

DOG AMENDMENT BILL 2012

First Reading

Bill introduced, on motion by **Mr G.M. Castrilli (Minister for Local Government)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [2.59 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Dog Amendment Bill 2012. These proposed amendments to the Dog Act 1976 will provide greater protection to the community by tightening the provisions relating to dangerous dogs and will enable local governments to more effectively deal with nuisance behaviour.

The 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.

Recent dog incidents, particularly those involving children, have understandably increased community concerns about dogs and irresponsible dog ownership. Dangerous dogs can be of any breed; however, some breeds are more prone to attack than others. This bill brings the current provisions covering restricted breeds that are contained in regulations into the Dog Act. Through this bill, I intend to ban the sale, purchase, transfer, breeding and advertising of dangerous dogs—restricted breeds—which 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.

This bill also expands the interpretation of dangerous dogs to include commercial and security dogs, which, by the very nature of the industry sector, require these dogs 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. The owners of all classes of dangerous dogs will be required to follow mandatory control provisions including putting up warning signs; keeping these dogs muzzled and leashed when outside prescribed enclosures, which will have to be childproof; 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 where a dangerous dog kills a person or puts a person's life in danger, which may result in imprisonment for up to 10 years.

This bill improves the local government's ability 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 where 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 in order to recognise and accommodate the new types of appropriately trained assistance dogs now commonly utilised 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 Australian Veterinary Association (AVA) have lent their support to this significant achievement, which will prevent the euthanasia of hundreds of greyhounds which are retired from or are unfit for racing.

I recognise and appreciate that attitude and behavioural changes to dog ownership are fundamentally important to the success of this legislation 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 in place of or in addition to a penalty or fine.

As an added safeguard, the bill will require all new dogs from 1 November 2013 to be microchipped for the purpose of identification and registration. Existing registered dogs are exempt from this requirement. Registered dogs that are transferred to new owners after 1 November 2013 will need to be microchipped before they are sold or transferred. Microchipping of dogs will assist local government 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. Dogs for which the owners are identifiable will be required to be held by the local government 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 the changes introduced.

This bill will enhance responsible dog ownership and increase community safety, amenity and inclusion. I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.