combing through this to see what the impact was going to be. Under the Local Government Act, the inspection program, which can cover a range of inspection programs, actually requires you to give written notice to the property owner that you are coming—so you are coming on this day at this time to inspect their property. The animal management act requires us to publish a public notice to advise the community that we run an inspection program. So we do not have to specifically say, 'We are coming to your house on this day at this time.' We do not even have to say, 'We are coming to your suburb at this time.' It gives officers the power to go into a property and not just to look for whether there is a dog or cat there but for evidence that there is, and then we follow up. The ideal situation is if the owner is home and we can talk to them.

If it is shifted under the Local Government Act, what that will mean for us is that it will require us to write to the owner. The response we have had from the department is that there are more serious public health issues where they also have to write to the owner of the house and tell them that they are coming. But you can really easily shift a dog or a cat for that day or that period of time of the inspection. So how will that work when we have powers of entry or an inspection program or survey program for a dog and then a totally different body of legislation that covers cats? What happens if they enter the property and sight a dog? Under the legislation that is fine but what if they go there and they sight a cat? Their entry has occurred under one body of legislation. What do they do?

As I said, we have only just discovered this ourselves, and the legal advice that we are getting is a bit ambiguous. We need to flesh that out a little bit more. But it is exactly that—the success of that program. We find through our survey program literally thousands of unregistered animals every single year.

**CHAIR:** So you are saying that by us trying to reduce some of the red tape we are actually increasing some of the red tape?

**Ms Dyble:** Yes, absolutely. We have been aware of this since we wrote the submission, but it is only now that we are starting to look into what the ripple effect is. We are members of SAQRAMG, which is the South-East Queensland Regional Animal Management Group. That is a group of councils that come together and discuss the animal management act, and it has lobbied the state government to potentially change it. This issue has not even been discussed in SAQRAMG because it has not even been recognised. As I said, it was one of my officers who came to me and said, 'What about this?' So there are problems there.

**CHAIR:** Are there any other questions?

**Mr KNUTH:** Kathryn, you have been explaining the problems that are out there, but can you give a brief outline of how we can resolve that problem?

**Ms Dyble:** Realistically, with cats at the end of the day it comes down to numbers and their plague-like ability to breed. A single cat reaches sexual maturity at four months of age and unrestricted can have thousands of kittens in its lifetime. Within Logan City Council we have not just



brought in the registration but we have mandatory desexing and mandatory enclosure. That is a cultural change. It is trying to get people to shift their way of thinking. Thirty years ago people used to let their dog follow the kids to school. So we have managed to get people to shift their attitudes in the way they manage dogs. The same thing needs to happen with cats. It is not going to happen in four years. It is something that needs more regulation, not less. There also needs to be a wider based approach to that so that it is not just one council hassling people about cat ownership.

**CHAIR:** What did you say was the view of the South-East Queensland group? As a group they are quite happy with this legislation, are they, or not?

**Ms Dyble:** With the animal management act generally, no. They are quite unhappy with it. There are a number of things that we have petitioned the government to change. With the issue of cat registration, it is the same as I suppose anywhere else in that the officers often have an opinion but then the elected members might have a different opinion because they are reflecting what their community members are ringing up and saying, such as 'I don't like that I have to keep my cat enclosed. That is not natural for it.' People keep birds in a cage, yet they object to keeping a cat contained. It is twisted logic. It is about educating people.

None of these things can happen without a really effective education campaign. We are providing a multipronged approach. We are attacking this from every way, and we believe in time we will see that genuine shift. What worries us is that two kilometres from our office you are in Brisbane and if they, for example, decide to do away with it then you have that disparity. It is a really hard to hold that line with the community when it is just a local based law. It helps us enormously when we are getting it from the community to say, 'No. Registration is mandatory in state law.' It shuts down the argument almost immediately.

**CHAIR:** It makes my office very busy though.

**Ms Dyble:** But it benefits the community.

**CHAIR:** Thank you very much. Is there anything you would like to say in summing up?

**Ms Johnson:** I just wanted to clarify the question from Mr Knuth. Were you asking how we could solve the problem?

**Mr KNUTH:** I am hearing the problems but not hearing the grunt of 'This is what must be done.'

**Ms Johnson:** When the animal management act was introduced it was my understanding that it was only introduced in South-East Queensland initially. So that is an option, to retain registration in South-East Queensland. It takes care of the rural areas where I can understand that the last thing on their mind would be cat registration. But remember that Toowoomba had cat registration and I think Gladstone or somewhere in that vicinity had cat registration long before the animal management act, and there was the experiment in 2008 on Magnetic Island to control feral cats. I do not think we need to devalue all of that. But if retaining cat registration in South-East Queensland could be a solution, that would be appreciated. The Logan City Council is going to retain cat registration.

**CHAIR:** Thank you very much. It is good to hear the passion that you have for cat registration.

**SHEPPARD, Mr Mark, Government and Agency Liaison Officer, Dogs Queensland**

**Mr Sheppard:** By way of a simple explanation, Dogs Queensland is a recently introduced trading name for what has been for more than 65 years the Canine Control Council of Queensland. About 12 months ago we went through a transitional change in that we became a company limited by guarantee. Right up until that point we operated our constitution under the auspices of the RNA. Both organisations believed that we were old enough and silly enough to mandate and control our own future. So we are operating independently now of the RNA. As I say, our trading name now is widely recognised as Dogs Queensland.

We thought there was an opportunity to put forward some observations and suggestions regarding the animal management act. We certainly do not have any issues with the other proposed or suggested legislative changes, but, given that we were a strong contributor to the animal management act initially and that our members which number around 10,000 state-wide are watching what is happening with dogs generally throughout the state, we have some pretty hard evidence and also anecdotal evidence about what appears to be a loophole in the act in regards to the age of microchipping. Whether the loophole is real or imagined, we are not exactly sure but it does appear that less scrupulous dog breeders are quoting this particular clause in the current legislation which appears to be letting them off the hook in respect of compulsory microchipping.

Originally when the act was designed it was meant to be unlawful to microchip a puppy under eight weeks of age. We very quickly became aware of that and proposed and successfully negotiated an amendment to that legislation, because a lot of our management strategies with our member breeders required that their litters of puppies were vaccinated and microchipped at the same time—at around seven weeks of age. It allowed a week or so to see whether there was any adverse effect to those two procedures, and then those puppies were moved to their new owners at around eight weeks of age, which traditionally is considered to be the ideal age.

The other thing it allowed our members to continue doing was to have litter screening of hereditary defects. For instance, the BAER hearing test, which was developed at the University of Queensland by Dr Susan Sommerlad, with funding from Dogs Queensland, can detect at an early age hereditary deafness in particular breeds of dogs. Microchipping is fundamental to that because you have to be able to identify specific puppies in a litter which are demonstrating lateral or bilateral deafness, for instance. The ability for us and our member breeders to be able to microchip at an age earlier than eight weeks was quite critical.

As I said, we successfully negotiated that amendment but for breeders who are non-aligned—for instance, they do not belong to any recognised breeder organisation—whilst they are governed by legislation there are no rules and regulations governing how they manage their litters of puppies and how they breed their dogs. As recently as just this weekend at Fernvale markets yet again there was crate after crate after crate of litters of puppies, all of which appeared to be around six weeks of age. The breeders or the owners of those puppies quite openly admitted they were six weeks of age. None of them appear to have been microchipped. None of them appear to have been vaccinated. Particularly for the vets in the room, if a puppy develops parvovirus and that parvovirus affects the entire litter, once you have smelt that smell you never forget it. Unfortunately, Fernvale has a reputation of being a virtual dumping ground for six-week-old litters of puppies. The breeders of these puppies seem to be quoting this requirement that to microchip a puppy under eight weeks of age may be injurious to the health or the welfare of that litter unless it is sanctioned by a vet. Maybe having Logan City Council's Carolyn and Kathryn here is a good thing, because in most instances where those breeders are challenged about the age of those puppies the local government seems to be perhaps a little confused. 'Is that right? We are not exactly sure.' I am not just picking on the Southern Downs and I am not just picking on Fernvale but that understanding seems to be quite widespread.

**CHAIR:** It is Somerset; I will correct you.

**Mr Sheppard:** It is Somerset, is it?

**CHAIR:** Yes.

**Mr Sheppard:** I should not lump Southern Downs with those failings—Somerset. That general misunderstanding of the age requirement for the microchipping of puppies seems to be quite widespread. The other thing is that there is nothing in legislation which specifically says a breeder cannot sell or transfer a puppy under eight weeks of age, which is generally now the widely accepted acceptable age to move a young puppy into its new environment. Nor is there anything about vaccinations, which is the other flaw in the legislation.

I note particularly that the Department of Local Government staffers who developed this particular animal management act understood the concept of eight weeks, but I think rather than come out specifically and say, 'Thou shall not sell a puppy under eight weeks of age,' they tried to achieve that by having the eight-week minimum age for microchipping clause in there thinking that by doing one they will achieve the other, whereas as it turns out in reality that does not seem to be the case.

In conclusion, can I say that what we are putting forward is quite straightforward. It does not matter whether the committee decides to adopt what we are suggesting or not. Our 10,000 Dogs Queensland members are doing it anyway. We are already governed by more than 300 rules and regulations. In particular, the fundamental requirement is that our puppies must be microchipped, they must be vaccinated and they cannot be sold or transferred under eight weeks of age. Whether the committee picks this up or not, it will not affect what we do but we think that perhaps the playing field should be levelled and that other breeders out there who pretty much run their own race should be perhaps pulled into line if there is an opportunity to do so.

**CHAIR:** Thanks very much for that, Mark. For the benefit of the committee, Fernvale markets are near Somerset Dam. They are quite big markets that are held every weekend. In some of those rural areas—and I am not saying that this is not going on at Fernvale—if a bloke down the road has a litter of pups you try to give them away if you can. They miss all the criteria too, of course, don't they?

**Mr Sheppard:** Yes, they do. The other thing that appears to be happening—and, again, we would be happy to gather more factual data—is that puppies are being delivered to pet shops and produce stores under eight weeks of age. Certainly in pet shops that are not aligned with PIAA, which is the Pet Industry Association of Australia franchise stores, a lot of puppies are arriving in store well under eight weeks of age. It is doubtful whether they are microchipped or vaccinated. It would be interesting to try to determine where the onus lies. Even though the legislation says that microchipping must be conducted prior to sale or transfer, I am not really certain under what circumstances the pet shop owner or the produce store owner is taking delivery of those puppies. Is it on consignment, for instance? I am not sure, but I think there would be far more widespread examples other than Fernvale, and I can only quote Fernvale because I have been there recently so it was a firsthand example. But you are quite right: if 100 per cent of Dogs Queensland pedigree registered puppies are being microchipped—and they are—our puppies' registrations each year would represent about 20 per cent of the total number of puppies that are being bred in the state. At a best estimate, you might be lucky to have half of the remaining 80 per cent being properly microchipped in accordance with the legislation.

The only other point of capture is if one of those puppies happens to end up in the hands of responsible owners then they are required to register those puppies with their local government by the time that puppy reaches three months of age. A requirement of Logan City Council and others is that it must also be microchipped, so there is a bit of a safety net there. But, if the state ever had a vision of depending on the microchip database to be more than what it currently is rather than a simple record of ownership, it is being enormously underutilised at the moment. The microchip concept is enormously flexible but I think there is a long way to go if we really believe that in reality every puppy being bred in this state is being microchipped because it certainly isn't.

**CHAIR:** I cannot resist getting a free consultation from Dr Thomas. Nigel, what do you feel is the minimum safe age, without holding you to it? Four weeks? Six weeks?

**Dr Thomas:** That is a really good question. I think perhaps Mark was right. When the legislation was set up, the eight-week time frame for puppies being microchipped was tied in with that being when they were sold or transferred. So they tried by default to set that minimum age of selling pups at eight weeks. I do not think there is any research to say any age is appropriate. I know we regularly do six- or seven-week-old pups without any problems. I do not think the issue is really about the age. I think there would be no reason to do them sooner than six weeks because there is no need generally for healthy pups to go to a vet clinic to get checked or vaccinated. They might go as newborns but they get vaccinated at six or seven weeks. So tying it in with that visit from a practical point of view is important, because you are going to get a lot more animals microchipped when it is one trip to a vet to get it done. From a practical point of view, animals get vaccinated at six or seven weeks. If the law is that they cannot be microchipped until eight weeks, then it means two trips to the vet and people do not get it done. Tying it in together, from a practical point of view I think that is when most pups get done, at six to seven weeks.

**CHAIR:** It would be good for your income, though, if they did that?

**Dr Thomas:** Yes, I will just jump in my Mercedes and drive home. All the paperwork is a big impost. Microchipping is great for responsible pet ownership and animal control is an important part.

**Mrs MADDERN:** Through the chair can I ask you a question, too? Eight weeks seems to be the age. I am not so much concerned about microchipping because the puppy is healthy, but what is the optimum age as far as weaning goes? Because if you wean them too early they are not healthy. Is that why it changed to eight weeks?

**Dr Thomas:** Eight weeks is not about weaning; it is about socialisation and development. Mark has had a lot more pups than I have, but most pups are weaned by three to four weeks of age. It is about that socialisation and learning to develop their social skills.

**Mrs MADDERN:** I have to fess up: I have one dog and she is microchipped, and I have nothing to do with puppies. But I have been told that someone said that the puppy was weaned too early and it has had consequential ongoing health issues. I was wondering whether that is where the eight weeks kicks in. It gave the breeders time to ensure that the puppy was past that stage and ready to go.

**Mr Sheppard:** If I may add a little bit extra to that. You are absolutely right. At that age it is all about socialisation, but it is also about the optimum time for that puppy to go to its new family because at around 10 to 12 weeks those individual puppies will start bonding to me or to my wife, and the last thing you want is a litter of eight or nine Labrador puppies at 10 or 12 weeks of age bonding to me, as cute as that may be.

Eight or nine weeks of age has been determined as being the ideal age to move that puppy. They are sufficiently confident and socialised to be able to manage that transition into their new homes. Then they can bond to their new owners, which is the ideal situation.

**CHAIR:** Thank you very much for that. I invite the department back to give us a summation of what they have heard and where we go from here.

**BARRETT, Dr Janine, Principal Veterinary Officer, Animal Biosecurity and Welfare, Biosecurity Queensland**

**CLARKE, Ms Marguerite, Acting Manager, Biosecurity Legislation, Department of Agriculture, Fisheries and Forestry**

**COYNE, Mr Patrick, Principal Policy Officer, Legislation and Regulatory Reform, Department of Agriculture, Fisheries and Forestry**

**CUMMINS, Ms Melissa, Acting Director, Legislation and Regulatory Reform, Department of Agriculture, Fisheries and Forestry**

**FERGUSON, Ms Fiona, Manager, Strategy and Legislation, Biosecurity Queensland, Department of Agriculture, Fisheries and Forestry**

**MACEY, Mr Andrew, Principal Policy Officer, Land Management, Department of Agriculture, Fisheries and Forestry**

**CHAIR:** Welcome back. Undoubtedly you have heard some of the comments made about some of the issues. Would you like to start, Melissa?

**Ms Cummins:** We would like to briefly address particularly the issues raised about the Veterinary Surgeons Act and also about cat registration. First I might hand over to Fiona Ferguson to address the Veterinary Surgeons Act issues that were raised by the Veterinary Association and the VSB.

**Ms Ferguson:** I will just address the national recognition scheme first—a few points that were raised. The proposed amendments do have a mechanism for recognising current disciplinary action that may be taken by an interstate veterinary surgeons board or equivalent, and the deemed registration will have the same conditions while those conditions remain active.

Turning to the provision of contact details, I will address the fundamental legislative principle that was raised. The department would argue that the ability to effectively engage and alert veterinary surgeons and deal with biosecurity emergencies in a timely manner to protect agricultural industries and human health is considered to far outweigh and justify any potential offences of the fundamental legislative principles that arise from that proposed amendment. The provision of those contact details is not a mechanism for engaging vets; it is a mechanism for providing information to vets, for example, symptoms of diseases. It may also be how to clean equipment and take precautions in relation to that disease. My understanding from Dr Barrett, who has been involved in some Hendra responses and a recent lyssavirus response, is that the initial communication is by text message on the phone and this may be followed up by an email message. Under the definition proposed in the amendments, 'emergency contact details' means a telephone number and an email address at which the veterinary surgeon or applicant may be contacted immediately. So it is up to the veterinary surgeon to provide both of those details and the most appropriate phone number to be contacted immediately and outside ordinary business hours.

It should also be noted that generally emergency practice numbers are designed for people who are seeking emergency treatment for their animals rather than for the department to be seeking contact with veterinary surgeons. Often when you phone those numbers you are directed through to another contact, another veterinary surgeon or an emergency contact. The department would submit that that is not satisfactory in these circumstances. It is not so much how many times we contact veterinary surgeons; what is more important is the information in relation to the disease because the initial hours of a response can make a difference in terms of human health and animal health responses.

In terms of the penalty provision, Parliamentary Counsel advises that an alternative to having penalties is an administrative process. That process would be, for example, linked to a veterinary surgeon's registration. It would involve an administrative process whereby vets would be asked to show cause as to why their registration should not be cancelled if they do not provide the details. This would increase red tape through communication and would delay obtaining those contact details.

The department concedes that there would be a small number of veterinary surgeons who practise in Queensland under the deeming provisions who would not provide their emergency contact details and, in turn, would not be provided with the information that is required. The Brisbane

department submits that having this requirement to provide emergency contact details in legislation means that any privacy issues that the Veterinary Surgeons Board may have in providing this information would be overcome. Unless I can help you any further—

**CHAIR:** It seems to me that both groups are very close. I think you should be sitting down and working this out. You are not far apart. I know what I will be telling the minister privately.

**Mrs MADDERN:** You answered my question. Thank you.

**Mr COX:** There is another option—and I do not want to harp on this anymore. Could this be done through the association keeping all that information? They would then be the ones to notify and distribute that sort of information. That is just a thought, and I will leave it at that.

**Ms Ferguson:** It could be done, but we are currently relying on voluntary compliance. While this issue can be topical now, there would be no incentive to keep that voluntary compliance up to date. We would submit that putting it in legislation would mean that there would be no doubt that the contact details would be available when we require them. That would be our argument.

**CHAIR:** The reality of it is that, in theory, they have to do it. They will do it the first time. However, if someone annoys me on my phone I will change my phone number. Whether they notify you that they have changed their phone number is another thing. It might be the law, but whether or not it happens is another thing.

**Ms Ferguson:** That is true. One would argue, though, that having it in law and having a penalty provision would make it—

**Mrs MADDERN:** Are vets registered annually?

**Ms Cummins:** Yes.

**Mrs MADDERN:** I am a property valuer and I am in the same situation. You would then have to update your current details—

**Ms Cummins:** That is correct.

**Mrs MADDERN:**—as we would have to?

**CHAIR:** You are very close. I just cannot see that there is a real problem.

**Ms Clarke:** You had a question about whether the Veterinary Association could provide that information. Perhaps Dr Nigel might be able to give the exact figure, but I believe membership in Queensland is just under 50 per cent. So there would be quite a considerable number of vets who would not receive it.

**Mr TROUT:** Thank you, good point.

**Ms Cummins:** I would now like to ask Marguerite to cover some of the issues raised by Logan City Council regarding cat registration and also to briefly address those matters raised by Dogs Queensland.

**Ms Clarke:** In terms of the comments made by Logan, there were two things that I wanted to address. The first one they mentioned—and it was also in their written submission—is that they were concerned that they had not been consulted. Most of our consultation in regard to cat registration occurred through the Local Government Association of Queensland. Although we did contact some individual councils at officer level, we generally contacted a cross-section of councils to check that there were actually councils who were likely to opt out of cat registration if that was an option. We were aware that potentially the larger councils in predominantly urban areas may be interested in retaining cat registration and so we were specifically looking at a cross-section of councils that did not meet that profile. Our intention in mentioning that we had consulted at officer level with some other councils was not to suggest that there was unanimous support for it. I just want to clarify that.

They mentioned inspection programs, and I did want to address that specifically because the requirements for inspection programs under the Local Government Act for checking compliance with a local law are different from those under the cats and dogs management act. I believe if I explain to you why there is a difference it will clarify the situation. The provisions in the Animal Management (Cats and Dogs) Act were actually modelled on what was in the Local Government Act of the time, which was the Local Government Act 1993. As is reflected in the Animal Management (Cats and Dogs) Act, it allowed quite generous provisions to enter a property to check compliance with a law. So that is what was carried through to the Animal Management (Cats and Dogs) Act. The Local Government Act 1993 was replaced by the Local Government Act 2009. When that replacement occurred they actually tightened that up. I guess that was with some thought as to—

**CHAIR:**—individual rights and freedoms?

**Ms Clarke:** Exactly. The Animal Management (Cats and Dogs) Act was not so tightened. The question would be whether next time it is reviewed we look at greater consistency. I just wanted to clarify that at one stage they were in alignment and it is perhaps the Animal Management (Cats and Dogs) Act that is now—

**CHAIR:**—out of alignment.

**Ms Clarke:**—out of alignment and is a bit more generous than is considered for some of the inspection programs for local laws that are perhaps addressing more serious matters even than cat registration. I do not believe there would be anything stopping a local government addressing all the points that are in the tighter requirements under the Local Government Act when they do their notice of a program under the Animal Management (Cats and Dogs) Act. They do not need to run two separate processes; they could just move to meeting the requirements of the tighter process. Although, yes, it will impose some greater requirements, I believe that this is not necessarily an issue that we should be addressing here. It is a wider issue for whether we need to review these powers under the Animal Management (Cats and Dogs) Act in future.

**Mrs MADDERN:** To clarify, will those provisions that were in the legislation now be revoked and will they go under the Local Government Regulation?

**Ms Clarke:** The Animal Management (Cats and Dogs) Act allows a local government to put in place an approved inspection program.

**CHAIR:** It would be a local law.

**Mrs MADDERN:** It will become a local law. So we are not going to have a state law which can override a local law?

**Ms Clarke:** No.

**Mrs MADDERN:** That is what I needed to clear up.

**Ms Clarke:** Just on the matters raised by Dogs Queensland, the cats and dogs act provides that a person must not, unless they have a reasonable excuse, supply a cat or dog to anyone if it is not implanted with a microchip. The legislation does not say exactly what a reasonable excuse is. However, it is the department's understanding that it would not be a reasonable excuse for the supplier to argue that they simply could not wait till the dog was eight weeks old to sell the dog. Seeing as the Animal Management (Cats and Dogs) Act requires in another place that a dog cannot be implanted until it is eight weeks old, again, without a reasonable excuse or with advice from a veterinary surgeon that it would not compromise the health of the dog, then we believe that effectively there is a ban, if you like, on selling dogs under eight weeks of age.

**CHAIR:** There were some inspectors out at Fernvale on the weekend.

**Ms Clarke:** I believe this is actually an enforcement issue. When you are talking about interpretation of legislation, until something goes to court and is tested, no-one could say 100 per cent. However, it would be our understanding that there is not a loophole there. In terms of perhaps addressing it directly with something that said you cannot sell a dog until it is eight weeks of age, I believe that this might not be the best place to address some of those questions. We were talking about things like socialisation and those sorts of things. They are probably matters best addressed in the context of animal welfare. We certainly see some advantages in the way that this act is constructed because it does provide the flexibility, for example, for a veterinarian to do the microchipping when they are doing the vaccination. Although it has not been tested, we do not believe there is a loophole there. We actually can see some advantages in keeping the provisions the way they are. As to whether there is an enforcement issue, we could do with some discussion perhaps with people who have a different interpretation. That would be something that we could look at.

**CHAIR:** Is there anything else?

**Ms Cummins:** No, that is it. Thank you, Chair.

**CHAIR:** Thank you very much for attending today and thank you for putting in the time. I would like to thank all the groups who attended today.

**Committee adjourned at 12.28 pm**