

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

Submission No: 12
Submitted by: Peter Steindl
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

I would like to make a submission to the committee on the Agriculture and Fisheries and Other Legislation Amendment Bill 2023, regards proposed amendments to the Animal Management (Cats & Dogs) Act 2008.

<https://documents.parliament.qld.gov.au/bills/2023/3170/Agriculture-and-Fisheries-and-Other-Legislation-Amendment-Bill-2023-da2e.pdf>

Below is an index of my submission:

- 1/ Proposed amendments to the Act include increased penalties for dog owners, while increased penalties have not reduced dog attacks in other states.
- 2/ Local councils may not enforce state government regulations on areas outside of council land, such as beaches and crown land.
- 3/ Qld beaches are now at 3rd world standard because of a lack of dog control by councils and the state government.
- 4/ Proposed amendments to the Act do not require dog owners acknowledge responsibility for a dog attack, and report to a council if their dog attacks a person or another animal.
- 5/ Proposed amendments to the Act do not incorporate publicly accessible records of dog related incidents to determine if dog control is improving and amendments to the Act have been effective.
- 6/ Proposed amendments to the act will be supported by a \$7.5 million funding package that is to be paid with taxpayer funding, while any money spent should come from dog owners only.
- 7/ Proposed amendments to the act will be supported by dog owner education campaigns, while there is no evidence dog owner education campaigns are effective.
- 8/ Recent photographs taken at a major tourist area in Qld show zero dog owner responsibility, and no concern shown by dog owners about increased penalties.
- 9/ A list of recommendations for the state government and for councils to improve their management of dog control.

1/ Proposed amendments to the Act include increased penalties for dog owners, while increased penalties have not reduced dog attacks in other states.

Increased penalties for dog owners have already been introduced in other states with minimal or no reduction in the number of dog attacks.

Increased penalties mean nothing if councils do not enforce regulations and apply the penalties.

For example, despite increased penalties being introduced in other states, the number of dog attacks on Postal workers and parcel delivery workers increased by nearly 50%.

<https://www.abc.net.au/news/2022-05-02/australia-post-dog-owner-plea/101031434>

Increased penalties for dog owners were introduced into the A.C.T in 2017, and this did not reduce the number of dog attacks, because regulations were not sufficiently enforced and few penalties were applied.

<https://www.abc.net.au/news/2023-06-08/canberrans-report-two-dog-attacks-a-day/102393588>

Unless councils are compelled to enforce regulations, and individual councillors and council staff are penalised if regulations are not being enforced, then there is no likelihood dog control in Qld will ever improve.

2/ Councils may not enforce state government regulations on areas outside of council land, such as beaches and crown land.

I have received emails from two councils (being the Bundaberg Regional Council and Townsville City Council) stating that they have no legal powers to enforce regulations on beaches below the high water line, because that area is not council land.

There may also be other councils in Qld besides these two councils.

Therefore, the proposed amendments to the Act can not, or will not be enforced by councils on beaches and crown land.

Furthermore, a serious dog attack on a beach may not be investigated or any charges made by a council, and the victim of the attack may not be able to get financial compensation to pay for medical treatment or loss of wages.

If councils cannot enforce regulations on beaches, then the Qld state government must employ persons who can enforce the regulations and apply penalties.

I recommend that the state government employs beach wardens, (similar to beach wardens in New Zealand), and these beach wardens will have the legal powers to penalise dog owners and enforce laws according to the state act.

The wages of the beach wardens should be paid out of dog registration fees, so if more dog owners break the laws on beaches, more beach wardens are employed and dog registration fees increase. This then acts as an incentive for dog owners to keep their dogs under control and abide by regulations.

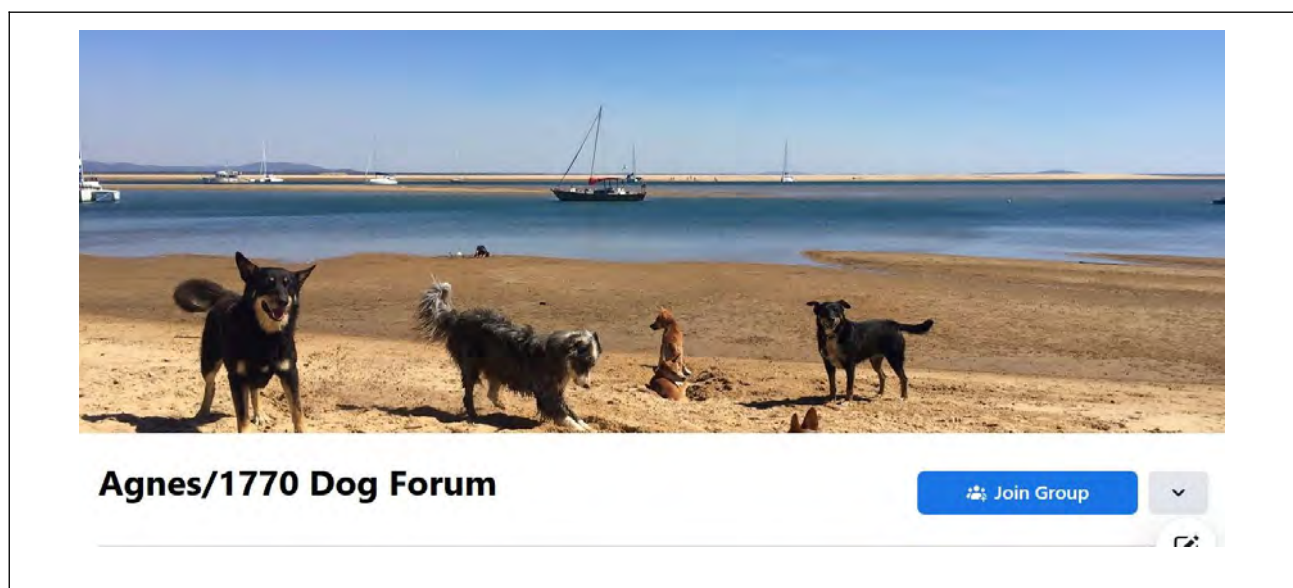
3/ Qld beaches are now at 3rd world standard because of lack of dog control by councils and the state government.

Most of the population of Qld resides close to a coast, and beaches are important for public recreation and exercise.

However, there is near total collapse of dog control on the beaches of Qld because of dogs, and these beaches are now at 3rd world standard.

Dogs have already chased off most of the native shorebirds from mainland beaches in Qld, and shortly it will become too dangerous for members of the public to go onto most beach in Qld.

I enclose below a screenshot taken from the Facebook page of the Agnes/1770 Dog Forum



This beach at Seventeen Seventy is where Captain Cook came ashore on 24 May 1770, and this beach is a heritage-listed site.

This beach is designated as an “on leash” beach, while there are 7 dogs on this beach and none are on a leash and there is no dog owner in sight.

In the background of the photograph are sand islands, and these sand islands are part of the Great Barrier Reef Marine Park and part of a World Heritage Area.

This beach has gone from no dogs in 1770 to being completely overrun with dogs in 2023, while not one dog is on a leash and under the control of a dog owner, and all this occurs on a heritage-listed site and within metres of a World Heritage Area.

It would be too dangerous for an adult to attempt to walk through these dogs, and it is totally out of the question for a parent to have their children near a pack of dogs running loose on a beach.

This beach at Seventeen Seventy is not atypical, but highly representative of most beaches throughout Qld.

The only independent survey of Qld beaches I am aware of was undertaken by staff from the University Of Queensland, and that survey found 84% of dogs were not on a leash and under the control of a dog owner on the beaches of Moreton Bay at Brisbane.

<https://theconversation.com/contested-spaces-saving-nature-when-our-beaches-have-gone-to-the-dogs-72078>

As well, dogs are being regularly taken into conservation parks and national parks and rarely are these dogs on a leash.

I enclose below a photograph taken just before this dog attacked me in Joseph Banks Conservation Park at Round Hill in Qld, when Joseph Banks Conservation Park is supposed to be prohibited to dogs.



What was once an area dedicated to the naturalist Joseph Banks, has now become a walking track for unnatural, hybrid dogs, and never are these dogs on a leash and under the control of a dog owner.

Members of the public can be readily attacked by dogs while walking through Joseph Banks Conservation Park, and any other conservation park in Qld.

For some years I have been travelling along the coast of Qld in a yacht, and I have rarely seen any dog on a leash on any beach along the mainland coastline.

Dogs are regularly being taken onto beaches at offshore islands, while most of these islands are in the Great Barrier Reef Marine Park and part of the World Heritage Area.

I personally have sent dozens of Snap, Send and Solve reports to councils of dogs owners not abiding with current regulations, but rarely do the councils respond.

Despite many 1000s of hours spent on beaches or anchored near beaches, I have never once seen a council patrol on any beach in Qld.

The councils just don't care, and they always come up with some excuse to never control dogs on beaches.

If councils will not enforce regulations on beaches, then the state government must employ people who will before the public beaches are too unsafe for the public or the wildlife.

4/ Proposed amendments to the act do not require dog owners acknowledge responsibility for a dog attack, and report to a council if their dog attacks a person or another animal.

There is a lot of talk about “dog owner responsibility”, and dog owners should acknowledge responsibility if their dog carries out a dog attack.

Regulations in NSW and TAS require dog owners to report to their local council if their dog carries out an attack.

For example, the Tasmanian Dog Control Act 2000 – Sect 19 No. 5 states:

“If a dog attacks a person, the owner of the dog must notify the council within 24 hours after the attack. Penalty: Fine not exceeding 5 penalty units.”

http://www5.austlii.edu.au/au/legis/tas/consol_act/dca2000134/s19.html

However, a dog owner in Qld can simply walk away from the scene of a dog attack without showing any form of responsibility, and without reporting it to their council.

In Qld, it is currently expected that the victim reports the dog attack, while the victim may be a child, or the victim may be injured or too traumatised to get information from the dog owner (such as their name and address), and report the dog attack to the council.

This situation recently occurred in [REDACTED], when a victim was attacked by two dogs that were off leash on a footpath. The dogs ripped apart the victims legs and the victim was unable to walk, but the dog owner walked off leaving the victim literally laying in a pool of blood. The victim has now undergone two surgeries and a skin graft, and may not be able to work or earn income for many months, while the dog owner

has not identified themselves and has not been penalised or made to pay any compensation to the victim.

There must be a requirement that a dog owner shows responsibility, and reports to their council within 24 hours if their dog has carried out a dog attack, or the penalty on the dog owner is significantly increased.

5/ Proposed amendments to the Act do not incorporate publicly accessible records of dog related incidents to determine if dog control is improving and amendments to the Act have been effective.

There are a number of proposed amendments to the Act, although there is no readily accessible public record of dog related incidents to determine if dog control is improving, and if the amendments have been effective or not.

There should be a publicly accessible state government database of dog incidents, and a database kept by each council for their region.

Records of dogs in a council region must be readily available to the public through the council's website.

The records kept by a local council should show the number of dogs in the region, the times and street name where dog attacks have occurred, the times and street name where dog owners have been found carrying out non-compliant dog owner activity.

6/ Amendments to the act will be supported by a \$7.5 million funding package that is to be paid with taxpayer funding, while any money spent should come from dog owners only.

In a statement made by the Minister for Agricultural Industry Development and Fisheries, amendments to the Act will be supported by taxpayer funded programs.

<https://statements.qld.gov.au/statements/99166>

However, any money spent must come from dog owners through increased dog registration fees, and not come from the taxpayer.

If dog control does not improve, then dog owners have to pay increased dog registration fees to fund more programs to improve dog control.

This becomes an incentive for dog owners to abide by regulations and improve their dog control, because if the dog owners don't, then it is going to cost them more money in fines and increased dog registration fees.

7/ Amendments to the act will be supported by dog owner education campaigns, while there is no evidence dog owner education campaigns are effective.

In the statement made by the Minister for Agricultural Industry Development and Fisheries, amendments to the Act will be supported by a dog owner education campaign paid with taxpayer funding.

<https://statements.qld.gov.au/statements/99166>

However, there is no evidence that dog owner education campaigns are effective, while any money spent on dog owner education campaigns should come from dog owners and not from taxpayers.

Within systems of risk management, education campaigns are a form of “Administrative Control”, and one of the least reliable methods to reduce risk over a longer term.

<https://www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/identify-assess-and-control-hazards/managing-risks>

There are a multitude of dog owner education programs already in Qld and Australia, and every council seems to have a web page encouraging responsible dog ownership.

However, there is no evidence that dog owner education campaigns are effective and reduce the number of dog attacks. In fact, an animal management taskforce was put together by the Minister for Agricultural Industry Development and Fisheries because of increased dog attacks in Qld, despite all the dog owner education programs currently in existence.

Below are just some of the dog owner education programs already in Qld and Australia, and they are all ineffective and unreliable.

<https://www.brisbane.qld.gov.au/community-and-safety/pets-and-livestock/keeping-a-pet-in-brisbane/keeping-a-dog>

<https://www.rspcaqld.org.au/what-we-do/working-with-communities/responsible-dog-ownership>

<https://www.four-paws.org.au/campaigns-topics/topics/companion-animals/responsible-pet-ownership>

<https://dogandcatboard.com.au/dogs/dog-laws>

<https://www.olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership/>

<https://getwag.com.au/blogs/dog-talk/being-a-responsible-dog-owner>

<https://www.vetshopaustralia.com.au/blog/post/are-you-a-responsible-dog-owner>

<https://mvcc.vic.gov.au/responsible-dog-owner/>

<https://justusdogs.com.au/being-a-responsible-dog-owner/>

<https://dogandcatboard.com.au/dogs/dog-laws>

The following comes from a study of dog owner education campaigns:

While “responsible dog ownership” has considerable appeal as a concept, how it is perceived and interpreted varies so extensively that simply telling owners that they should “be responsible” is of limited use as a message to promote behaviour change. “

https://www.researchgate.net/publication/335957626_The_Responsible_Dog_Owner_The_Construction_of_Responsibility

So it appears that many dog owners determine what they think is responsible, and then ignore regulations if the regulations are not convenient.

Dog owner education campaigns are a waste of money, particularly if dog regulations are not enforced by councils. However, if money is spent on dog owner education campaigns, then that money should come from dog owners only, and not from the public.

This becomes an incentive for dog owners to abide by regulations and improve dog control, because if the dog owners don't, then it is going to cost them more money through increased dog registration fees to fund more dog owner education campaigns.

8/ Recent photographs taken at a major tourist area in Qld showing zero dog owner responsibility, and no concern shown by dog owners about increased penalties.

There has been proposals to increase penalties and considerable publicity has been given to improved dog owner responsibility.

Despite this, I have not seen any evidence that dog owners are paying the slightest attention.

The dog owners already know that councils are unlikely to enforce regulations or penalise dog owners, and the \$7.45 million of taxpayer funding will be a waste of taxpayer funding.

I enclose photographs that were all taken on Magnetic Island within recent days. Magnetic Island is a major tourist attraction in Nth Qld and 50% of the island is national park, while these photographs show abysmal dog owner responsibility, and this was putting the public and native wildlife at considerable risk.

Magnetic Island is administrated by the Townsville City Council, and this council does not enforce regulations or penalise dog owners on beaches. Instead, this council relies on dog owner education only.

As seen in the photographs taken at Magnetic Island, the dog owners had zero responsibility, they were not abiding by regulations, they had zero consideration for the public, they had zero consideration for native wildlife, and any previous dog owner education campaigns were a total failure.

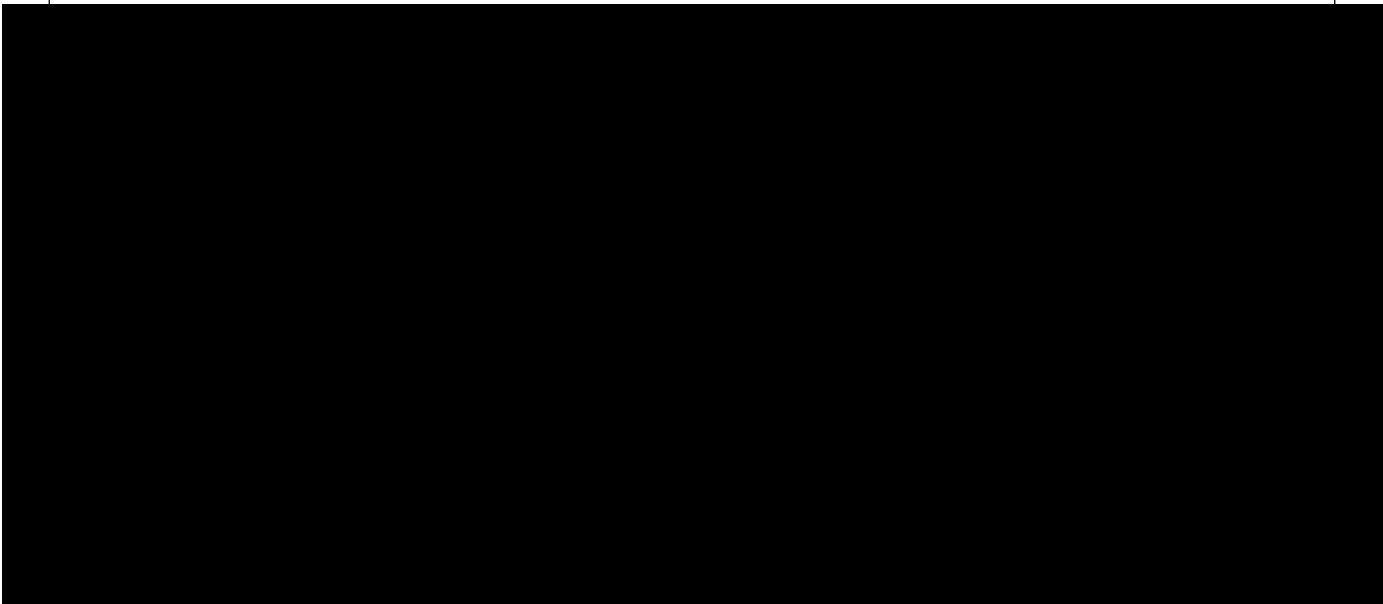
All dogs are required to be on a leash on the beaches and public areas of Magnetic Island.

Meanwhile, this dog owner had a very large dog off leash in the public park at Picnic Bay on Magnetic Island.

The dog was allowed to sit and lay on top of the public picnic tables.

The dog was then taken off leash along the beach, where all dogs are supposed to be on a leash.

The dog owner did not abide by any regulations, they had no interest in basic public hygiene, and they had no consideration for the safety of the public or any wildlife on the beach, such as native shorebirds.

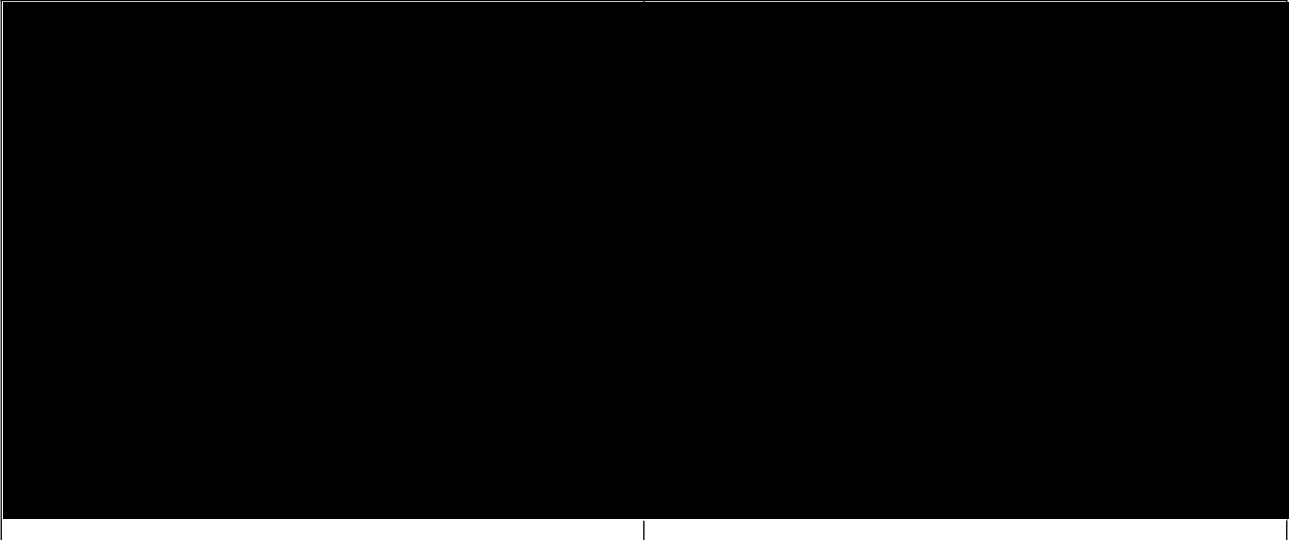


This dog owner had their dog off leash on a beach at Magnetic Island, where all dogs were supposed to be on a leash.

The dog owner then walked their dog off leash through the streets of the town at Picnic Bay.

The dog owner began throwing the dog's ball onto bitumen roads so the dog had to run out onto the roads to fetch the ball, which could have caused a traffic accident.

This dog owner was not abiding by any regulations, they had no dog owner responsibility, they had no consideration for the safety of the public, and they could have caused a traffic accident.



All dogs are required to be on a leash in all public areas of Magnetic Island, but they seldom are.

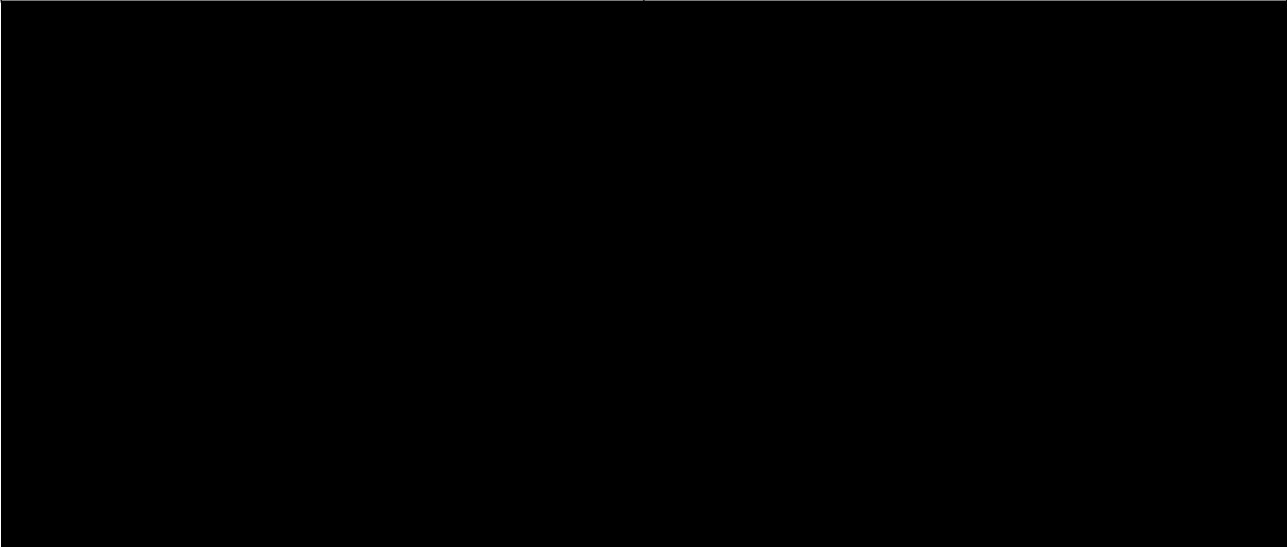
The dog owner on the left was using a cast net on the jetty at Picnic Bay, while it is not possible to use a cast net and keep a dog on a leash and under control at the same time.

The dog was running around and jumping up at people walking along the public jetty, which could have knocked an adult or a child over the side of the jetty.

The dog owner in the photo on the right took their dog off leash into the crowded swimming enclosure at Picnic Bay, where dogs are supposed to be prohibited.

The dog owner ignored all regulations, and their dog was endangering people swimming in the bathing reserve, including children.

These dog owners were not abiding by any regulations, they had no dog owner responsibility, and they had no consideration for the safety of the public, including children.



--	--

All dogs are supposed to be on a leash on all beaches at Magnetic Island, but none ever are.

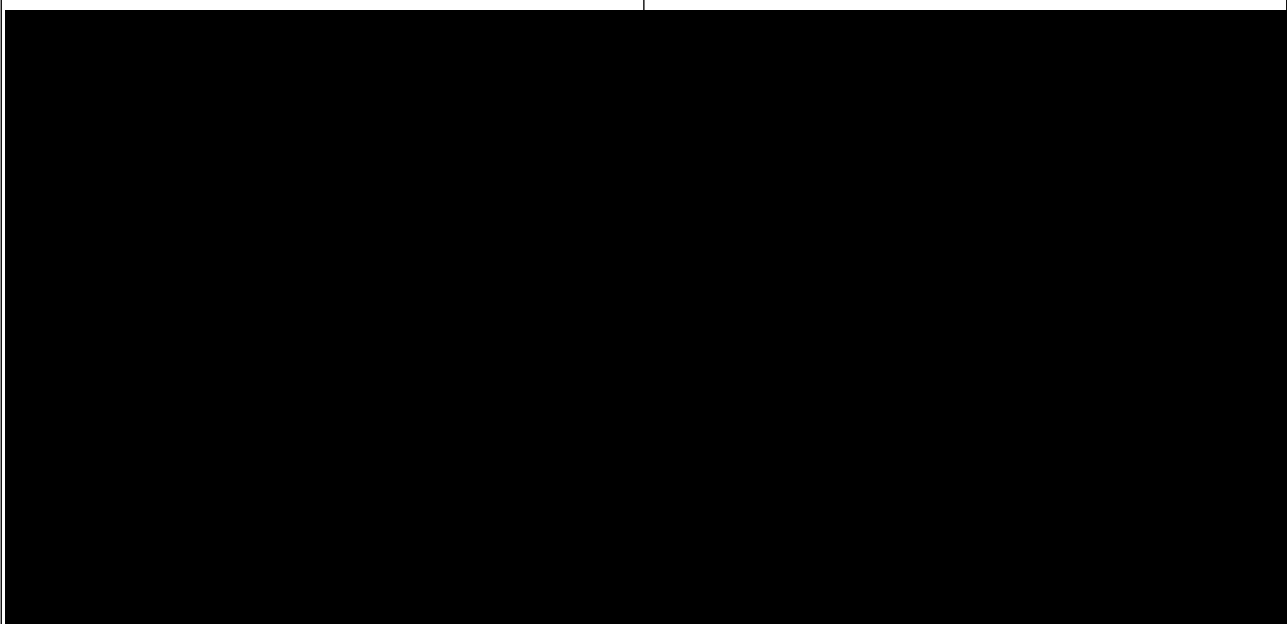
On the left is a photo of 4 dogs off leash at Horseshoe bay, and it is very common to have many dogs off leash on the beach at once.

If a member of the public tries to walk along the beach they have to somehow get past numerous dogs allowed to run wild on the beach.

As shown in the photo on the right, all dog owners allow their dog/s to run at people on the beach.

No dog owner ever tries to restrain their dog, and the public is expected to cope with every dog that runs at them.

These dog owners were not abiding by any regulations, they had no dog owner responsibility, and they had no consideration for the safety of the public, they had no consideration for the safety of any wildlife on the beach, such as native shorebirds.



Dogs are routinely taken into public areas, and then tied up and left there unsupervised.

Everywhere the public goes, (from a beach to a supermarket), the public is expected to cope with dogs.

On the left is a dog that didn't have a collar, but instead had a piece of old rope tied around its neck. This dog was tied to a table and left in a beer garden area of a pub, when signs clearly stated that dogs were prohibited from the pub. The public could not safely go into that area or use the table.

On the right is a photo of a dog that was tied to shopping trolleys at a supermarket. The dog was a trip and fall hazard, and the public couldn't use the shopping trolleys because a dog was tied to them.

These dog owners were not abiding by any regulations, they had no dog owner responsibility, and they had no consideration for the public.



All the above photos were taken recently, and other areas in Qld would be the same.

The dog owners did not show any concern about proposed increases in penalties for dog owners, and previous dog owner education programs have meant absolutely nothing to them.

The dog owners know that councils are unlikely to enforce regulations, and the \$7.45 million of taxpayer funding will likely be a total waste of taxpayer funding.

All the proposed amendments to the Act are 100% likely to be ineffective if the councils do not change their systems of management, and enforce regulations and actually penalise dog owners for breaking the regulations.

9/ A list of recommendations for the state government and councils to improve their management of dog control.

Most of the proposed amendments to the Act have no likelihood of improving dog control unless councils enforce the regulations and improve their systems of management.

I enclose below recommendations for the state government and for councils, while most of these systems of management are already being carried out by companies to meet their requirements for Risk Management and Workplace Health and Safety.

- Regional councils must be able to prove to the Minister for Local Government that they have a culture of continuous improvement in dog control.
- Regional councils must be able to demonstrably prove that innovative processes are being implemented to improve dog control and decrease risks to the public. (NB. Council patrols and council signage have near zero value, and should not be accepted as an effective form of dog control, and other methods of dog control must be implemented).
- If a council cannot demonstrably prove to the Minister for Local Government that they have a culture for continuous improvement in dog control and are implementing innovative processes to improve dog control, then all councillors are dismissed from the council for failing to ensure public safety.
- If a regional council believes it does not have sufficient resources or authority to carry out effective dog control within their region, then it must immediately make a public announcement regarding this, and formally inform the Minister for Local Government, the state MP and federal MP for that region.
- If a council believes it does not have sufficient resources or authority to control dogs on public beaches or crown land within their region, then it must immediately make a public announcement regarding this, and formally inform the Minister for Local Government, the state MP and federal MP for that region.
- All councils must have a call-out vehicle and crew available for dog control 24 hours a day and all days of a year.
- If a member of the public notices non-compliant dog activity, (such as a dog owner who does not have their dog on a leash in an “On Leash” area), then the council can be contacted 24/7 and a call-out crew will be sent to remove the dog from the area. (NB. Council patrols have near zero value in dog control, and council patrols can be replaced by council call-outs at no extra costs to the rate payers).
- As a part of the general risk management systems of a council, all council signage must display a council contact telephone number.

- Any council signage relating to dog control must display a council contact telephone number, and must have wording stating that the public can contact the council by that number if they have an issue with a dog. For example, “Please phone the council on if you are experiencing problems with dogs in this area”.
- As part of a council’s risk management systems, all councillors and council staff are required to keep a watch for activity that does not comply with local laws, and this includes non-compliant dog activity.
- If a councillor or council staff member observes a local law being broken, they must immediately notify their council. Examples where council staff must contact their council include observing roaming dogs, dogs that are not on a leash in a designated on-leash area, and any dog faeces left in public areas.
- If a council staff member fails to notify their council after observing non-compliant dog activity, then it is regarded as a failure to report an observed crime and this is a serious disciplinary matter.
- If a councillor fails to notify their council after observing non-compliant dog activity, then it is regarded as a failure to report an observed crime, and the councillor is immediately stood down from the council. The matter is then referred to the Minister for Local government for a decision on whether to carry out criminal law action on the councillor and/or dismiss them from the council.
- Each council must make dog related records readily available to the public, such as making the records available through the council’s website. These records should show the number of dogs in the region, the times and street names where dog attacks have occurred, the times and street names where dog owners have been found carrying out non-compliant dog owner activity.
- Independent audits and surveys of a council region are to be annually carried out by the Office for Local Government.
- These independent surveys are undertaken of public areas such as parks, footpaths and beaches to determine the extent of dog owner compliance with local and state laws.
- Independent audits are taken of council records such as reported infringements, number of reported dog attacks, number of public complaints regards dogs, number of sightings of non-compliant dog owner activity made by council employees and councillors etc.
- The independent audits determine whether the council has a desire for continuous improvement in dog control, whether innovative processes are being implemented to improve dog control and decrease risks to the public, and whether councillors should

be stood down and legal action carried out on them for failing to ensure a safe environment for the public.