



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr MJ Hart 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

WEDNESDAY, 15 JUNE 2022

Brisbane

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The committee met at 9.30 am.

CHAIR: 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 future. We are fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people whose lands, winds and waters we all share. With me here today are Mr Jim McDonald, the member for Lockyer and deputy chair; Mr Jim Madden, the member for Ipswich West; Mr Michael Hart, the member for Burleigh; Mr Tom Smith, the member for Bundaberg; and we have an apology from Robbie Katter, the member for Traeger.

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

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

MAIER, Mr Darren, Chief Executive Officer, RSPCA Queensland

WOODROW, Ms Rachel, General Manager, Inspectorate and Rescue, RSPCA Queensland

CHAIR: I now welcome representatives from RSPCA Queensland. Good morning. Would you like to make an opening statement after which we will go to some questions for you? If any questions are taken on notice then the answers will need to be returned by 22 June.

Mr Maier: The Animal Care and Protection Act has been around for 20 years now and has been a good piece of legislation, serving the animals of Queensland well. We think it is great that the government is following through on its commitment to review the act. This is an opportunity to update the act and bring it more in line with ever-changing community expectations, at the forefront of which is the humanisation of pets and recognition of the important role that animals play in our everyday lives, from companionship to the very significant impacts they can have on our mental health.

As per our submission, RSPCA Queensland welcomes the Animal Care and Protection Amendment Bill and congratulates Biosecurity Queensland on its development. The RSPCA made a submission during the review of the Animal Care and Protection Act and we are pleased to see that many of those recommendations are either partially or fully adopted. We do believe, however, there is an opportunity for the amendment bill to make further change and improvement. Whilst we do not propose necessarily to go through the whole submission today—although, of course, we are happy to take questions on any part of it and, if time permits, we will cover more of it—we believe that all of the points in the submission are important, but there are a couple of key ones that we would like to raise and bring focus to.

The first of these is around the increase of penalties and, in particular, the lift from a maximum of one year imprisonment to three years imprisonment. It is great that this increase in penalty has been proposed for serious duty of care offences leading to significant suffering and even death. We would, however, like to see these increased penalties more widely applied, including the prohibitive offences of dog fighting and cock fighting and also the inclusion of aggregated offending where the cumulative suffering on a large scale of offending can warrant increased penalties. This would include things like puppy farming or backyard breeders where that duty of care has failed across a large number of animals.

The second point we want to raise is that of prohibition orders and, in particular, the ability to monitor prohibition orders. The recognition of interstate prohibition orders is a great addition to the act and we think this should be strengthened with an appropriate mechanism to allow inspectors the ability to then monitor the adherence to prohibition orders where necessary. We thought it might also be useful to add some broader information and insight to the public hearing to enable context and clarity on a few things. Firstly, for context, RSPCA's strategy has been evolving over the past couple of years to really focus on trying to address the real cause of animal welfare issues. This is particularly relevant as the vast majority of our inspectors' work is involved in educating the public to become more responsible pet parents. This is complemented by our community outreach team providing all care and advice to the public as together we aim to help develop socially conscious animal communities. Improvements in the Animal Care and Protection Act would not only support this education and community partnering focus; it will still ensure that, in the worst of cases, offenders are appropriately dealt with under the newer legislation.

Secondly, we welcomed the findings of the Queensland Audit Office regulating animal welfare services back in November 2021. Since the inception of the Animal Care and Protection Act in 2001 we have improved the provision of training and education resources and developed a framework of best practice policies and procedures for how the inspectorate operates, including prosecutions. We welcome the oversight and increased governance that the report recommends and many of those recommendations are already implemented or underway.

Thirdly, I know the question of funding has come up in the past so I thought I would put perspective on that. The RSPCA is a \$49 million organisation, with around four per cent of that funding coming from state and federal governments and the remaining 96 per cent being community funded, largely through fundraising efforts and commercial enterprises such as op shops, as an example. In terms of the inspectorate specifically, this costs RSPCA in the vicinity of \$4½ million to \$5 million. In financial year 2020, it was \$4.6 million, to be exact. The costs continue to increase given the focus on training, given the emphasis of the Queensland Audit Office report, changing superannuation laws, increasing the number of inspectors to effectively cover and manage our jurisdiction and also ensure we remain safe. The funding that we get contributed at the moment is \$500,000 of that \$4½ million to \$5 million and that cost does not include the cost of veterinary care or shelter staff or the time in care for animals that do end up in our care for what is sometimes a prolonged period of time.

RSPCA is a complex organisation spanning wildlife, sheltering, adoptions, education and, of course, the inspectorate function under the Animal Care and Protection Act. We are looking forward to seeing change take effect and hope we can assist in the further development of the amendment bill. I would like to hand over to Rachel Woodrow, who is our general manager of inspectorate and rescue, to elaborate and provide more detail on those two key areas I spoke about. Once we have covered them to the committee's satisfaction we would like to, if time permits, work through some of the other recommendations in our submission.

Ms Woodrow: Thank you for the opportunity to attend today and be heard at this hearing. As Mr Maier mentioned, there are a number of items that we have listed in our submission for consideration, but for today we would like to focus on a couple of the key points around the increases in penalties and also around our prohibition orders, just to provide a bit more context and information for you.

Firstly I would like to touch on the prohibited events. Prohibited events under section 21 include dog fighting and cock fighting as well as other events such as coursing. I would like to speak to you a little bit about dog fighting in particular, as well as a bit around cock fighting, just to give some context to why we believe this is such a serious offence and why it deserves a more serious penalty to align with animal cruelty under the act.

Firstly, dog fighting and cock fighting are prohibited events under the act. The penalties for these offences at the moment are not adequate and they are also disproportionate to offences under the act when it comes to cruelty. RSPCA inspectors have undertaken several investigations into dog fighting and cock fighting offences across the state over the years and have successfully prosecuted offenders. These secret, underground activities are an ongoing problem in Queensland. We need offenders to understand the seriousness of these offences and this needs to be reflected in the maximum penalty.

To give a little bit of context to dog fighting, I would, if it is okay with you, like to give you a little bit of detail. This comes from our inspectors who have been investigating dog fighting over several years and from the intel and information that they have collected. Just a few key points: these events are organised and they are planned in secret. It takes months to plan an event and the way that they

are managed makes it very difficult for law enforcement agencies to catch them in the act. Typically, the training methods for these sorts of dogs involves training that will strengthen, help build muscle and endurance and also help build aggression. To do this dogs are trained in a few different ways. Often they will be run on treadmills for a long period of time to help build endurance. They might be required to swim for long periods of time. They may also be strapped with heavy weights that they are required to pull and drag around for periods of time to again build that muscle strength. As part of their training they will be rolled with other fighting dogs, so they will spend time fighting before a major event. Ultimately, the dogs in a fight are pitted against each other and they are pitted to the death. The intention is that there is a winner and generally a loser who will end up dead and, if not, to the point where the dog cannot continue to fight anymore. It is a pretty horrific blood sport. The fights can go on for several hours—up to four to five hours is quite common—and they will be in the pit, tearing each other apart, which is pretty horrific in itself.

Leading up to the dogs being prepared for a fight, they need to obviously be housed and treated for their injuries. In our experience the living conditions of these dogs is also quite horrific. They spend their lives living on heavy weighted chains that cause quite a lot of discomfort for them. As a result of boredom and not being able to get the chains off, they will chew the chains which means that they are wearing down their teeth and ultimately causing quite a lot of dental issues that can be very painful. As far as the conditions that they are living in, often they are not provided with adequate shelter from the elements. They are chained in a way that they can see each other but they cannot get to each other so that again helps to build that aggressive nature in them. Puppies at generally around six months start being rolled, which is when they, I guess, are assessed as to whether or not they have the aptitude for fighting. They call that 'gaming'—whether they have that gaming nature. If they do not have that then ultimately they are discarded as being quite useless, so they could be dumped or they could be killed. The methods by which the animals are destroyed are also quite horrific.

Obviously, because this is somewhat an underground type activity, those involved in these events are not necessarily taking their animals to a qualified vet. As you can imagine, quite a lot of injuries are sustained in the training process and in the fighting process so if the animal does survive they are going to be coming away with a large number of injuries. These injuries would either be treated by the owner by what is called 'stapling'. Basically, without any pain relief, they actually try to staple the wounds themselves and then put them back on the chain. It is very rare that an animal would actually see a vet. This is causing that ongoing prolonged suffering for the animal, through not only the fighting and the training but also the inability to have their injuries properly treated.

Those dogs that may be dumped or may end up in our care as a result of investigations are extremely difficult to rehome. They obviously have high levels of dog aggression and also people aggression, which makes them dangerous to people as well. They are not the sort of dogs that generally can be rehabilitated back into a family situation or a community. They become very anxious. The life on the chain obviously is quite lonely. They do not necessarily get to interact or have enrichment from activities like going for a walk down to the park or engaging with family in a home, so small things really set them off—even from just a kettle boiling they can get highly aroused and very anxious.

This causes a lot of psychological stress for them. When they are not on the chain and they are somewhere else, that causes even more suffering for them. Often dog fighters are involved in other blood sports, such as cockfighting which is a similar prohibited event, and other organised crime. From our perspective—and hopefully after hearing that you can also appreciate why we believe this—dogfighting is one of the most serious forms of animal cruelty. The existence of the dogs that are subject to this life is one of prolonged pain and suffering.

CHAIR: Thank you.

Ms Woodrow: Following on from that, cockfighting is very similar. They are a different species but very similar. They are trained in a similar way and they are housed in a similar way to build that strength, endurance and aggression. They will be run on mills, which is similar to a treadmill. They will be tethered in a way that they cannot get to their perch without quite a bit of effort so they have to use more muscle strength in order to get to their perch. They are again housed near each other but not close enough to be able to get to each other, which again builds that anxiety and that aggression. When they fight—again, they are pitted against each other—they are fitted with gaffs, which are like spurs that are attached to the back of their legs. They are extremely sharp and they are basically designed to create maximum injury to their opponent. The point again is for there to be a winner and a loser, and the loser typically will die at the end but it is a slow and painful death if they

do not die in the pit. They are not given much care and consideration if they are almost dead but not dead. They are thrown in a bin to die. Again, just generally, the conditions they live in are not suitable for them.

Currently, under section 21, prohibited events, the maximum penalty for those offences is 300 penalty units and one year in prison. In contrast, under section 18, cruelty, where a person must not be cruel to an animal, the maximum penalty is 2,000 penalty units and three years in prison. It is a little difficult for us to understand how this has not been addressed in this current drafting of the bill. We feel it possibly is an oversight and maybe there has not been consideration for it, but ultimately now is the time for this to be addressed. We cannot see how this type of offending does not equate to cruelty so it should be receiving, at least as a minimum, the same maximum penalty as cruelty under section 18.

CHAIR: Thank you for that detail. Obviously, that is an important issue that you have talked about. Is there a reason why you did not put it in the submission initially? You talked in brief about the prohibited events and calf roping, but is there a particular reason why you did not want to detail it in your written submission?

Mr Maier: There is no particular reason. I think it is in there somewhere, and I will have to find where it is. It has been a hot topic the whole way through.

CHAIR: I am saying that because the department's information is that they regard those particular issues as ones that need to be referred to the police. Have you liaised directly with the police on that or have you just done your own investigations on that?

Mr Maier: Generally, it is in partnership with QPS and QPS will help us, but the lead agency has historically been RSPCA. I actually think the lead agency should be QPS and not RSPCA, and RSPCA should be there to support the QPS for the animal welfare part of those investigations. That is another ongoing conversation to try to see if we can move the lead of that investigation into QPS proper.

Mr HART: Who determines who the lead agency is?

Mr Maier: When it comes to dogfighting?

Mr HART: Yes.

Mr Maier: I do not think there is a determination on that. I think that is part of the problem.

Mr HART: Is it just assumed that it is the RSPCA?

Ms Woodrow: It is typically reported first to the RSPCA, so we will initiate investigations and start to gather intel so we can determine what offences there are.

Mr HART: Couldn't you just refer that straight to the police?

Mr Maier: I think the challenge is around expertise and whether there is a dedicated part within QPS that has the expertise to then take on those investigations, so they have heavily relied on us in parts where they have needed that as well.

CHAIR: I want to go to a couple of issues you talked about. In relation to your community outreach team, can you describe who is in it, how many people you have in it and what they do?

Mr Maier: It is a pilot program running through Moreton Bay Regional Council. The highest number of animal welfare calls we get is from Caboolture and Morayfield so we are focused on the Moreton Bay Regional Council to start with. Across education and our community outreach people, it is a team of five or six people but on top of that they utilise our vets, our inspectors and some of our animal attendants. They peer back off the existing calendar of events that the council might be running so they can go out and provide education or through the partnership with ARC free food or preventives. Of the 18,000-odd welfare calls we receive each year, a vast majority of them are issues that we think are driven by either ignorance or lack of means. Being able to be out in the community providing food, preventives, education and hydrobaths—all the things that we probably take for granted—is a way of helping these people understand how to care for their animals more thoroughly. We have piloted that in Moreton Bay and it has had phenomenal success. There have been similar models down in Victoria and also in the US, so our intention is to roll that across all of our sites across the next two years.

CHAIR: You also mentioned that you are implementing the recommendations from the Audit Office report. Can you go into more specific details about what you are implementing and how you are doing that?

Mr Maier: As an overarching comment, I should say that the Queensland Audit Office report was an audit on DAF, not on RSPCA. Obviously, in the partnership with DAF, a lot of those implementations have an impact on us and that is what we are working on with them.

Ms Woodrow: Some of the key matters that we have been working on have been around training of inspectors. The program for inspectors has been improved. It has moved now to an e-learning system where there are 10 modules that inspectors are required to complete in order to achieve their appointment. Once they have achieved their appointment, there is further training they are required to do in four more modules. That training started to be rolled out this year, and our first group of inspectors have now been through that training. That has been a key element in what we have been trying to achieve.

There have also been changes in the process of appointing inspectors. The department now clearly outlines conditions of appointments, which does cover off the requirement for ongoing professional development and training. They also cover the conflict-of-interest matter and the suspension of inspectors' appointments should there be breaches of those, which was not previously covered. That addresses a couple of the key points that were raised by the Auditor-General.

CHAIR: Are e-learning modules enough? What certification does that give them?

Ms Woodrow: The department will be issuing a certificate at the completion of that. That is still part of the process that we are getting to. Is it enough? It is very compliance based training. It is the training that allows inspectors to become familiar with the act and their powers. That is combined with on-road training, so they are paired up with a coach over a period of around eight to 10 weeks initially. Throughout that time, the department sends out a representative who also does a field assessment. At that point, they are working through some other protocols that the inspectors need to comply with and testing knowledge around that.

Ultimately, an inspector will not actually go out on the road alone until they have completed the modules, they have completed their field assessment and they have completed around six to eight weeks of on-road training with another inspector and then a further period of training as the lead inspector with another trainer. Then they are signed off by their RSPCA team leader as an inspector who is okay to go out on the road. After that, there is further training they are required to have for ongoing professional development. It is not the sort of role where you get your powers and off you go without any further development or ongoing training. That is part of RSPCA's responsibility to maintain that training and offer that ongoing development.

CHAIR: In this sector, we have always been very appreciative of all of the good work of the RSPCA. However, we did hear yesterday a suggestion that the investigation and enforcement aspect should go back to the department. I guess that begs the question: you talked about the complex business you have got, so why would you want to be in the prosecution and enforcement business? That is the bigger question.

Mr Maier: It is a much bigger strategic question as well. The RSPCA is very much around animal welfare and caring for animals and the prevention of cruelty. It is a logical fit in my mind that we are also involved in the investigative process. As I said, the vast majority of the 18,000 calls would be solved with education, by working with members of the public and providing them with advice and animal welfare directions where it is warranted.

The number of cases that actually come through and have a likelihood of prosecution or seizure of animals is very, very small in the scheme of the numbers that we see. It makes sense that RSPCA plays that role in the community because it is about education and driving to what we call socially conscious animal communities where we hope one day there is not a need for it at all. I think it makes good sense for it to be there.

The other challenge is that, because it is a focus of a specific team within RSPCA, it does get focus. I think the challenge of it sitting within QPS or within broader government is, if we are talking about complexity, that both of those organisations are way more complex than RSPCA. With it being sat out on its own within RSPCA and within a separate function within RSPCA, it at least gives it focus, which is absolutely what the community would ask.

CHAIR: Can you describe how separate it is? One of the criticisms we have heard is that you have a number of different arms that may conflict with the need to prosecute. How do you put those walls in between those parts of your organisation?

Mr Maier: There is a complete separation in terms of the decision-making. In terms of any decision to prosecute, I have zero involvement or zero oversight or zero visibility of any of those decisions up until the point at which they have been made. Our other parts of our organisation are in the same boat. There are historic processes around the prosecutions to ensure there is due process around that. One of the changes off the back of the audit report was the involvement of the department in those conversations. I know that is continuing to evolve from there.

To give you an idea of our fundraising efforts, of that \$48 million, about \$27 million of it comes from fundraising.¹

That is across all of the different facets of what we do. We run the largest wildlife hospital in the Southern Hemisphere, which is a big opportunity for us to engage with the community. Cats and dogs adoption, which is what I think most people think we do, is actually a much smaller part of the overall RSPCA fabric. I think the biggest Chinese wall, for want of a better term, is the fact that those decisions involve no other part of the organisation. Every other part of the organisation is a recipient of the information once it has occurred, as opposed to any active involvement on the way through.

Mr McDONALD: Thanks for being here. I appreciate your submission and thanks very much for the detail and your description before of the dogfighting and cockfighting. It gives some clarity to what actually goes on. The first question I would like to ask follows on from the question the chair asked about prosecution. In your submission, you talk about the problem you have when you seize animals and of being able to ensure that the welfare and wellness of animals is prioritised in the prosecution cases and that sometimes there are negative welfare outcomes for animals that have been held captive. What efforts have been made to minimise that impact?

Mr Maier: I do not think the word ‘captive’ is quite the right word—held in care. We have quite an extensive foster program. Where possible, we try to have the animals out in foster homes so they are living in a proper home environment. Like all things, it is about having enough foster-parents and the engagement of volunteers in the community who can be trained to do that. The animals that are not out in foster homes are held within our shelters. We have enrichment programs. We have a behaviour team that we have built who work with the animals to ensure there is enrichment, to ensure there is behavioural development of those animals. We provide veterinary care on site where we have vets and certainly through contracted third-party vets where we do not. The biggest thing is that every single animal that comes through has a behaviour plan to make sure that it gets the right level of enrichment and the right level of care whilst it is in our care.

Mr McDONALD: The last sentence of one of the paragraphs in your submission states—
The Act needs to look at ways so these animals are not left languishing in shelters for such long periods.
Can you expand on that?

Mr Maier: Yes. Unfortunately, the way it is at the moment is that the court proceedings need to be completed before there is an outcome for the animal. In some of those situations we have had animals in our care for several years. We do not think that that is a great outcome. Whilst we can care for the animal and can provide it with the best of environments, to get that animal into a loving home for it to spend its forever life, I think, is a far more palatable outcome for everybody. We have suggested that if there were a way that the animal outcome could be dealt with first before the rest of the proceedings took place then that would be a good outcome for the animals.

Mr McDONALD: Is it a matter of going back to the start of the prosecution process then and giving your inspectors different tools, like penalty infringement notices, to minimise the number of animals that are seized in the first place?

Ms Woodrow: There are a number of other enforcement activities that an inspector will utilise before making a decision to seize. The seizure option really is the last resort. If an animal is being seized, typically the inspector would have been working with the owner of that animal over a period of time, and they would be issuing animal welfare directions if they felt that was necessary in order to get the compliance required. If that has been unsuccessful over a period of time and the animal's welfare is significantly compromised and there is no other option, the discussion would then be whether the owner is prepared to surrender the animal because they may be challenged with regard to the expectations to maintain the minimum conditions for that animal. If we cannot encourage that surrender, if that is not successful, then we move to that seizure option. Ultimately, being able to, as Mr Maier mentioned, deal with the matter of the animal's ownership and transfer of that ownership at some point earlier in the process so that the animal is the priority, that is what we are looking for.

Mr McDONALD: Once the animal has been seized, I understand that the original owner pays for that animal to be kept in care.

¹ This figure was amended to \$1 million from \$27 million by RSPCA Queensland following the hearing. See correspondence received 22 June 2022.

Ms Woodrow: There are costs associated with the animal being kept in care. At the time of seizure the inspector is required to inform the owner of the animal that those costs will be incurred. However, that is dealt with through the prosecution process. That is a matter that is dealt with by the courts. We would be presenting the costs associated with the care. Typically that is not something for which we would be looking for 100 per cent. We often take into account the situation for the individual as well. That typically is a matter for the court to determine.

Mr McDONALD: My background is that I was in the Police Service before being elected to parliament. I know the Police Service do not have the ability to charge—they certainly did not; I do not know if that has changed—the offender with the costs of keeping a seized item. I am wondering about perhaps the duress or weight that the cost associated with seizing an animal may have on the person's decision regarding the prosecution effort. Could you comment on that at all?

Mr Maier: The costs are in fact less than the true costs of caring for the animal. I 100 per cent hear the point that by the time it gets to the end of a court outcome those costs have added up and that is what drives some angst, and that is why typically those costs are never fully recovered anyway. One of the suggestions that we had in here, and one of the reasons why it would be nice to have it solved early, is so that that kind of shock did not happen at the end of the process. I think part of trying to solve the animal outcome first is to alleviate that outcome on the individual at the end as well.

In the Queensland Audit Office there is talk about wanting to make sure there is a published schedule of costs. The costs we have at the moment are based on work that was done many years ago, so it is consistent application of that. I think it is time to update that. I think it is time to have those made public so people understand what they are. I also think that if the legislation could address it so that they could be dealt with up-front then you are not going to get the burden of costs that mounts up. There will be an awareness of it—whether that is that people pay for it ongoing rather than waiting till the end or whatever the mechanism is. I think there is opportunity for that to be resolved through this piece of work.

Mr McDONALD: There is the issue of the wait for a decision of guilty or not guilty, for the prosecution to be finished. There is also a decision right at the start for a person to relinquish the animal to the RSPCA for sale and to not face those costs. Again, that is a very large burden on the individual and certainly is a large power for the RSPCA inspectors. How is that controlled or managed as far as a conflict is concerned?

Ms Woodrow: Can you rephrase the question?

Mr McDONALD: When a person is the subject of a prosecution at the hands of the RSPCA inspectors, the RSPCA inspectors have the ability to seize animals. There is a cost associated with holding those animals. I think that would be a burden on a person when making an early decision about a plea of guilty or not guilty. Then there is also the issue of the person relinquishing the animal at the start because they cannot pay those costs. It must be in extreme circumstances that those animals are seized. If somebody is simply not watering or feeding an animal for a short period of time, they might be able to be better educated. The point is that somebody facing a prosecution has a very large burden, I think, in terms of relinquishing the animal to the RSPCA. Do you accept that?

Ms Woodrow: Yes, I do accept that. For the inspector out there in the field, they are not ultimately looking that far ahead, to be honest. They are looking ultimately at the care and the welfare of that animal in that moment. They are referring back to the tools that they have available to them—with education, with those directions that they have and with other enforcement tools that they have available to them. Those are always the things that they would be working with first.

Prosecuting is an extreme thing that happens. It is not something that people want to be going through or that we want to put people through unless there is a real need for that. The inspector themselves is not acting on the basis that they are going to be prosecuting down the track. They are trying their best to work with the owner of that animal to get the best possible outcome for the owner and for the animal. That is where their focus is. It is around education. It is around the enforcement options available to them under the act and, again, trying to find that best outcome. They are not projecting into the future about whether or not a prosecution is going to occur at that point.

The decision to seize will be a decision based on what is happening at that scene at that time and the work that they have already done to attempt to rectify the situation with the owner. If that seizure decision is required, it is required for the welfare of that animal. That is their priority.

Mr Maier: In terms of context of numbers, as I said, about 18,000 welfare calls come through. I do not have last year's numbers on hand, but the year before there were 232 seizure cases. It is about 1¼ per cent of what comes in. It is a very small percentage, notwithstanding that for those Brisbane

individuals the issue you raise is very real. It is at the end of quite a long process of having worked to try to get to an outcome and a conclusion. A decision is certainly not taken lightly but absolutely for the animal's welfare at the time.

Mr McDONALD: In terms of the safeguards around those issues, you mentioned before, Mr Maier, that you have no direct role in the prosecution, or words to that effect. How is that separation managed?

Mr Maier: In terms of me not having an impact on the prosecution?

Mr McDONALD: Yes.

Mr Maier: I do not sit on the prosecutions committee. I do not sit in on any of the operational meetings around the running of the inspectorate. My involvement is supporting the inspectorate—strategically, is it running appropriately? Do we have the right resources, et cetera? In terms of the actual operationalisation of it, I do not make decisions within that space.

Mr McDONALD: Within the organisation, with the welfare arm and the prosecution arm, tell us how that is managed. You have obviously appointed people in different roles.

Mr Maier: Yes. Ms Woodrow is the General Manager of Inspectorate and Rescue. We have a separate General Manager of Animal Operations. Their responsibility is to manage the animals in care and to make sure that we provide the most appropriate care and that we manage our foster program and that we try to move the animals through from the veterinary needs to the behaviour needs to being either available for adoption or reunited with their families or having to foster or whatever the appropriate outcome is.

Mr McDONALD: I have not heard the term 'prosecution committee'. When was that established and who is on the prosecution committee?

Ms Woodrow: The prosecution committee has been in place for a number of years. That committee typically was RSPCA held. Ultimately it was inspectors, our chief, veterinary staff and those involved in the legal proceedings—our solicitors or prosecutors. More recently, DAF members joined that prosecution committee. They joined the committee back in August last year and participated for the remainder of last year. That committee actually has not been standing since the new year as we have been working through a new process with regard to determining prosecutions. There is a bit under way in that space at the moment. The last actual committee meeting was in December last year. That involved all parties including DAF.

CHAIR: Have you launched any prosecutions since December?

Ms Woodrow: As far as any decisions to prosecute that have been made since August when DAF joined that committee; is that what you are asking?

CHAIR: Yes or since the committee last met in December.

Ms Woodrow: Actually, no. There have not been any decisions to proceed with any matters since the committee last met.

Mr McDONALD: I have other questions regarding prosecution and coordination with local government and police, but I am happy to share it around.

CHAIR: No. That is fine. You can ask one more.

Mr McDONALD: In terms of best-practice processes, including prosecution and strengthening oversight, I see in the explanatory notes particularly with regard to the department's oversight there are a number of dot points which state—

- clarify the accountabilities and accreditation of inspectors—

which you have touched on—

- provide for oversight by the chief executive of recommendations from inspectors for prosecutions ...

Is that the chief executive of DAF, not yourself?

Mr Maier: That is correct.

Mr McDONALD: Then another dot point states—

- include requirements for managing conflicts of interest.

That is where I was coming from with the question of those costs. Does the prosecution committee understand the costs associated with the seizing of the animal and all of those matters, and the weight that that might have on a person?

Ms Woodrow: Yes. That is taken into account.

Mr McDONALD: The reason for these questions is that we heard from people who had faced prosecution without being warned—or that was the information that we have. Can that happen again now based on the information you said earlier that officers would work with businesses or owners?

Ms Woodrow: At the time of seizing the animal, as I mentioned, the inspector is required to inform the individual that there are costs associated with the housing, feeding and so on of that animal whilst it is in care. That is the process at the moment.

Mr McDONALD: I am thinking particularly of businesses—pet shops and that sort of thing. Would they face prosecution from inspectors going out and visiting a place fresh today and seizing a lot of animals without some sort of management process or educative process?

Ms Woodrow: There is certainly the potential that a prosecution could ensue after a prosecution brief was put together, but that would require obviously all of the evidence to be collected for an assessment on what is suitable to proceed with a prosecution. That would be based on having the evidence—the prima facie case—on looking at the public interest test and on the likelihood of a successful prosecution. That decision is not made at the time that animals are seized; that would happen as a result of the investigation. That decision comes about as a result of all that information being collected by the inspector and then presented through a process of a prosecution application, which goes through a number of hands, including over to DAF, before a decision is finally made to prosecute.

Mr McDONALD: I move on to the coordination aspects. As I said, my background is within the police. On that prosecution committee or at some level, should the police not be involved in terms of a strategic position for the organisation to assist in the management of some of the prosecutions, whether it be animal fighting or other welfare issues? Have you any thoughts about that?

Ms Woodrow: There are some matters that the police would take on and they would prosecute for things that we would not get involved in, including prosecuting minors or very serious cruelty offences under section 242 of the Criminal Code. We would speak to police about those matters if they were matters that needed to be dealt with by them. Dog fighting, as we have already talked about, is something on which we are in discussions and would like to look at transitioning away from being the lead, because there are a lot of issues associated with that that make a lot more sense sitting with QPS.

Mr McDONALD: At the outset I should have said, 'Thank you for the work that you do around animal cruelty.' I am aware of the serious offences of animal cruelty under the code that can be dealt with. My questions have been around low-level issues involving pet management in pet shops. You have people who have their whole life invested in a shop. Inspectors have very large powers that can change a person's life if they were perhaps heavy-handed with those things. In terms of local government and integration with the RSPCA in terms of the management of animals across the state, we heard from some witnesses regarding the lack of coordination between local governments and what services local governments do in terms of animal care, abandoned animals or animals struck on the side of the road. Is any work happening to better coordinate those functions across the state?

Ms Woodrow: The relationship between our inspectorate, our rescue department and the relevant local councils is important to us. Ultimately, those are relationships that our inspectors are working on daily to make sure we can get the right outcome for the animals based on the situation. The Animal Management (Cats and Dogs) Act obviously provides officers under that to be able to deal with certain events that we cannot deal with. Often, they are combined issues. It might be an issue where there are a large number of animals on a property—and that is potentially in breach of the Animal Management (Cats and Dogs) Act—but there are also welfare issues which an inspector will be dealing with. That would mean a collaborative approach from both council and the RSPCA. We are often working in conjunction with them. Yes, that coordination is critical; we agree. We continue to work on that.

Mr McDONALD: Do you review those coordinated approaches across the state? What happens if there is a deficiency? How does that get fixed?

Ms Woodrow: Through conversation and trying to address what those issues are where we can. If we can involve the department, if we need assistance, DAF are very good at supporting the RSPCA inspectorate. We work very closely with them and often we might need to shuffle jobs between jurisdictions. We have the relationships there where they will support us as well if we are having difficulties. We would seek advice from them as well on how we can manage any challenges.

Mr MADDEN: Thank you for coming in today. First, I want to clarify one thing with regard to cost orders made by the court when a matter is decided in your favour. With regard to the issue of the care of animals, is the point the defendant is ordered to pay the costs for the keeping of animals

by the RSPCA at the point that the magistrate decides whether a cost order should be made or is the defendant billed for the care of the animals from the period of seizure until they are returned or an order is made by the court?

Ms Woodrow: No, there are no costs incurred by the owner during the period of care that they are held in protective custody by us. Those costs are born by us and are not passed on to the owner.

Mr MADDEN: What the defendant should pay with regard to the care of the animals is crystallised by way of the cost order made by the magistrate at the time of the hearing?

Ms Woodrow: Yes, that is correct.

Mr MADDEN: I heard your excellent submission about cock fighting and dog fighting. The thrust of your submission on page 3, paragraph 1, is that there is an inconsistency in the amendments to the act—and we heard this in AgForce’s submission—that where a stock is not properly cared for and there is evidence of neglect in that this act will impose a penalty of up to 2,000 penalty units or three years imprisonment. They talked about difficulties in times of flood with animals in distress and trying to get to them and in Far North Queensland where they only muster once a year and basically cattle are out in the bush for the rest of time. Do you see an inconsistency with that amendment being put in place outlining 2,000 penalty units or three years imprisonment when the maximum penalty for dog fighting or cock fighting is 150 penalty units and one year’s imprisonment? I think that is the thrust of your submission; is that correct?

Mr Maier: There are a couple of things. We are saying that there is some inconsistency, because the three-year maximum has been applied for situations that lead to serious injury or death. We think it should also be applied to matters as heinous as dog fighting and cock fighting. The other part which we have not yet got to that we wanted to talk about is that we also think it should be applied in situations of aggravated offending where there is mass scale cruelty—things like backyard breeders or puppy farms where mass numbers of animals are being impacted by the behaviour. It is not about being anti breeding in any way, shape or form; it is about making sure the welfare of the establishments undertaking the activity is being looked after. We think there is an inconsistency. We think that some of these offences should also be at the three-year mark as opposed to the 12-month mark.

Mr MADDEN: You are saying that these are maximum penalties and that they need to accommodate the range of events that you investigate; would that be correct?

Mr Maier: Correct.

Mr MADDEN: With regard to gaffs, I thought they were illegal anyway. I thought if somebody were found with gaffs, it involved a penalty. Is that not the case?

Ms Woodrow: That is correct. Owning of those gaffs is also prohibited.

Mr MADDEN: Under the existing legislation?

Ms Woodrow: Yes, I am pretty sure it is.

Mr MADDEN: In your submission are you saying that other things should be taken into account with regard to cock fighting and dog fighting? If you are in possession of those things, that should be an offence; is that your submission?

Ms Woodrow: Yes. Our submission is that anybody involved in these matters who is either supplying animals or attending these events and is involved ultimately in the event of cock fighting or dog fighting should be subject to that maximum penalty. We are not saying in all cases that that is what would be applied, but depending on particular charges within the subsections of the prohibited events clause.

Mr MADDEN: Would an example of that be somebody who made all the arrangements for a cock fight or a dog fight but it never eventuated? Would that be an example of something you are seeking a penalty for?

Ms Woodrow: Yes, organising events.

Mr MADDEN: Is that not currently the case under the existing legislation?

Ms Woodrow: No, it is currently. It is just that the penalty for it is disproportionate.

Mr MADDEN: With regard to the right of entry, warrants et cetera, the police have the right of entry under certain acts—the Drug Misuse Act—but they also need warrants in certain cases. Can you detail where you have the right of entry without a warrant? Can you detail for me the scope of Brisbane

your warrants, because we have heard evidence that with warrants children's laptops and phones have been seized? Can you give me a brief of your right of entry such that you can go into a property to investigate crimes without a warrant and what the scope of warrants are?

Ms Woodrow: Our inspectors seek permission to enter. Generally, they are required to get permission to enter the property. If the owner of the property or the person in charge of the animal does not give them access to the property, they do not have the power to enter unless there is particularly something like imminent risk to the animal—something that does warrant them needing to enter regardless. Generally, that would be something more around the imminent risk of the animal. With regard to warrants, typically we go in to seize evidence under the warrant. It just depends on the circumstance as to what evidence the inspector needs to collect for that particular investigation. That could be for various different items—paraphernalia, the animals themselves which may be being seized for evidence, which is generally the case, so that evidence can be collected specifically to do with the conditions of that animal. It might be the vet records and so on that we need. We have to seize the animal for that reason.

Mr MADDEN: Are you ever faced with the difficulty of what appears to be an abandoned animal or animals such as horses in a paddock where their ribs are showing and there is no water or hay in the paddock? Are you ever confronted with that situation? In that situation, can you enter?

Ms Woodrow: Yes, if an animal is abandoned we do have the ability to enter to provide relief. We can enter to provide hay, water or whatever it might be.

Mr MADDEN: Is that under this act?

Ms Woodrow: Yes, we are able to do that. There are some slight amendments in this particular bill which discuss that. When potentially a neighbour or another person is providing that relief, the animal can still be considered abandoned even though it might be receiving that from another party. We can enter for those purposes and we then would also be notifying the owner by whichever means we can. We would make every possible effort to try and reach the owner of that animal before we get to a point where we do need to seize it for the purpose of forfeiture.

Mr MADDEN: There has been some mention of the puppy farm legislation and the need for a breeders registration number, I think it is called, and the little gizmo that goes into the animal. Have you found that to be effective in locating the owners in terms not so much of prosecuting people but have found that change that you need to have—what is it called?

Ms Woodrow: A microchip.

Mr MADDEN: Have you found that to be of use to the RSPCA in locating owners or not locating owners? I understand that three or four different companies that offer the registration.

Mr Maier: Microchipping is an excellent thing, but you are right: there are three or four different companies that do it. There is no central registry to it. It is beholden upon members of the public to update the details if they do move address or if for whatever reason an animal has been passed on to a relative or a friend, sold or whatever it happens to be. It is probably a question as to whether the records are fully accurate. Every animal that comes through us and gets rehomed, we microchip and register. We make sure those records are right.

Mr MADDEN: Do you maintain that register?

Mr Maier: We use one of the companies that are out there. We do not run our own because that would be a fifth one in the marketplace, which would not make sense. Yes, there is certainly a challenge in making sure those registrations are updated.

To return to the breeder issue you talked about, we are keen for there to be a code of practice around breeding and what can be bred and not bred, particularly for animals that have exaggerated features like brachycephalic animals and the like. We also think that one of the challenges with the breeder register at the moment is that it does not require addresses. A post office box can be used as an address, so the ability to locate animals is somewhat made more difficult by that. We think there are opportunities for that to improve as well.

Mr MADDEN: I see in your submission—and I think it is an excellent suggestion—that with prohibition orders there be a central register that police and your officers can access. Who would maintain that register?

Mr Maier: Again, we want to make sure it is not like the microchip registers where there are a thousand of them. I think it would need to be a government register. I think the broader point on that, actually, is the ability to monitor prohibition orders. It is excellent that interstate prohibition orders have

been recognised. I think that is an excellent addition to the act. What is probably missing for us is the ability to monitor those prohibition orders. At the moment, if there is a situation of a prohibition order being breached then it is effectively like a brand new investigation to be able to do anything with that, as opposed to having the ability to go, 'We've already been through the process. There's a prohibition order that says X, Y, Z. How can we make sure that's being adhered to?' We think there is an opportunity to improve the monitoring of prohibition orders.

Mr HART: I want to follow up on a couple of those things. Can you give an example of what a prohibition order might be? I find it completely strange that there is no list anywhere. How do you do your job if you do not even know who has been banned from what?

Ms Woodrow: That is a really good point. Obviously when an order is issued for an RSPCA prosecution we have that on record, so we are clear that in the state of Queensland we have a record of orders issued from RSPCA prosecutions, but we do not have any visibility of those orders that are issued as a result of police matters or the department of agriculture's matters. We also do not have visibility of those that are issued interstate. It does make it difficult, but ultimately if a complaint is raised and somebody is identified as having an order in place obviously that is taken into account if that matter moves to court proceedings.

Mr HART: Do different state RSPCAs liaise on prohibition orders? Do you have a central register?

Ms Woodrow: We have the ability to identify in our systems if somebody else interstate within RSPCA has an order. That is something internally we are able to work out.

Mr HART: I might have missed it before, but did you say you have the power to seize phones, laptops, iPads and things like that?

Ms Woodrow: That may be something that is applied to a warrant. That has happened in the past, yes.

Mr HART: If you sought a warrant for that sort of thing, what would you have to provide to the justice of the peace, I assume, who is issuing the warrant? What sort of information do you provide to a justice of the peace that allows you to seize a phone, for instance?

Ms Woodrow: When the complaint and summons is filed we do have to provide the relevant investigation material that is enough for the justice of the peace to appreciate why it is we require that warrant and specifically what for. Yes, that is a requirement for the inspector when that complaint and summons is being filed.

Mr HART: Who supervises the warrants the RSPCA issues? Are they kept in a central register somewhere? Does the government audit those? Does anything happen with them at all?

Ms Woodrow: Previously probably not, but going forward there is the expectation that all of our warrants—there is some discussion with the department so they have more oversight of warrants being issued as well. Internally those are managed within our hierarchy structure. Moving to a warrant is again a very serious thing, so it is not taken lightly. There is a requirement for approvals. For a new inspector, within their first 12 months it is part of their conditions that DAF stipulate in their appointment that they are not able to get a search warrant, so that is controlled through the appointment process.

Mr Maier: That is part of the recommendations out of the Queensland Audit Office, which we welcome as they come. Processes existed, but the oversight from DAF was not there. We have welcomed that oversight because the more oversight there is, the more transparency there is and the more everybody feels comfortable that it is right.

Mr HART: Darren, you mentioned before that the Auditor-General's report was about DAF and not necessarily the RSPCA, but is the RSPCA audited by anybody at all?

Mr Maier: In terms of?

Mr HART: Compliance checks, financial checks and things like that. I imagine you would have to do some sort of asset audit. Is there anything else?

Mr Maier: More broadly, RSPCA is a public company, so we are subject to all of the ASIC rules that any other company would be subject to. We are subject to the rules of the ACNC to maintain our charitable status. We are subject to all of those checks and balances that any other ordinary organisation—

Mr HART: I am always nervous about a non-government entity having any sort of enforcement activities at all, but what about the enforcement side of things? Is that audited by anybody?

Mr Maier: That is the relationship backing with DAF, which is the governance and oversight mechanism that sits there.

Mr HART: How often does DAF audit you?

Mr Maier: These are the findings of the Queensland Audit Office; that they need to have greater governance and transparency.

Mr HART: We heard yesterday some concern that the RSPCA is an enforcement office that is providing enforcement on what could be considered competitors of theirs. Would you like to make a comment about that? How is that conflict managed? I know that you have already covered part of that.

Mr Maier: Maybe you could elaborate on what you mean by competitors?

Mr HART: In the case of animals being seized and then sold by the RSPCA to somebody else. You run your own pet shops as such and you are enforcing pet shops. How are those two things not a conflict of interest? I am sorry to ask these sorts of questions.

Mr Maier: No, that is fine; these questions have been asked before. We run two commercial pet shops which do not sell pets, but we do adopt animals. I think the allegation and insinuation in the past has been made that we seize animals purely for the purpose of resale. I think that is absolutely ludicrous, to be fair. I will give you some of the numbers. I talked before about the amount of income the RSPCA needs to survive. It is a \$49 million-odd organisation. The total adoption income for RSPCA is about five to six per cent of the total RSPCA Queensland revenue and covers about 17 per cent of the total cost of our animal care that we provide. The care we provide is not even covered by the adoption income that we get.

Of that revenue, we estimate maybe 10 to 12 per cent of that would come in the form of the sale of animals seized by inspectors. That is 10 to 12 per cent of the five per cent, so less than half a per cent of our total income comes from the adoption of animals that have been seized through our prosecutions department. Any suggestion that we are in competition or that we run a \$49 million organisation off the back of seizing animals for the purpose of resale is just ludicrous. We would not exist if that was our business model. Not to mention, there are 400-odd staff who turn up every day to care for the animals. There are inspectors who are there looking after the welfare of animals. Their role and their function is about the welfare of animals. The seizure numbers are very small in the scheme of what happens. To suggest that that is the purpose is just, as I said, ludicrous.

Mr HART: I want to move on to some of the suggestions in your submission. The member for Ipswich West has already covered off on prohibition orders. In relation to dot point 5, we have heard before about the listing of some types of collars in the legislation and we have taken that on board. If you would like to comment on that that is fine, but we have already taken that on board. Or at least I have, and I am pretty sure the other members have as well. Dot point 9, can you just clarify the definition of a person authorised by the chief executive and what is meant by 'started'? What do you mean by all of that?

Ms Woodrow: That was our question in relation to the drafting of the amendment. It uses the language of a person authorised by the chief executive. We were just seeking clarification on that. The act refers to inspectors or authorised officers, but there is not actually a definition around a person authorised by the chief executive. We were looking for clarification on whether that be within the act or if that could just be explained. What is meant by 'started', that has been clarified for us by the department as being the complaint and summons process, so that point has been clarified for us.

Mr HART: Have you seen the government's response to the submissions yet on the committee's website? It was published yesterday.

Ms Woodrow: No.

Mr HART: I have read it, but I cannot remember whether there are any answers to that on there. There may well be. Dot point 8 is inspector training and failure to disclose conflicts of interest. How are your inspectors' conflicts of interest dealt with? Is there a register? Do they need to do something similar to what we need to do to: put a list of all their interests to the RSPCA so you can manage their conflicts if they have one?

Ms Woodrow: Yes, that is correct. They are required to declare any personal conflicts they have. We do have a process internally within the RSPCA for managing conflicts of interest. They are also required, as I mentioned earlier with their appointment conditions, to declare any conflicts of interest to the department. This is certainly an area of focus at the moment which we are working with the department on, and that is what we have seen in relation to the changes to the appointment letters. However, with the changes to the legislation there is a section in there now that applies

penalties for noncompliance or failure to complete training or failure to declare those conflicts. That has now been added as an offence and there is a penalty associated with that for individual inspectors, which we do feel is probably going a little bit too far. The matter is addressed in the letters of appointment. The appointment can be suspended if an inspector is found to be in breach of their conditions. We feel that is appropriate, but applying a penalty in the act of 20 units does seem a little more extreme. That is our position on that. Ultimately, if that cannot be changed we are asking for some wording to be added to state 'without a reasonable excuse', which in the drafting has not been included. That aligns with a similar provision with regard to identity cards. If an inspector fails to return their identification card there is a penalty associated with that, but it is clear that it is without reasonable excuse, which has failed to be added to the drafting of this change.

Mr HART: In relation to dot point 10, I would be concerned that if there was a verbal discussion about surrendering an animal one person may say, 'I did that' and the other person may say, 'I didn't do that.' How would that all work?

Ms Woodrow: Situations where verbal surrenders are helpful to us include examples such as where a person is in hospital and we are not able to get in to access them and their animals are languishing at home. They know they are not going to be able to return and they want to surrender them. This is where we have been caught out a few times with not being able to get something in writing from them. There would obviously need to be some checks and balances here to make sure we are dealing with the right person, but to accept a verbal surrender would certainly help the owner and the animals in those sorts of situations.

Mr HART: I have more questions, Chair, but I will let the member for Bundaberg have a question.

Mr Maier: I think it is important to understand that not every interaction that our inspectorate has is an interaction of conflict. There are many of those interactions that are education based and wellness based and the example just given then is an example where the practicality of the act has to make it easier for people to actually look after their animals as well.

Mr McDONALD: Do you keep those statistics?

Mr Maier: In terms of how many calls we get, right down to how many prosecutions and the like, we can track that, yes.

Mr SMITH: Thank you both for being here. I might start at the beginning and go through the process leading up to a court matter. Initially there might be a complaint or a tip-off to the RSPCA and then that is the catalyst to start the process; is that correct?

Ms Woodrow: Yes, we receive a complaint.

Mr SMITH: If it is a public venue, will an inspector just walk in and observe? It might be a pet shop, for instance, are they allowed to go in or do they have to go to the owner or to whoever is in charge of that public establishment and say, 'I am from the RSPCA. I have received a complaint. I am coming here to have a look.' What is the process there?

Ms Woodrow: Yes, they are required to identify themselves if they are investigating a particular matter.

Mr SMITH: Obviously they would not be able to, on a day off, go into the public establishment, have a look around then come back the next day as a member of the RSPCA. Would that be a conflict?

Ms Woodrow: They would be able to go into a pet shop or a location as a normal member of the public on a day off, but as far as lodging a complaint, that would come from a member of the public or an informant. It would not be based on an inspector necessarily going into a pet shop and seeing something that they were not happy with and then coming back to work and lodging a complaint.

Mr SMITH: If it is a private property and they go to the establishment and they speak with the owner and they say, 'I am from the RSPCA', they are able to ask permission to come onto the grounds and have a look around, but if that permission is not given what is the next avenue to be able to inspect the site?

Ms Woodrow: We would continue to try to work with them and if they did not give us access to the property we would have a conversation outside of the property if we could to try to help them understand the reasons the inspector is there and if that is not successful we may come back at another time and try again. If we do not have access we do not have access. There are other avenues we have to try to work with. We might put some things in writing to them to help them understand the

nature of the complaint we have received. Like I said, if we get to a point where we are highly concerned about something that is happening within the property and we have not got access then that is where it gets escalated to that point of deciding if we need a warrant or not.

Mr SMITH: In that case, in terms of if you are needing to access a warrant but you yourself as the RSPCA have not been able to get access to that property, you are probably relying on more photographic evidence than you are anecdotal evidence. What is the balance there in terms of what brings you to a warrant?

Ms Woodrow: That is often the challenge, trying to gather enough evidence that there is an offence occurring. That is the skill of the investigator to work with the informant who has provided the complaint initially and to try to help them provide whatever evidence they can that they may have in their possession that will assist us because it is important, before we actually attend a complaint, that we establish that there is enough information there to establish an offence has occurred or is occurring.

Mr SMITH: There is a warrant, maybe there is a raid and there is a seizure of possessions. Let us say the RSPCA do take laptops and iPads and so forth, can you talk me through the process of storing those possessions and who has access to them and what safety measures are in place to ensure the privacy of individuals is protected around the seizing of those possessions.

Ms Woodrow: As soon as seized items are brought into our possession, there is a register, and they all need to be logged so that we know exactly what has been removed from the property. Those items are then stored in our evidence room. They are secure, locked areas that are not accessible to anybody else outside of our inspectorate. Here in Brisbane that particular evidence office is at our Wacol area and there is no access to that. That is an area that I also monitor myself.

Mr SMITH: In terms of when inspectors want to come and access evidence, is there an administrative person there who is in charge of logging which inspectors have come to access which information?

Ms Woodrow: There is a log which captures the information that is in there. It does not necessarily capture somebody who has entered at a particular time, no. That is monitored by myself in that evidence area. If somebody was accessing that area I would need to be aware of why they were accessing it.

Mr SMITH: Is there a way though that an inspector who is not in charge of a particular matter is able to easily access evidence from another matter? That is my concern. What are the measures in place to ensure that even though evidence has been seized by inspector A, for whatever reason inspector B might want to come and try to have a look at that evidence just to provide that peace of mind to people that their possessions that have been taken from them are being dealt with appropriately? What systems are in place to ensure that?

Ms Woodrow: That is a reasonable question. Like I said, it is more of an administrative type process with access to that room being so limited. It is a matter of them essentially advising me that they are needing access to that room and what it is that they need to access. I would need to understand which particular case it is that they are accessing it for, check the log on which pieces of evidence they are needing to access and why. It is very rare, to be honest, that pieces of evidence would need to be accessed by the inspector post the seizure once it has been logged and whatever evidence needs to be taken from those items. They are generally stored and not accessed. It is quite rare.

Mr SMITH: We know that there are penalties in place for police who might take evidence, whether it be images and so forth, and then share that out there. There is a recent famous case of a former AFL coach who had that happen to them. What penalties are in place should an RSPCA inspector take private information and share it for whatever reason in the public domain? What penalties are in place through the RSPCA or does that fall under DAF?

Ms Woodrow: That would be extremely serious and that would be a disciplinary matter that would be dealt with under their employment contract. I expect that would also be a breach of their powers with regard to their appointment so I would expect they would also have their appointment revoked by the department. That would be more of an employment matter for us to be dealing with as serious misconduct.

Mr SMITH: The auditor, in its submission, put forward about improving performance and learnings. Learning was one of their key points that they spoke about. In terms of the RSPCA and their inspectors, I know we talk about modules and so forth, but what is the review process after each investigation? How do we make sure that our inspectors are becoming better in self-reflecting?

Ms Woodrow: We have a process whereby we have an internal compliance officer who has responsibility for random auditing of closed cases. We have our team leaders for each of our zones who are also responsible for checking as they go, not just at the end of the complaint, but along the way, that all the right investigation protocols are being followed and that all compliance measures are in place. We also have a process with the DAF compliance manager who receives a number of our closed cases on a regular basis to conduct audits of completed case. They look at a number of performance measures—there are around 21 of those—where they will look at the case and evaluate how the inspector has chosen to manage their decision-making in the collection of evidence and so on. That is then provided back to myself and the team leader who share that information then with the inspector and that is then built into our ongoing learning and development program. As we see potential trends in how directions are issued, for example, and that there is a need for a better approach to that, that will be fed back to us through our compliance officer, our team leader and through the department compliance officer and, like I said, built back into our training from both the DAF side and the RSPCA side.

Mr SMITH: When we talk about internal reviews and self-reflection, could you both maybe put forward where you believe the RSPCA needs to improve in terms of its inspectorate.

Ms Woodrow: From my perspective, the initial 12-month period for an inspector is critical and it is also quite a challenging period. There is a lot to learn with regard to compliance with the act, their powers and how they can enforce those and there is also a lot to deal with as far as the confronting nature of the role and the challenges associated with managing their own mental health with regard to what they are seeing day to day and what they are confronted with by the people that they are dealing with as well. From my perspective as the GM of the inspectorate, an area that I would like to spend some time focusing on is particularly around that resilience and the ability to support our inspectors in building those coping mechanisms in order to manage the confronting day-to-day work that they do.

Mr Maier: From my point of view—I agree wholeheartedly with everything there—I think about how we manage the workload and how we maintain the right work-life balance. Right through the organisation, and the inspectorate particularly, are very passionate people who care and want to make sure that they do not not respond to anything. We have to manage that workload, which is a resourcing issue which drives back into the funding question of how we continue to try to increase that funding pool to be able to make sure we can do that. I think then more strategically—and the questions came before—is how do we continue to drive good collaborative partnerships with QPS, with QRIC, with council. It is not because they do not exist, it is because I think there is room for those to be developed and grown so that we can continue to work more collaboratively together.

Mr SMITH: Does the RSPCA analyse their success rate of charges put before the courts? At the end of each year do you have a look at how many of your prosecutions were successful and do you use that as a self-reflection of how well your inspectors are performing?

Ms Woodrow: We definitely capture that data. As far as how we analyse it to determine how successful we are, probably not so much at the moment. It is certainly something that we track and we seek to understand, but at this point in time I could not say that it is necessarily being used.

Mr Maier: We are aware of the success rate. Our prosecutions generally are successful in some form. I think the definition of metric and what we try to strive for is the interesting part of this question. We do not measure ourselves by the number of prosecutions we do. It is not about how many we do, it is about making sure that we have the right processes in place to deliver the right outcomes. As I said at the outset, our strategic direction as an organisation is to try to move to this very education focused work with the community and get to a point where we hopefully can build these socially conscious animal communities where the welfare for all animals is better through a range of different mechanisms. The number of prosecutions is small in the scheme of things, and it is good that it is small and it should continue to remain small because if we can drive the education bit and the awareness bit then that is exactly where it should be. Unfortunately there are occasions where it is warranted and so hence all the processes in place to be able to run through that and see if that is the appropriate course of action at that point of time. For me it is not about how many we do, absolutely it is about the effectiveness of what we do and so back to the self-reflection and what we can continue to improve on. We are constantly talking about that. We are constantly having those kinds of conversations in our operating rhythm of leadership meetings and the like around where are we at, what can we improve on, what is the recourse, what can we do about it. That is kind of standard operating practice.

Mr SMITH: For me, it is very much about if we are doing an investigation and we are putting 70 charges on someone and then only two, three, four or five have been found as a conviction in court, there is an opportunity to self-reflect and say, 'Are our inspectors excessively charging, or is there an avenue within our training system where we can say this is where we want to go.' Is that something that the RSPCA might take on?

Mr Maier: I think the process that Rachel talked you through in terms of the compliance officer in terms of the review of cases, in terms of all of that sort of thing, provides exactly those feedback mechanisms that sit there. Absolutely that self-reflection and continuous improvement exists as part and parcel of our operating remit.

CHAIR: We have run over time. We will put some questions on notice to you. One of the things which we talked about on which we still needed more information is that decision of prosecute to going to court action, including seizure. We are looking for a detailed description and what you prescribe in that process. We have seen evidence where that perhaps has not happened in the best manner in some cases in the past and we are saying that that is a suggestion that has been made to us. One of the things we would ask is can you detail your process and prescription of from when a complaint comes in through to launch of court action? That will obviously detail interactions with DAF as well and perhaps the prosecutions committee.

One of the things we touched on but did not expand on was the vet and boarding fees. We have information on some of the cases. For example, there is one from Beenleigh of 2018 where vet and boarding fees were \$42,000, and another one in 2020 in Ipswich, \$30,000 for vet and boarding fees. We are looking at how they are set and where that money goes to and why it is charged.

Mr HART: Can we also have the numbers of people who are under ongoing inspections?

Mr Maier: In what way, sorry?

Mr HART: I understand there are instances where the inspectorate has said, 'We will come and inspect your facility every two weeks for the next six months.' Does that happen? We heard that yesterday.

CHAIR: You are looking at ongoing cases in terms of inspection, maybe not prosecution?

Mr HART: Yes, just inspection.

Mr MADDEN: I think what the member is talking about are the prohibition orders where people are prohibited.

Mr HART: We heard yesterday that one particular person had been told that their facility would be inspected every two weeks for six months and then at the end of that six months, it was extended for another six months. I would just like to know how many people are subject to that.

CHAIR: Is that how many people and what the process is?

Mr HART: Not their names but how many are subject to that, if at all.

Mr Maier: As in how many current inspections or investigations are ongoing, do you mean?

Mr HART: Yes, and continuous—places being inspected regularly.

Mr Maier: Okay.

CHAIR: If there is any difficulty with that, feel free to talk to us.

Mr HART: If you need clarification.

Mr Maier: Some of these questions are coming from specific cases, by the sounds of things, and so without needing to necessarily divulge what cases they are, trying to get you specific answers versus general answers, I think we have to get clarity on how we can meet what you need.

CHAIR: I think what the member for Burleigh is looking for is the number of people who are currently under an extended inspection regime and a brief description of that process.

Mr McDONALD: Thank you, Darren and Rachel for being here. You mentioned you developed a document about best practice prosecutions in response to the AG's report.

CHAIR: Is that the performance measures?

Ms Woodrow: The compliance measures? Yes, there is a document in place related to the various different elements of a case that is closed and how it is assessed. That document has been developed with us and DAF. Is that what you are referring to?

Mr McDONALD: Could we get a copy of that? I thought it was called best practice—

CHAIR: Was it the one including 21 measures?

Mr McDONALD: Yes.

Ms Woodrow: That is not related to prosecutions. That is investigations and how we evaluate a completed investigation.

Mr McDONALD: Both of those would be great.

CHAIR: I think it is just one document, which is the performance measures of the conduct of cases, the one that includes 21 measures.

Mr McDONALD: Do you feel there is any impediment to your prosecution process through having to go through complaint and summons and would penalty infringement notices be useful?

Mr Maier: Is that for now or on notice?

Mr McDONALD: To take on notice. The next question is in regards to your submission regarding expected regulation changes which might include, it says in here, 'the possession and use of prohibited nets'. It is section 37B, which I have read and it does not say what particular nets. You have described yabby nets. Are we talking about those Opera House traps?

Mr Maier: I am not sure what you mean by the Opera House traps. I think the challenge on the nets is that there are so many nets and the size of it. What we see happen, particularly with our rescue team, is a lot of bird entanglements and a lot of wildlife entanglements as a result of nets being left around. We also see a lot of bird entanglements as a result of nets used in things like covering fruit trees and things like that.

CHAIR: You might ask the department on that one.

Mr Maier: It is a question around how do you define which sort of nets should be included because of the risk they impose to wildlife versus the purpose of what they are.

Mr McDONALD: I did ask the department about that and they talked about the size of the nets and what have you, but it just set off alarm bells here talking about yabby nets. I did a quick search of what a yabby net is because I have a picture of catching yabbies in the creek.

Mr Maier: Yes.

CHAIR: I can help the member out with that. Some of those traps, I know in our area, trap platypuses. The department may be able to give some more information.

Mr McDONALD: More clarity on that would be great. The last question is in regards to how we ensure the coordination between the RSPCA and local governments across the state. I did ask you a question about that, but I think it is an important area to make sure that animal welfare needs are met across the state, where you may not have RSPCA offices, and the local governments are actually having inconsistent levels of service.

Mr Maier: I think that definitely happens. Even from the sheltering side, we have some relationships with some governments in terms of the care of animals and things, but not necessarily all councils. There are definitely some inconsistencies there, so we can put some thoughts together on that one.

Mr McDONALD: It is 20 years in the time frame for review, so there is a fair content. Thank you.

Mr Maier: Pleasure.

Mr MADDEN: This is a question on notice. I do not require an explanation now. I want clarification as to the jurisdiction of the department and you when it comes to stock and horses. Like I said, I do not require an answer now, this is a question on notice, unless you want clarification on the question.

Mr Maier: I understand the question and will confirm for you on notice. My understanding has always been that it is a number of 10: if it is 10 or more, it becomes DAF; if it is less than 10, then it becomes ours. As you get into stock and horses, a little bit more expertise is required or resources required, so we work a lot with QRIC in that space as well.

Mr MADDEN: One of those ones that requires fleshing out.

Mr Maier: Yes.

Mr MADDEN: That is not the answer I got from the department.

Mr Maier: That is interesting.

Mr MADDEN: It is a question on notice. I want clarification with regard to stock, where the jurisdiction of the department falls and your jurisdiction, how that is—

CHAIR: As you interpret it.

Mr MADDEN: To give you an example, the horses at Charlton.

CHAIR: Thank you very much, Ms Woodrow and Mr Maier, for your time today. We require the answers to those questions on notice back by Friday, 24 June which gives you a bit of extra time. Thank you very much indeed.

CASABELLA, Mrs Rosalynn, Principal Policy and Legislation Officer—City Safety, Brisbane City Council

ESBENSEN, Mr Brett, Governance and Regulatory Guidance Manager, Brisbane City Council

SCOTT, Mr Mark, Animal Services Delivery Coordinator, Brisbane City Council (via teleconference)

CHAIR: I now welcome representatives from the Brisbane City Council. I invite you to make an opening statement and then we will have some questions for you.

Mr Esbensen: Thank you for the invitation to be a witness at the committee hearing today. I want to open by saying that the Brisbane City Council fully supports the purposes of the Animal Care and Protection Act. As you know, council plays a substantial role within the community to promote responsible pet ownership. We would like to take this opportunity to raise the implications of some of the proposed amendments on Brisbane City Council—specifically, in relation to a potential increase in regulatory burden and operating costs on council's animal rehoming centres, and in relation to the requirement to obtain and issue certificates for animals that have undergone a regulated procedure prior to entering a centre. This also increases the regulatory burden on animal keepers in that they need to retain a record of that procedure for the life of the animal. We note the risk of losing those records through, for example, a flood or fire damage and how those records are replaced and retained.

I also note that the exemption for the RSPCA to not have to issue these certificates puts owners of animals acquired from the RSPCA in a position where they are required to hold the certificate but are not required to be provided with that certificate on purchase. It is our recommendation that this requirement to maintain records of regulated procedures would be better managed through a state or national database linked to animal microchipping. The proposed changes exempt the need for a certificate of a regulated procedure if the animal is abandoned rather than appropriately surrendered. Our concern is that this has the potential to increase animals left wandering at large, abandoned, which may in turn lead to attacks on animals or other people.

Regarding the possession and use of prohibited devices, council supports the intent of the proposed amendment but we raise our concerns with the wording of the provisions. Specifically, enabling the making of a future regulation to restrict or prohibit other restraint devices may create a situation where animal owners have limited appropriate restraint devices available to them to effectively control their animals. This may lead to an increase in dog attacks or other negative outcomes from those animals. If this provision remains unchanged, council would seek to be consulted on any prior future regulations being made. Our submission provides a series of detailed suggestions for alternative wording of the amendment to the section on prohibited devices. Thank you for the opportunity to present.

CHAIR: Can you talk a bit more about the issue you have with how restraint devices might be able to be prohibited through regulation? Is that more regulatory overburden? Can you flesh out your reasons a bit more?

Mrs Casabella: Prohibiting more restraint devices could cause more issues in that animal keepers may not be able to effectively control their animals while they are out in public. That includes the already listed prong collars within the act as well. Our biggest concern is that not having appropriate restraint devices will lead to increased animal attacks on people as well as on other animals. That is then obviously a contradiction against the Animal Management (Cats and Dogs) Act.

CHAIR: Instead of prong collars being used as a device to restrain dogs in public, would it be a more appropriate use of those collars if they were used in training in private? Should dogs that need to be restrained through prong collars be out in public if owners need to resort to that to control them?

Mrs Casabella: At the end of the day, it is up to what is best to control the animal from our perspective—whether that be a prong collar, a halti or a harness. Whatever is going to be effective control at the end of the day would probably be our best interest.

Mr McDONALD: I will follow straight on from that question. After I put one of the prong collars on my arm and applied it, it was completely different to what I had imagined from looking at it. Looking at it, it looks vicious, it looks horrific, it looks like something from the Dark Ages, but when applied and used it was quite a consistent pressure around the arm and it did not choke like a choke collar would.

It actually restricts. One of the trainers yesterday said about the sensitivity of that feeling for the dog and being able to communicate well with the dog. After that experience, I actually think this is a judgement just based on the look of these collars, because not all dogs are small and controllable.

Mrs Casabella: That is correct. I know that discussion about the look of the collars came up quite a bit when the first media release came out. Everyone looked at them and said, 'Yes, that should be prohibited,' but after that explanation of that consistent pressure that is applied around the dog's neck, it changed a lot of people's perspective, particularly within our team when we had those discussions.

Mr McDONALD: I know it is a big thing for councils to manage cats and dogs, particularly menacing dogs, so I appreciate your advice regarding those collars. On a bit of a different slant to the Chair, do you think those collars could be used by trainers or persons trained in the use of them?

Mrs Casabella: Yes, that was one of our recommendations that we did provide within the submission—about having people who are suitably qualified providing training to the public. I do not know if there would be an interest in the state keeping a database on people who are trained to appropriately utilise those devices.

Mr McDONALD: That is a good suggestion. Going to your point before about listing dogs that have had debarking treatments and other things. We have heard that there are three different companies that offer microchipping services.

Mrs Casabella: There are five national databases available. That is a big issue for local governments trying to find information about animal keepers because they have to search five different databases as well as our own registration database. Mark probably has a bit more say on this. This is something that Mark experiences on a daily basis.

Mr Scott: I apologise that I am not able to videoconference. I have some camera permission issues on my device. With regard to the microchipping databases and our own dog registration database, I agree with Ros. It is a major impact for us to not have a centralised database system where all of those records are centrally kept. New South Wales, ACT and South Australia have moved to a centralised database, and that is simply to better ensure tracking of dogs and also the owners of those dogs.

That also has a benefit for the RSPCA, as a centralised database stores information via a universal language, a prescribed language. In the current situation, we have an issue where some information is missing because the privately run databases do not want to invest in putting that data change into the database, for example. A centralised database—not just for the regulation and tracking of microchip information and dogs and their owners but also so that we know the statistics of what dogs are in what areas within Queensland—would be amazingly beneficial not just for us but for the RSPCA from a welfare perspective so that information is easier to retrieve.

Mrs Casabella: There are a lot more benefits to having that one database as well. Like we mentioned, you would be able to record any of those operations they have had, such as debarking, tail docking and cropping. You could also utilise it for identifying dangerous dogs. Once it is recorded on that database, it cannot be taken off.

Mr Scott: A major problem for local governments, particularly in South-East Queensland, is that if a dog moves from one local government area to another, the local government that is making inquiries in respect of that dog will have to ask for that information from the local government. It is not readily available to obtain. Sometimes that information can be urgent if we need to establish an owner if, for example, there has been a serious attack or there is a welfare concern. The movement of dogs outside of a local government area will hinder our ability to access information because there is no centralised point of storing information in respect to the dog, the ownership of that dog and the history of that dog—for example, medical or regulatory enforcement based.

Mr MADDEN: Mr Esbensen, you referred to your submission where you made suggestions as to alternative wording. I just want to clarify what you were talking about. I have a landscape table here which has three columns.

Mr McDONALD: There are actually five columns.

Mr MADDEN: Which is the column where you make recommendations as to changes?

Mrs Casabella: Do you mind if I come over to show you?

Mr MADDEN: I was confused because of the five columns.

Mrs Casabella: Our recommendations are in the far column, where it says, 'It is suggested that section 37A be amended to' and then there are points under that.

Mr MADDEN: Thank you. Following on from what Mr Scott was talking about, I fully appreciate the problems with these five databases for breeders and microchips. Is that what Mr Scott is talking about, or is he talking about prohibition orders and convictions? They are two different things and I do not think you can merge the two. Mr Scott, are you talking about a central database which records convictions or prohibition orders right across Australia? Is that what you are talking about?

Mr Scott: Yes, although not necessarily a national database. I would be a proponent of a state database, similar to New South Wales. I will give the example of New South Wales. If we have a dog that comes from New South Wales and the microchip is indicating it is registered or has been registered within New South Wales, when we obtain information from the centralised database, it will contain not only the identifying information of the dog and its owner but also its compliance history—for example, whether or not a control order has ever been placed on the dog and whether or not the dog has been the subject of a prosecution or a dangerous dog declaration or even wanted for the purpose of a destruction order. That information is readily available at that central point and at the time of request through the database portal. Does that make sense?

Mr MADDEN: Yes. Who maintains that database in New South Wales? Is it a department? Is it the police?

Mr Scott: It is the New South Wales state government and the department that administers the Companion Animals Act. I do not know its exact name but it is equivalent to DAF. Also, I believe the office of local government of New South Wales is the maintainer of the database so it is a state and government funded database, as is the case in the ACT and South Australia. That is maintained by the state and administered by the state, with approved users such as local government, welfare organisations and authorised identifiers for animals.

Mr MADDEN: Would it be the case that this could only work if the animal was microchipped?

Mrs Casabella: There is a requirement under the Animal Management (Cats and Dogs) Act that all cats and dogs are microchipped. We have done surveys over the last 10 years within Brisbane itself and we are getting about 98 per cent compliance with microchipping.

Mr MADDEN: I do not want to contradict you but it does not apply to cats.

Mrs Casabella: It does. Microchipping does apply to cats.

Mr MADDEN: Does it? In Brisbane?

Mrs Casabella: Yes, it is statewide. Registration of cats is different.

Mr MADDEN: Thank you. They were my questions.

Mr HART: Just following on from the comment about the dog destruction orders and having a database to cover that, does it happen very often that people move states to protect their dog from a destruction order?

Mrs Casabella: Yes, it does.

Mr Scott: From Brisbane City Council's perspective, because we are the largest council in the nation and have the biggest pet population, we get exposed to this somewhat more than other councils. Where we are attempting to take regulatory action such as a destruction of a dog—by the way, a destruction is an absolute last resort. It means that the safety of the community outweighs the right of ownership to the dog because the dog has either had an incident or presents as so aggressive that it is a risk to the community. If an owner becomes aware that the council is seeking such an order—I am not going to say it is typical, but we have numerous instances. I would estimate about 10 of these instances a year where the dog will be concealed, be removed or go missing entirely and go into another local government area in Queensland.

It is entirely possible that if that does happen, even if it just to another local government area in Queensland and, even if they come to that local government's attention, because there is no way for that local government to know that there is a destruction order placed on the dog, that dog will live in that local government area, may even have subsequent incidents and then be subject to a new regulatory process. That is because they are not aware that regulatory action is pending from another local government. If that situation were to occur in New South Wales, the dog would be identified through microchip and that information would be readily displayed and an alert would be given to the local government that there is regulatory action pending.

Mr HART: Is that something that the LGAQ could do on your behalf?

Mr Scott: I think it would be a government initiative, frankly, because it would require legislative amendments of the cats and dogs act so that the prescribed information is obtained and correctly recorded within the database. Perhaps the LGAQ could be a proponent of it for those amendments. I think it would be a state-run database and not owned by an individual local government or a different organisation. That is the case in other states and territories that have moved to that model.

Mrs Casabella: I think the overlap between the Animal Care and Protection Act and the Animal Management (Cats and Dogs) Act really requires that database to be held by the state because you have two different areas enforcing the requirements under each act. You have local government for one and the RSPCA for the other. If there were some way of bringing it all together and having that managed by DAF, that would probably be our preferred option.

Mr HART: I agree. We will take that on board.

CHAIR: Perhaps we should write to the LGAQ inviting them to make a submission or to correspond regarding the need for a centralised database on the issues. That would certainly strengthen our case.

Mrs Casabella: We would greatly appreciate that.

Mr HART: We will take that on board. Was the Brisbane City Council or the LGAQ consulted at all on this legislation before it was put in place?

Mrs Casabella: The first that we heard about it was when the bill came out, so we had not been consulted in any way up until that point.

Mr HART: I understand that the council keeps a list of dangerous dogs. Can you tell us how many there are in Brisbane or maybe take that on notice?

Mrs Casabella: Mark will be able to tell you approximate numbers of how many are registered within Brisbane.

Mr Scott: Within the Brisbane LGA, there is currently approximately 630 regulated dogs. There are two categories of regulated dog. There is the lesser, which is a declared menacing dog. Then there is the greater, which is a declared dangerous dog. There is not much difference in the two. It is currently around 630 within the Brisbane LGA. The next local government area, the second biggest in Queensland, would be the City of Gold Coast. They have approximately anywhere between 200 and 250, but I do not want to quote those figures on their behalf. That is just the information I have received from them. Again, because we are such a large local government area, we disproportionately have a greater number of pets overall and therefore a greater number of declared regulated dogs in our area to manage.

Mr HART: When you put restrictions on a dangerous dog, is part of that what sort of collar it can wear?

Mr Scott: Yes.

Mrs Casabella: There is a requirement for dangerous dogs to wear a muzzle in public. Obviously a muzzle is listed as one of those devices that could be listed and regulated. Going down that track would then be in direct contradiction of the act for us.

Mr HART: The committee is already looking at the wording of the legislation with regard to other devices. That has been mentioned. We will have a close look at that. You have a concern then that all of a sudden a regulation may be made that may restrict the limitations you can put on a dangerous dog?

Mrs Casabella: It is not just about dangerous dogs. It is about all dogs and the types of restraint devices for effective control. You mentioned how many regulated dogs we have in Brisbane. We have over 115,000 dogs in Brisbane. Our last domestic animal population survey almost doubled that figure. When I say 115,000, that is registered dogs. We get approximately 2,000 complaints per year about dog attacks. From our perspective, having effective control of your dog no matter what device you are using is first and foremost for us.

Mr HART: On the Gold Coast, as a member of parliament I have had numerous complaints from people about their neighbours' dogs. There does not appear to be anything that council can do to control some of those dogs. Do you have similar issues in Brisbane?

Mr Scott: It depends on the context of the complaint. If we are talking about a dog attack—for example, a neighbouring dog is menacing a person or entering their property and attempting to attack them—that is a different level of incident to a dog just getting out and wandering because it has an

escape point of its property but other than wandering it is not causing any issues. With those particular types of incidents, there are actions that we can take either under the cats and dogs act 2008 if there is a dog attack incident or under the local law for a wandering incident.

Measures are required to be implemented by the owner. For example, if it is a wandering incident and it is a repeat wandering incident, the owner is required to meet minimum standards to contain the dog. What we find with our repeat offenders, particularly in the wandering space, is that it is not necessarily a material fencing or containment issue; it is a behavioural issue of the owner—for example, where kids are leaving the gates open and the owner is not doing their due diligence to ensure that that does not happen.

There are mechanisms within our local law, which is based on the state's model local law. Sadly, this is a common occurrence for us. For a wandering dog that has been seized and impounded on four occasions for wandering, we have a right to rehome the dog and the owner has no right of reply for that. That is an extreme step to take, but sadly it is necessary not just so it reduces the burden for us but so it ensures the welfare of the dog. We can perhaps find it a new home where it is not going to have these issues. It is also a circuit-breaker to stop increasing action being taken against the owner who is being ineffectual—for example, giving them infringement notices and it is not just working. It is designed to be a circuit-breaker so that it stops the situation.

Insofar as a dog attack incident is concerned, that would fall under the cats and dogs act. The action that we can take there is either to make a regulated dog declaration—that is, declare menacing or dangerous dependent upon the history and the severity of the attack—or, if we do make that declaration, there are some pretty onerous keeping conditions that are then applied to the owner that they must comply with. Again, we are a little bit different in Queensland as to how we do this. Other states have done some legislative reviews and have come up with improved ways in respect of trying to avoid getting to that declaration.

By implementing onerous keeping conditions on a person who is already demonstrating a behaviour of noncompliance or disinterest in managing their dog effectively, you are placing more onerous conditions on them. We find at times that it is just not causing a change. We would like to be able to prescribe training programs for these folks with the backup of legislative provisions to do that, as is the case in New South Wales, reversing the responsibility of the owner to improve the behaviour of the dog materially by getting professional training through a behaviouralist and then seeing the progress of that behaviour and the reversal of the behaviour so that the person and their dog can live within the community as contributing members. Sorry, I am going on but I hope that answers your question.

CHAIR: That should be fine, Mr Scott. That is quite descriptive. For all of us on this committee who have been in local government it is something that we have spent a lot of our time dealing with in local government. An old colleague of mine said, 'The dogs always win.'

Mr Scott: Yes.

Mr SMITH: What is the criteria or the matrix around which breeds of dogs are banned under the Brisbane City Council? Is it a make-up of the intention of the breed? Is it the size and so forth?

Mrs Casabella: I must be very clear: we do not breed profile in any way, shape or form. Each case is assessed individually on the dog and the behaviour of the dog.

Mr SMITH: There is not a list of banned breeds within the city council?

Mr Scott: Yes, there is.

Mrs Casabella: Only what is under the act, which is done specifically through the federal government.

Mr Scott: If I can just add some more context there, the cats and dogs act prescribes 10 breeds as restricted in the state of Queensland. That does not mean that people are not allowed to keep the dogs. It just means that if they want to keep a restricted breed they have to apply for a permit. However, it is up to each individual government through their local law to allow that or not allow that. In Brisbane we have prohibited the restricted breeds, of which there are 10 breeds. Although, yes, very rarely would we profile a dog based on a suspected breed, we would look at its history and its conduct. However, there is a restricted breeds list in the state of Queensland which is based on the federal government's customs act of importation of types of breeds, of which there are 10, such as the American pit bull terrier.

Mr HART: One of our submitters yesterday made an interesting point about stray cats. They said that there are groups of people who want to take stray cats off the street and have them desexed and release them again, but apparently that is against the law at the moment and that the Brisbane Brisbane

City Council had taken them to task on that or issued penalties around that. Do you have any thoughts around that? At face value it did not seem like a good idea, but in the way they explained it it actually did make sense.

Mrs Casabella: This steps into the Biosecurity Act aspects as well. I do not know the history behind that one specifically because that did not sit within my team. What I can mention is that whether the cat is desexed or not it is still going to prey on native wildlife. That is probably our biggest concern from that perspective.

Mr Scott: If I may add some commentary to that, but not too much, the catch-and-release program has some merit. However, a cat is still a domestic animal by law and is therefore required to be kept. A cat that is unkept is by law feral and it therefore becomes a biosecurity matter and is subject to destruction. If it is determined to be unowned, it is therefore feral. If any cat is caught and then desexed, it would need to be rehomed to an owner in that scenario.

Mrs Casabella: The other extension to that is council's Animal Local Law does require that cats are kept and contained within their property and not wandering through.

CHAIR: Do we have any further questions?

Mr MADDEN: I have a quick question. We have all been talking about cats and dogs. I would like to talk about stock—horses and that sort of thing.

Mrs Casabella: We do not have as much of that in Brisbane, luckily.

Mr MADDEN: In Brookfield and Moggill you probably do. When one of your officers comes across a situation where they are concerned for the welfare of stock—cattle, goats, sheep—is it the case that you just ring up the RSPCA or DAF?

Mrs Casabella: Any welfare matters we would refer through to the RSPCA in the first instance.

Mr MADDEN: The RSPCA mentioned they have a prosecution committee. This might be foreign to you. It is a committee that meets and they talk about policy, I presume. I just wondered if you have ever been invited.

Mrs Casabella: No, we have not.

CHAIR: Thank you very much for appearing before us today. We do not have any questions on notice, but we have decided to write to the LGAQ about the issues you have talked about regarding the database to invite them to press some advocacy on behalf of councils. Thank you very much for coming along. We thank you for your cooperation today.

CHAIR: We are supposed to take a break, but because we are running a bit behind we will go straight to Pet Professional Guild Australia before we take a quick break.

CAMPBELL, Ms Sarah, Secretary, Pet Professional Guild Australia (via videoconference)

MILNE, Mrs Adriana, General Committee Member, Pet Professional Guild Australia (via videoconference)

CHAIR: We now welcome representatives from the Pet Professional Guild Australia. Thank you for appearing before us today. If you would like to make a brief opening statement—we have your submission here—then we will have some general questions for you.

Ms Campbell: On behalf of Pet Professional Guild Australia we would like to thank the committee for inviting us to this hearing today and taking the time to review our submission. I represent Pet Professional Guild Australia, which is an official branch of Pet Professional Guild, a worldwide organisation committed to advocating, educating and encouraging improvements in companion animal welfare through the use of fear-free techniques. In Australia currently we have over 350 professional members who are obviously trainers, vets et cetera and also around 700 pet owners. Many of those professional trainers are in the companion animal industry, so it is not just dogs; it is cats, birds, horses and pocket pets. Our members and affiliates focus on our pets' physical, mental, environmental and nutritional wellbeing and an holistic approach to the care of our companion animals. It is heartening to see an amended bill that looks at meeting our companion animals' behavioural needs and considering them as part of the minimum care requirements. In terms of our members, they are required to have a suitable level of qualification to become a member and they are required to undertake continuing education to maintain their membership with our organisation. We are very committed to ensuring our members are continually educated and kept up to speed. We also have our own ethics committee. Obviously, we are very strong advocates for industry regulation, particularly in the dog training industry.

CHAIR: Looking at your submission, you are quite definitive and strong on your view of prong collars. You have said that prong collar advocates may argue a number of incorrect statements, and you have listed some of those. Perhaps you can talk a bit more about why your organisation is not in favour of these particular devices.

Ms Campbell: These particular devices work on a punishment training technique, so what we would call positive punishment. It is an aversive. The animal, particularly a dog, will find this piece of equipment aversive, which is why they will stop pulling, so it is a punishing pull to the dog. There are plenty of other training techniques that do not require the use of an aversive to get the same result. There is often an argument that certain size dogs need it, certain breeds need it et cetera. We have members everywhere who work with aggressive breeds. Ninety per cent of my clients are clients with aggressive dogs, and I have very effectively treated many dogs using positive-based force-free techniques. It was also raised that assistance dogs require the use of prong collars. Again, a number of our organisations do not utilise prong collars and have been effectively training assistance dogs without them.

Mr McDONALD: Sarah, with regard to prong collars have you actually used one?

Ms Campbell: No, not myself.

Mr McDONALD: I had not used one either until I put one on my arm yesterday. I do not know if there are other types of prong collars, but it certainly did not cause any pain. I was surprised that it is not like a choking type process. I am familiar with the choke collar. It was double-jointed and pressure came on both sides of your arm when it was deployed. The reason I asked if you have used it or not is because when you talk about descriptions such as causing bleeding and other pain, I did not experience that. I would encourage you to have a go at them just to feel what they do. When I saw a picture of one I thought, 'It's just wrong. You should outlaw those.' But having applied that to my own arm and then having it explained to me by training professionals, I have to say that I changed my view. Would you like to comment?

Ms Campbell: Yes, I would like to comment on that. The difference is you were aware that a prong collar was going to be attached to your arm, you were aware that the prong collar was going to be tightened and you were aware what was going to happen to you. In terms of a dog having a prong collar on its neck, a neck is a very different part of the anatomy to an arm. The dog does not know when this pressure is going to be applied. It is not just whether they get bruised or not. Nine times out of 10 it is the pressure that is being applied to a dog which is aversive. They do not know when this is going to occur and they have no concept of why it is being applied. It is there to stop a behaviour. Yes, it does stop behaviours, but it is not teaching them what behaviour they should be doing instead, which is where we come in.

Mr McDONALD: I understand. You and Dogs Queensland, I think it was, speak very strongly about a positive reinforcement aspect of training rather than a negative aspect. I certainly changed my opinion once I had it applied to my arm, and I would encourage you to do the same. I understand positive reinforcement training. I do not want to jump across to children, but best practice with children is also positive behaviours and treating them. Unfortunately, some parents do not have the skills to do that. I would argue that likewise many people in the community do not have the skills like yourselves and other good trainers who can use those positive enforcement techniques. I am wondering if there is still some scope to see these collars under some sort of training regime, because there are people in our community whose dogs may have to be euthanised if these devices cannot be used.

CHAIR: Member for Lockyer, I do not think you are going to convince Ms Campbell of the need for these, so it is more of a comment. Ms Campbell, feel free to jump in with a response or statement. Do you want to respond?

Ms Campbell: Yes. With regard to certain dogs out there, we are very much about educating the public. There has been a lack of education of the public in terms of the proper socialisation of dogs, choosing a breed, how to choose a breed of dog for yourself, and safe child interaction with dogs. There is a lot more education that we can be doing out in the community. That is a big thing of ours, that there is not a lot of education where there should be.

In terms of whether we need training using prong collars, I can look at the same behaviours and utilise a more humane technique. Why would I bother using a prong if I can get the same result without it? I do not understand why there is a reasonable excuse to use it when we are working with the same kind of dogs and getting perfectly fine results. In some cases behavioural euthanasia is a thing and in some cases it is more than just behaviour: there is a medical component behind it. I have been involved in a number of cases where, yes, if you use a prong collar it would not have made any difference to it whatsoever. Bear in mind that a lot of euthanasia cannot be solved by anything. There is not enough medication on this earth to solve many euthanasia cases.

CHAIR: Adriana, do you want to jump in at this stage?

Ms Milne: I have been a dog trainer for about 12 to 14 years. In the old days prong collars were the way to go. I have never used one myself. As a trainer I have changed the views of clients of mine from using punishment to come across to positive reinforcement. The amount of damage that prong collars can do to the human-animal relationship is just astonishing. You can just break their spirit. The relationship is broken.

Why would you go that way when there are so many more humane tools out there? We use behavioural modification protocols. We use desensitising, counter conditioning, differential reinforcement, we distract and redirect dogs. If a client has a choker chain or a prong collar and is being aggressive to other dogs, if the prong collar is used harshly, the technique is really severe. What is that going to tell the dog? It tells them that association with another dog is something to be punished for and then when they see dogs in the future the next time they are walking they will have a severe bad association with the dog. What that leads you to is just severe damage. I just do not see a place anymore for tools like this. If there is a severe reactivity issue then we can—if the trainer is not enough to sort it out—always refer it to our veterinarian behaviourist. They do science degrees and they have a PhD in animal behaviour. That is the way we normally do it. It is like a triangle. You work with the vet, the trainer and the client together.

I was having a look at the work of Sophia Yin, an American vet behaviourist. She had some points about the use of punishment. If the high intensity is used and the animal becomes overly sensitive or fearful of the object, the place or the person associated with the activity, this fear can actually generalise with objects and people in other contexts. Then we have a dog that is actually going to become much more excited in the first place and then you get the situation where there is nothing else you can do but euthanase the dog because it is severely damaged already.

CHAIR: We will get the name of that expert you talked about in a moment. We have a question from the member for Ipswich West.

Mr MADDEN: My question does not relate to prong collars. I am curious about the people you represent and your objectives. You are from Pet Professional Guild Australia, which I presume is an Australian organisation. Could you outline who you represent?

Ms Campbell: We represent dog and companion animal trainers across Australia, providing education to the dog training community plus pet owner members as well as the pet owning public in general. Our organisation is there to support our members in terms of their continued education but also to provide a place where we mentor and discuss issues, cases, et cetera, and provide a network for our members.

Mr MADDEN: How long have you existed and about how many members do you have in Queensland?

Ms Campbell: I will have to check with our membership committee as to Queensland members. It is a good question on how many years. I think it is, for Australia, possibly a little bit over seven or eight years but I can confirm that.

Mr MADDEN: Approximately how many members; are we talking hundreds, thousands?

Ms Campbell: Of the professional trainers, it is over 350 trainers across Australia.

Mr MADDEN: Thank you. Those are my questions.

Mr SMITH: Because of the time I might just take this as a question on notice to be reported back at a later date, if that is acceptable.

CHAIR: Certainly.

Mr SMITH: We had dog trainers in yesterday who said that there is absolutely no evidence of harm to dogs because of prong collars. My question on notice is: can the guild please provide any case studies, reports or articles of evidence that demonstrate injury or harm to animals through the use of prong collars? I am happy for that to be taken on notice.

CHAIR: I notice in your submission you say there are numerous scientific studies. Could you provide the links to those studies? Ms Milne, could you also provide the details of that animal behaviourist you mentioned in your evidence? There being no further questions, thank you both very much. Could we have the answers to questions taken on notice back by Friday, 24 June? We will be in contact about the specific issues we are asking for. Thank you for coming along today. We appreciate you being a part of this.

Proceedings suspended from 12.04 pm to 12.14 pm.

GOODFELLOW, Dr Jed, Director, Policy and Government Relations, Australian Alliance for Animals (via teleconference)

JONES, Dr Bidda, Director, Strategy and Research, Australian Alliance for Animals (via videoconference)

MARGO, Ms Sarah, Solicitor, Animal Defenders Office (via videoconference)

WARD, Ms Tara, Co-founder and Managing Solicitor, Animal Defenders Office (via videoconference)

CHAIR: I now welcome representatives from the Australian Alliance for Animals and the Animal Defenders Office. Thank you all for joining us today. We invite each organisation to make a short presentation after which we will have some questions for you.

Ms Ward: I will make a short opening statement on behalf of the Animal Defenders Office. Thank you very much for inviting us to appear at this hearing into this important matter. The Animal Defenders Office commends the committee for holding this hearing and receiving evidence from a very wide range of stakeholders about the Animal Care and Protection Amendment Bill 2022.

The Animal Defenders Office notes that the stated purposes of the principal act incorporate the goal of achieving a reasonable balance between the welfare of animals and the interests of persons whose livelihood depends on animals. The Animal Defenders Office further notes that no change to this provision in the act has been proposed so it will remain as a purpose of the act. The ADO therefore urges the Queensland parliament to give proper consideration to contemporary community attitudes and expectations as evidence through this inquiry process and to accept that these demand strong changes in the interests of animals. This would mean accepting a proposed ban on prong collars, the inclusion of octopus and related species in the definition of 'animal' and a hopefully complete ban on certain fruit tree netting, all of which the Animal Defenders Office supports.

However, we submit that in many instances the bill does not achieve what the community would understand today to be a reasonable balance between the welfare of animals and the interests of those who use them. We therefore urge the Queensland parliament to listen to the community and to join other Australian jurisdictions in acknowledging animal sentience and the intrinsic value of animals, banning harmful and unnecessary devices such as glue traps, banning harmful entertainment practices such as rodeos and game parks, increasing the statutory time limitation to start animal cruelty prosecutions, and not limiting the ability to start an animal cruelty prosecution. Joining other states and territories in implementing these proven measures would go some way to modernising Queensland's animal welfare laws, which is stated to be the overarching objective of the bill.

CHAIR: Dr Jones, did you want to make a presentation on behalf of the Australian Alliance for Animals?

Dr Jones: Thank you very much. My colleague, Dr Goodfellow, is trying to get through. I think he will use the phone instead of videoconferencing because it is not working for him. Thank you very much for the opportunity to speak to you today on the bill. The Australian Alliance for Animals is a new national charity that represents six of Australia's leading animal protection organisations with a combined supporter base of over two million people across the country, many of whom reside in Queensland.

The introduction of the Animal Care and Protection Act under the Beattie Labor government was a groundbreaking moment. My colleague, Jed, remembers it well as an inspector for RSPCA Queensland because, shortly after its introduction, there was a lot of excitement around the new legislation. It ushered in a new and more proactive approach to animal welfare by establishing the concept of a duty of care to animals. This made Queensland a national leader in animal welfare legislation at the time of its introduction. However, much has changed in the proceeding 21 years. There have been significant advancements in our scientific understanding of the welfare of animals and their sentience, and community expectations about the treatment of animals has evolved considerably.

The stated objective of the bill is to modernise Queensland animal welfare laws to reflect modern scientific knowledge, community attitudes and expectations. However, it is our considered view that the bill falls short of this objective in that it continues to permit practices that cause significant suffering to animals, practices that are not based on modern scientific knowledge and practices that do not reflect modern community expectations.

There are opportunities to strengthen the bill to create a more robust animal welfare framework, including consistent decision-making principles, stronger governance and institutional arrangements, and a formal role for independent expert advice. Recognising animals as sentient beings in the purposes of the legislation, establishing a Queensland animal welfare authority, formalising the role of the Animal Welfare Advisory Board and strengthening the process for making codes of practice to ensure they are based on contemporary science and consistent with the duties enshrined within the act will greatly enhance the legislation. This is a once-in-20-years review of Queensland's animal welfare laws. It should be ambitious and set the bar high to serve Queenslanders well for the next decade and beyond. Our recommendations are made with that purpose in mind and we hope they are of assistance to the committee.

CHAIR: We will go to some questions. To both organisations, what would be the effect of expanding the definition of 'sentient animals' to perhaps include the decapod crustaceans—lobsters, crayfish, prawns? What would be the impact of that particular expansion or incorporation of that definition of 'sentient animal'?

Ms Ward: Animal protection organisations are united in calling for an acknowledgement of sentience which would be different from having a definition of 'sentience'. That would be an added aspect of acknowledging sentience. Acknowledging sentience is placed in the objects of the relevant act or it can be, say, in other parts of the act. It is a separate provision in and of itself and it would therefore apply to all the species that come under the definition of 'animals'. You are totally right: they are interlinked.

The effect of acknowledging sentience would certainly be an interpretive tool. Anyone relying on the relevant legislation to do their work, such as inspectors or in court—judges, et cetera—would be able to use that acknowledgement as underlining the whole rationale of having welfare protection legislation because, while the law regards them as objects or property, they are different. They are not a table or a computer; they are sentient beings who have associated interests that flow from that sentience. It is largely an interpretive tool but one which our animal welfare laws have to acknowledge now. Really, we are at the point where we cannot contemplate having animal welfare and animal protection laws that do not acknowledge the fundamental feature of the creatures we are protecting, and that is that they are sentient.

CHAIR: Did anyone else want to add to that?

Dr Jones: I absolutely support what Tara has said. The fundamental reason why we have animal welfare legislation, and this cornerstone of animal welfare legislation, is to protect sentient animals. It is why we have definitions of animals that exclude non-sentient animals within the legislation and it clearly explains to everybody involved with either the application of the legislation or in sentencing offenders why it is that animals are different to property.

It is probably worth explaining exactly what 'sentience' means. It is about the ability of animals to experience positive and negative feelings: pain, suffering and distress in terms of negative feelings, but also positive feelings that we as humans might think of as being emotional responses. That is what sentience is about. It is making it absolutely clear in the legislation that animals are capable of experiencing those feelings and, therefore, everything that flows from it is about protecting them from harm.

CHAIR: Thank you, Dr Jones. I note that we have Dr Jed Goodfellow on the phone. Thank you for persisting with this.

Dr Goodfellow: Thank you, committee members, and apologies for the technical difficulties there.

CHAIR: That is fine. It is the modern world we live in. We are going through some questions at the moment, so feel free to answer these questions once they are asked.

Mr McDONALD: Thank you all for being here today. To both organisations, were you consulted before the development of this bill?

Ms Ward: I can say that there have been quite a few inquiries and calls for submissions into animal law reform across the country, which is fantastic. I am not complaining. I do recall one of them was looking at the amendments of the principal act. We supported a submission by our colleagues at the Animal Law Institute in making quite a comprehensive submission to that inquiry. Apologies if that is not related to this one, but I would count that as consultation to the general law reform program in this space.

Dr Goodfellow: The Alliance for Animals only launched in March so we were not consulted on the bill. However, we do note the discussion paper, of course, received quite a number of submissions. We were aware of that discussion paper but, no, we did not receive any further consultation on the bill itself. Of course, that is what this process is about.

Mr McDONALD: The next question I have is directed towards the Alliance for Animals. In the recommendations in your submission you talk about establishing a Queensland animal welfare authority and then an animal welfare advisory board. Would that be separate to the current arrangements with RSPCA and DAF?

Dr Goodfellow: We are proposing—and this goes across all states and territories, so it is not just about Queenslanders—that there be a statutory authority established under the Animal Care and Protection Act that would have responsibility for the administration of the legislation. It would be separate from the Department of Agriculture. Which ministerial portfolio it would fall under would be a matter for the government of the day, of course. We are not proposing that in substitution to the inspectors who are on the ground currently. In other words, there would still be inspectors employed by RSPCA or inspectors through DAF, but they would then be reporting to a centralised animal welfare authority that would have responsibility for administering the legislation.

We outline the reasons for why we think that would improve the governance and regulatory arrangements in our submission in quite some detail. It really relates to the fact that when we delegate animal welfare regulatory responsibilities to departments of agriculture—and this is no commentary on the competence or capacity of officers within the Department of Agriculture—by its very nature that institution has conflicting and competing responsibilities in terms of ensuring the growth, productivity and profitability of Queensland livestock industries, which is a perfectly legitimate goal for the Department of Agriculture to pursue. Our concern, though, is that when animal welfare responsibilities are then delegated to that same department, it is very much a second-order priority and it does not get the level of resourcing and the level of dedication that we would like to see, and that many Queenslanders would like to see, in terms of the resourcing of animal welfare regulatory responsibilities.

Mr McDONALD: Did you get a chance to look at the Auditor-General report in regard to the review of DAF and the RSPCA?

Dr Goodfellow: Only briefly. We are aware generally of the recommendations of that review and we do support those recommendations around increasing accountability and transparency around those arrangements with the RSPCA. However, as you would see in our submission, we also have suggested that equivalent reporting and disclosure obligations are placed on the Department of Agriculture in relation to animal welfare compliance and enforcement arrangements.

We note that the Department of Agriculture has recently started publishing some of its enforcement statistics and data but it is very limited. We would certainly like to see more detail around things like the routine compliance monitoring, how many of those inspections take place, how many noncompliances are detected, the nature of those noncompliances and the nature of the prosecutions as well. We would certainly like to see greater disclosure and reporting from the Department of Agriculture around those activities.

Ms Margo: We strongly support that measure as well.

Mr SMITH: My question is to Tara from the Animal Defenders Office. I am reading here in the submission that your legal centre specialises in animal law. Could you give some examples of particular cases so I can get a clearer understanding of how the office becomes involved with matters?

Ms Ward: We are a nationally accredited community legal centre, so all of our services are free and we are mostly run by volunteers. That means that we service the disadvantaged members of the community, vulnerable members of the community, those who would otherwise be excluded from legal services.

Members of the public approach us. I heard you talking earlier about the dangerous dog matters. Dog attacks are a large component of what we do in terms of our tribunal work. We provide assistance to those keepers of animals whose animals have been seized and they have no understanding of the process and how to work through it.

Our work ranges from defamation matters to criminal matters. In all cases members of the public approach us for that assistance.

We also do what we call our ‘happy work’—that is, we help animal sanctuaries to establish, to incorporate, to obtain deductible gift recipient status, enabling them to do their valuable work and navigating the legal framework for them. It is a wide range. It can also overlap with environmental law matters. The difference of course with us is that we aim to protect all animals. We do not distinguish between species or how populous the species may be.

Mr SMITH: In a situation where a person comes to you because their dog may have been taken by council, as a service how do you make a judgement as to whether or not you want to represent them?

Ms Ward: That is a great question—one that we are faced with frequently. Possibly unusually for legal practices, there is a potential conflict of interest for us. As much as we might want otherwise, our clients are the humans. Therefore, we must act in the best interests of our clients. Sometimes there will be that conflict between what the human, the keeper, may want and what may be in the best interests of the animal. This is sometimes the case in exactly this type of case—the dog attack cases. We all want responsible pet owners and we all want keepers to do what is best for the animal. Sometimes that is just not happening with the current keepers. We will be guided by what is in the best interests of the animal from a welfare perspective but we are there to serve the human community.

Mr SMITH: I take it that the office has represented people who have been prosecuted by the RSPCA?

Ms Ward: That is another very topical issue. We have as a starting point that we do not take on matters where the other party might be the RSPCA because basically our whole objectives and aims and goals are aligned. We want what is in the best interests of animals. We want to protect animals, et cetera. That is also the RSPCA’s goals. Neither organisation has the resources to be second-guessing the other organisation.

However, what we find is that people can be in a situation where their animals are seized and they simply do not understand what is happening. They do not understand what their rights are or what they can do within the regulatory framework. There are some instances where we will help people understand the legal process and assist them to a point, but we are always guided by that principle that we want what is in the best interests of the animal.

Mr SMITH: I am happy for this question to be taken on notice by both the ADO and the Alliance for Animals. We had witnesses yesterday who mentioned that they do not believe there is evidence of injury or harm to dogs through prong collars. I am wondering whether either organisation, on notice, could provide any case studies, reports or articles of evidence that demonstrate injury or harm by use of prong collars.

CHAIR: We will chase that up as something you can send to us in due course.

Ms Ward: Having heard just a few snippets—the internet connection was not the best—from earlier witnesses, it would be interesting to note too whether there is evidence that the conjecture about what would happen if prong collars were banned would actually happen. I heard lots of conjecture but did not hear any evidence that dogs would all of a sudden be put down for being dangerous. There are other jurisdictions where prong collars have been banned. I think it would be very useful to get evidence from those jurisdictions to see just what have been the consequences since the ban on those devices for welfare reasons.

Mr HART: My question is to the Alliance for Animals. I note that both presenters today have the title of ‘Dr’. Are you veterinarians or something else?

Dr Jones: No. We are both something else. Dr Goodfellow has a PhD in animal law. He has a legal background. I have a zoology and animal behaviour background. I am a scientist and Jed is a lawyer.

Dr Goodfellow: My PhD was in animal welfare law.

Mr HART: I want to ask a question about item 6 in your submission about approved cattle procedures. I am interested in the Willis dropped-ovary technique of spaying cows without any sort of pain relief. Can you tell us a little bit about that?

Dr Jones: Certainly. The Willis dropped-ovary technique is a painful, invasive procedure but is generally only used in Queensland and some other parts of Northern Australia. It is not a procedure that is widespread throughout Australia. Our concern is that those sorts of techniques used without pain relief are no longer aligning with best practice or with contemporary scientific knowledge.

What we have outlined in our submission is the concept that you are now able to mandate pain relief options for that technique. We have moved on from when the original act was introduced when it was very difficult to obtain pain relief agents for use in cattle, sheep or other livestock. We have moved a long way from that with the development of a number of different pain relief agents that are now available for use by registered veterinarians or also by laypeople under the supervision of a registered veterinarian. Our concern is that to allow that technique to be used without mandating pain relief is not keeping up with contemporary knowledge and with available options.

Dr Goodfellow: I would add that it is not keeping up in terms of community expectations as well. If the objective of this bill is to modernise Queensland's animal welfare laws to reflect both scientific knowledge and community attitudes and expectations, I think that with the availability of pain relief now for these very invasive and painful procedures this is what the Queensland government should be looking at very closely. I suspect that, if most Queenslanders were aware of this particular procedure—the fact that it can be performed by a layperson with no form of pain relief—they would be quite shocked. You only have to read the definition of what the Willis dropped-ovary technique is, as prescribed in the bill, to know that it is a very painful and a very complex procedure. At the very least we think that the Queensland government should be looking at mandating pain relief for this practice if it is to keep in step with community expectations.

Mr HART: Did you say it could be performed by a layperson, not a vet?

Dr Goodfellow: That is correct. The bill allows for the procedure to be performed by a non-veterinary practitioner.

Mr SMITH: Accredited though.

Mr McDONALD: I have a question regarding the submission by the Animal Defenders Office. You refer to clause 7, 'Game parks', and that a technical amendment should occur to see game parks prohibited entirely. You mentioned in your statement before that you have some 'happy' time where you help people with zoos or other things. How does a game park differ from a zoo?

Ms Ward: Just to clarify, we help animal sanctuaries. We do not help enterprises such as zoos that profit from the keeping of animals and/or the keeping of animals in confinement or captivity for entertainment purposes. Just to clarify: that was sanctuaries, not zoos.

Of course the point of game parks is to inflict harm on animals so we would certainly not support or go any way to helping anyone establish a game park—quite the opposite. We do note that they are prohibited in New South Wales. Everything in that list that we mentioned are precedents for where these practices or activities are banned in other jurisdictions in Australia. We are not suggesting anything radical. Game parks was one of those.

Mr McDONALD: 'Game' meaning that they are actually fair game to be shot or whatever? It is not an animal sanctuary?

Ms Ward: Yes, that is right.

Mr McDONALD: My image of a game park is like in South Africa where you have animals there but they do not harm them.

Mr HART: Only shoot them with a camera.

Mr McDONALD: They only shoot them with a camera.

Ms Ward: That kind of game park, yes, we would support. The concept is evolving with society, which would be a great thing.

Ms Margo: Just to clarify on that point, if I may: I understand that in the primary act the reference to game parks refers to the release and capture of animals, which is why we infer that it is a hunting scenario. One of the amendments that we are proposing is removing that permission to release and capture animals, as is prohibited already in New South Wales, Western Australia and the ACT. The exception provided in the act is for a period of acclimatisation for the animal, which we believe is an unnecessary exception.

CHAIR: We have no further questions. Thank you all very much for your time today and for your submissions. We have found them very well argued and persuasive. Thank you everyone from the Australian Alliance for Animals and the Animal Defenders Office. We have one question taken on notice and we will be in contact with you in regard to that. Could we get a reply by Friday, 25 June? It was about any articles or any publications in relation to prong collars. Thank you all very much for your time today.

CHANNON, Dr Heather, National Feral Pig Management Coordinator, Australian Pork Ltd (via videoconference)

CHAIR: Welcome. Would you like to make a brief opening statement and then we will have some questions for you?

Dr Channon: Thank you very much to the committee for the opportunity to be here today. Australian Pork Ltd is a manager of the 3½ year National Feral Pig Management Coordinator Program grant from the Commonwealth government. The key objectives of this program are to facilitate the national coordination of feral pig management and control, raise awareness of feral pig impacts, undertake stakeholder engagement and drive effective investment.

A key output to date from the program is the National Feral Pig Action Plan 2021-31. It is the first national strategy for feral pig management and was endorsed by the National Biosecurity Committee on 6 October 2021. The plan aims to reduce the impacts of feral pigs on Australia's environmental, agricultural, cultural and social assets by supporting land managers to implement integrated best-practice management effectively and strategically over the long term to suppress feral pig populations or eradicate them where this is possible and feasible. Briefly, the three goals of the plan are to provide leadership and strategic coordination for sustained feral pig management; to build community awareness of impacts caused by feral pigs and enhance the capacity and capability of land managers to apply humane best-practice management; and, thirdly, to increase the adoption of best-practice methods and systems by land managers. With this, the most successful feral pig control programs involve the long-term efforts of many people working together, conducting planned activities at the same time across a large area.

This submission was provided in relation to clause 16, amendment of section 42, 'Feral or pest animals', to prohibit the use of poisons on feral or pest animals and include the ingredients of carbon disulfide and phosphorous, or CSSP. To ensure that social licence to operate by the general community is maintained in relation to feral pig control, it is essential that the most humane methods are used by land managers and that animal suffering is minimised. While CSSP may be easy to use, cheap and effective and does not involve a free-feeding period as required for other toxins, this must be weighed against its relative humaneness.

CSSP has been scored lowest on the relative humaneness model than any other control method used for feral pigs due to both the intensity and duration of suffering that this poison causes. It is slow acting. When ingested it burns the gastrointestinal tract of the pig to cause hypertensive shock. This results from fluid loss preventing the heart from pumping enough blood and depriving organs of oxygen. This is secondary to peripheral vascular collapse. Post-mortem changes in pigs include liver damage and haemorrhage in the rectum, stomach and small intestine.

A discussion paper entitled *A national approach towards humane vertebrate pest control* was produced by representatives from RSPCA Australia, the Animal Welfare Science Centre and the Vertebrate Pests Committee, which was replaced by the Environment and Invasives Committee, following a joint workshop held in August 2003. This workshop recommended that a national strategy to improve the humaneness of vertebrate pest management be developed. On page 16 of that discussion paper it states—

Poisoning with CSSP raises very serious animal welfare concerns, with pigs typically taking two to four days to die after intoxication, and probably suffering conscious pain for much of this period. CSSP is available as an off-the-shelf toxicant with relatively crude label directions, which increase the likelihood of sub-lethal poisoning and non-target impacts.

This issue is, therefore, not a new one. An action included in this report was that 'the continued use of CSSP cannot be justified due to its inhumaneness and the availability of viable alternative control methods...'

More humane control methods are available in the toolkit of feral pig control measures by land managers. This includes sodium nitrite bait known as HOGGONE, which was developed and commercialised for use in Australia. Standard operating procedures for best practice management methods are available from the PestSmart website. CSSP is not considered an acceptable method so there is no standard operating procedure available. CSSP is only registered for use in Queensland and the Northern Territory, reflecting that its use has been phased out nationally on animal welfare and non-target concerns.

Finally, it is recognised that the control of feral pigs is challenging, frustrating, labour-intensive and time consuming to land managers. Land managers working together with others in coordinated ways to apply combinations of humane control measures is being widely advocated and supported to assist with this. Thank you.

CHAIR: You made your point well about the humaneness of this particular method. I want to explore the secondary poisoning that you mentioned. You talked about haemorrhaging of the animal and perhaps some other animals ingesting the blood. Can you explain how a native animal might suffer secondary poisoning from this particular product?

Dr Channon: That might be something I would need to take on notice, unfortunately. I will come back to the committee on that point to be sure that I can provide that advice to you.

CHAIR: If you could give us some more information about the causes of secondary poisoning because you pointed out it is toxic to a large range of bird and animal species. We will get some more details about that. I will go to the member for Lockyer.

Mr McDONALD: You mention in the last part of your submission that it follows that no agreed national standard operating procedure prescribed for the use of CSSP has been developed. If that was developed and properly applied then could you see a place for CSSP?

Dr Channon: I think it is reflective of the discussions that have been going on for a long time around its humaneness. I think that it is the welfare considerations that the product causes which is where this is sitting.

Mr McDONALD: Many AgForce members would like to see the continued use of CSSP. What would you tell them?

Dr Channon: I think this is one where I do take the point that we have to make sure we have as many tools in the toolkit available for feral pig control as possible, given the impacts that they cause too many land managers, including AgForce members, and at the moment increasingly so. I think that it is a challenging and difficult one in terms of balancing the welfare side of things up with the availability of the product and use of the product. That is where it is sitting at the moment.

Mr McDONALD: The sodium nitrite bait that you talked about, what is that commonly known as?

Dr Channon: That is commonly known as HOGGONE.

Mr McDONALD: Is that different to 1080?

Dr Channon: Yes, it is. With HOGGONE, pigs do not have the enzyme methaemoglobin reductase so what happens is that a compound called methaemoglobin reduces the blood's ability to carry oxygen throughout the body.

CHAIR: I am sorry, Dr Channon: you broke up a bit when you commenced that answer. Did you want to turn off your video for a moment? We have noticed that it improves the sound quality. Could you repeat that answer?

Dr Channon: Pigs do not have an enzyme in their body to metabolise sodium nitrite. What happens is that a compound called methaemoglobin forms in the blood, which reduces the blood's ability to carry oxygen throughout the body, the brain shuts down and the animal then dies. With HOGGONE, death occurs between one to three hours and no special authorisation is required to purchase and use HOGGONE by land managers.

CHAIR: Dr Channon, you are breaking up again. To confirm, how long does it take for the sodium nitrite to work?

Dr Channon: One to three hours.

CHAIR: Did you say it comes in a solid form, in a bait, that is distributed? How is it distributed across the landscape?

Dr Channon: It is available through resellers. The manufacturer, Animal Control Technologies (ACTA) deals with the resellers. People can go into those stores and buy it off the shelf and they need to use it within the bait hopper that is available a part of the regulatory requirement set by APVMA for the use of HOGGONE.

CHAIR: It comes with a bait hopper and it needs to be distributed through a bait hopper?

Dr Channon: Yes, and the bait hopper can be reused.

Mr McDONALD: I know that your main area of interest is feral pig management. Can you describe for the committee the biosecurity threat that feral pigs pose for the nation?

Dr Channon: Certainly. Feral pigs are capable of disease transmission. They can transmit foot-and-mouth disease and African swine fever. They can also be affected by Japanese encephalitis, which is something that has been more recently an issue for the Australian pork industry. They, of Brisbane

course, also can spread diseases such as leptospirosis and brucellosis. In plant industries they can spread phytophthora, which causes dieback in forests as well as some horticultural crops. They are also implicated in Panama disease tropical race 4 in the Tully Valley. They are capable of spreading diseases—both carrying it internally as well as externally.

CHAIR: Thank you very much for being a part of this hearing. We appreciate you taking the time. That concludes our hearing for today. Thank you to everyone who has participated. Thank you to our Hansard reporters and to the secretariat. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

The committee adjourned at 12.59 pm.