



Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016

**Report No. 17, 55th Parliament
Agriculture and Environment Committee
April 2016**

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Abbreviations

ACP Act	<i>Animal Care and Protection Act 2001</i>
AFLWD	Australian Federation for Livestock Working Dogs
ALQ	Animal Liberation Queensland
AMCD Act	<i>Animal Management (Cats and Dogs) Act 2008</i>
BSQ	Biosecurity Queensland
DAF	Department of Agriculture and Fisheries
LGAQ	Local Government Association of Queensland
LSA	<i>Legislative Standards Act 1992</i>
PPID	Prescribed permanent identification device (i.e. microchip)
QCGA	Queensland Chicken Growers Association
QCMC	Queensland Chicken Meat Council
RSPCA	Royal Society for the Prevention of Cruelty to Animals

Chair's foreword

This report presents a summary of the Agriculture and Environment Committee's examination of the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016.

Dog breeding operations where profit comes before the welfare of dogs and their offspring is an intolerable practice that operates throughout Queensland.

The community distaste and outrage over puppy farms came across very clearly in the submissions to the inquiry and during our public hearings, with the vast majority of people supporting compulsory registration for dog breeders.

This Bill unapologetically targets those breeders who have no regard for the health and wellbeing of their animals, and subsequently aims to reinstate confidence in legitimate breeders.

Registration of dog breeders will allow the Government to better identify and shut-down puppy farms. It will also allow Queenslanders to make more informed decisions about where to purchase a new pet.

The Bill strikes the right balance between meeting the expectations of Queenslanders in relation to the welfare of animals and the needs of primary producers to carry on established business practises without unnecessary or burdensome regulations.

I would like to acknowledge the community members, organisations and departmental representatives who provided submissions and evidence for our inquiry. The committee sincerely thanks everyone who took the time to share their views.

I would also like to thank committee members for their work on this Bill.

I commend this report to the House.



Glenn Butcher MP

Chair

Recommendations

Recommendation 1

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The committee recommends that the Bill be passed.

1. Introduction

Role of the committee

The Agriculture and Environment Committee is a portfolio committee appointed by a resolution of the Legislative Assembly on 27 March 2015. The committee's primary areas of responsibility are: Agriculture, Fisheries, Environment, Heritage Protection, National Parks and the Great Barrier Reef.¹

In its work on Bills referred to it by the Legislative Assembly, the committee is responsible for considering the policy to be given effect and the application of fundamental legislative principles (FLPs).² In its examination of Bills, the committee considers the effectiveness of consultation with stakeholders, and may also examine how departments propose to implement provisions that are enacted.

FLPs are defined in Section 4 of the *Legislative Standards Act 1992* as the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The referral

On 16 February 2016, Hon. Leanne Donaldson MP, Minister for Agriculture and Fisheries, introduced the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016 (the Bill).

The Bill was referred to the committee by the Legislative Assembly for examination and report by 28 April 2016 in accordance with Standing Order 131.

The committee's processes

For its examination of the Bill, the committee:

- notified stakeholders of the committee's examination of the Bill and invited written submissions. The committee accepted 226 written submissions. A list of submissions is at **Appendix A**
- held a public briefing on the Bill by the Department of Agriculture and Fisheries (DAF) on Wednesday 24 February 2016. A list of departmental officers who appeared at the briefing is at **Appendix B**
- sought further written briefings from the department
- convened a public hearing and further departmental briefing on 16 March 2016. A list of witnesses who appeared at the hearing is at **Appendix C**.

The Animal Welfare System in Queensland

Animal welfare in Queensland is a responsibility of the State government, though local governments have responsibilities for animal control (e.g. capture of lost dogs). The key piece of legislation is the *Animal Care and Protection Act 2001*, which promotes the responsible care and use of animals. The ACP Act places a legal duty of care on people in charge of animals to meet those animals' needs in an appropriate way.

The ACP Act sets out a general offence of cruelty with a maximum penalty of \$236,600 or 3 years imprisonment. It also sets out a range of other offences, including duty of care breaches, prohibited events, regulated surgical procedures, use of baits or harmful substances and noncompliance with compulsory codes.

¹ Schedule 6 of the [Standing Rules and Orders of the Legislative Assembly of Queensland](#).

² Section 93 of the [Parliament of Queensland Act 2001](#).

There are also offences for severe animal cruelty under the *Criminal Code Act 1899* which have a maximum penalty of seven years imprisonment.

DAF advises that there are currently 58 BSQ officers appointed as inspectors under the ACP Act. A further 22 are appointed from the RSPCA. Areas of responsibility overlap, but the RSPCA inspectors are concentrated in the coastal population centres with BSQ officers covering the entire State. In practise, the RSPCA takes responsibility for:

- companion animals;
- riding schools;
- pet shops; and
- other types of animal use which are not focused on the keeping of livestock.

Officers of the Queensland Police Service are also empowered to respond to animal welfare cases under the *Police Powers and Responsibilities Act 2000*, and operate throughout the State.

The Campaign Against Puppy Farms

The term ‘puppy farm’ has not been defined in legislation, but is usually defined as a dog breeding operation in which profit is the sole priority and the welfare of the breeding dogs (and their offspring) is given scant regard.³ Operators of puppy farms have been documented keeping of animals in overcrowded and unsanitary conditions, inbreeding and poor socialisation.^{4 5} This results in poor health outcomes both for puppies and for the breeding females which produce them.⁶ As such, the notion is objectionable to the majority of people who oppose unnecessary cruelty to other creatures.

No single incident in Queensland has brought this issue to the attention of Parliament. However, the results of investigations (including 12 investigations in 2008-09 that resulted in the rescue of 750 animals⁷) have been widely publicised, and a long-term campaign by animal rights group Oscar’s Law has attracted significant support.

In December of 2014, the Labor Party announced its commitment to requiring the registration of dog breeders in order to identify and shut down puppy farms. This Bill gives effect to that commitment.

Policy objectives of the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016

The Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016 seeks to:

- amend the AMCD Act so as to institute a compulsory system of registration for dog breeders supplying dogs within Queensland;
- amend the ACP Act to clarify what is meant by ‘keeping or using an animal as a kill or lure for blooding or coursing a dog’; and
- make technical amendments to the *Biosecurity Act 2014* (the Biosecurity Act).

This reflects the government’s election commitment to establish a compulsory registration scheme for dog breeders in order to shut down puppy farms.

³ Oscar’s Law, *FAQs* (2010), [www.oscarslaw.org <http://www.oscarslaw.org/FAQs>](http://www.oscarslaw.org/FAQs).

⁴ Eamon Duff, *Pet industry peak body in turmoil after consumers misled about puppy farm* (28 June 2015) Sydney Morning Herald <http://www.smh.com.au/national/pet-industry-peak-body-in-turmoil-after-consumers-misled-about-puppy-farm-20150624-ghx5g2.html>.

⁵ Amy Mitchell-Whittington, *Man charged with weapon offences, dogs seized at Ipswich ‘puppy farm’* (23 December 2015) Brisbane Times <http://www.brisbanetimes.com.au/queensland/man-charged-with-drug-weapon-offences-dogs-seized-at-ipswich-puppy-farm-20151222-gltn5d.html>.

⁶ RSPCA Australia, *Puppy Farms* [www.rspca.org.au <http://www.rspca.org.au/campaigns/puppy-farms>](http://www.rspca.org.au/campaigns/puppy-farms).

⁷ Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 6.

The Explanatory Notes state that the Bill achieves these objectives by:

- requiring a person who breeds a dog to register as a breeder (if they are not already registered) within 28 days of the birth of the dog, unless any of the following apply:
 - the person is an accredited breeder of an organisation that supplies a unique breeder registration number;
 - the person is a primary producer breeding a working dog;
 - the person is a member of a prescribed class of persons; or
 - the person has another reasonable excuse for not registering within the prescribed period;
- regulating the supply of dogs by requiring that a breeder ID number (or exemption number) be included in any advertisement for a dog;
- clarifying that the offence of ‘blooding’ a dog applies where an animal is kept or used as a kill or a lure to give a dog its first taste or sight of blood, without requiring that the dog receive the sight or taste of blood; and
- clarifying the terminology of the Biosecurity Act.

Consultation for the Bill

During the Bill’s development, consultation was undertaken by the Department of Agriculture and Fisheries with the following organisations and agencies:

- RSPCA;
- Dogs Queensland;
- the Local Government Association of Queensland;
- AgForce Queensland;
- the Australian Veterinary Association;
- the Animal Welfare League (Queensland)
- the Pet Industry Association of Australia;
- the South East Queensland Regional Animal Management Group;
- Animal Liberation Queensland;
- Racing Queensland;
- the Australian Federation for Livestock Working Dogs;
- the Aviary Bird Biosecurity Reference Group;
- the Darling Downs Moreton Rabbit Board;
- the Australian Banana Growers’ Council;
- Nursery and Garden Industry Queensland;
- the Queensland Bee Association; and
- the Office of Best Practice Regulation.

Committee comment

The committee commends the thoroughness with which DAF has approached stakeholder consultation during development of the Bill. The committee notes the ongoing consultation with the LGAQ and other stakeholders regarding a compliance strategy to ensure that the provisions of the Bill can be appropriately enforced.

Estimated cost to government of implementing the Bill

While the costs to government of the amendments to the AMCD Act and Biosecurity Act will be negligible, the implementation of a registration scheme will be ineffective if not accompanied by sufficient funding. This is complicated by the fact that the number of puppy farms currently active in

Queensland is unknown, and the information that would allow for an accurate estimate is unavailable to DAF.

In public briefings, DAF has estimated the cost of implementing the provisions of the Bill as follows:

- \$250,000 - \$300,000 (plus ongoing expenses of \$2,000 per month) for setup and maintenance of an online registration system;
- \$150,00 for a public awareness campaign to ensure customers do not buy dogs advertised or supplied without a breeder registration ID; and

DAF has also acknowledged that there will be other ongoing costs involved in the enforcement of the ACP and AMCD Acts that will be affected by the provisions of the Bill. It will be necessary to:

- support local government officers and RSPCA inspectors;
- prosecute violations of the ACP Act; and
- care for any animals rescued during the bringing of legal proceedings against their owners.

Committee comment

The committee notes that neither DAF nor any other organisation has been able to confidently estimate the number of puppy farms currently operating in, or supplying animals to, Queensland. The committee notes that this makes a complete estimate of the ongoing cost of the Bill's provisions impossible.

Should the Bill be passed?

Standing Order 132(1) requires the committee to determine whether or not to recommend the Bill be passed.

Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016

Structure of the Bill

The Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016 has 71 clauses and one schedule:

- clauses 3 and 4 amend the *Animal Care and Protection Act 2001*;
- clauses 5 to 29 amend the *Animal Management (Cats and Dogs) Act 2008*;
- clauses 30 to 70 amend the *Biosecurity Act 2014*; and
- clause 71 and Schedule 1 deals with consequential and minor amendments to the *Animal Management (Cats and Dogs) Act 2008*.

The committee brings the following provisions in the Bill and issues and to the attention of the House.

The Exemption for Working Dogs Bred by Primary Producers

Clause 11 of the Bill contains a proposed new section 43ZA(1)(a), which provides that a person is exempt from the requirement to register as a breeder if they are a primary producer, and:

...the dog is bred ... from a working dog and supplied to another primary producer to use as a working dog ...

This reflects existing defences against offences set out in sections 13 – 14 (mandatory implantation of microchips), 44 (requirement to register with the relevant local government) and 196 (dogs attacking or causing fear in stock) where the dog in question is a working dog.

Comments raised by submitters

The exemption has, unsurprisingly, attracted the strong support of the Queensland Working Cattle Dog Trial Association, the Australian Sheepdog Workers Association and several associated individuals. These submitters have, in fact, called for the exemption to apply to a broader range of people (see ‘definition of primary producer’, below).

In contrast, Animal welfare organisations (notably PLACE and ALQ) have noted the potential for the exemption to create a loophole in the AMCD Act’s provisions whereby breeders could claim primary producer status in order to sidestep the registration requirements. These submitters have called for the exemption to be removed, so that the registration requirement covers all breeders who are not a member of a class of persons set out in subordinate legislation.

Advice from the department

DAF has noted that, for a breeder to claim an exemption under the proposed section, any dog they supplied must be for use as a working dog. This term is already defined in Schedule 2 of the AMCD Act:

working dog –

(a) means a dog usually kept or proposed to be kept –

(i) on rural land; and

(ii) by an owner who is a primary producer, or a person engaged or employed by a primary producer; and

(iii) primarily for the purposes of –

(A) droving, protecting, tending or working, stock; or

(B) being trained in droving, protecting, tending or working, stock; and

(C) does not include a class of dog prescribed under a regulation.

DAF has advised that, during the development of the AMCD Act, consideration was given to defining certain breeds as working dogs. This was not pursued, however, as a large proportion of dogs kept as

pets are ‘working’ breeds. Thus, exempting them as a class from registration and microchipping requirements would make the requirements themselves unworkable. To date, no regulation has been made under part (a)(iii)(A) of the definition to exclude a class of dog from being working dogs.

This definition would seem to exclude the overwhelming majority of animal supplied by puppy farms. In addition, the animal welfare provisions of the ACPA apply to all dogs in Queensland. No exceptions apply for working dogs.

DAF has further advised that, during development of the AMCD Act, it was considered that:

...dogs kept on rural land are less likely to cause problems, barking, wandering, attacks and would have very little impact on local government resources.

Due to this low impact, it was considered worthwhile to not extend the regulatory compliance burden to primary producers’ working dogs.

Committee comment

The committee notes the reasoning behind the existing defences in the AMCD Act. However, it remains unconvinced that the same reasoning can be applied to the requirement to register as a breeder. Rather, the greater difficulty of detecting puppy farms situated on rural land via casual means argues against measures to reduce scrutiny of rural animals. At least one recent puppy farming case from Victoria has involved the breeding of working dogs.

However, the committee accepts that, until information on the number, scope and location of puppy farms in Queensland becomes available, it is not possible to confidently determine the appropriateness of continuing to exempt primary producers’ working dogs from the provisions of the AMCD Act. The committee therefore chooses to adopt the position of the 52nd Parliament and exempt primary producers’ from the requirement to register as breeders when breeding their working dogs.

Accordingly, the committee considers that the proposed section 43ZA(1)(a) is appropriate.

Definition of ‘Primary Producer’

Schedule 2 of the AMCD Act contains the following definition of a primary producer:

primary producer –

(a) means a person usually engaged in the occupation of a –

(i) dairy farmer; or

(ii) wheat, maize or cereal grower; or

(iii) cane grower; or

(iv) fruit grower; or

(v) grazier; or

(vi) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising; and

(b) includes a person engaged in primary production.

Comments raised by submitters

This definition was identified as an area of concern by the AFLWD, as it does not appear to cover all potentially appropriate categories of breeder. For example, the definition makes no provision for:

- employees of primary producers (e.g. resident managers);
- stock handling and transport contractors;
- working dog trainers and others involved in dog trials; or
- retired primary producers.

This would appear to create a two-tier system for breeders of working dogs, with those meeting the definition receiving the benefit of the exemption and others, despite close professional association and use of similar dogs for similar purposes, not doing so.

Advice from the department

DAF notes that the AFLWD's submission appears to have missed part (b) of the definition, which covers all persons employed by primary producers. This would include resident managers, as well as shearers, drovers and other persons directly performing work for primary producers. Such persons would be exempt from the registration requirement as long as their working dogs were usually kept (or proposed to be kept) on rural land.

However, DAF agrees that handling and transport contractors, trial dog trainers and retired primary producers will not be covered by the exemption. DAF states that dogs owned by such persons are often kept on non-rural land (thus failing to meet the definition of 'working dog' above).

In addition, the inclusion of such persons would constitute a significant widening of the exemption. This would increase the scope for its misuse as a loophole, as identified by ALQ etc. above. It is, for instance, significantly easier to plausibly claim to be a working dog trainer than to be a grazier.

DAF has further advised that:

...consistent with the considerations when the [AMCD Act] was developed, the department considers exemptions for working dogs should remain very limited ...

DAF remains concerned that expanding the exemption would:

- create unwarranted complexity for enforcement;
- create potential loopholes exploitable by unscrupulous breeders; and
- create the potential for undermining the scheme by the existence of many more dogs, including in urban areas, outside the scheme.

DAF contends that widening the exemption will not sufficiently serve the interests of non-primary-producer breeders to counterbalance the reduction in the overall effectiveness of the ACP and AMCD Acts.

Committee comment

The committee notes the reasoning of DAF, and considers the current definition of 'primary producer' to be appropriate.

Registration of Avian Populations

As stated above, the Bill makes technical amendments to the Biosecurity Act. Clauses 39 - 41 jointly amend the requirement in section 137 of the Biosecurity Act for registration of any population of 100 or more birds as a biosecurity entity. The effect of the proposed amendments is to require registration of bird populations only if they are kept for production of meat or eggs for human consumption, or if the birds have been released for free flight since they have been in captivity (e.g. racing pigeons).

Comments raised by submitters

The Queensland Chicken Meat Council and Queensland Chicken Growers Association have opposed the proposed amendment, stating that all concentrated avian populations need to be identified in order to minimise the risk to the industry as a whole in the event of a disease breakout.

Should an outbreak of avian flu occur, for example, large captive avian populations have the potential to act as disease reservoirs. If such populations have not previously been brought to the attention of the authorities, any attempt to control the spread of the disease (through compulsory slaughter and eradication programs, for example) would be hampered by the need to first identify bird populations. If any were missed, the potential for reoccurrence of the disease would be significantly increased.

Advice from the department

During consultation on the proposed amendment, DAF noted that:

- many submissions questioned the need for registration of aviary birds (i.e. birds kept caged and not used for human consumption); and

- many keepers of aviary birds were unaware of the existing registration requirement, and were thus not complying.

The existing requirement for registration, therefore, has not been achieving its intended purpose.

In addition, DAF has noted that the main risk factor in the entry, establishment and spread of avian diseases is contact with wild birds. Aviary birds, due to their close confinement, have very little contact with wild avian populations. The risk of zoonosis transfer from aviary birds to humans has also been assessed as being very low. Aviary birds are thus of little risk to human health or to the chicken meat and egg industries.

In the event of a disease breakout, DAF has stated that its inspectors would identify and assess aviary populations in the affected area as a matter of standard practice, whether or not they were previously registered as biosecurity entities. Given that local aviary birds are confined and can be easily located via a street address, DAF considers that their identification and assessment would be easily and quickly achieved.

DAF therefore considers that the regulation of aviary birds via the registration requirement is disproportionate to the biosecurity risk that they pose. It is worth noting that there is no comparable requirement in any other Australian jurisdiction.

DAF acknowledges that removing the registration requirement would raise the theoretical risk to the chicken industry. However, it considers a slight elevation of the industry's risk level in order to remove the compliance burden on a large number of domestic bird-keepers to be a worthwhile compromise position.

Committee comment

The committee shares the concerns of the poultry industry with regard to biosecurity and the potential for disease outbreaks, particularly avian influenza. However, the committee notes the statements of DAF officers that identification and assessment of captive avian populations would occur whether or not the registration requirement existed. The committee is satisfied that sufficient risk assessment and contingency planning has occurred to minimise the biosecurity risk to the industry.

The committee considers clauses 39-41 to be appropriate.

3. Fundamental legislative principles and explanatory notes

Section 4 of the *Legislative Standards Act 1992* states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of Parliament.

The committee considers that clauses 11, 13, 16, 25, 26 and 31 contain potential breaches of fundamental legislative principles.

Rights and liberties of individuals

Clause 16

Clause 16 inserts new sections 172A-172E into the AMCD Act which outlines the different registers a chief executive must keep and the obligations in this regard.

Pursuant to clause 16, new section 172E provides that the chief executive must publish the publicly available part of the breeder register on the department’s website.

Section 173C prescribes the personal information that must not be included in the publicly available part of the breeder register or published on the online breeder registration system.

Section 172E(2) provides that ‘publicly available part’ (of the breeder register) means the part of the register containing the following information for a person who is a registered breeder or an accredited breeder of an approved entity:

- (a) the person’s name;
- (b) the person’s breeder ID number or accreditation number;
- (c) the date the person’s registration or accreditation ends;
- (d) the local government area in which:
 - (i) if the person is an individual - the person’s place of residence is located;
 - (ii) if the person is a body corporate - the body corporate’s place of business, head office or registered office is located;
- (e) the person’s telephone number or email address, as decided by the person.

Clause 18 inserts section 173C into the AMCD Act in relation to personal safety. It provides that the section applies if the chief executive is satisfied someone’s personal safety would be put at risk if particular information (for example, the person’s address or other contact details) were included in the breeder register.

In allowing for the publication of certain details, clause 16 raises the issue of confidentiality and an individual’s privacy, and thereby potentially breaches section 4(2)(a) of the LSA, which provides that legislation should have sufficient regard to the rights and liberties of individuals.

The Explanatory Notes acknowledge the potential FLP issue and provide the following justification:

The details intended for publication will be restricted to the person’s name, the person’s breeder ID number and or accreditation number, the period for which the person is registered or accredited, the local government area in which the person’s place of residence is located and either the person’s contact telephone number or email address as decided by the breeder.

Publication of these details is justified so that a potential receiver of a dog can confirm that the person supplying a dog is the registered breeder of the dog. This will assist members of the public to decide whether or not to receive a dog based on whether or not the supplier is registered.

There will be no public access to residential addresses and proposed section 173C provides that if the chief executive is satisfied that the personal safety of a person would be at risk, a person’s

details will not be publically available either on the breeder register or in a copy of information from the breeder register.⁸

DAF has suggested that section 173C could be invoked:

...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 involved in a profession such as psychiatric care of potentially violent patients who might seek them out if any of the person's details were disclosed.

Committee comment

The committee notes that clause 16 restricts the information contained in the breeder register to a person's name and particulars such as the breeder ID number and the date a person's registration or accreditation ends. The individual can decide if their phone number or email address is made publically available through the register. Further, section 173C provides that the chief executive may stop a person's details from being made publically available if the chief executive believes that person's safety is at risk.

In light of the restricted details to be made publically available, and the safety net provided by section 173C, the committee considers the clause to be appropriate.

Clause 26

Clause 26 inserts section 207C and provides that the section applies to a person who obtains information under section 173B(1) or a person to whom information is given under section 207B. Section 173B(1) provides for who may inspect the breeder register while section 207B provides for the sharing of information with particular persons.

Pursuant to section 207C(2) a person may use the information to perform a function the person has:

- (a) under this Act, the *ACP Act*, or the *Racing Integrity Act 2016*, including, for example, monitoring or enforcing compliance with any of those Acts; or
- (b) if the person is a police officer—in relation to an animal or an animal welfare offence.

Clause 26 will allow the private information of a person to be used in circumstances which potentially infringes on the rights and liberties of individuals pursuant to section 4(2)(a) of the *LSA*.

The Explanatory Notes provide the following justification for the clause:

The use of the information is justified because its use is restricted to purposes dealing with matters related to animals and animal welfare and it will allow for improved detection and investigation of animal welfare offences.⁹

DAF has noted that two classes of persons listed under the *ACP Act* will be eligible to access information held on the register. These are:

- authorised officers tasked with monitoring compliance with the provisions of the *ACP Act*; and
- inspectors responsible for conducting investigations and enforcing compliance.

An authorised officer could, for example, use the information from the register to locate a particular dog breeder in order to check their compliance with the proposed code of practice for dog breeders. An inspector could do the same in circumstances where a series of complaints had been made regarding the welfare of recently supplied puppies, all of which shared a breeder ID number.

⁸ Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 9.

⁹ Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 10.

Notably, persons appointed under the *Racing Act 2016* may use the information in the register to locate breeders of greyhounds in order to enforce compliance with the provisions of that Act, and with the *Racing Act 2002*.

Officers of the Queensland Police Service will be able to access the information in the register in order to perform functions comparable to inspectors under the ACP Act, especially in rural and remote areas where BSQ or RSPCA inspectors are not available. There will also be circumstances in which access to the register enables Police to better prosecute offences against sections 242 (serious animal cruelty) and 468 (injury to an animal capable of being stolen) of the Criminal Code.

Committee comment

The committee appreciates the thoroughness of the department's explanation of the provisions, and notes that the information contained in the register is to be used solely for animal welfare matters.

Natural Justice

Clause 11

Clause 11 introduces new sections 43E 43U and 43W, all of which contain potential breaches of FLPs.

Section 43E applies to a person who:

- (a) breeds a dog; and
- (b) on the day the dog is born, is not a registered breeder.

Section 43E(2) provides that a person must, within 28 days after the day the dog is born, apply to become a registered breeder unless that person has a reasonable excuse.

Pursuant to section 43E(3), a person does not commit an offence if:

- (a) an accredited breeder of an approved entity;
- (b) a primary producer who has bred the dog from a working dog -
 - (i) to use as a working dog; or
 - (ii) to supply the dog to another primary producer to use as a working dog; or
- (c) a member of a class of persons prescribed by regulation.¹⁰

Pursuant to the proposed section 43U, the chief executive may decide to suspend a person's registration as a registered breeder immediately, if the chief executive believes:

- (a) a ground exists to take proposed action in relation to the person's registration; and
- (b) it is necessary to suspend the registration immediately because there is an immediate and serious risk:
 - (i) to the welfare of dogs; or
 - (ii) of harm to the effectiveness of the registration of persons as registered breeders under this Act.

Section 43U(2) provides that the chief executive must, as soon as practicable after making the decision, give the person:

- (a) an information notice for the decision to suspend the registration immediately; and
- (b) a show cause notice in relation to the proposed action.

By way of section 43U(3) the suspension:

- (a) takes effect when the notices are given to the person; and
- (b) continues until the earliest of the following:
 - (i) the chief executive ends the suspension;
 - (ii) the show cause notice is finally dealt with;

¹⁰ See 'Institution of Parliament' below.

(iii) the day that is 28 days after the notices were given to the person.

The immediate suspension of a licence may be considered to breach section 4(3)(b) of the *LSA* which provides that a Bill should be consistent with the principles of natural justice.

The principles of natural justice have been developed by the common law and incorporate the following three principles: (1) something should not be done to a person that will deprive them of some right, interest, or legitimate expectation of a benefit without the person being given an adequate opportunity to present their case to the decision-maker; (2) the decision maker must be unbiased; (3) procedural fairness should be afforded to the person, meaning fair procedures that are appropriate and adapted to the circumstances of the particular case.¹¹

The Explanatory Notes acknowledge the potential FLP breach and provide the following justification for the section:

This immediate suspension power is necessary and its exercise will be limited to circumstances where the chief executive believes a ground exists to suspend the registration because there is an immediate and serious risk to the welfare of dogs or harm to the effectiveness of the registration.

Appropriate safeguards will ensure that the process as a whole affords natural justice. The suspension would take effect when the person is given an information notice for the decision (triggering provisions that allow an application to be made for a stay or review of the decision) and a show cause notice. The suspension ceases to operate if the chief executive cancels the remaining period of suspension, or the show cause notice is finally dealt with, or 28 days after the notices have been given to the person, whichever is the earliest.¹²

Clause 19 inserts new section 181 and provides that an interested person for an original decision made by the chief executive under any of the following provisions may apply to the chief executive for an internal review of the decision (a designated review application):

- (a) chapter 2, part 1, division 3, subdivision 3;
- (b) chapter 2A, part 2, division 4;
- (c) chapter 2B, part 5;
- (d) chapter 6.

Committee comment

The committee notes the grounds for the immediate cancellation or suspension being the serious risk to the welfare of a dog or of harm to the effectiveness of the registration scheme. Clause 19 allows for a review of a decision to suspend or cancel a licence or registration. The committee views this as an appropriate safeguard in the circumstances.

Onus of Proof

Clause 25

Clause 25 inserts new section 199A and provides that a certificate purporting to be signed by the chief executive stating certain matters is evidence of the matters. The matters the subject of the certificate include the following:

- (a) whether or not a person has applied under section 43F to be registered as a breeder and, if the person has applied, the date the application was made;
- (b) on a stated day, or during a stated period, a person was or was not a registered breeder;
- (c) on a stated day, a person's registration as a registered breeder:

¹¹ Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, page 25.

¹² Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 10.

- (i) was suspended; or
- (ii) was suspended for a stated period;
- (d) on a stated day, a person's registration as a registered breeder was cancelled;
- (e) the designated details of a registered breeder or an accredited breeder of an approved entity as recorded in the breeder register on a stated day.

The former Scrutiny of Legislation Committee (SLC) commented that evidentiary provisions affect the right of individuals to a fair trial and just legal process, by assisting the prosecution in the discharge of its legal or persuasive onus. In this instance it may be argued that clause 25 allows a persuasive onus and breaches section 4(3)(d) of the *LSA* by stating certain matters as evidence.

The committee will note that it is not uncommon for Queensland legislation to provide that a certificate signed by a person administering a law is evidence of a fact stated in the certificate. These provisions enable an administering authority to put evidence before courts about a range of basic matters relating to its activities or records without the need to call witnesses. The SLC noted the purpose of the provisions is usually to improve administrative efficiency and reduce the workload of officials administering the legislation. The SLC generally considered provisions about evidentiary certificates as being unexceptional, provided the matters to which the certificates related were non-contentious and the certificates were treated merely as evidence and not as being conclusive proof of the facts stated therein and not determinative of the ultimate issue in question.¹³

The Explanatory Notes acknowledge the potential FLP and provide the following justification:

The potential FLP issue is whether the legislation reverses the onus of proof in criminal proceedings without adequate justification because section 199A provides that the prescribed matters are evidence of a fact. However, the provision of a certificate for the prescribed matters is only evidence of formal matters and not conclusive evidence. Therefore a defendant is given the opportunity to challenge the matters in the certificate by adducing evidence to the contrary.¹⁴

Committee comment

The matters that may be listed in an evidentiary certificate are fairly standard and non-contentious and are in keeping with the view of the former SLC. In addition, the Explanatory Notes advise that the evidence tendered will not be treated as conclusive proof and a defendant can still challenge that evidence and provide their own evidence to defend and refute a claim. In this instance, the committee considers that the clause has appropriate regard to fundamental legislative principles.

Institution of Parliament

Clause 11

Section 43W(1) (introduced by clause 11 as stated above) provides that a regulation may prescribe an entity as an approved entity.

Pursuant to section 43W(2) the Minister may recommend the making of a regulation only if the Minister is satisfied that:

- (a) the entity conducts an accreditation scheme for persons who breed dogs;
- (b) the entity gives a unique identifying number to each person accredited under the accreditation scheme;
- (c) the accreditation scheme requires a person accredited under the scheme, within 7 days after the designated details of the person change, to give the entity notice of the change; and

¹³ Office of the Queensland Parliamentary Counsel, Principles of good legislation: OQPC guide to FLPs, page 15.

¹⁴ Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 11.

- (d) if the entity is prescribed as an approved entity, the entity would be able and willing to give the chief executive:
- (i) the relevant information for each person who becomes an accredited breeder of the approved entity, within 7 days after the person is accredited;
 - (ii) the relevant information for each person who ceases to be an accredited breeder of the approved entity, within 7 days after the cessation;
 - (iii) notice of a change in the designated details of an accredited breeder of the approved entity, within 7 days after the day the breeder gives the entity notice of the change; and
 - (iv) any other information about a person mentioned in subparagraph (i), (ii) or (iii) requested by the chief executive to help monitor or enforce compliance with this Act.

In allowing for a class of persons and an entity to be prescribed by regulation, both sections 43E and 43W potentially breach section 4(4)(c) of the *Legislative Standards Act 1992* which provides that a Bill should only authorise the amendment of an Act by another Act.

The committee will also be aware that some submissions¹⁵ to the Bill have expressed concern in relation to the regulation power provided by section 43W.

A clause in an Act, which enables the Act to be expressly or impliedly amended by subordinate legislation or executive action is defined as a Henry VIII clause. The SLC's approach to Henry VIII clauses was that if an Act purported to be amended by a statutory instrument (other than an Act) in circumstances that were not justified, the SCL would voice its opposition by requesting that Parliament disallow the part of the instrument that breaches the FLP requiring legislation to have sufficient regard for the institution of Parliament.¹⁶ The SLC considered the possible use of Henry VIII clauses in the following limited circumstances:

- To facilitate immediate executive action;
- To facilitate the effective application of innovative legislation;
- To facilitate transitional arrangements;
- To facilitate the application of national scheme legislation.¹⁷

The OQPC Notebook explains that the existence of these circumstances does not automatically justify the use of Henry VIII clauses, and, if the Henry VIII clause does not fall within any of the above situations, the SLC classified the clause as 'generally objectionable'.¹⁸

The Explanatory Notes acknowledge the potential FLP issues provided by these provisions and provide the following justification:

The potential FLP issue is that since approved entities will be prescribed by legislation, the new section 43E(3)(b)(c) may be considered to be a Henry VIII provision because the Act may potentially be amended either expressly or impliedly by the prescription of the accredited breeders. In the Scrutiny of Legislation Committee's Report on 'the use of "Henry VIII Clauses in Queensland Legislation" of January 1997, the Committee noted (at page 23 of the report) that it is appropriate that Parliament consider a general principle and that matters of detail may be left to subordinate legislation. Consistent with this approach, section 43W does prescribe the matters that the Minister must be satisfied of before making a recommendation for the making

¹⁵ See Submission No.142 from PLACE Advocacy

¹⁶ Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, page 159.

¹⁷ Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, page 159.

¹⁸ Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, page 159; Alert Digest 2006/10, page 6, paras 21-24; Alert Digest 2001/8, page 28, para 31.

of a regulation. For example, the Minister must be satisfied the entity is able and willing to give the chief executive the relevant information of persons who become an accredited breeder or stop being an accredited breeder. That information includes a breeder's name and address. Those details will allow the breeders to be located for compliance purposes.

These provisions are justified to allow flexibility in exempting accredited breeders from the regulatory burden where the risk to the integrity of the breeder registration scheme is not significant. Further, any regulation is subject to disallowance by the Legislative Assembly.¹⁹

Committee comment

In light of the justification provided in the Explanatory Notes and the fact the regulations will be subject to disallowance, the committee considers the clause and sections to be appropriate in the circumstances.

Clause 31

Clause 31 inserts new sections 45A (What is prohibited feed for pigs and poultry) and 45B (What is restricted animal material).

Section 45A(1) provides that prohibited feed for pigs and poultry is material that:

- (a) contains or may contain:
 - (i) a carcass of a mammal or of a bird; or
 - (ii) material derived from a mammal or bird; or

Examples include: blood, bone, egg, faeces, meat, and tissue.

- (b) has been or may have been in contact with:
 - (i) a carcass of a mammal or of a bird; or
 - (ii) material derived from a mammal or bird.

Example for subsection (1): Food or food scraps, from a restaurant, a hotel or domestic premises that may have been in contact with meat.

New subsection 45A(2) provides a list of exceptions to prohibited feed for pigs and poultry, which can be prescribed by regulation. These include:

- a stated type of material (for example, a particular type of gelatine, tallow, milk, a milk product, a milk by-product or used cooking oil);
- material that has undergone a stated process;
- material from a stated source, origin, location or environment;
- material fed in a stated way or under stated circumstances or conditions.

Pursuant to section 45B(1), restricted animal material is material that:

- (a) contains or may contain:
 - (i) a carcass of an animal that is a vertebrate; or
 - (ii) material derived from an animal that is a vertebrate; or

(Examples: blood, bone, egg, faeces, meal, meat, tissue)

- (b) has been or may have been in contact with:
 - (i) a carcass of an animal that is a vertebrate; or
 - (ii) material derived from an animal that is a vertebrate.

¹⁹ Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 12-13.

Pursuant to section 45B(2) a restricted animal material does not include material prescribed by regulation.

Examples of material that may be prescribed:

- a stated type of material (for example, a particular type of gelatine, tallow, milk, a milk product, a milk by-product, used cooking oil or mineralised seabird guano);
- material that has undergone a stated process;
- material from a stated source, origin, location or environment;
- material fed in a stated way or under stated circumstances or conditions.

Sections 45A(2) and 45B(2) provide exemptions in relation to prohibited feed for pigs and poultry and restricted animal material, by way of regulation. Both sections provide examples of materials that may be subject to regulation.

In allowing for an exemption by regulation in relation to the provisions of the Act, clause 31 potentially breaches section 4(4)(c) of the *Legislative Standards Act 1992* which provides that a Bill should only authorise the amendment of an Act by another Act.

The Explanatory Notes acknowledge the potential breach, and provide the following justification:

This regulation making power is proposed to be extended by the Bill. The effect of the exclusion is to effectively exempt a person in the circumstances from the offences in sections 46 and 46A in the Biosecurity Act on feeding and supplying restricted animal material to ruminants and prohibited feed for pigs and poultry to a pig or poultry. The fact that a regulation can disapply (sic) the operation of the offences prescribed in the Act may be a departure from fundamental legislative principles. Offsetting this, the extension of the regulation making power will enable the omission of a power of the chief executive to grant approvals under section 46C that effectively except a person from the offences in sections 46 and 46A in the Biosecurity Act.²⁰

Committee comment

The committee notes that sections 45A(2) and 45B(2) provide examples of the potential exemptions that may be prescribed by regulation. The scope of the regulated activities appears limited to the types of examples provided.

Notwithstanding the former SLC's objections to the use of Henry VIII clauses, the committee considers that the limited scope of the regulation making power, and subsequent disallowance powers, provide sufficient regard to the institution of Parliament.

²⁰ Explanatory Notes, Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016, page 14.

Appendix A: List of submitters

Sub No.	Submitter
1	Iris Charles
2	Australian Federation for Livestock Working Dogs
3	Joel Davis – Queensland Working Cattle Dog Trial Association Inc.
4	Ann Staatz – Queensland Working Cattle Dog Trial Association Inc.
5	Barry Cooper
6	Sharne Vogt
7	Joelle Cullen
8	Sylvia Cooper
9	Monika Koestler
10	Graham Carter
11	Beverley Maunsell
12	BL and LR Stevens
13	Cynthia Harris
14	Saolme Agyropolous
15	Australian Sheepdog Workers Association Inc.
16	Margaret Walshaw
17	Anna Franklin
18	Brisbane City Council
19	Tom and Marcia Berrie
20	Miranda Webster
21	Lynne Keen
22	CONFIDENTIAL
23	Julie Ardill
24	Linda Eleanor Vari J.P.
25	Animal Welfare League of Queensland
26	Karen Wilson
27	Billie Thompson
28	Corrie Verbeeten
29	Tess Sard
30	Wendy Owen
31	Susan Buckland
32	Simone Emery
33	Janet Scott
34	Skubi Testa

35	Reisha Marris
36	Joanne McCarter
37	Bron Warner
38	Nina Hardie
39	Gayle D'Arcy
40	Sandy Conroy
41	Kerry Clifford
42	Kath Schultz
43	Casey Gooda
44	Claire Jenkins
45	Bronwyn Hill
46	Susan Babic
47	Emelia Guthrie
48	Carol Jellie
49	Margaret Porritt
50	Patricia Fallon
51	Kylie Grant
52	Sally Carr
53	Pamela Fioretti
54	National Animal Rescue Groups of Australia
55	Justine Ide
56	Carol Cardy
57	Pam Ison
58	Bluegreen Economics
59	Daniel Joyner
60	Lisa Roydhouse
61	Lisa McGowan
62	Karen Nielsen
63	Trevor Boyd
64	Linda Carter
65	Melinda Hewett
66	Laura Dallimore
67	Anna Murphy
68	Lynn Blond
69	Angelique Lang-Frey
70	Sarah McDonald

71	Anne Greenaway
72	Kirsti Moyle
73	Janine Golds
74	Lisa Foo
75	Rachel Carter
76	Pet Industry Association of Australia
77	Christine Bennett
78	Scheryl Lubke
79	Joy Verrinder
80	Brian Buchanan
81	Jill Fechner
82	Erna Stein
83	Helen Persano
84	Katie Purcell
85	Yvonne Cook
86	Moira Ferres
87	Daniella Fiumara
88	Murray Difford
89	Hazel Foote
90	Claudia Bianchi
91	Natalie Russell
92	Carolyn Barnes
93	Sam Palmer
94	Chamindri Samarakoon
95	Lyn Murray
96	Monica Hanson
97	Margaret Buck
98	Local Government Association of Queensland
99	Lauren Blundell
100	Jaquie Rand
101	Graham Bowles
102	Leah Dent
103	Stevie Shelley
104	Debbie Page
105	Barrie and Elizabeth Hughes
106	Pamela Denham

107	Carol Collins
108	Roslyn Dorrington
109	Martine Porret
110	Jennifer Pett
111	Belinda Hardy
112	Debbie Dykes
113	Irene Wright
114	Elizabeth Steensma
115	Dr Zevia Schneider
116	Amanda Marriner
117	Julie Allerton
118	Susan Hauswirth
119	Carol Gallagher
120	Jennifer McCormick
121	Robyn McNally
122	Heather Anthony
123	Mandy Mihelic
124	Hayley Kennington
125	Tina Webb
126	Anita Robinson
127	Vikki Jones
128	Margery Solomon
129	Sharon Court
130	Maria Christina Sagarzazu
131	Susie Header
132	Caroline Newsham
133	Fiona Watt
134	Pauline Coote
135	Juliet Hogg
136	Katina Balson
137	Abigail Rakhlin
138	Dita Skalic
139	Susanne Jahnes
140	Queensland Chicken Meat Council and Queensland Chicken Growers' Association
141	Queensland United Egg Producers
142	PLACE Advocacy

143	Gold Coast City Council
144	Stacey Holland
145	Ipswich City Council
146	Project PAWS
147	Furry Friends Animal Rescue Queensland
148	Neilian Toms
149	Dogs Queensland
150	Animal Liberation Queensland
151	Sue Clarke
152	Angelia Cook
153	Lynne Morton
154	Kyla Ziems
155	Vineta Dixon
156	Nell Sanderson
157	Josie Fowler
158	Sandra Gould
159	Rachelle Gargett
160	Christine Sloman
161	Christopher Sloman
162	Catherine Laurence
163	Camey Demmitt
164	Coleen Walker
165	Australian Veterinary Association (Queensland Division)
166	Sacsha Bristow
167	Rebecca Johnson
168	Dianne Douglass
169	Gaye Blomfield
170	Claire Sullivan
171	Dannie Garioud
172	John Wood
173	Lucrecia Watts
174	Pamela Richards
175	Jennifer Gregory
176	Pamela Hockley
177	Jessica Tunnicliff
178	Katrina Cornell

179	Kay Dawson
180	Adrienne Oakes
181	R Reardon
182	Yvonne Dale
183	Queensland Working Sheep Dog Association Inc.
184	Julie Hood
185	Anna Bousfield
186	Annette and Chris Schnack
187	Maria Elvira Sagarzazu
188	Corinne Leach
189	Deborah Shaw
190	Eve Gibson
191	Fiona Wilson
192	Gay Landeta
193	Diane Abercrombie
194	Pam Gascoine
195	Rosalind Ogilve
196	Julie-Anne Tobin
197	Moir Sheppard
198	Narelle Gadsby
199	Theresa Fallon
200	Rebecca Golding
201	Andrew Webster
202	Pamela Twinning
203	Leonie Lyall
204	Kerry McGrath
205	Roze Matthews
206	Saffok Australia
207	Cynthia Harris
208	Lynne Knorr
209	Isabelle Freeman
210	Inge Rheinburger
211	Isabelle Phillips
212	Scott Stevenson
213	Julianna Suranyi
214	Elizabeth Barnes

215	Janice Kaye Kyle
216	Bronwen Irons
217	Carol Lockyer
218	Laraine Whitwam
219	Dana Joubert
220	Antje Nebel
221	Edward Stringer
222	Cathie Brennan
223	Maureen Brohman
224	Rheusin Brown
225	Heidi St John
226	Karen Holm
227	Carol Collins

Appendix B: Briefing officers

Department of Agriculture and Fisheries

Public briefing 24 February 2016

Dr Ashley Bunce, Director, Animal Biosecurity and Welfare

Ms Marguerite Clarke, Director, Regulatory Policy and Reform

Ms Maarit Termonen, Principal Policy Officer, Legislation and Regulatory Reform

Public briefing 16 March 2016

Dr Ashley Bunce, Director, Animal Biosecurity and Welfare

Ms Marguerite Clarke, Director, Regulatory Policy and Reform

Ms Maarit Termonen, Principal Policy Officer, Legislation and Regulatory Reform

Appendix C: Public hearing witnesses

Public hearing 16 March 2016

Australian Veterinary Association (Queensland Branch)

Dr Laurie Dowling, Executive Director

Royal Society for the Prevention of Cruelty to Animals Queensland

Mr Mark Townsend, Chief Executive Officer

Dr Mandy Paterson, Principal Scientist

Mr Mark Young, Chief Inspector

Queensland Working Cattle Dog Trial Association

Ms Elizabeth Hughes, Treasurer

Australian Sheep Dog Workers Association

Mr Ian Beard, Secretary

Animal Welfare League of Queensland

Ms Joy Verrinder, Strategic Development Officer

Dogs Queensland

Mr Rob Harrison, General Manager

Mr Mark Sheppard, Government Liaison Officer

Animal Liberation Queensland

Ms Jaime Singleton, Puppy Farms Campaign Coordinator

Queensland Chicken Meat Council/Queensland Chicken Growers' Association

Mr Andrew Walsh, Queensland Farming Operations Manager, Inghams Enterprises

Dr Peter Gray, Veterinarian, Northern Region, Inghams Enterprises

Local Government Association of Queensland

Mr Luke Hannan, Manager, Advocacy Planning, Development and Environment

Mr Robert Ferguson, Senior Advisor, Environment and Public Health

Ipswich City Council

Ms Barbara Dart, Manager, Strategic Policy and Systems Branch

Pet Industry Association of Australia

Mr Mark Fraser, Chief Executive Officer

Mr Andrew Baker, State Coordinator

Appendix D: Summary of submissions and DAF response

Issue	Points	Subs
<i>Biosecurity Act 2014</i> Amendment	<p>Removal of requirement for owners of 100+ birds to register as biosecurity entities if neither meat nor eggs are for human consumption and birds are not free to fly (by redefinition – see clauses 40-41) exposes poultry industry to unacceptable risk in the event of a disease breakout. All concentrations of birds need to be identified.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • In October 2014, the Queensland Government released a Regulatory Impact Statement for new Biosecurity Regulations for Queensland (RIS) for public consultation. Submissions on the RIS questioned the need for current registration requirements for aviary birds and provided suggestions for more effective management of the risks associated with aviary birds. • There are a wide range of species of birds that may carry significant diseases of poultry including Avian Influenza (AI) and Newcastle Disease (ND). • AI virus is infective for almost all commercial, domestic and wild avian species. Chickens and turkeys are highly susceptible to infection and clinical disease. The nationally agreed AUSVETPLAN Disease Strategy for Avian influenza (p13) notes that the AI isolated worldwide from captured wild and exotic birds have not been isolated from caged birds to date. • Closely confined aviary birds present very low risk of disease entry, establishment and spread as contact with wild birds is highly restricted. • Aviary birds that are not kept for the production of human food present low risk of transfer of zoonosis from birds to humans. • Whilst emergency animal diseases in Australia are managed under the Australian Veterinary Emergency Plan (AUSVETPLAN), Queensland is the only jurisdiction in Australia where aviary (not poultry) birds are required to be registered. Some jurisdictions do not even require poultry to be registered. Since its introduction some thirty years ago, the registration requirement for birds other than poultry has been extremely difficult to enforce in Queensland. There have been no prosecutions for failing to register. • Following consultation with aviculturists groups and avian veterinary surgeons through a reference group, the Department considers that the regulatory burden associated with Queensland registration 	<p>QCMC/QCGA (140), QUEP (141)</p>

Issue	Points	Subs
	<p>of hobby aviculturists is not consistent with the low biosecurity risk they pose.</p> <ul style="list-style-type: none"> In the place of formal registration provisions, Queensland aviary bird clubs committed to develop a new Biosecurity Code of Practice as part of their risk management plan. 	
Code of Practice	<p>Code of practice should be developed as subordinate legislation. Provisions should include:</p> <ul style="list-style-type: none"> mandatory health checks for breeding dogs and puppies prior to sale; cap of 2-3 litters per breeding female; mandatory desexing of retired breeders, and of puppies prior to sale; ban on inbreeding; rehoming programs; provisions for adequate accommodation, exercise space, human contact etc. mandatory record keeping; and breed-specific raising processes (where appropriate). <p><u>Response</u></p> <ul style="list-style-type: none"> The Election commitment included the development of a mandatory Code of Practice to ensure the welfare of breeding dogs. Most of the issues raised will be considered in the development of the proposed Queensland Animal Welfare Standards and guidelines for breeding dogs and their progeny. However, rehoming programs are outside the scope of the Election commitment and intent of the Standards. Once finalised it is proposed the Standards would be adopted as a compulsory Code of Practice under the Animal Care and Protection Act 2001. 	ALQ (6 etc., 150)
	<p>vet checks should be annual for males, prior to breeding, following each litter and following retirement for females.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> The requirement for the frequency of veterinary checks will be considered during the development of the Standards. 	Margaret Walshaw (16), Corrie Verbeeten (28)
	<ul style="list-style-type: none"> females should not be bred after six years of age. <p><u>Response</u></p> <ul style="list-style-type: none"> Whether to set a maximum age for breeding will be considered in the development of the Standards 	NARGA Qld (54)

Issue	Points	Subs
	<ul style="list-style-type: none"> animals should not be sold or supplied prior to 60 days of age. <p><u>Response</u></p> <ul style="list-style-type: none"> The proposed new section 43Y clarifies that a person generally cannot supply a dog to another person if it has not been microchipped. The existing section 24 of the AMCDA provides that a dog less than 8 weeks of age can only be microchipped by a veterinarian or with the approval of a veterinarian. In effect this means a dog less than 8 weeks of age can only be supplied if a veterinarian has approved it to be microchipped. 	Christine Bennett (77)
	<ul style="list-style-type: none"> maximum of 10 breeding females per property or owner. potentially as low as two breeding males and four females per property. <p><u>Response</u></p> <ul style="list-style-type: none"> There are not necessarily direct adverse animal welfare implications of keeping more than 10 breeding females at a property. Consequently this is outside the scope of the draft Standards and the purposes of the <i>Animal Care and Protection Act 2001</i> and hence the scope of the proposed Standards that may be adopted under the Act. As noted by the AVA in its submission limiting breeding numbers will not necessarily prevent welfare issues. It would be more appropriate for consideration by local government under local planning laws. 	ALQ (6 etc, 150), NARGA Qld (54), Anne Greenaway
	<p>Limiting breeding numbers will not necessarily prevent welfare issues. Large numbers of dogs may be looked after in good conditions, and backyard breeders with one animal may neglect its welfare.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> It is anticipated the standards will apply to all dogs used or kept for breeding and their progeny. 	AVA (165)

Issue	Points	Subs
Compliance/ Enforcement	<p>Compliance strategy should be developed in conjunction with local governments as a matter of priority. It should include:</p> <ul style="list-style-type: none"> • procedures for breeder registrations that lapse (e.g. re-issuing the same number); • plans for monitoring advertisements; and • procedures for dealing with third-party sales and use of another person's breeder number. <p><u>Response</u></p> <ul style="list-style-type: none"> • There will be a working group established to develop the compliance strategy. • The LGAQ, local governments, RSPCA, and the Department will all have representation on the working group. Dogs Queensland has asked to participate in the working group. • Monitoring compliance and procedures for dealing with third party sales and the use of another person's breeder number will be included in the compliance strategy. 	LGAQ (98), GCCC (143), ICC (150)
	<p>Will it be an offence for a person to use someone else's breeder ID number</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Yes. The breeder ID number is for the registered breeder of the dog and is not transferable to another breeder. • S43X defines relevant supply number to include the person's breeder ID who bred the dog. There is no relevant supply number for a person who did not breed the dog, or has an exemption number. It is an offence under s43Z for a person without reasonable excuse to supply a dog to another person unless the person knows the relevant supply number and it is included in the PPID information kept for the dog. 	ICC (145)
	<p>Will DAF & RSPCA officers be appointed under the ACPA and AMCDA</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • It is envisaged that compliance will be a partnership between AMCDA officers and ACPA officers under their respective laws. • Local government officers are authorised persons under the AMCDA . • DAF and RSPCA Inspectors are appointed under the ACPA. • These partnerships will involve local government officers and DAF and RSPCA inspectors. 	LGAQ (98)
	<p>Should have no role in the administration of licensing of dog breeders</p> <p><u>Response</u></p>	LGAQ (98)

Issue	Points	Subs
	<ul style="list-style-type: none"> The State Government will be responsible for the registration of dog breeders; however, the breeder registration requirements consistent with the current microchipping requirements, enforcement of breeder registration and the supply of dogs will shared be with local government in their area. 	
	<p>Council sees the objectives of the Bill as falling within animal welfare and believes administration enforcement should be confined to Queensland Government and RSPCA under the ACPA</p> <p><u>Response</u></p> <ul style="list-style-type: none"> The purposes of the AMCDA include the registration of dogs and the identification of dogs. Local governments are responsible for enforcement of the current requirements for registration and identification of dogs within their local government areas. 	BCC (18)
	<p>Animal welfare responsibilities of local governments should not be expanded.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> Local governments already enforce dog registration and the supply of microchipped dogs within their area. There is no intention to expand local government's responsibility around animal welfare. A Compliance Strategy Working Group will be established to develop and consult on the compliance of the proposed amendments. The Working Group will consist of representatives from the LGAQ, local government regulatory officers, RSPCA, and the Department. Dogs Queensland have asked to participate in the Working Group. The Compliance Strategy will focus on partnerships between local governments and ACPA inspectors to achieve compliance under the AMCDA. 	BCC (18), Corrie Verbeeten (28), LGAQ (98), GCCC (143), ICC (150)
	<p>Will local governments be provided additional funding to offset the increased regulatory burden</p> <p><u>Response</u></p> <ul style="list-style-type: none"> Local governments already enforce dog registration and the supply of microchipped dogs within their area. It is envisaged that there will not be a significant increase in regulatory burden on local governments beyond the existing responsibilities under the AMCDA. The proposed amendment will provide another tool to identify dog owners who have not registered their dogs with their local government. 	GCCC (143)

Issue	Points	Subs
	<ul style="list-style-type: none"> There will also be penalty infringement notices applied to a number of the offences for ease of enforcement. 	
	<p>Breeders should be subject to random inspections (once or twice per year without notice).</p> <p>Animal welfare responsibilities should be transferred to the Queensland Police Service.</p> <p>Current microchip requirements are frequently not enforced due to lack of capacity in local governments and State agencies.</p> <p>Registration database should be linked to government ID data (e.g. drivers licence) to facilitate identification of owners.</p> <p>State Animal Welfare Ombudsman should be appointed.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> The administration of the ACPA rests with DAF. Enforcement of the ACPA is undertaken by DAF and RSPCA. It would require a machinery of Government change to transfer the responsibility for animal welfare to the Queensland Police Service. The AMCDA (s114 & s115) has provisions for a local government to implement an inspection program to ensure compliance. A local government would determine the frequency of the inspections to meet the needs of their community. There are also provisions under the ACPA to introduce monitoring programs for mandatory codes. Requiring government identification, such as a driver's licence, as a designated detail for registration would introduce cross jurisdictional privacy issues. There is no justification for the need of a State Ombudsman for animal welfare. 	NARGA Qld (54)

Issue	Points	Subs
	<p>Excuse of potential self-incrimination when providing information (s 140A-B, <i>Animal Management (Cats and Dogs) Act 2008</i>) should be removed.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Sections 140A provides that an authorised officer may give a person an information requirement with self-incrimination protection provided for under 140B(2). That is, it is a reasonable excuse not to give information if the information might tend to incriminate the individual or expose the individual to a penalty. • Fundamental legislative principles, as defined in the Legislative Standards Act 1992, are principles relating to legislation that underlie a parliamentary democracy based on the rule of law. One of the basic principles is that regard must be had to the rights and liberties of individuals. <i>The Legislative Standards Act 1992</i>, section 4(3)(f) states that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation provides adequate protection against self-incrimination. This is based on the common law privilege against self-incrimination which prevents a person being compelled to provide documents or answer questions if the documents or answers may tend, either directly or indirectly, to incriminate the person. • Even though the common law privilege against self-incrimination would still apply if the statutory protection was removed from section 140B, the former Health and Community Services Committee (HCSC) recommended that the self-incrimination protection be provided in a similar situation. The Health and Community Services Committee recommended section 113AW of the <i>Racing and Other Legislation Amendment Bill 2012</i> be amended because the reasonable excuse provision did not specifically provide that self-incrimination was a reasonable excuse for failing to comply with a notice under clauses 1113U or 113AV (see HCSC Report No14 p 14-15 recommendation 4). 	Christine Bennett (77)

	<p>References to ‘a reasonable excuse’ in explanatory notes require more complete definition.</p> <p><u>Response</u></p> <p>Explanatory notes are only aids to interpretation and should not contain definitions including one for ‘reasonable excuse’ that are not provided for in the legislation that they seek to explain.</p> <p>The legislation is drafted to achieve consistency with fundamental legislative principles which require that obligations imposed by legislation should be reasonable including by providing ‘a reasonable excuse’ as a defence to offences which may potentially have a wide application.</p> <p>The ‘reasonable excuse’ is difficult to define because of its subjective element and the circumstances of each individual case. Generally speaking, reasonable excuse means an excuse that an ordinary and prudent member of the community would accept as reasonable in the circumstances.</p> <p>For example, Section 43E provides that a person who is not a registered breeder must register as a breeder within 28 days after a dog is born unless they have a reasonable excuse. There is also a defence in certain other circumstances, such as if they are an accredited breeder of an approved entity. The circumstances in which a person would rely on a reasonable excuse would be difficult to define because of the specific obligation. The department suggests it would be a reasonable excuse if:</p> <ul style="list-style-type: none"> • the breeder had reasonable grounds for thinking they were registered e.g. they had been given a notice that purported to be about their registration but the registration had not been properly completed by the department; • the person was prevented from registering by circumstances that were unforeseeable or outside the person's control e.g. they were being treated in hospital for a serious injury or illness which made them incapable of registering; • the person had reasonable grounds for thinking they did not need to register e.g. they had been sent information by an approved entity that indicated they were accredited as a breeder but the entity had not properly completed the accreditation process nor notified the chief executive they were accredited; or • if registration would tend to incriminate them. 	LGAQ (98), ICC (145)
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	<p>It would not be a reasonable excuse if the person simply forgot or did not think the law should require them to be registered.</p> <p>Section 140B(1) provides that a person who has been given an information requirement under section 140A must comply with the requirement unless the person has a reasonable excuse. This provision is in more general terms but is open to the exercise of discretion in relation to enforcement.</p>	
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Issue	Points	Subs
	<p>No effective ability to monitor animals being bred for export.</p> <p>No indication of what is to occur to animals covered by a suspended registration. Suggestion that they be immediately removed.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • All dog breeders in Queensland, including those breeding for export, will be required to register to breed and comply with all the requirements. • However the export of dogs is the responsibility of the Federal Government. • The grounds for suspension are listed in s43P and include suspension if a person is charged with an animal welfare offence. In some circumstances the dog(s) may be seized under the ACPA, in other cases a person may apply for an exemption number or may supply the dog to a pound or shelter without a relevant supply number. 	PLACE (142)
	<p>Persons guilty of animal welfare offences (including keeping unregistered breeders) should have registration permanently revoked and face seizure of associated animals. Financial penalties should be high (\$150,000 is suggested) to deter violations.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The purpose of the breeder registration scheme is to identify and locate breeders so that the existing powers under the Animal Care and Protection Act 2001 can be used to address any animal welfare issues identified in relation to those breeders. That is, registration is not intended to address animal welfare matters directly. • Animal welfare offences can range in seriousness, even for the same offence. For example, a person may be found guilty of a relatively minor breach of their duty of care to an animal while another person may be found guilty of a far more serious breach of their duty of care. For this reason, the department suggests it is inappropriate for all persons found guilty of an animal welfare offence to be ineligible for registration. • Similarly, seizing animals from any person who failed to register as a breeder may not be a proportionate response in all circumstances. Seizure action might be taken using existing powers under the Animal Care and Protection Act 2001 if there were significant animal welfare concerns. 	ALQ (6 etc. 150), 088

Issue	Points	Subs
	<p>Approved entities should detail how they will ensure compliance by their members.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The reason for prescribing approved entities is only to avert the need for breeders to register direct with the Department if they are accredited by an entity that is willing and able to provide their information to the Department. • Approved entities are not responsible for the standard of animal welfare practised by those they accredit. Some approved entities may check the standard of animal welfare practised by those they accredit but approved entities will not be required to do this as the government recognises that their accreditation scheme may exist for a different purpose. Consequently, approved entities will not be responsible for compliance except to the extent that the Minister must be satisfied they require those they accredit to give them notice of a change in their designated details (e.g. their address) within 7 days (and hence will be able to give notice of the change to the Chief Executive). 	ALQ (150)

Issue	Points	Subs
Exemptions	<p>May allow for loopholes to escape effective enforcement (e.g. use of primary producer status to claim breeding animals are working dogs).</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • There are limited loop holes in the exemptions for genuine working dogs to be exempt, a breeder will need to be breeding from a working dog and the puppies they supply must be used as working dogs. A working dog is defined under the <i>Animal Management (Cats and Dogs) Act 2008</i> and covers dogs usually kept by primary producers on rural land, primarily for droving, protecting and working stock. • Definition of working dog under the AMCDA: Working dog— (a) means a dog usually kept or proposed to be kept— (i) on rural land; and (ii) by an owner who is a primary producer, or a person engaged or employed by a primary producer; and (iii) primarily for the purpose of— (A) droving, protecting, tending, or working, stock; or (B) being trained in droving, protecting, tending, or working, stock; and (b) does not include a class of dog prescribed under a regulation. 	Iris Charles (1), Bluegreen Economics (58), PLACE (142)

Issue	Points	Subs
	<p>Working dog exemption does not cover all potentially appropriate categories of breeder, e.g:</p> <ul style="list-style-type: none"> • employees of primary producers (e.g. resident managers); • stock handling and transport contractors; • working dog trainers and others involved in dog trials; • retired primary producers. <p><u>Response</u></p> <ul style="list-style-type: none"> • The exemptions for working dogs are consistent with the current provisions of the AMCDA. • The exemption for working dogs includes employees and resident managers for dogs usually kept on rural land provided they fit within the definition. Stock handlers and transport contractors, dog trainers, trial dogs and retired primary producers will generally not be exempt. These dogs are often kept on non-rural land and to include them in the exemption would create potential loopholes making enforcement difficult. 	Australian Federation for Livestock Working Dogs (2)
	<p>Law should cover all breeders, regardless of circumstances</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The exemptions for working dogs are consistent with the current provisions of the AMCDA. • However the animal welfare provisions of the ACPA apply to all dogs in Queensland and there are no exemptions for working dogs. 	ALQ (6 etc. 150), PLACE (142)
	<p>Exemptions should apply for non-commercial breeders to avoid onerous requirements (e.g. microchipping).</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • It's important for every breeder (except for those exempt such as genuine working dog breeders) to be registered, including people who give away puppies. • This is crucial to help track down breeders who have failed to register or are illegally advertising and supplying puppies and thereby removes any potential loopholes for unscrupulous breeders to try and exploit. 	BCC (18)

Issue	Points	Subs
	<p>Use of 'prescribed class of persons' exemptions may undermine the integrity of the scheme (e.g. by exempting greyhound breeders).</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The prescribed class of person is intended for organisations such as Queensland Police Service. • Racing Queensland has indicated that they will not be seeking to become a prescribed class of person for greyhound breeders. • Racing Queensland is meeting with the Department on Friday 18 March to discuss the possibility of becoming an approved entity. • Racing greyhound breeders will be required to register unless Racing Queensland becomes an approved entity. 	Bluegreen Economics (58), PLACE (142)
	<p>Section 43EZ appears to encourage surrender of animals rather than supply or re-homing.</p> <p>Unclear whether owners not intending to supply or re-home animals are required to register as breeders.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • As there is no s43EZ it is assumed that this is a typo and it is not clear which section this refers to. • All persons who breed a dog, (except a genuine working dog), will generally be required to register as a breeder. This includes a person who intends to keep all the puppies. • A dog that needs re-homing should generally have a supply number recorded against its microchip. If it does not the person seeking to re-home it can either surrender it to a pound or shelter or apply for an exemption number for the dog. • The definition of supply includes give away. S43ZI provides that a person who is the owner or responsible person for the dog and did not breed the dog and does not conduct a business activity that includes the supply of dogs is an eligible person to apply for an exemption number for the dog. 	Jacquie Rand (100)

Issue	Points	Subs
	<p>Exemption should be made for persons already registered as breeders under local government registration schemes.</p> <p>Primary producers may be able to supply unregistered puppies received from third parties.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Exempting breeders registered with a local government would seriously undermine the state-wide transparency for dog breeders. However a local government that has an existing dog breeder registration scheme may apply to become an approved entity. • Primary producers who have a working dog that does not have a supply number because it was sourced from a primary producer will be required to apply for an exemption number before supplying it to someone who is not a primary producer. 	GCCC (143), ICC (145)
	<p>Lack of parameters for approved entities under proposed section 43E(3)(a) may lead to inappropriate entities being approved.</p> <p>Difficult to ensure appropriate monitoring of registered interstate breeders.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • An application process is yet to be developed. • It is anticipated that there will be a number of checks in place and each application for an approved entity will be carefully assessed against the requirements of the AMCDA. • Approved entity will only be prescribed if they conduct an accreditation scheme for a person who breeds dogs and the entity issues a unique identifying number to the person. The entity must be willing to give the CEO the relevant information within 7 days of each person first being accredited. • Approved entities that fail to meet the requirements of the legislation may have their approved entity status repealed. • All interstate breeders supplying dogs into Queensland will have to register in Queensland if they are not already registered in their home state under a corresponding breeder registration scheme. 	PLACE (142)

Issue	Points	Subs
	<p>Exemption should be made for any breeder with fewer than 20 dogs.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The Election Commitment proposed a compulsory registration scheme for dog breeders who hold 20 dogs or more. • However, there is just as much potential for animal cruelty in circumstances where breeders have fewer than 20 dogs. • The survey in August-September 2015 and stakeholder consultation indicated strong public support for a more inclusive registration scheme. • Limiting the scope of the breeder registration scheme to breeders with 20 or more dogs could risk compromising the effectiveness of identifying unscrupulous breeders. 	Dogs Qld (149)
Registration of Animals	<p>Registration and microchipping should be provided at-cost for desexed animals. Registration of breeding animals should attract higher (e.g. >\$100) annual fee after animal is sufficiently mature to be desexed.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Under the AMCDA local governments are responsible for setting registration fees that meet the needs of their community. • The AMCDA does offer incentives for desexing dogs. • The Queensland Government does not prescribe registration fees for dogs. 	NARGA Qld (54)
	<p>Will the database enable a person that breeds on alternate years to continually retain the same breeder number.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Yes. The database will recognise previously registered breeders and have the capability to issue the same breeder identification number for subsequent registrations. 	ICC (145)
	<p>Recommends consideration being given to an exemption for registration to the first litter born from a domestic dog.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • During the consultation there was strong support for all dogs to be included and exempting non-commercial dogs would create grey areas and potential loopholes for puppy farms as well as making enforcement difficult. 	BCC (18)

Issue	Points	Subs
	<ul style="list-style-type: none"> Proving whether a litter is the first would be problematic and a person who had multiple bitches could still produce a lot of puppies in first litters in very sub-standard conditions. This could also potentially increase the dumping of dogs after their first litter to avoid paying fees. 	
	<p>28-day period between birth and registration may encourage force-weaning to allow surrender of immature animals to avoid fees.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> The requirement to register as a breeder is unlikely to add significantly to the risk that immature animals will be surrendered. Consistent with the current provisions the dog breeder is required to microchip before supplying a dog. There is still the requirement to microchip before supplying a dog. Force weaning to supply a dog would contravene Section 13 of the AMCDA which provides that a dog must be microchipped prior to supply (unless the person has a reasonable excuse). A dog less than 8 weeks of age can only be microchipped by a veterinarian or with the approval of a veterinarian. In effect this means a dog less than 8 weeks of age can only be supplied if a veterinarian has approved it to be microchipped. There will be no registration fees for the first two years of the scheme. This is to encourage people to register. Fees if introduced will need to be set at a level which does not discourage registration and renewal of registration. Any fees will be subject to a Regulatory Impact Statement and public consultation. 	Christine Bennett (77)
	<p>Unclear what should occur when vets are asked to microchip an animal without access to supply/breeder information.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> The breeder identification or supply number will be mandatory microchip information. Just as the vet would not be complying with the legislation if they did not have details of the owner of the dog, they would also not be complying with legislation if they did not have a breeder identification or supply number when they microchipped the dog. In these instances the vet can advise their client to apply for an exemption number if they do not have a breeder ID or accreditation number. 	AVA (165)

Issue	Points	Subs
Registration of Breeders	<p>Self-funding registration scheme has already been developed (though not currently in use in any jurisdiction):</p> <ul style="list-style-type: none"> • no sale of puppies without disclosure of microchip or breeder ID number; • microchip database must track ownership back to original breeder. <p><u>Response</u></p> <ul style="list-style-type: none"> • Except for genuine working dogs all dogs that are supplied to another person will be required to be accompanied by the relevant supply number for the dog. • The breeder ID number will be included as mandatory microchip information and will provide lifetime traceability to the original breeder. 	PIAA (Qld) (76)
	<p>Owners of pregnant rescued animals should not be forced to register.</p> <p>Persons involved with greyhound racing should be ineligible for registration as breeders.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • To avoid possible loopholes a person who becomes the owner of a pregnant bitch which subsequently whelps will be required to register within 28 days of birth. • However responsible rehoming agencies should make a prospective owner of a pregnant bitch aware of the requirement to register as a breeder. • It is not illegal to breed racing greyhounds in Queensland. There is no justification for prohibiting the registration of greyhound racing breeders in Queensland. 	Christine Bennett (77)
	<p>Initial registration fee should cover cost of a mandatory inspection. Subsequent renewal fees can be lower.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The purpose of the registrations and supply requirements are to identify unscrupulous dog breeders. • An inspection fee would put an unreasonable burden on responsible breeders and act as a disincentive for dog breeders to register 	AWLQ (79)
	<p>Introduction of registration fees after 1 July 2BCC (18) may lead to increased dumping and surrender of animals</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • There will be a public consultation before any new fees or charges will be introduced. • Fees are anticipated to be relatively low and aim to cover the ongoing maintenance of the dog breeder registration database only. 	LGAQ (98)

Issue	Points	Subs
	<p>Requirement to register 'one-off' non-commercial breeding may encourage dumping or surrender of animals instead.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The registration process will be very simple and place minimum burden on all dog breeders. • Some unscrupulous dog breeders already dump or abandon unwanted litters. • The ACPA has existing penalties for abandoning animals. • The registration process will aid in identifying all dog breeders in Queensland and will be an aid for identifying people who abandon animals so that action can be taken under the ACPA. • The registration process will help to deter people from producing unwanted litters, in effect promoting de-sexing dogs that are not intended for breeding. 	GCCC (143)

Issue	Points	Subs
	<p>The proposed section 43F should read ‘any person wishing to breed dogs must apply to the Chief Executive to become a registered breeder.’ Use of the word ‘may’ is discouraged.</p> <p>The proposed section 43G makes no provision for a departmental assessment of applicants for registration – eligible applicants appear to be automatically approved.</p> <p>Little to prevent multiple applications covering the same facility.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Proposed Section 43F states who can apply for registration (a person other than an ineligible person) and it sets out how an application is to be made. • The proposed Section 43E makes it mandatory for a person who breeds a dog to register as a breeder if they do not have a reasonable excuse or come within the categories in Section 43E(3) and (4). • There is no assessment of applications by the chief executive under proposed Section 43G and it is anticipated that registration will generally be completed using an automated online system. This reflects that the Bill does not propose using the registration system to limit who can breed. Registration is only intended to identify breeders to enable monitoring and compliance activities under the <i>Animal Care and Protection Act 2001</i>. Existing powers under that Act are sufficient to deal with inappropriate animal welfare once breeders are identified. • In addition the Chief Executive may suspend or cancel a person’s registration as a registered breeder if the person becomes an ineligible person, was registered because of materially false or misleading representation or declaration, the person was charged with an animal welfare offence or an equivalent Commonwealth or interstate offence (see sections 43P-43U). • Multiple applications for breeder registration covering the same facility might be used by unscrupulous breeders to mask the number of puppies they are breeding. However, any one of the registrations might be the subject of monitoring which may unmask the facility. 	PLACE (142)
	<p>Most veterinary surgeries will not have breeder registration, despite references in Part 1 of the Bill. Are surgeries acting as refuges expected to apply for registration?</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Yes. Vet surgeries that act as a refuge or shelter will need to register if they wish to supply dogs that do not have a breeder identification or other supply number. 	AVA (165)

Issue	Points	Subs
	<p>Breeding association members' addresses should be recorded as care of the association to protect privacy.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The reason for prescribing approved entities is only to avert the need for breeders to register direct with the department if they are already accredited by a third party who is willing and able to provide their information to the department. Information about a breeder's address will not be recorded in the publicly available part of the breeder register. Only their name, accreditation number, the date their accreditation ends, their local government area and either their telephone number or email address will be publicly accessible. The address of the accredited person will be kept on the register as it needs to be accessible to, among others, local government officers appointed under the <i>Animal Management (Cats and Dogs) Act 2008</i> who find dogs being bred at a place and to inspectors and authorised persons appointed under the <i>Animal Care and Protection Act 2001</i> so that they can monitor compliance with animal welfare standards. • The requirements for identifying and locating dog breeders will be consistent across all dog breeders whether they are part of an approved entity or not. • To become an approved entity the organisation will have to demonstrate a high level of integrity and assurances that they will meet the conditions of the approval. • There is no justification for allowing members of an approved entity to not disclose their details consistent with other breeders. • Dogs Queensland have advised that some of their members believe that providing their personal details to local governments would enable targeted enforcement of other local laws. • It is not appropriate for this government to introduce exceptions that allow a person to breach other sections of the AMCDA or other local animal management laws. 	Dogs Qld (149)

Issue	Points	Subs
	<p>Interstate breeders intending sale in Qld should be required to register.</p> <p>Determination of ineligibility must occur prior to registration taking place.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Interstate breeders will be required to register when supplying dogs in Queensland, unless they display a breeder number issued by another jurisdiction. • To minimise the regulatory burden on legitimate dog breeders the registration process will involve a declaration that the information provided is true and correct and the person is not ineligible for registration. • There are offences under the AMCDA for providing false and misleading information. 	ALQ (150)
Sale of Pets	<p>Sale of pets in shops should be banned (unless supplied by registered charity or rescue organisation).</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • There does not appear to be any justification on restricting some types of sales, ie through pet shops. • Provided retail outlets comply with the provisions of the <i>Animal Care and Protection Act 2001</i>, there is no apparent reason why cats and dogs cannot be safely retailed through pet shops 	ALQ (6 etc. 150)
	<p>Online pet sales should be banned.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • There does not appear to be any justification on restricting some types of sales, ie online. • Online pet sales will be subject to the same requirements to display the breeder ID number in advertisements. • It would be impractical to ban online sales and almost impossible to regulate; however by ensuring that those wishing to sell online have to adhere to the same strict regulations for supplying the breeder ID, tracing of those dogs can occur back to the breeder. 	Graham Carter (10), Linda Carter (64)

Issue	Points	Subs
	<p>The Bill does not appear to cover pets supplied without charge. Is there scope for regulation of giving away pets?</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The requirements under the Bill generally apply also to dogs being supplied without charge. The term supply is defined to include: exchange, give or sell; offer or agree to supply; cause or permit a supply; or possess for supply. • A person is generally required to be registered as a breeder within 28 days of the birth of a puppy regardless of if, or how, they intend to supply it to another person. Similarly, the requirements to include the relevant supply number in the information recorded against the microchip and to advise the relevant supply number in an advertisement for supply of the dog and at the point of supply generally apply whether or not the dog is supplied without charge. The main exception is where a dog is being supplied to a pound or shelter (which includes a veterinary surgery to the extent it provides shelter to a dog that is homeless, lost or stray). In that case the supplier doesn't need to know the relevant supply number or whether it is recorded against the microchip and doesn't need to provide it when supplying it to the pound or shelter. 	Corrie Verbeeten (28)
	<p>Trial adoption periods (e.g. 14 days) should be enforced prior to transfer of ownership.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Adoption is out of scope of the Bill and of the purposes of the AMCDA. 	NARGA Qld (54)
	<p>Banning pet shops will not help. Instead, they should be licensed and regulated similarly to breeders.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The Bill does not propose to ban pet shops from selling puppies. • Pet shops will also need to supply the breeder ID of any puppies sold. • Pet shops are one of the most transparent parts of the pet retail market as they are monitored continually by the general public. 	PIAA (Qld) (76), AVA (165)
	<p>Pet shops should be required to prominently display notices promoting adoption.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • This is a commercial decision for individual pet shops. • This is outside the scope of the Bill. 	Christine Bennett (77)

Issue	Points	Subs
	<p>Are there any legal requirements on individuals/organisations claiming to be animal rescue services?</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • ‘Pound’ and ‘shelter’ are both defined terms in the current <i>Animal Management (Cats and Dogs) Act 2008</i>: ‘pound’ means a premises maintained for the purpose of impounding animals; while ‘shelter’ means a premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals. In many provisions relevant to this Bill, the meaning of ‘shelter’ is extended to include a veterinary surgery to the extent it provides shelter to a dog that is homeless, lost or stray. Existing Section 40 of that Act requires the operator of a pound or shelter to ensure a cat or dog entering the pound or shelter is scanned, within 3 days after its entry, in a way that is likely to detect a PPID (microchip) implanted in the cat or dog. Other requirements may apply to a pound or shelter under both State and local government laws. 	Pamela Denham (106)
	<p>Pets for sale in public view should have breeder ID and sire/dam details displayed.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Pet shops will need to display the breeder ID of any puppies advertised for sale. • Not all breeders will know the details of the sire. • Advertising details of the sire/dam is unlikely to contribute significantly to identifying breeders 	Neilian Toms (148)
Other	<p>Law should be renamed Animal Management (Breeding Farms) and Other Legislation Amendment Bill 2016 (or similar) to correctly reflect focus of the Bill.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The short title of the Bill reflects (among other things) the name of the Election commitment that it implements. 	Linda Carter (64)
	<p>Who will resource the education and public awareness strategy</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The Department has committed to work with RSPCA, local governments and the LGAQ on a comprehensive education strategy. It is anticipated that state government will undertake a number of state-wide activities; however it is envisaged that RSPCA and local governments will also conduct awareness activities within their area of operation. 	LGAQ (98)

Issue	Points	Subs
	<p>'Supply' should be changed to 'sell' throughout the Bill to discourage dumping or surrender of non-commercially bred animals.</p> <p>Pain-based control collars should be banned.</p> <p>Greyhound racing should be banned.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • The definition of supply under the AMCDA includes sell. • The Bill is not anticipated to encourage dumping of any dogs. The registration process is simple and places a minimum burden on dog breeders • Pain based control collars and greyhound racing are outside the scope of the Bill and purposes of the AMCDA. 	Christine Bennett (77)
	<p>Prohibit sale of no(sic) desexed puppies. All puppies should be desexed by 8 weeks of age</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Mandatory desexing and the age at which desexing should occur is out of scope of the scope of the Bill. • However breeder registration will further encourage desexing by requiring all breeders including accidental breeders to register. 	ALQ (150)
	<p>A moratorium on breeding of domestic animals is suggested until current shelter populations decline significantly.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • This is outside the scope of the Bill and would have an unacceptable impact on legitimate dog breeders. 	Liz Steensma (114), Susie Hearder (131)

Issue	Points	Subs
	<p>There is little regulation covering breeding and sale of cats, despite unknown numbers and similar potential for welfare concerns. The proposed Code of Conduct (see above) should apply equally to breeders of cats.</p> <p>Local governments should develop education programs to discourage unplanned breeding and irresponsible acquisition of animals.</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • Breeding and sale of cats is outside the scope of the Bill. • The Election commitment was to develop animal welfare standards for the breeding of dogs to be developed with Dogs Queensland and RSPCA. • A Working Group is being set up to develop an education and awareness strategy. • This working group will be made up of representatives from local governments, RSPCA, Dogs Queensland and DAF. 	NARGA Qld (54), AWLQ (79)
	<p>Will the amendments to the ACPA around blooding affect working and trial dogs?</p> <p><u>Response</u></p> <ul style="list-style-type: none"> • No. Animals, (for example sheep) which are kept or used for training working or trial dogs are not used in a manner associated with blooding or coursing. • Genuine working and trial dogs do not require and are not provided the taste or sight of an animal's blood in order for them to be trained or employed. 	One of the working dog groups