

DANGEROUS DOGS — PALMYRA

Grievance

MRS L.M. O'MALLEY (Bicton) [9.29 am]: Mr Speaker —

The SPEAKER: Member for Perth, you do not walk in front of the speaker without acknowledging the Chair.

Mrs L.M. O'MALLEY: I make my grievance today on behalf of the residents of Aurelian Street, Palmyra. I thank the Minister for Local Government for listening and responding to their concerns about the capacity for the current dangerous dogs classification and associated remedies under local and state laws to keep them and their local communities safe. I would like to begin by acknowledging the residents of Aurelian Street, Palmyra, who are here in the public gallery today, and thank them for their commitment to making their community safer. I thank them for bringing my attention to a vicious attack by two dogs on an elderly resident of the street and the subsequent events that have led this community, my community, to live in fear of a repeat attack. The residents of Aurelian Street, Palmyra, and other local residents beyond their street, have expressed to me their fear for their own safety and the safety of others after the two declared dangerous dogs were released back to their owners after the Fremantle Magistrates Court handed down a fine to the owners of the dogs, waiving the destruction order sought by the City of Melville. They have expressed their grave concern that the owners have not been ordered to attend dog training with these dogs to reduce the risk of further attacks.

These two dogs were declared dangerous by the City of Melville and impounded for four months as the local government investigated the savage and life-threatening attack on the elderly resident and the couple who went to the aid of their neighbour during the attack. It is important to note that these dogs have previously escaped from their yard out onto the street, which includes households with young children and the elderly, and is located just 50 metres from a popular children's park.

On the day of the attack, the elderly resident was going about her daily activities. She had just taken her rubbish bins to the top of her driveway when the first of the two dogs to attack ran at her from behind and latched onto her leg, sending her to the ground where the second dog joined the attack. She was left with several deep and serious wounds. I have seen the photographs of these wounds and they were truly horrific. The victim of this frightening incident was extremely fortunate to have had two neighbours come to her aid, who themselves sustained wounds during their efforts to help their elderly neighbour. The physical wounds sustained that day have healed, but the ongoing fear and subsequent mental anguish from the trauma of that day remain.

Following the attack, the City of Melville declared the dogs as dangerous and the Fremantle Magistrates Court issued a substantial fine to the owners, who pleaded guilty to the charges brought forward by the City of Melville. The magistrate originally authorised a destruction order put forth by the city, which was later revoked by the Magistrates Court. The outcome meant that the dogs were returned to the owners following modifications to the owners' house and compliance with requirements of ensuring that each dog wears a specified collar indicating that it is a dangerous dog, and the display of warning signs indicating a dangerous dog at all access points to the premises at which the dog is kept. Each dog must be microchipped; clearly signposted, child-proof and dog-proof enclosures must be provided; and the local government must be notified if a dog attacks, goes missing or moves to another owner or address, or if a female dog has puppies. These modifications and requirements will not guarantee the safety of neighbours should these declared-dangerous dogs escape because they do not address the real issue of poor ownership and dog management practices.

These two dogs were not necessarily born bad. A recent study suggests that it is owners and not breeds that predict whether dogs will be aggressive. Data from the study suggests that although general characteristics of dogs may be a factor at population level, it would be inappropriate to make assumptions about an individual animal's risk of aggression to people based on characteristics such as breed. In other words, not every dog currently labelled as a dangerous breed will be aggressive, and aggressive dogs are not confined to a handful of breeds. The residents of Aurelian Street in Palmyra recognise this failing and are circulating a petition that will soon be tabled in this place opposing breed specific policies or laws. They ask that when the Western Australian Dog Act 1976 is reviewed in 2019, this Parliament introduce the requirement for owners of dogs to attend a dog handling and management training course, and that this requirement be mandated for any owner of a dog classified as dangerous, thereby shifting the focus from breed to deed. They ask that as part of the review of the Dog Act, the Legislative Assembly include a definition for dangerous dogs as those that have attacked a person or other animal, causing physical injury or death, rather than a specific breed or range of breeds.

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [9.34 am]: I thank the member for Bicton for her grievance on this very important issue. I also extend my sympathies to her constituent and those who assisted her on the day in what I can only imagine was a very traumatic and frightening experience. I acknowledge the wonderful efforts of her neighbours to assist her during that traumatic time.

This is a very important grievance because it goes to the root of the issues of responsibility and responsible pet ownership and how that relates to legislation, regulations and the responsibilities of stakeholders and agencies such as local governments.

There is no doubt that dogs are an important part of Western Australian families and many are loved pets. The promotion of responsible pet ownership and understanding what it means to look after a pet responsibly are not to be misconstrued. Any person should take into account some very important considerations before taking on the responsibility of owning a pet. For some time, some members of the community and dog advocacy groups have questioned the classification of certain breeds of dogs as dangerous, as the member highlighted in her grievance and the concerns of her constituents. It is fair to say that breed is not the only determinant of a dog's temperament, as has been highlighted. However, it is also widely accepted that a dog's breed is a significant contributor to this potential. There is evidence of that as well. Therefore, it is not unreasonable to restrict certain types of dogs.

In Western Australia, the Dog Regulations 2013 outline the breeds that are currently restricted, which mirror those breeds that are prohibited from importation under the commonwealth Customs (Prohibited Imports) Regulations. The member's constituents also requested that the definition of dangerous dogs be amended to include those that have attacked a person or other animal causing physical injury or death. I am pleased to note that that is already addressed under the Dog Act and in broader terms. Section 33E of the Dog Act 1976 states that a dog may be declared dangerous by a local government if —

- (a) the dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle; or
- (b) the dog has, repeatedly, shown a tendency —
 - (i) to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour; or
 - (ii) to threaten to attack;

As the member's constituents highlighted, we will be reviewing the Dog Act 1976 in 2019, which will be a very important statutory review. It is important that people make submissions to that review because elements of the existing act and its operation need to be further examined and will be examined in that review. I urge the member's constituents and others to take the opportunity to put in a submission at that time. It is important to hear personal stories such as the trauma that the member's constituent experienced in her dog attack. I can understand the ongoing impact that that has as somebody goes about their normal life in their neighbourhood and street. As a little boy, I was attacked by a dog, and I am still unsure around dogs when I go doorknocking. It can have a lifelong impact. As part of that review, we want to hear stories and examples such as the one that the member has highlighted today.

We also want to come at this from another angle, which is why we have started the initiative to stop puppy farming. Through education programs and regulations we want to prevent dogs from being mistreated or abused and ending up in dog homes. We have to make sure that people understand that when they take on a dog, it is a very significant responsibility and they cannot abrogate that responsibility—they simply cannot! People need to ensure that they understand the implications of taking on a dog and that their responsibilities as an owner are very significant and cannot simply be wiped away. We need to make sure that our legislation is appropriate and will address issues such as those experienced by the member's constituent.

Underpinning this issue is pet ownership, which is very significant in people's minds. In the puppy farming consultation process, for example, over 2 200 submissions have already been received, which demonstrates broader community understanding of the importance of the issue of pet ownership. I encourage people to make submissions to that process. The government takes the issue of dog attacks very seriously. We want to make sure that the legislation reflects the seriousness of occasions when somebody is badly mauled, injured or threatened by a dangerous dog. I thank the member sincerely for bringing this matter forward. I acknowledge her constituents, and I thank them through the member for bringing this to my attention. I can assure the member that we will do everything possible in the review of the Dog Act to address this issue.