



HOUSING, BIG BUILD AND MANUFACTURING COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr DJ Brown MP
Mr MJ Hart MP
Mr RI Katter MP (teleconference)
Mr JP Lister MP
Mr TJ Smith MP

Staff present:

Ms S Galbraith—Committee Secretary
Dr V Lowik—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Friday, 16 February 2024

Brisbane

FRIDAY, 16 FEBRUARY 2024

The committee met at 9.30 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Agriculture and Fisheries and Other Legislation Amendment Bill 2023. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me today are: Don Brown, member for Capalaba; Michael Hart, member for Burleigh; Robbie Katter, member for Traeger, joining us by videoconference; James Lister, member for Southern Downs, who is substituting today for Jim McDonald, member for Lockyer; and Tom Smith, member for Bundaberg.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone to turn their mobile phones off or to silent mode and their computers to silent mode as well.

WINGROVE, Ms Veronica, Private capacity

CHAIR: Welcome. Once again, we thank you for your submission and invite you to make an opening statement. Then we will have some questions.

Ms Wingrove: Good morning, Chair and committee. I thank you for your invitation to speak here today, although I would say that it is probably not a place I ever expected to be sitting and certainly not for the reasons I am speaking with you today. My awareness of the Animal Management (Cats and Dogs) Act, which I will generally refer to as the AMCDA or the act, did not come about because of interest or career path nor any matter of choice. Unfortunately, my exposure to the AMCDA came about due to circumstance.

On 21 October 2016, my then seven-year-old daughter Lizzie, without warning and without provocation, was attacked by a neighbour's dog. This dog's name was Hank. This dog and his owner were known to both Lizzie and me. Before this attack, Lizzie had patted and interacted with Hank on several occasions without incident. On that evening, Hank was not on a lead at all and had been free-roaming in the street and the front yard area of a neighbouring property. He was not under any effective control at all. Hank's owner did take hold of Hank's collar as Lizzie was approaching and then Lizzie asked if she could pat Hank. Hank's owner agreed and showed Lizzie where to pat him, saying, 'He likes it here.' All in all, it was a textbook way of how one would expect a child to approach a neighbour and their dog. Lizzie patted Hank for a short while and then she stopped as she was done. She took a step back and Hank jumped forward, biting a chunk out of Lizzie's face and he ate it. It happened so fast, without any provocation or warning. It was over just as quickly as it began, but the injury had been done and the scarring is now for a lifetime, both physically for Liz and emotionally for both of us.

This single, two-second event should have been the most traumatising part of the entire ordeal of dealing with the situation where a dog bites a child and eats a part of their face. Unfortunately for us, this was not the case. This was just the instant—at 9.25 pm on Friday, 21 October 2016—our lives changed forever and I was thrown into a world whereby there is supposedly legislation for how to deal with matters such as these, but back in 2016 to 2018 there was no clarity or consistency as to how this was to be administered, nor any perceived requirement for it to be done diligently and without discretion or bias. This began a long series of maladministration, of me being told one thing and having another thing done, from the initial council investigation to a series of QCAT hearings.

Initially, the dog was not seized after the attack. This did not occur for seven months, and then he became subject to a destruction order. Whilst all this was occurring, it became apparent that victims and their representatives are excluded from having any rights whatsoever as the victim of a dog-bite attack or even to be provided with notification as to the outcome of the investigation of a dog-bite attack on them or their child. This matter ended up going through a council internal review process and being heard at QCAT on four occasions—one being an external hearing, then an appeal, then another new external hearing, then another appeal—with a final decision to release the dog back into our street. The decision stating that there was no direct evidence as to the mechanism of injury to the child's face as a result of the interaction between Hank and the child was such an incredibly offensive and irrelevant comment to make based on the current wording of the AMCDA and completely disregarding the evidence provided from the QAS triple-0 transcript stating in real time that a child had been bitten on the face by a dog, a neo mastiff; the QAS paramedic case notes; the Lady Cilento children's hospital medical records; and photos, some of which have been included in my submission, as to the seriousness and circumstances of the attack. The act of returning Hank to our street caused further trauma and distress to Lizzie and me.

Unfortunately, my experience of QCAT was a farce and it made a mockery of what community expectations are after a dog attack such as this. I recall asking, right back in February 2017, of the original investigating council officer as to why it is that dogs have more rights than a child. Over the years I still wonder about that in relation to the senior member's decision dated 24 September 2018, when he released Hank back into our street. Today I sit here and I ask the committee to put forward legislative reforms that reflect the safety and wellbeing of people who become the unfortunate victims of dogs that have not been effectively controlled and go on to cause injury and death.

Additionally, in my submission I have referred to some sections that I believe have not been effectively addressed and, given the opportunity, I would like to discuss the following: section 192(1)(b) and schedule 1, section 3, being the effective control of a regulated dog in a vehicle and the muzzling of a dog in a vehicle; sections 193, 194 and 195 that they should not exclude the potential of imprisonment when it relates to bodily harm; schedule 2, section 8 in the dictionary as to what is an interested person for an original decision; but most importantly section 127A, concurrent regulated dog declaration and destruction order, to make an addition to the proposed wording that in specific circumstances it would be mandatory for an authorised person to make a concurrent regulated dog declaration and destruction order to remove the discretion available as to whether or not to make this decision. This would not preclude the dog's owner from following the review with an appeals process. It would, however, put the onus on the dog owner to prove otherwise as to why a destruction order should not stand, remembering that currently the victim has no rights and when local law officers get it wrong there is nowhere for the victim to go to get the matter reviewed. Once again I thank the committee for inviting me to speak today and I welcome any questions that you may have.

CHAIR: I note that it has been eight years that you have been on this journey. We thank you for your submission. I know that there have been concerns about publishing those photos of Lizzie, but we thank you for the decision to do that. On the theme of victims being excluded from having their say or perhaps having evidence presented, one of the ways to change that you have said is through changes to 127A. Do you think that will help people like you have their evidence heard in these cases?

Ms Wingrove: I think for 127A—that is the concurrent regulated dog declaration and destruction order—in my submission I have written that the current proposed wording is that, even though a regulated dog declaration has not yet taken effect under section 95(3), an authorised officer may make a destruction order for the dog. What I propose, however, is that the wording be changed or have an addition made to it that, even though the regulated dog declaration has not taken effect under section 95(3), an authorised officer may make a destruction order for a dog, however—then point (a)—if the dog has seriously attacked a person or an animal the authorised person must make a destruction order in relation to the dog. This would then permit the dog's owner to have an internal review at council and then, if they are not happy with that, permit them to attend at QCAT. At the moment, if it does not get as far as making that destruction order the dog goes on happily, the dog's owner goes on happily and the victim has no way to approach council and say, 'Your decision is wrong. I have no say. I have no ability to disagree with this dog living three doors up the road from me after it bit out a part of my child's face.'

I made another comment there about the definition of who is an interested person, by adding when it comes to a dog attack that an interested person under the definition should include the dog attack victim or their representative so that they then, as an interested party, receive a notification and have the ability to make review requests as well. Ultimately, once the dog was declared a

dangerous dog and he was given that destruction order and the dog's owner did their internal review, which council upheld—they upheld their decision—the dog's owner then went to QCAT. The matter was then between the dog's owner and Moreton Bay council. It did not involve me at all, apart from being a witness. The dog owner had their internal review, an external review and then had an appeal of that first review.

The senior member who did that appeal comes into relevance later. So there was a first external review, then an appeal. That senior member said, 'Okay, you can have another new external review.' Another new external review happened. It confirmed once again council's decision to destroy the dog. The dog's owner then went and had another QCAT appeal, having the same senior member at that final appeal as the one who had actually overturned the first external review. I think by making it that in the circumstance that the dog has attacked to cause bodily harm, grievous bodily harm or death to a person it is taken out of the council officer's hand and say, 'Look, your requirements say you must declare this dog dangerous and issue a destruction order', then it is up to the owners to challenge it. That was that one. You did ask something else.

CHAIR: You have covered that quite well.

Mr HART: Veronica, I am sorry that this has happened to Lizzie. Is she okay after this period of time?

Ms Wingrove: It has affected both of us. She is now almost 15 so it happened pretty much half her life ago. It has become a part of who she is. Things happen. She is still skittish around some big dogs, especially if they come out of the blue. It has affected me probably greater because of all of the background stuff as well. She still has scarring. At this point in time we are leaving the scarring as it is. She will make a decision when she is an adult. She did have a review probably about eight months ago and the question is, 'Do we do it now? Do we not?' The decision will be hers as an adult.

Mr HART: I just want to try to get some background. Have you looked at external legal options to take action against the dog's owner any other way?

Ms Wingrove: In relation to the dog attack?

Mr HART: Yes.

Ms Wingrove: No. The whole matter became just too overwhelming to start with.

Mr HART: In terms of the interested parties QCAT position, would it need to be specifically for the victim of a dog attack or could there be more general interested parties that would catch that anyway?

Ms Wingrove: I will read to you my proposal—

'interested person, for an original decision—means—

- (a) A person who has been given, or is entitled to be given, an information notice about the decision; and
- (b) If the decision relates to a dog—the owner of, or responsible person for, the dog; and
- (c) If the decision relates to a serious dog attack on a person or another animal,—
 - a. the person who was injured and/or their representative;
 - b. or the owner of the animal attacked;
 - c. the complainant ...

The reason I have worded it like that is: imagine it is the hospital that makes the complaint to council. The victim is too scared to make the complaint to council. I remember being at Lady Cilento and the surgeon telling me, 'You must report this to council.' I said, 'Can you do it for me?' They said, 'No. It has to be you.' If a third party were to make the complaint—if, say, another neighbour were to make it—the complainant should be a party to receiving information.

We did not get any formal notification of the outcome at all. I think I found out in May. I was under the impression that he had been declared dangerous in late February. That was around when I was told that a destruction order was not even on the cards anymore. When the ranger initially attended, once he saw the photos, he said, 'That's it. I'm speaking to the dog owner and I'm going to ask her to surrender the dog to be euthanased,' because it is a much more gentler process than seizing the dog. He said, 'This is never going to happen again on my watch,' and I took him at his word. In the end, my understanding is that he was telling me one thing, telling the dog owner another thing and telling council—his employers—something completely different. When it came to QCAT, he ended up appearing at QCAT to support the dog owner to keep their dog.

The section would continue—

- (d) If the decision relates to a dog attack that is not a serious attack or a dog that causes fear—

such as lunging or you are walking past a cafe and somebody comes out, then the complainant should be entitled to a notice of the outcome of their complaint.

Mr HART: You were not notified as an interested party in the process at all? Would that solve the issue?

Ms Wingrove: I would not say that it solved the issue. I was told—

Mr HART: I mean, if you were an interested party and you were notified that this was going on at QCAT, you could make an application to be part of the process, couldn't you?

Ms Wingrove: I am entitled to be a witness is my understanding. A witness is a witness—still not a party, still no rights. The protection when it got to QCAT was they were trying to protect the dog—nothing about trying to protect—

Mr HART: Were you actually notified?

Ms Wingrove: Council advised me. I am not sure how. It was 2017. I knew of the QCAT hearing and the second external review and I attended both, but that is just as a witness.

Mr HART: Do you know whether council has a process in place for making those notifications, or was it just a control officer doing the notification?

Ms Wingrove: Mine was coming through from what I would call prosecutions.

Mr HART: They possibly do have a process in place.

Ms Wingrove: I would not be able to answer. Mine was a little bit out of left field because I escalated it up.

Mr HART: Some previous witnesses to the committee have suggested that maybe there should be no QCAT appeal process. Do you support that?

Ms Wingrove: I would love to say yes, but I do not necessarily support that. I do believe that a dog owner has the right to review the decision, but I believe that the victim should also have the right to have the decision reviewed. I did not know anything about the AMCDA until early March 2017. At the end of February the council ranger was telling me, 'We're not even looking at a destruction order now. The dog owner is putting in a review about the dog even being declared dangerous.' That is when I said to him, 'How come a dog has more rights than a child? Council has to look at their laws.' He said, 'This isn't council law; this is state law.' I went, 'Okay, then. I will go off to my state member.' From there, I just kept going up. This was when I was starting to show photos. I did not publish the photos anywhere for close to two years. Then I just introduced myself to the AMCDA and it took off from there.

Mr SMITH: Thank you for being with us today, Veronica. Could you please give me the justification of QCAT to set aside the destruction order? What was the decision, ultimately?

Ms Wingrove: Off the top of my head, I do not know the nitty-gritty of it. The first two were that it was a risk to the community. The dog owner had not had the dog desexed and had not followed requirements. The final appeal brought me great distress when I was reading it. There were many issues. One of the main comments was what I quoted to you earlier—that is, there was no direct evidence as to the mechanism of injury to the child's face as a result of the interaction between Hank and the child. I also believe in the same document there is a lot of comment about another case from the Ipswich area where they wanted to make a claim that the destruction of a dog should be a last resort only and that a dog owner should be able to demonstrate under dangerous dog legislation that they can handle the dog, when they have already demonstrated that they cannot handle it because it bit a chunk out of my child's face. The comment that 'there was no direct evidence as to the mechanism' is not relevant under the legislation anyway. Section 89 provides—

seriously attack means—

... attack ... in a way that causes the death of, or grievous bodily harm or bodily harm ...

There is no reference to what mechanism is required; it is just that the dog has done it.

I do not know how QCAT came to that decision. Still to this day, when people see the photos they say, 'Don't tell me that dog is still alive?' They cannot believe that QCAT released the dog based on all of that. I have spoken to other people who had been involved with the dog through other entities whilst it was in custody, and they could not believe that the dog was released. Nobody was allowed near that dog, apparently, when it was in the pound, yet it was still released back to the street, to the same owners who did not effectively control it.

Lizzie was released from hospital on the Sunday morning. I think within an hour and a half of us being home, she was asleep on the sofa and Hank ran right past our front window unattended—not along the road but up on to our property, right along the front of the brickwork by our front window. He had bitten a child less than 48 hours beforehand and he was still out in the street unattended. It

was just indicative that there was no effective control and no acceptance of the reality of what had happened. She was really lucky that she only lost a chunk of her face. If she was shorter, she could have lost her eye if it was a little bit closer. If she was a little bit taller, he could have gotten her here.

I do acknowledge that we got lucky, but it should never have happened to start with. When it did happen, it should have been dealt with in the first month. QCAT did not finalise it until 23 months after the dog bite, 16 months after he was seized. There was trauma in us having to go through it for so long. We were: 'They've had their appeals'—which is their right—'but this is the decision?' It was just a case of, 'Let's just turn around and let it go.' There was so much social media involved in this case. There was a social media campaign, a GoFundMe page which raised over \$18,000 for this dog, a change.org petition, trolling of me, vilification and slander of me, stalking of me—and I am not meaning stalking of me on Facebook; I mean stalking at my house. It was absolute hell. A party related to it is actually under a 10-year restraining order now because of the behaviour.

Mr SMITH: It is a horrific experience you had to go through. I was reading that five adults were present at the attack. Did QCAT take into consideration their accounts, or was it purely what council evidence had put forward?

Ms Wingrove: I was there as a witness. The dog owner and her now husband were obviously there, so they were both at QCAT. I do not know if the two other adults who were there were even called. At the time they were very good friends with them. One of them was the triple-0 caller who stated there was a child bitten on the face by a dog, a neo mastiff, but she also wrote on Facebook that it was a minor injury, that nothing really happened and that nobody saw anything. That completely contradicted her triple-0 call. They were friends. We were all friends. Had council taken the dog from the get-go, I do not believe any of this other stuff that happened would have happened. It ended up being along the lines that the dog owner thought they had a choice in how all this would work out: 'Do I want to give him up or not? No, I don't.' It all became a choice instead of: 'No, this has happened. You didn't control your dog.' The teeth marks started up above her eyebrow, so one single bite got that big on her face. Once it got that far along, I think it just got too big.

CHAIR: Are there any further questions? Member for Southern Downs?

Mr LISTER: There is nothing from me. Ms Wingrove, thank you very much for the thoroughness of your submission and the strength of your presentation. I think you are a very impressive witness.

Ms Wingrove: Thank you.

Mr BROWN: Thank you again, Veronica, for coming in. A couple of times you touched on your initial interaction with the Moreton Bay officer and the ranger. You said that they said it is state legislation, but you also said that you think they did not do a proper and thorough job initially. If you get into the job of being a ranger for a council you are probably an animal lover in the first place or are interested in that area of animals. Do you think that results in a bias in that people in those positions or rangers within councils have an affinity with animals and that therefore leads them into a bias situation from the get-go and through the investigation?

Ms Wingrove: Not necessarily, but I will just get to that last point. I probably would have been perceived—between the dog owner and her now husband and myself—as the person most easily persuaded to go with whatever the decision was. I think it might be have been perceived that I would be more easily railroaded than that couple.

In relation to this particular ranger, I made contact with the council on the first business day after the dog attack. There was no response on the Monday, Tuesday, Wednesday or Thursday. I called up again on the Friday. He came out within about an hour or so. I was discussing with him what had happened and he said, 'Look, I will need to get a statement from you and I will have to speak with Lizzie and get a statement from Lizzie.' Then I pulled out the photos and showed him the photos, which I was happy to do. He said, 'Okay. I don't need a statement from you and I don't want to speak to Lizzie because one day'—Lizzie was seven at the time—'Lizzie is going to be old enough to understand what happens to dangerous dogs and what council does with them, and she doesn't need to have that on her conscience. At the moment we are not going to take a statement from you. I will go and speak with the dog's owner and I will ask her to surrender the dog to be euthanased because it is a much gentler process than going in hard.'

At this point in time I have to reiterate that, way back when this happened, we were neighbours and we were friends, and I was very mindful that, as much as we just suffered an incredibly traumatic experience, the dog's owner was also about to suffer herself. As much as I had no love for this dog by this stage, I could recognise that she loved this dog and she was about to suffer a loss, and that was going to require healing as well. I tried to just be—I do not know what the word is—compassionate whilst all of this was happening.

The council ranger spoke to them about two or three weeks after he spoke to me. He asked me also to obtain the medical records, which I had obtained. Then he came and said to me, 'I've spoken with the dog owner and she doesn't want to give him up, so now she is going to put in a review.' So I am still of the opinion that they are looking at a destruction order and she has the right to have an appeal or an internal review or whatever. I am of the opinion that that is what happening. By this stage, he has made the decision apparently to only make it a dangerous dog declaration and that is what she was appealing or asking for a review of. He was quite a chatty ranger and, from some of the things he had said during this conversation, he certainly does not have a hatred for animals or anything. However, from stuff he said off the cuff, no, I do not think he had any aversion to a destruction order. He was very open about what dogs he had previously issued destruction orders on, and he had described other children's injuries that had been received by dogs and said that he had issued destruction orders on them. Not only that, bearing in mind that the dog's owner was a neighbour and friend at that point in time, I recall saying to the ranger at one stage, 'I don't care where this dog goes.' I was not gung-ho on a destruction order; he could not be near us, though. I did not care whether he went out to some family member at the back of Gympie. The ranger said, 'Well, we can't do that anyway, because if we were to move the dog from this region to another region and it attacks somebody again, it would still be our responsibility because it is a dangerous dog and we need to take care of it.'

No, I do not really think that the animal lover context would apply to this particular ranger. I think I was probably perceived as being a bigger pushover out of the two. At this point in time, the dog owner and her partner, who I believe was the spokesperson really for both of them, did not even live together. She lived in the house directly across the road from my house, and he lived in the house three or four doors up from me. They are now married.

Mr BROWN: Thank you again for coming in and sharing your story. You are definitely no pushover.

CHAIR: The time for this session has expired. Thank you again, Veronica. I declare that I am Veronica's local MP and I have seen her for many years and she has told me this story many times. I thank you for your strength and your persistence, Veronica. Thank you for coming in and sharing your story today.

**RESCH, Dr Isabelle, President, Australian Veterinary Behavioural Medicine Group,
Australian Veterinary Association (via videoconference)**

CHAIR: Welcome. I invite you to make an opening statement and then we will have some questions.

Dr Resch: Thank you very much for the opportunity to talk to you. My name is Dr Isabelle Resch. I represent the Australian Veterinary Association, which is the peak professional association representing veterinarians in Australia. Our members come from all fields within the veterinary profession, and we empower the veterinary profession by providing a voice, education, community and support. I am the President of the Australian Veterinary Behavioural Medicine Group, which is a special interest group of the Australian Veterinary Association. I have postgraduate qualifications in veterinary behaviour and I work in a clinical animal behaviour practice.

The AVA supports the Queensland government in its desire to improve the dog laws to better protect the community and promote responsible pet ownership in Queensland. This must be achieved through a data-driven and evidence-based collaboration with scientific experts in veterinary medicine and in canine behaviour. We believe that the government's attention should be focused on prevention of dog bites rather than consequences. A shift in the emphasis from strong to effective dog laws would be welcomed, with the involvement of scientific experts in the decision-making process.

The AVA would like to see the 'deed and not breed' principle applied, rather than banning certain dog breeds, and ensuring there are well-designed and effective educational programs directed at all segments of society, including pet owners, dog breeders, all parents and children, particularly those at highest risk, including children and dog owners in lower socio-economic areas. We advocate a proactive approach rather than a reactive approach, with a view to long-term cost savings, but, more importantly, avoiding serious incidents caused by reactive measures. We believe that a more empathetic and welfare-centric approach to managing the dogs involved in these incidents is needed, acknowledging the dog's sentience and social needs. We are opposed to impounding dogs for extended periods without proper care being provided, socialisation and visitation with their owners where appropriate and safe.

CHAIR: Thank you. You said an 'empathetic and welfare-centric approach to managing dogs'. Can you talk more about what that means, what it looks like, and how that meets community expectations?

Dr Resch: Dogs are sentient. We now know that dogs are sentient beings—they have feelings and emotions—and dogs are often really left behind in this process. They are impounded for many months, often 12 months or more, living in a pound facility. The owners are often not allowed to visit them. This is traumatic both for the dog and for the owners. In the world that we live in today, dogs are very much a part of the family. They sleep on people's beds. They are part of the family unit. They are very much involved in our households. When dogs are involved in these bite incidents, they often are impounded into a facility which is just not their normal environment, so it creates a very high level of emotional stress and psychological stress to the dog and also to the owners, because the owners are very bonded—not all owners but many owners—with their dogs. They are emotional support beings for them. They are often not allowed to visit. We would really like to see not only the welfare of the people who are bitten but also the welfare of the dogs and the people who own those dogs looked at.

Mr HART: Doctor, with regard to your comment about 'deed not breed', I am wondering if the deed may lead to more instances as against banning breeds that are bred to fight and that sort of thing. Can you make some comments about dogs that are bred to fight as such?

Dr Resch: Could you clarify your question?

Mr HART: You said that you would like to see it more on a deed basis than a breed basis. The government is trying to take out any dogs that are likely or have the potential to attack someone, rather than waiting until a deed such as an attack happens and then deciding whether that dog is dangerous or not. Would you have an opinion as to whether there is another stage where we can determine whether a dog is dangerous rather than on a breed basis?

Dr Resch: Very much so. Based on scientific evidence, there has been a lot of work done on breed associations with aggression. There is a lot of scientific data. I certainly would refer you to the Australian Veterinary Association paper called *Dangerous dogs* from 2012 that gives a lot of this data. Breed is not an effective indicator of behaviour or a predictor of aggression in dogs. There are certain breeds that have been outlawed that were bred for fighting. They are not in Australia, but we still see plenty of dog bites that occur with other breeds. I think it has more to do with the individual. The

severity of dog bites also relates to the actual size of the dog. When you look at the scientific data, there is a pretty high incidence of dog bites in small dogs. However, they are not always reported or not deemed to be as serious because the damage is not as serious.

I think another factor that comes into this is whether it is possible to ascertain what breed a dog is just on visual examination. Looking at the data that we have is a vital principle here. We have some DNA profiling available, but the DNA profiling is not particularly accurate. It is actually very difficult for us to look at a dog and deem what breed it is. From the data that we have, there is very little ability to predict behaviour on breed alone.

Mr HART: How can we identify a dog that may bite somebody if we do not just stick with breed? I have not seen that report. Can you give us a brief summary? How would that process work?

Dr Resch: It is a 45-page document. I would suggest that as a committee you look at it. The document is called *Dangerous dogs: a sensible solution*. It is from 2012. It is a long, very well written review on dangerous dogs. I think your question is a valid one: how do we predict? I think it is a great question with a difficult answer. I think we can predict in part on past behaviour. When we review a lot of the information on some of these dogs that have bitten, there have been previous incidents. I believe we should probably put more emphasis on having these dogs evaluated by professional veterinary behaviourists or veterinary psychiatrists.

Mr HART: Would you wait for an incident to happen first? Would you suggest that dogs are checked by somebody on a regular basis? What would you suggest?

Dr Resch: I understand your question, but I think the difficult part is that it is a little bit like people: how do you predict someone is going to commit a criminal offence? You really cannot a lot of the time. Often you have to wait until there is an incident, and once there has been an incident then that needs to be flagged and there needs to be observing and assessment and monitoring. Because we are dealing with dogs, we like to take a black-and-white approach, but I think dogs are sentient beings with emotions, feelings and psychological behaviours not dissimilar to people. We are unable to predict in the human world. We have some predictors but only very small, otherwise we would not have jails as full as we do.

Mr HART: We have heard about the DNA issue with pit bulls. We are banning purebred pit bulls and a few other dogs. I see a lot of dogs around my electorate that look like pit bulls. A DNA test would probably say that they are not a purebred pit bull and therefore would not be banned under this. In your opinion, are we achieving anything by banning a purebred dog like a pit bull?

Dr Resch: No. I think, as you have correctly pointed out, when you walk the streets there are many dogs that look like they could be a pit bull. They may or may not be dangerous. Banning pit bulls or other breeds I do not think achieves anything because, when you look at the Australian data, many of the dog bites that occur are with other breeds. We see a high incidence—it varies over the years as to which breeds are popular. There are many German shepherds, Rottweilers, labradors, Jack Russells, dachshunds. When you look at the breed incidents, pit bulls do not rate particularly highly. Banning a specific DNA recognition of a breed does not actually stop dog bites.

Mr SMITH: Why did the federal government ban the importation of these five particular breeds of dogs? Is there a particular history? Why were they being bred for fighting and then brought into the country? Do you have any background on that?

Dr Resch: It is not really within my area of expertise, but I believe it was a reactive response knowing these dogs were potentially dangerous and 'let's try to avoid bringing in very large dogs that are going to create more issues'. I think it was a bit of, 'Hey, let's just not go there with these known breeds.' I have to be quite honest and say that is historical and outside my area of expertise.

Mr SMITH: From reading about different dog breeds in preparation for this bill, I think there seems to be a suggestion that there are some breeds of dogs that can be identified as more loyal to their pack or family than their human family and that particular breeds of dogs may therefore become more aggressive to those outside of the family because they are so defensive. Is that something that is true and correct and identified within the research or is it something that is more of a selling point?

Dr Resch: No. The current research and scientific evidence shows that domesticated dogs do not live in packs. They do not have a dominant hierarchy. That theory was disbanded many years ago. They live in social groups. There are some dogs—I would prefer to use the words 'individual dogs' rather than breeds—who are extremely loyal. Some of those dogs will display their loyalty using aggressive displays. Other dogs will display that loyalty in other ways.

We have been domesticating dogs for tens of thousands of years. We do not quite know how long. We have genetically changed them. They have been bred to read our social cues and to be very much part of the family. They are not a pack animal like a wolf. Although they are descendants of domesticated dogs, wolves are genetically different dogs.

Aggression is usually used as a distance-increasing behaviour. It is a way of saying, 'Please get away. You are hurting me,' or 'You are too close to something I value,' or 'You're frightening me.' We need to create a better understanding of what aggressive responses are about. Protection is probably the least common cause of aggressive responses.

Mr LISTER: As an experienced vet, do you feel able to look at a dog and have a rough idea about whether or not it is likely to be dangerous? If so, what is the distinguishing test?

Dr Resch: I have over 30 years of experience in general practice and over 10 years of experience in behavioural practice now. No, I do not think I can look at a dog and predict. I currently see behavioural cases and I spend two to three hours with these dogs. For the vast majority of them, I do not think I can predict in that particular environment what their behaviour is going to be in other situations.

What we often forget with these horrific dog bites is that there is a level of provocation. It is an extremely traumatic and emotive event when there is a dog bite, particularly for children. We often do not look into the whys and wherefores and what were the antecedents—what were the circumstances surrounding that bite. When we retrospectively look back, we may be able to see that in that dog's history, 'Yes, this dog displayed some behaviours that really we should have flagged,' but it is not easy to look at an individual and predict what their future behaviour will be in a specific environment.

We certainly can do some provocative testing. There are some dangerous dog tests where we try to provoke reactions—where we provide food and try to disrupt them or we may have an artificial arm and try to pet them—but they are still not particularly real-life situations. They are not a great predictor of future behaviour.

Mr BROWN: In your submission you talk about streamlining the process but still keeping an appeal process open during that time. Can you provide more detail about how you would see that process occurring in practice? What is the ultimate goal once a seizure occurs and how that dog should be treated once it has been seized and also the appeal process?

Dr Resch: I think the AVA would really like to see this streamlined for the people who have been involved in the bites. We are also particularly trying to be advocates for the dogs and for their owners. The 'how' I think needs to go over to legal experts, because the whole process is above and beyond our expertise as veterinary professionals. We as veterinary professionals and veterinary behavioural professionals really want to see that everyone gets well looked out for in this circumstance and that it does not take 12 months for some form of resolution.

I would have to say in response to that question that I feel we need to get other experts involved who are better at the legal side. From the AVA's perspective, what we would like to see is not to have these very prolonged periods where the dogs are incarcerated, the people are unable to visit and the victims of the bites or the families of the victims are left hanging. It is just a particularly difficult situation for all. We would like to expedite that process without necessarily saying, 'Hey, the dog needs to be euthanased or destroyed immediately.' There needs to be fair process. I feel that you need to get a panel of legal and behavioural experts. It needs to be a group decision. I do not feel we are the ones who can make those legal process decisions for you.

CHAIR: There being no further questions, Dr Resch, thank you very much indeed for your evidence here today.

Dr Resch: My pleasure. Thank you so much.

COURTNEY, Mr Steve, President, Professional Dog Trainers Australia, Animal Care Australia (via videoconference)

DONNELLY, Mr Michael, President, Animal Care Australia (via videoconference)

McCUTCHEON, Ms Elisa, Junior Vice-President Chair, Government & Media Liaison Committee Chair, Canine Health Committee, Dogs Queensland

STEVENS, Mrs Courtney, Canine Welfare and Liaison Officer, Dogs Queensland

WARD, Ms Tara, Managing Solicitor (volunteer), Animal Defenders Office (via videoconference)

CHAIR: Welcome. I invite you to make an opening statement, starting with Elisa from Dogs Queensland. Then, Tara and Michael, if you wish to add anything, feel free to do so. Then we will go to questions from the committee.

Ms McCutcheon: Thank you for the opportunity to appear before the committee today. Dogs Queensland is a member of the Australian National Kennel Council, Dogs Australia, and is the leading body of expertise on pedigree dogs in Queensland. Dogs Australia is an associate member of the Federation Cynologique Internationale.

A key objective of this bill in amending the laws for the control and management of dogs, in particular dangerous dogs, is to enhance community safety. The proposed amendment bill increases penalties and introduces new criminal offences. However, these are unlikely to be effective as a deterrent, in our view, unless the measures introduced recognise the complexity of the problem and address the real issues. It is important to address the proposed breed-specific legislation and how dogs that attack or bite are managed, both for community safety and for the overall welfare of dogs.

Breed-specific legislation was first introduced in the UK with the UK Dangerous Dogs Act 1991. Breed-specific legislation then spread to many parts of the world but soon proved ineffective in reducing dog attacks. Subsequently, breed-specific legislation has been repealed in a number of countries, including Holland, Italy and Germany, and in various municipalities in North America and, closer to home, Victoria. Victoria introduced breed bans in 2011 and these were repealed in 2017 following recommendations from a parliamentary inquiry. We understand that the RSPCA has already gone into detail and provided evidence on this point.

Not only has breed-specific legislation failed to reduce the number of dog related incidents in the Victorian community but it has also seen many innocent dogs and owners caught up in costly legal battles with local councils, often costing hundreds of thousands of dollars. A number of innocent dogs have been destroyed under the breed-specific legislation in Victoria. Given that one of the key objectives of this bill is to enhance community safety, breed-specific legislation is not the answer. Based on the evidence from the Victorian inquiry, breed-specific legislation was not effective.

Mrs Stevens: I will continue on this point regarding this proposed legislation, focusing on appearance rather than the behaviour of the dog. It is the dangerous behaviour of a dog that may cause injury or death to a person or animal, not a particular breed. This is evidenced in the list of dog fatalities and attacks included in our original submission, where in Queensland in each case the dogs involved were not one of the five listed breeds in the proposed ban.

Effective dangerous dog laws should be behaviour based—based on the action of an individual dog, not a breed. They also need to be quantifiable—so using tools to assess a dog attack and allow a standard repeatable process to occur in all councils, for example, the Ian Dunbar Dog Bite Scale and the Canine Threat Assessment Guide. These tools provide a standard formula for assessing a dog's behaviour, not a dog breed.

Also, consistency is important to be effective. By being consistent, it allows matters that end up in QCAT to be reviewed on a standard platform rather than being produced with different information. Effective laws should have clear requirements and clear penalties, which has been included, and also hold humans responsible for human actions. If we dive deeper into the appearance of a dog, what exactly is a pit bull?

Ms McCutcheon: As far as Dogs Queensland are aware, four of the five prohibited breeds are not actually present in Queensland. The fifth breed, listed as the American pit bull terrier, or the pit bull, is a type of dog, not a breed. It is not a recognised breed of dog but a crossbreed made from crosses of bull terrier, bull-mastiff, American Staffordshire bull terrier, the American bulldog, the

American bully, boxer and Staffordshire bull terrier. It is not a recognised breed of the Australian National Kennel Council or the American Kennel Club. Some of these banned breeds are actually recognised by the FCI and there are breed standards for those, but there is no breed standard for the pit bull. We did supply the FCI breed standards with our original submission.

How are we going to identify a pit bull? There are no genetic markers for pit bulls and therefore DNA-based breed identification is not reliable and could not be used as evidence in a court of law, and it cannot be considered a valid tool for forensic or legislative enforcement purposes. The intention of the DNA tests that exist for some of these other breeds—not the pit bull—was more as a fun exercise. We have had discussions with the providers of those tests and they are not comfortable with the use of these tests for this purpose. In fact, when I last discussed this with them, it may actually be in breach of the licence they have been granted to use those tests. That will be a potential legal problem, even if you were able to test for those other breeds. As we have already said, you cannot test for a pit bull so how are we going to work out whether a dog is a pit bull or not?

This proposed legislation would rely on a person, generally an animal management officer, with unknown background, experience or training to try to provide an identification on a breed when they do not have the resources available to them and there is no DNA test available. The 22-point system that some councils use to identify a pit bull has points that relate to many breeds of dogs. They are subjective and they do not include any unique identifiers to the pit bull, and it is determined by the opinion of the person of an unknown background, experience and training in the area of breed identification. As none of these methods for identification can be relied upon to enforce this breed-specific legislation, these sections of the act will be difficult to enforce and they will be open to legal challenge. This further supports our view that dangerous dog legislation should be based on the behaviour of a dog and not the breed or appearance.

Dogs Queensland recommends the following strategies for dog bite prevention. No. 1: develop a central government-run microchip database—a good example is the New South Wales Pet Registry—and accurate recording of dog behaviour and attacks to get real data on this serious issue. It is important to understand what we are dealing with and have accurate data on this. At the moment, that does not exist. No. 2: implement the use of quantifiable measures, such as the Canine Threat Assessment Guide and the Dunbar bite scale, which Courtney previously referred to, for Queensland councils to utilise when responding to a dog attack incident to assess the risk and severity of that individual dog's behaviour, regardless of breed.

No. 3: provide mandatory training to animal management officers in dog attack investigations and provide extra resources for councils to implement those dog attack prevention strategies. No. 4: review menacing dog orders to provide an option to scale the response for matters that are minor to facilitate an enforced education of the owner, rather than the dog being placed in a cage with minimal ramifications for the owner. One of the things that has come out from our discussions with councils is the lack of flexibility they have in dealing with the dog. If it is a relatively minor incident then there may have been other options such as ordering that the dog has to wear a muzzle and cannot attend public parks, for example, as opposed to keeping the dog in a cage permanently.

If we can get those items 1 to 4 right then we will have fewer appeals. We will be reducing the number of appeals. On top of that, we also need to expedite the appeal process, and I note that the AVA was addressing the problem with dogs being kept too long in incarceration. There are ways to expedite that process. There is no reason that we could not have a separate list in QCAT, similar to the way we deal with people who are on bail applications in the Supreme Court. They would deal with those cases first, so if a dog is incarcerated that could be treated as an urgent matter. There are panels of experts out there that could assist in initial assessment of the dog which might mean that the matter might never go to appeal in the first place.

No. 5, and very importantly: we need to develop a targeted education program in the key areas that may cause a dog to display aggressive behaviour—that is, containment; responsible pet ownership; appropriate supervision of children; appropriate behaviour around dogs, because it is the interaction between dogs and humans that is the problem; and, finally, effective control of dogs in public places.

CHAIR: Thank you. I invite our other witnesses to make an opening statement.

Ms Ward: The Animal Defenders Office thanks the committee for the invitation to appear at today's hearing. While we are a very small, volunteer-run organisation, we have accumulated some experience over the years in dealing with dangerous dog and dog attack matters. This experience has informed our approach to the proposed amendments to the animal care and management act. In short, our experience shows that dangerous dog and dog attack matters can happen for a multitude

of reasons. If we had to single out some common features, one would be a pre-existing failure by dog keepers to comply with dog management laws and good dog management principles. We have never had a keeper present to our service in a dog attack situation who has been fully compliant with dog management laws and has done the minimum in good dog management and care. By this we mean the crucial factor of having the dog professionally trained, even just obedience training.

These observations apply across the board in terms of socio-economic factors—that is, the keeper can be from any point on the socio-demographic spectrum, from senior executives to people who are living in public housing or who are too poor to have any fixed accommodation. Noncompliance can also happen at any point along the spectrum. For example, senior executives can be unaware of the legal requirements regarding their dogs and not comply with basic laws such as keeping their dog on a lead when in public places or having their dog registered, and they often do not have their dogs trained. Disadvantaged people can be struggling with fundamental issues such as accommodation, domestic and family violence and financial difficulties, so increasing penalties for noncompliance will likely simply entrench their disadvantage and not help the dog management issues the bill is attempting to fix.

In relation to the dogs, there is no one kind of dog which ends up in this situation as far as our experience is concerned. It can be any breed and from any background—whether purebred, backyard bred, designer bred or rescued. For these reasons, the ADO would support more focus on targeted education and public awareness about good dog management and subsidised or free dog training for disadvantaged members of the community.

Finally, another key aspect of our practice is witnessing the harrowing impact on both humans and dogs of review processes of decisions to destroy or declare a dog to be dangerous. Dog keepers present to us utterly distraught. They have had their family member seized. The whole family, including children, are devastated. It dominates the keeper's life, leading to serious mental health issues, neglecting their families and taking time off work. We have no doubt that the impact for the attack victims is similar, but our clients are usually the dog keepers whose animals are facing imminent destruction or a lifelong sentence of a dangerous dog declaration.

The review processes can take a long time, which exacerbates the impact for both humans and dogs. Equally, there needs to be scrutiny of these decisions, because government decision-makers are not infallible and having the power to decide to kill someone's animal is a very serious power. Over the last few years, every review process, from mediations to appeals, we have won for our clients challenging these decisions, which emphasises how complex these situations can be.

The ADO therefore supports review bodies being able to conduct reviews of these decisions with the existing checks and balances in place such as applicants having to seek leave to appeal on questions of fact or mixed fact and law. We would support mechanisms to shorten these processes, as suggested by other stakeholders, as in our experience these processes are extremely lengthy with very serious negative consequences for the welfare of all involved—humans and dogs. This would preserve fundamental aspects of natural justice such as providing opportunities to be heard, which often are limited or do not occur at all during the original investigations, while also allowing scrutiny of government decisions by independent arbiters.

Mr Donnelly: I have requested that our opening statement be tabled if possible. Given that a vast amount of our opening statement has already been stated by Dogs Queensland and the Animal Defenders Office and in order to provide us all with a bit more time, I will jump through our opening statement to the points that so far have not been talked about.

We strongly oppose the inclusion of 'cause fear' in proposed sections 194 and 195. While it is understandable that any person may feel fear when they see a large dog come towards them, in our opinion it is totally irresponsible of a government to legislate against that. I am sure many of you on the committee are fearful of one animal or another. Some may even experience high anxiety of one particular animal over another, such as being in the mere presence of a snake, a rat or a dog, but does that give any government the right to provide for a person to be labelled a criminal if they possess such an animal and are placed in a situation where their animal evokes such a reaction? While it is without question the responsibility of a dog owner to take steps to prevent attack, how does one take reasonable steps to ensure the dog does not act in a way that causes fear when their mere presence will achieve that?

Again, who determines what is reasonable? Would it be those same undereducated, potentially biased authorised officers whom other people have spoken about, whether from local councils, RSPCA and so forth? It is apparent that yet again this government has ignored the concerns and

recommendations provided by key stakeholders who have expertise in these areas in order to appease a small number of protesting activists and lobbyists over science-based and evidence-based consultation. I also understand Mr Courtney has a statement that will cover off a lot more of what ACA's opening statement was already saying, so I would like to hand over to Mr Courtney.

Mr Courtney: I am the president of the Professional Dog Trainers Australia organisation. I am also a nationally accredited dog obedience trainer, law enforcement dog trainer, dog behaviour specialist and an ANKC registered breeder with over 35 years of experience. All over Australia there is an escalating problem with aggression in pet dogs in which people have been bitten, attacked and, at times, killed by dogs. The Professional Dog Trainers Australia committee have highlighted this issue and offered to provide support and consultation to the Queensland government numerous times including when the ACAP Bill was in planning to ban the pronged collar, for example. Our submission clearly stated the dogs would spiral out of control, and they have.

This is not a new problem, though. It would be a grave mistake to hold hopes that, for instance, banning a breed will reduce attacks in any way. It is not a breed related problem; it is a problem that arises from a number of causes, in my experience. In my own business I help these people every day with dogs that can display aggression and other behaviour problems. The most common problems I see are: No. 1, dogs lack effective training or training that is solid enough to have them follow direction around stimulating situations; No. 2, COVID meant that dogs that are now 18 months or older did not have adequate socialisation and exposure during the COVID pandemic and they could easily find people approaching them or other dogs frightening—they can then react aggressively to increase the space between them and the other subject; and, No. 3, dog owners do not understand the temperaments of the dogs they have and as such fail to train and manage those dogs effectively. Most people I have listened to this morning are agreeing with that sort of thing.

What dog owners need is better education. They need to make sure their dogs receive education that will be effective for their dog to behave appropriately. Dog owners also need to better manage dogs in public and ensure their dog is secure in their home when it is not being supervised. People have often had these problems with their dog and will seek out trainers like me. We then work through these problems, greatly reducing, if not eliminating, any further cause for concern.

If a mandate were to be made, it should be along the lines of educational requirements for pet owners, breeders, parents of children—anybody who is connected with dogs. The current system has people obtaining dogs with no understanding of their temperament, training and/or enrichment needs, which usually ends up in the dog having aggressive outlets. Once the dog is displaying aggression, owners are at a loss to find effective training and strategies. As an example, groups like the RSPCA have published information promoting the training ideologies they use. This is followed by the statistics that show nearly 70 per cent of the dogs they have euthanased have been for behavioural problems that their systems could not improve with training.

The Queensland state government representatives have previously advised dog owners to send dogs with behaviour problems to Dogs Queensland. Dogs Queensland do not provide behaviour modification services and have no experienced personnel to provide such help. The Queensland government do not have any resources at all to provide advice and solutions for these problems. This indicates a strong need for governments to align with experts and professionals like the Professional Dog Trainers Australia organisation to provide solutions through education.

As a father, I empathise with the feelings of Ms Wingrove 110 per cent. This is an unimaginable horror, but I am highly concerned that offering a breed ban as a future prevention will not in any way provide any safety for children or adults. As others have mentioned, it has been tried in many other places with no success. How a dog is selected as a pet and the way it is raised, trained and managed are the cause of the problems. I personally teach this to our clients every day and, when implemented, dogs that have been previously aggressive have changed and no longer use aggression as a means for dealing with stress.

On the topic of disallowing pet owners to appeal the ruling about their dog, this is beyond unfair. Given dogs are assessed by inexperienced rangers and council officers—and this is my personal experience—it goes wrong more than it goes right. The right of appeal must be maintained, unless the Queensland government can produce an assessment process that is 100 per cent foolproof. I have given evidence and provided reports in many cases in which the dogs have been declared dangerous under very questionable circumstances. When a dog kills a person in Australia I have offered many times to complete an assessment on this dog prior to the dog being euthanased. I offer to complete this assessment and deliver the report at no charge at all. I am fully insured, highly experienced and have personal protection equipment. The purpose is to find out what makes the dog attack a person to the extreme position of death and to advise people how to learn if they are living

with such a dog and of the potential and what actions to take. Instead, the dog is euthanased immediately and the evidence is buried and lost forever. Attacks occasioning death have numbered around 15 in Australia in the last five years, with too many being children and/or babies. This will keep happening without proper investigation.

I agree there needs to be a change to what happens after an attack. More importantly, we must start preventing the attacks. I welcome any questions that you might have.

Mr BROWN: There is a lot of talk about requiring the government to provide education for handling dogs. Do you believe that both the education and the training should be provided by the person who is profiting from the sale of the dog, which is the breeder itself? Is the breeder not the best person, if certified and properly trained, to provide that course? If they are making the profit, should the onus not be put on them to provide the training to the person who is buying the dog and also to provide education on that dog and that specific breed?

Mr Courtney: That would assume that breeders are dog trainers, though.

Mr BROWN: Shouldn't they be?

Mr Courtney: Dog breeders do not have to be dog trainers.

Mr BROWN: But shouldn't they be? If you are selling a dog and it is potentially going to kill someone and they are making the profit, shouldn't there be an onus on them to have an understanding of that dog so they can impart, one, how to train that dog and, two, how to educate the owner about how to deal with that dog?

Mr Donnelly: I would agree and disagree. You are saying that the person who is breeding the dog is the one who should be educating the potential new owner. That is all well and good in theory, but if the government is not either subsidising the training and therefore having the ability to review the—

Mr BROWN: But they are getting the profit—

Mr Donnelly: I am sorry, but you are suggesting that you are handing education over to individuals with no idea or understanding of what they are actually educating. Therefore, no.

Mr BROWN: Are you saying they are breeding a dog with no education?

Mr Donnelly: No, I am saying that you are not able to know what that person is educating the potential new buyer. If the government is at least putting out that information and, yes, that information is being used by a breeder, that is one thing. But if you are saying it is 100 per cent up to a breeder to educate, we have no idea what that information might be that they are telling that potential new owner and neither do you as a government. For me, that is really irresponsible. It is very irresponsible to say, 'Let's just hand the full education over to every individual.' I am sorry, but that does not make sense.

Mr BROWN: Would there not be a requirement to prove that you are, one, capable of providing that training and having that understanding and, two, being able to then educate the person who is buying the dog? It seems to me that passing over to the government the education process for all the different breeds that are out there to do a little ad campaign on social media or something—that is going to be education. I think it is best placed with the person who is breeding the dog and living with the dog every day and who is making the profit off the dog.

CHAIR: Before we go any further, I think we have some comment on that by Dogs Queensland.

Mrs Stevens: Training of dogs is a lifelong commitment through their different stages and ages. This is an issue we see with dog breeding. Our members in particular offer a training package and contact. A lot of dogs are being sourced these days through pet shops, resellers and commercial farms where that contact with the breeder is not personal; it is a business and it is an operation. Therefore, once the puppy, normally aged 12 weeks of age, leaves the care of the breeder, it is up to the dog owner to manage that.

I also want to bring this to your attention. In my experience with people, a lot of their dog knowledge, dog education and dog training comes from what their parents used to do or how they have been shown or what they have seen. In terms of trying to change someone's viewpoint at the time they have their dog, they already have an idea in their mind of how they are going to raise the dog, what collar they are going to put on it, what studs they are going to put on and what type of look they want. They have already decided that. I feel there does need to be a supportive education through the dog's life. When a dog becomes mature, we are also dealing with hormones, so then you are dealing with another behavioural aspect for the dog. This provides further challenge to that training.

Dog owners need support throughout the life of the dog. Our breeders take a lot of responsibility to provide that education, training, resources and contact point to the puppy owners, but it is a lifelong thing. When you look at the recent attacks and fatalities, a lot of the dogs that are attacking are adults; they are mature and generally not desexed. It is not the puppy problem; it is when they are starting to become mature and it is the mature dog that causes damage. They are large, they are strong and they have mentality around resource guarding, territory protecting and protecting their owner. There is a whole swag of it. Steve and Michael can comment about training and that development of a dog's life.

Ms McCutcheon: In supporting what Courtney has said, our breeders do provide training and they do provide lifelong support and contact to puppy owners. By the time a person is at the point of purchasing the dog, it is almost too late to be starting that education. The education needs to start with, first of all, what dog are you buying? That is a failure. Many people are out there and are selecting dogs that are not appropriate for themselves and their family. I have worked a lot with rescue in the past and many of those dogs were brought into a family situation that they were just not appropriate for in the first place.

Mr HART: A very short answer, if you could: would you support dogs coming with a training manual and/or compulsory training for dog owners?

Mr Courtney: I would support compulsory training. Our members can definitely provide this. It can be ongoing as well.

Mr HART: Can you guarantee that that training could stop a dog from attacking someone in the future?

Mr Courtney: If that training also included hallmarks of the person breeding a dog and seeing what is going on and they took that action. I work with aggressive dogs every day and I still have all my fingers and limbs.

Mr HART: Short answers, please.

Mr Courtney: It can be prevented but not 100 per cent.

Mrs Stevens: It is generalising, though, that all dog owners cannot train or manage their dog. I am a very experienced dog owner. I can train and manage my dog. It is a suitable dog in the community and to others. Putting the compulsory element I feel would be extreme. However, as Elisa said, it needs to be throughout the process at all levels: children up to older people.

Ms McCutcheon: On that point, one of the things that has not been addressed here is that the vast bulk of puppies and dogs that are sold are not by our breeders. They are backyard breeders and puppy farms. That is the vast majority. One of the major mistakes that the government has made was the introduction of the BIN system, the breeder identification number, because it allows anybody to spend about one minute online, register themselves and—bang—they are a breeder and they can breed. They breed anything and everything these days. There is no responsible breeding out there. They will crossbreed anything if they think they are going to be able to make a buck out of it. Saying that somehow these people out there who cannot responsibly breed dogs in the first place are going to train these people is never going to work.

Mr SMITH: This question is to Dogs Queensland. You mentioned Dunbar's Dog Bite Scale. Is there a research paper attached to that or is it just the scale? I cannot see an analysis or anything that is written beyond the six levels to support Dunbar?

Mrs Stevens: There is a research paper. I can source that and provide that to the panel.

Mr SMITH: It would be really good if you could take that on notice. There is a suggestion by Dogs Queensland that part of the council's assessment should be tied to the six levels of the dog bite scale.

Mrs Stevens: Correct.

CHAIR: I thank everyone for appearing today.

BRODNIK, Ms Kate, Special Counsel, Legal Policy, Queensland Law Society

COOK, Ms Bridget, Senior Policy Solicitor, Queensland Law Society

CHAIR: Thank you both for coming along today. Would you like to make an opening statement before we ask some questions of you?

Ms Cook: Thank you for inviting us to appear today. In opening, I would like to respectfully recognise the traditional owners and custodians of the land on which we meet. As the committee may be aware, the Queensland Law Society is the peak professional body for the state's legal practitioners. We are an independent, apolitical representative body.

I refer to our written submission from December last year. Rather than commenting on specific policy issues that are generally outside the remit of the Queensland Law Society, we sought to identify potential breaches of fundamental legal principles that could lead to unintended consequences for those affected by the amendments. For example, we raise concerns relating to proposed limitations on appeal rights in QCAT and the powers given to authorised officers under the Biosecurity Act.

I also refer to our supplementary submission provided to the committee this morning, I understand. I apologise for the delay, but we had further feedback from our committee members in relation to this bill. Their submission makes recommendations about the ways in which the department can ensure the video-monitoring data captured by devices installed on relevant commercial fishing vessels is not misused and the relevant privacy principles are complied with.

Today I am joined by Kate Brodник, special counsel in our legal policy team. We were unable to be joined by a member of one of our legal policy committees today. However, should the committee have any questions that we are unable to answer, for example, specific issues that might be addressed by our privacy and data law committee, we would be pleased to take those on notice and revert to the committee with a more fulsome answer.

CHAIR: Video monitoring as part of the fishing regulations is something that has excited a bit of comment. We have your submission but can you talk generally about your concerns or what you have noted?

Ms Brodnik: Essentially, as you will see in our submission, we are concerned that the bill currently lacks detail on some issues that should be put in place by the department to ensure privacy on those commercial fishing vessels and the securing of data. There are some provisions in the bill that suggest the details should be left to a regulation. Our view is that these details should be placed in the primary legislation so that there is sufficient scrutiny and oversight and the ability to consult, like we are doing today, with members of the public through a committee inquiry process.

In addition, we recommend that some specific safeguards be introduced, for example, explicitly saying that the use of the data and the footage captured by these cameras should be limited to the purposes described and cannot be used for other reasons—for example, access under freedom of information or right to information requests to use for other litigation or other reasons. There should be a public privacy plan put in place, and that should be devised through consultation with affected people. There also needs to be adherence to the current privacy principles, and that should be explicitly stated in the act. Once those things are placed in the legislation, we also recommend that there be education for both the officers who will be enforcing it and the affected commercial fishing vessels so that everybody knows what their rights and obligations are.

Mr HART: Has the Law Society had a look at whether a dog bite victim should be involved in the QCAT process along with the council and the dog owner? What is your opinion on that?

Ms Brodnik: No, we have not had a look at that. I know that in some matters a party is able to seek to join a proceeding. I do not know whether or not that is available. We can certainly have a look at that and revert to you.

Mr HART: Would you mind?

Ms Brodnik: No problem.

Mr HART: Excuse my ignorance of QCAT, but what is the notification process for people in a QCAT hearing? Is everybody who possibly could be involved notified about the process or are there limits to that?

Ms Brodnik: There is general QCAT legislation, but each act that deals with specific things—for example, in this it would be the animal control act—has requirements for external review. It is a review of the decision made so it would be the decision-maker and the affected parties, and either of those—normally the affected party, the dog owner—may seek to apply to QCAT for a review of the decision. The amendments in this bill are in relation to an appeal of QCAT's decision.

Mr HART: What about the time frame that it takes for these sorts of decisions to come out of QCAT? Do you have an opinion on this?

Ms Brodnik: Yes, and this is our main concern and it is not restricted to this area. We see this across a number of jurisdictions. The Queensland Law Society repeatedly calls for further resourcing and further funding.

Mr HART: I am hearing you.

Ms Brodnik: That is our main concern with the change. You are essentially restricting a fundamental legal right to seek an appeal because QCAT is not properly resourced. In our view, that is not an appropriate justification.

Mr SMITH: I am going to go away from dogs for a little, if that is okay. There is a matter that is going around in my head about the onboard monitoring cameras. When we spoke with the department in a public briefing, they spoke about how on the trawlers the cameras would be fixed and only focused on the sorting trays. Their suggestion to industry is that there will not be a monitoring of the deck and behaviour and what is happening with workers on that deck. We have had concerns raised by industry about the smaller netting vessels, so maybe 14-foot tinnies and whatnot. The fixed cameras would take in all of the vessel and, therefore, all of the activities of the workers. We have had CCTV cameras installed in our electorate offices, but I imagine that I am not allowed to access that CCTV footage to review the work efforts of my workers under some privacy principles; is that right?

Ms Brodnik: I assume not. Hopefully that is in place in whatever legislation governs how the cameras are put into your office. In our view, yes: should there be legislation—whether it be in primary legislation or regulation—that is seeking to record something for a purpose then there should be express limitations on the use of that footage beyond the express purpose.

Mr SMITH: Does there need to be greater work in this legislation to outline that the footage captured will not assess workplace health and safety; it will only assess the catching of particular species? Is there more that the department needs to do in terms of making it very clear what principles and what activities will be captured by the onboard monitoring cameras?

Ms Brodnik: Yes. We very much agree with that. That is the focus of that supplementary submission, and I apologise that you only received that this morning. Yes, we recommend that something specific be put in place, for information purposes as well, because something might be done inadvertently and there should be a process in place to deal with any footage that is taken that is not explicitly for the purpose. There should be a provision allowing for destruction and those types of issues.

Mr SMITH: I will just add that my staff do amazing work. I do not have to check the cameras.

Mr LISTER: With all the committees I have been on, the Queensland Law Society has always been front and centre so it is nice to see you. What would the society's view be on using regulation to specify how the system is going to work and the potential for those regulations to change to enable the footage obtained from the decks of a fishing vessel to be used for a purpose such as to enforce some other statute, for WHS or some other kind of prosecution perhaps? Do you entertain concerns about that potential?

Ms Brodnik: Yes. I think that goes to what we were saying about this information, any requirements for the footage and how it will be captured. What happens once it is captured should be in primary legislation for myriad reasons, including that it allows people to become aware of it through the introduction of a bill to parliament to amend legislation and to go through this committee inquiry process and to make the public aware about what is going on. It also allows for appropriate scrutiny and oversight.

While it is sometimes more convenient to place things in a regulation because it is easier for those to be amended and changed, and certainly there are circumstances where details are rightly left to a regulation, something that is of such importance and really goes to someone's right to privacy and the flow-on effects from a breach of that right, in our view, should be in primary legislation. As you said, the purpose in the legislation for which the footage is captured should be the sole purpose for which it is used and any other purpose, in our submission, should be limited.

Mr LISTER: Thanks, Ms Brodnik. Thanks, Chair.

CHAIR: Are there any further questions?

Mr LISTER: Actually I do have one more, if you do not mind, Chair.

CHAIR: Yes, certainly.

Mr HART: He is filling in today, so we are sharing questions.

Mr LISTER: Yes, so forgive me. I am not quite across this legislation as my colleague the member for Lockyer might normally be; I am standing in for him. You have correctly said in your supplementary submission that the footage and any information that could be gleaned from that could be or is commercially valuable, particularly for fishing fleets. They do not want their competitors to know where they are or what they have been doing because that is like a secret recipe. Should there be some measure to prevent the use of any information obtained through nefarious means or by accident or through some act of corruption to penalise those who benefit from information so obtained? Does that make sense? Do you know what I am asking there?

CHAIR: Just before you answer, bear in mind you are certainly not reflecting on anything that the department may have commented on.

Mr LISTER: No, certainly not. I am just wanting to cover all bases.

Ms Brodnik: I was just going to say: in legislation we typically see information-sharing provisions, and those have parameters about the proper use of the information. That often carries with it a penalty provision or some other consequence for misusing or disclosing the information in a way that is not intended.

Mr LISTER: If you are an insider trader, for instance, and you have privileged information, not only those who might have given it to you can be liable but obviously those who have used it to their benefit improperly are subject to penalties. That is what I am asking there. Do you think there should be some specific reference to that and penalties for the misuse?

Ms Brodnik: I believe that would be generally covered under those information-sharing provisions, because it would be the department and authorised officers within the department or under the control of the department who would be able to access that information. There are, as I said, standard provisions which I think deal with the questions you are asking and so it is an obligation on you as a person who has that information to ensure you deal with it appropriately, as described by the legislation, and then there are consequences. It is usually by way of penalty provisions. Potentially there might also be disciplinary consequences in your role if you did misuse it in that way.

Mr LISTER: Thank you.

Mr HART: We were talking in a previous hearing about the possibility of these onboard-monitoring systems failing and what the consequences to the fishermen might be if it failed and they did not know it failed in that they were breaching their requirements and how that may impact their fishing licence or their ability to continue on the trip that they may be on, given that they could be hundreds of thousands of miles out to sea. Do you have any feedback on that?

Ms Brodnik: Usually—and I do not know if it is in the bill; I apologise—there ought to be a degree of reasonableness in the assessment of whether or not someone has breached the requirements. Usually in cases where there is inadvertence, particularly where there is a failure of video monitoring or recording stuff actually working, then that seems to suggest it might be a reasonable excuse or something similar which may not lead to the commercial fishing vessel owner being penalised.

CHAIR: Thank you very much, Ms Cook and Ms Brodnik, for coming along and appearing before us today.

Ms Brodnik: Thank you very much.

HOOPER, Mrs Kim, Executive Officer, Australian Prawn Farmers Association (via teleconference)

RUSCOE, Ms Jo-Anne, Chief Executive, Australian Barramundi Farmers Association (via videoconference)

CHAIR: Welcome. Thank you very much for joining us. I invite you to make a quick opening statement and then we will have some questions for you.

Ms Ruscoe: This is a joint statement from both the associations. We are both across different areas of the detail, so it would be good if Kim is also present for any questions. I will start with an opening statement from both of us. Thank you for the invitation and the opportunity for us to talk today. The proposed bill has a large number of amendments to a number of acts, and our interest in these amendments is going to focus on aquaculture and to some degree the biosecurity sections of the proposed bill.

As a quick overview, the total value of the Queensland aquaculture industry has increased by 16.1 per cent, with the value of production increasing from \$193.5 million in 2020-21 to a new record high of \$224.7 million in 2021-22. The 2022-23 production figures are pending from state government, but indications are that there has been another increase. The relative importance of aquaculture to Queensland's total fisheries production has increased from 55.3 per cent in 2020-21 to 64.2 per cent in 2021-22. The flow-on effect is regional jobs and infrastructure.

We strongly support the Queensland government's commitment to growing the aquaculture sector and streamlining regulatory requirements and we commend the department on working towards this outcome. It is vital that this occurs in a practical and sustainable way and that processes incorporate procedural fairness, reasonable time frames for assessment, reasonable cost structures and rights of review and appeal. We are concerned that the proposed changes do not support these integral processes or assist in the bill's aim of streamlining the process for amending aquaculture approvals through the creation of a separate approval for operation components to be processed by the Fisheries Act—specifically, the absence of detail on how the relevant act will link together, including the ability for the department to work with other relevant departments. An aquaculture permit may well be a simpler process to amend certain fisheries related conditions, but it would appear that in most cases changes to an aquaculture licence would trigger a minor or possibly a major amendment to the environment authority and risk separate processes being triggered.

It is unclear whether resource allocation authorities will continue to be issued by the department. A more responsive process is needed to address situations like an emerging biosecurity risk where the conditions attached to the DA for an aquaculture operation need to be amended, and the proposed amendments do not address this. Instead, it actually imposes a unilateral ability to impose regulatory conditions without procedural fairness. Finally, the proposed amendment is silent on the term of any new aquaculture authority, creating investor and owner uncertainty, with an EA or a DA that was short or (indistinct) duration would be detrimental to the industry and any future investment growth. That concludes my opening statement.

CHAIR: Did you want to make an opening statement, Kim? You have heard from Jo-Anne. Did you want to add anything to it?

Mrs Hooper: Not at this point, thank you. The opening statement was developed by both Jo and me, so she has covered off for us both.

CHAIR: From what we understand, those resource allocation authorities are being transitioned to aquaculture authorities. There are some questions of how that is being done. Would that be the gist of your submission? You may not be opposed to the specific aquaculture authority, but it is how it is being done and the impact of that; would that be correct?

Mrs Hooper: Yes, there are actually a couple of issues there. In relation to that resource allocation authority, clause 159 amends that under section 52 to insert the word 'generally', but the clause also omits subsection (4) saying it will no longer be issued, but then further on down (inaudible) whether the resource allocation authorities will continue to be issued by DAF or what is actually happening with that.

CHAIR: There is something in the bill that makes you think you are going to have both? It should be one or the other?

Mrs Hooper: Yes, that is correct.

CHAIR: We will need to talk to the department about not doubling up on that. Are you concerned that there is perhaps not enough detail in the explanatory notes or the bill itself about transition arrangements?

Mrs Hooper: Certainly there is a lack of information in both the explanatory notes and the bill regarding how the department is going to work with the different acts together, so both how the Coastal Protection and Management Act in Queensland waters and the Environmental Protection Act and the Marine Parks Act, how (inaudible). I guess you are right: it is unclear in that particular area. It is also unclear about where exactly that streamlining of the regulatory requirements is occurring, because the development application for a material change of use under the Planning Act will be assessed by virtue of the Environmental Protection Act but they are unlikely to have many instances where a change in a condition of aquaculture licence, which should be under Fishery, would not also trigger a minor or possibly a major amendment to the environmental authority, so it is unclear again about how that exactly will roll out and be complementary to then actually meet the objective of streamlining. (Inaudible) specific issues about the term of aquaculture authority which is a bit different to the emissions, as well as the biosecurity and the need for further training. I will let Jo talk about that a bit further.

Ms Ruscoe: If you would like me to continue on the biosecurity area, as I mentioned briefly in the statement, we do need a more responsive process. We agree that that is needed to address situations like an emerging biosecurity risk. Where the conditions attached to an authority for an aquaculture operation need to be amended and the proposed amendments do not address this, it actually imposes a unilateral ability to impose regulatory conditions without procedural fairness, so opening the door to amendments that can be made without a right of appeal or a process in place to be able to do that. Amendments, while they are aimed at being more responsive, cannot open the door to that arbitrary decision-making by regulators on business operations—what happens on the farm. We support the Law Society's submission where they inquired whether better information needs to be given to landowners about their rights and obligations, and that was part of the review of the Queensland Biosecurity Act 2014 recommendations rather than this imposition of a unilateral decision to be able to enter the land without that permission.

CHAIR: Besides the resource allocation authority or the aquaculture authority, do you need an environmentally relevant activity approval and a material change of use approval for what you do?

Mrs Hooper: It is quite unclear, I will be honest. It would make it more streamlined, obviously, bringing it under Fisheries in relation to that, but it does switch back to your more onerous assessment provision et cetera with State Development where it will also trigger a minor or a major, but it is not actually streamlining the regulatory requirement, if that makes sense.

CHAIR: Yes, I can understand that.

Mr HART: Have you seen the government's response to your submission?

Mrs Hooper: We have not.

Mr HART: We have published it on our webpage. I think there would be some value in you reading that and then coming back to us as to whether that response has allayed any of your fears. I cannot step through all of them at the moment. One of the things that DAF did not actually answer, from what I can see, is the worry about the 12-month authority. Can you explain to us why more than 12 months is important to both of your industries?

Mrs Hooper: Obviously, with any type of aquaculture development—I am not sure if anyone has had a chance to visit a farm, and we always have an invitation for anyone to come and have a look at our farm—they invest quite significantly in infrastructure as well as power et cetera. These are massive farms. Ponds are about a hectare each and you are talking easily 200 ponds, for example, on one. You need more investor and owner certainty around more than just that 12 months or it makes them very nervous about further investment or growth when we are talking millions and millions of dollars.

Mr HART: I am a businessperson so I fully understand that. I wanted to get that on the record. I have been to quite a few barramundi and prawn farms, so I can fully appreciate the infrastructure that is required. As far as financing for a bank, what sorts of time frames would you like to see those authorities last for?

Mrs Hooper: If I could take that on notice that would be great.

CHAIR: We will let you know when we should receive that.

Mr HART: On that subject, can you check with your members and see whether anybody has had an issue with their bank—a funding problem—because the authority they have is not suitable to the bank?

Mrs Hooper: We certainly will. Thank you so much.

Mr LISTER: Thank you very much for your presentation today. Regarding entry powers and the alterations that are proposed under this bill, is it fair to say that you support those on the assumption that the department has the necessary resources to respond fast enough in the event of a biosecurity event of some sort?

Ms Ruscoe: We are very supportive of a process that supports a good biosecurity response. The ability to engage the farmer who knows their operation and have them onsite actually streamlines and supports that process being a good one and getting to the end point, which is a good response that makes sense and is cost effective. Kim, you have more experience in this area.

Mrs Hooper: Yes, unfortunately. Obviously we are all for biosecurity measures. We have invested quite heavily in a lot of biosecurity measures and have very good relationship building with biosecurity officers, particularly in Queensland. We have worked very hard to do that. Some of these clauses actually impose a unilateral ability to impose regulatory provisions without that procedural fairness. As Jo mentioned, these farmers have good scientific backgrounds, they know their farm inside out, they know where their intake waters are, they know where those risks are, and they will be very beneficial in any biosecurity response. It is extremely important that there is a relationship there and there is not some regulatory component that actually penalises that farmer or makes them feel they are being penalised by officers coming on-farm perhaps without that proper education and communication about what exactly is happening. Some of these clauses, as Jo mentioned, open the door to that arbitrary decision-making which would get business operators very much offside.

CHAIR: The biosecurity status of your facilities is of paramount importance to you and you probably have very tight restrictions that you have imposed yourself on what comes in and what goes out and that is outside of the government requirements; would that be correct?

Mrs Hooper: Yes, very much, yes.

Ms Ruscoe: Absolutely. Both our sectors, all our members, are heavily investing. Collectively we invest in biosecurity preparedness and making sure the farms have at least minimum standards in place, have appropriate training and are ready for a response.

CHAIR: One thing we have noted when we have gone out is that what you impose on yourselves is quite restrictive and quite comprehensive.

Mrs Hooper: Yes, due to a matter of need, to be honest.

CHAIR: We can well understand. Thank you for your time. We have a question on notice. Can we get that response by Friday, 23 February? That was on the time frames for authorities.

Mrs Hooper: Yes, and also about if there have been any bank issues in relation to that short time frame.

CHAIR: Especially when it comes to financial requirements from your banking partners.

Mr HART: And if you could read the government response and come back to us with whether that solves any of your issues or not.

Ms Ruscoe: We certainly will. Thank you.

GATT, Mr Steven, Executive Manager, Regulatory Services, Fraser Coast Regional Council

JACOBS, Mrs Shanagh, Manager, Customer Response, Sunshine Coast Council

KROME, Ms Sheryl, Manager, Customer Response, City of Moreton Bay

MANSFIELD, Mr Shane, Local Laws Manager, City of Moreton Bay

CHAIR: Before we start, we have more declarations. The member for Burleigh has a declaration regarding aquaculture.

Mr HART: Former investor in aquaculture.

CHAIR: In terms of the Moreton Bay regional council, I know all of the councillors. Member for Bundaberg, you know the councillors from Fraser Coast as well?

Mr SMITH: Yes, and the mayor.

CHAIR: Thank you very much. I invite you to make a brief opening statement. Then we will ask other people to make statements. Then we will have some questions.

Mrs Jacobs: Good afternoon. The Sunshine Coast Council is committed to ensuring the safety of the community in relation to the management of dogs. We really welcome the opportunity to talk about the proposed changes to the animal management act. The act, providing a statutory control for dogs being managed in public places, is really welcomed and supported by the Sunshine Coast. We have a comprehensive animal management program, utilising a combination of enforcement and education. We have officers who patrol our open space network seven days per week and issue infringements to people who are not managing their dogs. Our officers issue about 700 infringements per year. This is complemented by an education program partnering with community groups, schools and kindergartens. The current enforcement and education program that we have has resulted in a reduction in dog attacks across the Sunshine Coast over the past three years, while dog ownership has actually continued to increase.

While we are really supportive of the laws relating to the effective management of dogs being captured in the state act, the proposed penalty amount presents significant challenges to the local government with regard to managing officer safety. Council officers are subject to consistent psychological abuse and threats of physical violence. Officers work in pairs, utilise body worn cameras and at times patrol alongside Queensland Police Service officers to manage the current risk. We hold significant concern that the risk to officers will increase with the significant increase in on-the-ground penalty.

Currently, many of the councils in Queensland utilise the model local laws to regulate effective management of dogs in public places where there has not been a safety incident or attack. The current penalty amount is 20 penalty units in most cases, carrying an on-the-spot fine of \$309. The proposed changes impose a penalty for the same offence of 50 penalty units, which translates to an on-the-spot fine of \$774. While the penalty unit amount reflects a strong commitment to public safety, the practical implementation of this deterrent is likely to be inhibited as it may be unsafe for officers to apply the infringement in the field.

Council respectfully requests that the penalty amount be reconsidered to align with the model local laws penalty amount of 20 penalty units, ensuring the alignment with penalties for other simple offences. For example, failing to stop at a red traffic light attracts a \$619 fine and, similarly, failing to stop on a children's crossing or other pedestrian crossing is \$464. Should the state government wish to retain the maximum penalty of 50 units for cases where prosecution is appropriate, there are opportunities in amending the SPER legislation to allow councils to continue to utilise the lower penalty amount for on-the-spot fines for this offence.

Sunshine Coast Council shares the state's strong stance in relation to responsible dog management and keeping our communities safe. Creating a culture where all members of our communities manage their dogs safely requires consistent community connection, engagement, education and enforcement by our officers on the ground. It is essential that our enforcement tools make it safe for them to do this work.

Ms Krome: Thank you for the opportunity for the City of Moreton Bay council to attend the public hearing today and to speak to the council's submission on the Agriculture and Fisheries and Other Legislation Amendment Bill. We appreciated the opportunity to provide feedback through the submission to the 'Strong Dog Laws: Safer Communities' discussion paper in August 2023 and also through the submission in relation to the bill in December 2023.

Whilst the bill proposes amendments to various state legislation, the City of Moreton Bay's submission is only in respect of the proposed amendments to the Animal Management (Cats and Dogs) Act 2008 to which I will refer later as the act. Our mayor, Peter Flannery, of the City of Moreton, is a member of the taskforce and is pleased that the state has progressed proposed amendments to the act following consideration of submission of its 'Strong Dog Laws: Safer Communities' discussion paper raised in June 2023.

The representatives of the City of Moreton Bay today are also members of the technical group—myself and Shane Mansfield. In council's submission to the state's 'Strong Dog Laws: Safer Communities' discussion paper it was highlighted that the state government's taskforce had developed further policy positions to be considered by the state. With regard to the banning of certain breeds of dogs, the bill proposal is supported to ensure consistency across the state. The City of Moreton Bay has prohibited the registration of such breeds under its local law since 2011. Council submits, however, that the bill needs to confirm how such breeds can be identified, place the onus on a dog owner to prove their dog is not such a breed, and not conflict with current schedule 1 of the act in terms of keeping conditions.

Mr Mansfield: Another primary position in the draft bill is the new statewide requirement for effective control. There are two elements: one with respect to effective control of regulated dogs; and one with respect to effective control for dogs that are not regulated. Firstly, throughout our submission we have a primary theme of clarification and opportunity. This is an opportunity for the conditioning of effective control of a deemed and approved declared regulated dog to be more stringent. With some of the criteria within the act we have the opportunity to achieve. For the effective control of animals other than a regulated dog, we believe it needs to be made clear that, whilst the reference is to 'a dog', sometimes this can be construed to be limiting and there should be a minor amendment to refer to 'any or all dogs'. As an example, the City of Moreton Bay recently amended its animal management local law. It was gazetted last year after two years of public consultation. The City of Moreton Bay allows a reasonable dog owner to have two dogs in a dog off-leash area and, in areas other than a dog off-leash area, whilst under effective control an animal owner/keeper can have up to four dogs. We respectfully submit that it requires some clarification in that respect and amendment in this law.

Flexibility in enforcement powers also needs to be introduced. As explained already by a local government representative who has spoken, the formal direction power is an essential tool of investigation officers and also rangers. I also add at this point that the City of Moreton Bay allocates a dedicated professional team of investigation officers to every dog attack.

Ms Krome: On the topic of higher penalties for dog attacks including imprisonment for dog attack offences, the City of Moreton Bay supports the new offences, their categories and their subcategories; however, the future legislation needs to clarify how 'cause fear' is managed as an offence. 'Cause fear' is a criteria in the current section 89 for declaring a dog. There need to be defined penalty infringement powers for the offences by a SPER amendment. The bill does not confirm what offences are for state or local government authorised officers. The discussion paper in 2023 contemplated that serious dog attacks would be investigated by the state. In terms of the amendment to the definition of 'seriously attack', the City of Moreton Bay supports this amendment.

Mr Mansfield: With respect to destruction orders, the principle is supported in principle; however, we believe that mandatory requirements for destruction orders need to be reconsidered with respect to where it involves animals. Perhaps it should come back to the taskforce and the technical working group for further discussion and dialogue.

Ms Krome: Additionally, council hopes to see a new bill being introduced in 2024 which also captures those further matters suggested by the taskforce as amendments required to the act: amend section 89 of the act to incorporate the scaling of declarations and destruction of dogs to align to the severity of the bite, the Dunbar bite assessment, and immediate destruction and no appeal for higher scale bites; and repeal section 90, the proposal to regulate a dog menacing or dangerous. Both initiatives will reduce QCAT appeals. The council representatives would welcome any questions to their submission from the committee and we thank you for this opportunity.

CHAIR: Thank you very much. Steve, would you like to make some comments?

Mr Gatt: Yes. Thank you, Mr Chair, and good morning, committee. We have had an ongoing and a growing program for animal management within the Fraser Coast region. We have had a large increase—influx—in our community members and as such our animal population has also grown significantly. As a result, we have a maturing process and policy surrounding the framework on how we manage animals, so we have a very deep interest and we are following this legislative process

with great interest and care. As we move forward, our submissions have included and focused heavily on supporting education as a major tool and reminder to community members as to how to manage and treat other community members when governing and utilising their animals in the public. We will be looking at how we undertake and legislate through our local laws our dog off-leash areas and our public prohibited areas as well.

We do not propose to support a change in relation to breed. We feel that the restrictions in place are adequate and are very costly and very difficult to determine in relation to putting a ban on breeds of animals. We support the introduction of legislative provisions in relation to animals being under effective control. We do need further clarification around what it actually means, and one of the local governments has already mentioned where we need to go in that space. We are very supportive of higher penalties, however, in relation to actual attacks and we are looking forward to having a swifter resolution of matters that are brought before QCAT, so we are looking at faster arbitration when we make a determination in relation to a regulation. To make that swifter, we are looking for the removal of the proposed declaration process as well.

A further submission that we have made is that the conditions also be amended for the conditions of a regulated dog to include mandatory registration in that space where we see there is a lapse within the management of keeping of a regulated dog, and that is one of the challenges that we have. Overall, the dog-owning population do the right thing. We have 22½ thousand registered animals in the region and we have 34 registered regulated animals, so we have a very low number. For animals that are generally the subject of an attack, the owners act swiftly and responsibly. We have a very small percentage that we have to take through the process. However, that small percentage cost us dearly. They cost our officers psychologically, they cost the victim psychologically and they engender a culture within the community that is not complementary to the message that we are putting out, so it completely contradicts our message of responsible dog ownership. We feel that if we have some swifter outcomes at the end of the day we are going to be able to drive our message and push forward with stronger community culture. Thank you.

CHAIR: Thank you very much, Steve. Sheryl and Shane, it would be interesting to hear a bit more about why repealing section 90 is going to help reduce those time frames after those dog attack incidents. Could you flesh that out a bit more? What has been your experience or what made you put this forward?

Mr Mansfield: Certainly. Local government investigation officers are in that extremely difficult situation. They have an affected person, either directly from an incident through their children or through their own pets. They also have a dog owner. There are competing priorities, but both want quick outcomes. The end result is: whilst there is an appeal process for the proposed declaration, once you go to the declaration there is already another review process and also then you go to QCAT. Put simply, you take one step out of the equation. You do not negate people's appeal rights or rights of review in any respect. As we said earlier—and you have heard it from all of the local governments here to date—local government are equipped with professional investigators who are fully trained to investigate these incidents. Decisions are not made lightly. We should take a key piece out of the process to swiftly move forward.

In conjunction with this, we are also looking at and advocating the Dunbar bite scale in terms of section 89. Collectively, both of those assessments, through the amendment of section 89 and the removal of section 90, mean you will have more qualified and stringent decisions being made and also a step out of the process. Therefore you are less likely, we believe, to have the number of QCAT appeals that you have because you have greater rigour in your state legislation. Did I answer your question?

CHAIR: Yes, certainly, and we will be looking a bit more at sections 89 and 90 in the light of what you have said. Breed identification is an issue that we have talked about today. We recognise that it is never easy but, at the same time, it is a crucial tool in what you do. Can you talk us through some of the experiences you have had with that and what are the tools that you have used?

Mr Mansfield: Certainly. The City of Moreton Bay has been very fortunate in that in 2011 it prohibited restricted breeds from being registered dogs within the City of Moreton Bay. I have been with the city for just on three years and in that time frame we have had one restricted dog on our records. That was voluntarily identified by the animal owner because they were a responsible animal owner. That animal passed away late last year due to old age. Our experience is very short in terms of that. However, we have not had any issues where we have needed to identify the restricted breeds. Our policy position is looking for consistency across the state in that respect. Did I answer your question?

CHAIR: I think so. In terms of identification, you have not needed to do DNA; you use a simple 22-point tool to identify these dogs. Obviously there have been some other incidents and you may be proactively going to places. Have you identified any other potential ones in the course of your work?

Mr Mansfield: To my knowledge, no. It all comes back to the fact that our submission is supporting the amendment. However, we need clarity in terms of how the state, in terms of this amendment, is going to have the identification system. Our recommendation is to turn the onus onto the dog owner. Like with all legislation and all processes in terms of enforcement and compliance, if there is a doubt you simply do not proceed. There is always the element of doubt. You do not proceed and you deem it to be whatever the other breed is.

Ms Krome: It has been interesting today listening to all of the previous speakers, particularly the AVA, in relation to the breed types. My historical experience in this role is that you can have a dog that looks like a pit bull but, as they said today, it is very difficult. You cannot get any DNA to prove that it is a purebred, so it makes it really awkward in that case because you can see a lot of dogs and they do look like them.

CHAIR: I would just note that in the departmental response, which has been published, they have said that they want to consider developing guidelines for that, and that is probably a recommendation that I think we can encourage the department to do to address that issue.

Mr HART: Shane, I am a bit more easily confused than the chair, obviously. I got the impression you wanted to stop appeals in QCAT but then you mentioned going to QCAT as well. You have a review process. After you make a declaration, you have a review process. That is basically an appeal. Do we still need to go to QCAT?

Mr Mansfield: In terms of the current process, there is a proposal stage and effectively a declaration stage. Effectively, the dog owner has three bites at the cherry, to put it in simplistic terms: they can appeal and review the proposal; they can review the formal declaration; and they can still take the matter to QCAT for their third right of review appeal.

Mr HART: I have a whole lot of questions, so if we can keep our answers really short that would be great.

Mr Mansfield: Sure.

Mr HART: Someone mentioned model laws. Are all councils using a set of model laws—that is, the same sort of thing—or does everybody have different laws they have constructed themselves?

Mr Mansfield: I cannot speak for all councils. My experience is that every local government is slightly unique and there are slight variations in most local laws.

Mr Gatt: We have just gone through a two-year process to amend our local laws. It goes through a lengthy community engagement process, so each community has their own value and cultural base in which they look to amend local laws to suit the circumstances of the case.

Mr HART: Do we need separate laws, though, or would it be easier if we just had one set of laws that all councils used so everybody understood that, no matter where in the state they were, they have these conditions to apply?

Ms Krome: Back in 2011 they brought out a set and most councils adopted the model that was put down. However, I think the advantage of having local laws for every different local government authority is about meeting those community needs, because communities within communities can be very different. We would only have to look across the state of Queensland to see that they are very different, so the local laws give the political representatives the opportunity to select the laws that most suit their community. Moreton Bay has just been through a huge review of all of their local laws—it took us three years—and that had not been done since 2011.

Mr HART: Do any of your councils offer dog training courses that people can do? Just a 'yes' or 'no' answer will do.

Mr Mansfield: No.

Ms Krome: No.

Mrs Jacobs: Sunshine Coast Council do offer a variety of education programs, so it does vary from year to year.

Mr HART: Thank you. On the QCAT process, in particular City of Moreton Bay, have you got a process in place to notify the victim of a dog attack that something is going to QCAT?

Ms Krome: Obviously we have a group of investigators that are separate to rangers that go out. The expectation is that when something happens with an attack you treat both parties—you have your complainant and you have the victim, so we need to make sure that we keep that conversation happening.

Mr HART: Just to clarify, you have an expectation but do you have any hard and fast rules around that?

Ms Krome: We have a standard operating procedure.

Mr Mansfield: Yes. Certainly we have a standard operating procedure and everything is communicated within the realms of privacy as well—what you can and cannot say.

Mr HART: Do the other two councils have something similar?

Mr Gatt: We certainly do.

Mrs Jacobs: Yes.

Mr HART: Are you able to give us—and I do not expect this answer today—how much your QCAT appeals are costing you and how many QCAT appeals you have versus the number of dogs you have registered so we can get a bit of an idea as to how much of a problem this is and how long, if possible, it is taking for the results to come out of QCAT? I have an issue with QCAT and I want to try and find out what is going on there if I can, so can you take that on notice? I assume you cannot—

CHAIR: We will clarify that later, but it is how many, how much it has cost, how long.

Mr HART: I assume you do not have answers to that.

Ms Krome: The cost is extensive because obviously the animals quite often stay in the pound while that is waiting.

Mr HART: What about access to people's properties with regard to going onto them? Do you have any issues with that when you are notified of a dog that is maybe causing someone some grief or scaring them or whatever? How is your access?

Mr Gatt: Our powers of entry are clearly defined under the acts. If it is worrying someone, we certainly do not have the authority to walk onto the property. If there is evidence of an attack, that there is a risk to public safety, the officers will definitely act as appropriate. If that means entering a property under the act and regulations and seizing an animal then that is what they will do.

Mr HART: That is the rule, so I assume it applies to everyone.

Mr Gatt: Yes.

Mr Mansfield: I will add for your information without talking too long: the City of Moreton Bay has a 24-hour, seven-day response to any dog attack.

CHAIR: I know that. I better declare that my brother-in-law—I have just remembered—works for your unit. I have just remembered that as you said that because I know when he is on call.

Mr HART: We are very cognisant of conflict of interest.

CHAIR: Yes, so I want to declare that I just remembered.

Mrs Jacobs: In relation to entering a property, one of the areas that Sunshine Coast Council has highlighted in our submission is entry where a regulated dog is not being kept in accordance with conditions. Where there is not evidence of an immediate risk but we know the dog is not being kept safely, there are limitations in what the act can achieve at the moment. We have recommended reviewing those allowances in the interests of community safety.

Mr HART: How do your officers go with on-the-spot fines if someone is not carrying any form of identification? I am from Palm Beach on the Gold Coast. People walking on the beach do not necessarily carry any form of identification. How do you go with that?

Ms Krome: The officers who do patrols on the beach have a body worn camera. If someone refuses to give their information when asked, the officers explain there is a requirement. Quite often we would engage with QPS. QPS attend and assist with getting that information.

Mrs Jacobs: Our teams also carry small microchip scanners with them. If the owner does not have ID, 98 per cent of dogs are microchipped so the dog is.

Mr HART: Good point.

Mr SMITH: Sheryl and Shane, you mentioned looking to implement the Dunbar scale; is that correct?

Mr Mansfield: That is correct, yes.

Mr SMITH: Could you talk to the decision-making to come to the decision of the Dunbar scale and what reading and research the council engaged in to ultimately come to this determination?

Mr Mansfield: As discussed, there is a taskforce and there is a technical working group associated with that taskforce. The technical working group started in approximately August 2022 and our last meeting was approximately April 2023. There are preworking groups and subgroups, councils right across Queensland from Cape York right down to the border, right out to the west of Queensland—great representation—under the coordination of the Department of Environment and Science. That was research by one particular working group and that has been submitted to the state department. Hence, our submission is that we believe that there should be a stage 2 amendment this year, or as soon as possible, taking into consideration the work of the technical working group via the taskforce. It is a collaborative effort. I cannot claim that idea to be solely the City of Moreton Bay, but we are supporting that.

Mr SMITH: I will ask the other two councils the same question, looking at the Dunbar model?

Mr Gatt: It is not a consideration we have at this point in time. We have heard of it and we are aware of it, but we treat each attack and our decision-making based on each matter before us.

Mrs Jacobs: Sunshine Coast Council is in a similar position. We have developed a framework and essentially what is an assessment matrix to help our officers make consistent decisions. We have not explored using the Dunbar bite scale.

Mr SMITH: I appreciate that and that matter of consistency because, ultimately, even with the Dunbar bite scale implemented, it can still be overturned at QCAT. There is no silver bullet here, is there?

Ms Krome: No.

Mr SMITH: I might ask some questions on notice. I have them here. This slightly touches on the member for Burleigh's question. Can I get from each of the councils over the last 18 months, which gives us a full financial year and the first half of this year, how many destruction notices have been issued and how many destruction notices have been reviewed through QCAT? You might be able to answer that along with the member for Burleigh's question. If council takes identification of each breed, could we please have the tally of each breed in correlation with the attack?

CHAIR: Related to any attack—

Mr SMITH: For instance, if an attack happened on 5 January, it was a Chihuahua, there have been three Chihuahua bites and so forth.

Mr HART: If you can identify the breed.

CHAIR: That is focused on those destruction orders and the member for Burleigh's questions were focused on QCAT cases. We will send those through to you very soon, specifying what we need.

Mr LISTER: The bill proposes amendments to the Biosecurity Act as well which would expand the power of council to declare its own locally invasive pest species which can be in addition to those declared statewide. That would enable you to use the Biosecurity Act in order to go on to properties and treat pests and so forth. Presumably, your councils will send a bill to a property owner if you have to do that in the same way as if you have to go in and mow their grass for them. Am I right in saying that?

Mr Mansfield: The City of Moreton Bay has not made a specific submission on that component.

Mrs Jacobs: That is correct. If an owner is responsible for the pest in question or the biosecurity risk and does not cooperate with council's compliance notices or requests, then if council undertakes that work it is done at the property owner's expense. Obviously in cases where that biosecurity risk cannot be attributed to the property owner, such as a wild dog or that type of matter, and they are cooperating with council, that is done at council's expense.

Mr LISTER: If it happens to be Crown land where that invasive species is—and I do not know what it is like in your neck of the woods, but I have boxthorn, blackberry, wild dogs and pigs and harrisia cactus et cetera—if it is a state forest or a national park or something like that in your patch and you have to go in and do something about it, are you going to send the bill to the state government?

CHAIR: Thank you very much, member for Southern Downs—

Mr LISTER: It would be even more amusing if we had an answer, Mr Chair.

CHAIR: I have heard you talk about this before. We will take that as more of a comment.

Mr HART: No, no. We should get an answer.

Mrs Jacobs: Council do have a number of partnerships. As we can appreciate, animals such as wild dogs have quite a big travel pattern, so we do have a number of partnerships in localised areas. However, if there is a contained risk within property owned by another local government, we alert that government and work to make it their responsibility to manage that risk.

Mr BROWN: With regard to the Sunshine Coast submission, are there any other on-the-spot fines that are 50 penalty units that you give out in other areas?

Mrs Jacobs: The on-the-spot fines that are 50 penalty units are generally related to areas where we have given someone another notice or alert that they are undertaking an illegal activity. You can get a 50-penalty-unit on-the-spot fine for things like not complying with a compliance notice. That is where we have gone in and identified that you are doing something unlawful and we give you time to rectify that through a formal notification. If you fail to adhere to that, you then get that fine. That interaction is quite different.

Conversely, when we are out patrolling our open spaces, obviously primarily our coastal areas because they are so popular, that interaction is an assessment made at the time. The challenge with identifying effective management is that the officer must be on the ground. We must identify the person who is responsible for the offence at the time, because it may not necessarily be the dog owner. We must identify the dog in question in case the matter gets challenged in court and be there to collect the evidence. That conversation then occurs, as mentioned earlier, to obtain an identification.

At the moment, notifying them of the fine around the \$300 mark is obviously challenging. Sunshine Coast Council really supports that that is a reasonable representation of the risk associated with someone having their dog off-leash in an area where it should be properly controlled, because we appreciate the impact—and sometimes it is an unseen impact—that can have on the broader community. The anger or frustration demonstrated by our community is because they already feel like that fine is at the maximum limit for what is reasonable. If we were to more than double that infringement, that interaction will change significantly, particularly when we take into account the cost of living and the people we are engaging with.

As I said in my submission, having the opportunity to have a higher penalty should you need to prosecute—while it is unusual, we do have times when people consistently refuse to contain their dog when they are out in public—is very reasonable. We also think there are some really clear options in the proposal about cases where the dog being off-leash creating other safety issues can be addressed by the other penalties. Where we are talking about someone with their dog off-leash not creating any other nuisance, menacing or dangerous behaviour, we just recommend that that penalty be retained at the model local law level.

Mr BROWN: How many do you normally get a year?

Mrs Jacobs: About 700 at the moment. We expect it to be slightly higher this year just from our increase in patrols, not from an increase in unlawful behaviour, just to be clear

Mr BROWN: Is it normally just on the beach?

Mrs Jacobs: We try to cover our entire open space network but, as you can appreciate, Sunshine Coast Council has a pretty big footprint. We generally go to those regularly visited areas, which are along the coastal strip. Then we have a few open space parks that are frequent flyers. The community certainly report to us when they see activity in their community that they are not supportive of.

Mr HART: For those of you on the taskforce, are the clauses that are in this bill generally what was discussed by the taskforce? Were there any surprises you did not see coming?

Ms Krome: There were different areas of the taskforce. I will let Shane speak to that because he was in the overarching taskforce. I was in one of the other ones. The ideas were fed up to that one to discuss.

Mr Mansfield: In relation to the taskforce working groups, as I alluded to before, between August 2022 and April 2023 a significant body of work had been done by a large number of local governments across the state of Queensland. There is a large list of opportunities—without listing them all, I would have to take that on notice. Certainly, three major subgroups have a great number of policy positions to promote, all with the advancement of improving customer service, improving the

system and, more importantly, with that net objective of reducing matters going to QCAT at the end of the day, the cumulative effect of a lot of ideas. Does that answer your question without going through the list?

Mr HART: Not quite.

Mr Mansfield: I would have to take that on notice.

Mr HART: I do not want a list. I understand that you think there is probably another tranche of legislation coming. I am more interested in what is in this bill and whether there were any surprises to the taskforce that you did not see coming.

Mr Mansfield: In terms of the general theme of the review of the act, I do not think there was any significant surprise. Some of the detail—

Mr HART: Was banning of pit bulls something that was—

Mr Mansfield: I can safely say the City of Moreton Bay has a policy position very much advocated by our mayor for the prohibition of those restricted breeds right across the state. I can safely say that.

CHAIR: There being no further questions, I thank you very much for your time today with us. We will email the questions on notice regarding QCAT, the quantity of what is going through there plus the destruction notices. Could we have those answers back by Friday, 23 February.

BURRIDGE, Ms Michelle, Animal Management Program Leader, Logan City Council

NEVINS, Ms Felicia, Senior Policy Officer, City of Gold Coast

SHAFTO, Mrs Emily, City Safety and Livability Manager, Logan City Council

SMITH, Mr Mykel, Manager, Licences and Permits, City of Gold Coast

SMITH, Mr Rob, Manager, Local Laws and Environmental Health, Noosa Shire Council

CHAIR: Good afternoon. Thank you for appearing today. We have your submissions. If you could start with an opening statement, then we will have some questions for you.

Ms Nevins: Thank you, Chair, for the opportunity to address you today on a matter of paramount importance to the City of Gold Coast. We appreciate the opportunity to address you today and to speak to our written submissions on the proposed amendments to the Animal Management (Cats and Dogs) Act 2008 as outlined in the AFOLA Bill 2023. We appreciate the commitment to strengthening Queensland's dog control laws, ensuring community safety and fostering responsible pet ownership.

The city welcomes the proposal for statewide requirements for effective dog control in public places. We understand that it is intended, should the legislation pass, to amend the State Penalties Enforcement Regulation to enable issuing of a penalty infringement notice for a breach of the proposed provision at section 193. We propose alignment with the four penalty units applying to an offence for breach of effective control under section 25(1) of the City of Gold Coast Local Law No. 12 if necessary. Furthermore, we recommend a robust public education campaign to enhance community understanding, data collection mechanisms to evaluate the campaign's effectiveness and guidance from the chief executive of DAF for operational compliance.

The city also supports the review of penalties but recommends amendments to the bill be made to remove from the regulation restrictions on keeping regulated dogs in enclosures part of residential buildings. We propose adopting the enclosure requirements outlined in the Victorian Domestic Animals Act 1994 as a model provision for amending permit conditions, highlighting the need to address housing challenges faced by residents with regulated dogs.

We also request the committee's consideration of the complex legal issues surrounding the prosecution of minor offenders under the new offences. Clarity on the prosecution process for offences such as encouraging a dog to attack is essential. Acknowledging local government limitations, we propose the allocation of additional resources and a review of the powers granted to authorised officers to enable issuing of penalty infringement notices related to dog attack offences. The city also recommends expanding the meaning of 'vehicle registry information' to include boat and interstate vehicle register information and enhancing the capabilities of authorised persons to use the information investigating all offences under the act and local government animal management laws.

Recognising the challenges of enforcing very specific legislation, the city suggests supporting the proposed legislation with initiatives to improve standardised dog attack incident data collection, including breed information. This would aid in evaluating the effectiveness of such legislation and inform operational compliance and enforcement strategies. Acknowledging the importance of streamlining merits review processes, the city proposes the adoption of statewide investigation standards and the implementation of electronic investigation management systems to establish a consistent framework for recording, collating and managing investigations, thereby promoting best practices and legislative compliance. The ultimate goal is to foster transparent and well-documented outcomes in the investigation of dog attacks and other offences under the Animal Management (Cats and Dogs) Act.

Additionally, we suggest amending the act to expressly provide for the recovery of local government expenses related to caring for a seized dog in cases where QCAT review under section 188 of the act confirms the initial decision to euthanase the dog, potentially discouraging frivolous review applications and unnecessary delays in proceedings. In conclusion, the City of Gold Coast is committed to contributing to the enhancement of Queensland's dog laws. We appreciate the timely consideration of our recommendations and thank you for your attention.

Ms Burridge: Good afternoon, Chair, Deputy Chair and committee members. Firstly, thank you for inviting Logan City Council to participate in this hearing. Logan City Council has actively advocated for reform in relation to the management of dangerous dogs for many years. We have been active participants on the government's Animal Management Taskforce and its technical

working group since the taskforce was announced in 2021. The spate of high-profile dog attacks in South-East Queensland, one which tragically included a fatality in Logan, really creates significant impacts on our community but also on council's frontline staff, those who are required to investigate these events. We fully support the urgent need to improve public safety on the issue of dogs and ultimately how councils can effectively respond.

We have carefully reviewed the proposed reforms outlined in the bill and, while we support the intent of those amendments, we maintain that they must be the first of many reforms made to this piece of legislation. In reviewing our submission you will see that Logan City Council has strong views on the range of proposed reforms. However, there remains a number of topics discussed and agreed upon by the technical working group that remain silent. Council welcomes Minister Furner's previous public comments indicating that this reform does not conclude the continued intention to address the need for ongoing amendments to be made to the act. This acknowledgement signals a positive relationship between the local and state governments and a commitment to ongoing collaboration, progression and improvements of the act.

In Logan we take public safety so seriously that in 2023 we implemented a new animal management plan to complement the upcoming legislative reform and changes within the act through tougher monitoring, compliance and enforcement outcomes. It is to this end that Logan City Council continues to offer support and welcomes any opportunities for collaboration to see legislative reforms successfully rolled out to ensure increased public safety outcomes.

Mr R Smith: Good afternoon. Thank you very much for the opportunity to address the committee this afternoon. Noosa is a small shire council in the northern end of the Sunshine Coast with a population of just under 60,000 people. We currently have in the region 11,000 dogs registered with us, of which 19 are regulated. That is a reasonably small, as you will understand, percentage of dogs that are registered; however, the issue of regulated dogs is smaller still. Nevertheless, our animal management officers do deal with aggressive situations and attacking dogs quite regularly.

Noosa council welcomes the opportunity to address the committee in relation to the bill. We carefully considered the proposals and believe that the amendments are a positive step in strengthening the regulation and control of dangerous dogs in Queensland. Our principal interest relates to the proposed amendments to the Animal Management (Cats and Dogs) Act rather than the other legislation mentioned in the bill and how these will be delivered in our own community and consistently across Queensland.

We have made a number of recommendations which I will briefly summarise. In terms of the department's intention to establish an internal investigation capacity that will be charged with managing the most serious of dog attacks, we would like to see that work in collaboration with all councils, who are already doing a lot of good work regulating dangerous dogs and have been doing so for many years. Noosa council welcomes the opportunity to partner with the Department of Agriculture and Fisheries on the proposed strategic information and education campaign supporting improved public safety and animal management outcomes. Noosa council supports the significant increase in penalty amounts to be imposed and the significant deterrent that this will bring and is a reflection that local government, state government and the community as a whole see the importance of dangerous and aggressive dogs and the threat they pose to society.

We reaffirm our position on the issue of maintaining consistent regulatory effectiveness across all animal management services and we continue to seek the department's commitment in providing and funding appropriate training to council animal management officers where this is required. We have approximately 11 local laws and animal management officers that deal with a whole range of issues under this legislation and also under the local law. They are very skilled in what they do. They all work through a process of formal training and ongoing competency. However, that relates to our operations. We are conscious that colleagues in other local governments have equally capable workforces, but we lack across the state a competency framework to enable the regulation of the act in a consistent and effective way. As such, we seek the department's commitment to providing, and funding where appropriate, training to council animal management officers where it is required, particularly noting the significant increase in the proposed fines and the introduction of terms of imprisonment.

Council have over a number of years developed and delivered some very effective education campaigns in an effort to improve responsible animal management and to prevent attacks and to protect the community from aggressive dogs more generally. We believe that the department should work with these councils, through LGAQ as appropriate or through the technical working groups, to capture this good work and integrate the most effective examples with contemporary resources from the industry to run a campaign on a state level to drive those improved outcomes.

Noosa council particularly welcomes the proposed streamlining of the appeals process through QCAT and the benefits this will bring in reducing the financial and administrative burden associated with managing appeals.

In terms of the proposed ban on keeping the breeds mentioned in the Commonwealth legislation, we acknowledge that these were based on the UK restriction of breeds which were considered to have been bred for fighting. Noosa council through its local law introduced this ban within its area in 2015. We are also conscious of the research, much of which has been mentioned this morning, into breed-specific bans, their effectiveness and the challenges associated with the identification of the proposed restricted breeds; however, we submit that the proposed ban will have limited effect, both due to the small numbers of dogs involved and the challenges which are experienced operationally by our officers.

To echo comments on the continuation of the technical working group, I was not directly involved from a local government perspective in that technical working group, but I understand from a different perspective that that was highly successful and brought to the table some excellent policy positions for consideration and moving forward. I understand that DAF has undertaken to continue those discussions and bring those to the fore for discussion in the considerations for future legislative reform. Thank you.

CHAIR: Thank you, everyone, for submitting today. One of the things I am hearing is that there is work still to be done. DAF has said in its submission, in relation to the adoption of statewide investigation standards, 'Let's develop statutory guidelines for issuing BINs and destruction of dangerous dogs,' which we will chase up. As to what the representative from the Logan council said about the guidelines on identifying breeds and looking at what has been done in Victoria and Tasmania, once again the department has said that it needs to do more work on that. There are indications that work will continue after the bill has been passed. There is a general sense that more work needs to be done from a technical working group point of view to assist all the councils in what they do. Have I got that right: that work needs to be continuous?

Mr M Smith: That is correct.

CHAIR: That is probably the only comment I have at this stage.

Mr HART: Have you seen the government's response to your submissions? It is on our webpage if you have not seen it.

Mr R Smith: We have just been provided with a copy of it this morning.

Mr HART: Have you had a chance to look at that?

Ms Burridge: Briefly.

Mr HART: Okay, I will not ask you any questions about it. If there is something in there that surprises you or you are not happy with, please let us know. Can you answer the question that I asked the other council about the QCAT costs? Tom, do you want yours answered as well?

Mr SMITH: Yes. I will word it a bit better.

Mr HART: We might get you to provide us with the same information, if you could.

CHAIR: It will be a question on notice.

Mr HART: Rob, you said that your council has done some good education programs. Are those programs publicly available and shared with other councils?

Mr R Smith: Yes, they are. Obviously, as public education campaigns go, they are publicly available. We continue to look at where the areas of most need are and utilise both social media and our internet site as well as personal interactions with the community and with stakeholders to provide those outcomes.

Mr HART: I do not see any reason to reinvent the wheel, so if there are great education programs somewhere then I am hoping the councils share that. With regard to a regulated dog, how do your councils share that information if somebody packs up and moves to another council?

Mr M Smith: I can respond in relation to the Gold Coast. We will contact the relevant region that they are going to and notify that section of where they are intending to move to and, if necessary, provide any information to assist them in managing that moving forward.

Mr HART: How do you know where they are going?

Mr M Smith: Just speaking to the owners. Most owners with regulated dogs are quite open to where they are going to be moving to. We find that the majority of those owners are quite responsible because they are consistently maintaining compliance—

Mr HART: They will let you know so they do not have to go through the whole process again somewhere else? Is that what you are saying?

Mr M Smith: That is correct. Ultimately, those dogs are also microchipped. If a new area were to come across them and they were not alerted to it at that new region, it could cause some concerns for the owner.

Mr HART: Is there no statewide register of regulated dogs?

Mr M Smith: There is also a regulated dog database that is statewide.

Mr HART: Who holds that?

Mr M Smith: The state does—the Queensland government.

Mr HART: Felicia, you mentioned something about regulated dog enclosures. Was that to do with units?

Ms Nevins: Yes.

Mr HART: Can you explain that to us?

Ms Nevins: Currently, regulation 10(1)(b)(ii) imposes a condition for keeping a regulated dog and the type of enclosure it is required to be kept in when at home. Effectively, it cannot form all or part of a building that is used for residential purposes, so that excludes people living in apartments or semidetached dwellings who cannot maintain a separate enclosure from keeping a regulated dog, including menacing dogs, which by definition have not been involved in a serious attack. That causes some distress sometimes for owners of menacing dogs or dangerous dogs because they have to move house, basically, in order to keep the dog to comply with conditions. Given the pressures on housing, especially in South-East Queensland, it is becoming an increasing area of risk, I believe—a risk of legal challenge to a declaration decision and also increasing risks that animals will be involuntarily surrendered.

Mr HART: And does Victoria have a better solution?

Ms Nevins: They have a very different provision in terms of the enclosure requirements. Menacing dogs are not required to be maintained in a separate enclosure.

Mr HART: I imagine that having a regulated dog in a unit complex comes with its own issues. Does the council manage that in any way?

Ms Nevins: It is currently illegal to keep a dog in an enclosure that is part of a residential dwelling, but there are probably some housing types where a proper enclosure could be maintained that would be effective but for the legislative prohibition.

Mr HART: I hate to mention the word ‘cage’ but I assume that is what we are talking about in a unit complex. Anyway, that is a moot point. Do not worry about that one. Do your councils provide any dog training to residents?

Mr M Smith: We have an education campaign that includes dog behaviourists being made available for sessions with the public.

Mr HART: I live on the Gold Coast and I have a cavoodle so I might have to come along to that.

Mr M Smith: We welcome you.

Ms Burridge: Logan City Council offers training for all adopted animals from their animal management centre which has been going on for some time. We also engage with other organisations such as Leave It which undertake training for dog owners with regard to wildlife aversion. There is discussion at the moment with other partners that this might be developed to be aversion to anything—so there will be effective recall, basically, of an animal. We are looking at that with Griffith University.

Mr R Smith: In Noosa council's education campaigns that relate to behavioural issues, we are partners with local qualified training providers to deliver those programs.

Mr HART: Would you like to see any form of dog manual or any mandatory training situations by breeders when they provide a dog?

Ms Burridge: I do not know that it would work in all scenarios. When we talk about breeders, we are not talking about your run-of-the-mill breeders who we depict to be members of Dogs Queensland. The majority of our breeders are not members of Dogs Queensland, so it would be very difficult for them to manage the way that any of the offspring born to them are raised. It would also depend on the home they are going to and the level of interest from the owner to undertake training.

Mr HART: What about the dog registration process? If you had to do some training in order to register your dog with the council, would that work?

Ms Burridge: I think in theory it is a really commendable idea. However, a lot of people do not register their dogs now and will avoid that at all costs. We are not talking about the compliant types who would be willing to undertake the right thing. Councils spend a lot of money trying to accrue registration for people who try to buck the system now.

Mr HART: You would have heard the questions I asked the other council and I am not going through those again because with some of them it is just the way it is. Is there any question that I asked that I should ask any of you?

Ms Burridge: Yes. I would have to suggest that the breed bans and restricted breeds was not mentioned at the technical working group level.

Mrs Shafto: I would also add that prohibition orders were strongly advocated for by several local governments, including Logan City Council, but this does not appear in the bill.

CHAIR: Is that prohibition orders on the dogs?

Mrs Shafto: Prohibition orders in relation to the ownership of dogs. Logan City Council experiences high levels of repeat offender style situations with dog attacks, where a person has acquired a dog which has attacked and then they may dispose of that dog and obtain another dog.

CHAIR: A prohibition order on humans?

Mrs Shafto: Yes. I cannot speak in any great legislative detail but similar to the Animal Care and Protection Act. It is aimed at preventing repeated situations of negligence which contribute to dog attacks. We would have liked to see that.

Mr HART: How many of those sorts of people would you have?

Mrs Shafto: We do not have the data, but anecdotally we do see those sorts of situations.

Mr HART: Would it be just a few?

Mrs Shafto: Reasonable numbers—enough to be concerning.

CHAIR: You only need a few.

Mrs Shafto: Logan City Council is currently in the process of a prosecution in relation to such an individual where there have been significant community impacts, and that is over a decade of repeating.

Mr HART: Do other councils have the same?

Mr M Smith: Yes, there is always a percentage of repeat offenders.

Mr BROWN: Do all three councils have different pricing for desexed and non-desexed animals? Can you tell me your yearly fees for those so I have an idea about your ability to do education programs and things like that?

Mr M Smith: An entire animal is approximately \$150 and it is a 50 per cent reduction on a desexed animal.

Ms Burridge: Currently, the act requires us to incentivise registration rates. For Logan City Council, it is about \$160 a year for an entire dog and about \$40 a year for a desexed dog.

Mr R Smith: In Noosa it is \$182 for an entire dog and \$46 for a desexed dog, so a significant saving.

Mr LISTER: What do you think of the Biosecurity Act amendments proposed in the bill in terms of granting councils the powers to locally declare a species invasive and be able to tack onto the Biosecurity Act for enforcement and so forth? Do you have anything you would like to say about that?

Mr M Smith: I am sorry, member, we were not involved in assessing any of those components around the Biosecurity Act.

Mrs Shafto: Similarly, Logan City Council is not in a position to comment at this stage.

Mr LISTER: Thanks, Chair.

Mr SMITH: I will put these questions on notice. First, how many destruction notices have been issued since 1 July 2022? Second, how many of the destruction notices have been subsequently appealed in QCAT, noting (a) the cost to council and (b) findings of matters closed? Third, if identifiable, can you provide a table of attacks by breeds recorded since 1 July 2022?

CHAIR: That will go to the other councils that have appeared before us and we would like answers by close of business on Friday next week. There is also the other one about QCAT numbers. Are there any further questions?

Ms Nevins: I have just had a quick read-through of DAF's response. Our request for expansion of the definition of vehicle information to include interstate vehicle information, particularly because City of Gold Coast borders New South Wales, it is a bit of an issue for us in particular. We would hope that the reforms could also consider maritime boat information.

Mr HART: What did it say in the response?

Ms Nevins: It said it will be considered as part of future amendments.

CHAIR: It said it is outside the scope of the bill. We will certainly be liaising with DAF about quite a number of the suggestions from the councils. Thank you very much. That concludes this hearing. Thank you to everyone who has appeared. Thank you to the secretariat and Hansard. A transcript of these proceedings will be available on the committee's webpage in due course. We would like responses to any questions on notice by the end of Friday, 23 February. I declare this public hearing closed.

The committee adjourned at 12.58 pm.