

ANIMAL WELFARE BILL 1999

Second Reading

Resumed from 6 September.

MS MacTIERNAN (Armadale) [3.51 pm]: I strongly support this legislation as it will strengthen the laws to enhance the welfare of animals within Western Australia. The issue of animal welfare is an important test of the quality of our civilisation. The degree to which we have regard for the wellbeing of non-human sentient beings is a measure of our humanity and decency. The member for Fremantle is perhaps not used to such philosophical expositions. The view that we can be ruthlessly exploitative towards animals as they have no rights has largely been discredited - at least in the developed world.

With the exception of a small number of Buddhists in our community we accept that animals can be exploited, because they can be either killed for food or kept to provide fibre, milk, companionship, security or gaming opportunities, as with race horses and greyhounds. The question is, in this process of exploitation, how far will we go to ensure that the pain and discomfort inflicted upon animals is minimised? This is an age-old issue. Many of the biblical laws surrounding the slaughter of animals and many of the rules that are now followed in the Islamic community come from a desire to recognise that the life of another being is being taken for the benefit of humans. Many of the rituals surrounding the slaughter of animals in the halal or the kosher slaughtering practices are designed as a mark of some respect for the life that has been taken for the benefit of human beings.

Some of us will, from time to time, think that some of the views of animal rights activists are bizarre. We hear reports of the number of sheep that have been killed as they are being transported overseas, ignoring the reality that had these sheep survived for a few more days, they would have had their throats slit. Do we accept the fact that animals will suffer if we continue to eat them? Given that it is broadly accepted in the community that it is an appropriate thing to do, the issue is how to minimise the type of pain that is inflicted upon the animals in that process whichever way we exploit them, either for food, companionship or for gaming opportunities?

The Opposition has sought to further reduce the deficiencies in the legislation. The member for Rockingham has set out tougher penalties which the Opposition seeks to include in the legislation. The member has been strongly supported by the community of Western Australia as evidenced by a record number of people who signed the petition for tougher penalties. There was an absolute flood of inquiries in my electorate office in Armadale to get hold of copies of the petition when it was first released. It is an issue about which many people are concerned.

Another deficiency in the Bill is the attempt to remove the Crown from liability for prosecution. This is a glaring error and will allow all universities, for example, to ignore all outside intervention into their practices. Universities cannot be trusted to self-regulate, as has been evidenced by recent events at Murdoch University, where an animal welfare officer was sacked for trying to do a job and was replaced with a tame research manager whose main job turned out to be fundraising. Other government agencies may have responsibilities that also must be overseen. One issue that springs to mind is that eight government agencies deal with feral animal or pest control programs.

It is interesting to note that under this legislation it is a defence to a charge of cruelty to an animal that is kept for farming purposes that standard animal husbandry practice was complied with and that the action against it was taken humanely. In the case of an animal that is kept for farming purposes it is imperative, in order to be able to mount that as a defence, that it be shown that not only is it acceptable animal husbandry practice, but also that it was conducted humanely.

Animals that are declared pests have only a one-pronged test. It is sufficient to show that the actions that have been taken to eliminate the pest were within the standard practice. There is no added requirement that the conduct should be undertaken humanely. It seems to be a contradictory position that when sheep, cows, cats and dogs must be dealt with in a way that may inflict pain upon or kill them, it is important and legally necessary to do that humanely. However, for some reason, when dealing with animals such as foxes or kangaroos a completely different standard will apply and the added requirement that the conduct be humane has not been inserted into the Bill for those animals. That is a most unfortunate distinction. I cannot see that there is any difference in the sentience of the particular beasts involved or why one class of animals should be treated inhumanely while the other class has the protection of a requirement that they should at all times be treated humanely.

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I would be interested to hear the minister explain why we are making the distinction of providing a degree of protection for farm animals that we are not providing to those animals that happen to be declared pests, animals which by and large have no say in the fact. Nothing in their personal conduct gives them the status of pest.

Mr Wiese: Of course it does. Foxes have eaten our lambs.

Ms MacTIERNAN: Rabbits were brought here to provide food. It was not their fault.

Mr Omodei: Can you explain the difference between shooting a kangaroo and shooting a farm animal with the same gun?

Ms MacTIERNAN: I am not saying that animals cannot be killed because they have been declared pests. If the minister looks at clauses 23 and 24 of the Bill, he will see the disjunction that occurs in the treatment of these animals, most of which are likely to be mammals with similar degrees of consciousness. Clause 23 deals with normal animal husbandry which relates to farm animals. If a case comes up and someone's conduct is looked at, he could put forward the defence that it was generally accepted animal husbandry practice which was conducted in a humane manner. Two tests must be satisfied: First, that it was generally accepted practice and, second, that it was conducted in a humane manner. The other class of beings might be furry creatures, such as foxes and rabbits, which might attract a lot of public sentiment. The way in which they are treated is quite different. It is a defence that the person who attempts to kill pests uses a method that is accepted as usual or reasonable for killing pests of that kind. That it was required to be carried out in a humane manner is not a second test.

This issue has been dealt with in other jurisdictions. The United Kingdom has some legislation for the protection of wild mammals. Presumably its equivalent would protect kangaroos in this State.

Mr Omodei: They chase foxes with horses and hounds.

Ms MacTIERNAN: They may change that because there is a bit of an uprising about it.

Mr McGowan: I hope they will change it.

Mr Wiese: Kangaroos are a pest in the south west.

Ms MacTIERNAN: The point I am making is that there is a disjunction between the standards we are setting for farm animals and other animals the sentence of which is not in any material way different. I believe we must review this provision and add the second test that applies in clause 23; that is, that they be dealt with humanely. It is an important extension of the provision that makes the person liable to prosecution.

We are also proposing to introduce the idea of disqualification, which will be a real deterrent to commercial concerns that can easily absorb the paltry fines and get straight back into business. These provisions will prevent recidivist puppy breeders, livestock transporters and farmers, who make up many of the cases that come before courts, from continuing in business. The fines at present are insufficient to deter them from any further inhumane conduct. They must be subject to disqualification. We are proposing that the fines go to the Royal Society for the Prevention of Cruelty to Animals. Our view is that the idea that the amount of litigation will dramatically increase and become frivolous is ridiculous. In any event, this can be monitored in the first couple of years. Any increase in the number of cases will reflect greater efficiency in detection and investigation. Members with any knowledge of the prosecutions that have taken place will realise that the sorts of court costs that would be allowed, if one were presuming to allow court costs, would be insufficient to cover the real cost of running an organisation like the RSPCA, prosecuting these cases and carrying out the amount of investigation necessary to bring up such cases to a sufficient standard to succeed.

The issue of scientific inspectors is important and needs to be got right at the beginning. It does not matter for whom they work as long as it is not the institutions themselves. It has been put to me by a number of veterinarians who have worked in research institutions that these establishments will not self-regulate properly. There are countless examples of this. Animal ethics committees at universities and scientific research establishments cannot be impartial, given the extreme peer pressure that applies in those places. It is naïve for us to think that in circumstances where there is pressure to approve the research carried out by these establishments so that they can attract the research dollar, peer regulation will be an adequate way of ensuring that research establishments conduct their research humanely. I cited the example of Murdoch University earlier, where a person who adopted a rigorous view of her obligations in her position was removed from that job and replaced with someone whose main job turned out to be fundraising for the university. Conflicts of interest exist there. Inspectors must be completely remote from the institution which they are inspecting, so they can be free from peer pressure. As I have said, this view has been expressed to me on many occasions, not by animal rights activists but by people who have been scientists in research institutions.

It is important to recognise that not only is this issue a great political imperative but it has also profoundly touched many Western Australians. To their credit they are prepared to stand up and be counted and to fight for

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the proper treatment of the creatures that we have traditionally been prepared to exploit. Our society accepts a compromise: Many people who are outraged by the poor treatment of animals nevertheless quite happily tuck into a steak or pork ribs without necessarily too much concern about what goes on in the slaughterhouse. Let us take this opportunity to move forward and get a better deal for the animals we use in so many different ways.

It will profoundly reflect the nature of our society and our capacity to treat each other with respect and dignity.

MS ANWYL (Kalgoorlie) [4.10 pm]: Kalgoorlie-Boulder does not have a Royal Society for the Prevention of Cruelty to Animals inspector, which makes it extremely difficult to investigate animal cruelty or neglect. The RSPCA has informed me that an inspector based in Albany deals with our district and that another is based in Esperance.

This issue was brought to my attention in my electorate office on two occasions recently. Apparently a large number of dogs have been stolen. Of course, it is difficult to establish whether a dog has been stolen or has simply run away. The widespread concern is that dogfights are being conducted. Most Western Australians have an abhorrence of using animals for fighting. The Kalgoorlie-Boulder racing carnival is about to start and historically an increasing number of dogs go missing while it is being held. The suspicion is that they are stolen for dogfights. Having an inspector would not necessarily stop that occurring, but we must always be conscious that local government authorities and the Police Service have onerous responsibilities without undertaking these lengthy investigations.

This issue was raised more recently by a group of concerned women, all of whom are involved in the keeping of horses. They had specific concerns about one stable in Kalgoorlie-Boulder. They are concerned about neglect and that people are agisting their horses in the trust of a private concern. I have relayed my observations to the RSPCA and to the local police, and I believe investigations are under way. Those investigations are hampered by the lack of an RSPCA investigator in the area. My discussions with the society lead me to believe that the cost of maintaining such an inspector would be about \$70 000 a year. The Opposition has suggested that that money could be raised by allocating to the RSPCA a proportion of any fine levied for a breach of the legislation. It is difficult to replicate in country regions the services on offer in metropolitan regions, but it would be appropriate to have an RSPCA investigator based in Kalgoorlie-Boulder.

I applaud the member for Rockingham for his efforts in collecting 62 000 petition signatures. My constituents expressed a great deal of interest in his petition and I am still regularly asked about the progress of this legislation.

MR CUNNINGHAM (Girrawheen) [4.14 pm]: I support the Bill. I will outline the benefits of human-animal interaction. I take this opportunity to thank the two-legged and four-legged volunteers for the many things that they do to assist people in the community who live in institutions, such as nursing homes and hospitals. Four-legged volunteers can offer guidance to the rest of us by the very fine example they set. The animal volunteers that I know are very even-tempered and consistent in their interaction with humans. In fact, in recent times my own dogs have been much better behaved than some of my political associates outside this House, who are sometimes barking mad.

Mr Barnett: There are a few inside the House too.

Mr CUNNINGHAM: I said "outside this House". These animals are rarely hesitant to approach and to interact with anyone they are visiting. They really show their enjoyment. Research into human-animal interactions indicates that people are more likely to speak to each other and to have meaningful and significant communication when animals are present. Animals are wonderful social facilitators. When a person feels down, they will sense something is wrong and will sit beside him to give comfort. They provide great therapy, not only to our seniors but also to the wider community. Psychosocial and spiritual wellbeing requires conversation and encouragement from others. That can be and usually is assisted by the presence of animals.

I recently took my two beautiful Maltese terriers, Tiny Tina and Twinkles, for a walk in our local park. It was a beautiful balmy winter's day and many people were out walking their dogs. It was amazing how many times people stopped me to talk about my dogs and their dogs. People take their dogs for a walk and stop to talk to each other about their little friends. That process often invokes a sense of community and friendliness between people. I recently heard a story about a local doctor who prescribed a dog for a nursing home resident. The resident was withdrawn, uncooperative and uncommunicative. The doctor told the resident's family to get a dog from the local pound. The nursing home arranged for a dog door and a ramp to be installed so that the dog could come and go as it pleased. After a few days that man was a different person; he was outgoing and once again talking to and interacting with his family, fellow residents and the staff. In this instance the pet became the resident's friend, partner, defender and dog; the resident became the dog's life, love and leader. It will be faithful and true to the last beat of its heart. Society must protect and recognise such devotion.

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Recently my long-term electorate officer Carmel experienced the passing away of her family's German shepherd, Champ. He was 12 years old and was regarded as a member of the family. The family was devastated at the loss.

Champ grew up with the kids and recently provided companionship and protection for the family. They now have a new German shepherd called Max. I underwent personal trauma when my beautiful Maltese terrier, Twinkles, became quite ill and spent seven days on a drip. For a few weeks the life of my beautiful dog was in the balance. It was very distressing for my dear wife, Julie, and me. Twinkles is now doing extremely well and has made a complete recovery thanks to the fine efforts of my veterinary surgeon, Dr Kicinski of the Koondoola Veterinary Hospital. We do not often give vets the credit they deserve, and to some people they may be a bit expensive. Twinkles has a beautiful daughter named Tiny Tina. She is not so tiny these days as I feed her, Julie feeds her, and I feed her again. She is going to become like me.

Before Twinkles and Tiny Tina, we inherited a beautiful bitzer - part poodle, part terrier - named Charlie. Charlie was a nine-year-old when the former ambassador to Ireland and the Holy See, the former Premier Brian Burke and his dear wife, Sue, left her in our care. For the record, Charlie was a female dog.

Ms Anwyl: Why was she called Charlie?

Mr CUNNINGHAM: That is a long story. Charlie was named after a leading member of Parliament of the day. I loved that dog.

Mr Carpenter: Were you kind to Charlie?

Mr CUNNINGHAM: Extremely kind.

Mr McGowan: Charlie was a bitch.

The ACTING SPEAKER: Order members!

Mr CUNNINGHAM: This is a serious speech and I get upset with my colleagues when they do not pay it the attention it deserves. I kept Charlie for another nine years and we were devastated when she died, at the age of 18. It had commenced falling into the pool on wintry July mornings due to her blindness. My dear wife told me that it was time to put her to sleep. I nursed the dog from 1.00 am until about 6.00 am. I told my wife to give her another night - she may not fall into the pool. The weather was freezing. My wife got the better of me and I had Charlie put to sleep. We lost a wonderful companion and great mate.

I realise that members from both sides of the House adore their pets. The member for Rockingham did a brilliant job, as the member for Kalgoorlie said, in organising 65 000 signatures throughout the metropolitan area. He is the proud owner of a Jack Russell called Shelby. Shelby is very spoilt. The member for Peel is the proud owner of a part-Jack Russell, part-Australian terrier called Chips. Chips is spoilt by the member's son, Patrick. Nici Burgess, who does such a wonderful job in this House, has a Jack Russell called Emma and Emma has a great companion in a blue heeler called Tyson.

The member for Eyre has a devoted kelpie called Bundy. Jan O'Meara, assistant director to the Leader of the Opposition, and her husband, Lindsay, have two schnauzers called Lottie and Petal that they dote on. Another schnauzer owner is Carl Hodson-Thomas, the enthusiastic and caring 12-year-old son of the member for Carine. He also dotes on his beloved dog, Chewbacker.

The member for Nollamara has two sons, Carl and Andrew, who take great care of their 14-year-old part-labrador, part-German shepherd called Trixie.

The member for Greenough tells a wonderful story about how his family became so distraught when their beloved sheepdog, Katie, became ill. Katie had many medical problems and the member had already willingly spent over \$1 500, mostly on steroids, to improve the dog's health. After no improvement the family had a conference and it was decided to spare the dog further anguish and pain and Katie was put to sleep. Katie was taken to the local vet and it was the vet who broke down hopelessly. The vet regained his composure, charged the member for Greenough \$40 and persuaded him to have Katie's ashes placed in a bottle. Some time later an account for \$200 arrived. He could have buried dear Katie in the backyard as I did with Charlie. The member is today the proud owner of a border collie called Sam.

The member for Maylands spent some time grieving the loss of her dog, Scruffy, and her cat, Nestles. The member for Hillarys and Minister for Citizenship and Multicultural Interests cares for his two dogs, Chloe and Mutley. Both dogs came from the Swan Animal Haven. The minister is a life member of the RSPCA. The member for Murray-Wellington dotes on his beloved 13-year-old labrador, Joe. Joe acts like a two-year-old and goes everywhere with his proud owner. The member for Bassendean has a seven-year-old long-haired retriever called Bessie, who once made it on to the member's election pamphlet and subsequently made *Inside Cover*.

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The member for Perth is a proud owner of two moggies. She cares for Push and Pull. As a whip, I encourage her to take an early break nearly every night so that she can go home to feed them. She is also a serious goldfish breeder. The member for Kalgoorlie has a wonderful 13-year-old moggie called Lulu, which is the apple of her eye. The member for Midland's two daughters, Candice and Elizabeth, spoil their moggies, Bonnie and Cefa. The Leader of the Opposition's moggie is called George. I believe George is known in the electorate of Victoria Park as Top Cat. George's companion, Mollie, died from old age earlier this year.

Although they seem to be the most popular companion animals, many people choose from the variety of other domestic pets such as horses, guinea pigs, hamsters, rabbits, lizards, possums, birds and fish. The member for Vasse has a 2-foot long lizard and possums in his backyard. He also has goldfish and marron in his electorate office and is a great believer in native animals. The member for Armadale once had a pet tarantula called Herbert. Herbert had a bad habit of devouring his sex partners. There is no truth whatsoever that he was a role model for the member for Armadale. It is a wicked statement that someone made this afternoon, but it has no truth.

Every animal requires proper care and respect. Potential and existing pet owners should be aware of the issues relating to their animals. Some members of the community ignore animals' rights, which is why effective legislation is needed. The community must act as a protector of these loyal and loving creatures, be they fish, horses or reptiles. They are thinking, breathing, feeling creatures. It is often thought that man is at the top of the food chain and that animals are here to serve us. That is totally wrong. Animals have given us much over many thousands of years and it is time they were protected and recognised for their service and devotion.

The inspiration for this speech came from the wonderful vet on television, Dr Harry. I never miss his show, which is broadcast on Channel 7 on Sundays at 6.30 pm. It is a marvellous show. I seek leave for the wonderful photographs of Chewbacker, Charlie, Twinkles, Tina, Lottie and Petal to be placed on the Table for the rest of the day.

[Leave granted.]

MRS PARKER (Ballajura) [4.32 pm]: This piece of legislation, the Animal Welfare Bill 1999, impacts on the lives of many Western Australians. It is anticipated that half the households in Western Australia have pets. This Bill is welcomed, as it will update an old piece of legislation that was gazetted in 1920. It will impact on the way we care for our animals. It has been said before, but it is worth repeating, that the way we care for animals reflects on our civility as individuals and as a society. This Bill seeks to update the provisions of the Prevention of Cruelty to Animals Act and increase penalties for animal cruelty to reflect current community standards and values. A recent petition to the State Parliament asked that penalties for animal cruelty be made more severe. I strongly support that and the Government's move to achieve it through this Bill. The petition also sought support for the Royal Society for the Prevention of Cruelty to Animals WA and I am pleased the State Government has recently provided \$528 000 for its Animal Welfare Centre in Malaga, as well as another \$500 000 through the Lotteries Commission.

The RSPCA has relocated to a site in my electorate and I have established a good working rapport with its officers. I have been visiting the site since the early stages of construction. I feel privileged that my electorate houses an organisation that is considered an icon by Western Australians. It reflects the sorts of values Western Australians want to share and espouse, such as how we value animals and believe they should be cared for. As I said, the way we care for them reflects the level of civility that this society has developed. The Malaga Animal Welfare Centre was opened on 25 June with the help of a \$528 000 capital works grant from the State Government. It also received \$500 000 from the Lotteries Commission during construction. The land on which the welfare centre has been established is owned by the Ministry for Planning and subleased to the City of Swan. Both those organisations have given approval for the RSPCA to lease the site at a peppercorn rental of, I understand, \$1 a year. The government agency and local government authority - the City of Swan - should be commended for the way in which they have supported the RSPCA's new centre, which boasts some of the best facilities for animal care anywhere in Australia. The provision of this good piece of land on good transport corridors at a peppercorn rent of \$1 reflects the commitment of the local government authority to animal welfare and I commend the City of Swan for its commitment to the project.

The Animal Welfare Centre is considered the most comprehensive facility of its type in Australia. It has three dog kennel blocks, one cattery block, an operations centre that houses the inspectorate and education centre, and a dog training and exercise field. Construction is about to begin on stage two, which will complete the education centre, another kennel block and the caretaker's cottage. The education centre has been designed to accommodate two groups of 50 schoolchildren. I was speaking to staff at the RSPCA yesterday and they mentioned that since the opening of the new facility there has been a significant increase in the number of

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schoolchildren receiving on-site education about the importance of caring for animals in an appropriate and humane way.

The RSPCA's most recent annual report shows that in the past year, 2 943 initial complaints or reports of cruelty and 1 547 previous complaints were followed up. The RSPCA collected 743 sick or injured animals and 367 stray animals. It took 3 943 animals to veterinary surgeons for attention and re-homed 103 animals. It also made 647 site inspections of places such as saleyards. The RSPCA monitors not only domestic animal care but also commercial animal care in industries such as farming to ensure that animals are protected and cared for in a humane way. It is interesting to note that in the three months since the Animal Welfare Centre opened, 273 animals have been re-homed, most of which were dogs. The centre is able to house more animals, and there is a constant stream of visitors to the centre who are taking those animals, giving them a new home and hope of good care and a long, healthy and happy life.

The RSPCA's motto is, "For all creatures great and small". The Bill reflects the community attitude to animals, enshrined by the RSPCA; that is, that we value the role that animals play in our lives, whether it be a commercial or domestic one. Domestic pets add greatly to the value of family relationships. Owning a dog, cat or any pet is a wonderful asset to any home. We have very significant numbers of animals. We all agree with the value that animals should be well cared for and, when that does not happen, effective legislation should provide for the protection of those animals. We need an organisation such as the RSPCA, which can carry out the inspectorate duties as well as the duties of compassion, whereby it collects sick or injured animals, puts them through the kennel program and endeavours to ensure they are re-homed.

This piece of legislation is welcome in this House. It has had extensive public consultation. A significant number of submissions were made, and that reflects the community interest in the care, welfare and protection of animals. I welcome the provisions for the protection of animals. As I said previously, I also welcome the increase in penalties. It is important that the increase in penalties reflect current community attitudes. The petition that was presented to Parliament reflected that.

I trust that this Bill will have an expeditious passage through this House, as well as the other place, and that these new state provisions on how well we care for our animals are gazetted soon. More importantly, the law will provide for the protection of our animals when proper care is not in place. This Bill responds to that need, as is reflected by the increases in penalties. This piece of legislation is welcomed by the overwhelming majority of people in Western Australia, because it responds to their attitudes and values on how we should care for and protect those furry and feathered friends which we all love to have around and which add to the quality of life we enjoy.

MR KOBELKE (Nollamara) [4.42 pm]: I also give my support to the Bill. It is very important, and it is rather timely that we have finally got around to it. In fact, rather than "timely", perhaps I should say that we are a bit disappointed at the delay. If that delay means that consultation has been as thorough as possible and that the minister has been listening to and taking on board those issues, it is worth it. This piece of legislation has been awaited for some time. There is a real need to update the legislation that governs the care, control and protection of animals. We need to reflect on the changing attitudes to animals in our society, and I will return to that in a moment.

I have been a member of the RSPCA for some little time now. I had hoped that the new centre would be built in Balcatta. That proposal was looked at a couple of years ago, and I was very supportive of it. However, for whatever reason, that fell through and the centre has now been constructed in Malaga, which used to be in the electorate of Nollamara but which is now just outside it. It is great that the RSPCA has a new headquarters and that it can use those facilities to offer a range of services to the wider community, as well as take on the care and protection of certain animals at that site. It is not only that care but also it is the educative role it plays, the enforcement role that follows on from that and its modern facilities for the management and operation of the range of programs that are run by the RSPCA.

We must recognise that local government also plays a very important role in the care and protection of animals. I was disappointed that the move taken by the City of Stirling on the ownership of cats has fallen foul of the committees of this Parliament. Those committees were probably right in their decision, but I thought that the actions being taken by the City of Stirling were in the right direction. I hope we can revisit that to find a method -

Mr Omodei: I think the matters that were raised by the committee have been resolved.

Mr KOBELKE: I thank the minister for that. I will put on record in general terms what was attempted by the City of Stirling. We are cognisant of the fact that although cats make good pets, their grace and stealth are part of their hunting abilities. Those innate hunting abilities mean that they can wreak havoc on the natural fauna and

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flora of Australia. We are well aware that feral cats are major problems in different parts of the State and have led to the extinction or threatened extinction of a range of fauna. Also within our suburban areas, domestic cats can get out and kill birds and other small animals. It is great that we have so many birds in suburban Perth. Although some of those, such as the kookaburra and a range of parrots that we see, were introduced - that poses another set of problems - there are still many birds that are native to this part of the Swan plain. We want to maintain that bird life and, where possible, reintroduce those birds that have moved out of the area. Having so many thousands of domestic cats - many of which are well cared for but, unfortunately, many of which are not - poses a real threat to the maintenance of that fauna in our suburbs of Perth and other towns throughout Western Australia.

It is a real and difficult problem, because currently we do not have a requirement for the licensing of cats. The introduction of such licensing has been caught up with a whole range of problems. The City of Stirling sought to require a form of licensing for people who own cats by excluding them from wetlands or bushland areas, which were clearly the home for various types of native fauna, so there would not be a great number of cats in those areas prospectively destroying that native fauna.

Other areas were moving to restrict the number of cats. The City of Stirling was handling the matter in a progressive and non-threatening way. It was simply giving notice of it and it would not come down as a hard-and-fast law for some years. Its approach to this issue was well founded. It was trying to make sure that it educated the community so that people had the right to have cats, but that the threat of domestic cats, and those that turn feral, destroying our natural fauna was reduced. I am pleased to hear from the minister that the problem that had arisen with those by-laws seems to have been resolved.

The City of Stirling has been very proactive in dealing with a real problem that arises from the ownership of pets, particularly cats. That reflects what we are seeing in so many areas where there is a changing perception of what is required, which leads to a change in the standards that are to be applied. As urban spread increases, and people need to have pets, we must adjust the laws that apply to ensure we manage those issues properly.

We all recall a few years ago when many people kept chooks in their backyards and produced their own eggs. That has now become very difficult and is ruled out in most local government areas within metropolitan Perth, because it is not appropriate to have those animals in tight confines with houses close by. Some people found that it impinged on their personal rights because they have owned fowls for many years. It has been phased in, in recognition of the fact that times and urban densities are changing. It is no longer appropriate to keep domestic fowls for egg production in most suburbs. There are conflicts from time to time when urban sprawl moves out and there is a commercial production of eggs.

It certainly relates to the control and welfare of animals. The law that applies to hens kept for egg production is contentious and the rules that apply to keeping fowls in suburban households have changed.

The City of Stirling has made a progressive move to make the owners of cats responsible for their pets' behaviour. I think moves are also being made to make dog owners more responsible for their dogs' behaviour. That is a matter that should be taken further, particularly regarding dog droppings in parks. When I take my boys on Sundays to play soccer, some of the soccer fields may be in good condition, but we must contend with the dog droppings all over them. We are aware that open spaces are very much part of the amenity in our suburbs and people wish to use them for all sorts of recreational purposes, including walking their dogs, which is right and proper. However, with that is the responsibility to pick up the droppings so that other users of parks do not have their enjoyment impaired.

Standards are being raised due to the pressures of urban living. We must continue to educate people and sometimes that requires enforcement of infringement notices to ensure people take proper care of their animals. We all want to be able to own animals in urban areas. My family owns a 14-year-old dog and we have owned others before that. We are wondering how much longer our dog will be able to lead a reasonably healthy life. Trixy is getting too old for walks in the park and is happy to get a pat from me when I come back from my walk in the morning. For her own good, in the near future we may have to say goodbye to her. We have not decided what kind of dog to replace her with, but my boys are talking keenly about what they want.

Pet ownership is an important part of life; nonetheless, with it goes responsibility. For example, people make complaints about continually barking dogs and it can exacerbate animosity between neighbours. Fortunately, my dog is not a bad barker; although from time to time it does bark, but the neighbours are happy to put up with that as we put up with their dogs.

Mr Barnett: Are you noisier than the dog?

Mr KOBELKE: Only in Parliament.

Extract from Hansard

[ASSEMBLY - Thursday, 7 September 2000]

p958b-965a

Ms Alannah MacTiernan; Ms Megan Anwyl; Mr Cunningham; Mr Cunningham; Mrs Rhonda Parker; Mr John Kobelke

Mr Barnett: They could become exasperated with you, I think.

Mr KOBELKE: I can assure the Leader of the House that if I brought in the dog I would be the noisier. However, like my dog, my bark is worse than my bite.

Some problems between neighbours get totally out of control, some of which are caused by a dog's barking problem because the owner is unable to educate the dog in an effort to alleviate the problem. The law must provide guidelines for the resolution of that form of conflict. The minister will be aware of an action group that is bringing pressure to bear for something to be done about excessive noise caused by barking dogs. In most cases the owners of the dogs are responsible for their dogs barking excessively. Some people have no idea how to care for and train their dogs and some leave the dogs alone for extended periods because they are at work. A dog that makes unnecessary or unacceptable levels of noise because it lacks attention or is hungry or thirsty is not at fault. It is a matter of educating the owners of dogs to properly manage their training and care to avoid that problem.

Such situations can get out of hand. I recall a dispute between neighbours being blamed on a dog, but it transpired that the person who recorded the dog's barking was amplifying the sound through a speaker to annoy the neighbours. It was a very serious problem. It highlights the fact that these problems are often due to the conflict between neighbours in which the animals become pawns. That is unfair to the animals and clearly impedes neighbourly relations. The point is that although this Bill addresses the care and protection of animals, it is about the people who have the responsibility for their care and maintenance. A range of programs is needed through government, the Royal Society for the Prevention of Cruelty to Animals, which acts in this area, and local government to ensure owners of pets accept their responsibilities.

A range of clubs and groups in the community offer training for dogs. There is a world of difference between a dog that is trained and one that is untrained. Some of my relations have dogs that are not well trained. They pose a real threat to the safety of visitors and their excessive barking causes the neighbours considerable discomfort. Dogs should be trained for the sake not only of control, but also a fuller and more enjoyable life because well-trained dogs respond well to people and have a better relationship with them. Untrained and neglected dogs create problems, whether they be digging, chewing or being a nuisance, causing conflict between the dog and the owners, which can lead to mistreatment of the animal. If dogs are trained so that they respond to instructions, those management problems will not arise and the dog will be far better cared for.

My father-in-law's dog is extremely intelligent. When my father-in-law goes into the garden and wants to close the gate he says, "I'm going out." The dog does not want to be locked in so it gets out before my father-in-law does. Dogs are very intelligent and can pick up many signals from their owners. Their response is part of the relationship with the owners that provides the joy of having a pet. This legislation needs to address those issues.

As the member for Girrawheen indicated, many other members of the House enjoy owning pets.

A range of other issues must be taken into account, some of which are very difficult. As an earlier speaker indicated, some people have abused animals in a way that is totally unacceptable. Sometimes it is through selfish motives involving dog fighting or cockfighting and sometimes through sheer negligence and leaving animals on farms without water or treatment to keep them in reasonable health, which leads to their great distress or death.

As a community, we must maintain minimum standards for the care and protection of those animals. While the emphasis of our laws is on protection and upholding the rights of the members of our voting population and other non-voting people in Western Australia - as it should be - if we do not have respect for all life, we will not uphold the importance of human life. That is essential in our job here as law makers looking after human life and the rights and welfare of the people of this State.

We should not divorce the importance of looking after people from the need to respect all life. That goes beyond animals. This Bill deals only with animals. However, over the past year or so, we have been debating issues concerning our forests. Although that takes this debate to a different level, it is still about respect for plant life and its importance in our community for both jobs and the environment. This Bill is important because it specifically provides minimum standards for the care and protection of animals.

Debate adjourned, on motion by Mr Tubby.

House adjourned at 5.01 pm
