

DOG AMENDMENT BILL 2013

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Helen Morton (Minister for Mental Health)**, read a first time.

Second Reading

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.51 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Dog Amendment Bill 2013. The former Minister for Local Government introduced the Dog Amendment Bill 2012, which unfortunately was not passed by the time Parliament rose for the 2013 election and subsequently lapsed. This government feels strongly about the need to update the 1976 act to provide greater protection to the community by tightening the provisions relating to dangerous dogs and to enable local governments to more effectively deal with nuisance behaviour. I therefore rise to introduce a 2013 bill to amend the Dog Act 1976.

This bill introduces amendments in the following key areas: improving community safety through increased controls over dangerous dogs and higher penalties, encouraging more responsible dog ownership; enabling nuisance, including nuisance barking, to be more effectively dealt with; recognition of assistance dogs as an extension of the guide dog provisions; and meeting changing community expectations in areas such as microchipping, lifetime dog registrations and impounding provisions. The community remains concerned about dog attacks and irresponsible dog ownership.

Dangerous dogs can be of any breed; however, some breeds are more prone to attack than others. This bill brings together the current provisions covering restricted breeds, currently contained in regulations, into the Dog Act. Through this bill it is intended to ban the sale, purchase, transfer, breeding and advertising of dangerous dogs that are restricted breeds. This includes the American pit bull. Provisions in this bill will require these dogs to be sterilised and microchipped within 30 days of this legislation taking effect. There is no intention, however, to require the destruction of restricted breed dogs that are not registered, as is the case in Victoria. The emphasis in the Western Australian legislation is on responsible dog ownership.

This bill also expands the interpretation of dangerous dogs to include commercial security dogs, which, by the very nature of the industry sector, are required to be specifically trained to demonstrate aggressive behaviour when actively working. Individual dogs can also attack or exhibit threatening behaviour and local governments have the power to declare these dogs dangerous on an individual basis.

Owners of all three classes of dangerous dogs will be required to follow mandatory control provisions, including putting up warning signs, keeping those dogs muzzled and leashed when outside prescribed enclosures—which will have to be child-proofed—and ensuring the dog wears a prescribed collar which identifies it as a dangerous dog.

The bill increases penalties for all offences under the act and specifically targets dangerous dogs irrespective of their breed. This bill provides minimum penalties for offences in relation to dangerous dogs, with all other penalties listed being the maximum a court can impose. The bill also makes it a criminal offence when a dangerous dog kills a person or puts a person's life in danger, which may result in imprisonment for up to 10 years.

The bill also improves the ability of a local government to more effectively deal with the nuisance caused by barking dogs by enabling rangers to take remedial action on a single nuisance dog barking complaint when they are satisfied an offence has occurred. The amendments also provide rangers with additional enforcement tools, such as the capacity to issue infringement notices or on-the-spot fines and to escalate enforcement measures if the nuisance is not controlled or abated.

The Western Australian Dog Act has a long history of supporting people with disabilities and continues to underpin the government's disability access and inclusion policy for people with disability in our community. The bill clarifies and expands on provisions applicable for guide dogs to recognise and accommodate the new types of appropriately trained assistance dogs now commonly used by people with a range of disability in our community. These provisions give all assistance dogs the right to access public places, buildings and transport with their owners.

The bill also acknowledges advances in dog behaviour management and training, allowing appropriately retrained, retired racing greyhounds to return to the community as household pets without being required to wear a muzzle. Greyhounds WA and the Western Australian division of the Australian Veterinary Association have

lent their support to this significant achievement, which will prevent the euthanasia of hundreds of greyhounds that are retired from or are unfit for racing.

Attitudes to dog ownership and behavioural changes are fundamentally important to the success of this legislative reform. Increased penalties for offences are but one solution; education is another. Many dog owners act and behave responsibly. For the minority of dog owners who are convicted of an offence, this bill will enable the courts to impose a requirement on them to attend and complete an approved dog training course with their dog in place of, or in addition to, a penalty or fine.

As an added safeguard, the bill will require, from 1 November 2013, all new dogs to be microchipped for the purpose of identification and registration. Registered dogs that are transferred to new owners after 1 November 2013 will need to be microchipped before they are sold or transferred. All dogs will be required to be microchipped by 1 November 2015, providing a two-year lead time for existing owners and their dogs. Microchipping of dogs will assist local governments to readily identify lost and stray dogs and to quickly reunite them with their owners, thereby reducing the period of impoundment and overall costs and inconvenience to owners. When the owner of a dog is identifiable, the local government will be required to hold the dog for a period of seven days unless claimed earlier, rather than the existing three days.

This bill has been more than 10 years in development. The consultation phase resulted in 1 500 submissions from the public. There is widespread and extensive support for the proposed amendments. The Western Australian Local Government Association, Local Government Managers Australia, the WA Rangers Association, the Royal Society for the Prevention of Cruelty to Animals WA and other key stakeholder groups are keen to see changes to the act introduced.

Pursuant to standing 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

This bill will enhance responsible dog ownership and increase community safety, amenity and inclusion.

I commend the bill to the house and table the explanatory memorandum.

[See paper 657.]

Debate adjourned, pursuant to standing orders.