

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2021

Second Reading

Resumed from 2 September.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.13 pm]: I note that I am continuing my remarks on the Dog Amendment (Stop Puppy Farming) Bill 2021, made, from memory, late on a Thursday afternoon, which, according to the notice paper, was 2 September, so it has been three and a bit months. Although members probably would have hung on every word, they may have forgotten where we got to in this debate, so I might do a short recap of the first few minutes of when I spoke previously and perhaps start over. Obviously, I am not the lead speaker for this bill, that will be my good friend and parliamentary colleague Hon Colin de Grussa, but as a registered veterinarian, I will make a few comments across the board. I will start from where I finished when I last spoke during the second reading debate on the bill and that is on the inherent hatred of farmers that the Labor Party likes to portray. The mere fact that the government has applied a derogatory title to farming is a continuation of its very long trend —

Several members interjected.

The PRESIDENT: Order! The Leader of the Opposition has the call.

Hon Dr STEVE THOMAS: Almost as a sop to this, the minister said in the third line of the second reading speech —

Other than in the short title of this amendment bill, members will not find the term “puppy farming” used.

That is probably a positive. Of course, when I mentioned this last time, there was a great upswell of outrage. The Labor Party did not necessarily invent the term “puppy farming”—it came from other sources—but it was always open to the Labor government to come up with a different title for its legislation. Bear in mind that the only mention of the term “puppy farming”—apart from all the media released by the former Minister for Local Government who had original carriage of this bill and the moral outrage that he managed to distil and send out into the community—in the bill is in the title. It might have been used a thousand times in public. There is a lack of courage in convictions here on behalf of the government because with this derogatory term its negative attachment to farming continues.

I know that the government will not accept any amendments to the bill today. The intent of the opposition is to progress this bill at a reasonable pace; it is not our intent to hold up the bill. We accept that this bill is firmly on the government’s agenda and has been for a long time. We will not be here all day debating the minutia of this bill, but I make the point that given that the term “puppy farming” has that derogatory link that the Labor Party is so fond of, I would have thought that the government might have considered using an alternative title.

It might surprise members to know that I have been around for a while! When I first started my veterinary training, we used to refer to “puppy factories”. I do not know whether that is equally offensive to those who have factories. We do not generally call them factories anymore. Perhaps that is a more appropriate term, given that the industry does not tend to use the word “factory”. It is used more in the United States. That is an alternative that the government could have used because it is less derogatory of our agriculture sector and those who produce. That is merely a suggestion. This undermining of agriculture seems to be in the Labor Party’s DNA.

Several government members interjected.

Hon Dr STEVE THOMAS: The message is getting through.

The PRESIDENT: Order! The Leader of the Opposition has the call.

Hon Tjorn Sibma interjected.

The PRESIDENT: Order!

Hon Dr STEVE THOMAS: Thank you, President. The shouts are loudest when you kick a bruise. There you go!

I note what is stated in the fifth sentence of the minister’s second reading speech —

It is intuitive to connect puppy farming with animal cruelty, especially when we see photos and images of dogs that are barking and pacing, cooped up in cages and looking visibly undernourished.

I do not think anyone would disagree that there is vision of mistreated dogs. When I talk about the things that I trained in, which was what we then called puppy factories, I will be happy to describe, as I did during the debate on the Veterinary Practice Bill 2021, some of the more painful sights I have seen over the years and how this legislation should be done differently. The government is yet to establish that this legislation is necessary because of the level of animal cruelty in the state of Western Australia. We have come to a great fork in the road: are we dealing with this legislation because there is a demonstrated need for it, or because it is good politics to be positive about nice,

cuddly, fluffy animals? Is this bill based on the animal rights ideological bent of the Labor Party? There are a few significant animal rights exponents in the Labor Party who were probably empowered after the last election. I am sure they can talk up their credentials. Everyone likes to be nice to cute and fluffy animals. The reality is that the government is yet to demonstrate widespread mistreatment of animals specifically in the breeding system. I think there is a notable exception to that, which I will come to further along in my address. I suspect that the government has not adequately addressed the greatest degrees of neglect of breeding animals in an uncontrolled sense. That is not necessarily a criticism of the current government; I suspect it is an issue that governments have failed to get a handle on over many decades. Let us think about the level of cruelty and neglect that currently exists. The government is yet to demonstrate the level of that.

It was not a long second reading speech; it was pretty much to the point. An example was given of the boxer dog Strawberry in respect of transitioning pet shops to adoption centres to stop these things from happening. The minister stated —

Who could forget the case of the boxer dog Strawberry, who was alleged to have been living at an interstate puppy farm?

These puppy factories, as I prefer to call them, certainly exist. I have been in the veterinary industry for a very long time. Victoria has been the centre of the veterinary industry for many years, and it would not surprise me to discover a significant amount of animal cruelty with the caging and repetitive breeding of dogs in that state. If the government has evidence to show that that also occurs in Western Australia, I would be very interested to see it. I know it exists. In fact, I have known some veterinarians who have been involved in that practice—some of whom were, let us say, well-known veterinarians of some renown. It is absolutely the case that people from my own profession, who one would think would have animal welfare firmly at the centre of their existence, have engaged and invested in this practice. I am not saying that it does not exist in Western Australia, but we could go some way towards answering the question of whether this is a political, ideological or practical bill if the government were to provide evidence of the level of animal cruelty that exists in the Western Australian system.

Members will be well aware that animal cruelty is already illegal. This bill does not introduce a particularly new concept. Strawberry was 10 months old when she gave birth to three puppies. If she were to be denied veterinary care in Western Australia today, the owners could be taken to court under the Animal Welfare Act. It is not the case that this legislation will suddenly provide new protections for animals who are being treated cruelly, because the Animal Welfare Act is still the principal act relating to how animals should be treated and animal welfare. That will not change with the passing of the bill before the house today.

The Dog Amendment (Stop Puppy Farming) Bill 2021 is an administrative bill, which is perhaps why the government was happy to leave it for three months from 2 September. In reality, I do not think it will actually change many outcomes; it may do, in some circumstances, but I do not think it will change the majority of outcomes in the breeding process. It will apply significant levels of administration. Whether that is called red tape or appropriate oversight will probably depend on the person's position. The reality is that the government is taking control of what to date has been a relatively unregulated industry, which is the breeding of puppies either for sale or for use, or a combination of the two.

The first question that always springs to mind—this is why the definition is important—is: what precisely is a puppy farmer and how do we measure it? I have spent 30-something years in the veterinary profession. I am still registered and I still practise a little to make sure that I maintain my registration. Over the many years that I was actively running a practice, I can guarantee members that the majority of dog breeders in the south west region in which I operated were what members might call home breeders or backyard breeders. Let us look at the definition of that for starters. A person who has one or two dogs in their backyard and breeds them occasionally would officially be a backyard breeder under the current proposal and would have to register to become a registered breeder. The opposition is not opposing that. It is an additional layer of bureaucracy, but, ultimately, that is the way the world is moving, so let us assume that we will allow the government to put that in place because it is hard to argue that we should not have some level of oversight, otherwise we could not manage what was going on. I am also concerned about the demonisation of people who breed in backyards and who look after their animals in a way that probably most people who have not been involved in the industry would not understand.

I will tell members about a couple of my clients whom I dealt with. I will name them because this is a very positive story. I have not asked their permission to do that, but I hope they will forgive me. They were both quite elderly some time ago, so they may not be with us anymore. If so, apologies to their family for not finding out whether they are. Dudley and Joan Newbon bred dachshunds at their home outside Donnybrook for many years. They bred a mixture, but mostly they bred small long-haired dachshunds. I think they are great dogs, although they can have back issues. Owners have to watch any type of long-haired breed in Australia because of heat issues and prickles and all sorts of things. They have to look after them by grooming them to make sure that they are okay. I say that for all dogs, but

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particularly some of the small hounds. This couple had, at various times, between three and four breeding age females. I will not use the technical definition, even though it is scientifically accurate.

Hon Sue Ellery: It is technically correct.

Hon Dr STEVE THOMAS: It is technically correct, but I think we will try to maintain the standards of the house. In regard to that, I commend all the men present who are wearing a tie today. I think that is a good standard to set.

Hon Sue Ellery: Don't get distracted.

Hon Dr STEVE THOMAS: Okay. Let us not go there. Do not distract me.

The Newbons would have three or four dogs. They did not breed on every cycle, but, on average, every second year they would raise a litter. The dogs were well loved. Dudley and Joan went through the process of vetting the potential owners to make sure that the people would look after the dogs. They loved their animals to the point at which I suspect that if there was ever any issue with one of the dogs, the dog would be in the bedroom and Dudley would be either outside or downstairs, such was the care that they took of their animals. I think we need to be careful because the very good breeders who very much look after their dogs need to be recognised. That is not the group of people who need to be targeted by this legislation. We have to accept that all those people who are doing the right thing—in my experience, that is the vast majority of dog breeders—will be inconvenienced, basically, because of the very small group of people who are doing the wrong thing.

The argument is that that applies across the board to a lot of things, including speeding fines. I get the argument, but it deserves to be acknowledged because I think it is too easy. That is not so much the rhetoric that I have heard from the current Minister for Local Government, who has carriage of the bill and who has taken a more sensible line, but the theatrics, if you will, of the previous Minister for Local Government, who alienated and demonised lots of very good dog breeders who are absolutely doing the right thing. Such dog breeders would not over-breed their dogs and simply turn them into a money-making machine. To be honest, I think someone would have to be a fairly cruel and tough human being to live with a smallish number of dogs and effectively turn them into reproductive instruments churning out puppies, like the equivalent of caged hens. It happens. It happens particularly in Victoria. I suspect it happens in New South Wales a bit, but I am not as across what happens in that area. They would have to be pretty cruel. Most dog owners who breed dogs look after their dogs sometimes better than they look after their kids. They become children substitutes, if you will.

I am concerned that it is too easy to demonise a whole group of people when, for the most part, the vast majority of them are trying to do the right thing. As we step through that process, we basically have to recognise the small group of people doing the negative activities, and everybody else pays a penalty for that and carries the burden. It would be good if in introducing these laws, the government made more of an effort to sell the concept that so many home breeders—let us call them home breeders because it is hard to apply a negative connotation to the word “home”—are doing the right thing. So many of them care passionately about the welfare of their animals, and that is the vast majority. I have known breeders who refuse to sell their animals to people who they think will not look after them—people who have turned up and do not look like good ownership material. To be honest, a huge proportion of the breeders I have worked with over many, many years do that.

Effectively, we will put in place a licence to breed dogs. I wonder sometimes whether that should not apply more universally, but that is a whole other question we will not address today! We are going to make sure that people are licensed. I think the main reason I, and I suspect many in the opposition, will not be opposing the government's intent is that we recognise that there has to be oversight. If we are going to catch that last three per cent or two per cent, or whatever it is—it is probably a smaller number than the anti-vax brigade—it would be hard to do it without oversight. We accept that. The regulations will no doubt provide for some onerous governance, but that, unfortunately, is the price that everybody will have to pay. But I think the way that it is done is critically important. As I said, if it is recognised that most dog owners do the best that they can and generally do a very good thing, that would help. I am not accusing this minister or the new Minister for Local Government, who has carriage in the lower house, of demonisation, because I have not heard them going down this path, but certainly the demonisation has been there previously, and I think it would be useful to give credit where credit is due.

Mandatory sterilisation is another component of the bill. I have to say that I am a huge fan of mandatory sterilisation. Again, some days I wonder whether it should not be extended, but that is a whole other argument again! I think there are some reasons why we would not do mandatory sterilisation of dogs. For example, when the level of testosterone in males or oestrogen in females drops in working dogs, they have lower muscle tone and less intent. Like humans, as they age and as those hormones decline—as I am sure Hon Dr Brian Walker knows—muscle density and bone density drop, and exercise levels and strength generally fall away.

An argument exists for some dogs to remain unsterilised, despite the fact that they are not breeding dogs. I appreciate the government has made some steps in this regard so that working dogs are exempt, whereas previously they were

not. That is a good step by the government. As a veterinarian, people would come to me and say that they wanted to leave their dog entire because they wanted them to be more active. Unless they were a working dog, I always found there was zero benefit to this. In my view, keeping a male dog entire, for reasons other than genuine work, is a fallacy. I am happy to put that on the record. People would come through and say that they wanted to keep their dog entire, and my first response would be to say that if they were looking for aggression, they should get rid of the dog, particularly large dogs. The view in veterinary science has always been that timid people or aggressive young people, in particular, should not own big dogs. If a dog is aggressive, usually they have picked up that behaviour from their owner. Again, if a dog is timid and has become a fear-biter, they have picked that up from their owner. Those groups of people should not buy the Rottweilers and Dobermans of the world! If someone is frightened, they should get a small dog with a big voice, like a basset hound. Even little dachshunds can give a fair old bark, considering they are only this high.

Hon Sue Ellery: I have got one next door to me.

Hon Dr STEVE THOMAS: The minister probably well understands. Funnily enough, as a child, I had a full-size, standard dachshund as my first dog. He used to come on cattle musters with us. The blue heelers would be racing after the cattle, and the cattle would not know they were there until they were nipping at their heels. This little dachshund would be 100 yards behind, barking its head off with a deep woof, and as long as the dachshund did not give away his presence earlier on, they worked pretty well as a team. Certainly, a small dog with a big bark is ideal for someone who is either aggressive or timid. I stand by those rules.

Mandatory sterilisation, apart from a small group of exemptions, is the right way to go. I appreciate that working dogs will now be exempt, but there should be discussion around exactly what is regarded as a working dog. Is a guard dog a working dog? It probably is. Certainly, stock dogs are. There may be other examples. For the most part, there would probably be little benefit to exempt guide dogs or other dogs, because they do not require that strength test. That is a debate on the regulations for another day. I appreciate that mandatory sterilisation will have exemptions. I agree that all dogs, and particularly all cats, should be sterilised.

As a veterinarian, I always found that most owners would sterilise females generally at four to six months of age. After six months, in the dog's first cycle, because a dog's reproductive cycle is a fairly messy affair, most people would decide to do that for convenience. I am absolutely a fan of desexing dogs. An argument exists that if we take the hormones out of an animal, because they are a bit like humans, like us, they will age and potentially reduce muscle strength and bone density. But remember that most dogs last to about 14 years, as opposed to the average age of most humans, which is 80-ish—I am not certain, sorry; it is the wrong species for me—or somewhere about there. Hon Dr Brian Walker could probably tell me. Basically, yes, with sterilisation, animals will drop bone and muscle density, and their calcium metabolism changes a bit. Probably the best time to have it done is when the animal is between six months and a year old, which is the usual time, when generally speaking they have reached full growth. Some breeds are a little slower to achieve full growth, so sterilisation could be done a bit later; and if the animal is desexed too early, it will change the animal's total height. So, a good time for sterilisation is usually between six and seven months, and the legislation says two years. It will provide adequate time, generally, to get to full growth. It is a bit like us, honourable members; after a certain age, the growth one puts on is not positive and the additional weight is not a plus. I think the bill will give people time to work that out. The one thing that I guess we need to be careful about is when decisions are made about whether to leave working dogs as working dogs or take them as pets, effectively, because they are not good at working. That decision might be made a little later, so people might have exemptions for working dogs and that situation might change over time. The system has to allow for that. I am a big fan of mandatory sterilisation, but I am a reluctant acceptor of the additional regulation that this bill will provide.

The next thing I want to address is the centralised registration system. There is not much point in trying to manage where dogs are and who is breeding them without having some sort of oversight of that and a registration system. A couple of points come out of this. The first is fairly obvious; that is, despite the enthusiasm of particularly the previous Minister for Local Government, local government is not enthusiastic about having a whole extra level of bureaucracy to maintain, and that is exactly what will be applied. Again, this is not exactly new to government and it is not an issue purely for this government. The previous government implemented a similar system for cats and required local government to administer it. I can tell members that local governments were not overly pleased about that, to be honest, and they are also not overly pleased about this bill. The issue is always one of cost transfer. State governments make a set of rules, often with good intent. For instance, the previous government wanted to control cats. It decided that there were too many feral cats and wanted to stop cats from breeding, so it decided to register them. It gave that job to local government to administer, but it did not provide local government with any resources. I suspect the same thing will happen when this whole new registration and compliance regime is put in place. My understanding, at this point, is that there will be no cost transfer of significance to local government to assist it with the process. Somebody has to provide that. I urge the government to address the issue of resourcing if this system

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is going to be foisted onto local government. I think local government gets far too much foisted upon it, and it is time for the dollars to flow with the activity. Let us follow the dollars on this one and see what happens.

The other key issue I want to raise about the registration system is that the equivalent of the English Kennel Club exists in WA at the moment. The one that probably has the greatest membership in Western Australia is Dogs West. The administration of Dogs West is centred in the East Metropolitan Region, where Hon Donna Faragher holds sway. I know that it has approached a number of members. I have had a conversation with Dogs West as well.

Hon Sue Ellery: It is in Southern River, which is actually in South Metro.

Hon Dr STEVE THOMAS: South Metro; okay.

Hon Donna Faragher: It is across that band.

Hon Sue Ellery: Dogs West is actually in South Metro.

Hon Dr STEVE THOMAS: There we go. I do not know the metropolitan boundaries, but given the legislation that we passed this year, that will not matter much anymore. It is a bit ambivalent at the moment.

Hon Dan Caddy: We're making life easier for you.

Hon Dr STEVE THOMAS: There we go; I do not need to know them anymore!

There should have been, and there might still be, a better way to embrace the dog breeding organisations. I know that the government will not accept an amendment at this point, but maybe this could be looked into. Dogs West currently has a dog registration process. Would there not be a way for the system that the government will put in place to embrace that? My suggestion is that Dogs West could easily be the equivalent of a local government. There might be a twofold way to register a breeding operation; it could be registered with the local government or with Dogs West. There are about 153 local governments now. We could effectively make Dogs West the 154th administration point for this process. That would be empowering.

The other issue is that because we will have a regulatory oversight mechanism, somebody will have to manage the database. I will be interested to see precisely how this will be managed. There will be an enormous spreadsheet of dogs and breeders all linked together. With regard to whether the Department of Local Government, Sport and Cultural Industries will maintain the database, the initial understanding from the previous bill was that local governments would have to come up with an administration system for this. That may well be the case. If that is the case, there will be a twofold problem. The first is that we will have 153 different administration systems that do not necessarily communicate with each other and are not easily cross-checkable. The second is that we will potentially leave the kennel group—in this case, Dogs West—out in the cold. That will come at a cost. Therefore, once again, if every local government will have to come up with its own database system, this will be a cost-shifting exercise.

I accept that local governments already have a dog registration system. This will, by definition, be a different system, because every registered dog is not necessarily a registered breeding dog; therefore, although there might be some connectivity with an internal system, it will not be the same. Local governments will need to run two systems side by side. Either they will have to do this individually or one local government might come up with a larger model that it could sell to its neighbours, presumably at a cost. In theory, one very entrepreneurial local government could sell a consolidated database to the state government if it got big enough and wanted to do that. Why would we not involve Dogs West in that process, particularly if funding was available? I know the government has not talked about transferring funds into the system, but I would have thought that if it did transfer funds into the system, there would be an opportunity to privatise—that is a dirty word to members on the other side—the management of the database. For example, with adequate funding, Dogs West could become the manager of the database and then incorporate its database into a much wider database. The government would have to do the right thing and put it out to tender, and I suspect it might find a few different groups that have the capacity to provide this service. That would be a pretty sensible way forward. The government will need to have an external database, unless it is housed in the Department of Local Government, Sport and Cultural Industries; and, if it will be, I will be interested to see what funding will be provided for that. Presumably, the simplest thing for government would be to say to local government, “You do it; we don’t care.”

It is incumbent upon the state government to find some funding for this. Once the government finds some funding for it, it will open up a few opportunities. This is not necessarily just a threat. It is an opportunity to be part of the process. The government might find an alternative group to Dogs West that would be prepared to pick this up. The outcome might be that instead of having a group of breeders who are antagonistic towards the process—I think they have shifted from being antagonistic to accepting, perhaps not necessarily happily, that this is coming and they will need to deal with it—we will get on board as part of the process a huge proportion of the large and very good and highly professional dog breeders who look after their animals. Perhaps the government will tell us the reasons

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why this will not work. I would urge the government to explore this as a way of embracing the existing breeding enterprises and groups of breeders. I think that system potentially has some merit.

The final part of the bill relates to the need for greyhounds to be muzzled in public. For those who were around a long time ago, the comment that was always made was that greyhounds need to be muzzled in public not because of the risk to people but because of the risk to other animals, in particular cats. Greyhounds are very quick things. They are not bad rabbit dogs. In fact, most greyhounds are lovely animals as they are housed elsewhere, but they are perhaps not necessarily the healthiest of dog breeds. I give this advice to all members: if you want to get a dog and you want the healthiest dog possible for the longest time—I will probably get shot for this later—do not buy purebreds. Purebreds come with a whole range of problems and I have to say that the best reason I can advise members to get a purebred is that my profession makes a fortune out of them. To that point, members can buy bulldogs, for example, that can no longer breed naturally, which is all due to the way people have bred them. As humans, we have bred in bad hips, bad backs and all sorts of issues, so I recommend to members a good crossbreed. The problem of course is that in the system that we are bringing in place, we would probably like to have a lot less crossbreeds and purebreds because we will have to go to the trouble of getting registered. I am not going to rant about that; I just think that that might be an unfortunate outcome of the path that we will find ourselves going down, so I would recommend crossbreeds as best you can.

I will finish on this, and I know I could tell veterinary war stories forever, but let us move on and get the legislation done. The best intent in the world is probably sometimes dangerous and I will use this example—funnily enough, it is about another dachshund. If members ever watched the old *All Creatures Great and Small*, they might remember Tricky Woo. My version of Tricky Woo was a highly obese dachshund that I would take into the clinic on occasions and make sure that it had starvation rations for a little while. The owner was a lovely lady. She was the mother of the local police sergeant and she loved this dog passionately. She hated being away from it. The dog was her company. She would do her best, but she would always give in because the dog would always tell her that it was hungry. With the best intent in the world, some people just forget that dogs are different. I will never forget her coming to visit the dog, because we kept it for at least a week, and a bit longer sometimes. She came in to visit the dog and she brought chocolate with her and said, “I’ve brought some chocolate for the dog so it doesn’t miss me.” We had to explain to her that, first off, chocolate is not good for dogs; and second off, we are trying to keep it on a starvation diet. We occasionally kill with kindness and we have to be a bit careful about that.

The opposition is not opposing this bill. We think there are some positives to it and we also think there are some issues that should be addressed. I have made suggestions that I think are eminently sensible. I know that the government will not take them on at this point, but perhaps they might be up for consideration sometime down the path. I think the government should perhaps look at the wording. I would love to see it take the word “farming” out and try something different, and I think the government needs to be very careful about another set of regulations out there being policed and being imposed upon people. We accept that that is probably a necessary negative, but the way that it will be done will be critical. Therefore, hopefully, with those comments, the government takes them in goodwill and we will proceed.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [1.53 pm]: I, too, rise to contribute to the second reading debate of the Dog Amendment (Stop Puppy Farming) Bill 2021. As my colleague the Leader of the Opposition has just made clear, members of the chamber are well aware that the opposition is committed to the passage of this bill on this day’s sitting, and we remain committed to what is a very generous undertaking to ensure that this bill is passed through this place today. In that vein, I do not expect debate on this bill to be lengthy and I will certainly keep my contribution relatively brief to facilitate any necessary debate during the committee stage.

I reiterate again that the opposition does not oppose this bill. We have some concerns, however, about some of the aspects of the legislation. We are absolutely opposed to the practice of so-called puppy farming. Members who were present in the fortieth Parliament will remember a very similar bill—the Dog Amendment (Stop Puppy Farming) Bill 2020. That bill was read into this place on 25 June 2020. Despite the rather misleading claims of members in the other place that this bill was held up by the opposition or opposed by the Liberal and National Parties in this place, of course, the truth is far simpler; that is, the Dog Amendment (Stop Puppy Farming) Bill 2020 was never again brought on for debate after it was second read in this place. It was not prioritised by government. Obviously, it is absolutely not the opposition or crossbench that decides the legislative agenda in this place; of course, any decision to debate legislation is up to the government. If it had been made a priority then as it has been now, there was no reason we could not have debated that bill towards the end of 2020 and had it passed and enacted at the time, but that was not the case.

The current Minister for Local Government, Hon John Carey, has even gone so far as to state in a media release on 2 June this year —

“The Government wanted this bill passed in the previous term of government, but this was another piece of critical legislation that was not supported by the Liberal Party and National Party.

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That is absolutely untrue. The government did not bring the bill on for debate, as I have said. It is impossible for members of this place to pass a piece of legislation if they do not get to debate it because the government has not put it on the agenda.

Hon Kyle McGinn interjected.

Hon COLIN de GRUSSA: The member interjecting well knows that regardless of whether any member supports a bill, we cannot pass legislation if we do not get to debate it. It is completely untrue to say that members on this side of the chamber did not support the legislation, because we did not have the opportunity to debate it. As I said before, we are not opposed to this bill, and we are absolutely resolutely opposed to the abhorrent practice of so-called puppy farming.

I refer to a media statement by my colleague in the other place, the Deputy Leader of the Opposition and member for Moore, Shane Love, MLA. In a media statement in March 2020, he said —

The Nationals WA will seek to amend the Labor Government’s proposed puppy farming laws to minimise impacts for farm working dogs and responsible dog owners.

Deputy Leader Shane Love said the Nationals WA were committed to stamping out intensive dog breeding.

“The Nationals WA find the practice of puppy farming to be unacceptable and we support improved welfare for all animals,” ...

That was his statement in March 2020. It was clear from the outset that we were not opposed to this legislation. We wanted to see some sensible amendments. I will come to that later, but we note that some amendments to the 2020 bill have been included in the bill that is before us today.

Let us now look at the bill before us. Helpfully, in the second reading speech, the minister outlined the key aspects of this bill. They include turning pet shops into adoption centres so that pet shops will be able to sell only dogs that have been sourced from holders of a dog supply approval; of course, mandatory sterilisation of dogs by the time they reach two years of age; approval being required to breed dogs if they have not been sterilised by the age of two years; and that approval being immediately required if the owner becomes aware that the dog has become pregnant unintentionally. Those approvals are specific to an address and a local government area, and approval is required each time the owner moves. My colleague talked about the centralised registration system, the creation of which will be funded by the government, although costs may at some point be passed on to local governments under a cost-recovery mechanism, and there is obviously some concern about that. For the time being, there will be no cost to local governments. We will interrogate that a little further in the Committee of the Whole stage.

We have already talked about the ending of compulsory muzzling of greyhounds and the exemption to the sterilisation requirements that will be provided for greyhounds that are registered with Racing and Wagering Western Australia. Of course, local governments will continue to manage dogs and their registration and the approval and policing of the approval-to-breed requirements. That again means more work will be passed on to local government, which I will talk a bit about further on. The Dog Amendment (Stop Puppy Farming) Bill 2021 before us is ostensibly very similar to the bill with almost an identical name introduced into the fortieth Parliament, although some notable changes have been made. I referred to the working dog amendment the Nationals proposed to the bill in the fortieth Parliament. Exemption from mandatory sterilisation of what the government is calling “livestock working dogs” is a good outcome. Owners will be exempt from requiring approval to breed if the dog is not sterilised. However, they will require approval to breed if the owner intends to breed the animal. It is a welcome change and, in fact, reflects the proposed amendments that were on the supplementary notice paper in the previous Parliament that we never got to debate. They were excellent amendments proposed by my colleague Hon Martin Aldridge, who is away on urgent parliamentary business. He was the lead speaker on the bill in the fortieth Parliament. They were excellent amendments and they certainly went a long way to ensure that those specific exemptions applied to working dogs. It is good to see that they are now part of the bill before us.

At the time, other amendments were on the supplementary notice paper from a number of members. In fact, a number of such amendments were proposed by my colleague Hon Donna Faragher. They also were excellent amendments that proposed to incorporate within the legislation the Dogs West organisation and owners and animals registered to Dogs West, and to recognise that they are, essentially, the gold standard for dog ownership in Western Australia. Under the legislation, its breeding registrations would have been recognised and its registration system would have been required.

In the media statement I referred to earlier, my colleague the Deputy Leader of the Opposition, the member for Moore, said in March 2020 that Dogs West members should also be granted an exemption. He said also —

“Dogs West owners and breeders represent the gold standard of dog ownership in Western Australia,”

“They already have rigorous processes in place to ensure their membership has the highest standards of animal welfare in place, including restrictions on the number of dogs a person can own and the number of litters a dog can safely have.

Again, that was a sensible proposal in the previous Parliament by opposition members to recognise Dogs West in the legislation. I strongly encourage the government to work closely with Dogs West in the implementation of this legislation once the bill is passed, and ensure that it is closely consulted within the establishment of the registration system and other matters related to approvals to breed.

As my colleague also mentioned, the Leader of the House outlined that the bill mentions the word “puppy farming” only once—in the short title and nowhere else in the bill. The government’s reasoning behind this is that puppy farming encompasses a wide range of dog breeding practices that can affect the health and wellbeing of dogs. I agree, but, again, as my colleague the Leader of the Opposition said, I am disappointed by the implication in the short title that the farming of animals is an evil that must be prevented. Mass breeding of dogs in poor standards of care and in awful conditions in which that occurs is an abhorrent practice and is absolutely not a practice that any decent human being, let alone members on this side of the chamber, want to see occur. However, I personally disagree vehemently with the implication in the title that farming itself is an evil or abhorrent act. No doubt, of course, the spin doctors in the Labor Party are quite proud of the short title. However, I hold the view that farming is a fundamentally good practice and not one that should be associated with the practices that this bill aims to end.

As my colleague mentioned earlier, and others have mentioned in previous debates on the earlier legislation, significant concerns have been expressed by the local government sector around this proposed legislation. The local government sector has concerns with this bill, as it did with the bill in the fortieth Parliament. Local governments are concerned about the costs that may be passed on to them and their ability to recover some of those costs, the management of compliance issues and other matters as well. When the bill was being developed in the previous Parliament, the Department of Local Government, Sport and Cultural Industries apparently did some modelling around the impact on the local government sector of the proposed legislation, but I understand that modelling was not released and that is still the case. It is a significant concern that the sector has not had access to some of that modelling to help it plan, basically, for what this legislation will mean to it and how it will manage the associated aspects of implementing it.

Of course, we do not know whether the impacts will be uniform across local governments, either. As my colleague indicated, there are 150-odd local governments across the state. Will there be disproportionate impacts on local governments in specific areas or will it be the same for everyone? We do not yet have answers to those questions. Certainly, it would be in the interests of the sector, and I think the government, to release that modelling to assist the sector to prepare for the commencement of the legislation. In fact, my colleagues have also reported to me that some of their regional local governments have told them that the cost of the ranger services they provide is already somewhere around two per cent of their rate base. Therefore, any addition to that cost will be a significant additional cost to those local governments, and, of course, they need to understand how that will impact on them and their ratepayers. There will be significant costs to implement this legislation. Will they all be placed on local government? The establishment of the centralised registration system will be funded by government, but at what point will costs be passed on to local government and how will that be done? What will be the pricing mechanisms for any cost recovery and so on? It is not that local government necessarily is vehemently opposed to the idea of this legislation as such, but it really wants its concerns to be clearly heard on the impact it will have and to know whether some local governments will be disproportionately impacted, I guess, rather than impacted evenly across the field.

Of course, the other issue is what an approval to breed will mean for local governments. Local governments will process approvals to breed. Will there be a model policy for any local laws that need to be established? Will the department assist with those model policies, or model local laws, if you want to call it that, to assist local governments implement various aspects of this legislation?

The Leader of the Opposition mentioned Dogs West. I have mentioned some of its concerns as well. I again reiterate the need for government to work very closely with that organisation that represents the gold standard of dog ownership in Western Australia. I again implore the government to work closely with Dogs West.

I will wind up my remarks fairly shortly in order to assist with the passage of this bill. I said at the outset that the opposition does not oppose this legislation. In the time we have available for debate on this bill, we will do our level best to ensure that there is a level of scrutiny at least during the Committee of the Whole stage. I make it clear that the practice of so-called puppy farming is abhorrent. Again, I personally dislike the association of this disgraceful act with the inherently good act of farming. I guess the government has decided to use that catchphrase; it is not something I particularly agree with and I think a different title could have been considered. However, it is also clear that the majority of people in the community consulted support ending the practice of so-called puppy farming, and I 100 per cent agree that that is the right decision.

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Finally, I will reiterate my earlier comments that, indeed, this bill could have progressed in the fortieth Parliament, and could well already be law in this state, had the government brought it on for debate. That it chose not to at the time says more about the priorities of this government than any opposition position on the legislation. We did not oppose the legislation then and we do not oppose it now.

HON DR BRIAN WALKER (East Metropolitan) [2.09 pm]: People who have spoken to me behind the chair will realise that this topic is close to my heart. I am an avowed dog lover. I treat my puppy—she is a three-year-old now—preferentially. I have to confess that both my wife and I have at times referred to our puppy by the name of one of our sons; therefore, it is fair to say that we have a vested interest in ensuring that all dogs—in fact, all animals—are treated kindly. I think that it is a mark of disgrace when people abuse animals; I find it abhorrent and difficult to stomach. I can say at the outset—I am sure all members here will agree—that it is wonderful to be taking forward the Dog Amendment (Stop Puppy Farming) Bill 2021. I applaud its intent. However, I am also aware that, once again, legislation that could have been a little bit better has been brought to this house. Its intent is good, but it is a little like saying when there is a bit of discomfort between you and your partner, “Christmas is coming up. I’ve a great present to give to my partner that will help to repair the relationship.” I can tell members now, not from experience but from simple logic, that buying a vacuum cleaner will not achieve that purpose. It may be a useful and good thing to do, but it will not achieve the purpose of assisting a relationship to flourish, if that is the purpose for which it is bought. The same is also true of this admirable legislation—the Dog Amendment (Stop Puppy Farming) Bill 2021.

I spoke to a number of people involved in this bill some months ago now, because it was delayed for some considerable time. I note that since we saw the earlier version of the legislation, there has been a considerable amount of public engagement. As ever, we find that some people fully support the bill and some are against it, because there are different points of view. The issue can sometimes be very contentious. This time there have not been many emails or telephone calls, but there have been enough to assure me that the concerns of those who care about this legislation have not been adequately addressed.

I note the words of my honourable colleague the Leader of the Opposition, who is, of course, a registered vet and whose knowledge I will not in any way compare with mine. I listened with admiration to him describing the management of puppies and dogs. We have in the Leader of the Opposition a voice of experience, and that is what we need—experience about what is actually needed and not what people think might be a good idea. He noted—I took this on board—that this is an administrative bill. It will not actually change much in managing the safety of animals and keeping them free from being abused. Let us consider just the aspect of administration.

I will not dwell on the correspondence that I have received, but I will put on the record one email that I am sure most members have received. It comes from Dr Carla O’Donnell, the president of the Golden Retriever Club of WA. That is nice, but after looking at what she actually represents, I gained a much different understanding of her as an eminently qualified person—someone who cares about and loves animals and who is eminently qualified. As well as being the president of that association in Western Australia, she is also, according to her email, an Australian National Kennel Council registered breeder of golden retrievers and the secretary of the National Golden Retriever Council of Australia. But that does not necessarily mean that she has expertise—just a concern. She is also a certified professional dog trainer and a senior instructor at both Perth Training and Obedience Dog Club and Joondalup Dog Training Club. She is also a committee member on several local dog clubs. I think it is fair to say that she is committed to the welfare of dogs. She is also a member of Dogs West, which was mentioned earlier by my honourable colleagues. Personally speaking, I had not had experience with Dogs West until recently. I did some very interesting research into what Dogs West represents. It represents, if nothing else, a body of experienced dog owners, trainers and breeders—people who have given of their physical and material substance to look after dogs.

If Dr O’Donnell and her colleagues have concerns about this bill, I think we ought to listen, and we can at least share those concerns. I would like the minister to assure me that the concerns that have been raised can be allayed. With your indulgence, Acting President, I shall read into *Hansard* the main concerns that Dr O’Donnell has raised with me and, I suspect, many other members. She says —

I have concerns over the draft *Dog Amendment (Stop Puppy Farming) Bill 2021*, which has been introduced into Parliament. The Bill will only serve to undermine responsible ANKC registered breeders. There is no evidence the proposed legislation will prevent puppy framers. The Bill proposes that anyone granted exemption from mandatory de-sexing will become a “Registered Breeder”.

I will say it again —

The Bill proposes that anyone granted exemption from mandatory de-sexing will become a “Registered Breeder”. I have several concerns with this proposal.

First is the term itself. “Registered Breeder” is a term that is at present used exclusively to describe a person who is:

- a member of the relevant Australian National Kennel Council Affiliate, in WA that being DogsWest; AND
- Has passed the requisite examination; AND
- Holds an ANKC Breeders Prefix; AND
- Agrees to breed only in accordance with the Dogs West Regulations and Code of Ethics.

Dr O'Donnell is highlighting the concern that the current legislation, which has a high intent of assisting to reduce damage caused to dogs, will water down what we currently have rather than enhance it. It will not bolster the present system; it will reduce it. It will dilute the definition of "registered breeder". I will be interested to hear what the minister has to say in response to that claim from someone who has eminent experience in the area. Dr O'Donnell goes on to give what I think is a useful summary of the processes currently in place when breeding golden retrievers. These are not dachshunds; these are golden retrievers, but they are dogs. Again, I quote from her email —

To be approved for breeding, a Golden Retriever goes through the following process:

After 12 months of age the dog's hips and elbows are x-rayed and evaluated by a veterinary orthopaedic specialist listed under the ANKC's Canine Hip and Elbow Scheme.

After 12 months of age the dog's heart is assessed by a veterinary cardiologist and issued a certificate stating that he is free from hereditary cardiac disease.

The dog's eyes are examined yearly by a veterinary ophthalmologist and issued a certified certificate stating that the dog is free from hereditary eye diseases.

In addition, the majority of breeders perform available DNA tests on their dogs.

I do not know about members, but that strikes me as very stringent and not a process compatible with signing a certificate—a piece of paper—that will make someone a registered dog breeder. Dogs West members voluntarily adhere to something far more stringent than anything in this bill. By enacting this bill, we will be reducing the standards within WA.

Dr O'Donnell then summarises as follows —

The reason I have outlined this is to illustrate that there is much more to becoming a "Registered Breeder" than filling out a form. The proposal to label anyone who has an intact dog a "Registered Breeder" severely devalues the concept and undermines the investment of many thousands of dollars and many years that each ANKC Registered Breeder invests in producing a dog that is suitable for breeding.

On the face of it, she has a point, does she not? That is one point on which I would really like a response from the minister in her reply. I would also dearly love to know what kind of consultation took place during the preparation of this bill. I have no doubt that Dogs West was consulted, informed and spoken to, but many of its members who have consulted me in the past months have been of the opinion that, during the early stages of the bill's preparation, they were assured that there would be an exemption included in the legislation for Dogs West members, who could then continue to self-regulate. The Leader of the Opposition suggested that perhaps we might add Dogs West to the list of local government authorities. That is an eminently sensible thing to do because Dogs West already has the systems in place, the experience and claimed authority to master this. I do not know about local government authorities, but I would assume that any required jobs would be delegated to someone who was appointed to this job and who may not have anything like the experience of Dogs West. In fact, we are making it more difficult to assure ourselves of the safety of the animals concerned. That should cause concern. Once again, this bill has been a little bit rushed. It has been delayed, but we are not listening to those who are materially involved in making clear what is actually needed. We should listen to them, and not what people in bureaucratic positions deem to be needed.

Dr O'Donnell made several concrete recommendations in the email, which I will refer to, because they may well have some merit. She would like to see Australian National Kennel Council registered breeders exempted from the requirement to seek additional approvals to breed, with their ANKC registration details being used to identify them going forward. That makes sense. She argues that non-ANKC or non-Dogs West members should be given a distinct identifier that makes it clear that they are not members of these "gold standard" organisations. By following through with this legislation, we will have a substandard system compared with what already exists. This should cause concern. She raises valid concerns over the desexing provisions in the bill. I cannot claim to know this, because I have no knowledge of it—I am not a vet and I have no experience of this—but she says that golden retrievers, in particular, do not reach their full adult height until they are three years of age, rather than the two years specified in the bill. She said she would be interested to know whether the minister can tell us why a seemingly arbitrary figure has been chosen for that, and how many other breeds might be out of step with that two-year cut-off. She goes on to ask that we consider inserting two short additional paragraphs into the bill at proposed section 26E(3), to add an exemption

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if “the dog is registered in Western Australia on the main register of the Australian National Kennel Council Ltd,” and again at proposed section 26L(3) to add a defence when a similar registration can be proven.

I do not imagine that these amendments will pass the chamber today. I do not think these potential amendments have any merit in the chamber today, bearing in mind the numbers we have and the proven intent to drive forward the legislation—of course, with the support of the opposition.

Hon Peter Collier: They might have merit, but they will not succeed.

Hon Dr BRIAN WALKER: Indeed. The merit may be there, but they will not succeed. Thank you for that; that is correct.

I think it is necessary to have a closer look and explore these possibilities further. I would be very interested to hear, during Committee of the Whole, whether these concerns could be addressed in some form and amendments made.

It is not at all my intention to be negative. I will support this bill as well, but there are concerns that need to be addressed and I think we should have a very close look at them during Committee of the Whole. The intentions are admirable. As I said earlier, I am a dog lover. As anyone who has owned a dog will know, they are not just a dog; they are part of your family. You love them deeply and care for them. Anything that will enhance the safety of animals in our society really has my full, unwavering support. However, I remain to be convinced that what we have in front of us now could not be improved on. We could take on board the concerns of responsible, respectable breeders across the state. Although I support this legislation, my hope is that I can support it even more if, by the time we conclude our deliberations, there have been amendments made or at least a vigorous defence of the current draft by the minister. That being said, I indicate I will support the passage of the bill, but I have concerns with its detail.

HON STEVE MARTIN (Agricultural) [2.24 pm]: I rise to make a very brief contribution to the Dog Amendment (Stop Puppy Farming) Bill 2021. Like my colleagues, I am keen to see this bill progressed through Parliament today; we have given that commitment, so I will confine my remarks. I do not see much point in repeating the good work done by my colleagues on some of these issues, other than to let the Leader of the House know of the concerns raised with me by some of the smaller local governments particularly from my part of the world. I am keen for the Leader of the House to respond to these concerns in her reply and through the committee process. I will let the house know about them now.

Maintaining the current structure under the Dog Act can cost those local authorities up to two per cent of their rate base. For a local government such as the City of Joondalup or the City of Swan, perhaps that is not a major concern, but for the smaller Shires of Westonia, Yilgarn or Wagin, it might be. That is the existing regulatory burden. It is uncertain whether this new legislation will add to that burden. I am guessing that it will not reduce the burden, and local authorities are nervous that it might increase it by another two per cent. Small metropolitan councils have expressed similar concerns. I am repeating those remarks so that the Leader of the House is aware that in my patch, some of those smaller councils have that concern.

I will make a quick remark about the working dog amendments that were made to the bill that was introduced in 2020. That was a great change. There would have been all sorts of concerns if that had stayed as it was in the bill. Congratulations to the government for responding to the amendments that I believe were moved by Hon Martin Aldridge in the previous Parliament. That is a good outcome.

I will duck back to local governments and reassure the house that unlike puppies, local governments are not breeding. We heard earlier from a couple of my colleagues that there are 150 local governments in the state. Unless I missed something in the last couple of weeks, I can assure the house that there are only 137. Local governments are not breeding.

Hon Sue Ellery: I think the expression he used was “an odd 153” and I thought that he was being a bit unkind. I don’t think there are any odd ones.

Hon STEVE MARTIN: Some are definitely odd, Leader of the House, but there are only 137 of them.

I will make a couple of quick comments about the approval process. Again, I think that this will add to the burden for local governments. Leader of the House, I am sure that this will come up in the committee process. Proposed section 26J(1) states —

On receiving an application for the grant of an approval to breed, a local government is to grant or refuse to grant the approval.

A local government can then look to a number of conditions, one of which is —

the applicant is not a fit and proper person to breed dogs;

I have no idea what that means but I am sure that it might be teased out in the committee process. That would be a fair burden for a council with a staff of three, such as the Shire of Westonia. The staff member on the front counter

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would have to assess whether a person who has come in to apply for a licence to breed dogs is fit and proper. I hope that the department will provide some guidelines on that and some funding.

I will close by reinforcing the comments made by the speakers today about Dogs West. The body seemed to put forward a good model for registration and dog breeding, so if it can somehow be involved in the implementation of this legislation, that would be a good outcome. Thank you for the opportunity to speak on this bill.

HON DR BRAD PETTITT (South Metropolitan) [2.28 pm]: I rise today to indicate that the Greens will support the Dog Amendment (Stop Puppy Farming) Bill 2021. I acknowledge that much of the work for this bill was done in the previous Parliament. I also acknowledge my former Greens colleagues for their work, especially Alison Xamon, who took a special interest in this area. As I went through the very lengthy notes that I was left on this bill, it was interesting to read how this bill came about. One of the things that came through to me was what seemed like a really robust consultation process around the stop puppy farming plan that was formulated throughout 2017 and 2018. It is worth going back a little to some of the key tenets of that engagement process. They included the creation of a centralised statewide database that would identify and keep track of every dog and puppy at the point of sale or adoption; mandating the compulsory sterilisation of all dogs, unless an exemption was granted for breeding purposes or on veterinary advice; the transition of pet shops that sell puppies into adoption centres to rehome puppies and dogs from approved shelters and rescue organisations; and the initiation of an education program for people looking to buy or adopt a puppy or dog, whether from a shelter or rescue organisation, an adoption centre or a registered breeder. It is interesting that much of that has made it through this process.

One part that was of particular interest to my former colleagues was around greyhounds. There is a growing community interest in greyhounds, especially in encouraging the adoption of greyhounds. Although that is a small part of this bill, I acknowledge that this legislation will make the muzzling of greyhounds no longer compulsory. That part of the review of the Dog Act 1976 attracted some robust community submissions. According to my notes, over 1 190 individual submissions and a petition containing 2 700 signatures were received. I acknowledge the community that has fought very hard in the greyhound space. We would all agree that the muzzling of retired greyhounds is no longer necessary. It has been phased out in many jurisdictions and it is good to see that WA is moving that way as well.

There is a lot to commend in this bill. However, I could not find a definition of “puppy farming” in the legislation. The Royal Society for the Prevention of Cruelty to Animals defines it as —

an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs’ behavioural, social and/or physiological needs

It would be fair to say that this is a practice, whether it be a small backyard operation or one on an industrial scale, in which the common denominator is an exploitative and cruel approach to breeding dogs that prioritises personal profits and not animal welfare.

Hon Dr Steve Thomas: Would you accept that that is an incredibly subjective definition then? Because it depends on somebody’s opinion as to that. Part of the problem is that the definition of it is an issue.

Hon Dr BRAD PETTITT: It is certainly subjective, although I do not think one needs to be particularly anthropomorphic to understand that dogs, and many animals, have behavioural, social and psychological needs.

Hon Dr Steve Thomas: That is right, and some will be obvious, but it is subjective.

Hon Dr BRAD PETTITT: But of course they do not have language. The fact that animals do not have language means that it is our role to make sure that, to the best of our ability, we at least try to understand what their needs might be.

Hon Dr Steve Thomas: They kind of do have a language; it is interesting.

Hon Sue Ellery: My dog’s got a language.

Hon Dr BRAD PETTITT: For those who did not hear, and for Hansard, comments were made that many people in this chamber have dogs that have language. That is right. They have very good ways of communicating with us their behavioural, social and psychological needs; that is correct.

Puppy farming is problematic because of the long-term health and behavioural issues it causes to the dogs and the consequences for future owners of those puppies. Without any regulation or oversight, puppy farmers are able to disguise their operations, avoid scrutiny and exploit dogs for profit. This is something that came through the work that was done. Unfortunately, there was clear evidence of unscrupulous breeders—I appreciate that they are in the minority—operating in Western Australia, sometimes on an industrial scale. I will give a couple of examples.

One puppy farm in Gingin uncovered by the RSPCA in 2018 involved 46 dogs and 20 cats. In 2012, another farm outside the wheatbelt town of Kellerberrin had 50 dogs seized. A dozen of these dogs had been kept in appalling

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conditions in total darkness in an underground bunker. These are the kinds of operations the bill aims to stop through a comprehensive suite of measures, including providing lifelong traceability of all dogs, increasing the transparency of and information on breeders and improving the ability to identify and detect puppy farms. I am pleased to say that I am happy to support this legislation. It aligns very closely with Greens' policies on animal welfare and also community attitudes. I commend the bill to the house.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.34 pm] — in reply: I thank members for their contributions to the debate on the Dog Amendment (Stop Puppy Farming) Bill 2021 thus far and the support they have shown. At the outset of my second reading reply, I place on the record that many people have worked really hard to get the policy of this bill in place, and I want to name one person in particular, the member for Maylands, Lisa Baker, who has worked extraordinarily hard and took the detail of this policy to two elections. I congratulate her for the work she has done. I know today will be an important day for her. I also place on the record that Murphy the wonder dog also supports this bill, because when I left this morning, I told him I would!

I move on to more important things and to issues raised by members in their second reading contributions. The first person to speak on this bill was Hon James Hayward, and he made some points that I need to respond to for the record. From his point of view, the bill does not effectively deal with noncompliance and a more effective bill would have targeted enforcement. Indeed, this bill highlights and acknowledges those who do the right thing. Those doing the wrong thing can be stopped. Those doing the wrong thing will not have approval or a dog owner number and will not be complying. There are provisions to identify and stop them through enforcement action. The bill will provide a regulated system to proactively prevent and stop puppy farming by requiring dogs to be sterilised by two years of age unless exempt; requiring all dog owners who intend to breed from their dogs or keep them unsterilised to apply to local government for approval to breed; transitioning pet shops that sell dogs into adoption agencies; and introducing a centralised registration system, which that member conceded was a great idea, to facilitate easier monitoring, investigation and prosecution of people who do not comply with the Dog Act 1976.

The bill will provide significant penalties for new offences, including for dogs not being sterilised, breeding without approval to breed and not transferring a dog registration. The requirements in this bill relating to advertising of approval numbers will mean that unregistered breeders will have no real legal way to advertise puppies for sale, and an education campaign will be undertaken to make sure that consumers are aware of the new laws, including on the information they should make sure that they are provided with when purchasing a dog and responsible dog ownership.

That member also raised the comparison of our bill with the Victorian act, and was of the view that the similarities between this bill and the Victorian legislation would lead to an increase in the cost of puppies and therefore a reduction in the number of breeders. I need to say up-front that this bill is not the same as the Victorian legislation; there are a number of differences. Although the Victorian state government has banned puppy farming, its legislation is not the same as this bill. There is no evidence that this bill will lead to an increase in the cost of puppies. Several aspects of the bill, including the transitioning of pet shops into adoption centres, will provide the WA community with better access to affordable dogs seeking new homes. Although the requirement for approval to breed is intended to stop unethical puppy farming, the approval process will not be onerous and will not stop the breeding of dogs generally. Some pet shops have already established agreements with shelters to rehome dogs, and they are to be commended.

That member also raised that there are only three prosecutions relating to dog registration and that, in his view, the bill will not directly stop people from keeping unregistered dogs. The central registration system will make registering and transferring a dog easier and more consistent across the whole state. The government anticipates that compliance with dog registration more generally is likely to improve and the central registration system will also assist local governments with enforcing and monitoring. The member raised the issue of what he described as Postpak puppies from interstate. The central registration system will provide traceability. The bill will require people who are selling their dogs to provide their approval number in advertisements. When people register their puppy against a specific dog owner number, the data collated through the central registration system will likely assist in the identification of an unlicensed breeder operating in contravention of the act. The government has also committed to ensure that Dogs West members can include their membership number in the public-facing part of the central registration system if they so choose. People will also be encouraged to undertake their own inquiries to ensure that the person they are dealing with is an approved breeder and that they are breeding dogs ethically.

The proposition was put that the bill provides an incentive to dog owners to not register their dog and not register to breed. This bill will only concern people who do not do the right thing and value profits ahead of the welfare of dogs. The bill will encourage ethical breeders and dog owners who wish to breed from their dog or keep their dog unsterilised to comply with registration and breeding requirements. The bill will assist law-abiding people to comply with the registration requirements for dogs by enabling applications to breed and registration renewals to be submitted through the centralised registration system. The bill will prompt people to think through whether they want to breed from their dog; and, if so, to consider the facilities and expenses that ethical breeding entails; and, if not, to sterilise their dog from two years of age if a vet can undertake the procedure safely.

The bill sets out clear criteria relating to the welfare of dogs when breeding and will provide for the screening of people who intend to breed from their dog or keep their dogs unsterilised. This will be a one-off process if the person remains in the district of the local government and their approval to breed is not cancelled. The centralised registration system will assist local government to monitor and enforce rules to ensure a fair playing field. The bill is not about red tape for its own sake. Its aim is to prevent and stop puppy farming; indeed, it is about setting up a regulatory process to do that, and that, by its nature, means that there will need to be regulation and a system to provide oversight.

The proposition was put that the provisions of the bill will be onerous and effectively cost shift the state's responsibility. The Dog Act 1976 has been administered by local government since 1976. Local government rangers have long served to enforce the Dog Act. A central registration system will provide a stronger base for local governments to perform their functions under the act. The bill will remove the requirement for local governments to procure and manage their own registration systems. The central registration system will provide a basis for increasing compliance and the collection of registration fees, since registering will be online and easier.

Hon James Hayward in particular asked about the Western Australian Local Government Association's previous position on the bill, particularly around how the costs and fees will be set and managed. The government has been proactively working with WALGA and the sector to achieve the objectives of the bill. Minister Carey has committed to continue the work with WALGA that was begun by the former Minister for Local Government, Hon David Templeman. He has committed to consult and involve WALGA and the local government sector in the process of implementing the bill.

In respect of proper facilities for breeding, the bill will establish that access to suitable facilities is a requirement for an approval to breed. As part of the government's broader work to stop puppy farming and ensure the welfare of dogs, last year the Department of Primary Industries and Regional Development finalised the *Health and welfare of dogs in Western Australia: Standards and guidelines*. Those reforms fall under the Animal Welfare Act 2002. The Department of Primary Industries and Regional Development is currently working to draft a new set of regulations about dogs, which will give legal effect to the standards. These standards provide a definition of "appropriate facilities". The standards are published online and establish minimum criteria. They complement the provisions of the Dog Amendment (Stop Puppy Farming) Bill 2021; local governments will be able to refer to them when assessing applications for approval to breed, and applicants can also review them before they lodge their application.

The question was put: would it not be better for the government to instead ban the unregistered sale of puppies? An approval at sale will come too late in the dog's life cycle, and therefore will not ensure the welfare of the dog as a puppy, nor the welfare of a pregnant dog. Poor conditions early in a dog's life can have lifelong consequences, and that is why approval will target the conditions that the pregnant dog and the litter will live in. This is a proactive plan for the welfare of the dog before breeding starts, and for ensuring that consumers can purchase dogs that have been bred in accordance with the standards.

The bill will require the person selling a dog to provide certain information to a seller for traceability, such as the person's dog owner number. The registration form for a dog will request details from the owner about whether the dog is sterilised, whether the breeder holds an approval to breed, and details about the breeder and any previous owner of the dog, if known. These details will be included in the centralised registration system, as well as on the sterilisation status of the dog, which will assist authorities with monitoring and enforcement.

With regard to Dogs West, the minister met with that organisation earlier this year. It is a well-respected, highly regarded membership and advocacy organisation. There is nothing about the construct or content of this bill that diminishes the government's respect for Dogs West, its leadership and the work its members do. Under the current Dog Act 1976, local governments manage dogs within their district. Practically every local government in the state already has a ranger who is doing the work of ensuring that dogs are registered and managed. Dogs West does not have the statutory powers that local governments have, including powers relating to investigation, powers to make binding local laws and policies, and powers to make seizures and impose penalties. The only penalty Dogs West can impose is to discontinue a person's membership of Dogs West. It does not have the same resources that local governments have to investigate and stop puppy farming. The central registration system will also interface directly with local governments rather than with Dogs West.

I turn now to the comments made by the Leader of the Opposition. He said that, other than being popular, the government was yet to establish a real need for this legislation. Cases of poor breeding conditions profiled in media around Australia, including in Western Australia, demonstrate the significance of this problem. Within WA, in 2012 and 2014 there were successful prosecutions of puppy farmers under the Animal Welfare Act 2002. Between 2017 and 2019 approximately 10 cases of major rescues at puppy farms involving the RSPCA were publicly reported. Between 1 January 2020 and 30 June 2021, Consumer Protection received 221 inquiries and 63 complaints relating to the sale of dogs, including scams.

Extract from Hansard

[COUNCIL — Wednesday, 15 December 2021]

p6390c-6411a

Hon Dr Steve Thomas; Hon Colin De Grussa; Hon Dr Brian Walker; Hon Steve Martin; Hon Dr Brad Pettitt;
Hon Sue Ellery; Hon Donna Faragher

Hon Dr Steve Thomas suggested that the use of the term “puppy farming” somehow represented Labor’s ongoing hatred of farmers. Of course, nothing could be further from the truth. In my second reading speech I outlined why the bill does not contain a definition of “puppy farming”. The exploitative breeding of dogs can take many forms, and the intent of the bill is to prevent any cruel breeding practices. Puppy farming is not just large-scale breeding situations; it is the breeding of dogs in inadequate conditions that impact on the health, behaviour and wellbeing of dogs and puppies, including overcrowding, poor sanitation and a lack of basic care. The government listened to the debate in the last Parliament and has added objectives to the bill.

The Leader of the Opposition and a couple of other members also raised the question of impost on local government. The state government has committed to resourcing the establishment of a central registration system. The central registration system will replace the systems of each local government, which will result in savings for local governments. Local governments will have full access to the online central registration system. Dog owners will also be able to transact online through the central registration system. The system will streamline the dog registration processes, which will save dog owners and local governments time and money. The minister and the department have begun engaging with the Western Australian Local Government Association on any other cost and resourcing implications for the local government sector.

The proposition was put that Dogs West could be constituted, effectively, as a local government or equivalent to a local government to run its own administration of the bill. I have already made the point that there is a distinct difference between the powers that Dogs West has now and the powers available to local government. To the extent that members raised a concern about creating more bureaucracy, that is exactly what that process would do. I think I have addressed that issue. The minister has engaged with Dogs West and has certainly acknowledged and recognised the very important role that it has played for its members in ensuring the safety and welfare of dogs and the respect that it is owed as an advocacy association on behalf of its members.

I thank Hon Colin de Grussa for his contribution. I note his recognition of the Federation for Livestock Working Dogs. The government has worked carefully on drafting the bill before us today. We took on board the broad feedback and input into the bill. We have been pragmatic while sticking to the policy intent that people like Lisa Baker have worked so hard on. The minister has committed to engaging with Dogs West on the implementation of the bill. The government has briefed WALGA on the work the government has done on the cost implications of the bill. As I said, the state government is funding the establishment of a central registration system, and the minister remains committed to working with the sector on its implementation. With regard to the approval to breed, local governments already process applications for approval to breed cats. Local governments will have autonomy in implementing the future act. Hon Steve Martin raised the question of the cost to local government. I have touched on that already.

Hon Dr Brian Walker raised a question about the consultation undertaken to develop the bill. There has been extensive consultation and engagement with the community, including some 4 754 submissions that were received, five community workshops and four workshops with members of Dogs West. The member referenced an email that he read from Dr O’Donnell. I note that he did not table it, so I am taking at face value what he read out. If I can address those points. Receiving approval to breed does not mean becoming a registered breeder; it is simply the approval of the local government. Approval to breed would not result in a person being automatically enrolled as a member of an external organisation. The bill will not change how kennel clubs establish their own requirements for membership or specific breeding certification and will not diminish in any way those organisations’ rights or capacities to continue to maintain their own high standards associated with their particular breed or club. Unfortunately, there have been cases of some kennel club members being charged with animal welfare offences in the past, but the majority of kennel club members do the right thing and have nothing to fear from the bill that is before us today. Hon Dr Brian Walker also said that Dr O’Donnell had claimed that a promise was made to Dogs West to provide it with an exemption to this bill. I am advised that that is not the case.

With that, I thank everybody for their support and their expressions of commitment to ensure that dogs are bred and kept safe and healthy.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

The DEPUTY CHAIR (Hon Dr Sally Talbot): I draw members’ attention to supplementary notice paper 22, issue 1. Members will note there are several amendments in the name of a member who is not present in the chamber.

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Hon Sue Ellery; Hon Donna Faragher

It is good custom and practice to draw your attention to that. I assume that when we get to that point, they will either lapse or someone else will move them.

I do not think *Hansard* shows head shaking. Is that not the case?

Hon Dr Steve Thomas: They will lapse; that is the most likely outcome, deputy chair.

The DEPUTY CHAIR: That being duly noted, the question is that the clause 1 do stand as printed.

Hon COLIN de GRUSSA: I have a question, minister. Obviously, as I referred to in my second reading contribution, there are some changes between this bill and the 2020 bill. Does the minister have a summary of those changes and is she able to table that?

Hon SUE ELLERY: Yes. I table a document that is titled “Comparison Differences in Drafting Between the 2020 and 2021 Bill”.

[See paper [995](#).]

Hon COLIN de GRUSSA: While that is being copied for the benefit of members, I will ask a couple of other questions. The minister mentioned in her second reading reply that the Western Australian Local Government Association was briefed on the cost implications around this bill; I think they were the words she used. Was WALGA presented with the modelling that was done by the department, and can that modelling be made available to members?

Hon SUE ELLERY: No, WALGA was not provided with it; no, it will not be; and no, I cannot table it. We are in the process of determining the appropriate procurement process to go through, so right now it is considered commercial-in-confidence.

Hon COLIN de GRUSSA: Is there no way we can ascertain any of the potential cost implications; and, if not, how could the Western Australian Local Government Association be briefed on those cost implications if those costs were not known?

Hon SUE ELLERY: I am advised it was a confidential briefing to the Western Australian Local Government Association. It canvassed estimates—I think that is the correct expression to use—of costings at a fairly high level. I made the point in my response to the second reading debate that government will fund the cost of establishing the central registration system and that savings are expected to be made because applications will be done online.

Hon Dr STEVE THOMAS: I want to jump in and follow on the same issue. I listened to the minister’s response to the second reading debate in which she said that the government would cover the cost of establishment. Potentially, if there were a dispute from local government or anybody else about their costs, could we hold the government to its commitment to cover all the costs of establishment? Is that a core promise or a non-core promise that the government can be held to?

Hon SUE ELLERY: Government will cover the cost of establishing the central registration system. Government is working with the sector regarding the costs for registration fees. Government will work with local government if there are particular elements of the implementation of the central registration system, once government has provided the funding for its establishment. As to whether the government will cover anything else, I am certainly not in a position to stand up here and give the member a commitment that any costs identified in the future that are incurred by local government will be met by government. We have made a commitment to fund the establishment of the central registration system, a commitment to work with local governments on the actual costs of the fees, and a commitment to engage with local governments if they identify anything else they want government to take into consideration, but the government cannot commit to unknowns.

Hon Dr STEVE THOMAS: Thank you, minister. We do not necessarily need to resolve this single point, but the point needs to be made that, potentially, there are costs that the government will negotiate but not necessarily cover. No doubt, there will be an ongoing debate about the impact on local government, which is not something we can address or finalise today. Obviously, the opposition will keep a close eye on that because there have been issues of cost shifting around some of these exercises. I take the minister’s word that she will look into these things, but, at this stage, it is probably a non-core promise until we get to the detail.

Hon Sue Ellery: There is a commitment to ongoing discussions with local government about what other potential cost issues they may identify.

Hon Dr STEVE THOMAS: That is a commitment to dialogue, which is good; it is not necessarily a commitment to cap costs. Let us see where it ends up. That is a risk factor for them and us to be aware of.

Hon COLIN de GRUSSA: I refer to the earlier conversation about high-level discussions with WALGA around costings, and I understand they are commercial-in-confidence. Will the development of the registration system be outsourced or will that be a job for government?

Hon SUE ELLERY: We are going through a procurement process. It will go out for tender.

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Hon COLIN de GRUSSA: Would the Western Australian Local Government Association, for example, be eligible to tender for that if it were to prove that it had the expertise to do it?

Hon SUE ELLERY: That is a possibility. The tender terms have not been drawn up; that obviously requires the progress of the bill, and I am fairly confident that the bill will progress. I would not rule it out.

Hon STEVE MARTIN: This is a bit of a narrow focus for the clause 1 debate, but on the discussion of the fees with WALGA, will they be based on a cost-recovery model? Bearing in mind my earlier comments in the second reading debate about the smaller ones versus the larger ones, could the minister flesh out that discussion for us?

Hon SUE ELLERY: I cannot say that it will be full cost recovery. In these things, we always need to balance people's capacity to pay, for example, in terms of what the fines regime might look like, and how much money we might expect that to bring in to balance out other costs. The government is absolutely committed to working with local government to get to a final position on these things, but it is about balancing a range of things.

Hon DONNA FARAGHER: My questions at clause 1 relate to Dogs West and the implementation of this legislation. There is obviously a reasonable understanding that this bill will pass. I note that the minister indicated in her summing up of the second reading debate that the government has committed to engaging with Dogs West during the implementation phase. From my discussions with Dogs West I know that, notwithstanding its continued concerns, it is keen to ensure that it remains around the table, if I can use that term. I appreciate that the bill has to pass and that processes will follow, but, to perhaps give some comfort to those who want to ensure that Dogs West will remain involved, can the minister tell me what is anticipated in the context of implementation and what form of engagement might take place?

Hon SUE ELLERY: I am advised that the minister has written to Dogs West and given it a formal commitment to engage with it on implementation issues and the development of the central registration system, and that Dogs West will be able to identify any needs or issues that it wants taken into account in the development of the registration system. The minister has indicated to Dogs West that it will have the option to include its number on the central registration system and that he will engage with Dogs West if it identifies things that it would like to be included in the development of any regulations. Ultimately, there still might be issues upon which government and Dogs West disagree, but the minister has given Dogs West a formal commitment to engage on the implementation of the processes that will be established.

Hon DONNA FARAGHER: I thank the minister for that, and I appreciate that the minister is not the minister with responsibility for this bill. I appreciate the advice the minister has just provided. It is helpful to understand the sorts of things that Dogs West will be engaged upon. I will ask a general question first. Is it anticipated that a working group or something similar will be established in the implementation phase, whether that relates to the register or other parts of the bill; and, if so, will the minister commit to ensuring that Dogs West is a member of any working group that is formed?

Hon SUE ELLERY: I am advised that no decisions have been made to establish a working group. Bearing in mind that I am not the minister, the advice available to me is that if a working group were established, it is likely that the minister would consider having Dogs West as a member of that working group. I am certainly happy to take that request directly back to the minister myself. At this point, there is no intention to establish any formalised working groups, but I can say that the minister has put formally in writing to Dogs West that he recognises the important role that it plays and he wants to engage with it in a formal and meaningful way on implementation matters.

Hon DONNA FARAGHER: I appreciate the minister's response. That will bring some comfort to Dogs West. I appreciate that the minister is not the minister responsible in that regard, but should a working group be established for whatever reason, I would appreciate the minister passing on that clear request from Dogs West. It would be appropriate that it be included in such a working group.

Hon Dr STEVE THOMAS: One of the issues in dealing with the untoward breeding of dogs is that the more remote the region, the more likely it is that unregistered and uncontrolled breeding is occurring. That is occurring throughout great swathes of regional Western Australia and in fairly isolated patches. One of the issues is being able to attribute ownership to the animals. The government, in conjunction with Murdoch University, runs a dog sterilisation program throughout many of the remote areas in the north west of Western Australia. That is a very good thing.

I am interested in that because as part of this process, every breeder will need to be registered. If that will be applied equally throughout remote communities of all sorts, it will be either a massive undertaking, with a massive expansion of the good work that is already being done, to which government contributes, or a slow implementation process, or maybe a combination of both. Again, in remote areas, uncontrolled breeding is probably contributing to the wild dog population and other bits and pieces as well. How will the legislation before the chamber today be used in—let us call them—isolated communities? An isolated community might be an extended station farmhouse for example; it is not necessarily any particular thing. It is absolutely the case that that is where a lot of the uncontrolled breeding

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is occurring. Will this legislation capture that process, and will that be only to the extent that local government rangers, for example, might be able to enforce it? This is obviously an issue under the current Dog Act, because a lot of regional areas do not have the resources to be able to deal with that now.

Hon SUE ELLERY: When I was reading the file last night, in addition to the program out of Murdoch University that the honourable member referenced, I thought it referenced another non-government organisation that assists remote communities. While the advisers are looking as to whether I just completely made that up, or there is in fact a note —

Hon Dr Steve Thomas: It is the end of the year.

Hon SUE ELLERY: I only read it last night, but I read a lot of things. Yes; see?

Hon Tjorn Sibma: Look at that; the system works!

Hon SUE ELLERY: Thank you very much.

I can advise the chamber that there are currently programs that provide free or subsidised sterilisation and microchipping of dogs in remote Aboriginal communities. Not-for-profit organisations such as Animal Management in Rural and Remote Indigenous Communities, or AMRRIC, which the honourable member might be familiar with, work to assist remote communities to access vet services such as surgical desexing to keep dog and cat populations stable, and then there is a reference to the Murdoch University program as well. It is anticipated that the central registration system will be expected to assist in the registration of these dogs, including by non-profit organisations and vets. Ultimately, it will remain the responsibility of local governments, given that they are already responsible for enforcing the Dog Act in their district. We expect that they will continue to work with remote communities in administering the new provisions, including the approval to breed and the sterilisation provisions.

Hon Dr STEVE THOMAS: I do not have an easy solution to this. This has obviously been around for a very long time and it is not just Indigenous communities to which it applies. I do not have a simple solution except, I guess, to point out that the government may well end up with an inadvertent double standard here. There may be fairly densely populated areas where it is easy to control the outcomes and those people are then forced to be compliant, but there may be whole range of noncompliance in isolated areas for a whole range of reasons. The most common one will probably be that no-one can actually identify a particular owner of a particular animal, and that is a massive issue for enforcement at the moment. Like I say, I do not have an easy solution for it. If I did, I would be selling it. I guess I want to make the point that we are potentially going to have a huge double standard that we probably cannot do anything about, and at some point someone will get upset about that and there will be complaints. Of course, if I come up with a solution, I will let the minister know, but there will be this issue going forward probably for as long as we have a widely dispersed population in the north, and I think that will be a long time.

Clause put and passed.

Clause 2: Commencement —

Hon COLIN de GRUSSA: The minister has helpfully provided the table titled *Comparison of differences in drafting between the 2020 and 2021 bill*. Thank you for that, minister. This is quite a useful document. I have some questions on clause 2. There are significant differences from this clause as opposed to the clause of the 2020 bill, specifically around the mention of section 120 of the TAB (Disposal) Act. The note in the document that the minister has tabled suggests that these changes result from the passage of the TAB (Disposal) Act 2019, which received royal assent on 18 December 2019. Given that that was ahead of the 2020 bill coming to Parliament, why did that commencement clause not include those provisions at that time, and what are the effects of those provisions?

Hon SUE ELLERY: I am advised that it was not included in the first version of the bill that came before the last Parliament because it just had not been identified as an issue, but that it was subsequently identified as an issue. The government had it as a government amendment to be included when it was debated. Obviously, this bill is now before us in this version.

Hon COLIN de GRUSSA: I thank the minister for clarifying that. In clause 2(e), the rest of the act will come into operation on a date fixed by proclamation, and different dates may be fixed for different provisions. Is there an estimated date for proclamation, and are there any other dates that may be required in accordance with that provision?

Hon SUE ELLERY: I cannot give the member a precise date. The first thing that has to happen is the establishment of the centralised registration system, so every other element flows from that. As I have already indicated to the house, the procurement process for that is underway, but until that happens, I cannot give the member a date.

Clause put and passed.

Clauses 3 to 6 put and passed.

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Clause 7: Section 2A inserted —

Hon COLIN de GRUSSA: This is a new clause that did not exist in the previous bill, and the explanation provided in the tabled document is that this was inserted because there was no definition of puppy farming in the bill. Why was it identified at a later date that this needed to be inserted? Was it considered as a government amendment in the previous Parliament?

Hon SUE ELLERY: The government listens, and in the previous debate —

Hon Donna Faragher: That's debatable!

Hon SUE ELLERY: The evidence is before us right now. In the previous debate, the issue was raised that if we did not include a definition, then a set of objectives would be unhelpful for people to clearly understand the intent, and that is why it has been included in the bill before us now.

Clause put and passed.

Clause 8: Section 3 amended —

Hon COLIN de GRUSSA: I have a relatively simple question. Clause 8(2) contains a definition of “designated person”. Who is that likely to refer to, and will a designated person be required to have any particular qualifications to enable them to be a designated person?

Hon SUE ELLERY: Certain functions will be required to be carried out by the Department of Local Government, Sport and Cultural Industries in the administration of the act. The “designated person” will be the person in the department who has the role of carrying out those particular functions. Under the director general, people have to be designated to carry out certain functions.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 9 amended —

Hon DONNA FARAGHER: This clause amends section 9 of the Dog Act, which relates to administrative responsibility and the role of local government.

I note that proposed subsection (2), which will appear at the end of section 9, is new. I want some clarity around why this has been included and whether it relates to circumstances—this might sound a bit strange—when there is no local government authority to exercise part of the act. I am asking that in the context of whether it might relate to the movement of dogs across state borders.

Hon SUE ELLERY: It is not so much about that; it is about ensuring that the CEO has the power to perform functions under the Dog Act, despite local government being primarily responsible for the administration and enforcement of the Dog Act. Currently, only local governments enforce the Dog Act. This clause will amend the Dog Act to account for the inclusion of functions to be performed by the CEO—that is, by the state government agency. The CEO's responsibilities will include establishing and maintaining the central registration system; recording, updating and correcting information in that system; and assessing and approving applications by refuge organisations to supply dogs to pet shops. In special circumstances, the CEO may need to exercise functions that are generally undertaken by local governments. It recognises that to the extent local government has long had a role, now the CEO of the state agency will have some responsibilities as well.

Hon DONNA FARAGHER: Thank you for that. I accept the issue regarding the activities that quite clearly will fall within the purview of the CEO and/or the department. However, the minister mentioned special circumstances when they might act in the shoes of the local government authority. Can the minister give us a couple of examples of what those special circumstances might entail?

Hon SUE ELLERY: It might be, for example, the allocation of a dog owner number to a breeder or dog owner from another state who wishes to sell or transfer dogs to new owners in Western Australia.

Clause put and passed.

Clause 11: Sections 9A and 9B inserted —

Hon DONNA FARAGHER: This clause deals with delegations by the CEO. I note that the explanatory memorandum referenced an example of a delegation for the establishment and maintenance of the centralised registration system, but can the minister give any examples of other powers that could be delegated?

Hon SUE ELLERY: The CEO may delegate their function to approve dog supply approvals.

Clause put and passed.

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Clause 12 put and passed.

Clause 13: Section 12A amended —

Hon COLIN de GRUSSA: I refer to the questions I asked before about a designated person. Clause 13 amends section 12A to delete section 12A(2) and insert new section 12A(2). New section 12A(2)(a) refers to an authorised person and new section 12A(2)(b) refers to a designated person. What is the difference between an authorised person and a designated person?

Hon SUE ELLERY: An authorised person will be appointed by the local government and a designated person will be appointed by the CEO of the Department of Local Government, Sport and Cultural Industries. It is local versus state government.

Hon DONNA FARAGHER: My question is on consistency. I note new section 12A(2) in clause 13, which states —

With the authority of a warrant or the consent of an occupier who has reached 18 years of age ...

Section 12A, “Entry of premises”, of the current act states —

(1) A registration officer may, with the consent of the occupier, enter and inspect ...

The current section 12A does not include “who has reached 18 years of age”. Can the minister advise why there is a difference? It may be because it relates to a warrant, but I seek clarification.

Hon SUE ELLERY: The honourable member is right; it is because it relates specifically to a warrant.

Clause put and passed.

Clause 14: Sections 13A and 13B inserted —

Hon DONNA FARAGHER: I am interested in proposed section 13A(6), as it relates to the centralised registration system. Again, this relates to, I suppose, conversations that we often have when we are dealing with legislation—that is, the use of the words “may” and “must”. Proposed section 13A states —

(6) The CEO may establish a single database or system for the purposes of subsection (1) and the *Cat Act 2011* section 41A(1).

However, clause 59 of the bill, which inserts proposed section 41A, “Centralised registration system”, states —

(1) The Department CEO must establish and maintain an electronic database or system in which information relating to cats can be recorded ...

In two different clauses, one proposed section uses “may” and one uses “must” to say exactly the same thing. Can I get some clarification on that, please?

Hon SUE ELLERY: Honourable member, the poor advisers at the table are shaking their heads at me because we have been in this position before. The use of the word “may” is a drafting protocol, if you like, of the Parliamentary Counsel’s Office, and it is about enabling a head of power. That is why it is used. From time to time, in different clauses in different parts of a bill before the chamber, we may see those words and think that if it is an obligation, it should be there. As I said, I have been at this table before when we have had these conversations, and it has been explained to me that it is an enabling provision and it is about establishing a head of power.

Hon DONNA FARAGHER: I have also sat at that table and had a similar conversation. I appreciate what the Leader of the House said, but I think that it would have been appropriate to have had either “may” or “must” in the bill. In this case, I think it should have been “must”, but we will leave it at that.

Clause put and passed.

Clause 15 put and passed.

Clause 16: Section 15 amended —

Hon DONNA FARAGHER: I have no issue with this clause, but my question is similar to the question I asked during a previous clause relating to the inclusion of “18 years of age”. I note that clause 16(1) refers to “dangerous dog or a dog that is not sterilised”. However, section 15(4B) of the act states —

Subsections (3) and (4A) do not apply to a dangerous dog.

It does not refer to a dog that is not sterilised. Would the Leader of the House explain the reason for that, please?

Hon SUE ELLERY: I am advised that under the registration arrangements that are in place now, an unsterilised dog can be registered for one year, three years or its lifetime. The new provisions provide an incentive to get an unsterilised dog sterilised by providing only one option for unsterilised dogs—that is, one year. It differentiates between sterilisation and danger.

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Hon DONNA FARAGHER: Just so that I am clear and to put it in context, section 15(3) of the Dog Act provides —
Regulations may provide that concessional rates of registration fee shall be payable ...

Is the Leader of the House saying that it relates to a dog that is only one year old; is that right?

Hon SUE ELLERY: It is not the age of the dog; it is the duration of the registration—how often it has to be registered. Currently, an unsterilised dog can be registered for one year, three years or a lifetime. Under the new provisions, an unsterilised dog will be registered for only one year.

Clause put and passed.

Clauses 17 to 22 put and passed.

Clause 23: Part IV inserted —

Hon COLIN de GRUSSA: The reason for the confusion, minister, is that this document identifies it as clause 22, but we are referring to clause 23, which seeks to amend division 1 of part IV by inserting proposed section 26E. Obviously, as we discussed during the second reading debate, changes have been made to this clause to allow for the exemption of working dogs. Proposed section 26E(3) states —

A dog is exempt from sterilisation if any of the following applies —

...

(e) the dog is primarily kept to be used in the droving or tending of stock;

The comparison document says that an exemption from mandatory sterilisation for livestock working dogs was always going to be prescribed in regulations. I think it is a better outcome that it is now in the legislation, so I thank the government for listening to the concerns of the agricultural sector in that respect.

The other question I have on this clause is about proposed paragraph (g), which will allow a class of dogs to be prescribed in regulations. Are there any examples of particular classes of dogs that may be prescribed under those regulations and on what basis would such regulations be created?

Hon SUE ELLERY: I thank the member for his question. There is nothing that is envisaged right now, but that is, if you like, a catch-all in the event that something that has not been considered or contemplated by the drafters and policymakers needs to be dealt with in the future.

Hon STEVE MARTIN: I mentioned in my contribution during the second reading debate that proposed section 26J, “Approval to breed”, mentions “the applicant is not a fit and proper person to breed dogs”. Can the minister give us some examples of a non-fit person? It is on page 22.

Hon SUE ELLERY: Local governments will make the decision on how to apply the criteria, although I am advised that it is anticipated that guidance material will be developed. The purpose is to provide the community with some assurance that the applicant is an honest and reputable person who is likely to ethically breed puppies for sale. It will allow local governments to consider the conduct and reputation of the applicant more broadly—for example, relevant criminal history checks and reference checks from associates and clients. But further work is to be done on guidance material that will be provided to help local governments carry that out.

Hon STEVE MARTIN: I thank the minister for that response. It just occurred to me as she was speaking to ask: will that be an appealable process?

Hon SUE ELLERY: Yes, the decision on an approval to breed will be appealable to the State Administrative Tribunal.

Hon COLIN de GRUSSA: Further on in clause 23, there are some amendments. Again, helpfully, they are outlined in the table of changes that the minister has provided. Specifically, the offence provisions have been placed in a different clause.

Hon Sue Ellery: I do not have that in front of me. Can you tell me which part it is?

Hon COLIN de GRUSSA: I am looking at proposed sections 26L and 26M. Proposed sections 26I, 26J and 26K have been amended. Effectively, according to this document, this will remove the need for a transitional provision that excuses owners whose dogs are already pregnant when the provisions commence because the offence provisions can be proclaimed on a different date. What is proposed to be the lead time, if you like, between when the changes come into place and when the offence provisions are proclaimed?

Hon SUE ELLERY: I cannot give a precise time. As I indicated in an answer to an earlier question, the first piece of work that has to be done is the establishment of the central registration system. That might take around six months, but that is a best guess at this point.

Hon Colin de Grussa: By interjection, is that for the establishment of the registration system?

Hon Dr Steve Thomas; Hon Colin De Grussa; Hon Dr Brian Walker; Hon Steve Martin; Hon Dr Brad Pettitt;
Hon Sue Ellery; Hon Donna Faragher

Hon SUE ELLERY: No, it is the parts of proposed section 26 we were talking about. It might take a little while, but I cannot give the member a precise date.

Clause put and passed.

Clauses 24 to 34 put and passed.

Clause 35: Section 43B inserted —

Hon DONNA FARAGHER: This relates to the insertion of proposed section 43B, “General powers of relevant persons”. Proposed subsection (2) states —

A relevant person may, in any premises lawfully entered, do any one or more of the following as is reasonably required for an authorised purpose —

It then goes through paragraphs (a) to (d). My specific question relates to paragraph (e), which reads —

take any other action that the relevant person believes, on reasonable grounds, is necessary.

I appreciate that it is probably a catch-all for a whole range of things, but can the minister advise what, if any, other actions the government sees at this point would be necessary, taking into account paragraphs (a) to (d)?

Hon SUE ELLERY: I am not able to provide the member with any further advice other than that it is a general catch-all in the event that there is something that the drafters did not contemplate but makes perfect sense on reasonable grounds to be deemed necessary.

Clause put and passed.

Clauses 36 to 41 put and passed.

Clause 42: Part X Division 2 inserted —

Hon DONNA FARAGHER: I apologise if this is something that was previously raised. I refer to division 2, “Local government approvals”, proposed section 54A, “Applications”. It reads —

(1) An application for the grant of an approval to breed, or for the grant or renewal of a pet shop approval, must —

...

(c) be accompanied by the fee, if any, prescribed ...

Is there an expected fee or is there currently a fee? I seek some clarification on that.

Hon SUE ELLERY: We did kind of canvass this a little earlier. The cost of applying for an approval to breed is yet to be determined. Currently, if it is helpful, cat breeders pay an annual fee of \$100. The cost of applying for an approval to breed will contribute to the administrative costs of assessing applications. If it is of assistance to the honourable member, in response to a question about whether it would be full cost recovery, I said that the capacity of people to pay as well as the cost of providing the service will need to be balanced out, so the fees are yet to be established.

Clause put and passed.

Clauses 43 to 62 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and passed.