



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr MJ Hart MP
Mr RI Katter MP
Mr JE Madden MP
Mr JJ McDonald MP
Mr TJ Smith MP

Staff present:

Ms S Galbraith—Committee Secretary
Mr B Smith—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE ANIMAL CARE AND PROTECTION AMENDMENT BILL 2022

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 14 JUNE 2022

Brisbane

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The committee met at 9.32 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Animal Care and Protection Amendment Bill 2022. 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, present and emerging. 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 water we all share. With me today are: Jim McDonald, the member for Lockyer and deputy chair; Jim Madden, the member for Ipswich West; Michael Hart, the member for Burleigh; Tom Smith, the member for Bundaberg; and Robbie Katter, the member for Traeger, who will be joining us soon.

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 directions 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. Please turn your mobile phones off or to silent mode.

ALLPASS, Mr Michael, Livestock Policy Director, AgForce Queensland

GUERIN, Mr Michael, Chief Executive Officer, AgForce Queensland

HOARE, Mr Graeme, Chair, National Driver and Animal Welfare Committee, Livestock and Rural Transporters Association of Queensland

MUNRO, Mr Matthew, Executive Director, Australian Livestock and Rural Transporters Association

WILSON, Mr William, President, Cattle Board; and Director, AgForce Queensland Farmers Board, AgForce Queensland

CHAIR: I now welcome representatives from AgForce Queensland and the Australian Livestock and Rural Transporters Association. I invite you to make an opening statement after which we will have some questions.

Mr Guerin: Good morning, Chair, and thank you very much. Can I say at the outset that I am recovering from a minor cold—it was not COVID—and I am on the road to recovery. Can I introduce the two people who are with me from AgForce and their roles, which are important in a hearing like this. AgForce, as I know some of you have heard, is a voluntary membership based organisation where we bring expertise to areas of common interest on behalf of members. We bring those from two sources. Firstly, from the membership there are volunteers we call electeds, who give enormously of their time in areas and subjects they know a huge amount about. They work through the committee process informing submissions to things like this inquiry. Will Wilson is chair of our cattle board and sits on the main AgForce board. He has an enormous depth of knowledge in relation to this and helps us in the policy development space. Also in AgForce we have on the staff the expertise that takes all of that knowledge from the electeds and pulls it into policy and does the work on behalf of the electeds. In this case, Michael Allpass joins us. AgForce in general is supportive of the amendments to the proposed bill with the exception of four clauses which we touch on in our submission and I will mention very briefly in my opening statement.

Firstly, clause 5 proposes to prescribe a new aggravated offence provision for breach of duty of care to an animal which causes death, deformity, serious debility or prolonged suffering of the animal. AgForce seeks greater consultation to discuss exemptions in the event of extenuating, unpredictable circumstances such as fires and floods that are likely to cause death and prolonged suffering to livestock.

Secondly, clause 13 proposes to prohibit the transportation of an unsecured dog in the tray of a vehicle or a trailer attached to a vehicle except for dogs assisting in moving livestock and prohibits the transportation of a dog whose body other than its head is protruding from a moving vehicle. AgForce recommends adding to section 33(3)(b) that the purpose of transporting a dog is to assist in the movement of livestock 'or activities associated with the care, health and welfare of livestock'. AgForce does question whether the definition of the term vehicle also pertains to motorbikes and all-terrain vehicles such as side-by-sides.

Thirdly, clause 14 proposes to prohibit without a reasonable excuse the position and use of a pronged collar or other prescribed restraint device. AgForce recommends greater consultation to improve the way the proposed section has been drafted and will seek active industry consultation in the defining of prescribed restraint devices indicated in the clause.

Lastly, clause 16 proposes an amendment to exclude from the offence exemption acts that involve the use of a poison that includes the ingredients carbon, disulphide and phosphorous. AgForce seeks greater consultation on this with the general public, local governments, the APVMA pesticide regulator and industry before this amendment to the act is agreed to or implemented.

Mr Munro: Thank you very much for the opportunity to appear. Like Michael, we are both getting over colds. The cold was worse than COVID, but excuse me if we are coughing. I am Matthew Munro, executive director of the Australian Livestock and Rural Transporters Association. Graeme is representing the Livestock and Rural Transporters Association of Queensland. He is actually wearing a few hats. Graeme is also the chair of our national driver and animal welfare committee and he is the workplace health and safety compliance and inductions manager with Martins Stock Haulage, which is one of Queensland's largest commercial stock carriers.

The ALRTA is a federation of six state associations, including LRTAQ. Together we represent about 700 road transport businesses. Our associations welcome this inquiry into the Animal Care and Protection Amendment Bill. As the peak national association representing the interests of commercial livestock carriers, animal welfare is a key focus and concern of our associations and member businesses. We have lodged a submission to the committee which I am sure you are aware of. We generally support the changes proposed in the bill. We do, however, propose that the committee give consideration to additional amendments that would ensure Queensland law reflects contemporary Australian welfare and safety standards with respect to the equipment used to load and unload livestock before and after transport. We believe that our proposals are in line with the object of the legislation. If recommended by the committee for inclusion in this bill, all future arrangements would significantly improve animal welfare and the safety of persons handling livestock. I would like to talk about a couple of the proposals that are already in the bill which our members do support.

As the committee would be aware, the bill proposes amendments that would allow an inspector to give a written direction to a person to whom a compulsory code requirement applies such as a direction to remove protrusions from truck crates or containers that are used to transport livestock, and similarly provide inspectors with the power to give an animal welfare direction to a person for noncompliance with a compulsory code requirement. Again, that could be used for similar purposes as the first. We are generally supportive of those proposals. We believe that the intention of the *Australian standards and guidelines: land transport of livestock*, which I will refer to as the land transport standards, is that a person in charge of livestock would ordinarily include a person transporting livestock given that they do have actual physical custody and control of the animal. We feel that amendment would rectify any deficiency in the codification of the land transport standards into Queensland law.

Secondly, I will come to the ALRTA's additional proposal. The Animal Care and Protection Amendment Bill is the foundation legislation establishing the legal duty of persons in charge of animals as giving effect to the hierarchy of subordinate instruments such as the Animal Care and Protection Regulation and the compulsory codes made under the regulation. Of particular interest to our members are the codes of practice for the transport of livestock, depots and saleyards and the specific codes for cattle, sheep and pigs. While the codes are not the focus of this bill, there is of course a close relationship between the act, the regulation and those codes. I think this is demonstrated by the bill's proposal to enshrine a new power for inspectors to issue directions to persons in charge of animals for breaching compulsory code requirements, something we support.

Similarly, ALRTA is proposing that within the hierarchy of Queensland animal welfare legislation inspectors be empowered to give animal welfare directions to a person for failure to conform with the recently published Australian standard for livestock loading ramps and forcing pens

and that existing references to livestock loading ramps or forcing yards in compulsory codes be replaced by, or complemented with, a reference to that standard. Our proposal may require a change to both the act and the codes to be effective, and it is for that reason we put forward our proposal at this time.

Why are we proposing these measures? Road transport is a necessary part of the livestock production chain. Most livestock are moved several times between production and processing facilities. The process of loading and unloading can be a stressful time for animals and their handlers. It is a process that can also result in injury or death via slips, trips, falls, crushing, striking or laceration. One of the key factors is the equipment used, specifically the livestock loading and unloading ramp. These risks are already recognised in the compulsory codes of practice for the land transport of livestock at clause 11, which describes the suitability of livestock handling facilities, and clause 13, which deals with the alignment of ramps. Similarly, in the compulsory codes of practice for livestock at depots and saleyards there is a need at clause 3 to have appropriate loading and unloading facilities, as does the code for sheep and the code for cattle.

The Australian animal welfare standards and guidelines, upon which the Queensland codes are modelled, does contain a mandatory standard broadly applicable to ramps and at least five other guidelines addressing design features. Some of these are specifically identified in the ALRTA's submission, which you have. Critically, safe and efficient livestock ramps are equally important for livestock handlers. A March 2021 survey of 94 of our members involved in livestock loading and unloading found that 87 per cent of those surveyed experienced operator or staff injury in the last five years and 69 per cent experienced near misses regularly or often. That is pretty surprising. I think it is something that we unfortunately just accept as normal business. We would certainly like to see that improve. The survey established that unreported accidents and near misses are commonplace, with occasional major accidents and even deaths, one of which resulted in the Victorian coroner recommending the establishment of an Australian ramp standard.

With that situation in mind, in 2015 ALRTA published the *Guide for safe design of livestock loading ramps and forcing yards*. The guide covers design elements such as internal widths, surfaces, angles, non-slip features, length of ramps, side sheeting infill, supports and structural integrity, gates, latches, hinges and the use of chains, walkways, ladders, steps and platforms, bridging flaps, guards, lighting and personnel access. In some of those cases there are already existing Australian standards, and these have been consolidated into the guide for ramps. The guide was developed in consultation with the livestock supply chain and strongly supported—so much so that references to ramp design contained in the *Australian animal welfare standards and guidelines—livestock at saleyards and depots* now just point to the ALRTA guide. However, in 2020 a new Australian standard for livestock loading ramps and forcing yards was published by Standards Australia. This standard is known as AS 5340:2022, 'Livestock loading/unloading ramps and forcing pens'. The standard is now recognised as best practice when it comes to animal welfare and worker safety.

Based on the ALRTA guide, design principles promote the smooth and low-stress flow of animals through the apparatus and identify essential safety features that minimise risk of death and injury to users and animals during normal use and emergency situations. All of the relevant compulsory codes established under the Queensland animal care and protection laws pre-date the publication of this ramp standard. While it was useful for the older Queensland codes to identify basic welfare and safety requirements, it would now be appropriate to replace these basic references with a reference to the Australian standard. Current Queensland codes merely inform persons that they must meet a standard. A reference to the Australian ramp standard would identify the standard they should meet.

This inquiry is an opportunity to ensure that Queensland laws reflect contemporary expectations for the welfare and safety of livestock and their handlers. Referencing the Australian ramp standard within the hierarchy of instruments for animal care and protection and empowering inspectors to enforce the standard will protect Queensland animals and it will protect Queensland's people. Thank you for the opportunity to make a submission and appear before the committee. We are happy to supply the committee with copies of our guide and our standard which we are happy to post to you or hand to you later.

CHAIR: Thank you. Mr Munro, you have outlined a fairly worthy and precise way to implement these standards or to codify land transport standards. What has been the reaction from the department when you have brought this forward previously? Have you liaised with the department?

Mr Munro: No, we have not. The standard is quite new, and rather than rush out and want to reference it in legislation immediately we needed some time to raise awareness. We have published, I think, 10,000 brochures which we have been giving away at events such as beef week and other Brisbane

things around the country trying to let people know that the standard is out there. It is only that this inquiry was timely. We do not change our laws all that often. We have decided that probably now is a good time to bring this forward for your consideration.

CHAIR: It might be something that we talk to the department about. Mr Guerin, I have a question to you. CSSP, the poison—and this may be something that Mr Wilson might want to talk about as well—I understand by putting it in the chest cavity of bait animals limits other species that are not targeted from getting that poison. Can you talk through how that works? It is a practical question in a lot of ways, but what are the actions you take to make sure it is just the targeted species—that is, the feral pigs—that are taking this bait?

Mr Guerin: I might hand to Michael Allpass to answer this. We had a long chat about this on the way in. In terms of the detail and the practical application, I will hand to Michael and then to Will, if I can.

Mr Allpass: Thank you for the question. It is all according to the label instructions of the toxin. The label instructions suggest and recommend that you bait carcasses late in the evening so that that reduces the non-target species impact. Feral pigs are predominantly active during the night in the cooler hours when most non-target species are inactive. By baiting a carcass late in the evening, and it is a matter of pouring the toxin, CSSP, into the chest cavity of a carcass whether that is a sheep, kangaroo or something else, it is more likely to attract the feral pig first rather than anything else. That is predominantly the strategy used.

Mr Wilson: Going a little over and above that, one of our biggest fears in the industry at the moment is, as obviously everyone would have heard of our biosecurity risk at the moment, with FMD and LSD on our doorstep. It has not changed over time but it is more pertinent at the moment. We need a lot of tools in this space. Particularly coming out of dry years into a flush season like this, the numbers are astronomical. We do need control measures in place and we need as many tools as we can get. I am sure if you talk to the pig industry they are certainly in the same boat with the transmission of disease. That does not come into this case too much around welfare. The welfare of these pests, so to speak, particularly on agricultural land as well as national park and the damage that they do to the other wildlife, is something that we need to take into account as we go through the process. I do not mean to come across as ignoring the welfare, but the welfare damage that these pests cause is astronomical to industry as well as to the wildlife. I think it is something that we need to understand as we go through the process and when it comes to animal welfare we need to look at the solution rather than the process.

CHAIR: Could 1080 be substituted in all cases? Why would you use CSSP instead of 1080 in some circumstances? I am happy to hear some scenario where that may be more applicable.

Mr Wilson: It certainly comes down to area and process and volume of problem. In the case of SAP, for example, it is a bit like the strychnine days where you need something to rub it on or put it out. 1080 is very good; you can fly the hills and drop it to where the pests are living, so to speak, whereas this, if you have an intense problem on a farming or grain farming area you have the ability to focus—target—the actual problem. It is not something that you go around like 1080 and distribute it randomly as an opportunity baiting process. If you have your wheat crop in or you have a pig farm with a fear of an incursion, you can treat the problem at the source. If you have a crop of wheat that has a big infestation you can treat the problem. That probably answers the question around other animals as well. It is targeted, you can get right on the point and you can deal with the problem.

Mr Allpass: Every toxin has its place in the landscape. There is 1080 available, there is also sodium nitrate, but CSSP, in surveying our members, has proven to be very successful, efficient and also cost effective in controlling feral pigs in particular.

Mr McDONALD: Thank you everybody for being here today. Michael, my first question is about the development of this bill. Reading some of the changes that are prescribed, I have a sneaking suspicion that industry was not consulted regarding some of these things before the bill was put out and now we are coming to a point of answering questions and addressing the industry-led problems. Were you consulted on the bill before it was put out for public consultation?

Mr Guerin: What we have put in our submission and what I mentioned at the start was certainly the need for more consultation. This is a quite complex area and as Michael and Will were talking about with the huge benefits we have as a nation around biosecurity, protecting that needs all elements and tools in place. Will talked about some of the things on our northern doorstep at the moment. Feral pigs carry a lot of things but are pretty scary to that biosecurity and what we take for granted as a nation. The view we have is that further consultation is important and what we have tried to lay out in our submission are some of the areas where it is particularly important to get this right. It

is a very important conversation. There are a lot of effects in different areas that come from this area and it is important to get it right, as I said, around that idea of biosecurity, and allowing communities and producers to have all the tools at their disposal in a way that looks after animal welfare but also respects all of the other aspects that come from that.

Mr McDONALD: I look at the example that Matthew outlined to us earlier about industry-led best practice in transportation and ramping. I think it would be helpful for a cooperative discussion to occur with industry about the real impact that these feral pigs—not cute little cuddly Babe cartoon characters—have on our industry.

Mr Guerin: My own view, and Will might have something to add, is that this is one of those pieces of legislation and conversations where there is no-one we are aware of who does not have the same goal in mind. That is a powerful starting point for a bit more consultation, we believe, in getting this very right for everybody.

Mr McDONALD: For sure. If I can turn to William, you made a comment before about the very large impact that the feral pig population are having at the moment. Could you give the committee some sense of that? Is there some information you can provide to the committee after this that would give us a sense of the large threat that that is?

Mr Wilson: Let us leave the big biosecurity risks outside, but things like lepto, which is a fertility problem in animals, pesti which is another one, those sorts of diseases, and I hate to work back to a climate cycle, but traditionally when we get seasons like this disease picks up. I was mustering at home yesterday and at one point there I was wondering whether I was a pig farmer or a cattle farmer. They are pretty intense at the moment. If we are trying to understand the welfare impact of what those pigs could cause in the business, it shows that we need to focus on it and we need to focus broadly on it. The fears of producers particularly around the conversation with 1080 at the moment and also with the phosphorous, the concern is that we are not able or do not have the ability to have best practice. I guess that leads to the question you asked Mike. From a consultation point of view, when we are moving through the regulatory piece, we need to be quite conscious that we are getting back on our feet quite well as an industry at the moment and we have the ability to make continuous change and it leads to what Matt was saying with loading ramps and there is a real opportunity for us now to work on getting solid practices in place that we can afford to fund and be more efficient and get better practices around loading facilities right through to the way we manage our feral pests and animals as well as maybe the way we tie our dog on the back of the ute. Money makes the world go round, so to speak.

Mr McDONALD: Just quickly, were you consulted regarding the stopping of the CSSP before this bill came about?

Mr Allpass: No. During the discussion paper phase we were made aware that there was a particular toxin of concern, but we were not told what that toxin was. We asked again in January of this year and again we could not be told what the toxin was. At one point I asked was it CSSP and we did not receive an answer. Regarding the bill, the consultation was very lacking in terms of this particular clause.

Mr McDONALD: Thank you for the submission that you made and the detail around that. There are some real smarts in that space. As you said, William, and I am familiar with distribution of 1080, it can have a good effect in different areas, but the more targeted nature of this provides a great tool. You said before there are heaps of pigs. Is that dozens or hundreds?

Mr Wilson: They are a massive problem at the moment. That mob yesterday was confronting for me to see.

Mr McDONALD: I liked the comment a pig farmer rather than a cattle farmer. Finally with regard to that, because this is the first time I have heard about those different issues, not the big biosecurity threats that are a real thing, but the leptospirosis and other diseases that can have bigger impacts on your cattle.

Mr Wilson: They are incremental. Lepto can give you a five per cent production loss in fertility. Across the industry you can multiply it. Now is the time to get going as an industry. We are rebuilding and have a real opportunity in front of us.

Mr McDONALD: I think it is important to put on the record the cumulative effect of the drought, floods, storms and fires that we have faced over the last decade. We are just starting to get to a point where we are getting on top of it all and you need the tools to curb the feral population because they are starting to boom as well.

Mr Wilson: I certainly do not want to come across that we are out chasing, shooting and hunting all the time, but it is something worth mentioning and I guess it leads back to the comment in Mike's introductory statement around seasons and nature has an uncanny way of making animal welfare difficult to manage on vast areas. Our smaller producers struggle. Once you get out into bigger areas, if you can operate inside a regulation it is always better than being on the edge of it. I guess that is where the conversation around standards makes it easy. I know that the department had enormous troubles in the last dry period trying to regulate around the uncontrollable situations that we all went through. It is worth remembering that as you go through this process because it is important but we need to make sure that we can comply and that leads into the lay preg testing so that we can move forward.

Mr MADDEN: Thanks very much for coming in today, gentlemen. My question relates to the amendment of section 17, this new aggravated offence regarding breach of duty of care. I just wanted to give you the opportunity to flesh that out a little bit more to explain maybe the unintentional consequences of a well-meaning section in terms of how that would cause you difficulties. Mr Wilson, you talked about large properties—and I think that is probably where you headed with this—but I just wanted to give you the opportunity to flesh out how you think this could be reworded in such a way that would help.

Mr Wilson: Just looking at that there, I am not sure who they send to prison for three years, but I am happy to take the 2,000 penalty points. If I am the property owner and something is happening at home now, I am liable in this case. If we can get the three years over and done with and I can get back to business, the better. That is my concern about it, because how can I see everything? With people looking over the fence all the time now, there are cases where I have to come in to solve problems if I see it or if one of my staff members see it. My concern is that someone else sees it and then I am in a situation, so I am quite cautious from a producer's point of view that we cannot be everywhere all the time. We have other people looking as well, which is great, but we need to understand that we have practices in place to stop what is going on. Like I said, just cop the fine and move on. That is how life gets complicated. We can do this through process rather than do it through penalty.

Mr MADDEN: Can I say this: would you hope that maybe an amendment was brought by the minister to clarify this offence that attracts, as you said, 2,000 penalty units, and I think they are about 120 bucks at the moment? Worse than that, there is three years imprisonment for things that are out of your control, so you would hope that—

Mr Wilson: I cannot get employees to chase cows at the moment, let alone go to jail for three years.

Mr MADDEN: That is right. You would hope that that is something that maybe the minister could consider when we are dealing with amendments to the bill?

Mr Wilson: Yes.

Mr HART: Gentlemen, the committee has been given a response by the department to some of the submissions that is available on our website now. Just in part, following on from the member for Ipswich, the department's response reads—

The new aggravated breach of duty of care will apply where the breach results in the death, serious deformity, serious disablement, or prolonged suffering of an animal.

It goes on to say that if an animal's body score drops but it does not meet those criteria—

... then the elements of the offence would not be satisfied.

It then goes on to say—

Similarly, AgForce ... seeks greater consultation to discuss exemptions in the event of extenuating circumstances such as floods or fires which prevent farmers inspecting and dealing with livestock in a timely manner. In these types of emergency situations the consideration of whether a person had a reasonable excuse would be available.

Does that satisfy your concerns in some way or do we need to go further than that?

Mr Guerin: Michael, I might hand to Will in a minute, but I do want to make an opening comment. I think no and the reason I say that so unequivocally is in the short time I have worked for producers across Queensland some of the challenges they face—the seven- or eight-year drought out in the south-west, the floods, the fires—have to be seen to be understood in terms of the emotional toll and the leadership they show. The pride we as all Australians can take in producers in Queensland is something quite exceptional in my view, so the reverse onus of proof suggestion or the 'if there is an exception we will consider it at the time' response to that is manifestly inadequate in my view. As Will talks about, working collaboratively with some more consultation talking through real events and

impacts and the best way through it for the benefit of animal welfare and for the benefit of communities and human beings is an important step to us before we finalise this. I would have that reaction as the person who works for these producers, but probably Will is the best to speak to it.

Mr Wilson: I agree 100 per cent with that in terms of uncontrollable events and circumstances. I would probably relate it back to the rest of our industry, which is best practice. They have standards—the transporters through to the feedlotters and processors. We are all working to a goal and they have a lot more metrics and a lot more ability to manage, micromanage or be on the case, but as you get out into the vaster areas obviously that changes. Unless we go down some sort of subsidised route to help us when we get into extreme circumstances like that—and we know the conversations we are going through there from a drought preparedness point of view—you can never understand what is going to happen in the case of a fire or a drought or a flood. If you open up another wound in that place, that is a lot of pressure on producers, so to speak.

Mr HART: What if we had some sort of declaration during a drought or a flood or a fire—a natural disaster declaration—that covered off on these sorts of issues, would that help at all?

Mr Guerin: Again Will is probably better to speak to it than I am, but with a lot of these declarations—and I will use the floods in January of this year in the North Burnett as an example—the time taken to bring the evidence together when the issue is right in front of you, the lack of certainty at the time of the height of the emotional toll, people trying to save human lives, people trying to save animal lives without the certainty that the declaration brings and the work the people like AgForce do to try and bring that declaration to bear, the emotional toll of that is enormous. So anything we can do to set in legislation the ability to remove that emotional toll but have everybody working in the right direction as quickly as possible is a significant but very important change in our view. To have a reverse onus of proof always hanging over a producer when they are facing things that I cannot understand out in regional Queensland is something we want to avoid and, in my humble view, is actually one of the reasons young people are not coming back on to the land as fast as we want them to in order to support this industry. I believe it is that serious.

Mr HART: So the reverse of proof issue more so than anything else, is it?

Mr Guerin: It is that and it is the lack of certainty at the time of the event. When you have an issue in front of you and you are a real leader like Will and many others are out there and you are thinking about practical ways through, if the legislation and the settings do not provide the certainty and the comfort you need and you are feeling very alone and very vulnerable it is an incredibly tough position to be put in.

Mr HART: Right. On the issue of collars that you mentioned in your opening statement, what sorts of issues would these changes have to your members? Can you give us an example of a type of animal that may not be controlled without those sorts of collars or something like that?

Mr Guerin: I might hand to Michael as well, but as it currently reads there is an issue, for example, around the definitions. So what is a normal collar and lead? How is that defined in the proposed legislation, for example? There is a lack of clarity around all of that, so that clarity is required. What is acceptable and what is not? How do you describe a collar? How do you describe reasonable restraint at a time of challenge?

Mr HART: There is no sort of brand that is banned but there are types of collars; would that be fair to say?

Mr Guerin: There are different types of collars for different situations, and that is always emerging. Looking after animals, working dogs, farm animals et cetera, different types of restraints are supportive to animal welfare and supportive to good operations. As it is currently proposed, those definitions are not clear and again bring ambiguity and uncertainty in an area that is very important around animal welfare as well as human welfare.

Mr HART: Any other comments?

Mr Allpass: I guess for both those clauses that you are referring to, AgForce is seeking greater consultation on both of those which is your suggestion in terms of what could be put in place to move forward with those two clauses. With the collars one, it is very prescriptive in the drafting of the bill and hence the need for greater consultation, and I believe it has also been raised by many other dog trainers and dog owners of just how prescriptive it has become and what it means if it is in the legislation. There is a reference that collars, leads and muzzles are prescribed in a regulation. We are not exactly sure where that is in the regulation, so to really nut out the query that you have is to ensure greater consultation and have everyone providing input into it.

Mr HART: Maybe we can have a look at that regulation and see where that might be. Gentlemen, on the ramp situation, it is a really good concept and I support that anyway, but can you give us an idea how many ramps may not comply with your new standard? Just a guess will do.

Mr Hoare: I am guessing 80 per cent, so quite a few out there.

Mr HART: So it will be quite a financial impact if we said that these things have to meet a standard? How much does a ramp cost?

Mr Hoare: It depends. What we have done is we have levelled it to what sorts of activities you are doing. For a feedlot or an abattoir or a saleyard that is doing X amount of head, we came out and said in our paper that they needed the full everything because it is getting used all of the time. As you come back down in levels, just say if you are a farmer that only loads out of there two or three or four times a year, they would need just a standard ramp with the forcing yard and also a walkway on the side and an escape route for the driver. The main thing that we are trying to do with bovines is talking about low stress. We train our drivers for low-stress handling and to be able to do that you have to have a good loading ramp and a good forcing yard. With being a livestock transporter, if you are going to have a good day with your livestock it all starts back when you put the load on, and that is low stress. That is what we are aiming for right back at the start. Yes, we have a long way to go with loading ramps. We have started this because we heard about the issues that happened in Victoria. With the organisation that I work at, yes, we do have problems where drivers get injured but we also have issues with animals with the butt of the ramp not fixed properly and then you get broken legs and all those sorts of things. So a good ramp is good for animal welfare and also driver safety.

Mr Munro: If I can add a little bit to that, what we are proposing here just by way of clarification is not necessarily a new standard. Just because something is called an Australian standard does not actually make it compulsory, so Australian standards are not compulsory. The duty to provide a safe workplace already exists, so under workplace health and safety legislation everyone has to provide a safe workplace, so that is already there. I want to quote from one of the compulsory codes that already exists in Queensland, and this is part 2 under the general requirements for depots and saleyards. I could have picked any of them really; there are a number of the codes that I could have taken it out of, but this one I think illustrates it well. Under section 3 relating to construction, maintenance and operation of a depot and saleyard, point (d) simply says 'having appropriate unloading and loading facilities for livestock'. So it is already a compulsory duty to provide appropriate loading and unloading facilities for livestock, but what does that mean? This was written prior to a standard being in place. The standard does not establish the duty; it just tells you how to meet the duty that you already have.

In terms of costs, you could argue that everyone should already be assessing all of this equipment and providing it in a fashion that is safe both for the workers and for the livestock. So there is already a requirement to do that, but if we want to let people know how to do that and let your inspectors know what a good, safe ramp looks like and let people who own the ramps know what a good, safe ramp looks like it would be better to say, as well as that clause or even replace that particular clause in the code, provide facilities that meet Australian standard X.

Mr HART: So you do not want to see it compulsory in this act; you just want to see it referred to that is, 'Have a look at this and this is the best thing to do'?

Mr Munro: Yes, that is correct. When it says 'having appropriate unloading and loading facilities for livestock', it might just say, 'See Australian Standard AS 5340,' and then everyone knows what that looks like, both the inspectors and those who have to build the ramp. So it is not actually a new duty; it is just explaining how to do it. It was all of industry that came together to develop this work firstly on the guide and then to develop the standard. I might also add that the committee that developed the standard won the Standards Australia award that year for its consultation process for the inclusivity of the entire supply chain. It is a good piece of work, but it was written before these codes were in place. I think to keep Queensland legislation abreast of what contemporary standards are, it just needs a reference in there.

Mr HART: Sorry for my ignorance, but I am from the Gold Coast, so there are not too many farms in Burleigh. Who is responsible for paying for these facilities?

Mr Munro: It is the owner of the facilities of course.

Mr HART: Does AgForce have a comment on all of this?

Mr Wilson: I could probably give an example. This year I have put in two—hopefully—standard ramps. I have not managed to get a copy of the standard. It is about \$100,000 of investment. I have 15 to do as a business. My other ramps are old ramps; they are not new. As a business, we have chosen to go over a progressive course of benefit while the industry is giving us the ability to do this

sort of thing, and that comes down to priority. The point being—going back to where we have been—I did not do any loading ramps for quite a few years. It can certainly be a pretty onerous expense to businesses, but I fully understand—having done our transport and outside transport—that some places need to do work to get them up to something like the standard. I do like what Graeme said around having the ability to have an escape route and a walkway up the side. They are some things that are certainly obvious that make incidents and can be improved. Understanding the risk of the process, it can be hard on the animals—depending on the animal—and on the people as well.

Mr SMITH: I just wanted to start with clarification from the member for Burleigh around clause 5, section 17. Did the member quote the act?

Mr HART: The departmental response.

Mr SMITH: Excellent, okay. My question relates to clause 5, section 17, and looking for exemptions around the bushfires and such natural disasters. In the current act, as the member for Burleigh touched on, section 17(4)(b) provides—

the steps a reasonable person in the circumstances of the person would reasonably be expected to have taken.

It gives examples in the legislation of a bushfire, a natural disaster or a flood as being an exemption in terms of what a reasonable person would do in that space. I note the comments around the reverse onus of proof. Apart from an example being provided in the act currently, what more are AgForce looking for? Would you like a best practice document created by the department? What are we exactly looking for?

Mr Guerin: We are looking to sit down with the department and do a short but deep dive into exactly that. There are a lot of unintended consequences to words that are written in the spirit of the right outcome and those unintended consequences are felt far from here. We have seen that over the past few years in terms of some of the droughts and floods. We are happy to go into detail today, but I assume not for the committee. Our view is that it will not take a long time, but the consultation was inadequate. We have a large number of examples where the reverse onus of proof has had an enormously detrimental effect on producers through some of those events over the past few years. We are very keen to have the conversation and not to hold up the legislation unnecessarily—so to put a time frame around it—but to work through those, think about some of the consequences, perhaps do a few case studies, and just make sure we have it right. We can then go out to industry, talk about that consultation and the way we have thought about it from the producers' perspective, recognise the lessons from the last few years and ensure that as far as possible that is reflected in the legislation.

Mr SMITH: Do you happen to have a copy of the act and section 17 in front of you at the moment?

Mr Guerin: No.

Mr SMITH: Would we perhaps be able to take a question on notice noting that in relation to clause 13 of the bill you have put in direct quotes the wording that you would like to see included in the legislation? What wording would you like to see added into section 17 to try to create that clarity in terms of the legislation? I am very happy for that to be a question on notice so you can take the time to reflect on it and to put those words in. I wonder if it is not a question of the legislation needing to be amended but it being that level down in terms of regulation and best practice needing to be created through consultation with the department. Maybe just a question on notice: what amendment to section 17(4) would AgForce like to see?

Mr Guerin: Thank you, Tom. To give that question the due it deserves, we would like to take that on notice. We welcome the opportunity to do that.

Mr SMITH: Thank you very much. Relating to clause 13—and, again, please excuse my ignorance if it sounds like a silly question—could you take me through a little more what activities in terms of care, health and welfare of livestock means in relation to the transporting of dogs on vehicles?

Mr Wilson: Certainly for the use of dogs, this goes back to where it could happen. For example, if you had a cow having trouble birthing, you might need to restrain the cow, which means you need a dog on the back of a motor car. Where is the line? I have a highway running through home and you need to get cattle off the highway, whichever way possible. That is a case of trying to get animals to a safer place. In the sheep world, I know there are more issues there because they use them for their transport as well.

Mr SMITH: From reading your submission, you feel as though the act really only hints at large movements of animals instead of going out for that one singular incident where effectively you need to use a dog as a tool?

Mr Wilson: Yes.

Mr Guerin: If I can, I have another example that we were talking about on the way here in terms of the sheep world. Flystrikes are a real animal welfare issue at certain times of the season. Flystrike can kill an animal. It is a long, painful and slow death. Sheep dogs are great at holding a small mob of sheep together while the producer goes and grabs the one affected and deals with it in the location. It takes a lot of stress off a long period of time mustering the large mob to deal with one. It allows the sheep to be dealt with there. The dog does the work in holding the mob together. All the animals are better for the experience. That is just one practical example; there are many.

CHAIR: In regard to the definition of 'vehicles', you have written in your submission that it pertains to motorbikes and all-terrain vehicles such as side-by-sides. Are we talking about quad bikes?

Mr Wilson: We do not talk about them anymore.

CHAIR: That is very similar to what I was going to say! To be precise, we are looking at, as it says, more of a definition of what the term 'vehicle' would mean. Could that relate to any kinds of existing or new technologies that may emerge?

Mr Guerin: Yes.

Mr McDONALD: In regard to unrestrained dogs, I read the legislation and thought how the heck is government getting involved with restraining dogs? Really, we are talking about including all of the other elements in there. That is sensible; it is not just the movement of livestock. Is it really something that government needs to be getting involved with? We are talking about an unrestrained dog on a farm. If a dog is on a farm, that is one thing. If a dog is in the back of a ute on the road, that is another thing. Perhaps there is something in that that we can look at, because how many inspectors are going to be driving around farms looking for unrestrained dogs who are not going to be one of these elements anyway?

CHAIR: It is more of a comment, but we can certainly have a response in addition to that comment.

Mr Wilson: I would probably relate it back having unrestrained implements in the back of a vehicle covered with a net. It obviously makes a lot of sense for a tradie driving around Brisbane, but, all of a sudden, we have the impost of driving around the farm with a shovel in the back, so to speak. Where is the line? I agree. By regulating it, you learn your lesson fairly quickly if your dogs should be restrained better.

Mr HART: That answers my question!

Mr McDONALD: In relation to collars—I am sorry to digress—and talking about control of feral animals, dying is not a fancy business. It is a sad business, but it is a reality of control in a rural setting. That may be difficult for some people to understand, but doing that as clinically and professionally as possible is something that industry does. Then we look at collars in comparison. They look really bad, but one of the dog trainers put a collar on my arm and showed me by pulling it tight. It is actually not as graphic or as bad as what you would think it might be. There has been a suggestion that perhaps the use of those collars could be separated from domestic to non-domestic type arrangements. Do you have any comments around that?

Mr Guerin: I might make a couple from my childhood in growing up on a sheep farm where my father used working dogs extensively. Having good working dogs makes an enormous difference to animal welfare across the life of the animal. My father used a lot of hitting dogs, which are dogs that go out around a mob and bring them back towards you so you can look at them in the paddock rather than take them down to the yards. You can deal with the flyblown sheep. A good hitting dog will have the animals relaxed, comfortable and standing there in front of you. You can work them. There is an enormous amount of animal welfare benefit to that across the life of the dog. One of the things my father used to do was have a collar that gave that dog a very gentle reminder if it was going in the wrong direction. You could put the collar on your arm and it would not hurt. It would just go oops, yes. You would use that in the early days with the dog.

We saw back in New Zealand comments in the news media about electrified dog collars and animal welfare issues. Actually, the dog appreciated the input. A good, well-trained dog appreciates the input early, has more confidence in what it does and it does better by the animal. There are many practical examples where we have been vilified in the media. If we sit down and talk about what we

are doing, we are always happy to find better ways to look after the animal welfare of the dogs and the sheep. A lot of these situations are incorrectly portrayed in the media, whereas in taking away those devices we would end up with a lot worse animal welfare outcomes—without a good hitting dog, without the ability to work sheep in the paddock et cetera.

Mr McDONALD: It is a good comment.

Mr HART: I was reading through the departmental response. It talks about veterinary surgeons having to demonstrate whether they have done the right thing when they put an animal down. Is there anything in this bill that restricts farmers from putting down animals at all?

Mr Allpass: I do not believe so.

Mr HART: That is okay. It just struck me as a question.

Mr Guerin: We are certainly happy to take it on notice and double-check, but not as far as we are aware.

Mr HART: Out of interest, this relates to clauses 15 and 34.

CHAIR: If you like, we can take that on notice. That would make two issues there. There being no further questions, we will end this session. We have two questions on notice, one from the member for Bundaberg about—

Mr SMITH: Any recommendation around the wording to amend section 17(4).

CHAIR: That will be clarified. We will send you a precise question on that. The second question was from the member for Burleigh: in your view is there anything in the bill affecting—

Mr HART: 'Euthanising sick or injured animals by veterinary surgeons' is the heading.

CHAIR: Thank you everyone from both organisations. We really appreciate the time that you have been able to give us today.

TORRANCE, Ms Prue, Executive Director, Research Quality and Priorities, National Health and Medical Research Council (via videoconference)

CHAIR: I now welcome the representative from the National Health and Medical Research Council. Would you like to make an opening statement before we ask questions?

Ms Torrance: Thank you for the opportunity to present to this committee. I am joining you today from the lands of the Ngunnawal people and I pay my respects to elders past, present and emerging. The National Health and Medical Research Council is the Australian government's lead agency for supporting health and medical research in Australia. NHMRC's legislated functions under our act are to fund health and medical research and training, to issue guidelines and advise on improving health outcomes, and to promote the highest standards of ethics and integrity in health and medical research.

NHMRC provides national leadership on the use of animals for scientific purposes through the *Australian code for the care and use of animals for scientific purposes*. If I refer to the code again, I will just call it 'the code' instead of using that full name. This national leadership and provision of ethical guidelines on the use of animals is a longstanding role since 1969, in addition to our legislated responsibilities for improving human health. The code is incorporated in legislation in all states and territories, including Queensland. The code outlines principles for the care and use of animals and the responsibilities of all those involved with the use of animals for scientific purposes.

NHMRC has also produced guidance for best practice in animal based studies. Any research involving animals must be approved by an animal ethics committee before it begins, but the day-to-day operation of these ethics committees is the responsibility of individual research institutions such as universities. As a funder of health and medical research, NHMRC requires that any use of animals in any NHMRC funded research complies with all relevant legislation, the code and NHMRC guidelines.

CHAIR: I thank the NHMRC for the work you do. Can you outline what has gone on in the many years of work in developing a nationally consistent standard within this area? Reading through the submission, it is very clear that there has been a lot of work with the Commonwealth and all of the states to arrive at a position where we have a consistent national standard. Would that be correct?

Ms Torrance: Yes, that is correct. I cannot go back all the way to 1969 to tell you what has happened but I certainly can with the most recent iteration of the code and for quite some time. There have been a few things that have happened. For starters, when we need to review the code, we establish essentially a steering committee—what we call a code advisory committee—which includes representation from all the state and territory government departments that are responsible for the regulation of the care and use of animals, as well as animal advocacy groups. That oversees any revisions of the code. The code itself then, when finalised, is endorsed not only by us but also by the Australian Research Council and the Commonwealth Scientific and Industrial Research Organisation, so it is endorsed by the three major research funding agencies as well as Universities Australia. That sort of oversight ensures that it is very well respected and adopted.

The code is principles based and it is designed to stand the test of time essentially, to cover all sorts of practices that may change over time. It puts the responsibilities on researchers, research institutions, animal carers and animal ethics committees on their day-to-day operation and to stay up to date with best practice, including international best practice. By doing that, it consistently works well in all manner of situations in the use of different animals. It is intentionally quite principles based so that it will stand the test of time. I think that kind of gets to the crux of your question.

CHAIR: Yes, thank you. The main crux of what you have talked about in your submission is about allowing persons other than veterinary surgeons to perform these acts of science on animals for a scientific purpose. Although we have talked about there being a great body of regulatory work about how this is done, essentially what this is doing is allowing organisations a bit more freedom in who works with them and who does the actual work on the ground in these scientific settings, by saying it is not just veterinary surgeons who can do this but other appropriately trained people. It is assisting medical research by allowing more people to do it. Would that be correct?

Ms Torrance: Yes, but doing it within the confines of the guidelines. It is making sure those responsibilities are covered, rather than defining exactly who those people are.

Mr McDONALD: Thanks for your submission and your attendance today as a witness. I am very fortunate to have UQ Gatton as part of my electorate, with the wonderful work they do in terms of animal production and best practice. In fact we have had a couple of visits—one was to there and Brisbane

one was to the TIQ research institute. I know of the wonderful work that is done in terms of best and high-quality scientific performance. Can you comment regarding the introduction of this bill in terms of its effect on individual animals versus animal production as a whole?

Ms Torrance: (inaudible) I am not sure that I can.

Mr McDONALD: We are losing you every second. I wonder if you turned your video off, if that would assist.

Ms Torrance: Is that better?

Mr McDONALD: I can hear you. Can you hear us?

Ms Torrance: Yes. There does seem to be a slight delay but I can hear you well.

Mr McDONALD: As I said, I am pleased to have the University of Queensland in my electorate. Can you comment on the consultation that you were involved with in the development of this bill before it became public? Were you involved in the development of it?

Ms Torrance: No, not directly in the development of the bill. There was a recent review of the code which would have had representation from the relevant area in the Queensland government. My understanding is the changes in the bill that they make to the current legislation reflect adopting the latest version of the code, so we are very happy with that, but we were not involved in any of the other details of the bill that you have.

Mr McDONALD: Did you hear the conversation with AgForce before?

Ms Torrance: No, I did not.

Mr McDONALD: Given that your scientific involvement is with regards to the ethical treatment of animals and what have you, what would your position be with regards to the use of poisons on feral animals versus the impact that those feral animals and diseases have on livestock?

CHAIR: That might be a difficult question. We are talking about animal welfare in the broadest possible sense on that. I am not sure how that intersects with the work of the NHMRC, but we are happy to hear any comment on this particular issue if you have one, Ms Torrance.

Ms Torrance: Without having the details of that specifically, it does not sound like it was for scientific purposes so may not necessarily be captured by the code. Obviously, the code and everything that we put out (inaudible) takes the wellbeing of the animals into consideration, so that would be a significant consideration in that sense, and is neutral to the specific animal species. The principles apply to all species. I think that is probably all I can say about that.

Mr McDONALD: No worries, thanks.

CHAIR: Ms Torrance, you could turn your camera back on. We do not have any further questions at this stage. I think you have covered everything quite well within your submission and today as well. Thank you very much for your time. We do not have any questions on notice for you.

Ms Torrance: Great, thank you.

CHAIR: We will now have a short break.

Proceedings suspended from 10.43 am to 10.55 am.

BRIGHTMAN, Dr Ben, President, Queensland Division, Australian Veterinary Association (via videoconference)

GUILFOYLE, Dr Alan, Director, Australian Veterinary Association (via videoconference)

PRATT, Mr Graham, National Manager, Advocacy and Campaigns, Australian Veterinary Association (via videoconference)

SRI, Dr Anna, Australian Veterinary Association (via videoconference)

CHAIR: I now welcome representatives from the Australian Veterinary Association who are joining us via videoconference. Good morning, everyone. Thank you for all coming along to be a part of this. I ask that when you are not chatting to us to put your microphone on mute. I invite you to make an opening statement before we ask questions.

Dr Brightman: My name is Dr Ben Brightman and I am today joined by Dr Sri, Dr Guilfoyle and Mr Pratt. We are representatives of the Australian Veterinary Association. Dr Sri, Dr Guilfoyle and I are veterinarians practising in Queensland. I work in a multivet practice in the Mackay region. We employ approximately 11 vets and 25 nurses. As part of the opening statement, I would like to invite Dr Sri and Dr Guilfoyle to share a little bit about their own experience and practice.

Dr Sri: My name is Anna Sri. I am predominantly a small animal veterinarian. I work in the Sunshine Coast area. I am also completing a PhD, so I have an understanding of the use of animals in research as well. I have been practising for about eight years now.

Dr Guilfoyle: I am Alan Guilfoyle. I graduated from the University of Queensland in 1971. I worked for years in a veterinary dairy practice, so I am familiar with the aspects of dairy practice. Forty-seven years ago, I established a mixed practice in Clermont, Central Queensland. I am familiar with the Central Queensland area and areas to the north. In those days, too, we (inaudible) established a practice under tuberculosis and TB eradication scheme but (inaudible) more medicine. In that time also I have had 25 years of racing controlled administration, including two years on the forerunner of what is now Racing Queensland. We run a seven-vet practice and eight support staff.

Dr Brightman: The AVA has over 8,500 members, made up of veterinarians across Australia, working in all areas of small animal, of animal science, health and welfare. Veterinarians are key experts in animal health and welfare, so we have a large amount of knowledge, expertise and experience to bring to the table where legislation around animal health and welfare is discussed.

I would like to begin by thanking the committee for the opportunity to contribute to this inquiry and congratulate the parliament for its ongoing dedication to improving animal welfare in Queensland. The AVA has been in consultation with Biosecurity Queensland in recent years as they have worked through the review of the Animal Care and Protection Act and the development of these amendments.

In making the AVA submission to the parliamentary inquiry, we know that the AVA has made previous submissions in its review of the act. Many of the recommendations that we have made were incorporated in the bill that was presented to parliament. The AVA's submission to this committee makes several points to the inquiry particularly focusing on euthanising sick or injured animals by veterinary surgeons and approved cattle procedures accreditation schemes.

Dr Sri: The first item is one that the AVA sees as providing significant benefits from these amendments to the act. In veterinary practice we are sometimes faced with the really difficult and unfortunate situation where animals are presented to us often after an accident and they can be in extreme pain, suffering considerably, and the prognosis is very poor. Under the current legislation, veterinarians are required to have the permission of either the animal owner or an animal welfare inspector before euthanising the animal. While we make our best efforts to contact the animal owner, sometimes it is not possible. This can lead to a prolonged period where the animal is suffering unnecessarily.

The proposed changes to the act give us the ability to act in the interests of the welfare of the animal. This situation has happened to me quite a few times. When it has happened, even if you are providing pain relief and emergency supportive care, it is not instantaneous relief for the animal. Sometimes the prognosis is poor, particularly in relation to complex traumas like road traffic accidents, being hit by a car. To attempt to treat the animal is just prolonging their suffering. The vast majority

of owners, if they are finally contacted, would also elect to relieve the animal suffering right away. They do not necessarily want to come in and see the animal anyway. Sometimes when they have been contacted after the fact they are also upset that their animal had to suffer unnecessarily.

I also believe that most people trust their veterinarians to make the best choice on behalf of their animal. By not having the provision in Queensland giving vets the legal authority and indemnity against prosecution to euthanise injured or sick animals, we are not only opening vets up to prosecution but also hampering their decision-making abilities. Even if they do elect to euthanise the animal without being able to contact the owner, they might be concerned about the legal or social consequences if they do the right thing by the animal. This is particularly true for recent graduates or those who are working sole charge or doing on-call because they have those additional decision-making factors.

I think it is also important to note that many vets, particularly from other states, are surprised that we do not yet have these protections in Queensland and that indirectly animals are suffering needlessly as a result. Particularly now that we do have recognition across states of veterinary registration, I think it is good that we all get on the same page a little bit more in regard to this issue.

Dr Brightman: I echo Anna's sentiments. One example that I would like to give the committee just for something to stick in your minds is that in Mackay our council refuses to answer a phone call about an injured stray. They will deal with stray dogs but will not answer a phone call about an injured stray. When we call the RSPCA hotline, you are talking to people in either Brisbane or another state sometimes. They do not often understand what the actual capabilities are in Mackay to deal with things. One example of this is that one of my colleagues had a dog with four broken limbs that the RSPCA said they were going to organise an animal ambulance for. It waited three days because the RSPCA did not have the ability to pick that animal up in Mackay. That animal was then a prime candidate for euthanasia by the vet without an owner, but my colleague was too concerned about the legal ramifications so they did not undertake it. I definitely think, as Anna said, this is very well looked forward to.

Dr Guilfoyle: The other key issue is the proposed rules around who can spay and who can pregnancy check or pregnancy test. We recognise that there is a need to have a pathway for non-veterinarians to perform these procedures in certain circumstances. It has always been the case that owners have been allowed to do their own. It is fee for reward and the setting up of practices to do these things without the checks and balances that veterinarians are controlled by. There needs to be an accreditation process or some direction or supervision of these people. This is to ensure the credibility of the procedures and the protection of the welfare of the animals in question. We have definitely come across some welfare issues where non-vets have performed these tasks.

The most important thing though is that we need to maintain veterinary involvement in the production animal areas and pastoral areas. There is the added major benefit—and I think this is a major benefit to the community—of the passive surveillance that we do in our daily work. Veterinarians are trained in disease recognition and early detection. We see this passive surveillance as part of the job. This is absolutely crucial with the lack of government staff on the ground trained in these areas, the lack of stock inspectors and the lack of government vets. Also, we have Japanese encephalitis setting up on this shore, foot-and-mouth disease is in Bali and lumpy skin disease is probably only two good monsoon seasons away due to the fact that it is carried by mosquitoes and carried on the winds. It is insect borne and it is in Indonesia. I think that is going to be the biggest worry. It is a disease that is easily confused with a lot of diseases that we have in Queensland like rain scald or something like that.

We try hard. As I said, our practice has seven vets. We have built my regional practice up over time. We look at sustainability of veterinary practices. This is a major economic point. I know this bill is to do with welfare but, if we are going to treat animals and look after animals, we have to have sustainable veterinary practices. We have to have vets on the ground to train staff. We have to have professional staff to go out and recognise biosecurity issues and also to be ready to respond to a government call in the case of an emergency.

Pregnancy testing and spaying is a bread-and-butter issue for practices. That allows us to do the job. If you take 20,000 head of pregnancy testing away from a practice, you will lose one veterinary staff member. That, to me, is a major issue. With a staff of seven we can respond to a national emergency, having an emergency workforce to look after the welfare of those animals, but I am certain that if we come back to two or three vets in a practice we may not be able to respond in that way.

It sounds like vets are trying to hog the work, but no. We are looking at the sustainability of practices so we can meet the after-hours emergencies, as Anna spoke about, to provide services to the community. I think the biggest one we are looking at in this day and age is recognising foot-and-mouth disease, lumpy skin disease and Japanese encephalitis. There would be plenty more exotic diseases sitting on the doorstep that veterinarians are trained to recognise.

As I said, my practice was set up in the seventies and the eighties when we participated in TB eradication, which was funded by the government, as you well know. That allowed vets to get on to farms so we could get out and see. We need something where vets can go on to properties. If we are not on the properties, we cannot see it and we cannot put all our professional training into place recognising diseases and recognising welfare issues which is major.

As members of the committee may be well aware, I have been in negotiation with the government and AgForce in the last five, six or seven years over this particular issue. My stance still has not changed on that. We need the sustainability of veterinary practices so we can go in and look after the welfare of animals at the coalface and also to look out for the looming biosecurity threats coming in from Asia.

Dr Brightman: We thank you again for the opportunity to present and we welcome any questions from the committee.

CHAIR: Thank you all for your comprehensive presentation. I will start with a question—and this follows on from what Alan was talking about before. Your recommendation in the case of pregnancy testing is to require the non-veterinarian to work under the direction of a PREGCHECK registered veterinarian. How would that work in practice? Is the person working under supervision or direction constantly liaising or having to do this work at a vet's practice? How does it work in practice when you have that non-veterinarian working under the direction of a registered veterinarian?

Dr Guilfoyle: At present it does not work because we have no reasonably qualified lay people operating. Pregnancy testing is a bread-and-butter issue within practices and we look at that for sustainability. You are suggesting here that they work under supervision. That puts lay operators in direct competition with the veterinarians involved. The veterinarian themselves would be responsible for anything under the current legislation.

That topic will need five years work. You have to look at liability and who is where. It is a complete change from the Veterinary Surgeons Act. There is a lot of deep thinking to go into that. With supervision, the vets themselves would have to be aware of the competency of that person's work. Under the current legislation and under the way we operate currently, no. I could not see that operating in Queensland at present. I know it operates in other states, but that has been subject to abuse and there has been not very good performance on behalf of the lay operators.

Mr HART: Alan, do you presently have people working for you to carry out these tests on your behalf?

Dr Guilfoyle: We have veterinary staff only, no lay staff.

Mr HART: They are all vets, are they?

Dr Guilfoyle: We do not have paraprofessionals or lay staff working in the practice. The only staff who do pregnancy testing are qualified vets.

Dr Brightman: I am a practice owner as well. Even veterinarians who have gone through five or six years of uni are not automatically sent out to do full pregnancy testing. I will go out and do upwards of 500 to 1,000 head with a qualified veterinarian, checking all of them before I am comfortable to let them out to pregnancy test cattle on their own. It is such a highly valuable thing to get right. Think about the media if we end up with cows calving on live export ships et cetera. It is not something we want to get wrong. That is my concern with lay staff. If we are going to do that, they need to be trained highly. I have just said that it takes five or six years of university plus another 500 or 1,000 head that I then go out and stick my arm in every single cow after them. I am sure Alan does the same with his young vets. There is a lot of training that needs to go into getting it right.

Mr McDONALD: I appreciate your professionalism and contribution. It is great to recognise you, Alan, as a former student of Gatton college. I turn firstly to the issue of euthanasia. I can see the situation where there is a known owner and then there is the situation of no known owner. I have no problem when it is an animal from a no known owner situation. Should the regulation include that where the owner is known you advise the owner or at least make reasonable efforts to advise the owner? I am thinking about the number of times it has been brought to my attention that animals have been euthanised without owners knowing about it and the concerns in that space of perhaps somebody not doing the right thing and taking an easy pathway without having a difficult discussion.

Dr Brightman: I think that our discussion, from the AVA's perspective, is that it has been 100 per cent about not being able to get in contact with an owner. Those are the cases that we are concerned about. I do not think that any of us are pushing for being allowed to euthanise an animal when we do have contact with the owner. If we have contact with an owner, we need to be talking to them. If we think that the animal needs euthanasia and the owner is not willing to, that is where the RSPCA becomes involved. I think that is a pretty normal standard pathway.

Dr Sri: I would add that in our submission we did have guidelines that have been distributed to vets regarding the process that needs to be undertaken if you do have an animal that you deem needs to be euthanised, which involves scanning the microchip, contacting whoever is on the microchip, contacting the alternate contacts, documenting all your findings and if there are other people in the practice—other vets—getting them to confer on the issue as well. That has been detailed in our submission. I think it was in an appendix about the process that vets would undertake.

I would add, too, that I think this situation where you get injured animals happens very often, particularly in rural and regional areas. There are many animals where the vets would treat them initially and stabilise them. They might be in hospital overnight before their owners are contacted. That is not what we are talking about. This is the animals that come in and they are suffering extremely. They are basically dying in a lot of cases or undergoing extreme suffering due to multiple traumatic injuries that would take extensive rehabilitation. But the situation is that, because you cannot contact the owner, then technically some vets may be worried if they euthanise the animal.

Mr McDONALD: That is great; thanks you very much for that. Obviously, a lot of thought has gone into it. My next question relates to the AVA position regarding surgical spaying and seeing a caveat put in place that it must not continue once non-invasive medical means of controlling become commercially available. How far progressed is that non-surgical technique?

Dr Guilfoyle: In regards to cattle spaying, they are working on it all the time. They have vaccines. There was one launched about seven years ago but I do not think the market was ready for it. One other company has one currently on the tags. They are working on different methods. Unfortunately, the major call for spaying is in the more extensive areas of North Queensland. When you have the cattle in the yard that might be the last time that you see them for another two years or whatever time. Then you have the control of fencing. There are extensive areas in the north where it is a problem. That is your major problem. That is the reason they still have surgical intervention.

The surgical intervention, of course, is advanced now with the use of affordable and very good analgesics coming onto the market. In fact, a lot of standard husbandry procedures never incur analgesia now but I reckon, within a certain time, particularly under the thinking of this act, it will be very close to becoming compulsory to use analgesia. Along with spaying, Willis dropped ovary method—the current one that is being used—is a highly technical job and I think it really needs a veterinary surgeon, a veterinarian, with very skilled training in anatomy. That is the obvious person for using it. It is a very difficult procedure to treat. I have seen firsthand, in the hands of some of my employees when they go out to check cattle, that there is some pretty horrific damage done by people who just do not understand quite what they are doing. Unfortunately, the only way you can have any progress of that particular operation is on post-mortem. That is the big question for here. It is most definitely worthwhile, but it is the logistics of the north and the more extensive areas that are the problem.

Mr Pratt: I can add to that. It is partly ensuring that the non-invasive techniques have the longevity to be effective for the period that they need in those areas. We can double-check that for you. I have a recollection of expecting it within the next five to 10 years, but we can get some more information for you.

Mr McDONALD: Thanks, Graham. Ben, you made a comment before in regards to an injured animal on the side of the road and the council not having carriage of that and then having to rely on the RSPCA. One of the committee's roles in this review is to look at some issues around service delivery with the RSPCA and operational effects. There is certainly an overlap between service delivery by local governments and the RSPCA, which is probably outside the scope of this inquiry. However, it certainly raises a very important issue of animal welfare.

Dr Brightman: I have major concerns about both governments' interest—that is probably the word that I am going to go with—in doing anything more than the minimum they can get away with. Different councils are performing very differently. If you look at the Townsville council, they have an employed vet with the ability and they will take and treat injured stray animals. Whereas in Mackay, for example, which is where I have my experience, if a dog has (inaudible) the council refuses to take it because it has some form of medical issue. We do have inspectors for the RSPCA in Mackay who

do their best at doing what they can, but I think there is a bit of a disconnect between the RSPCA national and the RSPCA inspectors on the ground. Honestly, it just means as a practice owner we spend a lot of our money and time trying to mop up the pieces between what the council does not do and what the RSPCA does not do.

Mr McDONALD: That is great. Thank you very much for that.

Mr MADDEN: My question relates to the final paragraph on page 4 of your submission. You say—

AVA policy is that the facility veterinarian should directly assess the competence of researchers and technicians to undertake invasive or potentially painful procedures on animals.

Do the research facilities adopt AVA policy in that regard across the board or is it a bit more hit and miss?

Dr Sri: In terms of AVA policy, it is recommended strongly that any veterinarians who are AVA members follow those policies. However, there is no requirement to be a member of the AVA or to follow the policies. Many vets potentially who are working in those research facilities may not be members of the Veterinary Association, although obviously we would like more people to join up so that they have access. These policies are also available to anyone. You do not have to be a member to have access to the policies.

In the situation that you are talking about, the more likely situation is that most universities that are doing any animal experiments will have a veterinarian who is in charge of the animals that are used. But at the moment there is no requirement for that vet to individually assess the competency of a layperson or other scientist doing these procedures as part of their research.

Mr MADDEN: Like undergraduate and postgraduate students who are not qualified as vets?

Dr Sri: I would say they would be generally postgraduate students or researchers. With researchers, there are a lot of people who are not veterinarians and they are not veterinary students; they are either pure scientists or have postgraduate degrees in another field—for example, vaccine research or investigating animal diseases—and may need to do procedures on animals or also for genetic research. They may be doing minor procedures or anaesthetics on animals and they do not have any background training. That procedure would be taught to them by somebody else in the team who has done it.

Mr MADDEN: Thank you for clarifying that for me.

Mr KATTER: My question is fairly general. One of the greatest concerns I have with regard to veterinary services is availability or accessibility in the north-west. I would say we are at a crisis point in terms of the number of vets in the region. I was listening to some of the things that Alan was saying earlier. I will probably throw this across the board but it might relate more to some of the things that you were saying about the viability of the practices. We are struggling to attract vets as it is now, without compromising their availability. I am not sure if there is anything outside the pregnancy testing that would impact on that. I would be interested to throw that one across the table to see if you had some response to that. It sure is a pretty desperate thing in Mount Isa. I think at one point one of our vets, Katelyn, went on her honeymoon and we had one vet in a town of 20,000 people to service the region. There would surely be animals dying because of that, because you just cannot get to them.

Dr Brightman: I will throw to 'Gilly' for a more open comment but I do want to say one thing first. We have a shortage of vets around the country. We are haemorrhaging vets out of the profession. The number of vets leaving the profession within five to 10 years of graduating university is very high. In rural areas, it has already been a large issue. It is something that I think the AVA would love to get the government on board with to get some sort of systems in place to attract vets to those regional areas.

When Dr Guilfoyle set up his practice out in Clermont, there were biosecurity programs that the government was paying for that allowed him help with setting up and the viability of that practice. Maybe the government needs to take on notice that we do need to find another way of income generation for vets in the regional areas, to attract them to go out. Vets are not highly paid professionals compared to other professionals. It is definitely something that might need to be looked at. Dr Guilfoyle, do you want to comment further?

Dr Guilfoyle: Thanks for that comment and for the question, Robbie. We are well aware of North-West Queensland. There is no doubt that you picked up that I was alluding to the problems in the north. Again, I think governments—and I do not just refer to the state government; I think we have to look at federal government issues too, with the whole concept of biosecurity and animal welfare, Brisbane

particularly in this paddock-to-plate production, with lettuce and also when we look at the spinoff veterinary services to the communities of Mount Isa and right along the northern line. We have to have something there to keep them there.

I referred originally to the TB and brucellosis eradication scheme. In England, in the British Isles, I believe there is a scheme—this would be more directed from the Commonwealth and applying through to the states—where each property requires an on-farm visit each year to tick off on welfare issues and production issues. Also, through the original BTEC scheme, the Brucellosis and Tuberculosis Eradication Campaign, as I mentioned earlier, it got us onto the properties and people then became aware of the value of veterinarians. Once you start using a service, you start to understand the complexities, the depths and the knowledge that professional people can bring when they come to serve your properties. I think this is one of the things that we have to look at in the future.

We most definitely are very conscious of rural areas, as Ben alluded to and I think anybody on the coast would allude to: we do have a shortage of doctors and there is a shortage of all professionals. Certainly, some backup scheme where we can get into those places—you have to have the scheme first before you can attract the people to service those areas. We are very conscious of it, Robbie.

Mr Pratt: Can I perhaps add to that? Not to denigrate Dr Guilfoyle too much, but when he started practice the government invested quite a bit more in the delivery and support of veterinary services across the country and as a recognition of the public benefits that veterinarians provide to the community. Now veterinary services are pretty much paid for by those primary producers who use veterinarians and those animal owners who are responsible pet owners and regularly bring their animals to a veterinarian for health and welfare treatment. What comes with that is they are then paying for a huge range of public benefits that veterinarians are offering and providing to the community, whether it be passive surveillance and response in biosecurity issues or whether it be simply a veterinarian that is available when an animal is hit by a car. If you are a pet owner who does not engage in regular pet care, you have a benefit that the rest of the community is paying for by having a vet that is close by when those sorts of things happen. There is a long list of public benefits that veterinarians are offering and they are essentially covering that within the existing business model that they are operating under and that is under incredible strain which is why we are struggling to have veterinarians in not only regional areas but also city areas at the moment, as Ben was referring to. Certainly some way of helping to reinvest in animal health care in the country is something the AVA would be very keen on working with any government on.

Dr Sri: Can I also quickly add that I think that is part of the reason that the Veterinary Association is so involved in these amendments going forward, because what we are wanting is for them to support vets, so not adding to their mental load and decision-making stress with having to decide if they can euthanise something without getting legally caught up in some issue. As Gillie was saying with spaying cattle, taking those things that should be under the care and authority of veterinarians who are experts in this area, by undercutting vets in those areas it is just further worsening this crisis where vets are struggling and then called upon at times of national emergency, emergency infectious diseases, where you want vets there but over a long period of time the respect for vets as the experts in these areas has just been diminished. I think that is why it is really important that we make these changes that support vets. Even in terms of the animals in research facilities, to acknowledge that we have a lot of training in terms of physiology, anatomy, surgery and that should be respected when people are trying to do procedures on animals. We want the best welfare for those animals so we need to support vets through the legislation as well, I think.

Mr SMITH: I might direct this question to Alan to answer. Going back to accredited schemes to have laypeople perform spay and pregnancy checks, we are obviously at a point where the government believes it is acceptable enough to put it into legislation. What I am asking is, from AVA's point of view, what is driving the movement to allow laypeople to become accredited to perform these procedures and what are the justifications being put forward?

Dr Guilfoyle: As I said, I was privy to some of the negotiations with AgForce with the government. Some of the schemes that were being floated at the time would not even pass preg testing 101. They were quite deficient in what they were doing. We will go a bit broader than that, we are looking at paraprofessionals probably in the future. As I said earlier, it is going to take another five years of development. Under what scheme, how they are going to work, how paraprofessionals are going to work within the general veterinary profession, I am not really free to comment particularly there. Training would not be a two-day course, that is for certain. It has been alluded to earlier, by Anna too, that we have five years of professional training behind us before we graduate, and, as Ben said, after we have had our degrees awarded when we go into the field we undergo further training

within practices to make sure that things are done right. Some of these schemes that are coming forward I cannot see in the short term. I am not a teacher, I am not an educator—certainly within the practice I am, but not in the broader sense. It needs a sea change of the thinking of how it is going to be done, but to be efficient it is not going to be a two-day course. It has to be something more sitting underneath those paraprofessional courses or nursing courses and everything like that. I do not know whether that answers your question. It is probably a bit of a politician's answer back to you. I am pretty good at not answering questions, but I will give you plenty of speech in the meantime.

Mr SMITH: Very briefly, where is this push coming from for laypeople to become accredited and it not be veterinarians? Is it simply the fact that access to vets throughout regional Queensland is not there? What has been the catalyst to say we want this to change?

Dr Guilfoyle: I think the original push came via AgForce and its members coming out of the north. Quite honestly, I think it came from members who are philosophically opposed to using vets and they would like to be able to do it themselves. They talk about the availability of vets, but it is a case of use it or lose it. If you do not use a vet you will not have a vet. I think it is an answer that comes from the other side of the fence to me really, but from my understanding of the negotiations with AgForce over this issue, that came from those people who did not want to pay mileage and did not want to do a few things. On that point, I must relay a comment from a colleague in New South Wales where there are lay operators: they are running out of lay operators because they cannot cop the pace either. Certifying lay operators is not the panacea and it may not be the long-term solution either. The push I believe is coming from within the industry because they have not thought themselves to use vets in their own practice, in their own management, but maybe if we could get vets on to places they may see the benefits that vets can offer.

CHAIR: The time for this session has expired. Thank you very much for your attendance. We appreciate you being here today.

CALDWELL, Dr Karen, Government Liaison Officer and Veterinarian, Racing Queensland

GRIEVE, Mr Michael, Committee Member, Thoroughbred Breeders Queensland Association

KELLY, Mr Michael, Treasurer, Thoroughbred Breeders Queensland Association

NOLAN, Mr Basil, President, Thoroughbred Breeders Queensland Association

STOUT, Mr Simon, Industry Policy Manager, Racing Queensland

CHAIR: Thank you all very much for coming along today. Who would like to start off with a presentation and then we will have some questions for you?

Mr Kelly: I tried to make my submission concise, dot points and easy to read. TBQA wishes to express its support for the general purpose of this bill. We embrace animal care and protection. That is what we are all about. We are all horse lovers. We are in this industry, hobby, sport because we are horse lovers and we want the animal protected. The only concern we have, as I have detailed, is the amendment to section 63, 'Purpose of licensing schemes', the responsible breeding of horses for racing. The reason for that is we think that in the first place it is unnecessary because of the number of controls, legislation and industry control. The breeding sector is the most regulated sector of the thoroughbred industry via Racing Australia and the Stud Book and then, of course, the veterinarian's influence and involvement at all times and then we have the Animal Protection Act and the RSPCA et cetera who can intervene at any time they wish.

We have a lot of control and I detail out in dot points all the different forms and reporting that has to happen for every stallion, every stallion service, every mare, every mare service, every foal born. There are annual returns for mares that do not breed. If you have a mare at home and you decide not to breed, you still have to put a return in to say that she was not bred that year. There is tracking of the foal. The foal is not allowed to move from property to property without that being recorded. Then eventually, of course, they go into training and we know the regulation there is in racing where every horse is highly regulated. We think that it is quite highly regulated already. All that incurs fees and there is a lot of expense in taking the time to do all that. We think it is just enough. We think it will be detrimental to involvement. I quoted a publication from AgriFutures Australia: 76 per cent of thoroughbred breeders have just one or two mares. The majority are small time; it is basically a hobby. It is not a business at that level. More than half of all mares are owned by breeders with five or fewer horses. Thoroughbred Breeders Australia has 4,200 members and we have 1,200 members in Queensland. Most breeders are small scale and just want to enjoy their life with their horse. They love their horse.

The other fact we have to remember is that all these small-time breeders do not have stallions. They send the mare off to a stud which is highly regulated and there is high involvement of vets et cetera. That is where the mare goes. Quite often I might own the mare, but I have not quite got the money to go to the stallion this year so I get a couple of my mates in and then the three of us are recorded as the breeders, even though I am the owner. It will be terribly hard to say who is the breeder and who are we going to register here. Then if I send the mare down to New South Wales I have not got to be registered. It is just going to be terribly complicated to control small-time operators. We fully support the Martin report and all of its recommendations, but perhaps the people who instituted this change or said that this change might be necessary were thinking that breeders were the big studs and we just have so-and-so stud registered as a breeder and so-and-so stud, but it is not, it is so many people. So many people put so much money into it. The thoroughbred industry is like all other sports, whether it is football, cricket or soccer, if the money is not coming from the people who want to volunteer their money and enjoy it that money is not going to be there. If they thought they could more easily enjoy their money in New South Wales maybe they would go there. At the moment Queensland is only 10 per cent of the breeding industry. We are building up. Our record over the winter carnival with our own horses has been tremendous. We need this investment from all those people who want to be part of a mare to stay in it.

The other small thing that I mentioned, and I do not know whether you agree with this and whether I was over the line by putting it in, but I mentioned the human rights issue and the invasion of privacy rights. The fact that you are allowed lawfully to require these things, but is it unreasonable, unnecessary and disproportionate to register all these small-time breeders? If that is the case then it

is an invasion of Queensland's Human Rights Act. To finish, the rules, regulations, reporting and legislation now in place are all for the protection of the horse and are more than sufficient. Breeders and mare owners are totally committed to the welfare of their horses and incur considerable expense in pursuit of their love of the horse and racing. TBQA fully supports the general purpose of the bill and the protection of all animals.

CHAIR: Before I go to Racing Queensland, Mr Grieve or Mr Nolan, did you want to add anything?

Mr Nolan: I am wearing two hats today. I am also chairman of Thoroughbred Breeders Australia, so I would like to put Thoroughbred Breeders Australia's perspective on this. We agree with the Martin inquiry that there should be a licensing process and the introduction of welfare levies attached to foal birth notification and stallion returns. It is recognised that applying these changes in Queensland alone will only work to create disadvantage for Queensland breeders and possibly new welfare issues. Therefore, it is recommended that Racing Queensland, whose chair is also chair of the Racing Australia animal welfare committee, advocate for these changes on a national level. The TAWWG report called for urgent development of minimum welfare standards for all horses in the thoroughbred industry, including those in the breeding sector. These standards would be enforced by an effective compliance regime. Individual breeders would be required to meet these standards in order to remain in the industry. Reflecting on calls for the licensing of breeders, the TAWWG commented—

If each PRA were to develop its own licensing regime, it would likely take a considerable time and there might be different rules in the states, which could cause confusion, especially as thoroughbred breeding stock is easily and frequently moved across borders.

The TAWWG noted that both the rules of the Australian Stud Book, to which all breeders must adhere, plus the rules of racing provide an effective mechanism to regulate breeding from a welfare perspective. Their report stated—

The benefits of using the framework that already exists are not insignificant: the system is already established; breeders are familiar with complying with the rules of the stud book and rules of racing; and this regime is national and encompasses every participant in the sector.

A comprehensive national plan would consider the number of thoroughbreds required for such a plan and would ensure adequate field sizes in racing but also guarantee adequate opportunity for those horses post racing. It is worth noting that the annual thoroughbred foal crop has been about 13,000 in Australia in recent years, which is a decrease of around 30 per cent from the late 1990s. Furthermore, a greater proportion of these foals are being registered to race and are competing on the race track, with some 88 per cent registered to race. Despite this trend, several submissions stated there was overproduction and that more thoroughbreds than needed were being produced. Others, including Racing NSW, argued the opposite. TBA has been vocal in calling for welfare reform and publicly supported all 46 TAWWG recommendations. Furthermore, we have lobbied all federal, state and territory governments to implement these reforms. TBA and QTOA are supportive of breeders having to meet welfare standards to remain as participants in this industry.

As the TBA told TAWWG, it is not enough for us as an industry to say we are doing the right thing, trust us. However, as both the Martin inquiry and the TAWWG report concluded, it is important for regulation to be national and effective. The most important thing that we have to bring today to this meeting is that it needs to be national—not just state by state. Thank you very much.

CHAIR: Dr Caldwell or Mr Stout, did you want to make a quick presentation before we ask some questions?

Dr Caldwell: Just by way of opening statement, Racing Queensland broadly supports the proposed amendments to the Animal Care and Protection Amendment Bill, particularly those giving effect to the recommendations of the Martin inquiry. Racing Queensland remains completely committed to working with the Queensland Racing Integrity Commission and the industry to satisfy the recommendations of the Martin inquiry. As the control body for the three codes of racing in Queensland—thoroughbred, harness and greyhound—you will note that we have addressed some amendments that have come from the Martin inquiry but looked at greyhound inclusion in those as well.

CHAIR: You have made very specific recommendations regarding section 37C about firing or blistering on horses or dogs. Can you quickly talk us through the reason behind those specific recommendations?

Dr Caldwell: It is quite minor and is really just addressing a subtle point in terms of the initial drafting which brought in an intention requirement into the provision to cause tissue damage or the development of scar tissue. As I have noted in the submission, that may well be an outcome of the process that is referred to as firing or blistering, but it subtly misrepresents probably what the intention is. That really is to harness the body's inflammatory processes, the inflammatory reaction, that results from the trauma caused in an effort to have that inflammatory response go on and then contribute to the resolution of the underlying injury.

If you could have your way with the injury, quite aside from biological processes, you would wish for the tendon and the surrounding structures to heal with as little scar tissue as possible, because scar tissue does not behave like normal tissue. It is fibrous. It can limit the range of motion in an area and, because it lacks the elasticity of a normal tendon structure or connective structure, it can be more prone to injury. I just felt that there was a small loop there where it may have been difficult to prove intent to cause that as an outcome when, strictly speaking, it is not the outcome that you would by design wish to have, although it is nevertheless part of the healing process and does ultimately bring about resolution of the injury. To require that as something that is intended as an element of the provision might serve to limit it in a way that is not intended.

Mr McDONALD: I direct my question to both of you at the start, because I am very concerned about the level of consultation that did not occur before this bill was developed and now we are going through a consultation process. Was TBQA consulted with regards to the development of this bill before it was made public?

Mr Nolan: No, we were not. We obviously attended the Martin inquiry and gave our response to it, but we were not, no.

Mr McDONALD: Racing Queensland?

Mr Stout: No, similarly. We have dealt with the Racing Integrity Act separately to the Animal Care and Protection Act.

Mr McDONALD: If there were consultation, I am sure we would not be in a situation where every small breeder was going to face the regulations or the licensing requirements that are suggested in this bill. I appreciate the submission. Mr Nolan, you made a point about a national approach as opposed to a knee-jerk reaction or Queensland control. Would you be open to a suggestion of ongoing consultation? How else can you see this having an impact?

Mr Grieve: I am also wearing two hats. I am also on AgriFutures. The thoroughbred industry is a levied industry. All of those breeders and all the members of the industry provide levies that we then control. There is a lot of research and a lot of work going into the welfare of the horse. It is now a priority in terms of AgriFutures and how those levy moneys are spent. The national approach is the key to this. We are a small part of a large national industry. If we all go off in our fragmented areas, we will waste a lot of time, resources and energy. We are thoroughly supportive of animal welfare. It has become a high priority for us. We all are saddened by the Martin report and all those things that went along with that, but we need to remember that the large majority of us care for our animals extremely well and look after that. We want to continue the industry. Consultation is the key. There are fantastic industry participants around the place who are happy to give their time and continue that consultation process. We also work closely with Racing Queensland and QRIC. Again, part of this is that QRIC and Racing Queensland have a large job in terms of the racing industry. If they were to take on the breeding as well, that is probably asking a bit too much.

Mr McDONALD: Has there been any suggestion of a fee in terms of licensing breeders?

Mr Grieve: No, this is the first we really knew about it.

Mr McDONALD: It would be another form of taxation, I would suggest.

CHAIR: Is that an opinion or a comment?

Mr Grieve: We are a levied industry. We are already paying tax.

CHAIR: I will take that as a general expression and a statement instead of a question.

Mr McDONALD: Dr Caldwell, I appreciate the comments regarding blistering and firing. Perhaps they should be cauterising or something like that. When we put these animal welfare situations out to the general community and use some terms, people can easily misinterpret them. It

is good to have some science around that. Importantly, though, in terms of the inquiries that have occurred already, I think this is an overreaction to some complaints as a result of not gaining the benefit of input from the industry.

Dr Caldwell: I am not understanding exactly your question in relation to complaints. I am not following.

CHAIR: Is that more of a statement again?

Mr McDONALD: Well, it seems to be that a series of complaints made to the department have been tried to be captured in changes to legislation without consultation with the industry. I am just looking at those problem areas that may have come to the surface.

Dr Caldwell: Is that a broader statement, not just talking about blistering and firing?

Mr McDONALD: Yes.

Dr Caldwell: Because obviously with blistering and firing there is no scientific evidence, so absolutely appropriate.

Mr McDONALD: Yes. There are also the issues of greyhounds and others that might be distasteful to the industry without consultation with the industry.

Dr Caldwell: The recommendation that we have made in terms of provisions that could relate to the practice of live baiting are fairly undeniably in terms of that is a practice that none of us would wish to see happen again. Were it to happen again, we would like to have an effective response to it. The expanded inclusion in that that I have suggested is that we capture a practice that was reported during the MacSporran inquiry that surrounded revelations of live baiting in Queensland. That was actually tethering animals as a live bait or potentially presenting live animals as a bait contained within a cage.

On my reading of the provisions as they stand, as I note, unless that animal was injured or was killed or a greyhound involved was able to taste or smell that animal's blood, that could potentially fall through those provisions. The broad provision—I just refer you to that particular one—is section 18(2)(c) which provides a general provision against abuse, terrifying, tormenting or worrying of an animal. It would fall to that provision, on my reading, to provide a basis upon which action could be taken for that sort of behaviour. I do not think anyone in the community or the industry would consider those acceptable practices.

Mr McDONALD: One hundred per cent. In closing, thank you very much for your support of the Lockyer Valley Turf Club and the wonderful job you do for providing racing to the broader South-East Queensland community.

CHAIR: I do not think you even tried to make that a question!

Mr Stout: For the benefit of the committee, in relation to Dr Caldwell's submission around live baiting, I point out that the new greyhound national rules which were adopted earlier this year have been very explicit in terms of addressing any participant behaviour that may be associated with live baiting or the intended practice. We are trying to ensure that someone who may not be licensed may also be captured.

Mr SMITH: I remind everyone that the Bundaberg Cup is on 23 July at the wonderful Bundaberg Race Club. Mr Kelly, you mentioned the Human Rights Act. Have you or the organisation written to the Human Rights Commissioner to seek clarity?

Mr Kelly: No, I have not.

Mr SMITH: Do you intend to?

Mr Kelly: The request for these submissions allowed about 10 working days and you had to read 180 pages to get there. I found that bit in amongst the statement of compatibility. I thought it was relevant, so I stuck it in there. No, we have not. I did not pursue it any further. It has been very short time frame.

Mr SMITH: I understand. Does the association intend to write to the Human Rights Commission and seek clarity?

Mr Kelly: Not at this stage. We are hoping that our submission here will be treated as requested and therefore that would not be necessary.

Mr SMITH: Excellent. Thank you.

Mr HART: Both of your groups sat through the Martin inquiry and you saw the results of that. Is there anything in this bill that jumped out at you and you thought, 'Wow. Where did that come from?'
Brisbane

Mr Grieve: From our point of view, it was really only the licensing. As I said, we are fully supportive of the Martin report. I am involved with a number of committees on this and there has been a lot of work done with the Martin report. We are fully in agreement. We love our horses. It was only that one point that we felt was unnecessary in terms of what we were trying to achieve with the Martin report in terms of what we have to do in terms of Racing Australia and the Australian Stud Book.

Mr HART: So where do you think that came from?

Mr Grieve: It came from the fact that there is a policy around from birth to death that we try to cover and if racing does not cover all of that. I think what Queensland Racing and the Martin report were trying to do was to cover all of that. They felt that in order to cover from birth to death we needed to include the breeders in the licensing so that we can control that process from birth to death. I think we need to be clear that the breeders look after from birth to racing, and then from racing afterwards there are a number of pathways—not just breeding pathways—for geldings, for mares. There are numerous pathways and I do not think we can cover all of them.

I think it is important that racing looks after the racing part of it and that breeding looks after that foal part, which we do—that foal to racing. I can say that 88 per cent of foals that are born are registered to race, so we are doing a good job in getting them to the racetrack. Racing then looks after them while they are racing, and we need to look at what we do post racing. That is an important part that we will continue to grapple with in the number of horses that leave racing.

Mr HART: Do you have any thoughts on who should be responsible for an animal after it finishes racing?

Mr Grieve: The owner, first and foremost. I think education of our horses is going to be a crucial part moving forward so that we educate our horses properly. As a former teacher and as a horse lover, I can say that, if we do not educate our children, then we have problems at the backend. If we do not educate our horses, then we will have very limited access and very limited use of them afterwards. If we can educate our horses, we race them, then we will find far greater pathways for them once they finish. The owners have to be responsible for that first and foremost. The responsibility of owning a racehorse is from birth to death. I think we really need to look closely at that.

Mr Stout: In relation to your question in terms of the Martin inquiry, the recommendation was in two parts. The first was that the industry seek a national approach and a national solution, and Racing Queensland and the Queensland Racing Integrity Commission continue to work with Racing Australia to try to address that. The second part was that, failing that, Queensland would be required to implement something. What has happened here is that, in order to provide the commission with the ability if part (a) does not fully eventuate then part (b) can progress, this has been included.

Mr HART: So we have not waited long enough? Is that what you are saying?

Mr Stout: Everyone is still committed to trying to find a resolution around the first part.

CHAIR: Member for Traegar, do you have a question?

Mr KATTER: The member for Burleigh pretty much stole my thunder. I dipped my toes in the water with that a couple of years ago. I care for two bush thoroughbreds. I know there was talk of some of the big stations. I think there are pathways, but I was a bit unclear of what is being done there. I knew there was a bit of movement but I was not sure.

Mr Stout: I invite the committee to have a look at Racing Queensland's Off-The-Track webpage, and Mr Nolan is on the Queensland Off-The-Track Board, in terms of the progress that has been made around the rehoming of racehorses and transition of racehorses post their careers into other pursuits. The industry has made significant steps. Mr Nolan and his board have done a fantastic job in leading that. I encourage you to have a look at that. We certainly continue to work through programs and schemes that find ways to integrate thoroughbreds into other equestrian pursuits, as the honourable member has mentioned.

Mr Kelly: And all owners are contributing to that, with one per cent of all prize money taken for that fund.

CHAIR: That is a good point.

Mr Nolan: It is very frustrating how we have got to go about rehoming horses but we are getting there at the moment. I suppose we have been 18 months but we are seeing some light at the end of the tunnel. When it was first mooted, I do not know how many phone calls I had saying, 'I can do this' and 'I can do that.' They thought there was a panacea of money there that they could just take horses.

Obviously, that would be a nightmare. I am sorry that we have taken so long but you have got to dot the i's and cross the t's. It is working and I think it will be working, but it would be great if we could have a national approach. At the moment, we have got a sticking point just south of the border.

CHAIR: Thank you. The time for this session has expired. We do not have any questions on notice. I thank you all for coming and for being a part of our examination of this bill today.

Mr Grieve: Mr Madden, I am surprised you did not mention the Ipswich Cup on Saturday.

NEAL, Mr Chay, Executive Director, Animal Liberation Queensland

VERRINDER, Dr Joy, Strategic Director, Animal Welfare League Queensland

CHAIR: I now welcome representatives from Animal Liberation Queensland and Animal Welfare League Queensland. I invite you to make an opening statement, after which we will have some questions for you.

Dr Verrinder: Thank you for the opportunity to speak today. As you probably read in our submission, we are the second largest animal welfare organisation in Queensland and we directly care for approximately 10,000 stray and abandoned animals a year. We are very focused on the prevention of unwanted animals—I think we are probably one of the most proactive organisations in that regard—but our board and staff are also very interested in improved animal welfare generally across the board, not just in companion animals.

We would like to see a wider and more proactive and preventive approach to the revision of and the amendments in the Animal Care and Protection Act. While we appreciate the strengthening of enforcement powers and prohibiting inhumane practices, the bill needs to be more able to address the increased scientific understanding of the sentience of animals and the corresponding shift of public expectation in the last 20 years, because I am very aware that it will probably be another 20 years before this is put before parliament again.

Just as what has happened in Victoria—where there was strong public support for the inclusion of sentience of animals in their review of their equivalent act, and that is already in New Zealand, the ACT and the UK—I think it is time we recognised that in our review of our Animal Care and Protection Act so that all animals, regardless of their use, are considered for freedom from hunger and thirst, freedom from pain, injury and disease, freedom to express normal behaviours, and freedom from fear and distress.

We would also like to see the broader view that there is a need for an independent office separate from the department of agriculture because there is a conflict of interest in the department of agriculture. The department of agriculture's purpose is to promote economic productivity from animals. It is much less likely, therefore, that they will stand up for the wellbeing of animals where economics gets in the way. We strongly recommend that there be an independent office of animal protection. Similarly, there needs to be more proactive approaches to compulsory standards. We believe there should be inspections of all facilities, whether they be agricultural facilities or companion animal breeding facilities. They should be proactive. They should be funded by the organisations that breed the animals or use the animals for profit.

In the area of use of animals for scientific purposes, we believe that, just as replace, refine and reduce the number of animals has been part of the Australian act for many years, there should be a requirement for each institution that has scientific use to be required to increase their development and use of replacement technologies—currently, that is not required—and they should be required to report on a reduction in animal use over time. This would support the supposed intention of the federal legislation.

In terms of better management of companion animals, I would like to raise something particularly about cats. We believe there is a need for two changes in the Animal Care and Protection Act that are not currently there and also in the other acts that relate to cats—the Biosecurity Act and the Animal Management (Cats and Dogs) Act. The Australian government has already recognised the need to distinguish between domestic cats and feral cats. Currently, under our biosecurity legislation, all cats that are not owned are regarded as feral or pest animals or restricted matter. We believe that, now we are revising the Animal Care and Protection Act, it is very important to establish in that act that domestic animals—whether owned, semi-owned or unowned, in other words, animals that live with some contact with humans or feeding from humans—have an opportunity to be distinguished separately from feral animals which live remotely and do not depend on humans for their provision of food or anything else.

The reason for that is that there are much better and more effective ways of managing domestic cats. I have been involved in this now for 20 years. The Animal Welfare League has tried to prevent unwanted cats for the last 20 years in cities, towns and shires across Australia, particularly in South-East Queensland. What we find is that there are huge numbers of people in the community who want to help but are currently prohibited by threats that they may be considered to be abandoning an animal or they might be considered to be doing the wrong thing with restricted matter. If domestic

cats that live in cities and towns—whether they be owned, semi-owned or unowned—were regarded separately from feral cats, we could harness all the support we could in the community to actually get these animals in and get them desexed, and their numbers surprisingly would reduce in that way.

It seems counterintuitive. The intuitive belief would be that, if you remove cats from the environment—so take one cat out of the environment—that is going to be better than desexing a cat and putting it back, but actually that is not the case. In a Tasmanian study, the low-level culling of 30 per cent of cats led to a 75 per cent increase in the growth in population of those cats. If cats are removed, what happens is that surrounding colonies that keep breeding move into that area because there is a food supply. That leads to more kittens being born, it leads to more disease because kittens are more susceptible to roundworm and so on, and it leads to greater mortality because kittens have to survive in the wild.

What we need to do is stabilise the population. The community are there to help and they would love to help, but they do not want the threat of abandonment hanging over their heads. Some councils have taken the state law to the letter of the law and have actually convicted people who were feeding stray cats, for example. They were trying to get them desexed to reduce their numbers, but then council felt they were abandoning the cats or they were dealing with restricted matter inappropriately.

We would really urge that the revision of the definition of ‘domestic cats’ be done in this Animal Care and Protection Act and then in subsequent acts when they come up for review, otherwise, as I said, it will be 20 years before we can fix that and that we allow a clarification in section 19 so that if people are desexing cats and putting them back and making sure they are monitored and cared for so they do not continue to breed or cause harm that is not considered abandonment of a cat. Then we will not have councils misinterpreting the law, we will not have situations where people are being brought to court because they are literally trying to prevent unwanted cats and they cannot do it because of the current statements that are in the legislation that are being misinterpreted. So we would love to see that and that would create a lot more harm reduction as well which is very important, because currently owned cats are wandering around often being trapped by councils and being killed in pounds and those people are suffering because they just need more support to get their animals desexed and confined.

With regard to other areas, I will not go through everything that we support, but I want to mention again that I was on the rodeo consultation committee and am very disappointed that calf roping has not been prohibited in the Animal Care and Protection Act. It is rough handling of young vulnerable animals and the removal of the section on animals that says that animals are not able to be thrown when clearly this is what is happening to calves in rodeos is both hypocritical and lacks integrity. I believe that rodeos, regarded as a social event for people in communities, should be encouraged to be moving towards showing animals and people engaged in activities together that are supportive of both and that rough handling is not acceptable in any government documents now, and it is not even acceptable in agricultural practices. Calm, supportive practices are the be-all and end-all of how we should be treating animals based on their sentience and to continue to allow archaic, rough handling in public display and to continue to allow calves to be treated to rough handling—being tipped over and thrown to the ground et cetera—is just not aligned with what is acceptable.

We agree with animals in abattoirs having to be monitored on closed-circuit television. We believe that should be appropriate for all animals. There is no difference between the sentience of a horse and a cow or a pig. The difference is that currently we tend to value racehorses in our communities more than we value cattle and pigs, and that is not appropriate. Based on scientific evidence, which is what the act is saying it is, there should be monitoring of all abattoirs to discourage mistreatment and owners and breeders of any racing animals should be required and make it obvious that they are tracking their animals from birth to death and reporting that to the public. That currently is not done well for greyhounds yet either, so that should be posthaste organised.

In summary, just as Australia has reached a tipping point requiring an urgent response to climate change through scientific knowledge, ethical understanding and public expectation—and we are starting to tackle those difficult issues of job replacement for people in polluting industries and the costs of transitioning—so, too, we have reached the point where animal welfare legislation must respond honestly and consistently to the scientific knowledge of animal sentience and of ethics and public expectations of animal welfare. I therefore encourage the committee to recommend that the bill support all stakeholders to transition to prevent harm and recognise the sentience of all animals, regardless of their use.

CHAIR: Thank you. Mr Neal.

Mr Neal: Thank you for the opportunity to appear today and thank you, Joy. I want to second all the comments you just made; they were really good. I will keep my comments brief and try not to repeat too much. While the bill does offer several very welcome improvements to animal welfare, our overarching comment is that the bill falls far short of achieving its stated objective to modernise Queensland's animal welfare laws to reflect modern scientific knowledge, community attitudes and expectations. Just as an example, with the calf roping that Joy mentioned—also known as rope and tie where calves are lassoed around the neck, picked up and thrown to the ground—the animal welfare science is now very clear, there have been numerous studies, as is public opinion. We have done independent studies on this as well to gauge public opinion, both in the city and rural areas, and overwhelmingly the community rejects calf roping. I understand even a lot of people in the industry reject it, yet unanimous calls from all animal protection groups on the rodeo review and also the tens of thousands of people who have written to MPs and the minister have all been ignored. This event is just one example where I think scientific knowledge and public expectation is ignored just for entertainment.

Of particular concern though is that the bill does not offer any meaningful reform to the millions of farmed animals raised on factory farms and slaughtered in the abattoirs around the state, perhaps with the exception of horses, particularly racehorses following the Martin inquiry. Many of Queensland's animal welfare amendments have come from responding to crises like this such as the ABC's *Four Corners* on greyhound live baiting in 2015 and the *7.30 Report* on the slaughter of racehorses just a couple of years ago that of course led to the Martin inquiry. I ask: why must we wait for the next expose before putting in place much needed reform? We know it needs to be done and it is reform that the majority of Queenslanders want to see.

Our other comment is with regard to monitoring and compliance. Animal welfare laws are meaningless as there is inadequate monitoring and also a unwillingness to prosecute offenders. As Joy mentioned, places that house animals, particularly factory farms and slaughterhouses and large breeding facilities, should have unannounced inspections without having to get a warrant or permission from the owner. The act does go some way for this, but it is very limited to racehorses. I know that is responding to the Martin inquiry recommendations, but scientifically when you are talking about animal welfare all animals have the ability to suffer. In fact, you could argue that with some of the smaller animals in larger numbers and lower economic value there is a fair chance they may be treated even more poorly when it is behind closed doors.

Too often animal cruelty is seen as the cost of doing business and without a financial incentive to not cut corners businesses that use animals for profit are free really to do as they like at the animals' expense. Out of roughly 100 or so complaints that we have made to the authorities over the last seven years, only three have been prosecuted. Obviously in 2015 the live baiting was taken very seriously and joint police and RSPCA operations charged numerous people. Then in 2018 there was a bull that broke his leg at a rodeo. Luckily we were there and we filmed that and the bull was inappropriately loaded with a broken leg to be taken off site, so they were charged for that and given a \$2,000 fine for breach of care. Then there was the recent case just two years ago of the horses at a property just outside of Toowoomba where some 30-plus horses starved to death. There were eight that were still alive, some severely emaciated. I know the minister has referenced this case as one of the reasons for expanding some powers and an additional offence for breaches like this.

It has been only three cases out of the 100 that we have reported that have actually led to a prosecution. We also note that in the first five months of this year from the data published by the department there have been zero animal welfare prosecutions. We do not have full data for the history, but we do know from documents that have been published that from 2005 to 2015 an average of fewer than three cases were prosecuted each year for animal cruelty by the department separate from the RSPCA, which looks after primarily cats and dogs in the cities for which it does have a higher prosecution number. For the millions upon millions of farmed animals that are in factory farms, slaughtered, trucked around the country, often left in paddocks in poor ways, I would say that that is a very small number of prosecutions.

To build on Joy's comments, to help achieve independence and address the conflict of interest that currently exists within the department of agriculture, we also strongly advocate for an independent animal welfare authority. This has been recognised now at the federal level with the commitment from the new Labor government. It has also been recognised at the state level in that portfolios that are in regular conflict are split—for example, mining is separate from the environment portfolio for good reason. Also, the MacSparran inquiry recognised this and the government took appropriate action to separate racing commercial interests from the integrity functions, including

animal welfare. While there are still some issues in racing, that has certainly gone some way to help remove that conflict. However, when it comes to animal welfare, particularly farmed animals, this conflict continues to be ignored. Thank you.

CHAIR: Thank you very much, Mr Neal and Dr Verrinder. Dr Verrinder, you talk in your submission about a greater definition of domestic cats.

Dr Verrinder: Yes.

CHAIR: Are you looking then to replicate any definition that is in the Animal Management (Cats and Dogs) Act 2008 in the bill before us? Is that one of the things that you are perhaps saying, because I am not sure what is in the Animal Management (Cats and Dogs) Act regarding domestic cats?

Dr Verrinder: Yes. It is very difficult because the definition straddles the Biosecurity Act, the Animal Care and Protection Act and the Animal Management (Cats and Dogs) Act. In the Biosecurity Act it says that a feral cat is any cat that is not owned and then you have to go to look at other acts to see what is an owned animal. An owned animal in the Animal Management (Cats and Dogs) Act is any cat that is cared for by somebody, so technically if a person is doing the right thing caring for a stray cat and getting it desexed and bringing it back home and making sure that it is safe and not hurt, as much as they possibly can but just leaving it live where it was living in a healthy life anyway, then that should not be regarded as abandonment because it is being cared for. Unfortunately, there is no clear definition that domestic cats are not regarded as restricted matter and can be treated in this way and can be looked after in this way and it is actually more beneficial and more effective to prevent unwanted cats and prevent the potential wildlife predation and so on. There is just no clarity around it. We believe that that needs to be clarified now rather than later and we need to start this clarification process across all the acts. Particularly in the Biosecurity Act domestic cats need to be separated from feral cats if they are going to be treated differently, but here in the Animal Care and Protection Act it would be very helpful to clarify that abandonment does not mean cats that are being cared for by carers in the community who are working to prevent unwanted breeding and so on. We would be very happy to be involved, as would other organisations, in the wording of that.

Mr HART: Has anybody been charged with that and, if so, by whom?

Dr Verrinder: For example, the Brisbane City Council from my understanding took some feeders of cats to court some time ago—probably in the last couple of years.

Mr HART: So feeders, but what about people who had them desexed?

Dr Verrinder: Most of the people who work in community situations are deliberately wanting to desex these cats. They do all that they possibly can. There are rescue groups. Since I started working in this area a number of community people who have become rescuers of cats and are desexing them to prevent this unwanted breeding are doing an amazing job.

Mr HART: Yes. It makes a lot of sense to me; I am just trying to get a sense of whether anybody has been prosecuted or not.

Dr Verrinder: Yes.

Mr HART: I am wondering whether somebody is taking it too far, so no-one has been prosecuted for desexing a cat and letting it go again?

Dr Verrinder: Not specifically for desexing but certainly for feeding cats that were roaming around and therefore were regarded, based on the letter of the law, as restricted matter. It just means that people who are compassionate and are preventing unwanted cats and doing the right thing feel that they are in a very precarious position at the moment, so it really needs to be addressed.

Mr Neal: Obviously it is a deterrence too. Obviously a charity must follow the letter of the law, so if Animal Welfare League—

Dr Verrinder: Yes, exactly.

Mr Neal:—was to do anything like a campaign or an operation to help desex animals, you probably could not at the moment.

Dr Verrinder: Yes, that is correct. This is the only area where we have a flaw at the moment, because we have managed to really reduce the numbers of euthanised animals in the areas where we have worked over the last 20 years, but there are still those little cats that exist that could be desexed and put back to where they live—obviously where there is going to be no harm and where there are no critically endangered species or anything like that—in an urban area. There are a lot of Brisbane

areas where cats can be supported by local people, put back quite safely and nobody needs to feel pressured or be prosecuted because they are helping the community to prevent unwanted cats, including organisations like ourselves.

Mr HART: You mentioned before about the government needing a separate organisation to enforce legislation against cruelty to animals. We have the RSPCA, so I am a bit confused. Can you explain that a bit more?

Mr Neal: Under the memorandum of understanding between the RSPCA and the department, the RSPCA really only looks after domestic animals—primarily cats and dogs. If it is over a certain number—I cannot remember the exact number off the top of my head, but it might be 10 head of cattle or horses on a property—those matters are generally referred to DAF. If it is outside the RSPCA's metropolitan and regional regions where they have inspectors it is also referred to DAF.

Mr HART: What has the new federal government committed to? I must have missed that. What have they committed to?

Mr Neal: An independent inspector-general for animal welfare. The details are not entirely clear yet. Ultimately it should be a different ministerial portfolio and some sort of independent office that oversees and makes sure that information is public. They are responsible for training and liaising with inspectors, monitoring complaints, prosecuting, making recommendations under animal welfare laws and things like that.

Mr SMITH: My question relates to wanting malacostracans to be considered as animals within the act. Are those concerns around the way they are caught, killed and possibly used as live bait? Is that what it is trying to get rid of when they are looking at including crustaceans? What is your view?

Mr Neal: To ensure that when it comes to animal welfare cruel things are not allowed to happen. Animal welfare science is now fairly clear that boiling a crayfish or a lobster alive causes immense pain to that animal. We should be able to capture things like that in animal welfare laws and not just say, 'They are not animals under the act and we can do what we like with them.'

Mr SMITH: So they should be frozen before they are boiled? How do you police that? Rather than your organisation putting out an education advertisement, what are the practicalities around being able to police methods of cooking?

Mr Neal: Policing those things is an issue across the board. If that example was changed under the act and a practice like that outlawed, certainly it would be hard to get 100 per cent compliance immediately, but there are a lot of responsible businesses that I think would do the right thing once the government announcement comes out and larger businesses that will be monitoring the laws and acting in accordance, you would hope.

Going back to my comments earlier around enforcement, there is a complete lack of monitoring and compliance with animal welfare laws in general. Our priority would probably be where there are the largest numbers of animals, so intensive farms, slaughterhouses, high-paced production lines and things like that where there would be quite a number of offences potentially committed.

Mr SMITH: Joy, feel free to add to this. What endeavours are your organisations undertaking to work with industries to promote the causes you want them to undertake? Even though we have legislation, what are your own organisations doing by way of communicating with different parts of the industry?

Dr Verrinder: We mainly work in the companion animal field. Because we work directly with those animals, I started a stakeholder coalition which actually became the state stakeholders' coalition back in 2008. I have very strongly worked for 10 years developing legislation to require proactive inspections of breeding facilities, which we actually ended up introducing at the Gold Coast level with state government involvement. We included breeders, the pet industry, local and state governments, the Australian Veterinary Association and all those groups. We strongly work with all organisations to try to achieve the prevention of unwanted animals. In terms of more broadly, we work closely with other organisations. We do not as much get involved in physically working with other groups on other issues—that is more Animal Liberation Queensland probably—but we are certainly always very involved in submissions and seeking improvements.

Mr Neal: In terms of direct industry engagement, it is probably not something that we have the capacity to do in a really detailed way. Also it can be difficult to be received with open arms by some industries. We certainly try to take the industry on board. We are not anti industry. We are not anti farmer. We just want the best for animals. We speak regularly with the department of agriculture and QRIC for racing and the RSPCA, so we liaise with those bodies probably more than directly with industry. We collaborate very widely with other animal protection groups too.

Mr McDONALD: Thank you very much for being here today. I have a background in local government managing cats and dogs and that sort of thing, so I was very interested in the concept of capturing, desexing and then releasing a cat into the environment. In my world, I would say that cats should be contained at home because even well-fed domestic cats predate on wild animals and the biodiversity that we have for sport, not food. I am concerned about this issue of desexing and then releasing cats. Can you help me on that journey?

Dr Verrinder: Yes. It seems counterintuitive. I know that, having worked with local governments for 20 years now, obviously the preferable option would be for cats to be desexed and contained, yes, absolutely. That is what we want to happen. I am currently in the process of putting in place a new program to get out into the community and, instead of people trapping cats, find the owners of the cats and then help those owners desex and contain them. I have approached Bunnings, for example, to try and get some materials. We will send some volunteer teams out because there is not currently enough knowledge about the containment of cats. Cats can jump a fence so easily. We have got better at containing dogs but we are not very good at containing cats yet. We need a lot of community support and education, particularly for people with low incomes.

Up at Redbank Plains around Ipswich we recently drove around the streets there. We were trying to work with an ecologist who had birds in her backyard and problems with cats. We noticed that most of the people in that area did not even have a fence, let alone the capacity to put netting from the fence up to their roof or whatever. It is a massive job to change that. In the meantime, of course, we have cats out there mainly in low-socioeconomic areas that are not being desexed because people cannot afford it. We are gradually changing the attitudes of local government to realise it is far better they put some funding into desexing animals by subsidising people on low incomes rather than just catching and killing cats. That is a huge transformation that is currently happening across Australia. We run programs free of charge. Councils just put in funding and every dollar goes towards desexing cats for them. That is one of the big steps, desexing. But while these cats are out there, there is no point just ignoring them: they are just going to keep breeding.

If you catch and kill them, as I said, and counterintuitively remove cats from an area, there is still a food supply, so the cats in the surrounding areas keep breeding. They then move into that area because there is now a gap, so they then can breed even more. You then end up with more kittens, more disease spread and more loss of kittens' lives because kittens are more vulnerable out in the wild. The best thing we can do is support people to desex those cats that are currently out there. Gradually their numbers stabilise, they become adult communities and then their numbers gradually reduce. Instead of councils trapping and pulling in a few cats and killing them, which is what currently happens in many places in Australia and Queensland, which is not reducing the numbers out there, we have to do it better by doing this support process.

Compassionate people are willing to put in all of the effort for councils. They are willing to go out and help trap these cats. They are willing to drive them to the vet, but sometimes they need help with the cost of desexing because it can cost \$300 to desex a female cat. If councils put in some desexing money, those people will then care for those cats. Amazingly, a project I am involved in with Professor Jacquie Rand at the moment in low-socioeconomic areas in Ipswich has shown that the majority of people who bring in these cats are willing to take ownership and contain them in their homes if they are just given support with desexing. But while they keep breeding they cannot manage them because there are just kittens everywhere. I recently helped a lady who managed to drop trap nine cats in Redbank Plains. She did not want them to continue to breed, so she trapped all nine of them. Luckily, a whole lot of community people came forward. The RSPCA did the desexing all in one afternoon. I took on one of those cats myself to see how long it takes to socialise a cat, and it took only four weeks. The solutions are there if we just acknowledge that the cats are already out there, so we have to do something better to contain them—yes, if we can—and increase their containment capacity by desexing them.

CHAIR: If there are no further questions, thank you very much for coming and talking to us today. We do not have any questions on notice. We will have a lunch break and we will be back at 1.30.

Proceedings suspended from 12.40 pm to 1.30 pm.

COURTNEY, Mr Steven, President, Professional Dog Trainers Australia (via videoconference)

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

REID, Ms Kirsty, Co-Founder, Dog Training Queensland

YOUNG, Mrs Brittany, Co-Founder, Dog Training Queensland

ZAKAR, Mrs Jacqui, Vice President, Professional Dog Trainers Australia (via videoconference)

CHAIR: Good afternoon. I now welcome representatives from Dog Training Queensland, Professional Dog Trainers of Australia and Animal Care Australia. I ask you to make an opening presentation and then we will have some questions.

Mrs Young: We would like to thank the committee for receiving our submission and further submitted evidence today. Thank you for inviting us here today to be witnesses. We are here as representatives of the pet dog owning community and dog trainers across Australia. Dog Training Queensland was formed due to an overwhelming response from our community to the Premier's announcement on 8 May 2022 that prong collars were to be banned. We identified that people wanted to act and be heard in this matter, and our sole purpose has been to support and guide our community in doing so. We wish to note that we are both nationally accredited dog trainers via the National Dog Trainers Federation with a combined 11 years experience.

Dog Training Queensland are strongly opposed to division 5 of the proposed amendments to the Animal Care and Protection Act. We argue that the banning of the prong collar is a disproportionate response which will adversely affect animal welfare. We are also not in support of the banning of potentially any other restraint based device if prescribed by regulation.

We do not consider adequate community consultation on the amendments specifically pertaining to the prong collar or any other restraint based tool to have taken place. We argue that the government has not followed their own best practice guidelines and, as a result, stakeholders and the wider community have not been genuinely consulted and, as such, the true impacts of the changes proposed in division 5 of the bill have not been completely assessed.

We wish to highlight that there was no mention of the prong collar or any other dog training equipment, including restraint based devices, in the original discussion paper released by the Department of Agriculture and Fisheries in April 2001.

Ms Reid: Prohibiting the prong collar specifically will, without question, impact the training outcomes professional trainers are able to support their clients in achieving. It will adversely impact everyday pet owners and their ability to safely manage their dogs in public and will affect their dogs' behaviour choices, emotional state, mental and physical wellbeing and ability to relate to the world. Dogs and their owners will suffer without access to this tool. Behavioural problems will increase, as will owner surrenders and behavioural euthanasia.

We submitted to this committee on 9 June a folio of evidence contained within which was a video reel and accompanying profile of 10 pet dogs. This represents a tiny fraction of the dogs and owners whose lives have been improved by this tool under the guidance of professional trainers who have animal welfare front of mind. The dogs shown in these videos were, without question, making good behaviour choices and displaying positive body language and emotional status facilitated by the prong collar. The owners of these dogs are not animal abusers. They are everyday people who want their dogs to live their best lives.

The statements made about the prong collar specifically within the explanatory notes to the bill are factually incorrect. This tool is not inhumane, it is not designed to cause fear, nor is it designed to pierce or bruise the skin. The research referenced is unsubstantiated and incomplete. The prong collar suffers from an image issue and generates opinions derivative solely of emotion. There has been no consideration made in the preparation of these amendments of informed opinions based in fact and an understanding of behavioural science from people who use this tool and can attest to it being one of the gentlest, clearest pieces of equipment we have available. We included in our aforementioned folio of evidence an email from RSPCA Queensland confirming that since 2006, with earlier records yet to be confirmed, there have been zero recorded cases of animal cruelty involving the prong collar or any other restraint based device.

We argue that the banning of any training tool, including the prong collar, is a disproportionate response which will have a devastating effect on animal welfare, from pets in the community through to working military and police canines. Dog Training Queensland are strongly in support of significantly tougher penalties for persons found to be using any training equipment to be cruel to an animal using the legal framework that is already in place. Thank you for your time. We welcome any questions you have for us.

CHAIR: We will move to Mr Courtney and Mrs Zakar from Professional Dog Trainers Australia.

Mr Courtney: Thank you for having us here today to provide some information for you. My name is Steve Courtney. I am the president of Professional Dog Trainers Australia and I am presenting with Jacqui Zakar who is the vice-president. A lot of what Brittany and Kirsty have mentioned we would reverberate exactly the same thing. Specifically, I have had a business in training dogs over the past 30-plus years. Currently, one of the most common tasks I am asked to provide is to rehabilitate dogs with severe behavioural issues which have not been resolved utilising other methods and other systems. We have a very high success rate of that.

A lot of what has already been said is that sometimes people are talking about what happens when you misuse a tool and those sorts of things. First of all, we do not have any cases of that happening at all. We have asked for plenty of evidence and we have never had any returned to us.

The original petition against banning the prong collar had about 500 signatures on it. We have released a petition that has over 6,000 signatures on it. At the end of the day, it is because there is a difference between training with a prong collar and abusing a dog. Most people do not understand the true differences and think that they are one and the same.

Without these particular tools, there are a lot of people who, perhaps the committee would not realise, would not have effective control over animals. It is true that most military and police dog units and those sort of things—I am an accredited law enforcement dog trainer and have worked with these units for a long time—it is quite true that they use and prefer these devices, these tools, to be able to control high-spirited animals with high levels of performance. There are other people, people who are disabled, who handle assistance dogs and so on who basically gain confidence from having clearer communication with their dog. If they do not have the ability to do this, a lot of these people would not be outside with their assistance and service dogs; they would be inside.

As this goes on, from that petition, one example mentioned there is that prong collars are considered to be an abusive form of control based on pain and fear and cause dogs to become distressed, anxious and aggressive. There is absolutely no evidence at all to suggest any of those things are true. We have requested to be provided with any reference material that claims these outcomes. We have never had any delivered whatsoever.

When we have 6,000 people on the petition who do not want these changes to be made versus the 600 who may do, this probably gives you an insight into the fact that this is not what the wider community wants. These tools are very commonly used in Australia and internationally and have worked on many references of dogs where other systems do not work.

The PDTA do not suggest that every dog needs be trained on a prong collar—absolutely not. What we are saying is that some dogs—not all, but some—will make significant improvements in their behaviour and their safe handling measures, and for community safety as well, if we have these tools available to us. If that was not the case, there would be no reason for us to use them at all.

It is very easy to make false statements. When we look for research that tries to explain why we should not use these devices, we never seem to find anything which directly correlates. To touch on a couple of those, I would like if you could, Jacqui, to explain a few of the things that we see and why they do not correlate to these tools definitively.

Mrs Zakar: Thank you for the opportunity to speak today. As Steve said, when it comes to the research which is often mentioned in position statements such as the RSPCA or the Pet Professional Guild Australia—and I also note that on page 25 of the bill it discusses that prong collars are particularly associated with spinal cord injuries and other severe injuries and that they are designed to puncture or inflict pain—as you go through references that are found in these position statements, there is no reference which has directly looked at injuries caused by prong collars, nor are there any specific studies that have looked at prong collars. Even in the reference lists of the RSPCA, everything that is noted there is really just owner surveys showing that owners should not be using punishment because they have poor timing, they do not have the skill or the behavioural knowledge to be using punishment, but none of these studies actually discuss the use of prong collars, even by owners. In fact, the only research that has ever specifically looked at prong collars has found in favour of the use

of the tool. I can specifically reference a study done by Salgirli in 2012 which looked at military working dogs. It compared e-collars, prong collars and a force-free technique called a quitting signal which tells a dog that training is over because they have got something wrong and they are not allowed to train anymore. What that study found was that the force-free quitting signal was less effective and more stressful than the use of a prong collar or an e-collar in training. Prong collars and e-collars were more effective in the training that was being used. That is the only study that can be found that has specifically looked at prong collars.

In terms of evidence of injury in the literature, there is no study that shows that prong collars cause any damage or are harmful in any way. However, I will refer to a very well-known veterinary chiropractor by the name of Dr Daniel Kamen who wrote a book called *The Well Adjusted Dog*. In his book, Dr Daniel Kamen discusses that the prong collar is the least likely of any restraint device that can be put on the neck of a dog that is likely to cause cervical subluxations and, if anything, the harshest way they can be used is that they will not be as effective than other training tools used by the handler. Even compared to flat collars, they are much safer because the pressure is evenly distributed around the neck, therefore protecting the throat and the trachea, which is at complete odds to statements made in the bill by the RSPCA and by the Pet Professional Guild Australia that they cause the injuries that clinicians are stating they cannot. As Steve said, we are unaware of any references that these claims are based on in terms of research. Do you have any questions about that?

CHAIR: We shall come to that in a moment. Mr Donnelly, did you want to make a presentation before we go to questions?

Mr Donnelly: Yes, thank you, Chair. I ask that my statement be tabled. I emailed that.

CHAIR: Yes, we have that.

Mr Donnelly: I am Michael Donnelly, the President of Animal Care Australia. ACA is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care. In May 2021, ACA provided a submission to the Queensland review of the Animal Care and Protection Act and we welcome the opportunity to provide further feedback here today.

ACA, in general, is in support of the proposed changes to the act and the majority of the amendments within this bill. However, ACA has concerns on the inclusion of clauses within this amendment bill that were not part of the May 2021 review, in particular the ban on restraint devices. Attempts to insert clauses without proper public consultation are not supported by ACA and are not aligned with the Queensland government's guide to better regulations.

Also of concern is the lack of the provision of any scientific or documented evidence to support the inclusion of restraint devices without any public consultation. The lack of draft regulations from the review is inexcusable when the amendments continually refer to the regulations, but there is no inclusion within the current regulations. The examples provided in the amendment bill not only included prong collars but also flat collars, leads, harnesses and the like.

CHAIR: We will come back to Mr Donnelly in a moment. He has dropped out for a second. We will start with some questions for Mrs Young and Ms Reid. What kind of damage can be caused by a prong collar?

Ms Reid: If the prong collar is fitted to the dog incorrectly, it has the potential to irritate the skin.

CHAIR: I have read about acute compartment syndrome. There is a report in the *Journal of Veterinary Emergency and Critical Care* about a 2017 case involving the incorrect use of a prong collar. Is that something that you have seen with a prong collar?

Mrs Young: Absolutely not. I do not think in my professional history of training—I have a handful of clients I have utilised a prong collar with. As Steve mentioned, it is not a tool for every dog. In all the cases, even with trainers or handlers who are new and novice, in my professional career I have never seen a prong collar misused. That is because it is used under the guidance of a professional. They are working with private training. They are working alongside you. To date, of the handful of clients that I have used and the handful of professional trainers I have seen utilise a prong collar, I have never seen a prong collar used incorrectly—ever.

Of the small community of people who are utilising prong collars—because there is a handful of the community that is utilising the tool—like I said, we do not tend to see it being misused. That in itself is something. I think what you mentioned there, that is not something that we see because, like I said, we do not see misuse happening because we are working as professionals and under the guidance of professionals.

Mr Courtney: Acute compartment syndrome is when excessive pressure is applied to a certain area and it causes any type of damage, basically. That is what it is. A dog runs into a fence, that can cause this; a dog that runs into a chair or a dog lunging on a flat collar or halti—any such thing. If it is true that a prong collar did cause this—which we have never seen and we have been training dogs for well over 30 years—then it would be either misuse of the prong collar or it could happen with any tool whatsoever. It is just an impact injury. That is what that acute compartment area is. It is a specified area. It is more likely caused by a flat collar than a prong collar.

If someone were to ask what damage can they cause, the only thing I have ever seen is that prong collars are traditionally made out of stainless steel and some dogs have an allergy to the nickel compound that is found in the stainless steel, which makes it shiny. What will happen is that you could put that on a dog, a specific breed maybe like a Shar Pei, which has very sensitive skin, and that skin could turn red. Those sorts of things can occur. Herm Sprenger, which actually manufactures the collar, makes one that is known as a Curogan collar, which is stainless steel but does not have any nickel and that problem goes away. As for impact injuries and damage, in 30-plus years: never caused one, never seen it happen.

CHAIR: In terms of the injuries, has anyone seen any bruising, scratching or punctures? I say that because it is mentioned on our website in articles from the *Journal of Veterinary Behavior* and the *Journal of Veterinary Emergency and Critical Care*. Has anyone seen any of those injuries caused by a prong collar?

Ms Reid: Never, ever.

Ms Young: Never.

Mr Courtney: No.

Mrs Zakar: I just want to make a point on that, which Steve might have been about to mention. As with any type of tool, including harnesses, head halties, flat collars—regardless—there is the risk that if an owner leaves a tool on a dog and it is left too tight and it is left on for too long, that tool can become embedded. Some of the cases where you might see photographs of punctures that are being deemed to be in relation to a prong collar, that is the most likely case; that it has been left on far too long and it has become embedded. I would argue that, in fact, if you look at other tools, there are far higher incidences of that occurring in terms of embedding, especially with harnesses. I do not think that is anything specific to prong collars. Personally, I have never had a client who has had that kind of issue.

CHAIR: Why would Victoria and New Zealand have banned prong collars? Does anyone have any knowledge of that?

Mrs Young: It is a bit before my time so I cannot really speak about the logistics of it, but if it is anything like how this has come about then it is left to be open to interpretation. This has come on us in a way that we were not prepared for. We did not know as an industry. I do not know to what capacity it occurred in Victoria, but is it the same way? Did this happen the same way? Were the trainers blindsided by such a ban? That is what we were. We were incredibly blindsided by this, as trainers and as people working within the community every day.

Ms Reid: In all honesty, if you have a look at this it looks horrendous. If you have never used one then it looks awful. What we have found in our preparations for today is that a lot of opinions that are based on the prong collar are held by people who have never used one, have never been instructed in how to use one and some who have never even seen one. People for the first time saw the picture of it the Premier posted on her social media announcement and there were comments, to the letter, that say, 'I did not even know this existed; this should be banned.'

Animal welfare broadly generates a lot of strong emotion. When you see something that looks like this and you have no idea how it works, it makes people feel a certain way. As we have circled around to in our opening statement, there are a lot of opinions on this tool that are not held by people who have ever used one. They have just looked at it and thought, 'That looks awful.' Again without actually knowing—and possibly Steve can speak to this better, having been in the industry longer than us—I can only imagine that the situation in Victoria and possibly in New Zealand arrived from the same point.

Mr Donnelly: Victoria is very much controlled by the animal rights movement down there. They have a lot of influence down there on their government. I would agree with the testimony just given that it was something that was passed without any actual public consultation.

Mr Courtney: What happens when we do have these sorts of things, accuracy is highly important. When we are talking about prong collars being illegal to import, that is not actually true. They are legal to import with permission from the minister, which means that they are not an illegal import; they are a restricted import. That is No. 1.

No. 2: when these collars are banned coming into Australia, they say that you are not allowed to import a collar that was designed to puncture or bruise the skin. Those words are very important to realise. Herm Sprenger designed and made these collars. I have a letter from them saying that they did not design the collar to puncture or bruise the skin. Border Force has probably seized hundreds of thousands of these based on incorrect information. That is a problem.

In Victoria when they say, 'We don't want to have collars that puncture or bruise the skin or that are designed to puncture,' they were not designed for that. This is where the accuracy is really important. For instance, we go to the PPGA and ask their trainers, 'Tell me what experience you have had training with prong collars on 100 different dogs?' They will say, 'I don't have any experience. I've never used one.' When this starts to happen, we are talking about somebody who has no experience with the tools, does not work with dogs that actually need them and they are trying to determine whether or not we do. That is very inaccurate. It is limiting to all of us.

Mr McDONALD: I want to pick up on the comments that you made at the start, Kirsty, about the collar having an image problem. What Steve just said is where I was going to go with my question. It is about the accuracy of this. There is obviously an image problem. People see that and say, 'Goodness, that's is horrific.' How can we change that image? Obviously this information and the coordinated approach that you have given today will assist. How best can we change that image?

Ms Reid: On a micro level, I can speak to my experience with clients. When we identify that this tool is the best option to help their dog and we say, 'So this is a prong collar,' often their first response is to look at it and say, 'This is awful.' We find that education is key. Prior to fitting this to any client's dogs, I fit it to myself and I fit it to them.

Mr McDONALD: Can you show us? You do not have to.

Ms Reid: Yes.

CHAIR: No, it is fine. Keep talking. It is not essential.

Mr McDONALD: Sure it is.

Ms Reid: Do you want me to—

Mr McDONALD: You show us and then we will have a look at it.

CHAIR: Excuse me. Bear in mind that people read the transcript of this to find out what goes on; they do not always play the video. That is fine: we can inspect that later for our own understanding. Please keep talking.

Ms Reid: No worries. Picking up from where I was, education is key. It is demonstrating how it works and not how it looks, on us and on our clients before popping it on the dog and using it on the dog. We explain the behavioural science behind it and then show the use of it. Never once, ever, have I gone through that process with a client and had them turn around and say, 'I don't want to use this anymore.' I guess the answer to your question would be, education. Education is key. Look past the look and look at the functionality.

Mrs Young: I think the other thing is that the people who do not use them have no reason to want to know anything more about them. With the handful of clients we utilise these tools with, it is not like we just put a prong collar on the dog and say, 'Okay, let's go. Let's do it.' We have spent hours with these people. We know the intimacies of their dog. We know how their dog works and what reinforcement their dog takes. We work strongly on developing communication systems and developing reinforcement value and relationship. Steve, Jacqui, Kirsty, myself and all the other dog trainers who utilise these tools spend so much time developing value, reinforcement, relationship and engagement before we even put this on. By the time we actually do say, 'Hey, we think a prong collar will be the best and most suitable tool to deliver clarity to your dog,' they are already on board because the proof is in the pudding of what they have already seen us do with their dog and how the relationship has flourished with their dog.

As far as an image problem goes, there will always be people who are opposed to this by the way it looks. But for the people it is actually relevant to, you look beyond what it looks like. It is not relevant what it looks like. Does it work? Yes. Do you get results? Yes. Do these dogs now get the opportunity to live in society and do the owners get to have liberty with their dogs? Yes. Is behavioural
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euthanasia possibly something to take into consideration from this? Yes, absolutely. I think that the image problem is irrelevant because, really, when you see the dogs that we work with—and I was a little bit upset that I could not bring a dog in here today to show you a dog working on it—you will see these dogs are happy and motivated and they are living their best lives based on the fact that their owners have freedom and liberty to use these tools. Hopefully that answers a little bit.

Ms Reid: The image that I would draw people's attention to is dogs working on a prong collar; not the prong collar itself. We have hours and hours of footage of dogs working happily on prong collars. The tool itself is just a tool. It is just an object. The results are the real image that we would draw people's attention to.

CHAIR: Mr Courtney, Mrs Zakar or Mr Donnelly, do you want to add anything to that?

Mrs Zakar: Can I quickly go back to a point that you made about the bans in Victoria and New Zealand and why you believe they might have come about, just referring to the position statements of the RSPCA and the PPGA again.

A single case study was done in 2013 on a German shepherd that was helicoptered, which is an abusive technique where a dog is lifted and swung around on a choke chain. That dog had neurological issues and had to be euthanised. That study is often included in reference lists discussing prong collars. I also note that a lot of position statements discuss prong collars/choke chains in the same statement and do not differentiate between the two. I think it is possible that that study and other evidence looking at how choke chains in particular can be abused is being lumped into prong collar use. As Dr Daniel Kamen states, it is very difficult to abuse a dog with a prong collar because they are self-limiting and they cannot choke. There was a literature review done in 2017 by Fernandes that looked at aversive techniques and tools. The study stated that they excluded the Grohmann single case study on choke chains for that reason—that is, it was a case of abuse and no causation could be drawn from it in terms of training techniques. That is one potential source that some of the bans in Victoria and New Zealand may have been based on, just for your information.

Mr Courtney: Kirsty and Brittany maybe work with a lot of pet dogs and things like that, and we do too. One of our main specialities is working with dogs that have aggression issues towards people, children, other dogs or other animals. We get a lot of those cases. They are sent to us from Tasmania, Western Australia—all over the country. This particular service is booked out over 12 months in advance because we are probably known to work with some of the most difficult dogs. It would be fair for me to say that, between working with law enforcement dog trainers for the last 30 years and certain behaviour cases—we also breed Labradors for assistance work—we probably have a higher use of the prong collar than many trainers, and again I do not see any injuries or any abuse occurring. There is a misunderstanding in the training world which does not use these particular tools that we do not realistically use these tools to punish out behaviour. We use these tools to add mind motivation, and this ends up facilitating what is called negative reinforcement. Negative reinforcement means that punishment does not happen. Punishment is evaded. Punishment is avoided. Punishment can be forgotten and lost forever.

When someone says there is no punishment in using food that is untrue. When we have a very food-motivated dog and we delay or withhold food that is called negative punishment, and what occurs then is this motivates the dog to do something. When we end up with a dog, especially a working breed, which feels that chasing a cat or a child on a bike or something is more valuable than any amount of food an owner can offer, then he is going to do it. If he gets hold of one of those things, he is likely to bite it and hold on to it and cause it to be damaged. This is why in the past 40 years in Australia 10 people have been killed by dogs. Five of those were babies: a five-year-old child, a two-year-old child, a one-year-old child and a five-week-old baby. If we start taking away restraint tools and training aids and things like that that can potentially help us control some dogs that could potentially offend like this, where would these numbers be? In Townsville, Deputy Mayor Mark Molachino was on 7News two weeks ago saying, 'We need to do something about dog attacks. We've had 500 dog attacks in the small town of Townsville in the last 12 months. If we start removing muzzles and restraint tools, what will those numbers be?' In the real world they banned electronic collars in Wales around 10 years ago. Now farmers are calling out and they want that reversed, because since they have done that attacks on livestock have gone through the roof, and when dogs attack livestock farmers shoot them, so the killing of dogs has gone through the roof as well.

Last week I was speaking to someone from the Queensland parliament and I was watching a lady who travelled to us from Victoria. She came to us and we were training her dog. She had some ailments because her dog pulled her over and broke her foot. Because her dog is exceptionally friendly, it wants to go to everybody. It wants to play with every dog. It is a German shepherd. So when that did not happen the dog becomes overstimulated. It has tried to run and go and play. She

tripped, stumbled, took a big step and smashed her heel to pieces, and then she could not walk the dog for a year. Before that she had been training the dog with another trainer who was using food for 2½ years combined with her vet, who had given her three different medications, all to be given at once to her dog to calm the dog down. Within one two-hour session she was walking this dog past other dogs happily, past cars that the dog would lunge at beforehand. Yes, the dog was wearing a prong collar and the dog was avoiding feeling the prong collar by listening to the words of the owner telling it to heel. The dog was heeling instead of lunging at dogs, instead of lunging at cars, instead of pulling her over. The dog was in negative reinforcement by doing no collar pressure at all, and her confidence is returning minute by minute. That is why there are a million stories that could tell you the same.

CHAIR: Mr Donnelly, do you want to say something?

Mr Donnelly: Yes, I would like to talk about another aspect of the amendment, not just collars. I think you have all heard more than enough about collars at the moment.

Animal Care Australia has a small concern with the amendments in relation to compliance and enforcement of the act itself, so with the RSPCA. I know that our opening statement has been tabled and all of our explanation appears, but I would like to make it very clear that Animal Care Australia does not support RSPCA Queensland being one of those enforcement agencies. We would much prefer to see the inspectorate moved under the government and the department that oversees that, the Department of Agriculture and Fisheries. We have concerns relating back to the RSPCA making statements around Australia that they would support the ban on prong collars, yet there has been evidence provided by other witnesses here today that no such injuries have ever occurred. So here is an organisation that supports the proposed amendment with no justification, and that is just one example of why RSPCA Queensland should not be able to continue in that role. We need to ensure that the inspectorate has greater accountability, greater oversight. We also need to ensure that the public has access to appeal decisions made against them. There are quite a number of cases that I am sure you are all aware of in Queensland in particular where there has been overreach, and Animal Care Australia would like to make sure that that point is also made. We do support amendments that bring greater accountability and support back into the department and/or under the chief executive.

Mr MADDEN: I am sorry, but I am going to go back to prong collars. The chair quoted from a report that suggested certain things are not very nice about prong collars, and I notice you said that was made by a gentleman. Is it possible there are different sorts of prong collars and some are not so user-friendly?

Mrs Young: I would guess that is how many manufacturers are out there in Australia. As a professional dog trainer I will only use Herm Sprenger products. I work exclusively with Herm Sprenger in terms of what I am prepared to use on a dog, even on my own dogs. Through the International Association of Canine Professionals, IACP, I have certification from Herm Sprenger, so I exclusively use their products. Is it possible that someone can manufacture an inferior product? Of course. That is going to happen anyway, just like you can go to Petbarn and get an inferior plastic clip collar or you can go and get a good quality BioThane buckle collar. It could happen. There is no reason to say it could not, but anybody who is a professional—and I am sure Steve will agree with us—will use Herm Sprenger because of its quality. They have been operating for so many years now and the quality is second to none.

Mr MADDEN: Where are they based?

Mrs Young: They are a German product. They are identifiable by a little Herm Sprenger tag with an orange fluoro dot.

Mr MADDEN: I just want to confirm that these are simply used as training aids; that you would not have it on the dog all the time.

Mrs Young: No. No, of course not. It just goes on the dog when you are utilising it. You do not even use it until you activate the live ring. You can have it on both and still use it, but to communicate and have proper communication to the dog you activate the live ring that turns into a martingale. This is something that is put on the dog. It is not slipped over the dog's head. It is opened and put back on to the dog and then it is taken off at the end of the session or the training session.

Mr HART: At the risk of bringing a social media storm down upon myself, I am going to say that I had a German shepherd 30 years ago. He was a rescue dog that was completely uncontrollable until I went to a dog trainer. He put one of those things on him and within two weeks he was completely controllable. Following up on that last question, is this something that is put on a dog to just get it straight again and then you can dispense with it? Is it something that untrained people should use, or should they always be in the care of a dog trainer?

Mrs Young: It is great to have people working under a professional because we are obviously trained to learn how to use these tools appropriately. The other thing that is important to talk about with these is that it is not just used as a means to just control the dog and that is it. Speaking from my own experience, I use this tool on my working line border collie. She is an extremely sensitive dog, an extremely high-drive dog in terms of her sensitivity to the world. I do not use a prong collar all the time. I use this in environments that are extremely overstimulating for her. This allows me to have very clear communication with her in super overwhelming environments and it allows her to have a tactile communication system. That is followed up with positive reinforcement, and that is the key thing that is missing here. Everybody thinks that when you put this on a dog you are not reinforcing the dog. It is used to control the dog, by all means. In a lot of cases our clients are people who have weight and power disparities to their owners. I am 5 foot 1½, and if I handle a 65-kilo Newfie which is a huge dog that weighs more than me—I will put that on the record—especially as a professional dog trainer I have to be able to handle that dog. Lee Baker is one of my clients. He is an elderly man who was in that video. He uses this tool on his dog simply to control her. She is a friendly, happy-go-lucky dog, and it is not used in a punishment based way. It is used in a way that enables him to communicate. Like you said, Mr Hart, it was able to help you communicate with your German shepherd. Yes, it is a communication tool.

Ms Reid: Just to add to that, working on the prong collar can then create a pathway for dogs to be transitioned to other equipment, back to a flat collar, slip leads, because they now have a clear understanding of pressure through equipment so can be moved to another tool. There are certainly some people who will continue to use the prong collar ongoing because for them and their dog it is the most effective option. It gives them the most control and it is the clearest tool which is available to them. As professional trainers, we support people who choose to go either way.

Mr SMITH: I went to an obedience school last night for dogs—not for myself—in Bundaberg. It was a great experience. They took me through check chains. Is the check chain also a choke collar or a choke chain?

Mrs Young: It depends how it is used. A check chain is similar to a slip lead, so it tightens and releases. If you click it the other way and it is not fitted correctly on the dog, it does not have the ability to release tension so in that instance it cannot release. That is another tool that should be used under the guidance of trainers. They should be showing people how to put that tool on. They should be showing people how to release that tension, what is incorrect, what is correct, and if you use it correctly no choking occurs. You do not choke the dog. If you are choking the dog you are not doing dog training, you are just abusing the animal.

Mr SMITH: That is exactly how the trainer showed me last night. He showed me the difference in terms of which way you can do it and release, so he is a good trainer. Is a pinch collar the same as a prong collar?

Mrs Young: Yes.

Mr SMITH: It is just a different name for it?

Mrs Young: It is just a different name.

Mr SMITH: There is a difference between a check chain and a prong collar though in that it has to provide some sort of a different feeling to the dog.

Mrs Young: Absolutely.

Mr SMITH: What exactly is that different feeling? How would we describe that?

Mrs Young: It is more precise. It is more precise information. I find that a dog that struggles in an overwhelming environment to take any kind of feedback, say, a flat collar or a harness or a halti might not be the best case for that dog. They find the communication from the handler really challenging. The prong collar, because the pressure is evenly distributed around the collar, provides for more precise communication, which is exactly what we were saying when it comes to training a dog that struggles in overwhelming environments.

In our video and in the brief of evidence that we gave you, there was actually a dog there, a maremma cross, that was completely shut down when the person rescued it. It did not want to take food in any environment. It was completely afraid of the world. If you have a dog that is afraid of the world and you take them into any environment, and I am talking about even the beep from a microwave is enough to make the dog shake in the corner, how do you even start with that dog? The difference was that the trainer used a prong collar and it just allowed for the dog to get more feedback, more information. When we say 'feedback', it is the difference between someone going, 'Hey, come this way.' That is the difference.

That dog was able from that feedback to go, 'Oh, I've got someone advocating for me now. I have someone I can listen to and I am going to listen to them because they are going to help me.' As a result, that dog was able to start taking reinforcement and then start going into environments. Now that dog is working in many different environments. They are competing at trials and achieving titles and things with that dog. That was all because it got better tactile feedback and communication on the collar.

Mr SMITH: I have a question for all of our witnesses, and probably a simple 'yes' or 'no' answer is all I require initially. The explanatory notes state that the prong collar is designed to bruise or pierce an animal's skin. I take it that all of you disagree with that statement?

Mrs Young: Yes, disagree.

Mr Courtney: Disagree, and I have a letter from Herm Sprenger, who designed and made it, that that is not the design.

Mr SMITH: Going to the chair's line of questioning, there seems to be evidence from vets that a prong collar if used incorrectly has caused damage to dogs, whether it is piercing or so forth. That is probably not disputed in terms of veterinarians saying they have seen evidence of it. Should prong collars only be used by professional dog trainers and not their owners during training? Would that be more acceptable to the industry?

Mr Courtney: My question is, where is this evidence though? We have asked for it. Our own vets use prong collars. They recommend them. We have no problems. They have never seen injuries from them. Who are these vets who say this and where is this evidence? They have a duty of care. If a dog comes in wearing a prong collar and it has been injured by the prong collar, those persons should be reported for cruelty. The vet has a duty of care to report the owner or whoever put the prong collar on and injured the dog, but they did not do that. That is misjudgement as well. We do not have evidence. People talk about evidence, but there is no evidence. We never see it. So that is untrue; we cannot use that.

Mr Donnelly: I would add to that that you already have an existing offence under section 18(2)(a) that allows for those charges to be laid where that occurrence happens with those particular dogs. Why are we not just utilising that better rather than producing this whole new section and whole new amendment for these collars? It makes more sense to actually be utilising the existing offences and sections that you already have. Under the scenario that you are referencing, if a vet sees that kind of an injury then it is highly questionable as to why that was not reported and followed through properly and why the circumstances surrounding the use of the particular collar that created those particular injuries were not investigated, because if it was we would have further evidence sitting in front of you as part of that research, which we do not have. None of us has been provided with any of that research or evidence.

Mr Courtney: Injuries are not synonymous with prong collar use. It does not happen. Could they come from someone fitting a collar to a puppy and leaving it on for months and months and the dog growing bigger and growing into the tool? If you put a prong collar on your dog and walk it around the block, are you going to come back and go, 'Oh my god, I've accidentally injured my dog'? That is not going to happen and there is no evidence to suggest it ever would.

Mrs Zakar: Can I add to that quickly, if you do not mind? Speaking to the position statement from the RSPCA and Pauli again, I emailed the RSPCA asking for the incidence of or references that specifically looked at prong collar damage. It took them 10 days to get back to me. When they did they could not provide any references, but they said in theory, looking at collar force, it could cause damage to the trachea, but there was no actual citation with it.

There is a reference in the Pet Professional Guild's position statement on prong collars to a 2006 article by Pauli, 'Effects of the Application of Neck Pressure by a Collar or Harness on Intraocular Pressure in Dogs', which is often discussed in relation to prong collars and that they cause eye damage or injury. In that study the collars looked at are nylon flat collars with buckles and harnesses. There are no prong collars in that study whatsoever. The Pet Professional Guild of Australia says in their position statement that they actively promote flat collars, whereas Dr Daniel Kamen and this study showed that they are more likely to cause injury to the throat than a prong collar and there is no evidence to dispute that.

Mrs Young: I did get a response back from the RSPCA after quite some time. They said they could advise that they had never, since 2006, had a single prosecution matter relating to anything that involved the use or misuse of training equipment: prong collars, check or choke chains, flat collars, harnesses. They have never had, in Queensland, a single prosecution matter relating to it. It

seems disproportionate that it is even a discussion because there has not even been an abuse case or misuse or anything like that recorded in Queensland since 2006 and before that they just did not know. It is not reported.

Mr Donnelly: I was going to go back to the Ministers question, that goes back to some of what Steve already has already said, that these dogs that are out walking around are service dogs and there are people with disability who are using these dogs. If now it is only going to be able to be used by a professional trainer, how does that work? How do these people get out and about on the street properly? How do we continue to then police that? How do you enforce those restrictions if you put those restrictions into place?

Following on from that, if we do then have this ban and you have all of these dogs that are no longer able to be trained, how do you justify the rise in euthanasia rates of those dogs and the attitudes of the public towards the dogs or the owners of dogs that they cannot keep their pets comfortably and socially interacting with everybody else. Those dogs are either going to be euthanased or locked up in their backyards for fear that they cannot walk their dog because their dog is going to attack or misbehave. Those dogs will suffer more welfare concerns from being locked up in backyards for the rest of their lives than from the potential or theoretically posed risk of a prong collar being used. It is just that: it is theoretical.

CHAIR: We have run over time for this session so we will bring a halt to it. We are tabling that letter from you, Mr Donnelly.

Mr McDONALD: Mr Courtney, you mentioned you had a letter from the manufacturer of that collar. Could we get a copy of that letter and exactly how the collar works? People think it is an extension of a choke collar, but it is actually designed a different way.

Mr Courtney: It is designed not to choke.

Mr McDONALD: That is a big difference. Until I had a look at it I was under that misapprehension.

Mr Courtney: If I could add one thing to what Michael said when we are talking about the RSPCA: I looked on their website for statistics of euthanasing dogs. I think it was in 1919-20 they euthanased 6,000 dogs. They said that 70 per cent of the dogs euthanased were euthanased due to behavioural problems that they could not rehabilitate and they only used positive reinforcement for rehabilitation. I have never suggested someone cannot rehabilitate their dog because it would not respond, only to food.

CHAIR: Thank you for your insight and your time.

GREENWOOD, Mrs Ulla, President, Dogs Queensland

McCUTCHEON, Ms Elisa Jane, Director and Chair, Canine Health Committee, Dogs Queensland

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

Mrs Greenwood: Thank you. Dogs Queensland is our trading name. We are the Canine Control Council Queensland Limited. We are a company limited by guarantee. Although the incorporation happened 10 years ago, we go back in one form or other way back to 1948. The material has been set out before you here. We are the premier dog body in Queensland and we have equivalent bodies in each state and territory in Australia. Rather than our formal names, it is Dogs New South Wales, Dogs Victoria, Dogs Tassie and on it goes. We have an overarching body, which is the Australian National Kennel Council Ltd, another company limited by guarantee, which also goes back many decades. It is the equivalent body of the top bodies internationally. There is the FCI, which is the Fédération Cynologique Internationale, for Europe; there is the Kennel Club in England; and there is the American Kennel Council in the United States of America. We all mutually recognise each other and we have a multitude of functions.

We are basically the registry of births, deaths and marriages when you are talking about dogs and we have 17 different dog disciplines that come under our umbrella. It is not just dog showing. We train all our judges in all the disciplines. It is quite a varied dog world that we have and we have very important interactions with our Queensland community, with dog owners and the like. There are a whole range of functions there. Purebred dogs are what we manage. We are all about responsible dog ownership and, of course, when it comes to dog training we have obedience clubs and agility clubs. There are more than the best part of 200 different dog clubs, everything from individual breed clubs through to obedience and agility clubs and the like, that are affiliated to us and come under our umbrella.

We have an enormous pool of expertise when it comes to dogs under our state umbrella and of course going through to nationally. I am the president and a director of our board in Queensland, but I am also on the executive of our national body. Elisa is a director of our Queensland board and, as was mentioned, the chair of our Canine Health Committee. We have a range of subcommittees to our board, which includes the Canine Health Committee. That is a bit of an overview of what we are all about.

We are interested in continued liaison with the federal, state and local governments. We are delighted that we have the opportunity to speak to you this afternoon about this draft legislation. We have also had representation on departmental committees underpinning this animal welfare legislation, and that has been happening for quite a number of years. I have been a representative for a number of years on those committees as well. When it comes to this legislation, our submission goes through it in summary, and you will see that we are largely in agreement with the measures that have been introduced by way of this amendment bill.

Ms McCutcheon: That would be because the focus of Dogs Queensland and our affiliated bodies—and by affiliated bodies I mean all of the sporting clubs and we have about 6,500 members, as we mentioned—is primarily on animal welfare. We do not support anything that would not be in the best interests of the dog. The thing that is also particularly important is that as an organisation we do have a high standard of animal welfare. That is a priority of our members and is underpinned by our own self-regulatory codes of conduct. We have a number of codes of conduct. We have a breeding code of conduct, which falls within the things I do with the health committee, and we also have a number of codes of ethics. Those codes of ethics set out our own specific rules about what does and does not have to be done with animal welfare. Importantly, it is also tied back to this specific legislation that we are talking about today. As part of our rules, our members and our affiliated clubs are required to comply with this legislation.

CHAIR: We will go to questions. One of the things you have spelt out clearly in a dot point on page 4 of your submission is that greater clarity is needed to better define what is a prohibited device to avoid public confusion. Do you want to expand on that? You have already said quite a bit on that but feel free to expand on that.

Mrs Greenwood: What we are saying is that this section goes too far with the breadth of the regulation-making power. We certainly have no problem with addressing the prong collars. In fact, when you look at the ministerial statement at page 1139, the minister referred to the bill only prohibiting prong collars. We are in complete agreement with that. When we look at the statement of Brisbane

compatibility, page 2 is headed 'Prohibiting inhumane practices', and it refers to the introduction of new offences prohibiting a range of inhumane practices. One of the dot points includes 'using or possessing a prong collar or another prohibited device'. The explanatory notes are silent on the matter of providing ambit for more restraint devices to be added by regulation. I suppose that is our concern—that it is left really wide open.

It then goes on further to give examples of totally acceptable everyday devices, such as collars, leads, harnesses, halters and muzzles. I breed and show whippets and they are day-to-day equipment. Using those as examples of restraint devices suggests that those items might be prescribed under regulation as a prohibited device. I think it is just too wide. That is a big part of our concern there.

Ms McCutcheon: It is actually the crux and probably the most important part of our submission. It is all very well to leave this sort of legislation open to decide further down the track what you may or may not wish to make a regulated device but, given that this is a criminal provision and attracts a penalty, it is in our view and our submission completely unacceptable to leave this wide open. There is no reason that it could not be tied to something that would harm the animal, and that is the crux of our submission. Collars, leads and muzzles are used every day by the general public. It is far more likely to result in public outcry if you leave it open in that way. To just leave it open to regulation is unfair.

Mrs Greenwood: When we are talking about a restraint device, we are talking about a pretty extreme piece of equipment. The prong collar appears in the legislation, and my suggestion is that it would be appropriate if another device comes to mind that is of that category that there should be a legislative amendment and it should be contained there.

If you look at tail docking, there was a regulation put in place that there could be people other than vets authorised to do tail docking. In fact, that regulation as far as I know was never utilised—there was no regulation promulgated, I should say. Now I see that regulation-making power is being taken away from that provision—that it is just vets—and I would suggest here that it should be specifically stated. If there is another device of a similar ilk to a prong collar, put it in the legislation. If parliament tightens it up that way, I think we would be most satisfied. The only other one we wanted to talk about was the confine dog situation.

Ms McCutcheon: Before we get to that, the crux of what this legislation is all about—and of course we support this in general principle—is prohibiting devices which are designed to cause pain, distress or harm to a dog. For example, you might have a device which restricts the ability of a dog to breathe and you decide that is not appropriate because it is actually confining the dog's ability to breathe. The prong collar is an obvious example because it is something that is designed to give negative reinforcement to the dog by causing pain to that dog. The legislation really needs to be confined preferably to specific items, but at least it needs to be clearer that these are devices that are designed to cause harm or distress to the dog and inflict pain upon a dog, and obviously the dog is then going to suffer. That is really the entire purpose of this. It seems ridiculous to leave it wide open in this manner.

One of the other things we were specifically concerned about is that with any of these sorts of devices it is all about how they are used. Any collar could be misused on a dog, especially if people put inappropriate things on them. I have seen harnesses being misused by people too, but more in terms that they are not restraining the dog properly rather than that they are inflicting injury upon the dog, but it can happen.

Muzzles are an example where there is a very appropriate use of muzzles. I have owned a number of reactive dogs myself and I am a member of a reactive dog group, on top of all the other things. I have worked with a lot of rescue dogs in my time as well. Muzzles are a very useful tool for people who own these reactive dogs. It enables them to avoid situations that might otherwise occur. That means the dog actually has greater freedom and they are able to go to places they might not be able to go. If we have any restriction on the use of muzzles generally, then it would actually be in conflict with a number of other acts that we have actually pointed out in our submission as well.

Mr McDONALD: Thank you for being here today. In terms of best practice development of legislation or regulation, it is usual that the government might consult. Was Dogs Queensland consulted in the development of this bill?

Mrs Greenwood: No, we were not. We find that as an organisation very disappointing.

CHAIR: Just clarifying, you said you were involved with some development over a number of years. Was that for this act or for something different?

Mrs Greenwood: It was for a part of this act, yes. I will tell you what it was for. It was for the breeder identification number system, which we think is very deficient, I must say. The BIN system basically means that anybody can go online and within a matter of minutes can be registered as a breeder. Members of the public then search this register and think, 'I'm dealing with a breeder that has a registered number,' but this could be someone with absolutely no experience breeding dogs. Amongst those numbers, yes, our breeders are there with their Dogs Queensland number which has been picked up by that register. We had input with an advisory committee on the development of that scheme and we were expressing all of our concerns about it. Also, these breeders on the breeder identification number scheme were supposed to be subject to a breeders' code of conduct. That has never come into play.

I have a background in the department of justice and I do understand that when you put regulatory regimes in place you need to have the resourcing to enforce it. That is a very deficient area with the breeder identification number scheme. I think it has led to a lot of problems and a lot of distortions in our dog marketplace, if I can refer to it that way. So, yes, I have had involvement there. Also after two years of that being in place, I thought there needed to be a review of the effectiveness of that legislation and that certainly has not happened. Well, it was done on the papers. That was the last I saw with that and that was over a year or two ago. COVID has interrupted that to an extent. So I did have departmental involvement with that committee, yes.

Mr McDONALD: But not with the development of this?

Mrs Greenwood: No, not with this.

Ms McCutcheon: We did actually respond to the discussion paper though.

Mrs Greenwood: Yes. We responded, as everybody had the opportunity to, but in the development stages we were not consulted. We are always very happy to give feedback on any of these issues.

Mr McDONALD: Especially with 6,500 members and 150 clubs.

Mrs Greenwood: It is closer to 200 clubs. That is right.

Mr McDONALD: In relation to the issue of the use of prong collars or different devices, we had some education from people who support that for training. I think, Elisa, you mentioned before that any collar could be misused. Is there any scope for Dogs Queensland to consider the use of those collars after proper training or by trained professionals in a training setting?

Mrs Greenwood: Elisa might like to comment on this, but my view is that when you are talking about negative training practices—and prong collars are in that category—we would not be supporting that. In mentioning training, it is an issue because there are so many people out there where a little bit of knowledge is a dangerous thing. When you are putting things like prong collars into their hands, I think it is a really risky situation when you are talking about the welfare of the dogs. If you wanted expert advice on that, we have a wonderful pool of very expert people in our obedience clubs and we could get feedback for the committee on that. My understanding is that the use of prong collars is not something that is allowed or accepted.

Ms McCutcheon: I would support that. We struggle to see any circumstance where the use of a prong collar would be acceptable. As I mentioned, I have worked with quite a few reactive dogs over time. Generally, if you are inflicting pain upon a dog or negative reinforcement, for want of a better term, I believe that that is only really likely to cause confusion to the dog rather than result in a better outcome. The only justification that I could ever see that makes any sense at all is where they are saying, 'The alternative is that we use negative reinforcement upon a dog,' and I am not necessarily talking about a prong collar; I am talking about negative reinforcement generally. We consider it justifiable to use negative reinforcement upon a dog because the only other alternative is to euthanase the dog. That is their argument, really, whereas Dogs Queensland is all about animal welfare and what is good for the dog.

We have our own regulations, as we say. The big difference between Dogs Queensland and whatever other organisations are out there, particularly a lot of these dog training organisations: they are not regulated like we are. We have our own disciplinary panel and we enforce those regulations. I can speak from personal knowledge because I have been a chair of our disciplinary panel for about four years. We enforce those regulations. Particularly for any matter that is a matter of animal welfare, that is viewed extremely seriously and there are penalties that we impose upon our members if they do anything that is considered either neglect of a dog or, in this case, animal cruelty. Our view is that there is really never any excuse to use a prong collar.

Mrs Greenwood: If I can add to that, our focus too, with our breeders and our people, is on the front end with litters of puppies being well socialised, the breeding of these litters being well considered and temperament being all important. With the focus on that front end—I am not saying that all of our breeders are perfect because they are not, but the vast majority do a really good job on that front. You are not looking at dogs that are introduced into a family situation that are requiring that sort of negative attention.

One thing a little from left field with the restraint devices—it is quite interesting for me to see collars, et cetera, being referred to. When you are talking about these hidden fences where the dogs are getting electric shocks through the collar to restrain them, I have not seen any research on that, but I would think that if appropriate research was undertaken—I know some of my whippet people who have bought my whippet puppies used one and the dog was absolutely freaked out of its mind and terrorised. They would not use it again. That might be an area to be explored, and that might be a restraint device—I do not know what current they put through it or the like, but to my way of thinking—

Ms McCutcheon: That would fall within the definition of ‘electronic collars’.

Mrs Greenwood: I suppose it would. That is more of an example rather than just a regular collar, lead or whatever.

Ms McCutcheon: Where it is designed to inflict an electric shock.

Mrs Greenwood: Yes, and that is a pretty scary thought. Certainly I would not like something around my neck so when I pass a point I get an electric shock. I just raise that as perhaps an example of something that might be considered down the track.

Ms McCutcheon: There are other collars out there though that are perhaps not necessarily designed—I am just making you aware—to inflict pain. There are citronella collars, for example, as well. That is a negative reinforcement example but it is not necessarily designed to inflict pain. Those are the things to consider there.

Mr MADDEN: Mrs Greenwood, I found that paragraph you were talking about where it went beyond prong collars. It is on page 25 of the explanatory notes. ‘Prong collars’ are mentioned four times in the explanatory notes—those two words. What is different about that paragraph is that it adds the words ‘and other devices’. The wording is, ‘Imposing restrictions on the use of prong collars and other devices is justified’. I take your point that is incredibly broad.

Mrs Greenwood: Yes.

Mr MADDEN: I think the word that is missing is probably ‘similar’: ‘and other similar devices’. I have no idea what any ‘similar devices’ could possibly be. I do notice one thing: where it does mention prong collars, it talks at length about the harm done there. I have been to your facility at Durack. It is a wonderful facility.

Mrs Greenwood: Yes.

Mr MADDEN: Do you ban prong collars?

Mrs Greenwood: Yes, we do.

Mr MADDEN: You do not see any place for them at all?

Mrs Greenwood: No.

Mr MADDEN: You would have seen different types of prong collars, maybe?

Mrs Greenwood: I have not because I am a conformation showing person and it just does not come into my array of experience there. I do hear a fair amount about that with certain breeds, the working dogs and the like—German shepherds—and also with obedience training, and I get a very strong message that it is positive reinforcement rather than negative. There are concerns about misuse of such negative training treatments.

Mr MADDEN: If I can say this in defence of prong collars—I am quoting from page 8 of the explanatory note. As I said, prong collars are mentioned throughout the explanatory notes but in different circumstances. In this one here it says—

Possession or use of prong collars designed to bruise or pierce an animal’s skin, or other restraint devices that cause harm, injury, or fear...

That suggests that there are different types of prong collars.

Mrs Greenwood: I would think that the principle is that the prongs, however you describe them, are on the inside of the collar and there is applied pressure of those into the neck of the dog. I would think that there would be limits to comfortable design there, if I can put it that way.

Mr MADDEN: The one that we saw today had smooth edges as opposed to sharp edges. I had it on my wrist and I pulled it as tight as I could and it did not penetrate my old skin. I am not trying to argue with you. I am just pointing out that the explanatory notes seem to suggest that they are only banning prong collars that are designed to bruise or pierce an animal's skin. I am making that point for the purpose of the committee, really.

Mrs Greenwood: That would be quite an interesting enforcement issue, to decide whether it is a prong collar that offends the legislation or not, which could be a potential nightmare, I would suggest.

Mr MADDEN: I agree. One final thing: I would like to thank you both for raising the issue of the other types of collars—the citronella collar and the electric shock collar.

Mrs Greenwood: The hidden fence ones, yes.

Mr MADDEN: It has been completely missed in this legislation, even the possibility of that. Maybe the words 'or other similar device', it might have come under that a little bit: a 'similar device' could be an electric shock collar.

Mrs Greenwood: It occurred to me because when I am out walking my dogs I see cavaliers down the road that stop dead at an invisible fence.

Mr MADDEN: There is a poodle down the road that knows exactly where it is, and he or she sits right there.

Mrs Greenwood: I do not know what degree of regulation happens to make sure that it does not cross a line where it is a dog welfare issue.

Mr MADDEN: Like the voltage, for example.

Mrs Greenwood: That is right.

Mr MADDEN: Thank you very much.

Mrs Greenwood: Can I mention quickly the amendment to section 33, which is on our page 2, replacing the obligation to exercise closely confined dogs with transporting dogs? We support the inclusion of requirements for dogs being transported in there. What is being omitted there is a requirement to exercise closely confined dogs; it has been dropped out. The indication is that it is enough to rely on the animal cruelty provision.

When I read through it—this is section 18, animal cruelty prohibited—we are talking about really quite extreme situations that can be defined as 'cruelty'. What we are talking about is something that falls short of that. It is just a general welfare thing for the dog, that if they are kept confined they should be exercised frequently. I do not think it is sufficient, personally, to rely on this more extreme animal cruelty provision and say that anything other than that is okay. You have the livestock provision. Dogs do not come under the definition of 'livestock'. There are protections for livestock being transported to be exercised frequently. I think that is a bit of a gap there that really needs to be put back in.

Ms McCutcheon: I think what the committee might not realise is that with regard to road transport carriers that have proliferated and that transport dogs all around the country, I have heard some horror stories of where they might have had the dog in whatever the transport vehicle is for three days because of the distance that they have gone. If there is no actual requirement in there to allow those dogs to exercise at some point then they are not going to get them out; they are just going to keep driving and keep them confined.

Mrs Greenwood: I might say, to offset that, I have used animal transport services that walk the dogs every three or four hours and the like.

Ms McCutcheon: There are good ones and bad ones.

Mrs Greenwood: Yes. That is why it is good to have something in there that affirms the good behaviour that they are undertaking as dog transport agents.

Mr HART: On the regulation, I would normally agree with you about the difference between legislation and regulation. You seem to know quite a lot about it. However, with the legislation, once the government puts something in they cannot reverse that within one term of parliament. With Brisbane

regulation, they can put it in, take it out, put it in and take it out very quickly. If there is some sort of collar that is determined to be controversial and needs to be banned, the minister can do that really quickly. That is why it would be in the regulation. Hopefully that appeases you a little bit on that side of things.

Ms McCutcheon: The major concern that we expressed is that we are talking about criminal penalties here, so it really should not be open to the minister by regulation. If it is something that is going to attract a criminal penalty with 150 points or whatever it is, then it really should be specified in the legislation.

Mr HART: It happens a lot, in every bit of legislation.

Mrs Greenwood: We are emphasising that any addition to the prong collars should be very well considered and there should be an appropriate level of consultation about it. With my experience in government, too, it can be challenging when you are talking about a regulation.

Mr HART: We are running out of time, but with respect to docking a dog's tail, there are certain breeds, are there not, that have docked tails?

Mrs Greenwood: No, it is prohibited. It is absolutely prohibited now, which had a really big impact. I was involved with our people in a dogs committee back in 2008 and I think it was around that time that this was introduced. It had a huge impact because amongst all the traditional docked breeds it became prohibited, so many of our older breeders who had wonderfully bred these dogs for generations and generations within their own families, let alone the dogs themselves, just gave up breeding because it just completely changed the nature of the dogs.

Mr HART: Who was it prohibited by?

Mrs Greenwood: The state government.

Mr MADDEN: Puppy farm legislation.

Mr HART: Why do we need this then?

Mrs Greenwood: No, it was not puppy farm legislation; it was under this legislation. In fact, there has never been legislation about puppy farms in Queensland. The suggestion was for the breeder identification number scheme, that that would do something about puppy farmers. It does not.

Mr HART: I think it has.

Mrs Greenwood: No. What it does is it gives them a registered number under that scheme, and it certainly does not address it, no.

Ms McCutcheon: No, not at all.

Mr SMITH: Ladies, thank you so much for coming in. My question relates to firing or blistering practices on dogs.

Mrs Greenwood: That is on horses.

Mr SMITH: In terms of 37C, use on dogs as well. We had Racing Queensland in earlier and they said that they were a little bit unsure in terms of the wording of the amendment, being that the intention is to make sure that people do not inflict heat or cold to bring about scarring of tissue. They would rather say the intent is not to bring about heat or cold to bring on inflammation and attempt to treat an injury. In terms of that particular part of the bill that is being amended, are Dogs Queensland happy with the wording there or would they like to see additional commentary about not having that practice with the intent of treatment as opposed to with the intent of causing scar tissue and damage? Maybe that is one to take on notice.

Ms McCutcheon: Perhaps on notice for that one.

Mr SMITH: To give you a chance to read up on it.

Ms McCutcheon: If we could come back to you on that.

Mrs Greenwood: Just from my general knowledge, I think that is more a matter—these 'treatments'—for the racing industries, probably the greyhound and the horseracing industries, rather than for our membership.

Ms McCutcheon: We would be doing whatever we did with vet consultation.

Mr SMITH: I just ask that because you have put in your submission that you are happy with the amendments.

Ms McCutcheon: Thank you.

CHAIR: Member for Traeger, do you have a last question?

Mr KATTER: No, thank you.

Ms McCutcheon: If I could mention two minor things that are not in our submission. They are very minor. One of the things that occurred to me, and I find this consistently through any of this sort of legislation, is that you only ever refer to someone surrendering an animal to a pound or animal shelter. Perhaps the committee is not aware of how many breed rescues and other rescues are out there. I was president of a breed rescue for a number of years. With many of these dogs, we try not to ever allow them to end up in pounds, especially our pedigree dogs, so we have our own rescues. If instead, and it is very simple, it was to say that the supplier is surrendering the animal to a pound or animal shelter or breed rescue or rescue, that would make more sense to me than just to the pound.

Mrs Greenwood: Even, as you say, saying 'breed rescue' because, yes, we have the best part of at least 100 clubs and there are specific breed clubs. As Elisa says, generally all of them have a breed rescue officer and they do breed rescues and it is quite a network. It is a network that goes interstate as well.

Ms McCutcheon: The whole purpose is to keep those animals out of the pound.

Mr HART: What clause is that applicable to?

Ms McCutcheon: I think it is clause 29(2)(b). It is a simple but very sensible one and then it would actually make those fall within the scope of that, which would be good.

The last one, which is just really practical, is 29A where we talk about supplying the certificates, that the person must keep the certificate, et cetera, for the supplied animal. Then it says under (3), 'The person must, if required by an inspector, make the certificate given for the supplied animal available for inspection by the inspector'. In broad principle we agree with all of that, but the only thing that occurred to me is what about all these people who have been subjected to all these floods and so forth. In other areas of these sections it talks about where they have a reasonable excuse. It seems to me that provision should provide, 'unless they are able to satisfy with a reasonable excuse'.

CHAIR: Thank you for that. That is very perceptive. Thank you for coming in and spending time with us today. We only have one question on notice from the member for Bundaberg.

Mr SMITH: That was in regard to whether Dogs Queensland is happy with the wording of 37C.

Ms McCutcheon: We will come back to you on that one.

CHAIR: We will take a break for 10 minutes.

Proceedings suspended from 3.04 pm to 3.13 pm.

BOURNE, Ms Nicole, Private capacity (via videoconference)

McMAHON, Mrs Leichelle, Private capacity

CHAIR: I now welcome Mrs Leichelle McMahon and Ms Nicole Bourne, who is joining us by videoconference. Good afternoon. Would you like to make an opening statement before we start our questions? We will start this in public session and then we can go into private session if you want to discuss things in more detail.

Ms Bourne: Thank you, committee, for the opportunity to communicate my experiences with the inspectorate and the Animal Care and Protection Act with the contractors, the RSPCA, and the state government. From my experience the whole system needs an overhaul: from visiting the sites, to achieving warrants, to the raids themselves, to the inspectorate going to the media—I have the example of them going directly to the media; it went worldwide in my case—to the animal welfare directions, to the inspectorate and how they look after the animals, to the broadness of mental health and the repercussions from these, to future codes—because we do not have one and we desperately need them—and to the future overall and accreditation systems and things like that that we need. My experience is very broad and from my submission you will see my experience. We have been in the retail pet industry for 37 years now looking after broad avenues of pets and breeding them over the years and so on.

CHAIR: Thank you. We will come back to you in a moment, Nicole. Leichelle, over to you.

Mrs McMahon: Thank you for the opportunity to speak today and put a submission in for the proposed amendments. I have been a pet store owner for more than 13 years, a veterinary nurse for 20 years and I am one of four vet nurses in Queensland to own my own veterinary surgery. I am a member of the Australian Veterinary Association and have many awards and certificates over my 23-year career in the industry. I myself as well have had numerous experiences with DAF and RSPCA Queensland and the inspectorate. This has hopefully led to the review of the act and the Queensland audit report. Although the Queensland auditor's report did recommend strengthening the effectiveness of the oversight by DAF, the RSPCA still has a conflict of interest as it employs these inspectors. Obviously with them owning adoption agencies, training, grooming and many more competitive industry arms, I believe it is a breach of the federal Trade Practices Act having them in power in the inspectorate after going after competitors such as myself and other pet stores.

I am probably the product of DAF's lack of oversight and accountability as a product of the RSPCA inspectorate. DAF have said to me in the past it is prejudicial for them to step in. I disagree and say it is prejudicial that they do not. There are obviously overhauls happening at the moment behind the scenes that we do not see. Obviously we see this, but there is still a lot that needs to be done. As Nicole mentioned previously, we have spoken to DAF Queensland about regulatory processes with the pet industry. We have been in the pet industry forever and there is a lack of rules and guidance in that, so I guess we have approached DAF in wanting to have an accreditation system, whether it is a five-star rating or something similar or even a website that people can log on to and see where the staff are fully trained, where they have done certain courses, where their puppy pens and their kitten pens are to standard or above standard.

My downfall in this industry is I just wanted to be the best and with being the best I guess there are consequences with that. I opened my own store 13 years ago. We moved after about seven years into a bigger premises, which was 750-square metres. We had an awesome reptile room that you would walk into with a waterfall. It was the definition of Hollywood in a pet shop, I think. We had a vet surgery on site. We would do rescue animals. I guess I am a little bit different to Nicole in that I started off as a vet nurse and my heart was in rescues, so for 10 years I was a foster store for Animal Welfare League. I pulled from the RSPCA Queensland. I guess with politics I have worked with different rescues and decided it is easier to go out on my own and do my own rescues, so I would be pulling animals from Mount Isa, from Rockhampton, from Wagga Wagga pound—so unfortunately, yes, New South Wales included.

My heart lies a lot in rescue, but I have discovered the hard way from being too close to an RSPCA facility that they do not like competition. That is where I guess being the best has cost me everything. In 2017 I had a female inspector come to the store with a partner—and now of course they audio record everything. In my story, my experience, which I guess you can read, they came to me and honestly lied from the first words that came out of her mouth. She said, 'I am Inspector Blah Blah Blah. I have a warrant. Do you mind if I look around?' Yes, I have had multiple speeding tickets but I am usually an upstanding, law-abiding citizen. I did not know my rights. I expect an inspector to be like a police officer and you abide by what they say, so I said, 'Sure. I've got nothing to hide. I will Brisbane

show you around. My place is awesome with a vet surgery and pet store.’ I guess we do things different. We had a 20-square-metre puppy room, so nothing glass boxy. That was a thing of the past. I do not believe in that sort of stuff, so we had a 20-square-metre room with heating and air conditioning and play equipment and all the rest of it so people could literally go in there and sit there.

We had an outside cat enclosure that was about 20 metres long and eight metres wide—a kingdom for cats. Trying to be the best has cost me everything, but I have learnt that when an inspector comes to you and says, ‘I’ve got a warrant,’ that was not actually the case. Going back, they have gone after me hard over five years—the harassment, the bullying, upcharging me with 50 charges trying to make something stick, and in a court of law I was pretty much proven innocent on most of them. They have come after me after I was robbed and arsoned, not listening to what I had to say. In the court of law it has been proven that they have been stealing animals off me and selling them.

CHAIR: Okay. What we might do is ask about some specific aspects in both of your cases. Nicole, you said you were visited by a 13-member team at your property and 209 charges and, Leichelle, you said 50 charges.

Mrs McMahon: Yes, I was about 50, yes.

CHAIR: What was the result, Nicole, of that particular visitation to your property? What was the end result?

Ms Bourne: We have not got there yet. We are still before the courts, so July.

CHAIR: Okay, we had better not go too far into that then.

Ms Bourne: Yes.

CHAIR: We had better not go into that. Leichelle, what has been the result and perhaps you can talk about what it has cost you with those charges that have been brought?

Mrs McMahon: They ended up dropping half the charges on day one of court and proceeded for a six-day trial, which has cost me for a barrister and a lawyer in excess of \$91,000. Not only has it cost me financially; that has taken a toll on family and just my mental health. Once the verdict came out it has taken a huge toll on the business, because not only did they not like the verdict; they went after me on social media. They waited until Sunday evening, when lawyers are not working and when no-one is working, at 6 pm on Facebook, Instagram, the *Courier-Mail* and their website. DAF did step in after four days, but after four days the damage was done, so I have been labelled all sorts of things which are untrue.

CHAIR: Okay. You have certain views about your cases appearing in the media?

Mrs McMahon: Yes.

CHAIR: Do either of you want to touch on that? Nicole?

Ms Bourne: With my case, they did a raid on the store. We had not seen them for two years. We have requested copies of the warrant request to see what evidence they had to be able to get the warrant, but they will not present it to us until a magistrate instructs them to. At the raid they said they did not want any media involved. It was a 12½-hour raid. The following day they released a seven-minute cut video to the media. They did two ‘to cameras’. My local inspector and their media communicator did a ‘to camera’, and it was through Channel 7, Channel 9, Channel 10, the ABC plus then the paper and so on. That went around the world. I had people coming back to me from around the world to say, ‘What’s going on?’ So that happened and my business dropped 80 per cent overnight and has never rebuilt.

CHAIR: Thank you. Leichelle, have you had a similar experience?

Mrs McMahon: Yes. My experience was more after the court case, after the trial. They went hard on me, absolutely. During the process of the trial it had hit the media just randomly on Facebook through people talking—‘She’s under investigation,’ or ‘She’s through the court. Boycott that store’—and it was after the verdict where they pretty much lost the case that they went hard on me. On their website they created a story of pet shops where we expect better and labelled me and actually published photos that had nothing to do with the case—they were just general photos that they had taken on animal welfare directives—on social media as well such as Facebook and Instagram. They had gone to the *Courier-Mail*. They had actually given quotes to the *Courier-Mail*. I do believe that it used to be that under section 85 of the Animal Care and Protection Act all of the animal directive photos were supposed to be kept confidential, so not only have they gone to the media with things I was cleared on and innocent on; they have made this whole story. I guess it is just to get donations

through the door, because they went hard. That has cost me a lot. The business itself was robbed and arsoned. It ended up closing and not reopening at that site. I have tried to rebuild since and since that was published in the paper it has just ruined the two new businesses absolutely.

CHAIR: Okay. I might ask the deputy chair to ask some questions before we move into a closed session and we can talk a bit more.

Mr McDONALD: Leichelle and Nicole, thanks for your courage in coming forward to present to the committee. You said, Leichelle, that you have lost everything. I am a little bit confused. Where are you at at the moment? You said that you opened up another place?

Mrs McMahan: Yes, we have reopened and we were trying to get on our feet and they went to the media and—boom!

Mr McDONALD: Who is ‘they’?

Mrs McMahan: The RSPCA went to the media. DAF did tell them to retract that, which they did after four days, but the damage was done. They did not retract the *Courier-Mail* article. I have to do that separately through a defamation trial so that is going to cost me more money. To date it is about \$91,000 that I have spent on lawyers to try to clear my name. They have gone and published names of two businesses that had nothing to do with the charges anyway. So—boom! There goes your business overnight and your reputation.

I have people still—trolls—on Facebook making vexatious complaints, and that is something I want to touch on. There is nothing in the act going forward about people making vexatious complaints. There is no accountability for that or no mention in the new act about that, which is a concern I have raised it to DAF, because a lot of perception with pet shops is that a lot of trolls are making complaints. I guess all pet stores are different and the old pet shop on the corner is not the old pet shop on the corner anymore. We are trying to go bigger, we are trying to go better, we are going to try more exciting and better pens, better facilities. In the new store I have had help building that with the centre management and owners of the shopping centre that were in. I would not be in a position to do that without them, so I am obviously thankful and grateful to them.

We have sat down, as many owners sit down, and thought about the pens that the animals are in. We have staff who are well beyond comprehension with herpetology degrees. The store manager at the store at the moment has 22 years in herpetology. We have experts in the area, which not necessarily all retailers do, to make our store the best place to go. It is the experience. We want to be a five-star pet shop. We have that drive with DAF to do this accreditation, because currently there are no standards. We want to make it a very enjoyable experience, not only for the people; the people coming have to realise we are a pet shop. We do have puppies in enclosures; we cannot have them running around the store, as much as we would like to.

Mr McDONALD: You mentioned there being no standards. Underlying both yours and Nicole’s description to us is an interpretation by an inspector or the RSPCA and yourselves.

Mrs McMahan: Yes, it is all interpretation.

Mr McDONALD: How do you suggest we resolve those interpretations?

Mrs McMahan: To be honest, I would take the inspectorate back to the Department of Agriculture and Fisheries. I have had dealings with both. The Department of Agriculture and Fisheries has been very professional. They have explained things to me. From day dot with the RSPCA they walked in, they lied to me, they wrote me up an animal welfare directive—

CHAIR: That is in your opinion.

Mrs McMahan: Yes, that is in my opinion. I guess they work very differently to each other. DAF has no motivations behind them. It is: this is the law, this is how it is. They do not need to interpret.

Mr McDONALD: It is great for industry to come together and put in a practice.

Mrs McMahan: Absolutely. Every state is different though, so we need something at the federal level. Nicole has been very active in researching different states: for example, how many birds per cage and stuff like that. I have not been so active in that regard. I have a 20-square-metre space. I have four dogs, so that is plenty of room. Nicole has done a lot of research into how many reptiles per cage. We try and do one or two per cage. She will be able to tell you the exact square metreage of animals. She has been very active in that regard.

There is a voluntary code of conduct that was brought up in my court case. I exceeded that standard. There is a code with the Department of Agriculture and Fisheries when you get reptiles and things. I disagree with those because it has in there that you only need to water your reptile twice a

week. What a load of rubbish. If you can predict when your lizard wants to drink, sure. I am not telepathic so I cannot do that. I have said seven days a week there are water bottles in there. There needs to be a national code. I guess expectations of the public are changing, but in saying that there are some unrealistic expectations there with trolls and pet shops.

CHAIR: Before we go into closed session, do you want to add anything to that, Nicole?

Ms Bourne: Yes. I have spent hours and hours collating all the codes that exist in Australia so far. I talked to my local federal member before the last federal election and he said that because it is animals we have no hope of doing anything nationally; it all has to be done by the states. I have collated all of the industry body and state government codes. I approached the state government to work with them and give them all of my research so they did not have to. As a result of being in the industry for so long, I have made recommendations under each animal group because I feel that some of what is presented is great and straightforward, but with others I think we can do better. I think we can have a more modern system. For example, with puppies throughout the states there is no requirement for exercise. In my store, the puppies are out all day playing, interacting, socialising and having routine training and so on. Yes, all facilities cannot do that, but I think we can do better. Yes, let's use it as a base. They will not talk to me because I have matters before the courts. It is wonderful that in the auditor's report there is the statement that, yes, we need codes. That is excellent, but the government has said four years for that code. I believe if we had a code we would not have all these repercussions because it would be, 'Yes, you've done it,' or 'You haven't done it correctly as per the code and to get it correct these are your steps.' It is done, sorted, move on, and if we had a code we would all do it.

CHAIR: We might move into closed session now.

The committee adjourned at 3.33 pm.