




Speech By
Stephen Bennett

MEMBER FOR BURNETT

Record of Proceedings, 12 May 2016

**ANIMAL MANAGEMENT (PROTECTING PUPPIES) AND OTHER LEGISLATION
AMENDMENT BILL**

 **Mr BENNETT** (Burnett—LNP) (12.01 pm): At the outset I state that there are few who would disagree that animal welfare issues, particularly if breeding dogs, need strong and determined outcomes that help stamp out illegal breeding activities. In strengthening the powers under the Animal Care and Protection Act 2011 the proposed legislation can be used to shut down what are being referred to as puppy farms.

It is acknowledged that it was a government election commitment to introduce a compulsory registration scheme for dog breeders and for the display of the breeder ID number in advertising and recording the breeder registration ID number against the dog's microchip. It was acknowledged throughout the committee's hearings that animal welfare is a complex problem that requires multiple strategies if it is going to be successful. It was articulated that this can be done with the right policies—and we need the right policies and programs—microchipping, appropriate licensing and of course enforcement of the industry. We need a transparent industry where animal welfare does get addressed.

It was also clear that the proposed legislation was supported by all the committee members, and this was reflected in there being only one recommendation—and that was that the bill be passed—after receiving 226 written submissions, public hearings and briefings from the Department of Agriculture and Fisheries. I take the opportunity to thank the department for its deliberations during this inquiry.

The Animal Care and Protection Act 2001—the ACP Act—promotes the responsible care and use of animals. This act places a legal duty of care on people in charge of animals to meet those animals' needs. It was widely accepted and applauded that there was the inclusion of the exemptions for working dogs in this proposed legislation as per proposed new sections 43E and 43ZA. With reference to working dogs, many Queenslanders are involved in breeding, rearing, training and trialling of livestock working dogs and recognition of the importance of the wide spectrum of primary production in Queensland, which uses these dogs, is still important and it needs to be maintained. While many are covered by the listed exemptions, a number were not included. We would ask that further consideration is given to these in the future. I speak of people such as an employee of a primary producer, those involved in trialling, perhaps those who live in a semi-rural area who breed a few dogs for primary producers, retired farmers who trial dogs as a hobby and stock handling contractors and livestock trucking companies. They should be included in the exemption.

It was clear to the committee that many people make a valuable contribution to the supply of working dogs and that those mentioned above should be included in the exemption as listed. It was argued that if this was not considered, it has the potential to 'restrict ordinary activity' and would be detrimental not only to them but also to the livestock industry. A conservative estimate puts the current contribution of working dogs to the agricultural economy at about \$1 billion per annum.

The committee did receive many submissions requesting that the bill as drafted be further amended to reflect the legislation introduced into Victoria, which is far wider ranging in its implications. I feel we got it right in the committee report as the bill does improve the welfare of animals.

The committee did receive a number of submissions from local governments, which already have significant responsibilities for dog registration, the regulation of domestic animals and the interests of public safety and environmental health. Councils did not support any additional local government responsibilities in the areas of breeder registration or animal welfare and suggested that the responsibility for administration and enforcement of the proposed bill be confined to the Queensland government. Councils also raised concerns with two of the elements of the new breeder obligations that may have potential consequences. The first concern was that the exemption does not cover non-commercial domestic litters. Imposing requirements on these accidental births was reported as onerous and may even lead to greater disposal of pups. Councils requested consideration be given for an exemption from registration for the first litter borne by a domestic dog. The requirement for a non-commercial supplier to implant a cat or dog with a prescribed identification device was also seen as onerous and may result in greater numbers of unwanted animals being given to shelters or dumped. It was argued that any measures that may inadvertently lead to greater rates of euthanasia of unwanted animals, especially kittens, should be avoided. It was, again, requested that greater consideration be given to exemptions for non-commercial supply.

The Local Government Association did raise some recommendations such as the state government develop a strategy to respond to welfare issues particularly in regional settings where the capacity of the RSPCA is limited or does not exist. The LGAQ acknowledged that the explanatory notes state that no breeder registration fees would be charged prior to 1 July 2018 and if registration fees are to be considered after this period, a regulatory impact statement would be completed. The LGAQ notes the problem with the introduction of registration fees and maintains that the state is best placed to respond to any compliance action relating to the non-payment of fees as part of the statewide registration scheme. Council's feedback has also suggested the introduction of registration fees after a two-year moratorium may lead to the surrender or dumping of dogs and place an additional burden on the services of the RSPCA and local councils. Council's feedback and submissions to the committee identified the potential for some confusion in relation to the definition of 'reasonable excuse' referred to in the explanatory notes. It was suggested that the department would need to develop a clear definition of what constitutes a reasonable excuse to remove any doubt associated with the failure to comply with mandatory dog breeder registration obligations. Further information was presented by LGAQ that if an organisation is to be given approval as an 'approved entity', as highlighted in the explanatory notes, and does not require their members to go through the proposed dog breeder registration process, it is crucial that those approved entities are bound to what is proposed under proposed section 43W of the bill. These approved entities will be required to share their membership information with state and local governments and the RSPCA to ensure the compliance strategy can effectively deliver the objectives of the bill.

The commitments by the department in the explanatory notes to resource, develop and implement a comprehensive statewide education and awareness campaign to ensure success in achieving breeder registration and behavioural change were widely accepted. This campaign will need to focus on members of the public being responsible pet owners and not purchasing from dog breeders advertising without a registered breeder number. The committee heard from local councils of the broad support for the development of a compliance strategy in partnership with local governments. The compliance strategy will need to have a clearly identified scope and be developed collaboratively between all parties.

The successful implementation of the legislation is reliant on strong partnerships with local councils providing clarity around roles and responsibilities. The LGAQ raised a number of issues that they believe require further attention in the development of the compliance strategy. These include procedures for dealing with registrations that lapse and reissuing previous breeder numbers, third-party sales and offenses for using someone else's breeder number. Compliance with these activities including the monitoring of advertisements will be a labour intensive task and will require a commitment from the department at a statewide level.

It is important for this debate that we acknowledge the majority of submissions were of a template style cut-and-paste requesting the same additional measures like: mandatory standards and guidelines mentioned must include regular health checks for breeding dogs and all puppies before sale; capping the litter numbers per breeding female to a maximum of three to limit time spent in a breeding facility; mandatory desexing for puppies sold and retired breeding dogs, as well as a rehoming program, adequate housing, space, exercise and enrichment allowing for normal behaviours and regular human contact; mandatory record keeping; and capping the total number of breeding dogs on a property to 10.

Many submissions called for the legislation to cover all dogs, with no exemptions for working dogs, and that anyone found guilty of animal welfare offences, including having unregistered breeding animals, should have their permit revoked; a ban on the operation at the associated property; a strong financial penalty to act as a deterrent; and their animals seized. There were calls for additional resources for RSPCA Qld and Queensland Police to investigate and enforce these animal welfare laws, along with further funding to welfare groups to house seized animals. The final point that was made by a number of submitters was that the sale of pets in pet shops should be banned unless sourced from a reputable shelter or rescue group, and that was a consistent theme in many submissions.

I believe that the committee report found a good balance between all conflicting views. It is a worrying trend that over the last four years committees are receiving an ever-increasing number of submissions from one author which have been duplicated hundreds of times in an effort to influence policy in Queensland. I do believe this is not a healthy trend and this will need to be addressed.

In response to questions of possible breaches of fundamental legislative principles and other issues, the committee received advice on clause 18—the new section 173C—of examples of circumstances which might satisfy the chief executive that a person's personal safety could be at risk if the person's details are publically available on the breeder register or in a copy of information from the breeder register. These circumstances could include where the person has been a victim of domestic violence and there is a risk that the perpetrator might seek them out. Another example could include a person who is involved in the psychiatric care of potentially violent patients who might seek them out if any of the person's details were disclosed.

With regard to clause 26—the new section 207C—the committee requested an outline on the sorts of functions that a person mentioned in section 207C may perform which require them to use information received from the breeder register. In particular, advice was sought regarding the sorts of functions which may be performed in monitoring and enforcing the Animal Care and Protection Act 2001 and the Racing Integrity Act 2016 or if the person is a police officer in relation to an animal or animal welfare offence and how information received from the breeder register may be used. Persons appointed under the Animal Management (Cats and Dogs) Act 2008 may use the information to investigate, monitor and enforce compliance with the act. The committee was content with the department's response regarding safety issues concerning the disclosure of personal breeder registration information.

I want to thank the staff of the Agriculture and Environment Committee: Mr Rob Hansen, Mr Paul Douglas and Ms Maureen Coorey. I acknowledge the tremendous work that the committee and technical scrutiny secretariat do. We all need to reflect and thank them for their assistance. I also take this opportunity to thank all members of the Agriculture and Environment Committee for their work during this inquiry and I commend the bill to the House.