DOG AMENDMENT BILL 2013

Consideration in Detail

Resumed from 8 August.

Clause 4: Section 3 amended —

Debate was adjourned after the clause had been partly considered.

Mr A.J. SIMPSON: Just to recap where we were, I think the member for Maylands and you, Madam Acting Speaker (Ms J.M. Freeman), were engaged in the debate. I think—correct me if I am wrong—we were in the throes of trying to identify what is a dangerous dog or, more to the point, a restricted breed, so we were having a conversation about how we define what the dog is. As the member for Maylands rightly pointed out, no DNA can prove that a dog is a pit bull or a pit bull terrier. My response was that a person can appeal the process in the court, but it is up to the owner of the dog to prove that it is not one of those restricted breed dogs. I think that is the part of the debate that we are at. If the member for Maylands wants to add some more to that, we can continue with that process.

Ms L.L. BAKER: Yes, that is also where I remember we were up to. It seems to me that the minister has made a decision to reverse the burden of proof so that anyone who owns a dog will be forced to prove that it is not dangerous if it comes to the attention of a ranger. I think that is extraordinarily unfair and that what the minister is effectively doing is punishing people on low incomes who cannot afford to fight court cases in which the minister accuses them of having a dangerous dog. The minister has increased the fines, and I have no problem with increasing the fines associated with this further down the line; I think that is very sensible. I have a huge problem with a sudden backflip. We must bear in mind—I am trying not to make too radical a statement here—that dangerous dogs or dogs that are not properly trained, are not properly restrained or are not being looked after properly will probably not be found in the green, leafy suburbs as much as they will be found in a lower socioeconomic area. That is a fact, because it has been a fact in other states and in other jurisdictions in which these laws have been introduced. I think it is unduly draconian and the minister should have a way out for people.

What the minister has started to do—this is also laudable—is bring in the education component in this legislation. It is not enough, in my view, but the minister has started to do that. If that is not sufficiently weighted against the burden of proof argument, it is extremely unfair on someone who lives in a low socioeconomic area who might have a dog that comes into the vision of a ranger. The dog may have barked savagely at the ranger when they walked past, bearing in mind that this bill also states that the person has to just guess that the dog might be dangerous or might attack or might do something bad; it does not actually need to have done anything. The minister has put all that burden of proof on the people who will not be able to afford it. From an animal welfare perspective, the minister is effectively saying to people from low socioeconomic backgrounds or anyone on a fixed income who cannot afford to fight an accusation of having a dangerous dog that they will lose their dogs. I think that is unjustifiable and completely unfair.

Mr A.J. SIMPSON: I thank the member. I think she is pretty much spot on. The member has identified that around Australia this is the part of the law that everyone has struggled with. I guess the most important part of the legislation is that we are trying to protect the community from a dangerous dog. That is the way in which the law has been written in a process of trying to ensure that people in the community are secure from dangerous dogs. The member raised some very good points. I think she is spot on about where most of these dogs will be, and I understand that. But at the same time, just last month there was a fierce dog attack. A couple of them have been reported on in *The West Australian* just recently. That has happened since we were here last time. Obviously, in that instance, the child suffered only a slight mauling of the arm.

Ms L.L. Baker: Can the minister tell me the circumstances of the dog attack? I caution you when quoting the media because most of the cases that I have seen have been incorrectly reported.

Mr A.J. SIMPSON: This was in *The West Australian* on 15 August 2013. The article states —

> A 33-year-old chef and boxer says he is facing financial ruin, left unable to provide for his family, after a dog attack two weeks ago.
>
> When David ran to save his son Jai, 9, from the jaws of his neighbour's dog, he feared the animal could kill his son.

It does not say which suburb the man lives in but the dog was a type of boxer dog.

Ms L.L. Baker: It was a boxer.

Mr A.J. SIMPSON: It was more than likely a mixed breed; a boxer mixed with something else.

Ms L.L. Baker: But we are guessing.

Mr A.J. SIMPSON: We are guessing. I find that most boxers are not that bad from what I have seen. The point is that this dog is now registered as a dangerous dog; it will have a collar that identifies it and when in public will be muzzled. What I am trying to do is protect the community. This whole situation, as well as the issues that the member raised the last time we sat and again today about the identification of dogs, is to do with my concern that, more than anything else, the community is safe from any type of dangerous dog. I understand the impact this will have on owners so I have to prove it is not too impactful. It is part of the process we are going through at the moment with bringing in the regulations for the Cat Act 2011, and now with the Dog Amendment Bill 2013, having to microchip pets. Hopefully in 10 years' time we will be standing here with a lot more data and more responsible owners. Then I will know who dog owners are, where they live, and how many dogs they have because at the moment I do not know how many dogs there are.

Ms L.L. Baker: I quite agree; that is a good thing.

Mr A.J. SIMPSON: The other thing that the member and I are very passionate about is kitten and puppy farms that are breeding animals in a back shed and then calling into pet shops and putting them in a cage —

Ms L.L. Baker: This bill will not stop that.

Mr A.J. SIMPSON: It does to a certain point because when a person buys a kitten or a puppy and gets it registered, they have to provide the location of its mother. They would have to provide the address. The ranger will then realise that in the last six months that address has produced 20 or 30 kittens or puppies and realise that that is a bit much. There will then be an inspection of the premises to make sure that they are looking after the welfare of their animals. As the member and I both know, when we make legislation in this house we are trying to fix anomalies in the system. This is the problem I am having now that the new cat regulations have come in. Breeders, who are up in arms, are coming to see me because it is $100 for each breeding female. I tell them that most breeders do the right thing, but there are people who are not doing the right thing. This legislation is causing the same thing; I have the situation whereby there are responsible owners—like the dog that looks like a dangerous dog but is not, which the member showed pictures of—who may get caught up in this, but my role as a minister is to try to protect the community; that is my ultimate goal. What the member has raised is spot on: unfortunately, other people will get caught up in this, but all states in Australia have struggled with the same process of identifying dangerous dogs and putting the onus back on the owner.

Ms L.L. BAKER: The minister has raised a number of points that I would like to respond to on the record. Firstly, the minister said that the legislation will give him a bit more grunt in chasing puppy farms. He is quite right, that is the potential, but is he aware that in New South Wales and Victoria absolutely no puppy farms have been tracked down since the legislation was changed? There is absolutely no public chasing up in the way that the minister has said—it simply does not happen. It is a lovely thought; the provision is there and it would be great if rangers and local government authorities had the capacity to do it, but they do not.

Mr A.J. Simpson: When I make the councils bigger they will have more capacity.

Ms L.L. BAKER: Let us talk about Dadour!

I pick up on the other issue that the minister raised several times; that is, making the community safe. I will read directly from the Australian Veterinary Association paper "Dangerous dogs—a sensible solution" —

> Policy responses to dog bites have increasingly turned to banning or controlling particular breeds of dogs ... Under pressure from the media, governments have established regulatory responses that give the community a false sense of security, allowing them to believe that they are safer from aggressive dogs. However, because these measures do not actually solve the underlying problems, similar dog bite incidents continue.

A characteristic of this kind of legislation, wherever it is brought in, is that on its own it simply does not reduce dog bites. One of my grave concerns, not just here talking to the minister, but in my own party room, is that people think that what is being done here will stop dog bites. It is not going to fix it! It is not going to make children safer. The veterinary association goes on to say —

> Most dog bites take place in homes with familiar family pets, and most people bitten by dogs are children under 10 years of age. No bite prevention strategy can be successful without taking steps to reduce these incidents, numerically far greater than bites taking place in public places and caused by unknown dogs.

Basically, what we are looking at here is the fact that there are some good bits to this legislation, and I do not want to slow it down, but there are also some inherent flaws. The minister is leading the public to believe that it will be safer. I have people ringing my office asking why I am so angry about the dog bill; they say it will make them safer. It is not going to make them safer. After we let this bill go through and it is enacted, the first dog

attack that happens—whether it is a fatality or not—will prove that on one level this is all a bunch of hogwash. There are some very good aspects, but a journal article from 2001 by Beaver et al, cited in that Australian Veterinary Association paper, states —

> Children's natural behaviours, including running, yelling, grabbing, hitting, quick and darting movements, and maintaining eye contact, put them at risk for dog bite injuries. Proximity of a child's face to the dog also increases the risk that facial injuries will occur.

I have injury information from all major hospitals to say that what the minister is doing will not make the community safer. I need to have that on the public record because I will not walk away from here and let the community think that we have let a bill go through that will make all the little children safer—it will not. To even pretend it will is just not okay.

In talking specifically about the provisions for dangerous dogs in clause 4, as well as where we got to a bit further down about mixed breed identification issues, I raise a case that has been brought to my attention, Da Fre v Logan City Council. This was given to me by an eastern states lawyer. It is a case in which rangers took a dog away from a family. When the case went to court, the family said that their dog was not a dangerous dog and fought the case. Logan City Council used the 22-point test —

Mr A.J. SIMPSON: Madam Acting Speaker, I seek an extension for the member for Maylands.

The ACTING SPEAKER (Ms J.M. Freeman): The member has had 25 minutes, so make it a short sound bite.

Ms L.L. BAKER: Thank you, Madam Acting Speaker. I will read a short section about how to identify that a dog is a mixed breed. The minister has agreed that DNA does not do the job, so DNA is out. The next thing would be to use the 22-point test that seems to have universal appropriateness. This is the Da Fre case result from just a few weeks ago. It states, in part —

> First, the evidence in this case **did** expose the scientific and technical falsity of the "22 point test" as a breed identification process. Mr Da Fre called a range of professional witnesses with dog breeding, dog judging and scientific qualifications who all stated absolutely and unequivocally that the use of a breed standard as a "breed ID" tool for dogs of unknown parentage is professional and scientific nonsense. They all testified without qualification that a breed standard is a document designed and useful only for judging and related purposes when the breed of the dog being judged or assessed is already known and undisputed…
>
> …
>
> It leading witness Ms Pomeroy could point to no-one anywhere in the world who supports her theory about using breed standards as a breed ID tool.

The 22-point test is pretty much out. There is a range of problems associated with the temperament test as well, which the Australian Veterinary Association goes into in great detail. I am sure the minister is aware of some issues with the temperament test. Having said all that, I think we have some real problems in shifting the burden of proof to —

Mr A.J. Simpson: Can the member tell me which state that was from—Victoria or Queensland?

Ms L.L. BAKER: Logan City Council.

Mr A.J. Simpson: Queensland.

Ms L.L. BAKER: Yes, it is Queensland. The case is Da Fre v Logan City Council. It is stated on the website —

> Ms Perkins asserted, and firmly maintained, that her undergraduate veterinary degree was a relevant breed identification qualification.

This was someone who was called in to say that the dog is a mixed breed; it is a dangerous dog. It continues —

> A past President of the Australian Veterinary Association, 29 years in practice, told the Court unequivocally that it was not. That aside, her evidence was that her only other formal breed identification qualification was a course designed and taught by Ms Pomeroy.

Ms Pomeroy did not know what she was talking about anyway. They relied upon general knowledge and experience, and in fact received their training from an internet course. This is a hugely complex area. To make the community think that we know how to identify what a mixed breed dog is, that this bill will make them safer, and then to have the audacity to say, "By the way, we're going to make you prove it" when there is no proof, will cost city councils a truckload of money in defending actions. It will also cost individuals a truckload of money.

Before I sit down and let the minister respond, I would really like to hear from the minister what dog attack facts were used to base some of the changes on. I am referring to the Australian Veterinary Association paper of 2012. In 2002–04, the percentage of dog attacks comprised: Rottweilers, 12.4 per cent; Jack Russell terriers, 6.5 per cent; German shepherds, 8.2 per cent; all types of bull terriers, 9.8 per cent; kelpies, 8.2 per cent; Dobermans, one per cent—they are always down; almost inconsequential—and all types of heelers, 6.7 per cent. That little table shows the percentage of attacks in the community in the years 2000 to 2002—20 per cent of them were by Rottweilers and 10 per cent were by Jack Russells. I know a Jack Russell does not have a mouth big enough to do that much damage, but it can certainly rip a cat to pieces, and other animals!

Mr A.J. SIMPSON: The member for Maylands is spot on in asking: will it protect the community? The reality is we still have to be very cautious around all animals. The member is right on track with that process. The reality is that it is up to the owner of the dog to make sure they are responsible and do all the right things. I want to touch on a couple of points the member raised in terms of Queensland. The legislation in Queensland and Victoria enables a dog to be taken away.

Ms L.L. Baker: We are not doing that; I know.

Mr A.J. SIMPSON: There is a strong onus on the owner to identify the dog. In Queensland and Victoria, the dog will be taken off the owner. That is something we do not want to do, as it is someone's loving pet. Whatever happened on the day it bit someone, it should never be taken away. We have recognised that in our legislation. "It has been recognised as a dangerous dog, we have identified that. Take home your family pet. Keep it inside the yard, it's still part of your family." We are now trying to work out the issue in regard to dog attacks. The member just raised a number of issues. One question is: in a dog attack, what is a dangerous dog? If I visit the member's house, and for whatever reason I startle the dog and it gave me a nip on the leg because I have scared it—say it was asleep on the verandah when I walked up—because the member is a good friend of mine, I might say, "It's fine, it did not hurt." We will have a cup of tea or a chat at the gate and I may say, "I'm not going to make a complaint about your dog; it will be fine." When a person complains, we have to define the process when the council decides whether it is a dangerous dog or whether it was just scared. We have to define that. That is the area we are now starting to get into.

When I started the conversation earlier tonight, I said we are trying to protect the community in general so that there are some rules in place. This legislation has been on the table for something like 10 years. It has gone through several governments trying to work out how to resolve it. I will stand here as the minister of the day saying I still do not think we have it perfectly right, but I also know we have to put in some protection for those dogs and, most importantly, get some clear data on these animals in our community. That is one thing we do not have. It is like the Cat Act that is kicking in at the moment; we look forward to that database. It is the same with the Dog Amendment Bill. I take on board those issues raised by the member for Maylands, but I think WA has come a long way in this legislation. It does not take away the dog. We still have to identify the breed and how we deal with that as we move to the next level.

The ACTING SPEAKER (Ms J.M. Freeman): I want to highlight that we are on the definitions clause. There are clauses that refer to dangerous dogs and other areas. Can we keep the questions to definitions; thank you.

Ms L.L. BAKER: Sure. The minister has raised an issue about how to tell whether a dog is an aggressive dog and how it reacts. There are questions about provocation further on in the bill about which I want to put some things on the record. Some of the factors associated with aggressive encounters between dogs and humans include the fact that most attacks occur in the home by a dog known to a victim. Male dogs are more likely to bite than females. Dogs at large are more likely to bite. Entire dogs are more likely to bite than sterilised dogs; so it is a good thing that that is in this legislation. Chained dogs are more likely to bite than unchained dogs. Children are more likely than adults to be bitten, and bites to children in the home occur when there is no adult supervision. Bites are determined to result mainly from the victim's behaviour. The dog is reacting the way a dog is programmed to react. The whole question of provocation becomes a bit of a moot point because a dog reacts due to stresses that impact on it, not because it just wants to attack. It is a stress-related thing because of health or a range of other things. A dog will not just attack for the sake of attacking. The question of provocation is an interesting one.

Although I acknowledge the fact that this is not specifically targeting the removal of dangerous dogs and the euthanasing of them—the way the eastern states have, and they are now backtracking from it because it has cost so much money and does not work at all—I confirm that we cannot predict which dogs will exhibit aggressive behaviours based on their breed. A breed on its own is not an effective indicator or predicator of aggression.

Mr A.J. SIMPSON: The member is spot on. We have actually tried to define that as part of the process. The member may remember we discussed the list of dogs that will be listed as dangerous, and we cannot breed them anymore. We have also identified what a dangerous dog is and will try to work with dogs that we think may be dangerous. That is the area we want to work on.

During the member for Mandurah's contribution to the second reading debate, he talked about a friend of his who complained that the ranger had said his dog was dangerous. It was quite a small dog. He raised a very good point. He called it an "ankle nipper". We do not know the circumstances either, which is the interesting part about all these debates. The member for Maylands and I know there is always two sides to the story. The member for Mandurah got the owner's side, not the other one. We do not know whether the dog was antagonised or if it tried to chase after another dog. There are issues that come into it. We are in the process of identifying a case in which a dog has bitten somebody, keeping in mind that unless the bitten person has complained to the ranger to start this process off, as the process is worked through and regulations are set around how we identify that, the next step is to prove that this was a rare occasion: the dog was startled, it was scared, or something else affected it. Hopefully, we will get to the stage at which the dog is identified; it did something, but it was a one-off and it can live in our community. When my kids were young, the dog was really protective of them. It would show a lot of aggression if someone came anywhere near the kids. It was interesting how other dogs in the street sensed that. I think back now how that dog showed aggression. It was just protecting the kids. It did not attack people by biting them, it just showed aggression when it was out the front of the house. The member raised some good points.

Mr P. ABETZ: I refer to page 5 of the marked up act, and the section relating to a person liable for the control of the dog. I received correspondence from the German Shepherd Dog Association of Western Australia, which wanted me to raise the fact that the bill does not include a registered veterinary surgeon et cetera. The association wanted dog trainers and boarding kennel persons included in the legislation. I understand that these categories of people are not in the bill. Could the minister clarify for the benefit of these people why they are not included in the bill?

The ACTING SPEAKER: It is in the substantive bill but not in the blue bill.

Mr P. ABETZ: I am referring to section 3.

Mr A.J. Simpson: It is not in the bill. You need to get a copy of the bill, member.

Mr P. ABETZ: I have a copy of the bill. It is on page 5 of the blue bill.

Mr A.J. SIMPSON: I thank the member for Southern River for his question. We have not made any changes to that part of the legislation that relates to kennel owners. The member raises an interesting point. If he visits his dog at a kennel and another dog attacks him, that dog is the responsibility of the kennel owner. The kennel owner is responsible for all the dogs in that kennel. At the end of the day, it is the kennel owner's responsibility to ensure that all the animals are in contained spaces and kept away from the general public. Obviously, whoever takes a dog out is responsible for it. If it is a dangerous dog, the kennel owner has to ensure that it is muzzled when it is taken outside. It will be his responsibility as the owner. The rules are probably very much the same as they are now. If the member wants to visit his dog, the same thing would happen during that process.

Mr P. ABETZ: What about the trainer—the person training a dog? The association thinks that is very similar to a dog being in the care of a veterinary surgeon.

Mr A.J. SIMPSON: I wish to clarify what the member means when he refers to a trainer. If my dog was being trained by the member, he would be the trainer. The provisions in this legislation are pretty much the same as they are today. The member is responsible for that dog because he is training it. He has to do the responsible thing. Under this legislation, he would ensure that if it is registered or identified as a dangerous dog, it has a collar and muzzle on it while it is being trained. He is the person responsible for it. Even though it is my dog, the member is training it and he is responsible for it when it is being trained. He has to take the right precautions as a trainer to ensure it does not affect the wider community.

Mr P. ABETZ: The question is more about what happens on the grounds of the association. If it has a training day and the owner is present as well but the trainer has the dog on a leash while teaching it to do something and the dog jumps up at somebody and bites them severely, is that the trainer's responsibility? Is he deemed to be the person liable for control of the dog or is the owner liable?

Mr A.J. SIMPSON: This is where it gets a bit technical. It comes down to whoever is in control of the dog. The member mentioned one of those training days. If a dog gets out or it is being shown at a dog show, the owner is responsible for it. If it is given to someone else to train, the trainer is responsible for it. It is getting quite technical now. The question I have to ask is: how many of these incidents have occurred? It would be interesting to know whether there have been any dog attacks or whether somebody has been bitten by a dog during those types of dog parades. The majority of those dogs are placid and are concentrating, like sheep dogs.

The member for Maylands raised the issue of what happens when legislation is brought in and we say to people that there will be no more dog attacks because we have brought in this legislation and we will fix the problems. Exactly the same thing happens now. The only thing we could possibly be concerned about is that we do not

want this to impact on breeders of dogs and people who own dogs. We would not say that they are now in a situation in which they may be fined because the dog does not have a collar or muzzle on it. I think it is one of those things we need to take a step back from. When we start bringing in legislation, we need to think about how far we take it from that final point. The regulations at dog shows are normally quite good. It is always a bit rough at a dog show as a rule because the dogs start barking at each other. We are not out to get everything through this legislation but there are some rules that everyone has to work within. We all know that if a dog gets off its leash and attacks somebody, the person handling it is responsible. That is the situation now. What we are trying to do with the legislation is protect the wider community from dogs that may attack.

Ms L.L. BAKER: Before we move off this interesting point about who gets bitten and who is liable, the stakeholders have raised a similar issue with me. Let me put a different angle on the public record as well. There are some very wise recommendations here if a dog is declared dangerous and it needs to wear a muzzle and a special collar, but also there are some recommendations about training. The following problem was raised with me about a dog that has been identified as needing some help. It is a dangerous dog and needs to wear a muzzle. The dog goes to a trainer. Industry experts in this area will tell us that a dog wearing a muzzle is automatically in a different frame of mind than a dog without a muzzle. They are already likely to be stressed or processing information differently. That is what the behavioural scientists tell me. Dogs are not trained wearing a muzzle; the muzzle has to be taken off. The dog has been sent to a dog trainer because it is a naughty dog and it might bite someone. The dog is not trained in a pack with 30 other dogs. It might be just me, the dog trainer and my bad dog. Who is liable if I take off the muzzle because I need to train it and it bites someone?

Mr P.B. Watson interjected.

Mr A.J. SIMPSON: The member for Albany would understand, being an ex-postie, about being chased. How fast can one outrun a dog?

The member for Maylands has raised an interesting point about a dog that has been identified as dangerous and has a collar and a muzzle and is taken to a trainer because the owner needs to work on behavioural issues. As long as the dog is inside private property, the muzzle can come off. The only time it is identified as a dangerous dog is when it is out in public. That is probably the crux of it; when a dangerous dog is on private property, it does not have to be muzzled.

Ms L.L. BAKER: Who is liable if I am in my trainer's backyard, which is beautifully cyclone fenced off, with my dog with no muzzle on and I am letting the trainer show me how to put it on and somebody walks into the backyard and my dog bites them? Is it me, the owner, or the trainer who is liable?

Mr A.J. SIMPSON: Let us take this one step further. The person that the member's dog bit puts a complaint in because —

Ms L.L. Baker: I got bitten. I want some help—compensation.

Mr A.J. SIMPSON: I am not saying they will do that. But, unfortunately, the member is the owner, so she is responsible. That muzzle comes off when the dog is training because it is on secure private property but the responsibility is always on the owner.

Ms L.L. BAKER: The assumption is that I stay while my dog is being trained by the trainer. I do not leave the dog. I come back when it is perfect in an hour's time!

Mr A.J. SIMPSON: Exactly. I move —

Page 3 after line 7 — To insert —

sterilized

Ms L.L. BAKER: The word "sterilised" on the first amendment is spelt with an S and the second one is spelt with a Z.

Mr A.J. SIMPSON: I asked the doctor; he said it should have a Z in it, so we will have the Z.

Dr K.D. Hames: My chief of staff told me yesterday that Zs are American.

Ms L.L. Baker: I thought that, too. I like the S.

Mr A.J. SIMPSON: We have the Z because that is how it is currently spelt.

Ms L.L. Baker: Are we sticking with a Z or are we changing it to an S?

The ACTING SPEAKER (**Ms J.M. Freeman**): The amendment is to use sterilized with a Z because in the act it is sterilised with a Z.

Ms L.L. Baker: Thank you.

Amendment put and passed.

Ms L.L. BAKER: I would like to explain my amendment. The minister has probably worked it out because it has been on the notice paper for a while. It is along the lines of seeking to tighten a definition. The industry has raised with me its great concern, which I raised earlier, about the lack of specificity in accreditation and the lack of credibility in some of the so-called qualifications and standards. The industry has raised a good point in that the bill does not specify that a dog trainer needs to be a properly trained dog trainer. The bill just refers to "dog trainer". Copious literature from dog behaviourists will say that Cesar Millan is an old-fashioned dog trainer and his techniques are not used any more, even though he makes good TV programs that everyone loves. There are specific industry accredited courses and a couple with minimum requirements have been pointed out to me by practitioners working in this field in Western Australia, such as certificate III in companion animal services. If the legislation provides that local government must send a dangerous dog to training, we do not want to send it to the "Dodgy Bros" training program who have obtained a good Serco–Transfield contract to undertake dog training for Western Australian local government authorities. We want to know it is an industry accredited dog trainer. National competency standards in this legislation would be current for a long time. I do not think there is concern about them going out of date or changing particularly, but I agree with industry that we should define "accredited dog trainer". I therefore move —

Page 4, after line 22 — To insert:

> ***industry accredited dog trainer*** means a person who has attained, as a minimum requirement, the nationally recognised Certificate III in Companion Animal Services;

Mr A.J. SIMPSON: I thank the member. I can understand what she is trying to achieve. However, dangerous dogs as such are identified in the legislation, and rangers have the right qualifications to work with animals. My local council ranger said they do animal behaviour courses. By the time they get to deal with some dogs, the dogs are upset and aggressive and they deal with that. The certificate III in companion animal services is more targeted at pet shops and grooming. I do not think this legislation is seeking to provide for a certificate required by pet shops or dog grooming. It is the best qualification to get better jobs in that industry. The Dog Amendment Bill is aimed more at animal behaviour, and the ranger is the person who will implement the provisions in the bill. It will be up to them to undergo animal behaviour training more than training related to animal caring. The government does not support the amendment.

Ms L.L. BAKER: I thank the minister for the information. I guess this is about my expert versus the minister's expert! Ken Storrs, who runs the program for Challenger TAFE, is recognised in WA as one of the leading experts in this training field, and he raised with me his concerns about this matter. He spent time previously as a local government ranger; there is nothing he does not know about being a local government ranger. He has been involved in the industry his whole life. He has transitioned into the training arena and for, I think, the last 10 years or more he has been building his credentials as one of the best known and most recognised experts in this area. I am not an expert on the curriculum content of certificate III in companion animal services, but I defer to someone like Ken Storrs, who is an expert. I encourage the minister to consider the advice I have been given from someone who is an expert in this area.

Mr A.J. SIMPSON: I understand where the member is coming from; she probably has been given some good advice. The course she is talking about focuses on providing care to domestic animals, to maintain animal health and to work safely and confidently around a range of companion animals. This qualification can lead to employment in kennels, catteries and pet exercising and to being an animal care attendant. This information is straight from the course, by the way.

Ms L.L. Baker: Is this one that you are recommending?

Mr A.J. SIMPSON: No; it is the one the member is recommending. It is a certificate for exercising dogs or for being an animal carer, an attendant or an assistant dog trainer. We do not think it is a sufficient qualification for what we are trying to do with the bill. I understand the member's intent. This amendment is more related to animal exercising in a pet shop versus animals identified in the Dog Act with behavioural problems.

Ms L.L. BAKER: Just before I concede that I will not win this debate, it is important to state in this kind of legislation what the industry tells us is a standard that should be recognised. I mean this quite passionately and clearly. I described earlier this evening what can happen if we leave it to the 22-point breed test or a DNA test. If the definition of a trainer is left open to interpretation, we will end up in trouble. This bill is complex and lends itself to trouble anyway, as the minister knows. We should identify that the certificate III in companion animal services is a minimum standard. The one the minister was talking about might be the deluxe model. I do not want to see a ranger in Mullewa or Witchcliffe or wherever doing a great course on the internet, which is what led to the person I spoke of going to court. She classified a dog as dangerous based on training she had done on the internet. We do not want that to happen. We need to include a provision that defines a minimum standard.

Amendment put and negatived.

Mr A.J. SIMPSON: I move —

Page 6, after line 7 — To insert —

sterilised means made permanently infertile by a surgical procedure;

To clarify, I have moved this amendment because a dog can be sterilised through chemical castration, which is temporary. This amendment makes it clear that "sterilised" means that a dog has been made infertile permanently.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 6 amended —

Ms L.L. BAKER: Could the minister define "a person of a prescribed class" in proposed section 6(e)?

Mr A.J. SIMPSON: There is no additional information. We are not defining "a person of a prescribed class". "Prescribed" applies if there is a regulation, but we do not have a regulation. I am also confused.

Ms L.L. BAKER: Could the minister please describe who a person of a prescribed class may be?

Mr A.J. SIMPSON: "A person of a prescribed class" would be defined in the regulations, but we do not have any regulations yet. The idea is that we can have regulations later if necessary, but at the moment we are not putting in anything. It is to futureproof the bill.

Clause put and passed.

Clause 6: Section 7 amended —

Mr A.J. SIMPSON: I move —

Page 9, lines 29 to 31 — To delete the lines and substitute —

written law;

or

(b) delete paragraphs (d) and (e) and insert:

(d) a greyhound that is registered under the *Racing and Wagering Western Australia Act 2003* section 41 while the registration is in effect.

We found an anomaly in the act. While greyhounds are training and running, they are on a register with Racing and Wagering Western Australia. When they come back into the public arena and are taken on as pets, they are registered as domestic pets. We did not want to tell the owners of racing greyhounds that they have to register all their dogs when they are already registered.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Sections 10AA and 10AB inserted —

Ms L.L. BAKER: Under proposed section 10AA, "Delegation of local government powers and duties", is it permissible for local governments to make arrangements to pay veterinarians to sterilise dogs before they are re-homed or whatever? Is a special capacity needed to do that?

Mr A.J. SIMPSON: To clarify, the member referred to local governments keeping a register of dogs. Local governments will have the power to microchip dogs before they are taken back, but they will not have the power to put them back through the system. If a person comes to get a registered dog from a pound or off a ranger, they will have the power to do that.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 12A amended —

Ms L.L. BAKER: Proposed section 12A allows authorised people to enter premises without requiring permission. On the one hand, it provides that people need permission and on the other it enables people to go on without permission. This is the same debate we had with the Cat Bill about someone entering premises without the resident being there and interfering with a dog that they "reasonably suspect" is a dangerous dog. The problem with this clause is probably pretty evident to the minister. Proposed section 12A provides —

(4) An authorised person may, at any reasonable time, without a warrant and without consent, enter any premises other than a dwelling where the person reasonably suspects a dangerous dog to be, for the purpose of ascertaining whether an offence against Part VI Division 2 is being committed.

It goes on to state —

(5) An authorised person may, without a warrant and without consent, stop, enter and search or inspect a vehicle in which the person reasonably suspects a dog to be, for any purpose relating to the enforcement of this Act.

Would the minister explain how somebody makes a decision about reasonably suspecting that the dog in a car or in a backyard is a dangerous dog? How is "reasonably suspecting" defined to allow someone to enter a house or a car?

Mr A.J. SIMPSON: The member for Maylands is spot on. An authorised person may at any reasonable time, without a warrant or consent, enter premises other than a dwelling when a person is reasonably suspicious of a dangerous dog being present. It is not going into a house, but it is going onto "a premises", so it can be a variation between the two. "A premises" can be a car yard or a dog facility, but if it is a person's home, they have to talk to the owner. The reason for the wording a person may "without warrant or without consent, stop, enter and search or inspect a vehicle in which the person reasonably suspects a dog to be" is that if a person wants to get their dog away from the ranger, that person cannot put it into a car and take off.

Ms L.L. Baker: I understand that. That is a good idea.

Mr A.J. SIMPSON: We are trying to clarify every point where they can get away. It is the premises, not the dwelling of a house.

Ms L.L. BAKER: I was aware of that. Your advisors briefed me and I understand that. What I am asking about is when a person "reasonably suspects" that something is happening. Can the minister tell me how that applies? Say the minister was the person given the responsibility for going into the house or the car; how would he know that dog is dangerous?

Mr A.J. SIMPSON: If there have been a number of complaints about a dog that has been constantly barking or trying to jump over a fence as people have been walking by —

Ms L.L. Baker: That's a nuisance dog.

Mr A.J. SIMPSON: Yes, but we are trying to work out what would give the ranger a reason to go onto that premises. Your question was about an authorised person who "may, at any reasonable time," so what warrants that? Why would the ranger have the opportunity to go and how would he have ended up at that place? It would have to go through a complaints process. Again, we are getting back to the whole process for a nuisance dog, where someone has put in a complaint about a dog. For example, if kids walk by a house where a dog is jumping up at the fence and a complaint is made by people concerned that it might jump over the fence one day, and the ranger is on the doorstep trying to talk to the owner of the dog about that complaint and is asking them to put the dog in the backyard so that it does not get out, how the ranger ends up there and how he gets there is by a complaint in that process.

Ms L.L. BAKER: I thank the minister for that explanation. That is not what this clause says. Let me paraphrase what the minister said. He has said that the ranger is at the house and has spoken to the owner of the dog about something that has gone wrong. The ranger has sought to enter the premises but there is a dog jumping up and down and barking. That is very different from a ranger coming to my house when I am not there and hearing my dog bark, because, by golly, it will bark because that is its job, and it may be barking aggressively behind the fence. The dog cannot leave my premises and is securely contained in my premises. That is the only way the ranger would be in danger. My dog may be a nuisance to the ranger in that situation. However, assuming no-one has made a complaint—perhaps they have made a complaint, but it does not matter—what happens when the ranger arrives at my place to investigate a nuisance dog barking, he gains access to my property and my dog attack him, because it is his home and the ranger is a stranger entering its property, and my dog goes from being a nuisance dog to a dangerous dog because of the ranger's actions?

Mr A.J. SIMPSON: In that case the owner of a dog would have a defence because the ranger has come onto their property. That is clear. The ranger would have to again come back with some evidence. So before the ranger could come, complaints would have to be made. The ranger cannot just turn up and pick on any property for no reason; he needs a reason to be there. There has to be a complaint and evidence.

Ms L.L. Baker: So you need a reason to be there?

Mr A.J. SIMPSON: Yes, the ranger does. He cannot just turn up out of the blue. The ranger must have received a complaint to be there to start with. If the owner of the dog catches him and asks what the ranger is doing, and the ranger says that he had received a complaint, the ranger has to provide the evidence. The ranger cannot just come onto a person's property. If he were to go onto a property without the owner being home and the dog attacked him, the owner of the dog would have a great case because the dog is doing what it is supposed to do—protecting private property.

Ms L.L. BAKER: That explanation has made that clear. It is good that that is on record. The only matter I wish to mention before I sit down is the burden of proof, which has been lowered. Will that mean that if some cranky bugger who lives down the road, who has hated me forever because I am not a nice person, decides that the best way of attacking me is to dob me in because my dog is barking incessantly—which it is not—there is now a complaint on the record, which the ranger will act upon because the burden of proof has been lowered, so any mongrel can do that to me. The burden of proof has been lowered and all of this gets into play—it is frivolous and vexatious—and I have to prove that it is frivolous and vexatious.

Mr A.J. SIMPSON: There has been no lowering of the burden of proof. I will clarify a couple of points and take the member for Maylands' case of the neighbour who does not like her. I cannot understand why they would not like her!

Ms L.L. Baker: There are strange people out there.

Mr A.J. SIMPSON: It is the hills! The ranger could come to the member's door and say her dog is barking, and she could prove that it does not. During the second reading speech I talked about collars that can record when and for how long dogs bark. They can be used as evidence and the ranger can take them away to find that the member for Maylands is spot on, her dog does not bark at all. The ranger will make sure that it is noted in the system.

One of the most important things in this process is giving the ranger the opportunity to get more evidence. One of the difficulties at the moment is the definition of a nuisance dog and how that is clarified in the process.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Section 15 amended —

Mr A.J. SIMPSON: I move —

> Page 17, after line 17 — To insert —
>
> (6) Delete section 15(6) and insert:
>
> (6) The registration fee payable in relation to a dog's first registration —
>
> (a) that takes effect after 31 May and before 1 November in the year of the first registration; and
>
> (b) that is to have effect until 31 October in that year,
>
> is one half of the fee that would otherwise be payable.

There are some complicated words here, but this amendment clarifies the intent of the act to reduce the registration fee. If a person chooses to register their dog annually they will need to pay only 50 per cent of the fee of the first registration of their dog after 31 May. The registration is then effective until 31 October that year. This discount would apply only to the annual registration, not if the person chooses to register their dog for three years or a lifetime. This amendment is recommended by the Parliamentary Counsel's Office.

Ms J.M. FREEMAN: This amendment inserts a new section 15(6) and provides for a difference in the registration fee. The minister told us that that is what the amendment does and I thank him for that. But it is probably very good for the purposes of the interpretation of this legislation in future times for us to be told why the change is being made. The minister told us what he is doing but he did not tell us why he is doing it. The amendment deletes existing section 15(6), which states —

> In respect of every first registration made after 31 May, in any year, only one half of the registration fee shall be payable.

Therefore, that discount is being deleted. The new section 15(6) states that the registration fee payable is "to have effect until 31 October". Is it still a discounted half-yearly fee? Does it have effect only until 31 October so people have to pay a full year's fee at the other time? What is the reason for this provision? Have some people just kept hanging out to pay after 31 May so that they pay for only half a year but get a full year's coverage? Is it that someone found a loophole?

Mr A.J. SIMPSON: The Parliamentary Counsel's Office identified this when it went through the legislation. We are trying to provide that a person who chooses to register their dog annually needs to pay only 50 per cent of the fee in the first year of registration if the date it kicks off in is in the second half of the year. So someone who registers their dog in the second half of the year has to pay the fee for only half the year and not for the full year, because half the year has already gone. It has basically identified that people only pay for half of that first registration —

Ms J.M. Freeman: That is what the existing section 15(6) does in any event. The new section still makes you pay half, but you have it effective only until 31 October. So you have to pay for the full year by 1 November for the following year.

Mr A.J. SIMPSON: If someone goes to the vet after 31 October to microchip and register their dog, they would pay for a full year. But if they are there before that date, they will pay for only half a year's worth of registration.

Ms J.M. Freeman: But it takes effect after 31 May and before 1 November.

Mr A.J. SIMPSON: Yes.

Ms J.M. Freeman: So is it that from 1 November onwards people would pay a yearly fee?

Mr A.J. SIMPSON: Yes. The discount applies only to annual registration fees and not if the person chooses a three-year registration or a lifetime registration.

Amendment put and passed.

Ms L.L. BAKER: I have a further question about clause 13. It is not to do with the amendment; that is fine and it has gone through. I wonder whether the minister would like to put on the record the capacity on page 17 of the bill for a local government to waive or discount a registration fee. I thought that was a very positive move. I think it would be worthwhile to put on the public record why the minister saw fit to specifically put this clause in the bill. Was it in the hope that local governments will perhaps think a bit more creatively about how they manage dog welfare in their communities?

Mr A.J. SIMPSON: I thank the member. She is spot-on that it is a great opportunity to allow local government, if it is in the public interest, to waive fees for some animals that may be within their communities. Say we went to remote Aboriginal communities in the north west and there was the opportunity to have the dogs there registered, the councils might step in and say, "There are too many dogs. Let's work out how many we've got and get them registered." They might go through a process of doing that. This provision gives local governments the power to decide that they would like to register those dogs and waive the fees. Another example could be waiving the registration fees for dogs in their communities that are probably older. That is what this provision is designed to do. I thank the member for the opportunity to explain that.

Mr P. ABETZ: Although the fees are waived, is it still a requirement to microchip dogs in the remote communities?

Mr A.J. Simpson: Yes.

Clause, as amended, put and passed.

Clause 14: Section 16 amended —

Ms L.L. BAKER: I refer to the top of page 19 of the bill. Clause 14(5) seeks to insert a new paragraph (a) in section 16(3). Section 16(3) deals with the conditions under which a person would be banned from owning or keeping a dog. New paragraph (a) states —

> the applicant, the owner, or the registered owner, as the case may be, has been convicted, or has paid a modified penalty, within the previous 3 years in respect of 2 or more offences against any of this Act, the *Cat Act 2011* or the *Animal Welfare Act 2002*; or

Three years is not very long, so I think we should make it 10 years.

Mr A.J. SIMPSON: This provision identifies that someone who has abused a dog in some form under the act can be banned from having a dog. The idea is to provide that if anyone has had a charge laid against them or some sort of fine for abusing animals, there is the opportunity to ban them from owning dogs. The member raised a good point about it being for only three years for two or more offences. I hear where the member is coming from. I think that anyone who abuses animals should never own —

Ms L.L. Baker: Twice.

Mr A.J. SIMPSON: Yes. It is a bit long and we are trying to identify that maybe something did go wrong the first time. I hear the member's point, but other people have been caught up in it who may be in a family but who had nothing to do with it. I think it is a good starting point, but the member raises a good point that three years is not a very long time for anyone who has abused animals.

Ms L.L. BAKER: The other issue I raise is the condition for two or more offences. The minister knows how hard it is to get a prosecution under the Animal Welfare Act. As there have been no prosecutions under the Cat Act so far, I find it hard to believe that the minister thinks that someone would twice have accidentally fallen foul of two acts that are really hard to get a conviction under. Just ask the RSPCA. Ask the Department of Agriculture and Food, which lost a case last week because there was not enough evidence. It is really difficult, so at the very least, if the minister does not accept that these people should be banned for longer than three years, it should be because of one offence and not two.

Mr A.J. SIMPSON: It can also be that the person has had to pay a fine. That also adds up as an offence, so two fines would ban someone for three years. So it is not so much about court cases, it is also fines. The case that someone has basically been a bad dog owner and their dog has always got out is another situation in which people could be banned from having a dog registered.

Ms L.L. BAKER: That makes it clearer. So the word "offence" is a legal term that covers anything under the act that might just include a fine. What would a fine cover in relation to the Animal Welfare Act? Would it mean that someone did not feed their chickens? I do not know which categories of offences are covered by fines rather than a criminal case or any action that police might take or for which a prosecution may occur. Can the minister explain that a bit?

Mr A.J. SIMPSON: I think the interesting part here is that new paragraph (a) has the words —

> … or has paid a modified penalty, within the previous 3 years in respect of 2 or more offences …

Under the Cat Act and Dog Act, that is also fines. Anything that could attract a fine, such as if a dog has not been microchipped or the person changed information, could be used in that process of trying to work out the penalties and whether a person might not be able to own or register a dog for three years. Keep in mind that this would also link in with other areas, such as for trainers who race greyhounds. The member will see that quite regularly, through Racing and Wagering Western Australia, people who train greyhounds have had their licence taken from them. It is a similar situation with trotters and gallopers. We are trying to mirror that situation for a good dog owner, who will not be fined. However, if a dog is getting out and an owner has received a number of fines, if someone is not looking after their dog or has been convicted of abusing a dog, there will be a fine. The member for Maylands raised a point with me recently that someone who had abused their dog had got off, but the reality is they would have received a fine prior to that. They would have ended up in court, so the fine is there and that provision would kick in so they could not have a dog, regardless of the outcome of the court case. The fine would start off the process.

Ms L.L. Baker: So, it does not need to be discretionary. Is the minister saying there is no need to give whoever is making the decision the capacity to look at what the fines have been incurred for and to say that if a person has skinned a dog alive and perhaps ran over two kittens perhaps we will not give them a licence; is it simply enough that they have received two fines for doing X, Y and Z?

Clause put and passed.

Clauses 15 and 16 put and passed.

Clause 17: Section 17A inserted —

Ms L.L. BAKER: Proposed section 17A(2) lists reasons a dog may not be registered and paragraph (b) states —

> the dog has been shown to the satisfaction of the local government to be destructive, unduly mischievous or suffering from a contagious or infectious disease;

Will the minister describe, preferably with actions, the meaning of "unduly mischievous"? I would then like to take up the issue of "a contagious or infectious disease" separately.

Mr A.J. SIMPSON: That is how I would describe my neighbour's dog, two doors down! He is like Houdini and always gets out, so he would be a mischievous dog. I would describe a dog that gets out all the time and runs up and down the street as mischievous. We have to be responsible owners. It sounds like the dog needs a bit more exercise, and the responsible owner needs to walk it more.

Ms L.L. BAKER: The minister's answer was not nearly colourful enough, but I thank him for trying. The second part of paragraph (b) says that a dog cannot be registered if it is suffering from a contagious or infectious disease. I think I understand the basis for that, but veterinarians have contacted me to say that parvovirus is

everywhere and if animals are not registered or microchipped how do we track them and know what is going on? I need the minister to put something on the record about why a contagious or infectious dog should not be registered.

Mr A.J. SIMPSON: The incentive behind this is to try to force the owner into some action. Obviously the dog has some disease and we are trying to drive the owner to get the dog looked at before it is registered.

Ms J.M. Freeman: The member for Kwinana suggested that Corgis are unduly mischievous.

Mr A.J. SIMPSON: The member is right; he is spot on. We are trying to drive the owner to the vet to get the dog looked at. If the dog is simply microchipped, it will be taken home and its problems will not be treated. We are trying to drive the owner to get the dog to the vet not only to microchip it but also to see that it gets the help it needs.

Ms L.L. BAKER: I thank the minister for explaining that.

Mr A.J. SIMPSON: It could also relate to diseases that have dire consequences for the dog, like rabies.

Ms L.L. Baker: We do not have rabies in Australia.

Mr A.J. SIMPSON: That is true, but something like that.

Ms L.L. BAKER: That is a very different interpretation for this clause from what the industry thinks. The minister is being terribly optimistic to think that by telling people they are not allowed to register a dog if it is sick that they will feel obliged to go to veterinarian to get it well again. I think they will break its neck, shoot it, drown it or something or other. The minister has to be realistic about this. He is talking about a group of people who may not have the money to comply with this. We need to be sensible. If the minister is trying to say this is gatekeeping and the government will not let someone register a dog because it has parvovirus, it is counterproductive. Would it not be better to register the dog and get it treated for parvovirus—or indeed rabies if we were ever in that dreadful situation in this country—rather than telling someone to go away and pretend the dog has never been seen and has not appeared on a registration list anywhere so that no local government authority knows where it has gone. It might be drowned in a bucket, but it has gone.

Mr A.J. SIMPSON: Proposed section 17A(2) states —

> A local government may give written notice to the owner of a dog that the dog cannot be registered by local government because —

Then the member picked up on paragraph (b), which refers to "a contagious or infectious disease;" I will take the member to a remote country town and give her the example of the town dog that wanders around. The rangers probably get this dog registered and de-sexed because it is part of the community, but if the dog has a disease who will they write to? We are not saying the dog cannot be registered; we are saying that local government may give written notice to the owner. We are trying to address the welfare of the dog and make sure the dog gets the best care it can.

Clause put and passed.

Clauses 18 to 23 put and passed.

Clause 24: Section 28 inserted —

Ms L.L. BAKER: It is worthwhile putting in *Hansard* the minister's intention and aspirations for this clause. I am sure the minister will not say that the change was simply to better define these matters. As the act stands at the moment, this section is a nightmare for people who care about the industry. For instance, under clause 24, proposed section 28, "Obligation to identify a dog's owner", states —

> (1) If the identity of the owner of a dog entering a dog management facility is unknown to the operator of the facility then, as soon as practicable after the dog enters the facility, —

The first clause of concern is "as soon as practicable" —

> the operator must make every reasonable attempt —

That is the second clause of concern —

> to identify the owner of the dog including, where possible, by scanning the dog.

That is the final one in that proposed subsection. Those three definitions will cause concern to this industry, so I would like the minister to tell us what his intention behind this is. What would the minister consider to be a reasonable interpretation of "as soon as practicable"? If a dog is put into a facility because it has been picked up on the road after a thunderstorm or an electrical storm, it will be majorly stressed and no-one will get near it. If someone tries to scan a dog that is so terribly distressed, they are likely to be bitten. It will all be a disaster. Therefore, when we refer to "as soon as practicable after the dog enters the facility", what time frame does the

minister consider to be reasonable? The proposed section also states that the operator must make "every reasonable attempt to identify the owner of the dog including, where possible, by scanning the dog".

Just before the minister responds to that, plenty of cases are on the record. I have about five emails from Western Australians who have talked about the fact that companion pets have been euthanased in a ranger's care because they claimed that the dog was not microchipped after they tried to scan it. The issue of training people to scan properly and training local government authorities so that they know what they are doing is a separate issue. However, the minister can see what the problem is. When the dog comes into the facility, it is stressed and it does not know what is going on. They delay scanning it because they are worried about it being stressed and they might get bitten. How long would the minister consider to be acceptable—a day, three days, a week, three weeks or a month? If the minister could define those, that would be helpful.

Mr A.J. SIMPSON: Proposed section 28 requires the operator of a dog management facility—the pound—to make every reasonable attempt to identify the owner of the dog. Proposed subsection (2) states that the operator does not have to scan a dog if it acts aggressively towards him. This is not the only method of identifying a dog; other methods could also be used. This is recognised in proposed subsection (1), which states that the attempt to identify the dog can include, where possible, scanning. In clause 27, proposed section 30 requires a dog, when in a public place, to wear a collar. A registration tag could be attached to the collar, with an inscription of the owner's name or residential address, thereby providing lawful ways in which to identify the dog.

I will make a couple of points. Under the current act, after three days the animal can be euthanased. We are increasing that to seven days. We are trying to make it possible to cover those types of issues that the member has raised.

Ms L.L. Baker: I know and that is very good.

Mr A.J. SIMPSON: This goes a long way towards that. We are also going to develop a fact sheet for local government on how it should go through the process of scanning and identifying a dog. We will try to set that up. I think it is important to go through some sort of process with the councils so that they are following some sort of script and are checking what is happening and how they will identify the dog. I know that the member is saying that a dog needs to be identified because of the situation she just pointed out; that is, it is someone's pet that was euthanased quickly after it went astray. The member raised the point that, obviously, after a storm a dog that is caught will be quite distressed, and it will need to be given time to calm down a bit before the person can get close enough to scan it or to read the tag on the collar to find out who is the owner of the dog. This is another way of identifying the dog. In the process of working with local governments to ascertain how they will scan and identify the dog, we have increased the period to seven days before they can take any action. That should go a long way, hopefully, towards identifying the dog. Also, with microchipping, the more microchipping that is done, the quicker it will be to identify the animal and get it back to its owner.

Ms L.L. Baker: Provided they know what they are doing when they scan them.

Mr A.J. SIMPSON: The member is dead right. That is part of that process that we have to work on. As I mentioned, we need some sort of fact sheet for local governments so that they will be better able to carry out the process. I know for a fact that down my way, the City of Armadale and the Shire of Serpentine–Jarrahdale share a pound. They use the one local pound instead of having two separate pounds, because the one that we have down near Mundijong has pieces of chicken wire and is very old. It is not very nice at all and it gets wet too.

Ms L.L. Baker: The one at Bayswater is dreadful too.

Mr A.J. SIMPSON: Yes. It is not a good place to be. Hopefully, with more microchipping and the rangers scanning the dogs, they can be put straight back into the rangers' ute and driven around the corner. Normally that is where they pick them up. It is never far away; it is usually within a couple of kilometres. They will be able to say, "Here's Fido", and give the dog back to its owner straightaway. It is a good point that the member raised.

Clause put and passed.

Clause 25: Section 29 amended —

Ms L.L. BAKER: Proposed section 29(1)(b) states —

> an attack by a dog is likely to occur;

Can the minister put on the record who makes that decision and on what basis? What are their qualifications? How are they trained to make that decision? It seems to me to be a very complicated decision to make that the minister has blithely put in the legislation. Many dogs, if they are stressed enough, will not show that they are going to attack. They will freeze. People will not know that they are going to attack. They will just be still. They will attack if they think that there is no way out and they are cornered, or they will attack for the reasons that we have spoken about earlier. There is a provocation and there is a response. How can we trust someone? What sort

of training do they have? I would not know the answer to that; I am not a dog expert. I would have a guess but I would not know. How does a ranger or someone else who is prescribed under this act know? My brother is a police officer and he would not know. With whom does the minister rest that responsibility? Who makes the decision; on what basis is it made; and what kind of qualifications and training would the person have?

Mr A.J. SIMPSON: Proposed section 29(3)(b) gives the authorised officer the right to seize and detain a dog if it appears to them that an attack by the dog is likely to occur. What is the alternative—wait until the person is bitten or mauled and then seize the dog? This proposed section gives the authorised officer the power to act to prevent the attack. The member is spot on. What gives that authorised person the right to seize a dog if it appears that an attack is likely to occur? This is one of those areas that we had to put in the legislation, because we need to give someone the power to seize a dog. There will always be a situation in which there is a dog fight and they have to step in and pull one of the dogs away because the other one is going to attack. If the authorised person did not have that power and was unable to say that the dog looked like it might attack, he would not be able to take the dog so that it did not cause harm to the public. I understand where the member is coming from when she asks how we can define that a dog is likely to attack, but we need to have something in the bill because there will always be a situation in which the ranger or the authorised person will have to make that decision. Under this legislation, the authorised officer would be the shire ranger. That is the person who would make that decision. He comes under the control of local government under the Dog Act.

Clause put and passed.

Clause 26: Section 30A inserted —

Ms L.L. BAKER: I need just a quick clarification. Proposed section 30A, "Operator of dog management facility may have dog microchipped at owner's expense", states —

> (1) The operator of a dog management facility may do anything necessary to ensure that a dog kept at the facility is microchipped before the dog is reclaimed or otherwise transferred from the facility if the operator —
>
> (a) believes on reasonable grounds that the dog is required … to be microchipped but is not microchipped; and
>
> (b) has no reason to believe that the dog is exempt from microchipping …

How does the owner or operator of the dog management facility know, or have the evidence, that microchipping the dog may kill or hurt it in some way? That person is not a vet, so what is the compulsion on them to find out whether microchipping will kill or damage the dog? Sorry, it took me a while to get it out, but that is what I meant!

Mr A.J. SIMPSON: Proposed section 30A(1) states —

> (a) believes on reasonable grounds that the dog is required under section 21 or 22 to be microchipped but is not microchipped; and
>
> (b) has no reason to believe that the dog is exempt …

Under this process, it is done by the microchipping implanter. The person who puts in the microchip may be a vet, but as we move forward microchipping will become far more common and a lot more people will be able to do it. When I attended the RSPCA to launch the dog bill, I saw them put in a microchip just behind a dog's neck. It literally took two seconds to implant. They showed me how they scan it. The person who is trained to put in the microchip will make that decision. There could be a situation involving a very old dog that stays at home. Its owner may not want to microchip it because it is in its last few years of life and he does not want to pay for it. The vet would provide a letter to say that it does not have to be microchipped. A dog does not have to go through the process of being microchipped in its last years.

Clause put and passed.

Clauses 27 to 29 put and passed.

Clause 30: Section 33 amended —

Ms L.L. BAKER: I move —

> Page 42, line 2 — To insert after "programme" —
>
> provided by an industry accredited dog trainer

The proposed amendment in my name comes from the industry with which the minister has been working and relates to the industry accreditation issue. The minister has already rejected putting in some sort of relevant thing about an industry-accredited training program. I assume the minister will also discredit my proposed amendment

and argue against it. I would like to hear the minister's argument, for the sake of the many stakeholders who contacted me and asked me to include these words.

Mr A.J. SIMPSON: The proposed amendment to section 33 relates to the provision covering greyhounds being muzzled in public. Under the amending bill, these dogs and their owners are required to successfully complete a prescribed training program. The program and qualifications to assess will be prescribed in regulations. This is currently being discussed with industry, with a view to national acceptance of qualifications being adopted and pre-empting the result of providing qualifications that only qualified persons may assist as animal trainers or work in a pet shop. That is in the best interests of rehoming a greyhound. They are the reasons I will not accept the proposed amendment, member; but thank you.

Amendment put and negatived.

Clause put and passed.

Clause 31: Section 33A amended —

Ms L.L. BAKER: I move —

Page 42, after line 28 — To insert —

(2A) After section 33A(2)(b) insert —

; or

(c) under the supervision of and on a premises used by an industry accredited dog trainer.

I think this is the same issue that the member for Southern River referred to earlier under perhaps a more appropriate clause. This is about inserting a specific reference to the fact that if a dog is under supervision of and on premises used by an industry-accredited dog trainer, the liability clause is better covered. I would like the minister to please consider that.

Mr A.J. SIMPSON: Section 33A of the act is headed "Control of dogs in places that are not public". Section 33A(1)(a) provides that the dog must be there with the consent of the occupant of the place, or (b), it must be held or tethered as required by the act. There is no need to provide for it to be under the supervision of and on premises used by an industry-accredited trainer. We are back to where we were at the original section in which the owner of the dog has to have it tethered. If the trainer is the occupant of the premises, it is covered by paragraph (a); if the trainer is not the occupant, he should have the consent of the occupant and the dog should be on a lead. I acknowledge the member's proposed amendment.

Amendment put and negatived.

Clause put and passed.

Clause 32 put and passed.

Clause 33: Section 33D amended —

Ms J.M. FREEMAN: I indicated to the minister during my second reaching contribution that I proposed to move an amendment to this clause. It relates to a person who has been convicted of an offence and has paid a penalty. That penalty could be made available, through the court, to the person whose animal was injured. This came about because of a lady whose dog was attacked in a Balga park. Unfortunately, her dog passed away. The person in control of that dog was convicted and a penalty applied. A conviction was recorded. There was no remedy available to this lady unless she took civil action against that person. I pursued that with the City of Stirling on the basis that the city should be able to use the penalty applied and paid for by the person in control of the dog to compensate this lady for the vet fees she incurred. I am not completely sure whether she replaced her dog, who was part of her family. She was very distressed about not only her dog dying as a result of the attack, but also that she was left with substantial costs. I was told by the City of Stirling that that was not possible.

Clause 33 is modelled on a clause related to the Industrial Relations Commission. I refer to what would occur if one takes action against an employer on the basis that one is underpaid and a penalty is applied. For example, let us say that a person has not been paid and the employer did not keep records, so there is a breach of the records. A penalty can be applied on the basis that there was a breach of the records not being kept. It could not be shown that the employee was underpaid but it could be shown that there was a breach in record keeping. That penalty could then be paid to the worker as compensation. It would go to the Magistrates Court, so the magistrate would make that decision. The magistrate would take into account whether that was a reasonable decision. The city could argue that it did not think it was reasonable to pay the owner of the dog that was attacked on the basis that the city had incurred significant costs and needed those costs mitigated. My amendment provides for the magistrate to make an order that part of that amount, or the total amount, can be paid to the person attacked or the owner of the animal that was attacked. It gives the magistrate the ability to make that determination.

If someone is going through a situation that is clearly already distressful because their animal has been injured or killed as a result of an attack, they do not have to make an FOI request to get the details of the person who was charged and found guilty and then take civil action. The cost of taking civil action would be prohibitive. This amendment is simply a way to remedy people for those costs. The minister has had this amendment before him for some time and I think it is a particularly reasonable amendment. Its genesis is another act and therefore it is not a provision that is not considered in other Western Australian legislation. I hope that it is agreeable to the minister.

Mr A.J. SIMPSON: I thank the member for foreshadowing her amendment. I understand what she is trying to achieve. The intent of the proposal is to provide for compensation to be awarded from the court-imposed penalty to cover the costs of the person injured by a dog attack. Under section 117 of the Sentencing Act 1995, a court may already make a compensation order in favour of the victim of the offence. This includes any expenses reasonably incurred by the victim as a result of the offence. To include a provision such as that which is proposed may result in insufficient compensation being received by the victim as the fine may bear little resemblance or relationship to the damages that were suffered —

Ms J.M. Freeman: That is the civil action that a person would have to take. This is not about civil action; this is about the action to do with the actual fine. What you are reading there is about civil action, isn't it?

Mr A.J. SIMPSON: It is under section 117 of the Sentencing Act 1995.

Ms J.M. Freeman: You have to take the civil action to be able to get that sentence. The City of Stirling is wrong. The City of Stirling is telling me that it cannot, and it could not, get that fine to remedy and compensate —

Mr A.J. SIMPSON: The point the member is making is that the costs should be awarded to the victim. We should keep in mind that it may not cover the cost of the damage. If there was an attack, the fine could be $200 and the bill could be $2 000.

Ms J.M. Freeman: Just continue reading it in, minister.

Mr A.J. SIMPSON: I understand and appreciate what the member is trying to achieve. Under the Sentencing Act 1995, the court may have already made compensation in favour of the victim. This includes the expenses already incurred by the victim as a result of the offence. To include this provision may result in insufficient compensation being given. We could start to say that the fine would then be transferred to the victim. I understand the member's intent and I undertake to raise the awareness of local governments to compensate under the Sentencing Act—I think that is probably where we need to go with this—and not under the Dog Act. We need to make that comparison between the two. I thank the member for the opportunity to talk about it. She raised a very good point relating to one of her constituents whose dog was the victim of an attack. This would be a small thing towards the cost but it does not come within the Dog Act. I thank the member for her question, but we will not support the amendment.

Ms J.M. FREEMAN: I move —

> Page 44, after line 34 — To insert —
>
> (2C) Where a person liable for the control of a dog has been convicted of an offence and paid a penalty under subsection (1) where the dog has attacked or chased a person or animal and physical injury has been caused to that person or physical injury or death of that animal, the court imposing the penalty may order that the amount of the penalty, or part of that amount, be paid to the person attacked or the owner of the attacked animal.

Amendment put and negatived.

Ms L.L. BAKER: Mr Speaker, with your forbearance, I am looking for section 33G(1), "Seizure and destruction". That is what it is called in the blue bill. I have been trying to find it in our amendment bill. It is on page 68. Proposed subsection (2A) states —

> An authorised person or a police officer who has reasonable grounds to believe that a dangerous dog … has given birth to one or more pups …

I am looking for some advice from the minister.

Ms J.M. Freeman: It is not in the bill; it is in the act.

Ms L.L. BAKER: It is in the blue bill and it is marked up, so I assume it is an addition.

Mr P. Abetz: What page?

Ms L.L. BAKER: It is on page 68.

Mr A.J. Simpson: It appears in the bill as clause 37.

Mr P. ABETZ: I refer to line 25 on page 44 of the bill, which states —

> (b) in the case of the occupier of premises where the dog is ordinarily kept or ordinarily permitted to live, that at the material time the dog was owned by another person …

Does that give some defence for a boarding kennel owner if a dog that he is boarding causes some injury or whatever to somebody coming onto the property? That person is obviously not the owner of the dog.

Mr A.J. SIMPSON: If the kennel owner was not aware that it was a dangerous dog because it did not have the right identification, he would not be liable. If the dog was on the property, it is the responsibility of the kennel owner to identify whether the dog is dangerous. If a person who was not supposed to be there came onto the property and was attacked by the dog or if the person who is responsible for the dog happened to be a visitor and they are attacked, the kennel owner is responsible. That kennel owner has been given the responsibility to look after the dog. If there was no reason for the person who came onto the property to be there and that person did not know it was a dangerous dog, they are not liable because the owner did not make them aware and they did not have the right identification. If the dog is under the owner's care at the kennel, they are responsible because they have taken ownership and responsibility for the dog.

Mr P. ABETZ: The concern of some of the boarding kennel owners is that, earlier in the bill, we make exception for a dog in a veterinary practice, for example, where a dog is kept overnight or whatever for recovery. If the dog attacks another customer, the veterinary surgeon or their workers are specifically excluded from being in any way responsible. However, a kennel owner who does not know the dog would be in exactly the same situation. That is why kennel owners in my area would like a provision in the bill that excludes them from being charged.

Mr A.J. SIMPSON: The law has not changed. Under the new legislation they can continue doing what they have always done. The same rules will apply under the amended Dog Act. The only advice I can give the member is that, as I indicated during our original conversation, we are trying to protect the community. While a dog is housed in a kennel, each day the kennel owner takes it out and trains it or cleans its enclosure and takes it for a walk. The rules have not changed concerning that activity. With this legislation we are trying to protect the community. If someone on the member's property is bitten by a dog, the same process will apply as is contained in the act. I understand what the member is trying to achieve for the kennels, but at the end of the day the most important purpose of this legislation is to protect the community from dangerous dogs.

Clause put and passed.

Clauses 34 to 36 put and passed.

Clause 37: Section 33G amended —

Ms L.L. BAKER: I am seeking clarification on an authorised person having reasonable grounds to believe a dangerous dog has given birth to pups and therefore entering the premises and seizing or detaining the pups. I am interested in the exemption clauses in relation to a dog being classified as dangerous. The discussion may have occurred earlier, and I might be too late to raise this point, but I will raise it anyway. The Australian Veterinary Association said that the exceptions to the classification of "dangerous dog" should be if a dog is responding to pain or injury or is protecting itself or its offspring. I am sure the minister will agree that the Australian Veterinary Association knows what it is talking about, and it says that if a dog is protecting or defending a human being within the immediate vicinity of the dog from an attack or an assault and is protecting its offspring, as I said, that should be a defence to being classified as a dangerous dog. If someone has entered a premises and tried to take a dog's puppies and has been bitten, that should not be grounds for classifying a dog as dangerous. It is something I would do if someone tried to take my puppies!

Mr A.J. SIMPSON: The member is seeking to clarify proposed section 33G(2A), which provides —

> An authorised person or a police officer who has reasonable grounds to believe that a dangerous dog (restricted breed) has given birth to one or more pups may —
>
> …

The member raises an interesting point that if a dog is in distress or someone tries to take its puppies, it will attack. If a person sought to take puppies away from the mother, a couple of things would happen in the dog's defence: firstly, the person would be trying to take something without the owner's permission and would be on the owner's property without permission. Obviously, a dog would attack in the owner's absence. There are a couple of checks in place. As I indicated during our original conversation, the purpose of the bill is to protect the wider community. If we cannot protect it, we can try to identify where the dangerous dogs are. The bill is

seeking to identify people who have reasonable grounds. However, in terms of fines and complaints, which we spoke about earlier, there must be evidence of reasonable grounds before we get to the next level.

Clause put and passed.

Clause 38: Section 33H amended —

Ms L.L. BAKER: I move —

Page 56, after line 28 — To insert —

(1A) In section 33H(2) insert after "training" —

provided by an industry accredited dog trainer

This seeks again to tidy up the bill as it is drafted.

Mr A.J. SIMPSON: I thank the member for Maylands for being outspoken on this issue. She is trying to make sure people have the right tools to do the job. Proposed section 33H provides that a council can require the owner of a dog to attend with the dog a training course on dog behaviour approved by the council. The member's amendment seeks to ensure the trainer is an industry-accredited trainer with a certificate III in companion animal services. This qualification will not qualify the person to provide training in behaviour management. As I said earlier this evening, shire rangers undergo an animal behaviour management course. Certificate III in companion animal services applies more to pet shop workers and pet grooming. Although I acknowledge what the member is trying to achieve, I do not support the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 39 to 45 put and passed.

Clause 46: Section 38 replaced —

Ms J.M. FREEMAN: I move —

Page 62, after line 31 — To insert —

(4A) In order to be satisfied that a dog is a nuisance as alleged in a complaint in subsection (3), the authorised person must establish that —

(a) the person who lodged the complaint has attempted to resolve the issue directly with the owner;

(b) the allegation is not frivolous or vexatious and is made in good faith; and

(c) the complaint is legitimate.

The amendment seeks to establish what will satisfy the definition of a nuisance dog. Proposed section 38 provides a new area for nuisance dogs. Only one person need make that complaint. This is something I raised in my second reading contribution so I will not go into too much detail. My dog might whine or bark when I am away, and one person can make a complaint about it. If that person is particularly forceful or vexatious, and the ranger feels that person must be satisfied to stop them annoying the ranger, the ranger might make an order for me to take action to stop my dog being a nuisance and the order will have effect for six months. My amendment states in part —

… to be satisfied that a dog is a nuisance as alleged in a complaint in subsection (3), the authorised person must establish that —

(a) the person who lodged the complaint has attempted to resolve the issue directly with the owner; and

It states "attempted to". Clearly, a person not being able to resolve a legitimate complaint can be taken into account by "attempted". The ranger also has to establish —

(b) the allegation is not frivolous or vexatious and is made in good faith; and

(c) the complaint is legitimate.

The ranger has to be pretty sure that they are not dealing with someone complaining about a dog as a way to get back at a neighbour because they have had a dispute about a fence under the Dividing Fences Act, or something like that. The ranger must be sure that the complaint is legitimate. This is quite a major change to the Dog Act. A person in the area that I represent is persistent in complaining about the fact that his allegation about the dog barking behind him cannot be acted upon because he cannot verify that complaint with anyone else in the street. He is very persistent about that to the point that I met the owner and the dog. He might be right; I am not there

when the owner is not there so I do not know. Someone being persistent and taking on an issue such as that will end up with us dealing with the person on the other end of it who will suddenly get an order against them for a nuisance dog. I call this "the Gus amendment" because a dog called Gus lives next door to me. He was a companion dog to someone with cancer. Unfortunately, that person died and he now lives with my neighbours. Gus gets very upset when his owners are not home. I think that is pretty reasonable as he was a companion dog to someone who died, and he can cry. I could say it is a nuisance. It distresses me to hear a dog cry. I talked to my neighbours and they had people come in to help deal with it. We dealt with the issue as neighbours. Frankly, if someone is home on a Sunday but their neighbours are out because they have decided to go to the beach and the dog next door starts crying, that can be a nuisance dog. I could make one complaint and suddenly my very nice neighbours will come into someone's office and say, "I have an order against me for six months because nothing was said between my neighbours." This is a particularly reasonable way of dealing with this that has procedural justice.

Mr A.J. SIMPSON: I thank the member for moving the amendment. The nuisance barking provision is designed to allow an authorised person to decide whether a dog is causing a nuisance. The member for Mirrabooka gave an example of her neighbour's dog called Gus crying next door. She said that she could put in a complaint and the neighbours would have an order on them. First things first, let us get the evidence. Before they can be given the order for six months, we first need to know whether it is making a nuisance.

Ms J.M. Freeman: This amendment provides that the ranger has to get the evidence.

Mr A.J. SIMPSON: This would be supported by the best practice guidelines published by the Department of Local Government and Communities and offered by local governments in their own policies. This amendment seems to be designed to place conditions around local governments being satisfied that a nuisance is occurring. That is what we are trying to identify. It is not appropriate to require that a person be required to contact their neighbour in an attempt to resolve a nuisance complaint. It may put someone in danger with their neighbour. It is not up to people to get involved; it is up to the right people at the council, such as rangers, to get evidence on the nuisance dog. It should be best practice, but it cannot be a requirement and it is not up to the authorised officer to establish the reason for a complaint and whether it has been made in good faith or in vexatious circumstances. The ranger must establish whether the dog has caused a nuisance. This is based on facts. They will have to get evidence to put that case together for the owner of the dog. It is important to note that even if a complaint is vexatious, there still may be a dog that is causing a nuisance. We need to make sure that the ranger has the evidence. I see what the member is trying to do, but I think it is covered in the act.

Ms J.M. Freeman: The minister is putting on *Hansard* that everything I put in this amendment will be covered in the good practice guidelines.

Mr A.J. SIMPSON: Yes, I am. We will also ensure that the ranger has the evidence that it is a nuisance dog.

Ms J.M. Freeman: That is not what it states in the bill. There is no requirement for evidence in the bill.

Mr A.J. SIMPSON: Yes, there is. Let us get back to the original part of the process; to call a dog a nuisance dog, we need the evidence. The ranger has to get the evidence. Proposed new section 38(3) provides —

> If an authorised person is satisfied that a dog is a nuisance as alleged in a complaint, the authorised person may issue an order to a person liable for the control of the dog requiring that person to prevent the behaviour —

Ms J.M. Freeman: It does not state "the authorised person has evidence that the dog is a nuisance". It states, "If an authorised person is satisfied". That is how we will determine that. The minister is telling his colleagues that when that person walks in the door, it will all be down to some practice guidelines that they will never see or have the capacity to determine. The minister is telling them that there is no other procedural fairness other than a ranger, who we now know gets very little training.

Mr A.J. SIMPSON: It states, "If an authorised person is satisfied".

Ms J.M. FREEMAN: I do not want to delay the house but I want to put on record that the minister and his department or a local government will get a writ of certiorari that states that an order will be made because someone has done enough to satisfy an authorised person that a dog is a nuisance dog. The minister knows and I know that some nuisance people will want to complain that a dog is a nuisance dog to get back at someone else. Maybe it is writ of mandamus—whichever it is. Someone will say that the local government has to act and we will be back in this place to look at the legislation again because practice guidelines are not as good as being clear in legislation.

Amendment put and negatived.

Ms J.M. FREEMAN: I move —

Page 62, after line 31 — To insert —

(4B) Where an order is issued under subsection (3), the person to whom the order is issued may, within not more than 7 days after the giving of the order, either —

(a) lodge a written objection with the local government, with a subsequent right to apply to the State Administrative Tribunal for a review of the decision made by the local government on the objection; or

(b) apply directly to the State Administrative Tribunal for a review of the order.

If someone makes a complaint that a dog is a nuisance and the authorised person is satisfied of that based on their practice guidelines, they will issue an order effective for six months. There is no right of appeal. Nothing in this proposed section allows someone to say that the ranger should not have been satisfied that a dog was a nuisance dog because there was no evidence and the complaint was just made by someone wanting to cause problems. This amends the bill so that a person is given a procedural right of appeal.

Mr A.J. SIMPSON: I thank the member for her amendment, but it seems excessive. The abatement notice simply advises the owner that they need to make sure that their dog does not cause a nuisance. There are other ways around that. They could spend more time exercising the dog. The abatement notice is about the nuisance dog, so there are other ways around it.

Ms J.M. Freeman: What happens if someone's dog is not a nuisance? They have no capacity to appeal.

Mr A.J. SIMPSON: This bill is about responsible dog ownership. That is what we are trying to get back to.

Ms J.M. Freeman: Is it not about the responsible neighbour who's complained against you with no cause for that?

Mr A.J. SIMPSON: Yes, but it goes back to our original conversation about the owner who has complained about the neighbours. There must be evidence before they can be given —

Ms J.M. Freeman: No, you don't. You have to be satisfied, that's all.

Mr A.J. SIMPSON: Satisfied—so we are in that process. The bill is about responsible dog ownership and what we are trying to achieve —

Ms J.M. Freeman: It is certainly not about procedural justice.

Mr A.J. SIMPSON: That is why the government does not support the amendment.

Ms J.M. FREEMAN: The minister can say that the bill is about responsible dog ownership, but if a false allegation is made against a responsible dog owner and they have no capacity for procedural justice or to address or appeal that in any way, it certainly is not about procedural justice for the dog owner. It might be about some idea of protecting the community, but dog owners are certainly not being protected or being given fairness.

Amendment put and negatived.

Clause put and passed.

Clauses 47 to 52 put and passed.

Clause 53: Section 46A inserted —

Ms L.L. BAKER: I move —

Page 67, line 24 — To insert after "course" —

provided by an industry accredited dog trainer

The minister is well aware of the reasons for these amendments, so I will not delay the chamber by discussing the matter again.

Mr A.J. SIMPSON: I thank the member for her amendment. Again, we do not support it. Proposed section 46A gives the court the power to order that a person attend and complete with their dog a dog training course specified in the order. The course is at the discretion of the court and will be related to the particular offence that has occurred. It is inappropriate to limit the court's discretion to specify an appropriate course. I take on board that the member is trying to achieve a standard course that could be straightforward to help that process, but we do not support the amendment.

Ms L.L. BAKER: I heard the words that it would be inappropriate to direct the court. It would be, but if there is a national standard in place, or a competency-based training course in place, surely logic would dictate that there be a minimum standard. It is not about directing the court; it is about saying this is a minimum standard of training acceptable.

Amendment put and negatived.

Ms L.L. BAKER: I move —

Page 67, line 29 – To insert after "course" —

provided by an industry accredited dog trainer

Mr A.J. SIMPSON: The government does not support the amendment for the argument stated before.

Amendment put and negatived.

Clause put and passed.

Clauses 54 to 59 put and passed.

New Clause 59A —

Ms L.L. BAKER: I move —

Page 74, after line 2 – To insert —

59A. Review of Act

(1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the fifth anniversary of its commencement.

(2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

This is the final amendment I have on the notice paper. I am sure members will be cheering about that.

Mr P.B. Watson: We are barking from the treetops.

Ms L.L. BAKER: I am sure members are, member for Albany. I am sure the minister would agree that most good policies and legislation include a review date. Will the minister be happy to put a review date in the bill or should I continue? The minister does not want to put a review date in the legislation? I find it absolutely remarkable and negligent that the minister would not put a review date in a piece of legislation. Why would the minister not state that a piece of legislation at a particular point in time needs to be reviewed? I am waiting for copies of the review of the Commissioner for Children and Young People Act, which is prescribed in legislation. Every other piece of legislation I have worked with in recent years includes a review date. This bill will be substandard legislation if it does not contain a review date.

Mr A.J. SIMPSON: The Dog Act was first introduced in 1976.

Ms L.L. Baker: There's the problem.

Mr A.J. SIMPSON: It has taken a long time to get back here. The act is a working document. When a sunset clause or a review date is put in an act and there is no opportunity for it to be reviewed, the act could be out of date. Basically, the act has been reviewed, and that is why we are discussing the Dog Amendment Bill today. I appreciate what the member is trying to achieve with the proposal that the minister carry out a review, but a review of the Dog Act has been done. The last one was in 1976, so that is 37 years ago. We are caught in that process. As the current act has lasted so long, the next one will last an equally long time.

Ms L.L. BAKER: I cannot let the minister get away with that load of rubbish. Surely, the fact that we have a Dog Act from 1976 and we are finally reviewing it in 2013, after a fairly tortuous process, would indicate that it is absolutely important to put a review date in the legislation. All good pieces of legislation have a review date. That is one of the first things that we are taught at grown-up policy school; when a policy is written, a review date is put on it. I cannot imagine how the minister cannot understand. He has already convinced me that this bill was drafted in 1976, and in 2013 we are still discussing it. If ever he needed a good argument to put a review date in the bill, I think he has just proven the point.

Mr A.J. SIMPSON: The member for Maylands might have a win here. I will give her one out of however many she has put up tonight. I will tell her why we have rejected her new clause. The member's proposal is that the minister must carry out a review of the operation and effectiveness of the act as soon as practicable after the fifth anniversary of its commencement. After 1976, the next review would have been in 1981, which has come and gone, so the member needs to change the wording of the new clause.

Ms L.L. Baker: Sure.

Mr A.J. SIMPSON: If the member is happy to amend the new clause, I am happy to review the act. I move —

To delete the words "the fifth anniversary of its commencement" and substitute —

1 January 2019

Amendment put and passed.

New clause, as amended, put and passed.

Clauses 60 to 62 put and passed.

Title put and passed.

House adjourned at 10.41 pm