

## **Agriculture and Fisheries and Other Legislation Amendment Bill 2023**

**Submission No:** 2  
**Submitted by:** Kym Waters  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

**Submission: \***



## **Inquiry into Agriculture and Fisheries and Other Legislation Amendment Bill 2023**

Submissions close 4pm on 15 December 2023

### **Agriculture and Fisheries and other Legislation Amendment Bill 2023**

**Kym Waters,** [REDACTED] **28<sup>th</sup> of November 2023**

Dear Parliamentary Committee,

I am writing to express my concerns regarding the proposed changes in the Dangerous Dog Act Bill 2023. I am a concerned citizen and dog owner who has been through a declared dog process with the Brisbane Council, where the implementation of a dangerous dog was enacted. The whole process has left our family under further financial constraints. The council didn't review the incident in full or make further investigations; they only relied on the facts that were collated by the complaining party and legislation. There were no witnesses under oath who actually saw the incident; only the person who complained. We believe our family dog had been let out by one of the neighbouring fencing trades or painters, where our dog and another were involved in an altercation. Our dog was severely injured, and so was the other dog. As I was at work when this incident happened, I wasn't the first to complain to the council and was locked out of any recourse and had to rely on the legislation for appeal and repeal provisions. To this day, I believe the person dog snapped at our dog first, causing a reaction, and the dog got into a brief disturbance. To date, we have been issued thousands of dollars in fines and an ongoing, never-ending \$500.00 yearly permit fee to keep our family dog with the overhanging destruction order. We felt this process was a huge money generator that doesn't offer training or benefits to a dog owner with these provisions only costs. I believe that these changes may not effectively address the root causes of dog attacks and could potentially lead to unfair treatment of certain dog breeds and their owners. It will also lead to unnecessary financial pressures and incarcerations for other families in the community who may find themselves in a situation where current or amended legislation will severely impact them. I wanted to highlight the issues that need to be considered.

Queenslanders are currently under economic conditions of inflation, interest rates, rental hikes, and increasing homelessness, living in tents across Brisbane. I'm worried that low- to medium-income demographic environments may be severely impacted by the proposed amendments without careful consideration as more people have dog since covid 19.

Here are the main points of the proposed legislative amendments:

1. **Banning of Certain Dog Breeds:** The legislation proposes a ban on five restricted breeds, such as the American pit bull terrier.
2. **Tougher Penalties for Reckless Owners:** The proposed law changes introduce tougher penalties for owners whose dogs cause serious harm or death, including up to three years' jail or \$108,000 in fines.
3. **Streamlining Local Government Decisions:** The legislation aims to streamline local government decisions in terms of seized dangerous animals by limiting QCAT review processes.
4. **\$7 million training grant supporting** government funding

I propose the following considerations for drafting the legislation:

1. **Establishment of an Animal Management Centre (AMC Code) :** This centre would develop an animal management code, hear all QCAT matters related to animals, collect all registrations of dogs, provide approvals for registrations once completed training has been obtained, and be responsible for declaring and managing dangerous dogs in QLD. Providing training as a young animal to teach nonaggressive training that inhibits positive behaviour around other dogs and reduces aggressive dog behaviours at a young age This would have a flow-on effect on a reduction in clogging up the QCAT system with animal-related matters. Use the seven million-dollar grant to develop AMC, along with ongoing registration fees for each council area.
2. **Retraction of a Dangerous Dog Declaration:** There should be a provision for the retraction of a dangerous dog being declared if the Animal Management Centre is confident that the proposed dog is not a dangerous dog or that the ownership and keeping of the dog are of a high standard and don't pose a risk to the community.
3. **Support for the RSPCA's View:** We support the RSPCA's view that a dog's breed is not an indication that a specific breed is guaranteed to be dangerous. The current minister isn't listing RSPCA members who were involved in the taskforce.
4. **Involvement of the People's Feedback:** Need more time to draft legislation. Good legislation should not be rushed, and more time should be set aside to involve the power of the people's feedback to decide these changes, not just our currently formulated seated government process, as legislation can be rushed in and used as government accomplishments to get re-elected to parliament.
5. **Repeal Provision:** Repeal Provision: We propose adding a 'repeal' and provocation provision into the legislation so that persons who have a declared dangerous dog can attend and comply with additional required training, whereby once the training is completed, the dangerous dog declaration is cancelled. subject to minor , major, or death of persons or an animal provisions test. In certain circumstances, a defence can be applied where the alleged dog attack was in direct response to a provocative act or actions by the alleged victimised person or dog, as there are no current provisions available

6. **Removal of Incarcerations:** We propose the removal of incarcerations for persons who are said to have breached the legislation. This could place people in a crowded prison system that could severely change their current and future prospects and introduce them to a network of criminal activities that may have further impacts on the community.
7. **Independent Queensland Laws:** We propose that the laws for Queensland should not be in conjunction with other states' legislation. Queensland law should be for all Queenslanders and be designed for the Queensland environment or location.
8. **Similarity to the Mental Health Act Provisions:** We propose that the seriousness of changes should be viewed and made like the Mental Health Act provisions. They have their own courts, and decisions are made by persons who have experience to ensure all matters are dealt with fairly and promptly, not by a system that isn't specially formulated by design. This will reduce unnecessary decisions and help give transparency to the code system.
9. **Removal of Ambiguity:** We propose the removal of the word 'fear' from the legislation as it is too ambiguous and does not provide clear actions. There are a lot of people in the community where their dog has barked at someone, and because of this, a council has declared the dog dangerous with no further recourse to the dog owners, just fees and cage requirements enacted at the residence together with further responsibilities. I know of an MP who explained that their neighbour's dog barked at the postman who complained to the council that enacted a declaration of dog and there was no grievous body harm, just fear. That's what dogs do, they bark.

The current government has not reviewed the whole of the legislation, and we say there has been a band-aid approach that won't actually fix what is wrong with the current legislation and will put further pressure on the residents of Queensland.

I respectfully request your support in reconsidering these changes to ensure that the legislation is fair, effective, and addresses the root causes of dog attacks.

Thank you for your attention to this matter.

Kind regards

Kym Waters

[REDACTED]

[REDACTED]

Added information for Kym Waters [REDACTED]

Petition link:

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Petitions/Petition-Details?id=3999>

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## THE PROPOSED CHANGES UNDER THE AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL 2023

Eligibility - Queensland residents

### Principal Petitioner:

Kym Waters  
35 Thomas Macleod Avenue  
SINNAMON PARK QLD 4073

Total Signatures - 343

Sponsoring Member: The Clerk of the Parliament

Posting Date: 1/12/2023

Closing Date: 11/2/2024

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### TO: The Honourable the Speaker and Members of the Legislative Assembly of Queensland

Queensland residents draws to the attention of the House the banning of certain dog breeds; tougher penalties for reckless owners and streamlining local government decisions.

Your petitioners support the RSPCA's view that a dog's breed isn't an indication of guaranteed danger.

Your petitioners believe in consultation and people's feedback in legislation processes and not rushing good legislation.

Your petitioners propose adding a 'repeal' provision in the legislation allowing persons with a declared dangerous dog to attend and comply with additional required training, leading to the cancellation of the dangerous dog declaration once the training is completed.

Your petitioners propose adding a 'repeal' provision in the legislation allowing persons with a declared dangerous dog to attend and comply with additional required training, leading to the cancellation of the dangerous dog declaration once the training is completed.

Your petitioners support the RSPCA's view.

Your petitioners support the development of an animal provocation test. In certain circumstances a defence can be applied where an alleged dog attack was in direct response to a provocative act or actions by the alleged victimised person or dog as there are no current provisions available.

Your petitioners, therefore, request the House to do all within its power to amend the Agriculture and Fisheries and Other Legislation Amendment Bill with the following proposals.

- The establishment of an Animal Management Centre (AMC Code) to develop an animal management code, manage all QCAT matters related to animals, oversee dog registrations and dangerous dog declarations in Queensland.
- A provision for retracting a dangerous dog declaration if the AMC is confident that the dog isn't dangerous or the ownership and keeping of the dog is of a high standard.
- A provision to support an animal provocation test within the repeal provisions.

THE

WORK OF

MEMBERS

EVENTS AND

STAY IN TOUCH

**ABC Article:** How By laws are not effective and a more encumber some approach will help safe guard in the community by providing training before obtaining a dog registration using Animal Management Code to address ongoing and future life between everyday life and having animals.

# Queensland is cracking down on dangerous dogs, but some say banning them is complicated

[ABC Gold Coast](#)

/ By [Nicholas McElroy](#)

Posted Fri 6 Oct 2023 at 7:58amFriday 6 Oct 2023 at 7:58am, updated Fri 6 Oct 2023 at 3:14pmFriday 6 Oct 2023 at 3:14pm



Experts say it can be hard to define exactly what a pit bull terrier is. *(Flickr: This Year's Love)*

[abc.net.au/news/queensland-dangerous-dog-breed-bans-attacks-explained/102763790](https://abc.net.au/news/queensland-dangerous-dog-breed-bans-attacks-explained/102763790)

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Distressing dog attacks have at times prompted governments to call for bans on certain breeds.

That's happening again, this time in Queensland.

But experts say research shows bans alone don't work and could even lead to animals being harmed.

## **Why are we talking about banning dogs?**

High-profile attacks in Queensland, including on [a six-year-old girl at Woodridge](#) and on [an electricity meter reader at Greenbank](#), have prompted the state government to propose stronger dog laws.

One proposed change is to ban the ownership of five breeds including dogo argentino, fila brasileiro, Japanese tosa, pit bull terrier, and presa canario.

The breeds are already banned from being imported to Australia.

However, residents are allowed to own them in Queensland under certain circumstances.

And that's what the state government is looking to put an end to.

But there are concerns that breed bans might not be the answer.

YOUTUBEState government proposes law changes to dog ownership.

## **How are 'restricted breeds' enforced?**

On the Gold Coast, for example, council workers determine if a dog is from a dangerous breed after a "visual assessment".

Basically, that involves trained staff identifying the animals by eye.

"If the officer believes the dog is a restricted breed the owner is asked to provide evidence proving the dog breeds," the council said in a statement.



Can you tell what breed this pup is? It's apparently a mix of great dane or staffy. *(Supplied: Jesse Crothers)*

When an owner can't offer up any evidence, the dog can be declared a banned breed whether it is a "purebred, or a crossbreed consisting of a restricted breed".

That means the owner is not allowed to keep the dog on the Gold Coast.

But this is rare, according to the council.

The city, home to about 650,000 people, has only identified three banned dogs in the past three years.

All three dogs were identified as pit bull terriers.

## **Is this approach accurate?**

Not according to Isabelle Resch, from the Australian Veterinary Association (AVA).

"There is no way that you could legally prove a breed on a visual assessment," Dr Resch, who is president of the AVA's behaviour special interest group, says.





Isabelle Resch has a special interest in animal behaviour. *(Supplied: Isabelle Resch)*

She says identifying by sight is "incredibly inaccurate".

On the Gold Coast, owners can use a certificate from a veterinarian or breeder papers as proof to keep their dog.

But there are even difficulties with this type of proof.

"Even on a DNA test, it is impossible to establish exact breed," Dr Resch says.

## **How could these rules harm dogs?**

She says it can lead to dogs being impounded while owners fight in court to keep their pets.

"Legal proceedings are not kind on anyone," Dr Resch says.

"They're expensive, but they're particularly unkind to the dog if that dog is impounded because it takes months to years to get through a legal case."

Rachel Woodrow, from the RSPCA in Queensland, also says tougher breed-specific laws could prompt costly disputes.

"The research does show that there is so much difficulty in being able to prove these dog breeds that it just can't be effective, and it ends up costing quite a lot of money," Ms Woodrow says.

The proposed changes to the Animal Management Act are outlined in the [state government's discussion paper](#).

Alison Smith, from the Local Government Association of Queensland, says a key recommendation is to fast-track decisions and appeals against seized dangerous animals.

She says councils are being forced to spend hundreds of thousands of dollars on legal fees because of "irresponsible owners".

"For too long, irresponsible dog owners have been able to hold the community and councils to ransom," she says.

"That needs to change."

## **How common are dog attacks?**

Public health studies estimate there are about 100,000 dog attacks in Australia each year, and people end up being hospitalised in about 3 per cent of attacks.

An even smaller portion of attacks make it into the news, and when they do the outcome is usually devastating.

That's because about 80 per cent of attacks happen in the home and children are three times more likely to be hospitalised from an attack.

Dr Resch notes that dog attacks still happen even though it's extremely rare to find the restricted breeds in Australia.

"So, to put it simplistically and say 'you are this breed of dog, so therefore you are more likely to attack a person' is just really way too simplistic and a very biased view," she says.

"It's a little bit like saying 'all redheads will behave in this way'."

## **Concerns around 'fear' in proposed legislation**

The Queensland government received more than 3,600 online survey submissions and 300 written submissions during the consultation period.

Agriculture Minister Mark Furner says the changes will be introduced in the coming months.

"These submissions are being evaluated with a view to legislating stronger dangerous dogs laws in coming months," a ministerial spokesperson said.

Animal Welfare League Queensland (AWLQ) is among the thousands who wrote a submission.

The organisation is taking issue with the language of the proposed laws.



Thousands of submissions were received during the consultation period.*(Supplied: James Maasdorp)*

The government says aims to toughen penalties for owners of dogs that attack or "act in a way that causes fear to a person or another animal".

AWLQ chief executive Denise Bradley says the phrasing is too broad.

She says it is important to distinguish between real aggression in dogs and normal protective behaviour.

"Fear perception can vary significantly among individuals, largely shaped by personal experiences and inherent phobias," she says.

"Penalising a dog or its owner under such circumstances seems unduly punitive and disregards the individual's unique behavioural response."

## What else could change?

Other potential changes to the state legislation include bringing Queensland into line with the rest of the country by proposing [potential prison terms](#) for dog owners involved in the most extreme attacks.



People can have different reactions when they see a dog.(ABC Rural: Eden Hynninen)

There may also be on-the-spot fines if a dog is not being "effectively controlled" in public places and a community education campaign.

RSPCA link: <https://www.rspcaqld.org.au/what-we-do/welfare-awareness/companion-animals/breed-legislation>

## Breed specific legislation

Breed specific legislation (BSL) is viewed as one solution to preventing future attacks or dog bite incidents, or at least reducing their incidence.

The breeds banned are regarded as high risk breeds or breeds that have been bred specifically to enhance aggressive behaviours. Other factors such as the dog's early experiences, its socialisation with humans, training, health, and the behaviour of the victim will all influence the dog's behaviour.

The RSPCA does not support BSL. Our view, based on the available international scientific evidence, is that any dog may be dangerous and that dogs should not be declared as 'dangerous' on the basis of breed. The RSPCA does not believe that BSL is in any way effective in preventing or reducing dog attacks or in protecting the public from dangerous dogs.

The Australian Veterinary Association (AVA), along with the National Veterinary Associations of Britain, the United States and Canada have all recognised that breed specific approaches to dog breed regulations are not effective as they do not protect the general public from dog attacks.

For a full explanation of the RSPCA's position on BSL please visit the [RSPCA Australia Knowledgebase](#).

## Animal Welfare Alternatives

The RSPCA supports strategies to prevent the risk of aggressive dogs in the community and the risk of dog bites. A prevention strategy for dog attacks must contain the following key elements:

- All domestic dogs should be confined to the owners property or on a leash when out in public (unless being exercised in a designated off-leash park).
- Local animal management must include provisions for the control of menacing dogs. Such provisions should include close confined of a menacing dog and appropriate signage on properties housing a menacing dog.
- All dogs should be desexed except those that are specifically for breeding purposes.
- The public, and particularly children, must be made aware of how to behave around unfamiliar dogs and how to identify threatening behaviour in a dog.
- All dogs and their owners should attend dog training classes.
- All dogs must be socialised with people and other animals from an early age.

Extract of discussion paper survey Kym Waters : Annexure A Dangerous dog laws consultation  
Dangerous dog laws consultation

Q1

15/08/2023 5:14:57 PM responsible ownership is a high priority as a key primary prevention strategy.

Answer: I strongly disagree.

I believe there is a pressing need for comprehensive reform of the current legislation in Queensland. With a higher pet ownership rate per capita than ever before, it's crucial to shift focus from punitive measures to immersive training initiatives. A step-by-step approach should be considered instead of merely increasing penalties, which can unfairly impact dog owners who have no prior convictions. The priority lies in creating an evidence-based community education campaign to promote responsible ownership as a primary prevention strategy. We need to have a new Queensland Animal Management Code Bill 2023, similar to the Mental Health Act implementation in 2000, to help facilitate a more controlled process and a more focused approach to relieve previous court systems that didn't allow for a clear understanding of each matter. See below an example of the Queensland Animal Management Code to be formatted like the Queensland Criminal Code can be used in conjunction to give definition along with common law.

The proposal suggests a comprehensive overhaul of existing animal-related laws and regulations. All council by-laws and the current Act would be replaced by the Animal Management Code, drafted from current legislation and modeled after the Queensland Criminal Code for animal breaches. Additionally, an Animal Management Centre would be established, functioning similarly to the Transport of Main Roads office with its QCat Civil system to handle animal-related matters, reducing QCAT's workload.

The Animal Management Centre would facilitate various activities, including veterinarian services and RSPCA adoption. It aims to streamline animal-related services and ensure the efficient handling of legal matters.

Specific registrations for individual breeds would be introduced, allowing tailored training programmes focusing on understanding each breed's characteristics and responsible ownership. Registration licences would be issued to promote accountability among dog owners.

Under this proposal, all councils would relinquish their animal-related services, and the Animal Management Centre would assume these responsibilities. This centralisation aims to create a more unified and efficient approach to animal management, allowing people to continue owning dogs while ensuring better regulation and welfare standards.

#### Example reform legislation: Queensland Animal Management Code Bill 2023

An Act to regulate the management, control, and welfare of cats and dogs in Queensland, to be known as the "Queensland Animal Management Code,"

#### Part 1: Preliminary

Short Title This Act may be cited as the "Queensland Animal Management Code 2023."

Commencement This Act shall commence on a date to be proclaimed.

Part 2: Interpretation 3. Definitions In this Act, unless the context otherwise requires: (a) "Act" means the Queensland Animal Management Act; (b) "Code" means the Queensland Animal Management Code; (c) "Government Animal Branch" means a specialized department designated by the Queensland government to deal with matters related to dangerous dogs; (d) "Dangerous Dog" means a dog deemed to be dangerous under this Code; (e) "Registered Vet" means a veterinarian registered under the Veterinary Surgeons Act 1936.

#### Part 3: Responsible Ownership and Public Safety

Amendment of Section 15: Evidence-Based Community Education Campaign Section 15 of the Act is hereby amended as follows: "(1) The development and implementation of an evidence-based community education campaign for responsible ownership shall be a high priority as a key primary prevention strategy.

(2) The campaign shall be designed to ensure effective compliance with the regulations set forth in this Code and to promote public safety by preventing dog-related incidents.

(3) The campaign shall be accessible to all members of the community to comply with the right to education (Universal Declaration of Human Rights, Article 26) and provide information on responsible dog ownership."

Amendment of Section 20: Leads Appropriate to Breed Section 20 of the Act is hereby amended as follows: "(1) There shall be no banning of breeds under this Code.

(2) Dog owners shall be required to use leads that are appropriate for their dog's breed and size when walking them in public places. Different types of dogs and strengths shall be considered to ensure safe and controlled walks."

#### Part 4: Public Control of Dogs

Amendment of Section 25: State-Wide Requirement for Public Control Section 25 of the Act is hereby amended as follows: "(1) Dogs shall be effectively controlled in public places across Queensland to maintain public safety and protect the right to freedom of movement (Universal Declaration of Human Rights, Article 13).

(2) A new state-wide requirement for public control of dogs shall be established in this Code to ensure consistency and prevent inconsistent regulations across different regions."

Insertion of New Section 30A: Dog Registration and Animal Training Requirement The Act is hereby amended by inserting the following new section: "(1) All dog owners shall apply for and pay dog registration fees to the Queensland Animal Management Centre.

(2) As a condition of dog registration, the declared owners shall apply to undertake animal training related to the given animal they apply for. The training shall focus on social engagement with other dogs, following the rules of interaction as prescribed under this Code.

(3) The aim of the animal training is to promote responsible pet ownership, enhance public safety, and ensure proper socialisation of dogs."

#### Part 5: Penalties for Attacks Involving Regulated Dogs

Amendment of Section 35A: Inclusion of Imprisonment as the Maximum Penalty Section 35A of the Act is hereby amended as follows: "(1) A new offence shall be included in this Code, allowing imprisonment as a maximum penalty for the most serious dog attacks.

(2) The severity of the penalty shall be carefully balanced to protect public safety while respecting the right to security of person (Universal Declaration of Human Rights, Article 3)."



## Part 6: Destruction Orders for Regulated Dogs

Amendment of Section 40: Amendments to Destruction Order Criteria Section 40 of the Act is hereby amended as follows: "(1) Amendments shall be made to this Code to clearly outline the conditions for issuing destruction orders for regulated dogs to prevent ambiguity and potential misinterpretations in enforcing the law.

(2) The right to due process (Universal Declaration of Human Rights, Article 10) shall be upheld by ensuring that destruction orders are issued following proper procedures and careful consideration of evidence."

## Part 7: Appeals and Council By-Laws

Amendment of Section 45A: Three-Step System for Dangerous Dog Applications Section 45A of the Act is hereby amended as follows: "(1) Local councils are prohibited from making dangerous dog applications for first-time offenders.

(2) A three-step system shall be followed for dangerous dog applications: (a) Step 1: A referral of the proposed dangerous dog, including a detailed description of the incident and supporting photos showing grievous bodily harm as described in the Queensland Criminal Code, shall be submitted to the Government Animal Branch. (b) Step 2: Reports from two Registered veterinarians shall be obtained, independently assessing whether the nominated dog is a dangerous dog under the Act. (c) Step 3: Based on the information collected from Steps 1 and 2, the Government Animal Branch shall decide if the dog should be deemed a dangerous dog.

(3) Fear of someone's dog shall not be considered a key factor in determining a dangerous dog."

Amendment of Section 50: Appeals from External Review Decisions Section 50 of the Act is hereby amended as follows: "(1) Appeals from external review decisions on destruction orders shall not be restricted without proper legal grounds or adequate justification to uphold the right to justice and a fair trial (Universal Declaration of Human Rights, Article 10).

(2) Individuals shall have the right to seek a fair trial and challenge decisions they believe are unjust."

Part 8: A Guide to Looking After Your Animals 12. Insertion of New Section 55A: Guide on Looking After Your Animals The Act is hereby amended by inserting the following new section: "(1) The Queensland Animal Management Code shall include a comprehensive guide on looking after cats and dogs, promoting responsible pet ownership, and ensuring the welfare of animals.

(2) The guide shall be published and made available to the public, providing essential information on pet care, health, and behaviour with the aim of fostering a better understanding of responsible pet ownership."

## Part 9: Repeal and Transitional Provisions

**Repeal and Transitional Provisions** The Animal Management (Cats and Dogs) Act of 2008 is hereby repealed. Any matters or proceedings commenced under the Animal Management (Cats and Dogs) Act 2008 shall continue under the Queensland Animal Management Code 2023 as if they had been commenced under this Code.

By this Act, the Queensland Animal Management Code 2023 is

Q.2

Do you support dog breeds that are restricted under Commonwealth legislation being banned in Queensland?

Answer: Strongly disagree

Regarding the question of whether dog breeds restricted under Commonwealth legislation should be banned in Queensland, it is essential to consider various perspectives and factors.

In the past, countries like the UK have implemented breed-specific legislation (BSL), which bans or restricts certain dog breeds considered to be dangerous. The UK's Dangerous Dogs Act of 1991 is one such example of BSL. This legislation targeted specific breeds, such as Pit Bull Terriers, and imposed strict restrictions on ownership, including mandatory muzzle and leash requirements.

However, BSL has faced criticism from some experts and organisations. Studies have shown that breed-specific bans do not necessarily lead to a reduction in dog-related incidents. Instead, many

argue that such laws may create a false sense of security, as aggressive behaviour in dogs is not solely determined by their breed but is influenced by factors such as training, socialisation, and individual temperament.

In contrast, other countries and regions, including some parts of Australia, have taken a different approach. Rather than focusing on specific breeds, they have shifted towards regulating individual dog behaviour and promoting responsible pet ownership. This includes measures such as mandatory dog training, microchipping, and owner education programmes.

In Queensland, instead of an outright ban on restricted breeds under Commonwealth legislation, the proposed Animal Management Code can focus on responsible ownership and behaviour-based regulations. By emphasising responsible pet ownership, appropriate training, and socialisation, the Code aims to create a safer environment for both the community and animals.

Comparing the Animal Management Code to BSL, it takes a more comprehensive and evidence-based approach to address dangerous dog behaviour. Rather than solely targeting specific breeds, the Code aims to address the root causes of aggression and implement measures that are effective and fair.

In conclusion, the decision on whether to support dog breeds restricted under Commonwealth legislation being banned in Queensland involves careful consideration of the most effective and equitable approach to promoting public safety and responsible pet ownership. The comparison with previous UK dog laws and other Australian regulations highlights the importance of evidence-based legislation that focuses on behaviour and responsible ownership rather than breed-specific restrictions.

Q.3

Do you support the introduction of a new state-wide requirement for dogs to be effectively controlled in public places?

Answer: Strongly disagree

The introduction of a new state-wide requirement for dogs to be effectively controlled in public places is a complex issue with both potential benefits and challenges. While the intention behind such a requirement is to promote public safety and responsible pet ownership, there have been instances across global locations where the implementation of similar regulations did not yield the desired outcomes and even led to negative behavioural problems in dogs.

Negative situations have been observed in places where the requirements were introduced without proper public education and awareness campaigns. If dog owners are not adequately informed about the importance of effective control and responsible behaviour in public places, they may struggle to comply with the regulations, leading to incidents and negative behavioural outcomes.

Additionally, if there is a lack of accessible resources for dog training and socialisation, some owners may find it difficult to provide the necessary training for their dogs, resulting in a failure to effectively control their pets in public spaces.

In some cases, strict enforcement of these requirements without considering individual circumstances and the temperament of each dog can also lead to unintended consequences. For example, some dogs may become anxious or reactive when subjected to overly controlling measures, exacerbating their behavioural problems and creating a negative cycle.

Furthermore, breed-specific legislation or broad, indiscriminate restrictions on certain dog breeds may lead to a false sense of security and divert attention from the importance of responsible pet ownership and individual dog behaviour.

To ensure the successful implementation of state-wide requirements for controlling dogs in public places, it is crucial to consider these potential challenges and adopt a comprehensive approach. Public education campaigns that emphasise the benefits of responsible pet ownership and training can help foster a culture of compliance and understanding. Accessible resources for dog training and socialisation should also be made available to support dog owners in meeting the requirements effectively.

Moreover, flexibility and individual consideration should be applied in enforcing the regulations, accounting for the unique characteristics and needs of each dog. This approach can help prevent negative behavioural problems and promote positive outcomes for both dogs and the community.

In conclusion, while supporting the introduction of state-wide requirements for effectively controlling dogs in public places, it is essential to be mindful of the potential challenges observed in

some global locations. By addressing these issues through education, accessible resources, and flexible enforcement, it becomes possible to create a safer and more harmonious environment for both dogs and the community.

Q.4

Do you support the review of penalties in the Act relating to attacks involving regulated dogs to better reflect community expectations?

Answer: Strongly disagree

We do not support the review of penalties in the Act relating to attacks involving regulated dogs to better reflect community expectations. Similar laws in the UK and other states of Australia have shown that relying solely on penalty reviews is not sufficient to address the issue effectively.

In the absence of a comprehensive approach, merely adjusting penalties may lead to disproportionate punishments and concerns about fairness. Additionally, without addressing the root causes of aggressive behaviour in dogs and promoting responsible pet ownership, harsher penalties alone may not serve as effective deterrents against dog attacks.

Instead, we advocate for a holistic approach that incorporates education, training, and responsible ownership. By learning from past experiences and integrating human rights principles, such as the Universal Declaration of Human Rights (UDHR) and relevant international law treaties, we can ensure a fair and just approach while promoting public safety and responsible pet ownership. The Animal Management Centre is the best way to accommodate this.

Q.5

Do you support the inclusion of a new offence in Queensland law, including imprisonment as a maximum penalty for the most serious dog attacks?

Answer: Strongly disagree

No, I do not support the inclusion of a new offence in Queensland law that includes imprisonment as a maximum penalty for the most serious dog attacks. Imprisonment as the ultimate punishment can place significant stress on the alleged offender's family and may lead to an increase in the prison population, potentially causing further offences and mental health challenges.

Instead, a step-by-step process within the Draught Animal Management Code should be considered. This process can include mandatory dog registration, where responsible ownership and training requirements are outlined before registration approval. By promoting education and responsible pet ownership, we can prevent incidents and create a safer environment for both the community and dogs.

Additionally, implementing counteractive steps such as specialised training for dogs involved in serious attacks can be more effective in addressing the root causes of aggressive behaviour. Focusing on rehabilitation and behaviour modification can lead to better outcomes for the animals and ensure public safety without resorting to imprisonment as the primary solution.

In conclusion, we believe that a more comprehensive and proactive approach, consisting of responsible ownership education, registration, and specialised training, is the key to addressing serious dog attacks. Imprisonment should be considered only in extreme cases where all other measures have been exhausted to ensure a fair and balanced response that prioritises the welfare of both the community and the animals involved.

Q.6

Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

Answer: I strongly disagree.

No, I do not support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog. The available evidence does not sufficiently justify the necessity of these changes.

Over the past five years in Queensland, the instances of declared dangerous dog attacks have shown a decline. This suggests that the existing legislation has been effective in curbing such incidents without the need for additional amendments. It is important to consider this trend before making substantial changes to the Act.

Furthermore, the current legislation has not been successful in establishing effective dog training programmes for owners. This highlights a gap in the approach, as responsible pet ownership involves proper training to ensure the long-term well-being of the animals. Instead of focusing on destruction orders, the emphasis should be on providing resources and education to prevent incidents from occurring in the first place.

It is essential to uphold the principle that it is not a human right to resort to destroying dogs that have not been adequately trained. The emphasis should be on prevention and education to promote responsible dog ownership and ensure a safe and harmonious coexistence between dogs and the community.

Q.8

If you have any final comments, please provide them here.

Provided: Animal management centre and new animal code law system introduction.

Creating a comprehensive Animal Management Code is essential to addressing dangerous dog incidents while upholding human rights and promoting responsible pet ownership. By implementing

a unified code of conduct, we can seamlessly merge criminal law principles with the appropriate human rights acts, ensuring the welfare of both animals and people.

A critical component of this vision is establishing an all-encompassing Animal Management centre. This centre would not only provide a streamlined process for animal-related matters but also offer vital training facilities. These facilities would help owners understand their responsibilities, contribute to the proper care of animals, and prevent incidents.

The code would serve as a framework for addressing dangerous dog issues, utilising clear and transparent processes accessible to all Queenslanders. Similar to the revolutionary approach of the Mental Health Act 2001 for mental illness matters, where dedicated courts were opened to provide understanding and care, a new animal law code would ensure a consistent approach in dealing with animal and human situations. This approach acknowledges the unique aspects of these situations and avoids unjust outcomes.

The envisioned Animal Management Centre would encompass various services, including training facilities, civil and administrative tribunal functions, registration processes, and renewal of existing registrations. It would also include the entirety of animal management services offered by local councils and the power to coordinate assistance from other council areas, especially in remote and country regions. This holistic approach is designed to foster responsible pet ownership, maintain public safety, and ensure the welfare of animals and the community.

Much like the transformation brought about by the Mental Health Act, this unified system has the potential to set an example for other regions globally. By providing a caring and inclusive framework for animals and humans alike, we can avoid undue punishment and create a harmonious environment that respects rights, fosters understanding, and promotes responsible behaviour.

Further information can be provided to help government introduce the Animal management centre application and system processes and code law.

Kind regards

Kym Waters



Email to members of parliament:

Dear Matt,

I extend my gratitude for your response on behalf of Mr. Jarrod Bleijie, MP. Your recognition of my concerns and the concerted efforts of the LNP in addressing the urgent matter of dog attacks and related legislation is duly noted.

Acknowledging the intricate nature of this issue, I wish to underscore the immediate necessity for a novel approach to tackling these challenges. To this end, I propose the formulation of a comprehensive Animal Management Code, designed to furnish a lucid and efficacious framework for addressing incidents involving dangerous dogs / animals, all the while safeguarding the rights of both animals and humans and the Animal Management Centre to work in conjunction.

The envisaged bill aims to present an intricate delineation of the Animal Management Code law and its operational protocols. Drawing insights from my involvement in local council bylaws and informed by the recent revelations of governmental lacunae in the current legislation's efficacy, I am enthusiastic about effecting changes that resonate with our community's concerns.

The pivotal enquiries I raised earlier are of paramount importance, as they mirror government-admitted inadequacies in the extant legal framework. The suggested code seeks to rectify these insufficiencies through a holistic approach encompassing education in responsible ownership, streamlined registration procedures, innovative training initiatives, and an equitable and proficient tribunal system.

My personal observations have illuminated the exasperation and discontentment prevalent among community members, attributable to the stringent penalties and constraints that frequently emanate from the prevailing paradigm. I am confident that overhauling the current Animal Management ( Cats and Dogs ) Act 2008 Dangerous dog with an Animal Management Code will not only address these grievances but will also find resonance among numerous citizens and animal enthusiasts who share these sentiments.

The conceptualisation of an Animal Management Centre, predicated on principles of comprehensive training, registration endorsement, and an equitable tribunal system, dovetails with the successful models we have witnessed in the Criminal Code and the Mental Health Act reforms. In the midst of an escalating population of dogs, cats, and other resident animals, our reliance on these creatures for companionship and assistance has only intensified. It is thus incumbent upon our legislation to reflect this reality and advocate for harmonious cohabitation.

I hold the conviction that the implementation of a novel Animal Management Code can yield groundbreaking transformation, likely to be greeted with favour by our community and potentially on a global scale. Analogous to the innovation and contemporaneity attributed to the Criminal Code and Mental Health Act reforms, this initiative has the potential to establish an affirmative precedent in animal management jurisprudence.

I beseech you and Mr. Bleijie to appreciate the ramifications of these envisaged alterations and the constructive ramifications they can engender, not solely for animal welfare but also for the government's reputation and progress. As we steer our gaze towards the future, I firmly believe that addressing these concerns can serve as a robust cornerstone for your upcoming election campaign, galvanising support from an eclectic spectrum of citizens and animal advocates.

Concurrently with this, I've drafted the Queensland Animal Management Code Bill 2023, a preliminary version necessitating further refinements:

#### New Queensland Animal Management Code Bill 2023

An Act to regulate the management, control, and welfare of cats and dogs in Queensland, to be known as the "Queensland Animal Management Code,"

#### Part 1: Preliminary

Short Title This Act may be cited as the "Queensland Animal Management Code 2023."

Commencement This Act shall commence on a date to be proclaimed.

Part 2: Interpretation 3. Definitions In this Act, unless the context otherwise requires: (a) "Act" means the Queensland Animal Management Act; (b) "Code" means the Queensland Animal Management Code; (c) "Government Animal Branch" means a specialized department designated by the Queensland government to deal with matters related to dangerous dogs; (d) "Dangerous Dog" means a dog deemed to be dangerous under this Code; (e) "Registered Vet" means a veterinarian registered under the Veterinary Surgeons Act 1936.

#### Part 3: Responsible Ownership and Public Safety

Amendment of Section 15: Evidence-Based Community Education Campaign Section 15 of the Act is hereby amended as follows: "(1) The development and implementation of an evidence-based community education campaign for responsible ownership shall be a high priority as a key primary prevention strategy.

(2) The campaign shall be designed to ensure effective compliance with the regulations set forth in this Code and to promote public safety by preventing dog-related incidents.

(3) The campaign shall be accessible to all members of the community to comply with the right to education (Universal Declaration of Human Rights, Article 26) and provide information on responsible dog ownership."

Amendment of Section 20: Leads Appropriate to Breed Section 20 of the Act is hereby amended as follows: "(1) There shall be no banning of breeds under this Code.

(2) Dog owners shall be required to use leads that are appropriate for their dog's breed and size when walking them in public places. Different types of dogs and strengths shall be considered to ensure safe and controlled walks."

#### Part 4: Public Control of Dogs

Amendment of Section 25: State-Wide Requirement for Public Control Section 25 of the Act is hereby amended as follows: "(1) Dogs shall be effectively controlled in public places across Queensland to maintain public safety and protect the right to freedom of movement (Universal Declaration of Human Rights, Article 13).

(2) A new state-wide requirement for public control of dogs shall be established in this Code to ensure consistency and prevent inconsistent regulations across different regions."

Insertion of New Section 30A: Dog Registration and Animal Training Requirement The Act is hereby amended by inserting the following new section: "(1) All dog owners shall apply for and pay dog registration fees to the Queensland Animal Management Centre.

(2) As a condition of dog registration, the declared owners shall apply to undertake animal training related to the given animal they apply for. The training shall focus on social engagement with other dogs, following the rules of interaction as prescribed under this Code.

(3) The aim of the animal training is to promote responsible pet ownership, enhance public safety, and ensure proper socialisation of dogs."

#### Part 5: Penalties for Attacks Involving Regulated Dogs

Amendment of Section 35A: Inclusion of Imprisonment as the Maximum Penalty Section 35A of the Act is hereby amended as follows: "(1) A new offence shall be included in this Code, allowing imprisonment as a maximum penalty for the most serious dog attacks.

(2) The severity of the penalty shall be carefully balanced to protect public safety while respecting the right to security of person (Universal Declaration of Human Rights, Article 3)."

#### Part 6: Destruction Orders for Regulated Dogs

Amendment of Section 40: Amendments to Destruction Order Criteria Section 40 of the Act is hereby amended as follows: "(1) Amendments shall be made to this Code to clearly outline the conditions for issuing destruction orders for regulated dogs to prevent ambiguity and potential misinterpretations in enforcing the law.

(2) The right to due process (Universal Declaration of Human Rights, Article 10) shall be upheld by ensuring that destruction orders are issued following proper procedures and careful consideration of evidence."

#### Part 7: Appeals and Council By-Laws

Amendment of Section 45A: Three-Step System for Dangerous Dog Applications Section 45A of the Act is hereby amended as follows: "(1) Local councils are prohibited from making dangerous dog applications for first-time offenders.

(2) A three-step system shall be followed for dangerous dog applications: (a) Step 1: A referral of the proposed dangerous dog, including a detailed description of the incident and supporting photos showing grievous bodily harm as described in the Queensland Criminal Code, shall be submitted to the Government Animal Branch. (b) Step 2: Reports from two Registered veterinarians shall be obtained, independently assessing whether the nominated dog is a dangerous dog under the Act. (c) Step 3: Based on the information collected from Steps 1 and 2, the Government Animal Branch shall decide if the dog should be deemed a dangerous dog.

(3) Fear of someone's dog shall not be considered a key factor in determining a dangerous dog."

Amendment of Section 50: Appeals from External Review Decisions Section 50 of the Act is hereby amended as follows: "(1) Appeals from external review decisions on destruction orders shall not be restricted without proper legal grounds or adequate justification to uphold the right to justice and a fair trial (Universal Declaration of Human Rights, Article 10).

(2) Individuals shall have the right to seek a fair trial and challenge decisions they believe are unjust."

Part 8: A Guide to Looking After Your Animals 12. Insertion of New Section 55A: Guide on Looking After Your Animals The Act is hereby amended by inserting the following new section: "(1) The Queensland Animal Management Code shall include a comprehensive guide on looking after cats and dogs, promoting responsible pet ownership, and ensuring the welfare of animals.

(2) The guide shall be published and made available to the public, providing essential information on pet care, health, and behaviour with the aim of fostering a better understanding of responsible pet ownership."

#### Part 9: Repeal and Transitional Provisions

Repeal and Transitional Provisions The Animal Management (Cats and Dogs) Act of 2008 is hereby repealed. Any matters or proceedings commenced under the Animal Management (Cats and Dogs) Act 2008 shall continue under the Queensland Animal Management Code 2023 as if they had been commenced under this Code.

( Small sample code law )

Furthermore, this proposal envisages a comprehensive restructuring of the existing animal-related laws and regulations. Current council bylaws and the existing Act would be supplanted by the proposed Animal Management Code, mirroring elements from prevailing legislation and emulating the Queensland Criminal Code's structure for animal offences. Additionally, the establishment of an Animal Management Centre is envisaged, akin to the Transport and Main Roads office, incorporating its QCat Civil system to handle animal-related matters, thereby alleviating QCAT's caseload.

The Animal Management Centre would encompass diverse functions, including veterinary services and RSPCA adoption facilities. The overarching objective is to streamline animal-related services and facilitate efficient management of legal matters.

Distinct registrations tailored to specific breeds would be introduced, facilitating customised training regimens geared towards comprehending the distinct traits of each breed and cultivating responsible ownership practises. Registration licences would be granted to bolster accountability among dog owners.

Under this proposition, local councils would cede their animal-related duties to the purview of the Animal Management Centre, centralising these responsibilities. This integrated approach aims to ensure enhanced regulation and welfare standards while allowing dog ownership to continue unabated.

I once again extend my gratitude for your earnest consideration of this matter, eagerly anticipating further deliberations or actions stemming from our discourse.

Kind regards

Kym Waters

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