

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2020

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 1: Short title —

Debate was interrupted after the clause had been partly considered.

Dr M.D. NAHAN: I admit that I was not in the chamber and that the minister did table the document “Health and Welfare of Dogs in Western Australia Standards and Guidelines”. One of the problems many of us discussed in our contributions to the second reading debate was how puppy farming is defined. I am not going to argue that we need an explicit definition; it is impossible. It can be defined by the standards by which people breed, raise and distribute puppies. Dogs West has those standards. Where will they be implemented in the bill? Unless the bill has those standards and a way to enforce them, it will not work. Could the minister explain that? I read through the report very quickly; people could quibble, but anybody who is appropriately raising dogs would meet the requirements in this document fully anyway. How does this report mould with the bill, and where are the standards of proper behaviour for raising dogs defined?

Mr D.A. TEMPLEMAN: I thank the member for Riverton for his question. I do not think the member for Riverton was in the chamber when I tabled the “Health and Welfare of Dogs in Western Australia Standards and Guidelines”. The document comes under the auspices of the Minister for Regional Development; Agriculture and Food and sits under the Animal Welfare Act. Dog standards are being introduced as regulations under the Animal Welfare Act. That is where the standards will be outlined. The standards do not sit in the legislation we are debating because they are under the auspices of the Animal Welfare Act as regulations. As the member would know, the document covers a range of issues relating to the health and welfare of dogs. It is quite comprehensive and I think that is where the member’s line of inquiry is addressed.

Dr M.D. NAHAN: At page 2 the document states —

The Dog Standards and Guidelines document is a statement of the Department’s policy. At such time as regulations are introduced under the Animal Welfare Act, compliance will become mandatory and penalties may apply ...

That is great, but these standards are policies of the relevant department. Which of these standards will be put in regulations under the Animal Welfare Act, and to what extent? Are they the standards listed in this document or are they being altered? The essence of this bill, amongst other things, is about registration and a range of other very good things, but what standards are we going to impose through either legislation or standards generally on dog breeders, particularly those who operate outside Dogs West? This document is a set of policies; what regulations is the government considering bringing in and imposing as mandatory with penalties for non-compliance?

Mr D.A. TEMPLEMAN: I thank the member for his question. I need to highlight to the member that essentially the standards and guidelines the member referred to will be regulations that will sit within the Animal Welfare Act. We are not debating that act today, but the standards and guidelines are referenced because, of course, they are required to be complied with for the ongoing health and welfare of dogs in Western Australia. Any reference in this legislation to those standards and guidelines is pertinent to those standards and guidelines as they are under the auspices of the Animal Welfare Act. As the member knows, that responsibility sits within Minister MacTiernan’s portfolio.

I want to highlight to the member that one of the issues raised during the intensive consultation on matters relating to the Stop Puppy Farming policy and, indeed, elements of the legislation we have before us, was around standards and guidelines—the member for Maylands reminded me of this whilst the member was making his query—and whether Dogs West would be involved in that consideration, as it should be, given that issues around standards and guidelines are critical and central work to Dogs West’s operation and stewardship of its membership. Again, I caution that if we are going to get into questions regarding the standards and guidelines as they pertain to this document, it is not what we are debating today, and certainly not on this clause, which is clause 1.

The ACTING SPEAKER (Ms M.M. Quirk): I was about to remind members of that. Are you still hounding the minister, member?

Dr M.D. NAHAN: No, I am just going to summarise something. I am not hounding him! We are here to address a bill that is, by definition, about stopping puppy farming. We have no definition of “puppy farm”, so we have to define that by standards that are not in this bill. I thank the government for giving us this set of policies that we now understand will be transformed into explicit regulatory standards. It is hard to assess a bill to stop puppy farming without the standards that define and enforce resistance to puppy farms. Yes, it is a different minister and different legislation, but we can walk and chew gum at the same time if we are dealing with legislation that transfers across

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acts. The minister has done it many times; we did it with the Voluntary Assisted Dying Bill 2019. The government should have put in the definitions; it would have had a different response from us.

Mr D.A. TEMPLEMAN: I remind the member that there is such a thing as the internet and there is such a thing as research. I would have thought the opposition's spokesperson for local government would be across this. These guidelines have not been secretly hidden away; I have not suddenly plucked them out and said, "Oh, by the way, here they are." Sorry; they have been out and available for some time. It is not my job to do the member's research on the bill for him. The bill was introduced in this house earlier this year and the member has had a lot of time to research it. If he is not able or does not have the energy to go and source this readily available information, that is not my problem, and it certainly is not my fault. The fault might perhaps lie with the shadow Minister for Local Government for not supplying that information as part of the opposition's response and how it would land with this legislation. I also remind the member that the opposition has indicated that it will be opposing the bill.

Dr M.D. NAHAN: I understand that the member for Maylands has been working on standards for some time, and I accept those standards to a large extent, but it should have been presented as a package. We will let that go by.

Mr D.A. Templeman: Do some research!

Dr M.D. NAHAN: I knew they existed. The government never stated that it was going to be —

Mr D.A. Templeman: You're so useless over there!

The ACTING SPEAKER: Minister! The question is that clause 1 stand as printed.

Clause put and passed.

Clause 2: Commencement —

Mr W.R. MARMION: Clause 2 is very important to the operation of the various aspects of the bill; it is fundamental to how it works. Part 1 will commence on the day on which the act receives royal assent and part 2 will commence on the day after, apart from division 3. Division 2 is fairly important because it pertains to greyhounds.

The ACTING SPEAKER: Is this a statement or a question, member?

Mr W.R. MARMION: I would like the minister to explain why different parts of the act will come in at different times.

Mr D.A. TEMPLEMAN: I thank the member for the question. Pet greyhounds will no longer be required to be muzzled in public when the legislation is gazetted, so that addresses the point in time at which the de-muzzling of greyhounds is permitted. These provisions are standalone, and we believe it is important to bring them into effect immediately; it will assist in making greyhounds even more desirable as pets. I have not had the experience of having a former racing greyhound as a pet, but I have spoken to a number of people who have—including, interestingly enough, one of the parliamentary drivers, who is an avid greyhound lover and has a retired greyhound as a pet. This will assist in preventing unnecessary deaths. Other provisions will come into operation at a later time because we will have to develop the regulations and the centralised database will need to be in place before they can be enacted.

Mr W.R. MARMION: When this bill goes through Parliament and receives royal assent, the greyhound aspect will be implemented straightaway. But the rest of the bill—which is most of the bill—will require, as the minister just said, the implementation of a centralised registration system. That will be no mean task, because the department will have to collate data from all the local authorities in order for it to be centralised. Once the act is proclaimed, can the minister give me a rough idea of when the government expects the rest of the provisions will come into operation?

Mr D.A. TEMPLEMAN: I thank the member for the question. Yes, obviously the centralised registration system needs to be established before provisions can come into effect. As the member is aware, individual local governments are currently responsible for maintaining their own registers of dog and cat information. A centralised registration system will merge all these registers into one, which will allow portability and will ensure that the information to be shared is consistent. There will be some work on that, but again, some work has already been done on how we will be able to achieve that and how it will be sorted through. Commencement of provisions once the centralised system is established will also ensure that there are no unnecessary costs and that delays are not incurred. The proposal for the centralised system is part of current budget considerations. It is recognised that the government needs to provide for the system to be established. An open procurement process for the centralised database will be conducted in the second half of the year. Once that system is installed and any modifications made, the data held by local governments across Western Australia will be transitioned to the centralised database. Some testing and training will need to be carried out, along with a public education campaign, before the system ultimately goes live. I assure the member that we understand that the central registration system is an integral component of the intention of this bill, and we will have those systems in place as soon as is practicable. Of course, we want to make sure that we get it right, and therefore testing and training will be an important component.

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Mr W.R. MARMION: I should comment that we spent a long time on clause 1, but a lot of the feedback we got on clause 1 will help us with further clauses. Although we spent a reasonable amount of time on clause 1 and will probably spend a tiny bit of extra time on clause 2, it is to find out a bit more about the centralised registration system. That will stop us from spending too much time on other clauses. We could jump to other clauses, but while we are talking about it, it is easier to get it out of the way.

I raised these questions in the briefing so I know half the answers anyway, but to get it on record, can the minister confirm that dedicated full-time equivalent positions at the department will be responsible for maintaining the centralised system? A fair bit of work will be involved and I understand that special resources might need to be in place to gather all the data to get this up and running, and that will involve some problems. I would appreciate it if the minister could confirm that it will be properly resourced so that the implementation will be timely.

Mr D.A. TEMPLEMAN: I appreciate the question. I assure the member that we want to get this right. That will involve ensuring that we have the appropriate resources, be they FTE or additional resources. Of course, I have indicated that the establishment of the registration process is also a budgetary consideration. I can assure the member that the resources required to establish the centralised registration system will be provided appropriately to deliver on the election commitment.

Mrs A.K. HAYDEN: I want to ask a quick question, just touching on what the member for Nedlands raised. Once this legislation has passed, regulations will click into place on greyhound muzzling. Obviously, greyhounds will be required to be kept on a leash when they are out in public, but the muzzle can come off.

The ACTING SPEAKER (Ms M.M. Quirk): Member, we are dealing with commencement at this stage. Those questions might be better directed elsewhere in the legislation.

Mrs A.K. HAYDEN: I understand that. The minister talked about greyhounds. I thought we could finish off on the topic of greyhounds, as was discussed; otherwise, I will bring it up somewhere else in the bill, if the minister is happy for me to bring it up further. It was a quick question; it would have been over and done with by now, but we can keep filibustering now if you like.

The ACTING SPEAKER: Minister, she has a flea in her ear, so you had better answer the question.

Mrs A.K. HAYDEN: Would you like me to continue with this question? Thank you very much. The minister is happy; is that all right, Madam Acting Chair? All I want to know is: is there is another requirement about the age of the person holding the leash? That is my concern. I will give members the reason for my question. I have grown up with greyhounds; we have had retired greyhounds around the property. They know to chase a fluffy, squealing thing; they do not know the difference between that and something they should not chase. We need to make sure that someone who is strong and responsible is holding the leash of a greyhound without a muzzle to ensure that our community, children and other vulnerable animals are safe.

Mr D.A. TEMPLEMAN: My adviser is just seeking a bit of additional information. Effectively, we are going to treat greyhounds the same as any other dog by taking away the requirement for the muzzling of a retired greyhound. Obviously, like any other dog on a leash, we would expect that the person holding the leash has the capability to control the dog. I do not think we could necessarily legislate capability, essentially; I would be very interested to know how we would do that. However, the simple fact is that this issue has been around for some time. Research shows that retired greyhounds make magnificent pets. Members can talk to anyone who has a greyhound, or the people who run those magnificent greyhound adoption organisations and groups—I have met a number of them—who seek to find responsible owners for greyhounds that might otherwise meet their demise early. I admire what those organisations do. Those workers and volunteers are remarkable people and they do a tremendous job. This issue has been talked about for a long time and has been petitioned for in the past. The government strongly supports the removal of that requirement.

The Dog Act 1976 refers to the control of dogs in certain public places, and I think this probably goes to the central point of the member's issue. Owners who walk greyhounds on a leash will need to comply with the requirements of that act. Section 31 of the Dog Act reads —

Control of dogs in certain public places

- (1) A dog shall not be in a public place unless it is —
(a) held by a person who is capable of controlling the dog;

I hope that answers the member's question.

The ACTING SPEAKER: Minister, you have retrieved that section; that is good.

Mr S.J. PRICE: Just following on from that question, my understanding—the minister might be able to support this—is that only responsible people can walk greyhounds. There are further restrictions in that a person cannot

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have more than two greyhounds under their control at one time when they are out walking them. It is defined that a responsible person is someone who is over 16 years of age. I have four daughters; my 17-year-old can take my dogs for a walk but my three 15-year-olds cannot.

Clause put and passed.

Clause 3: Act amended —

The ACTING SPEAKER: I counsel you, member for Darling Range, to just deal with the particular clause.

Mrs A.K. HAYDEN: Thank you very much for your very wise words; I will. The proposed amendment is on the approval to breed. I just want to find out whether the minister considered including registered breeders with Dogs West to be part of approved breeds. Am I in the right spot?

The ACTING SPEAKER: No, you are not. The question is that clause 3 stand as printed. I am going to get rabid in a moment.

Clause put and passed.

Clause 4: Section 33 amended —

Mr R.S. LOVE: I have listened with some interest to the debate on greyhounds. I want to understand from the minister why greyhounds are now being de-muzzled. We have seen the images of them chasing down little rabbits, and I think the member for Darling Range said something about running after furry objects. The member for Forrestfield implied that they may need to be kept on a very close lead because of their propensity to run down cats and other animals. I wonder what has changed about the nature of greyhounds that means they can be let out in public without a muzzle, whereas for the last hundred or so years, they have had to be muzzled?

Mr D.A. TEMPLEMAN: I refer to the review that was undertaken on the Dog Amendment Act 2013 and the Cat Act 2011; I will come back to that. Effectively, there is no evidence to show that greyhounds as a breed pose any greater risk to the public compared with other dog breeds or mixed breeds. There is no evidence that says it is only greyhounds. I think, as the member will be aware, dog behaviours are influenced by a whole range of things, including genetic influence. We know that dogs have genetic predispositions; that is why I was interested when the member for Riverton highlighted his extensive history of breeding Irish wolfhounds. The member is very experienced, obviously, with his breeding of Irish wolfhounds. It was a family business that was undertaken in the United States. He and his family exported those worldwide. Of course, I do not doubt that he was telling the truth—he knows more than I do about Irish wolfhounds—when the member highlighted in his contribution that Irish wolfhounds have a predisposition against breeds that have a lineage to wolves, particularly Alsatians. Do not get between an Irish wolfhound and an Alsatian, because they have this predisposition. But in terms of evidence showing that greyhounds pose any greater risk compared with other breeds, there is no evidence that demonstrates that.

We are not the first state or territory to move this way. New South Wales has already done so, to my understanding, and also the Australian Capital Territory has removed the laws requiring greyhounds to be muzzled.

I refer to the additional information that influenced this decision. The member may be aware that the department undertook a review of the Dog Amendment Act and the Cat Act late last year, from memory. I can be corrected. Yes, late last year.

The ACTING SPEAKER: Is that in dog years, minister?

Mr D.A. TEMPLEMAN: This is the running pun! I tabled the results of that report in this chamber on 27 November last year. As part of the review, community consultation was undertaken from 12 May 2019 to 4 August 2019. When we talk about the welfare of dogs and issues around pets, the public response is very strong. We received 1 192 written submissions on this specific issue about greyhounds. I also understand that a petition containing some 2 700 signatures called for the removal of the requirement to muzzle greyhounds. My understanding is that at some of our highly public dog-related events, the greyhound adoption people have been very strong in seeking public support for this change. I hope that answers the member's question.

Mr R.S. LOVE: That brings me to another point. We are talking about greyhound adoption. We saw distressing images from New South Wales of some small furry animals—bandicoots, rabbits and all sorts of things—being fed to greyhounds. There is a difference between greyhounds and other dogs. If a kelpie that has been trained to round up animals is taken into a paddock, it will round up the sheep or the chooks or look at the cows or whatever. A greyhound has been trained to run down quarry. The fact that the quarry is not alive and running around the Cannington greyhound track does not take away the fact that a small furry object is on the end of that machine and the greyhound is trying to run it down. I am concerned that this is somehow tied up with an attempt by the greyhound industry to rehome its greyhounds. Once upon a time it just put them down when they had finished racing them, and now there is a conscious effort to rehome the animal and perhaps wrap it up as being politically correct—everyone could have a greyhound! Are we getting to the point where a thousand greyhounds will be walking around Perth? My

Extract from Hansard

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daughter is a cat owner and she would be very upset if her cat was attacked by a greyhound. It is not as though this is beyond what the member for Riverton just said about the Irish wolfhound with its propensity to attack an Alsatian, the kelpie with its propensity to round up the chooks and the greyhound with its propensity to run down a rabbit. There are no rabbits in the Perth metropolitan area, but there are plenty of cats, small furry dogs and other things.

I am concerned that this is being wrapped up in a politically correct environment of “let’s fix up the greyhound problem, let’s not put all those greyhounds down, and let’s rehome them”. We lost our dog a while ago and my daughter rang up the greyhound people. One of the reasons we did not get a greyhound was that we had a cat, so it was probably not a good idea. The rehoming people also set out all the things that were required and how they would inspect our property and talk to us. I said, “We’re not adopting a child; we’re adopting a dog, so we might let that go.” It is a very structured program and I congratulate them on the way that they run it, but it might be a little over the top to suggest that greyhounds are the same as any other dog, because they are not. A greyhound has been trained to run down quarry. When Mr Acting Speaker was sitting behind me before, he mentioned that restraining a greyhound requires some experience and strength. That would imply that perhaps greyhounds are not quite the gentle beast that is being put forward. There is a risk in this, and I am just highlighting that risk. I am not going to oppose the clause, but perhaps we are getting caught up in believing that a greyhound is just another dog, when it ain’t.

Mr D.A. TEMPLEMAN: I appreciate the concern. I assure the member that this is not an attempt to do any fancy PC-type initiative. It is an initiative based on feedback from a lot of people who are very experienced in caring for retired greyhounds. The member would be aware that all dogs are still subject to the provisions around dangerous dogs. My labrador, Rove, who passed away in August last year—God bless his soul—was a puppy when I first got him. At the time, I let all my chooks out and when I came home one afternoon I found him there, sort of playing with a chook, which was very wet, I must say. He did not kill any of them but I was horrified! I said, “Rove, what are you doing?” He looked at me, released the chook and I never let the chooks out again while Rove was out. I learnt things that way. There are traits within a range of breeds for a range of reasons, but we do not require them to be muzzled. This is an important step forward and any dog that is not seen to be a safe dog is subject to dangerous dog provisions in the Dog Act.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Section 3 amended —

Mrs A.K. HAYDEN: I hope that I am in the right spot for the minister this time. This clause inserts the definition of “approval to breed”. In the marked-up bill, the approval to breed is “in relation to the behaviour of a dog, which does not include behaviour which was an immediate response to, and was induced by”, and it lists paragraphs (a) to (d) and what behaviours can be included in the “approval to breed” list. Did the minister consider including a dog registered under Dogs West as part of the “approval to breed” list?

Mr D.A. Templeman: Can the member outline exactly what part of the bill she is referring to?

Mrs A.K. HAYDEN: Clause 7(2) refers to “approval to breed”. The marked-up bill outlines the terms of use and a list of what dogs are not approved to breed. Just to clarify, the definition of “approval to breed” relates to the behaviour of a dog but it does not include being aggressive or biting et cetera. Did the minister consider just giving approval to breed if the dog is registered with Dogs West, rather than having to go through the list of reasons approval to breed is not given?

Mr D.A. TEMPLEMAN: This is certainly not found in this clause of the bill. It is dealt with under proposed section 26K. When we come to that, I will respond to the member’s question.

Mr W.R. MARMION: I was not going to raise this, but I will since we are at clause 7. Can the minister provide clarification on the definition of “microchip database”? The proposed amendment appears on page 4 of the blue bill. It is an interesting amendment. I am guessing what this means. This is to do with microchipping. Records can contain information about the breeder or its owner—it says “may”. Can the minister give us a bit of insight about whether in the future dogs’ microchips might contain information on the breeder as well, and the mechanisms around that? A person may not possibly know who the breeder is. For example, a dog may have jumped in the car and it is unknown who the breeder is. I know the minister wants that information to be provided, but there may be instances when the breeder is unknown. How will that be accommodated?

Mr D.A. TEMPLEMAN: That is a good question about the microchip database. First of all, the subclause amends the definition of “microchip database company”. This amendment ensures information recorded about a dog in the database can include information on its owner and breeder. If the breed is unknown, that information cannot be provided. The form would essentially be left blank. A person cannot be expected to determine the breed if it is not known.

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Mr R.S. LOVE: I assume the member for Nedlands was talking about legacy issues. With the necessity for breeders being controlled and known, that would not be the case for future dogs. I would have thought that that information would have to be available. That would apply to existing dogs in that situation; not future dogs. Maybe my understanding is not correct.

Mr D.A. TEMPLEMAN: The member's assessment is correct.

Mr R.S. LOVE: This comment might be instructive for people in the other house: this would seem to be an excellent place to put in a definition of "puppy farming". As I said before, putting a definition of "puppy farming" into the act would in fact enable future regulators to know exactly what was in the mind of the Assembly and everybody else when this legislation was passed. The minister may be relieved to know that I am not going to propose it now. The definition that the minister read out to this house could easily be inserted before this gets to the other house, which might save a lot of discussion in that place.

Mr D.A. TEMPLEMAN: I note the member's interest in that. The other place will probably consider a range of amendments that might be put forward.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Section 9 amended —

Mr R.S. LOVE: I am reading from the explanatory memorandum rather than the bill. It states —

... nothing ... prevents the CEO of the Department from performing any functions under the Act or doing anything under the Act that allows the CEO to perform their functions.

This ensures that the CEO has the power to perform functions under the *Dog Act* ... despite the local government being primarily responsible for the administration and enforcement of the *Dog Act* ...

Does this specifically relate to seeking powers from areas that are not covered by a local government? Does it relate to a local government that is not performing its functions adequately? Is it more to do with the central registry? Could the minister explain why this is necessary to be inserted into the act?

Mr D.A. TEMPLEMAN: Obviously, everyone is aware that currently local governments enforce the Dog Act. The member's question is perhaps answered by highlighting that there may be functions that are required for the CEO to exercise that are undertaken by local governments in special circumstances. That might include, for example, the registration of a breeder from another state who wishes to sell or transfer dogs to new owners in Western Australia. The responsibilities and functions that CEOs will have under the Dog Act include a range of matters: establishing and maintaining a centralised registration system from their local government's perspective; and recording certain information on the centralised registration system. The CEO of the department will have powers to assess and approve applications by refuge organisations to supply dogs to pet shops. In this legislation, there are some additional requirements around the transition of pet shops to adoption centres. I need to highlight that a lot of pet-based enterprises in WA already have some great relationships with a number of adoption institutions. Pet Stock is one. A number of them have regular Saturday morning opportunities at which the refuge brings along a selection of dogs that are currently seeking good homes. It is a very good opportunity for people to interact with the adoption centres and look at their dogs. We would encourage that to continue, obviously, because it underpins the importance of responsible dog ownership. This act, because of some of the additional planks of operation, increases the responsibilities and functions of the CEO under the Dog Act. I hope I have answered that question for the member.

Mr R.S. Love: Yes.

Clause put and passed.

Clause 10: Sections 9A and 9B inserted —

Mr R.S. LOVE: I have one question only on this clause, so I will not be very long. Clause 10 is about the designated persons that the delegations are sent to. Proposed section 9B(4) states —

A designated person must produce the certificate issued under subsection (3) at the reasonable request of a person in respect of whom the designated person exercises, has exercised, or is about to exercise any power under this Act.

Would the certificate being issued to the designated person be very specific about the actual powers that have been delegated to that person, or will it just be some sort of badge so that people understand the exact powers of the person presenting to the property?

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Mr D.A. TEMPLEMAN: That is a good question. Effectively, the powers would need to appoint a person to perform functions under the act. They would obviously need to be duties pertaining to the act. Proposed section 9B(4) requires the designated person to provide the certificate if a reasonable request is made. Proposed section 9B(3) states —

The CEO is to issue to each designated person a certificate stating that the person is a designated person ...

There is a specific process here, but certainly the functions of that designated person are essentially determined by the CEO in that delegated authority.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Sections 13A and 13B inserted —

Mr W.R. MARMION: Proposed section 13A refers to the centralised registration system. Regulations will prescribe what information is collected, but, obviously, the key bits will be the data related to the dog's chip, the breeder's number and, under proposed section 13B, the dog owner number. I understand that these three bits of information will be absolutely key and other stuff might be connected to that. To make it simple, could the breeder's number be the same as the dog owner number?

Mr D.A. TEMPLEMAN: The short answer to the member's short question is that it is the same number.

Mr R.S. LOVE: Proposed section 13A will establish the centralised registration system and a lot of proposed section 14 refers to parts of the same system, so excuse me if I am not exactly on the right line here when I ask some of these questions. One of the issues raised with me was by local government members who were concerned about the costs of migrating this information from the centralised system. Can the minister outline what process will be followed to set out the regulations as part of this? Regulations are mentioned; I am not sure what they will cover. Will they cover the fee structure or any costs that the local government may have in regard to this, and how will those structures be arrived at? I have another question but I will let the minister answer that one. I will not load the minister up too much.

Mr D.A. TEMPLEMAN: Thank you. Firstly, ultimately, who pays for the centralised registration system? Initially, the state government will pay for the purchase and establishment of the system, and, of course, we expect that a tender process for that will commence later this year. In the longer term, dog and cat owners will pay through increased registration fees. I think the member wants to ask about the cost to the local government. Is that the thrust of what the member is talking about?

Mr R.S. Love: Yes.

Mr D.A. TEMPLEMAN: Local governments have long been advocating for a single registration system. The reason behind that is it will reduce red tape and reduce the potential for duplication. We understand that there will be a need to adjust to the new system, but there is a strong view that, ultimately, a range of savings will be delivered to local governments. Because there will be a centralised system, there will be a reduction on the demands on front-office staff. Many owners will choose to register online, as they will be able to. The local governments will not need to maintain their own databases, because they will now feed directly into the centralised system to retrieve information. We will see improved dog and cat management through access to improved data, including from outside the district. Importantly, we will have improved control over the tracking of dangerous dogs, and that is a really important issue.

It is a fee for service that will be paid to local governments, of which a significant proportion will stay with local governments to administer that part of the process. But local governments, of course, will have access to the centralised system, which will be an up-to-date database, which will make the obligations with regard to management of the act much more efficient and I believe much more effective and timely. Again, the premise here was always having the capacity to track and access information on dogs and cats quickly. It will be of great benefit to local government.

Mr R.S. LOVE: Proposed section 14 will require local governments to keep record of registered dogs in the centralised system. Referring to proposed section 13A and the setting up of the system, I am wondering about the maintenance of the system, especially when dog owners move. How will the system be kept updated? Does the local government lose or gain here or is it the owner who is responsible for making that amendment? Is the onus on the person or will other methods of finding information on people be used, such as the electoral roll? Another aspect is how the records of itinerant persons will be maintained on the register. The minister touched upon the subject of dangerous dogs and, presumably, information such as breeding status and all of that will be loaded onto the system. A process of continual update will be required. Not every dog given to a family will stay at that address, in the same home, forever, so I am wondering how updating that information will be carried out in practice or we will end up with a situation in which the database becomes progressively out of date?

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Mr D.A. TEMPLEMAN: Obviously, the department will be responsible for the ongoing maintenance of the centralised registration system, which is important. Ultimately, we rely on ensuring that people take responsibility for the registration. Eighty per cent of dogs in Western Australia are already registered, so the registration figure is quite high already. We believe that by having a centralised registration system, we have the capacity to do a range of things more effectively and efficiently. We will rely on local governments to assist in maintaining the quality of information going in and we will rely on the owners. In terms of who has access, dog and cat owners will be able to register dogs and cats on the database, access information and update information on their own registrations. Sometimes that also includes notification that their pet has passed. Because the premise here is about being able to trace the dog's lifespan, from birth to its sad demise, that central registration system allows that. Of course there is integrity in the system because the individual dog owner will not have access to information about other owners, but they certainly have a right to access their own information. There is also an obligation to ensure that they provide updated information.

The department is essentially the overseer of the database and the system, and it will need to closely monitor the integrity of the system over time. From what we have seen in other states and territories, they seem to be working pretty well. From memory, there were some teething problems with one state—I am told it was South Australia. There were a few issues. Essentially, the centralised system provides local governments with portability of information, and that assists local governments in their responsibilities under the Dog Act.

Mr W.R. MARMION: How will the register work? If someone wants to register their dog, will the centralised online system take them straight to the local authority or will it take them to a central database? Presumably, if the information goes to the central database, will it let local government know? Local government will then have to go through the application to ensure all the conditions are met. Payment is also required. If someone wants to register online, hopefully they can pay online. If it is done through a centralised system and not through the local authority portal, will the funds somehow transfer back to the local authority? Basically, can the minister give us a rough idea of how the punter will register a dog?

Mr D.A. TEMPLEMAN: Obviously, the process will reflect technology and modern practices. This is one of the difficulties for some local governments. Currently, it is not always easy for regional and rural people to present themselves in person at an office to register their pet if the shire office is in a town some distance away. This process will allow a much more streamlined process. I ask my advisers to correct me if I am wrong: I wish to register Rover, my pup, which I sourced from a registered breeder. The portal will require me to provide information, prompting me to respond to a series of questions. We have already addressed the issue of what will occur if the breeder is not known. That would be left blank if it is unknown. If the breeder is known, the breeder number will be identifiable. That number is registered against the dog when the person fills out a form, along with an address, name et cetera. An appropriate fee is then required to be paid. The owner will pay online and they are in. The dog is then registered.

If Mr Marmion from an address in Nedlands moves to Port Hedland—again, my advisers will glare at me if I get this wrong—and takes Rover with him, he will need to update his address and information on the register so that the dog is properly registered. Mr Marmion's new address for his pet will simply be changed. Essentially, it is intended that an individual will be able to log in and register their details. Specific information will need to be provided. People will have the ability to log in and change those details if and when required.

Mrs A.K. HAYDEN: I refer to the dog owner number. Can the minister explain what happens when someone goes over east, buys a puppy and brings it back? How does that work here? We know that there are puppy farms over east. How does that interact here? If I go east and buy a designer puppy from a puppy farm and come back to WA, what happens then and how does that stop us from supporting puppy farms over east?

Mr D.A. TEMPLEMAN: Effectively, the legislation applies to Western Australia. It is important that the integrity of the information that is supplied is able to be identified—when numbers are inserted et cetera. Will a person who resides in another state or territory need to comply with these requirements? If a person transfers a dog to a person in WA, they will need to comply with the transfer requirements under the Dog Act. If they do not have a dog owner number, they can apply for one through the proposed centralised registration system. If a person in another state or territory advertises a dog online, will they need to comply with the requirements under the WA Dog Act? If a person from another state advertises a dog online—for example, through Gumtree—and actively states that the dog is available for supply for the WA market, they will need to comply with the requirements under the Dog Act. If a person from another state or territory advertises a dog online that can be seen by people in WA but does not actively intend to supply a dog to the WA market, they will not need to comply with the Dog Act. A person from another state or territory, who advertises in media that is only available in Western Australia, will need to comply and obtain a dog owner number to be quoted in the advertisement. Despite these intentions, when advertising a dog, a person who supplies the dog to someone in WA will need to comply with the transfer requirements when transferring a dog to a person who lives in WA. That sounds clear and complex to me! Would the member for Maylands like to contribute? She does not have to. She is champing at the bit!

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Ms L.L. BAKER: This is a subject we talked about often during the development of this bill. The minister may correct me if I am wrong. A number of issues came to light. I have been contacted by people complaining vociferously about the problems associated with microchipping and the transfer of dogs. When someone buys a little Jack Russell from Sydney, it is put on a plane and, when it arrives here, they find out it has not been microchipped, and there is a brouhaha about what to do. In this case, they would need to register that dog in WA when it arrives if it is “nude” when it gets here, for want of a better word.

A puppy farm in New South Wales would have to get breeder approval or approval to sell those dogs into Western Australia. We do not want to bring all their problems here; they are the same issues we have been experiencing—genetic problems and the like. Yesterday I was informed that someone bought a groodle. They were assured that it was definitely a groodle. When it arrived, it was a maremma. There was a bit of a problem.

Mr R.S. Love: Are you speaking in English?

Ms L.L. BAKER: Keep up, member.

Has anyone seen the film with the penguins? That has a maremma. It is a big white fluffy thing that looks after chicken flocks and any kind of animal such as an alpaca.

Mr R.S. Love interjected.

Ms L.L. BAKER: Yes, a golden lab and a poodle. The maremma is a working dog, so I am surprised the member does not know about them.

Mr Z.R.F. Kirkup interjected.

Ms L.L. BAKER: Exactly. I thank the member. It is a very good example of a dog that suffers from a huge amount of ill-breeding, inbreeding and crossbreeding in Western Australia. Some very bad people here are breeding them and flogging them in the market.

Sorry, I digress. Minister, am I right to say that that kind of arrangement would need to have approval to sell in the Western Australian market?

Mr D.A. TEMPLEMAN: I think the member’s extensive assessment of the situation has made it very clear to me. I concur with the member’s view.

Mrs A.K. HAYDEN: To put this into layman’s terms so that everyone else can understand, let us say that I want to get a designer dog. We all know that when people have their heart set on a designer dog, they will move mountains to do that —

Mr D.A. Templeman: And pay a lot of money.

Mrs A.K. HAYDEN: — and pay a lot of money. They believe that they will care for the puppy, but they are not thinking about the poor mother and the condition of the mother. They will do whatever it takes to get the designer puppy. If they go to New South Wales and purchase the puppy directly and they want to bring it over, how can we prevent that from happening? That is my concern.

Mr D.A. TEMPLEMAN: It is a major issue. Essentially, the answer is that we cannot. But what we require is that the dog is registered here in Western Australia. That will start the process of the dog being registered, which is what we are requiring through the central registration system. The central registration system will require a certain amount of information. I agree with the member that people sometimes go into these transactions with glossy eyes and love, and forlorn looks on their faces. It is important to educate responsible dog owners. Owning a dog is a big investment. In some case, people pay thousands of dollars. I do not know why the member for Riverton went into politics. He should have continued to breed Irish wolfhounds. He spoke about the substantial amount of money paid for each dog.

Mr W.R. Marmion interjected.

Mr D.A. TEMPLEMAN: That is remarkable. Goodness! He could get his backbencher’s salary in three sales, which is amazing, but I digress.

The essential fact is that we want the system in Western Australia to be as strong and robust as possible. That is the reason behind the importance of having an effective centralised system. Buyer beware is still very much an important consideration. My family is trying to get a new dog and is registered on the waiting list with one of the very top labrador breeders in Western Australia. There is a long waiting list. I am sure members are aware that during the COVID-19 pandemic, people seem to have focused very much on wanting a companion animal, which is a good thing, and we understand the reasons behind that.

We want people who invest several thousands of dollars to be aware that that is not the end of it. It is not cheap to maintain a healthy dog from there on in. We want the centralised registration system to be robust. This is also

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about educating people and making them aware of what they are getting into. There are responsibilities, and those responsibilities need to underpin the health and welfare of the dog. That is one of the aspects we are seeking through this legislation.

Mrs A.K. HAYDEN: I have a very quick follow-up question. I have got my designer puppy and smuggled it across the border in my handbag, because that is what they all want them for. Obviously, I would have to register the dog, but how will that happen if the dog does not have a registration number or the breeding backline that is required for registration?

Mr D.A. TEMPLEMAN: I think I answered that earlier. People are still required to register the dog because it is now a dog here in Western Australia. The person is a dog owner and a resident of Western Australia with an address. They need to fill out as much information as possible that they are aware of. The member for Nedlands asked what would happen if the owner did not know the breeder's name. The dog owner would need to be very careful about purchasing from a breeder. One of the first questions that I would ask is, "What's your breeder registration number?"

Mrs A.K. Hayden: If I don't have one, what happens?

Mr W.R. Marmion: They won't be precluded from registering.

Mr D.A. TEMPLEMAN: No, they will not be precluded from registering, but they would need to be very careful.

Mr R.S. LOVE: Everyone is required to register their dog already. That will not change. It has been reported to me, especially by some of the rural shires, that there is already a problem with a lot of animals not being registered. We heard the member for Dawesville talk about Aboriginal communities as well. Some of the shires have reported to me that they believe that about only 50 per cent of dogs in their shire are currently registered. This will come up more when we discuss clause 15. We have to be very careful that we do not make this system so complex and expensive that people increasingly opt out of it. The concern that has been expressed to me, especially from people in rural areas, is that people will keep their dogs out of the system. They will breed them but not register them and there will be a growing black market. That is a concern that I have.

When I hear the minister talk about the expense of having a dog, I think of a kid in Balgo who wants to have a pup but the family cannot afford a \$4 000 dog. We need to ensure that ordinary working families are able to own a dog at a reasonable price. The member for Maylands was looking at me quizzically because I was beginning to frown more and more as the discussion went on and it dawned on me just how expensive this will get. I would hate to get to the point at which we will make it so difficult that a kid will basically have to be 18 years old to own a dog. I had dogs before I was 18. The family, or the nominal head of the family, I guess, will own the dog. It is quite normal for a 10-year-old lad or girl to have a pet dog. Apparently, they will not be allowed to own it but, for all intents and purposes, it will be their dog. It will not be registered to the child but to an adult. I am becoming quite concerned about the availability of dogs. All the things that the government wants to achieve might be undone by making this too hard. That is just a comment.

Mr D.A. TEMPLEMAN: No-one is attempting to stop anyone from owning a pet but we want to ensure that the owners understand the obligations that they have as a responsible pet owner, because that is important. The Dogs' Rescue Home in Shenton Park, the Swan Animal Haven that I went to with the members for Belmont and Forrestfield, and the K9 Dog Rescue in the Peel region are staffed by magnificent volunteers who work very hard to rehome dogs. We found—this may be interesting to members—that there are patterns of behaviour. What happens at the Cat Haven and dog shelters after Christmas? There is a traditional influx of dogs, some are dumped and some are from desperate owners who say, "I can't look after them. I can't do this anymore." We want to make sure—I think all of us want to make sure—that people are well and truly educated on dog ownership because it is important. I think kids growing up with a family pet—a companion animal—is a great thing for a family. We know, for example, of the correlation between people's mental and physical health and wellbeing and having a companion animal. Pet ownership can have a very positive impact on a person's mental and physical health and wellbeing. We know that companion animals, be that a cat, dog or other animal, are really important to the quality of life of the many elderly people who find themselves living alone. And we want the young kid from Balgo, Coodanup, Armadale, Wagin or wherever to have the opportunity to be a pet owner if that is what their family chooses. But we also want to make sure that they grow up understanding the important responsibilities of being a pet owner. It is a great Australian thing, and that is why something like 38 per cent of the Western Australian population owns a dog, and something like 36 per cent—like my very good friend the member for Balcatta who is an avid cat lover—owns a cat. I understand where the member is coming from but I assure him that is certainly not the intention of this bill. Registration will be made easier and the information collected will be important for all the reasons members have highlighted about the overall health and wellbeing of those dogs.

Clause put and passed.

Clause 14 put and passed.

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Clause 15: Section 15 amended —

Mr R.S. LOVE: Clause 15 relates to the registration fees contained in the legislation. It includes non-sterilised and dangerous dogs in the class of dog that can be licensed for only a finite time. A dog that is not sterilised will be able to be registered for only 12 months, and three-year and lifetime registration options will be available only for dogs that are sterilised. I will return to the point I made earlier about dog ownership becoming very costly and driving people out of the legal system. I am aware, because I have had them, that working dogs are registered once for life in some shires. I have an amendment on the notice paper to exempt working dogs from the legislation. The minister has indicated that he may consider regulations to exempt working dogs from being sterilised, but they would still be captured by this increased registration cost because farmers will only be able to register their working dogs annually. That is another reason people may start to skip registration and fall out of the system. If a farmer has three dogs on their farm, and suddenly there are five, who cares? People do not worry too much about that. Why would people want to rock up and pay this registration fee every year? I am pointing this out because I am sure that it will be discussed in the upper house. If there is a move to support my very, very worthy amendment to exempt working dogs from the legislation, there needs to be some action on clause 15 at some point to ensure that the regulations allow for a dog that is not sterilised, but is allowed to be not sterilised, to be registered for as long as the dog continues to be exempt from the legislation. I think that is an oversight that needs to be addressed. I hope it is an oversight because, as I say, this process is looking more and more costly for people with every passing clause.

Mr D.A. TEMPLEMAN: I thank the member for the question. I will make a couple of points in response. Western Australia has one of the cheapest dog registration fee systems in Australia compared with other states and territories. The registration fee goes towards maintaining information on all registered dogs. Effectively and unashamedly, member, the system is designed to encourage sterilisation unless a person seeks to be a dog breeder. That is a fundamental principle. We know there are important reasons why we encourage people, if they are not breeding or intending to breed their dogs, to have them sterilised. The incentive is a reduced fee. Currently in WA, the annual registration fee for an unsterilised dog is \$50, for three years it is \$120 and for a lifetime it is \$250. Currently, the annual registration fee for a sterilised dog is only \$20, for three years it is \$42.50 and for a lifetime it is \$100.

Mr R.S. Love: Isn't there a fee structure for working dogs?

Mr D.A. TEMPLEMAN: Livestock dog owners pay only a quarter of that fee. It is not onerous, member; I've got to tell you.

Mr R.S. Love: But that will change with this legislation.

Mr D.A. TEMPLEMAN: No. The amount paid now will not change; it will not be jacked up suddenly. Livestock dog owners pay only 25 per cent of the fee so they are already getting what I think is a substantial reduction in that case. I believe that Western Australia will continue to maintain a relatively cheap registration process in comparison with other places. The registration fee underpins the important obligations of being a responsible dog owner and I think the current fee structure is fair. We know that a substantial proportion—80 per cent—of dog owners choose to register their dog. That is pleasing and we would love and expect to see it increase over time. The member mentioned that he was aware of some places where only half the numbers of dogs are registered. Of course, I hope that keeping fees to a level that is affordable but assists in maintaining the proposed system, which includes a centralised registration system, would be fair to dog owners. I want to allay any fears that we will see outlandish increases in fees over time, when we know that Western Australia is already well placed with an affordable fee structure.

Mr R.S. LOVE: Just to follow up, the minister just read out the current fee structure and indicated that he felt it was fair. I agree that it is fair, but after the passage of this legislation that will no longer be the fee structure for working dogs that are not sterilised. I do not believe that is fair, and I think it needs to be addressed. I could suggest an easy enough path—the insertion of “or working dog” after “sterilised”, but I will not move an amendment on the run. I do think it needs to be addressed. I am aware that there will be costs for local government in administering the act. Local governments generally probably do not want to see the registration fees falling further. I am not arguing to allow them to fall further; I am just alluding to an existing situation in which working dogs are largely much less expensive to register, which encourages them to stay in the system and will, in the long run, be a good outcome. I will leave the discussion at that point, but I reiterate that I think it needs to be looked at.

Clause put and passed.

Clauses 16 to 21 put and passed.

Clause 22: Part IV inserted —

Mr R.S. LOVE: I am standing up before my colleagues because I have amendments on the notice paper and I want to make sure that they are moved in the correct order today. I draw the minister's attention to today's notice paper. There has been an amendment standing in my name on the notice paper for some time pertaining to clause 22.

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I will start by outlining the reasons for it being there. I also point out that since this amendment was placed on the notice paper some weeks ago, there have been some changes. With the assistance of the Deputy Clerk, I have included in a further proposed amendment a definition of “primary producer” and “primary production business”, to give some idea of what a primary producer actually is, because it is not defined anywhere else in the legislation. I felt that there needed to be a definition of primary producer, considering that the amendment I have given notice of makes reference to a farm working dog kept on rural land by a primary producer or employee. It is pretty important that we know what a primary producer is. I also note that I have another amendment on the notice paper pertaining to membership of the Canine Association of Western Australia—Dogs West—to provide that there will be no offence committed if a dog gives birth and the owner is registered as a member of Dogs West.

Since that time, I have had communication from Dogs West and it is very happy with the amendments placed on the notice paper by the member for Darling Range. For that reason, I will not move my amendment on the notice paper pertaining to the Canine Association, and will strongly support the amendments put forward by the member for Darling Range, which I know have the support—as far as I can tell from the communications I have received—of Dogs West and other people involved. Dogs West is grateful for my involvement, but it also pointed out that there are advantages to what is being proposed by the member for Darling Range, so I am happy to cede the field to her amendments in that regard. In doing so, I point out that we are aiming for the same outcome, which is why I am happy to do that.

Before I formally move the amendment, the minister, in his second reading speech, and the member for Maylands have outlined the view that working dogs would be exempt. When I received a briefing from the department, the handout stated that livestock dogs would be exempt, but we straightaway noted that there was nothing in the legislation to actually exempt them. All we had was a handout that stated that working dogs would be exempted, but there is no exemption for working dogs. I understand from the speeches by the member for Maylands and the minister that there is an intention to bring in a change in the regulations; I know that there is a head of power in this clause that will allow that to happen. But I was not aware of the details of that until the minister read it out, and I had not seen that proposed regulation. I was not aware of the exact nature of the regulation. I have had the amendment on the notice paper for many weeks and perhaps some communication would have been a good idea to say, “Well, we’re going to do something very similar”, but nothing happened.

I move —

Page 18, after line 4 — To insert —

- (da) the dog is a farm working dog usually kept on rural land, by a primary producer, or a person employed by a primary producer and primarily kept or trained for the purpose of droving, protecting, tending, or working stock on a farm;

Mr D.A. TEMPLEMAN: I will respond and I am sure the member for Moore will make a further contribution. The government intends to ensure that there is an exemption for working dogs through regulation; I think I reiterated that in my contribution last evening or yesterday afternoon. The member for Maylands also highlighted that. It is an issue that was raised and discussed and I have highlighted to the member that it is the intention of the government that an exemption will be determined through regulation. We earlier debated other exemptions that should have been considered; the member for Dawesville highlighted some, but we have agreed that there needs to be an appropriate regulation to provide that exemption. I understand that livestock working dogs need to remain unsterilised so that their working ability can be assessed before their owner can determine whether such a dog should be bred; that is one of the reasons for raising the issue of exemption from sterilisation. For that reason, as I said, livestock working dogs will be prescribed as a class of dog that is exempt from sterilisation, and that is why the amendment the member has moved is in my consideration not necessary. I also note that the proposed definition of livestock working dog is too broad and is inconsistent with the current references in the act. But I assure the member that we understand the requirement and that it will be given through regulation. I understand, if I am correct, that when I introduced this bill—goodness gracious, my eyesight!—and gave the second reading at 12.17 pm on Wednesday, 19 February, I referred to the provision of this matter. The government will not support this proposed amendment. We believe that the assurance we have given through regulation does that and achieves the same means, and that is why we will not be supporting the proposed amendment. However, I note and highlight to the house that this is an important issue for primary producers; that is why we will be addressing it through regulation.

Mr R.S. LOVE: I thank the minister for that instruction. I refer back to the minister’s second reading speech. This is the speech as it was delivered in Parliament, so the pages are not numbered, but on the second page, the minister talked about exemptions from mandatory dog desexing, for instance. The uncorrected *Hansard* reads —

However, exemptions from mandatory sterilisation will be provided if a vet provides a certificate exempting the dog on health or welfare grounds, a dog is owned by a person who has been granted an approval to breed, or the dog is a livestock working dog.

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This is very confusing because the minister is introducing a bill into this chamber. If there is an exemption for livestock working dogs, we would expect to find that in the bill. It says that in the speech; why is it not in the bill? It is confusing me, because the other two exemptions mentioned here—if a vet provides a certificate or the owner has been granted an approval to breed—appear in the bill. Livestock working dogs do not appear in the bill. We have greyhounds in the bill because, I suppose, they are an economic unit; they are a working dog, in a way. Greyhounds are recognised, but farm dogs are not. As a farmer, I would say that farm dogs probably make a great contribution. I do not know the money value of the greyhound racing industry, but greyhounds do not grow food or help with the operations of essential industry. They provide a form of entertainment to people who like to watch greyhounds run around a track. I am not one of those people, but I have nothing against them. But I do have a great deal of sympathy for farmers because I represent a significant livestock farming area that runs from the outskirts of Perth up to the station country at Murchison River. Within that area there are many, many livestock producers. They would have read the minister's pronouncements and they may even have got hold of a copy of this speech, and they will be wondering why these provisions are not in the bill. I cannot for the life of me see why these provisions are not in the bill.

The minister read some of those regulations in when he was giving his second reading speech, and I think they might have been reiterated by the member for Maylands. I will not quote exactly what they said, but it sounded awfully similar to what I am suggesting in my proposed amendment. The minister may not think that the wording of this definition of a farm working dog is acceptable, but this is the definition used by Animal Welfare Victoria in its fact sheet, titled "Farm Working Dogs: Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017". The fact sheet refers to exemptions in the Victorian act. It reads —

I am the owner of a farm working dog, what does this mean for me?

The Government understands the unique role of farm working dogs in Victoria's primary production sector. As such, the PFPS Act included provisions to ensure these dogs have the recognition they deserve.

Farm working dogs that are registered with council are eligible for a reduced registration fee and are not required to wear an identification marker (such as a council tag) outside of the premises.

The fact sheet goes on to define "farm working dog" —

A farm working dog is defined as a dog usually kept on rural land, by a primary producer, or a person employed by a primary producer and primarily kept or trained for the purpose of droving, protecting, tending, or working stock on a farm.

That sounds like a farm working dog to me and that is what I have proposed in this amendment—nothing more fancy than the words used by another state in our commonwealth.

Mr D.T. REDMAN: I would love to hear some more comments from the member for Moore on this very important topic.

Mr R.S. LOVE: I thank the member for Warren–Blackwood for his kind intercession. There does not seem to be any problem in Victoria. I understand that in Queensland, similarly, farm dogs are recognised as a particular class of dog in the legislation. I think we are just being semantic here. The minister has made it quite clear that he intended farm dogs to be exempt but, for some reason, resists putting it in the bill. I do not know why it is politically acceptable to mention greyhounds but not farm dogs. I go back to the point: what is the issue here?

Ms M.M. Quirk: You're like a dog with a bone!

Mr R.S. LOVE: I must say, we have been well entertained by the long list of puns that the member has been coming forward with. Getting back to the issue of the bill, specifically, we know that the minister has said that he has had extensive consultation with groups and that they were aware of the proposal to put in regulation for the exemption of farm dogs. I have had extensive consultation with groups. We have been discussing with the Western Australian Farmers Federation, the Pastoralists and Graziers Association, various working dog entities and people who are perhaps not members of an organisation but are deeply involved with dogs and understand the importance of them to the farming sector. In all those discussions, no-one has spoken to me and said, "Here are the proposed regulations that the minister has told us about." They told me that they have not been made aware of this being a certain exemption. I know that they have been told that there will be an exemption. I know that we were told in this briefing paper, going right back to when we had the briefing, that there would be an exemption. I know that Parliament was told when the minister made his second reading speech that there would be an exemption. The only problem is that there is no exemption in the act. I think that the exemption should be in the act. I ask that the minister consider taking this on board. I do not see why he would not follow that through. The Nationals WA as a party is not opposed to the aims of this act in the sense of improving animal welfare outcomes for dogs, but we are opposed to the current situation whereby we are relying upon future regulation rather than an act of Parliament which is live, in the Parliament now, and can be changed right now. We can change it through this process. We do not need to have a regulation; we can just do it. It can be a thing. The minister could say,

Extract from Hansard

[ASSEMBLY — Thursday, 25 June 2020]

p4430b-4464a

Dr Mike Nahan; Mr David Templeman; Mrs Alyssa Hayden; Mr Shane Love; Mr Bill Marmion; Ms Lisa Baker;
Mr Terry Redman; Ms Cassandra Rowe; Mr Stephen Price; Mr Peter Rundle; Mr Zak Kirkup

“I have fulfilled my commitments as I laid out in this first briefing and in my speech to Parliament, all fulfilled, all ticked, all done.” We would not have to get the department to write regulations and put them before Parliament through another process; it could be done now.

My proposed amendment contains the same wording as the legislation in another state, which works fine. The minister says that it is too broad a definition; I cannot see how it can possibly be too broad. A working dog on a farm is pretty well a dog that would be droving, protecting, tending or working stock on a farm, I would have thought. But if there are other definition issues, I would love to hear them. Maybe the minister could provide some alternative wording. One way or another, the farmers of Western Australia who have been speaking to us are concerned, and my colleagues behind me met with a group of people here at Parliament who are very, very concerned about this legislation.

Mr D.T. REDMAN: I would love to hear more commentary from the member for Moore.

Mr R.S. LOVE: I have outlined my concerns in the second reading debate. I do not need to go through them all again. But it is not just about the problem of farmers being inconvenienced by having to register and sterilise their dogs. It is about genetics and the availability of an asset, a working dog, on the farm that needs to be carefully nurtured. The minister identified the need for a dog to mature before making a decision on whether it is a dog with traits that would be good for breeding. Cutting back on the number of farm dogs is a genetic issue; that has been outlined to me by people who are eminent in the field of genetics. For the life of me, I cannot understand why, when the minister says that livestock working dogs will be exempt from these provisions and he reads it into the Parliament as if it were part of the bill, along with other provisions that are written into the bill, he leaves it out. Then, when an amendment with quite reasonable wording is offered, he refuses to accept it. If the minister were not to refuse, we would not be going through this process. We would finish with this bill now. It would have very few complications or problems in the other place apart from those members going through the fine details of the bill to ensure that it works. I am sure that everybody in the Nationals WA wants this bill to pass, but we want to know that it will work properly. I am sorry but we do not understand the reason behind the minister’s refusal to put into legislation basically what he said he will put in regulation. That is our job; we are legislators and we can do it now. I urge all members to support the National Party and my amendment on this matter so that farm working dogs can be recognised formally in the legislation in the same way that the minister said they would be recognised in regulation.

Mr D.T. REDMAN: I want to make a couple of comments in support of what the member for Moore has done. He has put in an outstanding effort on this bill. He has done a lot research and talked with the appropriate people. He makes a really important point here. This point comes up from time to time in the legislation: the intent is articulated by the government of the day, we see the words written a bill before us, and the outcome of a particular element of that legislation is simply to give the heads of power to regulations, which occurs on another day and which we do not see. The question the member for Moore raised is quite right. We do not get to see the words used in the regulations—that gets drafted later. We have to rightly question the government’s intent. Why would it choose to put this element, which presumably it supports, into regulation? We know that there is a difference. Legislation that passes through both houses has to come back to both houses to be changed. A commitment by government to enshrine in legislation the point raised by the member for Moore would give everyone confidence in knowing that any change would have to be passed by two houses of Parliament. Regulation, however, can be written by the government of the day and is simply subject to disallowance. It is a much lower threshold for the government of the day to change or draft regulations in a particular way that goes against the views of the people raising this particular issue, certainly in our constituency. Members really have to question why, if it is the intent of government to exempt working dogs, it is not done in legislation. The minister needs to make that case; he certainly has not made it here today. If it is a definitional issue, the same definitional issue will come up when it is drafted in regulation. Why not put it on the table in legislation to give us confidence that the government will adhere to the points made in the second reading speech?

The member for Moore has raised a very good issue and a really important one that the minister could resolve now. I am sure it would make the passage of this bill easier in the other place. It may well be that the bill does the circuit and comes back and we deal with it, but we would certainly like the minister give a commitment now to put the provision into legislation, to support the amendments, which are not made lightly but with a lot of conviction and with the right views in mind, and not give heads of power to regulations, which we have not even seen the drafting of.

Mr D.A. TEMPLEMAN: I thank the members for their contribution. I understand the argument but there is simply a difference of opinion on how we will achieve what we both agree on. We both agree that there should be an exemption, and I have made that clear on a number of occasions. As the members know, second reading speeches by their very nature do not go into exact detail on a range of issues including what is in or out of the legislation. The member for Warren–Blackwood, having been a minister, knows as well as I do that invariably a range of matters are dealt with through regulation that sit alongside the legislation that is introduced. The regulations are tabled in this place, so the matter of transparency is covered by parliamentary procedure. As I have said, we understand the

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argument why working dogs should be exempted, and we agree with that. I have highlighted the reasons that exemption should exist, and they have been underpinned by the member's contributions. We just have a difference of opinion; that is, I believe we can absolutely address and deliver that intent through regulation. That is my commitment to members. Embedding this provision in legislation is unnecessary because members have my commitment. I am sure that this provision will be debated in the other place and that Nationals members will get the opportunity to put up a similar, if not the same, amendment there. But the government's position is that the intent that was highlighted in the second reading speech, reiterated in my comments yesterday afternoon in my second reading reply, and underpinned by comments made by other members here, particularly the member for Maylands in her contribution, will achieve what we are seeking to achieve; that is, working dogs will be exempted from sterilisation, as argued by important stakeholders that the members have highlighted. I can give them my word that that outcome will be determined through regulation.

Division

Amendment put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the noes, with the following result —

Ayes (10)

Mr I.C. Blayney	Mr Z.R.F. Kirkup	Mr W.R. Marmion	Mr P.J. Rundle (<i>Teller</i>)
Mrs A.K. Hayden	Mr A. Krsticevic	Dr M.D. Nahan	
Mr P.A. Katsambanis	Mr R.S. Love	Mr D.T. Redman	

Noes (32)

Ms L.L. Baker	Mr M. Hughes	Mrs L.M. O'Malley	Ms A. Sanderson
Dr A.D. Buti	Mr W.J. Johnston	Mr P. Papalia	Ms J.J. Shaw
Mr J.N. Carey	Mr D.J. Kelly	Mr S.J. Price	Mrs J.M.C. Stojkovski
Mr R.H. Cook	Mr F.M. Logan	Mr J.R. Quigley	Mr C.J. Tallentire
Ms J. Farrer	Ms S.F. McGurk	Ms M.M. Quirk	Mr D.A. Templeman
Mr M.J. Folkard	Mr K.J.J. Michel	Mrs M.H. Roberts	Mr P.C. Tinley
Ms J.M. Freeman	Mr S.A. Millman	Ms C.M. Rowe	Mr R.R. Whitby
Ms E.L. Hamilton	Mr Y. Mubarakai	Ms R. Saffioti	Mr D.R. Michael (<i>Teller</i>)

Pairs

Mr V.A. Catania	Mr M. McGowan
Ms M.J. Davies	Mr B.S. Wyatt

Amendment thus negated.

Mrs A.K. HAYDEN: I refer to proposed section 26E(1), "Dogs must be sterilised unless exempt", at clause 22. It states —

The owner of a dog that has reached the prescribed age must ensure that the dog is sterilised, unless the dog is exempt from sterilisation under subsection (3).

Penalty for this subsection: a fine of \$5 000.

Can the minister explain, firstly, what the prescribed age is? Although it is not in this bill, it will be under regulation. Can the minister tell the chamber what the prescribed age will be?

Mr D.A. TEMPLEMAN: It is an important question. As the member said, proposed section 26E(1) requires dogs to be sterilised unless exempt. The prescribed age of a dog is proposed to be two years.

Mrs A.K. HAYDEN: I understand it will be under regulation for a good reason. I have spoken to the member for Maylands about that. Obviously, it changes as research is done and science is undertaken. Back in the old days, dogs would have been sterilised at one year of age; now it is two years of age. It could change to three or four years of age, depending on the dog or the breed. I appreciate that this needs to be flexible. However, I want to stress the argument from Dogs West. That organisation consulted with the government in good faith believing that it would get an exemption. That is what Dogs West hoped it would achieve. The member for Maylands directly told Dogs West that it was a gold-standard organisation and would be looked after. A lot of Dogs West members do not breed their dogs; they show them. It is a great community. It is good exercise for humans to be out there doing it. It is a great bonding session with the dogs. The dogs love the showing—the tricks and all the jumping around. In many cases, a dog needs to be whole to be able to compete, which means it cannot be sterilised. This bill will impose on the members of Dogs West, if they choose to show their dog as a whole, to register as a breeder. They may not want to be a breeder; they may just want to show their dog. To register as a breeder, they will have to go to their local government to get approval to breed.

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Ms M.M. Quirk interjected.

Mrs A.K. HAYDEN: That is four now. I am keeping tally.

Several members interjected.

Mrs A.K. HAYDEN: I know—she is so rude!

They do not want to breed; they just want to show their dog. They have to try to get approval from their local government. If their local government says, “No, we’re not allowing breeders in our area”, what happens then? An animal lover does not want to sterilise their dog. The minister says they have to be a breeder, but the local government says it will not allow breeding in its area. Under planning rules, local governments can make changes to allow that. We have Airbnb issues because certain shires do not allow short-stay accommodation. We will have certain shires not allowing breeding in their area. What happens then?

Ms A. Sanderson interjected.

Mrs A.K. HAYDEN: Excuse me.

Ms A. Sanderson: Carry on. Sorry, did I interrupt your train of thought?

Mrs A.K. HAYDEN: Not at all.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Darling Range, you are speaking to me.

Mrs A.K. HAYDEN: I think she was asking a question she knows nothing about.

The ACTING SPEAKER: Member for Darling Range, you are speaking to me. Keep going.

Mrs A.K. HAYDEN: If they can no longer —

Ms A. Sanderson interjected.

Mrs A.K. HAYDEN: You are just embarrassing yourself.

The ACTING SPEAKER: Member for Darling Range, you are speaking to me.

Mrs A.K. HAYDEN: If they can no longer keep that dog whole because the local council has told them that they cannot register as a breeder, what is the minister’s answer to that question?

Mr D.A. TEMPLEMAN: I thank the member for her question. It is an important question and I am happy to answer that. With regard to the importance of show dogs and the importance of remaining “intact”, I think is the term, or it might be another term.

A member: Whole.

Mr D.A. TEMPLEMAN: Yes; “whole”. Many members of Dogs West keep their dogs unsterilised for show purposes or to use their dog for breeding. Under the new proposals, most dogs will be required to be sterilised by the time they are two years of age. With regard to the question of age, I had an important and appreciative meeting with representatives from the Australian Veterinary Association WA and Dogs West, from memory. No—they were separate meetings. The meeting related to the science around the period. The member is right: this is one example of a good reason why we do not put into legislation a prescribed element but allow for it to be addressed through regulation. Science changes and different breeds may have issues if they are desexed too early. That was taken into account and that is why we landed at two years. Obviously, as time goes on, groups like veterinarians and others will continue to influence thoughts around such a matter.

I will talk about what the member for Darling Range might consider to be a rogue local government, or a local government that is not predisposed to allowing breeding. The reasons a local government is able to refuse an application to breed is in clause 22, which inserts part IV, new section 26L, “Approval to breed”. Subsection (1) refers to the local government’s requirement upon receiving an application to either grant or refuse the approval to breed. Subsection (2) states —

The local government may refuse to grant an approval to breed only if the local government is satisfied that at least one of the following applies —

I think these are reasonable grounds —

- (a) the applicant is an individual under 18 years of age;
- (b) the applicant is a convicted person; —

Against the Animal Welfare Act, Dog Act or Cat Act within the last five years —

- (c) the applicant does not have access to any, or to sufficient, facilities to breed dogs in accordance with the requirements of any relevant written law; —

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Such as the Animal Welfare Act or any act or planning laws —

(d) the applicant is not a fit and proper person to breed dogs; —

For example, the applicant has previously been issued with a court order banning them from owning animals. The local government will only have the power to refuse to consider an application if an applicant does not comply with a request for further information within the specified time. Even if a refusal is given, if more information is required, that will be asked for by the local government. There is also a State Administrative Tribunal process. I will need a little bit more time to articulate this.

Mr D.R. MICHAEL: I would like to hear more from the minister.

Mr D.A. TEMPLEMAN: Thank you, member for Balcatta. He is a marvellous man even if he does like the other companion animal—cats!

If an application for a dog breeder is refused, what can the dog breeder then do? An appeals process can be pursued under clause 40 of the bill, under new sections 54E to 54H. Ultimately, the local government must provide written notice to an applicant of its decision to refuse an application for dog breeder approval within seven days of making the decision. If desired, the applicant can either lodge an objection to the decision with the local government within 28 days of the notice or lodge a review of the decision with the State Administrative Tribunal within 42 days of the notice.

The parameters that allow a local government to refuse an application are significantly relevant and broad enough to address the issue that a local government might be perceived as being unsupportive of people seeking to breed dogs. Can a dog breeder who is registered with a dog breeding association, such as Dogs West, be refused dog breeder approval by a local government? Members of Dogs West will have to comply with the legislation the same way as any other breeder. Dogs West members are required to abide by the rules of their association, which should make compliance with these provisions straightforward.

The components and aspects of the bill that I have highlighted address these concerns. I am not saying that it is not an unwarranted concern, but I think the bill addresses the issue around dog breeding applications. Most local governments understand that because so many people have dogs as pets and some people want to breed dogs, if they fulfil the basic requirements, they would normally be granted the right to carry out that breeding. I hope that addresses some of the member for Darling Range's concerns, but the way she looks like she is going to dart to her feet means it probably has not allayed them all.

Mrs A.K. HAYDEN: My biggest concern is that the minister is saying that most local governments are going to approve dog breeding. Is the minister talking about a rogue local government? Is it true that a local government could change its planning rules and put in a by-law to say no to breeding?

Mr D.A. TEMPLEMAN: Everyone thinks I have all this power to make local governments do certain things. One of the things that I need to remind everyone and what has become very apparent to me having been the Minister for Local Government for the last three and a half years is that I do not have powers because local governments are autonomous bodies. They are indeed democratic institutions in their own right. There are 138 of them and they are made up of people who are elected by their population.

Mr R.S. Love: Sometimes!

Mr D.A. TEMPLEMAN: Sometimes!

Local governments are charged with carrying out and making decisions on behalf of their community. One would hope that if they are not making those decisions on behalf of the community effectively, and indeed not adhering to the requirements of the Local Government Act and its amendments, the population that makes a decision every second year would have something to say about that. To answer the member's question specifically, local governments have powers that are given to them through acts of Parliament, and they are of course autonomous bodies. Many people in this place have argued very strongly that local governments should be allowed to make decisions, by-laws and all those sorts of things in the democratic process. In the current act, and in future acts, we will continue to support that democratic principle. Local governments can change planning laws, seek to rezone or change over, but there is a process that they have to undertake and that process includes community consultation. Under this bill, people will still be able to breed dogs. We are simply requiring those people to be registered, and that process is an important element of ensuring overall protection and, as best as possible, the health and wellbeing of that animal throughout its lifetime.

Mrs A.K. HAYDEN: I know my question was, I think, fewer than five seconds long; the answer was a lot longer. Just a yes or no would have been fantastic. The answer was yes, a local government can make its own by-laws and say, "No breeding allowed" in its district. That is my whole concern.

Mr D.A. Templeman: They can do it now.

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Mrs A.K. HAYDEN: Local governments can do it now—exactly! That is my whole concern. Dogs West members are showing their dogs and competing with their dogs, which they want to keep entire, but to keep it entire and to not have to sterilise their dog, they have to then register as a dog breeder with the local government. In the words of the minister, a local government can say that it will not allow breeding in its council area. That will mean that Betty, who takes her dog, which she does not want to sterilise, showjumping on a Saturday, will be told by her local government that she cannot be a breeder. What will Betty do with her dog? That is my question. Everyone is having a bit of a laugh and saying that this is too difficult. This is not a difficult question. The minister is saying that if someone does not want to sterilise their dog, they must be registered as a breeder, but for someone to be registered as a breeder, the local government needs to approve it. But the minister has now admitted that the local government can say that breeding will not be allowed in their council area. I go back to my very first question: what will happen to Betty and her showjumping dog if her local government says that it will not allow breeding in its council area?

Ms L.L. BAKER: I am very familiar with the point that the member is raising, so I suppose I would add my question about this for the minister. As the member has pointed out, at the moment, local governments have quite a convoluted way of amending planning schemes. I know that the Shire of Mundaring has a seven-year review process for its planning scheme and that goes out for public consultation. It has to be not just proposed and supported by its officers, but also supported by its councillors, and then it goes out for the public consultation period. I spoke to someone at the Shire of Mundaring this afternoon and asked whether the shire had any plans to ban breeding and they said absolutely not. The Shire of Mundaring has tried to get rid of horses in the past and there have been a number of moves to try to do stuff in its imagination. But when push comes to shove, there is absolutely no way that any elected councillor who wanted to stay on council would ever hold their position if they said, “By the way, you’re not allowed to breed anymore, and I’m standing behind that.” Would the minister agree with the process that I have outlined as being, in broad terms, the way that those kinds of planning schemes are changed?

Mr D.A. TEMPLEMAN: I could not have put it in better terms! The member for Maylands has nailed it, as she has done on many occasions. The other thing is that when someone seeks approval to breed, there is not a requirement to breed. I want to make that point because I think it is an important one. As I said, there are 138 autonomous municipalities in Western Australia and there are local planning processes, which have been outlined, and the member has indicated that she understands that process. Is Betty currently a registered breeder?

Mrs A.K. Hayden interjected.

Mr D.A. TEMPLEMAN: Is she a Dogs West member?

Mrs A.K. Hayden: She is a Dogs West member. She is not breeding; she is just showing her dog in its entirety.

The ACTING SPEAKER: Members!

Mr D.A. TEMPLEMAN: I assume that if Betty has a lifetime registration, she is in a very good position. If am I getting the right vibe about Betty—many of the Bettys I know are very strong willed people—I assume that she would understand her democratic right as an elector to take part in review processes, if that is a requirement in a particular shire, such as the Shire of Mundaring, and would ensure that her elected members were well aware of her views on this matter. I am sure that Betty is a person no-one would want to tackle.

Mrs A.K. HAYDEN: Again, I did not get an answer to the question. If we put the many comments together, we understand that a local government has the right to ban breeding. It can pass a by-law and ban breeding, as many local governments have done with roosters; people cannot have roosters in certain areas. It can happen. As the minister said, there are 138 local governments. He cannot control them; they are a law unto themselves and can do whatever they like. Local governments can say, “No breeding is allowed”, so poor Betty would be in limbo land. I still do not have an answer to what would happen to Betty. The whole reason I have tried to outline this to the minister is so that he can see a bit of reason and understand poor Betty and all the other members of Dogs West and exempt them from having to seek the approval of their local government to breed dogs. That is all we are asking. The minister has said it, as has the member for Maylands: Dogs West has a gold-standard code of ethics and rules and regulations. It cares about the welfare of animals. I would say that Dogs West looks after these animals better than does anyone else in Western Australia. It cares. It makes its members jump through so many hoops, so all I am asking is that the minister not make them jump through another unnecessary hoop and not allow the 138 local governments, which can make decisions on their own, to ban breeding in their council area on a whim and thereby leave these people in limbo land. That is all we are asking. These are respected dog owners who do the right thing.

The ACTING SPEAKER (Ms J.M. Freeman): Are you moving the amendment, member?

Mrs A.K. HAYDEN: I will not move the amendment yet, because I believe that someone wants to speak before I do.

Mr R.S. LOVE: I will probably take the opportunity to speak on the amendment as well.

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Returning to the matter of local laws, the member for Maylands and the member for Darling Range were talking about two separate things. The member for Maylands was talking about local planning schemes, and I was going to ask the minister whether local planning schemes split the definition of a relevant written law; I assume that they do. The member for Darling Range was talking about council by-laws, which are a different matter again. As the member will know, they are disallowable instruments in Parliament and have to go to the Parliament's Joint Standing Committee on Delegated Legislation. Theoretically, local governments could bring in such a measure, but I suspect that, after this legislation is put in place, it will be difficult for them to ban the process outright, but it would be possible. The planning schemes that the member for Maylands spoke about are separate matters, and I want to touch on that briefly.

We have an existing framework of planning schemes that overlay every local government area. They outline the permitted uses in each local government district. They are developed, supposedly, through a community process and, nowadays, are largely written by the Western Australian Planning Commission and handed back to the local government. That was the community planning framework in about, I think, 1922, when the Town Planning and Development Act was first enacted. Because those schemes and permitted uses exist, a local government is required to look at the scheme when an application for approval comes in. We will now have a new class of approval that did not exist when most of those schemes were written. The application for approval will come in and the local government will need to assess that activity against the framework of written laws that underpin its authority to make decisions. Having done that, it will then have to determine whether a permitted use under the scheme extends to a facility to breed dogs. The issue that has been reported to me—I know that the member asked for an example, but we have not been talking about this for a long time—is that local governments are taking the view that that is basically an application for a kennel licence, in the same way as it might have been an application for a large-scale breeding facility, a pound or some other quite obtrusive, noisy facility that might house 20 hounds that bay all night. Typically, it would be located on the outskirts of the hills somewhere. Darling Range may have some of those types of facilities, but generally they would not be allowed in Maylands, for instance. Because the existing town planning schemes do not contain an appropriate definition of this activity, I am afraid that it might be very difficult for some local governments to grant approval to those people to breed dogs. I wonder whether the minister or his advisers have considered that. Perhaps they need to have a discussion with the Minister for Planning to include a provision that will allow local governments, in some circumstances, to make the decision that is necessary to give approval. I can see that it will be a problem. It has already been reported to me not by my constituents, but by other people who have contacted me. From my reading of it, I can see why local governments might take that view. This will be a new approval. If we are going to put in transitional arrangements, maybe the transition to approvals for local governments needs to be considered. I will sit down and the member can move her amendment.

Mrs A.K. HAYDEN: I move —

Page 18, after line 5 — To insert —

(ea) the dog is registered with the Canine Association of Western Australia Incorporated and the owner of the dog is a member of the Canine Association of Western Australia Incorporated;

Sitting suspended from 6.00 to 6.30 pm

Mrs A.K. HAYDEN: I read in my amendment before the dinner suspension. It refers to members of Dogs West who own dogs registered through Dogs West. It will not apply to just any owner or any dog; it has to be a member of Dogs West and the dog has to be registered through Dogs West. I want the minister to back the Dogs West membership and support this important industry by exempting members from having to sterilise their show dogs and go through other processes determined by the local government authority. As outlined, on a rare occasion, a local government authority could implement a policy of no dog breeding within its local government area that could leave owners of show dogs in limbo. If they do not want to breed their dog but they do not want to sterilise it either because it is part of being a show dog, and the shire has said no to breeding dogs, they could end up losing their dog. That is the last thing we want to see happen. We do not want people having to move home just because their local shire has said no to the breeding of dogs. To make this simple and easy, out of respect for members of Dogs West, its code of ethics and its gold-standard regulations—as the minister and the member for Maylands have said—we ask that the government honours these people and respects that they are true champions of animal welfare who always have the best interest of their animal at heart and exempt them from the need to sterilise their animals.

Dr M.D. NAHAN: I would like to add a bit to that. The objective of this act is multifaceted, but it is mainly to control the supply of dogs and ensure that dogs are bred and raised in a loving home. I think we all agree on that. To do that, there will be a rule that unless a person is a breeder, their dog has to be sterilised, with some exceptions. The exceptions laid out in the bill include greyhounds used for racing, I suppose. I do not know whether sterilisation affects a dog's ability to run but that might be the case. We know that working dogs will be essentially exempted by regulations because sterilisation presumably affects the effectiveness of working dogs.

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Mr R.S. Love: We hope.

Dr M.D. NAHAN: We hope; okay. There are some exemptions because of the use of the dog. If a person is going to be a dog breeder, they are exempted but have to register as a breeder. What about a show dog? When I was young, we had a number of dogs that we showed. We were trying to win prizes with the males so we could consider raising them as breeding dogs, but sometimes we did not. I might add, it was often not until they were five years old. We are forcing a class of dogs to be defined as breeders when they might be just a show dog. I guess show dog owners could get an annual exemption, but they would still have to go through the rigmarole of being registered as a breeder when they do not want to. The legislation does have exemptions elsewhere.

This is really important: it will be very difficult for the government to achieve its aim unless it has community support to ensure that people breeding and selling dogs operate appropriately. That is what the government wants. There are already some restrictions on the government's ability to do that; dogs can come from interstate. I am not sure that a state government can do very much about. My electorate officer showed me a story about a recent case in which dogs were being sold from owners in the United Kingdom to buyers in Canada. The 500 puppies that were shipped to Canada all died. They were being sold for between \$3 000 and \$4 000. Canada is trying to deal with that. The UK has brought in legislation to stop puppy farming. It is a national government trying to stop imports. It is a good idea.

Ms L.L. Baker: It would be good.

Dr M.D. NAHAN: It would be good but it needs the support of a higher jurisdiction. I think we would support the government if it were to ask the federal government to do that.

Dogs West could be used much more widely. Often, we want the community that is most interested in the issue that the legislation is trying to resolve—in this case, the appropriate breeding and care of dogs—to be involved in the implementation of the legislation and to support it. This time, the government does not have that entity's support, and that is a real anomaly. The government should bring in Dogs West, as the amendment would do, particularly if it is just show dog owners, and give them an exemption from the various regulations. Indeed, I would get them involved in the oversight of this legislation much more explicitly. We need civil society to help governments implement appropriate behaviour.

Mr W.R. MARMION: I would like to hear more from the member.

Dr M.D. NAHAN: Sometimes that is difficult, but this time we do have agencies that could help—vets and the RSPCA, of course. This group has excellent standards and represents breeders almost exclusively. I think we want it to be exclusive to dog breeders —

Ms L.L. Baker interjected.

Dr M.D. NAHAN: Yes, I know that, and show dogs. These people are very passionate; as young people, we spent a lot of time around the dog shows. They are very passionate, they understand the animals and they will be the government's agents downstream, when the government is trying to implement and impose better standards. I might also add that this is going to be very difficult because of the amount of money involved. We discussed last year the price of some of these dogs. The issue in Canada was that bulldog puppies—little black things; beautiful little things—cost between \$Can3 000 and \$Can4 000 each. I found out that a lot of the dogs here are much more expensive. Some chocolate labradors, for instance, are more than \$10 000. When that much money is involved, there is inappropriate behaviour to try to squeeze through. Yes, when this was debated, we made a commitment to support our Darling Range constituents, but I think it is for the interest we all have in improving, as far as possible, the standards of care of young puppies, and in stopping the oversupply of unwanted dogs. If the government passes this amendment, it will get our full support and improve the legislation down the track, and the government's largest constituents out there, besides the Western Australian Local Government Association, will be firmly on its side, helping it into the future.

Mr R.S. LOVE: I would like to speak very briefly to this amendment put forward by the member for Darling Range. This amendment makes it unnecessary for me to move my similar amendment on the notice paper. As I said earlier, I have been contacted by the people involved in Dogs West and they are very happy with the two amendments standing in the name of the member for Darling Range. We are now talking about the first one, which is to do with sterilisation, and then there is a further amendment.

With regard to sterilisation, the fact that a dog is unsterilised does not necessarily mean it will breed. It does, however, mean that there is an option available down the track if the owner wishes to. As we have heard, some of these dogs are very expensive. A cause of their expense is their scarcity, which ensures that there is a potential to meet the market. I do not think that dogs that sell for several thousand dollars are likely to become problem animals in the sense of being abandoned or not cared for et cetera—not that every dog should be that price, as I outlined before. There should be affordable dogs so that Western Australian families can enjoy the company of a canine friend.

Extract from Hansard

[ASSEMBLY — Thursday, 25 June 2020]

p4430b-4464a

Dr Mike Nahan; Mr David Templeman; Mrs Alyssa Hayden; Mr Shane Love; Mr Bill Marmion; Ms Lisa Baker;
Mr Terry Redman; Ms Cassandra Rowe; Mr Stephen Price; Mr Peter Rundle; Mr Zak Kirkup

I refer now to Dogs West, or the Canine Association of Western Australia, which is the organisation behind it. I think the minister and the member for Maylands—I do not want to verbal the member for Maylands—basically said that although it is a good organisation and they support its aims, it is only one aspect of the dog breeding circuit, and there are other aspects that need to be covered. That is true. It is not the full story. We are not suggesting that it is any more than that much of the full story, but what we are asking for and what I am supporting in the amendment moved by the member for Darling Range is that it be one of the groups, along with the working dog, greyhound and other groups, that may be prescribed in legislation later. It may be; we do not know. We can deal only with what we have in front of us. At the moment, we have legislation in front of us that we can deal with. There is the potential to exempt it, if you like, from these provisions on sterilisation and allow these very expensive animals to remain as viable breeding stock. Their expense, linked to their scarcity, also poses dangers for the genetics of those breeds. These are very good reasons for having a wider gene pool. It may be that a breeder breeds only once from their female dog because they do not want to continually breed from her.

Ms L.L. Baker: Why would we stop that?

Mr R.S. LOVE: The government is going to stop that if the dog is sterile, and this is the —

Ms L.L. Baker: No, you don't have to sterilise the dog, member.

Mrs A.K. Hayden: You need to get approval.

Ms L.L. Baker: Yes. You don't have to sterilise dogs. If you want to breed the dog —

Mr R.S. LOVE: Yes, we are asking for these people who have expensive, genetically valuable dogs to be able, should they wish, without having to go through a lot of rigmarole, to keep them unsterilised. That is what this amendment is asking for, and only for people who are signed up to Dogs West. I know the member said that that is a voluntary matter. If they are no longer part of the organisation, their exemption falls away. If they are kicked out of Dogs West because they are unethical and not doing the right thing, their exemption will fall away, they will become subject to the act and the dog will have to be sterilised. That is pretty straightforward. I have to say that there are some lovely people—some really, really nice people—involved in Dogs West. They came and had a discussion with the Nationals WA and then another and another.

Mr W.R. MARMION: I would like to hear a bit more from the member.

Mr R.S. LOVE: We had some lovely discussions with them and I learnt that some of those people knew my area pretty well because they supply dogs to towns in my electorate. One of the fellows in particular had, I think, a German shepherd—no, the other big German dog.

Dr M.D. Nahan: Doberman.

Mr R.S. LOVE: Yes, a Doberman. That was his thing, but they are all passionate about their dogs; they love their dogs. Once they have sold their dogs, they send them birthday cards and things and check up three years later to see how they are going: “How's Billy going?”, or whatever. These are not people who are going to sell dogs into an abusive environment. They are not seeking to make huge profits from dogs. They want to cover their costs, yes; they are expensive.

Ms L.L. Baker interjected.

Mr R.S. LOVE: Maybe. I can only go on what I go on, and the people who came to see me were very dedicated dog lovers, and they are the people who determine how that organisation is run. I have in my hand an outline of their litter registration limitations. It is only two or three pages, but it is quite a good little booklet. It refers to hereditary diseases and all the things the member has been talking about. I also have the constitution of Dogs West. I have read it, and it seems quite a reasonable constitution. There are also regulations for registration and the register, which again is the same thing but with a little more colour, and a code of ethics. It is pretty comprehensive. It is a quality assurance program of the same type that one might expect to see in a professional industry. These people, as I say, deserve to be given recognition. I have an amendment on the notice paper and its wording is pretty much what they thought was appropriate at that stage. They came to me and said, “This is what we want”, so I put it in the amendment. It is not for me to try to second-guess what they are trying to achieve; they told me what they are trying to achieve, and I thought, “Okay.” Since then they have communicated with me and I understand that, as with working dogs, they want both the sterilisation aspect and the approval to breed aspect to be recognised. The member for Darling Range has tried to achieve the same thing, so I and the Nationals WA are very happy to support that.

We support the exemption for Dogs West—not that it is an exclusive arrangement. We are not pretending that that is the whole industry or that that is the answer, but as the member for Riverton said, it is about bringing the community along for the ride, just like we enable the RSPCA to be involved in things. That is another community group, at its heart. It is no different. This is a community group that has at its heart an understanding of dogs that is

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probably far beyond what many in the other organisation, the RSPCA, probably have because they are well-meaning people but have not spent a lifetime owning and breeding high-quality dogs, sometimes for sale and sometimes for their own pleasure; I do not know. The minister may disagree. Maybe he thinks that it is not ethical, but that is not the view that I got. I thought that it was highly ethical. The organisation looked as professionally set out as any community-based organisation that I have seen. As we have heard, the genetics of these purebred dogs are precious and are quite difficult to obtain, for a lot of reasons. I think the member for Riverton was talking about the prices in Canada and Australia being higher for a particular breed of labrador. I have no doubt that that is reflected in a whole range of breeds. We are a small population, ergo our dog population is quite small, just like some of our other animal populations. For example, it is sometimes advantageous for people who breed Angus cattle to introduce genetics from America or somewhere else because it expands the gene pool. That is not an unheard-of arrangement. This legislation would have the effect of causing more sterilisations to potentially limit that gene pool, and I do not think that it is a very good idea. For those reasons, we will be supporting the amendment proposed by the member for Darling Range.

Mr W.R. MARMION: I wish to make a brief contribution. I support all the points made by the members for Moore and Darling Range. One point about Dogs West that has not been raised is that there is still a cost imposition. If someone wants to be exempt from sterilisation, they have to register as a breeder. I think there is a mechanism that if someone has a membership number with Dogs West, that can be easily worked into the centralised database. People would have to be a member of Dogs West to be on that database. Members could easily get a printout of their membership, which would be reconciled with the Dogs West association, and if someone was a member, they could be exempt from the cost of registering as a breeder. I think that would be a strong benefit to members of Dogs West. It would encourage people to be responsible and join Dogs West. I know that registration as a breeder may not cost a lot—we do not know exactly what it will cost because it will be by regulation—but it could be an incentive for people to do the right thing and become a member of Dogs West. Imagine if the minister did that—he would probably have them all on side! They would all be voting for him at the next election.

Mr D.A. TEMPLEMAN: Dog city! Can I thank the members who have spoken and highlighted and articulated the reasons they would like the government to support the proposed amendments. The government will not be supporting the proposed amendments. I will explain why. Again, I want to preface this. This is not about seeking to get at Dogs West, impugn Dogs West, or anything of that nature. It is my understanding that, as an organisation, Dogs West has delivered quality to its membership and, indeed, to the integrity of its purposes as outlined in its constitution and objectives in continuing to maintain and enhance the breeds of dogs with regard to appropriate standards et cetera. We do not have a beef with Dogs West. We appreciate very much the input that Dogs West has had with the processes of consultation and the response to the government's election commitment. But I have to say, and I do not think that members see this: it is important that all Western Australians who own unsterilised dogs or breed dogs can, on an ongoing basis, be traced using the centralised registration system. The centralised registration system, for all the reasons I have explained, is central to the approach of this bill. Therefore, it is important that there is that capturing, if you like, of that information. Exempting people from the register would undermine that central registration process. We have to be mindful of that.

This amendment effectively seeks to exempt members of Dogs West, also known as the Canine Association of WA, from having to obtain an approval to breed dogs. Dogs West is a purebred dog association based in WA. Members of Dogs West can show dogs in dog shows and can breed dogs to preserve certain breeds of dogs. There is not an attempt to stop that or prevent that from happening. Although Dogs West could disqualify members if issues were identified under the proposed amendment, the authorities would still be relying on Dogs West to disqualify unscrupulous members, for example. Dogs West would also have a limited cause of action for the breeding of dogs that occurred prior to the disqualification. The process for breeders to apply to the relevant local government for an approval to breed would require only a one-off application and assessment based on specified criteria. That is important: it is a one-off application. I think the term “rigmarole” was used, saying that this is all getting too complex. It is not; it is simplified. Indeed, this approval to breed process is a one-off application and assessment. There is specified criteria on which that is based. In determining the application, an approval to breed may be granted subject to conditions that are considered reasonable in the circumstances. There is recourse for someone who has an issue with local government's decisions, so if a decision is made by local government to not approve, a process can be enacted, including a decision to impose conditions regarding an approval to breed. That is subject to review by the local government and can ultimately be taken, if pursued, to the State Administrative Tribunal upon application.

Although the approval to breed is a one-off assessment, there is a process to cancel the approval if there is sufficient evidence of wrongdoing associated with breeding, including, obviously, that there must be compliance with the Animal Welfare Act, the Dog Act and the Cat Act. It has been identified that it would be difficult for authorities to investigate such breeders for offences against these acts if they are exempt from the dog breeder approval system. The approval system is designed to ensure that we capture that birth-to-death process of a dog's life. A decision to

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cancel an approval to breed, as I said, is also subject to application to the State Administrative Tribunal. We believe very strongly that this act does not impinge on Dogs West —

Mr D.R. MICHAEL: I would like to hear more from the minister, please.

The SPEAKER: Yes.

Mr D.A. TEMPLEMAN: Thank you—from carrying out its work. We have to be mindful that it is not just Dogs West as an independent association that is involved in breeding; there are a whole range of other avenues in which that takes place. We are, of course, attempting to ensure that we capture them. That underpins this principle of being able to trace a pup from birth through to its demise—that it is a system that is centralised so that there is no duplication, and so that there is portability and ease in accessing information so that local governments, as the authority that oversees the issues affecting the Dog Act, can do that job in as most efficient way as is practicable and possible. It gives certainty to the capacity of authorised officers like rangers to carry out their important work.

We will not be supporting the amendments. We accept that Dogs West, known as the Canine Association of WA, is an important stakeholder; that is why it was involved and included in the working party. That is why, even before we were elected to Parliament, it has been part of discussions on the policy, which we took to the election with those key aspects highlighted, which includes the centralised registration system. It underpins the intent of protecting pups and ensuring that where and how those pups are bred and the conditions in which they are bred are as transparent as possible, so that when people seek to choose a pet or breed, there are clear and transparent processes to go through. That is the premise of the bill and why the centralised registration system and the regulation aspect is so important. We believe that it will not only address the puppy farming issue, but also give us a more robust system in Western Australia. Legislation of this type already exists in other states and territories in Australia. I understand that other states that have not yet enacted legislation, are actively investigating or progressing proposed legislation. I wanted to make it clear why we are not supporting the amendment.

Mrs A.K. HAYDEN: To say that I am disappointed would be an understatement. During this whole debate the minister has been goading us to support the bill. Here is the minister's opportunity; we would love to support the bill.

Mr D.A. Templeman: You said you opposed it before it got to consideration in detail.

Mrs A.K. HAYDEN: I did not interrupt the minister's filibusterous answers. I said that the minister has been asking us to support this bill. I will not support this bill if these amendments are not passed. All the minister has to do is pass these amendments and include the very industry that the minister and the member for Maylands have said in the public arena has gold-standard behaviour regulations and protocols in place to look after these animals. All the minister has to do is to include this community in his considerations, then it would have backed the minister 100 per cent and he would have had its full support, as the member for Riverton said, to make sure that this legislation has legs and can make a difference.

I want to put on the record that I am disappointed that the minister is not able to see that and accept the amendment. If these provisions are going to be changed through amendments in the upper house, and this is just a ploy to not pass the amendment here, like this government has done with the raft of legislation that we expect to come through this evening, which is why the minister is filibustering so that he gets the media grab that he wants, all the minister has to do is prevent those people who love their pets, more than the minister loves his, from being subject to these unnecessary requirements. Again I say that I am disappointed. I hope that the minister will give in in the upper house, as this government has done with other legislation, and that we will be fixing this when it comes back.

Division

Amendment put and a division taken with the following result —

Ayes (8)

Mr I.C. Blayney
Mrs A.K. Hayden

Mr P.A. Katsambanis
Mr R.S. Love

Mr W.R. Marmion
Dr M.D. Nahan

Mr D.T. Redman
Mr A. Krsticevic (*Teller*)

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Mr Terry Redman; Ms Cassandra Rowe; Mr Stephen Price; Mr Peter Rundle; Mr Zak Kirkup

Noes (27)

Ms L.L. Baker	Mr D.J. Kelly	Mr J.R. Quigley	Mrs J.M.C. Stojkovski
Dr A.D. Buti	Mr F.M. Logan	Ms M.M. Quirk	Mr C.J. Tallentire
Mr J.N. Carey	Mr S.A. Millman	Mrs M.H. Roberts	Mr D.A. Templeman
Mr M.J. Folkard	Mr Y. Mubarakai	Ms C.M. Rowe	Mr P.C. Tinley
Ms J.M. Freeman	Mrs L.M. O'Malley	Ms R. Saffioti	Mr R.R. Whitby
Ms E.L. Hamilton	Mr P. Papalia	Ms A. Sanderson	Mr D.R. Michael (<i>Teller</i>)
Mr M. Hughes	Mr S.J. Price	Ms J.J. Shaw	

Pairs

Ms M.J. Davies	Mr M. McGowan
Mr V.A. Catania	Mr B.S. Wyatt
Mrs L.M. Harvey	Ms S.E. Winton
Dr D.J. Honey	Mr D.T. Punch
Mr Z.R.F. Kirkup	Mrs R.M.J. Clarke
Mr J.E. McGrath	Mr T.J. Healy
Mr D.C. Nalder	Mr M.P. Murray
Mr K.M. O'Donnell	Mr W.J. Johnston
Mr P.J. Rundle	Mr R.H. Cook

Amendment thus negated.

Mrs A.K. HAYDEN: We will not labour the point because we did that in debate on the last amendment. We will not be dividing on this amendment either because of that. We know that the outcome for this amendment will be the same, sadly. But we will not give up. We are going to go down fighting; we owe it to our constituents and the people who ask us to voice their opinion. On behalf of them, I move —

Page 19, line 21 — To insert after “kept,” —

or the owner of the dog is not a member of the Canine Association of Western Australia Incorporated and the dog is not registered with the Canine Association of Western Australia Incorporated,

I will quickly recap: this amendment relates to proposed section 26I, “Only holder of approval may breed dogs” under division 2, “Breeding of dogs”. Proposed section 26I(1) states —

If the owner of a dog does not hold an approval to breed granted by the local government in whose district the dog is ordinarily kept, —

I propose to insert after “kept”, reference to members and dogs registered with the Canine Association of Western Australia Incorporated, which is Dogs West.

Like my other amendment, it acknowledges the code of ethics, the rules and regulations and all the rigmarole that goes around being a member of Dogs West and a registered dog at Dogs West; ensuring they do not have to go through this other layer of red tape—that is, not having to pay again for another registration after being a member of a very rigid membership of Dogs West. It honours Dogs West members, acknowledging that they are respectful dog owners who will always have the welfare of their animals at the forefront. My amendment simply asks for Dogs West and its members to be exempt from having to go to their local government on the same basis as discussed before—in case they are not granted approval and are left in limbo. Out of respect for them, I ask the minister to consider my amendment; do not just read the prepared answer. It is never too late for the minister to change his mind. If my amendment does not pass here, I welcome us accepting the amendments when they come back from the upper house.

Mr D.A. TEMPLEMAN: The government will not be supporting this amendment for similar reasons I outlined during consideration of the previous amendment. I want to underpin how important the central registration system will be and why it is important to capture all of the “story”. I have been given some interesting statistics. I think one of the questions asked was: do we know the source and supply of pups and dogs in Western Australia? Interestingly enough, there is no comprehensive data on source and supply.

Mrs A.K. Hayden interjected.

Mr D.A. TEMPLEMAN: No, no; just wait.

Some studies have been undertaken in recent times. I will extrapolate the general results of some figures I have. According to a South Australian study in 2013, and an Australian study, the sourcing of dogs and pups from dog breeders, for example, from organisations such as Dogs West, accounted for the following. In the South Australian study, it accounted for about 39 per cent of all dogs sourced. In the Australian study, it accounted for about 36 per cent. That is one aspect of how we access a supply of dogs. The figures from both studies are very similar. The other sources include friends, family and neighbours. These are people who want to breed their labrador or whatever it is. Under this legislation, it will be a simple process. If they want to breed their labrador, they will be

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required to go through a simple process. Of course, that will be part of the standards. The pups that are produced will be captured in the centralised registration system.

I now refer to the figures for friends, family and neighbours. In the South Australian study, that group accounted for 16 per cent; in the Australian study, it was 17 per cent. It was quite significant. The figures for pet shops are interesting. The figures in the South Australian study and the Australian study were the same, at 14 per cent. For animal rescues or shelters—as members know, we have a number in Western Australia—the figure was 12 per cent in the South Australian study and 16 per cent in the Australian study. Under “other”—I am always interested in what the “other” is because the “other” shown in these studies was 19 per cent in the South Australian study and 17 per cent in the Australian study. Adding up all of those other sources, apart from registered dog breeders, it is very significant—61 per cent in the South Australian study and 64 per cent in the Australian study.

Part of this legislation is about having a robust centralised registration system. We believe very strongly that having that system in place will allow us, essentially for the first time, to track puppies from birth to demise. The system will allow all local governments to have a centralised system. They will not have to rely on their own processes to register and record that data; it will all be centralised. Those figures, the latest being nearly four years old, is an indication of why we want to capture all the elements of breeding. If we were to exempt a significant proportion, that would undermine the integrity of the centralised registration system. That is not a slight against Dogs West or other breeding associations; it is simply a reality that we want to ensure our centralised system is robust. That means it will cumulatively assist in delivering outcomes that stop puppy farming in Western Australia.

Mrs A.K. HAYDEN: I am sorry, but I think the minister misunderstands how the central register will be set up. Dogs West members are all registered now with their local council. A local council register will form part of the central register. The minister was incorrect when he said that exempting Dogs West from this means it would not be on the register. I am sorry, that argument does not fly. If the minister does not want to support the amendment, he should say so and say why, but that argument does not fly. At the moment, Dogs West members’ dogs are registered at their local council. The council register will become part of the central registration. The minister’s whole argument was about why we need to do this and why we cannot exempt Dogs West. On that note, may I ask the minister to reconsider the amendment because Dogs West members’ dogs are part of the central register—they will always be part of the central register. The minister’s answer did not really give an excuse for why he does not want to accept this amendment.

Mr R.S. LOVE: During earlier discussion about the sterilisation measure, I was puzzled about why the minister kept referring to the registration of dogs. The registration of dogs is not part of that issue. Dogs will still have to be registered whether or not they are sterilised. Dogs will still have to be registered whether or not the person requires approval to breed from local government. While the member was talking but before she made her point, I looked again at the requirements of the central register. I thought it was a great point; it was so good, I was going to make it myself! Looking at the central register, the dog owner and the dog have to be registered. Presumably, the bred animal, the pup, would also be registered. There is no break in the registry process. We are asking for Dogs West breeders—they already have the dogs and are probably already breeding the dogs in their local government areas, if they are breeders—not to have to seek approval to breed from their local government. That is pretty well what it is. As we have heard and as I have said before, I believe there is a real problem, especially in some of the more closely settled areas, in local governments granting that approval to breed. The minister might not agree with me, but having seen how local governments operate over many years, I would say there is a problem. It has certainly been reported to me by members of Dogs West that they have encountered that problem in preliminary discussions with local governments. What has been proposed is a very sensible measure. As I said during consideration of the earlier amendment, we will be supporting the member for Darling Range.

I have been looking at the implications of some of these matters. Even if this amendment were passed, my amendment on the notice paper still has some merit because it covers some other nuances which this one alone, even if accepted, would not. I might move that amendment later simply to highlight it to the members in the other place, who are apparently the only ones allowed to make changes to legislation. The government never seems willing to accept the very cogent arguments of members like the member for Darling Range, but it is quite happy to accept plentiful amendments, as we saw with the Planning and Development Amendment Bill, which came back from the other place the other day. We were supposed to look at it the same afternoon and just accept that it was a perfect bill, but it came back from the other place with a thick document of amendments. No doubt the other place will make amendments to this bill. The government does not control the agenda there like it does here. I hope that all the amendments that we are proposing tonight come back in a Council message and the minister will support them. I think he probably will.

Amendment put and negatived.

Mr R.S. LOVE: I have outlined the reasons why it is a good idea for me to push on and move one of my amendments to clause 22 on page 9 of the notice paper. I move —

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Page 19, after line 25 — To insert —

(aa) at the time the dog gives birth, the person is registered as a member of the Canine Association of Western Australia Incorporated;

That amendment specifically exempts a person registered as a member of the Canine Association of Western Australia from any worries about being subject to any penalty under this provision, because from the reading of the bill, they might not be completely exempt. I do not know; I am not a lawyer. I am not gifted at reading these very weighty documents and understanding their nuanced effect on one another, but it would seem to me that that would be an extra measure. I have moved the amendment. I will not speak widely on it. I believe it complements what the member for Darling Range has put forward because it makes it very clear that a member of the canine association who is doing the right thing—presumably, in matters of the central registry and the welfare of the animal and in ensuring that the offspring go to a good home—should be protected from the penalty of \$5 000 that is outlined in the bill. It is, no doubt, quite a worry for people to think that they might contravene such a measure and make themselves liable to that fine. With that, I suggest that we take the vote or hear other arguments.

Mrs A.K. HAYDEN: On behalf of the Liberal Party, we support the amendment moved by the Nationals WA and the member for Moore, again, for all the reasons outlined. We will not waste the chamber's time by going through them again, other than mentioning the fact that this bill is meant to be about stopping puppy farming, not about penalising people who are doing the right thing, which is what this clause would do. If the minister cannot see that, the power of this government lies in the upper house and we will wait for it to make the wise decisions.

Mr D.A. TEMPLEMAN: The power of the Liberal Party certainly does not exist in this place; it exists in the other place. I think that that is true of the Liberal Party. We have seen that on many occasions. The government will not be supporting the member for Moore's amendment, but I appreciate the argument that the member put in regard to it.

Amendment put and negatived.

Mr R.S. LOVE: I have two more amendments to clause 22 on the notice paper. I seek leave of the chamber to move them en bloc and save the discussion because they can be handled together.

Leave granted.

Mr R.S. LOVE: I move —

Page 20, after line 9 — To insert —

(aa) is a farm working dog usually kept on rural land, by a primary producer, or a person employed by a primary producer and primarily kept or trained for the purpose of droving, protecting, tending, or working stock on a farm;

Page 22, after line 22 — To insert —

26N. Definitions

In this Part —

primary producer means an individual, partnership, trust or company carrying on a primary production business;

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth.

We have had quite a bit of discussion around these matters already. Much of what I said about the sterilisation of dogs also applies to the need to hold an approval to breed dogs. But there is another aspect to this as well; that is, we are talking about farm working dogs in rural landscapes over a very wide area and the ability of local government, and the costs to local government, to inspect premises to ascertain whether they are a suitable place to have a dog breeding facility. I am assuming that rural areas may not have the same issues around the written law of the local planning schemes. I am sure that most rural land usage would allow the breeding of dogs, although, there may well be some issues in rural residential areas of the more closely settled shires, such as Toodyay and Chittering. In the more extensive landmasses that the Nationals represent, I do not believe there is much of a problem with the written law of the local government in achieving the approvals.

I received a text a short while ago from a shire president saying that this will cost a lot of money. Local governments are very concerned about the eventual fee structure and whether it will be reflective of the true costs to local government, which will vary dramatically. If a local government sends a ranger around Nedlands to empty the rubbish bins or check the parks, it is not a big trip for them to check a premises. If a local government in the Shire of East Pilbara needs to send its ranger from Newman to Marble Bar, that is quite a trip. If the Shire of East Pilbara needs to send its ranger from Newman to a remote Aboriginal community within its shire near the South Australia border, that would be a marathon trip and it could not be done without a great deal of expense. I highlighted this

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concern in my second reading contribution. Local governments are concerned about the eventual fee structures and whether they will be able to sustainably enact the requirements under this bill. There are two aspects to what I am saying. One aspect is the need to reflect that farms are places where animals are raised. Farmers do not need approval to raise the odd pig, sheep, cow or horse. They do need approval to breed a horse if they are going to run a racehorse, but, otherwise, animals are bred for the farmer's uses or needs. That has been the way since the Mesopotamia farming system was developed in 5000 or 6000 BC. It will be a new thing for farmers to have to register their dogs, as will be having to seek approval from an authority to breed a dog on a farm. I think there will be quite a bit of scepticism in rural areas about the real need for this to be enacted.

I do not know what a local government will find when it goes out to a farm. It will find a house, it will find sheds, it will find people, it will find dogs, and then it will drive away. Presumably, someone will have to drive out there to look at all those things, but it is difficult to imagine under what circumstances local governments might reasonably refuse. Local governments will have to go out and ascertain things, in the same way that they do elsewhere. It will cost local governments to do that. They are concerned, because they do not know what is in the government's modelling on pricing structures and how much it is expected to cost.

Mr W.R. MARMION: I would like to hear more from the member for Moore. Then I will not have to speak.

The ACTING SPEAKER: Member for Moore.

Mr R.S. LOVE: Where were we? I have lost my spot. The member has disturbed me.

The ACTING SPEAKER: Member, you were saying that the local government authorities are likely to be dog-tired when dealing with these registrations.

Mr R.S. LOVE: Yes, until the member for Nedlands made a dog's breakfast of my contribution.

Proposed section 26I(3) states in part that a person does not commit an offence if the dog is a greyhound. We again see an exemption for greyhounds, but farm dogs are not exempted under the legislation. I note that the minister has made some noises around the ability for farm dogs to be prescribed in this proposed section. However, that is not the same as putting it in the bill. The same rationale that I outlined for the first amendment that I moved tonight stands. This should be in the act. It should be made clear to local governments how much they will be expected to contribute to the approval processes that they will have to go through. It should be recognised that farms are places for the raising of livestock, and that dogs have been part of that landscape for a very long time. This is a very unnecessary imposition. Farm dogs should be exempt.

Mr W.R. MARMION: The Liberal Party supports the proposed amendment, for the very practical reasons outlined by the member for Moore. It is a sound amendment. The member gave the example of a ranger going to a pastoral station. We can just imagine —

Ms L.L. Baker: Why would they do that?

Mr W.R. MARMION: Can I just finish my contribution, and the member can then ask her question. The bill provides that a ranger could go to the premises and check that the dogs have been registered if they are breeding dogs. That is why they might go there. The point that has been raised by the member for Moore is that if a farmer had bred some dogs and had not got around to registering those dogs, they would make sure that they were not there. They could do all sorts of surreptitious things to hide those dogs. From a practical point of view, as the minister himself said, farmers might want to wait for two or three years to see whether their dog is worth breeding from. There are a lot of practical reasons—apart from the problem of policing this legislation, which is another issue—why these amendments are sound, and we support them.

Mr D.A. TEMPLEMAN: The government will not be supporting the amendment. I understand that members have some concerns. We covered some aspects of this in the previous debate. We will not be supporting the amendment.

The second half of the amendment relates to definitions and seeks to further define two elements, from memory. I am not dismissing that. It is something that we could look at in the upper house. I think we have covered the flavour of the first amendment. The member has some concerns. The member for Maylands interjected and asked why a CEO would do that and why that process would occur. It would certainly not even be practical in many respects. We will not be supporting the amendment. There may be some merit in exploring the definitions, and I am sure that can be done in the upper house.

Mr R.S. LOVE: To wind up, I did hear the member for Maylands ask by way of interjection why local governments would do that. That is because the government requires them to give approval. Local governments, as the responsible approving authority, need to satisfy themselves —

Ms L.L. Baker interjected.

Mr R.S. LOVE: Let me explain, having been a shire president for a fair while. Local governments need to satisfy themselves that what they are approving is correct. They need to be satisfied that the approval is warranted. Local

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governments are funny about that. They operate within the law; that is how they get their powers. The minister did say words to the effect that it seems to be unnecessary for local governments to go out and do that work. Yes, it is unnecessary. That is because the provision is unnecessary.

Division

Amendments put and a division taken, the Acting Speaker (Margaret Quirk) casting her vote with the noes, with the following result —

Ayes (7)

Mr I.C. Blayney	Mr P.A. Katsambanis	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)
Mrs A.K. Hayden	Mr A. Krsticevic	Mr W.R. Marmion	

Noes (27)

Ms L.L. Baker	Mr D.J. Kelly	Mr S.J. Price	Ms J.J. Shaw
Dr A.D. Buti	Mr F.M. Logan	Mr J.R. Quigley	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Ms S.F. McGurk	Ms M.M. Quirk	Mr C.J. Tallentire
Mr M.J. Folkard	Mr S.A. Millman	Mrs M.H. Roberts	Mr D.A. Templeman
Ms J.M. Freeman	Mr Y. Mubarakai	Ms C.M. Rowe	Mr R.R. Whitby
Ms E.L. Hamilton	Mrs L.M. O'Malley	Ms R. Saffioti	Mr D.R. Michael (<i>Teller</i>)
Mr M. Hughes	Mr P. Papalia	Ms A. Sanderson	

Pairs

Mrs L.M. Harvey	Ms S.E. Winton
Ms M.J. Davies	Mr D.T. Punch
Mr V.A. Catania	Mr B.S. Wyatt
Mr J.E. McGrath	Mrs R.M.J. Clarke
Mr K.M. O'Donnell	Mr M. McGowan
Mr D.C. Nalder	Mr T.J. Healy
Mr S.K. L'Estrange	Mr M.P. Murray
Mr Z.R.F. Kirkup	Mr K.J.J. Michel
Ms L. Mettam	Mr W.J. Johnston
Dr D.J. Honey	Mr R.H. Cook

Amendments thus negatived.

Mr R.S. LOVE: I want to raise proposed section 26J, "Court may order sterilisation". This also touches on a matter that the member Dawesville raised concerning Aboriginal communities. More generally, if a person is convicted of an offence, the court may order the sterilisation of the dogs in that person's possession. Will the owner of the dogs pay the fee for that sterilisation and will there be a prescribed fee for sterilisation so that we do not see veterinarians charging different fees for that service?

Mr D.A. TEMPLEMAN: I am advised that if a person is convicted of an offence under proposed section 26J, the court may, in addition to any penalty, ensure that any or all dogs owned by that person as specified by the order are sterilised within the time ordered by the court. The person would be required under that court order to carry out what that order enforces, which, of course, would include the payment for getting that job done.

Clause put and passed.

Clauses 23 to 29 put and passed.

Clause 30: Part VIA inserted —

Mr R.S. LOVE: This provision is for the repurposing, I guess, of pet shops that sell dogs into shops that supply rescue dogs. Can the minister make some brief comments on what will be done to ensure that the dogs that will be supplied through those shops, some of which might have been through traumatic experiences, are not only physically healthy, but also suitable for the persons they are going to? Giving a Bull Arab that has been beaten to a family with toddlers might not be a very good idea. How will public safety be ensured when rehoming dogs that, in some cases, have had unfortunate lives?

Mr D.A. TEMPLEMAN: That is a good and important question. The member may be aware that we have a range of dog refuges throughout the state. Having spoken to many of the presidents, secretaries, committee members and volunteers of dog refuges, I know that they are very careful about whom a dog is rehoused with. Temperament testing is a very important part of assessing a dog's temperament and behaviour and ensuring that it is compatible with the new owner. When I spoke to Sylvia Taunt from Swan Animal Haven and to Clair, who I think is the president, they both reiterated the importance of ensuring the suitability of dogs rehomed from that facility with their new owners. Some of those dogs may have been traumatised or abused or have a predisposed temperament, so they are very careful about rehoming dogs. One of the dogs, because of its previous treatment, was not aggressive but it was

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nervous and would cower and whine in pain. They are very careful to ensure that the animal and owner are suitable. I pay tribute to those volunteers and organisations. Under this clause, we are seeking to transition pet shops to receive, if they choose, animals from appropriate groups such as the Swan Animal Haven. I can assure the member that behaviour and temperament testing will take place. That testing is focused on making sure that the animals are matched with the most appropriate family or new owner. Quite often there is a very intensive interview process. The people from Swan Animal Haven told me that they even visit the prospective owner's home to ensure that it is safe, that the fences are in order and that the animal will be going to a loving home. Important requirements for these pet shops in the transition process will include health certificates and keeping records, such as the source of the animal. It is a good question because we want to make sure that animals that need to be rehomed go to the right people and are looked after.

Clause put and passed.

Clauses 31 to 56 put and passed.

Title put and passed.

Third Reading

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [7.49 pm]: I move —

That the bill be now read a third time.

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [7.49 pm]: I want to thank the advisers who gave us a good briefing on the Dog Amendment (Stop Puppy Farming) Bill 2020. I had not had much experience with the Dog Act 12 months ago, but I am now right across it. I found that it is far more involved than I thought it would be. Indeed, the amendments brought in by this bill are quite extensive. It is quite interesting to me because the amendments include a database, and I understand how the database will work. As I said in my contribution to the second reading debate—I have had discussions privately with the member for Maylands about this—it will be impossible to get all dogs listed on the database. It is a great objective and it may happen that over time—some decades—we get very close to that, but it is a hard task. Indeed, it is quite an important task for someone to set up the database on where dogs are bred, but I think that it will be key in the future. I understand a significant component of the bill is to stop the mistreatment of dogs, hence “Stop Puppy Farming” appears in the title of the bill. It would be nice to have a definition of puppy farming so that people have an idea of what it is. I think the RSPCA's definition of puppy farming probably would be a good start and a useful addition to the bill.

I must say that I was a bit disappointed that the minister said that because we had not been supporting the bill in its entirety, that we support puppy farming. I think that is a bit disingenuous. Government members have been saying that to us throughout the year whenever this bill has been raised. I think the minister would find that none of the members who spoke on this bill from the Liberal Party, Nationals WA and the government support puppy farming. In fact, every speaker made it quite clear —

Ms C.M. Rowe: Except the member for Cottesloe.

Mr W.R. MARMION: I was not in the chamber for the whole of his speech, member for Belmont.

All the speakers who I heard made it quite clear in the first sentence of their contributions to the second reading debate that they do not support puppy farming. This legislation will go some way to putting in place a mechanism to try to address puppy farming. A lot of issues were raised during the debate and the amendments might improve the bill. It will certainly take a lot of pressure off Dogs West, which already has gold-standard systems in place. This legislation is an issue Dogs West has raised with us. In fact, it asked us to not support the bill, and two Liberal Party members made it quite clear in their speeches that they had made a commitment to Dogs West that they would not support the bill.

I hope that we can eradicate puppy farming and that the intention of this bill, which is in the title, is achieved one day but, as we highlighted during the debate, there are some issues that might be quite difficult to address over time. We understand that this is an attempt to get the ball rolling.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [7.54 pm]: I rise to make a contribution to the third reading debate on the Dog Amendment (Stop Puppy Farming) Bill 2020 and give a summation of what we have heard tonight in consideration in detail. I do not intend to go over in elaborate detail all the matters we discussed, but I will outline some of the Nationals WA's key areas of concern.

I will preface my remarks by saying that the Nationals strongly support doing away with the most disgusting practice of puppy farming and the types of things that were outlined in various members' speeches during the second reading debate. We support those aims, but I note that there is no definition of puppy farming in the bill. It seems very strange to have a bill with “Stop Puppy Farming” in its title that does not explain what puppy farming is. It

Extract from Hansard

[ASSEMBLY — Thursday, 25 June 2020]

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will make it very difficult for future lawmakers and regulators to understand what we are getting at here. I suggest that a definition of puppy farming be inserted in a definition clause of the bill to address that issue and provide guidance to the community and to those tasked with carrying out measures under the legislation. We need to state that we are trying to get at the problem of puppy farming with this legislation and not trying to change the world or upset every Aboriginal community in Western Australia or cause unnecessary disruption to the lives of people in rural areas. Let us define puppy farming in the legislation and then we can set about ensuring we achieve the outcome of stopping it.

A lot of common sense has been spoken about the need for working dogs to be exempt from both sterilisation and needing approval to breed, provided that they are genuine working dogs that will end up in the working dog sector here or in other states. In no way am I suggesting that there should be a backdoor way to breed a whole heap of kelpies, collies, red healers or whatever to put into the pet market. That is not the intention. If a dog were to leave the farm, it would be subject to the same restrictions. If a person is selling working dogs into the pet sector, the expectations on them should be the same as for any other breeder. It is not about that; this is about working dogs. It is quite galling for farmers to see greyhounds mentioned in the legislation and specifically exempted but not working dogs. I believe my colleagues in the other place will take on board that issue and prosecute it with a great deal of vigour.

I refer to the matter of local government approvals. A person in Perth who wants to breed their dog quite legitimately and registers it through membership with Dogs West, as we have suggested, or not, needs local government approval, and there could well be problems with the current local planning schemes. The minister should take on board that issue and look at what can be done to address it in a way that would alleviate the problem across the state through the powers that the Minister for Planning has in these matters. I strongly suggest that the minister looks at this because I am already getting reports from people who say that it will be an issue.

I outlined the issue with the cost of registering farm working dogs due to the change in definition of dogs that are exempt. Owners of working dogs will have to pay registration fees more regularly. The legislation will change the fee structure and I would like to see that addressed. Local government is also calling for further information about the fee structure that will eventually be set around this. It understands that the government has the modelling and it is calling for that modelling to be shared, perhaps after the government has finished establishing the central register and is setting up the fee structure, but it really wants a genuine discussion on how it can set appropriate fees. We need to bear in mind the different structures of local government that exist around the state and the different costs that will be faced. In my view, what local government does not want is one size fits all; that has been made clear to me. Those matters need to be looked at as part of the transition to the new system.

As I said, the Nationals WA put forward some amendments and we supported, and continue to support, the amendments put forward by the member for Darling Range. We believe that both Dogs West and working dogs should be recognised in this legislation and not in some proposed future regulation. That should be in this bill before it leaves the Parliament. That is the approach I believe the Nationals members will take in the other place, and I hope they will pursue that issue. There is now a different Acting Speaker; I was going to pinch one of the member for Girrawheen's puns and say I hope they pursue it doggedly! We have heard a variety of puns throughout the evening and it has kept us entertained, and we have enjoyed a particular Acting Speaker's contributions throughout the evening; I thank her for her forbearance, and I thank all the other Acting Speakers who have —

Mrs M.H. Roberts: She's been pretty dogged!

Mr R.S. LOVE: Yes, she has doggedly carried the puns forward! I also thank all the other Acting Speakers tonight. The Nationals want to support this legislation and I believe that by the time it leaves the other place, everyone will be happy and we will all be on board, supporting a Dog Amendment (Stop Puppy Farming) Bill 2020 that is an improvement on what it is now.

MS C.M. ROWE (Belmont) [8.01 pm]: I want to make a few remarks on the third reading of the Dog Amendment (Stop Puppy Farming) Bill 2020. I suppose I want to reiterate a couple of things. Firstly, we introduced this bill because there is currently absolutely no regulation of the legal breeding of dogs in Western Australia. As I mentioned last night in my contribution to the second reading debate, that leaves the door wide open for abuse. I also said last night, and I will say it again tonight, that there are hundreds and hundreds of Dogs West members out there who do the right thing and adore their dogs. They have nothing to fear from this legislation. This legislation is around providing transparency and ensuring that the abhorrent practice of puppy farming is outlawed, pure and simple. This legislation has been a long time coming; it has had a long gestation, if you like. That means an enormous amount of extensive consultation has been undertaken, particularly—as I would like to make clear again on the record—with Dogs West. There has also been consultation with local government and the public. I just want to make that clear. I know some members on the other side dispute that, but that is the fact.

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I would also like to put on the record that I am really pleased the member for Moore said just now that the Nationals are looking to support this bill. I must say that after listening to the contributions last night of some members on the other side, I was astonished at some of the poorly disguised hand-wringing. I felt as if they were looking past some of the practices that are going on, and some were in complete denial that they even existed—for example, the member for Cottesloe. Some pretended that these practices did not even exist and that there is no problem there. Some members even said that self-regulation was appropriate. I do not think self-regulation is appropriate in any industry, and that has been proven to be the case in this industry, which is why we have introduced this bill and will hopefully see its passage through the upper house with the support of the Nationals, the Liberals and the cross-benchers.

I must say that I was disappointed last night when some members spoke fondly about their own personal experiences of dog ownership. I love my dog; he is a beloved member of the family, but to look at any policy through the simplistic lens of personal experience without taking into consideration what other people are doing is quite out of touch. If members were to speak broadly to constituents in their own communities, they would recognise that what is currently going on with puppy farming is completely out of line with community expectations on the protection of animals and animal welfare rights. This is our opportunity to stand up and make sure we are doing the right thing. I really hope that all members in this place will choose to vote for this legislation. It has been a long time coming and this is our opportunity to do the right thing. With that, I commend the bill to the house. Thank you.

MRS A.K. HAYDEN (Darling Range) [8.06 pm]: I am pleased to see that a lot of members on the government side who did not participate in the consideration in detail of this bill are present for the third reading of the Dog Amendment (Stop Puppy Farming) Bill 2020, but anyway. I would like to thank the advisers who have been here for the session with us today and yesterday for the years of work they have put into this legislation. I also recognise the work of the member for Maylands and what she has done. I know she has worked extremely hard to try to appease everybody, but unfortunately that will never happen! At the end of the day, one just does not come between people and their dogs; one will always lose! I think people will pick their dog over their family on most occasions.

Unfortunately, this bill has done that—it has actually made people decide between their dogs and this legislation, and some of those whose opinions we have voiced are trying to protect their dogs and the ways in which they have managed their dogs until this legislation came into this place. The opposition tried to outline loudly and clearly during consideration in detail the mistruths that have been put out there by the minister and the Premier—that the Liberals like to be cruel to animals and are not animal lovers. That is completely false, and I hope that the minister in his reply to the third reading debate will recognise that and withdraw the comments made, almost to the effect that the Liberal Party is anti-animals and pro-puppy farming. It is a shame that those are the mistruths the government wants to get out there for the purposes of political pointscore and headlines. I can tell members that the responses we have received from the public demonstrate that they see through the facade of the legislation and realise that the “Stop Puppy Farming” part of the title has absolutely nothing to do with the legislation.

We asked during consideration in detail why there was no definition of “puppy farming”. The government could simply have included that definition in the legislation, which would have made the title a little more relevant. It is a shame the minister did not agree to that. It is also a shame that the minister did not agree to the amendments we put up. We know from experience that the upper house will see reason and understand the intent behind our amendments, and it will make those changes. We will be waiting to discuss those amendments, just as everyone in the house tonight is waiting to discuss the, I think, 47 amendments to the High Risk Offenders Bill 2019, which is coming back here from the other place. Those amendments could not be made here, so they were made in the other place. I hope that we can get the amendments to this bill through the upper house, and that we can accept them down here when they come back. It is a shame that the minister could not see fit to do that. At the end of the day, we are all here to make sure that the welfare of animals is put first. During the second reading debate, the minister tabled a document titled “Health and Welfare of Dogs in Western Australia” and highlighted that this set of guidelines and standards protects the welfare of our animals, along with the Animal Welfare Act. That is how we can actually stop puppy farming and make a real impact. Our issue is that the government says that this bill alone will stop puppy farming. Unfortunately, it is not going to stop it. To the credit of the member for Maylands, it will play a role, but it is a small role compared with what needs to be done. My biggest concern is the impact it will have on Dogs West members and the extra cost it will impose on existing dog breeders and show dog owners. Those dog owners and breeders will have the burden of another cost and another layer of red tape. But on top of that, an extra burden will once again fall on local governments. As I discussed previously, in the time of the COVID-19 pandemic, when everyone is trying to do their best, we are adding another job, another layer of red tape and another financial impost onto local governments. I do not see why we could not have just made these simple amendments. If we had, the government would have had our support.

Let us stop the fearmongering and the comments that opposition members are against this bill because we are anti-animal lovers. We are trying to improve this bill. We are trying to include the people who love and respect their animals and dogs, and the input they have put into this. The members of Dogs West put a lot of work and time into

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this legislation. They are not paid; they are volunteers. They have put a lot of time and effort into trying to make this legislation the best it could possibly be, and they feel that they have been ignored. As the member for Riverton said during the consideration in detail stage, if the government wants legislation such as this to work, it needs to have the community on its side. When it is dealing with people and their dogs, it needs those people on side. I ask the minister to please encourage his upper house representative to accept the amendments that I know will be put forward in the upper house, and I will welcome those changes when they come back. It is a sad day when we cannot make them here.

I want to put on the record that the Liberal Party is a party of animal lovers. In my contribution, I did not tell my animal stories like others did. I grew up in a house in which my dad was a dog breeder and trainer and ran dog kennels full time. We all love our animals. Please, do not misrepresent our position out in the public, because all it does is show that the government is taking cheap political shots and not dealing with the real issues.

MR S.J. PRICE (Forrestfield) [8.12 pm]: I want to make a brief contribution to the third reading debate on the Dog Amendment (Stop Puppy Farming) Bill 2020. I start by thanking the minister and his advisers on this wonderful legislation they have brought to the house. I thank the member for Maylands, who has done an outstanding job in assisting in the development of this bill, and all the participants who had input into the development of this bill. It reflects everyone's input. I thank everyone in this chamber for their contributions to the debate on this legislation. It has been very interesting to hear people's understanding and opinions about the possible impacts of this legislation.

I want to go back to the debate and some of the comments that the member for Moore made about greyhounds. Only one clause in this bill applies to greyhounds, and that will remove the requirement for them to be muzzled in public under the Dog Act 1976. The rest of this bill does not apply to greyhounds. Apart from section 33 of the Dog Act, that legislation does not apply to greyhounds either. Greyhounds are regulated under the Animal Welfare Act as animals for entertainment. There is a prescription there that a code of practice needs to be developed for greyhounds, which is managed through Racing and Wagering Western Australia, so greyhounds have no protections whatsoever. The member said that because greyhounds are exempted under this bill, working dogs should also be exempted, which actually diminished his argument. His position is quite a reasonable one. As has been stated, there will be an exemption in the regulations. If the member wants more than that, that is fine, but he should not use the de-muzzling of greyhounds as justification for what he wants for working dogs.

Mr R.S. Love: Greyhounds were also specifically mentioned in the provisions about sterilisation and approval to breed. That is why I was referring to them, not just about muzzling.

Mr S.J. PRICE: Someone can only get a greyhound that has been rehomed through the racing industry. Within the racing industry, there is now a whole-of-life tracking system. It is not the greatest system in the world—it could be improved—but there is a system there. When someone adopts a greyhound, they take ownership of that dog, and the dog is recorded in that system as belonging to the new owner. But not only that; the dog is also microchipped, registered with RWWA and compulsorily desexed. It has to be desexed before it can be rehomed; there is no choice about that. So, greyhounds are perfectly covered in what has been proposed in this legislation. I go back to my original point: apart from that, greyhounds are not covered by anything. It is quite disappointing that we have a breed of dog that is isolated in that regard. Do not try to cast aspersions on greyhounds and their behaviour. Greyhounds love to run but they are taught to chase. It is what we do to them. They are the oldest known living breed on record; they used to hang around with Pharaohs. They are beautiful dogs, but the act of teaching them to chase is what changes their behaviour. I would like to say thank you to everyone for participating in this debate and I certainly commend this bill to the house.

MR P.J. RUNDLE (Roe) [8.16 pm]: Very briefly, I would like to reiterate the position of the member for Moore and congratulate him for pointing out how important working dogs are to our farming families. As I said in my second reading contribution to the Dog Amendment (Stop Puppy Farming) Bill 2020, none of us like the thought of puppy farming, and the Nationals WA are well and truly in that boat. With some sensible amendments in the other place, I am sure that this legislation will pass. A couple of other elements may need to be looked at. In some ways, this reminds me a bit of the debate we had on the heritage legislation, when the Minister for Local Government was acting in his capacity as Minister for Heritage. We were trying to put the heritage-listed Esperance tanker jetty in the legislation, and he would not allow it to be put in the Heritage Act. Sometimes I find working with the minister a mystery. The member for Moore proposed a very straightforward amendment and did a great job explaining it and why it should be put into the legislation. I cannot see a problem with that. I certainly look forward to the debate in the other place. As I pointed out earlier, I am very worried about the load that is going to be put on our local governments, but certainly I look forward to the minister liaising a little more with our local governments and helping them out when they are being loaded up with the administration of this bill.

I want to make something clear. I have seen things put out about animal welfare and animal cruelty and words being put into the mouths of other people, and that has been a little bit disappointing. I heard the Premier do that today.

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I look forward to the minister putting this in the legislation rather than in regulation. I look forward to the minister working positively with everyone in the other place, and I am sure that we will come out with a good result.

I used to have a border collie, a working dog, called Rex. Unfortunately, he passed away one week after the election. That was quite upsetting for me, but I understand the value of a great working dog on a family farm. I look forward to some sensible work being done in the other place. Thank you.

The ACTING SPEAKER: The member for Dawesville.

Ms M.M. Quirk interjected.

MR Z.R.F. KIRKUP (Dawesville) [8.19 pm]: I am going to take that sigh as one of anticipation, member for Girrawheen, not disappointment.

Ms M.M. Quirk: There'll be a few interjections, member.

Mr Z.R.F. KIRKUP: I am looking forward to it. I am curious whether the member for Darling Range has been keeping count of the puns that the member has been providing to this house.

Mrs A.K. Hayden: There have been eight so far.

Mr Z.R.F. KIRKUP: Eight so far! I am looking forward to more.

The ACTING SPEAKER: I think you missed the ex-Rex one.

Mr Z.R.F. KIRKUP: Okay. I too stand to speak on the third reading of the Dog Amendment (Stop Puppy Farming) Bill 2020. I thank all members for their contributions thus far, and in particular the members of the Liberal Party and the Nationals WA for reflecting on their personal experiences and representing the concerns of their communities and districts. I have made a number of points in my contribution about what I believe to be the positive parts of this legislation. Those are the important elements within the bill that should proceed in a form. But as the member for Moore and a number of other speakers have noted, the Legislative Council's amendments that will hopefully make this bill more agreeable to members of the Liberal and National Parties will be welcomed. The Liberal Party has moved a number of amendments in this place through the members for Darling Range and Moore, in an effort to improve and strengthen the position of those groups and, in the case of the member for Darling Range, her constituents who have been advocating quite strongly for these amendments.

I echo the concerns of the member for Roe when he suggested that rhetoric employed more recently towards the Liberal Party and the Nationals WA is wholly disappointing. For the Premier to suggest that somehow the Liberal Party supports animal cruelty and cruelty towards dogs is on par with his comment that somehow we are akin to terrorists.

Mr P.J. Rundle: Poor form.

Mr Z.R.F. KIRKUP: It is absolutely poor form, member for Roe—and beyond that, it is a poor representation of the debate in this place. It is very disappointing. I have been similarly concerned about the contributions and interjections of the member for Belmont who somehow mocked us for offering our personal contributions to this place. It is wholly disappointing to be criticised for that.

Mrs M.H. Roberts: That is the story of the member for Dawesville's life.

Mr Z.R.F. KIRKUP: Unfortunately, I did grow up in the member for Midland's district, so I would be disappointed.

Mrs M.H. Roberts: I was disappointed with the speech.

Mr Z.R.F. KIRKUP: As was I. The reality is that the Liberal Party seeks to improve this legislation because we love animals. We love dogs and we recognise the important role that they have in our community and how they help us. I do not want to continue with this binary argument, which is perhaps a reflection of cheap politics that is unfairly characterised as: "You are either with us or you want to kill dogs cruelly." That is a binary argument that is not the case; it does not fly and it is disappointing.

Beyond that criticism of the government's rhetoric that has developed, I have raised a number of times in this place how this legislation will apply to the animals, companion dogs, that have an absolutely important role to play in remote Aboriginal communities. I will continue to advocate for them to members of the Liberal Party and the crossbenchers in the other place, and I will personally ensure that a special mechanism or some exemptions are put in place when it comes to dogs in remote Aboriginal communities. Better consideration should be given to those communities and the role that animals, mainly dogs, play in that space. That is important and a missed opportunity for this government. I understand and appreciate the minister's consideration of those issues that I have raised previously, but he should note that they will be raised in the other place and I will do everything I can to help members in the other place understand my concerns and see whether some measures cannot be put in place, similar

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to how sterilisation exemptions were granted for working dogs, for remote Aboriginal communities that have an important working relationship with their dogs.

I will continue to stand with the Liberal Party's position and I look forward to possible amendments in the upper house. Undoubtedly, I expect that after the winter recess we will be voting on some of those amendments in this place. I look forward to supporting those amendments as we stand in support of all animals that we love and hold dear.

MS L.L. BAKER (Maylands — Deputy Speaker) [8.24 pm]: I will not take up too much of the house's time this evening. I would like to thank a few people who helped to get us to where we are at the moment. I started this morning with a not such a good outcome. I was meant to be here to table a petition but the traffic was a bit rough so I missed that opportunity.

When debate on the Dog Amendment (Stop Puppy Farming) Bill 2020 started this week, I put a petition online and within 30 hours I had 2 572 signatures supporting this bill. I suspect the number will double over the next couple of days, so members should not be too panicked about people not knowing what puppy farming is. The fact that members continue to say that they support the notion that we should not have puppy farming in this state—the illegal intensive farming of puppies in conditions that do nothing for their health and mental wellbeing—is a good thing. I hope that it would also follow that members will not oppose the bill and they will stick with it, and when it gets to the upper house, and the amendments put on the table here are carried through in that place, it would be nice to see them considered in a fair way.

I have been in this place for a while now. When I look across the house, I see a number of faces that were not here when the opposition was in government and held a committee inquiry that tried to dismantle and defund the RSPCA. I really struggle with members sitting on the other side of the house now telling me that they support animals, because let me tell members, they have form. Members opposite have a lot to make up for, member for Dawesville—they really do. At the beginning of the previous coalition government, Western Australia had a cogent group of people working within the Department of Local Government and Communities who were charged with enforcing and carrying through prosecutions under the Animal Welfare Act. The first thing that government did was to dismantle all of that. Quite frankly, we have gone backwards and we are considered to have not done very well in animal welfare, and that started with those guys opposite. I have a bit of hesitation in accepting that members opposite are wringing their hands over puppies at the moment. Puppies are sentient beings, as are all animals. When members opposite say that they will really hang in there for puppies and look after them, they should be carrying that through on the other agendas that we need to give attention.

However, this is not the time for berating the opposition on its performance around animal welfare. Now is the time to thank people who have got me this far down the line. It has been really lovely that so many people have thanked me. Back in 2013, when I first started to talk to the now Premier about the issues around puppy farming, not many people knew what I was talking about. It has taken a very long time for people to become aware of this issue. The first thing I recognised was that although people in the animal welfare sector knew about this subject, I was not sure how many other people knew about it. Putting together the very first group of experts in this area who were independent of government, me or anyone else, was vital, and I want to thank them. I thanked them in my contribution to the second reading debate but I did not name them. I want to name the people who were part of the first research ever conducted into puppy farming in Western Australia back in September 2015. Their report is titled "Puppy Farming in Western Australia: Why This Trade Needs to End and Recommendations to Achieve This". I want to thank Dr Jennifer Hood; Ann Rushby, CEO of Dogs West; Amanda Swift, chief inspector of the RSPCA; Dr Deb Brown; Jen Skiff; and Judy Flanagan, who was at that time CEO of the Dogs' Refuge Home. I also thank the local representative at the time from Oscar's Law; and Kendra Frew, who has a Bachelor of Laws with first-class honours, who specialises in animal welfare.

That group of people met voluntarily on a monthly basis for two years to complete this report. These people are passionate, committed and dedicated. It is safe to say that we would not be standing here without their incredible expertise, passion and ongoing commitment to what seemed at the start like a bit of a hopeless cause. After we published the report, we took it to then Premier, Colin Barnett. He was very full of praise for the document, but did absolutely stuff all about the welfare concerns in it. He said, "Thank you very much; it's a lovely report." He is a nice man, I like him a lot, but he did absolutely nothing.

I pursued this issue with the now Premier, who has a young family and puppies. I sat down and talked to him and the committee came in and talked to him. He said, "I get it, Lisa. Let's do the work on this." We put the Labor Party's policy together prior to the last election. Our policy statement is very clear; I have it here. One dot point stated —

- Appoint an advisory panel of industry experts to provide advice on —

Extract from Hansard

[ASSEMBLY — Thursday, 25 June 2020]

p4430b-4464a

Dr Mike Nahan; Mr David Templeman; Mrs Alyssa Hayden; Mr Shane Love; Mr Bill Marmion; Ms Lisa Baker;
Mr Terry Redman; Ms Cassandra Rowe; Mr Stephen Price; Mr Peter Rundle; Mr Zak Kirkup

Listen carefully —

a staged implementation of the policy ...

It was not a rewrite, a correction, a re-creation or a reinvention of the policy; it was how we were going to do what the policy said we would do.

I am very proud that we have a Premier who actually stands behind the things he said during the election campaign. When we called together the implementation group, its task was to find ways of implementing the policy—not to change it, not to leave working dogs out or Dogs West members out or anything else, but to find a way to implement the policy as it stood.

I want to thank that group of people. It is really important, I am sure to all of them, that they be recognised for their contribution to get us along the way. I thank Allison Lyons from the Australian Veterinary Association; Ann Rushby and Pam Campbell from Dogs West, and Des Keogh later in the piece; and Karen Rhodes, who at the time was from the Dogs' Refuge Home. From Oscar's Law, I thank Deb Tranter. I might pause there. Deb Tranter flew over from Melbourne, at her own expense, for nearly every meeting of that implementation group. She brought herself across the Nullarbor to sit with us and listen to our deliberations; she did not actually interfere in them. I think there was a fair deal of scepticism from some people in the room that Oscar's Law comprised a radical bunch of activists who were going to try to subvert the course of this policy. They did no such thing. They have been incredibly supportive and incredibly professional. Thank you very much to Deb Tranter and Oscar's Law.

I thank Amanda Swift and Stephanie Hing from the RSPCA. I thank Teri O'Toole from Saving Animals from Euthanasia. I have to recognise the very many different government reps who were on and off the board over that period. I mention Courtney Allen, who I think is the reincarnation of everything good about policy and the law. She is a fantastic operator. In the early stages, she helped guide this through the Department of Local Government, Sport and Cultural Industries. She has recently moved on to a new job, and we all wish her well; and Sheryl Siekierka as well. I thank our two current advisers very much. The first time Tarnya and I took off to look at what was going on in Melbourne, I still do not know whether she was completely convinced that this was the right way to go, but she did a brilliant job. She helped shape this along the way.

I also have to thank our local government reps. At the time this policy started to be accepted, Ricky Burges, then the CEO of the Western Australian Local Government Association, was 110 per cent supportive and said the minute we were in a position to provide her with the policy details, she would start to get WALGA to do some modelling for us. Unfortunately, it took longer than expected to get here and she moved on, and circumstances have changed within WALGA, clearly. Let me tell members, WALGA was 110 per cent supportive. It was going to put resourcing in to help develop the policy with us.

I thank Grant Bradbrook from Local Government Professionals Australia WA; James McGovern from the Western Australian Local Government Association; the wonderful Ros Edwards from the WA Rangers Association; Gordon Curtis from the Australian Federation for Livestock Working Dogs; and Mark Fraser, the CEO of the Pet Industry Association of Australia, which has no members in WA but he too brought himself across the Nullarbor to listen to what was happening because his membership base had a vested interest in it. Thank you for being open, Mark, and for coming up with some models that we could use to help pet shops survive into the future without selling puppies. I thank Lanie Chopping from Consumer Protection and Nyaree Jacobsen from the Department of Primary Industries and Regional Development. The problem with reading lists out is that people can be missed—sorry about that. I thank Sue Hedley from SAFE. The list goes on and on. I will not read any more names out. Those are just some of the people who have spent a lot of their lives getting us to this point and making a difference. They were open to shaping the policy and getting it to this moment.

I want to make a couple of final comments about greyhound reforms. When the Labor Party was elected to government in 2017, Paul Papalia, the Minister for Racing and Gaming, asked if I would go out to the greyhound rescue groups and the like and try to bring them to the table to talk with industry about ways of reforming it so that greyhounds were not treated so horribly on their journey through life. Bless them, they came. We had some early wins. I have been in Parliament now for 12 years. I started asking questions about muzzling provisions about 10 years ago. I tabled petitions, along with members from the upper house who have a similar passion as I have for this area. I am thinking of Hon Alison Xamon and others in the upper house. We tabled petitions and fought very long and hard to get this provision. When the Liberal Party was in government and I asked questions to find out about the muzzling provisions, I got some really dodgy answers, basically just telling me to go away. I am very proud indeed that when we called those meetings, the groups that came to the table were Free the Hounds, Greyhound Adoptions WA and Greyhound Angels of WA. They represented, if you like, many rescue groups that deal exclusively with greyhounds in WA.

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At the very start, Racing and Wagering Western Australia was a bit lukewarm, to say the least, about the muzzling issue. It was looking at other deliverables it thought it could do more easily. When the Labor Party came to government, it was quickly very clear that other members of this house were also prepared to speak on behalf of greyhounds. I thank the member for Forrestfield for first showing his hand; the member for Thornlie for bringing his greyhound, Toby, into Parliament House on the odd occasion, before he passed away; and to the other members who have supported these issues both tonight and in the past, including the member for Belmont. Thank you all on behalf of those dogs. They do not deserve to walk around the streets fearing for their lives in many cases. When dogs are attacked while wearing a muzzle, it is really hard for them to defend themselves. I am very proud that we have been able to see this reform built into this legislation. We made a judgement call to put the two reforms together because we wanted to try to get them through this year; we did not want to wait. We wanted to ensure that the things we said we would do were able to be delivered. When this bill goes to the upper house, please, please, please do not ignore the greyhound muzzling provisions. They are a vital part of animal welfare reform. They simply must go through.

The final thankyou is, of course, to the Minister for Local Government, who is sitting behind me. He never really looked too askance at me. He did at the very beginning when I first fronted up after we won the election. I think I came to see him about two weeks later and said, “Right then—I guess you’re going to be the bloke who will be implementing the stop puppy farming bill!” He said, “What!” As he was disappearing out of the office at a rapid rate of knots with his tail between his legs, I gave chase—I was not wearing a muzzle—I ran him down and at that point he admitted that he would certainly be very proud to see this legislation develop to where it is tonight. Therefore, I send it off with a great deal of love and commitment and wish it well.

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [8.40 pm] — in reply: I thank members for their contributions. I particularly thank the advisers who assisted me during consideration in detail for their work—Darrelle Merritt, Dee Da Silva and Tarnya Widdicombe. The member for Maylands outlined the long history of this bill in terms of its conception and gestation, and now we are in the second trimester, waiting for it to go to the other place. I thank members who contributed to the debate. It was interesting because I thought the debate was quite civil. I was surprised because I thought it might get a bit out of hand.

This is important legislation for Western Australia. The legislation was conceived, as the member for Maylands highlighted, from some important research and work done some years ago. It was worked through. The now Premier ensured that it was an election commitment, through the support of the member for Maylands, and tonight we see the bill passing the Legislative Assembly. As the McGowan Labor government, we are very proud of this legislation that we have put through this chamber, and we urge those in the other place to support the legislation. It is absolutely framed to ensure that we protect our dogs and pups and that we have a rigid and strong framework that underpins that protection, and that this bill is, of course, absolutely focused on stopping puppy farming in Western Australia. With that, I hope that when all members are asked to support this bill, they will vote yes.

Question put and passed.

Bill read a third time and transmitted to the Council.