

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

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INTRODUCTION

My name is Veronica Wingrove, and I am the mother of Elizabeth (Lizzie) Wingrove.

I am thankful for the opportunity to be able to submit this submission to the parliamentary committee inquiry in relation to 'Strong dog laws: Safer Communities'.

My submission is based on personal experience from an incident whereby a dog attacked my daughter Lizzie, causing grievous bodily harm.

Lizzie was attacked by a dog that bit a chunk out of her face and caused grievous bodily harm to her on the evening of Friday, 21 October 2016. Lizzie was 7 years old at the time.

This incident occurred without warning, and there were at least five (5) adults present at the time, the incident occurred in an instant, it was fast, but devastating. This dog, and his owner were known to us.

The injury was very serious and required plastic/reconstructive surgery to repair the hole in her face.

The matter was reported to Moreton Bay Regional Council (MBRC), and back in 2016, my experience was that the matter was incompetently and unconscionably handled by the initial MBRC Investigating Local Law Officer for close to the first seven (7) months.

After much escalation from myself, this initial investigation was reviewed, and the decision was corrected.

The dog was then seized and became subject to a Destruction Order, the dog's owner applied for an internal review, in which MBRC confirmed the decision to issue the Destruction Order.

The dog's owner then went to QCAT (**GAR136-17**) for an external review and appeal, on three (3) occasions.

- 9 August 2017 – (Decision delivered 14 August 2017 - **[2017] QCAT 281**) – QCAT confirmed the MBRC Destruction Order
- 21 December 2017 – (Decision delivered on 22 December 2017 - **[2017] QCAT 455**) - QCAT confirmed again the MBRC Destruction Order
- 31 May 2018 – (Decision delivered on 24 September 2018 - **[2018] QCATA 140 - APL002-18**) - QCAT set aside the previous 2 QCAT decisions and, also set aside the MBRC Destruction Order.

The dog was returned to his owner and to our street, which in turn caused further detriment to the child bitten by the dog, and myself.

I have never been able to fathom how it was that the Senior Member for the 3rd QCAT hearing could come to the decision that he made. However there had been an extensive social media, mainstream media and advertising campaign representing the dog 'Hank' as a victim of MBRC.

The decision he made goes completely against what community expectations are about dogs who attack and cause injury to people or other animals.

Our lives were turned upside down because of this. We were harassed, taunted, threatened, stalked, our house was vandalised 2 days after the dog was released from the pound. This behaviour began around the time that the dog was seized by MBRC and did not stop in its constant form until approximately 2 years after the dog was released, when the dog no longer lived in our street.

Strong dog laws: Safer Communities

Review of the *Animal Management (Cats and Dogs) Act 2008* for improved dangerous dog management.

The behaviour was so abhorrent that a close associate of the dog owner was charged with Unlawful Stalking under Criminal Code s.359B and is now subject to a 10-year Restraining Order under s.359F because of this.

The basics of the timeline were.

- For seven (7) months the matter was with MBRC (October 2016 – May 2017)
- For sixteen (16) months the matter was with QCAT (May 2017 – September 2018)
- For 3.5+ years of Lizzie and I being subjected to protracted Unlawful Stalking conduct because of this two (2) second dog attack incident and the handling of it.

My responses to the survey questions may expand on some of the points in my introduction.

However, I'll add two photos as an introduction of just some of what we went through.

- The first one is of my daughter at the hospital in the hours after Hank bit a chunk out of her face and ate it.
- The second photo shows what we had to drive by at the house where the dog and the dog owner lived in order to enter or exit our street.
That was a sign positioned where the child attacked by the dog featured in the photo, had no option but to see that photo every day, multiple times each day, through much of the QCAT process.

That apparently is what a 'responsible dog owner' does to the child that her dog attacked, causing grievous bodily harm. And QCAT sent the very same dog back to our street.

On two occasions QCAT confirmed MBRC's decision to issue the Destruction Order, and after the second hearing, the social media, mainstream media, and advertising as displayed below ramped up and gained a large following of people who had no idea of the facts. And suddenly the Senior Member for the 3rd QCAT hearing reversed all previous decisions.

Am I sceptical about the reasons of his decision to reverse the previous two QCAT Member's decisions? Absolutely, I am!

It is my opinion that he was potentially influenced, exactly as intended by the dog's owner with their public campaign. It is this kind of rubbish that has be removed from QCAT.

However, it has happened, and it cannot be changed now in relation to our situation.

That doesn't change the trauma that was caused, both in relation to the dog bite and the administrative handling of it.

But moving forward, it is imperative that amendments are made to the Act so it can be administered clearly, diligently, and consistently, so that when a dog does attack and causes bodily harm, grievous bodily harm or death to a person that community safety is paramount in any and all decisions that are made.

Kind regards

Veronica Wingrove



The injury to Elizabeth (Lizzie) Wingrove caused by Hank the Neo Mastiff



What the dog owner exposed Lizzie to each and every day for over 9 months during the QCAT review

Survey question 1 – The development and implementation of an evidence-based community education campaign for responsible ownership is a high priority as a key primary prevention strategy.

AGREE

1. I **AGREE** with the development and implementation of an evidence-based community education campaign for responsible dog ownership as a priority, and a prevention strategy.
2. However, I cannot see how something such as this can be considered as a 'high priority', nor as a 'key primary prevention strategy'.
3. Dog ownership in general, 'responsible' dog ownership, and any form of community education is not likely to garner effective results, as often the people who own, or are responsible for dogs that cause injury, and / or fear to people and other animals, are not open or willing to be educated, as they just don't care.
4. Or even more concerning, that they own a dangerous dog, and fail to recognise that the dog is dangerous at all or their inability or lack of desire to effectively control the animal when in a public place.
5. For some dog owners, the bigger and more aggressive the breed of dog is, may be seen as an accessory or as a status symbol. Education will not change that.
6. Unfortunately, for a certain subset of the community, I can only imagine that any attempts at 'evidence-based community education' will only be a wasted effort, and they are the owners of dogs that pose the greatest risk to the community.
7. I see this often. Dogs out in a public place, walking, running, or roaming along the waterfront, unrestrained, and not under effective control because the owner doesn't believe that the rules apply to them.
The dog being free to roam and approach other unsuspecting people.
The owner of the dog thinks that their dog's behaviour is 'cute', and everyone should love their dog.... because it's a dog.
Sometimes, if a BBQ is involved, the dog approaches in search of food.
The dog should be restrained, but unfortunately the dog owners are not receptive to the response of *'please keep your dog away from us'*.
8. I also regularly see many examples of when people, are physically unable to restrain their dog/s. The dog owner cannot control the dog, the dog will pull on the owner, or refuse to move when the owner is attempting to have it walk.
And yet the owner appears to think that this is normal behaviour for the dog.
If the dog owner hasn't put the effort into training their dog, it is my opinion that the chances of the dog owner being open to education directed at themselves will not be well received or engaged with either.

Survey question 1 – The development and implementation of an evidence-based community education campaign for responsible ownership is a high priority as a key primary prevention strategy.

AGREE

9. Unfortunately, common sense and respect for other people and animals is not something that some people will ever learn.

It appears that the only way to educate in relation to responsible dog ownership would be the examples of the ramifications that should occur when things go wrong.

10. There is also the element that dog owners, just do not wish to think that their dog will ever attack anyone.

I hear it all the time, after what Lizzie experienced, from a dog that she knew, people will still tell me;

'Oh, my dog would never do that'.

Many people have that thought, and their dog still attacks a person or another animal anyway.

11. Whilst I agree that an element of education should be implemented and clearly and readily available, it should not be the focus of this consultation.

Dog owners are adults and they've had plenty of time to grow up and learn common sense for themselves as it is.

Survey question 2 – Do you support dog breeds that are restricted under Commonwealth legislation being banned in Queensland?

STRONGLY AGREE

1. I **STRONGLY SUPPORT** dog breeds that are restricted under Commonwealth legislation being banned in Queensland, including a grandfather clause to allow for dogs under an existing restricted dog permit to be kept (until the end of that dog's life) as long as all the required conditions continue to be met.
2. I would also support, that in the event that the dog's owner does not continue to meet all relevant conditions for keeping that specific dog or has any breaches in the conditions of keeping that dog, would result in the refusal to renew the restricted dog permit which would then result in the termination of the grandfather clause for that animal.
3. I **DO NOT** support a staggered commencement of this amendment. I can see no benefit to community safety and wellbeing by doing so.
4. If a person is already in possession of any dogs of a restricted breed, and has not yet obtained a restricted breed permit, they need to remedy that NOW, (and potentially deal with any relevant consequences if the permit is not granted).
As it is, they are already required to have a permit and should have already taken the steps to obtain one.
5. Dog owners are adults, and have requirements to adhere to, both in their local government areas and under the AMCDA. There is no need to provide further concessions to people who are already demonstrating that they not adhering to the requirements of obtaining a permit for an already owned dog.
6. In the event that, after the implementation of dog breeds restricted under Commonwealth legislation being banned in Queensland, a person is found to be in possession of, concealing, or illegally keeping one of those dogs without a permit, that person will have committed an offence. And the matter should then be dealt with accordingly.
7. I do not consider that there will be any greater risk to the community than there already is now, if a person is already concealing a restricted dog breed, and they continue to conceal it, the risk is already present, it is just not yet known.
8. Ignorance to the requirements is no excuse for not doing what is required.
9. The dogs are restricted at a Commonwealth level for a reason, they pose too great of a risk to the general public. There are many breeds of dogs available for ownership. There is no appropriate reason for any more animals of those breeds to be entered into the community.

Survey question 3 – Do you support the introduction of a new state-wide requirement for dogs to be effectively controlled in public places?

STRONGLY AGREE

1. I **STRONGLY SUPPORT** the introduction of a new state-wide requirement, with uniform conditions, for all dogs to be effectively controlled in public places.
2. Queensland is a large state, with a mobile population.
Many people take their dogs on holidays with them or relocate to other areas of the state.
It makes clear sense for what is required to have a dog in a public place, to be uniform throughout the state.
This will give the opportunity for there to be a greater level of compliance, not only by the dog owner, but also for the general public by being able to be aware of what is required of dogs when they are in a public place.
3. Being that people are integrating their dogs, often imposingly onto other people, the requirements of what is considered to be 'effectively controlled' should be reviewed and amended.
4. The requirements are not clear to the general public, as to what to even expect of dog owners, and often dog owners become aggressive, if you have an objection to their dog coming near you.
5. I recall, I believe it was in November 2019 that I attended a Moreton Bay Regional Council (MBRC) General Meeting and was granted some time to speak in 'Community Comments'.
I recall making some suggestions as to what MBRC could do to assist in local laws to address not just dangerous dogs, but dogs in general, in the community.
6. One of the things I mentioned was a distinctive collar for Dangerous Dogs, yellow and red stripes, something that, with basic community education can identify a dangerous dog, even from a distance.
This could be taught by parents to their children, and as general learning through schools.
I was mightily surprised and delighted that sometime in the middle of 2022, I discovered, purely by chance that QLD Govt had brought in this requirement at the start of 2022.
What surprised me though, was that I had never heard of the implementation of it at all.
I had not observed any advertising, or mainstream media reports, or even social media advertisements.
New collar standards make it easier to identify regulated dogs Media release 15 December 2021
<https://statements.qld.gov.au/statements/94112>
7. Whilst it is fantastic that this has become requirement, it is however rather useless if the public do not know what the distinctive collar means.
8. I was shocked at the lack of public notification of this requirement. The general public (not the dog owner) straight away can make their own assessment or assessment in relation to their children, just by knowing that this collar IS A REQUIREMENT, what it means if a dog is wearing it and they can then make the decision to keep away, or at least remain aware and vigilant around it.

Survey question 3 – Do you support the introduction of a new state-wide requirement for dogs to be effectively controlled in public places?

STRONGLY AGREE

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9. In the example of the child 'Teddy' that was attacked outside a café on the Gold Coast in April 2022. In the event that, that dog *had have* been an already declared dangerous dog, whilst Teddy's dad was doing what parents do when out and about, just that very collar could have alerted the dad to ensure that Teddy stayed away from it.
As it was, Teddy did everything right, he approached the owner, and asked for permission to pat.... exactly the same as what my daughter did.
Dogs don't come with warning signs. Often, they don't show any signs of pending aggression at all, until it is too late, and the damage already done.
10. And then there is the flip-side when dog owners who are strangers to my children, actively speak to my children and encourage them to pat a dog that they do not know.
11. The irony is, how often strangers ask a child if they would like to pat their dog, a dog unknown to both the child and the child's parent or carer. But the community backlash if a child is bitten by a dog, the comments are often '*why is a child patting a dog it doesn't know?*'
12. Some suggestions of what could be implemented for state-wide consideration of effective control, (and some of these suggestions may already be in many Local Government Local Laws). That the dog, when in a public place must be;
- a. Registered with a local government, somewhere within Australia, (even if visiting from interstate). E.g. If the dog is visiting with family from interstate let's say, then the dog being registered with '*Sutherland Shire Council*' would fulfil this obligation.
Just for it to be currently registered and identified as being registered with a local government authority somewhere in Australia would meet this obligation.
But an unregistered dog from interstate, would be in breach of the requirements.
 - b. Microchipped – the very act of having a dog out in a public place and if the dog is not microchipped should be an offence. This would include visiting dogs from interstate.
As it is, if a member of the human population is on public transport, the passenger is required to present a valid Go-Card, ticket, access pass or other entitlement to travel and if they are unable to do so, the passenger is potentially liable for an infringement.
There should be no difference in relation to a dog being out in a public place, it must be registered, and it must be microchipped.
 - c. Desexed – not negotiable (except for a licenced breeder).
 - d. On a suitable leash at all times (unless at a designated 'off leash' area).
 - e. Under the physical control of a person competent to handle it at all times.
Just because a person may be the dog's owner, does not equate to that person having the skills to manage a dog, especially a large dog.

Survey question 3 – Do you support the introduction of a new state-wide requirement for dogs to be effectively controlled in public places?

STRONGLY AGREE

- f. As described in the proposed **Section 192 (2)(b)(ii)(B)**
‘the dog is securely tethered to a fixed object and is under the continuous supervision of the person’,

I submit wording similar to the following is inserted;

‘in a manner that does not hinder or prevent a person from entering or exiting a place without the potential of the dog coming into physical contact with the person’.

- o Often, I attend to coffee shops, cafes, grocery stores or other public places, and dogs may be tethered outside the venue whilst their owner is inside, however, they are tethered very close to the entrance, and the leash that is restraining the dog is of such a length that contact with the dog cannot be avoided, should it choose to approach.
- g. Able to behave appropriately in public, if the dog is unable to be in public without being a nuisance, aggressive or uncontrollable, it should not be permitted in a public place at all.
- h. Able to be in public and not cause fear, damage or injury to people, other animals or property.
- i. Wearing a muzzle, at all times when in a public place, if the dog is over a certain size/weight. This very item would be a very simple strategy to prevent the ability for a dog’s jaws to lock onto a person or another animal, as it’s not just that a dog may bite once, sometimes, in an attack they bite multiple times.
This can cause multiple injuries from one unexpected attack.
A muzzle could, in many circumstances, create that barrier that prevents the actual bite from occurring.
The person (or animal) may still be knocked over, may suffer bruising, or scratches from claws, but the catastrophic bite and ability to ‘lock on’ to its victim and rip their flesh away in chunks, could in many cases be completely avoided.
There are many muzzles commercially available that allow a dog to still drink water with ease, and some even have the ability for the dog to be given a treat to eat.
It would be reasonably foreseeable, that a dog, any dog, for any reason, may at times act out of character and unexpectedly bite an innocent person or another animal just because they were in the wrong place at the wrong time.
A muzzle can potentially provide an effective protection at times such as these.
The importance of having such a barrier in place is greater the larger and more powerful that the dog is, as just one bite from a large powerful dog can cause catastrophic injury or even death.
- j. Registration and annual renewal of Dog Registrations – acknowledgement and acceptance.

Survey question 3 – Do you support the introduction of a new state-wide requirement for dogs to be effectively controlled in public places?

STRONGLY AGREE

By listing the conditions or reference to what the state-wide requirements are for a dog to be effectively controlled in public and stating that when the annual registration fee is paid, it is deemed that the dog owner is accepting and agreeing to these terms and conditions by default.

E.g. – by inserting onto the renewal invoice, words to the effect of:

‘By the payment of this Annual Dog Registration fee, you acknowledge and accept the requirement to keep your dog under effective control as required under section (number/s) of the AMCDA 2008, when in a public place’.

Thereby eliminating any risk of the dog owner claiming that ‘they didn’t know the requirements’, and alleviation of any claim of ignorance as being an excuse for not doing what is required.

This would act as both a reminder to the dog owner and confirmation to the Local Government Area (LGA) that the dog owner is accepting of the responsibility.

WHAT IS EFFECTIVE CONTROL – SECTION 192 (1)(b) – REGULATED DOG IN A VEHICLE

13. I wish to raise concerns about the proposed ***What is effective control - Section 192 (1)(b).***

(1) A relevant person for a dog that is a regulated dog exercises effective control if -

(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.

There are two parts to this which I believe should be reviewed and amended.

- i. a declared dangerous dog should, at all times, when in a vehicle that is not at the relevant place be muzzled; and
 - ii. a declared dangerous dog should, at all times, when in a vehicle that is not at the relevant place be restrained in or to the enclosed area of the vehicle by a suitable restraining device. (Such as a harness seatbelt / leash attached to a seatbelt, ISOFIX or anchor bolt fitting, or another secure point fixed to the vehicle body).
14. Currently in the AMCDA, and under the proposed amendments, a declared dangerous dog it not required to be muzzled whilst in that vehicle, nor is it required to be restrained in or to that vehicle.
15. This poses a foreseeable risk to the community.
16. In everyday, normal circumstances, being in an enclosed vehicle may appear to be sufficient, a vehicle is however mobile, it is susceptible to being involved in a collision, it is susceptible to having an outsider open the vehicle door and allow a dog, unrestrained to the vehicle to get out.
- An enclosed vehicle does not equate to a locked or secured vehicle.
 - eg, community minded people, thinking that a dog has been ‘locked’ in a vehicle, may ‘break’ the dog out.

Survey question 3 – Do you support the introduction of a new state-wide requirement for dogs to be effectively controlled in public places?

STRONGLY AGREE

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17. In this event then there would be both an unrestrained AND an un-muzzled, dangerous dog out in a public place.
18. Additionally, vehicle crashes do, at times happen.
19. In the event of the vehicle transporting a regulated dog being involved in a crash, there is the potential for the enclosed space to become open and for an unmuzzled dog that is un-tethered to the vehicle, being able to escape the vehicle after a crash.
20. Not only would there be an unrestrained, unmuzzled dog out in a public place, but it is a potentially a dangerous dog that is distressed, disorientated, injured and in pain, that is unrestrained and unmuzzled, out in a public place.
21. The muzzling of a dangerous dog at ALL TIMES when it is in a public place, including when in a vehicle, should be mandatory.

SCHEDULE 1 SECTION 3

MUZZLING AND EFFECTIVE CONTROL IN A PLACE THAT IS NOT RELEVANT PLACE

22. In addition to addressing Section 192 (1)(b) here I am also addressing ***Schedule 1 Section 3 Muzzling and effective control in place that is not relevant place.***

I submit that the following subsection be removed.

- (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) enclosed or restrained in a way that prevents the dog or any part of it from being outside the enclosed part of the vehicle.*

STATE-WIDE REGULATED DOG REGISTER

23. I have not observed any intention to create a state-wide register of regulated dogs that would enable Queensland's Local Government Areas to monitor the required conditions of regulated dogs that might move away from where they are currently registered to a new local government area.

This should be something to be considered to identify dogs throughout the state that are regulated, and monitor their relevant place and life-cycle, and be notated each year at the time of an annual compliance check of the regulated dog conditions.

Survey question 4 – Do you support the review of penalties in the Act relating to attacks involving regulated dogs to better reflect community expectations?

STRONGLY AGREE

1. I **STRONGLY SUPPORT** the review of penalties in the Act relating to attacks involving regulated dogs to better reflect community expectations.
2. Dog ownership is a responsibility and a privilege, but it is not a right.
3. The general community have the right to go about their day, without having to be constantly vigilant in the event that a person permits, encourages, or doesn't rectify a dog's dangerous behaviour or prevent it from happening.
4. If a person's dog attacks in a manner that results in a situation whereby it meets the elements required to declare it as a regulated dog, then there should be penalties in relation to that.
5. As sad as the event is, if, after a dog has seriously attacked a person or another animal, and if the dog's owner won't take steps to remove the risk to the community, then that very owner, themselves is a risk to the community and unable to be considered as a suitable person to have control and / or ownership of a dangerous dog.
If the owner cannot make the decision by themselves, then the decision needs to be made for them. (ie, a Destruction Order).
6. In our situation, the dog that caused grievous bodily harm to Lizzie, my seven-year-old child, was returned to our street to the very same, irresponsible owner who could not see that her dog was a risk and could not recognise that she was unable to control him.
The trauma that flowed on from this matter continued.
The child bitten by the dog, could very regularly hear his bellowing bark from the house that he lived in a few houses away.
There were times that the dog was walked by, or even stood near to the front of our house in the perfect position for Lizzie, the child bitten by the dog to be able to see him and have no way to avoid him.
Not only is that irresponsible dog ownership, but it also caused further detriment to Lizzie, the child dog attack victim (and her mother).
This ongoing and repeated exposure to the trauma of seeing and / or hearing that dog could have been avoided had the dog owner been compelled to take responsibility for what her dog did.
However, instead, it appears to me and is my view that:
 - the dog owner, played the victim, and
 - that her dog, that attacked a child was the victim himself,
 - and suggested that the dog was the victim of the child that he attacked (claiming that the child provoked or hurt him),
 - considered that the dog was a victim of MBRC decision making,
 - considered the dog to be a victim of the first two QCAT decisions,
 - and then unbelievably the dog was named as a 'Hero' after QCAT set aside the destruction order.

Survey question 4 – Do you support the review of penalties in the Act relating to attacks involving regulated dogs to better reflect community expectations?

STRONGLY AGREE

7. There are currently no genuine disincentives for dog owners to proactively protect the community from their dog, be it a dog with some history of aggression or no previous displays of aggression. There is no true penalty, and as the Act currently stands, it is subject to interpretation, opinion, discretion and potentially, bias.
8. There should be state-wide, a zero-tolerance policy in relation to dangerous dogs, in fact, any dog attacking or causing fear to the general community. When this fails, mandatory penalties should apply.
9. Whilst this may fall outside the scope of the Act, there should be an avenue available to pursue restitution for any damage caused to a person, be it physical, emotional and/or psychological after the occasion of a dog attack.

DISQUALIFICATION FROM OWING OR BEING IN CHARGE OF A DOG

10. As the proposed Section 193 and amended Section 194 and Section 195 have been written has created a missed opportunity to have the penalty of
‘Disqualification from owning or being in charge of a dog’
similar to Section 23 of the Companion Animals Act 1998 (NSW), either for a fixed period of time, or permanently for various offences.
11. This penalty could be related to offences relating to all dogs, being regulated dogs, prohibited dogs and dogs, other than a regulated dogs.

Survey question 5 – Do you support the inclusion of a new offence in Queensland law including imprisonment as a maximum penalty for the most serious dog attacks?

STRONGLY AGREE

1. I **STRONGLY SUPPORT** the inclusion of a new offence in Queensland law including imprisonment as a maximum penalty for the most serious dog attacks.

As it stands, a dog can cause a very serious injury, the dog owner can 'claim' that the dog did nothing wrong, or that it wasn't the dog's fault, and yet there is another person scarred for life or possibly even killed.

Currently, there is no effective deterrent for irresponsible dog owners from acting in an irresponsible or negligent way.

If anything, as it currently stands with QCAT, the falser the stories that the dog owner fictitiously creates, the better outcome for them.

Ironically.... the dangerous dogs and their owners indeed appear to have more teeth than QCAT currently has.

2. As it is, there are many offences in Queensland that if injury or death is caused to a person, can result in imprisonment, and for some of those offences the act or omission that makes cause of the injury or death is not required to be intentional for it to be deemed as an offence and subject to a punishment.

It should be no different when it comes to a dog that causes injury, when it is owned by or under the control of the responsible person.

3. In relation to page 12 of 20 of the discussion paper and the paragraph that reads;

*"It is proposed to introduce a new criminal offence in the Act that captures conduct of an owner, or responsible person for a dog, who fails to take reasonable steps to effectively control their dog if the dog causes bodily harm, grievous bodily harm or death of a person. This new offence would also include a sliding scale of maximum penalties including imprisonment **if the dog is a regulated dog or the owner or responsible person has previously been convicted of an offence relating to a regulated dog.**"*

I **DO NOT AGREE** that for the penalty of imprisonment to ***only be applicable*** on the occasion that the dog is (already) a regulated dog when it attacks, or only if the owner or responsible person has previously been convicted of an offence related to a regulated dog.

4. There should be no 'free pass' in relation to it being the first time that a dog has caused bodily harm, grievous bodily harm, or death of a person. Nor should it not apply because a dog owner or person responsible for a dog not been previously convicted of an offence relating to a regulated dog.

This kind concession would not occur on the first occasion of 'Dangerous operation of a vehicle causing death' or the first incident for many other situations that result in bodily harm, grievous bodily harm or death to a person.

5. If a dog owner, or person responsible for a dog, fails to take reasonable steps to effectively control their dog and their dog causes bodily harm, grievous bodily harm or death to a person, it should be subject to the same potential penalties be it for the first (and hopefully only) time the dog causes such injury and also on subsequent occasions.

Survey question 5 – Do you support the inclusion of a new offence in Queensland law including imprisonment as a maximum penalty for the most serious dog attacks?

STRONGLY AGREE

6. I **STRONGLY SUPPORT** other penalties being included for dog attacks, including.
 - a. Lifetime disqualification from dog ownership (such as what NSW has)
 - b. Fines (Penalty units)
 - c. An avenue for dog attack victims to seek restitution.
7. I strongly support the proposed new criminal offence in the Act that captures conduct of an owner, or responsible person for a dog, who fails to take reasonable steps to effectively control their dog if the dog causes bodily harm, grievous bodily harm, or death to a person.
8. In the incident whereby my daughter, Lizzie received a dog bite to the face requiring plastic surgery to close the hole in her face.

The dog owner was present at the time, she was holding her dog by his collar at the time as he was not on a leash, had given permission for Lizzie to pat the dog, and shown her where to pat, but she was still unable to effectively control her dog, and this resulted in grievous bodily harm being caused to my child.
9. However, for this very incident, it is simplistic, that the severity of the injury caused, even when the dog did attack, could have been greatly reduced, had he been wearing a muzzle at the time. My daughter may have been knocked to the ground, or received some bruising, and a serious fright, but with a barrier in place to prevent his jaw and teeth closing down on her face, the seriousness of the incident could possibly have been completely avoided.
10. The wearing of a muzzle at all times in a public place, could be an effective way to reduce potential injuries and also be considered as a part of taking reasonable steps to effectively control their dog.
11. It would be reasonably foreseeable, that a dog, any dog, for any reason, may at times act out of character and unexpectedly bite an innocent person or another animal just because they were in the wrong place at the wrong time.

A muzzle can potentially provide an effective protection at times such as these.

The importance of having such a barrier in place is greater the larger and more powerful that the dog is, as just one bite from a large powerful dog can cause catastrophic injury or even death.

SECTION 193 RELEVANT PERSON MUST EXERCISE EFFECTIVE CONTROL OF A DOG IN PUBLIC PLACE

SECTION 194 RELEVANT PERSON MUST ENSURE DOG DOES NOT ATTACK OR CAUSE FEAR

SECTION 195 PROHIBITION ON ALLOWING OR ENCOURAGING DOG TO ATTACK OR CAUSE FEAR

12. I am supportive of the addition of Section 193 and amendments of Section 194, and Section 195, however in all three sections there is the potential of penalties that may be applied based on a dog owner's financial resources, or lack thereof.

Survey question 5 – Do you support the inclusion of a new offence in Queensland law including imprisonment as a maximum penalty for the most serious dog attacks?

STRONGLY AGREE

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13. However, I submit to revise the wording of the relevant sub-paragraph's that include from; '(specified) penalty units or (specified) years/months imprisonment', to be amended to; '(specified) penalty units or (specified) years/months imprisonment ***or both***'.
14. There is a risk that an affluent dog owner could 'pay their way' out of a prison sentence, whilst a dog owner with lesser means would be potentially subject to a prison sentence only. By having it specifically written into the Act that the penalties can be financial, imprisonment or both, provides clarity and clear options to the Court.
15. I am in general support of the proposed penalties under Section 193, Section 194 and Section 194, however, in relation to a serious dog attack resulting in ***bodily harm***, it has excluded any potential for imprisonment as a maximum penalty if the following do not apply;.
- a. The dog is a regulated dog; or
 - b. If the relevant person has been convicted of a serious dog offence within the preceding 5 years.

Section 193 Relevant person must exercise effective control of dog in public place

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

- (c) if the attack causes bodily harm to a person –
 - iii. otherwise – 300 penalty units.

Section 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.

Maximum penalty

- (c) if the attack causes bodily harm to a person –
 - iii. otherwise – 300 penalty units.

Section 195 Prohibition on allowing or encouraging dog to attack or cause fear

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

- (c) if the attack causes bodily harm to a person –
 - iii. otherwise – 400 penalty units.

Survey question 5 – Do you support the inclusion of a new offence in Queensland law including imprisonment as a maximum penalty for the most serious dog attacks?

STRONGLY AGREE

16. I submit that in relation to **s.193(c)(iii)**, **s.194 (c)(iii)**, and **s.195(c)(iii)** should not exclude the possibility of imprisonment as a maximum penalty, and that the potential of imprisonment be specifically included into this section by amending the wording after
‘otherwise – 300 penalty units’
and including words to the effect of
‘or (specified years/months) imprisonment, or both’
17. Bodily harm is still a serious attack by a dog against a person enabled because the relevant person did not exercise effective control nor ensure that the dog did not attack.
18. Bodily harm causes an injury to the person which can still cause pain, scarring, fear, and ongoing emotional and/or psychological trauma.

RESTITUTION

19. Additionally, there is no clear ability for the victim of the dog attack to be able to claim any restitution for damages in relation to the injury, pain and suffering received. The damage and the trauma are not necessarily limited to the physical injury and the recovery of that. The mental and psychological damage caused can continue indefinitely, both for the dog attack victim and their family.
Of this, I am acutely aware as I still live it every single day.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

1. I **STRONGLY SUPPORT** amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog, and I support the inclusion of the proposed Section 127AA Destruction of a regulated dog or prohibited dog and that in the event that the dog has seriously attacked a person or an animal, the authorised person ***must*** make a destruction order in relation to the dog.
2. This proposed Section 127AA still only applies to already regulated dogs and **DOES NOT** include ***‘dogs, other than regulated dogs’*** that serious attacked a person or an animal.

SECTION 127A – CONCURRENT REGULATED DOG DECLARATION AND DESTRUCTION ORDER

3. However, the proposed amendments to ***Section 127A – Concurrent regulated dog declaration and destruction order*** include;
Section 127A
(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.
4. This proposed wording does not contemplate any circumstances of when an authorised officer ***must*** make a destruction order in relation to a dog and leaving the Act similar to the current wording, which became part of the issue as to why the handling of Lizzie’s dog bite incident became such a farce.
5. This leaves the potential for exactly what happened in Lizzie’s dog bite attack decision-making, to occur again in the future, by the provision that the decision to issue a Concurrent regulated dog and destruction order is made at the discretion of the authorised officer, even though;
 - a. the nature of the serious attack on a person or another animal by a regulated dog, prohibited dog or a dog, other than a regulated dog can be identical; and
 - b. the nature of the injury sustained does not change if it is a regulated dog, prohibited dog or a dog, other than a regulated dog that seriously attacks a person or another animal.
6. Additionally, this would still exclude any victim of a serious dog attack by a dog, other than a regulated dog, being able to seek a review of the decision made by the authorised officer, as under the Act, the decision made at the discretion of an authorised officer, would be valid, all whilst still permitting the dog owner or relevant person to pursue review rights themselves.
7. For Lizzie’s dog attack, the authorised person ***did*** make a dangerous dog declaration under s. 94 and gave the notice under s. 95.
And not a ***s. 127A Concurrent regulated dog declaration and destruction order***, that in the circumstances was appropriate and that he was authorised to make.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

8. Even back in May 2017 when I began to familiarise myself with the AMCDA, I recall sending an email to the MBRC Regulatory Services Manager about the implications and of the ramifications of this being done under *s. 94* and *s. 95*, instead of a preferable *s.127A Concurrent regulated dog declaration and destruction order* that the authorised person had the authority to make, but chose not to.
9. By making the destruction order for all serious dog attack incidents mandatory, no matter the category of the dog, will prevent similar oversights or maladministration from occurring in the future, whilst still allowing the dog owner review rights as authorised by the Act.
10. Additionally, I as the parent of the injured child had not been advised in any official capacity as to the outcome of the investigation nor as to if there were any review or appeal rights available to the victim of the dog attack about MBRC's decision.
11. I would also like to address, the lack of review and appeal rights available to victims of a dog attack or offence, in the manner of an amendment to
'Who is considered to be an interested person';
under *Schedule 2, Section 8, Dictionary* – which I will come to later in *paragraph 39* of this subject.
12. Had the legislation been that the authorised officer must make a destruction order in relation to a dog that has seriously attacked a person, being my daughter, I can only imagine that much of what came to be directed at us over the following 3.5 years or so, would most likely have never occurred at all.
13. The authorised officer for Lizzie's dog attack investigation, made a decision, he made a choice because he had the ability and authority to utilise discretion and flawed decision making.
14. However, we had no rights nor protection afforded to us - and this is part of the reason why this legalisation is currently being reviewed and amended now, to take out the guess work, to take out the inconsistencies and to make it clear.
15. There is no difference to the severity of the injury sustained by the person or animal that has been seriously attacked by a regulated dog, prohibited or a dog, other than a regulated dog.
16. The victim does not differentiate the injury that they received by whether the dog was labelled as a regulated dog, prohibited dog or a dog, other than a regulated dog at the time they were seriously attacked.
17. If the dog, that is not a regulated dog or prohibited dog, has seriously attacked a person or an animal, the authorised person must make a destruction order in relation to the dog.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

18. I submit that this amendment should be reviewed, and that the relevant paragraph of s. 127A should be amended and include a stipulation as to when a destruction order **must** be made;

127A Concurrent regulated dog declaration and destruction order

(1) This section applies if a local government–

- a. has made a regulated dog declaration under section 94 for the dog: but*
- b. has not given the owner of the dog an information notice under section 95 about the decision to make the declaration.*

*(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; **however***

- a. **If the dog has seriously attacked a person or an animal, the authorised person MUST make a destruction order in relation to the dog.***

19. This could then permit the owner of the dog to access any review and appeal rights that would be applicable under both **s. 127 & s. 127AA**.

20. There should be ‘no free pass’ just because a dog was not a regulated dog at the time of the attack causing bodily harm, grievous bodily harm or death to a person or animal.

21. After the first attack causing injuries of this nature, it is reasonably foreseeable that the dog may act in the same way again in the future, resulting in additional injuries or death, all of which would have been completely avoidable based on the previous behaviour of the dog.

22. A Destruction Order for a dog should not been seen as a matter of taking punitive action against the dog owner.

It is about the management of community safety moving forward, as once a dog has attacked in a way that causes bodily harm, grievous bodily harm or death to a person, the risks that, that dog poses to the community in any capacity is too great and all too likely to occur again.

23. BACKGROUND

- a. My daughter, Elizabeth (Lizzie) Wingrove and I have lived this experience.
- b. On the evening of Friday, 21 October 2016, Lizzie was attacked, receiving a very serious dog bite, causing grievous bodily harm by a dog named ‘Hank’, a neo mastiff.
This dog and Lizzie were known to each other.
- c. ‘Hank’ was in an open area (in an area with no fencing and in the minutes just before the dog bite attack, had been free to roam the front of an unfenced residential yard, the public foot path and the road area), and he was unrestrained.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

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- d. Lizzie was approaching me, she saw the dog, and asked the Hank's owner for permission to pat him. Hank's owner readily agreed, by this time, Hank's owner was holding onto the Hank's collar as he was not on a leash. Not only did Hank's owner agree to Lizzie patting 'Hank', but she also instructed and showed Lizzie were to do so, saying *"He likes it here"*.
- e. Everything in the scheme of things, would appear to be perfect scenario of a child asking to pat a dog and doing so under instruction and supervision.
- f. At this point in time, there was nothing to indicate that this would turn into the night that would change our lives forever, all in the matter of less than two (2) seconds.
- g. With no warning or notice, Hank lunged forward, so quickly that it was over before it could be processed what was going on.
And in this moment, with no warning, no bark, and no growl, Hank managed to bite a chunk out of Lizzie's face and eat it.
The teeth marks from this bite began from above her right eyebrow, continued down her cheek and the right side of her nose before biting a chunk out of her cheek near the side of her mouth and also biting out the corner of her mouth.
- h. There was a hole in my child's face!
A dog had bitten a hole out of my child's face and ate it.
It has been more than seven (7) years since the night that this incident occurred and it can still bring me to tears at times when I remember that moment, and the first time that I saw the state of her face.
- i. As much as 'Hank' was a person's pet, this very moment demonstrated that he was unable to be effectively controlled, even if the timeframe on that was of that was less than two (2) seconds.
His owner was not only with him, but holding his collar, and she was unable to prevent him from attacking a defenceless child in an unprovoked manner causing grievous bodily harm.
- QCAT GAR136-17, - [2017] QCAT 281 - Dated 14 August 2017 – Paragraph [5] h)
- *"The incident came as a surprise and without warning. No signs of aggression preceded the incident. It happened too quickly for Ms Bradshaw to restrain Hank, even if she were able to do so."*
- j. Hank's owner had hold of the dog and was unable to effectively control him and prevent him from seriously attacking a child.
- k. This very incident demonstrates in explicit detail that the Hank was dangerous, and that the person cannot control it. [AMCDA, s. 89 (2) (a)(b) & (7)].

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

- l. The incident was reported to Moreton Bay Regional Council on the Monday after the dog bite occurred.

This report was not actioned until I called up again on the Friday, rather concerned that Council had not responded to such a serious incident.

- m. On the Friday, a local laws officer did attend to my residence and speak with me, and he saw the photos of the injury to Lizzie's face. At this point in time, on sighting the photos, he stated (words to the effect) that he;

- *'did not want or need a statement from me, and that he did not want to speak to Lizzie, as she would one day understand what happens to dangerous dogs [destruction order] after they attack a person and she does not need to have that on her conscience, and to leave it with him, as we have a good neighbourhood, and good neighbourly relations and to and to just maintain those, and Council will take the required action.'*

And

- *'That he was going to ask the dog owner to surrender the dog to be euthanised as it is a gentler process than seizing the dog'.*

Also

- *'This is never going to happen again on my watch'.*

Also (as I had made the comment that I don't care where the dog goes, but he can't be near us, I didn't care if it went out to the back of Gympie – or words to that effect), and the local laws officer's response was;

- *'We can't move a dangerous dog to another area, as it would still be our (MBRC) responsibility if the dog attacked again' (ie, destruction order was the way he was proceeding and not looking to relocate or have remaining in our street').*

- n. To be clear, at that point in time, we and Hank's owner were neighbours and friends, we lived in (what I thought) was a good neighbourhood.

Even though my child, Lizzie had received a devastating injury, I was still mindful that Hank's owner was about to experience a loss herself, and I was compassionate and understanding of this.

I made the conscious decision to separate my thoughts about the dog 'Hank', and what the dog did and the injury he caused to my child from the dog owner herself.

Even though Lizzie and I had just experienced a traumatic event, we moved forward showing compassion to Hank's owner and I attempted to leave the matter in 'council hands' to be finalised as advised by the officer, and then intended to move on and recover....as a community.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

- o. In early/mid December 2016, the Local Laws Officer advised me that the Hank's owner did not want to surrender the dog and was going to put in for a review of this decision. My understanding that she was putting in for a review of a Destruction Order decision.
- p. During the 5 months from the time of the dog bite attack, I remained in contact with the Local Laws Officer and believing the information that he was telling me (he was going to issue a destruction order in relation to the dog, but that the owner had appeal rights, so it might take some time).
I communicated with him as to how Lizzie's injury was healing and, also the distress that we were experiencing.
For me, there were many sleepless nights, or nights of waking up in a nightmare of the night of the dog bite occurred or with fear that the dog was still in the street, and I communicated this to the Local Laws Officer.
For Lizzie she was very conscious about her facial scaring and both Lizzie, and I could still hear the dog barking, the dog owner was still taking him out walking and we'd have to see him. It was extremely confronting and distressing.
- q. I patiently waited for that time, for the matter to be over, and to be able to move on with recovery, not only for Lizzie and I, but also with complete awareness that the dog owner herself, would also be needing recovery.
- r. After approximately just over 4 months from the dog attack, the Local Laws Officer told me that not only was he not issuing a Destruction Order after all, and that it was not a Destruction Order that the dog owner was appealing, she was actually appealing the dog even being declared as a dangerous dog at all.
- s. At this point in time, I had no understanding of 'MBRC Local Law 2 – Animal Management', nor the AMCDA, I did not own a dog, and therefore had no reason to be aware of anything in relation to them.
I recall saying to the local laws officer.
'Council has to do something about their laws, how can a dog have more rights than a child?'
His response was.
'This isn't Council law; it is State law'.
- t. I then contacted the Mayor, my local Division Councillor, my local MP, and via his office, Minister Furner's office about the matter not being handled in a manner consistent with community expectations especially when taking into consideration the seriousness of the incident and the nature and severity of the injury sustained.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

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- u. Additionally, I also familiarised myself with the AMCDA, and was shocked that the incident that had occurred to Lizzie and the management by MBRC in relation to this was so woefully handled. I began to ask some very serious questions about how this matter could eventuate into a ‘*no action*’ decision, when taking into consideration, AMCDA s.89, s.93, s.94, s.95, s.125, s.127, s.127A, s.194 & s.195 – and potential errors in the application of the Act.
- v. All of this is something that a traumatised mother of a child who was seriously injured by a dog should never have to do, in order to secure not only the safety and wellbeing of her own child after such an incident, but also the community at large.
As it had already been demonstrated that the dog owner was unable to effectively control her dog, and her dog was indeed dangerous, the dog owner’s constant failure to recognise that her dog was even a risk, put the community in further danger.
- w. Ultimately, on 23 May 2017, the dog ‘Hank’ was seized by MBRC and taken to the pound. This was the start of not only an extremely long and torturous, 16-month QCAT journey, but was also the beginning of protracted, repeated and targeted harassing, and retaliatory behaviour, by people known to myself, the dog and dog owner, and also from people completely unknown to me.
24. There are multiple elements that come into if a dog can or cannot be effectively controlled.
25. If a person is of the belief that they have effective control over the dog, and then it attacks a person or another animal, this very act is demonstration that the dog is unable to be effectively controlled.
26. I understand and acknowledge that the initial Local Laws Officer made errors with his decision making in relation to this incident, and he did not apply the legislation as he was authorised to, taking into consideration the seriousness of the attack, the severity of the injury caused, that it occurred in an unprovoked manner, and that the dog owner had demonstrated that she was unable to effectively control the dog.
Additionally, as the investigation process moved on, the local laws officer also failed to act on the demeanour and lack of understanding or accountability of the dog owner about what it was that her dog had done, and that she, as the responsible person was unable to prevent him from seriously injuring a child.
The dog’s owner, failed, even during the ‘proposed dangerous dog declaration’ period and after he had already been declared as a dangerous dog, to even have the dog muzzled as required under AMCDA s.93 (schedule 1, section 3,).
This dog bit a chunk out of a child’s face and still she would not put a muzzle on him as required to do under the Act, and just maintain a protective barrier whilst her reviews and appeals were in process.
And yet the Local Laws Officer did not take any of this into consideration.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

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27. The errors should never have been made by the Local Laws Officer, but they were. There should be clear guidelines that take out the 'guess work', or 'interpretation' or potentially even 'undue influence' or 'pressure' by a dog owner or their representatives.
28. When this matter did appear before QCAT on 9 August 2017, the Local Laws Officer appeared as a supporting witness **FOR** the dog owner.....such an abhorrent act for him to do, to support the owner of a dog who bit and ate a chunk out of a 7-year-old child's face.
29. The ability as it stands for the Act to be open to so much interpretation and no clear instruction set forth a wild chain reaction of events.
- a. The matter turned from the child being the victim of a dog attack, to the dog being seen as a victim of MBRC.
 - b. That the mother (me) of the child bitten by the dog, making a valid complaint to MBRC about a serious dog attack injury sustained by her daughter, becoming that I was a vindictive and vexation person who hated dogs, was supposedly lying about the injury and the extent of the injury and that I was out to 'get' the dog owner.
 - c. We were subjected to outlandish social media, mainstream media and advertising campaigns describing Hank as the victim and often myself as unhinged or dangerous.
 - d. The dog bite victim (Lizzie) and I were unlawfully stalked throughout the entire QCAT process and for more than 2 years after the dogs release from the RSPCA Pound (Hank's owner's now husband, was charged with Unlawful Stalking under Criminal Code s.359B and is currently subject to a 10 year Restraining Order under Criminal Code s.359F [Unlawful Stalking] because of his behaviour for 3.5+ years as retaliation against me that I dared to make a complaint to Council about the dog that bit a chunk out of my child's face).
30. All of the above things happened BECAUSE;
- a. a dog bit a child in an unprovoked manner, when the dog's owner was unable to effectively control the dog, AND
 - b. Because of maladministration of the AMCDA by the responsible local laws officer at MBRC.
31. There were no review rights available to the victim of the dog bite attack.
32. There was no written notice given at the time of the outcome of the investigation when the dog was declared as a dangerous dog, but a destruction order not issued.

Survey question 6 – Do you support amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog?

STRONGLY AGREE

33. As it was, I was not advised that the dog was declared as a dangerous dog as of 8th/9th December 2016, the understanding I had from the local laws officer was that it was made on or around about 28 February 2017.
It was not until 16 May 2017 that I was advised by the MBRC Regulatory Services Manager, that the dog was indeed declared as a dangerous dog back in the December of 2016.
34. I am unsure where this would fit within the Act – however there needs to be some way for there to be a requirement the victim of the dog attack/complaint to be advised of the outcome of a report and investigation and any appeal avenues that they may have.
As it is, my understanding is that there are no statutory appeal rights available to victims or the complainant when maladministration occurs.
In our situation, it was I, who had to do the research and ask the questions to anyone and everyone who would listen. This needs to be rectified.
35. How many children, adults and other animals need to be injured or killed before genuine action is taken about clearly dangerous dogs, and their irresponsible owners who are unable to effectively control them and/or have no interest in doing so?
36. My child will wear a scar for life as a reminder that this dangerous dog was unable to be effectively controlled. Her school photos show that scar, her wedding photos will show that scar. I have a daily reminder of a horrific night, in fact, of only a two (2) second moment on that horrific night, on a daily basis whenever I see Lizzie's face.
37. There is no way to avoid being reminded of what happened, I acknowledge that in the whole scheme of things, Lizzie did get lucky, had she have been a little bit shorter or standing 1 cm closer, she may have lost some of her eyesight, had she have been a little bit taller, the dog may have bitten into her neck and she may not have survived.
I do acknowledge that the injury could have been worse. However, the injury should never have occurred in the first place, and the dog certainly should never have the opportunity to do that to another person ever again.
38. A responsible dog owner, on that very night, or the next business day, would take the dog to the vet, give it a hug should they wish as they said goodbye and ensure that the dog would never pose a risk to another child or any member of the community ever again.

STRONGLY AGREE

SCHEDULE 2, SECTION 8 - DICTIONARY

39. As briefly mentioned in **paragraph 11** of this subject, the victim, nor their representative do not currently appear to have any review or appeal rights and if anything, are only considered to be ‘witnesses’ and not actually relevant to the decisions made or not made.

I further submit that following subject be reviewed and the wording amended as suggested or similar to below, to include the affected person/s of a dog attack incident as being defined as an ‘interested person’.

Schedule 2, Section 8 - Dictionary

‘interested person, for an original decision – means’

- (a) A person who has been given, or is entitled to be given, and information notice about the decision; and*
- (b) If the decision relates to a dog – the owner of, or responsible person for, the dog; and*
- (c) If the decision relates to a serious dog attack on a person or another animal, -
 - a. the person who was injured and/or their representative;*
 - b. or the owner of the animal attacked;*
 - c. the complainant; or**
- (d) If the decision relates to a dog attack that is not a serious dog attack or a dog that causes fear;
 - a. the complainant.**

SECTION 181 – WHO MAY APPLY FOR AN INTERNAL REVIEW

40. Therefore, as noted in;

Who may apply for internal review

Section 181 (2)

*An interested person for an original decision made by a local government or authorised person appointed to a local government may apply to the chief executive officer of the local government for an internal review of the decision (a **general review application**).*

Would then permit the victim to also have review rights about a situation that affected them more than any other party.

41. I do at times, contemplate how different the lives of both Lizzie and myself might be now had we have had a lawful requirement to be advised of the decision and what could have been if had we been permitted the opportunity and right to request a review of the decision by MBRC at that point in time.

42. The dog owner, and the relevant councils are not the only involved and interested parties when it comes to dog attack matters.

Lizzie endured it, and by default so did I as her mother, and yet we had no voice, no help and no rights at the time of the initial decision as it was, we were not even formally notified of the decision. Lizzie had the scarring, and yet we were invisible.

Survey question 7 – Do you support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise?

STRONGLY AGREE



Elizabeth Wingrove, aged 7 years, bitten by Hank the Neo Mastiff, 21 October 2016.
That was one bite, only one snap, and he was able to open his mouth wide enough to fit from above her eyebrow to the side of her mouth in it before biting down.

Survey question 7 – Do you support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise?

STRONGLY AGREE

1. This photo is a photo of my daughter Lizzie. The dog that bit a chunk out of her face and ate it, was a Neo Mastiff, named 'Hank'.
2. I **STRONGLY SUPPORT** limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise.
3. The owner of the dog that caused this injury to my child went to QCAT on **three (3) occasions** to appeal the Moreton Bay Regional Council (MBRC) decision to issue a Destruction Order.
 - The first hearing was on 9 August 2017, and the decision to confirm the Destruction Order was delivered on 14 August 2017 - **[2017] QCAT 281**.
I attended this hearing and was called to give evidence.
 - The second hearing was on 21 December 2017, and the decision to once again confirm the Destruction Order and was delivered on 22 December 2017 - **[2017] QCAT 455**.
I attended this hearing, and I was called to give evidence.
4. One appeal is enough, two appeals is a complete waste of resources.
 - However, the dog owner in this situation went for a third appeal with that matter heard on 31 May 2018 and the unbelievable decision was made and delivered on 24 September 2023 - **[2018] QCATA 140 - APL002-18** to
 - set aside the previous decision of 22 December 2017 by QCAT to confirm the Destruction Order and to
 - set aside the Destruction Order from MBRC dated 23 May 2017.
 - I was not advised of this hearing in any official capacity, and I was not notified of any requirement to be there or to be available for a phone call.
As a result, the Senior Member did not attempt to get any further information from the victim (or myself, as the victim's mother).
 - My understanding was that this hearing was to be a hearing to decide if the dog owner was going to be permitted another appeal, but unexpectedly, it turned into being an entire new hearing itself.
5. How can it be, that a Senior Member can disagree with two of his colleagues from two previous hearings, when they are looking at the same evidence?

Survey question 7 – Do you support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise?

STRONGLY AGREE

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6. How can it be that the Senior Member can completely reverse the decision without a single form of communication or to attempt communication with a relevant witness, being me?
I was there when the dog bite happened, it was my child that was bitten, much of that night is imprinted in my memory forever, the hearing was not conducted in a diligent, balanced or ethical manner at all by not obtaining all the relevant evidence and testimony.
7. In addition to the Senior Member not speaking with myself as a witness, not once was the actual victim of the dog attack, my daughter, Lizzie, called up to speak about what happened to her.
How hard would it have been to call Lizzie up to be a witness for the injury that she sustained.
Her words would be
'Hank bit me!'
There can be no mistaking that a bite means that the mechanism that caused the injury to the child was his teeth.
8. QCAT as a whole should hang their heads in shame as to how this matter was handled, and the miscarriage of justice it created.
9. QCAT should not be seen as the place to go to, and repeatedly go back to, until you find someone who will do what you want.
10. QCAT needs to have firm guidelines and expectations as to the administration of the legislation they are deciding on.
11. QCAT should also, and always maintain integrity, it is my opinion that on this occasion, the QCAT process may have been influenced due to the widespread publicity in relation to this dog.
12. Not a single person that I have met outside of the dog supporters could even remotely understand how it was that the Senior Member could come to the decision to set aside the Destruction Order and return the dog to our street.
Still to this day, people are shocked when they see a photo of Lizzie's face at the time of the injury and cannot believe that the dog was not euthanised.
13. This very act of returning the dog to our street caused further detriment and fear to the already injured child (and her mother).
14. Lizzie and I had attempted to maintain our anonymity during the first two years after the dog bite incident, and allowing justice to act as justice should.
To look at the evidence and all the circumstances, without interference or influence (media etc).
15. The medical report from the hospital states a 'dog bite', the caller to '000' stated that there is a child who had been bitten on the face by a dog, a 'Neo Mastiff'.

Survey question 7 – Do you support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise?

STRONGLY AGREE

16. A QCAT hearing is not a criminal trial. There is no ‘proven beyond reasonable doubt’ (even though it was very clearly evidenced beyond all reasonable doubt).
17. The question must be asked, how can it be that a dog is given more rights than the safety and wellbeing of the child that has been attacked, and other children and community members?
18. I’ll be frank, QCAT betrayed a child that at the age of 7 years old, was disfigured by a dog, and by doing so also betrayed all in the community, and potentially caused a ripple effect moving forward whereby other dogs who have caused similar injuries may have been permitted to remain in the community, because of the outcome of **GAR136-17**.
19. There was more than enough proof, that the dog caused the injury.
There is a Queensland Ambulance Service [QAS] ‘000’ Transcript with the caller specifically identifying that a Neo Mastiff Dog had bitten a 7-year-old child on the face.
20. There was the medical report from Lady Cilento Children’s Hospital (LCCH) confirming a dog bite.
21. There were the photographs of the injury to her face before her plastic/reconstructive surgery.
22. And yet, in the 3rd QCAT document, **GAR136-17 - [2018] QCATA 140 - APL002-18**, dated 24 September 2018, the Senior Member wrote;
- “There was no direct evidence as to the mechanism of injury to the child’s face as a result of the interaction between Hank and the child;”* [19](c)
23. That is such an offensive thing to write with all the evidence available, especially after the decisions of the previous two QCAT Members.
I have often wondered, if the Senior Member possessed any medical qualifications to enable him to make this statement, contradicting the medical records provided to, and previously recognised by QCAT?
24. I do support the placing of greater responsibility on owners to prove otherwise.
In our situation, such outlandish claims were made, as noted in the QCAT documents about how or why the dog attacked Lizzie, however the reality is that he did attack her causing grievous bodily harm.
The dog owner provided no substantiation to her claims, and QCATA ignored and dismissed credible evidence as to the cause of Lizzie’s injury. (QAS and Lady Cilento Children’s Hospital documents).

Survey question 7 – Do you support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise?

STRONGLY AGREE

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25. In the matter in relation to the dog that bit my child. Hank's owner herself presented evidence confirming that she had not been keeping the dog under effective control or abiding by the Dangerous Dog conditions by still allowing children near to the dog when he was not muzzled. This is noted in the previous QCAT documents.
26. In the 5 months between when the dog been declared as a 'dangerous dog' and the dog being seized by MBRC, she did not have him desexed.
[2017] QCAT 281 - Decision dated 14 August 2017 [5] r) &
[2017] QCAT 455 - Decision dated 22 December 2017 [38]
27. That is a very simple job to have done, and yet she didn't arrange to have it done.
28. After the injury caused by this dog to a child, for what reason could there be to not have the dog desexed?
Her claims were that she was lacking in funds. Owning a dog comes with costs and responsibilities and the cost of desexing a dog is not that high, especially that she was fully employed.
29. This behaviour was not indicative of responsible dog ownership.
30. In the 5 months between when the dog had been declared as a 'dangerous dog' and the dog being seized by MBRC, the dog owner continued to permit children near the dog, when he was not muzzled, and even took photos of this irresponsible behaviour and provided them to QCAT to support Hank's nature. With no regard to how quickly he had turned on another child in the past.
GAR136-17 - [2017] QCAT 281 - Decision dated 14 August 2017 [62] [63] [65] &
GAR136-17 - [2017] QCAT 455 - Decision dated 22 December 2017 [31] d) – [36] [38]
31. I acknowledge that my submission to the committee inquiry may come across as abrupt, direct, and emotional, and for that I make no apology. This entire protracted event and how it was managed caused us nothing but further distress, trauma and turmoil.
32. QCAT had a very important role to play in this matter, and to do the right thing, but chose to pander the person who was unable to prevent her dog, that she considered to be a 'baby' from attacking a child.
A person who had no ability to control and prevent her dog, Hank, from attacking and causing grievous bodily harm to a young child, in an unprovoked manner, even when she had hold of him.
33. It has now been more than five (5) years since that woeful decision was made, and I am still angry and deeply disappointed in QCAT and what was permitted to occur over that 16-month drawn out process.

Survey question 7 – Do you support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners, including placing greater responsibility on owners to offer proof otherwise?

STRONGLY AGREE

34. My daughter, Lizzie deserved better than that, and the general community deserved better than that as well.
35. It was inhumane on Lizzie, the victim of the dog attack, and myself, to have to wait for so long, and then to have a decision handed down that goes so far against community expectations.
And this occurred after
- an MBRC investigation,
 - an MBRC internal review,
 - a QCAT external review,
 - a 2nd QCAT external review
 - and then a QCATA appeal.
- Which resulted in the release of a dangerous dog that attacked my child to be returned to the same owner who permitted her dog to attack my child, (permitted by the way of lack of effective control, lack of training, lack of ability to handle the dog and lack of care and/or responsibility) causing a situation whereby Lizzie, and myself were unable to be away from being within close proximity to this dog.
36. I, as the mother of the child victim of this dog bite attack had no option but to put my faith into the processes of Local Law (MBRC) and then to further put my faith into QCAT, only to have the whole situation turn into a farce.
37. Which is exactly why these amendments are occurring. The public are sick of dangerous dogs behaving the way that they do, causing physical and emotional damage, because of their irresponsible and reckless owners.
38. Once again, I fully support limiting when appeals from external review decisions (QCAT) about a destruction order can be sought by owners.

Survey question 8 – If you have any final comments, please provide them here.

1. As stated earlier in the survey question responses.
2. My name is Veronica Wingrove, and I am the mother of a now 14-year-old girl named Elizabeth (Lizzie).
3. Lizzie was 7 years old when the following incident occurred.
4. On the evening of Friday 21 October 2016, Lizzie was bitten unexpectedly and without warning by a neighbour's dog, 'Hank' that was known to us.
5. There were at least 5 adults present when this occurred. The injury resulted in grazing from above her eyebrow down the side of her nose and on her cheek leading to a hole being bitten out of her cheek and the side of her mouth.
6. It was not something that any of us were expecting, but it happened, and that was devastating. But the devastation continued due to inefficiencies, inconsistencies, and maladministration of the AMCDA in relation to our incident.
Initially though the Local Laws Officer at Moreton Bay Regional Council and then later by QCAT.
7. This highlighted that there is no consistency between what local laws are, the administration of local law and when a situation extends outside of local law animal management and up to where it falls under the AMCDA.
8. The ability for different individual authorised persons to use their interpretation, personal opinions, guess work, extensive experience, alternatively, their lack of experience or just basic incompetence can result in an extreme range of different outcomes for similar events/situations.
9. This is an important subject to get right. I completely acknowledge that most dog owners genuinely love their pets, but the love of those animals should not come at the expense of the health, safety and wellbeing of other community members.
10. Dogs fit into a multifaceted area, they can be pets, they can be working animals, and they can also be feral animals.
11. Dogs can be lovable, but they are also animals that have been domesticated over centuries, they often maintain historical instincts and traits, and these can result in dangerous situations for both people and other animals.
They have the ability to be placid and gentle, to be Guide Dogs for vision impaired people, or assistance animals for other people with needs, and some dogs have the ability to be highly trained operatives, being able to detect various substances for law enforcement services, alternatively, dogs also have the ability to be trained as protectors for law enforcement agencies or even trained as weapons.
They have the ability to not only be aggressive but to be trained to be aggressive, or even just to appear to be aggressive (guard dogs and the like). Dogs can also be trained to fight.

Survey question 8 – If you have any final comments, please provide them here.

12. No one single individual can be out in a public place, look at a dog and be sure that it doesn't possess one of those skills, instincts or traits. Dogs cannot speak, dogs cannot think like humans.
13. This is where it is imperative that when a dog does attack in a way that causes bodily harm, grievous bodily harm, or death to a person, that the matter is taken seriously and dealt with accordingly.
14. A dog only has to do it once, and there is no way to sit down with that dog and say (as an example)

'Aren't you a naughty little boy then.... you know that you're not allowed to bite a chunk out of the neighbour's child's face and eat it, please don't do it again, you won't do it again now will you? ... There's a good boy.....OK?'

15. Dogs don't and can't think like humans, they cannot be reasoned with, they are unable to process complex information. If they've already shown that their nature is to attack or bite, or to react to something by attacking and biting, even on only one occasion, there is no safe level of acceptable risk applicable to that dog anymore. It cannot be trusted not to do it again.
16. There needs to be very clear guidelines across all relevant areas, and also in the community understanding as well.
17. If you wish to have a dog, then you are required to be a responsible dog owner.
18. Community safety should always be paramount.
19. I look forward to stronger and safer dog laws and I thank the committee inquiry for the opportunity to make this submission.

Veronica Wingrove

Reference - full web addresses

New collar standards make it easier to identify regulated dogs Media release 15 December 2021

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