



# ***STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE***

**Members present:**

Mr CG Whiting MP—Chair  
Mr JJ McDonald MP  
Mr MJ Hart MP (videoconference)  
Mr RI Katter MP (videoconference)  
Mr JE Madden MP  
Mr RCJ Skelton MP (videoconference)

**Staff present:**

Ms S Galbraith—Committee Secretary  
Mr L Melia—Assistant Committee Secretary

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

### **TRANSCRIPT OF PROCEEDINGS**

**Tuesday, 12 December 2023**

**Brisbane**

## TUESDAY, 12 DECEMBER 2023

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### **The committee met at 11.14 am.**

**CHAIR:** Good morning. I declare open this public briefing for the committee's inquiry into the Agriculture and Fisheries and Other Legislation Amendment Bill 2023. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share. With me here today are: Jim McDonald, member for Lockyer and deputy chair; and Jim Madden, member for Ipswich West. Attending via videoconference are Michael Hart, member for Burleigh, and Robbie Katter, member for Traeger. Attending via teleconference is Rob Skelton, member for Nicklin, substituting for Tom Smith, member for Bundaberg.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings and witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee. These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone to turn their mobile phones or computers to silent mode.

**CHESTER, Dr Anne, Chief Veterinarian, RSPCA Queensland**

**MAIER, Mr Darren, Chief Executive Officer, RSPCA Queensland**

**WOODROW, Ms Rachel, General Manager, Inspectorate, Community Outreach and Education, RSPCA Queensland**

**CHAIR:** I now welcome our representatives from RSPCA Queensland. Would you like to make an opening statement before we go to questions?

**Mr Maier:** Fantastic. Thank you, Chair, for the opportunity to be here. The RSPCA was pleased to put in a submission to the discussion paper and we will be submitting a further paper at the end of this week in response to the proposed bill. Apologies that we have not provided that through to you just yet, but, given the important nature of it, we wanted to make sure it was right in terms of where we are at. There are many things in the bill that the RSPCA is supportive of such as increased accountability, increased penalties and a focus on education, which, whilst not necessarily in the bill, I understand has been allocated budget to drive that awareness.

There are two key areas that the RSPCA believes need further change and further consideration. The first of those is around the breed-specific ban which we think opens up a Pandora's box in terms of how you actually identify what breed different animals are. We know that it has been tried and repealed in various places both around Australia and internationally and we also do not believe there is any evidence that it actually has any impact in terms of reducing the number of dangerous dog attacks anyway. The second is around the QCAT appeals process. Again, we are very pleased this is being considered, but we just think there is an opportunity for that to go further. The wait time to get to an appeal is still excessively long and we do not believe what is being proposed quite puts the animal's best interests at the forefront of what is trying to be achieved. We would encourage you to try to make sure that, any time there is an animal involved and a life involved, we are able to prioritise that to the front of the queue when it comes to QCAT. I will ask Rachel to put some more detail on that, to explain what the RSPCA's role has been to date in coming up with this legislation and also what our role is when it comes to upholding and managing the act given it is different to the Animal Care and Protection Act as well.

**Ms Woodrow:** Thank you, Darren. Thank you to the committee for inviting us today. In 2022 the RSPCA was invited to participate in the taskforce and the technical working groups to review the Animal Management (Cats and Dogs) Act. I wanted to be clear up-front that the RSPCA does not regulate dangerous dogs. We are not involved where there is a dog attack. Our inspectors or our staff are not appointed under that legislation. In locations where we manage a council pound facility, we may see those seized dogs come into our facilities, so the part we play is helping to care for those animals once they come into our facilities.

Although the RSPCA does not work with this legislation or have appointed officers, we do have an interest in the review because we are keen to see some amendments around the breeder identification system. When this review was undertaken this particular scope was limited, so some of the elements that needed to be looked at were excluded for the purpose of this particular review and in fact did not contemplate that. However, we still continue to participate in the technical working groups and in the taskforce so that we can continue to support the process and provide any advice along the way.

We do understand that, as a result of this focus being very much on dangerous dogs, there are some other elements of this legislation that a number of parties are looking to have reviewed. I would expect that that means another amendment would come at some point to include some of the work of the technical working groups but also some of that work that was excluded from the scope.

As Darren mentioned, our submission will be coming through this week. I just wanted to cover a few of the key points in that submission. The first one is around effective control of dogs in public places. The provision would require an owner or responsible person for a dog to ensure that it is not in a public place unless it is under effective control. The RSPCA supports these new provisions in the bill; however, if there is opportunity to do so we would recommend to engage with enforcement agencies and ensure that the wording associated with those particular provisions is drafted correctly to ensure they can be effectively enforced. We also just wanted to highlight a new point in the bill around dogs in vehicles. This slightly contradicts a recent change to the Animal Care and Protection Act which was also around transporting dogs and included the effective control of dogs in vehicles. Those two are not quite aligning. It is probably something that needs to be addressed.

In relation to the increased penalties, maximum penalties and the introduction of new criminal offences proposed in the amendment bill, we do not object to those; however, we do feel it is important to have a discussion around the most dangerous dogs that we do see in our communities—that is, dogs bred for the purpose of dogfighting. The RSPCA does have significant experience investigating dogfighting offences and the subsequent dangerous dogs that this blood sport creates. These are the most dangerous dogs that we have seen in our shelters in recent years. These investigations demonstrate that if a dogfighter really wants to breed and raise a dog that has the ability to maim and kill another dog they will find ways to do so. Those animals can obviously be quite unpredictable around humans and other dogs. The efforts that those breeders or dogfighting syndicates will go to are quite extensive, including: importing the sperm of male dogs; and also importing prize-fighting bitches into the country even though that is prohibited. We feel that, without stronger laws around this, that will continue.

That is obviously covered in the Animal Care and Protection Act—it is not part of this legislation—but, considering we are talking about dangerous dogs and trying to keep our community safer, we think this is a really important element to consider. That comes down to the fact that not all of those dogs will actually end up in the fighting ring; some will actually end up in the community being rehomed to unsuspecting members of the public. They do not realise what they are purchasing, and that will be because the dog is not showing the right level of gaming and is really not going to be successful in the dogfighting world. There is a high-risk that those animals are out and about in our community and, again, contributing to this risk to our community.

With regard to QCAT appeals, we commend the government for considering the QCAT appeals in the process and the appeal process; however, we do not feel that the proposed changes will actually have practical benefits. The reason is that what has been proposed actually deals with the QCAT review decision, which is the very last process—it is right at the end of the process. As Darren mentioned, currently the average wait time to finalise an application for review of a government agency decision is listed on the website as 46 weeks. That is the first point where that review decision is looked at. If the breed ban does come into effect, we would expect to see the number of internal review decisions and QCAT appeals increase. This means more cost to councils and more traumatic impacts for dogs and their families. The RSPCA considers the long-term confinement of dogs in

council pounds to have a significant impact on the welfare of the dogs and, therefore, priority should be given to any QCAT application that involves an impounded animal. Again, I recognise that that may not be part of the Animal Management (Cats and Dogs) Act but is just something we think is important that needs to be discussed.

The final point is around the breed-specific legislation. This is the most significant point that concerns us. The bill has proposed removing the ability for any permits to be issued for new restricted breed dogs, effectively banning those breeds from Queensland going forward. The RSPCA opposes dangerous dog legislation that targets dogs and dog owners which have no known history of menacing or dangerous behaviour, discriminating against them based on their breed or appearance. The RSPCA is also unaware of four of the five prohibited breeds actually existing in Queensland. The fifth breed, listed as the American pit bull terrier or pit bull, is a type of dog. We think it is worthwhile noting that it is not a recognised breed of dog; it is more of a descriptive label that is given to dogs which loosely share some physical features. This is one of the reasons this is such a challenging element of the bill to enforce.

Breed bans were introduced in Victoria in 2011 and were amended in 2017 following recommendations from a parliamentary inquiry. I just wanted to briefly touch on what will be in our submission, but those conclusions from that Victorian inquiry are very similar to what we are looking at introducing in Queensland now. Following the introduction of the breed ban in 2016, the inquiry found that Victoria's current system of identifying and dealing with restricted breed dogs is not working. The clearest indicator of the current system's failure can be seen in the appeals to the Victorian Civil and Administrative Tribunal about dangerous dogs that are pit bulls. The tribunal has overturned 74 per cent of the declarations by council officers that have been appealed since 2011. The appeals process has resulted in sometimes large litigation costs for councils, trauma for the dogs and the owners and negative impacts on the dogs from long-term confinement. A number of councils indicated to the committee that they now were reluctant to declare dogs to be pit bulls or that they no longer contested appeals. The committee recommended that the government lift the current ban on the registration of pit bulls that have not previously been registered. Allowing the registration of pit bulls would mean that councils could no longer seize and euthanase them solely based on their breed.

The committee considers that the resources and energies of local councils would be better devoted to encouraging responsible dog ownership generally rather than focusing on identifying and managing pit bulls. This position is consistent with a large volume of international examples and evidence which we will cover in more detail in our submission. One of the key challenges with the breed-specific legislation is the difficulty in identifying a pit bull. This is an important point that we need to cover just so there is some understanding of this. I will hand over to Dr Chester who will cover a little bit more about that.

**Dr Chester:** Thank you, Rachel; thank you, committee. Legislation targeting specific breeds require the people enforcing the legislation to be able to identify the breeds, as Rachel mentioned, and in the case of the pit bull this is just not possible. There are three potential ways to identify a dog—its pedigree, its appearance and its DNA. In the case of the pit bull, all three of these methods have problems. With regards to the pedigree, while helpful to rule out a pit bull—for example, if a dog has a pedigree certificate saying it is a specific breed like an American Staffordshire terrier—it cannot be classified as a pit bull, but providing a pedigree certificate is not an option for identifying a pit bull in Australia as the term relates to a type of dog and it is not a recognised breed of the Australian National Kennel Council nor the American Kennel Club. In terms of visual identification, a number of studies have demonstrated that dog related professionals, including veterinarians, are not able to identify the predominant breed of different dogs. The 22-point system that some councils use to identify a pit bull has points that relate to many breeds of dogs, are subjective and do not include any unique identifiers to the pit bull.

The Australian Veterinary Association state that it is not possible to precisely determine the breed of the types of dogs targeted by breed-specific legislation either by appearance or by DNA analysis. This is further supported by other experts in the field of genetics who state DNA-based breed identification is not reliable and could not be used as evidence in a court of law and cannot be considered a valid tool for forensic or legislative enforcement purposes. As none of these methods for identification can be relied upon to enforce breed-specific legislation, these sections of the acts will be difficult to enforce and open to challenge.

Breed-specific legislation also does not take into account the research that shows there can be as much variation within breed as between breed and that multiple factors potentially under the control of dog owners play an important role in dog behaviour. These factors include isolation of dogs

from positive family interaction and other human contact, mismanagement of dogs by owners, abuse and neglect of dogs, dogs left unsupervised with a child or vulnerable adults who may be unfamiliar to the dog, and maintenance of dogs in an environment where they are trapped or neglected.

In conclusion, breed-specific legislation is a simplistic answer to a more complex social problem and it has the potential to direct attention and resources away from other more effective approaches. We are now happy to take questions.

**CHAIR:** Ms Woodrow, was the Victorian inquiry a government one or one from one of the houses of that parliament?

**Ms Woodrow:** It was the Legislative Council Economy and Infrastructure Committee under the parliament of Victoria.

**CHAIR:** The Legislative Council held that particular inquiry. I would be interested to know a bit more about that. I have a couple of questions. We are talking about the fighting dogs. Clearly that is a dark and underground subterranean kind of world that exists within Australia that not many people would know about. What breeds are they more likely to use in this underground dogfighting scene?

**Ms Woodrow:** They will use breeds that they will term pit bulls, and a number of different breeds fall into that type of category. It is very difficult to know specifically. However, if they are importing them from overseas, where they are being bred from areas where you can register a pit bull, they will be able to call it a pit bull and may have papers to demonstrate that it is a pit bull.

**CHAIR:** They will favour those in trying to subvert or go around any importation?

**Ms Woodrow:** Absolutely, they will.

**CHAIR:** That is the breed they would focus on.

**Mr Maier:** The other point to add to that is: the breed itself is probably not as important as the blood line. What you often get, as Rachel mentioned, is importation of sperm. What happens in this dark, murky underworld that you talk about is: there are reputations going by dogs that have won many fights and so they become like a prize dog. Their blood line is what gets bred. Irrespective of the breed or the make-up of the original successful champion, if you like, it is the blood line that gets bred. That is what becomes most sought after by those in that world, to try to get sperm or a blood line that is associated with a past champion.

**CHAIR:** Would they describe most of those preferred blood lines as American pit bull?

**Mr Maier:** They would likely describe it as that, but whether that is or not—

**CHAIR:** No worries. There are a lot of federal restrictions on importation. Are there a lot of cases of people in this underground scene subverting or going around those federal restrictions on what you are allowed to import?

**Ms Woodrow:** Yes. Unfortunately, it is quite straightforward to do. When you are importing, say it is an actual live dog, a bitch that is being imported and it is a fighting dog, usually they would be under 12 months, so they are quite young. They would also be labelled as something like a Labrador cross, which at that young age you cannot really be sure of. It is very difficult, as we have talked about, to visually identify a dog—for our customs officers to recognise that that is a pit bull or a type of fighting breed. With the sperm that is imported, obviously they can label it as any type of dog breed when they bring it in and it would be very difficult to know.

**Mr McDONALD:** Thank you for the information. You have raised a lot of different questions for me with regard to the submission. I note, Darren, at the outset you said that you were part of the consultation, the 2022 working group with the department. I fail to see how we can come to now and see a bill has come into the House that has regulation contrary to the advice that the RSPCA has given the committee. Why do you think that is?

**Ms Woodrow:** The scope originally was obviously determined through those technical working groups and the taskforce. The discussion around breed ban is not something that was discussed during those technical working group conversations that we participated in. Our understanding is that, as the focus started to draw down to dangerous dogs and the need for some very specific provisions in the legislation, that was introduced later down the track and it did start to be discussed at the taskforce level.

**Mr McDONALD:** Obviously, the change here is focusing on dangerous dogs or fighting dogs?

**Ms Woodrow:** This legislation is focusing on dangerous dogs. We feel it is important to recognise that there is another piece of legislation that addresses prohibited events, which includes dogfighting, that may actually support trying to achieve what we need to here, which is safer communities.

**Mr Maier:** The reference to the fighting dogs is because that is a source of dangerous dogs in the community. It seems crazy that both through the Animal Care and Protection Act and also this act we do not actually address that bit that falls between the two of them.

**Mr McDONALD:** There are no other breeds? Following the chair's question about fighting dogs, are the fighting dog underworld all looking for pit bulls? I know that you talked about the blood line. Is the blood line pit bull or is it something else?

**Dr Chester:** They are looking for a dog that wants to fight. It is a genetic line. In terms of what it looks like, obviously if it is a strong, muscular breed, that is what they need. They do not care what it looks like as long as it fights.

**Mr McDONALD:** I was very interested in what you said, Dr Anne, that there is as much variation within breeds as the different breeds. That brings me to the issue of the Victorian legislation. I want to make sure I got that right, that there was a ban put in place in 2011.

**Ms Woodrow:** That is correct.

**Mr McDONALD:** That was lifted in 2017?

**Ms Woodrow:** Yes, that is correct.

**Mr McDONALD:** I was very interested in linking the 74 per cent being overturned and the problems that we have already with 46 weeks for a QCAT appeal. Is there any alternative that you have had experience with for an appeal, rather than going to QCAT? Should that be a ministerial or a departmental process?

**Ms Woodrow:** Within the legislation there is the opportunity for the internal review. When a decision is made by an authorised officer to declare a dog, the owner will have the opportunity to appeal that and there is a process internally within this legislation that allows for that to happen. Obviously, if the owner is still unhappy with that internal review decision they need to have somewhere to go, and the next step is the QCAT process.

**Mr McDONALD:** What are the four out of the five dogs that are not even here in Queensland? Is it the case that the department included them just in case somebody brings one of those in?

**Ms Woodrow:** They are included because they are part of the Customs regulations. All states of Australia have incorporated those into their breed-specific legislation. The four breeds—Anne, can you read them? They are so unknown to us that we cannot even pronounce them properly.

**Mr McDONALD:** That is okay. I can see them in the explanatory notes. I was just interested on which—

**Ms Woodrow:** They are not a breed that you—

**Mr McDONALD:** Which one is the one that we do know? There are four out of five that are not even relevant in Queensland. Which of them is the one—

**Ms Woodrow:** The pit bull.

**Mr McDONALD:** I look forward to seeing your submission so I understand more of the details of that. I am very interested in the comments you made earlier, Rachel, regarding dogs in vehicles. Have you had enough time to have a look at that? I know that you said the animal protection legislation previously had some other controls and now this changes some of that. Could you talk us through that?

**Ms Woodrow:** In section 192 of the act, 'What is effective control', subsection (2)(c) states—

the dog is being confined or tethered in, or on, a vehicle in a way that prevents the dog moving any part of its body beyond the vehicle;

However, under the Animal Care and Protection Act, which was reviewed back in December last year, section 33 was introduced which was 'Transporting dogs'. In that act, section 33(1) states—

A driver must not transport a dog inside a vehicle if any part of the dog, other than its head, is able to protrude from the vehicle. I think that is quite a simple thing to correct, but we would expect that it would align with the Animal Care and Protection Act because education has just been rolled out around that. It would avoid confusion for the public.

**Mr MADDEN:** I am curious about what was being discussed by this working group back in 2022. Some major issues occurred after 2022 that are mentioned in the explanatory notes, particularly the decision by the magistrate to dismiss an application because there was no evidence of a mental element. In other words, there was no evidence that the person encouraged the dog to attack a person or the person knew the dog was dangerous and did not maintain it. Also we had the death of Brisbane

a meter reader in December 2022. It seems like whatever your working group was discussing was overtaken by these other issues. I am curious to know what your working group was set up to do. Was it a general review of the Animal Care and Protection Act, or was it to do with dogfighting?

**Ms Woodrow:** No. The review was around the Animal Management (Cats and Dogs) Act, and a number of areas were brought forward by each of the councils that were involved. It was intended to be a full review of the legislation, but obviously the scope did get limited at one of the first meetings. The Department of Agriculture and Fisheries did inform us around the scope and what would be included and what would not.

There were still a number of things that would be included, which were things like repeat offenders, registrations, forfeitures, the declaration process, enhancing powers for inspectors, pens, dog enclosures—all sorts of things. An awful lot of things were discussed as part of those technical working groups. It is just that not all of that content has landed in this bill. We did know there would be another amendment required for some of the out-of-scope elements. There was a bit of a priority around dangerous dogs that needed to overtake some of these other things, which is obviously a bit disappointing because the working groups have done an awful lot of work over the last year and a half. That is also something the councils will need to speak to.

**Mr MADDEN:** Would it be fair to say that review was brought on by agitation by councils?

**Ms Woodrow:** Yes, I would think so. There are definitely some things—

**Mr MADDEN:** I do not mean that in any provocative way. I am just trying to see where the impetus came from for that working group to be formed.

**Ms Woodrow:** I would think so, to improve the ability to enforce the current legislation.

**Mr MADDEN:** That is good. You have dealt with that one. I refer to the explanatory notes where it says the impetus for the bill was a decision by a magistrate in 2023 where he dismissed an application. There is very little information in the explanatory notes, but presumably a dog attacked a person and the application was dismissed because there was no 'mental element'. Are you following me?

**Ms Woodrow:** Yes, but it is probably not something I can really talk to.

**Mr MADDEN:** It is probably something more for the department. I will not press that issue. The question I was going to ask is: are you satisfied this bill would prevent that from happening again? To be fair, it is really not your patch. It is more for the department. There is one thing you mentioned, Mr Maier. I was not aware there was an illegal importation of sperm of male dogs. Is this—I will not say 'common'—an issue that needs to be addressed?

**Mr Maier:** I think everything around this dogfighting law does need to be addressed. Is it common? It is more common than it should be. I do not think it will be put up there on our greatest list of imports or exports, but for the dogfighting world it is important because, as we said, it is the blood lines. As Dr Anne said, for dogfighters it is about trying to breed those traits into the next round of champions. In all of my discussions with QPS, there is a very strong link between dogfighting and other organised crime. As I said, it is probably more common than anybody would like.

**Mr MADDEN:** Ms Woodrow, I was not aware that any other agency enforced the Animal Care and Protection Act other than the RSPCA. You said there was another agency. Is that other agency the police or Biosecurity?

**Ms Woodrow:** Both.

**Mr MADDEN:** Can you give me an example of an attack by a dog where it drifts from being your responsibility to the responsibility of police? Is it to do with the amount of damage done? Is there a certain point, or are all dog attacks dealt with by the police?

**Ms Woodrow:** Dog attacks are dealt with under the Animal Management (Cats and Dogs) Act, which is actually administered by the Department of Agriculture and Fisheries and enforced by local government council officers. RSPCA has no jurisdiction at all.

**Mr MADDEN:** The incident that happened in Logan with that unfortunate meter reader would have been dealt with by whom?

**Ms Woodrow:** The local government at the time.

**Mr MADDEN:** The council?

**Ms Woodrow:** Yes.

**Mr MADDEN:** Even though there was a death?

**Ms Woodrow:** I imagine the police would be involved, but the actual offences associated with the attack would fall under the Animal Management (Cats and Dogs) Act.

**Mr MADDEN:** And obviously the coroner and different things. Thanks very much for coming in today. It was very enlightening.

**Mr HART:** Just going back to this working group, I understand from what you said that the breed ban was not discussed until late in the day. Did the RSPCA get an opportunity to tell the working group what you just told us?

**Ms Woodrow:** No, this was not actually discussed at the technical working group level.

**Mr HART:** So this is the first opportunity you have had to give anybody that information—after the legislation was put in place?

**Ms Woodrow:** Yes. We first knew this was seriously being considered when the discussion paper came out, and obviously at that point we provided our advice in our first submission.

**Mr HART:** Can you tell us the date of the Victorian Legislative Council review?

**Ms Woodrow:** It was instigated in June 2015 and the committee came to its conclusions and recommendations in March 2016. I will have a link to this paper in our submission.

**Mr HART:** What did the Victorian government do in response to that?

**Ms Woodrow:** They chose to accept those recommendations. In Victoria now you are able to register those restricted breeds.

**Mr HART:** We are doing something that Victoria has tried and undone since 2015?

**Ms Woodrow:** Yes, it was introduced in 2011 and, as I said, they instigated this inquiry in 2015. Effectively, we are looking at repeating the mistakes of Victoria, in our opinion, but also the mistakes of a number of other jurisdictions around the world where—

**CHAIR:** Let's just look at this inquiry first, committee members, before we rush to—

**Mr HART:** Hang on, Chair.

**CHAIR:** Let's not jump to conclusions. Let's look at this inquiry first.

**Mr HART:** What other jurisdictions have gone down the road of trying this and reversing it? Can you tell us that?

**Ms Woodrow:** Yes. There are several counties in the United States, Great Britain, Germany, the Netherlands and Italy. Obviously within the United States and Canada there are a number of different counties that have attempted this. In our submission we will talk about why they repealed or withdrew the legislation they implemented. There is a weight of evidence and global opinion around this particular topic.

**Mr HART:** You have just made my mind up for me. You were talking about effective control. Who enforces effective control of these dogs that are out of control, and what are the issues you think should be discussed? I understand that will be for the local government, but they are sitting behind you and I just want to give them a heads-up.

**Ms Woodrow:** To be clear, your question is who actually enforces—

**Mr HART:** Yes. I assume you are going to say local government.

**Ms Woodrow:** It is, yes. It is the local laws officers.

**Mr HART:** What are the issues the RSPCA sees that the LGAQ may bring up with us?

**Ms Woodrow:** We are supportive of what has been proposed in the bill, and I think we are probably aligned on that with the LGAQ and the various councils. As I mentioned, the only thing that we are recommending, again, is to make sure there is some conversation with those who have to enforce that legislation, just to make sure that the elements of the offences can actually be proven. I can give an example of that if you would like.

**Mr HART:** Please.

**Ms Woodrow:** One of the elements would be around, for example, a dog in a dog park that is off-leash. One of the requirements while your dog is in an off-leash area is that you still have effective control. That means you have to have supervision of the dog and you also have to have effective voice control of your dog. That can be very subjective, obviously. What does voice control mean? Does it mean have you called your dog once and it has or has not come back, or can you call it 10 times and you have complied? For local laws officers to enforce that, the wording needs to be correct so it is useful. Our recommendation would be to involve them in the actual drafting.



**Mr KATTER:** I think you have already made it pretty clear. I guess my only concern from the start was just on the breeds. I can give you a practical example. In the western areas, no-one really breeds pit bulls—it is pig dogs. Pig dogs start to fall into that category of aggressive, confronting breeds. They are a breed that I would say is a highly necessary tool and effective form of pest control out here. I cannot see too many areas where that might be a problem for those breeders of pig dogs or people who have pig dogs. Could you see any problem there?

**Mr Maier:** I think the point we are trying to make is that the breed is irrelevant; it is the traits of a particular animal that make it dangerous, and that particular animal could be any breed. Therefore, to highlight and focus on just the breeds that are mentioned in here does not actually address the issue of dangerous dogs. To your point, the breed is irrelevant; that is the point we are trying to make. It will not have any impact on breeders of pig dogs or recognised breeds or anything like that. We just do not think there should be any breed-specific mention in the legislation at all.

**Mr McDONALD:** Does your submission include any thoughts around the prosecution of these offences? Are there authorities needed? Is it complaint and summons or are there PINs available so that operationalisation is not cumbersome?

**Ms Woodrow:** Okay.

**Mr HART:** Just for my own information, do dogs fight in weight classes? Do we have small dogs fighting small dogs, or is it just the most vicious big dog attacking everything when it comes to dogfighting?

**Ms Woodrow:** As Dr Chester mentioned, it is really about the dogs that have all of those physical characteristics that will ultimately win them a fight. Small or large, it comes down to how much damage that dog can do and how well it is trained to do that.

**CHAIR:** Thank you very much for appearing before us today.

**PRETZLER, Mr Rudolph, Lead, Public Health and Waste Advocate, Local Government Association of Queensland**

**SMITH, Ms Alison, Chief Executive Officer, Local Government Association of Queensland**

**CHAIR:** I now welcome representatives from the Local Government Association of Queensland. I invite you to make an opening statement, after which the committee will have some questions for you.

**Ms Smith:** Thank you for having the LGAQ participate in your hearing today. I firstly would like to acknowledge the traditional owners of the land on which we gather and pay my respects to elders past, present and emerging. My name is Alison Smith; I am the CEO of the LGAQ. As you know, the LGAQ is the peak body for councils right across Queensland. We have been in existence since 1896. Our role is to support and provide trusted guidance and advocacy for our members.

This bill contains a range of amendments, and I would like to speak to those that have the most relevance to our cohort of local government members. They are principally changes to the Animal Management (Cats and Dogs) Act and the Biosecurity Act. We think the proposed changes to both of these acts are really positive steps in the right direction to provide councils with the further ability to protect their communities and their environment.

I will focus firstly on the proposed amendments to the Biosecurity Act. These are amendments that arose out of the work of the Local Government Biosecurity Act Reference Group. What we like about the reforms is that they should create a more streamlined and less bureaucratic approach to the management of invasive species across the state, which is something that is really important. It would allow councils to partner better with government to achieve biosecurity outcomes. We would like to thank the department for progressing those.

In relation to the Animal Management (Cats and Dogs) Act, we are really pleased to see these reforms because it is something councils have been seeking for more than a decade. For 15 years, actually, councils have been looking for greater powers and clearer responsibilities to enable them to protect their communities from dangerous dogs.

If I can just go back in time to the process that has led to today, in 2021 the LGAQ led a delegation of mayors to see Minister Furner for a review of this act and to ensure that in the review process local government had a voice every step of the way. We want to thank the minister and the department for creating the Animal Management Taskforce. It has led to some really frank conversations within that taskforce that have been necessary to arrive at where we are today with these proposed amendments to the act. While the bill does not include everything that our members asked for, it is an essential step forward. It has been very much enabled by the hard work of those who were on the taskforce: elected members, technical officers within councils and the department. The key reforms that we welcome are stricter penalties, having more effective statewide control measures, the banning of restricted breeds and the much needed streamlining of the appeals process.

At the end of the day, most dog owners do the right thing. They are responsible. They do the right thing by their pets and by their neighbours. The reforms in the bill are needed because of a very small minority of irresponsible dog owners and because Queenslanders and their pets have been seriously hurt, permanently disfigured or, even worse, killed by a dangerous dog. It is why our members have asked for these changes and why we are so supportive of the changes in the bill. As we have said in our submission, these reforms are step 1. The Animal Management Taskforce will continue working through further reforms with the minister, if not through this bill then through the next.

In closing, I would like to thank the minister and his department for their work with the LGAQ and our members. We look forward to the ongoing work of that taskforce to progress further reforms. I thank this committee for taking the time to hear our position, reviewing our submission and helping us progress these amendments further. That concludes my opening statement. I would like to invite the committee to ask any questions you may have.

**CHAIR:** The RSPCA talked about identifying dangerous breeds under the 22-point system that has been used for many years. I know that it has worked well and councils know it has worked well. Can you talk about how it works, how beneficial it has been and how it has proven useful in court cases?

**Ms Smith:** I might start and then I will defer to Rudi for some further information. It is a really important question, and I think a little bit of context and some examples are a good thing for this committee to be across. I will start by saying that the breeds that are in question are already subject to federal laws which prohibit them from being imported or bred in Australia. We already have that platform of federal legislation that identifies specific breeds. However, if those dogs are already in the country and already in Queensland then currently individual councils can only make judgement cases on those breeds and whether they would allow an owner to register that dog and have it in their possession under strict requirements.

Many councils currently refuse to do that, but there are some that do. The problem this creates in the current system is that owners and their dogs will often move house—they will move suburbs; they will move to a different region; they will move interstate—and this then creates a real issue for councils in terms of how they can enforce and administer the requirements when there have been strict requirements put on the owners of those dogs.

We see, therefore, that the proposed amendment in the bill is going to close an existing loophole. We think this is because having prohibited breed definitions in the bill is going to help remove any ambiguity going forward. We think it will create a more even playing field where restrictions are really clear, there is specific information in terms of pathways of action for councils to take, and it will be really well known and understood by owners. Most importantly, we see that these proposed reforms can achieve consistency that currently does not happen in Queensland. That consistency then comes awry when people move house and move around. I would like to refer you to Rudi for some further comments.

**Mr Pretzler:** I think the key word here is going to be consistency. Our members have been asking for this because the national authority refuses to import these dogs. There are reasons that was introduced originally. Now we just want to have that consistency across Queensland—to have a state power where every council can say, 'If you own that particular breed in my local government area, I have the power to take that away from you.' There are grandfathering clauses in the current bill that allow for dogs that are already registered to live the rest of their lives if they are safe to do so.

We probably agree with the RSPCA in some aspects. It is really hard to identify what kind of dog or what kind of breed an individual dog is, but that is why the bill only asks for purebreds. It is more a message to the community that these kinds of breeds are not acceptable because they are of significant danger to the community. As you stated before, there are systems in place that councils use to identify these breeds and they have been working. They allow councils to make restricted dog declarations as they currently work, but it does not stop those dogs from moving away and becoming dangerous dogs in different areas. If one council decides to make a declaration and the person moves to a council that decides not to make a declaration, they become undeclared dogs that live in the community without notice. The most dangerous dog is the one we do not know about. If we have those clear messages to the community, it does not stop people from having dogs without declaring them but it might make it a little harder. That is why we support these changes.

**CHAIR:** On the identification of dangerous breeds, I am not sure exactly if all councils are the same. You are saying there is an inconsistency, but those that have done it have used appearance. Have they used DNA testing? How has that system successfully worked so far?

**Mr Pretzler:** In the very few cases where it has worked there has been DNA testing, but obviously it comes at significant cost to the community. What we are also looking for as part of this bill is to work with the department to develop clear guidelines as to how these dogs can be identified and to develop these guidelines which are now possible through the bill to make it clear for every council that this is how they are identified and these are the steps you can take when you identify them.

**CHAIR:** The RSPCA talked about a particular Legislative Council inquiry in Victoria some years ago. They think it would be better to abandon prosecution cases for the possession of dangerous breeds. How dangerous would that precedent be for local governments?

**Mr Pretzler:** Probably quite dangerous, because if you take away the power to prosecute certain cases it does not stop those cases from becoming dangerous in the community. I know that the RSPCA comes from an educational position of allowing people to have dogs and providing them with the information to keep them. When a council gets involved it is usually when the dog has already done something dangerous and been identified as a menace to the community, so removing those abilities would probably not be supported by our members.

**CHAIR:** An important part of this bill would be the alteration of the ability for a dog owner to go to QCAT to overturn a council decision. I know that there have been some quite remarkable precedents. Can you describe how important this particular aspect is in protecting people from potentially dangerous dogs?

**Ms Smith:** It is one of the biggest parts of advocacy our members have been asking for within the provisions of these reforms. It comes down to the time and the cost incurred ultimately by ratepayers with the current system. The discussion paper that went out for consultation clearly asked the question of the community about the need to streamline the review process. It has certainly been the case up until now that irresponsible dog owners in some cases have been using the process to hold a council to ransom, to basically extract appeal after appeal to try to fight a decision once a destruction order has been made for a dangerous dog.

Everyone deserves the right of appeal, and that has never been in question. Our members come from the point of: how long should the process go on for? We have seen the costs that councils have incurred in terms of boarding, food, care and veterinary services for dogs that have been in hiatus for months—and in some cases more than a year. Not only that, there is also the cost to council of fighting legal review after legal review. Every time lawyers get involved the council has to defend its position, and we are aware that has cost multiple councils hundreds of thousands of dollars. In one case, we are aware of a council that has spent over a million dollars in relation to one dangerous dog and how long the review process has gone on for. We are after common sense. Our members want the ability of review and appeal, of course, but to have some actual commonsense streamlining to the process.

**CHAIR:** Just to clarify, there is a case where a council has put a destruction order on a dog that has been involved in an attack or an incident, there has been appeal after appeal by the owner to prevent that destruction order and that has cost the council a million dollars in that one case?

**Ms Smith:** Yes.

**Mr McDONALD:** Goodness me; that is astounding, isn't it? I am interested to know how or what parts of this bill are going to change that? Are there parts of the bill that will change that, because there are still avenues for appeal?

**Ms Smith:** I might start and again defer to Rudi for some more technical aspects. Yes, the very last question of the consultation paper talked about the review process. We now have enshrined within the bill a provision that will actually go to a point of law when it comes to the review.

**Mr Pretzler:** As Alison has already highlighted, our members are strongly supportive of the democratic ability to seek appeal for questions, but what we do not support is once the first QCAT review has been finalised that that QCAT review can be appealed again and again on a question of fact. That is what this bill is changing. It does not allow more than one appeal and it removes the ability to appeal on a question of fact to QCAT. That is what costs millions of dollars—where a single decision by QCAT is appealed again and again. In this particular case, it was five times.

**Mr McDONALD:** In terms of the operational effect of the bill in relation to particular breeds, we heard earlier from the RSPCA vet that there is a very challenging to define a purebred dog. Obviously, there is the pedigree, which will rule out many things, there is DNA testing, which cannot be conclusive, and then there is a vet's observation and 22 points of identification. Those are the things that are necessary to identify the dog as a purebred and it is only then that you are able to exercise that aspect of this bill; is that correct?

**Mr Pretzler:** That is correct, yes; but that only refers to the five restricted breeds that are currently banned for importation. For every other breed, obviously the normal declaration process comes into effect when and if the dog has done something dangerous in the community.

**Mr McDONALD:** Do you think that your member councils understand those challenges? When I was reading this I was thinking, 'That makes sense; we will just ban those breeds and that will be easy,' but when you get into the detail and the operationalisation of it, it becomes cumbersome. I am quite concerned that in Victoria in 2011 they banned those breeds and then they had an inquiry and they lifted that ban in 2017. Some 74 per cent of the people down there appealed the destruction order for a banned breed overturned. I cannot foresee how that will be different in Queensland or am I missing something in the bill?

**Mr Pretzler:** No, you are correct. That is why we are asking the department to work with us to develop those clear guidelines and work with local government to identify how we can identify them and can legally prove that that particular dog breed exists. The QCAT process would come into line there and the bill would not allow those repeated appeal processes.

**Mr McDONALD:** Could you share with the committee the work that has happened in that space? What are you thinking about in terms of being able to identify and streamline that?

**Mr Pretzler:** We are currently working with the technical working group which has had many discussions on that. There are probably some different opinions about what is the best approach there. It is clear that the new section in the bill provides the chief executive officer with the ability to create guidelines for council officers to develop a suitable pathway forward, but the exact wording of that guideline is yet to be designed.

**Ms Smith:** If I could further add, as I said in my opening statement and as we say in our submission, we welcome these reforms because they are a very good first step, but they are not the only step. Some of the further work that our members on the taskforce would like to achieve is around council officer controls but also provisions around illegal puppy breeding. All of those things we think are necessary to make up the whole jigsaw, but what we have today in these reforms we say are a really good first step.

**Mr McDONALD:** I turn to the biosecurity issues and the destruction of invasive pests and so on. Can you talk through the improvements that the bill will allow or are you still working through those finer details as well?

**Ms Smith:** Thank you for the question. I might throw to Rudi—sorry Rudolf for this one. Obviously, our reference group has been working with the department on these issues.

**Mr Pretzler:** That particular issue was discussed as part of the local government working group back in 2019. Back then, the state government committed to taking those recommendations from that working group and putting them in the act. It is the operational changes to the Biosecurity Act that we are looking forward to. One of them is removing restrictions for the disposal of category 3 restricted matter—for example, the transporting of parthenium plants from an infested area to a waste management facility for deep burial. Previously it was hard for councils to do. It is also about enabling local government to undertake compliance activity for declared pests through the act—not just through a local order—to create consistency across the state. There are proposed amendments to biosecurity programs which include the removal of the requirements for an authorised officer to attempt to receive consent before entering a place. You will notice from what I am saying that it is very small operational processes, but on the ground they make a lot of difference to officers who are having to enforce the act. All of these were proposed by the local government working group back in 2019 and we are very pleased to see them as part of this bill now.

**Ms Smith:** I think it would be safe to describe them as 'bureaucratic barriers' that these proposals would actually remove to enable more flexibility and agility on the ground for our local council officers.

**Mr McDONALD:** Are councils still able to deep bury those weeds no matter where they come from, because I think some just want to bring them to another facility; is that right?

**Mr Pretzler:** I will have to take that question on notice because it is not my area.

**Mr McDONALD:** Are there any changes to improve the control of fire ants?

**CHAIR:** I do not think that is in the bill.

**Mr McDONALD:** Did you advocate for any changes regarding fire ants?

**Ms Smith:** We have a significant position in our advocacy around fire ants. We are seeking to work with the minister and the department on ways that councils can better partner with the state to achieve more effectiveness with regional groupings and better coordination.

**Mr McDONALD:** Thank you, Chair.

**CHAIR:** I knew you would get there—eventually! Member for Ipswich West, do you have a question?

**Mr MADDEN:** The member for Lockyer just took my question, but I might stay on biosecurity to some degree. This is probably more of a policy issue, Ms Smith. Is local government looking for broader powers to deal with biosecurity issues and not simply leave them for the department? I will not mention fire ants, but say fireweed and even animals. We pass legislation about animals but it is often for the councils to enforce. Are there other areas that the group that has been looking at this area have identified that we could look at in the future?

**Ms Smith:** Biosecurity is a really important topic in Queensland. If you just look at weeds as one example, there are 41 weeds of national significance, and Queensland has most of them. The best way to tackle biosecurity is to have that regional coordination and a local presence. Increasingly,

our councils are being asked to step up and do more. Our councils would like to be in a position to do more, but, ultimately, it is a conversation that needs to be had around resourcing. It is one thing to have legislation in place, but to actually bring it into effect requires resourcing on the ground. Currently, councils receive three per cent of all national taxation. They are not set up to take on the bigger responsibilities that it is thought can just be handed down. We call it 'cost shifting'. Our councils are very aware of the issues. They would like to do more. The only way they could do more is to be better resourced.

**Mr MADDEN:** This section gives some of the powers that are currently with the department to local government officers—right of entry when a fireweed is found on a property, the right to ensure that is destroyed, however that happens. Currently, that is dealt with by the department of agriculture, but without the local authority having to pass any laws this gives them the right to entry without notice and the right to take certain action to deal with biosecurity issues.

**Mr Pretzler:** Yes, that is correct. It is not without notice, but it changes the level of notice that you have to give. Previously, you were required to gain consent for entry but now you have to attempt to gain consent of entry. As I mentioned before, they are operational changes with which we are very happy. As my CEO stated, there is ongoing work in the background for further biosecurity matters.

**Mr MADDEN:** I am sure you are both aware that in drought times we have fodder being moved from one side of the country to the other, and we have 41 declared weeds. Suddenly we have giant rat's tail in Longreach when it has never been seen there before and we have fireweed in Barcaldine when it has never been seen there before. This is very important legislation.

**Mr HART:** Alison, I will stick with biosecurity. In terms of the deep burying of waste and access to property, is that something that councils have had an issue with in terms of the recent movement of fire ants in South-East Queensland?

**Ms Smith:** Rudi, are you in a position to answer that?

**Mr Pretzler:** I am not.

**Ms Smith:** That is okay. I am sorry, member. We will have to take that one on notice.

**Mr HART:** I am just wondering if it solves some of those issues, given you have been talking about it since 2019. Rudi, I think you said that this bill clearly outlines how to determine the breed of a dog; is that what you said?

**Mr Pretzler:** No, the bill is not outlining how to determine the breed of a dog. We are asking, through our submission and here today, to work with the state government to actually make those guidelines in the future. It is ongoing work that still has to happen.

**Mr HART:** Sorry, I misinterpreted that. This bill bans five dogs. The RSPCA just told us that four of them do not exist anyway, but that is preventative to stop them coming in. The other one is the American pit bull. If we do not have any way of solidly determining what is an American pit bull, how does that assist the council in moving forward with identifying that dog?

**CHAIR:** Perhaps if we cover how councils already identify pit bulls?

**Mr Pretzler:** It is really a case-by-case basis because there are no national guidelines on this. We are asking for those guidelines to be developed, but, as those breeds have been identified as dangerous for importation—there is a reason the national government made those rules a while ago—we want that consistency across the state. Currently, we are very happy in terms of consistency. In terms of the how that is to be handled on the ground, we need there to be ongoing work with the department in developing those guidelines.

**Mr HART:** As the member for Lockyer said, after Victoria made those changes the courts determined 73 per cent of the time to uphold those appeals because they could not determine whether they were actually American pit bulls as per the legislation. I assume that will be a problem for your councils as well?

**Mr Pretzler:** Yes, it will.

**Mr MADDEN:** A question of law?

**Mr HART:** This legislation bans five breeds of dog. What happens—and we are talking mainly about American pit bulls—if a council determines that a German shepherd is a dangerous dog? Does this legislation allow for only one QCAT appeal, or does it not change the situation at all?

**Mr Pretzler:** The wording is a difference between dangerous dogs and prohibited dogs. Those five breeds that have been named previously would be prohibited dogs. That means if you identified them as that breed of dog, you have actions to take to remove them from the community. A dangerous dog is declared as something that has actually taken dangerous actions within the community, and that could be any dog from a Chihuahua to a German shepherd.

**Mr HART:** This is not really going to change anything with regard to a dangerous dog and the number of appeals it goes through?

**Mr Pretzler:** That particular section, no. However, the changes to the QCAT appeal process and the effective control laws will have significant effects on how dangerous dogs will be handled in communities.

**Mr HART:** We are told there are only 10 of those dogs that are registered, so that is only going to assist you with 10 dogs in the whole state?

**CHAIR:** Is that dangerous dogs or dangerous breeds?

**Mr HART:** I am talking about dangerous breeds. It sounds like there is nothing in this legislation that stops multiple QCAT appeals regarding dangerous dogs; is that right?

**Mr Pretzler:** There are changes in the bill that would limit QCAT appeals by a matter of fact. If you identify that the facts are wrong, you can only appeal once.

**Mr HART:** Is it a fact around the breed or a fact around something else?

**Mr Pretzler:** A fact around the situation of the attack. That is a separate issue to the prohibited breeds.

**Mr HART:** On effective control, Alison, I have contacted the Gold Coast city council a number of times about dogs in backyards that do not seem to have effective control. Will this bill assist your members in solving that particular issue, or is that something we are still working on?

**Ms Smith:** Certainly the provision within this bill will enable stricter penalties to be meted out, which is a good deterrent. However, some of the work going forward that we would like to see is around the role of council officers as well as the actual safety of council officers and the ability of councils to effectively deal with individuals who are seeking to register their animal. There is still work to be done, but we are very welcoming of where this currently sits with these reforms.

**Mr Pretzler:** If I may add to what Alison has said, what the bill does with effective control is really only for effective control in public places. It provides a consistent approach across the state for effective control in public places. One of the changes we are still requesting through a future bill or future amendment is enclosure requirements for dangerous dogs, to actually make those consistent across the state. Currently there is very little that councils can do through their local laws that would provide a consistent approach to those. The example that you brought up with a dog in the backyard would fall more under that category than the effective control laws in the bill.

**Mr HART:** It is up to this committee to make recommendations to the government. Do you think we could recommend that this not only apply in a public place but also in a backyard, or does that cause you an issue?

**Mr Pretzler:** It probably would need different wording to be effective in a backyard as there are considerations for property laws and human rights that would probably be different for those specific circumstances. We have a technical working group that has been set up for this particular case, so the state government has a good resource. If there is an interest to reframe some of these things, we are very happy to work with them to reframe those things properly.

**Mr HART:** Do your councils have any stats on how many complaints you have about dogs not being in effective control in public versus in the backyard?

**Mr Pretzler:** Some of our members might have the statistics, but we do not have them with us at this stage.

**Mr HART:** Would you be able to take on notice, Alison?

**Ms Smith:** As LGAQ, we actually do not collate statistics and operational works from across our members. It would be a difficult thing to do. It would really be a council-by-council query that would have to be made.

**Mr HART:** Could we make one to, say, the Gold Coast city council, just out of interest?

**CHAIR:** Member for Burleigh, we can ask the Gold Coast city council directly to see if they have stats.

**Mr HART:** This is a major problem I have in my electorate, so I would really like some information on that.

**CHAIR:** I understand it is a problem there. How this is approached across the state and what they have said about the need for consistency is absolutely right. We can resolve to chase up the Gold Coast city council on the statistics regarding whether those attacks are in public places or on private property.

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There being no further questions, that concludes this hearing. I thank everyone who has participated today. Thank you very much for coming along. Thank you, Hansard, and thank you to our secretariat. There was a question taken on notice about biosecurity. We will email you directly with the wording of the question. If we could have a response by Tuesday, 19 December, we can include that in our deliberations. Thank you very much. I declare this public hearing closed.

**The committee adjourned at 12.37 pm.**