

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Mental Health)** on behalf of Hon Sue Ellery (Leader of the House), read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [6.45 pm]: I move —

That the bill be now read a second time.

On behalf of the Leader of the House, I am pleased to introduce the Dog Amendment (Stop Puppy Farming) Bill 2021 today. This bill affirms the McGowan government’s commitment to reintroduce laws into Western Australia to tackle puppy farming. Other than in the short title of this amendment bill, members will not find the term “puppy farming” used. That is because puppy farming encompasses a wide variety of dog breeding practices that can affect the health and wellbeing of dogs. 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. When we have let puppy farming get to this point, the system has already fundamentally failed dogs and it has failed the community. Consumers do not want to support a system whereby a breeder can keep dogs in such poor conditions and then sell dogs with behavioural or health issues before authorities intervene. That is why we are proposing changes to the Dog Act 1976 that will proactively require that people give adequate consideration to the needs of dogs before they breed from them. Ethical dog breeding starts from having a plan to breed from a dog. Ethical dog breeding is not about allowing dogs to roam the neighbourhood freely or randomly breeding dogs for sale and abandoning the puppies if the litter cannot be sold.

The bill will provide for the introduction of mandatory sterilisation of dogs from two years of age. For the community, this is a law that seeks to prevent unwanted or random dog pregnancies. Dogs that have been registered with their local government at the time the legislation commences will be exempt from this requirement. This exemption recognises that when those people purchased a dog, they would not have had an opportunity to consider the issue of sterilisation before proceeding with the purchase. However, to encourage owners to sterilise their dogs, owners will be able to register their unsterilised dogs only on an annual basis, while owners of sterilised dogs will be able to opt to register their dog every three years or for a lifetime.

The bill will also provide an express exemption from mandatory sterilisation for livestock working dogs. This exemption will maximise the pool of dogs that are available to farmers and enable farmers to assess a dog’s working abilities, which may not be evident for a number of years. Dogs that have been assessed by a vet as being unsuitable to be sterilised on health and welfare grounds will also be exempt from the requirement to be sterilised. The other exemption from sterilisation will be for those dogs whose owners have applied for and have been granted an approval to breed from their local government. The application process for approval to breed will act as an initial, or one-off, background check for any person who intends to breed from their dog. The purpose of this check is not to stop people from dog breeding; rather, the system is designed to determine as much as possible and in relation to a district that a person who wishes to breed from their dog is a fit and proper person; has not breached relevant laws, such as the Animal Welfare Act 2002; and has facilities that are suitable for dog breeding. Any person who does not wish to breed but intends to keep their dog unsterilised from two years of age must also make an application. To ensure the system is flexible, the local government can request further information on applications and impose conditions when granting approval. There will also be the potential for ongoing monitoring, as local governments will be able to apply specific criteria in determining whether to cancel a person’s approval to breed. Placing these powers with local governments recognises the specific needs and expectations of diverse communities across our state. These powers will be clearly balanced with review mechanisms. The system is designed to be fair, in providing applicants access to the review mechanism, both within the local government and/or through the State Administrative Tribunal.

Although people may choose to buy a dog through a breeder, some prospective dog owners choose to purchase a dog through a pet shop. Late last year, the community was given an insight into the way puppy farmers can use a legitimate business to sell their dogs. Who could forget the case of the boxer dog Strawberry, who was alleged to have been living at an interstate puppy farm? Strawberry was 10 months old when she gave birth to three puppies, and was reportedly sick and denied vet care. Strawberry subsequently died, but two of her puppies were allegedly sold to a Western Australian pet shop. The bill will provide that pet shops with a shopfront can source only stray, abandoned, seized and surrendered dogs and puppies for sale through approved shelters, pounds and rescue organisations. This bill, therefore, will give Western Australians another outlet from which to purchase previously unwanted or abandoned dogs.

The bill will provide for the registration of pet shops, pet shop dog suppliers, as well as dog breeders, in addition to the existing dog registration system. Currently, dog registration information is maintained by local governments. This creates issues in identifying dogs across districts, including dangerous dogs, as well as limiting the potential for information sharing and monitoring. The bill will provide for the information from all these registers to be

centrally located. The bill will also amend the Cat Act 2011 so that the centralised registration system will include registration information about cats and cat breeders. This tool will facilitate information collection, sharing and monitoring across local government districts and will assist with enforcement.

The system described has been designed to work with inquiring and diligent consumers who care about the welfare of the dogs they purchase. Consumers should be aware that they could still run the risk of dealing with a puppy farmer if they buy dogs online or interstate, or if they take information provided by sellers without question. Dealing with puppy farmers, who scan the marketplace and adjust their behaviour to exploit opportunities, is an ongoing process. The McGowan government is serious about taking on puppy farmers. Part of this commitment involves the inclusion of a review clause in the bill so that after five years of operation, consideration can be given as to whether any improvements need to be made.

The provisions of the bill are ultimately about protecting the welfare of dogs. During a review of the Dog Amendment Act 2013, there was strong public support for the removal of the requirement for pet greyhounds to be muzzled in public places. Accordingly, the bill will provide for the removal of the muzzling requirement for pet greyhounds. However, as a safeguard, pet greyhounds in public places will still be required to be on a lead. It is intended that removing the muzzling requirement will encourage more people to consider adopting a retired racing greyhound.

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

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

[See paper [472](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.52 pm
