

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

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State Development and Regional Industries Committee
SDRIC@parliament.qld.gov.au

To Whom it May Concern

Re: Noosa Council Submission - Inquiry into the Agriculture and Fisheries and Other Legislation Amendment Bill 2023

Noosa Council (Council) welcomes the opportunity to provide feedback on the *Agriculture and Fisheries and Other Legislation Amendment Bill 2023* (the Bill).

The Council is a key local government stakeholder in administering the provisions proposed by the bill, delivering front line services directly to the community consistent with the legislative objectives proposed.

The Council appreciates the consultative approach adopted by the State Government in the development of the bill both through the Local Government Association of Queensland (LGAQ) and the work undertaken by the Taskforce in developing the '*Strong Dog Laws: Safer Communities*' Discussion Paper in July of this year.

The Council acknowledges and understands that the Bill proposes to amend a total of 14 Acts and 6 regulations related to agriculture, animal management and welfare, forestry, biosecurity and fisheries in Queensland and is supportive of the bill. The bill includes a number of proposals which do not have relevance to, or a direct impact on Local Government activities and as such they are not referenced in this submission.

The bill represents a positive response to the ongoing representations made by Queensland Councils to the State Government concerning the effectiveness of the current regulatory framework. Of particular interest are the proposed provisions which seek to strengthen the laws governing dangerous dogs through amendments to the *Animal Management (Cats and Dogs Act) 2008* and the implementation of some recommendations from the review of the *Biosecurity Act 2014*.

Recommendations

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

Recommendation 1

The Department of Agriculture and Fisheries' intention to establish an internal investigative capacity delegated under existing provisions to manage the most serious of dog attacks does not

negatively impact Councils' ability to enforce the relevant provisions of the AMCDA. The Council requests that this provides the opportunity to increase investigative capability across both levels of government, including Queensland Police Service, and does not diminish local government decision making.

Recommendation 2

The Council is committed to better community safety outcomes supported by an effective regulatory framework. It is recommended that the State Government continue to work with the Technical Working Groups to progress the further legislative reforms submitted to the Department of Agriculture and Fisheries' during the development of the Bill.

Recommendation 3

The Council recognises the significant community safety value of the proposed strategic information and education campaign in supporting the proposed amendments and in driving broader responsible animal management outcomes. The Council recommends that the Department of Agriculture and Fisheries continue to work with the Department for Community Education, other stakeholder agencies and local governments to achieve the timely delivery of the campaign.

Recommendation 4

The Council is committed to exercising its regulatory responsibilities in a consistent, proportionate and effective way. The proposed strengthening of the laws relating to regulated dogs creates two new offence provisions. While it is acknowledged these remain summary in nature, the proposals also include significant increases in penalty amounts including terms of imprisonment for the most serious offences.

Chief Executive Officers appoint suitably qualified Authorised Persons to discharge the powers provided under the AMCDA. It is recommended the State Government provide adequate support and resources for Councils to increase and maintain the levels of competency necessary to fully discharge the increased regulatory responsibilities which will result from the proposed bill.

Recommendation 5

The Council welcomes the intention to reduce the administrative and financial burden of appeals against regulatory actions taken by Local Governments under the AMCDA. The restriction of appeals to be heard by the Appeals Tribunal to a question of law rather than of mixed law and fact is viewed as a positive step in reducing administrative timeframes and improving animal welfare outcomes for seized dogs held by Councils.

To further support these outcomes the Council recommends that the State Government gives consideration to establishing a statutory internal appeals process for AMCDA related matters including decision timeframes and review process guidance for council internal reviews. Notwithstanding the provisions of the *Local Government Act 2009*, this would support consistent and timely decision making across Queensland Council's and provide appellants with clarity of process.

Recommendation 6

The council generally supports the State Government's proposal to introduce provisions for the immediate destruction of a regulated dog which are considered dangerous.

The proposed amendment to the AMCDA at section 127(2)(a) "*authorised person can not control the dog*" In certain circumstances, limiting the requirement for adequate control to an Authorised Person may limit the effective seizing of a dangerous dog. The Council requests that the State Government give consideration to amending this proposed provision to "*a person*".

This amendment will provide Authorised Persons with the ability to make a decision not only based on their ability to adequately control the dog but also others acting under their instruction. For example, animal handling experts, veterinary practitioners, the owner or a responsible person.

The Council looks forward to the successful passage of this important bill in the Queensland Parliament and continuing to work productively with the State Government on the implementation and further on the necessary legislative amendments, guidelines and public engagement strategies.

If you wish to discuss the contents of this submission, in the first instance please contact Rob Smith, Manager Local Laws and Environmental Health on [REDACTED] or by email at [REDACTED]

Yours faithfully

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Larry Sengstock
Chief Executive Officer (Acting)