

41ST PARLIAMENT



Report 60

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Petition No. 020 – Dog Act 1976

Presented by
Hon Peter Foster MLC (Chair)
November 2022

Standing Committee on Environment and Public Affairs

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EXECUTIVE SUMMARY

- 1 This report arises out of a petition, Petition No. 20 of the 41st Parliament, calling for:
 - stronger penalties for dog attacks
 - the removal and destruction of offending dogs, and
 - a compulsory education program for owners of dogs who have previously attacked people or other animals.
- 2 The Standing Committee on Environment and Public Affairs (Committee) considered evidence from multiple local government authorities, the Department of Local Government, Sport and Cultural Industries (DLGSCI), the Royal Society for the Prevention of Cruelty to Animals (RSPCA WA) and the Western Australian Local Government Association (WALGA). It also took into account the findings of the Statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013* (Statutory review) undertaken by the DLGSCI in 2019.
- 3 The *Dog Act 1976* (Act) currently provides for a penalty of \$10 000 for a dog attack that causes injury, and a maximum fine of \$20 000 if the attacking dog is a declared dangerous dog. The Act also provides a maximum prison sentence of 10 years if a dangerous dog kills or threatens the life of a person. Local government authorities are responsible for administering and enforcing the Act and can impose a modified penalty of up to \$400 for dog attacks.
- 4 The Committee considered that the penalties available to the courts are already significant, if a prosecution is successful, and increasing them would be unlikely to act as a further deterrent to offending.
- 5 Under new regulations being formulated following amendments to the Act to be made by the *Dog Amendment (Stop Puppy Farming) Act 2021*, the DLGSCI is currently preparing a new, centralised dog registration system. This should allow for the uniform storage of dog attack information across the State, assisting local governments in their administration of the Act. It is hoped that the centralised system will be operational by the latter part of 2023.
- 6 The Committee investigated concerns that an offending dog can be returned to its owner while awaiting court hearings, posing a risk to the community. The Committee heard from some local governments that advised:
 - no complaints of that nature had been received
 - there are sufficient safeguards in place to prevent repeat attacks.
- 7 The Committee does have the following concerns regarding the statutory requirements for dangerous dog enclosures, concerns which were also raised during the DLGSCI's Statutory review. In the Committee's opinion:
 - they are not sufficiently robust
 - they should be amended
 - the DLGSCI should issue uniform guidance regarding them.
- 8 Responsible dog ownership is more likely to be achieved through education and public awareness campaigns than through any increased deterrence provided by increasing fines. Local governments are encouraged to find ways to encourage participation in such campaigns or in dog training courses.

- 9 Finally, when dealing with victims of dog attacks, or witnesses to dog attacks, the Committee sees merit in local governments directing those involved to appropriate trauma services as part of their investigation process.

CHAPTER 1

Introduction

Reference and procedure

- 1.1 On 5 August 2021, Hon Tjorn Sibma MLC tabled a petition (the petition) containing 107 signatures.¹ The petition read:
- We, the undersigned, say that the Dog Act 1976 requires amendment to ensure tougher penalties are placed on dogs that seriously injure or killed other animals or people and their owners.
- Now we ask the Legislative Council to investigate the introduction of:
- stronger penalties to deter owners from disobeying regulations, including increased financial penalties and criminal liability, for serious attacks;
 - the removal and destruction of a dog where it has caused serious physical injury and/or death; and
 - a compulsory education program for dog owners where an animal in their control has caused nuisance and fear to the general public.
- 1.2 This was in fact a re-tabling of the earlier Petition No. 180, containing 638 signatures, which lapsed at the end of the 40th Parliament.² Once tabled, the new petition, No. 20 of the 41st Parliament, stood referred to the Committee under the Legislative Council's Standing Order 102(6).
- 1.3 As part of its preliminary enquiries, the Committee sought submissions from the principal petitioner and the tabling Member, and also wrote to the Minister for Local Government, the Royal Society for the Prevention of Cruelty to Animals (RSPCA WA), the Western Australian Local Government Association (WALGA) and a number of local governments in the State. Subsequently, on 27 April 2022, the Committee held hearings with the Department of Local Government, Sport and Cultural Industries (DLGSCI) and four selected local governments.
- 1.4 A list of submissions received, evidence collected, and public hearings conducted over the course of the Committee's enquiries may be found at Appendix 1. Copies of public submissions, replies and transcripts of evidence are available on the Committee's webpage at [https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(viewPetitionsCurrent\)](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(viewPetitionsCurrent)).
- 1.5 This report is not the outcome of a formal inquiry. In this instance, having considered the written evidence provided, it was decided to conduct a number of hearings with selected stakeholders. The Committee was satisfied, following those hearings, that a full inquiry was not necessary.
- 1.6 The Committee is grateful to those who made submissions and provided responses, and to the witnesses who appeared at the hearings, for their assistance.

Background to the petition

- 1.7 In Australia, an estimated 100 000 dog bites are reported annually, with an average of 2 061 requiring hospitalisation for treatment each year. Further, dog bites account for 60.7 per

¹ Tabled Paper 435, Legislative Council, 5 August 2021.

² Tabled Paper 4646, Legislative Council, 24 November 2020.

10 000 Emergency Department presentations in paediatric populations, and 12.9 per 10 000 Emergency Department presentations in adult populations.³

- 1.8 However, utilising healthcare admission and discharge data significantly underestimates the true burden of dog bites in the community. International data suggests that hospital records alone provide insufficient information to determine the real burden associated with dog bites. The majority of bites do not require treatment at hospitals, thus hospital data sources cannot be considered representative of the true incidence in the wider population.⁴
- 1.9 As part of its preliminary enquiries, the Committee requested dog attack statistics from 11 local governments in Western Australia, covering the last five years. Their responses can be found at Appendix 2. In total, there were 11 861 recorded dog attacks. That is approximately 1 078 per local government, or around 216 per local government per year.
- 1.10 The local governments that appeared before the Committee advised that they believe the number of dog attacks reported are not representative of the true number occurring in the community. They gave a number reasons as to why dog attacks go unreported:
- the attack was minor in nature with no serious injury
 - the attacking dog was a family dog
 - those involved wanted to work it out themselves
 - fear of the court process
 - fear of the dog being euthanised
 - fear of retaliation by the dog owner
 - a lack of awareness of what constitutes a dog attack
 - a lack of awareness of the ability to report.⁵
- 1.11 Injuries due to dog bites are a largely unrecognised and growing problem. The public health implications of dog bites are substantial, and verifying the extent of the problem is important. The serious health-related consequences of injuries sustained due to dog bites include open wounds, cellulitis, and fractures leading to temporary or permanent disability, mental trauma, anxiety and premature mortality.
- 1.12 The economic consequences include the use of medical resources, lost productivity of victims and their carers and time and effort expended by the wide range of personnel involved in apprehending and dealing with the offending animal. After an attack there is time spent preparing for and appearing in court for:
- the victim and their family members
 - witnesses to the attack

³ Pekin, Rhynhoud, Brennan & Magalhaes, 'Dog bite emergency department presentations in Brisbane metro south: Epidemiology and exploratory medical geography for targeted interventions', *One Health*, 2020, vol. 12:100204, see: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7750554/>, viewed 11 March 2022.

⁴ *ibid.*

⁵ Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 4; Written responses to hearing questions, Tabled Paper 1 tabled by the Shire of Broome during hearing held 27 April 2022, p 2; Linda Emery, Coordinator Ranger Services, City of Mandurah, transcript of evidence, 27 April 2022, p 4; Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 4.

- the owner of the offending dog.⁶

Outline

- 1.13 This report will outline the regulatory framework surrounding dog attacks and the penalties for them (Chapter 2).
- 1.14 Chapter 3 will question whether the statutory penalties for dog attacks are adequate, and whether increasing them would act as a further deterrent for dog owners.
- 1.15 The report will then go on to look at other provisions, or improvements to those provisions, that act as a deterrent and may assist in reducing the number of dog attacks.
- 1.16 Chapter 4 will look into:
 - the current system for registering dogs
 - the forthcoming centralised state-wide register for dogs, and whether it could contain useful dog attack information for local governments administering the *Dog Act 1976* (Act)
- 1.17 Chapter 5 will outline the current legislation regarding dangerous dogs and the safeguards available for the protection of the public.
- 1.18 Chapter 6 will examine whether community education and training programs, and dog training programs, are more effective than an increase in fines in reducing the number of dog attacks.
- 1.19 Chapter 7 will briefly deal with trauma services for victims of dog attacks or witnesses to them.

⁶ Raihekar, Blizzard, Julian, Williams, Tennant, Forrest, Walsh & Wilson, 'the incidence of public sector hospitalisations due to dog bites in Australia 2001-2013', *Australia and New Zealand Journal of Public Health*, 2017, vol 41:4, pp 377-80.

CHAPTER 2

Regulatory regime and penalties

- 2.1 Offences relating to dog attacks are dealt with in Western Australia in a legislative framework consisting of the *Dog Act 1976* (the Act) and the *Dog Regulations 2013* (Regulations). Local governments are entitled to make dog laws for their own localities (section 51 of the Act), but those powers do not materially relate to the subject matter of the petition.

Dog Act 1976

- 2.2 In the context of an attack by a dog, section 3(1) of the Act states:

attack, in relation to the behaviour of a dog, does not include behaviour which was an immediate response to, and was induced by, provocation, but includes —

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property of, the person attacked; or
- (d) attempting to attack, or behaving in such a manner toward a person as would cause a reasonable person to fear physical injury,

unless the owner establishes that the behaviour was justified by a reasonable cause.

- 2.3 In terms of who may be criminally liable for the actions of a dog that attacks, every person liable for the control of the dog may commit an offence. Section 3(1) of the Act also states:

person liable for the control of the dog means each of the following —

- (a) the registered owner of the dog; or
- (b) the owner of the dog; or
- (c) the occupier of any premises where the dog is ordinarily kept or ordinarily permitted to live; or
- (d) a person who has the dog in his possession or under his control,

but does not include —

- (e) a veterinarian, or a person acting on a veterinarian's behalf, in the course of the veterinarian's professional practice; or
- (f) a police officer or other person acting under a statutory duty or in the administration of this Act.

- 2.4 Local governments are responsible for administering and enforcing the Act.⁷

⁷ *Dog Act 1976* s 9.

Penalties

2.5 In his response to the petition, Hon John Carey MLA, Minister for Local Government, wrote:

The *Dog Act 1976* (the Act) currently provides significant penalties for offences relating to dog attacks. Standard dog attacks causing injury can be punished by fines of up to \$10,000, the amount of which can be doubled in circumstances involving restricted breeds or dogs with a known history of committing attacks. The Act also provides a maximum jail sentence of 10 years in situations where an attacking dog kills a person or threatens their life. This penalty is comparable to those penalties applicable to accidental death or manslaughter.⁸

2.6 The reference by the Minister to restricted breeds or dogs with a known history of committing attacks is a reference to what the Act refers to as 'dangerous dogs'. These will be dealt with more fully at Chapter 5 of this report.

2.7 The Act provides for the following penalties that may be imposed by a court:

Table 1. *Penalties for dog attack offences under the Dog Act 1976*

| Offence | Penalty | Penalty for declared dangerous dogs |
|---|--|---|
| If a dog attacks or chases any person or animal and physical injury is caused to the person or animal that is attacked or chased, every person liable for the control of the dog commits an offence | A fine of \$10 000 | Minimum fine of \$1 000 Maximum fine of \$20 000 |
| If a dog attacks or chases any person or animal without causing physical injury to the person or animal that is attacked or chased, every person liable for the control of the dog commits an offence | A fine of \$3 000 | Minimum fine of \$500 Maximum fine of \$10 000 |
| If a person sets on or urges a dog to attack or chase any person or animal, whether or not injury is caused (except in good faith in the reasonable defence of any person or property, or for the driving or removing of any animal, with the consent of the owner or person in charge, or where the animal is trespassing) | A fine of \$10 000 Imprisonment for 12 months | Minimum fine of \$1 000 Maximum fine of \$20 000 Imprisonment for 2 years |

[Source: *Dog Act 1976*, s 33D.]

2.8 Section 33D of the Act was inserted by section 27 of the *Dog Amendment Act 1987*. At that time, the fine was a maximum of \$1 000, whether or not injury was caused (\$2 000 if the dog was set or urged to attack). Those maximum fines of \$1 000 and \$2 000 were replaced with fines of \$10 000 by section 16 of the *Dog Amendment Act 1996*, with a possible term of imprisonment of 12 months added to the 'set or urge to attack' offence. The current levels of punishment were set by section 33 of the *Dog Amendment Act 2013*.

⁸ Hon John Carey MLC, Minister for Local Government, letter, 3 September 2021, p 1.

- 2.9 The Act provides for a maximum prison sentence of 10 years if a dangerous dog kills a person or endangers his or her life.⁹
- 2.10 The Regulations provide for the following modified penalties for offences with a maximum penalty not exceeding \$10 000:¹⁰

Table 2. *Modified penalties for dog attack offences*

| Offence | Modified penalty | Modified penalty for declared dangerous dogs |
|--|------------------|--|
| Dog attack or chase causing physical injury | \$400 | N/A ¹¹ |
| Dog attack or chase causing no physical injury | \$200 | \$400 |

[Source: *Dog Regulations 2013*, r 33.]

- 2.11 A comparison of dog attack penalties in other Australian jurisdictions can be found at Appendix 3. As can be seen, comparisons are difficult, in that offences in other States are formulated differently. However, as a general overview, penalties for attacks causing injury range from \$1 730 for 'standard' dogs causing non-serious injuries in Tasmania¹² (\$5 190 for a dangerous dog) to \$11 000 in New South Wales (\$44 000 for a dangerous dog).
- 2.12 It should be noted that the Act also specifically provides for civil remedies. In this case, action may be taken against the owner of the dog for damages for injury to any person or animal or damage to the property of the person concerned. In this context, 'owner' is defined as a person who either:
- has a dog in his possession or under his or her control
 - is the occupier of any premises where a dog is ordinarily kept or ordinarily permitted to live.¹³

Statutory review

- 2.13 In May 2019, the DLGSCI commenced a statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013* (Statutory review).¹⁴ On the matter of dogs, the Statutory review focused only on the 2013 amendments made to the Act, not on the entire Act itself, to gather feedback and information about how effective the amendments had been, whether they should continue and whether there was a need for a full review of the Act.

⁹ *Dog Act 1976* s 33GA(11).

¹⁰ A modified penalty is a prescribed amount that an alleged offender must pay under an infringement notice if he or she wishes to have the matter dealt with without going to court (*Criminal Procedure Act 2004*, s 5).

¹¹ A modified penalty may not be prescribed in regulations if the penalty for the offence may include imprisonment (*Criminal Procedure Act 2004*, s 5(2)).

¹² Western Australian legislation does not differentiate between serious and non-serious injury — seriousness and the consequences of the attack for the victim would be taken into account by the court.

¹³ *Dog Act 1976* s 46.

¹⁴ Department of Local Government, Sport and Cultural Industries, *Statutory review of the Cat Act 2011 and Dog Amendment Act 2013*, Report, Perth, September 2019, p 19.

2.14 The *Dog Amendment Act 2013* increased penalties relating to dog attacks, as mentioned at paragraph 2.8 above. The Statutory review reported:

Feedback suggested that penalties (fines) may not be high enough to make some people comply with their responsibilities of owning a dog, particularly one that has (or has threatened to) attack. Thirty-eight per cent of survey respondents feel that the penalties for dog attacks are not appropriate.¹⁵

2.15 It also reported, however:

Many comments in surveys and written submissions called for more training and education for owners and dogs to prevent attacks rather than having a strong focus on penalties.¹⁶

2.16 In this regard, the findings of the Statutory review were:

24. This is a broad topic where there are strong views, particularly on the penalties available and the powers that rangers have for seizing and holding dogs that have (or threatened to) attacked.

25. There is support for increases to penalties for the owners of dogs that attack.

26. Feedback was strong for education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites/attacks.¹⁷

2.17 Education and awareness campaigns are dealt with in Chapter 6 of this report. The Statutory review also touched briefly on the provisions regarding dangerous dog enclosures, which will be dealt with in Chapter 5 of this report.

2.18 First, Chapter 3 will examine whether an increase in the penalties available to the courts would act as a deterrent or further deterrent, as requested by the petitioners.

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ *ibid.*

CHAPTER 3

Penalties as a deterrent

- 3.1 The petitioners are concerned that the current penalties are not an adequate deterrent for dog attacks. However, evidence collected from those working in the field indicates that an increase in penalties alone may not have that desired effect. The Committee heard that deterring dog attacks in the community is based around promoting responsible dog ownership. An example is to keep dogs on leashes.
- 3.2 The City of Albany told the Committee that the penalties alone are not adequate to act as a sufficient deterrent, due in part to dog owners in the lower socio-economic demographics failing to pay their fines.¹⁸ The City would rather see a rewards or good behaviour bond system in place, as it continues to see dog owners with unpaid fines whose dogs are continuing to attack.
- 3.3 The Shire of Broome found that penalties only deter reoccurrences, as dog owners are not aware of the fines for dog attacks until after the event. The Shire does not believe increasing the penalties would deter or decrease the number of dog attacks in Broome.¹⁹
- 3.4 The City of Mandurah expressed its belief to the Committee that penalties are usually imposed by a Magistrate to act as a deterrent for the community. Staff of the City wish to see increased modified penalties, but only for severe dog attacks, because they feel at times that the current modified penalty (\$400) is inadequate to recognise the seriousness of the offence.²⁰
- 3.5 In terms of less serious offences, staff believe it is far better to achieve compliance from the dog owner in a voluntary sense, and once that is achieved it is possible to prevent repeat offences. The City has found that repeat offenders may not pay their fines, and therefore fines have very little impact and are difficult to enforce. In terms of mitigating the number of dog attacks, the City would like to see a more cohesive state-wide campaign on responsible dog ownership.²¹ The City of Mandurah's approach to responsible dog ownership will be further discussed at Chapter 6.
- 3.6 The City of Swan cautions and seeks to educate people in the first instance, before it escalates to an infringement notice, with prosecution as a last resort. It believes that the current dog attack penalties appear to be adequate and provide a deterrent. The City also has experience with non-compliant residents not paying their fines and whose dogs continue to attack. In this instance the City sees more value in being able to seize and destroy these dogs to stop the offences occurring, rather than the continued application of modified penalties.²² Seizure and destruction of dangerous dogs is dealt with at paragraph 3.22 of this report.

¹⁸ Brendan Jellay, Senior Ranger Compliance, City of Albany, transcript of evidence, 27 April 2022, p 6.

¹⁹ Alwin Mikelat, Coordinator Community Safety and Ranger Services, Shire of Broome, transcript of evidence, 27 April 2022, p 6.

²⁰ Brendan Ingle, Executive Manager Development and Compliance, City of Mandurah, transcript of evidence, 27 April 2022, p 5.

²¹ *ibid.*

²² Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 4.

- 3.7 When asked about the possibility of increasing fines, the DLGSCI's Acting Director of Regulatory Reform told the Committee that the department was not aware of any research that demonstrates that a reduction in dog attacks would occur as a result of increasing penalties. She went on:
- I am not sure that increasing penalties is necessarily going to have the impact of stopping these attacks in the first place. It is more important for local government to be able to have the legislative powers to investigate and take appropriate action at the end as part of that process.²³
- 3.8 She pointed out that:
- following a dog attack, prosecution proceedings can be commenced in the Magistrates Court, where a significantly higher penalty can be imposed. The local governments can choose an infringement notice, which is a lot lower, or they can actually take the matter to court, which is when a higher penalty can be imposed. They are already quite significant. I am not sure that increasing penalties in this case would necessarily act as a deterrent because they have already been increased, but it is definitely something that we can consider.²⁴
- 3.9 This is an important issue.
- 3.10 As the table at Appendix 2 reveals, in the vast majority of dog attacks where action is taken by local governments, they are dealt with by way of infringement notice. The punishment is thus \$200 or \$400, depending on the circumstances. The maximum statutory fines set out in Table 1 above may only be meted out by a court following a successful prosecution, yet such prosecutions are rare.
- 3.11 In the City of Busselton, over the last 5 years, 449 reported attacks resulted in just 4 prosecutions (3 of which were against the same repeat offender).²⁵ The City of Swan declared 2 025 attacks, but only 7 prosecutions. The Shire of Broome prosecuted no-one (556 attacks reported).
- 3.12 The City of Mandurah (11 prosecutions from 1 473 reported attacks) stated:
- We will prosecute for dog attacks causing injury to a person and/or an animal—that may be both cases.²⁶
- 3.13 Mike Archer, Chief Executive Officer of the City of Busselton, explained that:
- In determining the appropriate course of action to take where an attack has been proven, the City has developed an "incident severity guideline" document to ensure consistency and transparency in our approach to enforcement. Prosecution action will usually only be taken in cases of repeated behaviour, or where the attack is of a serious nature. There are, though, some serious cases that are not prosecuted where the owner of the attacking dog voluntarily euthanizes their dog and/or meets the veterinary expenses of the victim.²⁷
- 3.14 When it comes to making decisions as to whether to prosecute for dog attack offences, inconsistency does not seem to be the issue. All of the local governments surveyed show reluctance to prosecute. This may be because of the difficulty in gathering supporting

²³ Darrelle Merritt, Acting Director Regulatory Reform, Department of Local Government, Sport and Cultural Industries, transcript of evidence, 27 April 2022, p 10.

²⁴ *ibid.*, p 5.

²⁵ Mike Archer, Chief Executive Officer, City of Busselton, letter, 4 November 2021, p 1.

²⁶ Linda Emery, Coordinator, Ranger Services, City of Mandurah, transcript of evidence, 27 April 2022, p 5.

²⁷ Mike Archer, Chief Executive Officer, City of Busselton, letter, 4 November 2021, p 1.

witness evidence, or simply otherwise proving the elements of an offence before a court. It may be a resources issue.

- 3.15 However, if the penalties available for dog attack offences are to be a true deterrent, that deterrence will only come from more prosecutions and media coverage of them. Increasing the already significant available penalties would be unlikely to have the effect desired by the petitioners.
- 3.16 The DLGSCI indicated at its hearing that the review of the Regulations currently being undertaken might provide an opportunity for consideration of an increase in penalties for dog attacks.²⁸ The point needs to be made, however, that only the modified penalties could be increased in regulations.²⁹

Committee comment

- 3.17 The penalties for dog attack offences as set out in the Act are already potentially significant if successful prosecutions are undertaken. That being the case, in the Committee's view, further increasing them is unlikely to influence any deterrent effect or decrease the number of dog attacks.
- 3.18 Access to those significant penalties is only available, however, if a prosecution is brought and is successful. The potential for increasing the number of prosecutions undertaken is a matter for individual local governments to consider, taking into account other workload and funding priorities in their areas. The enormous diversity in demands on local governments in Western Australia is acknowledged.

Seizure of dogs

- 3.19 The principal petitioner raised concerns that, due to the length of time that can pass before a court hears a dog attack case, an offending dog may return to the community and reoffend.³⁰ The Committee raised this with the DLGSCI and with local governments who appeared before it.
- 3.20 Darrelle Merritt, Acting Director Regulatory Reform of the DLGSCI, told the Committee:

I am personally not aware of any complaints that we have received. Presumably this is in reference to the Magistrates Court and, of course, the department is not able to influence those time frames. Local governments can deem a dog dangerous, which requires the dog to wear a muzzle, be confined to a suitable enclosure and it must be on a lead at all times when in a public place. If the dog is placed back into the community while awaiting a court decision, these preventive measures could reduce the risk of the dog reoffending.

During court proceedings, the court or the State Administrative Tribunal, depending on which of them is dealing with the proceeding, may, under section 40(1)(c) of the Dog Act, order the seizure and detention of the dog and require the dog to be controlled in a specific manner. The dog may also be detained for a certain period—for example, pending a determination under section 39 of the Dog Act, which is destruction of the dog.³¹

²⁸ Darrelle Merritt, Acting Director Regulatory Reform, Department of Local Government, Sport and Cultural Industries, transcript of evidence, 27 April 2022, p 5.

²⁹ Table 2 of this report.

³⁰ Submission from Cindy Burt, principal petitioner, 6 November 2020, p 1.

³¹ Darrelle Merritt, Acting Director Regulatory Reform, Department of Local Government, Sport and Cultural Industries, transcript of evidence, 27 April 2022, p 7.

- 3.21 Local governments also told the Committee that no complaints regarding this sort of situation had been received. The City of Albany advised the Committee that if there is a perceived risk to the community, the dog will be brought into the care of the City and remain there until the investigation is concluded.³² The City of Swan has implemented a practice whereby dogs alleged to have been involved in dog attack incidents where significant injuries occurred are seized and held by the City pending the outcome of an investigation.³³
- 3.22 An authorised officer of a local authority, or a police officer, may seize and detain a dog if it appears to that person that an attack by a dog has occurred, or an attack is likely to occur.³⁴
- 3.23 In the case of a dangerous dog, an authorised person or police officer may enter premises for the purpose of seizing and detaining it, if that person has reasonable grounds to believe:
- that an attack has occurred
 - seizure and detention is necessary.³⁵
- 3.24 Where a dog is seized and is not forthwith returned to the owner, it is detained in a dog management facility³⁶ or in any other suitable premises. In cases where the dog can be returned to the owner, the City of Swan first carries out inspections of the property to ensure there are effective containment measures in place to prevent the dog from reoffending.³⁷

Committee comment

- 3.25 The Committee is of the view that there are sufficient protective measures available to local authorities to ensure offending dogs do not pose a risk to the community if returned to their owners pending further action.

³² Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 6.

³³ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 5.

³⁴ *Dog Act 1976*, s 29(3).

³⁵ *Dog Act 1976*, s 33G.

³⁶ A dog management facility is defined as a facility operated by a local government that is, or may be, used for keeping dogs, or a facility for keeping dogs that is operated by a person or body prescribed or a facility for keeping dogs that is operated by a person or body approved in writing by a local government (*Dog Act 1976*, s 3)

³⁷ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 5.

CHAPTER 4

Registration system

Current dog registration system

- 4.1 Section 14 of the Act provides that local governments are to keep an accurate and up to date register of dogs registered by the local government. The Regulations prescribe that the following information be recorded on the register for each dog:
- (a) the dog owner's full name
 - (b) the dog owner's residential address
 - (c) the dog owner's postal address (if different from the residential address)
 - (d) the dog owner's date of birth
 - (e) the dog owner's contact telephone numbers — home, work and mobile
 - (f) the dog owner's email address
 - (g) details of the owner's delegate, if any
 - (h) the address at which the dog is normally kept
 - (i) the dog's name
 - (j) the dog's registration number
 - (k) the dog's sterilisation status
 - (l) if the dog is microchipped, the dog's microchip number
 - (m) the date of birth or age, breed (if known), colour and gender of the dog
 - (n) if the dog is a dangerous dog (declared), dangerous dog (restricted breed) or a commercial security dog
 - (o) if the dog is an assistance dog or a dog that is used in the droving or tending of stock.³⁸
- 4.2 However, by virtue of section 14(2), the local government may keep the register in such form as it sees fit. It is up to each individual local government to procure and maintain its own register, with local governments across the State utilising different systems.
- 4.3 These systems are also used to record information on dog attacks reported within the local government's jurisdiction. However, the Regulations do not prescribe which, if any, information is to be recorded for each dog attack.
- 4.4 The City of Albany and the City of Mandurah told the Committee that, as the systems used are developed by an external provider, they are limited in the type and range of information that can be recorded regarding dog attacks.³⁹

³⁸ *Dog Regulations 2013*, reg 16.

³⁹ Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 7.

- 4.5 The type of information not stored in all dog attack records includes:
- the age and gender of the person attacked and the dog's owner
 - the location of the dog attack
 - whether the attack was provoked
 - the severity of the attack
 - whether penalties have been applied
 - whether the attacking dog was at large at the time
 - whether a dog was seized and destroyed as a result of a dog attack.
- 4.6 Witnesses from multiple local governments described being able to input this information manually into a note field, or into each individual investigation report. However, the specifics of dog attacks are not required by the system and are not easily extracted.⁴⁰
- 4.7 The Shire of Broome expressed a desire for a simpler system that allows better extrapolation of dog attack data, and a consistent system across local governments.⁴¹

Committee comment

- 4.8 There is currently a gap in the data collected around dog attacks, and inconsistency in the recording of that data. There is support for an improved registration system to record specified dog attack data going forward amongst local governments, and the Committee agrees.

Centralised registration system

- 4.9 The *Dog Amendment (Stop Puppy Farming) Act 2021* was assented to in December of 2021. It is not yet fully in force. Its main purpose is to amend the *Dog Act 1976* to prevent and stop puppy farming by regulating the breeding and sale of dogs in Western Australia.
- 4.10 It also introduces a requirement for a centralised registration system in Western Australia (what will be section 13A of the Act), so that all information about cat and dog registrations is recorded in the same database across the state. This was legislated to ensure information can be shared across local government districts and to assist them with monitoring and enforcement. The type of information to be included in the register will be prescribed in forthcoming regulations (new section 13A(5) of the Act).
- 4.11 The DLGSCI confirmed to the Committee that, other than the removing of muzzling requirements for greyhounds, none of the provisions of the *Dog Amendment (Stop Puppy Farming) Act 2021* had taken effect yet:
- all the remaining provisions cannot come into effect until the centralised registration system is up and running or has been developed and supporting regulations have been prepared as well. The scoping work for that centralised registration system is occurring now and the regulations will be developed to support that and then they will all come in together.⁴²

⁴⁰ Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 7; Brendan Ingle, Executive Manager Development and Compliance, City of Mandurah, transcript of evidence, 27 April 2022, p 7; Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 6.

⁴¹ Keith Williams, Director Development Services, Shire of Broome, transcript of evidence, 27 April 2022, p 7.

⁴² Darrelle Merritt, Acting Director Regulatory Reform, Department of Local Government, Sport and Cultural Industries, transcript of evidence, 27 April 2022, p 8.

4.12 The DLGSCI advised that the proposed centralised registration system will include the information currently recorded in local government registers, but that local governments will no longer need to maintain their own systems and registers. Instead, they will be obliged to record relevant information in the central register themselves (new section 14 of the Act).

4.13 Clearly, this will be advantageous. For example, as Darrelle Merritt of the DLGSCI explained:

One of the things we heard in talking to rangers is that there is no record of what dog is a dangerous dog, because each local government has their own system, if a person moves to another local government and that dog has been declared dangerous or it is a restricted breed or a commercial security dog, the owner may not disclose that information when they move local government. So the ability for the centralised registration system to record that against the dog so that it is evident when they move local governments will be beneficial to this particular issue.⁴³

4.14 Mrs Merritt also confirmed that the DLGSCI will also look at whether there is an ability to start recording dog attack information in that system. As she explained:

if there is data available, it enables the department to look at particularly legislative amendments and, if there are the necessary changes, to empower local governments to be able to do what they need to do for dog attacks, and also potentially provide additional alerts and information to the sector.⁴⁴

4.15 The Committee recently sought an update on the development of the centralised registration system from the Minister for Local Government. He confirmed that a procurement process for the system is underway and, following a consultation paper to be released in early-2023, it is hoped that the system will be operational in the latter part of that year. He said:

It is expected that information relating to dog attacks will be collected by the system.⁴⁵

Committee comment

4.16 The centralised registration system should be developed by the DLGSCI to include data on dog attacks and information about the attacking dogs, their victims, their location, the circumstances surrounding the attack, penalties imposed and any other outcomes.

4.17 The DLGSCI should consult with local governments in developing the new centralised registration system.

⁴³ *ibid.*

⁴⁴ *ibid.*, p 10.

⁴⁵ Hon John Carey MLA, Minister for Local Government, letter, 31 October 2022.

CHAPTER 5

Dangerous dogs

Management of dangerous dogs

Background

5.1 According to the Act:

dangerous dog means a dog that is —

- (a) a dangerous dog (declared); or
- (b) a dangerous dog (restricted breed); or
- (c) a commercial security dog.

dangerous dog (declared) means an individual dog that under section 33E(1) is declared to be a dangerous dog (declared).

dangerous dog (restricted breed) means a dog that —

- (a) is of a breed prescribed by the regulations to be a restricted breed; or
- (b) is a mix of 2 or more breeds, one being a breed prescribed by the regulations to be a restricted breed.⁴⁶

5.2 A declared dangerous dog is one which a local government, or an authorised person on behalf of the local government has, by notice in writing, declared to be dangerous. This may occur if, in the opinion of the local government or authorised person:

- (a) the dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle; or
- (b) the dog has, repeatedly, shown a tendency —
 - (i) to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour; or
 - (ii) to threaten to attack;or
- (c) the behaviour of the dog meets other criteria prescribed for the purpose of this section.⁴⁷

5.3 Under the Act, a dangerous dog must:

- wear a type of collar prescribed in Regulations
- be confined to a suitable enclosure with warning signs of a prescribed type at each entrance (see below) and

⁴⁶ *Dog Act 1976*, s 3. At the time of tabling this report, regulation 4 of the Dog regulations 2013 prescribe the following dogs as being of restricted breeds — dogo Argentino, fila Brasileiro, Japanese tosa, American pit bull terrier, pit bull terrier, perro de presa Canario or presa canario and any other breed of dog the importation of which is prohibited absolutely by the *Customs (Prohibited Imports) Regulations 1956* (Commonwealth).

⁴⁷ *Dog Act 1976*, s 33E.

- be muzzled and on a lead under the control of an adult at all times when not in its enclosure.
- 5.4 Further statutory controls on dangerous dogs belonging to a restricted breed include compulsory sterilisation (section 33GB of the Act), restrictions on the transfer of ownership (section 33GC) and a ban on breeding (section 33GD).
- 5.5 Collectively, these are considered to be measures which afford extra protections to the community.

Audits

- 5.6 Every local government authority that provided written information to the Committee advised that they carry out annual inspections of enclosures of dogs deemed dangerous. These audits have been found to be effective mechanisms for ensuring compliance with the Act, as well as assisting with monitoring the dangerous dogs in each jurisdiction.⁴⁸
- 5.7 The inspections also provide an opportunity for rangers to talk to dog owners and reinforce the obligations of responsible dog ownership.

Enclosure requirements

- 5.8 Section 33GA(2) of the Act states:

Every person liable for the control of a dangerous dog must ensure that the enclosure within which the dog is confined, whether or not the enclosure is at the premises where the dog is ordinarily kept or ordinarily permitted to live, is constructed to —

- (a) prevent the dog from escaping; and
- (b) prevent the dog from being removed or released from the enclosure without the permission of the person liable for the dog's control; and
- (c) prevent a child who has not reached 7 years of age from entering, or inserting any part of its body into, the enclosure without the help of an adult.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
- (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.

- 5.9 The occupier of premises where a dangerous dog is ordinarily kept or ordinarily permitted to live must ensure that a warning sign, of a kind prescribed in the regulations, is displayed at each entrance to those premises. Those warning signs must:
- be a white rectangle measuring 200 mm by 300 mm
 - be made of a durable material
 - contain the word WARNING in white capital letters 30 mm high on a red rectangular panel measuring 190 mm by 45 mm near the top of the rectangle
 - contain below the panel red circle 160 mm in diameter containing a picture of the black head and neck of a dog 100 mm high wearing a collar mentioned in regulation 29(2) (whether in colour or black and white)

⁴⁸ Brendan Jellay, Senior Ranger Compliance, City of Albany, transcript of evidence, 27 April 2022, p 10.

- contain below the circle referred to the words DANGEROUS DOG in capital letters 20 mm high.⁴⁹

5.10 An example of a sign is provided:



5.11 Rangers across the local governments consulted have reported a disparity between affected dog owners as to what they believe to be a suitable and adequate enclosure.⁵⁰ The ambiguity of the term 'enclosure' within the Act has led to local governments struggling with the interpretation, which in turn has led to differing approaches being used across the state.⁵¹

5.12 The Statutory review, mentioned in Chapter 2 of this report, reported that:

A common theme in written submissions regarding dangerous dogs was calls for clearer provisions for dangerous dog enclosures. In the workshops held with rangers, it was suggested that a definition of an enclosure for a dog declared dangerous is provided in the legislation. In a number of other jurisdictions, such as Queensland and New South Wales, the dangerous dog enclosure provisions are explicit and detailed. It should be noted that standards and guidelines for the housing of dogs is included in the 'Health and Welfare of Dogs Standards and Guidelines' currently being finalised by the Department for Primary Industry and Regional Development.⁵²

5.13 The Statutory review Finding 28 included the statement 'feedback suggests that there is a need for further improvements around dangerous dog enclosures...'.⁵³

5.14 As noted by the review panel, the provisions in some other Australian jurisdictions are much more detailed and clear. In New South Wales, for example, the *Companion Animals Regulation 2018* prescribes very specific requirements for dangerous dog enclosures, including the height of the enclosure, the materials to be used in the construction of the enclosure, the recommended size of the enclosure and its location on the property.⁵⁴ Victoria

⁴⁹ *Dog Act 1976*, s 33GA(5) and *Dog Regulations 2013* reg 30.

⁵⁰ For example, Brendan Jellay, Senior Ranger Compliance, City of Albany, transcript of evidence, 27 April 2022, p 10 and Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 9.

⁵¹ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 9.

⁵² Department of Local Government, Sport and Cultural Industries, *Statutory review of the Cat Act 2011 and Dog Amendment Act 2013*, Report, Perth, September 2019, p 21.

⁵³ *ibid.*

⁵⁴ *Companion Animals Regulation 2018* (NSW) reg 32.

has similarly stringent requirements.⁵⁵ A comparison of dangerous dog enclosure requirements in other Australian jurisdictions can be found at Appendix 4.

- 5.15 Some local governments provide dog owners with their own dangerous dog enclosure guides and fact sheets. The production of some of these documents has arisen as a direct result of differing interpretations of 'enclosure' within the Act.⁵⁶ The City of Swan told the Committee that because enclosure requirements vary between local governments, the City's current standard is challenged regularly.⁵⁷
- 5.16 The City of Albany believes that more detail and more stringent requirements are needed in legislation to make the enclosure guides uniform throughout the whole State.⁵⁸ Information or guidance material about what the expectations are around this section of the Act, produced by the DLGSCI, would be another way to assist rangers and achieve uniformity across the local government areas.
- 5.17 The City of Mandurah also believes that amendments should be made to the Act to make dangerous dog enclosure requirements more prescriptive, as the current Act does not define enclosure or specify that an enclosure is to be separate within a property.⁵⁹ Shannon Richards, Coordinator Community Safety of the City of Swan concurred, advising the Committee that:

WA's enclosure requirements are quite ambiguous, and from local governments to local government there are different interpretations as to what is considered an effective enclosure. Some local governments even reference a backyard as an enclosure; whereas, at the City of Swan we have interpreted that the act requires a dog to be confined to a property, and we deem that the backyard, so an enclosure requires another containment measure be implemented on the property.⁶⁰

- 5.18 The City of Mandurah cautioned that prescribed enclosures may not guarantee that the dog would be kept inside that enclosure, as some owners do not believe their dog is dangerous, and that prescribing separate enclosures can make it difficult for people in rental properties to comply.⁶¹
- 5.19 Feedback to the Statutory review also suggested that further improvements around requirements for dangerous dog enclosures are needed. The report stated:

A common theme in written submissions regarding dangerous dogs was calls for clearer provisions for dangerous dog enclosures. In the workshops held with rangers, it was suggested that a definition of an enclosure for a dog declared dangerous is provided in the legislation.⁶²

- 5.20 Finding 28 of the Statutory review included the words 'there is a need for further improvements around dangerous dog enclosures...'⁶³

⁵⁵ *Domestic Animals Regulations 2015* (Vic) reg 7.

⁵⁶ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 9.

⁵⁷ Jeremy Edwards, Chief Executive Officer, City of Swan, letter, 30 November 2021, p 2.

⁵⁸ Brendan Jellay, Senior Ranger Compliance, City of Albany, transcript of evidence, 27 April 2022, p 11.

⁵⁹ Mark Newman, Chief Executive Officer, City of Mandurah, Answer to question on notice 33 asked at hearing held 27 April 2022, dated 5 May 2022, p 2.

⁶⁰ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 9.

⁶¹ Mark Newman, Chief Executive Officer, City of Mandurah, Answers to questions on notice 31 and 33 asked at hearing held 27 April 2022, dated 5 May 2022, pp 1-3.

⁶² Department of Local Government, Sport and Cultural Industries, *Statutory review of the Cat Act 2011 and Dog Amendment Act 2013*, Report, Perth, September 2019, p 21.

⁶³ *ibid.*

Committee comment

- 5.21 There is support across local governments for more uniform and detailed dangerous dog enclosure requirements.
- 5.22 The Government could consider amending the relevant legislation to provide for the prescription of specific details for the construction of dangerous dog enclosures in regulations.
- 5.23 In the meantime, the DLGSCI could consider producing some uniform guidelines for local governments as to what may be regarded as minimum requirements for dangerous dog enclosures.

CHAPTER 6

Community education and training programs

Education campaigns

- 6.1 As mentioned earlier in this report, at Chapter 3, evidence received by the Committee indicated that educating dog owners is a local government's first response before resorting to infringement notices and other punitive actions. The local governments who provided evidence to the Committee agreed that public awareness and education directly reduces the number of wandering dogs and dog attacks.
- 6.2 Feedback received by the DLGSCI during the Statutory review also indicated a need for increased education and awareness campaigns to identify and appropriately manage dangerous and aggressive dogs. The report described many comments in surveys and written submissions that called for more training and education for owners and dogs to prevent attacks rather than having a strong focus on penalties, citing one local government ranger as saying:
- Increasing penalties is not going to decrease the number of serious dog attacks that occur. Educating people, especially children, about basic dog behaviour and recognising warning signs in dogs is a more effective way of reducing the impact of dog bite incidents in the future.⁶⁴
- 6.3 RSPCA WA currently runs an AWARE (Animal Wellbeing: Awareness, Responsibility and Education) program, which integrates animal welfare themes into the existing Western Australian primary school curriculum. AWARE demonstrates ways for children to properly care for animals and provides resources for educators, students, and parents. RSPCA WA believes education breeds responsible pet ownership, and advised the Committee it would support a compulsory education program for dog owners convicted of an offence under the Act.⁶⁵
- 6.4 Currently, there is no state-wide education program promoting responsible dog ownership. Like the dangerous dog enclosure guides mentioned in Chapter 5, some local governments have taken it upon themselves to create an education campaign for its residents in an attempt to reduce the number of dog attacks in the community.
- 6.5 The City of Albany has an education focus when it comes to dog ownership, has employed a Senior Ranger in Education, and is looking at opportunities to educate through schools and community groups.⁶⁶ It claims some successes with its recent projects, including working with RSPCA WA. Additionally, by offering 6 months' worth of free pet registration, in one day it was able to register over 100 previously unregistered pets. The City considers the identification of dogs and their owners through registrations to be crucial in reducing the number of wandering dogs and dog attacks.⁶⁷
- 6.6 The Shire of Broome has been working on a public awareness and community education campaign that will provide free microchip days, bite awareness programs in schools, and

⁶⁴ Department of Local Government, Sport and Cultural Industries, *Statutory review of the Cat Act 2011 and Dog Amendment Act 2013 Report*, Perth, September 2019, p 19.

⁶⁵ Submission from RSPCA WA, 29 March 2022, p 1.

⁶⁶ Scott Reitsema, Manager Public Health and Safety, City of Albany, transcript of evidence, 27 April 2022, p 7.

⁶⁷ Scott Reitsema, Manager Public Health and Safety, and Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 7.

community stalls with dog vans.⁶⁸ The Shire would also like to see more education starting in primary school around bite awareness, progressing to responsible dog ownership issues such as keeping dogs on leads, enclosures, registrations and microchipping.⁶⁹ It firmly believes that this proactive approach is more effective than the reactive approach of increasing penalties. A good responsible dog ownership program can result in a 10% reduction in the number of dog attacks in one year.⁷⁰

- 6.7 As stated above, at paragraph 3.6, the City of Swan educates in the first instance before progressing to penalties as a last resort. It believes that increased public education and some compulsory dog training would assist with dog owners' approach to responsible dog ownership and their understanding of the legislative obligations involved in owning a dog.⁷¹
- 6.8 The City of Mandurah was one of the few local governments who reported a decrease in dog attack numbers to the Committee. It believes this is mainly due to its continuous program to raise community awareness to report wandering and uncontrolled dogs, as statistically they account for 89% of all dog attacks within the City's jurisdiction.⁷²
- 6.9 The City believes that there is a level of complacency amongst dog owners around letting their dogs off leads that needs to be addressed by promoting responsible dog ownership and control of dogs. The City has seen that any dog in the right circumstances and at the wrong time will potentially attack, and is of the view that the primary focus of education campaigns should be on complying with on-lead restrictions.⁷³
- 6.10 To address this, the City of Mandurah has put in place a comprehensive community engagement program to target wandering dogs so as to mitigate the number of dog attacks in the community. The City's rangers conduct community engagement patrols with a target of 100 contacts with the community per fortnight.⁷⁴ The main aim of these patrols is to talk to members of the community to make everyone aware of the need to report any wandering dogs or incidents. An essential part of the program involves rangers communicating face to face with the community as the City believes this is what changes behaviour.
- 6.11 The City has found that this engagement with regular dog walkers provides good intelligence to rangers and has led to strong community support for the City's ranger team overall.⁷⁵
- 6.12 The City has also implemented a comprehensive education campaign to educate the community on responsible dog ownership and encourage reporting. It:
 - sends direct emails quarterly to dog owners advising them of key information, benefits of sterilisation, registration, and dog training information
 - encourages owners to call rangers 24/7 if their dog is missing
 - promotes good news stories on social media when a dog is reunited with its owner

⁶⁸ Alwin Mikelat, Coordinator Community Safety and Ranger Services, Shire of Broome, transcript of evidence, 27 April 2022, p 4.

⁶⁹ *ibid.*, p 8.

⁷⁰ Written responses to hearing questions, Tabled Paper 1 tabled by the Shire of Broome during hearing held 27 April 2022, p 6.

⁷¹ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 5.

⁷² Linda Emery, Coordinator Ranger Services, City of Mandurah, transcript of evidence, 27 April 2022, p 4.

⁷³ Brendan Ingle, Executive Manager Development and Compliance, City of Mandurah, transcript of evidence, 27 April 2022, p 6.

⁷⁴ *ibid.*, p 9.

⁷⁵ Mark Newman, Chief Executive Officer, City of Mandurah, Answer to question on notice 34 asked at hearing held 27 April 2022, dated 5 May 2022, p 3.

- provides veterinary clinics with educational handouts advising owners that microchipping is 'only half the job' and encouraging registration
- conducts presentations for field workers, such as meter readers and postal delivery personnel, on how to protect themselves, and encouraging them to report wandering dogs and aggressive behaviour
- encourages reporting through radio announcements, messaging through the City's on-hold telephone system, bin stickers, and signage at key locations with contact information for ease of reporting
- reinforces dog lead, dog reporting and dog control requirements
- has rangers visit schools and community groups to conduct presentations on responsible dog ownership
- is proactive with the media regarding the outcomes of prosecutions
- alerts the community that there are consequences for poor dog management.⁷⁶

6.13 The City expressed to the Committee the importance of committing to the strong enforcement of measures concerning wandering dogs and containment requirements to prevent dog attacks.⁷⁷ The City firmly believes that balancing enforcement with education gains community support. Brendan Ingle, Executive Manager Development and Compliance, advised the Committee:

one thing we balance very carefully is if you take a very strict enforcement approach at all times and do not balance it with education, you lose the community support, and you lose reporting, and you lose the goodwill of the community that do the right thing with their dogs. I think I have heard many times people push to be much more militant with enforcement requirements, but there is a downside to that. We try to balance that very carefully, because we need the community support to make sure that we are getting information to take action.⁷⁸

6.14 The Committee is encouraged that education and public awareness campaigns can lead to reduced numbers of dog attacks. It believes the City of Mandurah's education based approach to responsible dog ownership is effective in terms of reducing the number of dog attacks in the community.

6.15 The Committee notes that not all local governments are resourced to carry out a comprehensive education campaign. The Committee also recognises the vast differences between the local governments across the State, and appreciates that what works for one may not work for another. As dog attacks are classed as high risk, local governments prioritise this workload once they are reported. They are also required under the Act to address issues such as dog ownership and dog attacks. This means that for the smaller local governments, education and community engagement are not prioritised.⁷⁹

6.16 When asked about a possible agency led education initiative, the DLGSCI responded as follows:

It is arguable that a state-wide education program that requires significant financial investment will likely attract dog owners who are already acting responsibly, and it would be difficult to mandate or enforce a compulsory

⁷⁶ *ibid.*, p 4.

⁷⁷ *ibid.*, p 3.

⁷⁸ Brendan Ingle, Executive Manager Development and Compliance, City of Mandurah, transcript of evidence, 27 April 2022, p 10.

⁷⁹ Keith Williams, Director Development Services, Shire of Broome, transcript of evidence, 27 April 2022, pp 11-2.

education program to capture all dog owners, but it is something that we will look at incorporating as part of the stop puppy farming education campaign.⁸⁰

Training programs

6.17 Section 46A(1) of the Act states:

A court that convicts a person of —

(a) an offence against this Act for which there is a minimum penalty may, in addition to imposing a penalty, order the person to attend with the dog and complete a dog training course specified in the order [nb: this would only apply to owners of dangerous dogs]; or

(b) any other offence against this Act may, as an alternative to or in addition to, imposing a penalty, order the person to attend with the dog and complete a dog training course specified in the order.

6.18 These are the only circumstances in which participation in a dog training course may be mandated. As may be seen from the statistics reported by 11 local governments, contained in Appendix 2, only one owner has been compelled to attend a training course in the past five years.

6.19 In terms of offending dogs and dog owners, the City of Albany would like to see a way that people could be strictly required to do a certain amount of dog ownership awareness training without a court order. The City believes there should be an escalated approach available to local governments, but that there also needs to be a system in place for when people abuse the system.⁸¹

6.20 The Shire of Broome believes that training and education is and should be used as a primary tool in prevention, mitigation and reoffending. It expressed a desire for the ability to require dog owners to attend compulsory training programs, in order to assist in the reduction of these incidences reoccurring.⁸²

6.21 The City of Swan also sees merit in empowering local governments to require attendance at dog training courses, as this would assist in addressing matters before they escalated to a point where a court order was necessary. It believes that attending training after a dog attack is counterproductive. However, if a local government could require that attendance prior to a dog attack, and an attack then occurred, the court could be moved to impose more severe penalties, knowing that all other avenues had been explored.⁸³

6.22 The City also believes that compliant owners should be rewarded for attending dog ownership education and training sessions.⁸⁴ The Committee was interested in the initiative shown by the City of Albany, reported at paragraph 6.5 above, of offering 6 months' worth of free pet registration, with the result that in one day, it was able to register over 100 previously unregistered pets. The Shire of Broome reported planning free microchip days.

6.23 It may be that a reward program such as this, but encouraging owners to undertake dog training courses, should be considered.

⁸⁰ Darrelle Merritt, Acting Director Regulatory Reform, Department of Local Government, Sport and Cultural Industries, transcript of evidence, 27 April 2022, p 5.

⁸¹ Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 9.

⁸² Written responses to hearing questions, Tabled Paper 1 tabled by the Shire of Broome during hearing held 27 April 2022, p 5.

⁸³ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 7.

⁸⁴ *ibid.*, p 8.

6.24 The City of Busselton provided a note of caution. It advised the Committee that:

If consideration is given to legislating compulsory training courses, it is important that training competency standards are prescribed and that only accredited training providers are used. It should also be noted that the expense of attending compulsory dog training may be beyond the financial reach of some dog owners. In these cases, if it is to be legislated, provision also needs to be made to what happens where the owner fails to undertake the training...⁸⁵

6.25 The issue of enabling local governments to require owners of problem dogs to attend compulsory training programs was raised with the DLGSCI, who advised the Committee that:

it may actually be difficult to define what a “problem dog” is, and for a local government to determine at what threshold someone is required to attend training, and there may be some enforcement issues for local governments. Local governments may still make recommendations for a dog owner to attend training voluntarily if they wish, but it is something that we can consider as part of the next review of the Dog Act.⁸⁶

6.26 However, whilst compulsory training courses may be problematic, the Committee considered whether local governments might consider a type of plea-bargaining; offending owners of dogs that have attacked be offered dog training instead of being issued with an infringement notice and a \$200 or \$400 fine.

Committee comment

6.27 The Committee agrees with the evidence given by local governments that greater participation in training for dogs and their owners would cause a greater reduction in the number of dog attacks than an increase in fines available to a court.

6.28 Local governments should investigate ways of encouraging dog owners to attend training courses, including reward-based initiatives. Further, they should investigate ways of offering attendance at dog training courses in lieu of the issuance of infringement notices for dog attack offences.

⁸⁵ Mike Archer, Chief Executive Officer, City of Busselton, letter, 4 November 2021, p 2.

⁸⁶ Darrelle Merritt, Acting Director Regulatory Reform, Department of Local Government, Sport and Cultural Industries, transcript of evidence, 27 April 2022, p 6.

CHAPTER 7

Trauma services

- 7.1 The principal petitioner raised the issue of the mental health impacts and psychological trauma involved in being a victim of, or a witness to, a dog attack.⁸⁷
- 7.2 The Committee is concerned with the ability of those involved to access the appropriate trauma services.
- 7.3 The Committee raised this with the local governments it consulted, with a general consensus arising that local governments do not currently direct victims and other people involved in dog attacks to trauma services.
- 7.4 The City of Albany confirmed that it will look into local counselling services that are available, but does not currently provide victims with this information.⁸⁸ The Shire of Broome advised that it is not aware of any kind of widespread position of local governments in providing trauma counselling for complainants or victims, but that there is an opportunity to suggest to the people involved that services are available.⁸⁹
- 7.5 After a dog attack, the City of Mandurah relies on medical personnel at the hospital who are dealing with the victims to refer that person for trauma counselling. The City believes they are the ones who are qualified to make those referrals.⁹⁰ The City of Swan told the Committee that, should a victim be showing signs of trauma, he or she is advised by the City to seek support from the GP.⁹¹
- 7.6 The Committee recognises that not every person involved in a dog attack would necessarily be sent to hospital, or be displaying visible signs of trauma.

Committee comment

- 7.7 The Committee sees merit in local governments providing those involved in dog attacks with information as to how to access trauma services as part of their investigation routine.
- 7.8 In that regard, the DLGSCI could consider producing guidance to local governments.



Hon Peter Foster MLC
Chair

⁸⁷ Submission from Cindy Burt, principal petitioner, 6 November 2020, p 1.

⁸⁸ Paul Clifton, Coordinator Ranger Services, City of Albany, transcript of evidence, 27 April 2022, p 6.

⁸⁹ Keith Williams, Director Development Services, Shire of Broome, transcript of evidence, 27 April 2022, pp 6-7.

⁹⁰ Linda Emery, Coordinator Ranger Services, City of Mandurah, transcript of evidence, 27 April 2022, p 6.

⁹¹ Shannon Richards, Coordinator Community Safety, City of Swan, transcript of evidence, 27 April 2022, p 5.

APPENDIX 1

SUBMISSIONS RECEIVED AND PUBLIC HEARINGS

Submissions received

| Number | From |
|--------|--|
| 1 | Cindy Burt, principal petitioner |
| 2 | Hon Tjorn Sibma MLC, tabling Member |
| 3 | Minister for Local Government |
| 4 | RSPCA WA |
| 5 | Western Australia Local Government Association |

Written evidence received

| Number | From |
|--------|----------------------------|
| 1 | City of Busselton |
| 2 | City of Stirling |
| 3 | City of Joondalup |
| 4 | City of Albany |
| 5 | City of Wanneroo |
| 6 | City of Mandurah |
| 7 | City of Swan |
| 8 | City of Rockingham |
| 9 | City of Kalgoorlie Boulder |
| 10 | Shire of Broome |
| 11 | City of Karratha |

Public hearings conducted

| Date | Participants |
|---------------|---|
| 27 April 2022 | Department of Local Government, Sport and Cultural Industries <ul style="list-style-type: none"> • Darrelle Merritt, Acting Director Regulatory Reform • Kirsty Martin, Acting Director Policy and Legislation |
| 27 April 2022 | City of Albany <ul style="list-style-type: none"> • Scott Reitsema, Manager Public Health and Safety • Paul Clifton, Coordinator Ranger Services • Brendan Jellay, Senior Ranger Compliance • Krysten York, Senior Ranger Education |
| 27 April 2022 | Shire of Broome <ul style="list-style-type: none"> • Keith Williams, Director Development Services • Alwin Mikelat, Coordinator Community Safety and Ranger Services |
| 27 April 2022 | City of Mandurah <ul style="list-style-type: none"> • Mark Newman, Chief Executive Officer • Brendan Ingle, Executive Manager Development and Compliance • Linda Emery, Coordinator Ranger Services |
| 27 April 2022 | City of Swan <ul style="list-style-type: none"> • Shannon Richards, Coordinator Community Safety |

APPENDIX 2

DOG ATTACK STATISTICS FROM LOCAL GOVERNMENTS

| In the last 5 years: | City of Albany | Shire of Broome | City of Busselton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|---|--|--|---|---|--|--|--|---|--|---------------------------------------|--|
| How many dog attacks have been reported? | 365 | 556 | 449 | 1,419 | 362 | 535 | 1,473 | 1,218 | 1,372 | 2,025 | 2,087 |
| How many infringement notices have been issued for offences relating to dog attacks? | 336 | 13 | 172 | 418 | 212 | 259 | 450 | 635 (389 causing injury) | 310 | 402 | 371 |
| What fines have been imposed and what were the circumstances of the offences? | Dog attack on person(s). Dog attack on animal; dog, cat or other animal/pet (rabbit, bird, guinea pig, etc.). Dog attack on livestock; sheep, cattle, horse, pig, goat, etc. Dog may attempt to attack but not make contact with a person or animal but cause fear in a reasonable person. | s. 33D(1) Dog attack or chase causing physical injury- witness statements proof of attacks from pics | Total of \$53,200 in fines \$200- \$400 issued for dog attack causing injury, dangerous dog attack or chase no injury, dog attack or chase not registered, dog not microchipped, in public place, dog in place without consent. | Many of these attacks occurred while walking and exercising dogs at local parks or walking to and from different locations, the attacks occurred because owners did not have their dogs under effective control resulting in an attack. | The offences include: Dog attack causing injury; Dog attack not causing injury; Dog not registered; Dog in place without consent; Dog not held on a leash in a public place. | 81 x \$400 fine for attack causing physical injury 178 x \$200 fine for attack causing no injury Circumstances range from aggressive rushing/chase s, superficial injury because of a dog jumping on a person/s, superficial injury from a dog bite, injury from dog bite requiring medical attention. | Fines of \$200- \$400 issued for dangerous dog attack or chase not causing injury, dog attack causing injury, dog attack or chase not causing injury. Additional penalties for non-compliance with dangerous dog requirements. | The City's modified infringement penalties are \$200 – no injury and \$400 – causing injury | Total of \$114,000 in infringement notices issued 258 x dog attack or chase causing injury (\$400) 48 x dog attack or chase no injury (\$200) 4 x dangerous dog attack or chase no injury (\$400). | 110 x no injury 292 x physical injury | 73 x attack/chase no injury 292 x attack/chase causing injury 6 x dangerous dog attack/chase no injury |
| How many prosecutions have been brought? | 4 | Nil | 4 (3 against same offender) | 4 | 4 | 11 | 25 | 43 | 40 | 7 | 11 |

| In the last 5 years: | City of Albany | Shire of Broome | City of Busselton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|---|---------------------------------------|-----------------|---|--|---|--------------------------|---|-----------------------|--|---|---|
| How many dogs have been declared dangerous? | 30 (12 are still current) | 29 | 4 (6 now in the district as owners moved to the area) | 22 | 17 | 35 | 66 (37 currently registered) | 20 | 43 | Currently 27 | 33 |
| How many dogs have been seized and/or destroyed in response to a dog attack? | 56 seized, of which 17 were destroyed | 1 | The City does not keep these statistics | This information is not readily available in our proprietary system, however anecdotally staff can recall 3 dogs have been destroyed as a result of dog attacks in the past 5 years. | 42 dogs destroyed | 80 seized, 100 destroyed | 4 as a result of prosecution, others voluntarily euthanised by the owner | Not recorded | Not available for 5 year period, however from 25 August 2019, 67 dogs were impounded due to reported dog attacks. Of these, 13 were destroyed as the owners were not identified, not reclaiming the dogs, or surrendering them | No accurate records. However, it is currently standard process for City Officers to seize any dog involved in an attack and hold the dog at the pound, pending the outcome of the attack investigation. | Would need to look through the dog attack reports |
| How many dogs have been seized but then returned to their owners? | 56 seized, of which 39 were returned | 3 | The City does not keep these statistics | This information is not readily available in our proprietary system. | 45 | 60 | This data is not readily available, management of animal determined on a case by case basis | Not recorded | From 25 August 2019, 54 were rehomed. | No accurate records | Would need to look through the dog attack reports |
| How many owners have been compelled to | Nil | Nil | Only a Court can order attendance of | The City does not compel owners to attend training | The City has no framework for a dog owner to be | Nil | Nil | 1 by court imposition | Nil | Nil | Nil |

| In the last 5 years: | City of Albany | Shire of Broome | City of Busseton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|---|---|-------------------|---|--|---|---|---|---|--|---|---|
| attend training courses? | | | a training course | courses however, there have been appeals by owners against their dogs being declared dangerous at the State Administrative Tribunal and the owners have been directed to attend training as part of SAT's decision making process. | compelled to attend training courses – this can only be ordered by the Court. | | | | | | |
| Of the dogs who have previously attacked, what follow up occurs to ensure owners are continuing to comply with their obligations? | The Ranger Team conduct annual audits to ensure that owners are complying with the regulations of owning a dangerous dog. These consist of checks of yearly registrations, fencing requirements, signage, collar and muzzle | Annual inspection | The City carries out an annual inspection of all dangerous dogs to ensure the owner remains compliant with the requirements of the declaration. | Inspections are carried out every twelve months to ensure that the owners of dogs that have been declared dangerous are complying with the Dangerous Dog requirements in relation to collars, signs, muzzles, fencing and signage. | There is an annual follow-up for dangerous dog(s) to ensure legislative requirements are being met. With regards to follow-ups on dogs involved in attacks, a property inspection conducted by Community Rangers ensures that | Declared dangerous dog/restricted breed audits are conducted annually to ensure compliance. Spot checks are also conducted from time to time. | Annual inspections are undertaken to ensure compliance. The City proactively patrol areas where dogs are known to wander. | Annual follow-up inspections. Only applicable to dogs declared Dangerous. Ranger staff attend property and ensure that the compound is appropriate and complies with the Dangerous Dog requirements as mandated | Annual inspections are undertaken only to those dogs that have been declared dangerous | Annual inspections for dangerous dog compliance | Where a dog is declared dangerous annual inspections are conducted to ensure compliance |

| In the last 5 years: | City of Albany | Shire of Broome | City of Busselton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|---|---|--|--|---|---|--|--|--|--|---|---|
| | (when out in public). | | | | the property is secure when confining the dog(s). | | | under the Dog Act 1976. | | | |
| What process is available for local residents to report dog attacks? | The Ranger Team is available 24/7 via telephone to take reports of dog attacks occurring at the time of the offence. The public can also use the Report It form on the City's website. The City of Albany Ranger Team will ask a series of questions in relation to the dog attack, request statements, photographs and any other evidence that may be required which all will be discovered through the duration of the investigation. | Rangers in person or via phone Shire office customer service, in person, via phone, email Reporting through Shires website | Residents and visitors can report attacks directly to the City in person during business hours, or by phone or email 24 hours a day. | Residents should call the City and arrange for a Field Officer to attend and take statements from relevant parties involved in the attack. The attacked dog's owner can also email or write to the City to advise of an attack. The attacked dog's owner will be requested to provide photographic evidence, witness details, vet invoices and any relevant comments. An investigation report will be completed by the Field Officer detailing all relevant | The City has an on-call ranger service available 24/7, therefore members of the public can report a dog attack at any time. | During office hours - where they will speak to Customer Service/Admin or be put through to Ranger Services Coordinator or an on duty Ranger. Outside of office hours - calls go through to the on call (24/7) Ranger where a matrix is followed. Urgent jobs (Dog attacks etc) are responded to. | Callers contact the City's main number for all ranger services 24/7. Reports of dog attacks are the highest priority and the caller is patched straight through to the rangers. There is a rostered ranger for emergency calls 24/7. | Reports can either be telephoned through to the City's administration staff or the Rangers office direct or after hours to the monitoring agency. Further reporting can be done by email or on the City's website. | Attacks can be reported by calling the customer contact centre, the 24hr security team, or by submitting an online form on the City's website. Dog attacks are high priority for the City's rangers. | Residents can report all dog attacks directly to the City 24/7. Action is taken during operational hours. | Phone Email Clarkson Library YTRAC Civic Centre |

| In the last 5 years: | City of Albany | Shire of Broome | City of Busselton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|---|---|---|--|--|---|---|--|---|--|--|------------------|
| | | | | information with recommendations on any enforcement action. | | | | | | | |
| Any other information which may assist the Committee with its enquiries. | Of the 336 infringement notices, 275 were for a combination of infringements which can be also issued for dog attacks, but this was hard to determine which ones were specifically issued in relation to a dog attack. The other infringements that where issued were: Dog Not Held Or Tethered In Certain Public Places Being the owner or person responsible for a dog. Did fail to register it | We currently employ 1 Ranger Co-ordinator, 1 Senior Ranger and 3 Rangers, however, this varies due to availability of resources and staff turnover. In principle we support the intent of the petition, and any changes to legislation that encourage responsible dog ownership and management though we don't have an official position on this. | If consideration is given to legislating compulsory training courses, it is important that training competency standards are prescribed and that only accredited training providers are used. It should also be noted that, the expense of attending compulsory dog training may be beyond the financial reach of some dog owners. In these cases, if it is to be legislated, provision also needs to be | Of the 418 infringement notices, many of these attacks occurred while walking and exercising dogs at local parks or walking to and from different locations, the attacks occurred because owners did not have their dogs under effective control resulting in an attack. | The City employs 5 Community Rangers and a Coordinator. | 5 Rangers currently employed at the City. | Wandering or uncontrolled dogs account for 89% of all attacks in our district, and over 50% occur on public streets. The City has engaged in a community education program to emphasise the importance of reporting incidents and ensuring dogs are effectively leashed and contained on properties. | In the last 5 years there have been: 447 attacks on people 617 attacks on dogs 71 attacks on people and dogs 39 attacks on cats 44 attacks on livestock 155 details unknown | The City has observed a trend of increasing timeframes to have animal related matters finalised in Court. The City provided a timeline of the matter relating to Ms Burt. The City would support amendments to the Act to enable a local government to require owners to complete a dog education program, and to streamline | It would be helpful if the Committee could look at clarifying the dangerous dog compliance enclosure requirements as this varies between Local Government Authorities and the City's current standard is challenged regularly. The City provided their Dangerous Dogs Enclosure Guide. | N/A |

| In the last 5 years: | City of Albany | Shire of Broome | City of Busselton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|----------------------|--|-----------------|--|-------------------|------------------------------|------------------|------------------|--------------------|---|--------------|------------------|
| | with the local authority Did permit a dog to be in a public place not wearing a collar to which the registration tag is securely affixed Dog in exercise areas, rural area offences Fence not adequate to confine a dog of the species, age, size and physical condition of the dog Dog in place without consent Failure to ensure dog microchipped Keeping more than the prescribed number of dogs Failing to keep gate or door closed when the dog is at the premises | | made to what happens where the owner fails to undertake the training (e.g. power to seize). The City is of the opinion that a full review of the Dog Act 1976 is well overdue, not only in relation to dog attacks, but other matters including but not limited to, dealing with nuisance dog complaints, and dealing with owners who repeatedly and intentionally fail to register their dogs. | | | | | | the ability of a local government to seize a dog that has caused serious injury or death. | | |

| In the last 5 years: | City of Albany | Shire of Broome | City of Busselton | City of Joondalup | City of Kalgoorlie - Boulder | City of Karratha | City of Mandurah | City of Rockingham | City of Stirling | City of Swan | City of Wanneroo |
|----------------------|--|-----------------|-------------------|-------------------|------------------------------|------------------|------------------|--------------------|------------------|--------------|------------------|
| | Failure to notify Local Government, microchip database owner of infringement charges Being the owner or occupier of a property on which livestock or a dog is kept failed to cause the property or a portion of the property to be fenced in a manner capable of confining the dog. | | | | | | | | | | |

APPENDIX 3

DOG ATTACK PENALTIES IN OTHER AUSTRALIAN JURISDICTIONS

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| Western Australia | <p>If a dog attacks or chases a person or animal causing physical injury: Penalty: Max fine of \$10,000. Dangerous Dog: Max fine of \$20,000, min fine of \$1000</p> <p>If a dog attacks or chases a person or animal but does not cause physical injury: Penalty: Max fine of \$3,000. Dangerous Dog: Max fine of \$10,000, min fine of \$500</p> |
| New South Wales | <p>If a dog rushes at, attacks, bites, harasses or chases any person or animal (other than vermin), whether or not any injury is caused to the person or animal: Penalty: Max 100 penalty units (\$11,000) If the dog is a dangerous, menacing or restricted dog: 400 penalty units (\$44,000)</p> <p>The owner of a dangerous dog, a menacing dog or a restricted dog is guilty of an offence if the dog attacks or bites any person (whether or not any injury is caused to the person) and the incident occurs as a result of the owners' failure to comply with any of their requirements in relation to a dangerous, menacing or restricted dog: Max penalty: 700 penalty units (\$77,000) or imprisonment for 5 years, or both. Conviction of this offence results in permanent disqualification from owning a dog or from being in charge of a dog in a public place.</p> |
| Victoria | <p>If a dog that is <i>not</i> a dangerous or restricted breed dog attacks or bites any person or animal and the injuries are not serious. Penalty: Max 10 penalty units (\$1,817.40)</p> <p>If a dangerous dog, or restricted breed dog bites any person or animal: Penalty: imprisonment for max 6 months or a max fine of 120 penalty units (\$21,808.80)</p> <p>If a dog that is not a dangerous or restricted breed dog attacks or bites any person or animal and causes death or a serious injury to the person or animal. Penalty: Max 40 penalty units (\$7,269.60)</p> <p>If a dog rushes at or chases any person. Max: 4 penalty units (\$726.96)</p> <p>If a person is found guilty of an offence under this section with respect to a dog, the court may order that the dog be destroyed by a Council authorised officer of the municipal district in which the offence occurred.</p> |
| Queensland | <p>If a dog attacks, or causes fear to another person or animal.</p> <p>If the attack causes death or GBH to the person: max 300 penalty units (\$41,355)</p> |

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| | <p>If the attack causes death or GBH to the animal: max 100 penalty units (\$13,785)</p> <p>If the attack causes bodily harm to the person or animal: max 50 penalty units (\$6,892.50)</p> <p>Or otherwise: max 20 penalty units (\$2,757)</p> |
| South Australia | <p>If a dog attacks, harasses or chases or otherwise endangers the health or a person or an animal or bird owned by or in charge of another person (whether or not actual injury is caused).</p> <p>Max penalty: \$2,500.</p> <p>If the dog is dangerous dog or a prescribed breed: First instance max \$5,000, subsequent offence max \$10,000.</p> |
| Tasmania | <p>(1) If a dog that is not under the effective control of a person on private premises, or that is not under the effective control of a person in a public place, rushes at or chases any person, the owner of the dog is guilty of an offence. Penalty: Fine not exceeding 5 penalty units (\$865)</p> <p>(2) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any person or animal and the injuries caused by the dog to the person or animal are not in the nature of a serious injury, the owner of the dog is guilty of an offence. Penalty: Fine not exceeding 10 penalty units (\$1,730)</p> <p>(3) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any person and causes a serious injury to the person, the owner of the dog is guilty of an offence. Penalty: Fine not exceeding 30 penalty units (\$5,190)</p> <p>(3A) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any animal and causes a serious injury or death to the animal, the owner of the dog is guilty of an offence. Penalty: Fine not exceeding 20 penalty units (\$3,460)</p> <p>(4) If a dangerous dog or a restricted breed dog, that is not a guard dog being used to guard premises that are not residential premises, attacks or bites any person or animal, the owner of the dog is guilty of an offence. Penalty: Fine not exceeding 30 penalty units or imprisonment for a term not exceeding one month, or both. (\$5,190)</p> <p>(5) If a dog attacks a person, the owner of the dog must notify the council within 24 hours after the attack. Penalty: Fine not exceeding 5 penalty units. (\$865)</p> <p>(6) In any proceedings under this section, it is not necessary to prove that an actual injury was caused to a person in order to prove that the person was rushed at, chased, attacked or bitten.</p> |

APPENDIX 4

DANGEROUS DOG ENCLOSURE REQUIREMENTS IN OTHER AUSTRALIAN JURISDICTIONS

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| Western Australia | <p>Every person liable for the control of a dangerous dog must ensure that the enclosure within which the dog is confined, whether or not the enclosure is at the premises where the dog is ordinarily kept or ordinarily permitted to live, is constructed to —</p> <ul style="list-style-type: none"> a) prevent the dog from escaping; and b) prevent the dog from being removed or released from the enclosure without the permission of the person liable for the dog's control; and c) prevent a child who has not reached 7 years of age from entering, or inserting any part of its body into, the enclosure without the help of an adult. <p>Penalty: Max \$10,000, min \$500.</p> |
| New South Wales | <p>Enclosure requires for dangerous or restricted dogs are as follows:</p> <p>The enclosure must:</p> <ul style="list-style-type: none"> a) be fully enclosed, constructed and maintained in such a way that the dog is not able to dig or otherwise escape under, over or through the enclosure, and b) be constructed in such a way that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 18 years, and c) be designed to prevent children from having access to the enclosure, and d) not be located on the property in such a way that people are required to pass through the enclosure to gain access to other parts of the property, and e) have a minimum height of 1.8 metres and a minimum width of 1.8 metres, and f) have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property, and g) have walls that are fixed to the floor and constructed to be no more than 50 millimetres from the floor, and h) have walls, a fixed covering and a gate that are constructed of— <ul style="list-style-type: none"> i. brick, timber, iron or similar solid materials, or ii. mesh that complies with subclause (4), or iii. a combination of the materials referred to in subparagraphs (i) and (ii), and i) have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent, and j) provide a weatherproof sleeping area of sufficient dimensions to enable each dangerous dog or a restricted dog kept on the property to shelter from the weather. <p>(3) Any gate to the enclosure must—</p> <ul style="list-style-type: none"> a) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure, and b) be kept locked when the dog is in the enclosure, and c) display the warning sign referred to in clause 33. |

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| | <p>(4) Mesh used in the construction of an enclosure must be either—</p> <ul style="list-style-type: none"> a) chain mesh manufactured from at least 3.15 millimetres wire to form a maximum mesh spacing of 50 millimetres, or b) weldmesh manufactured from at least 4 millimetres wire with a maximum mesh spacing of 50 millimetres. |
| Victoria | <p><i>Domestic Animals Regulations 2015 (Vic)</i>, reg 7.</p> <ul style="list-style-type: none"> (1) For the purposes of section 38(3)(c) of the Act, an enclosure complies with the regulations if it— <ul style="list-style-type: none"> a. has a minimum height and width of 1.8 m; and b. has a minimum area of 10 square metres for every such dog kept at the owner's premises; and c. provides a weatherproof sleeping area sufficient for all dogs in the enclosure. (2) In the case of a dangerous dog, the enclosure must, in addition to the requirements of subregulation (1)— <ul style="list-style-type: none"> a. be fully enclosed; and (b) have walls that are— <ul style="list-style-type: none"> (i) fixed to the floor; and (ii) constructed to be no more than 50 mm from the floor; and (c) have walls, a roof and a gate that are constructed of— <ul style="list-style-type: none"> (i) brick, timber, iron or similar solid materials; or (ii) mesh that complies with subregulation (4); or (iii) any combination of those materials referred to in subparagraphs (i) and (ii); and (d) have a floor that is— <ul style="list-style-type: none"> (i) constructed of concrete; and (ii) graded to fall to a drain for the removal of effluent; and (e) have a gate that— <ul style="list-style-type: none"> (i) has a lock that enables the enclosure to be securely locked when the dog is in the enclosure; and (ii) is kept locked when the dog is in the enclosure. <p>(3) In the case of a restricted breed dog, the enclosure must, in addition to the requirements of subregulation (1)—</p> <ul style="list-style-type: none"> (a) if the owner of the dog is directed by an authorised officer under subregulation (5), have a perimeter with an inward-facing |

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| | <p>overhang of 0.7 m angled at 35 degrees to the horizontal plane; and</p> <p>(b) be constructed of—</p> <p>(i) brick, concrete, timber, iron or similar solid materials; or</p> <p>(ii) mesh that complies with subregulation (4); or</p> <p>(iii) any combination of those materials referred to in subparagraphs (i) and (ii); and</p> <p>(c) be constructed and maintained in a manner which prevents the dog from being able to dig or otherwise escape under, over or through the perimeter of the enclosure; and</p> <p>(d) be designed to prevent children from climbing into the enclosure; and</p> <p>(e) if the enclosure contains gates, each gate must—</p> <p>(i) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure; and</p> <p>(ii) be kept locked when the dog is in the enclosure; and</p> <p>(iii) not be situated on premises in such a manner that people are required to pass through the enclosure.</p> <p>(4) Mesh used in the construction of an enclosure must be—</p> <p>(a) chain mesh manufactured from 3.15 mm wire to form a uniform 50 mm mesh; or</p> <p>(b) weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.</p> <p>(5) An authorised officer may direct an owner of a premises where a restricted breed dog is housed in an enclosure to ensure that the perimeter of the enclosure has an inward-facing overhang of 0.7 m angled at 35 degrees to the horizontal plane, if the officer reasonably believes that the dog has previously escaped over the perimeter of the enclosure.</p> |
| Queensland | <p>The requirements for an enclosure and an area enclosed for a relevant dog.</p> <p>Public access to front entrance of house:</p> <ul style="list-style-type: none"> The enclosure must not be built or situated in a way requiring a member of the public seeking access to the front entrance of a dwelling house on the relevant place to go into the enclosed area. |

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| | <p>Minimum enclosed area:</p> <ul style="list-style-type: none"> • The area enclosed must be at least 10m. • The area must not include any area that is—a swimming pool or area surrounding a swimming pool; or all or part of a building usually used for residential purposes. <p>Minimum height:</p> <p>The walls of the enclosure must be—</p> <ul style="list-style-type: none"> • if the dog is 8kg or less—at least 1m high above ground level; or • if the dog is more than 8kg—at least 1.8m high aboveground level. <p>Standard for enclosure materials:</p> <ul style="list-style-type: none"> • The enclosure must consist of firm and strong materials. <p>Enclosure walls:</p> <ul style="list-style-type: none"> • The exterior of the walls of the enclosure must be designed to prevent a child from climbing into the enclosure. • The walls may include a perimeter fence for the relevant place or an exterior wall of a structure if it complies with the requirements for the enclosure under schedule 1, section 4 of the Act and this division. <p>Gate requirements:</p> <ul style="list-style-type: none"> • The enclosure must include a gate (the enclosure gate). • The enclosure must not have a driveway gate or other vehicle entry gate (a vehicle gate). • The enclosure gate must— <ul style="list-style-type: none"> (a) be childproof, self-closing and self-latching; and (b) comply with the requirements for the enclosure under schedule 1, section 4 of the Act and this division. <p>However, the enclosure may have another gate that is not self-closing and self-latching if it—(a)is not a vehicle gate; and(b)complies with section 12; and (c) is kept securely locked whenever it is not in immediate use.</p> <p>Weatherproof area required:</p> <ul style="list-style-type: none"> • The enclosure must include a weatherproof area appropriate for a dog. Examples: a kennel, or an area of an appropriate size, covered by a roof. |
| South Australia | N/A |
| Tasmania | <p>(1) An enclosure for housing a dangerous dog must</p> <ul style="list-style-type: none"> • be fully enclosed; and • be childproof; and • have a minimum height of 1.8 metres and a minimum width of 1.8 metres; and • have a floor area of at least 10 square metres for each dog in the enclosure; and |

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| | <ul style="list-style-type: none"> • have the walls, roof and the door or gate made of brick, timber, concrete, iron or mesh, or a combination of these materials, of sufficient strength and durability to prevent the escape of a dog; and • have a sufficient weatherproof sleeping area for each dog in the enclosure; and • have a sealed, graded concrete floor; and • be situated so as not to require a person to pass through it to gain access to other parts of the property on which it is situated; and • if fitted with a door or gate – <ul style="list-style-type: none"> ▪ be fitted with a self-closing and self latching mechanism for the door or gate; and ▪ be locked from the outside when a dog is inside the enclosure; and ▪ have a clearly legible sign saying "Dangerous Dog" displayed on the door or gate; and ▪ be sufficient to prevent any dog in it from escaping. <p>(2) If the walls, roof or door or gate of an enclosure are made of mesh, the mesh must be –</p> <p>(a) chain mesh of at least 3.15mm gauge, with a maximum spacing of 50mm; or</p> <p>(b) weldmesh of at least 4mm gauge, with a maximum spacing of 50mm.</p> <p>(3) There may be a gap of not more than 50mm at the top and bottom of a wall or door or gate of an enclosure to provide ventilation and drainage.</p> |
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Standing Committee on Environment and Public Affairs

Date first appointed:

23 May 2017

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'2. Environment and Public Affairs Committee

- 2.1 *An Environment and Public Affairs Committee is established.*
- 2.2 The Committee consists of 5 Members.
- 2.3 The functions of the Committee are to inquire into and report on –
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any Bill referred by the Council; and
 - (c) petitions.
- 2.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 2.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.
- 2.6 In this order "environment" has the meaning assigned to it under section 3 (1) and (2) of the *Environmental Protection Act 1986*.'



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