

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

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Submitted by: Animal Care Australia
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15th December 2023

State Development and Regional Industries Committee

RE: Agriculture and Fisheries and Other Legislation Amendment Bill 2023

Animal Care Australia (ACA) is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

In May 2021, Animal Care Australia provided a submission to the **QLD Review of Animal Care & Protection Act (ACPA) 2001** and in August 2023 to the **Strong Dog Laws: Safer communities – Discussion paper**. We welcome the opportunity to provide feedback to this Inquiry.

In general, Animal Care Australia agrees with most of the proposed recommendations. However, due to our experience and the concerns expressed to us from other members who also contributed to the ongoing reviews in Queensland, Animal Care Australia has some concerns with the proposed Amendment Bill. It is our strong belief that a minority element of animal rights rhetoric is being given precedent and undue validity over science-based and evidence-based consultation.

Responding to the Bill, Animal Care Australia provides the following feedback:

- **Animal Care Australia DOES NOT SUPPORT the inclusion of ‘cause fear’ as part of ss194 and ss195.**
- **Animal Care Australia questions the need to ban breeds that are already restricted in the country – in effect already banned.**
- **Animal Care Australia strongly recommends the inclusion of a legal requirement by those identifying restricted or prohibited breeds to confirm the breed via DNA-matching.**

Animal Care Australia STRONGLY urges the Committee to also review our submission to the consultation of Queensland’s Stronger Dog Laws. A huge proportion of our concerns and the concerns of other key stakeholders, such as the Professional Dog Trainers of Australia have been ignored in order to appease a small number of protesting activists.

Animal Care Australia welcomes any questions and the opportunity to provide evidence, as you continue to review the Amendment Bill as part of this Inquiry.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,

Kind regards,



Michael Donnelly
President



Agriculture and Fisheries and Other Legislation Amendment Bill 2023 - Queensland



Animal Care Australia submission

Approved: 15th December 2023
“Animal welfare is animal care”



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ACA Background

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

Supporting statement

Animal Care Australia would like to thank the QLD State Development and Regional Industries Committee for providing us with the opportunity to provide feedback for this Inquiry, and the Department of Agriculture and Fisheries QLD for providing us with the opportunity to consult as a stakeholder throughout the process of the QLD Animal Care & Protection Act Review 2020.

Animal Care Australia has provided feedback to the relevant consultations that led to this Amendment Bill.

Our feedback relates to the amendments focused on animal welfare for pets and companion animals, and changes that may affect those that keep pets and companion animals.

We look forward to the opportunity of providing testimony at this Inquiry.

Reference links for this submission

[Agriculture and Fisheries and Other Legislation Amendment Bill 2023](#)

Animal Care Australia's submission to [QLD Strong Dog Laws](#)

Animal Care Australia's submission to [QLD Review of Animal Care & Protection Act \(ACPA\) 2001](#)

Response to the Amendment Bill

Animal Care Australia has the following concerns with the Amendment Bill.

Clause 26: Replacement of ss 194 and 195

Section 194 and 195—

omit, insert—

194 Relevant person must ensure dog does not attack or cause fear

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.

Animal Care Australia DOES NOT SUPPORT the inclusion of ‘cause fear’ as part of ss194 and ss195

Animal Care Australia takes issue with the inclusion of ‘cause fear’ into the legislation.

In the first instance, ‘cause fear’ is NOT defined within the proposed legislation leaving it far too ambiguous and open to misuse and misinterpretation and thereby permitting abuse of power by both the RSPCA and Local Council Animal Management Officers/Rangers.

Secondly an offence associated to ‘cause fear’ was NOT included in the discussion/consultation paper for Queensland Stronger Dog Laws. Yet again, we see the Department and Minister over-reaching and applying their own agendas (likely encouraged by animal rights activism).

Any dog can ‘cause fear’ simply by its mere presence. Many people are afraid of dogs – of the sight of a dog or the presence of a dog. Equally dogs will automatically ‘cause fear’ in many other animals including other dogs and especially cats. How is this to be interpreted?

ss195 appears to override ss 194: The latter implies one must take reasonable steps to prevent a dog causing fear, while ss195 then prohibits it. How can you prohibit an act that causes a natural emotive and physical response in a person or another person? The section most open to interpretation is ‘to cause bodily harm’. If another person sights a dog that they are afraid of and suffers from a heart attack, anxiety attack resulting in a physical injury then effectively that provides for a criminal offence to have occurred without the dog or its owner having had any actual contact or close interaction with the ‘victim’.

In relation to ss 195 Animal Care Australia supports the Prohibition of the encouragement of a dog to cause harm or fear’ This is completely different to ‘allowing’ a dog to cause fear when that reaction is often outside of the control of the dog and its owner.

Clause 32 Amendment of s 3 (Purposes of Act)

Section 3—

insert—

(f) prohibit the ownership of and particular

dealings with dogs of particular breeds

and,

Clause 33 Amendment of s 4 (How purposes are to be primarily achieved)

(1) Section 4—

insert—

(ha) prohibiting ownership of dogs of particular breeds;

As per Animal Care Australia's submission to the consultation for Stronger Dog Laws:

Animal Care Australia questions the need to ban breeds that are already restricted in the country – in effect already banned.

Animal Care Australia strongly recommends the inclusion of a legal requirement by those identifying restricted breeds to confirm the breed via DNA-matching.

Animal Care Australia has concerns with any enforcement or authorised officer differentiating a Pit Bull and an Amstaff. These are essentially the same breed just chosen for their temperaments and split. Who makes this determination that a DNA sample cannot?

Clause 52 Section 95 Giving information notice about decision to make regulated dog declaration

Animal Care Australia DOES NOT support Local Governments have this level of power to declare a regulated dog without the appropriate training and recognition of behavioural instincts of a dog. Most dogs have the ability to be trained and therefore not a risk to anyone.

As previously stated by Animal Care Australia:

“Regulated dogs are those that pose the most risk to the community.”

This is incorrect and not supported by any data. Especially when considering what the government is trying to justify: *“A review would take into consideration the need for general deterrence to strengthen overall responsible dog ownership and improve specific individual deterrence to encourage people who have breached the standards and requirements in the Act to do the right thing in the future.”*

As previously acknowledged by this Government's own Consultation Paper – regulations that already exist are being ignored. Increasing the penalties WILL NOT act as a greater deterrent. **Education will increase responsible dog ownership.**

Providing Local Governments with the ability to declare any dog a regulated will only add to problems and poorer animal welfare outcomes.

Clause 64 Amendment of s 125 (Seizure powers for dogs)

Section 125(1)(b)–

omit, insert–

(b) the person reasonably believes the dog is a prohibited dog; or

Animal Care Australia strongly recommends the inclusion of a legal requirement by those identifying restricted or prohibited breeds to confirm the breed via DNA-matching.

The 'reasonable belief' is NOT sufficient to guarantee or justify the seizure of a dog from its owners. The dog MUST be accurately identified before it is able to be seized. We must keep in mind that a vast number of dogs seized are euthanised and this Amendment Bill mandates the destruction of restricted/prohibited dogs by Local Government when the dog enters their ownership.

Animal Care Australia STRONGLY urges the Committee to also review our [submission](#) to the consultation of Queensland's Stronger Dog Laws. A huge proportion of our concerns and the concerns of other key stakeholders, such as the Professional Dog Trainers of Australia have been ignored in order to appease a small number of protesting activists.

Animal Care Australia welcomes any questions and the opportunity to provide evidence, as you continue to review the Amendment Bill as part of this Inquiry.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,


Michael Donnelly
President
Animal Care Australia