

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

**Submission No:** 14  
**Submitted by:** Brisbane City Council  
**Publication:**  
**Attachments:**  
**Submitter Comments:**



*Dedicated to a better Brisbane*

12 December 2023

State Development and Regional Industries Committee  
Parliament House  
BRISBANE QLD 4000  
SDRIC@parliament.qld.gov.au

Dear Sir/Madam

I refer to the *Agriculture and Fisheries and Other Legislation Amendment Bill 2023* (the Bill). Please find attached Brisbane City Council's (Council) submission in relation to the *Animal Management (Cats and Dogs) Act 2008* (the Animal Management Act) and the *Biosecurity Act 2014* (the Biosecurity Act) aspects of the Bill (Attachment A).

Council calls on the Queensland Government to:

1. Reconsider actioning the amendments put forward by Council in its discussion paper submission (in addition to taking steps to action the other issues raised therein); and
2. Action Council's suggested amendments and recommendations outlined in Council's submission at Attachment A.
3. Amend the *Biosecurity Act* to clarify that if a species is already being managed through a coordinated eradication or biosecurity program, that participating landowners within the program area will not also be subject to additional obligations such as through the concurrent application of an emergency declaration for the same biosecurity matter.

Please find attached Council's submission provided in relation to the *Strong dog laws: Safer communities – Discussion Paper* dated 23 August 2023 (Attachment B). Council understood that the matters raised in its submission would be addressed in the Bill. It is apparent that a number of these matters have been overlooked, as referred to in Council's ongoing issues (Attachment C).

In relation to the Biosecurity Act, Council supports the proposed improvements that both align and link entry provisions to local laws. Council requires clarification from the Queensland Government regarding the changes to emergency declarations, including the increased powers associated with movement controls, as referred to in Attachment C.

For further discussion on this submission, please contact Ms Rosalynn Fergusson, Principal Policy and Legislation Officer City Safety, Compliance and Regulatory Services, Lifestyle and Community Services, on [REDACTED], or by email to [REDACTED].

Yours sincerely

[REDACTED]

Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

Att A. Council's submission on the Amendment Bill focusing on the *Animal Management (Cats and Dogs) Act 2008*.  
Att B. Council's submission in relation to *Strong dog laws: Safer communities – Discussion Paper* dated 23 August 2023.  
Att C. Council's ongoing concerns.



**ATTACHMENT A**  
**COUNCIL'S SUBMISSION ON THE AMENDMENT BILL FOCUSING ON THE ANIMAL**  
**MANAGEMENT (CATS AND DOGS) ACT 2008**

Amendment Bill 2023 Clause number	<i>Animal Management (Cats and Dogs) Act 2008</i> Section number and current wording	Bill Section number and proposed wording	Key points/policy objectives as sighted in the explanatory notes	Position (support/ oppose/ amend)	Comments/ Proposed Amendments
<b>AMENDMENTS COMMENCING ON ASSENT</b>					
Clause 11	<b>Section 81 – Obligation to comply with permit conditions</b>  1) A permit holder must ensure each permit condition stated in schedule 1, or prescribed by regulation, is complied with for the restricted dog the subject of the holder’s permit. Maximum penalty–75 penalty units.  2) Any responsible person for a restricted dog the subject of a restricted dog permit must ensure each permit condition stated in schedule 1, or prescribed by regulation, is complied with for the dog the subject of the permit. Maximum penalty–75 penalty units.	<b>Amendment of s 81 (Obligation to comply with permit conditions)</b>  1) Section 81(1), penalty, ‘75 penalty units’– <i>omit, insert</i> – 150 penalty units  2) Section 81(2), penalty, ‘75 penalty units’– <i>omit, insert</i> – 150 penalty units	Clause 11 amends section 81 to increase the maximum penalties for failure to comply with permit conditions under subsections (1) and (2) from 75 penalty units to 150 penalty units.	No comment	This provision is not applicable to Brisbane City Council as our local law prohibits the keeping of restricted dogs.
Clause 12	<b>Section 93 – Owner’s obligation if proposed declaration notice in force</b>  1) Each owner of, and responsible person for, the dog the subject of the proposed declaration notice must ensure the permit condition imposed under schedule 1, section 3, is complied with for the dog. Maximum penalty–75 penalty units <i>Note– See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.</i>  2) Subsection (1) ceases to apply if the notice is withdrawn.	<b>Amendment of s 93 (Owner’s obligation if proposed declaration notice in force)</b>  1) Section 93(1), penalty, ‘75 penalty units’– <i>omit, insert</i> – 150 penalty units  2) Section 93(1), note, ‘declared dangerous dog or declared menacing dog’– <i>omit, insert</i> – proposed restricted dog, declared dangerous dog, declared menacing dog or proposed declared dog	Clause 12 amends section 93(1) to increase the maximum penalty for failing to comply with conditions of a declaration notice from 75 penalty units to 150 penalty units.  The clause also replaces the note, to see also sections 66 and 67 for the prohibition on supplying a restricted dog, a proposed restricted dog, a proposed declared dog, declared dangerous dog or declared menacing dog. This recognises that the restricted dog provisions will still be in place after assent, and to correct a missing reference to a proposed restricted dog which is also covered by section 66.	Support – pending amendment	These amendments reduce existing regulatory powers available to Council and would increase regulatory burden.  Brisbane City Council, like other local governments have always utilised the existing infringement notice offences available for these provisions, However, as the Bill is silent on amendments to the <i>State Penalties Enforcement Regulation 2014</i> , we are concerned that the increase in the maximum penalty will remove: <ol style="list-style-type: none"> <li>a) our ability to issue infringement notices; or</li> <li>b) the maximum penalty increase will not be proportionally reflected in the <i>State Penalties Enforcement Regulation 2014</i>.</li> </ol>

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					<p>If our ability to utilise infringement notices for this offence is removed, we will have increased regulatory burden of having to prosecute for the offence.</p> <p>Council only supports this amendment if this offence will remain as a penalty infringement offence and not be moved to prosecution.</p> <p>Note: <i>proposed declared dog</i> is only defined in Section 67 to be applicable for that section. The definition of proposed declared dog also must be defined in Schedule 2 Definitions</p>
Clause 13	<p><b>Section 97 - Declared dangerous dogs</b></p> <p>1) A relevant person for a declared dangerous dog must ensure each permit condition imposed under schedule 1, sections 2 to 6 and 8, or prescribed by regulation, in relation to the dog is complied with for the dog. Maximum penalty—75 penalty units.</p> <p>2) In this section— <i>relevant person</i>, for a declared dangerous dog, means the owner of, or any responsible person for, a declared dangerous dog.</p>	<p><b>Amendment of s 97 (Declared dangerous dogs)</b></p> <p>Section 97(1), penalty, '75 penalty units'— <i>omit, insert</i>— 150 penalty units</p>	<p>Clause 13 amends section 97 to increase the maximum penalty for failing to comply with permit conditions for declared dangerous dogs from 75 penalty units to 150 penalty units.</p>	<p>Support - pending amendment</p>	<p>These amendments reduce existing regulatory powers available to Council and would increase regulatory burden.</p> <p>Brisbane City Council, like other local governments have always utilised the existing infringement notice offences available for these provisions, However, as the Bill is silent on amendments to the <i>State Penalties Enforcement Regulation 2014</i>, we are concerned that the increase in the maximum penalty will remove:</p> <ul style="list-style-type: none"> <li>a) our ability to issue infringement notices; or</li> <li>b) the maximum penalty increase will not be proportionally reflected in the <i>State Penalties Enforcement Regulation 2014</i>.</li> </ul> <p>If our ability to utilise infringement notices for this offence is removed, we will have increased regulatory burden of having to prosecute for the offence.</p> <p>Council only supports this amendment if this offence will remain as a penalty infringement offence and not be moved to prosecution.</p>

Amendment Bill 2023 Clause number	<i>Animal Management (Cats and Dogs) Act 2008</i> Section number and current wording	Bill Section number and proposed wording	Key points/policy objectives as sighted in the explanatory notes	Position (support/oppose/amend)	Comments/ Proposed Amendments
					The definition of <i>relevant person</i> should be omitted from section 97 and inserted into the Schedule 2 Dictionary as this term is used frequently throughout the Act. Suggest amending the definition to <i>for a regulated dog, means the owner of, or any responsible person for, a regulated dog.</i>
Clause 14	<p><b>Section 98 - Declared menacing dog</b></p> <p>1) A relevant person for a declared menacing dog must ensure each permit condition imposed under schedule 1, sections 2, 2A, 3(1)(b) and (2), 4 to 6 and 8, or prescribed by regulation, in relation to the dog is complied with for the dog. Maximum penalty—75 penalty units.</p> <p>2) In this section— <i>relevant person</i>, for a declared menacing dog, means the owner of, or any responsible person for, a declared menacing dog.</p>	<p><b>Amendment of s 98 (Declared menacing dogs)</b></p> <p>Section 98(1), penalty, '75 penalty units'— <i>omit, insert</i>— 150 penalty units</p>	Clause 14 amends section 98 to increase the maximum penalty for failing to comply with permit conditions for declared menacing dogs from 75 penalty units to 150 penalty units.	Support - pending amendment	<p>These amendments reduce existing regulatory powers available to Council and would increase regulatory burden.</p> <p>Brisbane City Council, like other local governments, have always utilised the existing infringement notice offences available for these provisions, However, as the Bill is silent on amendments to the <i>State Penalties Enforcement Regulation 2014</i>, we are concerned that the increase in the maximum penalty will remove:</p> <ul style="list-style-type: none"> <li>a) our ability to issue infringement notices; or</li> <li>b) the maximum penalty increase will not be proportionally reflected in the <i>State Penalties Enforcement Regulation 2014</i>.</li> </ul> <p>If our ability to utilise infringement notices for this offence is removed, we will have increased regulatory burden of having to prosecute for the offence.</p> <p>Council only supports this amendment if this offence will remain as a penalty infringement offence and not be moved to prosecution.</p> <p>The definition of <i>relevant person</i> should be omitted from section 98 and inserted into the Schedule 2 Dictionary as this term is used frequently throughout the Act. Suggest amending the definition to <i>for a regulated dog, means the owner of, or any responsible person for, a regulated dog.</i></p>

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Clause 15	<b>Section 134 - Failure to comply with notice</b>  1) A person to whom a compliance notice has been given must comply with the notice unless the person has a reasonable excuse. Maximum penalty—75 penalty units. <i>Note— See, however, the Acts Interpretation Act 1954, section 45.</i>  2) It is a reasonable excuse if, when the notice was given, the person had not committed, was not committing or was not about to commit, the offence stated in the notice.	<b>Amendment of s 134 (Failure to comply with notice)</b>  1) Section 134, heading, before ‘notice’— <i>insert—</i> compliance  2) Section 134(1), penalty, ‘75 penalty units’— <i>omit, insert—</i> 150 penalty units	Clause 15 amends section 134 to increase the maximum penalty for failure to comply with a notice from 75 penalty units to 150 penalty units. It also amends the heading of the section to reflect that the notice is a compliance notice.	Support - conditional	Support the amendment of heading for section 134.  The revised penalties will act as a deterrence and strengthen responsible dog ownership, however there is concern that the current ability to issue an infringement notice for this offence will be removed.  At present, the <i>State Penalties Enforcement Regulation 2014</i> identifies this section as a infringement notice fine. Concerns exist that if this becomes a prosecution offence, there will be increased regulatory burden on local government.  Council only supports this amendment if this offence will remain as a penalty infringement offence and not be moved to prosecution.
Clause 16	<b>Chapter 8 Reviews</b>	<b>Amendment of ch 8, hdg (Reviews)</b>  Chapter 8, heading, after ‘Reviews’— <i>insert—</i> and appeals	Clause 16 amends the Chapter 8 heading to reflect the chapter relates to both reviews and appeals.	Support	
Clause 17		<b>Insertion of new ch 8, pt 3 Chapter 8—  <i>insert—</i></b>  Part 3 Appeals  190 Appeal against QCAT decision on external review relating to destruction order only on question of law  1) This section applies in relation to a decision made by QCAT in a proceeding for the external review of a decision under section 127 or 127A to make a destruction order in relation to a dog.  2) An appeal against QCAT’s decision in the proceeding may be made only on a question of law.	Clause 17 inserts a new section 190, as new Part 3 of Chapter 8, which provides that, in relation to a decision made by QCAT in a proceeding for the external review of a decision to make a destruction order for a dog, an appeal against QCAT’s decision may only be made on a question of law.	Support - pending amendment	Brisbane City Council support this proposal; however, we call on the State to implement further improvements to the timeframes for applications for review of a decision under section 188. This could be in the form of prescribing timeframes for QCAT to decide the application under section 188.  Appeals against decisions of QCAT go to the QCAT Appeal Tribunal. It is the QCAT Act which sets this course (see sections 25 - 27 and 142 of the QCAT Act). The new AMCDA provision does not create the right to appeal, it merely imposes limits on the appeal by limiting the right of appeal to a matter of law (section 25(b) of the QCAT Act permits the AMCDA to do this). This prevents the appellant from relitigating the

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					factual circumstances and limits the issues in the appeal to matters of law.  Matters very rarely get to the Appeal part of the process so this amendment will have limited to no impact in reducing costs or length of time the dog is held in custody.
Clause 18		<b>Insertion of new s 209B</b> After section 209A– <i>insert</i> – 1) 209B Chief executive may make guidelines. The chief executive may make guidelines about matters relating to compliance with this Act. 2) Without limiting subsection (1), the guidelines may include information to help authorised persons perform their functions under this Act. 3) The chief executive must publish the guidelines on the department's website.	Clause 18 inserts a new section 209B to allow for the chief executive of the department responsible for the <i>Animal Management (Cats and Dogs) Act 2008</i> to make guidelines about matters relating to compliance with the Act. In particular, they may make guidelines to help authorised persons to perform their functions under the Act. The provision also requires that guidelines must be published on the department's website.	Support - conditional	The provision of guidelines about matters relating to compliance with the Act will assist in providing consistency in the application of the Act across the state.  Support of this provision is conditional on the basis that the following guidelines are developed (as a minimum) for authorised persons: <ol style="list-style-type: none"> <li>a) Identification of prohibited breeds</li> <li>b) When to make a destruction order</li> <li>c) When to seize a dog</li> <li>d) How to identify an 'owner' or 'person claiming to be an owner' (including where an 'unregistered dog' is 'not owned')</li> <li>e) Outlining the assessment of suitable bodies for the new section 192(2)(d)(ii)</li> </ol> Further, development of guidelines must include a panel of subject matter experts from dog related sectors (including local government, RSPCA, AVA, and Dogs Qld).
Clause 19		<b>Insertion of new ch 10, pt 6 Chapter 10–</b> <i>insert</i> – Part 6 Transitional provisions for Agriculture and Fisheries and Other Legislation Amendment Act 2023  Division 1 Preliminary 230 Definitions for part	Clause 19 inserts transitional provisions for Agriculture and Fisheries and Other Legislation Amendment Act 2023. It provides that new section 190 only applies to an appeal started after the commencement of clause 17.	Support	



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		<p>In this part–</p> <p><i>amendment</i> Act means the Agriculture and Fisheries and Other Legislation Amendment Act 2023.</p> <p><i>former</i>, for a provision of this Act, means the provision as in force from time to time before the commencement of the provision in which the term is used.</p> <p><i>new</i>, for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used.</p> <p>Division 2 Provision for amendments commencing on assent</p> <p>231 Appeals against external review decisions relating to destruction orders</p> <p>New section 190 applies only to an appeal started after the commencement.</p>			
Clause 20	<i>responsible person</i> , for a regulated dog, see section 10.	Amendment of sch 2 (Dictionary) Schedule 2, definition responsible person, 'regulated'– omit.	Clause 20 makes a minor consequential amendment to the definition of responsible person, to omit the reference to 'regulated' dogs	Support	

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<b>AMENDMENTS COMMENCING ON 1 MAY 2024</b>					
Clause 21	<p><b>Section 4 - How purposes are to be primarily achieved</b></p> <p>The purposes are to be primarily achieved by the following–</p> <ul style="list-style-type: none"> <li>l) imposing obligations on particular persons to ensure dogs do not attack or cause fear;</li> <li>m) prohibiting anyone from allowing or encouraging a dog to attack or cause fear to people or other animals</li> </ul>	<p><b>Amendment of s 4 (How purposes are to be primarily achieved)</b></p> <p>Section 4(l), after ‘persons to’– <i>insert</i>– exercise effective control of dogs in particular circumstances and</p>	<p>Clause 21 amends section 4 to insert a new part of subsection (l) to retain the intention but reduce overlap with subsection (m).</p>	Support	
Clause 22	<p><b>Section 64 - When a regulated dog is under effective control</b></p> <ul style="list-style-type: none"> <li>1) A regulated dog is under the effective control of someone only if– <ul style="list-style-type: none"> <li>a) an adult who is physically able to control the dog– <ul style="list-style-type: none"> <li>i) is holding it by an appropriate leash; or</li> <li>ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the dog and is continuously supervising the dog; or</li> </ul> </li> <li>b) the dog is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the relevant local government.</li> </ul> </li> <li>2) For subsection (1), a dog is held by an appropriate leash or appropriately tethered only if the leash or tether is of the</li> </ul>	<p><b>Omission of s 64 (When a regulated dog is under effective control)</b></p> <p>Section 64– <i>omit</i>.</p>	<p>Clause 22 omits section 64 describing when a regulated dog is under effective control. Effective control of dogs is now provided by the new sections 192, which has incorporated the previous requirements under section 64 for regulated dogs.</p>	Support	

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	dimensions, quality and type that are appropriate to restrain the dog and ensure it is not a risk to community health or safety.				
Clause 23	<p><b>Section 89 – Power to make declaration</b></p> <p>1) Any local government may, by complying with the requirements of this part–</p> <p>a) declare a particular dog to be a declared dangerous dog (a dangerous dog declaration); or</p> <p>b) declare a particular dog to be a declared menacing dog (a menacing dog declaration); or</p> <p>c) declare a particular dog to be a restricted dog (a restricted dog declaration).</p> <p>2) A dangerous dog declaration may be made for a dog only if the dog–</p> <p>a) has seriously attacked, or acted in a way that caused fear to, a person or another animal; or</p> <p>b) may, in the opinion of an authorised person having regard to the way the dog has behaved towards a person or another animal, seriously attack, or act in a way that causes fear to, the person or animal.</p> <p>3) A menacing dog declaration may be made for a dog only if a ground mentioned in subsection (2) exists for the dog, except that the attack was not serious.</p> <p>4) A restricted dog declaration may be made for a dog only if the</p>	<p>Amendment of s 89 (Power to make declaration)</p> <p>Section 89(7)– <i>omit, insert</i>–</p> <p>7) In this section– animal has the meaning given by section 191. seriously attack means–</p> <p>a) in relation to a person–attack the person in a way that causes the death of, or grievous bodily harm or bodily harm to, the person; or</p> <p>b) in relation to an animal–attack the animal in a way that causes the death of the animal, or maims or wounds the animal.</p>	<p>Clause 23 omits and replaces section 89(7) to provide that animal has the meaning given in section 191, and seriously attack means attack a person in a way that causes death, grievous bodily harm, or bodily harm, or attack an animal in a way that causes death, maims, or wounds the animal.</p>	<p>Oppose - amendments required</p>	<p>This amendment introduces a new definition for ‘seriously attack’ that is not supported by any definitions. Introducing new terminology without definitions complicates officer discretion and increases regulatory burden. The amendment to section 89(7) will increase regulatory burden on local governments as they will need to clearly delineate between the two different definitions.</p> <p>Separating an attack on a person vs an attack on an animal is problematic in that there are no clear definitions for <i>maims</i> or <i>wounds</i>. The Macquarie Dictionary definitions are quite broad and would make it difficult in clearly determining an offence for a serious attack on an animal.</p> <p>Clear definitions are essential for our officers in their decision-making process. Definitions must be inserted into the Act for the following:</p> <ul style="list-style-type: none"> <li>- maims</li> <li>- wounds</li> </ul> <p>It is noted that the Macquarie Dictionary definition for <i>wounds</i> includes “hurt to feelings”. There has been no guidance on how this should be applied. Further, this would increase regulatory burden on local governments as more dogs would be declared as dangerous instead of menacing.</p> <p>The definition of ‘animal’ is also too broad and must be refined. It is unrealistic to expect the same level of importance be placed on, a pet mouse vs another dog. Or</p>

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	<p>local government is satisfied the dog is of a breed mentioned in section 63(1).</p> <p>5) The declaration may be made even if the dog is not in the local government's area.</p> <p>6) A declaration under this section is a regulated dog declaration.</p> <p>7) In this section– seriously attack means to attack in a way causing bodily harm, grievous bodily harm or death.</p>				<p>for example, an animal intruding into a regulated dog or other dog enclosure.</p> <p>In a situation where the attack concurrently occurs on a person and an animal, two different tests will need to be applied by the authorised person. The application of two different tests is inconsistent with case law in relation to the application of the current definition of seriously attack.</p> <p>Reinstating the existing definition would be more appropriate to this section.</p> <p>In this section, a specific definition is required for owner, preferably only indicating the <i>owner is a person who is the registered owner of the dog</i>. This definition will assist local governments in properly identifying the person responsible for the proposed regulated dog in the future.</p>
<b>Clause 24</b>	<p><b>Section 125 - Seizure powers for dogs</b></p> <p>1) If an authorised person has, under part 2, entered a place and the person reasonably suspects a dog mentioned in the part is at the place, the person may seize the dog if–</p> <p>a) the person reasonably believes the dog–</p> <p>i) has attacked, threatened to attack or acted in a way that causes fear to, a person or another animal; or</p> <p>ii) is, or may be, a risk to community health or safety; or</p> <p>b) the dog is a restricted dog and–</p>	<p>Amendment of s 125 (Seizure powers for dogs)</p> <p>Section 125(2), from 'if it'– <i>omit, insert</i>– if no person is exercising effective control of the dog.</p>	<p>Clause 24 makes a minor amendment to subsection (2) to rephrase the reference to effective control to reflect the wording in new sections 191-193.</p>	Amend	<p>The provisions for seizure and destruction within the Act have not provided sufficient powers for authorised persons to ensure the safety of the community.</p> <p>In circumstances where a dog has caused death of a person, section 125 should also include clear provisions that indicate the dog must be seized and have a mandatory destruction order (i.e. subsequent amendment to section 127A).</p> <p>Where a dog has caused death of a person, the Act should also include a provision allowing immediate (summary) destruction of the dog.</p> <p>Further amendment required to section 125 to insert after section 125(1)(a)(ii) a new subsection of (iii) <i>the dog is unregistered</i>. This amendment would assist with section 130 when returning the dog to the owner (Note: a corresponding amendment would be required to section 130) and also assist</p>

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	<p>i) a permit application to keep the dog at the place has been refused; or</p> <p>ii) no restricted dog permit has been issued for the dog and the person reasonably believes there is a risk the dog may be concealed or moved to avoid a requirement under chapter 4; or</p> <p>c) if the dog is a regulated dog— a compliance notice has been given in relation to the dog and the person reasonably believes the notice has not been complied with.</p> <p>2) Also, if the place is a public place, the person may seize the dog if it is not under anyone’s effective control.</p>				with ensuring dogs are registered in accordance with the Act and thus meeting the primary purpose of the Act.
Clause 25		<p><b>Insertion of new ss 191–193</b></p> <p>Before section 194– <i>insert–</i></p> <p><b>191 Definitions for part</b></p> <p>In this part–</p> <p><i>animal</i> does not include vermin that are not the property of anyone.</p> <p><i>Examples of vermin that are someone’s property–</i> • a pet mouse or guinea pig • vermin that are protected animals under the Nature Conservation Act 1992, part 5, division 3</p> <p><i>dog patrol category</i> see the Security Providers Act 1993, schedule 2.</p> <p><i>effective control</i>, of a dog, see section 192.</p> <p><i>relevant person</i>, for a dog, means–</p> <p>a) the owner of the dog; or</p> <p>b) a responsible person for the dog.</p>	<p>Clause 25 inserts new sections 191, 192 and 193 about effective control of a dog.</p> <p>New section 191 inserts definitions for the following terms for this part:</p> <ul style="list-style-type: none"> <li>• animal - does not include vermin that are not the property of anyone.</li> <li>• dog patrol category - see the Security Providers Act 1993, Schedule 2.</li> <li>• effective control - see section 192.</li> <li>• relevant person - means the owner of the dog or a responsible person for the dog.</li> <li>• security officer - has the meaning provided by the Security Providers Act 1993, section 7.</li> <li>• security patrol dog - means a dog used in the dog patrol function of a security officer.</li> <li>• serious dog offence - means an offence against sections 193(a), (b), (c), or (d),</li> </ul>	Support	

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		<p><i>security officer</i> has the meaning given by the Security Providers Act 1993, section 7.</p> <p><i>security patrol dog</i> means a dog used in the dog patrol category of functions of a security officer.</p> <p><i>serious dog offence</i> means an offence against any of the following provisions—</p> <ul style="list-style-type: none"> <li>a) section 193, if the circumstances mentioned in paragraph (a), (b), (c) or (d) of the penalty apply;</li> <li>b) section 194, if the circumstances mentioned in paragraph (a), (b), (c) or (d) of the penalty apply;</li> <li>c) section 195(1), if the circumstances mentioned in paragraph (a), (b), (c) or (d) of the penalty apply.</li> </ul>	<p>sections 194(a), (b), (c), or (d), or sections 195(1)(a), (b), (c), or (d).</p>		
Clause 25		<p><b>192 What is effective control</b></p> <p>1) A relevant person for a dog that is a regulated dog exercises effective control of the dog if—</p> <ul style="list-style-type: none"> <li>a) all of the following apply— <ul style="list-style-type: none"> <li>i) the person is physically able to control the dog;</li> <li>ii) the person is in control of only that dog;</li> <li>iii) either— <ul style="list-style-type: none"> <li>(A) the person is restraining the dog by holding the dog by a leash, lead or other restraining device that is appropriate to restrain the dog in a way that ensures the dog is not a risk to a person or an animal; or</li> <li>(B) the dog is securely tethered to a fixed object in a way that ensures the dog is not a risk to a person or an animal and is under the</li> </ul> </li> </ul> </li> </ul>	<p>New section 192 provides for the circumstances and requirements for a regulated dog or a nonregulated dog to be considered to be under effective control.</p> <p>New Subsection (1) specifies the effective control requirements for a regulated dog. These include that the relevant person is physically able to control the dog, and is in control of only that dog. The person must also be holding the dog by an appropriate restraining device, or the dog must be securely tethered to a fixed object and under continuous supervision of the person, in a way that ensures the dog is not a risk to a person or other animal.</p> <p>However, a regulated dog is also under effective control if kept in an enclosed part of a vehicle and enclosed or restrained in a way that prevents any part of the dog from moving outside the vehicle, or is participating in activities specified in subsection (1)(c), supervised by a recognised body.</p> <p>New Subsection (2) specifies the effective control requirements for a non-regulated dog. If the dog</p>	Oppose - amendment required	<p>Moving 'effective control' into the Act will reduce the existing regulatory powers available to Council.</p> <p><b>Enforcement Approach</b></p> <p>Brisbane City Council, like other local governments, have always had a definition of 'effective control' in the local law. Our approach is proportionate and there is a clear escalation process.</p> <p>We are concerned the extension of this definition coupled with reduced regulatory powers (refer to our response in Clause 25 - insertion of s193) will reduce our existing enforcement approach.</p> <p><b>Definitions</b></p> <p>Introducing provisions without the support of appropriate definitions will cause difficulties and inconsistencies in the practical application.</p>

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		<p>continuous supervision of the person; or</p> <p>b) the dog is being kept in an enclosed part of a vehicle and is enclosed or restrained in a way that prevents the dog, or any part of the dog, moving outside the enclosed part of the vehicle; or</p> <p>c) the dog is participating in, or being exhibited or trained at, an exhibition, race meeting, race trial or obedience trial supervised by a body that is—</p> <p>i) recognised by the State as an appropriate body to supervise the exhibition, meeting or trial and published on the department’s website; or</p> <p>ii) recognised by the local government in whose local government area the exhibition, meeting or trial is held as an appropriate body to supervise the exhibition, meeting or trial and published on the local government’s website.</p> <p>2) A relevant person for a dog, other than a regulated dog, exercises effective control of the dog if—</p> <p>a) for a dog in a public place that is an off-leash area—the person is able to supervise the dog and control the dog by using voice command; or</p> <p>b) for a dog in another public place—</p> <p>i) the person is physically able to control the dog; and</p> <p>ii) 1 of the following applies—</p> <p>(A) the person is restraining the dog by holding the dog by a leash, lead or other restraining device;</p>	<p>is in an off-leash area the relevant person must supervise the dog and be able to control the dog using voice command. In a public place other than an off-leash area the person must be able to physically control the dog and be restraining the dog on a leash, or by securely tethering the dog to a fixed object and supervising it, or by keeping the dog in an appropriate temporary enclosure and supervising it.</p> <p>However, a non-regulated dog is also under effective control if confined in or tethered on a vehicle in a way that prevents any part of the dog moving beyond the vehicle, or is participating in activities specified in subsection (2)(d), supervised by a recognised body.</p> <p>The provision also specifies that a government entity dog or security patrol dog performing their relevant functions authorised under an Act are under effective control, and a working dog defined under the Act performing a working dog function is under effective control.</p>		<p>The following definitions are required to be inserted or amended:</p> <ul style="list-style-type: none"> <li>- ‘restraining device does not include a harness’. Alternatively, insert a note to clarify that it does not include a harness.</li> <li>- section 192(3) definition of <b><i>off-leash area</i></b> to remove the reference to ‘under a local law’ as the term off-leash area will become redundant in local laws with the effective control provisions moving to the Act. The definition should be ‘<i>an area within a local government area where a responsible person for a dog is not required to be in control of the dog by using a leash, lead or other restraining device</i>’.</li> <li>- The Act has remained silent in relation to effective control of dogs at a private residence. It is suggested that the meaning of public place be extended to include a relevant place. It is also suggested that the definition of ‘relevant place’ be relocated from Schedule 1 definitions into schedule 2 definitions.</li> </ul> <p><b><i>General</i></b></p> <p>To enable ease of enforcement, further amendments are required to this section. This includes:</p> <ul style="list-style-type: none"> <li>- a guidance note on what it looks like ‘physically able to control the dog’.</li> <li>- 192(1)(a)(iii)(A) should reference ‘relevant person’ not just ‘person’.</li> <li>- 192(1)(a)(iii)(B) should be omitted as the relevant person should be in physical control at all times.</li> <li>- Insert a section that clearly identifies prohibited places for regulated dogs.</li> </ul>

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		<p>(B) the dog is securely tethered to a fixed object and is under the continuous supervision of the person;</p> <p>(C) the dog is kept in an appropriate temporary enclosure that contains the dog's movement and is under the continuous supervision of the person;</p> <p>or</p> <p>c) 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; or</p> <p>d) the dog is participating in, or being exhibited or trained at, an exhibition, race meeting, race trial or obedience trial supervised by a body that is—</p> <p>i) recognised by the State as an appropriate body to supervise the exhibition, meeting or trial and published on the department's website; or</p> <p>ii) recognised by the local government in whose local government area the exhibition, meeting or trial is held as an appropriate body to supervise the exhibition, meeting or trial and published on the local government's website; or</p> <p>e) the dog is a government entity dog or security patrol dog performing the functions of that class of dog authorised under this Act or another Act; or</p> <p>f) the dog is a working dog and is performing a function of being a working dog.</p>			<p>While we encourage regulated dogs to participate in behaviour modification training, it is not suitable for a regulated dog to be exhibited at an exhibition, race meeting, race trial or obedience trial. As such, section 192(1)(c) must be omitted.</p> <p>Council also has concerns with enforceability of 192(2)(a) in that how is an authorised person to clearly identify 'control of a dog by voice command' element of the offence. Suggest omitting 'by using voice command'.</p> <p>The 192(2)(d)(ii) provision may have inconsistency in its application across different jurisdictions. A guideline is required outlining clear criteria for assessment on suitable bodies.</p>



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		3) In this section– <i>off-leash area</i> means an area within a local government area where, under a local law, a responsible person for a dog is not required to be in control of the dog by using a leash, lead or other restraining device.			
Clause 25		<p><b>193 Relevant person must exercise effective control of dog in public place</b></p> <p>A relevant person for a dog must, unless the person has a reasonable excuse, exercise effective control of the dog if the dog is in a public place. Maximum penalty–</p> <p>a) if the attack causes the death of a person or grievous bodily harm to a person–</p> <p>i) if the dog is a regulated dog– 600 penalty units or 2 years imprisonment; or</p> <p>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years–600 penalty units or 2 years imprisonment; or</p> <p>iii) otherwise–600 penalty units or 1 year’s imprisonment; or</p> <p>b) if the attack causes the death of an animal or maims an animal–</p> <p>i) if the dog is a regulated dog– 500 penalty units; or</p> <p>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years–500 penalty units; or</p> <p>iii) otherwise–400 penalty units; or</p> <p>c) if the attack causes bodily harm to a person–</p> <p>i) if the dog is a regulated dog– 300 penalty units or 6 months imprisonment; or</p>	<p>New section 193 provides that a relevant person for a dog must, unless the person has a reasonable excuse, exercise effective control of the dog in a public place. Failure to comply is an offence, and the following maximum penalties apply:</p> <ul style="list-style-type: none"> <li>• if the dog attacks and causes the death of, or grievous bodily harm to, a person: <ul style="list-style-type: none"> <li>– if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 600 penalty units or 2 years imprisonment.</li> <li>– otherwise - 600 penalty units or 1 year’s imprisonment.</li> </ul> </li> <li>• if the dog attacks and causes the death of an animal or maims an animal: <ul style="list-style-type: none"> <li>– if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 500 penalty units.</li> <li>– otherwise - 400 penalty units.</li> </ul> </li> <li>• if the dog attacks and causes bodily harm to a person: <ul style="list-style-type: none"> <li>– if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 300 penalty units or 6 months imprisonment.</li> <li>– otherwise - 300 penalty units.</li> </ul> </li> <li>• if the dog attacks and wounds an animal:</li> </ul>	Oppose - pending amendment	<p>The proposed amendments <b>will reduce</b> the powers available to Council under our current <i>Animals Local Law 2017</i> in that they will remove our ability to utilise <b>proportionate and escalatory</b> regulatory tools, such as oral compliance directions and compliance notices.</p> <p>Additional provisions must be inserted into the Act to account for these regulatory tools. Without the ability to direct a person to comply, local governments will only be able to issue an infringement notice or prosecute, which in many circumstances will be overly punitive as often a simple direction will adequately resolve the contravention.</p> <p>The s193 offence provision and the maximum penalties do not speak to each other properly. The offence provision is based on a dog not being under effective control in a public place. The maximum penalties go straight to “if the attack causes”, however there is no mention in how an attack and the failure to exercise effective control link.</p> <p>Also, the s193 offence of failing to exercise effective control which results in an attack is already covered by the s194 offence for failing to take reasonable steps to ensure a dog does not attack, that being that where an attack occurs, the reasonable step that should have been taken was to ensure the dog was under effective control. The provisions at s193(a)-(d) does not add</p>

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		<ul style="list-style-type: none"> <li>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years—300 penalty units or 6 months imprisonment; or</li> <li>iii) otherwise—300 penalty units; or</li> <li>d) if the attack wounds an animal— <ul style="list-style-type: none"> <li>i) if the dog is a regulated dog—200 penalty units; or</li> <li>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years—200 penalty units; or</li> <li>iii) otherwise—150 penalty units; or</li> </ul> </li> <li>e) if paragraphs (a) to (d) do not apply— <ul style="list-style-type: none"> <li>i) if the dog is a regulated dog—100 penalty units; or</li> <li>ii) otherwise—50 penalty units.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 200 penalty units.</li> <li>- otherwise - 150 penalty units.</li> <li>• Otherwise, where a person fails to comply: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 100 penalty units.</li> <li>- otherwise - 50 penalty units.</li> </ul> </li> </ul>		<p>anything different to the offence provisions at s194(a)-(d)</p> <p>Amend section to omit sections 193(a) to 193(d). Revise the drafting to make it clear that it is an offence to not have effective control of the dog rather than the attack which is already an offence under section 194. The definition of <i>serious dog offence</i> under clause 25 for new section 191 should omit subsection (a).</p>
Clause 26	<p><b>Section 194 – Relevant person must ensure dog does not attack or cause fear</b></p> <p>1) A relevant person for a dog must take reasonable steps to ensure the dog does not attack, or act in a way that causes fear to, someone else or another animal. Maximum penalty—</p> <ul style="list-style-type: none"> <li>a) if the attack causes the death of or grievous bodily harm to the person—300 penalty units; or</li> <li>b) if the attack causes the death of or grievous bodily harm to the animal—100 penalty units; or</li> <li>c) if the attack causes bodily harm to the person or animal—50 penalty units; or</li> <li>d) otherwise—20 penalty units.</li> </ul> <p>2) In this section—</p>	<p><b>Replacement of ss 194 and 195</b></p> <p>Section 194 and 195— <i>omit, insert—</i></p> <p><b>194 Relevant person must ensure dog does not attack or cause fear</b></p> <p>A relevant person for a dog must take reasonable steps to ensure the dog does not attack, or act in a way that causes fear to, a person or an animal.</p> <p>Maximum penalty—</p> <ul style="list-style-type: none"> <li>a) if the attack causes the death of a person or grievous bodily harm to a person— <ul style="list-style-type: none"> <li>i) if the dog is a regulated dog—600 penalty units or 2 years imprisonment; or</li> <li>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years—600 penalty units or 2 years imprisonment; or</li> </ul> </li> </ul>	<p>Clause 26 replaces the existing sections 194 and 195, which relate to the requirement to ensure a dog does not attack or cause fear, and the prohibition on allowing or encouraging a dog to attack or cause fear, respectively. The amendments implement increased penalties and amend the circumstances of aggravation, in line with new section 193 above.</p> <p>New section 194 provides that a relevant person for a dog must take reasonable steps to ensure the dog does not attack, or act in a way that causes fear to, a person or animal. Failure to comply is an offence, and the following maximum penalties apply:</p> <ul style="list-style-type: none"> <li>• if the dog attacks and causes the death of, or grievous bodily harm to, a person: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 600 penalty units or 2 years imprisonment.</li> <li>- otherwise - 600 penalty units or 1 year's imprisonment.</li> </ul> </li> </ul>	Support - amendments required	<p>It is assumed that new definitions in section 191 will be inserted under Chapter 9, Part 1 so that the new definition of '<i>relevant person</i>' applies to section 194. If this is not the case, a definition of '<i>relevant person</i>' is required for section 194.</p> <p>Support for 194(a)(ii) and 194(c)(i) and 194(c)(ii) is conditional in that it applies even if it is a different dog involved in the offence.</p> <p>Clear definitions are essential for our officers in their decision-making process. Definitions must be inserted into the Act for the following:</p> <ul style="list-style-type: none"> <li>- maims</li> <li>- wounds</li> </ul> <p>It is noted that the Macquarie Dictionary definition for <i>wounds</i> includes "hurt to feelings". There has been no guidance on how this should be applied. Further, this would increase regulatory burden on local</p>

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	<p><i>animal</i> does not include vermin that are not the property of anyone. Examples of vermin that are someone's property— • a pet mouse or guinea pig • vermin that are protected animals under the Nature Conservation Act 1992 (See section 83 of that Act.)</p> <p><i>relevant person</i>, for a dog, means—</p> <p>a) the owner of the dog; or b) any responsible person for the dog.</p>	<p>iii) otherwise—600 penalty units or 1 year's imprisonment; or</p> <p>b) if the attack causes the death of an animal or maims an animal—</p> <p>i) if the dog is a regulated dog— 500 penalty units; or</p> <p>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years—500 penalty units; or</p> <p>iii) otherwise—400 penalty units; or</p> <p>c) if the attack causes bodily harm to a person—</p> <p>i) if the dog is a regulated dog— 300 penalty units or 6 months imprisonment; or</p> <p>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years—300 penalty units or 6 months imprisonment; or</p> <p>iii) otherwise—300 penalty units; or</p> <p>d) if the attack wounds an animal—</p> <p>i) if the dog is a regulated dog— 200 penalty units; or</p> <p>ii) if the relevant person has been convicted of a serious dog offence within the preceding 5 years—200 penalty units; or</p> <p>iii) otherwise—150 penalty units; or</p> <p>e) if paragraphs (a) to (d) do not apply—</p> <p>i) if the dog is a regulated dog— 100 penalty units; or</p> <p>ii) otherwise—50 penalty units.</p>	<ul style="list-style-type: none"> <li>• if the dog attacks and causes the death of an animal or maims an animal: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 500 penalty units.</li> <li>- otherwise - 400 penalty units.</li> </ul> </li> <li>• if the dog attacks and causes bodily harm to a person: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 300 penalty units or 6 months imprisonment.</li> <li>- otherwise - 300 penalty units.</li> </ul> </li> <li>• if the dog attacks and wounds an animal: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 200 penalty units.</li> <li>- otherwise - 150 penalty units.</li> </ul> </li> <li>• Otherwise, where a person fails to comply: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the relevant person has been convicted of a serious dog offence within the preceding 5 years - 100 penalty units.</li> <li>- otherwise - 50 penalty units.</li> </ul> </li> </ul>		<p>governments as more dogs would be declared as dangerous instead of menacing.</p> <p>The definition of 'animal' is too broad and must be refined. It is unrealistic to expect the same level of importance be placed on a pet mouse vs another dog. Or for example, an animal intruding into a regulated dog or other dog enclosure.</p> <p>Provision to be amended to omit 'must take reasonable steps to' - if an attack has occurred, it is clear that the person has not taken reasonable steps to prevent the attack. Furthermore, there are other defences available within the Act.</p>
Clause 26	<p><b>Section 195 - Prohibition on allowing or encouraging dog to attack or cause fear</b></p> <p>1) A person must not allow or encourage a dog to attack, or act in a way that causes fear to, a</p>	<p><b>195 Prohibition on allowing or encouraging dog to attack or cause fear</b></p> <p>1) A person must not allow or encourage a dog to attack, or act in a way that causes fear to, a person or an animal. Maximum penalty—</p>	<p>New section 195 provides that a person must not allow or encourage a dog to attack, or act in a way that causes fear to, a person or another animal. Allow or encourage, without limiting the Criminal Code, sections 7 and 8, includes cause to encourage. Failure to comply is an offence, and the following maximum penalties apply:</p>	Amend	<p>Clear definitions are essential to our officers in their decision making.</p> <p>Definitions must be inserted into the Act for the following:</p> <ul style="list-style-type: none"> <li>- maims</li> <li>- wounds</li> </ul>

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	<p>person or another animal. Maximum penalty—</p> <p>a) if the attack causes the death of or grievous bodily harm to the person—300 penalty units; or</p> <p>b) if the attack causes the death of or grievous bodily harm to the animal—100 penalty units; or</p> <p>c) if the attack causes bodily harm to the person or animal—50 penalty units; or</p> <p>d) otherwise—20 penalty units.</p> <p>2) In this section— <b>allow or encourage</b>, without limiting the Criminal Code, sections 7 and 8, includes cause to allow or encourage. <b>animal</b> does not include vermin that are not the property of anyone. Examples of vermin that are someone's property—</p> <ul style="list-style-type: none"> <li>• a pet mouse or guinea pig</li> <li>• vermin that are protected animals under the Nature Conservation Act 1992 (See section 83 of that Act.)</li> </ul>	<p>a) if the attack causes the death of a person or grievous bodily harm to a person—</p> <p>i) if the dog is a regulated dog—700 penalty units or 3 years imprisonment; or</p> <p>ii) if the person has been convicted of a serious dog offence within the preceding 5 years—700 penalty units or 3 years imprisonment; or</p> <p>iii) otherwise—700 penalty units or 2 years imprisonment; or</p> <p>b) if the attack causes the death of an animal or maims an animal—</p> <p>i) if the dog is a regulated dog—600 penalty units; or</p> <p>ii) if the person has been convicted of a serious dog offence within the preceding 5 years—600 penalty units; or</p> <p>iii) otherwise—500 penalty units; or</p> <p>c) if the attack causes bodily harm to a person—</p> <p>i) if the dog is a regulated dog—400 penalty units or 2 years imprisonment; or</p> <p>ii) if the person has been convicted of a serious dog offence within the preceding 5 years—400 penalty units or 2 years imprisonment; or</p> <p>iii) otherwise—400 penalty units; or</p> <p>d) if the attack wounds an animal—</p> <p>i) if the dog is a regulated dog—300 penalty units; or</p> <p>ii) if the person has been convicted of a serious dog offence within the preceding 5 years—300 penalty units; or</p> <p>iii) otherwise—200 penalty units; or</p> <p>e) if paragraphs (a) to (d) do not apply—</p>	<ul style="list-style-type: none"> <li>• if the dog attacks and causes the death of, or grievous bodily harm to, a person: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the person has been convicted of a serious dog offence within the preceding 5 years - 700 penalty units or 3 years imprisonment.</li> <li>- otherwise - 700 penalty units or 2 years imprisonment.</li> </ul> </li> <li>• if the dog attacks and causes the death of an animal or maims an animal: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the person has been convicted of a serious dog offence within the preceding 5 years - 600 penalty units.</li> <li>- otherwise - 500 penalty units.</li> </ul> </li> <li>• if the dog attacks and causes bodily harm to a person: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the person has been convicted of a serious dog offence within the preceding 5 years - 400 penalty units or 2 years imprisonment.</li> <li>- otherwise - 400 penalty units.</li> </ul> </li> <li>• if the dog attacks and wounds an animal: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the person has been convicted of a serious dog offence within the preceding 5 years - 300 penalty units.</li> <li>- otherwise - 200 penalty units.</li> </ul> </li> <li>• Otherwise, where a person fails to comply: <ul style="list-style-type: none"> <li>- if the dog is a regulated dog or the person has been convicted of a serious dog offence within the preceding 5 years - 150 penalty units.</li> <li>- otherwise - 75 penalty units.</li> </ul> </li> </ul>		<p>It is noted that the Macquarie Dictionary definition for <i>wounds</i> includes "hurt to feelings". There has been no guidance on how this should be applied. Further, this would increase regulatory burden on local governments as more dogs would be declared as dangerous instead of menacing.</p> <p>The definition of 'animal' is too broad and must be refined. It is unrealistic to expect the same level of importance be placed on a pet mouse vs another dog. Or for example, an animal intruding into a regulated dog or other dog enclosure.</p> <p>Support for 195(a) and 195(c)(i) and 195(c)(ii) is conditional in that it applies even if it is a different dog involved in the offence.</p>

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		<ul style="list-style-type: none"> <li>i) if the dog is a regulated dog– 150 penalty units; or</li> <li>ii) otherwise–75 penalty units.</li> </ul> 2) In this section– encourage, without limiting the Criminal Code, sections 7 and 8, includes cause to encourage.			
Clause 27	<b>Section 196 – Defences for offence against s194 or s195</b>  1) It is a defence to a prosecution for an offence against section 194 or 195 for the defendant to prove– <ul style="list-style-type: none"> <li>a) the dog attacked, or acted in a way that caused fear to, the other person (the complainant) or the animal–               <ul style="list-style-type: none"> <li>i) as a result of the dog being attacked, mistreated, provoked or teased by the complainant or the animal; or</li> <li>ii) to protect the defendant, or a person accompanying the defendant (the accompanying person), or the defendant’s or accompanying person’s property; or</li> </ul> </li> <li>b) for an attack on an animal, the dog was engaged in hunting the animal on private property when the offence happened; or</li> <li>c) for an attack on stock, the dog is a working dog and the offence happened when the stock were being worked; or</li> <li>d) the dog is a government entity dog and when the offence happened the defendant was acting within</li> </ul>	<b>Amendment of s 196 (Defences for offence against s 194 or 195)</b>  1) Section 196, heading, ‘s 194’– <i>omit, insert– s 193, 194</i> 2) Section 196(1), ‘section 194’– <i>omit, insert– section 193, 194</i> 3) Section 196(2)– <i>omit</i>	Clause 27 amends references to section numbers to reflect amendments in this Bill, by including that the defences under section 196 apply to the new effective control offence in section 193, and removing subsection (2) because those definitions are now in Schedule 2.	Amend	Amend this section to insert a provision that puts the onus on the owner to prove they have taken reasonable steps to prevent an attack from occurring.

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	<p>the scope of employment by the government entity; or</p> <p>e) when the offence happened, the dog was a security patrol dog carrying out that function under the Security Providers Act 1993.</p> <p>2) In this section— <i>dog patrol category</i>, of functions of a security officer, has the meaning given by the Security Providers Act 1993, schedule 2. <i>security officer</i> has the meaning given by the Security Providers Act 1993, section 7. <i>security patrol dog</i> means a dog used in the dog patrol category of functions of a security officer.</p>				
Clause 28	<p><b>Section 207A - Chief executive (transport) must disclose information</b></p> <p>1) This section applies if—</p> <p>a) an authorised person is reasonably satisfied that vehicle registry information may be used, in an investigation under this Act about a prescribed offence, to identify the relevant person for a dog; and</p> <p>b) the authorised person asks the chief executive (transport) for the information.</p> <p>2) The chief executive (transport) must disclose the information to the authorised person if—</p> <p>a) the chief executive (transport) reasonably considers that the information may be used to identify the relevant person; or</p>	<p><b>Amendment of s 207A (Chief executive (transport) must disclose information)</b></p> <p>Section 207A(3), definition <i>prescribed offence</i>—</p> <p><i>omit, insert—</i></p> <p><i>prescribed offence</i> means an offence against section 193, 194 or 195 involving an attack by a dog, if the attack—</p> <p>a) causes the death of, or grievous bodily harm or bodily harm to, a person; or</p> <p>b) causes the death of an animal, or maims or wounds an animal.</p>	<p>Clause 28 amends the list of prescribed offences under subsection (3) about which information must be disclosed, to incorporate the new section 193 effective control offence. The amendment also makes minor updates to phrasing for consistency with the new definition of seriously attacks.</p>	<p>Support - conditional</p>	<p>This section appears to only apply to vehicles. Given an increase in housing diversity, it suggested this section requires further amendment to include ability to search vessel information.</p> <p>Amendment is also required to the definition of <i>prescribed offence</i> to include all aspects of 193, 194 and 195 (i.e. subsection (1)(e) on each of these sections).</p> <p>Amend the definition of a <i>prescribed offence</i> to also include 'Or where it is suspected an offence under this Act has occurred'.</p>

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	<p>b) the disclosure is authorised by the person to whom the information relates.</p> <p>3) In this section– <i>chief executive (transport)</i> means the chief executive of the department in which the <i>Transport Operations (Road Use Management) Act 1995</i> is administered. <i>prescribed offence</i> means an offence under section 194 or 195 involving an attack by a dog if the attack causes– a) the death of, or grievous bodily harm to, a person or another animal; or b) bodily harm to a person or another animal.</p> <p><i>relevant person</i>, for a dog, means the owner of the dog or any responsible person for the dog.</p> <p><i>vehicle registry information</i> means information kept in the register of registered vehicles under a regulation under the <i>Transport Operations (Road Use Management) Act 1995</i>.</p>				
Clause 29		<p>Insertion of new ch 10, pt 6, div 3 Chapter 10, part 6– <i>insert–</i> <b>Division 3 Provisions for amendments commencing on 1 May 2024</b> <b>232 Proceedings for particular offences</b></p> <p>1) This section applies in relation to an offence against former section 194 or 195 committed by a person before the commencement.</p>	<p>Clause 29 inserts a new Chapter 10, Part 6 to provide transitional provisions for offences committed against former section 194 and 195 prior to commencement. Under the transitional arrangements a proceeding for an offence may be started or continued and the person may be convicted or punished as if the amendments in Chapter 3, Part 3 of this Bill had not commenced.</p>	Support	

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		2) Without limiting the Acts Interpretation Act 1954, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, section 26 had not commenced. 3) Subsection (2) applies despite the Criminal Code, section 11.			
Clause 29		<b>233 References to serious dog offence</b> For chapter 9, part 1, a reference to a serious dog offence includes a reference to— a) an offence against former section 194, if the circumstances mentioned in paragraph (a), (b) or (c) of the penalty apply; and b) an offence against former section 195, if the circumstances mentioned in paragraph (a), (b) or (c) of the penalty apply.		Support - conditional	Brisbane City Council sees great benefit to inserting this into the Act. However further amendment is required to include a 'repeated or ongoing failure to comply with regulated dog conditions'.
Clause 30	Schedule 1 <b>Section 3 – Muzzling and effective control in place that is not relevant place</b> 1) A relevant dog must not be in a place that is not the relevant place for the dog unless it is— a) muzzled; and b) under the effective control of someone who has the control of no more than 1 dog at the same time. 2) However, subsection (1) does not apply for a relevant dog in a vehicle that is in a place that is not the relevant place for the dog if the dog is— a) in an enclosed part of the vehicle; and	<b>Amendment of sch 1 (Permit conditions and conditions applying to declared dangerous and menacing dogs)</b> 1) Schedule 1, section 3, heading, 'and effective control'— <i>omit</i> . 2) Schedule 1, section 3(1), from 'unless'— <i>omit, insert—</i> unless it is muzzled.	Clause 30 amends the conditions applying to declared dangerous and menacing dogs in Schedule 1, section 3, to omit effective control, which is captured by new sections 192 and 193, and instead only refer to the requirement for muzzling.	Support	



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	b) enclosed or restrained in a way that prevents the dog or any part of it from being outside the enclosed part of the vehicle. 3) In subsection (1)(a)– relevant dog– a) does not include a declared menacing dog or a dog the subject of a proposed declaration notice for a menacing dog declaration; but b) includes a dog the subject of a proposed declaration notice for a dangerous dog declaration or restricted dog declaration.				
Clause 31		<b>Amendment of sch 2 (Dictionary)</b> 1) Schedule 2, definition effective control– <i>omit</i> . 2) Schedule 2– <i>insert</i> – <i>animal</i> , for chapter 9, part 1, see section 191. <i>dog patrol category</i> , for chapter 9, part 1, see section 191. <i>effective control</i> , of a dog, see section 192. <i>relevant person</i> , for a dog, for chapter 9, part 1, see section 191. <i>security officer</i> , for chapter 9, part 1, see section 191. <i>security patrol dog</i> , for chapter 9, part 1, see section 191. <i>serious dog offence</i> , for chapter 9, part 1, see section 191.	Clause 31 amends the Dictionary in Schedule 2, to omit the existing definition of effective control and to refer to new sections 191 or 192 for the definitions of dog patrol category, effective control, relevant person, security officer, security patrol dog, and serious dog offence. A new definition for animal is also inserted referring to section 191.	Amend	Relevant person is defined multiple times through the Act - the dictionary should refer to each different instance not just Chapter 9. Note: some references of <i>relevant person</i> within the current Act do not have a definition.

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<b>AMENDMENTS COMMENCING ON 28 AUGUST 2024</b>					
Clause 32	<b>Section 3 - Purpose of the Act</b> The purposes of this Act are to– <ul style="list-style-type: none"> <li>a) provide for the identification of cats and dogs; and</li> <li>b) provide for the registration of dogs; and</li> <li>c) provide for the effective management of regulated dogs; and</li> <li>d) promote the responsible ownership of cats and dogs; and</li> </ul> <i>Note– For the welfare of animals generally, see the Animal Care and Protection Act 2001.</i> <ul style="list-style-type: none"> <li>e) promote the responsible breeding of dogs.</li> </ul>	<b>Amendment of s 3 (Purposes of Act)</b> Section 3– <i>insert–</i> <ul style="list-style-type: none"> <li>f) prohibit the ownership of and particular dealings with dogs of particular breeds.</li> </ul>	Clause 32 amends section 3 to insert an additional purpose of the Act to include prohibiting the ownership of and particular dealings with dogs of particular breeds.	Support	
Clause 33	<b>Section 4 - How purposes are to be primarily achieved</b> The purposes are to be primarily achieved by the following– <ul style="list-style-type: none"> <li>a) imposing obligations about identification devices for cats and dogs on their owners, sellers, authorised implanters and operators of pounds or shelters;</li> <li>b) imposing obligations on owners and veterinary surgeons about tattooing cats and dogs for desexing;</li> <li>c) imposing registration obligations on dog breeders;</li> <li>d) regulating the supply of dogs and the advertising of dogs for supply;</li> <li>e) providing for the sharing of information about dog breeders with particular</li> </ul>	<b>Amendment of s 4 (How purposes are to be primarily achieved)</b> <ol style="list-style-type: none"> <li>1) Section 4– <i>insert–</i> (ha) prohibiting ownership of dogs of particular breeds;</li> <li>2) Section 4(ha) to (m)– renumber as section 4(i) to (n).</li> </ol>	Clause 33 amends section 4, about how the purposes of the Act are to be primarily achieved, to include prohibiting ownership of dogs of particular breeds. The section is also renumbered.	Support	

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	<p>agencies and entities that are responsible for animal welfare;</p> <p>f) imposing registration obligations on dog owners;</p> <p>g) imposing obligations on regulated dog owners;</p> <p>h) providing for the chief executive to establish a breeder register and regulated dog register;</p> <p>i) appointing authorised persons to investigate, monitor and enforce compliance with this Act;</p> <p>j) requiring those who may provide PPID registry services to be licensed and imposing obligations on licensees;</p> <p>k) requiring local governments to keep a general register about dogs;</p> <p>l) imposing obligations on particular persons to ensure dogs do not attack or cause fear;</p> <p>m) prohibiting anyone from allowing or encouraging a dog to attack or cause fear to people or other animals.</p>				
Clause 34	<p><b>Section 45 – Dog must bear identification in particular circumstances</b></p> <p>1) This section applies if a dog, other than a regulated dog, is at a place other than the address stated in the registration notice for the dog.</p> <p>2) The person who keeps the dog must ensure it bears the identification prescribed under a</p>	<p><b>Amendment of s 45 (Dog must bear identification in particular circumstances)</b></p> <p>Section 45(2),</p> <p>note–</p> <p><i>omit, insert–</i></p> <p>Note– See chapter 4, part 5 for conditions applying in relation to regulated dogs.</p>	<p>Clause 34 replaces the note in section 45(2) to update references to Chapter 4, Part 5 for permit conditions applying to regulated dogs.</p>	<p>Support conditional</p>	<p>Identification of dogs should not be restricted to regulated dogs. Amending section 45(2) to reflect that when outside the relevant place, all dogs must bear identification prescribed under the Act will assist in placing pressure of dog owners to ensure they register their dog in accordance with legislative requirements and thus achieving primary purpose of the Act..</p>

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	<p>local law unless the person has a reasonable excuse. Maximum penalty—20 penalty units.</p> <p><i>Note— See chapter 4, part 3, division 2 for permit conditions for restricted dogs and chapter 4, part 5 for permit conditions applying to declared dangerous dogs and declared menacing dogs.</i></p>				
<p><b>Clause 35</b></p>	<p><b>Section 47 – What registration must state</b></p> <p>1) A registration form for the registration of a dog in the relevant local government’s area, must—</p> <p>a) be in the approved form; and</p> <p>b) state all of the following information about its owner—</p> <p>i) name;</p> <p>ii) residential address;</p> <p>iii) contact telephone number;</p> <p>iv) email address, if any; and</p> <p>c) state all of the following information about the dog—</p> <p>i) age;</p> <p>ii) breed;</p> <p>iii) colour;</p> <p>iv) sex;</p> <p>v) any other noticeable distinguishing features or marks;</p> <p>vi) address;</p> <p>vii) if it is implanted with a PPID, the unique identification number stored on the PPID;</p> <p>viii) if it is desexed—that it has been desexed;</p> <p>ix) if the dog is a regulated dog—whether the dog is a declared dangerous dog,</p>	<p><b>Amendment of s 47 (What registration form must state)</b></p> <p>1) Section 47(1)(c)(ix), ‘, a declared menacing dog or a restricted dog’— <i>omit, insert—</i> or a declared menacing dog</p> <p>2) Section 47(2), definition address— <i>omit, insert—</i> address, for a dog, means the address of the place where the dog is usually kept or is proposed to be kept.</p>	<p>Clause 35 amends section 47(1) to omit references to a restricted dog, in line with the change to prohibited dog breeds. The clause also updates the definition of address, for a dog, to omit references to a restricted dog.</p>	<p>Support - conditional</p>	<p>Current provisions do not provide sufficient information in relation to identification of a dog. The following amendments will further assist local governments in identification of dogs that come into our care or are subject to enforcement action:</p> <ul style="list-style-type: none"> <li>- Section 47(1)(c)(i) to age or date of birth.</li> <li>- Section 47(1)(c) to include name of dog.</li> </ul>

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	<p>a declared menacing dog or a restricted dog.</p> <p>2) In this section— <i>address</i>, for a dog, means— a) for a restricted dog—the address of the place for which the permit for the dog has been issued; or b) otherwise—the address of the place where the dog is usually kept or proposed to be kept.</p>				
Clause 36	<p><b>Section 52 – Registration fee must be fixed to give desexing incentive</b></p> <p>1) This section applies to a relevant local government in fixing the registration fee for a dog usually kept or proposed to be kept in the local government’s area.</p> <p>2) The local government must fix the fee to give the owner of the dog an incentive to desex it. <i>Example of an incentive to desex a dog—fixing a lower registration fee for a dog that is desexed</i></p> <p>3) In this section— <i>dog</i> means a dog other than a declared dangerous dog or restricted dog. <i>Note— See section 70 in relation to the compulsory desexing of declared dangerous dogs and restricted dogs.</i></p>	<p><b>Amendment of s 52 (Registration fee must be fixed to give desexing incentive)</b></p> <p>1) Section 52(3), definition dog— <i>omit, insert— dog</i> means a dog other than a declared dangerous dog.</p> <p>2) Section 52, note— <i>omit, insert— Note— See section 70 in relation to the compulsory desexing of declared dangerous dogs.</i></p>	Clause 36 amends the definition of dog in section 52(3) to mean a dog other than a declared dangerous dog and omit reference to a restricted dog. The clause also inserts a note to see section 70 in relation to the compulsory desexing of declared dangerous dogs.	Support	
Clause 37	<p><b>Section 54 – Amendment of registration</b></p> <p>1) This section applies if any information stated on the registration notice for a dog changes (the changed information).</p> <p>2) However, this section does not apply if the changed information is a change of residential address</p>	<p><b>Amendment of s 54 (Amendment of registration)</b></p> <p>Section 54(2), ‘a relevant person’— <i>omit, insert— an owner of a regulated dog</i></p>	Clause 37 makes a consequential amendment to section 54 to replace references to section 8 in Schedule 1.	Support	

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	<p>for a relevant person mentioned in schedule 1, section 8.</p> <p>3) The owner of the dog must, within 7 days, give the relevant local government notice of the changed information. Maximum penalty–5 penalty units.</p> <p>4) The notice must be–</p> <p>a) in the approved form; and</p> <p>b) accompanied by other information or documents to enable the relevant local government to record the changed information in the appropriate register.</p>				
<b>Clause 38</b>	<p><b>Section 59 – Purpose of Chapter 4 and its achievement</b></p> <p>1) The purposes of this chapter are to–</p> <p>a) protect the community from damage or injury, or risk of damage or injury, from particular types of dogs called ‘regulated dogs’; and</p> <p>b) ensure the dogs are–</p> <p>i) not a risk to community health or safety; and</p> <p>ii) controlled and kept in a way consistent with community expectations and the rights of individuals.</p> <p>2) The purposes are to be achieved primarily by the following–</p> <p>a) providing for local governments to declare dogs to be dangerous dogs, menacing dogs or restricted dogs;</p> <p>b) providing for the compulsory desexing of declared</p>	<p><b>Amendment of s 59 (Purpose of ch 4 and its achievement)</b></p> <p>1) Section 59(1)(a), ‘particular types of dogs called ‘regulated dogs’;’– <i>omit, insert–</i> regulated dogs;</p> <p>2) Section 59(1)(b), ‘the dogs’– <i>omit, insert–</i> regulated dogs</p> <p>3) Section 59(2)(a), ‘, menacing dogs or restricted dogs’– <i>omit, insert–</i> or menacing dogs</p> <p>4) Section 59(2)(b), ‘and restricted dogs’– <i>omit.</i></p> <p>5) Section 59(2)(d)– <i>omit.</i></p> <p>6) Section 59(2)(g), ‘(f)’– <i>omit, insert–</i> (e)</p> <p>7) Section 59(2)(e) to (g)– renumber as section 59(2)(d) to (f).</p>	<p>Clause 38 makes consequential amendments to section 59 to omit references to restricted dogs.</p>	<p>Support</p>	

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	<p>dangerous dogs and restricted dogs;</p> <p>c) providing for identification of dogs as regulated dogs;</p> <p>d) providing for permits for restricted dogs;</p> <p>e) imposing conditions on keeping, and requirements for the control of, regulated dogs;</p> <p>f) allowing authorised persons to seize or destroy dogs in particular circumstances;</p> <p>g) providing for local governments to administer, and be responsible for, the matters mentioned in paragraphs (a) to (f).</p>				
Clause 39	<p><b>Section 60 – What is a regulated dog</b></p> <p>A <i>regulated dog</i> is–</p> <p>a) a declared dangerous dog; or</p> <p>b) a declared menacing dog; or</p> <p>c) a restricted dog.</p>	<p><b>Amendment of s 60 (What is a regulated dog)</b></p> <p>Section 60(c)– <i>omit</i>.</p>	Clause 39 makes a consequential amendment to omit section 60(c) relating to a restricted dog.	Amend	By omitting section 60(c), a subsequent amendment is required to section 60(b) to omit ‘, or’.
Clause 40	<p><b>Section 63 – What is a restricted dog</b></p> <p>1) A restricted dog is a dog of a breed prohibited from importation into Australia under the Customs Act 1901 (Cwlth). <i>Note– See the Customs (Prohibited Imports) Regulations 1956 (Cwlth), section 3 and schedule 1 for the breeds of dogs that are prohibited from being imported.</i></p> <p>2) Also, a dog is a restricted dog if it is the subject of a restricted dog declaration.</p> <p>3) In this section– breed, of a dog, does not include a crossbreed of a breed.</p>	<p><b>Omission of s 63 (What is a restricted dog)</b></p> <p>Section 63– <i>omit</i>.</p>	Clause 40 removes section 63 about what is a restricted dog, as restricted dogs will be redefined to be prohibited dogs.	Support	

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Clause 41	<b>Section 65 – Application of this Part 2</b>  1) This part does not apply to a local government in relation to a regulated dog if the dog has been surrendered to it. 2) Section 66 does not apply to another person for an act if the act is the surrender of the dog to the relevant local government. <i>Note– See section 100 in relation to the surrender of regulated dogs.</i>	<b>Amendment of s 65 (Application of pt 2)</b>  Section 65(2)– <i>omit</i> .	Clause 41 omits section 65(2) because it is about section 66 which is being omitted.	Support	
Clause 42	<b>Section 66 – Prohibition on supply of restricted dog</b>  1) A person must not supply a restricted dog or proposed restricted dog to someone else unless– a) the supply is made under a distribution in the estate of a deceased person; or b) the person has a reasonable excuse. Maximum penalty–150 penalty units. 2) In this section– <i>proposed restricted dog</i> means a dog the subject of– a) a proposed declaration notice that has not been withdrawn; or b) a restricted dog declaration that has been stayed under section 184 or 190.	<b>Omission of s 66 (Prohibition on supply of restricted dog)</b>  Section 66– <i>omit</i> .	Clause 42 omits section 66 about the prohibition of supply of restricted dogs. The prohibition is relocated to the new Chapter 4A for prohibited dogs.	Support	
Clause 43	<b>Section 67 – Prohibition on supply of declared dangerous dog or menacing dog</b>  1) A person (the <i>relevant person</i> ) must not supply a declared dangerous dog or a declared menacing dog (a <i>designated dog</i> ) or a proposed declared dog	<b>Amendment of s 67 (Prohibition on supply of declared dangerous dog or menacing dog)</b>  1) Section 67, heading, ‘declared dangerous dog or menacing dog’– <i>omit, insert</i> – regulated dog or proposed declared dog	Clause 43 amends section 67 to refer to a regulated dog or proposed declared dog instead of a declared dangerous dog or menacing dog.	Amend	Brisbane City Council recommends an amendment to this section to require that notice is also given to the local government.  Improvements to the current state-wide database and microchipping databases to



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	<p>(also a designated dog) to someone else unless–</p> <p>a) the relevant person gives the other person a notice stating that the dog is a designated dog; or</p> <p>b) the relevant person has a reasonable excuse. Maximum penalty–150 penalty units.</p> <p>2) In this section– <b><i>proposed declared dog</i></b> means a dog the subject of–</p> <p>a) a proposed declaration notice that has not been withdrawn; or</p> <p>b) a dangerous dog declaration or menacing dog declaration that has been stayed under section 184 or 190.</p>	<p>2) Section 67(1), from ‘declared dangerous dog’ to ‘someone else’– <i>omit, insert</i>– regulated dog or a proposed declared dog to another person</p> <p>3) Section 67(1)(a), ‘designated dog’– <i>omit, insert</i>– regulated dog or a proposed declared dog, as the case may be</p> <p>4) Section 67(2), definition proposed declared dog, paragraph (b), ‘or 190’– <i>omit, insert</i>– or the QCAT Act, section 22(3)</p>			<p>record a dog is regulated would assist in better tracking of regulated dogs.</p> <p>Section 67 only requires the relevant person to notify the other person that the dog is a regulated dog or subject to a proposed declaration. This section requires further amendments to require the relevant person to notify the relevant local government of the details of the other person (including where the dog will be kept, full name, and contact details of the new owner). An offence provision must be included for this addition.</p> <p>Alternatively, the Act should prohibit the supply of a regulated dog to another person and require the dog to be surrendered to the relevant local government.</p>
Clause 44	Division 3 Restricted dogs and declared dangerous dogs only	<p>Replacement of ch 4, pt 2, div 3, hdg (Restricted dogs and declared dangerous dogs semen only)</p> <p>Chapter 4, part 2, division 3, heading– <i>omit, insert</i>– Division 3 Declared dangerous dogs</p>	Clause 44 amends the heading of Chapter 4, Part 2, Division 3 to remove restricted dogs so the division is now solely about declared dangerous dogs.	Support	
Clause 45	<p><b>69 Prohibition on breeding</b></p> <p>1) A person must not give, or take, possession of a declared dangerous dog or restricted dog for the purpose of allowing it to breed with another dog. Maximum penalty–150 penalty units.</p> <p>2) The owner of, or a responsible person for, a declared dangerous dog or restricted dog must not</p>	<p><b>Amendment of s 69 (Prohibition on breeding)</b></p> <p>Section 69(1) and (2), ‘or restricted dog’– <i>omit.</i></p>	Clause 45 amends section 69 to remove provisions about prohibition on breeding of a ‘restricted dog’. Refer instead to the new Chapter 4A which includes a prohibition on breeding of prohibited dogs.	Amend	While the Act prohibits breeding of a declared dangerous dog, further amendment required to this section to make it clear that a responsible person must not collecting semen from a declared dangerous dog prior to desexing. A subsequent offence provision would be required.

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	allow or encourage the dog to breed with another dog. Maximum penalty–150 penalty units.				
Clause 46	<p><b>Section 70 - Compulsory desexing of declared dangerous dog or restricted dog</b></p> <p>1) The owner of a declared dangerous dog or a restricted dog must ensure it is desexed–</p> <p>a) if the dog is a declared dangerous dog–within 3 months after the dog is declared as a dangerous dog unless desexing is likely to be a serious risk to the dog’s health; or</p> <p>b) if the dog is a restricted dog–within 3 months after the later of the following to happen unless desexing is likely to be a serious risk to the dog’s health–</p> <p>i) any person is issued a restricted dog permit to keep the dog;</p> <p>ii) the dog turns 6 months. Maximum penalty–150 penalty units.</p> <p>2) If the owner does not desex the dog because desexing is likely to temporarily be a serious risk to the dog’s health (<i>the temporary condition</i>)–</p> <p>a) the obligation under subsection (1) continues despite the matters mentioned in subsection (1)(a) or (b) having happened; and</p> <p>b) the owner must ensure the dog is desexed within 3</p>	<p><b>Replacement of s 70 (Compulsory desexing of declared dangerous dog or restricted dog)</b></p> <p>Section 70– <i>omit, insert–</i></p> <p>70 Compulsory desexing of declared dangerous dog</p> <p>1) The owner of a declared dangerous dog must ensure the dog is desexed within 3 months after the dog is declared to be a dangerous dog unless desexing is likely to be a serious risk to the dog’s health. Maximum penalty–150 penalty units.</p> <p>2) However, subsection (3) applies if a declared dangerous dog is not desexed within the period mentioned in subsection (1) because desexing is likely to temporarily be a serious risk to the dog’s health (<i>a temporary risk</i>).</p> <p>3) The owner of the declared dangerous dog must ensure the dog is desexed within 3 months after the temporary risk ends. Maximum penalty–150 units.</p>	<p>Clause 46 amends section 70 to remove provisions about compulsory desexing for a restricted dog. There will no longer be a need to require desexing following commencement as any dog that is currently registered as a restricted dog is already required to be desexed as a condition of registration. When the new Chapter 4A takes effect, ownership of new dogs of a formerly restricted breed will be prohibited.</p>	Support - conditional	<p>Brisbane City Council considers that the 3-month period should be amended to be a period of 14 days and that a provision be included that allows the local government to desex a proposed regulated dog at the owner’s (or responsible person’s) expense before it is returned to the owner or responsible person.</p> <p>A definition or note must be inserted to clarify what amounts to ‘serious risk to the dogs health’. For example, what if the dog is pregnant or becomes pregnant within the 3-month period.</p> <p>An additional penalty should be inserted for breeding the dog within the 3-month period following the declaration and release of the dog to the owner/ responsible person.</p>

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	months after the temporary condition ceases. Maximum penalty–150 penalty units.				
Clause 47	<p><b>Division 4 Restricted dogs only</b></p> <p><b>Section 71 - Permit required for restricted dog</b></p> <p>A person must not, unless the person has a reasonable excuse, own, or be a responsible person for, a restricted dog unless the relevant local government has issued a restricted dog permit to someone to keep the dog.</p> <p>Maximum penalty–75 penalty units.</p>	<p><b>Omission of ch 4, pt 2, div 4 (Restricted dogs only)</b></p> <p>Chapter 4, part 2, division 4– <i>omit.</i></p>	<p>Clause 47 removes Chapter 4, Part 2, Division 4 about permits for restricted dogs. Permits for restricted dogs will no longer be issued.</p>	Support	
Clause 48	<p><b>Chapter 4 - Part 3 Restricted dog permits</b></p> <p><b>Division 1 Obtaining permit for restricted dog</b></p> <p><b>Subdivision 1 Permit applications</b></p> <p>Section 72 Who may apply for permit</p> <p>Section 73 Requirements for application</p> <p>Section 74 Inquiries into application for permit</p> <p>Section 75 Deciding application</p> <p>Section 76 Criteria for decision</p> <p><b>Subdivision 2 Action after decision on application</b></p> <p>Section 77 Grant of application</p> <p>Section 78 Duration of permit</p> <p>Section 79 Notice of refusal of permit application</p>	<p><b>Omission of ch 4, pt 3 (Restricted dog permits)</b></p> <p>Chapter 4, part 3– <i>omit.</i></p>	<p>Clause 48 removes Chapter 4, Part 3 about restricted dog permits. Permits for restricted dogs will no longer be issued.</p>	Support	

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	<p><b>Division 2 Permit conditions</b></p> <p>Section 80 Operation of div 2</p> <p>Section 81 Obligation to comply with permit conditions</p> <p><b>Division 3 Renewal of permit</b></p> <p>Section 82 When permit may be renewed</p> <p>Section 83 Requirements for renewal application</p> <p>Section 84 Deciding renewal application</p> <p>Section 85 Duration of renewed permit</p> <p><b>Division 4 Amendment of permits</b></p> <p>86 Application for change of place for permit</p> <p>Section 87 Amendment by relevant local government</p> <p><b>Division 5 Miscellaneous</b></p> <p>Section 88 No transfer of restricted dog permit</p>				
Clause 49	<p><b>Section 89 - Power to make declaration</b></p> <p>1) Any local government may, by complying with the requirements of this part—</p> <p>a) declare a particular dog to be a declared dangerous dog (<i>a dangerous dog declaration</i>); or</p> <p>b) declare a particular dog to be a declared menacing dog (<i>a menacing dog declaration</i>); or</p>	<p><b>Amendment of s 89 (Power to make declaration)</b></p> <p>1) Section 89(1)(c)— <i>omit.</i></p> <p>2) Section 89(4)— <i>omit.</i></p> <p>3) Section 89(5) to (7)— renumber as section 89(4) to (6).</p>	Clause 49 amends section 89(1) and 89(4) to remove provisions about a 'restricted dog' and to renumber the subsections.	Support	

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	<ul style="list-style-type: none"> <li>c) declare a particular dog to be a restricted dog (<i>a restricted dog declaration</i>).</li> <li>2) A dangerous dog declaration may be made for a dog only if the dog– <ul style="list-style-type: none"> <li>a) has seriously attacked, or acted in a way that caused fear to, a person or another animal; or</li> <li>b) may, in the opinion of an authorised person having regard to the way the dog has behaved towards a person or another animal, seriously attack, or act in a way that causes fear to, the person or animal.</li> </ul> </li> <li>3) A menacing dog declaration may be made for a dog only if a ground mentioned in subsection (2) exists for the dog, except that the attack was not serious.</li> <li>4) A restricted dog declaration may be made for a dog only if the local government is satisfied the dog is of a breed mentioned in section 63(1).</li> <li>5) The declaration may be made even if the dog is not in the local government’s area.</li> <li>6) A declaration under this section is <i>a regulated dog declaration</i>.</li> <li>7) In this section– <i>seriously attack</i> means to attack in a way causing bodily harm, grievous bodily harm or death.</li> </ul>				
Clause 50	<b>Section 90 – Notice of proposed declaration</b>  1) If a local government proposes to make a regulated dog declaration it must give any owner of the dog	<b>Amendment of s 90 (Notice of proposed declaration)</b>  1) Section 90(1)(c), ‘, other than for a restricted dog’– <i>omit</i> .	Clause 50 amends section 90(1) to remove provisions about a restricted dog.	Amend	In this section, a specific definition is required for owner, preferably only indicating the <i>owner is a person who is the registered owner of the dog</i> . This definition will assist local governments in properly identifying the person responsible for the

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	<p>a notice (a <i>proposed declaration notice</i>) stating–</p> <p>a) the following details for the dog–</p> <ul style="list-style-type: none"> <li>i) breed;</li> <li>ii) colour;</li> <li>iii) sex;</li> <li>iv) any other noticeable distinguishing features or marks; and</li> </ul> <p>b) the local government proposes to declare the dog to be a regulated dog; and</p> <p>c) the type of regulated dog declaration proposed to be made, other than for a restricted dog; and</p> <p>d) if the proposed declaration is for a dangerous dog declaration or menacing dog declaration–reasons for the proposed declaration; and</p> <p>e) an owner of the dog may make, within a stated period, written representations to show why the proposed declaration should not be made; and</p> <p>f) if the dog is a restricted dog, that–</p> <ul style="list-style-type: none"> <li>i) the representations may include a written opinion from a veterinary surgeon or other evidence about the dog’s breed; and</li> <li>ii) under section 71, a person must not, unless the person has a reasonable excuse, own, or be a responsible person for, a restricted dog unless the relevant local government</li> </ul>	<p>2) Section 90(1)(d)– <i>omit, insert–</i> (d) the reasons for the proposed declaration; and</p> <p>3) Section 90(1)(f)– <i>omit.</i></p>			<p>proposed regulated dog in the future. Alternatively, amend ‘any owner’ in Section 90(1) to ‘registered owner’.</p> <p>If there is no registered owner for the dog, we should not be issuing a declaration to ‘any owner or other person’. It is a requirement for all dogs to be registered under the Act. If an owner or other person cannot take responsibility to register their dog in accordance with legislative requirements, we cannot rely on them to take full responsibility for a regulated dog. This amendment would be consistent with the proposed amendments for clause 66 and 67.</p>

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	<p>has issued a restricted dog permit for the dog.</p> <p>2) The stated period must end at least 14 days after the proposed declaration notice is given.</p> <p>3) The proposed declaration notice may be accompanied by a written opinion from a veterinary surgeon or other evidence about the dog's breed.</p>				
<b>Clause 51</b>	<p><b>Section 93 – Owner's obligation if proposed declaration notice in force</b></p> <p>1) Each owner of, and responsible person for, the dog the subject of the proposed declaration notice must ensure the permit condition imposed under schedule 1, section 3, is complied with for the dog. Maximum penalty—75 penalty units. <i>Note— See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.</i></p> <p>2) Subsection (1) ceases to apply if the notice is withdrawn.</p>	<p>Amendment of s 93 (Owner's obligation if proposed declaration notice in force)</p> <p>1) Section 93, before subsection (1)— <i>insert—</i> (1AA) This section applies if the proposed declaration notice is for a dangerous dog declaration.</p> <p>2) Section 93(1), 'permit condition'— <i>omit, insert—</i> condition</p> <p>3) Section 93(1), note— <i>omit, insert—</i> <i>Note— See also section 67 for the prohibition on supplying a regulated dog or a proposed declared dog.</i></p> <p>4) Section 93(2), 'Subsection (1)'— <i>omit, insert—</i> Subsection (2)</p> <p>5) Section 93(1AA) to (2)— renumber as section 93(1) to (3)</p>	<p>Clause 51 revises the note in section 93(1) to omit reference to a restricted dog and section 66 which is being omitted, and to clarify that this section applies if the proposed declaration notice is for a dangerous dog declaration.</p>	<p>Oppose - amendment required</p>	<p>The policy objectives for the Bill were to <i>enhance community safety</i>.</p> <p>Dogs subject to a regulated dog declaration are a risk to the community, no matter if it is a dangerous or menacing dog.</p> <p>We oppose insertion of 1AA (Refer to reason for position under Clause 82). - as muzzling at a place other than the relevant place should apply to all regulated dogs and dogs subject to a proposed declaration. Providing muzzling for menacing dogs will improve community safety and reduce the potential for these dogs these dogs to be involved in future incidents.</p>
<b>Clause 52</b>	<p><b>Section 95 – Notice and taking effect of declaration</b></p> <p>1) As soon as practicable after deciding to make a regulated dog declaration, the local government must give any owner of the dog the subject of the declaration a notice under subsection (3) or (4).</p> <p>2) However, a local government must not give the notice under subsection (3) or (4) if an</p>	<p><b>Amendment of s 95 (Notice and taking effect of declaration)</b></p> <p>1) Section 95, heading— <i>omit, insert—</i> 95 Giving information notice about decision to make regulated dog declaration</p> <p>2) Section 95(1), 'a notice under subsection (3) or (4)'— <i>omit, insert—</i> an information notice about the decision</p>	<p>Clause 52 amends section 95 to remove provisions about a restricted dog, and to replace notice with information notice. Subsections are also renumbered. Subsection (6)(e) is also revised to clarify that the dog must only be kept at the place stated in the registration notice as the address for the dog.</p>	<p>Support</p>	

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	<p>authorised person makes a destruction order under section 127A.</p> <p><i>Note– A combined decision and information notice may be given to an owner of a dog under section 127A.</i></p> <p>3) If the proposed declaration notice was for a restricted dog and accompanied by a written opinion from a veterinary surgeon stating, or to the effect, that the dog is of a breed mentioned in section 63(1), the notice must state the decision and reasons for it.</p> <p>4) If subsection (3) does not apply, the notice must be an information notice about the decision.</p> <p>5) The decision takes effect on the later of the following days–</p> <p>a) the day any owner of the dog is given the notice;</p> <p>b) a later day of effect stated in the notice.</p> <p>6) If the information notice is about a declared dangerous dog or declared menacing dog, the information notice must include–</p> <p>a) that the dog is the subject of–</p> <p>i) if the dog is a dangerous dog–a dangerous dog declaration; or</p> <p>ii) if the dog is a menacing dog–a menacing dog declaration; and</p> <p>b) the reasons for the declaration; and</p> <p>c) the local government that made the declaration; and</p> <p>d) the day the decision takes effect; and</p> <p>e) that the dog must not be kept at a place other than–</p>	<p>3) Section 95(2)– <i>omit, insert–</i> (2) However, the local government must not give an information notice under subsection (1) if an authorised person has made a destruction order under section 127A in relation to the dog. <i>Note– See section 127A in relation to the requirement to give a single information notice about the decisions to make the regulated dog declaration and the destruction order.</i></p> <p>4) Section 95(3) and (4)– <i>omit.</i></p> <p>5) Section 95(5)(a) and (b), before ‘notice’– <i>insert–</i> information</p> <p>6) Section 95(6), from ‘If’ to ‘must include’– <i>omit, insert–</i> The information notice must state</p> <p>7) Section 95(6)(e)– <i>omit, insert–</i> (e) that the dog must be kept only at the place stated in the registration notice as the address for the dog; and</p> <p>8) Section 95(5) and (6)– <i>renumber as section 95(3) and (4)</i></p>			



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	<ul style="list-style-type: none"> <li>i) if the dog is declared dangerous dog or declared menacing dog—the place stated in the registration notice as the address for it; or</li> <li>ii) if the dog is a restricted dog—the place for which a restricted dog permit has been issued; and</li> <li>f) if the dog is impounded—a unique number given to the dog by the local government for the purposes of impounding; and</li> <li>g) any other information prescribed under a regulation.</li> </ul>				
Clause 53	<b>Part 5 Application of particular permit conditions for declared dangerous or menacing dogs</b>	<b>Replacement of ch 4, pt 5, hdg (Application of particular permit conditions for declared dangerous or menacing dogs)</b>  Chapter 4, part 5, heading— <i>omit, insert—</i> Part 5 Conditions for regulated dogs	Clause 53 amends the heading of Chapter 4, Part 5 to simply refer to conditions for regulated dogs.	Support	
Clause 54	<b>Section 96 - Operation of pt5</b>  1) This part imposes conditions on the owner of, or responsible person for, a declared dangerous dog or declared menacing dog. 2) Also, a regulation may prescribe other conditions for a declared dangerous dog or declared menacing dog. 3) The conditions mentioned in subsections (1) and (2) apply for a declared dangerous dog or declared menacing dog. 4) However, if the information notice mentioned in section 95(6) about	<b>Amendment of s 96 (Operation of pt 5)</b>  1) Section 96(1) and (2), 'declared dangerous dog or declared menacing dog'— <i>omit, insert—</i> regulated dog 2) Section 96(3)— omit. 3) Section 96(4), 'section 95(6)'— omit, <i>insert—</i> section 95(4) 4) Section 96(5), 'issued'— <i>omit, insert—</i> given 5) Section 96(4) and (5)—	Clause 54 amends section 96 to refer to a regulated dog instead of a declared dangerous dog or declared menacing dog, and to revise the numbering.	Support	

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	<p>the dog states a condition does not take effect until a stated day, the condition does not apply until that day.</p> <p>5) The stated day can not be more than 21 days after the owner is issued the information notice.</p>	<p><i>renumber</i> as section 96(3) and (4)</p>			
<p>Clause 55</p>	<p><b>Section 97 - Declared dangerous dogs</b></p> <p>1) A relevant person for a declared dangerous dog must ensure each permit condition imposed under schedule 1, sections 2 to 6 and 8, or prescribed by regulation, in relation to the dog is complied with for the dog. Maximum penalty—75 penalty units.</p> <p>2) In this section— <b>relevant person</b>, for a declared dangerous dog, means the owner of, or any responsible person for, a declared dangerous dog.</p>	<p><b>Amendment of s 97 (Declared dangerous dogs)</b></p> <p>Section 97(1), 'permit condition'— <i>omit, insert</i>— condition</p>	<p>Clause 55 makes a minor consequential amendment to omit a reference to permits.</p>	<p>Support</p>	
<p>Clause 56</p>	<p><b>Section 98 - Declared menacing dogs</b></p> <p>1) A relevant person for a declared menacing dog must ensure each permit condition imposed under schedule 1, sections 2, 2A, 3(1)(b) and (2), 4 to 6 and 8, or prescribed by regulation, in relation to the dog is complied with for the dog. Maximum penalty—75 penalty units.</p> <p>2) In this section— <b>relevant person</b>, for a declared menacing dog, means the owner of, or any responsible person for, a declared menacing dog.</p>	<p><b>Amendment of s 98 (Declared menacing dogs)</b></p> <p>1) Section 98(1), 'permit condition'— <i>omit, insert</i>— condition</p> <p>2) Section 98(1), '3(1)(b) and (2),'— <i>omit</i>.</p>	<p>Clause 56 makes minor consequential amendments to omit a reference to permits, and Schedule 1 references.</p>	<p>Support</p>	

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Clause 57	<b>Section 99 – Failure to decide application taken to be refusal</b>  If a local government does not decide a permit application or renewal application within the period required under part 3 for deciding the application, it is taken to have been refused at the end of the period.	<b>Omission of s 99 (Failure to decide application taken to be refusal)</b>  Section 99–  <i>omit.</i>	Clause 57 omits section 99 because it relates to Part 3 that is being omitted.	Support	
Clause 58	<b>Section 102 – Recovery of seizure or destruction costs</b>  1) This section applies if a local government has incurred a cost for an authorised person appointed by it to– a) take possession of, or move, a regulated dog that, under chapter 5, part 4, has been seized (a <i>seized dog</i> ); or b) take action to restrict access to a seized dog; or c) provide a seized dog with accommodation, food, rest, water or other living conditions; or d) arrange veterinary or other treatment for a seized dog; or e) destroy a seized dog under section 127.  2) The local government may recover the cost from the dog’s owner or former owner if the incurring of the cost was necessary and reasonable.  3) In considering whether the cost was necessary and reasonable, regard must be had to any surrender of the dog to the local government.  4) The cost may be claimed and ordered in a proceeding–	<b>Amendment, relocation and renumbering of s 102 (Recovery of seizure or destruction costs)</b>  1) Section 102(1)(a), after ‘regulated dog’– <i>insert–</i> or prohibited dog 2) Section 102(1)(e), after ‘section 127’– <i>insert–</i> , 127AA or 127A 3) Section 102– <i>relocate</i> to chapter 9, part 5 and renumber as section 207D.	Clause 58 inserts that costs of seizure or destruction may also be recovered for the destruction of a regulated or prohibited dog, or, where a regulated dog declaration is made at the same time as a destruction order.	Support - conditional	Council supports proposed amendments; however, further amendments are required to enable local governments to recover costs from the dog owner without the need to go through a proceeding. The reason for this is that the additional time, effort, and costs associated with recovering these costs through a proceeding exceeds the actual costs themselves.  The recovery of costs (section 102(4)) could alternatively be amended to include that where the application to QCAT is for the review of a destruction order, the matter of costs can be determined by QCAT.

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	a) to recover a debt of the amount; or b) for an offence against this chapter to which the claim relates. 5) This section does not limit a court's powers under the Penalties and Sentences Act 1992 or another law.				
Clause 59	<b>Section 103 - Cost of a regulated dog enclosure - dividing fence</b> 5) In this section— <i>pool barrier</i> means a pool barrier under the Building Act 1975, section 245XA. <i>relevant place</i> , for a regulated dog, means— a) if the regulated dog is a declared dangerous dog or a declared menacing dog—the place stated in the registration notice as the address for it; or b) if the regulated dog is a restricted dog—the place for which a restricted dog permit has been issued.	<b>Amendment of s 103 (Cost of regulated dog enclosure—dividing fence)</b> Section 103(5), definition relevant place— <i>omit, insert—</i> <i>relevant place</i> , for a regulated dog, means the place stated in the registration notice for the dog as the address for the dog.	Clause 59 amends section 103(5) to remove reference to a restricted dog from the definition of a relevant place for a regulated dog.	Support	
Clause 60		Insertion of new ch 4A After chapter 4— <i>insert—</i> <b>Chapter 4A Prohibited dogs</b> <b>103A What is a prohibited dog</b> 1) A <i>prohibited dog</i> is a dog of a breed prohibited from importation into Australia under the <i>Customs Act 1901 (Cwlth)</i> . <i>Note— See the Customs (Prohibited Imports) Regulations 1956 (Cwlth), section 3 and schedule 1 for the breeds of dogs that are prohibited from being imported.</i>	Clause 60 inserts a new Chapter 4A about Prohibited dogs. New section 103A provides that a prohibited dog is a dog of a breed prohibited from importation into Australia under the Customs Act 1901 (Cwlth), but does not include a crossbreed.	Support - conditional	Brisbane Cit Council's support is conditional on the basis that guidance and funding is provided for local governments. Precise purebred identification in this instance is extremely difficult. DNA testing has proven that it will always identify other breeds in the genetic history of a dog and visual breed identification tools have proven inefficient in the past. Support of this section being inserted into the Act is conditional on the basis that: - A guidance note is inserted into the act for how a breed is identified (i.e. a vet and/ or DNA testing)

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		2) For subsection (1), a breed does not include a crossbreed.			<ul style="list-style-type: none"> <li>- A guideline is developed for authorised persons to utilise.</li> <li>- A fund is set up by the Queensland Government for local governments to access for cost recovery of any breed identification. This includes costs associated with holding the dog whilst identification is undertaken.</li> </ul>
Clause 60		<b>103B Prohibition on prohibited dogs</b> 1) A person must not own, or be a responsible person for, a prohibited dog unless the person has a reasonable excuse. Maximum penalty—150 penalty units. 2) It is a reasonable excuse for a person to own or be a responsible person for a prohibited dog if the dog is an assistance animal. 3) In this section— <i>assistance animal</i> see the <i>Disability Discrimination Act 1992 (Cwlth)</i> , section 9(2). <i>Note— See also section 196A in relation to the application of chapter 9, part 1 to a prohibited dog.</i>	New section 103B provides that a person must not own or be a responsible person for a prohibited dog without a reasonable excuse. A maximum penalty of 150 penalty units applies. Subsection (2) provides that it is a reasonable excuse if the dog is an assistance animal. Subsection (3) clarifies that assistance animal refers to the Disability Discrimination Act 1992 (Cwlth).	-Oppose - pending amendment	<b>Prohibited dogs as assistance dogs</b> Council opposes the inclusion of a provision that allows prohibited dogs to be kept under any circumstance, including as assistance dogs bearing in mind that there are thousands of breeds available for this purpose. <b>Further clarification is required on the intent of this change</b> <i>Section 103B(2) allows a person to keep a prohibited dog if it is an assistance animal. However, 103C prohibits the supply of a prohibited dog to another person.</i> In most circumstances, an assistance animal is either purchased/ bred and trained by an organisation and then supplied to the handler or purchased by a handler and supplied to an organisation for training. This process would be prohibited under section 103C. The State must provide a Note clarifying the intent and if this practice is permitted. Alternatively, omit 103B(2) and 103B(3) as 103C makes these provisions redundant.
Clause 60		<b>103C Prohibition on supply of prohibited dogs</b> A person must not supply a prohibited dog to another person. Maximum penalty—150 penalty units.	New section 103C provides that a person must not supply a prohibited dog to another person. A maximum penalty of 150 penalty units applies.	Support	

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		<i>Note– See also section 196A in relation to the application of chapter 9, part 1 to a prohibited dog.</i>			
Clause 60		<p><b>103D Prohibition on breeding with prohibited dogs</b></p> <p>A person must not give or take possession of a prohibited dog for the purpose of allowing it to breed with another dog.</p> <p>Maximum penalty–150 penalty units.</p> <p><i>Note– See also section 196A in relation to the application of chapter 9, part 1 to a prohibited dog.</i></p>	New section 103D provides that a person must not give, or take, possession of a prohibited dog for the purpose of allowing it to breed with another dog. A maximum penalty of 150 penalty units applies	Support - conditional	<p>Support is conditional based on the aspect that this is a penalty infringement offence.</p> <p>While the proposed amendment prohibits breeding of a prohibited dog, further amendment is required to this section to make it clear that a responsible person must not collect or utilise semen from a prohibited dog for breeding purposes. A subsequent offence provision would be required.</p>
Clause 60		<p><b>103E Surrender of prohibited dogs</b></p> <p>1) An owner of a prohibited dog may surrender the dog to the relevant local government.</p> <p>2) On the surrender, the dog becomes the local government’s property.</p> <p>3) The local government must destroy the dog as soon as practicable after the surrender.</p>	New section 103E allows for a person to surrender a prohibited dog, for example if they mistakenly purchased it or brought into Queensland.	Support	
Clause 61	<p><b>Section 111 – General power to enter places</b></p> <p>1) An authorised person may enter a place if–</p> <p>a) an occupier of the place consents to the entry; or</p> <p>b) it is a public place and the entry is made when it is open to the public; or</p> <p>c) the entry is authorised by a warrant; or</p> <p>d) it is mentioned in a licence as a place of business and is–</p>	<p><b>Amendment of s 111 (General power to enter places)</b></p> <p>1) Section 111(1)(e) to (h)– <i>omit, insert–</i></p> <p>e) the entry is made, during the daytime, to inspect whether a prohibited dog is at the place; or</p> <p>f) the entry is made, during the daytime, to inspect work carried out under a condition of a dangerous dog declaration, menacing dog declaration, or compliance notice; or</p>	Clause 61 amends sections 111(e) to (h) to remove references to a restricted dog in relation to general entry powers. A new subsection (e) is inserted to permit entry during daytime to inspect whether a prohibited dog is at a place instead. Subsections are also renumbered.	Amend	<p>Brisbane City Council requests further consideration to expand this section to include further amendments to section 111(f) to provide the ability for an authorised person to undertake an inspection to confirm compliance with conditions (not to just confirm work has been carried out) for a regulated dog and without the need for an inspection program.</p> <p>Providing the amendments requested would reduce regulatory burden on local governments.</p>

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	<ul style="list-style-type: none"> <li>i) open for carrying on the business; or</li> <li>ii) otherwise open for entry; or</li> <li>iii) required to be open for inspection under the licence; or</li> <li>e) the entry is– <ul style="list-style-type: none"> <li>i) to inspect the place to process an application for a restricted dog permit; and</li> <li>ii) made other than at night; or</li> </ul> </li> <li>f) the entry is– <ul style="list-style-type: none"> <li>i) to find out whether the conditions on which a restricted dog permit or notice was issued have been or are being complied with; and</li> <li>ii) made other than at night; or</li> </ul> </li> <li>g) the entry is– <ul style="list-style-type: none"> <li>i) to inspect work carried out under a lawfully imposed condition of a dangerous dog declaration, menacing dog declaration, restricted dog permit or compliance notice; and</li> <li>ii) made other than at night; or</li> </ul> </li> <li>h) the entry is– <ul style="list-style-type: none"> <li>i) under an approved inspection program; and</li> <li>ii) made at any reasonable time of the day or night.</li> </ul> </li> </ul> <p>2) However, an authorised person may enter a place at night for a purpose mentioned in subsection (1)€, (f) or (g) if–</p>	<ul style="list-style-type: none"> <li>g) the entry is made, at a reasonable time of the day or night, under an approved inspection program.</li> <li>2) Section 111(2), '(f) or (g)'– <i>omit, insert–</i> or (f)</li> <li>3) Section 111(3), 'to (h)'– <i>omit, insert–</i> to (g)</li> </ul>			<p>Inspections of regulated dog enclosures to ensure compliance with keeping conditions is quite onerous on Council as the dog owner often avoids contact or does not keep inspection bookings. The approved inspection program is also quite costly to local governments for advertising and includes extensive regulatory burden in annual approvals required by Council.</p> <p>Suggested wording for inserted (f) to '<i>if entry is made, during the daytime, to inspect compliance with a condition of a dangerous dog declaration, menacing dog declaration, or a compliance notice</i>'.</p>

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	<ul style="list-style-type: none"> <li>a) the entry is at a time asked by the occupier; or</li> <li>b) the entry is in accordance with the times provided for in a compliance notice under section 132(3)(a).</li> <li>3) For subsection (1)(d) to (h), a place does not include a part of the place where a person resides.</li> <li>4) For the purpose of asking an occupier of a place for consent to enter, an authorised person may, without the occupier's consent or a warrant— <ul style="list-style-type: none"> <li>a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or</li> <li>b) enter part of the place the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.</li> </ul> </li> </ul>				
<b>Clause 62</b>	<p><b>Section 112 - Additional entry powers for particular dogs</b></p> <ul style="list-style-type: none"> <li>1) An authorised person may enter at a place if— <ul style="list-style-type: none"> <li>a) the person reasonably suspects a dog is at the place and— <ul style="list-style-type: none"> <li>i) the person reasonably suspects the dog is a restricted dog—no restricted dog permit has been issued for the dog; or</li> <li>ii) any delay in entering the place will result in— <ul style="list-style-type: none"> <li>(A) a risk to community health or safety; or</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<p><b>Amendment of s 112 (Additional entry powers for particular dogs)</b></p> <ul style="list-style-type: none"> <li>1) Section 112(1)(a)—<i>omit, insert</i>— <ul style="list-style-type: none"> <li>a) the authorised person reasonably suspects— <ul style="list-style-type: none"> <li>i) a dog is at the place; and</li> <li>ii) any delay in entering the place will result in a risk to community health or safety, or in the dog being concealed or moved to avoid a requirement under chapter 4; or</li> </ul> </li> </ul> </li> <li>2) Section 112(1)—<i>insert</i>— <ul style="list-style-type: none"> <li>c) the authorised person reasonably suspects a prohibited dog is at the place.</li> </ul> </li> </ul>	<p>Clause 62 amends section 112 to remove provisions about a restricted dog in relation to additional entry powers and replace with provisions about prohibited dogs. Subsections are also renumbered.</p>	<p>Support - amendment recommended</p>	<p>Should the amendment in 61 be accepted, owners will have less time to hide a dog to prevent seizure, a declaration and/ or destruction.</p> <p>Brisbane City Council requests further consideration to expand this section to include further amendment to Section 112(1)(a) to ensure it captures avoidance of the identification of the dog. The amendment must omit the wording 'to avoid a requirement under Chapter 4' to enable the provision to encompass all aspects of the Act.</p> <p>Providing the amendment requested would reduce regulatory burden on local governments.</p>



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	<p>(B) the dog being concealed or moved to avoid a requirement under chapter 4; or</p> <p>b) its occupier has been given a compliance notice and the entry is made at a time stated in the notice to check compliance with the notice.</p> <p>2) A power under subsection (1) can not be exercised using force. <i>Note– For power to enter using force, see section 118.</i></p> <p>3) However, for subsection (1)(a)(ii), an authorised person may enter the place, or part of the place, with the help and using the force that is necessary and reasonable in the circumstances if the place is not a place where a person resides.</p>	<p>4) Section 112(3), 'subsection (1)(a)(ii)'– <i>omit, insert–</i> subsection (1)(a) and (c)</p>			
Clause 63	<p><b>Section 113 – Approval of inspection program authorising entry</b></p> <p>1) A local government (the approving local government) may by resolution approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with this Act or an aspect of this Act. <i>Examples of approved inspection program– monitoring compliance with requirements of permit conditions</i></p>	<p><b>Amendment of s 113 (Approval of inspection program authorising entry)</b></p> <p>Section 113(1), example– <i>omit, insert–</i> <i>Example of a matter that may be monitored under an approved inspection program– compliance with the conditions imposed under chapter 4, part 5</i></p>	Clause 63 makes a minor amendment to section 113 to omit a reference to permits.	Support - conditional	<p>Brisbane City Council supports this amendment conditionally on the basis that amendment identified in clause 61 and 62 be accepted.</p> <p>Inspections of regulated dog enclosures to ensure compliance with keeping conditions is quite onerous on Council as the dog owner often avoids contact or does not keep inspection bookings. The approved inspection program is also quite costly to local governments for advertising and includes extensive regulatory burden in annual approvals required by Council.</p> <p>Further amendments to Section 111(1)(f) are required to provide the ability for an authorised person to undertake an inspection to confirm compliance with conditions (not just to confirm work has been carried out) for a dangerous dog declaration, menacing dog declaration without the need for local governments to</p>

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					<p>approve an inspection program. Amending this would reduce regulatory burden on local governments.</p> <p>Suggested wording for inserted (f) to 'if entry is made, during the daytime, to inspect compliance with a condition of a dangerous dog declaration, menacing dog declaration, or a compliance notice'.</p>
Clause 64	<p><b>Section 125 - Seizure powers for dogs</b></p> <p>1) If an authorised person has, under part 2, entered a place and the person reasonably suspects a dog mentioned in the part is at the place, the person may seize the dog if–</p> <p>a) the person reasonably believes the dog–</p> <p>i) has attacked, threatened to attack or acted in a way that causes fear to, a person or another animal; or</p> <p>ii) is, or may be, a risk to community health or safety; or</p> <p>b) the dog is a restricted dog and–</p> <p>i) a permit application to keep the dog at the place has been refused; or</p> <p>ii) no restricted dog permit has been issued for the dog and the person reasonably believes there is a risk the dog may be concealed or moved to avoid a requirement under chapter 4; or</p> <p>c) if the dog is a regulated dog– a compliance notice has been given in relation to the dog</p>	<p><b>Amendment of s 125 (Seizure powers for dogs)</b></p> <p>Section 125(1)(b)–</p> <p><i>omit, insert–</i></p> <p>b) the person reasonably believes the dog is a prohibited dog; or</p>	Clause 64 amends section 125 to replace provisions about a restricted dog with prohibited dog.	Support	

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	<p>and the person reasonably believes the notice has not been complied with.</p> <p>2) Also, if the place is a public place, the person may seize the dog if it is not under anyone's effective control.</p>				
Clause 65		<p><b>Insertion of new s 126A</b></p> <p>After section 126– <i>insert–</i></p> <p><b>126A What is a destruction order</b></p> <p>A <i>destruction order</i>, in relation to a dog, is an order made by an authorised person stating that the authorised person proposes to destroy the dog not earlier than 14 days after the notice is served under this part.</p>	<p>Clause 65 inserts new section 126A to define a destruction order as an order made by an authorised person stating that the authorised person proposes to destroy the dog not earlier than 14 days after the notice is served under this part.</p>	Support	
Clause 66	<p><b>Section 127 – Power to destroy a seized regulated dog</b></p> <p>1) This section applies if the dog is a regulated dog.</p> <p>2) The authorised person may, without notice, immediately destroy the dog if–</p> <p>a) the person reasonably believes the dog is dangerous and the person can not control it; or</p> <p>b) an owner of the dog has asked the person to destroy it.</p> <p>3) The person may destroy the dog 3 days after the seizure if–</p> <p>a) the dog–</p> <p>i) was not seized under section 125(1)(b)(i); and</p> <p>ii) has no registered owner, or apparently has no registered owner; and</p>	<p><b>Replacement of s 127 (Power to destroy seized regulated dog)</b></p> <p>Section 127– <i>omit, insert–</i></p> <p><b>127 Destruction of regulated dog or prohibited dog in particular circumstances</b></p> <p>1) This section applies if the dog is a regulated dog or a prohibited dog.</p> <p>2) The authorised person may, without notice given to an owner of or responsible person for the dog, immediately destroy the dog if–</p> <p>a) the authorised person reasonably believes the dog is dangerous and the authorised person can not control the dog; or</p> <p>b) an owner of the dog has asked the authorised person to destroy the dog.</p>	<p>Clause 66 replaces section 127 and inserts new section 127AA. New section 127 incorporates a prohibited dog and identifies circumstances where a regulated or prohibited dog can be destroyed and a destruction order is not required from provisions relating to destruction under a destruction order which are provided in new section 127AA.</p>	Amend	<p>Inserted section 127 should be further strengthened to provide powers to the authorised person to immediately destroy a dog if it has caused the death of a person.</p> <p>To remove any doubt on ownership and perceived ownership, Inserted 127(3) must be amended to remove subsection (b). This would enable local governments to make the decision solely based on the registration status of the dog. This proposed amendment is also consistent with the amended section 131(1)</p> <p>Dogs that have caused the death of a person are an extremely high risk to the community. Understanding that local governments have the ability to seize a dog in this circumstance, there are further workplace health and safety risks presented in the ongoing management and care of the dog until such time as it is destroyed. Given the extensive delays to the QCAT review and appeal processes, these dogs</p>

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	<ul style="list-style-type: none"> <li>iii) is not the subject of a regulated dog declaration by the relevant local government; and</li> <li>b) the person or the relevant local government does not know of anyone who owns, or is a responsible person for, the dog.</li> </ul> <p>4) If subsection (3) does not apply, the person may make an order (a <i>destruction order</i>) stating the person proposes to destroy the dog 14 days after the order is served.</p> <p>5) The destruction order must–</p> <ul style="list-style-type: none"> <li>a) be served on– <ul style="list-style-type: none"> <li>i) the registered owner of the dog; or</li> <li>ii) if the dog has no registered owner–any person who owns, or is a responsible person for, the dog; and</li> </ul> </li> <li>b) include or be accompanied by an information notice about the decision to give the destruction order.</li> </ul> <p>6) If a destruction order is made for the dog, the person may destroy the dog 14 days after the order is served if no application for internal review has been made relating to the order.</p> <p>7) If an application for internal review has been made against the order, the person may destroy the dog if–</p> <ul style="list-style-type: none"> <li>a) the internal review is finally decided or is otherwise ended; and</li> </ul>	<p>3) Also, the authorised person may destroy the dog not earlier than 3 days after seizing the dog if–</p> <ul style="list-style-type: none"> <li>a) the dog– <ul style="list-style-type: none"> <li>i) has no registered owner, or apparently has no registered owner; and</li> <li>ii) is not the subject of a regulated dog declaration made by the relevant local government; and</li> </ul> </li> <li>b) neither the authorised person nor the relevant local government knows who is an owner of, or a responsible person for, the dog.</li> </ul>			<p>can potentially remain in the care of a local government for over a year.</p>

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	b) no application for external review of the order has been made; and c) the order is still in force. 8) If an application for external review of the order is made, the person may destroy the dog if– a) the external review is finally decided or is otherwise ended; and b) the order is still in force.				
Clause 66		<b>127AA Destruction of regulated dog or prohibited dog under destruction order</b>  1) This section applies if– a) the dog is a regulated dog or a prohibited dog; and b) section 127 does not authorise the destruction of the dog. 2) If the dog has seriously attacked a person or an animal, the authorised person must make a destruction order in relation to the dog. 3) If the dog has not seriously attacked a person or an animal, the authorised person may make a destruction order in relation to the dog. 4) The destruction order must– a) be served on– i) the registered owner of the dog; or ii) if there is no registered owner of the dog–any person who is an owner of, or a responsible person for, the dog; and b) include or be accompanied by an information notice about the decision to make the destruction order. 5) If a destruction order is made in relation to the dog, the authorised person may destroy the dog, not earlier than 14 days after the order is	New section 127AA relates to the destruction of regulated dogs or prohibited dogs under a destruction order. It includes a requirement that an authorised person must make a destruction order if the dog has seriously attacked a person or an animal. New section 127AA retains the existing requirements and timeframes for issuing a destruction order, and further clarifies when a destruction order may be carried out after the various stages of review or appeal.  New definitions are also inserted for the following terms:  <ul style="list-style-type: none"> <li>• <i>animal</i> - has the meaning give by section 191; and</li> <li>• <i>seriously attack</i> - means attack a person in a way that causes death, grievous bodily harm, or bodily harm to the person, or attack an animal in a way that causes death, maims, or wounds the animal.</li> </ul>	Amend	The provision as proposed will <b>increase</b> regulatory burden on local governments.  Whilst the provision clarifies when a destruction order must be issued, further amendments are required to Subsection (2) to remove the reference to “an animal”. Subsequently subsection (3) should be amended to include the reference to seriously attacks an animal.  Clear definitions are essential for our officers in their decision-making process. Definitions must be inserted into the Act for the following:  <ul style="list-style-type: none"> <li>- maims</li> <li>- wounds</li> </ul> It is noted that the Macquarie Dictionary definition for <i>wounds</i> includes “hurt to feelings”. There has been no guidance on how this should be applied. Further, this would increase regulatory burden on local governments as more dogs would be declared as dangerous instead of menacing.  The definition of ‘animal’ is also too broad and must be refined. It is unrealistic to expect the same level of importance be placed on a pet mouse vs another dog. Or

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		<p>served under subsection (4) if an application has not been made under chapter 8, part 1 for an internal review of the decision to make the destruction order (the <i>destruction order decision</i>).</p> <p>6) If an application for internal review has been made under chapter 8, part 1 for an internal review of the destruction order decision, the authorised person may destroy the dog if—</p> <p>a) the application has been decided and both of the following apply—</p> <p>i) the decision on the application confirms the destruction order decision;</p> <p>ii) an application for an external review of the destruction order decision has not been made within the period allowed under the QCAT Act; or</p> <p>b) the application has been withdrawn or has otherwise ended.</p> <p>7) If an application has been made for an external review of the destruction order decision, the authorised person may destroy the dog if—</p> <p>a) the application has been decided and both of the following apply—</p> <p>i) the decision on the application (the <i>external review decision</i>) confirms the destruction order decision;</p> <p>ii) an appeal against the external review decision has not been started within the period allowed under the QCAT Act; or</p> <p>b) the application has been withdrawn or has otherwise ended.</p> <p>8) If an appeal against the external review decision has been started, the</p>			for example, an animal intruding into a regulated dog or other dog enclosure.

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		<p>authorised person may destroy the dog if–</p> <ul style="list-style-type: none"> <li>a) the appeal has been decided and the effect of the decision is to confirm the external review decision; or</li> <li>b) the appeal has been withdrawn or has otherwise ended.</li> </ul> <p>9) In this section– <i>animal</i> has the meaning given by section 191. <i>seriously attack</i> means–</p> <ul style="list-style-type: none"> <li>a) in relation to a person–attack the person in a way that causes the death of, or grievous bodily harm or bodily harm to, the person; or</li> <li>b) in relation to an animal–attack the animal in a way that causes the death of the animal, or maims or wounds the animal.</li> </ul>			
Clause 67	<p><b>Section 127A – Concurrent regulated dog declaration and destruction order</b></p> <ul style="list-style-type: none"> <li>1) This section applies if a local government– <ul style="list-style-type: none"> <li>a) makes a regulated dog declaration under section 94 for a seized dog; but</li> <li>b) does not give any owner of the dog notice of its decision under section 95.</li> </ul> </li> <li>2) Despite the dog not being a regulated dog, an authorised person may make a destruction order for the dog if it is appropriate to do so.</li> <li>3) As soon as practicable after deciding to make the destruction order, the authorised person must serve the destruction order on the relevant owner of the dog.</li> </ul>	<p><b>Amendment of s 127A (Concurrent regulated dog declaration and destruction order)</b></p> <ul style="list-style-type: none"> <li>1) Section 127A(1)(a) and (b)– <i>omit, insert</i>– <ul style="list-style-type: none"> <li>a) has made a regulated dog declaration under section 94 for the dog; but</li> <li>b) has not given the owner of the dog an information notice under section 95 about the decision to make the declaration</li> </ul> </li> <li>2) Section 127A(2) to (4)– <i>omit, insert</i>– <ul style="list-style-type: none"> <li>2) Even though the regulated dog declaration has not taken effect under section 95(3), an authorised officer may make a destruction order for the dog.</li> </ul> </li> <li>3) As soon as practicable after deciding to make the destruction</li> </ul>	Clause 67 makes technical and consequential amendments to section 127A about a concurrent regulated dog declaration and destruction order.	Amend	<p>To ensure consistency with other powers to destroy dogs, amendment is required to inserted section 127A(1)(b) to reference ‘registered owner’ and omit inserted section 127(3)(b).</p> <p>If there is no registered owner for the dog, we should not be allowing an ‘owner’ or ‘responsible person’ to automatically take responsibility. It is a requirement for all dogs to be registered under the Act. If an owner or responsible person cannot take responsibility to register their dog in accordance with legislative requirements, we cannot rely on them to take full responsibility for a regulated dog. This amendment would be consistent with the proposed amendment for clause 66.</p> <p>This proposed amendment is also consistent with the amended section 131(1)</p>

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	<p>4) The destruction order must include or be accompanied by–</p> <p>a) if a notice is required under section 95(3)–a combined notice under section 95(3) about the decision to make a regulated dog declaration and an information notice about the decision to give the destruction order; or</p> <p>b) if an information notice is required under section 95(4)– a combined information notice about the decisions to make a regulated dog declaration under section 95(4) and to give the destruction order.</p> <p>5) Section 127(6) to (8) applies to the destruction order.</p> <p>6) In this section– <b>relevant owner</b>, of a dog, means–</p> <p>a) the registered owner of the dog; or</p> <p>b) if the dog has no registered owner–any person who owns, or is a responsible person for, the dog.</p>	<p>order for the dog, the authorised person must serve the destruction order on–</p> <p>a) the registered owner of the dog; or</p> <p>b) if there is no registered owner of the dog–a person who is an owner of, or a responsible person for, the dog.</p> <p>4) The destruction order must include or be accompanied by a single information notice about–</p> <p>a) the decision to make the regulated dog declaration under section 94(2); and</p> <p>b) the decision to make the destruction order.</p> <p>3) Section 127A(5), 'Section 127(6)'– <i>omit, insert</i>– Section 127AA(5)</p> <p>4) Section 127A(6)– <i>omit</i>.</p>			
Clause 68	<p><b>Section 130 - Return of particular dog</b></p> <p>1) This section applies if–</p> <p>a) when the dog was seized the authorised person–</p> <p>i) reasonably suspected it was a regulated dog; or</p> <p>ii) considers a proposed declaration notice should be given for the dog; and</p> <p>b) the person becomes satisfied the dog is not a dog mentioned in paragraph (a).</p>	<p><b>Amendment of s 130 (Return of particular dog)</b></p> <p>Section 130(1)(a)(i) and (ii)– <i>omit, insert</i>–</p> <p>i) reasonably suspected the dog was a regulated dog; or</p> <p>ii) reasonably suspected the dog was a prohibited dog; or</p> <p>iii) considered a proposed declaration notice should be given for the dog; and</p>	Clause 68 amends 130 to include where a dog that was reasonably suspected of being a prohibited dog must be returned.	Amend	<p>Section 130 requires further amendment to subsection 2 to indicate the dog must be returned to a registered owner.</p> <p>If there is no registered owner for the dog, we should not be allowing a dog to be returned to 'any owner or other person'. It is a requirement for all dogs to be registered under the Act. If an owner or other person cannot take responsibility to register their dog in accordance with legislative requirements, we cannot rely on them to take full responsibility for a regulated dog. This amendment would be</p>



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	2) As soon as practicable after becoming so satisfied, the person must return the dog to any owner or other person entitled to possession of it.				consistent with the proposed amendments for clause 66 and 67.  This proposed amendment is also consistent with the amended section 131(1).
Clause 69	<p><b>Section 131 - Return of particular dog to registered owner</b></p> <p>1) This section applies if the dog is a regulated dog, or a dog for which a proposed declaration notice is being made, and it has, or appears to have, a registered owner.</p> <p>2) The authorised person must, within 14 days after the seizure, return the dog to the owner unless—</p> <p>a) the owner has surrendered the dog to the relevant local government; or</p> <p>b) a destruction order has been made for the dog; or</p> <p>c) continued retention of the dog is needed as evidence for a proceeding or proposed proceeding for an offence involving the dog; or</p> <p>d) if the dog is a regulated dog—the authorised person is reasonably satisfied the owner of or a responsible person for the dog has not complied with a permit condition for the dog; or</p> <p><i>Note— See chapter 4, part 5 for the application of particular permit conditions for declared dangerous dogs and declared menacing dogs.</i></p> <p>e) if the dog is a dog for which a proposed declaration notice is being made—a regulated</p>	<p><b>Amendment of s 131 (Return of particular dog to registered owner)</b></p> <p>1) Section 131(1)— <i>omit, insert—</i></p> <p>1) This section applies if the dog has, or appears to have, a registered owner and the dog—</p> <p>a) is a regulated dog; or</p> <p>b) is a dog for which a proposed declaration notice has been given; or</p> <p>c) was seized because an authorised person reasonably suspected the dog was a prohibited dog.</p> <p>2) Section 131(2)(b), ‘for’— <i>omit, insert—</i> in relation to</p> <p>3) Section 131(2)(d), ‘permit condition for the dog’— <i>omit, insert—</i> condition imposed under chapter 4, part 5 in relation to the dog</p> <p>4) Section 131(2)(d), note— <i>omit.</i></p> <p>5) Section 131(2)(e), ‘is being made’— <i>omit, insert—</i> has been given</p> <p>6) Section 131(3)(c), ‘permit conditions’— <i>omit, insert—</i> conditions imposed under chapter 4, part 5 in relation to the dog</p>	Clause 69 amends section 131 to include a dog seized because it was reasonably suspected of being a prohibited dog, in provisions for the return of particular dogs to their registered owner. Minor technical amendments are also made throughout.	Support	

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	<p>dog declaration for the dog has not yet been made.</p> <p>3) The authorised person must return the dog to the owner as soon as practicable if an event as follows happens–</p> <p>a) if a destruction order has been made for the dog–an application for internal review or external review of the order is made and, as a result of the review, the order is no longer in force;</p> <p>b) if subsection (2)(c) applies–the dog’s continued retention as evidence is no longer required;</p> <p>c) if subsection (2)(d) applies–all of the permit conditions are complied with for the dog;</p> <p>d) if subsection (2)(e) applies–the regulated dog declaration for the dog has been made.</p>				
Clause 70	<p><b>Section 172 - 172 Chief executive must keep regulated dog register</b></p> <p>1) The chief executive must keep a register of declared dangerous dogs, declared menacing dogs, and restricted dogs (<i>the regulated dog register</i>).</p> <p>2) The regulated dog register must contain the information about a regulated dog given to the chief executive by a chief executive officer of a local government under sections 174 and 175.</p>	<p><b>Amendment of s 172 (Chief executive must keep regulated dog register)</b></p> <p>Section 172(1), ‘declared dangerous dogs, declared menacing dogs, and restricted dogs’–</p> <p><i>omit, insert–</i></p> <p>regulated dogs</p>	<p>Clause 70 makes a minor consequential amendment to replace the references to declared dangerous, declared menacing, and restricted dogs, with regulated dogs.</p>	Support	
Clause 71	<p><b>Section 174 - Chief executive officer must give information</b></p> <p>1) A chief executive officer of a local government must give the chief executive notice if–</p>	<p><b>Amendment of s 174 (Chief executive officer must give information)</b></p> <p>1) Section 174(1)–</p> <p><i>omit, insert–</i></p>	<p>Clause 71 replaces section 174(1) to remove provisions about a restricted dog and to clarify responsibilities. The section is also renumbered after additional subsections are added.</p>	Support	

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	<ul style="list-style-type: none"> <li>a) a restricted dog is registered in the local government’s area under chapter 3; or</li> <li>b) under chapter 4, the local government makes a regulated dog declaration for a dog in the local government’s area.</li> </ul> 2) The notice must– <ul style="list-style-type: none"> <li>a) be given to the chief executive within 7 days after the dog is registered or declared as mentioned in subsection (1); and</li> <li>b) state all of the following information relating to the dog–               <ul style="list-style-type: none"> <li>i) the information stated in the registration notice for the dog;</li> <li>ii) the information stated in an information notice given under section 95 for the dog;</li> <li>iii) any other information prescribed under a regulation.</li> </ul> </li> </ul>	1) This section applies if a local government makes a regulated dog declaration for a dog in the local government’s area. 1A)The chief executive officer of the local government must give the chief executive notice of the regulated dog declaration. 2) Section 174(2)(a), from ‘dog’ to ‘subsection (1)’– <i>omit, insert</i> – regulated dog declaration is made for the dog 3) Section 174(2)(b)(ii), after ‘section 95’– <i>insert</i> – about the decision to make the regulated dog declaration 4) Section 174(1A) and (2)– <i>renumber</i> as section 174(2) and (3).			
Clause 72	<b>Section 175 - Chief executive officer must give information about owner</b> 1) This section applies if the chief executive officer of the relevant local government for a regulated dog receives a notice from– <ul style="list-style-type: none"> <li>a) an owner of the dog, under section 54; or</li> <li>b) the permit holder for the dog, under schedule 1, section 8.</li> </ul> 2) The chief executive officer must, within 7 days after receiving the notice, give the chief executive–	<b>Replacement of s 175 (Chief executive officer must give information about owner)</b> Section 175– <i>omit, insert</i> – <b>175 Chief executive officer must give information about owner</b> 1) This section applies if an owner of a regulated dog gives the chief executive officer of the relevant local government for the dog notice under section 54 of changed information in relation to the dog.	Clause 72 makes consequential amendments to section 175 to omit references to Schedule 1.	Support	

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	<ul style="list-style-type: none"> <li>a) if the notice was given under section 54—notice of the changed information; or</li> <li>b) if the notice was given under schedule 1, section 8—notice of the holder’s new residential address.</li> </ul>	2) The chief executive officer must, within 7 days after being given notice of the changed information, give the chief executive notice of the changed information.			
<b>Clause 73</b>	<p><b>Section 178 - General register</b></p> <p>The general register must include all of the following information for each dog mentioned in section 177(1)—</p> <ul style="list-style-type: none"> <li>a) the information about the dog and its owner stated in a registration notice for the dog, given under section 49;</li> <li>b) if the dog is a declared dangerous dog or declared menacing dog—the information required to be stated in an information notice under section 95(6) about the dog;</li> <li>c) if the dog is a regulated dog—the number recorded on its collar, identification tag, registration tag or tattoo for desexing;</li> <li>d) if the dog is a restricted dog—details of any restricted dog permit in force for the dog;</li> <li>e) other information the local government considers appropriate.</li> </ul>	<p><b>Amendment of s 178 (General register)</b></p> <ul style="list-style-type: none"> <li>1) Section 178(b) to (d)—<i>omit, insert—</i> <ul style="list-style-type: none"> <li>b) if the dog is a regulated dog— <ul style="list-style-type: none"> <li>i) the information required to be stated in an information notice under section 95(4) in relation to the dog; and</li> <li>ii) the number recorded on its collar, identification tag, registration tag or tattoo for desexing;</li> </ul> </li> </ul> </li> <li>2) Section 178(e)—<i>renumber</i> as section 178(c).</li> </ul>	Clause 73 simplifies section 178 to remove provisions about a restricted dog, and to refer to a regulated dog instead of a declared dangerous dog or declared menacing dog. The section is also renumbered.	Amend	Amend inserted section 178(b)(ii) to remove the reference to ‘or tattoo for desexing’ as desexing tattoos do not include a unique number, they only utilise a symbol to indicate the dog has been desexed.
<b>Clause 74</b>	<p><b>Section 184 - Stay of operation of original decision</b></p> <ul style="list-style-type: none"> <li>1) A designated review application or general review application does not stay the original decision the subject of the application.</li> </ul>	<p><b>Amendment of s 184 (Stay of operation of original decision)</b></p> <ul style="list-style-type: none"> <li>1) Section 184(5), ‘regulated dog declaration’—<i>omit, insert—</i> dangerous dog declaration,</li> <li>2) Section 184(5), note—</li> </ul>	Clause 74 replaces the note in section 184(5) to omit reference to a restricted dog and section 66 which is being omitted.	Oppose	<p>The inserted note under section 184(5) is supported.</p> <p>Based on the feedback in clause 82, the muzzling of only dangerous dogs does not meet the policy objectives of the Bill to <i>enhance community safety</i>. We maintain our position that this is an opportunity to</p>

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	<p>2) However the applicant may, immediately after being given the information notice for the original decision, apply, as provided under the QCAT Act, to QCAT for a stay of the original decision.</p> <p>3) QCAT may stay the original decision to secure the effectiveness of the internal review and a later application to QCAT for external review.</p> <p>4) A stay may be granted on conditions QCAT considers appropriate.</p> <p>5) However, if the original decision relates to a regulated dog declaration a condition must be imposed that each owner of, and responsible person for, the dog must, until the internal review and any external review and appeal are decided, ensure the requirements under schedule 1, section 3, are complied with for the dog the subject of the declaration.</p> <p><i>Note– See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.</i></p> <p>6) The period of the stay must not extend past the time when–</p> <p>a) if the chief executive makes a designated review decision about the original decision– the chief executive makes the decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision; or</p> <p>b) if the chief executive officer of a local government makes an internal review decision about</p>	<p><i>omit, insert–</i></p> <p><i>Note– See also section 67 for the prohibition on supplying a regulated dog or a proposed declared dog.</i></p>			<p>enhance community safety. This clause does not meet the preferred outcomes.</p> <p>This change is <b>opposed</b> based on the proposed amendment under Clause 82 – Schedule 1 Section 3 provision for muzzling.</p> <p>Council prefers for all regulated dogs to be muzzled in public. Providing muzzling for menacing dogs will improve community safety and reduce the potential for these dogs being subject of a dangerous dog declaration or destruction order in the future.</p>

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	<p>the original decision—the chief executive officer makes the decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision.</p> <p>7) A designated review application or general review application affects the original decision, or carrying out of the decision, only if the decision is stayed.</p>				
Clause 75	<p><b>Section 185A – Internal review of concurrent regulated dog declaration and destruction order</b></p> <p>1) This section applies if—</p> <p>a) an interested person is given a combined information notice under section 127A(4)(b) about a decision to make a regulated dog declaration and a decision to give a destruction order for a dog; and</p> <p>b) the person makes a general review application for both the decisions.</p> <p>2) The chief executive officer of a local government that received the application may conduct an internal review of the decisions at the same time under section 186.</p>	<p><b>Amendment of s 185A (Internal review of concurrent regulated dog declaration and destruction order)</b></p> <p>Section 185A(1)(a), ‘a combined information notice under section 127A(4)(b)’—</p> <p><i>omit, insert—</i></p> <p>an information notice under section 127A(4)</p>	<p>Clause 75 makes a consequential amendment to the reference to a combined information notice</p>	Support	
Clause 76	<p><b>Section 189 – Condition on stay granted by QCAT for particular decisions</b></p> <p>1) This section applies if a person makes an application for external review to QCAT for a decision about a regulated dog declaration.</p>	<p><b>Amendment of s 189 (Condition on stay granted by QCAT for particular decisions)</b></p> <p>1) Section 189(1), ‘regulated dog declaration’—</p> <p><i>omit, insert—</i></p> <p>dangerous dog declaration</p> <p>2) Section 189(2), note—</p> <p><i>omit, insert—</i></p>	<p>Clause 76 replaces the note in section 189(2)(b) to omit reference to a restricted dog and section 66 which is being omitted.</p>	Oppose	<p>Based on the feedback in clause 82, the muzzling of only dangerous dogs does not meet the policy objectives of the Bill to <i>enhance community safety</i>. We maintain our position that this is an opportunity to enhance community safety. This clause does not meet the preferred outcomes.</p> <p>This change is <b>opposed</b> based on the proposed amendment under Clause 83 –</p>

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	<p>2) If, under the QCAT Act, section 22(3) QCAT decides to grant a stay of the decision, QCAT must impose a condition on the stay that each of the following persons must, until the external review is decided, ensure the requirements under schedule 1, section 3 are complied with for the dog the subject of the declaration—</p> <p>a) the owner of the dog; b) a responsible person for the dog.</p> <p><i>Note— See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.</i></p>	<p><i>Note— See also section 67 for the prohibition on supplying a regulated dog or a proposed declared dog.</i></p>			<p>Schedule 1 Section 3 provision for muzzling. Council prefers for all regulated dogs to be muzzled in public.</p> <p>Providing muzzling for menacing dogs will improve community safety and reduce the potential for these dogs being subject of a dangerous dog declaration or destruction order in the future.</p> <p>The inserted note under section 189(2) is supported.</p>
Clause 77		<p><b>Amendment of s 190 (Appeal against QCAT decision on external review relating to destruction order only on question of law)</b></p> <p>Section 190(1), after 'section 127'—</p> <p><i>insert—</i></p> <p>, 127AA</p>	<p>Clause 77 amends a reference to section 127A in section 190(1) to include a reference to new section 127AA.</p>		<p>NOTE: Section 190 does not exist in the current Act.</p>
Clause 78		<p><b>Insertion of new s 196A</b></p> <p>After section 196—</p> <p><i>insert—</i></p> <p><b>196A Application of part to prohibited dogs</b></p> <p>This part applies in relation to a prohibited dog as if a reference in this part to a regulated dog included a reference to a prohibited dog.</p> <p><i>Note— See also chapter 4A for other offences in relation to prohibited dogs.</i></p>	<p>Clause 78 inserts new section 196A to provide that a reference to a regulated dog in this part includes a prohibited dog. This will ensure that the circumstances of aggravation for the offences in sections 193 to 195 include when the dog is a prohibited dog as well as when the dog is a declared menacing or dangerous dog.</p>	Support	

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Clause 79	<b>Section 197 – Muzzling decommissioned greyhounds in public places</b>  1) This section applies to an owner of a decommissioned greyhound if a local law requires it to be muzzled when in a public place. 2) The requirement does not apply to the owner. 3) In this section– decommissioned greyhound means a greyhound that– a) is not a declared dangerous dog or declared menacing dog; and b) has successfully completed a program prescribed under a regulation.	<b>Amendment of s 197 (Muzzling decommissioned greyhounds in public places)</b>  Section 197(3), definition decommissioned greyhound, paragraph (a), ‘declared dangerous dog or declared menacing dog’–  <i>omit, insert–</i>  regulated dog	Clause 79 amends section 197(3) to refer to a regulated dog instead of a declared dangerous dog or declared menacing dog.	No comment	
Clause 80	<b>Section 203 – Other evidentiary aids</b>  1) For applying section 198 for the proceeding, a record of a local government is taken to include– a) a thing as follows given, issued, kept or made under this chapter or chapter 5– i) an appointment; ii) a decision or record; iii) a restricted dog permit; iv) the local government’s dog registry; v) a regulated dog declaration; vi) a proposed declaration notice, compliance notice or other notice; vii) a destruction order; and b) another document kept under this Act; and c) a statement that on a stated day– i) a stated person was given a stated decision,	<b>Amendment of s 203 (Other evidentiary aids)</b>  1) Section 203(1)(a)(iii)– <i>omit.</i> 2) Section 203(1)(a)(iv) to (vii)– <i>renumber</i> as section 203(1)(a)(iii) to (vi). 3) Section 203(1)(d)– <i>omit.</i>	Clause 80 amends section 203 to remove provisions about a restricted dog, and to renumber the subsections.	Support	



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	<p>declaration, notice or order; or</p> <p>ii) a stated requirement under chapter 4 or 5 was made of a stated person; and</p> <p>d) a statement that on a stated day, or during a stated period, a restricted dog permit was or was not in force for a stated dog or a stated place.</p> <p>2) This section does not limit section 198.</p>				
Clause 81		<p><b>Insertion of new ch 10, pt 6, div 4</b></p> <p>Chapter 10, part 6– <i>insert–</i></p> <p><b>Division 4 Provisions for amendments commencing on 28 August 2024</b></p> <p><b>234 Existing applications about restricted dog permits</b></p> <p>1) This section applies if an application for, or in relation to, a restricted dog permit was made under former chapter 4, part 3, but not decided, before the commencement.</p> <p>2) This Act as in force immediately before the commencement continues to apply to the application as if the amendment Act had not been enacted.</p>	<p>Clause 81 inserts a new Part 6, Division 4 to provide transitional arrangements for a person who held a restricted dog permit for a restricted dog immediately before the commencement of the new provisions.</p> <p>New section 234 provides for the continuation of an application made under former Chapter 4, Part 3, but not decided before commencement.</p>	Support	
Clause 81		<p><b>235 Existing reviews and appeals in relation to decisions about restricted dog permits</b></p> <p>1) This section applies if–</p> <p>a) before the commencement–</p> <p>i) an original decision was made under former chapter 4, part 3 refusing an application for a restricted dog permit or the</p>	<p>New section 235 and 236 provides for the continuation of former review mechanisms for decisions made about restricted dog permits immediately before commencement</p>	Support	

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		<p>renewal of a restricted dog permit; and</p> <p>ii) the applicant applied for an internal review or an external review of the original decision, or started an appeal against a decision made on an external review of the original decision; and</p> <p>b) immediately before the commencement, the application or appeal had not been decided or withdrawn.</p> <p>2) Despite the repeal of former chapter 4, part 3–</p> <p>a) the application or appeal may continue to be heard and decided as if the amendment Act had not been enacted; and</p> <p>b) this Act as in force immediately before the commencement continues to apply for the purpose of issuing a restricted dog permit under former chapter 4, part 3 in accordance with a decision made on the internal review, external review or appeal.</p> <p><b>236 Existing review and appeal rights in relation to decisions about restricted dog permits</b></p> <p>1) This section applies if–</p> <p>a) before the commencement, an original decision was made under former chapter 4, part 3 refusing an application for a restricted dog permit or the renewal of a restricted dog permit; and</p> <p>b) immediately before the commencement–</p> <p>i) the applicant had not applied for an internal review or an external review of the original</p>			

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		<p>decision, or started an appeal against a decision made on an external review of the original decision; but</p> <p>ii) the period within which the applicant could apply, or start an appeal, had not ended.</p> <p>2) Despite the repeal of former chapter 4, part 3–</p> <p>a) the applicant may make the application or start the appeal, and the application or appeal may be heard and decided, as if the amendment Act had not been enacted; and</p> <p>b) this Act as in force immediately before the commencement continues to apply for the purpose of issuing a restricted dog permit under former chapter 4, part 3 in accordance with a decision made on the internal review, external review or appeal.</p>			
Clause 81		<p><b>237 Continued application of pre-commencement Act to particular restricted dogs</b></p> <p>1) This section applies if–</p> <p>a) immediately before the commencement–</p> <p>i) a restricted dog permit was in effect under former chapter 4, part 3 for a restricted dog; and</p> <p>ii) the restricted dog was registered; or</p> <p>b) after the commencement, a restricted dog permit is issued or renewed under former chapter 4, part 3, as applied under section 234, 235 or 236, for a dog that–</p> <p>i) was a restricted dog immediately before the commencement; and</p>	<p>New section 237 provides transitional arrangements to allow a person with a restricted dog permit for a registered restricted dog, prior to commencement, or after commencement under section 232, to retain their dog under the Act as in force immediately before commencement.</p>	Support	

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		<p>ii) is registered.</p> <p>2) The dog is taken not to be a prohibited dog for the purposes of this Act.</p> <p>3) Also, this Act as in force immediately before the commencement continues to apply in relation to the dog as if—</p> <p>a) the amendment Act had not been enacted; and;</p> <p>b) the dog continued to be a restricted dog.</p> <p>4) However, subsections (2) and (3) cease to apply in relation to the dog on the earliest of the following to happen—</p> <p>a) the restricted dog permit for the dog expires and the permit holder has not applied to renew the permit under former section 82;</p> <p>b) the relevant local government for the dog makes an original decision under former chapter 4, part 3, division 3 to refuse an application to renew the restricted dog permit and the circumstances mentioned in subsection (5)(a), (b), (c) or (d) apply;</p> <p>c) the dog ceases to be registered;</p> <p>d) the dog is surrendered to the relevant local government under section 100;</p> <p>e) the dog is destroyed under this Act or otherwise dies.</p> <p>5) For subsection (4)(b), the circumstances are—</p> <p>a) the period within which the applicant may apply for an internal review of the original decision ends and the applicant has not, within that period, applied for an internal review of the original decision; or</p>			

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		<ul style="list-style-type: none"> <li>b) if the applicant applies for an internal review of the original decision– <ul style="list-style-type: none"> <li>i) the application is decided and both of the following apply– <ul style="list-style-type: none"> <li>(A) the decision on the application confirms the original decision;</li> <li>(B) the period within which the applicant may apply for an external review of the original decision ends and the applicant has not, within that period, applied for an external review; or</li> </ul> </li> <li>ii) the application is withdrawn or otherwise ends without a decision being made; or</li> </ul> </li> <li>c) if the applicant applies for an external review of the original decision– <ul style="list-style-type: none"> <li>i) the application is decided and both of the following apply– <ul style="list-style-type: none"> <li>(A) the decision on the application (the external review decision) confirms the original decision;</li> <li>(B) the period within which the applicant may start an appeal against the external review decision ends and the applicant has not, within that period, started an appeal against the decision; or</li> </ul> </li> <li>ii) the application is withdrawn or otherwise ends without a decision being made; or</li> </ul> </li> <li>d) if the applicant starts an appeal against the external review decision– <ul style="list-style-type: none"> <li>i) the appeal is decided and the effect of the decision is to</li> </ul> </li> </ul>			

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		confirm the external review decision; or ii) the appeal is withdrawn or otherwise ends without a decision being made.			
Clause 81		<b>238 Destruction orders for particular dogs</b> 1) New section 127AA applies only in relation to a dog seized, under section 125 or a warrant, after the commencement. 2) Former section 127 continues to apply in relation to a dog seized, under section 125 or a warrant, before the commencement as if the amendment Act had not been enacted.	New section 238 inserts transitional provisions to make clear that new section 127AA only applies to a dog seized under section 125 or a warrant, after the commencement.	Support	
Clause 82	<b>Schedule 1 Permit conditions and conditions applying to declared dangerous and menacing dogs</b> sections 81, 93, 97 and 98 1) <b>Definitions for sch 1 In this schedule–</b> <i>relevant dog</i> means– a) if the dog is a declared dangerous dog or a declared menacing dog–a declared dangerous dog or a declared menacing dog; or b) if the dog is a restricted dog the subject of a restricted dog permit–a restricted dog the subject of a permit. <i>relevant place</i> , for a relevant dog, means– a) if the relevant dog is a declared dangerous dog or a declared menacing dog–the place stated in the registration notice as the address for it; or	<b>Amendment of sch 1 (Permit conditions and conditions applying to declared dangerous and menacing dogs)</b> 1) Schedule 1, heading– <i>omit, insert–</i> Schedule 1 Conditions for regulated dogs 2) Schedule 1, authorising provision, '81,'– <i>omit.</i> 3) Schedule 1, section 1– <i>omit, insert–</i> 1) <b>Definition for schedule</b> In this schedule– <i>relevant place</i> , for a regulated dog, means the place stated in the registration notice for the dog as the address for the dog. 4) Schedule 1, section 2, 'relevant dog'– <i>omit, insert–</i> regulated dog 5) Schedule 1, section 2A(1), 'relevant dog'– <i>omit, insert–</i> regulated dog 6) Schedule 1, section 3–	Clause 82 makes a number of minor and consequential amendments to Schedule 1 as a result of the removal of restricted dogs and the relocation of effective control requirements to new section 192.	Oppose	Based on the feedback in clauses 74 and 76, the muzzling of only dangerous dogs does not meet the policy objectives of the Bill to <i>enhance community safety</i> .  We maintain our position that this is an opportunity to enhance community safety. This clause does not meet the preferred outcomes.  Dogs subject to a regulated dog declaration are a risk to the community, no matter if it is a dangerous or menacing dog. Council prefers that the inserted section 3 for muzzling at a place other than the relevant place applies to all regulated dogs and dogs subject to a proposed declaration. Providing muzzling for menacing dogs will improve community safety and reduce the potential for these dogs being subject of a dangerous dog declaration or destruction order in the future.

Amendment Bill 2023 Clause number	<i>Animal Management (Cats and Dogs) Act 2008</i> Section number and current wording	Bill Section number and proposed wording	Key points/policy objectives as sighted in the explanatory notes	Position (support/ oppose/ amend)	Comments/ Proposed Amendments
	<p>b) if the relevant dog is a restricted dog—the place for which a restricted dog permit has been issued.</p> <p>2) <b>Identification</b></p> <p>1) A relevant dog must be implanted with a PPID.</p> <p>2) A relevant dog must, at all times, wear a collar with an attached identifying tag.</p> <p>3) The tag must be of the type, and contain the information prescribed under a regulation.</p> <p><b>2A) Distinctive collar</b></p> <p>1) A relevant dog must, at all times, wear a distinctive collar.</p> <p>2) The collar must—</p> <p>a) be of the dimensions, quality and type prescribed by regulation; and</p> <p>b) comply with other requirements prescribed by regulation.</p> <p>3) <b>Muzzling and effective control in place that is not relevant place</b></p> <p>1) A relevant dog must not be in a place that is not the relevant place for the dog unless it is—</p> <p>a) muzzled; and</p> <p>b) under the effective control of someone who has the control of no more than 1 dog at the same time.</p> <p>2) However, subsection (1) does not apply for a relevant dog in a vehicle that is in a place that is not the relevant place for the dog if the dog is—</p> <p>a) in an enclosed part of the vehicle; and</p>	<p><i>omit, insert—</i></p> <p><b>3 Muzzling in or at place other than relevant place</b></p> <p>1) This section applies to the following dogs—</p> <p>a) a regulated dog that is a declared dangerous dog;</p> <p>b) a dog the subject of a proposed declaration notice for a dangerous dog declaration.</p> <p>2) The dog must not be in or at a place other than the relevant place for the dog unless it is muzzled.</p> <p>3) However, subsection (2) does not apply if the dog is in a vehicle in or at a place and the dog—</p> <p>a) is in an enclosed part of the vehicle; and</p> <p>b) is enclosed or restrained in a way that prevents the dog or any part of it from moving outside the enclosed part of the vehicle.</p> <p>7) Schedule 1, section 4(1), 'relevant dog'— <i>omit, insert—</i> regulated dog</p> <p>8) Schedule 1, section 4(2) and (3)(b), 'dog'— <i>omit, insert—</i> regulated dog</p> <p>9) Schedule 1, section 5(1), 'relevant dog'— <i>omit, insert—</i> regulated dog</p> <p>10) Schedule 1, section 6, 'relevant dog'— <i>omit, insert—</i> regulated dog</p> <p>11) Schedule 1, section 7— <i>omit.</i></p> <p>12) Schedule 1, section 8(1)— <i>omit, insert—</i></p>			

Amendment Bill 2023 Clause number	<i>Animal Management (Cats and Dogs) Act 2008</i> Section number and current wording	Bill Section number and proposed wording	Key points/policy objectives as sighted in the explanatory notes	Position (support/ oppose/ amend)	Comments/ Proposed Amendments
	<p>b) enclosed or restrained in a way that prevents the dog or any part of it from being outside the enclosed part of the vehicle.</p> <p>3) In subsection (1)(a)– <b>relevant dog</b>–</p> <p>a) does not include a declared menacing dog or a dog the subject of a proposed declaration notice for a menacing dog declaration; but</p> <p>b) includes a dog the subject of a proposed declaration notice for a dangerous dog declaration or restricted dog declaration</p> <p>4) <b>Enclosure</b></p> <p>1) An enclosure for a relevant dog must be maintained at or on the relevant place for the dog.</p> <p>2) The dog must, unless there is a reasonable excuse, be usually kept in the enclosure.</p> <p>3) The enclosure must–</p> <p>a) be childproof; and</p> <p>b) stop the dog from leaving the enclosure.</p> <p>4) Also, the enclosure and the area enclosed must–</p> <p>a) be of the dimensions, quality and type prescribed under a regulation; and</p> <p>b) comply with other requirements prescribed under a regulation</p> <p>5) <b>Public Notice</b></p> <p>1) A sign must be placed at or near each entrance to the relevant place for a relevant</p>	<p>1) If an owner of a regulated dog changes residential address, the owner must give the relevant local government notice of the owner’s new residential address within 7 days after making the change.</p> <p>13) Schedule 1, section 8(2), ‘person’– <i>omit, insert</i>– owner</p> <p>14) Schedule 1, section 8(3)– <i>omit</i>.</p>			



Amendment Bill 2023 Clause number	<i>Animal Management (Cats and Dogs) Act 2008</i> Section number and current wording	Bill Section number and proposed wording	Key points/policy objectives as sighted in the explanatory notes	Position (support/ oppose/ amend)	Comments/ Proposed Amendments
	<p>dog notifying the public that a relevant dog is kept at the place.</p> <p>2) The sign must be of the dimensions, quality and type, and contain the information prescribed under a regulation.</p> <p>6) <b>Place where relevant dog is usually kept</b> A relevant dog must not be usually kept at a place other than the relevant place for the dog.</p> <p>7) <b>Notice of other restricted dog permit for dog</b> If a permit holder obtains another restricted dog permit for a restricted dog the subject of the holder's permit, the holder must immediately give the relevant local government notice of the other permit.</p> <p>8) <b>Notice of change of address</b></p> <p>1) If a relevant person changes residential address, the person must give the relevant local government notice of the person's new residential address within 7 days after making the change.</p> <p>2) If the new residential address is in another local government's area, the person must also give the notice to the other local government.</p> <p>3) In this section– relevant person means–</p> <p>a) if a permit condition applies to a declared dangerous dog or a declared menacing dog– the owner of the dog; or</p>				

Amendment Bill 2023 Clause number	<i>Animal Management (Cats and Dogs) Act 2008</i> Section number and current wording	Bill Section number and proposed wording	Key points/policy objectives as sighted in the explanatory notes	Position (support/ oppose/ amend)	Comments/ Proposed Amendments
	b) if a permit condition applies to a restricted dog—the permit holder for the dog.				
Clause 83	<p>Schedule 2 - Dictionary</p> <p><i>destruction order</i> see section 127(4).</p> <p><i>destroy</i>, a regulated dog, includes causing it to be destroyed.</p> <p><i>regulated dog declaration</i> see section 89(6).</p> <p><i>relevant place</i>, for schedule 1, see schedule 1, section 1.</p>	<p>Amendment of sch 2 (Dictionary)</p> <ol style="list-style-type: none"> <li>1) Schedule 2, definitions <i>destruction order, permit application, permit condition, permit holder, relevant dog, renewal application, renewed permit, restricted dog, restricted dog declaration, restricted dog permit and restricted dog register</i>—omit.</li> <li>2) Schedule 2—insert—<i>destruction order</i>, in relation to a dog, see section 126A. <i>prohibited dog</i> see section 103A.</li> <li>3) Schedule 2, definition <i>destroy</i>, 'regulated'—omit.</li> <li>4) Schedule 2, definition <i>regulated dog declaration</i>, 'section 89(6)'—omit, insert—section 89(5)</li> <li>5) Schedule 2, definition <i>relevant place</i>, before 'for'—insert— for a regulated dog,</li> </ol>	<p>Clause 83 makes a number of minor and consequential amendments to Schedule 2 as a result of the removal of restricted dogs, the addition of prohibited dogs, and updates to references to permits and declared dangerous or declared menacing dogs. The clause also provides additional definitions. For <i>destruction order</i> in relation to a dog, see section 126A. For <i>prohibited dog</i> see section 103A.</p>	Support	

**ATTACHMENT B**

**COUNCIL'S SUBMISSION IN RELATION TO STRONG DOG LAWS: SAFER COMMUNITIES –  
DISCUSSION PAPER DATED 23 AUGUST 2023**



*Dedicated to a better Brisbane*

22 August 2023

The Manager, Animal Management  
Department of Agriculture and Fisheries  
GPO Box 46  
BRISBANE QLD 4001  
catsanddogs@daf.qld.gov.au

Dear Sir/Madam

I refer to the *Strong dog laws: Safer communities* – Discussion Paper (the discussion paper) for improved dangerous dog management. Brisbane City Council (Council) appreciates this opportunity to provide feedback on the proposals to amend the *Animal Management (Cats and Dogs) Act 2008* (the Act). Please find Council's submission attached with this letter.

Council acknowledges the importance of responsible pet ownership and the critical role that managing dogs plays in keeping our community safe. With over 114,000 dogs registered within our local government area, any changes to the Act are of significant interest to Council, the dog owners we support and the wider community. Having an Act that supports effective management of dogs and holds dog owners accountable is essential.

This is a unique opportunity for the Queensland Government to provide for the effective management of all dogs and to aid local governments in doing so. Over the past two years and through the Animal Management Taskforce (the Taskforce), Council has continued to advocate for full legislative reform to equip officers with the regulatory tools to ensure effective management of dogs. It is disappointing to see that the discussion paper does not include the breadth of issues the Taskforce was investigating. I have taken this opportunity to add additional feedback on the items identified as 'in scope' through the Taskforce and Technical Working Group, but were not included in the discussion paper, at the end of Council's submission.

Council calls on the Queensland Government to action the amendments to the Act and to address the other issues raised in this submission, in a timely manner. Council is concerned that a number of the proposals outlined in the amendments to the Act will weaken and impact our enforcement and compliance powers, resulting in greater referrals to QCAT, if appropriate consideration is not provided.

Should you wish to discuss any of the information presented in this submission, please contact Ms Rosalynn Fergusson, Principal Policy and Legislation Officer City Safety, Compliance and Regulatory Services, Lifestyle and Community Services, on [REDACTED], or by email to [REDACTED]

Yours sincerely

Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

Att. Council's submission on the *Strong dog laws: Safer communities* – Discussion Paper



## Proposal 1 – Community education and awareness campaign

Council position: Agree in principle, subject to the Queensland Government developing an **ongoing** education campaign linked to the Australian Curriculum Assessment and Reporting Authority, providing funding and collateral. Council calls on the Queensland Government to provide funding and collateral to enable local governments to assist in the delivery of this messaging through event attendance within their local government area.

Council agrees in principle. However, the wording in the discussion paper appears that this is a one-off commitment to provide education at a wider level with ongoing campaigns required to be delivered by local governments.

While the *Animal Management (Cats and Dogs) Act 2008* (the Act) already places a level of responsibility on local governments to promote responsible ownership of dogs through education, holistic and ongoing education programs that will ensure the safety of all residents and visitors are extremely important. Council suggests that education needs to focus on the following three aspects.

### 1. School Based Education

From our participation in the Australian Veterinary Associations PetPEP program, Council believes school-based education programs are extremely valuable for children regardless of if they own a dog or not. School-based education assists children (no matter what age) in understanding dog behaviour and a dog's body language before an attack occurs. It also allows Council to promote other important responsible pet ownership messaging in accordance with local laws, in turn, educating the dog owners of the future and providing better community outcomes for all residents and visitors.

Council calls on the Queensland Government to provide clear linkages to the Australian Curriculum Assessment and Reporting Authority for ongoing support and education at all levels of schooling.

### 2. Dog owners

First and foremost, the Queensland Government needs to place more responsibility on dog owners to undertake training. Council suggests implementing the approved training organisation framework implemented by the Victorian Government through the *Domestic Animals Act 1994* (the DAA). This framework will not only assist the public in identifying reputable training organisations, it will also ensure obedience clubs are promoting responsible pet ownership in compliance with the Act.

The DAA framework also allows the Victorian Government to approve an assessment program like those of the American Kennel Club's S.T.A.R puppy training and Canine Good Citizen (CGC) test. The S.T.A.R. program and CGC test are excellent ways to recognise that owners and their dogs are equipped with the skills, knowledge and socialisation skills required to prevent incidents such as dog attacks.

To encourage the community to participate in such programs, Council calls on the Queensland Government to review the current Queensland Government registration fee structure to place more emphasis on other responsible pet ownership initiatives than just desexing.

Council is also supportive of the inclusion of the requirement for owners with a regulated dog to undertake training.

### 3. Family Education

Research identifies that 80% of dog attacks happen in the family home or the home of a family member or friend. Council requires the Queensland Government to develop an ongoing State-wide education campaign promoting responsible dog ownership messaging to expectant families and families with children up to four years of age. It is important for this messaging to be delivered via hospitals and through childcare centres.

### **Proposal 2 – Banning restricted dog breeds**

Council position: Agree in principle.

Since at least 1997, Council has included in its local laws restrictions on dog breeds (linked to the Federal legislation). Under Council's current *Animals Local Law 2017* (the Local Law), the keeping of all dogs that are identified as a dog breed prohibited from importation into Australia under the *Customs Act 1901* (Cth) are prohibited in Brisbane.

Council considers any proposed further expansion to the list of breeds should only occur if there is a decision made at a Federal Government level (and subsequent amendment of the *Customs (Prohibited Imports) Regulation 1956* (Cth)) to prohibit the import of certain breeds.

Council expects the Queensland Government to develop a clear policy position on how local governments are required to deal with cross breeds of a prohibited breed.

Should this proposal proceed, Council expects the Queensland Government to develop a comprehensive guide to clarify how local governments are required to clearly identify the prohibited breeds. Such a guide would need to withstand scrutiny during prosecution action in court or through the Queensland Civil and Administrative Tribunal (QCAT). Council also expects the State to provide funding for breed identification (similar to the Orphan Incident Clean-up Scheme under the *Environmental Protection Act 1994* or the funding arrangements under the *Public Health Act 2005* for dealing with asbestos).

The Queensland Government must include transitional provisions for those local governments that currently have restricted dog declarations in place. These transitional provisions must also address how these dogs are to be managed if the owner decides to relocate to another local government area within the State or if an owner decides to relocate from another state to Queensland.

### **Proposal 3 – Requirement for all dogs to be effectively controlled in public places**

Council position: Agree in principle, subject to satisfactorily addressing Council's concerns about wandering at large offences and not limiting failure to comply with effective control provisions to monetary penalties only. Without the detail of how these amendments would be drafted in the Act and how this would interact with Council's Local Law, this proposal could lessen Council's enforcement provisions.

Council agrees in principle with the proposal to include offence provisions and enforcement powers in the Act to manage effective control, however, is concerned that the proposal does not extend to the wandering at large type offences. It is important to note that these types of offence provisions already exist in local laws across Queensland.

Council's Local Law and the State Government's *Model Local Law No. 2 (Animal Management) 2010* provide for the control of all animals (including dogs) in public places. Specifically, for Brisbane, this means that a dog must be kept under the effective control of a person that is able to physically keep the animal under their control. Additionally, the keeper of the dog must also ensure it is securely restrained to prevent it from:

- a) attacking a person or animal
- b) acting in a way that causes fear to a person or animal
- c) causing damage to property.

The maximum penalty for non-compliance with these provisions is a maximum penalty of 20 penalty units and an infringement notice fine amount of 2 penalty units.

Council is concerned that the discussion paper proposes exemptions of effective control for dogs in designated dog off-leash areas. Given a large number of attacks occur in approved dog off-leash areas, Council calls on the Queensland Government to extend the definition to something similar to Council's Local Law where effective control is also defined to mean in relation to:

*a dog in an off-leash area, the dog—*

- i) is under the supervision of a person who is able to control the animal; and*
- ii) is not engaging in any behaviour which could reasonably harass, cause damage or other injury to another person or animal in the off-leash area.*

Council does not agree with the proposal where it indicates that failure to comply with effective control provisions would only result in a monetary penalty being imposed. Should the proposal to move effective control provisions away from local laws into the Act, the Queensland Government must ensure that all the regulatory tools that exist under local laws are extended to the Act to ensure local government powers are not lessened. This includes, but is not limited to infringement notices, oral compliance directions, compliance notices and seizure provisions. The Queensland Government must also consider impound and release provisions. Leaving these additional enforcement provisions to be managed under local laws would only increase confusion for dog owners when local governments are undertaking enforcement.

While the Act already prescribes requirements for the effective control of regulated dogs (and dogs subject to a proposed declaration notice) when in a public place, Council suggests the Queensland Government instead provide a clear differentiation in the offence provisions between a regulated and non-regulated dog not under effective control. Where section 93(1) of the Act already prescribes a maximum penalty of 75 penalty units and the *State Penalties Enforcement Regulation 2014* sets the infringement notice fine amount at 7 penalty units for regulated dogs, it is expected that the maximum penalty for non-regulated dogs should not exceed 20 penalty units as per Council's Local Law and the State Governments *Model Local Law No.2 (Animal Management) 2010*.

It has been noted that the proposal does not extend to offences where an animal is found wandering at large in a public place. To ensure consistency with moving effective control provisions to the Act, the State would also need to relocate the wandering at large provisions. It should be noted, that under Council's Local Law, we also can immediately seize an animal for wandering at large. Seizing an animal does not preclude Council from undertaking enforcement action under other sections of the Local Law. Again, as it is currently proposed, Council would have fewer enforcement options.

The current regulatory framework creates an unnecessary degree of complexity, with local laws regulating containment and effective control of non-regulated dogs, and the Act regulating the containment and effective control of regulated dogs. From Council's experience, dogs caught wandering at large or observed to be not under effective control in public can be indicative of irresponsible ownership of dogs that may be on a pathway to more serious offending (i.e. involving attacks). The inclusion of effective control and wandering type offences (and all necessary enforcement tools and provisions) within the Act would enable local governments to address non-compliance more holistically and consistently without relying on a complicated framework that is often misunderstood by dog owners and difficult to enforce.

#### **Proposal 4 – Reviewing penalties for offences relating to regulated dogs**

Council position: Further information required.

Council considers that this proposed amendment would weaken our enforcement provisions, particularly for serious attacks which is of significant concern to Council. Council requires further information to understand whether support could be given for this proposal for less serious attacks.

Council requires further information about the specific offences proposed for an increase to the maximum penalties for offences relating to regulated dogs.

Without specific particulars, Council does not support any amendments that might allow a local government to issue an infringement notice in cases where the attack is serious in nature. These matters should be subject to prosecution, especially where the attack has caused the death of, or grievous bodily harm to, a person (see comments under Proposal 5). For example, Council would not support the issuing of infringement notices under sections 194 and 195 of the Act if the attack is serious in nature (i.e. the attack causes the death of, or grievous bodily harm to, the person).

Council has reviewed the provisions of the Act to identify offences relating to regulated dogs and supports increased penalties for the offences identified in Table 1.

Table 1: Offence sections Council supports penalty unit increases for regulated dog owners

<b>Offence Provision Section</b>	<b>Provision</b>	<b>Current Infringement Notice Penalty</b>
s 44(2)	<i>Registration obligation</i> An owner of a dog must comply with section 46 to register the dog in the relevant local government's area within 14 days after starting to keep the dog in the area unless the person has a reasonable excuse.	2
s 44(3)	<i>Registration obligation</i> A person who becomes an owner of a dog must comply with section 46 to register the dog in the relevant local government's area within 14 days unless the person has a reasonable excuse.	2
s 45(2)	<i>Dog must bear identification in particular circumstances</i> The person who keeps the dog must ensure it bears the identification prescribed under a local law unless the person has a reasonable excuse.	2
s 54(3)	<i>Amendment of registration</i> The owner of the dog must, within seven days, give the relevant local government notice of the changed information.	1
s 55(3)	<i>Relevant local government must give notice of change</i> The owner must give the chief executive officer the information or documents required to be given in the notice mentioned in section 48(2).	1
s 57(2)	<i>What owner must do</i> The owner of the dog must, before the period of registration for the dog expires: a) if any information on the renewal notice has changed—give the local government notice of the change (the changed information); and b) pay the registration fee for the dog; and c) if it is desexed—ensure the fee is accompanied by a signed veterinary surgeon's certificate stating, or other evidence, that it has been desexed.	2
s 58(3)	<i>Relevant local government's obligations if owner complies</i> The owner must give the chief executive officer the information or documents required to be given in the notice mentioned in section 48(2).	1
s 93(1)	<i>Owner's obligation if proposed declaration notice in force*</i> Each owner of, and responsible person for, the dog the subject of the proposed declaration notice must ensure the permit condition imposed under schedule 1, section 3, is complied with for the dog.	7



Offence Provision Section	Provision	Current Infringement Notice Penalty
s 97(1)	<i>Declared dangerous dogs</i> A relevant person for a declared dangerous dog must ensure each permit condition imposed under schedule 1, sections 2 to 6 and 8, or prescribed by regulation, in relation to the dog is complied with for the dog.	7
s 98(1)	<i>Declared menacing dogs</i> A relevant person for a declared menacing dog must ensure each permit condition imposed under schedule 1, sections 2, 2A, 3(1)(b) and (2), 4 to 6 and 8, or prescribed by regulation, in relation to the dog is complied with for the dog.	7
s 134(1)	<i>Failure to comply with notice</i> A person to whom a compliance notice has been given must comply with the notice unless the person has a reasonable excuse.	7

### **Proposal 5 – New offence including imprisonment as a maximum penalty for more serious attacks**

Council position: Conditional support.

Council's conditional support is on the basis that the responsibilities between the State and local governments are clear about the management of the dog and the prosecution. Council could assist in the management of the dog however requires a clear commitment from the Queensland Government that the Queensland Police Service will undertake investigations and prosecutions.

Council supports these proposed changes to the Act subject to the following.

- The proposed changes amend the definition of 'Seriously attack' and add new attack categories to provide for a sliding scale of outcomes and corresponding penalties for offences, as opposed to the current version of the Act that has only one category.
- The proposed changes must clearly delegate responsibility under the Act to conduct investigations where the attack has been serious in nature. Where an offence is serious in nature, the responsible agency to undertake the investigation should be the Queensland Police Service.
- The development of an investigation framework or guideline by the Department to assist local governments to consistently apply the changes.
- Well defined outcomes for an offence under the Act should also be reflected in relation to any dog/s that caused or were involved in the attack. For example, for cases where the attack resulted in the death or serious injury of a person, the Act should prescribe mandatory seizure and humane destruction as the only outcome available for the offending dog(s) (i.e. removing the ability for the owner to appeal any outcomes through QCAT).

Council calls on the Queensland Government to include in the Act a maximum penalty of imprisonment where an attack results in the death of a person. This should also include a maximum penalty of imprisonment where the attack is as a result of repeat offending (where the attack is serious). Council also calls on the Queensland Government to consider circumstances where the maximum penalty of imprisonment may be appropriate where a dog seriously injures or causes grievous bodily harm to a person and, if introduced, provide clear guidance about those circumstances.

Council also calls on the Queensland Government to introduce escalating offence and penalty provisions. For example, offences and penalties should increase where dogs have previously attacked (irrespective of the seriousness of the attack) or where an owner has had multiple dogs who attack.

## **Proposal 6 – Clarifying when a destruction order must be made**

Council position: Agree in principle, subject to further clarity in the Act and that the development of a regulatory framework for decision making is prioritised by the Queensland Government. Council is supportive of collaborating to develop an effective regulatory framework for decision making.

Council calls on the Queensland Government to implement the criteria identified, supported by comprehensive guidelines to assist local governments in making decisions.

The regulatory framework discusses the power to make a destruction order for a regulated dog. This leads to concurrent declaration and destruction orders being issued in many cases. Council expects the Queensland Government to deliver a legislative framework that:

- focuses on the seriousness of the attack (and thereby provide a clear and meaningful definition of 'serious attack')
- provides for extreme circumstances where a dog has been seized and for that dog to be destroyed as soon as possible after all required evidence has been collected, irrespective of whether the dog has been regulated (for example, the dog has caused the death of a person)
- provides clear differentiation for cases where an Authorised Person *must* make a destruction order, as opposed to where the Authorised Person *may* make an order. Again, this is contingent on clear definitions of 'attack' and 'seriousness'.

Council considers that the decision to issue a destruction order is contingent upon, and requires, the exercise of reasonable and prudent judgement of authorised persons. A clear clarification of matters appropriate for authorised persons' consideration when deciding to, or not to, make a destruction order for a dog, would improve the functionality of the Act and the decision making model.

While Council supports the inclusion of the points listed in the discussion paper that were raised in *Nguyen v Gold Coast City Council Animal Management*, it should be noted that we do have concerns with the point about behaviour modification. This needs to be clearly articulated as to the responsibility in identifying if a dog can be rehabilitated following an attack (i.e., is the responsibility on the dog owner or local governments).

## **Proposal 7 – Streamlining review processes**

Council position: Conditional support.

Council calls on the Queensland Government to address the significant delays occasioned by the current QCAT review process, as these delays are leading to:

- poor outcomes for dogs impounded in local government custody for extended periods of time (Council's longest instance saw a dog impounded for 877 days awaiting a QCAT decision which upheld Council's destruction order)
- increased administrative burden for local governments for the keeping of those animals
- financial implications for local governments to provide long-term care for these animals, of which can only be recovered from the dog owner through a prosecution (which provides further administrative burden and costs on local governments).

The discussion paper appears to rely on the points raised in Proposal 6 to effectively achieve streamlined outcomes for QCAT matters. Council considers that while this may be effective to a degree, it is also pertinent to provide clear timeframes for submission and review of animal related matters, including requirements for:

- the timely submission of materials necessary for the review
- strict timelines for actions required by animal owners throughout the review process (i.e., any proceeding for an external review application must commence within 60 days of receiving the application)
- strict timeframes for QCAT to hear matters and make decisions.

For example, Council is aware of several regulated dog matters that have exceeded 90 days of animal impounding, with three long-standing cases drawing out to 877,565 and 341 days each, because of QCAT-related delays.

The scope of matters considered by QCAT must also be reviewed, and limited in the Act, to ensure arbitrary use of the review process is not abused by dog owners to simply delay sound regulatory outcomes, including destruction, for proposed dangerous dogs that have carried out significant serious attacks.

Council also calls on the Queensland Government to review the circumstances in which local governments can recover costs. At present, local governments can only recover costs through initiating a prosecution. Council has incurred significant costs to keep animals for extended periods of time which QCAT proceedings have been heard and decisions made. Council calls on the Queensland Government to appropriately resource QCAT to minimise these delays and to include in the Act an ability for local governments to recover costs (including for animal keeping) without the need for a prosecution where there are delays.

### **Other matters identified by the Department as ‘in scope’ for this review in the Taskforce and Working Group.**

#### **Item 1 – Definition of responsible person, animal keeper and owner**

Proposal 5 in the discussion paper proposes to introduce a maximum penalty of imprisonment for more serious attacks. To ensure consistency with application and remove any ambiguity, Council requests the Queensland Government review the definitions of responsible person, animal keeper and owner. This will also align with the suggestions identified by the Taskforce and Working Groups about introducing Prohibition Orders into the Act (see Item 2).

#### **Item 2 – Prohibition orders**

Council calls on the Queensland Government to include in the Act a power to prohibit a person from possessing or otherwise acquiring any animal or a particular animal, either permanently or for a stated period of time. Council encounters a high level of recidivist offending and it is our experience that people who have a demonstrated history of being an irresponsible owner should not be able to acquire further animals where there are previous or ongoing proceedings relating to current or previous animals that they have owned.

This provision could be similar in wording to section 183 of the *Animal Care and Protection Act 2001*.

For example, a person that owns a regulated dog fails to keep that dog in accordance with the prescribed keeping conditions and the dog goes on to cause further harm in the community, the local government could apply to the court for a prohibition order to prevent the person from acquiring further dogs. Likewise, where a person owns multiple dogs over a period of time that have become regulated due to attacks on people or other animals, the owner should be prohibited from acquiring further dogs as they are unable to appropriately supervise and control dogs in their care.

#### **Item 3 – Dog registration – failure to register**

Dog registration is a critical part of our regulatory framework as it ensures identifying information about a dog and its owner is lodged with Council, while in turn providing Council with revenue that is used to administer the Act and our Local Law.

At present, the Act does not provide any enforcement tools (other than penalties) for local governments to remedy non-compliance with an owner’s obligation to register their dog. As a result, it is common for dog owners to remain non-compliant, despite Council issuing an infringement notice. This undermines Council’s ability to identify dogs, communicate with owners and to fundamentally achieve the purposes of the Act.

Council requires the Queensland Government to amend the Act to provide appropriate enforcement tools for local governments.

To remedy the current shortfalls of the Act, Council has implemented workaround enforcement provisions under our Local Law to enable oral compliance directions, compliance notices and the seizure of dogs where the keeper has not complied with their registration obligation. We are aware that other local governments have also implemented similar provisions.

Council's position is that amendments are required to the Act to provide all local governments with the necessary powers to issue oral compliance notices and compliance notices to deal with unregistered dogs. These provisions would be further supported by additional regulatory tools, including but not limited to, the seizure and disposal of dogs where owners have not remedied their obligation to register the dog within a prescribed timeframe. Amendments would also be required to prescribe when and how local governments may continue to hold dogs, dispose of dogs, and importantly, when dogs may be reclaimed by their registered owner. These amendments would provide consistency in how registration provisions are applied and enforced across the State. Council calls on the Queensland Government to include these powers and supporting requirements.

Council requests that the Act be amended to state that, for the purposes of the Act, an unregistered dog has no responsible person and is therefore not owned by any person. This would enable Council to either rehome or destroy the animal.

To ensure a consistent approach to the enforcement of non-compliance with registration requirements for dogs, Council supports the inclusion of further enforcement capabilities under the Act with an extra offence provision for failure to register a regulated dog (with a higher penalty than the existing failure to register provision of at least 50 penalty units).

#### **Item 4 – Regulated dog registration condition**

Council calls on the Queensland Government to ensure local governments have the enforcement powers under the Act to address non-compliance with an owner's obligation to register a dog (as identified in Item 3).

#### **Item 5 – Regulated dog declarations (Chapter 4 rewrite)**

Council requires the Queensland Government to undertake a complete review and rewrite of Chapter 4 of the Act. At present, the Act does not have a clear criteria or recognised methodology to assist local governments in deciding to issue a declaration. Council requests the development of a clear framework to be embedded into the Act to assist local governments in assessing and evaluating both the severity of the injury and the circumstances leading to the attack.

An example (and preferred) framework is the Dunbar Dog Bite Scale. Embedding such a framework into the Act would provide consistency in the application of the Act and allow agencies to differentiate between a dog with dangerous propensities based on individual behaviour and a dog that has been placed in a negative circumstance due to human fault.

To declare a regulated dog following an attack, the Act requires local governments to issue the owner of a dog with a proposed declaration notice which outlines the reasons why the local government is proposing to declare the dog as dangerous or menacing. This proposed declaration provides the owner of the dog the ability to provide representations on why the declaration should not be made. The Act then requires the local government to withdraw the proposed declaration or make the declaration based on the evidence available and the representations received. If the local government proceeds to make the declaration, the dog owner still has further review provisions available.

This proposed declaration process places unnecessary regulatory burden on both local governments and the dog owners. As such, Council supports the removal of the provisions relating to the proposed declaration process.

At present, the Act does not provide local governments with the ability to remove a declaration. Instead, local governments rely on the provisions of the *Acts Interpretation Act 1954* (section 24AA) to repeal or amend a decision made in accordance with the Act (subject to the same decision-making framework). Council has been reluctant to utilise these provisions without clear provisions in the Act itself that support these decisions.

To support the removal of the proposed declaration process and existing provisions under the *Acts Interpretation Act 1954*, Council calls on the Queensland Government to introduce provisions in the Act allowing local governments to remove a declaration should an internal review identify the declaration should not be issued. These provisions could also apply to removal of declarations generally (i.e. the dog is old and the risk to the community has been significantly reduced). Western Australia's *Dog Act 1976* provides provisions and a framework for revoking a declaration that could be utilised as an example for amending the Act. The support for inclusion of these provisions is provisional based on the development of clear guidelines by the Queensland Government on when the removal of a declaration may be appropriate.

### **Item 6 – Powers to deal with neonatal offspring of seized dogs**

Council supports the introduction of adequate provisions in the Act to prevent the return of litters from declared dangerous dogs to irresponsible keeping environments. At present, section 70 of the Act requires the relevant person for a declared dangerous dog to ensure the dog is desexed within three months of the declaration taking effect, provided there is no appeal/stay of the original decision. However, while the intent of the Act is clear that dangerous dogs should not be allowed to breed, the legislation is silent on the rights and obligations of local governments and dog owners regarding declared dangerous dogs that, despite the restriction, become pregnant and subsequently give birth to a litter.

Without these clear powers, the issue is exacerbated and continues, as the puppies are exposed to aggressive behaviour and are then more likely to also exhibit this behaviour. The intent of the current legislation is prevent this from occurring through desexing however, this desexing does not always occur and local governments are required to return puppies to owners in these circumstances. Further, Council calls on the Queensland Government to shorten the current three month timeframe from declaration to desexing requirement as this could allow declared dangerous dogs to be bred before desexing occurs.

### **Item 7 – Body-worn cameras**

Council supports the introduction of provisions allowing officers to utilise body-worn cameras. Body-worn cameras are an important tool used by Council officers to reduce the likelihood of assault in addition to improving the quality of evidence collected. Council has already implemented a pilot program to trial the use of cameras across a range of regulatory positions.

Council is aware of recommendations recently made by the Queensland Law Reform Commission Report No 77 – *Review of Queensland's laws relating to civil surveillance and the protection of privacy in the context of current and emerging technologies* (the Report). One of the recommendations of the Report is to repeal the *Invasion of Privacy Act 1971* and to replace it with the draft Surveillance Devices Bill (the draft Bill).

Council notes that under clause 26 of the draft Bill, exemptions apply if the use of the surveillance device is authorised under another Act of the State. As such, including provisions in the Act will ensure that local governments can continue to use body-worn cameras for evidence collection and enforcement purposes.

## **Item 8 – Review of enclosure requirements for declared dogs**

Council does not support a stand-alone review of enclosure requirements for regulated dogs as it would fail to address the full scope of deficiencies in the Act in relation to managing regulated dogs.

Council supports a full review of Chapter 4 of the Act, which would include a review of all prescribed keeping conditions that apply to regulated dogs. Based on the amendments Council has proposed under Item 6, Chapter 4 of the Act should also be amended to allow for specific keeping conditions to be applied depending on the severity of the Act (for example, it may be sufficient just to apply conditions requiring a dog to be muzzled in public without the need for the animal to be kept in a full enclosure for the dog's lifetime). This change would need to be further supported with amendments to the conditions identified under Schedule 1 of the Act and the *Animal Management (Cats and Dogs) Regulation 2019*.

## **Item 9 – Enhancing power of entry provisions for regulated dogs**

The Act currently provides general powers of entry if:

- an occupier of the place consents to the entry; or
- the entry is to inspect work carried out under a lawfully imposed condition of a dangerous dog declaration, menacing dog declaration, restricted dog permit or compliance notice.

These provisions do not give local governments the appropriate powers as they restrict inspections to the first time an inspection is undertaken following the initial declaration, or to follow up compliance if a compliance notice has been issued. Besides this, consent is required from the occupier of the place to enter.

Should the occupier of the place refuse entry or be uncontactable, an authorised officer is unable to undertake an annual inspection to confirm compliance with regulated dog conditions unless a warrant is issued.

At a minimum, Council requires the introduction of a new subsection under section 111 of the Act to indicate that an authorised person may enter a place if the entry is to find out whether the conditions on which a regulated dog permit or notice was issued have been or are being complied with.

**ATTACHMENT C**  
**COUNCIL'S ONGOING CONCERNS**

**Animal Management (Cats and Dogs) Act 2008**

Council understood that the matters raised in the *Strong dog laws: Safer communities – Discussion Paper*, as outlined in Attachment B, particularly the matters identified as being 'in scope' by the Department in the Task Force and Working Group, would be addressed in *Agriculture and Fisheries and Other Legislation Amendment Bill 2023* (the Amendment Bill). It is apparent that a number of these matters have been overlooked, including (and in short):

1. Proposal 1 – Community education and awareness campaign, item 2, placing more responsibility on dog owners to undertake training by implementing similar framework to that implemented by the Victorian Government through the *Domestic Animals Act 1993*, including requirement for owners of regulated dogs to undertake training (page 2 of discussion paper submission). The Amendment Bill does not propose any amendments that relate to training requirements for dog owners or dangerous dog owners.
2. Proposal 3 – Requirement for all dogs to be effectively controlled in public places, Council called on the Queensland Government to extend the definition of effective control in relation to off-leash areas to be similar to the drafting in Council's Local Law (page 4 of discussion paper submission). While Council supports the insertion of section 192, in relation to section 192(2)(a), Council considers its suggested wording to be more appropriate. Please see Council's submissions for clause 25 for further commentary in this regard.
3. Proposal 4 – Reviewing penalties for offences related to regulated dogs, Council identified in Table 1, regulated dog offences that Council would support having penalty unit increases (page 5 of discussion paper submission). The Amendment Bill does not address penalty unit increases for sections 44(2), 44(3), 45(2), 54(3), 55(3), 57(2), and 58(3) identified in Table 1.
4. Proposal 5 – New offence including imprisonment as a maximum penalty for more serious attacks. Council supported proposal 5 subject to matters outlined on page 6 of the discussion paper submission which have not been adequately implemented into the Amendment Bill. Please see Council's submissions for clauses 18, 26, 29 and 66 for further commentary in this regard.
5. Proposal 6 – Clarifying when a destruction order must be made, Council called for the Queensland Government to implement comprehensive guidelines to assist local governments in making decisions and to deliver a legislative framework that, amongst other things:
  - Provides a clear and meaningful definition of 'serious attack';
  - Provides for extreme circumstances where a dog has been seized and for that dog to be destroyed as soon as possible where it has caused the death of a person;
  - Provides clear differentiation for cases where an Authorised person *must* make a destruction order, as opposed to where the authorised person *may* make an order.

The Amendment Bill does not adequately address the above or the balance of the matters put to the Queensland Government under Proposal 6 at page 7 of the discussion paper submission. Further comments in this regard have been made in Council's submissions in relation to clauses 18, 24 and 66.

6. Proposal 7 – Streamlining review processes, Council called on the Queensland Government to, amongst other things, address the significant delays occasioned by the current QCAT review process (please see pages 7 to 8 of discussion paper submission). This has not been adequately addressed by the Amendment Bill for a number of reasons, in particular, please see Council's submissions for clause 17.

7. Other matters identified by the Department as 'in scope' for this review in the Taskforce and Working Group:

- Item 1 – definitions of responsible person, animal keeper and owner – review of these definitions was sought by Council and the Amendment Bill does not provide amended definitions for these terms (page 8 of the discussion paper submission). Further comments in this regard are provided in Council's submissions at clauses 23 and 50.
- Item 2 – Prohibition orders – Council called on the Queensland Government to include in the Amendment Bill the provision of a power to prohibit a person from possessing or otherwise acquiring any animal or a particular animal (either permanently or for a stated period of time), where there has been reoffending (page 8 of discussion paper submission). Council submitted that the wording of the provision could be similar to that in section 183 of the *Animal Care and Protection Act*. The Amendment Bill is silent on the issue of prohibition orders.
- Item 3 – Dog registration – failure to register – Council sought that the Queensland Government implement further penalties in relation to failure to register (pages 8-9 of discussion paper submission). The Amendment Bill has not provided any additional penalties. Further comments in this regard are provided in Council's submissions in relation to clauses 23, 24, 50, 66 and 67.
- Item 4 – Regulated dog registration condition – Council called upon the Queensland Government to ensure there are enforcement powers to address non-compliance with an owner's obligation to register a dog (particularly when it is a regulated dog) (page 9 of discussion paper submission). The Amendment Bill does not provide this. Further comments in this regard are provided in Council's submissions in relation to clauses 23 and 24.
- Item 5 – Regulated dog declarations (Chapter 4 rewrite) – Council sought that the Queensland Government undertake a complete review and rewrite of Chapter 4 of the Act as the Act does not have a clear criteria or recognised methodology to assist local governments in deciding to issue a declaration (see pages 9 – 10 of discussion paper submission). The Amendment Bill does not introduce such a guideline and it remains Council's position that it ought to.
- Item 6 – Powers to deal with neonatal offspring of seized dogs – Council provided its support for the introduction of adequate provisions in the Act to prevent the return of litters from declared dangerous dogs and for the three-month requirement under section 70 to be reduced (page 10 of discussion paper submission). These matters have not been addressed by the Amendment Bill. Further commentary in this regard is provided in Council's submissions in relation to clauses 45 and 46.
- Item 7 – Body-worn cameras - Council provided its support for the introduction of provisions to the Act which would allow officers to utilise body-worn cameras (page 10 of discussion paper submission). The Amendment Bill has not provided such provision and it remains Council's position that it ought to.
- Item 8 – Review of enclosure requirements for declared dogs – Council advised it would support a full review of Chapter 4 of the Act, which would include a review of all prescribed keeping conditions that apply to regulated dogs (page 11 of discussion paper submission). The Amendment Bill has not provided this. Further comments in this regard can be found in Council's submissions in relation to clause 61.



- Item 9 – Enhancing power of entry provisions for regulated dogs – Council requested that at a minimum, a new subsection under section 111 of the Act be introduced that provides that an authorised person may enter a place if the entry is to find out whether the conditions on which a regulated dog permit or notice was issued have been or are being complied with (page 11 of discussion paper submission). This subsection has not been provided in the Amendment Bill. Further comments in this regard have been provided in Council's submissions in relation to clauses 61 and 63.

### **Biosecurity Act 2014**

In relation to the *Biosecurity Act 2014*, Council supports the proposed improvements that both align and link entry provisions to local laws.

Council requires clarification from the Queensland Government regarding the changes to emergency declarations, including the increased powers associated with movement controls. For example, the changes will effectively increase the powers of the State to impose emergency prohibited matter declarations. Where declared, emergency powers are available to require actions to manage a biosecurity emergency. White spot disease management lessons are used in all the explanatory materials as the catalyst for these changes. Clarification is sought with respect to proposed changes to emergency declarations, including increased powers associated with movement controls. Council is concerned that this provision may have serious consequences for some existing business critical operations. The nature of those consequences would likely trigger the need for a Regulatory Impact Statement and Council is not aware of one having been completed if these provisions are applied to species already under management.